

MEDIA RELEASE



UNIVERSITY
OF TASMANIA

TUESDAY 18 MARCH, 2003

ATTENTION: Chiefs of Staff, News Editors ...

TASMANIA LAW REFORM INSTITUTE

Custody, Arrest and Police Bail

Tasmania Law Reform Institute releases its first final report

The Attorney-General will table the report in Parliament today (Tues 18 March). The publication of this final report is made following consultation with participants in the Criminal Justice System. The consultation was performed by the release of an issues paper on this topic in March 2002. The report makes the following recommendation:

Recommendation 1:

That the term 'in custody' in the *Criminal Law (Detention and Interrogation) Act 1995* be extended to include suspects in the company or control of the police who are being or are to be questioned or are otherwise being investigated and:

- (a) who would be arrested if they attempted to leave; or
- (b) in respect of whom there is sufficient evidence to justify a lawful arrest.

Recommendation 2:

That a person being questioned as a suspect about their involvement in the commission of an indictable offence be afforded the following protections regardless of whether they are in custody or not:

- being cautioned;
- being informed of the right to communicate with a friend, relative or lawyer and have questioning delayed for such a person to be present during questioning; and
- being provided with an interpreter when required.

Recommendation 3:

That s 301 of the Criminal Code be amended to make it clear that failure to give reasons for arrest makes that arrest unlawful.

These recommendations will enhance the protection of the basic right to personal liberty. The enactment of Recommendation 2 will be a significant advancement of the rights of suspects of serious offences in Tasmania. Recommendation 2 is based on reform that occurred in Queensland over 5 years ago.

The final report can be downloaded from the Institute's web page at:

<http://www.law.utas.edu.au/reform/>

or a copy can be sent to any group or person, contact:

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BACKGROUND: Information on the Tasmania Law Reform Institute

The Tasmania Law Reform Institute was established on 23 July 2001 by agreement between the Government of the State of Tasmania, the University of Tasmania and The Law Society of Tasmania. The creation of the Institute was part of a Partnership Agreement between the University and the State Government signed in 2000.

The Institute is based at the Sandy Bay campus of the University of Tasmania within the Law Faculty. The Institute undertakes law reform work and research on topics proposed by the Government, the community, the University and the Institute itself.

The Institute's Director is Professor Kate Warner of the University of Tasmania. The members of the Board of the Institute are Professor Kate Warner (Chair), Professor Don Chalmers (Dean of the Faculty of Law at the University of Tasmania), The Honourable Justice AM Blow OAM (appointed by the Honourable Chief Justice of Tasmania), Paul Turner (appointed by the Attorney-General), Philip Jackson (appointed by the Law Society), Terese Henning (appointed by the Council of the University) and Mr Mathew Wilkins (nominated by the Tasmanian Bar Association).

ENDS...

FURTHER INFORMATION/INTERVIEWS:

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