

***R v McMaster* [2017] NSWSC 1063 (16 August 2017) – New South Wales Supreme Court**

‘Alcohol abuse’ – ‘Bail’ – ‘Co-operation with police’ – ‘Drug abuse’ – ‘Factors affecting risk’ – ‘Firearms’

Charges: Possession of unauthorised firearm x 1; Intimidation x 1; Handling firearm while intoxicated x 1.

Case type: Bail application.

Facts: While under the influence of alcohol and cocaine, the defendant repeatedly called and texted the complainant, his ex-partner ([5]). He drove to her house with the gun in the passenger seat (of which she took photographs). He aimed the gun at her with his finger on the trigger. He ultimately returned to his vehicle ([3]). The defendant refused to co-operate with the police or disclose the location of the firearm ([5]). The defendant had been in custody for four months ([6]).

Issues: Whether bail should be granted. The application was opposed by police.

Decision and Reasoning: Judge Harrison refused bail. The decisive matter was that the complainant had not revealed the location of the firearm, so there was a real possibility that he would have unrestricted access to it if he was released. But for this matter, Harrison J would have granted bail with appropriate conditions.