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MEDIA RELEASE

Evaluation of the Bail Amendment (Repeat Offenders) Act 2002

Amendments to the Bail Act¹ introduced by the NSW Government in 2002 have significantly increased the rate of bail refusal and substantially reduced the number of people absconding on bail, according to a new report released today by the NSW Bureau of Crime Statistics and Research (BOCSAR).

The amendments to the Bail Act were made following an earlier BOCSAR report which revealed that, in some categories of offence, up to 25 per cent of defendants released on bail by the NSW Local Court were absconding (failing to appear in court).

In response to the problem, the NSW Government enacted legislation restricting the availability of bail for three classes of defendant: (a) those accused of having committed an offence while on bail or parole, or serving a sentence for another offence (b) those who have a previous conviction for absconding on bail and (c) those who are charged with an indictable offence who already stand convicted of an earlier indictable offence.

Following the legislation, bail refusal rates rose by more than 10 per cent for defendants with prior convictions, more than seven per cent for defendants appearing for an indictable offence who have an indictable prior and more than 15 per cent for defendants who have previously failed to appear in court in accordance with their bail undertaking.

These changes have had a significant effect on the State's remand population, which jumped from a monthly average of 1,654 remand prisoners prior to the tougher bail laws, to an monthly average of 1,756 remand prisoners after the new laws were introduced. As a result of this higher rate of bail refusal, however, the rate of absconding on bail has fallen by 18.4 per cent in the Local Courts and by 46.4 per cent in the Higher Courts.

The rate of absconding on bail is now down under ten per cent per annum for the NSW Local Court and under two per cent per annum for the NSW Higher Criminal Courts.

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¹ *The Bail Amendment (Repeat Offenders) Act 2002*