

2023

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Amendment to the BAIL AMENDMENT BILL 2023

SUPPLEMENTARY EXPLANATORY STATEMENT

into

**Dr Marisa Paterson MLA
Member for Murrumbidgee**

1 NOVEMBER 2023

OVERVIEW OF THE AMENDMENTS

On 28th June 2023, the Bail Amendment Bill 2023 was introduced to the Legislative Assembly. The policy objective was to shift the presumption of bail to a neutral presumption for three crimes:

1. Culpable driving of a motor vehicle.
2. Driving a motor vehicle at police.
3. Furious, reckless or dangerous driving.

The explanatory statement accompanying the Bill provides a detailed account of the human rights provisions contained in the Bill.

The amendments to the Bail Amendment Bill 2023 introduce the new clause to see that no presumption of bail applies exclusively to ‘repeat offenders’ within the context of furious, reckless, or dangerous driving offences under the Road Transport (Safety and Traffic Management) Act 1999.

The amendments further remove Clause 5 - the entire offence of furious, reckless, or dangerous driving offences under the Road Transport (Safety and Traffic Management) Act 1999) from the Bail Amendment Bill 2023.

These amendments are consistent with the recommendation from the report of the Standing Committee on Justice and Community Safety’s Inquiry into Dangerous Driving; that the ACT Government enact legislation to establish a neutral presumption of bail for serious dangerous driving offenses, including driving at police, and for recidivist motor vehicle offenders. This amendment aims to strike a balance between public safety and individual rights, ensuring that those who pose the highest risk to the community face appropriate scrutiny.

As per the revised Explanatory Statement for the Bail Amendment Bill 2023, the amendments which see the ‘repeat offender’ only aspect of the offence ‘Furious, reckless, or dangerous driving’ of the Road Transport (Safety and Traffic Management) Act 1999 hold the same justification in respect to limitations on human rights.

By specifically targeting repeat offenders through this amendment, it will allow for a more precise application of the law, which balances human rights and protection of the community from dangerous driving.

CLAUSE NOTES

Clause 1 Propose New clause 3A – Page 2, line 8-

New Section 9B (ca)

Clause 2 Oppose Clause 5- Page 2, line 12-