

**LEGISLATIVE COUNCIL**

**BAIL AMENDMENT (STAGE ONE) BILL 2017**

(Amendments to be proposed in Committee by Ms PENNICUIK)

1. Clause 5, lines 32 to 33, omit all words and expressions on these lines and insert—
  - '(3) For section 4(2)(d)(i) of the **Bail Act 1977** substitute—
    - "(i) that there is an unacceptable risk that the accused if released on bail would—
      - (A) endanger the safety or welfare of any person; or
      - (B) commit an offence; or
      - (C) interfere with witnesses or otherwise obstruct the course of justice whether in relation to the accused or any other person; or
      - (D) fail to appear in court in answer to bail.".'
2. Clause 5, page 6, lines 8 to 10, omit all words and expressions on these lines and insert—
  - '(6) For section 4(3) of the **Bail Act 1977** substitute—
    - "(3) In determining whether to refuse bail under this section, a bail decision maker is to consider the following matters—
      - (a) the nature and seriousness of the alleged offending, including whether or not it is a serious example of the offence;
      - (b) the strength of the evidence against the accused;
      - (c) the criminal history of the accused;
      - (d) compliance by the accused with any previous grants of bail;
      - (e) whether the accused is alleged to have committed the offence—
        - (i) while on bail for another offence; or
        - (ii) while subject to a summons to answer to a charge for another offence; or
        - (iii) while at large; or
        - (iv) during the period of a community correction order made in respect of the accused for another offence or while otherwise serving a sentence for another offence; or
        - (v) while released under a parole order;
      - (f) the personal circumstances, associations, home environment and background of the accused;

- (g) any special vulnerability of the accused, including by reason of youth, being an Aboriginal person, ill health, cognitive impairment, intellectual disability or mental health;
- (h) the availability of bail support services;
- (i) any view, or likely view, of the alleged victim of the offence to the grant of bail;
- (j) the length of time the accused is likely to spend in custody if bail is refused;
- (k) the likely sentence should the accused be found guilty of the offence charged;
- (l) whether the accused has expressed publicly support for—
  - (i) a terrorist act or a terrorist organisation; or
  - (ii) the provision of resources to a terrorist organisation.

(3A) In this section—

***at large*** means a person who has failed to appear at court and is subject to a warrant to arrest that has been issued but not yet executed.

(3B) A bail decision maker considering granting bail to an accused under this section must consider whether or not any conditions could be imposed to reduce any risks associated with the granting of bail.".'.

3. Clause 5, page 6, line 18, omit "compelling" and insert "good".
4. Clause 5, page 6, line 26, omit "compelling" and insert "good".
5. Clause 13, page 22, line 2, omit "compelling" and insert "good".