

Media Release

Hon Jacinta Allan MP
Premier



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TOUGH BAIL LAWS TO KEEP VICTORIANS SAFE

The Allan Labor Government will introduce the toughest bail laws in Australia to prevent reoffending and keep Victorians safe. Premier Jacinta Allan, Attorney-General Sonya Kilkenny and Minister for Police Anthony Carabines today announced new *Tough Bail Laws* that will, in summary:

- Put **community safety above all** in bail decisions and remove the principle of remand as a 'last resort'.
- Create the **toughest bail laws ever** for serious offences – including a new bail test that is extremely hard to pass, targeting repeat offenders of the worst crimes.
- Ensure **respect for the rules** with new bail offences, including a second-strike rule for offenders.

The Government will start this work immediately by introducing the first *Tough Bail Bill* into Parliament next Tuesday. In addition, the Government will also ban machetes to crack down on knife crime. Machetes will become prohibited weapons, with exemptions to be available for legitimate use.

Tough Bail Laws

The number of youth offenders on remand has increased following changes in 2024 to target serious, repeat reoffending. But more changes are needed.

The current system is still not tough enough and does not reflect the expectations of victims or the public. The Government will make sweeping changes – not to punish people who haven't yet had their day in court, but to reduce the risk of someone on bail reoffending in the community.

Reoffending remains a serious problem. Males in their mid-to-late teens – both adults and youths – make up the most alleged aggravated burglary offenders by far, with 64 per cent under the age of 20. The *Tough Bail Laws* again squarely target the risks of these younger serious offenders.

The *Tough Bail Laws* will jolt the system. They will create new offences, change what decision-makers consider, and create the toughest bail test ever for the worst offences. The combination of these changes will make Victoria's bail laws the toughest in Australia.

Community safety above all

The *Tough Bail Laws* will make two big changes to bail decision-making principles to reduce the risk of reoffending and ensure the system meets community expectations.

- **Community safety comes first on all bail decisions:** Under the laws, community safety will become the overarching principle for bail decision-making for offenders of all ages. It will be a clear and unambiguous signal: community safety comes first in all considerations.
- **No longer needs to be a last resort to deny bail:** Right now, under section 3B of the Bail Act, an accused youth offender is remanded (detained in custody) only as a 'last resort'. The *Tough Bail Laws* will remove the principle of remand as last resort.

Toughest bail laws ever

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A person accused of an indictable offence faces ‘tests’ to be granted bail. The tests get tougher as the offences get worse. A tough test applies for serious offences: someone accused of a Schedule 2 offence like manslaughter must show ‘compelling reasons’ to justify bail. Someone accused of a Schedule 1 offence like murder or aggravated carjacking must prove even tougher ‘exceptional circumstances’.

The *Tough Bail Laws* will elevate key offences into harsher bail tests, and create a new test to target repeat offenders of the worst crimes.

- **Tougher bail laws for serious, high-risk offences:** Many crimes that most Victorians would consider serious and high-risk do not face tougher bail tests, so bail is more likely. The Tough Bail Laws will uplift many offences like these so tougher bail tests will apply, and bail is less likely. These offences will include serious gun and arson offences, and other knife and weapon offences like machete violence. In addition, non-aggravated home invasion and carjacking offences will also face an even tougher test for bail.
- **The toughest bail test ever:** To target repeat offenders of the worst crimes, the Government will create a new bail test that is extremely hard to pass. Under the tough new test, bail can’t be granted to someone who is accused of committing a serious offence if they are already on bail for a similarly serious offence – unless there is a ‘high degree of probability’ they will not reoffend.

This test will apply to offences including murder and aggravated charges of home invasion, burglary and carjacking. A similar test recently introduced in New South Wales saw the number of people granted bail more than halve. Victoria’s test goes further: it will apply to all ages and more offences.

Respect for the rules

Bail rules should not be broken. The *Tough Bail Laws* will restore respect for bail and its conditions – at all levels of offending and for all ages – with consequences for breaking the rules.

- **Consequences for breaking the rules:** The *Tough Bail Laws* will introduce the offence of ‘committing an indictable offence while on bail’. It will be subject to the second-strike rule. If you commit a second indictable offence while you are already on bail for an indictable offence, there are consequences – you will face the tough test of proving ‘compelling reasons’ for bail, like you would for a more serious crime. Appropriate safeguards and caveats will be developed to ensure proportionality.

To ensure bail conditions are respected, it will also become a summary offence to breach those conditions – like failing to report or meet curfew. This delivers consequences and can be considered by bail decision-makers as a reason to refuse bail, but it won’t ‘uplift’ the accused to a tougher bail test. This reflects proportionality and the administrative nature of most breaches.

What else is underway

Machetes will be declared prohibited weapons in Victoria to crack down on knife crime. Strict exemptions will be available for legitimate use, and more details will be provided in the coming days.

The Government’s Victoria Police pay rise offer backs frontline police and will help recruit more members to the force. The Government is also introducing electronic monitoring for young offenders, undertaking more intensive bail supervision, has created more pathways to get young offenders in jobs and support – and has allowed for more of them to get treatment and rehabilitation without prejudicing their case.

Quotes attributable to Premier of Victoria Jacinta Allan

“I have listened and I have acted. The tough bail laws will jolt the system: community safety above all, toughest bail laws ever, and consequences for breaking the rules.”

Quote attributable to Attorney-General Sonya Kilkenny

“These laws are targeted squarely at the risks of young people committing serious crimes while out on bail.”

Quote attributable to Minister for Police Anthony Carbines

“We’re delivering tough new bail laws and we’re backing our hardworking frontline police – ensuring they continue to have what they need to keep our community safe”.

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