

# BAIL APPLICATIONS

## 'Whole of Job' Fee

### MAIN FEATURES

- Whole of job fee for non-complex and complex bail applications in the Children's Court and Magistrates' Court.
- A simple fee structure model with adequate provision for complex cases.
- The new fee structure should result in more experienced practitioners appearing at bail hearings, in turn improving the prospects of bail being granted in appropriate cases. If these consequences prove to be true, this will have cross-agency benefits flowing through to correctional services.

### QUESTIONS & ANSWERS

**Q What is the definition of a "complex" bail application?**

A Complex is defined as follows:

- the accused person is on remand for an indictable offence proceeding through the committal stream; or
- the threshold for bail is that the accused must demonstrate "exceptional circumstances"

If a case does not fall within any of the above criteria, it would be classified as a non-complex case.

---

**Q How have the fees for "complex" and "non-complex" bail applications been calculated?**

A The whole of job fee has been calculated according to the average hours of necessary work involved in bail applications. Practitioners have stated that on average a bail application requires between 4-6 hours of work including preparation and appearance. The fees have been calculated on the assumption that the reasonable average hours for a non-complex bail application is 4 hours, and the reasonable average hours for a complex bail application is 6 hours.