

# I am in prison on remand

How can Legal Aid  
NSW help me?



**You have been charged with a crime.**

**The court has ordered that you be kept in prison until you go back to court.**

**We can help you with your legal problems while you are on remand.**

# How can Legal Aid NSW help me?

A Legal Aid NSW lawyer can help you with your case, at court or with other legal problems.

A Legal Aid NSW lawyer is:

- a lawyer who works at Legal Aid NSW, or
- a private lawyer who we pay to do work for us.

## We have lawyers at courts

Our lawyers help people with their legal problems when they come to court.

They will see you in the cells at court or by video link if you stay at the prison.

## We have lawyers at Prisoners Legal Service

Prisoners Legal Service (PLS) lawyers who regularly visit prisons or see prisoners by video link across NSW. PLS can give you general advice about your case, parole and other legal problems.

## How can I contact a PLS lawyer?

To make an appointment you can:

- submit a request at the prison to have your name added to the Legal Aid NSW waitlist, or
- contact Legal Aid NSW as a free call by pressing **#2** on the prison Common Auto Dial List (CADL) phone system and ask for Prisoners Legal Service.

## TIP

If you have questions about what is happening to you, write them down so you can ask the lawyer when you next see them in prison, at court, or by video link.

## Why am I on remand?

You are on remand because you have been charged with a criminal offence and you have not been given bail.

## TIP

If you have questions about bail, talk to the lawyer when you are next at court, or make an appointment to see a PLS lawyer. PLS cannot lodge bail applications on your behalf but they can make referrals to your lawyer for a bail application to be considered.

## How long will it take for my case to be heard at court?

The court process can take a long time – sometimes months.

The more serious and complicated your case is, the longer it will take. Some cases have to move from the Local Court (a lower court) to the District or Supreme Court (higher courts).

You will probably go to court a few times while you are on remand.

Your next court date is probably a 'mention'.

Mentions are a way the court manages your case until it becomes:

- a full hearing or a sentence hearing in the Local Court, or
- for more serious matters, a committal for trial or sentence in the District or Supreme Courts.

Some cases have lots of mention dates so that all the people involved in your case can keep track of what is happening.

## Why does it take so long?

The police need time to prepare a brief – collect evidence and get witness statements and reports.

A timetable is set for the prosecution to complete the brief and give it to your lawyer.

A legal aid lawyer can only talk to you in detail about your case and if you want to plead guilty or not guilty when they get the brief.

Also, the courts are very busy with other cases. They need to find a date when witnesses, lawyers and the court are available.

The courts try to make things move as quickly as possible, especially if you are in prison.

The legal aid lawyer at court or the magistrate will update you on what is happening each time you go to court.

### TIP

If your wing officer does not tell you your next court date, call the **Corrective Services Support Line - #1** on the Common Auto Dial List (CADL).

## Will I get my own lawyer?

At first, different legal aid lawyers may help you each time you are in court.

When one of our lawyers sees you at court, they write on a file:

- what you say about the charges (this is called 'taking instructions'),
- what happened at court.

The different lawyers pass on information about your case to each other by reading and updating your file.

Each lawyer will have your file and talk to you about what is happening. Our lawyers are experienced in criminal law and are used to working this way.



A Legal Aid NSW lawyer may contact you before you go to court and arrange to speak to you by:

- video link
- phone, or
- on the day of court, when you are in the cells.

As your case moves forward, you may get legal aid for the same lawyer to represent you for the rest of your case.

If we can't represent you, a Legal Aid NSW lawyer at court can explain why and help you work out what to do next.



# WYONG COURT HOUSE 1992

## Wyong Courthouse

Open Hours  
8:30am - 4:30pm  
Monday - Friday  
Closed Public Holidays

### Conditions of Entry

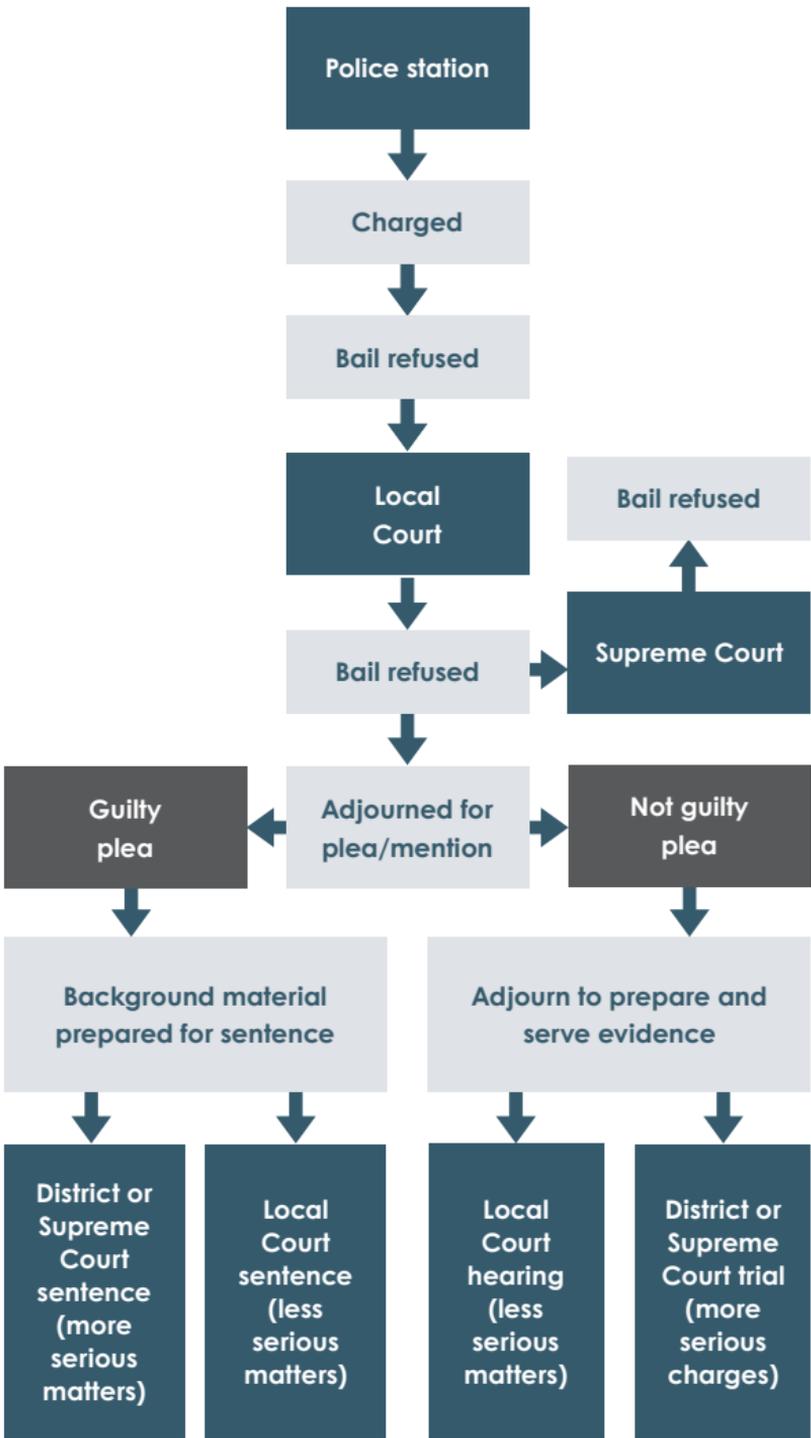
1. Persons and their property may be searched to identify and recover stolen goods.
2. Access, location, conditions, systems and alterations are subject to change without notice.
3. In the event of an emergency, you may be required to evacuate the building.
4. All persons entering the building must be accompanied by a person who is authorised to enter the building.
5. Security devices must not be used without permission.
6. Persons may be required to provide ID and state purpose of visit.
7. Search of persons and their belongings is a security officer may search in accordance with the law, e.g. in a court.

- No unauthorised sound & image recording devices
- No smoking
- No weapons
- Turn off mobile phones in courtrooms
- Wheelchair access

ENTRY



# What can happen if you are refused bail and on remand:



This process can take weeks or months depending on:

- how complex your case is
- if others have been charged as well, and
- how busy the court is.

## **Who do I speak to if I have questions about my case?**

Our lawyers will contact you when we need to talk to you.

If you have questions about your case, you can:

- make an appointment to see a PLS lawyer, or
- talk to the Legal Aid NSW lawyer when you go to court.

## **What if I don't hear from a Legal Aid NSW lawyer for a while?**

If you don't hear from us, we may not have all the information we need to take instructions from you or talk to you about your case. Sometimes we only get this information on the day you are in court.

## **How do I contact my lawyer if I get legal aid?**

When your application for a grant of legal aid for a lawyer to represent you has been approved, we send you a letter that tells you who your lawyer is and how to contact them.

If you want to speak to your lawyer, you should have their phone number put on your phone list so you can call them yourself.

If you call us on the CADL, we will not transfer your call to your lawyer.

## How do I find out about my grant of legal aid?

When you apply for legal aid, you can give permission to a friend or relative to get updates on your application on your behalf. They will get text messages through an online tool – a ‘grants tracker’. The text messages have a link to a secure webpage with updates on each step of the application process. They can pass this information on to you.

If you are not signed up to the grants tracker you can contact us to find out what is happening if you:

- have a trial or hearing coming up soon (i.e. in the next month), or
- have not yet heard from us.

Call Legal Aid NSW – **#2 on the CADL**.

## How do I sign up to the grants tracker?

- Make sure you fill in question 9 on the legal aid application form.
- Tell the legal aid lawyer helping you that you would like a relative or friend to get text messages about your application, as well as the contact details of that person.

## More information

Contact Legal Aid NSW as a free call by dialling **#2 on the CADL** and ask for Prisoners Legal Service. Our hours are sometimes restricted to 10am–12pm and 2pm–4pm.

This publication is a general guide to the law. You should not rely on it as 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 NSW on **1300 888 529**.



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Order brochures online at:

[www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources](http://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources)

For more information, visit:

[www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

### Do you need help to contact us?



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

### Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service (NRS). Ask for LawAccess NSW on **1300 888 529**.