

Attorney-General Greg Smith is reviewing bail laws for gays and lesbians

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Attorney General Greg Smith is advocating a softer approach for accused gays on bail. Picture: Toby Zerna
Source: The Daily Telegraph

GAYS and lesbians will be given a get-out-of-jail-free card under proposals to soften the state's bail laws currently before Attorney-General Greg Smith.

Other alleged offenders who are deemed "vulnerable" - including transgender, young or old people and those of "multicultural background" - would also be given an advantage when applying for bail under proposals in a review of the bail laws ordered by Mr Smith.

In a decision which has angered police, the presumption against bail for serious offences like murder, armed robbery, firearms offences and serious sexual assault would also be removed under the proposals from the Law Reform Commission.

The bail review does not stipulate why people of "multicultural background" would be deemed vulnerable but it might apply to those without a strong grasp of English.

The review is another push by Mr Smith to lower the prison population but police are concerned at the proposals as refusing bail has been a useful tool in keeping criminals off the streets.

"Their starting position seems to be everyone should get bail," a senior officer said.

The secret review paper, from Hal Sperling QC, has been distributed to key stakeholders like the Bar Association for further comment before a final report is presented to Mr Smith and taken to cabinet.

Last night in response to questions from The Daily Telegraph, Mr Smith's office promised that: "The NSW government will not be changing the bail laws to allow accused murderers, rapists and armed robbers to roam our streets."

A spokesman also said he had been told there would be "significant" changes to the final report.

It is understood there are also recommendations for the removal from the Bail Act of a provision which talks about judges and magistrates needed to consider the "safety of the community" when releasing someone on bail.

A spokesman for the Mr Smith did not deny any of the findings last night.

"I would point out it is not the final report, which will delivered after input from stakeholders," a spokesman for Mr Smith said.

"The Attorney-General looks forward to receiving the final report and discussing its contents with his colleagues.

"However, the NSW government will not be changing the bail laws to allow accused murderers, rapists and armed robbers to roam our streets.

"The community wouldn't accept that and the government won't accept that."

Mr Smith's push for softer bail laws comes after last week's revelation that he had ordered a review by the Law Reform Commission of sentencing designed to keep more people out of jail.

This morning, Attorney-General Greg Smith said they wouldn't be letting "rapists" and "murderers" out on the street, but also said that bail shouldn't be used to punish.

"Bail shouldn't be used as punishment. The purpose of bail is to make sure that people turn up to court, to stop them re-offending and to prevent interference with witnesses and victims and things like that, that's the clear purpose, but bail seems to have been turned into a way of refusing young people freedom..," Mr Smith told Alan Jones on 2GB this morning.

"Certainly this suggestion that we're going to allow rapists and murderers out on to the street, giving them bail, that's just absurd."

He said he hadn't given thought to the suggestion that gays, lesbians and other vulnerable people would get special consideration under a proposal for new bail laws.

"I certainly haven't given particular thought to any of those groups," he said.

"There may be some consideration for vulnerable people, but I always took that to mean people suffering from intellectual handicap...(they may) need to be segregated from other prisoners or perhaps need strong supervision outside the jail when they're on bail, but depending on the circumstances, but I'm certainly not trying to change the whole concept."