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LAM LEGAL GROUP

GUIDE TO WRITING A REFERENCE LETTER FOR BAIL

We thank you for choosing to assist our client by preparing a reference letter. We have prepared this guide to assist you in addressing the letter to the Court and to provide you with ideas of things that should be included in the letter. It is by no means a definitive list, and we encourage you to add any other true and helpful information.

Please note: this guide is general information for bail applications in New South Wales, not legal advice. Please read the important information at the end of this guide.

What about using AI?

AI knows nothing about your family member. You know everything that matters: how you know them, what you have seen them do, and why the allegations are out of character for them (or what they have done to address them). Please write the letter yourself, in your own words. Even a plainly worded letter in your own voice carries more weight with the Court than one generated by AI.

If you do use AI at all, use it only to review a letter you have already written yourself addressing the points above. Please don't use it to generate the letter for you.

What the Court is deciding

Our client has been charged, not convicted, and is presumed innocent. The Court is not deciding guilt. Under the Bail Act 2013 (NSW), it is deciding whether there is an unacceptable risk that, if released, our client would fail to attend court, commit a serious offence, endanger the safety of others or interfere with witnesses or evidence. Your letter will help most if it gives facts from your own knowledge that show how those risks can be managed.

Structure

A reference letter should start with:

[DATE]
The Presiding Judge
[Name of Court]
[Suburb] NSW [Postcode]

Your Honour,

We will tell you which Court is hearing the application.

The letter should end with:

Yours sincerely,

[Your signature]
[Your full name]
[Your phone number and email address]

The letter should be typed, dated and signed by you (a real signature is ideal). If this is inconvenient, you may send us a scanned copy. If you are writing as an employer or in a professional capacity, please use your letterhead if you are authorised to do so.

What to include

The body of the letter should include:

1. Who you are, what you do for work, how you know our client and how long you have known them.
2. That you have been asked to write a reference letter for a bail application, and that you are aware our client has been charged with [OFFENCE(S)]. We will confirm this.
3. Anything you are aware of that indicates, in general terms, our client's good qualities, relating to such things as work, responsibility, family commitments, volunteering and reliability. Specific examples carry more weight than praise.
4. Our client's history. Please check with us before writing this part, so that what you say is accurate.
    - If they have no prior criminal history for this type of offence, why the allegations are out of character for the person you know.
    - If they do, what they have been working to overcome (for example, addiction or mental health issues) and what you have seen them do about it.
5. Is our client an Australian citizen? Were they born overseas? Do they have a passport that you can hand in?
6. If our client is granted bail:
    - Where will they be staying?
    - Who will they be living with, and do those people agree?
    - Will these people help monitor our client on bail?
    - Does anyone connected with the case, such as an alleged victim or a witness, live at or visit that address?
    - Where will they be working?
    - If you can provide accommodation for our client, please say so.
    - If you can supervise them while they are on bail, please explain how (for example, when you will be home and how you will make sure they follow their bail conditions).
7. What other arrangements can be made to help our client comply with bail and address the risks mentioned above?
    - Examples include employment, ongoing family support, help getting to court or to police reporting, rehabilitation, counselling or anger management.
    - Only mention arrangements you know are in place or can be put in place.
    - If residential rehabilitation is proposed, please tell us the name of the facility, whether a place is available and how our client would be supervised there.
    - If you may be able to offer money as security (a surety), please tell us.
8. That if it appears likely that our client will breach their bail, or you become aware that they have, you will report it to the police or the Court. Please only say this if you genuinely intend to do it.
9. That you can be contacted by phone or email to verify the information in the letter.

What to leave out

Your letter should not include:

- Your view on whether our client is guilty or innocent. Please refer to "the charges" or "the allegations" rather than "the offence", and avoid words such as "reoffend", which suggest guilt.
- The facts of the case or the evidence, even if you think you know what happened.

- Criticism of the police, the alleged victim, any witness, the law or the Court.
- Guarantees you cannot keep, such as that our client "will never" do something. Tell the Court what you have seen and what support is in place.
- Anything untrue, or anything you are unsure about. The Court relies on these letters, and knowingly giving it false or misleading information can be a criminal offence.

Next steps

Before signing your letter, please send us a draft for review. Please do this as soon as you can, because bail applications can happen at short notice. We may suggest changes, but the letter must remain your own honest views in your own words. If you have any questions or require any assistance writing the letter, please contact us.

Please return the signed letter to us rather than sending it to the Court. The prosecutor and our client will also see it, and you may be asked questions about it, so please make sure you are comfortable standing behind everything you have written.

Please do not discuss the allegations with our client or with anyone else involved in the case. This includes calls and visits if our client is in custody. Calls from correctional centres are monitored.

If possible, please also attend Court to support our client on the day of the bail application. We will tell you when and where it will be heard.

Important information

General information only. This guide is general information about bail applications in New South Wales courts, current as at November 2026. It is not legal advice and does not take into account the circumstances of any person or case. The law changes, so please check with a lawyer before relying on it. To the extent permitted by law, Lam Legal Group is not liable for any loss arising from reliance on this guide.

Who this guide is for. This guide is written for people asked to write a reference for a client of Lam Legal Group, and "our client" means the person you are writing for. If another lawyer acts for that person, please follow that lawyer's directions. If they do not have a lawyer, they should get legal advice. LawAccess NSW (1300 888 529) provides free legal information.

No solicitor-client relationship. Reading or using this guide, or sending us a draft, does not make you our client. We act for our client, not for you, so we cannot advise you about your own position. If you need advice, please speak to your own lawyer.

Different rules can apply. Stricter bail rules apply to some charges, including some serious offences, domestic violence offences and offences by young people. Different rules also apply after a conviction or during an appeal, so parts of this guide may not apply.

No guarantee. A reference letter does not guarantee that bail will be granted. That decision is for the Court.

Writing a reference is your choice. Nobody should pressure you to write one. If you are an alleged victim or a witness in the case, or a court order or bail condition limits your contact with the person, get your own legal advice first and do not contact them about it.