



# Supreme Court Bail Application

(Refer to *Bail Act 2013 (NSW)* and Supreme Court Practice Note No. SC CL 11.)

Use this form **ONLY** if you meet **ALL** of the following criteria:

- A bail decision (or refusal) has been made by a Police Officer, a Local Court Magistrate or a District Court Judge.**
- All material that is intended to be relied upon at hearing must be available before applying for bail. Only fully completed applications with all attachments will be accepted and listed for a call-over to fix a hearing date.**
- Legal representation has been sought and confirmed for a bail application to the Supreme Court, or you intend to represent yourself at the bail hearing. If legal representation is not yet confirmed, and you do not intend to represent yourself, then you must wait until your legal representation is confirmed.**

**This form must be fully completed before it is lodged with the Court.**

- If you need more space you may attach extra sheets.
- Failure to lodge a fully completed application with attachments may lead to the application being rejected, or not listed for hearing, or administratively dismissed, and you may need to lodge another application.
- Once you have completed the application and all supporting material is attached, you should sign and date the form, and serve and lodge it as set out at Part 3.

## **Listing arrangements**

- Applications received by close of business Wednesday will be placed in the following week's call-over list.
- The Court will allocate 30 minutes of hearing time to each application.
  - If you think that your application will require more hearing time, an affidavit setting out reasons must be filed at the same time as the bail application.
  - Where the opposing party, upon service of the application form, seeks a longer listing, an affidavit setting out reasons must be filed with the Registry and served by 4pm two business days before the call-over.

## **Applications for variation(s) of bail conditions**

The Court may decide these applications without a hearing if:

- The relevant DPP and any existing sureties have been notified, and all have provided written consent. Applications without consent will be placed in a call-over to obtain a hearing date.
- An authorised justice (Registrar) may vary the following bail conditions:
  - *a reporting condition*
  - *a residence condition*
  - *an association condition*
  - *a curfew condition.*
- Conditions cannot be varied if a court has ordered that they not be reviewed by an authorised justice.

# Part 1

This part must be completed in full.

## A. PARTY DETAILS

Accused/defendant:	First name(s):
	Last name:
	Date of birth:
	MIN / P Number / CIMS Number:
	Name of correction/detention centre (if applicable):
The Prosecution:	
	<i>For detention applications only –</i> Prosecutor's name:
	Prosecutor's office:
For the Court to:	

## B. COURT CASE DETAILS

The Court hearing the current charges(s):	
Court location:	
Court case reference number(s) in JusticeLink:	
<i>Include all cases that you wish to be considered in your application. If you do not know your JusticeLink case number, contact the Court Service Centre ph. 1300 679 272. The Police H number will <b>not</b> be accepted. If you need more space, attach a separate sheet.</i>	
Date and reason for the next listing of your current charge(s):	
<i>If you need more space, attach a separate sheet.</i>	
Charge(s):	
<i>Include all charges that you wish to be considered in your application. If you need to check this information, contact the Court Service Centre ph. 1300 679 272. The Police H number will <b>not</b> be accepted. If you need more space, attach a separate sheet.</i>	

**C. LEGAL REPRESENTATION (for bail variation or release applications only)**

You must choose one of the following 3 options and also confirm the situation with regards to any grant of Legal Aid.

- I confirm that I do not wish to seek any legal representation and I will represent myself.
- I confirm that I am representing myself as I have sought legal representation (Legal Aid, Aboriginal Legal Service or private representation) and I have been told that I have been refused representation, and I have exhausted all avenues of appeal, if dissatisfied with that decision.

I confirm that I represent the accused/defendant in this application:

Agency:	
Agency grant number:	
Name:	
Law firm:	
Contact number:	
Email:	

*(This application will not be accepted if a grant of legal aid is still pending assessment or an appeal is pending against an unsuccessful grant decision.)*

I confirm there is no pending grant of Legal Aid for the applicant to be represented in a Supreme Court bail hearing.

**D. BAIL VARIATION(S) (if applicable)**

**Confirm all of the following:**

I confirm that an earlier application for variation was made to the Court hearing the current charges, and that application was refused.

Date of the Court's decision:	
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I have attached all submissions detailing the conditions of bail that I want to vary and the reasons why the Court should make the bail order/s I am seeking.

I have notified the relevant DPP and any existing sureties of the variation(s) I am seeking and I have attached information as to whether they consent or oppose.

### E. LISTING REQUIREMENTS (if applicable)

I require a report from Juvenile Justice. *(The Court will order this report and will list the application, allowing up to 2 weeks for the report to be prepared.)*

I require an interpreter for my bail hearing.

Language:

### F. PROPOSED CONDITION(S) OF BAIL

You must provide full details for ALL of the following:

- where the accused/defendant will reside
- the people who have agreed to act as surety
- any other conditions being sought.

You should use the Proposed Bail Conditions section at the end of this application.

## Part 2

**This part must be completed by the lawyer representing the accused/defendant for this bail application (applicants who do not have a lawyer do not have to complete this section).**

I have completed the **Proposed Bail Conditions** at the end of this form.

I have attached all submissions on which I intend to rely in support of the application.

I have attached all affidavit evidence in support of the application.

I have attached all reports in support of the application.

I have attached all character references in support of the application.

I do not intend to file any submissions/affidavits/reports/references (cross out whichever is inapplicable). This must be completed if any of the above boxes are not ticked.

I have attached a document confirming the consent of any person with whom the applicant intends to reside, consenting to the applicant residing with them.

*If an application for bail has previously been heard by the Supreme Court, and a bail decision was made in respect of the same charges for which bail is sought in this application:*

I have attached a submission as to the application of s74 of the *Bail Act 2013*.

## Part 3

Lawyers representing an accused/defendant for this bail application must complete this part in full. Applicants who do not have a lawyer and will be representing themselves do not need to mark the boxes but must sign and date in the space provided below.

I have:

Served

Undertake to serve within 24 hours

this application on all parties by sending a copy of the completed form and **all** attachments to:

The relevant Director of Public Prosecutions:

**New South Wales Office of the Director of Public Prosecutions** Email: [bails@odpp.nsw.gov.au](mailto:bails@odpp.nsw.gov.au)  
Postal: Locked Bag A8, Sydney South NSW 1232

**Commonwealth Director of Public Prosecutions**  
Email: [sydneycourtliaison@cdpp.gov.au](mailto:sydneycourtliaison@cdpp.gov.au)  
Postal: Locked Bag A4020, Sydney South NSW 1235

- Any surety or proposed surety who this application will affect.
- Any person with whom the applicant intends to reside
- In the case of a detention application, the last known legal representative of the accused/defendant, and (unless the legal representative confirms they are representing the accused/defendant and accepting service on their behalf) the accused/defendant. *(Provide name, firm, email address and phone number of the last known legal representative.)*

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Signature:		
Capacity:		Date:



When all parts are completed, **including** the Proposed Bail Conditions, lodge this form at the Supreme Court of New South Wales:

Email: [sc.bails@justice.nsw.gov.au](mailto:sc.bails@justice.nsw.gov.au)  
Postal: GPO Box 3, Sydney NSW 2001

### Withdrawing a bail application

If at any stage you wish to withdraw this application you **MUST** notify the Court immediately and the following arrangements will apply:

- If withdrawing **prior to the day of hearing**, you must notify **by email**:
  - the DPP, and
  - Court (including confirmation of notification to the DPP).
- If withdrawing **on the day of hearing**, the accused/defendant must appear before the presiding Judge to withdraw the application.

# PROPOSED BAIL CONDITIONS

## RESIDENTIAL ARRANGEMENTS

The accused/defendant proposes to reside with:

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*(This person/agency must give consent for the accused/defendant to reside with them.)*

at:

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**CHARACTER ACKNOWLEDGMENT** *(an acknowledgment, given by an acceptable person, other than the accused person, to the effect that he or she is acquainted with the accused person and that he or she regards the accused person as a responsible person who is likely to comply with his or her bail acknowledgment.)*

Yes

No

## SURETY ARRANGEMENTS

**Who will lodge (or agree to forfeit without lodging) money or property as security guaranteeing the accused/defendant will attend the court hearing?**

*If more than one person, list all people. Each person must be an acceptable person, give their consent to act as a surety and understand that if the accused/defendant fails to attend court then their security will be forfeited to the Court – see the [Acceptable Person Form](#) for full details.*

<b>Surety 1:</b>	Name:
Address:	
Security amount: \$	<input type="checkbox"/> To be lodged, OR <input type="checkbox"/> Agreed to forfeit without lodging
<b>Surety 2:</b>	Name:
Address:	
Security amount: \$	<input type="checkbox"/> To be lodged, OR <input type="checkbox"/> Agreed to forfeit without lodging

*If you need more space, attach a separate sheet.*

## OTHER PROPOSED BAIL CONDITIONS

**Attach** all other proposed bail conditions – e.g., the accused/defendant lodging or agreeing to forfeit (without lodging) security, reporting to police, curfew, travel restrictions, association restrictions, abstinences from substances/alcohol, submitting to rehabilitation.