



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into the Administration of Bail

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JUSTICE REFORM INITIATIVE SUBMISSION

TO THE ACT LEGISLATIVE ASSEMBLY'S JUSTICE AND COMMUNITY SAFETY COMMITTEE

INQUIRY INTO THE ADMINISTRATION OF BAIL

JUNE 2024

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative (JRI) is a national justice advocacy organisation, working to reduce over-incarceration in Australia and promote a community, in which disadvantage is no longer met with a default criminal justice system response. The JRI alliance includes people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system. The JRI is committed to reducing Australia's harmful and costly reliance on incarceration. We seek to shift public discourse and policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration.

Our patrons include more than 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of overincarceration in Australia.

The JRI's patrons in the Australian Capital Territory (ACT) are:

- **Professor Lorana Bartels (co-chair).** Professor of Criminology, Australian National University. Adjunct Professor, University of Canberra and University of Tasmania.
- **Professor Tom Calma AO.** Former Chancellor, University of Canberra. Co-Chair, Reconciliation Australia. Former Aboriginal and Torres Strait Islander Commissioner and Race Discrimination Commissioner. 2023 Senior Australian of the Year.
- **Kate Carnell AO.** Former ACT Chief Minister. Deputy Chair, BeyondBlue. Former Australian Small Business and Family Enterprise Ombudsman.
- **Simon Corbell.** Former ACT Deputy Chief Minister, Attorney-General, Minister for Police and Emergency Services. Adjunct Professor, University of Canberra.
- **Dr Ken Crispin KC.** Former ACT Director of Public Prosecutions, Justice of the ACT Supreme Court and President of the ACT Court of Appeal.

- **Karen Fryar AM.** President of ACT Legal Aid Commission. Former ACT Magistrate, ACT Children’s Court Magistrate and Coroner of the ACT.
- **Gary Humphries AO (co-chair).** Former ACT Chief Minister and Attorney-General, and Senator representing the ACT in the Australian Parliament.
- **Rudi Lammers APM.** Former ACT Chief Police Officer.
- **Dr Michael Levy AM.** Public health physician with 24 years’ experience as a clinician for adult and youth detainees in New South Wales (NSW) and the ACT.
- **Dr Michael Moore AM PhD.** Former independent ACT Minister for Health and Community Care. Past President, World Federation of Public Health Associations. Distinguished Fellow, The George Institute, University of NSW. Adjunct Professor, University of Canberra.
- **The Honourable Richard Refshauge.** Former Justice of the ACT Supreme Court. Former ACT Director of Public Prosecutions.
- **Dr Helen Watchirs OAM.** Former President, ACT Human Rights Commission.

We are supported by our ACT Advocacy and Campaign Coordinator, Indra Esguerra.

INTRODUCTION

The JRI welcomes the ACT Justice and Community Safety Committee’s inquiry into the administration of bail. We are particularly grateful for the extension granted for making this submission. This meant we also had the benefit of the other submissions made to the inquiry.

It is of concern to us, nationally and locally, that the criminal justice system continues to disproportionately impact vulnerable people. This includes Aboriginal and Torres Strait Islander and young people, women; those with particular challenges, such as people living with mental illness and/or cognitive disability; people with alcohol and other drug (AOD) dependency; and people from other disadvantaged or marginalised groups. More information about the impacts of the criminal justice system on these groups is set out on the JRI website.¹

The JRI is concerned about the consistent overrepresentation of these vulnerable people in the Alexander Maconochie Centre (AMC). The reasons for this overrepresentation are multiple and complex, and thus it is important to look at bail policy in the context of the rest of the criminal justice system.

The evidence shows that most people entering prison usually arrive there because of an underpinning cycle of poverty and/or disadvantage and that prison both exacerbates and entrenches a broader cycle of disadvantage, which needs to be broken. This is an issue that the JRI has highlighted in our 2023 report, *State of incarceration: Insights into imprisonment in the ACT*², and is also discussed in the section on social determinants of incarceration below.

There is strong evidence of the efficacy of community-led approaches that address the social drivers of over-incarceration. We believe the ACT has the opportunity to lead the nation, in turning around our reliance on incarceration as a default response to disadvantage. We can invest in accessible, evidence-based systems of supports in the community, where people at

¹ JRI (nd). *Jailing is Failing*, <https://www.justicereforminitiative.org.au/jailingisfailing>.

² JRI (2023). *State of incarceration: Insights into imprisonment in the Australian Capital Territory*.

risk of imprisonment are given genuine opportunities to build productive and meaningful lives in the community.

Our recent report *Alternatives to Incarceration in the ACT*³ outlines a broad range of programs and changes that can be made to our criminal justice system to improve outcomes for individuals, our community and government in the longer term. Much of the content in this submission in relation to bail support and alternatives to remand has been sourced from that report. To better understand the context of bail, we set out the recommendations from that report in Table 1 below, across all of the points of contact with the criminal justice system.

Table of Recommended Short, Medium, and Long-Term Actions To Break The Cycle of Incarceration

Holistic intervention and prevention	Positive policing and diversion	Bail support and alternatives to remand	Alternative court processes	In-prison programs and alternative detention models	Throughcare, reintegration and post-release support
Provide long-term funding for Yarrabi Bamirr Expand Strong Connected Neighbourhoods program Reinstate funding for Aboriginal Drivers Licensing Program Increased wrap around community service provision Adopt restorative practice approach to child protection	Expand the PACER program to meet community needs Introduce DFV co-responder model Review systemic racial discrimination in policing	New integrated bail support programs, such as the Victorian CISP Establish dedicated specialist case managers in Magistrates Court Increased beds and more client support for Justice Housing Program	Provide long-term funding for DASL Increased access to Restorative Justice (Phase 3) Expand DASL model to Magistrates Court Establish Neighbourhood Justice Centre	Dedicated alcohol and other drug rehabilitation programs in the AMC Implement a tertiary education strategy in the AMC (see Healthy Prison Review) Introduce NDIA officer into AMC Expand use of telehealth consultations in AMC (HPR) Expand programs and activities including to weekends in the AMC (HPR) Introduce Diagrama model for youth justice	More beds for Justice Housing Program Continued and increased Throughcare case management and supports for Bimberi and AMC Improve WWVP card system to lessen barriers to employment for people exiting prison
Recommendations for implementation as part of Breaking the Cycle Fund					
Short TermMedium TermLong Term					

Table 1: JRI recommendations to break the cycle of incarceration in the ACT⁴

The ACT has the highest rate of remand population in prison across Australia, at 46%. This is detailed in the section on remand.

³ JRI (2024). *Alternatives to incarceration in the ACT*.

⁴ JRI (2024). *Alternatives to incarceration in the ACT: Highlights Paper*, 7.

Reducing remand goes hand-in-hand with having more people released into the community on bail. This requires complementary increases to bail support. Bail support refers to the provision of services, interventions and/or support designed to assist an accused person to successfully comply with their bail obligations.⁵ The principal aims of bail support are to reduce (re)offending while on bail, increase the likelihood of a person facing criminal charges appearing in court and to provide an alternative to detention and remand. Research has shown that such programs can reduce reoffending (by 33%), increase compliance with bail conditions (by 95%),⁶ improve a range of other social and health wellbeing measures relevant to the drivers of criminal justice system contact⁷ and achieve cost savings when compared to an absence of bail support.⁸ Bail support programs may also be combined with diversionary programs that seek to address problems, such as harmful AOD use. These combined programs seek to provide an integrated approach to assisting people obtain and remain on bail.⁹

SOCIAL DETERMINANTS OF INCARCERATION

In 2023, researchers from the University of New South Wales (UNSW) linked administrative data across a broad range of factors to identify the eight social determinants that increase the likelihood of being involved in the criminal justice system.¹⁰ Their analysis shows that someone's chance of being imprisoned is greatly increased by:

1. having been in out-of-home care (OOHC)
2. receiving a poor school education
3. being Indigenous
4. having early contact with police
5. having unsupported mental health and cognitive disability
6. problematic AOD use
7. experiencing homelessness or unstable housing
8. coming from or living in a disadvantaged location.

⁵ Denning-Cotter, G. (2008). *Bail support in Australia*. Indigenous Justice Clearinghouse.

⁶ See eg Lulham, R. (2009). *The Magistrates' Early Referral into Treatment*. New South Wales (NSW) Bureau of Crime Statistics and Research; Klauzner, I. (2021). *An evaluation of the youth bail assistance line*. NSW Bureau of Crime Statistics and Research; Marchetti, E. (2021). *Evaluation of the Caxton Legal Centre Bail Support Program*. Griffith University.

⁷ Spratley, S., Donnelly, N. & Trimboli, L. (2013). *Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program*. NSW Bureau of Crime and Statistics Research.

⁸ PricewaterhouseCoopers (2009). *Economic evaluation of the Court Integrated Services Program (CISP): Final report on economic impacts of CISP*; Ross, S. (2009). *Evaluation of the Court Integrated Services Program: Final report*.

⁹ Willis, M. (2017). *Bail support: A review of the literature*. Australian Institute of Criminology.

¹⁰ McCausland, R. & Baldry, E. (2023). Who does Australia lock up? The social determinants of justice. *International Journal for Crime, Justice and Social Democracy*, 12: 37-53.



Figure 1: The social determinants of justice¹¹

Despite the best efforts of so many community sector organisations, including a range of programs funded by governments, it is clear that, without systems reform and reform that addresses these social determinants, we will continue to see far too many people incarcerated. This shows the need for critical reforms in multiple areas of people's lives. For instance, while rates of child protection interventions involving First Nations children continue to be highly disproportionate (a First Nations child is eight times more likely to be placed in OOH than a non-Indigenous child),¹² rates of First Nations people in the youth and adult justice systems will continue to be disproportionate.

There is a need for the kind of systemic reforms that are long-term and multi-generational, with government commitment to long-term reform agendas, and funding models that enable sustained change over multiple budgets and electoral terms.

Alongside investment in services and supports at key points in the criminal justice system, to truly break the cycle of incarceration in families' lives, there is also the need for investment and reform more broadly in AOD services; alternatives to OOH; education; and social service and infrastructure such as housing.

HIGH RATES OF REMAND IN THE ACT

The JRI believes that addressing the ACT's high rate of remand, alongside the underlying causes for offending, is key. Almost half of the ACT's prison population is on remand, ie. in custody awaiting finalisation of their legal proceedings, and **the ACT has the highest proportion of people on remand nationally.**

¹¹ Ibid.

¹² Productivity Commission (2024). *Report on government services, 2024*. Part F: Community Services, Table 16A.9.

Australian Bureau of Statistics (ABS) data from 2023¹³ show that 174 of the 375 people in prison in the ACT (46%) were in prison unsentenced – one of the highest proportions in Australia, compared with 25.9% in 2013.¹⁴ Furthermore, 41% of unsentenced people in the ACT's prisons have been held on remand for more than three months, 21% for more than six months and 7% for longer than a year.¹⁵

Proportion of people in prison on remand (2023)

On June 30th 2023

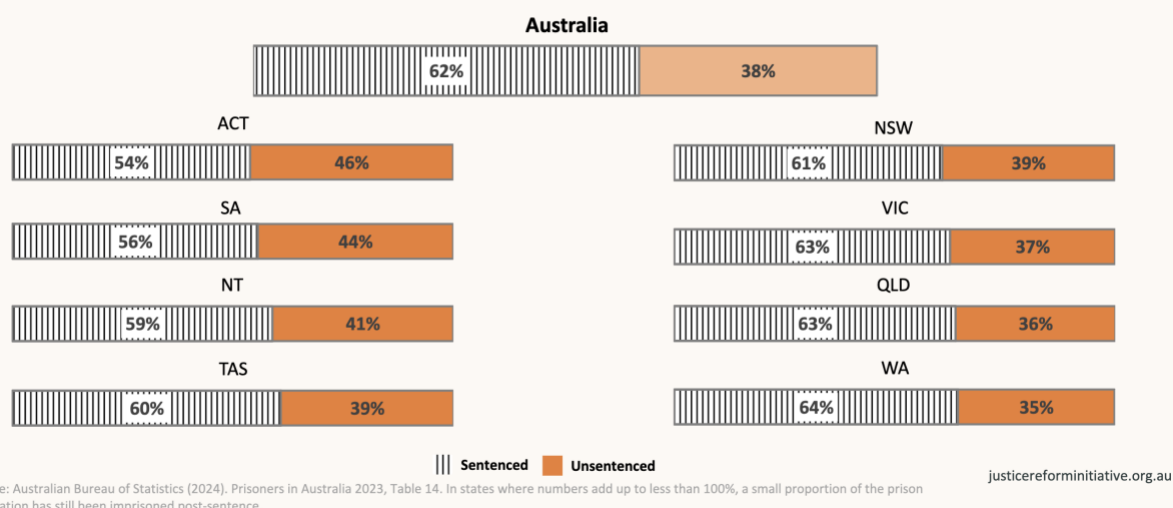


Table 2: Proportion of people in prison on remand across Australia, 2023¹⁶

Bail laws should be informed by an evidence-based approach that genuinely centres community safety. Remanding people in custodial settings should only be used as a last resort. There is a particular need for evidence-based alternatives that are community-led and managed outside of custodial settings. This includes looking at appropriate diversion alternatives, such as access to AOD services, mental health and disability support, holistic wrap-around case management, culturally-safe First Nations supports, and safe and secure accommodation.

People who do not receive bail and are remanded in custody suffer the hardships of incarceration (loss of liberty, disconnection and separation from community, loss of housing, loss of employment, loss of identity, institutionalisation, de-humanisation, the traumatic experience of imprisonment), without having been found guilty of an offence. People on remand are typically housed in high-security custodial environments, with limited access to programs and services. There is also strong evidence to suggest that pre-trial detention and remand, even for short-term periods, contributes to future offending.¹⁷

The overuse of pre-trial detention does not ultimately make the community safer. In fact, it increases the risk of reoffending because of the criminogenic nature of incarceration.¹⁸

¹³ Australian Bureau of Statistics (ABS) (2024). *Prisoners in Australia, 2023*, Table 14.

¹⁴ Ibid, Table 15.

¹⁵ Ibid, Table 32.

¹⁶ JRI (2024). *Adult imprisonment in Australia 2023 – An overview*, 11.

¹⁷ McMahon, M. (2019). *No bail, more jail? Breaking the nexus between community protection and escalating pre-trial detention*. Victorian Parliamentary Library and Information Service, 22-23.

¹⁸ Heard, C., & Fair, H. (2019). *Pre-trial detention and its over-use: Evidence from ten countries*. Institute for Crime & Justice Policy Research, 8.

Remand, especially where the person on remand is the primary carer of children, can have a substantial and disruptive effect on families and increases the likelihood of children being placed into out-of-home care, lending to higher negative intergenerational effects.¹⁹

There is also a significant financial cost to government of remanding people in custody. Based on the total daily real net operating cost (excluding capital costs) of detaining an adult in prison in the ACT (\$543 per day),²⁰ it is estimated that the total annual net operating cost of detaining adults on remand in the ACT exceeds \$34.4 million.²¹ Reducing the numbers of people in prison on remand will result in significant savings.²²

It is worth noting that the increased rates of remand has been a long-term national trend, heavily influenced by various moments of political knee-jerking – usually when a serious offence occurs while someone is out on bail, and governments respond with legislation that disallows bail for those specific offences. The result of these amendments over time has led to the following increase in people on remand (the dip in 2020 was as a result of COVID).

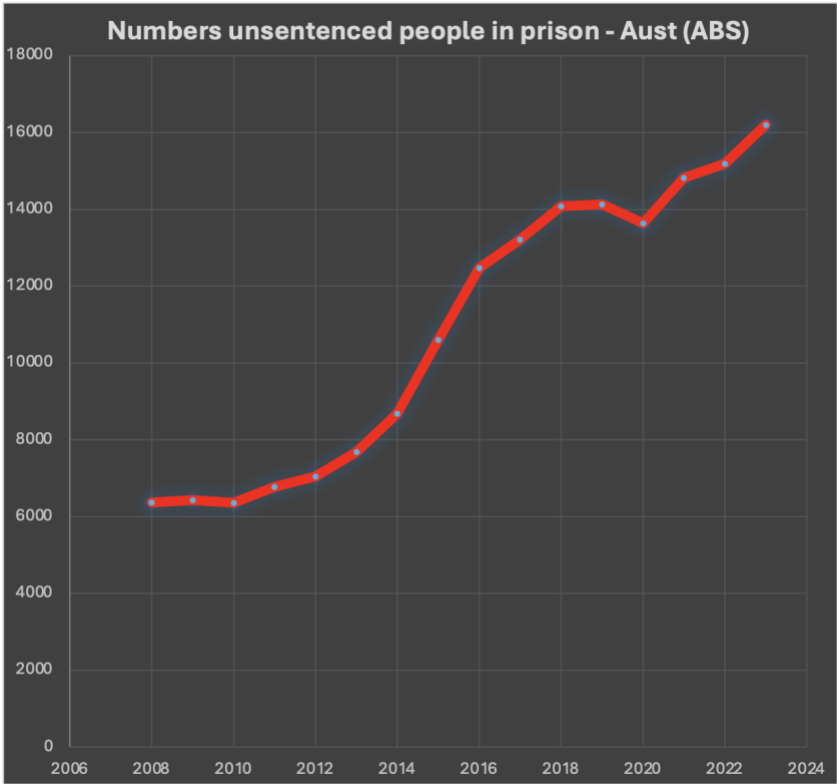


Table 3: JRI internal document, derived from 2023 ABS data

SUPPORT SERVICE INTERACTION FOR PEOPLE ON BAIL

¹⁹ Parliament of Australia (2013). *Value of a justice reinvestment approach to criminal justice in Australia*.
²⁰ Productivity Commission (2024). *Report on government services 2022-23*, Table 8 A.20.
²¹ ABS (2024). *Prisoners in Australia, 2023*, Table 14.
²² Ball, J. (2019). [Australia pays the price for increasing rates of imprisonment](#). Committee for Economic Development of Australia.

People on bail often have a range of complex needs, including AOD and mental health issues, housing and financial stress, experiences of family violence and trauma, unemployment and lack of access to education and transport. For Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds, this is often compounded by experiences of systemic racism and discrimination, as outlined in the section below on First Nations people on bail. Research in the ACT and beyond has pointed to the need for trauma-informed, strengths-based holistic, person-centred service delivery.²³ The JRI calls for adequate funding of such services, to ensure that they can work holistically with clients, including on a long-term basis, in response to their needs. In particular, we note that many programs in the ACT operate on a short-term funding model and/or do not support a whole-of-person approach.

YOUNG PEOPLE ON BAIL

There has been a recent trend in some other Australian jurisdictions, notably NSW, Queensland and the Northern Territory, making it harder for young people to obtain bail. We do not support such approaches, as this is not an evidence-based reform. We believe this is a retrograde step, which seeks to ameliorate media concerns, but is a short-term measure that fails to respond to the root causes, and is more likely to cause, rather than prevent crime.

As other submissions to this inquiry have noted, the overwhelming majority of young people incarcerated in the ACT are on remand. Although research is not available on the sentencing outcomes of young people on the basis of bail/remand, research from Victoria has indicated that nearly two-thirds of those remanded in custody ultimately receive a non-custodial sentence.²⁴ This reinforces the importance of ensuring that remand is only employed as a last resort and young people are instead supported to remain in the community. One measure to promote the successful application and completion of bail for young people include the availability of an after-hours bail assistance line.²⁵ Currently, the Ngurrumbai Bail Support Program is only funded to support Indigenous adults. Funding should therefore be provided to also support Indigenous young people to apply for and successfully complete their bail orders.

RECOMMENDATION 1:

That the Ngurrumbai Bail Support Program is expanded, so that it is also available for Indigenous young people.

BAIL SUPPORT PROGRAMS

There is currently only one adult bail support program in the ACT, the Ngurrumbai Bail Support Program, delivered by the Aboriginal Legal Service. This program is only available to Indigenous people, leaving many people without appropriate support. Although Indigenous people are significantly over-represented in the justice system and rightly the focus of significant

²³ See eg Willis, M. (2017). [Bail support: A review of the literature](#) Australian Institute of Criminology.; Sotiri, M., McCausland, R., Reeve, R., Phelan, L. & Byrne, T. (2021). *"They're there to support you and help you, they're not there to judge you" - Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centre's AOD and reintegration programs*. Community Restorative Centre and University of NSW; Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J., & Scott-Palmer, S. (2022). *ACT drug and alcohol sentencing list: Process and outcome evaluation final report*. Australian National University; Taylor, H., Bartels, L., Rehill, P., Wong, G. & Liu, E. (2023). *Process evaluation of the Justice Housing Program*. Australian National University.

²⁴ Victorian Sentencing Advisory Council (2014). *Children held on remand in Victoria*.

²⁵ Klauzner, I. (2021). [An evaluation of the youth bail assistance line](#). NSW Bureau of Crime Statistics and Research.

interventions, there is also an urgent need (in addition to and separate from the existing service) for a more generic bail support program, including for Indigenous people who may wish to participate in a different program.

Additional bail support programs interstate should be investigated for their application in the ACT. There are multiple models of potential programs in other jurisdictions. The **Magistrates Early Referral into Treatment (MERIT)** program in NSW is a voluntary pre-plea program for adults to take 12 weeks to get support to treat their drug or alcohol problems before their hearing. This program shows good results, including a cost-benefit analysis yielding a benefit of between \$2.41 and \$5.54 for every dollar spent,²⁶ and could be replicated in the ACT.

Another suitable program is the **Court Integrated Services Program (CISP)**. CISP is a case management program that operates in 20 magistrates' courts across Victoria. It is a wider-reaching bail support program than MERIT, and offers:

- drug and alcohol treatment services;
- crisis and supported accommodation;
- disability and mental health services;
- acquired brain injury services; and
- Koori-specific services.

To participate, a person must be charged with an offence, consent to participating, and experience:

- physical or mental disabilities or illnesses;
- drug and alcohol dependency and misuse issues;
- inadequate social, family and economic support that contributes to the frequency or severity of their offending; and/or
- homelessness.

Independent evaluations of CISP²⁷ found that it:

- **reduced reoffending: people involved in CISP showed a 33% reduction in reoffending and, where they did reoffend, the offending was less frequent and less serious;**
- improved health outcomes;
- saved money, with a return on investment of \$1.70-5.90 for every dollar spent;
- increased referrals to treatment; and
- improved assessment, providing magistrates with access to timely, accurate and objective information about CISP clients' risk of reoffending and support needs, to address the causes of their offending behaviour.

Such a program would reduce the high rates of remand and would be a cheaper, early-intervention supplement and complement to the Drug and Alcohol Sentencing List (DASL) in the Supreme Court. Early indicators are that DASL has been an effective additional tool for our court system to better support people with drug and alcohol related offending appearing before

²⁶ Passey, M. et al (2003). *Evaluation of the Lismore MERIT Pilot Program – Final report*. Northern Rivers University Department of Rural Health.

²⁷ See Victorian Department of Justice (2010). *Court Integrated Services Program: Tackling the causes of crime – Executive summary evaluation report*. This summarises separate evaluations of CISP.

the Supreme Court.²⁸ However, there are also many people appearing in the Magistrates' Court who would also gain from similar support services being available. In particular, expanding bail support services to the Magistrates Court would enable more women to access such services, at a lower cost than DASL. The CISP as outlined above is highly recommended. Other examples of bail support programs are set out in the **Appendix**.

We are aware of the concerns about bail being granted to defendants charged with domestic and family violence (DFV) offences, and note the data cited in the ACT Policing submission about the number of people in the ACT on bail for DFV offences.²⁹ The JRI is very concerned to ensure the safety of DFV victim-survivors. To address cycles of DFV, intervention programs must be available at the earliest opportunity and, wherever possible, options available for both protecting victim/survivors as well as ensuring perpetrators have access to appropriate intervention options, including bail support programs and alternative housing for defendants and/or victim-survivors. These measures also need to be carefully coordinated with any family violence orders in place.³⁰ One early indicator of potential DFV is animal abuse at home, and thus one item of relevance in the ACT Parliamentary and Governing Agreement 2020 is Appendix 4, item 10.3, to 'Improve early intervention programs for people who use violence against their partners, family members or pets', which could easily be incorporated into bail support programs.

RECOMMENDATION 2: That the ACT Government urgently invests in bail support programs that help people to address underlying issues and reduce (re-)offending behaviours.

BAIL ACCOMMODATION

Lack of suitable and stable accommodation poses a barrier for many individuals to be able to meet bail requirements, especially those in rural, regional, or remote areas or those experiencing homelessness. Obtaining and maintaining bail is a particular challenge for Aboriginal and Torres Strait Islander people.³¹ Bail hostels provide a potential solution, as they increase access to bail by ensuring adequate housing; when coupled with effective bail support, this can increase bail compliance.³²

Bail hostels are residential establishments that accommodate people as a condition of bail, generally with some degree of endorsement or regulation by the government. While there are some long-standing examples of bail hostels in some jurisdictions in Australia, they have not been systematically implemented throughout Australian states and territories.³³

²⁸ Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J. & Scott-Palmer, S. (2022). [ACT drug and alcohol sentencing list: Process and outcome evaluation final report](#). Australian National University.

²⁹ ACT Policing (2024), *Submission to Standing Committee on Justice and Community Safety inquiry into the administration of bail in the ACT*.

³⁰ For discussion, see Bartels, L., Eastaugh P. & Dodd, S. (2020). *Review of the implementation of the Family Violence Act 2016 (ACT)*. Australian National University.

³¹ Australian Law Reform Commission (2017). *Pathways to justice: Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples*. Bartels, L. (2019). *The growth in remand and its impact on Indigenous over-representation in the criminal justice system*. Indigenous Justice Clearinghouse.

³² Bartels, *ibid*.

³³ Willis, M. (2017). *Bail support: A review of the literature*; Presneill, A. (2018). *Bail hostels: Report prepared for the ACT Office of the Inspector of Custodial Services*.

The Law Council of Australia and many others have recommended the introduction of more bail hostel programs in Australia.³⁴ Research by the Australian Institute of Criminology has noted that the features that influence the success of bail hostels include:

- their affordability;
- the need to be targeted towards people who do not have access to alternative accommodation so as to avoid net-widening;
- ensuring that they have the capacity to be available for diverse populations including First Nations people, people with mental health or cognitive impairment, people at risk of DFV and people who are homeless; and
- the safety of all people residing in bail hostels and thoughtful allocation of beds.³⁵

Overall, the research and analysis on the effects of bail hostels suggests that **it is more cost-effective to house a defendant in a bail hostel than a prison**, after taking into consideration the economic and social benefits of individuals maintaining employment and relationships, contributing to rent, and reduced recidivism.³⁶

There is not enough temporary accommodation available for people released from prison in Australia, including the ACT.³⁷ Research with people released from prison in the ACT reported challenges in finding suitable housing upon their release, primarily related to a 'lack of availability, wait-times, condition of housing and difficulty of obtaining private rental in the absence of government housing'.³⁸ Since then, the Justice Housing Program (JHP) has been established. This is an ACT Government program, introduced as a key pillar of the Government's Reducing Recidivism Plan (RR25by25). The program currently provides 10 transitional shared accommodation houses for people leaving the Alexander Maconochie Centre (AMC) who are able to live independently. Accommodation is provided for up to three months and during that time, the program assists people to find more permanent accommodation and access community services.

This helps people who are charged with offences make stronger arguments that they have stable living situations that minimise the risk of reoffending or absconding, meaning they may have more success obtaining bail.

The JHP has been recently evaluated³⁹ and, since it commenced in 2020, 188 people (about 30% of whom were on remand)⁴⁰ have been able access the program, including high proportions of both females and Indigenous people. This means the JHP is fulfilling some of its key aims – to reduce the number of people being denied bail or parole due to homelessness or not having appropriate housing, and to address priority cohorts. However, the evaluation

³⁴ For discussion, see Bartels, L. (2019). *The growth in remand and its impact on Indigenous over-representation in the criminal justice system*. Indigenous Justice Clearinghouse.

³⁵ Willis, M. (2017). *Bail support: A review of the literature*.

³⁶ Presneill, A. (2018). *Bail hostels: Report prepared for the ACT Office of the Inspector of Custodial Services*. Australian National University, 16-21.

³⁷ Griffiths, A., Zmudzki, F. & Bates, S. (2017). *Evaluation of ACT Extended Throughcare Pilot Program: Final report*. Social Policy Research Centre.

³⁸ Doyle, C., Pfothner, D., Bartels, L. & Hopkins, A. (2020). *[T]hey say "you're going home, you're going home" ... but I don't have a home... I'm getting out, but I'm not going home, there's no home...': The experiences of people leaving prison in the Australian Capital Territory*. University of NSW; Doyle, C., Yates, S., Bartels, L., Hopkins, A., & Taylor, H. (2022). "People say you're going home, but I don't have a home": Housing after prison', *International Journal of Offender Therapy and Comparative Criminology*. <https://doi.org/10.1177/0306624X221132226>.

³⁹ Taylor, H., Bartels, L., Rehill, P., Wong, G. & Liu, E. (2023). [*Process evaluation of the Justice Housing Program*](#). Australian National University.

⁴⁰ Ibid 22.

recommended further investment in housing options for people exiting prison, especially broadening the offerings to also include 1-2 bedroom dwellings (to enable visits from children), as well as single-occupancy dwellings for people who are likely unsuitable for shared accommodation. We note the recommendations of the evaluation report, and in particular that participants should be given more intensive supports and opportunities, and continued contact with case managers even after exiting the JHP.

It is evident that the amount of housing available through the program does not come close to matching the number of people being released from prison into homelessness. We note that addressing homelessness and the lack of affordable and accessible housing is a key determinant of people's ability to break the cycle of poverty and disadvantage. If the ACT does not address the housing shortage, the ACT will simply not be able to improve the corresponding impacts to people's ability to support their families, and hold stable and secure lives, including obtaining and retaining regular employment.

High priorities for further investment in bail housing options include:

- increased supported accommodation for women and First Nations people on bail and for post-release;
- establishing a housing program to support defendants charged with DFV and people convicted of DFV offences; and
- increasing supports and opportunities for JHP and similar participants, including continued contact with case managers even after exiting the JHP and warm referrals to other service providers.

RECOMMENDATION 3:

That the ACT Government increase the availability of the Justice Housing Program to address the shortfall in bail accommodation, particularly noting the priority cohorts outlined above, and the need for consistent case management.

FIRST NATIONS PEOPLE ON BAIL

The over-representation of Aboriginal and Torres Strait Islander people in the ACT's justice system both reflects and reproduces systemic disadvantage. It is impossible to disconnect this over-representation from the social drivers of incarceration identified so clearly by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), including the impact of colonisation, structural racism and dispossession. We are pleased that the independent inquiry into Indigenous overincarceration in the ACT is finally underway, and we look forward to its findings.

We note that the ACT has the highest ratio of Indigenous to non-Indigenous imprisonment in the country: Aboriginal and Torres Strait Islander adults are 23 times more likely to be in prison than the non-Indigenous adult population (the national average is 18 times).⁴¹ NSW BOCSAR data also shows that adult Aboriginal defendants are more likely to be bail refused by the police than non-Aboriginal defendants.⁴²

First Nations organisations and communities have been providing leadership and advocacy in this space for decades, as well as clearly stating what is needed to prevent this over-

⁴¹ ABS (2024). *Prisoners in Australia 2023*, Table 20.

⁴² Klauzner, I., & Yeong, S. (2021). What factors influence police and court bail decisions? NSW Bureau of Crime Statistics and Research.

representation continuing. Some of the reforms required are legislative. Other reform areas are about increasing accessibility to services and supports that are Aboriginal-led, and culturally safe. Some of these approaches are discussed in this submission (eg. Ngurrumbai Bail Support Program) and others are discussed in other submissions to this inquiry (eg. the Front-Up Program).

The Australian Law Reform Commission's *Pathways to Justice* Report⁴³ has examined these problems and looked at decades of reports, recommendations and the progress of their implementation, including those of RCIADIC. The recommendations of the *Pathways to Justice* Report are now the best guidance on overdue reforms in this area, and must be of high priority to the ACT Government, if it is serious about reducing the overrepresentation of Indigenous detainees in the AMC. We are aware that there is currently work underway to examine the ACT's implementation of the Pathways recommendations. In the present context, we note the following recommendations:

Recommendation 5–1: State and territory bail laws should be amended to include standalone provisions that require bail authorities to consider any issues that arise due to a person's Aboriginality, including cultural background, ties to family and place, and cultural obligations. These would particularly facilitate release on bail with effective conditions for Aboriginal and Torres Strait Islander people who are accused of low-level offending. The Bail Act 1977 (Vic) incorporates such a provision. As with all other bail considerations, the requirement to consider issues that arise due to a person's Aboriginality would not supersede considerations of community safety.

Recommendation 5–2: State and territory governments should work with relevant Aboriginal and Torres Strait Islander organisations to:

- develop guidelines on the application of bail provisions requiring bail authorities to consider any issues that arise due to a person's Aboriginality, in collaboration with peak legal bodies; and
- identify gaps in the provision of culturally appropriate bail support programs and diversion options, and develop and implement relevant bail support and diversion options.

It should be noted that the Pathways report did *not* consider that young people and the bail needs of First Nations young people required particular attention.

RECOMMENDATION 4:

That the JACS Committee and Government note the *Pathways to Justice* Report Recommendations 5-1 and 5-2 in relation to bail.

MENTAL HEALTH AND BAIL

The inquest into the death of Brontë Haskins while on bail⁴⁴ highlighted a number of issues in relation to mental health issues. We understand that there have been some practical changes as a result of that inquest. However, we see the need for additional support. In particular, we consider that this could be addressed effectively through the introduction of a court-based bail

⁴³ Australian Law Reform Commission (ALRC) (2017). *Pathways to justice – Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples*.

⁴⁴ *Inquest into the death of Brontë Haskins* [2023] ACTCD 4.

support program, such as exist in many other Australian jurisdictions and discussed in detail further below.

SUPERVISION OF PEOPLE ON BAIL

Another issue that arose in Ms Haskins' inquest was the lack of resources allocated by ACT Corrective Services to supervise people on bail. We note that there has recently been a third bail officer appointed to supervise people on bail. However, the ACT Government submission to this inquiry⁴⁵ states that, at 30 April 2024, there were 182 people on bail (with no other orders in place), plus 52 accused people also subject to a community-based order or who had entered a guilty plea. This suggests a very high case load and that there can likely be only very perfunctory supervision, which represents a missed opportunity to support people with complex needs. Once again, we call for a bail support program to address this issue.

We note that the ACT is moving to introduce electronic monitoring (EM), the last jurisdiction in Australia to do so. There is mixed evidence on the effectiveness of EM of adults.⁴⁶ However, there do appear to be some positive results, especially in relation to DFV cases.⁴⁷ Consideration should therefore be given to how to maximise the benefits of EM for people on bail (especially those who would otherwise be remanded in custody), without creating unnecessary burden for defendants who do not require this additional level of scrutiny. However, the JRI does not support the use of EM with children/young people. There is very little empirical evidence to suggest EM is effective for children, with most of the evidence suggests it causes more harm than good.⁴⁸

PREVENTION OF RE-OFFENDING ON BAIL

We note the ACT Policing submission to this inquiry,⁴⁹ which provides detailed data on the number and types of offences committed by people on bail. This reveals that the majority of such offending is relatively minor: between 1 July 2017 and 30 April 2024, 65-72% of offences committed while on bail were justice offences (ie, breach bail, intensive correction order, parole etc). The next most common category of offences each year was regulatory traffic offences (ie, speeding, drive unlicensed). Although we recognise that offending while on bail may be seen as a 'failure' of the individual, we suggest that this should instead be seen as a system failure and an opportunity to provide increased support to people on bail, to address the underlying reasons for offending. This means identifying and responding to systemic factors, such as unemployment, homelessness and lack of education.

⁴⁵ ACT Government (2024). *Submission: Standing Committee on Justice and Community Safety inquiry into the administration of bail in the ACT*.

⁴⁶ Bluer, J. et al (2020). A systematic review of the effectiveness of electronic monitoring on offenders. *Journal of Criminal Justice* <https://doi.org/10.1016/j.jcrimjus.2020.101686>.

⁴⁷ See eg Winter, R. et al (2021). *Evaluation of Project Vigilance: Electronic monitoring of family violence offenders*. University of Tasmania; Boiteux, S. & Teperski, A. (2023). *An evaluation of the NSW Domestic Violence Electronic Monitoring program*. NSW Bureau of Crime Statistics and Research. See also Nancarrow, H. et al. (2020). *Electronic monitoring in the context of domestic and family violence*. ANROWS.

⁴⁸ Weisburd, K. (2015). Monitoring youth: The collision of rights and rehabilitation. *Iowa Law Review*, 101, 297-341.

⁴⁹ ACT Policing (2024). *Submission to the Standing Committee on Justice and Community Safety inquiry into the administration of bail in the ACT*.

Cognitive impairment, mental illness and lack of literacy are key factors that needs to be taken into account in ensuring that bail conditions are able to be understood, with many people unable to read and/or fully understand the meaning and implications of their bail conditions. For example, someone may 'reoffend' when they fail to report as required, but this may be due to poor executive function stemming from Attention Deficit Hyperactivity Disorder (ADHD). It is also crucial to ensure that bail conditions are meaningful and realistic. For example, we are aware of someone who was in breach of their bail condition not to travel through a certain part of Canberra, but needed to do so to get from their home to their work. **We certainly do not endorse disrespect of courts' orders, but urge a nuanced approach that will promote genuine public safety and wellbeing.** This may require careful examination of the reasons why these behaviours occur, especially in the context of the ACT's *Disability Justice Strategy*.⁵⁰ It is clear that many instances of 're-offending' may be addressed if processes and forms are simplified, to help promote bail compliance.

DANGEROUS DRIVING OFFENDING ON BAIL

In the context of driving offences, it may be a condition of bail that a person not drive, but this may place them in an invidious position. If someone needs to drive (for example, to get to work in places without public transport, especially if starting shifts very early in the morning), the temptation to drive without a licence could be high. We have heard of people breaching bail in order to engage in legitimate activities, such as employment.

The ACT already has an interlock program, although data are not readily available on how widely this is used. We draw to the Committee's attention recent evidence from BOCSAR on the Mandatory Alcohol Interlock Program (MAIP) in NSW, which was introduced in 2015 for people convicted of refusing a breath test, high-range drink driving and repeat drink-driving. This study⁵¹ found that interlock devices significantly reduce drink-driving while they are installed and (to a modest extent) following their removal. In particular, **high-range drink drivers were 86% less likely to commit a new drink-driving offence while the device was installed.** A related study⁵² found that people were less likely to start MAIP if they were:

- already disqualified at the time of the offence;
- aged 55 years and over;
- Indigenous; or
- sentenced to imprisonment at the index contact.

Nearly all of those who started MAIP (91%) completed the program. In light of these promising findings, it would therefore be **of benefit to gain greater insight into the operation of the ACT interlock program and adopt lessons from the NSW model**, including addressing any barriers to the use of such technology.

Programs of this nature should be imposed as part of conditions, in appropriate cases.

⁵⁰ ACT Government, *Disability Justice Strategy 2019-2029* (2019).

⁵¹ Rahman, S. (2022). *The effectiveness of alcohol interlocks in reducing repeat drink driving and improving road safety*. NSW Bureau of Crime Statistics and Research.

⁵² Rahman, S. (2022). *Predictors of commencement and completion of the NSW Mandatory Alcohol Interlock Program*. NSW Bureau of Crime Statistics and Research.

PRESUMPTION OF BAIL (INCLUDING BAIL FOR YOUNG PERSONS)

The ACT Law Reform and Sentencing Advisory Council is currently reviewing bail laws and therefore we do not make extensive comments here on the presumptions in relation to bail. As part of that review, we urge that particular attention be given to:

- ensuring that the *Bail Act 1992* (ACT) is compatible with the *Human Rights Act 2004* (ACT);
- the specific needs of Indigenous people, young people and people with disability; and
- on the one hand, balancing a defendant's right to liberty, the presumption of innocence and, if appropriate, the need for accountability, with the interests of any victims, including the need for protection, and the broader community, on the other.

The issue of presumptions should be considered in the broader context of legislative reform.

BAIL ACT REFORM

The *Bail Act 1992* (ACT) establishes the process for determining whether a person accused of a crime is remanded in custody or allowed to remain in the community while awaiting trial. There are limits to what bail supports can achieve in preventing growth of the remand population, if the structural elements of the *Bail Act* (such as presumptions against bail or bail considerations) are not reviewed or become increasingly onerous, reducing the opportunity for discretion on the part of magistrates and judges.

The JRI is supportive of *Bail Act* reform, to address the high rates of remand in the ACT, in the context of other systemic and legislative changes to address systemic issues driving contact with the justice system. We note the Law Reform and Sentencing Advisory Council's current review of this issue, as well as the opportunity to monitor uptake of alternative pathways to rehabilitation and diversion out of prison, including any barriers to such pathways.

It is important that legislative review ensures that the *Bail Act* strikes a balance between community safety, procedural fairness and the human rights of both (alleged) victims and people accused of a crime. The ACT has the highest rate of remand in Australia, yet there are many people on extended periods of remand in custody who would likely be better managed in the community.

Key points where legislative reform could assist people to be released into the community on bail rather than remanded in custody would particularly include examining the implications of sections 9D and 9F.⁵³ The review should be accompanied with an exploration of additional multi-agency and service options required to support alternative pathways, including for victims and perpetrators of domestic and family violence (see further discussion below).

We note that item 7.5 of Appendix 4 in the Parliamentary and Governing Agreement for the 10th Assembly called for the Government to 'Enhance drug diversion pathways for law enforcement', and a number of bail reforms would clearly contribute to this.

⁵³ See Bartels, L., Eastaer P. & Dodd, S. (2020). *Review of the implementation of the Family Violence Act 2016* (ACT). Australian National University, Recommendation 6.

We would like to see a wholesale review and modernisation of the *Bail Act*, including an explicit hierarchy of objectives for the bail system and alignment with the *Human Rights Act* and the legislated Charter for Victims. It should aim to ensure consistency, fair application and a focus on keeping defendants connected with community services while on remand. The revised legislation should incorporate advice from both the LRSA Council review and the JACS Committee inquiry.

RECOMMENDATION 5:

That the Bail Act reform process should be a wholesale review and modernisation, including a hierarchy of objectives for the bail system, and alignment with the *Human Rights Act* and the legislated Charter for Victims.

DATA

As set out above, the ACT Policing submission sets out data on the number and type of offences committed by people on bail. Unfortunately, this sort of information is not usually available and it is therefore very difficult to develop an informed understanding of bail practices in the ACT. By contrast, the NSW Bureau of Crime Statistics and Research website⁵⁴ provides publicly-accessible data on the following, all of which can be disaggregated by age (adult/youth), Indigenous status and gender:

- *bail status* (ie, bail refused, granted, dispensed with); this information can also be disaggregated by year and region;
- *offence type* (eg, homicide, traffic); this information can be disaggregated by bail status;
- *bail conditions* (eg, do not associate, curfew);
- *number of bail conditions*;
- *the outcome of bail breaches* (ie, bail revoked or continued); and
- *the type of breach* (ie, further offending or breach of conditions).

This reveals, for example, that Indigenous people are most likely to have an average of two bail conditions imposed, while non-Indigenous people only have one and that 20% of breaches in 2023 were for further offending, the lowest proportion since data collection started in 2015.

RECOMMENDATION 6:

The JRI supports evidence-based policy-making and therefore calls for resourcing of data collection that will enable comparable and ongoing information on bail decisions, breaches and the outcomes of such breaches to be made available for the ACT.

DOMESTIC AND FAMILY VIOLENCE OFFENCES

There are certainly serious offences which require a stark focus on community safety, and offences committed in circumstances involving DFV rightly raise community concerns. Although there are a variety of contexts in which DFV occurs, this is commonly in relation to intimate partner violence, generally between a father and mother, in a domestic setting involving children. The general options available in such instances are:

⁵⁴ NSW Bureau of Crime Statistics and Research, *Bail in NSW*
https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Bail.aspx.

- removing the violent parent (usually the father);
- removing the mother and children; or
- only removing the children.

We know that, in many cases, families would rather stay together, but would like support with managing addictions and violent behaviours. Current offerings do not provide many options for this. Removing children from their families in these cases should be avoided wherever possible, especially as we know that children can be highly traumatised when removed from their home or place of safety and security. In addition, removing the mother and children may mean that they lose access to vital supports, local schools, friends etc. Instead, we should be looking at options that increase accommodation and support for men on bail for DFV offences, including through an increase in funding for service providers, such as Everyman, to increase accommodation for men who use violence.

LONGER-TERM SYSTEM REFORMS NEEDED

In our Alternatives to Incarceration report, the JRI recommended the establishment of a Neighbourhood Justice Centre, to create a single place where people could access advice, support and referrals to appropriate services within diversionary, bail or court processes, in a clear, accessible, supportive and trauma-informed manner.

Towards this longer-term goal, a range of steps should be taken in the short- and medium-term, to establish the elements that will be needed. These include:

- shifting towards single case managers in the courts, to assist people with access and referrals to the necessary legal, mental health, addiction and disability support programs. These case managers should be able to continue supporting that person throughout their journey through the justice system. This would be a more trauma-informed way to support people, allowing people to build trust who have not often had the opportunity in life;
- increasing the number of and access to support programs and services available to people on bail, remand and community corrections; and
- in particular, a new bail support program with significant case management and supports should be established in the Magistrates Court, as a matter of urgency. This would reduce the high rates of remand and would be a cheaper, early-intervention supplement and complement to DASL in the Supreme Court.

In the shorter term, moving the courts towards a single case manager system would increase people's navigation and literacy of the complex court system and the support services available to people.

RECOMMENDATION 7:

That the Government shift towards establishing a system that allows each person in the justice system to have a single case manager in the courts, to assist people with access and referrals to necessary legal, mental health, addiction and disability support programs.

KEY RECOMMENDATIONS

The JRI recommends:

RECOMMENDATION 1:

That the Ngurrambai Bail Support Program is expanded, so that it is also available for Indigenous young people.

RECOMMENDATION 2:

That the ACT Government urgently invests in bail support programs that help people to address underlying issues and reduce (re-)offending behaviours.

RECOMMENDATION 3:

That the ACT Government increase the availability of the Justice Housing Program to address the shortfall in bail accommodation, particularly noting the priority cohorts outlined above, and the need for consistent case management.

RECOMMENDATION 4:

That the JACS Committee and Government note the *Pathways to Justice* Report Recommendations 5-1 and 5-2 in relation to bail and the impacts on First Nations people.

RECOMMENDATION 5:

That the *Bail Act* reform process should be a wholesale review and modernisation, including a hierarchy of objectives for the bail system, and alignment with the *Human Rights Act* and the legislated Charter for Victims.

RECOMMENDATION 6:

That data collection is resourced to enable ongoing information on bail decisions, breaches and the outcomes of such breaches to be made available for the ACT.

RECOMMENDATION 7:

That the Government shift towards establishing a system that allows each person in the justice system to have a single case manager in the courts, to assist people with access and referrals to necessary legal, mental health, addiction and disability support programs.

CONCLUSION

It is important that any changes to the ACT's use of bail ensures that the *Bail Act* strikes a balance between community safety, procedural fairness and the human rights of both (alleged) victims and people accused of a crime.

It is often easy for politicians to have populist appeal, especially with those agitating loudly, by making promises about 'getting tough on crime', tightening bail laws and bringing in harsher penalties. Denial of bail may effectively impose a denial of liberty on people not yet convicted, some of whom will never be convicted or will be convicted of a crime that does not require imprisonment. In fact, this response goes against the evidence of what works to address crime, which is to target the underlying drivers and the entrenched disadvantage within large parts of our society. This means properly resourcing the community, to deliver supports that genuinely allow and support people to build their lives in the community, instead of being 'managed' in justice system settings.

We urge the adequate allocation of resources to support people to apply for and in particular successfully complete their bail conditions, while promoting community safety. In the March 2024 quarter, 184 of the 200 people who entered the AMC (92%) were unsentenced.⁵⁵ The median time spent on remand is 2.4 months, the shortest period across Australia (the national median is 3.5 months).⁵⁶ As noted above, it costs \$543 per day to keep someone incarcerated. Therefore, it would be fiscally far more responsible to allocate the funds which are currently spent incarcerating people, often for a short time, towards support for them to remain in the community with adequate support for supervision and addressing the underlying issues that contribute to offending, such as mental health, AOD, housing, education, employment, as well as ensuring adequate support and protection for alleged victims.

There is a need to invest in policies and programs that divert people from our criminal justice systems. It is clear that community-led programs that offer holistic case management, support people to gain and retain employment, reduce homelessness and maintain good health are all vital to building a system where disadvantage is no longer met with a criminal justice system response. A focus on increasing provision of bail support programs in the ACT will make a big difference to people caught in our criminal justice system. We look forward to further investments by the government in these areas, as well as to the outcomes of the Law Reform and Sentencing Advisory Council's review into bail legislation.

⁵⁵ ABS (2024). *Corrective Services, March 2024*, Table 21.

⁵⁶ ABS (2024). *Prisoners in Australia 2023*, Table 32.

APPENDIX – OTHER BAIL AND RELATED PROGRAMS

INTELLECTUAL DISABILITY RIGHTS SERVICE – JUSTICE ADVOCACY EVALUATION (NSW)

This independent Ernst Young evaluation of the support provided by the Intellectual Disability Rights Service's Justice Advocacy Program concluded it improved access to justice, improved understanding of court processes, and improved outcomes for people with cognitive impairments in police and court settings. The evaluation noted that people who received JAS support were more likely to understand and follow court orders, more likely to understand cautions and bail conditions, less likely to be found guilty and more likely to receive a section 32 diversion order.

The evaluation noted that when the JAS program operated at full capacity, the program would deliver \$3.37 in return for every dollar invested. The report also recommended exploring the value of case management for people participating in the JAS program.

CAXTON LEGAL CENTRE MEN'S BAIL SUPPORT PROGRAM (QUEENSLAND)

The Men's Bail Support Program (MBSP) was delivered by Caxton Legal Centre in Brisbane from April 2019 to August 2022 and externally evaluated as being highly successful. Men supported by the program had improved pro-social behaviours and were less likely to re-offend in the short to medium term. In 2021-22:

- 77% of applications for bail made by the MBSP were granted
- 95% MSBP participants were bail compliant
- 25% were Aboriginal and/or Torres Strait Islander men – they were supported to access Aboriginal health services, culturally appropriate alcohol and other drug counselling and residential programs, men's yarning groups, culturally appropriate employment, and skills training programs.⁵⁷

SISTERS INSIDE BAIL SUPPORT (QUEENSLAND)

In 2021, an external evaluation of the Sisters Inside Women's Bail Support Program (WBSP) found the program effectively supports women to access bail, comply with bail conditions, and connect to services in the community. The evaluation, commissioned by Queensland Corrective Services and undertaken by ARTD consultants, found 61% of women who accessed the service and completed their bail order did not return to prison or have another warrant issued. Additionally, the evaluation found the WBSP is cost-effective and much cheaper than incarceration (\$66 compared to \$111 per woman per day), saving the Queensland Government \$45 per woman per day.⁵⁸

METROPOLITAN YOUTH BAIL SERVICE (WESTERN AUSTRALIA)

The Metropolitan Youth Bail Support (MYBS) aims to prevent the excessive detainment of young people in the metropolitan area who are eligible for bail but lack a suitable responsible adult. The *Bail Act 1982* permits Youth Bail Coordinators to fill this role as the responsible person.

⁵⁷ Marchetti, E. (2021). *Evaluation of the Caxton Legal Centre Bail Support Program*. Griffith University.

⁵⁸ Queensland Corrective Services (2022). *Summary of findings - Evaluation of the Women's Bail Support Program* (unpublished).

The MYBS provides education on the court process and court attendance for young people, as well as referrals to community-based services, to address the drivers of offending and ensure adequate supervision and monitoring while on bail. Placements may include short- and long-term housing options, rehabilitation services, psychiatric facilities or with family members.

The Youth Support Officers Program assigns positive role models to support young people who have committed crimes or are at-risk of offending. A youth support officer is assigned based on a youth justice officer assessment or a request from the court or the Supervised Release Review Board. The youth support officer offers practical assistance with transportation, education, emotional needs, and organises positive leisure activities. Young people in Western Australia who finished the program completed their bail orders at a rate of 70% compared to 50% for young people who were granted bail with an undertaking from a responsible person.⁵⁹

EVERYMAN (ACT)

Everyman supports men in Canberra, who live with high and complex needs, including people involved with criminal justice, child protection and other systems. Everyman offers counselling, violence prevention services, First Nations support, and accommodation, supported accommodation and outreach and NDIS support.⁶⁰ Everyman's Men's Accommodation and Support Service (MASS) works with men at risk of homelessness, including men leaving custody or otherwise involved in the criminal justice system. Once accepted into the case management and support program, men are allocated a property for the duration of their involvement – generally around 12 months.⁶¹

YEDDUNG MURA (ACT)

Yeddung Mura (meaning Good Pathways) is a community-led non-profit organisation dedicated to supporting and empowering Aboriginal people released from prisons and courts.⁶² The organisation provides a range of services for First Nations clients, including:

- prison release support;
- transitional accommodation;
- empowerment yarning circles;
- peer support and mentoring; and
- domestic violence support.

⁵⁹ Richards, K. & Renshaw, L. (2013). *Bail and remand for young people in Australia: A national research project*. Australian Institute of Criminology.

⁶⁰ Everyman (n.d.). *Services*. <https://www.everyman.org.au/services/>.

⁶¹ Everyman (n.d.). *Men's accommodation and support service*. <https://www.everyman.org.au/services/?id=supported-accommodation-and-outreach>.

⁶² ACT Corrective Services (2023). *Yeddung Mura external reporting site pilot— Evaluation report*, 4.