



**Supreme  
Court**  
**bail**

**Helping you understand  
and apply for bail**

# When can I apply for Supreme Court bail?

You can apply for Supreme Court bail when you have been refused bail

**AND**

when your Supreme Court bail application form is fully completed.

# How do I apply for Supreme Court bail?

On 3 June 2019 the rules around how you can apply for Supreme Court bail changed.

This means you need a lot more information before you can even get a court date.

There is a new application form and you need to include information like:

- Where you will be living and who you will be living with. This includes a letter or affidavit from who you want to live with saying you can live there
- The JusticeLink (proceedings) number for your charges
- The conditions of bail you want
- Letters or affidavits from anyone who will be a surety for you
- Character references
- Medical or mental health reports
- Your reasons why you should get bail.

If you don't fill out the new application form with all the information the Court needs, you might not get a court date.

**You can't fax the application anymore.** Your application has to be sent by email, post or handed in at the Supreme Court Registry.

If you have a lawyer for your Supreme Court bail application, they should only send your application **when it's fully completed**. Otherwise it will be rejected.

## What will happen after I send my application form?

When the Court gets your application form it will:

- Check your application has been fully completed.
- If your application **has been fully completed** it will be listed in a 'callover' in front of a Registrar (not a Judge). At the callover you will get a 'bail hearing' date. The bail hearing is when your bail application will be heard by a Judge. The Judge will decide if you get bail or not.
- If your application **has not been fully completed** it will be rejected. This is not being bail refused, it means you won't get a bail hearing date.

If you are represented by a lawyer and your application is fully completed, you might get a bail hearing date without going in a callover first.

## Can I get bail to go to rehab?

Yes **BUT** the Supreme Court won't order a drug and alcohol assessment anymore.

So if you want to get Supreme Court bail to a rehabilitation facility you have to:

1. Arrange a bed at a rehab yourself from gaol;  
**AND**
2. Get a letter from the rehab saying you have been accepted **and** the date they have a bed for you.

You'll need to put this letter with your application form to send to court.

It is also helpful to have a letter from someone who can pick you up from gaol and drive you to rehab.

## Can my friends or family come to court?

Yes. It can be good to have the people who support your bail application at court on the day of your bail hearing.

## How do I get legal aid for Supreme Court bail?

Not everyone gets legal aid.

There is a **merit test** which means Legal Aid NSW will decide if your bail application has 'reasonable prospects' of succeeding. So, if there's no chance you'll get bail, Legal Aid NSW won't represent you for your bail application.

There is a **means test** as well, which means we look at your income and any assets.

If you want legal aid you should ask the lawyer representing you with your charges for help. They can help you fill out the legal aid application form.

You can also call **Legal Aid NSW from custody on #11 then press 2.**

## Where is the Supreme Court?

The Supreme Court is in Queen's Square on Phillip Street in the Sydney CBD. The nearest train stations are St James and Martin Place.

For more information about bail in general, see the Legal Aid NSW brochure, [\*A guide to bail\*](#).

**Law Access NSW** can also assist you. **Call 1300 888 529.**

**Legal Aid NSW** has other brochures including:

- Appealing to the District Court
- What is an Indictable Appeal?
- Are you facing a committal?
- Have you been charged with a domestic violence offence?
- Is someone asking the Court to make an AVO against you?
- Have you been charged with a serious offence?
- Character references
- Drink driving charges and you
- Drugs, driving and you
- Going to court (local court)
- Have you breached your parole, home detention or intensive correction order?
- Charged with driving without a licence?
- Prisoners Legal Service
- Reviewing Local Court decisions
- In prison and had your visa cancelled?
- A guide to bail
- Police powers – your rights and responsibilities (Standard version and in Easy English)

This publication is a general guide to the law. You should not rely on it for legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing. However it may change. For more information contact LawAccess on **1300 888 529**.

© Legal Aid NSW 2019

Order publications **online at** [www.legalaid.nsw.gov.au/publications](http://www.legalaid.nsw.gov.au/publications) **or email** [publications@legalaid.nsw.gov.au](mailto:publications@legalaid.nsw.gov.au)

This brochure is also available in: Arabic, Simplified Chinese and Vietnamese.

.....

For more information about Legal Aid NSW services:



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am – 5pm) and ask for LawAccess NSW.



If you find it hard to hear or speak, call the National Relay Service (NRS) on **133 677** and ask for LawAccess NSW or visit [www.relayservice.gov.au](http://www.relayservice.gov.au)

