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AUSTRALIAN FEDERAL POLICE ASSOCIATION MEDIA RELEASE

DO VICTIM RIGHTS MATTER TO THE JUDICIARY?

The Australian Federal Police Association (AFPA) is appalled by the decision to grant bail to a recidivist offender who allegedly attacked a police officer in the company of two other recidivist offenders.

AFPA President Alex Caruana said that the bail decision made no sense, questioning whether the ACT judiciary even factored the welfare and safety of victims into their decisions.

"Three recidivist offenders allegedly targeted the ACT Policing member involved. They camped outside his family home, waiting for him and then rammed his vehicle multiple times.

"Police officers can be victims. The victim now must deal with knowing that the person who attacked him is still walking the streets. The offender knows where the victim lives and could potentially return at any time. Imagine what the members' family is going through. What consideration was given to them when deciding on bail? The mental welfare and safety of this member and his family is a top priority for me and the AFPA, and I will not stand for any decisions or processes which could jeopardise it.

"Bail conditions mean nothing in keeping someone away; all they do is give police the power to arrest someone if they breach those bail conditions.

"In this case, the judiciary even acknowledged the criminal history of the alleged offender, but due to his 'impeccable' history of attending court, decided to grant bail. What about the safety and wellbeing of the victim? A normal person wouldn't be appearing in front of court in the first place" Mr Caruana said.

The AFPA acknowledges that the Attorney-General has commissioned a study for the Justice and Community Safety Directorate to examine how bail is defined in legislation, as well as investigate whether any recent court cases highlighting a need for bail reform.

Mr Caruana said that this study should be included in a holistic review of sentencing and bail, which is only a small part of the bigger picture.

"There isn't much wrong with the bail legislation; it's about how the judiciary applies it. Bail is only part of the equation: what is Attorney-General Rattenbury doing about sentencing? It is abundantly clear that the Attorney-General does not want to review sentencing outcomes in the ACT. Why is he scrutinising legislation and not the judiciary's actions?

"It's the same with the penalties; many legislated penalties are suitable. For example, the penalty for a burglary is 1400 penalty units (\$224,000), imprisonment for 14 years, or both. Taking a motor vehicle without consent has a maximum penalty of 500 penalty units (\$80,000), imprisonment for five years, or both. I'd be confident that the judiciary has never applied a maximum penalty for either of these offences. But again, the way in which sentencing is applied is the crux of the issue, not legislation.

"Our call for a meaningful and substantive holistic review would involve an independent body looking at sentencing and bail outcomes, not a study that has a narrow term of reference and fails to grasp the bigger picture. Mr Caruana said.

For comments:

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