

## Response to Question on Notice

### Q. 3 Please provide any data for 2015-16 on the number of time bail justices remanded people before them versus how many magistrates did?

The following data has been extracted from the Magistrates' Court 'Courtlink' case management system, and should be read in conjunction with the accompanying notes.

During the period 1 July 2015 to 30 June 2016 in the Magistrates' Court of Victoria:

- 43,997 cases were initiated by either 'Charge' or 'Charge and Warrant' - meaning that bail is an issue that has either been addressed by the Police or a bail justice, or needs to be determined by a magistrate—
  - 9,424\* of these cases were recorded as having been brought before the court in custody without having been dealt with by a bail justice (generally in circumstances where the person would have been arrested within 24 hours of the next court sitting)
  - 5,371\* of these cases were recorded as having had bail refused by a bail justice
  - 34,573 of these cases were recorded as having had bail addressed prior to the first court appearance
  - There were 14,795 cases where bail was not granted by either police or a bail justice.
- 33,219 bail applications were adjudicated—
  - 11,883 of these cases resulted in a refusal to grant bail. A total of 35.8 per cent of bail applications were refused.

## Data Notes:

- \* Inaccurate processing in Courtlink may have resulted in outcomes being recorded as 'accused brought to court in custody' rather than 'bail previously refused'. These individual figures may therefore not be accurate.

## General Notes:

1. In comparing rates of remand in custody between bail justices and magistrates it is important to understand the context of when a person is brought before a bail justice to determine bail compared to the circumstances when they would be brought before a magistrate.
  - Under the *Bail Act 1977*, if an offender is arrested outside of court hours and police do not oppose bail, in most circumstances, the person may be bailed by a police officer of or above the rank of sergeant. If police oppose bail, the offender must be brought before a bail justice.
  - Where an offender has previously been refused bail, or where the person has been taken into custody during court hours (or just prior to court hours), the matter would be brought before a magistrate. A number of these matters will be in circumstances where police do not oppose bail.
2. A bail justice may only remand an offender in custody until the next court sitting, whereas a magistrate may make an order remanding a person in custody for an extended period of time.