



Greg Smith SC MP

Attorney General
Minister for Justice

MEDIA RELEASE

22 May 2013

BAIL ACT PASSES PARLIAMENT

The new Bail Act is due to commence in 12 months, after being passed by the Parliament today, Attorney General Greg Smith SC has said.

“It was an election commitment by this government to modernise the complex and inconsistent bail laws to make them easier to apply, and I am proud we delivered a better Bail Act,” Mr Smith said.

“After a review by the Law Reform Commission and extensive community consultation, we have replaced a complicated system of presumptions with a risk-management test.”

“The new Bail Act is all about putting the safety of the community, victims and witnesses first.”

When considering bail, police and the courts will need to decide if the accused poses an unacceptable risk of:

- endangering the safety of victims, witnesses or the community in general,
- interfering with witnesses or evidence,
- committing another serious offence, or
- failing to appear at court.

Strict bail conditions which mitigate any of these risks can be imposed by police bail sergeants or courts.

The last Labor government amended the bail legislation 57 times, making it more complex, confusing and inconsistent each time.

“We have now eliminated the inconsistencies and replaced it with a modern, more consistent Bail Act.”

The Bail Act will come into operation in a year’s time, to allow time to train police and judicial officers who will be applying it.