



## BAIL

This sheet is intended to provide **general legal information** about the law in Queensland. **This information is not legal advice.** If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

### What is bail?

If you are arrested and charged with an offence then you may be held in custody until your next court date OR you may be granted bail to live in the community until your next court date. Bail is a written agreement that you will come to court on your next court date.

### When do I get bail?

If you are arrested and charged by police, they can give you bail. If the police do not give you bail then you can make a bail application to the court. For help with a bail application, speak to a lawyer. See '*who can help*' at the end of this sheet.

### How do I get a lawyer to help me get bail?

You can call one of the legal services listed below and they may be able to help you.

### What does the court or police think about when deciding whether to give me bail?

They will consider whether they believe you will:

- come to your next court date
- break the law while you are on bail
- be a danger to someone
- speak to a witness in your matter or try to interfere with the police looking into your matter.

The court or police will also consider:

- how serious the charges are
- your criminal history
- who you associate with (eg online groups who promote violence)
- your home environment
- whether you have a job
- what has happened if you have had bail in the past
- how much evidence the police have in regard to your matter
- what sort of sentence you might get if you are found guilty
- whether you might commit another offence while on bail (the fact you may not have accommodation or a family to support you will not be held against you)
- your age and maturity
- anything told to the court by a representative of a community justice group in your community if you are an Aboriginal or Torres Strait Islander person.

### What if my life is at risk if I'm granted bail?

If the court or police have no way to keep you safe other than by keeping you in custody, because your life is at risk due to the offence you committed, then you will likely not be granted bail.

### What conditions can be put on my bail?

The court or police can give you bail with conditions that you have to follow. These conditions could be:

- that you live at a set address
- that you have a curfew during set hours of the night (that means you are not allowed out of your house during the curfew hours)
- that someone pays a certain amount of money if you don't show up to court
- that you do not contact a particular person
- that you stay away from a certain place
- that you regularly check in at a police station

The court or police cannot give you a condition of wearing a tracking device.

### Can I get my bail conditions changed?

Yes you can. If you want to get your bail conditions changed because you are moving house or for some other reason, speak to your lawyer about this.

### How do I find out what my bail conditions are?

You, your lawyer or a trusted adult can contact the court or police who gave you bail to check what the bail conditions are.

### I have breached my bail conditions, what should I do?

You should speak to a lawyer about your options. You may be able to have your bail continued with a lawyer's help.

### What if I don't get bail?

If you don't get bail from the police then you can make an application to a Childrens Court Magistrate for bail. Speak to a lawyer about this.

If the Childrens Court Magistrate does not give you bail then you can apply to a Childrens Court Judge for bail. Speak to a lawyer about this.

**Can I get the Magistrate's decision to refuse bail reviewed?**

Yes, you can apply to a higher court to review the Magistrate's decision to refuse you bail. A lawyer can help you with this application.

**Can I be released without bail?**

Yes, the police or a court can release you without bail. If they release you without bail they will place a condition on your release that you come to your next court date.

**What is a Conditional Bail Program?**

Conditional Bail Programs are provided when you are not given bail by the police. You do not have to agree to do a Conditional Bail Program but if you refuse you might not be given bail and you might have to stay in custody until your next court date.

**Can I leave the state on bail?**

Yes, unless there is a condition on your bail that says you are not to leave the state. If you move to live in another state this may be a breach of your bail condition.

**Who can help?**

Youth Advocacy Centre (YAC) <a href="http://www.yac.net.au">www.yac.net.au</a> .....	3356 1002
Hub Community Legal <a href="http://www.communitylegal.org.au">www.communitylegal.org.au</a> .....	3372 7677
YFS Legal <a href="http://www.yfs.org.au">www.yfs.org.au</a> .....	3826 1500
Legal Aid Queensland <a href="http://www.legalaid.qld.gov.au">www.legalaid.qld.gov.au</a> .....	1300 651 188
Youth Legal Advice Hotline .....	1800 527 527
Aboriginal & Torres Strait Islander Legal Service <a href="http://www.atsils.org.au">www.atsils.org.au</a> .....	3025 3888 or (free call) 1800 012 255 (24hrs 7 days a week)
Translating & Interpreting Services (24hrs) .....	131 450
Community Legal Centres (CLCs) see <a href="http://www.naalc.org.au">www.naalc.org.au</a> for your nearest CLC	

This sheet was last reviewed and updated in January 2020. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.