

Media Release

Hon Jacinta Allan MP
Premier



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STATE GEARS UP FOR TOUGHER BAIL – STARTING NOW

With the first *Tough Bail Bill* introduced to Parliament today and its first measures due to start immediately, Victoria is rapidly gearing up for an expected increase in the prison population. MPs are also gearing up for a long week ahead, because the Premier will not allow them to go home until the Bill is passed.

Premier Jacinta Allan joined Attorney-General Sonya Kilkenny at Parliament today to announce that:

- key parts of the Tough Bail Laws package will be fast-tracked, so they will start immediately
- the Government will launch a bigger recruitment campaign for corrections and youth justice staff to get ready for an expected jump in the number of offenders on remand

The first *Tough Bail Bill* will activate all but two of the major changes in the Government's Tough Bail Laws package.

The Bill will put community safety above all by **making community safety the overarching principle** for bail decision-making (for offenders of all ages), through an amendment to the guiding principles of the Bail Act.

The Bill will also amend section 3B of the Bail Act to **remove the principle of 'remand as last resort'** for youths.

These changes are about reducing the risk of reoffending, but they will also ensure the justice system meets the expectations of the broader community – whose safety must come first.

The Bill will also **introduce bail offences** to further reduce the risk of reoffending and establish real consequences for breaking the rules – because these are obligations that must be respected.

The offence to 'commit an indictable offence while on bail for an indictable offence' will be included in the Bail Act.

The offence to 'breach of condition of bail' will be a summary offence and, like previous offences of its kind, will apply to adults only. This also delivers consequences for bail breaches which are more administrative in nature – like failing to report or meet curfew – and can be considered by bail decision-makers as a reason to refuse bail.

Both offences will be punishable by up to 3 months imprisonment on top of any other sentence imposed for any crime committed.

Additionally, if someone on bail has been arrested for breach of bail, the Bill will also allow police officers to bring that person to court directly, rather than wait for a bail justice.

The above changes to elevate the principle of community safety, remove remand as a last resort and introduce bail offences will take effect the moment the first *Tough Bail Bill* is passed and proclaimed.

When this happens, the Government anticipates a marked increase in the number of adult and youth offenders on remand, which will impact existing system capacity.

The Bill makes further significant changes. Currently, many offences that most Victorians would consider serious and high-risk do not face tougher bail tests and retain the presumption to bail, making bail more likely.

The Bill will **toughen bail tests for a number of serious offences**, which makes the granting of bail far less likely.

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The following offences will now always be subject to the toughest bail test available on a first offence:

- armed robbery
- aggravated burglary
- home invasion
- carjacking

These crimes are all extremely serious and life endangering, and highly susceptible to repeat offending. Aggravated burglary is of particular concern. More offences are occurring, because more people are home. Males in their mid-to-late teens – adults and youths – make up the most alleged aggravated burglary offenders by far.

Also under the Bill, the following indictable offences will face a tougher bail test, with no presumption of bail:

- serious firearms offences
- serious arson
- knife and other weapon offences: *committing an offence involving a controlled weapon (including machete violence), prohibited weapon, or offensive weapon (including use of every day implements fashioned into or used as weapons such as baseball bats, kitchen knives and shivs)*
- car theft related offences: *theft of a motor vehicle when co-charged with conduct endangering life, conduct endangering persons, failure to stop, or possession of a prohibited weapon or controlled weapon.*

Most Victorians would rightly consider these offences serious and high-risk. They will move to the Bail Act schedules where they belong.

Each of the above changes to bail tests are also on an accelerated timeline. Under the *Tough Bail Bill*, they will take effect at least three months following the Bill's proclamation.

Because the changes to the bail tests are expected to result in another increase in the number of adult and youth offenders on remand, their commencement will be linked to system workforce capacity.

The Government is ramping up this capacity, fast.

An expanded recruitment campaign is being prepared for corrections and youth justice workers, and further planning is underway to prepare the adult and youth systems for the increased demand.

The second *Tough Bail Bill* will be introduced in the middle of the year.

The second Bill will create the proposed tough new bail test for serious, repeat offenders. It will also uplift the new offence of 'committing an indictable offence while on bail' to face a tougher bail test – triggering the second-strike rule. Safeguards will be developed so the uplift is proportionate.

The second Bill is expected to result in a further increase in the number of adult and youth offenders on remand, for which the system must be ready.

Quotes attributable to Premier of Victoria Jacinta Allan

"Our Tough Bail Laws are expected to increase the state's prison population, and we must get ready for it."

"Under my Government, bail is getting tougher because community safety comes first. We won't leave Parliament this week until the Bill is passed – everyone will stay here for as long as it takes."

Quote attributable to Attorney-General Sonya Kilkenny

"This Bill is all about protecting Victorians from the most serious kind of repeat offending. We have fast-tracked a number of changes so they will start straight away once the Bill is proclaimed."

Quote attributable to Minister for Police Anthony Carbines

"These new laws will complement the tireless work of Victoria Police to hold reoffenders to account and keep the community safe."