



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**, which means that you can 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 ask the court to give you bail. 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 at the end of this fact sheet 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 - commit an offence
- be a danger to someone or to the community generally
- speak to a witness in your matter or try to interfere with the police looking into your matter.

But the fact you may not have accommodation or a family to support you will not be enough reason by itself for the court to refuse bail.

The court or police will also consider:

- how serious the charges are
- your criminal history
- who you spend time with (for example online groups who promote violence)
- your home environment
- whether you have a job
- if you have had bail in the past, you came to court when you should have, or you breached any conditions
- how much evidence the police have to support the allegation that you broke the law
- what sort of sentence you might get if you are found guilty
- 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 and/or Torres Strait Islander person.

If the court decides that there is an unacceptable risk you will commit an offence that endangers the safety of the community, or another person, and believes that giving you bail conditions will not change this, then the court **will refuse** bail.

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. But the fact you may not have accommodation or a family to support you and keep you safe will not be enough reason by itself for the court to refuse bail.

What conditions can be put on my bail?

The court or police can decide that they have some concerns about you being on bail and so give you bail but with conditions that you must follow. These conditions could be that:

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

Can I get an Electronic Monitoring Device (EMD)?

You can only be given a condition to wear an EMD if:

- you are 15 years of age and older
- you live and go to court in certain places
- you have been found guilty before of certain offences
- you have been charged with certain offences

What is a Conditional Bail Program (CBP)?

If the police do not grant you bail, the court might give you bail with a Conditional Bail Program (CBP). A CBP is a program of activities (up to 32 hours per week) that you must do. You do not have to agree to do a CBP, but if you refuse to do a CBP you might not be given bail and you might have to stay in custody until your next court date.

Can I get my bail conditions changed?

Yes, you can. If you want to get your bail conditions changed (for example because you are changing address) speak to your lawyer about this.

How do I find out what my bail conditions are?

Your bail conditions are on the piece of paper you signed. You, your lawyer, or a trusted adult can contact the court or police who gave you bail to check what your bail conditions are.

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

It is an offence to breach any conditions of your bail. 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 am charged with another offence when I am already on bail?

If you are on bail and you are charged with another offence, it is usually very difficult to get bail.

What if I do not get bail at court?

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 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.

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) www.yac.net.au 3356 1002

Hub Community Legal www.hubcommunity.org.au 3372 7677

YFS Legal www.yfs.org.au 3826 1500

Legal Aid Queensland www.legalaid.qld.gov.au..... 1300 651 188
Youth Legal Advice Hotline (Monday - Thursday 8am - 9pm; Friday 8am - Sunday 5pm)..... 1800 527 527
Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au 3025 3888 or
(free call) 1800 012 255
(24hrs 7 days a week)
Translating & Interpreting Services (24hrs) 131 450
Community Legal Centres (CLCs) see www.nacclc.org.au for your nearest CLC

This sheet was last reviewed and updated in April 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome because of anyone relying on the information provided.