
Bail system in Victoria reviewed

The VLRC's discussion paper, Review of the Bail Act 1977, released in July by former Chairman of the Victorian Sentencing Committee and Supreme Court Judge, Sir John Starke QC, seeks a radical overhaul of Victoria's Bail law.

The *Bail Act 1977* gives most arrested people a right to bail, but this right is conditional. Conditions are meant to ensure that the accused person does not commit another offence, endanger the public, or interfere with witnesses or the administration of justice while on bail.

Law Reform Commissioner, Ted Wright, said that

the reference arose from legitimate and humane concerns that too many people were unnecessarily being held captive in prisons for periods up to nine months before committal and another six to nine months before their trial.

In cases where the accused person has received a non-custodial sentence at his or her trial, we have the intolerable situation where people have been kept in prison undeservedly for months.

The VLRC's paper focusses on three issues: the scope of the bail system, the *Bail Act* itself, and decisions about bail made in court.

The paper says that the bail system is inefficient. Time and effort are expended on decisions about bail which are quite unnecessary. The Commission suggests that a simple administrative change in police procedure which entitles police and courts to issue a court attendance order is all that is required. This practice has greatly reduced the number of bail decisions in NSW.

Changes to the Act are also suggested. The paper says that police should be able to use on-the-spot summons in cases where bail would be granted and courts should be able to dispense with bail altogether in cases where there is no reason to believe the accused person will not turn up for trial, or will commit a violent offence before trial.

In examining the exceptions to the general entitlement to bail, the VLRC states that it is doubtful whether there is any justification for the special treatment of the cases picked out by the *Bail Act*.

The VLRC believes that the rules requiring exceptional circumstances or the showing of cause in relation to certain types of offence should be abolished. Bail should be available on the same basis and according to the same criteria in relation to all offences.

The Commission is requesting comment on these proposals by 5 September. Copies of the paper are available from the Commission, 7th Floor, 160 Queen Street, Melbourne. (Tel: (03) 602—4566)
