



Brad Hazzard MP

Attorney General

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MEDIA RELEASE

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UPDATE ON BAIL ACT

The new bail laws have been in development since June 2011 with the Director of Public Prosecutions, Police and the courts playing a crucial role in their implementation, Attorney General Brad Hazzard said today.

“They replace an old Bail Act that was complex, lacked consistency and was confusing not only for the community but for police and legal practitioners trying to use it. It had been amended 85 times in 36 years,” Mr Hazzard said.

The old system contained many anomalies; for example, a presumption in favour of bail for some sexual offences, including an act of indecency against a child under 10, yet a presumption against bail for repeat property offences.

The new Bail Act replaces the complex set of presumptions with a risk-based model that prioritises public safety above all else.

The risk-based model was supported by the overwhelming majority of submissions to the Law Reform Commission’s review of bail, including the Office of the Director of Public Prosecutions (ODPP), Police and Legal Aid NSW.

“The Act is clear – if an accused represents a risk to the community that cannot be mitigated by strict conditions, then bail should be refused,” Mr Hazzard said.

In the four weeks since the Act commenced no evidence exists to suggest that bail is being more frequently or more leniently granted than under the old Act.

The NSW Government has established a bail monitoring group which includes representatives from NSW Police Force, the ODPP, Legal Aid and the Bureau of Crime Statistics and Research. Any concerns will be immediately brought to the attention of the Government.

In addition, the Judicial Commission is providing ongoing specialised training for magistrates and judges on the new Act.

The DPP has instructed his lawyers that the implementation of the new Bail Act does not in itself constitute a change in circumstances that would give rise to fresh applications and therefore any applications made on this basis should be opposed.

“If there is a need to make changes to bail then the Government will do so,” Mr Hazzard said.

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