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Ombudsman review of non-association and place restriction orders and conditions

A report on a two-year review by the Ombudsman of the *Justice Legislation Amendment (Non-association and Place Restriction) Act 2001*, completed in 2006, was finally tabled by the Government in Parliament today.

The Act amended existing sentencing, bail and sentence administration laws (for parole, leave and home detention) to establish specific orders and conditions that prohibit an offender or alleged offender from associating with specified persons and attending specified places. The Act was introduced as part of a package of legislation designed to target gang-related crime.

The Ombudsman's review of the Act found that the non-association and place restriction orders at sentencing were used infrequently, with only 20 orders being made by courts during the two-year review. There had also been no appreciable increase in the use of bail or parole conditions restricting associations between offenders and other persons, or restricting offenders from attending specified places.

“In many respects, the new laws duplicate the existing powers of courts, police and correctional authorities to impose these type of conditions on offenders or accused persons” said the Ombudsman, Bruce Barbour. **“For reasons including lack of knowledge and certainty, authorities have generally relied on existing powers when dealing with those persons.”**

Given that the legislation is not meeting the objectives of targeting and breaking up gangs, the Ombudsman has recommended that Parliament consider whether some aspects should continue at all.

The report makes recommendations to improve the flexibility for courts imposing non-association and place restriction orders. It also recommends new bail guidelines to assist police officers and courts in determining non-association and place restriction conditions.

Copies of the Ombudsman's report are available at: www.ombo.nsw.gov.au