



CHIEF MAGISTRATE'S CHAMBERS

MAGISTRATES COURT OF WESTERN AUSTRALIA
501 HAY STREET
PERTH WA 6000

Hon S O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr O'Brien

Petition Relating to the Remand of Female Offenders

I refer to your letter of 23 June 2016.

Unfortunately the Court does not maintain statistics which would indicate why a female offender is refused bail. In most cases a decision to remand any offender in custody is as a result of a combination of the factors that are required to be taken into account by the *Bail Act*. Lack of a place of residence, inability to meet a surety requirement and previous failures to attend Court are all matters that are taken into account but none of them alone would necessarily result in a refusal to grant bail.

I have on numerous occasions suggested to the Department of Corrective Services that in order to determine why the remand population has increased, it should conduct an audit of all remand prisoners on a particular day in order to ascertain why they are remanded in custody and how long they have been so remanded. Unfortunately the Department of Corrective Services have not acted upon my suggestion.

I can say that no offenders are refused bail as a result of a failure to pay fines. The fines enforcement legislation operates independently of the Courts. Those who are required to serve terms of imprisonment as a result of unpaid fines are not brought to Court and have no opportunity to have bail considered.

The existence of a bail hostel for non-violent offenders would provide the Court with another option when considering bail. Without any information as to how many women who are currently on remand would be suitable for accommodation in such a facility, it is not possible to comment upon whether such a facility would be economically viable.

If you wish further clarification with respect to these matters I am happy to provide it.

Yours sincerely

Steven Heath
Chief Magistrate

4 July 2016