

SENTENCING SPOTLIGHT ON... BREACH OF BAIL

RESOURCE 2

A defendant (a person charged with a crime) must abide by particular conditions when they are granted bail. If a defendant fails to comply with the conditions of their bail, they may be charged with a criminal offence.

Learning outcomes

Students will:

- use legal terminology
- comprehend infographics
- hypothesise the reasons behind trends shown in statistical information.

Focus questions

- How many defendants breach bail?
- What are the legal consequences if a defendant breaches bail?

Key concepts

- adult offender
- defendant
- bail
- most serious offence (MSO)
- non-custodial penalty
- young offenders—reprimand.

Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11 and 12, specifically the core area of criminal law.

It ties in with Unit 1: Beyond reasonable doubt, Topic 4: punishment and sentencing.

This resource has been designed to be used with the Council's [Sentencing Spotlight on...breach of bail](#).

Getting started

1. Brainstorm different ways a person may breach bail.
2. Lead a critical discussion about how breach of bail offences are represented in the media and why this may be the case.

Further resources

The following websites may further enhance the learning outcomes associated with this resource:

- [Queensland Sentencing Advisory Council](#)
- [Legal Aid Queensland](#)
- [Queensland Government—applying for bail](#)
- [Queensland Legislation](#)

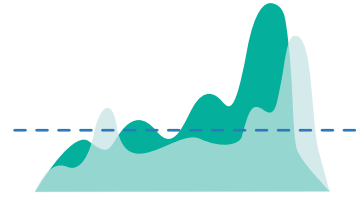
LEARNING RESOURCE



107,779
offenders sentenced



63,769
breach of bail offence
as most serious offence (MSO)



Average age
30 years



79.5%
male offenders



84.4%
received a
non-custodial penalty



95.5%
pleaded guilty

Source: Department of Justice and Attorney-General's Queensland Wide Inter-linked Courts (QWIC) database, as maintained by the Queensland Government Statistician (GovStats). Additional details about cases were sourced, where available, from sentencing remarks direct from the courts.

Your turn

1. Identify how many people were sentenced as a result of breaching their bail.
2. The number of people breaching bail has increased each year since 2008–09. Why do you think this is the case?
3. Is it more likely for a breach of bail offence to be the most serious offence (MSO) or another offence? Hypothesise what this may reveal about the types of offences that people breaching bail may be committing.
4. Describe the common characteristics of an average defendant who breaches bail. Consider their age, gender, type of offence etc.
5. Identify the most common type of penalty or sentence given to someone who breaches bail. Hypothesise why this is the case.
6. Explain why the majority of young offenders receive a reprimand. Do you agree or disagree with this penalty? Justify your response with legal reasons. (Hint: you may think about the purposes of sentencing).