



# *Government Gazette*

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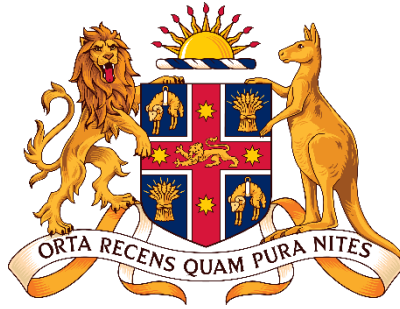
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## Local Court of New South Wales

### Practice Note – Bail Proceedings

Issued: 21 November 2025

Commences: 22 November 2025

## Bail Proceedings

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## 1. Commencement and Application of Practice Note

- 1.1 This Practice Note commences on 22 November 2025.
- 1.2 This Practice Note applies to bail application proceedings pursuant to the *Bail Act 2013* ('the Act') in the Local Court and is intended to reflect the legislative objective set out in Section 3 of the Act.
- 1.3 This Practice Note applies to all first instance bail application proceedings on weekdays, weekends and public holidays by adult applicants who have been police bail refused and Section 19 (*Mental Health Cognitive Impairment Forensic Provisions Act 2020*) returns.
- 1.4 This Practice Note revokes the following Local Court Practice Notes:
  - (a) Local Court Practice Note, *Bail Division Proceedings*, issued 27 June 2025.
  - (b) Local Court Practice Note, *Bail Proceedings (Weekend Centralised Bail Courts)*, issued 25 October 2024.

## 2. Definitions

- 2.1 In this Practice Note:

**AVL** means audio visual link.

**Audio link** means facilities (including telephone) that enable audio communication between persons at different places.

**Bail Acting Magistrate** means an acting Magistrate appointed solely to determine bail applications before the Bail Division.

**Bail Application** means a detention application, release application, or variation application made under the *Bail Act 2013*.

**Bail Division** means centralised bail Courts presided over by a Magistrate.

**CESU** means Court Escort and Security Unit (Corrective Services NSW).

**Custody Information Sheet (CIS)** is the form sent by Police to notify the Court an accused person is ready to be listed before the Court and seen by their legal representative.

**Court participant** means Prosecutors, Legal Aid NSW practitioners, Aboriginal Legal Service NSW/ACT practitioners, private legal representatives, self-represented accused, complainants, interpreters, Corrective Services NSW, Justice Health Court Liaison Officer, family, friends and support persons of the accused.

**CSNSW** means Corrective Services NSW.

**Electronically** means via email or any electronic means.

**Form 1** means the form that CSNSW completes to notify the Court an accused person is ready to be listed before the Court and seen by their legal representative.

**Form 2** means the accused person readiness form to be submitted by the accused person's legal representative.

**Form 3** means a request for late admission or a request for appearance from alternative custodial location.

**Form 4** means a request for an accused person to appear from a hospital.

**Legal Aid NSW legal representative** includes Legal Aid Solicitors and Legal Practitioners assisting Legal Aid on a duty basis.

**Magistrate** means a Magistrate, Acting Magistrate or Bail Acting Magistrate, unless stated otherwise.

**Relevant Court** means the Court at the place where the charging station would ordinarily list the proceeding.

**Regional Hub Grouping** means a collection of individual Court locations as determined in the Standard Operating Procedures.

**Standard Operating Procedures** means the current version of the Standard Operating Procedures to support the operation of the Bail Division as issued by DCJ Court Services.

### **3. Purpose**

- 3.1 This Practice Note is issued for the purpose of and to outline the practice and procedure to be adopted in bail application proceedings in the Bail Division.
- 3.2 This Practice Note is to be read in conjunction with the *Crim 1 Practice Note* and the *Domestic and Personal Violence Proceedings Practice Note*.
- 3.3 The Bail Division is a virtual Court that maintains the principle of open justice. Subject to any application to restrict access to any bail application, all bail applications will be conducted in open Court.

### **4. Case Management**

- 4.1 The Bail Division will determine bail applications from across New South Wales via AVL from a virtual Court located at the Downing Centre Local Court, or any other location as directed by the Chief Magistrate.
- 4.2 The Bail Division will only hear first instance applications for bail by adult applicants who have been police bail refused and Section 19 (*Mental Health Cognitive Impairment Forensic Provisions Act 2020*) returns.
- 4.3 All Court participants will appear via AVL.
- 4.4 On request to the Registry, interested parties are permitted to dial into the proceedings. This will be subject to the Standard Operating Procedures.

### **5. Custody Information Sheet**

- 5.1 Police will provide a Custody Information Sheet (CIS) for all persons in custody that will outline where they are in custody, and, if ready to be conferenced, include an AVL number for defence practitioners.
- 5.2 If a person is transported to another location, Police will advise of the new location via updated CIS.
- 5.3 The accused person will only make 12 PM cut-off time if the CIS is filed by Police from an approved location as set out in the SOP.
- 5.4 CSNSW will provide a 'Form 1' notification of persons in custody for all persons in their custody when they are ready to be listed before the Court and seen by their legal representative.
- 5.5 An accused person should not be included on the CIS or Form 1 unless the charge process is complete, and the accused person is available to provide instructions for the bail application to their legal representative.

## **6. Cut-Off Time**

- 6.1 The cut-off time in the Bail Division is 12 PM. An accused person will be included in the Court bail list for the relevant day if included on the CIS by a custody manager at a police station, or a CSNSW officer at a nominated CESU site and received by the Court electronically prior to 12 PM.
- 6.2 Any accused person that fails to make the 12 PM cut-off time and who remains in custody, will have priority in the next day's Bail Division list.
- 6.3 Legal representatives who have obtained instructions after the cut-off time on a given day, shall advise the Registry electronically that the bail application is ready to proceed. These matters will receive priority in the appropriate Court list in the Bail Division the next day.
- 6.4 Requests for late admission (Form 3) to the Bail Division may be made after 12 PM by Custody Managers or CSNSW officers. Any such application will be determined by the Bail Coordinating Magistrate in Chambers in consultation with the Registrar.
- 6.5 Requests for alternative custodial location (Form 3) can be made by Custody Managers or CSNSW officers. Any such application will be determined by the Bail Coordinating Magistrate in Chambers in consultation with the Registrar.
- 6.6 A Form 3 application will only be granted if it is in the interest of the administration of justice based on the grounds stated in the application.
- 6.7 Requests for an accused person to appear from hospital (Form 4) can be made by Custody Managers or CSNSW officers. Any such application will be determined by the Bail Coordinating Magistrate in Chambers in consultation with the Registrar.
- 6.8 The custody manager at a relevant police station or by a CSNSW officer at a nominated CESU site must notify the Court and Legal Aid NSW if an accused person intends to self-represent.

## **7. Pre-Determined Courtroom**

- 7.1 Applications will be allocated to Courts based on the Standard Operating Procedures and in consultation with the Bail Coordinating Magistrate.
- 7.2 Courtroom allocations may be reassessed during the day to ensure that all matters are dealt with as expeditiously as is reasonably practicable.

## **8. Bail Hearings**

- 8.1 Legal Aid NSW is to advise the relevant Court of the Bail Division, the matters that they are instructed to appear, including the name of the legal representative and relevant contact details. This is to be updated throughout the day each time a legal representative is instructed to appear in a matter.
- 8.2 For applications where private legal representatives or Aboriginal Legal Service NSW/ACT are instructed, the legal representative is to notify the Court Registry by email (or other electronic means) as soon as possible that they appear in the proceeding and provide their contact details. This must occur prior to the 12 PM cut-off time. Once the matter is ready to proceed the Registry must be notified as soon as reasonably practicable. The Registry will advise the private legal representative when the Court is ready to hear and determine the application.
- 8.3 When a Legal Representative has taken instructions, and a matter is ready to proceed a Form 2 must be immediately submitted to the Court.

- 8.4 Court will commence sitting at 9:30 AM. Applications that were assigned priority the previous day will be heard first. Thereafter, the Court will hear applications according to readiness to proceed.
- 8.5 The Court sitting times will be the same as the Local Court. The morning-tea adjournment will be between 11:30 AM and 12 PM. The lunch adjournment will be between 1 PM and 2 PM. The Court will sit until 4 PM.
- 8.6 The prosecution must provide the accused persons legal representatives an electronic copy of the police facts and criminal antecedents prior to the bail application being heard.
- 8.7 The police facts and criminal antecedents will be tendered to the Court electronically by prosecutors prior to the hearing of the application.
- 8.8 If an applicant seeks to rely on any documents to support their bail application, the documents must be filed electronically with the registry and sent to the prosecution prior to the hearing of the application.
- 8.9 Oral submissions from the prosecution and applicant should not exceed 10 minutes for each bail application. This does not include reading time for material tendered by either party to the application. The Court may allow further time for oral submissions from the parties if the Court determines it is in the interests of justice.
- 8.10 Any matters that are not reached by 4 PM shall be listed on the next available Court sitting day, unless otherwise directed by the Court.

## **9. Progression of Matter**

- 9.1 Prior to hearing a bail application, if the accused person has been convicted on a finding of guilt or upon entering of a plea of guilty, a Magistrate or Acting Magistrate (excluding a Bail Acting Magistrate) may:
  - (a) Proceed to sentence the accused person if,
    - i. The Magistrate determines the Court has capacity to hear the sentence, and
    - ii. A Sentencing Assessment Report is not required, and
    - iii. The accused person consents to the matter proceeding to sentence; or
  - (b) Proceed to hear the application for bail, or
  - (c) Adjourn the sentencing proceedings to the criminal list at the relevant Court.
- 9.2 After hearing a bail application, where an accused person enters a plea of not guilty, the Magistrate may:
  - (a) Make orders for service of the prosecution brief of evidence upon the accused person or their legal representative within 4 weeks; and adjourn the proceedings for reply in 6 weeks to the criminal list of the relevant Court, or
  - (b) Where the accused person is charged with a domestic violence offence, adjourn the proceedings for mention to fix a hearing date to the next criminal list of the relevant Court, or
  - (c) Where the accused person is charged with a matter for which a brief of evidence is not required, adjourn the proceedings for mention to fix a hearing date to the next criminal list of the relevant Court, or
  - (d) Where the accused person is charged with a matter which falls under the Early Appropriate Guilty Plea Process (EAGP), make orders for service of the prosecution

brief of evidence upon the accused person or their legal representative in 8 weeks, and adjourn the proceedings for mention in 8 weeks to the DPP list of the relevant Court.

9.3 After hearing a bail application, where the accused person has not entered a plea, the Magistrate may adjourn the proceedings for mention at the next criminal list of the relevant Court for a plea to be entered.

9.4 If an application for release is made and bail is refused, the matter will not proceed to sentence at the request of the accused person unless the Magistrate determines that good reasons exist, and it is in the interests of justice to proceed to sentence.

9.5 If a matter is before a Bail Acting Magistrate and the accused person requests to proceed to sentence, the matter can be transferred to another Court for the sentence to be heard by a Magistrate or Acting Magistrate. This is subject to the other Court having capacity to proceed to sentence.

## **10. Orders under the *Mental Health Cognitive Impairment Forensic Provisions Act 2020***

10.1 When making an order under Section 19(a)-(c) of the *Mental Health Cognitive Impairment Forensic Provisions Act 2020*, bail is taken to be dispensed with. No further bail determination is required unless the accused person is returned to the Court following assessment.

10.2 If the accused person is found on assessment at a mental health facility not to be a mentally ill or mentally disordered person, and the Police return the accused person to the Court for a bail determination, the person will be brought before a Magistrate in the Bail Division.

## **11. Approved Form**

11.1 When a bail application is made, the Magistrate must complete a Summary of Reasons for Bail Decision of Court Form (Annexure 1).

**Annexure 1**

**SUMMARY OF REASONS FOR BAIL DECISION OF COURT**

*Bail Act 2013, Section 38*  
22 November 2025

**DECISION MAKER:**

LOCAL COURT AT: Local Court Bail Division

DATE:

**ACCUSED PERSON:**

- Bail decision deferred due to intoxication
- Exceptional circumstances offence (s 22A)
- Unacceptable risk test (s17,s18)

- OFFENCES:** H \_\_\_\_\_ Seq \_\_\_\_\_ H \_\_\_\_\_ Seq \_\_\_\_\_  
 H \_\_\_\_\_ Seq \_\_\_\_\_ H \_\_\_\_\_ Seq \_\_\_\_\_  
 H \_\_\_\_\_ Seq \_\_\_\_\_ H \_\_\_\_\_ Seq \_\_\_\_\_
- Show cause offence (s 16A/ s 16B)
  - Cth child sex offence (s 15AAA, CA 1914)
  - Section 74 applies

**ASSESSMENT OF BAIL CONCERNS (SECTION 18)**

s18(1)(a) Criminal history: <input type="checkbox"/> Lengthy <input type="checkbox"/> Limited <input type="checkbox"/> Nil Personal background and circumstances: Community ties: <input type="checkbox"/> Strong <input type="checkbox"/> Weak <input type="checkbox"/> None	s18(1)(i) Custodial sentence: <input type="checkbox"/> Likely <input type="checkbox"/> Unlikely
s18(1)(b) Nature of offence: <input type="checkbox"/> Serious <input type="checkbox"/> Minor <input type="checkbox"/> Violent <input type="checkbox"/> Property <input type="checkbox"/> Prevalent	s18(1)(i) Accused person convicted but not sentenced: <input type="checkbox"/> Yes <input type="checkbox"/> No
s18(1)(c) Strength of case: <input type="checkbox"/> Strong <input type="checkbox"/> Weak <input type="checkbox"/> [ ] Plea of guilty/convicted	s18(1)(j) Appeal proceedings: reasonably arguable prospect of success: <input type="checkbox"/> Yes <input type="checkbox"/> No
s18(1)(d) History of violence: <input type="checkbox"/> Yes <input type="checkbox"/> No	s18(1)(k) Special vulnerability: <input type="checkbox"/> Youth <input type="checkbox"/> ATSI <input type="checkbox"/> Cognitive or mental health impairment
s18(1)(d1) Behaviour by accused that may constitute domestic abuse (s 6A(2), C(D&PV)A 2007) <input type="checkbox"/> Yes <input type="checkbox"/> No	s18(1)(l)(m) Accused person's circumstances: <input type="checkbox"/> Work <input type="checkbox"/> Family <input type="checkbox"/> Medical <input type="checkbox"/> Obtain legal advice <input type="checkbox"/> Prepare for appearance
s18(1)(e) Previous serious offence on bail: <input type="checkbox"/> Yes <input type="checkbox"/> No	s18(1)(n) Conduct towards victim or family member of victim: <input type="checkbox"/> No contact <input type="checkbox"/> Threatening or violent
s18(1)(f) History of compliance or non-compliance <input type="checkbox"/> Yes <input type="checkbox"/> No Previous breaches of court orders: <input type="checkbox"/> No <input type="checkbox"/> Yes order type/s:.....	s18(1)(o) Views of victim or family member of victim on safety if released (serious offence or domestic violence offence against an intimate partner):
s18(1)(f1) Bail decision after failure to comply. Warnings issued by police officers/bail authorities re non-compliance with bail acknowledgements/conditions <input type="checkbox"/> Yes <input type="checkbox"/> No	s18(1)(p) bail conditions that could reasonably be imposed to address bail concern s20A <input type="checkbox"/> Yes <input type="checkbox"/> No
s18(1)(g) Any criminal associations: <input type="checkbox"/> Yes <input type="checkbox"/> No	s18(1)(q) Any Terrorist Associations <input type="checkbox"/> Yes <input type="checkbox"/> No
s18(1)(h) Likely time in custody: <input type="checkbox"/> Days <input type="checkbox"/> Weeks <input type="checkbox"/> Months <input type="checkbox"/> Unknown	s18(1)(r)(s) Any statements/activities advocating support for terrorist acts/violent extremism: By accused person: <input type="checkbox"/> Yes <input type="checkbox"/> No By persons/groups associated/affiliated with accused person: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PROSECUTION SUBMISSIONS</b>	<b>DEFENCE SUBMISSIONS</b>
Bail Opposed <input type="checkbox"/> Bail Not Opposed <input type="checkbox"/> <input type="checkbox"/> Unacceptable risk <input type="checkbox"/> Bail concerns identified <input type="checkbox"/> fail to appear at any proceedings for the offence <input type="checkbox"/> commit a serious offence <input type="checkbox"/> endanger safety of victims/individuals/the community <input type="checkbox"/> interfere with witnesses/evidence	

- BAIL REFUSED**
  - Accused has not established exceptional circumstances exist to justify bail (s 22A)
  - Accused has not shown cause why detention is not justified (s 16A /s 16B)
  - Accused has not satisfied court that exceptional circumstances exist to grant bail (s 22B)
  - Unacceptable risk that the accused if released from custody will:
    - fail to appear at any proceedings for the offence  commit a serious offence
    - endanger safety of victims/individuals/the community  interfere with witnesses/evidence
- BAIL GRANTED**
  - Conditional bail granted (see over)  Bail is dispensed with  Bail is granted without conditions
- Bail concerns identified:**
  - fail to appear at any proceedings for the offence  commit a serious offence
  - endanger safety of victims/individuals/the community  interfere with witnesses/evidence

**REASONS:**

**Bail Condition(s):**

- Residence:** You are to live at:.....
- Accommodation - Post-release:** Upon release to bail, you are to travel directly to ..... rehabilitation facility and you are to live there during your treatment.
- Accompaniment - Pre-release:** You are to be released into the care/company of ..... You will not be released to bail until that person attends the correctional centre/police station you are in custody at for the purpose of accompanying you away from that place.
- Curfew:** You are to be at home between ..... PM and ..... AM unless in the company of .....
- Reporting:** You are to report to police at.....Police Station daily or each Mon / Tues / Wed / Thurs / Fri / Sat / Sun between the hours of ..... AM and ..... PM.
- Place restriction:** You are not to enter..... or go within ..... Kilometres/Metres of that area (except for .....
- Non-contact:** You are not to go near, contact or try to go near or contact ..... or any prosecution witness (except through a lawyer).
- Non-association:** You are not to be with or contact.....
- Drug/alcohol restriction:** You are not to drink alcohol or take any drugs, unless the drugs are prescribed by a doctor.
- Treatment:** You are to attend.....and accept any treatment reasonably recommended, including attending appointments.
- Intervention/Diversion program participation:** You are to participate in the ..... program and comply with all assessment and program requirements.
- Passport:** If not already surrendered, you must hand in your passport to the registrar of..... Court or a police officer at .....Police Station:
  - Pre-release:** before being released to bail.
  - Post-release** within .....hours/days/weeks after being released from custody;  
AND you must not apply for another passport.
- Travel restriction:** You must not enter any international airport or other point of departure from Australia.
- Mobile Phone restriction:** You are not to use or be in possession of more than one mobile telephone service and SIM card, and is to provide the password or PIN code, service and IMEI numbers of that telephone to ..... within ..... hours of taking or resuming possession of any such service.

**Character acknowledgment - Pre-release:** You will not be released to bail until one (or ..... ) acceptable person(s) agrees in writing that they know you and think you are a responsible person who is likely to follow your bail.

**Security Agreement - Accused:**

**Pre-release:** You will not be released to bail until you enter into an agreement that if you do not attend when the court tells you to, you agree to forfeit \$.....

without security;  deposit security in the form of .....;  deposit cash.

AND you deposit the specified form of security / amount.

**Post-release:** You are to enter into an agreement that if you do not attend when the court tells you to, you agree to forfeit \$.....:

without security;  deposit security in the form of .....;  deposit cash

**Security Agreement - Acceptable Person:**

**Pre-release:** You will not be released to bail until one (or ..... ) acceptable person/s is to enter into an agreement that if you do not attend when the court tells you to, they agree to forfeit \$..... (each):

without security;  deposit security in the form of .....;  deposit cash.

AND they deposit the specified form of security / amount.

**Electronic Monitoring – Serious DV offences:** You are to be subject to electronic monitoring by Corrective Services NSW (s 28B, *Bail Act 2013*). Before you are released to bail, you must be fitted with an electronic monitoring device. While on bail, you must comply with obligations in relation to electronic monitoring (s 31G(2), *Bail Regulation 2021*).

**Enforcement Conditions**

**Curfew:** You must present yourself at the front door of your residence for a curfew check if told to do so by a police officer during curfew hours, no more than ..... times per day and / or no more than ..... times per week.

**Drug or Alcohol testing:** You must present yourself at the front door of your residence and provide a ..... sample for a drug / alcohol test if told to do so by a police officer. This condition is subject to the following restrictions:

**Other condition/s:**

.....