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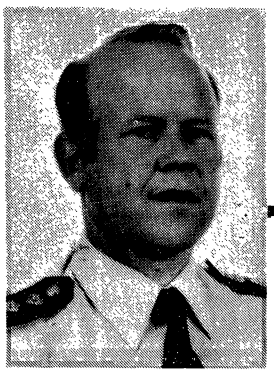

THE BAIL ACT (1977) VICTORIA POLICE AND PRACTICE

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A Research Paper prepared by

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Introduction

There is nothing more precious to an individual than life and liberty, anything less than freedom within the constraints of democratic government is oppression. A fundamental objective of the contemporary democratic State is to safeguard individual freedom which is guaranteed by law. In the State of Victoria the Police Force forms part of the executive arm of government and constables are sworn to uphold laws governing personal conduct. A primary objective of a modern police service is the prevention and detection of crime, and it is natural police have a responsibility in ensuring that persons apprehended for serious crimes actually appear before courts to answer charges. Police are also concerned that accused persons released on bail are not responsible for the commission of criminal offences.

All persons are vested with statutory powers to arrest other persons found committing offences; police have wider arrest powers. The apprehension of persons accused of crime is a daily occurrence for many police and the decision to arrest may be well considered or unpremeditated. Immediately following arrest the accused is entitled to be released from custody. The deliberate deprivation of freedom without just cause is a grave action and there are few exceptions to the right of an unconvicted person to be released from lawful custody.

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ARREST

Justification for Arrest

No qualitative consideration can be given to the topic of bail in Victoria until the justifications for arrest are understood. Unless authority is expressed in some other Act, justification for apprehension is contained within the Crime Act (1958), 6231, (as amended), which states that:–

> 458. (1) Any person, whether a member of the police force or not, may at any time without warrant apprehend and take before a justice to be dealt with according to law or deliver to a member of the police force to be so taken, any person –
>
> (a) he finds committing an offence (whether an indictable offence or an offence punishable on summary conviction) where he believes on reasonable grounds that the apprehension of the person is necessary for any one or more of the following reasons, namely:–
>
> (i) to ensure the appearance of the offender before a court of competent jurisdication;
>
> (ii) to preserve public order;
>
> (iii) to prevent the continuation or repetition of the offence or the commission of a further offence; or
>
> (iv) for the safety or welfare of members of the public or of the offender.

There are other specific powers for police to arrest persons who are believed on reasonable grounds to have committed indictable offences in Victoria or for offences committed elsewhere which if committed in Victoria would be indictable against the laws of Victoria. This explanation of arrest powers has not been exhaustive, but as a general rule there is no power to arrest for petty infringements of the law unless persons or property are endangered. Unwarranted and indiscriminate arrests are unlawful, and where breaches of the law do not justify an arrest a person may be summoned in writing to appear before a court at a specified date and time. Police are aware of the many disadvantages of unnecessary arrests which would alienate them from the support and confidence of the community.

BAIL

Bail is generally described as the release of an accused person from custody on an undertaking that he will appear at a nominated court at a given date and time. The "undertaking" can take the form of a promise in writing and may include the deposit of money by the accused or a surety (usually a friend). The deposited money is an added guarantee of court appearance. Although money deposits have been the central theme of bail there is a tendency to release an increasing number of people on their own undertaking. Use of the money bail system is quite properly a matter for disquiet, and it clearly discriminates between rich and poor and is no guarantee of appearance for those involved in highly organized and lucrative crirne such as drug smuggling.

Unacceptable Risk

Victoria's Bail Act establishes the right of an arrested person to be released while awaiting a judicial hearing and the accused must be told of this right. It also stipulates the circumstances where bail shall occur when the accused is charged with murder or treason (except on the order under Section 13 of the Supreme Court or Judge thereof), or when the accused is in custody pursuant to a sentence of a court or for deliberately failing to answer bail. Other exceptions include cases where the court is satisfied that there is an unacceptable risk.

When assessing whether there is an unacceptable risk that the accused may not answer bail, the court must consider all relevant matters including the nature and seriousness of the offence, background, associates, home environment, and the strength of the evidence against the accused and his previous history in regard to bail. One of the most important provisions in the Act is that the prima facie right to bail is reversed for several classes of persons including accused alleged to have committed an offence whilst on bail and awaiting trial for another indictable offence, accused who do not normally reside in Victoria and accused charged with offences involving the use of firearms, explosives, and offensive weapons (and imitations thereof).

Release

The release of an arrested person follows consideration of a sequence of conditions. Briefly summarized these are:— release on a personal undertaking, release on a personal undertaking of the accused and a cash deposit or other security, release on the undertaking of the accused with a surety or sureties, and release on the undertaking of the accused with a deposit of money or other security and with a surety or sureties.

The court may also impose conditions to ensure that the accused will surrender himself into custody, not commit offences or endanger persons or the public, or interfere with witnesses. Additionally, the court may also prohibit the publication of evidence given at the application for bail. Both guidelines for bail proceedings and qualifications for sureties are clearly detailed. Parents may also stand as surety to their children to ensure compliance with the conditions of bail which in all cases can be granted on the requirement that the accused person undergo medical treatment. Persons granted bail must be given written advice as to the nature and conditions of their bail, and if bail is refused, the reason for refusal must be endorsed on the warrant.

The explicit authority for police to release persons is contained in Section 10(1) which states:—

> "Where a person is arrested and it is not practicable to bring him before a court forthwith after he is taken into custody a member of the police force of or above the rank of sergeant or for the time being in charge of a police station:—
> (a) shall enquire into the case; and
> (b) may, and if it is not practicable to bring the person arrested before a court within 24 hours after he is taken into custody, shall, unless the provisions of the Act otherwise require, discharge the person on bail in accordance with the Act."

Where a member of the police force refuses to discharge a person from custody or the person held in custody objects to the amount fixed, etc., the member of the police force shall advise him of his right to a hearing before a justice, and police refusing to discharge anyone from custody must record the reason on the warrant or in a register such as the Watch-house book.

POLICE BAIL FUNCTION

It should be emphasised that police are just as concerned about fair and correct application of the Act as anyone else. There is no wish to unnecessarily confine arrested persons and the police ethic demands that duties be performed without "favour or affection malice or ill will". (1) The Act represents a long overdue law reform and it is seen by police as a fair set of ground rules for application of bail administration.

The Police Role

The police role in the bailing process has developed as a matter of administrative convenience and probably originated from the discretion vested in medieval sheriffs to release untried persons from custody. A friend might have offered himself as a hostage or his property as a guarantee to the appearance of an accused at his trial. The principle has remained unchanged although the law now requires less primative guarantees. Applications for bail are made at police stations, Magistrates' Courts, prisons and the Supreme Court, and usually take place after an accused has been charged, remanded to prison, committed for trial, or after conviction pending appeal. These procedures are in little variance with practices in other Australian states or with those of the United Kingdom.

Police represent the first point of contact between the accused and the criminal justice system and are conveniently placed to release when the circumstances that led to arrest no longer prevail. The role of temporary custodian has never been relished by police, and is largely a matter of convenience as the State's Correctional Service does not have the personnel or physical resources to fulfill the role provided by police throughout the State.

Complaints Against the Police

Criticisms of police impartiality at bail proceedings are to be expected, (2) and it is admitted that police are just as likely to make errors of judgement as anyone else, when police do make mistakes they are expected to admit them.(3) Complaints include unnecessary delaying persons in cells, unfairly opposing bail applications, and that police are implicated in improprieties while interviewing persons. It has been alleged that police induce persons "to make admissions on the under-

taking that (they) will be released immediately on police bail". (4)

Checks and Balances

There are a number of inbuilt checks and balances designed to minimize police impropriety and numerous avenues where complaints about police behaviour can be registered. These include:— supervising sergeants, duty officers, the Chief Commissioner of Police, the Minister of Police and Emergency Services, the Attorney General, Members of Parliament, civil liberties groups, legal aid offices, the Law Institute, the Bar Association, the media, courts, or the Ombudsman (who has only received six complaints in six years concerning bail and he found that one compalint was justified). (5) Few complaints relating to bail are recorded at the police Internal Investigations Bureau.

Justified Criticism

Some criticisms of Victoria Police attitudes concerning bail are justified. In one example police were accused of providing incomplete information to the Crown Law Department when opposing a Supreme Court application for bail. It is said that police described the applicant as "unemployed, has no fixed place of abode and has been separated from his wife for some years".(6) Whilst the statement was not untrue, it presented a misleading picture. The applicant had only recently been retrenched for reasons beyond his control, had been unable to renew his lease of his flat because of his arrest and was in fact living de facto after separating from his wife several years previously. The presentation of misleading information at bail applications is to be deplored.

Serious Allegation

The most serious allegation about police conduct concerning bail is described by the Australian Law Reform Commission as "bail bargaining"(7) between police and persons in custody whereby police agree to release the person as an inducement to admit a crime. While the Australian Law Reform Commission found no evidence to suggest that this activity is practised in Australia, it is natural that persons accused of crime, particularly professional criminals who have an interest in their future will allege that it is practised. Despite such allegations, police bail procedures in Victoria reflect a high standard of professional conduct and the assertion that the bail process is generally abused is unwarranted.

Procedures

Police are generally among the first to view the victims of serious crime and in particular, voilent crime; naturally they are concerned that bail procedures are effective. It is also understandable that on some occasions police opinion is not impartial and objective, through the manifestation of these characteristics is inexcusable. However, the police who actually arrest a person do not usually take part in the bailing procedure, although it is normal for the arrestor to outline the circumstances of the case and the accused's antecedents in writing for the information of the Watch-house keeper and the duty sergeant who carries out the bail process.

POLICE BAIL EVALUATION

An evaluation of the records of 217 persons detained at a busy suburban police station during the six months ending 30th June, 1979, was undertaken to establish whether there was any basis for an earlier assertion that there are "defects and abuses in the working of" (8) the police bail system in Victoria. Heidelberg Police Station was chosen for the survey as it has an establishment comprising of uniformed police, Crime Car Squad, Criminal Investigation Branch, and Women Police who serve a diverse socio-economic population ranging from the wealthy inhabitants at Ivanhoe to Housing Commission dwellers in West Heidelberg. As multiple charges were common throughout the survey only the main charge is used in this paper.

Drunkeness Offences

During the survey period seventy people were arrested for drunkenness and sixty-eight were bailed by police; sixty-two on their "own undertaking", six on $5 personal deposits, and the remaining two were taken before a court. Three persons arrested for drunkenness were released after less than one hour, forty-one after less than four hours, and ten after less than eight hours, and the two persons detained longer than eight hours attended court. Detention periods appear to be based on a practice of releasing a drunken person into the care of a responsible person, detaining until sober or leaving him to sleep it off overnight.

Serious Offences

The most serious charges against the remaining 147 arrested persons were armed robberies while less serious offences were offensive behaviour and unlicensed driving. Police bailed one hundred and eleven people, Justices bailed fifteen and Stipendiary Magistrates eight; thirteen persons were sentenced to imprisonment at the time of their first appearance at court. Eighty-six (58%) were released by police within one hour of being charged at the watch-house and 109 (74%) of all persons were detained for less than four hours and thirteen (9%) for less than eight hours. Twenty-five (17%) accused detained for longer than eight hours were taken before the first available Magistrate's hearing. Police released ninety-three (86%) of the 107 persons released on their own undertaking (without cash deposits), and required five persons to provide personal cash deposits for armed robbery ($2000 each), cattle theft (two persons required $500 each), and driving whilst disqualified (two persons required $100 each). In each case the personal deposit was found. Five persons were granted bail by Justices or Magistrates on their own undertaking with a surety and four could not do so between the time bail was set and the arrival of transport to Pentridge. Ten persons were refused bail by Justices or Magistrates and two of them were in custody for "escape". The most prevalent of all offences were burglary, theft and driving with a blood alcohol content in excess of .05%, and police released twelve of the twenty-one persons charged with burglary (ten of them after less than one hour), nineteen of the twenty-one accused charged with theft (all in less than one hour), and all twenty-four charged with "exceeding .05" (twenty in less than two hours).

Evaluation Summary

The great majority of persons released were bailed by police (76%) and it is clear that the thirty-six persons believed to represent a risk were referred to Justices or a Stipendiary Magistrate. Although twelve persons were required to produce money deposits and five had to provide a surety and a deposit, 107 persons were released on their own undertaking. Thirteen persons consented to their charges being determined at the first opportunity and those persons refused bail were charged with serious offences. These accused were all remanded for a period not exceeding eight days in accordance with the provisions of Section 69 of the Magistrates (Summary Proceedings) Act. Records of children were observed in the watch-house book but an examination of these revealed that they were bailed by Justices or remanded in custody and then conveyed to the appropriate Reception Centre; they were not placed in the cells. The fact that police in Victoria have no authority to bail children is likely to cause unnecessary delay to children and their parents. If the results of this survey typifies the situation across the State there is little support to the assertion that "police (bail) power" in Victoria is a "civil liberties Cinderella" (9). The police approach to the bailing process is better described as a fair and responsible application of the spirit of the Act.

BAIL ABSCONDERS

Magistrates Courts

In 1978 the Research Section of the Law Department (Victoria) undertook a survey of all courts in order to answer a parliamentary question which (in part) sought information as to the number of persons who failed to answer bail at Victorian Courts in the twelve months ending 30th June, 1978. Seven hundred and twenty-six persons failed to answer bail at Magistrates' Courts, the largest proportion at the following inner suburban courts:—

Prahran 93 (16.2%)
City Court 49 (8.54%)
St. Kilda 44 (7.66%)
Moonee Ponds 38 (6.62%)
Fitzroy 36 (6.27%)
Footscray 33 (5.75%)

Table 1 indicates the number of persons who failed to appear at Magistrates'Courts and the most prevalent offences:—

TABLE 1

BAIL ABSCONDERS – MAGISTRATES' COURTS
Twelve months ending 30th June, 1978

Theft and deception	205
Drink driving (Exceeding .05% & drive under influence)*	89
Assaults (incl. serious)*	60
Posses/use/sell drugs	51
Burglary (inc. attempts)	48
Forge & utter	20
Receive/handle stolen goods	15
Other*	238
	726

**Many of these offences may be dealt with in the absence of defendant.*

The 238 (32%) persons charged with the "other" offences may have had their case heard ex-parte, e.g. "offensive behaviour" and "indecent language" (twenty-eight), "wilful damage" (thirteen) and dangerous and unlicensed driving (twelve). When considering that 40,067 arrest *offences* were brought before Magistrates' Courts in 1978, the 726 absconders in twelve months does not appear to be unreasonably high, particularly when about 300 persons may have had their case determined ex-parte. The types of absconders who should concern the community were those charged with robbery (six), rape (four), and murder (two).

Higher Courts

In the same twelve month period 125 persons failed to answer bail at the County Courts (Melbourne and Country Circuits) and at the Supreme Court, (hereinafter referred to as Higher Courts). A breakdown of the charges is not available although it is known that fifty-five accused (44%) had been released on their own undertaking without a cash deposit. Table 2 provides details of *offences* alleged against absconders for Higher Courts during 1977 and 1978 (47) while Table 3 provides a comparison between accused awaiting trial and those who failed to appear at Higher Courts for the seven years ending 31st December, 1978.

TABLE 2

MAJOR OFFENCES FOR WHICH ACCUSED PERSONS ABSCONDED (HIGHER COURTS)

Offences	1977	1978
Wounding, assaults	35	11
Sexual Offences	34	22
Robbery & allied offences for gain	29	8
Theft, burglary, etc.	123	42
Deception	110	33
Property damage	4	12
Other offences, drugs, conspiracy, etc.	12	146
Total	**337**	**274**

TABLE 3

ACCUSED AWAITING TRAIL AND ABSCONDERS (HIGHER COURTS)

Year	1972	1973	1974	1975	1976	1977	1978
Accused	2398	2397	2133	1921	1693	1650	1533
Absconders	99	136	151	101	122	106	64
Absconders %	**5.01**	**6.87**	**8.61**	**6.4**	**8.97**	**7.78**	**5.2**

It is clear that there has been a considerable decline in the number of offences for which absconders have failed to appear and the number of Higher Court absconders. It is too early to state categorically that this is the effect of the Bail Act.

Wanted Persons

In the five years ending 31st December, 1978, 1,355 bail absconders were recorded on Victoria Police "Daily Circulars"; additonally, of the twenty-eight persons who have been listed as Victoria's "Top Ten" most wanted criminals, seventeen are bail absconders, thirteen of them awaiting trail for armed robbery. Experience has shown that the longer the absconder can remain at large the more difficult it is to prosecute. The Crown may lose touch with key witnesses who may even die; the absconder has everything to gain and little to lose by his prolonged absence. It is suggested that all criminal matters that may be heard and determined summarily should be heard exparte if there is prima facie evidence of absconding.

POLICE CONCERN

The cause of police concern is the ominious probability of the recurrence of a murder similar to . . .

> "the case of Phillip Western who, being in custody on charges of two armed bank robberies involving substantial sums, had been granted bail upon a condition of daily reporting to police. While on bail, Western failed badly to perform this condition, and was identified as the person responsible for murdering a bank manager at a later date during the period of his release. He was later shot and killed when resisting apprehension. His past record did not, it was claimed, entitle him to bail".(10)

This New South Wales tragedy was the subject of public outrage and serves to highlight the inherent danger of releasing voilent criminals charged with serious offences. The cautionary plea of. a New South Wales detective sergeant several years earlier was a premonition that went unheard,

> "the safety of the people is the supreme law—I urge you to view the activities of the professional criminal with alarm and take appropriate steps to ensure that the people of this State are protected from such activities."(11)

It is all too easy to dismiss the contribution of police practitioners to law reform as biased and unworthy of consideration. (12)

The Denial of Bail

The denial of bail for the purpose of preventing crimes that have not yet been committed has generated controversy in Australia and overseas, and is the antithesis of the principle that a person is innocent until proven guilty. Having to weight and balance all the factors that must be considered in deciding

whether to relase on bail is a heavy burden for courts, especially when there is an awareness of poor prisoner accommodation, limited access to witnesses, employment and family difficulties and, in some cases, adjustment trauma experienced by persons isolated from social amenities. The cost of pre-trial detention to the community is immense but so is the cost of crimes which would have been prevented by refusing bail.

UNCONVICTED PERSONS IN CUSTODY

There is reason enough to be concerned about apparent injustices when examining Milte's list of charges against a small sample of persons held at H.M.P. Pentridge awaiting summary hearings in 1969. (13) The Table was:—

TABLE 4

UNCONVICTED PERSONS AWAITING SUMMARY HEARINGS — 1969

Offence	Number Held
Indecent language	3
Driving under the influence of liquor	6
Living on earnings of prostitution	1
Insufficient means of support	2
Failure to give name and address	1
Offensive behaviour, assault	2
Larceny, etc.	10
	25

In an attempt to update this oft-quoted research and to placate concern that persons charged with minor offences may still be detained at Pentridge, a study was undertaken of all persons held in custody at the Remand Section at midday on Tuesday, 19th June, 1979. The data source was limited to endorsements upon Remand Warrants, of 132 accused awaiting Magistrate or Coronial hearings and persons awaiting trails. The information available from the warrants included the charge, whether bail was granted, the amounts and conditions of release, and where bail was refused, the reason.

Unconvicted Prisoners — an evaluation

There were 116 unconvicted prisioners (excluding sixteen undergoing sentences) in custody at Pentridge at 12 midday on 19th July, 1979, and 114 of them had previously had bail applications heard by Magistrates and two applications had been heard by a Supreme Court Judge. Sixty-eight persons were awaiting Magistrates' Court hearings (including Committal and Coronial hearings) while forty-eight were awaiting trails at Higher Courts. As multiple charges against persons were common throughout this survey only the most serious charges are used in the Tables. The most notable of the multiple charges against individual persons were theft (17 counts), burglary (44 counts), and burglary (53 counts). The least serious offence for which a person was detained was "found in a building without lawful excuse". Table 5 provides an overview of unconvicted persons at Pentridge on 19th July, 1979, awaiting Magistrate's Court hearings.

TABLE 5

UNCONVICTED PERSONS AWAITING MAGISTRATES OR CORONER'S COURT HEARING

(Pentridge - 19th July, 1979)

Offence	No. Held	Refused	Granted
Murder	10	10	
Attempted Murder	6	6	
Armed robbery	12	7	5
Robbery	1	1	
Assualt (Incl. w/weapon)	2	1	1
Rape	1		1
Indecent assault	1	1	
Buggery	1	1	
Burglary	12	11	1
Theft	3	1	2
Theft of motor car	5	3	2
Deception	3	1	2
Blackmail	1	1	
Drug (Incl. traffic, not using)	4	3	1
Prohibited import	2	2	
Arson	1	1	
Loiter with intent	1		1
Unlawful possession	1		1
Found in building w/out excuse	1	1	
	68	51	17

An overview of the charges and basic situation of the forty-eight persons awaiting Higher Court hearings is contained in Table 6, while the reasons endorsed on the warrants for refusing bail to these persons is contained in Table 7.

TABLE 6

UNCONVICTED PERSONS AWAITING HIGHER COURT HEARINGS

(Pentridge — 19th July, 1979)

Offence	No. Held	Refused	Granted
Murder	7	7	
Attempted murder	2	2	
Cause death by Neg/drive	1	1	
Armed robbery (Incl. att.)	12	9	3
Robbery	5	5	
Rape	2	1	1
Assault w/intent/rape	1	1	
Indecent assault	1	1	
Burglary	7	7	
Theft	5	3	2
Deception	2		2
Traffic drugs	1	1	
Arson	1	1	
	48	40	8

TABLE 7

REASON FOR REFUSING BAIL HIGHER COURT HEARING

Nature of the charge	9
Unacceptable risk	13
Unlikely to answer bail	5
Committed this offence while on bail	3
Previously refused by another court	3
Previously absconded on bail	1
Danger to witness	1
Made no application for bail	5
	40

Of the 116 unconvicted prisoners, bail was refused to ninety-one, and of the twenty-five who were not refused bail, one was required to provide a personal deposit of $1000 and the remainder required a surety or sureties and a cash deposit. No person was in custody for an offence which upon conviction did not provide for imprisonment; only one person was in custody for a driving offence. It was not possible to determine how long each prisoner had been in custody though

it is conceded that many accused appear to be delayed because of congestion at Higher Courts.

In addition to the 116 unconvicted persons held at Pentridge on 19th June, 1979, there were eleven other at other prisons of the Correctional Services Division. The total of 127 unconvicted prisoners represents 8.2% of all prisoners in prisons at the time of the survey (1542). When compared with the data contained in Table 8 there is no apparent cause for concern. If the unconvicted prisoner population could be coupled to the Heidelberg Watch-house findings they effectively refute, at least for Victoria, Armstrong's assertion that unconvicted prisoners in gaols and police lock-ups outnumber prisoners servicing sentence.(14)

TABLE 8

VICTORIA – PRISON POPULATION
NUMBER OF CONVICTED AND UNCONVICTED PRISONERS

***Includes prisoners located at Pentridge, country prisons and Fairlea Womens Prison**

	1970 Census		1973 Census		1975 Census		1977 Census		1978 Census	
	No.	%	No.	%	No.	%	No.	%	No.	%
Convicted	2124	90.7	1739	91.7	1449	93.8	1341	90.9	1454	92.5
Unconvicted	213	9.2	155	8.2	92	6.0	132	9.0	115	7.3
Awaiting Deportation	3	0.1	3	0.2	3	0.2	3	0.2	3	0.2
Total	**2340**	**100.0**	**1897**	**100.0**	**1544**	**100.0**	**1476**	**100.0**	**1572**	**100.0**

Custody Release

It is also difficult to believe that unconvicted prisoners in custody in Victoria are "forgotten prisoners" who are "everyone's embarrassment and no one's responsibility" (15) when an officer from the Public Solicitor's Office visits Pentridge regularly. A study of 265 applications for bail lodged by the Public Solicitor on behalf of unconvicted persons between 1st July, 1976 and 31st December, 1977, found that seventy-five applications were granted, including twenty-two for murder. Eighty-eight applications were refused, (thirteen related to murder), fifteeen bail reductions were granted and seven were refused. Many of the persons who made the 265 applications made more than one and almost half were successful. This is sufficient evidence to suggest that the State does maintain an interest in persons awaiting trial. No person absconded whilst awaiting trial at the Supreme Court for murder in 1977 or 1978.

CONCLUSION

There is ample evidence to suggest that members of the Victoria Police Force play an important part in the administration of bail, and that few complaints have been received regarding malpractices. The Bail Act now allows bail decision to be considered in a healthy, fair and democratic climate. Although the study revealed no glaring injustices, police must continue to play their part in ensuring that bail applicants are fairly treated. Police release more persons on bail than Justices or Magistrates, and although personal deposits were required in a few instances, single sureties were more frequent and release on own undertaking was the most prevalent form of bail. A significant drop has been noted in the number of persons who abscond before trial following the introduction of the Bail Act. There is a slight increase in the number of unconvicted persons in custody since the last official prisoner census, however the prisoner population has always fluctuated. Armed robbery is the highest single offence category of persons remanded at Pentridge, and the number of bail releases for persons charged with armed robbery has decreased. It is also evident that there has been scant research into bail procedures in Victoria in recent years.

(1) Police Regulation Act (1958), 6338, Second Schedule, "Oath for Members of the Police Force of Victoria".
(2) Peter N. VICKERY, "The Police Bail Power in Victoria", Law Institutue Journal, (December, 1976), Vol. 50, No. 12, pp 523–529.
(3) Victoia Police Annual Report, 1978, "Chief Commissioner's General Review", p 4
(4) The Law Reform Commission, Australia, Report No. 2 (Interim), Publication Service, 1975, para 172(c)
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