

Review of Bail Laws Terms of Reference

NSW Premier Mike Baird and Attorney General Brad Hazzard have established a review of the new bail laws to ensure the safety of the community, victims and witnesses is at the forefront of all decisions made on bail.

The new laws were introduced following concerns the old system was overly complicated, full of anomalies and did not produce consistent outcomes. The new Bail Act replaces the complex set of presumptions with a risk-based model that prioritises public safety above all else. The new focus on individual risk reflects that widely varying circumstances can result in the commission of the same type of offence, and the offence with which a person is charged may not be a good indicator of the risk they pose to the community.

However, concerns have been expressed by the community and victims about the new bail regime. To ensure victim and community confidence in NSW's bail laws and that community safety is paramount, the Review is to consider:

- Whether the *Bail Act 2013* is appropriately framed to achieve its objectives including:
 - The protection of the community
 - Consistency of decision-making
 - The need for laws to be easily understood and applied
- In considering the need to protect the community, the review will consider:
 - Whether the risk-based approach sufficiently reduces the risk that the accused may endanger the safety of victims, individuals or the community; commit a serious offence while on bail; interfere with a witness or evidence; or fail to attend court.
 - Whether the Act strikes the right balance in protecting the community and the integrity of the justice system.
- Recent judgments and the implications of new Act.

Former Attorney General John Hatzistergos will be supported by the Department of Premier and Cabinet and will have the advice of the Bail Monitoring Group which has representatives from the NSW Police Force, Department of Justice, BOCSAR, Ministry of Police and Emergency Services, the Director of Public Prosecutions and Legal Aid.

An interim report is to be provided to the Premier and Attorney General by the end of July 2014, with any potential immediate changes in time for the next sitting of Parliament.