

The impact of the Bail Amendment (Repeat Offenders) Act 2002

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In July 2002 legislation commenced in New South Wales which removed the presumption in favour of bail for various classes of repeat offender. Since then the bail refusal rate for defendants appearing in New South Wales criminal courts has increased by seven per cent. The increase is greatest among defendants targeted by the amendments, including those with prior convictions (up 10.3%), those appearing for an indictable offence with an indictable prior conviction (up 7.3%) and defendants who have previously failed to appear (up 15.5%). There has been no change in the bail refusal rate for defendants without a prior conviction or for juvenile defendants. The bail refusal rate for Indigenous adults increased 14.4 per cent, which is greater than the increase for non-Indigenous adults (up 7.0%). This may be due to the high proportion of Indigenous defendants who have a prior conviction. Since the bail amendments the rate of absconding has fallen by 18.4 per cent in the Local Courts and by 46.4 per cent in the Higher Courts.

INTRODUCTION

Previous research by the Bureau of Crime Statistics and Research has highlighted the problem of accused persons failing to appear before the New South Wales courts (Chilvers, Allen & Doak 2002). This research showed that, in 2000, 14.6 per cent of Local Court defendants on bail failed to appear and a warrant for the arrest of the individual was issued. The research also found that failure to appear rates were highest among persons with prior convictions and multiple concurrent offences.

These findings were taken into consideration in the development and enactment of the *Bail Amendment (Repeat Offenders) Act 2002* (hereafter the Act) which commenced on 1 July 2002 (New South Wales Legislative Assembly 2002).

This Act sought to reduce the availability of bail for some categories of repeat offender, while at the same time

introducing provisions to improve access to bail for members of groups with special needs.

The Act stipulates that there will be no presumption in favour of bail for:

- Persons accused of an offence who are on bail, on parole, subject to a bond or serving another sentence at the time of the alleged offence;
- Persons accused of an offence who have a previous conviction for failing to appear before a court in accordance with the person's bail undertaking (s. 51 of the *Bail Act 1978*); and
- Persons accused of an indictable offence who have a previous conviction for an indictable offence.

The Act also attempted to improve access to bail in some cases by:

- Allowing the court to consider kinship and community ties when assessing the probability that Aboriginal persons and Torres Strait Islanders will appear in court;

- Allowing the court to consider the special needs of juveniles, Aboriginal persons, Torres Strait Islanders and persons with an intellectual disability or mental illness when assessing the interests of the person with respect to bail; and
- Providing supervised bail accommodation where suitable.

Under the new legislation, the responsible Minister is obliged to review the changes, giving particular attention to their effects on Aboriginal persons or Torres Strait Islanders, offenders under the age of 18 years and offenders having an intellectual disability or who are mentally ill.

This paper considers the impact of the bail amendments in the eighteen months since their commencement. It examines their impact on the rate at which different classes of defendant are refused bail, the remand population and the rate of absconding.

With the exception of the remand population, the data presented is drawn from the criminal court statistics databases, including the Reoffending Database, administered by the Bureau of Crime Statistics and Research. In these data sources the recorded bail status of a defendant represents their bail status at the time their criminal matter is finalised. Information about a defendant's initial bail determination is not known. Except where noted, the data presented include persons appearing before the Children's, Local, District and Supreme Courts.

OVERALL CHANGES IN THE RATE OF BAIL REFUSAL

Table 1 shows the bail status of defendants appearing for a criminal matter in a New South Wales court in the 18-month period before and after the

bail amendments. Note that a small proportion of defendants in custody at finalisation are not remandees, but sentenced inmates serving a prison sentence for another offence.¹

Since the bail amendments were introduced there has been a significant increase in the proportion of defendants in custody at their final court appearance. In the 18 months prior to the commencement of the Act, 8.0 per cent of accused persons were in custody when their matter was finalised. In the 18 months since the change the equivalent figure was 8.5 per cent; an increase of 6.7 per cent in the rate of bail refusal.

The bail amendments were not intended to impact on all defendants equally. Access to bail was restricted for specific classes of offender. The effect of the amendments on specific groups of defendants is examined below.²

CHANGES IN BAIL REFUSAL RATE BY WHETHER CONVICTED OF AN INDICTABLE OFFENCE

The Act removed the presumption in favour of bail for persons accused of an indictable offence who have a previous conviction for an indictable offence. Table 2 shows changes in bail status for defendants charged with an indictable offence compared with those who do not have an indictable conviction.

The proportion of people accused of an indictable offence who have a previous indictable conviction and who are in custody at finalisation has increased 7.3 per cent since the bail amendments were introduced. The increase is statistically significant. In the 18 months since the bail amendment was implemented, 25.7 per cent of accused persons appearing for an indictable offence with a prior indictable conviction were in custody at finalisation, compared with 23.9 per cent in the 18 months before the amendment. In contrast, the bail refusal rate for those charged with an indictable offence but who do not have a prior indictable conviction and who were therefore not specifically targeted by the amendments, did not show a significant change.

CHANGES IN BAIL REFUSAL RATE BY WHETHER PREVIOUSLY FAILED TO APPEAR

The Act stipulated that there was to be no presumption in favour of bail for persons accused of an offence who

Table 1: Defendants appearing in court, bail status at finalisation 18 months before and after the commencement of the Bail Amendment (Repeat Offenders) Act 2002

| <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance³</i> |
|------------------------------------|-------------------------|------------------|-------------------------|------------------|---------------------------------|
| | <i>%</i> | <i>(No.)</i> | <i>%</i> | <i>(No.)</i> | |
| In custody | 8.0 | (15,204) | 8.5 | (16,437) | p<0.001* |
| On bail/bail dispensed with | 92.0 | (175,721) | 91.5 | (177,065) | |
| Total | 100.0 | (190,925) | 100.0 | (193,502) | |

* Significant at the 0.05 level

Table 2: Defendants appearing for an indictable offence with and without a prior indictable conviction in the past five years; bail status at finalisation 18 months before and after the commencement of the Bail Amendment (Repeat Offenders) Act 2002

| <i>Indictable offence</i> | <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance⁴</i> |
|-----------------------------|------------------------------------|-------------------------|-----------------|-------------------------|-----------------|---------------------------------|
| | | <i>%</i> | <i>(No.)</i> | <i>%</i> | <i>(No.)</i> | |
| With an indictable prior | In custody | 23.9 | (9,844) | 25.7 | (10,330) | p<0.001* |
| | On bail/bail dispensed with | 76.1 | (31,310) | 74.3 | (29,910) | |
| | Total | 100.0 | (41,154) | 100.0 | (40,240) | |
| Without an indictable prior | In custody | 4.7 | (1,856) | 4.8 | (1,896) | p=0.643 |
| | On bail/bail dispensed with | 95.3 | (37,585) | 95.2 | (37,783) | |
| | Total | 100.0 | (39,441) | 100.0 | (39,679) | |

* Significant at the 0.05 level

Table 3: Defendants with and without a prior conviction for absconding on bail (s.51 Bail Act 1978) in the past five years; bail status at finalisation 18 months before and after the commencement of the *Bail Amendment (Repeat Offenders) Act 2002*

| <i>Conviction for absconding</i> | <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance⁵</i> |
|----------------------------------|------------------------------------|-------------------------|------------------|-------------------------|------------------|---------------------------------|
| | | % | (No.) | % | (No.) | |
| Prior for failing to appear | In custody | 31.3 | (1,727) | 36.2 | (1,374) | p<0.001* |
| | On bail/bail dispensed with | 68.7 | (3,789) | 63.8 | (2,425) | |
| | Total | 100.0 | (5,516) | 100.0 | (3,799) | |
| No prior for failing to appear | In custody | 7.3 | (13,477) | 7.9 | (15,063) | p<0.001* |
| | On bail/bail dispensed with | 92.7 | (171,932) | 92.1 | (174,640) | |
| | Total | 100.0 | (185,409) | 100.0 | (189,703) | |

* Significant at the 0.05 level

have a previous conviction for failing to appear in court in accordance with their bail undertaking (s 51 *Bail Act 1978*). These persons can be separately identified among those appearing in court.

Table 3 shows the change in the bail refusal rates for defendants who have been convicted in the past five years of absconding on bail. As a comparison, the bail status of persons appearing in court who do not have a prior conviction for absconding is also shown.

Since the bail amendments, the bail refusal rate of persons who have previously failed to appear has increased 15.5 per cent, from 31.3 per cent in the 18 months before the amendment to 36.2 per cent in the 18 months after. Note that the bail refusal rate for those who have not previously absconded

also increased significantly. However, a formal test of the interaction between prior absconding and the timing of the bail amendment using logistic regression showed the increase in the bail refusal rate for those who have absconded is significantly greater than the increase for those who have not absconded.

The small but nonetheless significant increase for those who have not absconded may be because the group includes a sizeable proportion of repeat offenders targeted under other aspects of the amendments.

CHANGES IN BAIL REFUSAL RATE BY PRIOR CONVICTION

Table 4 shows the change in bail refusal rates before and after the bail

amendments according to whether or not the defendant had been convicted of an offence in the previous five years. The group with prior convictions encompasses all repeat offenders targeted by the Act.

In the 18 months prior to the bail amendments, 13.0 per cent of defendants with a prior conviction were in custody at finalisation. This compares with 14.3 per cent in the 18 months since the legislative changes. This is a significant increase of 10.3 per cent. In comparison there has been no discernable change in the bail refusal rate for persons without a prior record. Prior to the amendments 1.9 per cent of defendants without a prior conviction were refused bail compared with 2.0 per cent after.

Table 4: Defendants with and without a prior conviction in the past five years; bail status at finalisation 18 months before and after the commencement of the *Bail Amendment (Repeat Offenders) Act 2002*

| <i>Prior conviction</i> | <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance⁶</i> |
|-------------------------|------------------------------------|-------------------------|------------------|-------------------------|------------------|---------------------------------|
| | | % | (No.) | % | (No.) | |
| Prior conviction | In custody | 13.0 | (13,520) | 14.3 | (14,634) | p<0.001* |
| | On bail/bail dispensed with | 87.0 | (90,758) | 85.7 | (87,706) | |
| | Total | 100.0 | (104,278) | 100.0 | (102,340) | |
| No prior conviction | In custody | 1.9 | (1,684) | 2.0 | (1,803) | p=0.614 |
| | On bail/bail dispensed with | 98.1 | (84,963) | 98.0 | (89,359) | |
| | Total | 100.0 | (86,647) | 100.0 | (91,162) | |

* Significant at the 0.05 level

Table 5: Defendants aged under 18 years; bail status at finalisation 18 months before and after the commencement of the *Bail Amendment (Repeat Offenders) Act 2002*

| <i>Defendant age</i> | <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance⁷</i> |
|----------------------|------------------------------------|-------------------------|------------------|-------------------------|------------------|---------------------------------|
| | | <i>%</i> | <i>(No.)</i> | <i>%</i> | <i>(No.)</i> | |
| Juvenile | In custody | 8.7 | (931) | 8.2 | (834) | p=0.182 |
| | On bail/bail dispensed with | 91.3 | (9,768) | 91.8 | (9,364) | |
| | Total | 100.0 | (10,699) | 100.0 | (10,198) | |
| Adult | In custody | 7.9 | (14,273) | 8.5 | (15,603) | p<0.001* |
| | On bail/bail dispensed with | 92.1 | (165,953) | 91.5 | (167,701) | |
| | Total | 100.0 | (180,226) | 100.0 | (183,304) | |

* Significant at the 0.05 level

CHANGES IN BAIL REFUSAL RATES FOR MEMBERS OF VULNERABLE GROUPS

While the amending Act sought to restrict bail for certain repeat offenders, it also attempted to increase access to bail for Aboriginal persons and Torres Strait Islanders, offenders under the age of 18 years and offenders having an intellectual disability or those who are mentally ill. It is not possible on the basis of data available to the Bureau to

examine the impact of the bail amendments on the last of these three groups. It is, however, possible to examine its impact on the first two.

CHANGES IN BAIL REFUSAL RATE FOR JUVENILE DEFENDANTS

Table 5 shows the proportion of defendants under the age of 18 years who were in custody at their final court appearance in the 18 months before and after the bail amendments. The table includes young people appearing before the Children's, Local, District and

Supreme Courts. Equivalent figures for adults are also shown for comparison.

The bail amendment has had no discernable impact on the rate at which juvenile defendants are refused bail. In the 18 months before the bail amendments, 8.7 per cent of juvenile defendants were in custody at finalisation compared with 8.2 per cent following the amendments. These figures are not significantly different. In contrast, there has been a significant change in the bail refusal rate for adult defendants from 7.9 per cent prior to the change to 8.5 per cent afterwards.

Table 6: Indigenous and non-Indigenous defendants; bail status at finalisation 18 months before and after the commencement of the *Bail Amendment (Repeat Offenders) Act 2002*

| <i>Defendant age and Indigenous status</i> | <i>Bail status at finalisation</i> | <i>Jan 01 to Jun 02</i> | | <i>Jul 02 to Dec 03</i> | | <i>Significance⁸</i> |
|--|------------------------------------|-------------------------|------------------|-------------------------|------------------|---------------------------------|
| | | <i>%</i> | <i>(No.)</i> | <i>%</i> | <i>(No.)</i> | |
| Indigenous juvenile | In custody | 17.3 | (436) | 15.7 | (379) | p=0.147 |
| | On bail/bail dispensed with | 82.7 | (2,091) | 84.3 | (2,038) | |
| | Total | 100.0 | (2,527) | 100.0 | (2,417) | |
| Non-Indigenous juvenile | In custody | 6.1 | (495) | 5.8 | (455) | p=0.599 |
| | On bail/bail dispensed with | 93.9 | (7,677) | 94.2 | (7,326) | |
| | Total | 100.0 | (8,172) | 100.0 | (7,781) | |
| Indigenous adult | In custody | 17.3 | (4,154) | 19.8 | (4,463) | p<0.001* |
| | On bail/bail dispensed with | 82.7 | (19,817) | 80.2 | (18,057) | |
| | Total | 100.0 | (23,971) | 100.0 | (22,520) | |
| Non-Indigenous adult | In custody | 6.5 | (10,119) | 6.9 | (11,140) | p<0.001* |
| | On bail/bail dispensed with | 93.5 | (146,136) | 93.1 | (149,644) | |
| | Total | 100.0 | (156,255) | 100.0 | (160,784) | |

* Significant at the 0.05 level

CHANGES IN BAIL REFUSAL RATE FOR INDIGENOUS DEFENDANTS

Table 6 shows the proportion of Aboriginal or Torres Strait Islander defendants who were in custody at their final court appearance in the 18 months before and after the commencement of the bail amendments. In order to highlight the specific impact on Indigenous young people, the results for adults and juveniles are shown separately. The bail refusal rate for non-Indigenous defendants is also shown.

The figures in Table 6 indicate that there has been no change in the proportion of Indigenous juveniles refused bail. There has, however, been a significant increase in the bail refusal rate for Indigenous adults. Prior to the bail amendment, 17.3 per cent of Indigenous adults were refused bail. In the 18 months following the commencement of the bail amendment, this figure had increased to 19.8 per cent; an overall increase of 14.4 per cent.

While there has also been an increase in the rate at which non-Indigenous adults are refused bail, the size of the increase (7.0%) is not as large as for Indigenous adults. A test of the interaction between Indigenous status and the timing of the bail amendment, using logistic regression, showed that the increase in the bail refusal rate for Indigenous adults was significantly greater than the increase for non-Indigenous adults.

HAS THERE BEEN A CHANGE IN OFFENCE PROFILE?

The previous section established that there has been an increase in the proportion of criminal defendants refused bail. It is possible, however, that the change in bail refusal rates stems from an increase in the proportion of more serious offences coming before the courts, rather than because the bail amendments increased the likelihood of bail refusal.

This possibility can be tested by considering whether there has been

an increase in the proportion of people appearing in court for offences that are more likely to result in bail refusal. In order to do this, each of the 16 Australian Standard Offence Classification (ASOC) categories has been grouped according to whether the offence normally attracts a high, medium or low bail refusal rate.⁹ Table 7 shows the number and proportion of people appearing in court for high, medium and low bail refusal rate offences in the 18-month period before and after the legislative changes.

Inspection of Table 7 indicates that, while there have been some shifts in the offence composition of persons appearing in court, they have been in the direction of an increase in people appearing for offences for which defendants are less

likely to be refused bail. Among all defendants appearing in court, the proportion of persons appearing for offences with high bail refusal rates has fallen from 3.3 per cent to 3.2 per cent. The proportion appearing for offences with medium bail refusal rates has fallen from 41.9 per cent to 39.7 per cent and the proportion appearing for offences with low bail refusal rates has increased from 54.8 per cent to 57.1 per cent. These differences are statistically significant.

THE IMPACT ON THE REMAND POPULATION

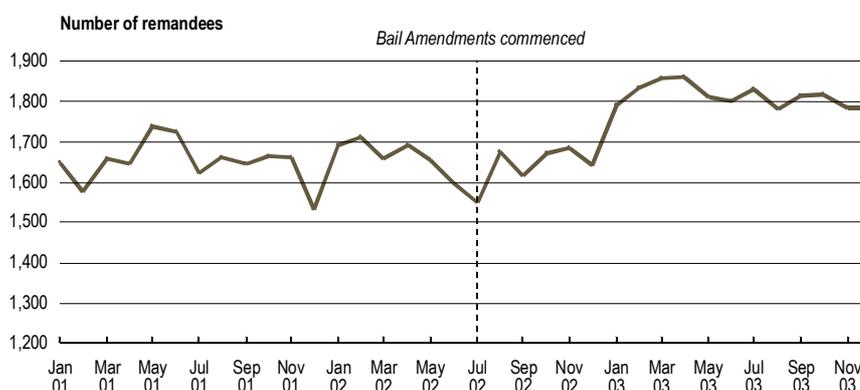
This section considers the impact of the legislative changes on the remand population. Figure 1 shows the monthly adult remand population from January

Table 7: Defendants appearing in court for an offence with a high, medium or low bail refusal rate; before and after the commencement of the Bail Amendment (Repeat Offenders) Act 2002

| Bail refusal rate of offence charged | Jan 01 to Jun 02 | | Jul 02 to Dec 03 | | Significance ¹⁰ |
|--------------------------------------|------------------|------------------|------------------|------------------|----------------------------|
| | % | (No.) | % | (No.) | |
| High | 3.3 | (6,371) | 3.2 | (6,141) | p<0.001* |
| Medium | 41.9 | (80,007) | 39.7 | (76,806) | |
| Low | 54.8 | (104,547) | 57.1 | (110,555) | |
| Total | 100.0 | (190,925) | 100.0 | (193,502) | |

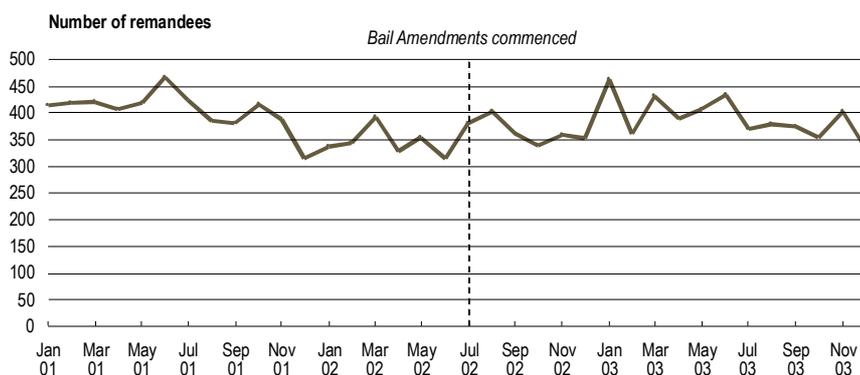
* Significant at the 0.05 level

Figure 1: NSW adult remand population, January 2001 to December 2003



Source: Department of Corrective Services, unpublished data

Figure 2: NSW juvenile remand population, January 2001 to December 2003



Source: Department of Juvenile Justice, unpublished data

2001 to December 2003. In order to assist in comparing the 18 months before and after the legislative change, a vertical line has been placed on the figure indicating the point at which the change was introduced. Figure 2 represents the monthly juvenile remand population in a similar way.

It is evident from Figure 1 that the size of the monthly adult remand population increased significantly in the period after the bail amendments were introduced.¹¹ In the 18 months from January 2001 to June 2002, the average size of the adult remand population was 1,654 persons per month, compared with an average of 1,756 per month in the 18 months from July 2002 to December 2003. This is an increase of six per cent, or about 100 additional defendants per month.

As can be seen from Figure 2, however, the juvenile remand population has not shown any observable growth in the period since the bail reforms commenced.¹² In the 18 months from January 2001 to June 2002 the average size of the juvenile remand population was 385 persons per month compared with 383 per month in the 18 months from July 2002 to December 2003.

RATES OF ABSCONDING

Finally, we consider whether there has been any change in the rate at which people fail to appear in court since the bail amendments.

Table 8 shows the proportion of people who failed to appear and for whom a warrant was subsequently issued before and after the legislative amendments.¹³

There has been a significant decrease in the proportion of people failing to appear in both the Local Court and Higher Courts since the Act commenced. In the 18 months prior to the bail amendments, 11.6 per cent of people with charges finalised in the Local Court, failed to appear. The corresponding figure for the 18 months after the bail amendments was 9.4 per cent. The overall rate of absconding in the Local Court has therefore fallen by 18.4 per cent. Absconding is less common among defendants appearing in the Higher Courts but the fall in absconding has been much greater, with the rate of failure to appear virtually halving since the changes to bail laws came into effect.

CONCLUSION

The principal objective of the *Bail Amendment (Repeat Offenders) Act 2002* was to reduce the rate of absconding on bail. It sought to achieve this by removing the presumption in favour of bail from offenders whose antecedents or background put them at higher risk of absconding. The legislation appears to have achieved both of these objectives. The bail refusal rate has increased amongst defendants who have a prior criminal record and amongst those who have a prior record of absconding. The rate of absconding has accordingly fallen in both the Local and Higher Criminal Courts. There has been no discernable change in the bail refusal

Table 8: Persons with matters finalised in the Local and Higher Courts; method of finalisation 18 months before and after the commencement of the *Bail Amendment (Repeat Offenders) Act 2002*

| Court | Method of finalisation | Jan 01 to Jun 02 | | Jul 02 to Dec 03 | | Significance ¹⁴ |
|--------|-----------------------------------|------------------|------------------|------------------|------------------|----------------------------|
| | | % | (No.) | % | (No.) | |
| Local | Failed to appear & warrant issued | 11.6 | (19,941) | 9.4 | (15,857) | p<0.001* |
| | Other outcome | 88.4 | (152,161) | 90.6 | (151,953) | |
| | Total | 100.0 | (172,102) | 100.0 | (167,810) | |
| Higher | Failed to appear & warrant issued | 3.6 | (199) | 1.9 | (104) | p<0.001* |
| | Other outcome | 96.4 | (5,404) | 98.1 | (5,363) | |
| | Total | 100.0 | (5,603) | 100.0 | (5,467) | |

* Significant at the 0.05 level

rate for defendants without prior convictions who were not targeted by the bail amendments.

Despite its apparent intention to do so, the Act does not seem to have made it easier for juveniles and Indigenous defendants to obtain bail. Among juvenile defendants (whether Indigenous or not) bail refusal rates remained stable. Indigenous adults, however, are now more likely to be refused bail than they were prior to the introduction of the Act. The rise in bail refusal rates among Indigenous adults is in some ways not that surprising. Indigenous adults are more likely than non-Indigenous defendants to appear in court with a prior criminal record (Weatherburn, Lind & Hua 2003). It is probable that this fact exerted a more significant effect on bail decision-making than the 'special need' provisions created under the Act in relation to Indigenous and other special classes of defendant.

REFERENCES

Chilvers, M., Allen, J. & Doak, P. 2002 'Absconding on Bail', *Crime and Justice Bulletin No. 68*, NSW Bureau of Crime Statistics and Research, Sydney.

New South Wales Legislative Assembly, 20 March 2002, Second reading speech of the Bail Amendment (Repeat Offenders) Bill, *Parliamentary Debates*, p 818, viewed 14 July 2005, <<http://www.parliament.nsw.gov.au/prod/web/phweb.nsf/frames/hansard>>.

Weatherburn, D., Lind, B. & Hua, J. 2003 'Contact with the New South Wales court and prison systems: The influence of age, Indigenous status and gender', *Crime and Justice Bulletin No. 78*, NSW Bureau of Crime Statistics and Research, Sydney.

NOTES

- 1 In this paper, those considered to be 'in custody' at finalisation include accused persons on remand and those in prison for a prior offence. Only the Local Court separately identifies defendants serving a previous sentence from those on remand. In this jurisdiction, about 90 per cent of people in custody at finalisation are on remand. Analysis of the Local Court figures shows that there has been no change in the composition of those in custody at finalisation since the legislative changes ($\chi^2 = 1.192$, d.f. = 1, $p=0.275$). In the 18 months prior to the legislative change 89.4 per cent of defendants in custody at finalisation were on remand compared with 89.0 per cent in the 18 months after the change. This difference is not significant. This means that the changes in the percentage of persons appearing 'in custody' at finalisation is not due to an increase in persons appearing before the court while serving a prison sentence for another offence.
- 2 The Act removed the presumption in favour of bail for persons accused of an offence who were on bail, on parole, subject to a bond or serving another sentence at the time of the alleged offence. Unfortunately there is no way to identify people who fall within this category among those appearing before the courts from the records of the Bureau of Crime Statistics and Research. Consequently, the impact of the bail amendments specifically on these offenders is not considered here.
- 3 All defendants: $\chi^2 = 35.8$, d.f. = 1, $p<0.001$
- 4 Defendants with an indictable conviction: $\chi^2 = 33.4$, d.f. = 1, $p<0.001$
Defendants without an indictable conviction: $\chi^2 = 0.2$, d.f.=1, $p=0.643$
- 5 Defendants with prior conviction for failing to appear: $\chi^2 = 23.7$, d.f.=1, $p<0.001$
Defendants with no prior conviction for failing to appear: $\chi^2 = 60.1$, d.f.=1, $p<0.001$
- 6 Defendants with prior convictions: $\chi^2 = 78.0$, d.f.=1, $p<0.001$
Defendants with no prior conviction: $\chi^2 = 0.3$, d.f.=1, $p=0.614$
- 7 Juvenile defendants $\chi^2 = 1.8$, d.f.=1, $p=0.182$
Adult defendants: $\chi^2 = 42.3$, d.f.=1, $p<0.001$
- 8 Indigenous juvenile defendants: $\chi^2 = 2.1$, d.f.=1, $p=0.147$
Non-Indigenous juvenile defendants: $\chi^2 = 0.3$, d.f.=1, $p=0.599$
Indigenous adult defendants: $\chi^2 = 47.5$, d.f.=1, $p<0.001$
Non-Indigenous adult defendants: $\chi^2 = 25.9$, d.f.=1, $p<0.001$
- 9 The 16 ASOC categories were classified as high, medium or low bail refusal rate offences according to the average bail refusal rate of defendants appearing for each offence. The offences contained in each bail refusal rate category are shown below. The bracketed figures represent the percentage of defendants bail refused for each offence in the 18 months before the Act commenced.

High bail refusal rate offences: Homicide and related offences (33.2%), Abduction and related offences (32.3%), Robbery, extortion and related offences (38.3%) and Unlawful entry with intent/ burglary, break and enter (31.6%).

Medium bail refusal rate offences: Acts intended to cause injury (8.4%), Sexual assault and related offences (10.8%), Theft and related offences (14.8%), Illicit drug offences (8.8%), Weapons and explosives offences (8.6%) and Offences against justice procedures (11.3%)

Low bail refusal rate offences: Dangerous and negligent acts endangering persons (3.4%), Deception and related offences (7.5%), Property damage and environmental pollution (6.7%), Public order offences (6.6%), Road traffic and motor vehicle regulatory offences (2.8%) and Miscellaneous offences (6.6%).
- 10 Bail refusal rate of offence charged: $\chi^2 = 220.1$, d.f.=2, $p<0.001$
- 11 Adult remand population: $t = -4.09$, d.f. = 34, $p<0.001$
- 12 Juvenile remand population: $t = 0.132$, d.f. = 34, $p=0.896$
- 13 The 'other' category includes criminal matters finalised legitimately in the defendant's absence and those finalised by sentence, defended hearing or other means.
- 14 Local Court: $\chi^2 = 411.7$, d.f. = 1, $p<0.001$
Higher Courts: $\chi^2 = 27.7$, d.f. = 1, $p<0.001$

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- No.69 Reducing Juvenile Crime: Conferencing versus Court
- No.70 Recent trends in recorded crime and police activity in Cabramatta
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- No.80 Public perceptions of crime trends in New South Wales and Western Australia