



The Hon Barry O'Farrell MP

Premier of NSW

Minister for Western Sydney

MEDIA RELEASE

Thursday 9 June 2011

NSW GOVT ORDERS REVIEW OF BAIL ACT

The NSW Government has ordered a comprehensive review of the Bail Act, amid concerns juveniles have been unfairly victimised, NSW Premier Barry O'Farrell and Attorney General Greg Smith SC announced today.

"I'm concerned that juveniles charged with petty offences are being forced to mix with hardened criminals while on remand and that could influence them towards a life of crime," Mr O'Farrell said.

"This is particularly disturbing when many of the young offenders are eventually released by the courts without any custodial sentence," he said.

A retired Supreme Court judge, the Honourable Hal Sperling QC, will lead the NSW Law Reform Commission project.

The Act had been amended 17 times since it was introduced 33 years ago.

"The Bail Act has become a patchwork quilt that is difficult to read and understand. Every time Labor tried to 'clarify' the law they only created more confusion," he said.

Mr Smith said a change in 2007, which allowed only one bail application unless there was a 'change in circumstances', had a dramatic effect on juveniles. In 2006, there were 3623 minors admitted to remand, but in 2008 this figure jumped to 5082.

Another change in 2009 made it slightly easier to make another bail application but contained no special provision for juveniles. Currently, only 20 per cent of those on remand end up with a sentence of detention.

"I am concerned the Bail Act had moved away from the spirit and intent of the original legislation. This was to ensure attendance at a hearing or trial, to stop defendants from committing further offences and to prevent interference with witnesses," he said.

"We need to get smarter about law and order. While protection of the public is an important factor, merely being charged should not mean that you end up in jail.

"The presumption of innocence must remain at the heart of bail laws,' he said.

Mr Sperling will deliver his report by November. The terms of reference and consultation questions are available at www.lawlink.nsw.gov.au/lrc.