

Understanding bail conditions

A guide to the bail process in the ACT if you have been charged with an offence.

If the police charge you with an offence, you will either be:

- given a **summons** to appear at court, or
- released on **bail** until your court case, or
- held in custody until your court case (held on **remand**).

If you are released on bail, you will be in the community and may have conditions.

Bail is not a form of punishment or part of a sentence. It is an agreement to go back to court.

Bail conditions

If you are released on bail, the court will set your next court date. When you are on bail, you have to follow your bail conditions.

Coming to court at the date and time the court tells you to is always a rule or 'condition' of bail.

While on bail, you may have to follow other conditions.

This could include conditions not to contact or talk to victims and/or witnesses of the alleged offence or not visiting a certain address or suburb.

Bail conditions can also include that you will:

- have counselling or medical treatment
- live at a particular address
- regularly report to a police station or agreed alternative location.

If you do not follow the conditions this is called a **breach of bail**, and bail can be taken away. This means you will be held on remand and go into custody.

If you follow the conditions and attend court, you may be able to remain on bail until the outcome of the court case.

Breaches of bail

All bail orders require you to attend court for your court date.

If you do not attend court, you can be arrested and charged with another offence for failing to appear in court.

Other examples of not following bail conditions could include:

- being late or not attending your appointment to report to police
- contacting a victim or witness.

Breaching these types of bail conditions is not an offence in the ACT.

But if you breach these bail conditions, you can be arrested and go back to court for another bail hearing.

The court may decide to:

- revoke bail and hold you on remand
- change your bail conditions, or
- release you without consequences.

If you are finding it hard to keep to your bail conditions, speak with your legal representative for advice.

Who can help you?

Legal Aid ACT

Free legal advice and help with bail applications or changes.


Phone: 1300 654 314

Email: legalaid@legalaidact.org.au

Aboriginal Legal Service (ALS)

Free legal help for Aboriginal and Torres Strait Islander people in NSW and ACT.

Phone: 1800 765 767

 Go to www.act.gov.au and search 'understanding bail' for more information