Brad Hazzard MP

Attorney General
Minister for Justice

MEDIA RELEASE

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TOUGH NEW BAIL LAWS NOW OPERATING

The NSW Government's tough bail laws are now in force making it harder for serious offenders to get bail, Attorney General Brad Hazzard today announced.

Mr Hazzard said the community should feel safer now the changes are in place.

"From today, the Government's new legislation makes it very clear that those who pose an unacceptable risk as defined in the legislation, should no longer be released on bail," Mr Hazzard said.

"In the case of certain serious offences, the onus will be on the accused to show why their detention in custody is not justified.

"This applies to crimes punishable by life imprisonment, the sexual assault of a child, serious firearm and drug offences, repeat personal violence offences and any serious indictable offence committed while a person is on bail or parole.

"This is about keeping the state's most dangerous criminals off the streets so we can better protect the community," Mr Hazzard said.

The amendments to the Bail Act were introduced following community concerns and recommendations made in an independent review by District Court Judge and former Attorney General John Hatzistergos last year.

Some of the key changes that have been adopted include:

- accused people deemed an "unacceptable risk" will be refused bail;
- new risk factors will be included in the determination of bail, including whether the accused has criminal associations, victims' views and whether the accused have any history of non-compliance with bail and other court orders; and
- making it clear the new Bail Act by itself is not a "change of circumstances" sufficient to justify a review of a previous bail decision.

Mr Hazzard said since the amendments were passed by Parliament thousands of frontline police, legal practitioners and the judiciary have received training.

"The time required to guarantee all police and courts understand the bail laws has been critical to ensure appropriate decision making as they go about their work in protecting our community," he said.

“I have asked Judge Hatzistergos to monitor the bail laws over the next few months. He will deliver a final report mid-year to determine whether any further amendments are needed,” Mr Hazzard said.

The Bail Monitoring Group, which consists of representatives from police and justice agencies, will also continue to review the Bail Act to ensure it is operating as intended by the Government and as expected by the community.