

Bail Saves Lives

Poccum's Law is the Way Forward



We, as representatives of ACCOs, community services, family violence and legal sectors strongly condemn the suite of knee-jerk bail changes announced by the Allan government which we know will lead to greater criminalisation of Aboriginal communities and other marginalised communities. **Granting bail saves lives.** Any bail reform must align with, and not detract from, [Poccum's Law](#).

Victoria's previous bail laws were an 'unmitigated disaster' that directly led to the death of proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman Veronica Nelson, who died in a cold prison cell after her calls for medical help went unanswered. Going back to these unfair bail laws risks lives.

The 2023 bail reforms have only been in operation for 11 months and any changes to tighten bail laws now would be made without a sufficient evidence base. Victoria's new *Youth Justice Act*, which introduces a new statewide youth justice regime, is due to commence in September this year. Five years of considered consultation across the ACCO, community and legal sectors went into developing this Act, and we strongly caution against enacting changes to youth bail laws before this new youth justice system can take effect and be implemented.

Any tightening of bail laws risks criminalising Aboriginal women and young people who have been misidentified as the person using violence in family violence contexts. This is the very same cohort of women and children affected by family violence that the Premier publicly committed to protecting through Victoria's bail laws.

The government must be held accountable for criminalising children and young people involved with child protection, particularly those in residential care, as we know a vast proportion of young people involved in youth justice have experienced living in out-of-home-care. The state is required to act as 'a good parent' should, yet they are not held accountable for failing to protect them from harm, to heal from trauma and ensure they have access to healthcare and appropriate supports for disability, education and training.



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All Victorians are let down when successive governments make bad investment and policy decisions that remove essential supports which address the underlying causes of offending behaviour. In a cost-of-living crisis we know that poverty is a significant contributing factor to current rates of offending, as is the lack of affordable housing. Needlessly remanding women and children in prison for days, weeks and months without necessary supports does not lead to greater community safety – it does the exact opposite.

We are gravely concerned about the inevitable disastrous consequences if the government proceeds with tightening bail laws. These mistakes must not be repeated – the government must not needlessly criminalise those experiencing poverty, mental illness, drug and alcohol misuse and disability. We must invest in adequate diversion and alternative pathways, appropriate housing and social and emotional wellbeing responses to support vulnerable people, rather than locking them up and stopping them from accessing programs that lead to rehabilitation.

Recommendations for the Victorian Government

We urge the government to do the right thing and follow through with their commitment to make Victoria's bail laws fair. We make the following recommendations to the Victorian Government:

- 1. Do not amend bail laws for children or adults until a full statutory review can take place** in 2026 that considers longitudinal data and assesses the systemic impact of Victoria's bail laws.
- 2. Ensure any bail reform aligns with [Poccum's Law](#).**
- 3. Immediately make further investment in therapeutic bail support options**, which will improve community safety.
- 4. Do not reinstate double uplift**, to ensure people are not locked up on remand for offences unlikely to result in imprisonment.
- 5. Exclude non-violent and summary offences** from any legislative changes that further restrict access to bail.



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6. **Expand the jurisdiction of the Koori Court** to hear bail applications.
7. Ensure any amendments to existing bail laws **do not prevent children and young people from accessing therapeutic and rehabilitative supports** within the community.
8. **Adopt the caution model in the Youth Justice Act for adults**, as a mechanism to address alleged offending connected to poverty, mental health, disability and homelessness.
9. Listen to and **implement the recommendations of significant previous inquiries** including the Yoorrook for Justice Report and CCYP's *Always Was, Always Will be Koori Children*, *Our Youth, Our Way*, *In Our Own* and *Out of Sight* reports as a matter of urgency.
10. To address driving factors of reoffending, the government must **effectively fund and invest in:**
 - a. **Intensive bail supervision and supports**, including Aboriginal led models, to support alleged offenders to successfully fulfil their bail conditions and address the causes of their offending.
 - b. **Aboriginal led therapeutic and specialist family violence supports** and services, including access to legal supports that are based within communities.



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Victorian Aboriginal
Legal Service

