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Compelling argument for bail reform awarded Annual Essay Prize for 2022

There's a strong need to change the bail system to address the disproportionate burden it places on the most vulnerable and disadvantaged in society.

That's the main argument of the winning entry in the Australian Academy of Law's 2022 Essay competition which asked the question:

"What are one or more reforms that could be made to remedy deficiencies in the administration by Australian courts of the criminal law as it applies to minorities or disadvantaged groups?"

The 2022 prize winners are Catherine Bugler (QUT) and Alice Muir (UQ) who both currently work as Associates to Judges of the Supreme Court of Queensland.

In their winning essay, they chose to focus on the bail system and what they contend are systemic inequalities which fail to accommodate cultural, gendered and socio-economic differences:

'The current system is working to perpetuate pervasive inequalities and disproportionately disadvantages three vulnerable groups: Indigenous Australians, women, and people experiencing homelessness.'

They detailed the main areas of concern and proposed several pragmatic solutions including: tailoring bail conditions according to the unique needs of specific groups like Aboriginal and Torres Strait Islander people; varying the reporting and fixed address conditions in recognition of homeless people and those who have cultural reasons for travelling; incorporating social services into the Court system; and mandating cultural education for judicial officers involved in bail determinations.

Both Alice and Catherine say they are grateful to the Australian Academy of Law because the essay competition motivated them to write about what experts describe as a 'bail crisis':

'Bail is fundamental to protect personal liberty and the presumption of innocence. The essay question forced us to grapple with how the bail system perpetuates and exacerbates existing inequalities in the administration of the criminal justice system.'

The judging panel of former High Court Justice, Professor William Gummow AC, Emeritus Professor Kate Warner AC and Mr Tim Game SC praised the essay as 'a thoughtful and perceptive consideration of relevant doctrinal and practical issues.'

In particular, the Panel commended the authors for their detailed exploration of how to improve the system:

'We were most impressed at the depth of thought given to practical solutions aimed at alleviating the potential adverse impact of bail determinations on disadvantaged groups.'

AAL President, Alan Robertson says one of the goals of the \$10 000 annual essay competition is to encourage entrants to consider important legal issues in need of resolution:

‘Each year, we set a topic which we consider will assist in promoting high standards of legal research, scholarship and education.’

The winning essay is published on the Academy of Law’s [website](#) and will also appear in a 2023 edition of the Australian Law Journal.

Ends

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