



Hon Kerry Shine MP
Member for Toowoomba North

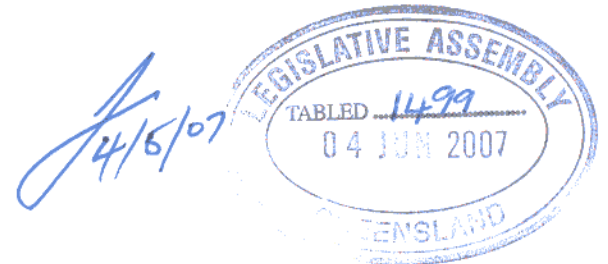


In reply please quote: 2007/03032 J/07/02559
Your reference: 803-07

Attorney-General and Minister for Justice
and Minister Assisting the Premier
in Western Queensland

01 JUN 2007

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000



LAI UPON THE TABLE OF THE HOUSE
THE CLERK OF THE PARLIAMENT

Dear Mr Laurie

Petition received by the Queensland Legislative Assembly No 803-07

Thank you for your letter dated 19 April 2007 concerning the lodgement of a petition (803-07) with the Parliament of Queensland regarding the granting of bail for serious, violent, repeat alleged offenders.

The decision to release a person on bail is a decision for the courts, acting within the framework provided by legislation. The *Bail Act 1980* (the Act) provides that where a court determines that a defendant represents an unacceptable risk of failing to appear, committing further offences, endangering the community or interfering with witnesses bail will not be granted. Whether or not the particular person represents an unacceptable risk is a matter for the magistrate or judge based upon the facts before them. Matters which must be taken into account by the magistrate or judge in determining whether there is an unacceptable risk, include the nature and seriousness of the offence, the background of the defendant, the strength of the evidence against him or her, and whether he or she has complied with any previous grants of bail.

If a magistrate or judge grants bail, the defendant's release may be subject to conditions. These may include the requirement for a surety, or special conditions concerning place of residence, reporting to police on nominated days, not approaching or contacting witnesses or surrendering any passports. In imposing such conditions the court considers the nature of the offence, the circumstances of the defendant and the public interest. The purpose of any condition imposed is to ensure, as far as possible, that the person appears at

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court in accordance with his or her undertaking, and does not commit further offences, endanger the safety of the public, or interfere with witnesses whilst he or she is at liberty.

The Act provides a mechanism for the prosecution, a complainant, or the defendant to seek a review of, or appeal from, a decision to grant, vary, enlarge or revoke bail. The reviewing court is the Supreme Court where the initial decision was made by a magistrate and the Magistrates Court where the decision was made by a police officer or justice who is not a magistrate. The reviewing court may consider additional information or evidence and may make any order it considers appropriate.

The Act provides a balance between the right of any citizen accused, but not convicted, of an offence, to the presumption of innocence, and the protection of the community. I am of the view that the Act operates effectively and there is no demonstrated need to amend the Act.

I trust this information is of assistance to you.

Yours sincerely

Hon Kerry Shine MP
**Attorney-General and Minister for Justice
and Minister Assisting the Premier in Western Queensland**