

Estimates Committee 2008
Questions Taken On Notice

(17/6/2008 to 20/6/2008)

Date: 18/06/2008 Output: Court Support and Independent Offices
Sub Output: Office of the Director of Public Prosecutions

Subject: Bail Applications - DPP Opposition following amendments to Bail Act

From: Ms Jodeen Carney MLA to Dr Chris Burns MLA
Minister for Justice and Attorney-General

Question: **5-12**
How many bail applications were successfully opposed in the last 12 months in relation to the changes made in 2005 to the Bail Act?

Answer:
Answered On: 23/06/2008

ESTIMATES QUESTION

Question on Notice 5.12

How many bail applications were successfully opposed in the last 12 months in relation to the changes made in 2005 to the Bail Act?

The overwhelming majority of bail applications are dealt with by police and Summary Prosecutions in the Magistrates Court. The outcome of those applications are not recorded on the ODPP CaseNet system. The Police Officer in charge of Summary Prosecutions has advised that they do not record data specifically highlighting that a bail application was opposed. Of the matters that are dealt with in the Supreme Court where a specific Bail Hearing has been listed the results are as follows:

	Total	Remanded in Custody	Granted Bail
Bail Application hearings	20		
Opposed by ODPP	17	13	4 ¹
Not Opposed by ODPP ²	3		3
Bail Hearings for Sexual Offences in relation to changes made in 2005	2	1	1

How many prosecutions have there been in relation to changes made to the Justice Legislation (Group Criminal Activities) Bill in August 2006?

During the hearing the Minister tabled information in relation to this question – see attached Tabled Paper #1372.

¹ Of these four bail applications that were granted two were for the period of one day

² Bail may not be opposed by the ODPP with certain conditions being met



Gang-related Offences

The Anti-gang legislation commenced on December 2006.

Three new offences were established: loitering following notice; violent disorder; consorting between known offenders. Police have advised that they find these a valuable tool.

Department of Justice has data from commencement to 31 December 2007 - the first 13 months of operation of the legislation.

Over the period December 2006 to 31 December 2007:

- Police recorded 173 apprehensions relating to gang offences - these apprehensions may also include other (non-gang) offences
- Of the 173 Apprehensions 95% (164) proceeded to court
- Of those cases proceeding to court 49% (80) were finalised by 31 December 2007 and (51%) 84 were pending finalisation
- Of the 80 finalised cases 83% (66) were convicted and 18% (14) were not convicted
- Of the 66 convictions 44% (29) received a custodial sentence and 56% (37) received a non-custodial sentence.