



Application to Vary Bail

On and from 1 April 2020, all applications to vary bail will be dealt with by a Judge in chambers except in compelling cases. Personal appearances will not be permitted at any time.

In a compelling case where a hearing is required, the application will be heard electronically by using the Virtual Court Room.

Before making an application to vary bail, the defendant must notify the prosecution of the bail condition(s) that is sought to be varied and the prosecution must notify the defendant whether it consents to the application.

All emails to an associate of a Judge concerning a bail application must be copied to the other party in the proceedings.

Consent Application to Vary Bail

An application to vary bail made by a defendant to which the prosecution consents must comply with the following:

1. The defendant is to email the associate of the List Judge or the Resident Judge of the relevant District Court:
 - (a) a copy of the current bail condition(s);
 - (b) the bail condition(s) that are to be varied by consent;
 - (c) the agreed terms of the bail condition(s) that have been consented to by the prosecution; and
 - (d) the reasons the defendant seeks the bail variation.
2. Where there is a surety to the defendant's bail, a separate email from the surety must be sent to the associate of the Judge in which the surety details the bail condition(s) that are to be varied and the surety agrees to the proposed variation of bail.
3. The prosecution is to email the associate of the Judge:
 - (a) the bail condition(s) that are to be varied by consent; and
 - (b) the agreed terms of the bail condition(s) that have been consented to by the prosecution.
4. The Judge may require further information from the parties before making a bail decision.
5. The associate of the Judge will notify the parties if and when the orders varying bail have been made.

These orders will be entered into JusticeLink by the associate immediately.

Opposed Application to Vary Bail

1. An application to vary bail condition(s) made by a defendant to which the prosecution does not consent must comply with the following:
2. The defendant is to email the associate of the List Judge or the Resident Judge of the relevant District Court:
 - (a) a copy of the current bail condition(s);
 - (b) the bail condition(s) that the defendant seeks to vary;
 - (c) the proposed terms of the bail condition(s) that is to be varied; and
 - (d) the reasons the defendant seeks the bail variation.
3. Where there is a surety to the defendant's bail, a separate email from the surety must be sent to the associate of the Judge in which the surety details the bail condition(s) that the defendant seeks to vary and the surety agrees to the proposed variation of bail.
4. The prosecution is to email the associate of the Judge:
 - (a) the bail condition(s) the defendant seeks to vary that is not consented to by the prosecution; and
 - (b) the reasons the prosecution opposes the bail variation.
5. The Judge may require further information from the parties before making a bail decision.
6. Where the Judge is unable to reach a bail decision on the information that has been provided by the parties, the Judge may decide that the application is a compelling case and must be heard electronically by the use of the Virtual Courtroom. The associate to the Judge will provide directions to the parties as to how and when the Virtual Courtroom hearing is to take place.

Virtual Courtroom Practitioner Guide

Practitioners are asked to familiarise themselves with the Virtual Courtroom by reading the Virtual Courtroom Guide which can be located on the District Court website.

Contact details

Current contact details of associates to List Judges and Resident Judges are as follows:

Region:	List/Resident Judge	Associate	Associate's email
Sydney	His Honour Judge O'Brien AM	Ms A Parkin	annie.parkin@courts.nsw.gov.au
Albury / Griffith	His Honour Judge Grant	Ms L Cohen	Lucia.Cohen@courts.nsw.gov.au
Armidale	His Honour Judge Hunt	Ms J Howard / Ms G James	jennifer.howard@courts.nsw.gov.au geraldine.james@courts.nsw.gov.au
Bathurst / Orange	His Honour Judge Turnbull SC	Mr T Primrose	thomas.primrose@courts.nsw.gov.au
Campbelltown	His Honour Judge Colefax SC	Ms A Arthur	ashlee.arthur@courts.nsw.gov.au
Coffs Harbour	His Honour Judge Priestley SC	Mr L Pedlow	Luke.Pedlow@courts.nsw.gov.au
Dubbo	Her Honour Judge N Williams	Ms C Edstein-Boyes	Courtney.Edstein-Boyes@courts.nsw.gov.au
Gosford	Her Honour Judge Bright	Ms R Jessop	rinelda.jessop@courts.nsw.gov.au
Lismore	His Honour Judge McLennan SC	Ms K Rogan	kylie.rogan@courts.nsw.gov.au
Newcastle	His Honour Judge Ellis	Mr J Carpenter	Joel.Carpenter@courts.nsw.gov.au
Parramatta	His Honour Judge Hanley SC	Ms C Philippe	charlotte.philippe@courts.nsw.gov.au
Penrith	His Honour Judge Buscombe	Ms E Adeyinka	esther.adeyinka@courts.nsw.gov.au
Tamworth	Her Honour Judge Payne	Ms J Cowley	janaya.cowley@courts.nsw.gov.au
Wagga Wagga	His Honour Judge Lerve	Ms L Cross	Lynne.Cross@courts.nsw.gov.au
Wollongong	His Honour Judge Haesler SC	Ms D Letich	dolores.letich@justice.nsw.gov.au

Justice Price AM, Chief Judge

31 March 2020