

PETER DRAPER

INDEPENDENT MEMBER FOR TAMWORTH

MEDIA RELEASE

Room for improvement in the NSW Bail Act 1978

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A safety net in the granting of bail is needed to restore community trust in the judicial system, Member for Tamworth Peter Draper said today in response to a report on the impact of legislation on bail in NSW.

As published in a report by the NSW Bureau of Crime Statistics and Research, Mr Draper acknowledged the Bail Amendment (Repeat Offenders) Act 2002 appeared to have increased the bail refusal rate for defendants appearing in NSW criminal courts over the past 18 months.

“The figures look promising but police on the ground and victims of crime are indicating bail laws need to be stronger still,” Mr Draper said.

“The principle objective of this Act was to reduce the rate of defendants absconding on bail but I believe those defendants whom police believe to be a continuing threat to their victims or the community should not be given the opportunity to test the system through release.

Mr Draper said in the majority of cases, magistrates were making the right decision in determining bail but in serious personal violence cases where the decision was considered inappropriate by police, the police prosecutor should have broader powers to stay the proceedings and ensure the person is not released from custody.

Once a stay is lodged the defendant is held in custody and the application for bail is heard before a Supreme Court.

“People have a right to feel protected by the law but it’s not water tight. Despite statistics showing some improvement, the judicial process is still failing community expectations in certain cases,” he said.

As previously stated, Mr Draper said the laws relating to section 25A of the Bail Act 1978 needed to be broadened to enable police prosecutors to stay a bail decision on a wider range of offences relating to serious personal violence such as malicious wounding and assault occasioning grievous bodily harm.

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The Act was recently amended and currently gives police the power to stay a bail decision only on offences of murder, those punishable by life imprisonment and specific sex crimes against children.

Mr Draper is awaiting the release of a review of the NSW Bail Act 1978 commissioned by the NSW Attorney General in response to a spate of inappropriate bail decisions by Courts.

“If the review does not recognise the need to broaden a police prosecutor’s powers to lodge a stay under section 25A, I will consider introducing a Private Members Bill which if enacted would give police the discretion to lodge a stay across a broader range of offences,” he said.

“It’s my hope this review addresses the core defects and goes some way in restoring public confidence of the Bail Act which the Attorney General has acknowledged as being a confusing, disjointed piece of legislation,” he said.

End Release

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