

LEGISLATIVE COUNCIL
BAIL AMENDMENT BILL 2023

(New Clauses to be proposed in Committee by KATHERINE COPSEY)

NEW CLAUSE

1. Insert the following New Division after Division 3 of Part 5—

'Division 3A—Annual reports

107A New Part 4A inserted

After Part 4 of the Principal Act insert—

"Part 4A—Annual reports

18B Annual report of Chief Commissioner to contain information on bail decisions

- (1) The Chief Commissioner, in the Chief Commissioner's report of operations under Part 7 of the **Financial Management Act 1994**, must include the information set out in subsection (2) in respect of—
- (a) the financial year to which the report relates; and
 - (b) each of the following categories of accused person—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.
- (2) For the purposes of subsection (1) the information is—
- (a) for each category of accused person, the total number of decisions by police officers about granting bail to the accused persons in that category; and
 - (b) the total number of those bail decisions where bail has been granted; and
 - (c) the total number of those bail decisions where bail has been refused; and
 - (d) for each of those bail decisions, the police station where the decision was made.

18C Annual report of Court Services Victoria to contain information on bail decisions

- (1) Court Services Victoria (within the meaning of the **Court Services Victoria Act 2014**), in its report of operations under Part 7 of the **Financial Management Act 1994**, must include the information set out in subsection (2) in respect of—
 - (a) the financial year to which the report relates; and
 - (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.
- (2) For the purposes of subsection (1) the information is—
 - (a) for each category of accused person, the total number of decisions about granting bail to the accused persons in that category made by each court that is a court to which the definition of jurisdiction in the **Court Services Victoria Act 2014** applies; and
 - (b) the total number of those bail decisions where bail has been granted; and
 - (c) the total number of those bail decisions where bail has been refused; and
 - (d) for each of those bail decisions, the court, including the location of the court, in which the decision was made.

18D Annual report of Department of Justice and Community Safety to contain information on bail decisions

- (1) The Minister responsible for the preparation of the report of operations of the Department of Justice and Community Safety under Part 7 of the **Financial Management Act 1994**, must include in that report the information set out in subsection (2) in respect of—
 - (a) the financial year to which the report relates; and
 - (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;

- (vi) persons identified as Aboriginal persons.
- (2) For the purposes of subsection (1) the information is—
 - (a) for each category of accused person, the total number of decisions by bail justices about granting bail to the accused persons in that category; and
 - (b) the total number of those bail decisions where bail has been granted; and
 - (c) the total number of those bail decisions where bail has been refused; and
 - (d) for each of those bail decisions, the place where the decision was made.".'.

NEW CLAUSE

2. Insert the following New Clause to follow the Division heading before clause 110—

'109A Guiding principles

After section 1B(1)(c) of the Principal Act **insert**—

- "(ca) taking into account the established understanding of the negative effects of imprisonment on former prisoners, including an association with poorer social, economic and cultural outcomes and higher rates of subsequent offending; and
- (cb) promoting bail decision making that is not discriminatory, particularly by regard being had to—
 - (i) the surrounding circumstances of vulnerable persons such as women, children, people with disabilities and Aboriginal persons; and
 - (ii) the disproportionate rates of imprisonment and deaths in custody of Aboriginal persons; and".'.

NEW CLAUSE

3. Insert the following New Clause to follow clause 115—

'115A New section 32C inserted

After section 32B of the Principal Act **insert**—

"32C Appointment of expert panel to review amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must appoint a panel for the purposes of conducting a review under section 32D(1).
- (2) A panel appointed under subsection (1) may consist of as many persons as the Attorney-General considers appropriate.
- (3) A panel appointed under subsection (1) must consist of persons who, in the opinion of the Attorney-General, possess appropriate qualifications or expertise to conduct the review.

32D Review of amendments made by Bail Amendment Act 2023

- (1) As soon as is practicable after the end of each review period specified in subsection (2), the Attorney-General must cause a review to be conducted of the operation, during that period, of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review periods are—
 - (a) the period of 12 months following the commencement of the **Bail Amendment Act 2023**; and
 - (b) each subsequent period of 4 years.
- (3) A review under subsection (1) is to be conducted by a panel appointed under section 32C for the purposes of that review.
- (4) A review under subsection (1) must examine whether, during the review period—
 - (a) vulnerable persons such as women, children, people with disabilities and Aboriginal persons have been adversely affected as a consequence of the amendments made to this Act by the **Bail Amendment Act 2023**; or
 - (b) those amendments have affected—
 - (i) recidivism; and
 - (ii) the rate at which offences are committed; and
 - (iii) the safety of the community; and
 - (iv) sentencing (including the making of declarations that periods of custody are to be reckoned as having been already served under a sentence); or
 - (c) those amendments have operated as intended.
- (5) A review under subsection (1) may make recommendations, including recommendations in relation to the matters set out in subsection (4)(a), (b) and (c).
- (6) A review under subsection (1) must be completed no later than 6 months after the end of the review period to which it relates.
- (7) The Attorney-General must cause a copy of a review under subsection (1) to be laid before each House of the Parliament no later than 14 sitting days after receiving it.

32E Government response to review

- (1) After receiving a review under section 32D(1), the Attorney-General must cause a response to the review to be prepared.
- (2) A response under subsection (1) must do the following things in respect of each recommendation set out in the review—
 - (a) specify the action (if any) proposed to be taken with respect to the recommendation;

- (b) if an action is proposed to be taken, identify which Minister, Department, or public authority (as the case may be) has responsibility for undertaking that action;
 - (c) if no action is proposed to be taken, or if the action that is proposed to be taken does not implement the recommendation, explain why the recommendation is not to be implemented.
- (3) The Attorney-General must cause a copy of a response under subsection (1) to be laid before each House of the Parliament no later than 3 months after receiving the review under section 32D(1) to which it relates.".'.