



NSW Legislative Council Hansard

Bail Amendment (Lifetime Parole) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 18 October 2006.

Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Roads) [4.05 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of the *Bail Amendment (Lifetime Parole) Bill* is to amend the *Bail Act 1978* to provide for a presumption against bail for people who are on life parole and who are charged with a further offence carrying a penalty of imprisonment.

This is a targeted amendment that will apply to a small group of prisoners who have had a life sentence imposed upon them but who have been released on parole for the rest of their life. To be on parole for life a prisoner must have been sentenced to imprisonment for life before the introduction of the so-called truth in sentencing reforms, which commenced in 1989, and have had their life sentence redetermined under the transitional provisions.

This category of person is quite unlike any other group in society. The community might reasonably expect that lifetime parolees, following release from prison, should make every effort not to come into contact with the criminal justice system again.

I will now outline the provisions of the bill.

The amendments to the *Bail Act* are contained in Schedule 1 to the bill. Item [1] inserts proposed new section 8E into the *Bail Act*.

The new section imposes a presumption against bail on any person who is accused of an offence for which a penalty of imprisonment may be imposed and who is serving a sentence of imprisonment for life and is on release on parole.

The new section applies to persons who have been released on parole after having had non-parole periods determined by the Supreme Court under the *Crimes (Sentencing Procedure) Act 1999*, which applies to life sentences imposed during a particular period.

Item [2] amends section 9 to make it clear that the presumption in favour of bail does not apply to people to whom proposed new section 8E applies.

Item [3] amends section 9D to make it clear that the presumption against bail under that section will still apply to people to whom proposed new section 8E applies who are accused of serious personal violence offences.

Item [4] amends section 32 to make it clear that the criteria for determining bail apply to people to whom proposed new section 8E applies.

Item [5] amends section 38 of the Act to require the reasons for granting bail to people to whom proposed new section 8E applies to be recorded immediately.

Item [6] inserts part 17 into schedule 1 of the *Bail Act* so that the changes made by this bill apply to a person who is accused of committing an offence before the bill commences if a person is charged with the offence on or after that commencement.

This bill is a measured response to ensure that if life parolees come before the courts again they will bear the burden of convincing the court that bail should be granted.

I commend the bill to the House.