

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

FRYBERG J

Date: 30 July, 2003

No 6316 of 2003

IN THE MATTER OF AN APPLICATION
FOR BAIL BY VAGI LOA

BRISBANE

..DATE 24/07/2003

ORDER

[2003] QSC 230

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is an application for bail by a resident of Papua New Guinea who has been charged with attempted murder with an alternative count of doing grievous bodily harm. The applicant is in a show cause situation not only because of the charge, but also because it is alleged that he committed the offence whilst on bail in respect of another minor offence.

I have considered the questions arising under section 16 of the Bail Act. I am satisfied that there is no unacceptable risk of his endangering the safety or welfare of the complainant or witnesses. The applicant has no previous criminal history. He is a young Papua New Guinean student and the evidence does not disclose any risk of violence, despite the circumstances of the offence.

There is some risk of his failing to appear by reason of the fact that the charge is serious. However, the Crown case in respect of the charge of attempted murder is not strong as, indeed, the submission for the Crown conceded. It is a weak Crown case, and the charge of attempted murder may be dropped. In these circumstances, the risk is acceptable. As to the breach of the Bail Act, there is an explanation and having regard to the surety now offered and to the undertaking given by the Acting Consul for Papua New Guinea with whom the applicant will be residing, I think there is no unacceptable risk in this regard.

There is no reason to think that he will commit further offences, having regard to the conditions which are proposed

in the draft order. Bail has been granted to the applicant's
co-offenders. For these reasons, I am satisfied that his
continued detention is not justified. I therefore make an
order in accordance with the draft initialled by me and placed
with the papers.

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HIS HONOUR: I have written on the draft the reasons in the
transcript as reasons for granting bail.

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