

House of Representatives

Supplementary Order Paper

Tuesday, 27 August 2013

Bail Amendment Bill

Proposed amendment

Richard Prosser, in Committee, to move the following amendment:

Clause 8

In *clause 8* (after line 3 on page 9), insert:

- (1) Replace section 10(1) with:
 - “(1) Replace the title of section 10 with ‘**Restriction on bail if defendant charged with specified offences**’
 - “(2) This section applies to a defendant of or over the age of 17 years who is charged with a specified offence (as defined in subsection (2)).”
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Explanatory note

This Supplementary Order Paper amends the Bail Amendment Bill. The Bill added 6 more offences, including kidnapping and aggravated burglary, to the list of now 18 offences that are subject to a reverse onus of proof (all strike offences). But the threshold for that is still too high, as it requires the accused to have been previously convicted of one of those specified offences. This Supplementary Order Paper proposes the bail application should not require a previous conviction. The reverse onus of proof should apply upon being charged with one of the 18 specified offences.
