



Council of Social Service of New South Wales

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Ms. Penny Musgrave
Director
Criminal Law Review
Department of Justice and Attorney General
penny_musgrave@agd.nsw.gov.au

Dear Ms. Musgrave,

I am writing to you on behalf of the Council of Social Service of NSW (NCOSS) to thank you for the opportunity to comment on the current Review of the Bail Act. Unfortunately due to the short time frames given for response NCOSS has been unable to make a comprehensive submission.

NCOSS has long been a strong advocate for changes to the bail laws, which are resulting in more people being held on remand, many of whom do not subsequently receive a custodial sentence. For example a report released by the Select Committee on the Increase in Prisoner Population (2001) noted that the biggest contributing factor to the increasing size of the prison population is the growth of the number of people on remand, and the reality that most of these people are ultimately not given custodial sentences.¹ Between 2005 and 2006 nearly 10,500 people spent some time on remand. Recent studies by the Bureau of Crime Statistics and Research also highlights that adult Aboriginal people are also more likely to be held on remand.²

However, the current Bail Act has an even greater impact on young people resulting in the alarming rise in the number of young people being held on remand in juvenile detention centres³. The two most significant factors leading to this increase in the remand population were:

- Changes to the *Bail Act* making it harder for young people to be granted bail, specifically s22A.
- Proactive policing of young people on bail leading to the arrest of many young people for minor breaches of bail conditions.

The Youth Justice Coalition's submission makes a number of recommendations that will address these factors and reduce the number of young people on remand. NCOSS strongly supports the submission made by the Youth Justice Coalition (YJC)

¹ New South Wales Parliament Legislative Council, Select Committee on the Increase in the Prisoner Population, *Final Report* - November 2001, p xii.

² Fitzgerald J and Weatherburn D, the Impact of the Bail Amendment (Repeat Offenders) Act 2002, *Crime and Justice Bulletin*, No 83, NSW Bureau of Crime Statistics and Research, August 2004.

³ In 2008 the Department of Juvenile Justice identified that the numbers of young people on remand had increased by 32% in the previous twelve months.

and recommends that a representative from the YJC is included as part of the proposed roundtable discussion on the Review.

If you require any further information please contact (on juvenile justice issues) Dev Mukherjee, Senior Policy Officer, on dev@ncoss.org.au or (02) 9211 2599 ext 116 or (for adult prisoner issues) Samantha Edmonds, Deputy Director, Policy & Communications, on samantha@ncoss.org.au or (02) 9211 2599 ext 111.

Yours Sincerely

A handwritten signature in cursive script that reads "Alison Peters".

Alison Peters
Director

29th October, 2010.