



Submission cover sheet

Inquiry into the Bail Amendment Bill 2026

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Submitter: Domestic Violence Crisis Service

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19 June 2026
Standing Committee on Legal Affairs
By email: LACommitteeLegal@parliament.act.gov.au

Dear Standing Committee on Legal Affairs,

RE: Bail Amendment Bill 2026

Thank you for the opportunity to provide input to the Standing Committee on Legal Affairs Inquiry in to the Bail Amendment Bill 2026.

As the specialist family and domestic violence service in the ACT, DVCS is well placed to provide insight into the practical, on-the-ground implications of bail decisions for victim-survivors of domestic and family violence (DFV). Through our work with clients who have experienced DFV and our Room4Change Men's Behaviour Change Program we have deep expertise in identifying and managing DFV risk, perpetrator patterns of behaviour, and the use of systems to perpetrate abuse.

In general, DVCS supports the provisions introduced in the Bill.

Consideration of relevant factors

We welcome the requirement that the decision maker must take into account relevant factors including:

- the nature of the offence,
- the person's history of compliance with bail undertaking, conditions and court orders
- the likelihood of a person using family violence if released on bail, and how to manage any risk of the person using family violence.

Consideration of compliance with any orders (including family violence orders) could provide courts insight into the victims' assessment of their risk and safety and the patterns of behaviour of the offender, which would be valuable in informing bail and bail conditions. However, DVCS also recognizes that FVO's are not placed under the same burden of evidence as the criminal courts and that these would be one part of a broader risk assessment. DVCS is aware of many cases where the victim-survivor has been misidentified as the primary aggressor by police, or where the person using violence has applied for an FVO as part of a broader pattern of systems abuse.

In order to be able to effectively consider these factors, decision-makers must be equipped with the skills, information and legislative framework to make evidence-based assessments about the risk an alleged offender poses to victims.

But it is the experience of DVCS' clients that Magistrates and Registrars are often not in possession of adequate information about the level and nature of the risk posed by alleged family violence offenders. Prosecutors often handle multiple matters and have had little opportunity to proactively seek out relevant information. Capacity limitations mean police informants are often not present to provide their expertise and judgement.

Court staff have also generally received little training about domestic and family violence or about risk assessment and safety. We urge this Inquiry to recommend requiring and resourcing externally developed comprehensive domestic and family violence training, including focus on risk, safety and coercive control. It should be informed by victim-survivors and specialist organisations like DVCS and extend beyond the law, covering the high-risk factors for domestic and family violence, as well as the three offender trajectories to intimate partner homicide identified in ANROWS research.ⁱ

We note that the suggestion in the Discussion Paper: Review of decision-making criteria in the Bail Act 1992 (2025 Discussion Paper) that the court should give regard to written submissions from police in their decision-making is not included in the Bill. While we do not always agree with police assessments of risk, it is likely that police possess relevant information and experiences with the person using violence that would inform the decision about bail.

In general it is our preference that decision-makers have as much information as possible about risk and likelihood of further harm, in order to make decisions about risk. We do not think any particular factor should be determinative in and of itself, as being too proscriptive risks harms to vulnerable or over-criminalised people, including First Nations people, people with disability and women misidentified as the primary aggressor in domestic violence matters. We want decision-makers who are equipped to weigh up information and make considered and informed decisions about bail and bail conditions, that understand the dynamics, patterns and risks of family violence.

Consideration of victim's concerns

Family violence is a series of behaviours that intend to make people feel unsafe, limited in their choices and undermine their autonomy. DVCS supports clients to regain their control and autonomy, including making choices about how they want to address the violence they have experienced. DVCS also recognizes that our clients are experts in their own lives and their safety, and they are best able to assess and manage the risk from the person using violence. We support a system that hears and values the victim's views and knowledge.

As such we welcome the additional requirements on prosecutors to advise the court about a victim's views, and decision makers to consider concerns about the need for protection from violence or harassment expressed by the victim, and any other information provided by the victim about the accused.

In our response to the 2025 Discussion Paper we called for protections for information provided by victims, to ensure they can provide their expert and first-hand information about risk, if they choose to do so, without the offender knowing the detail and source of the information. The additional discretion on the prosecution not to share victim's concerns where that is the victim's preference is one such protection.

However, feedback from DVCS staff is that one of the major barriers to victims providing their views and opinions around bail is they do not fully understand what will happen to their information, nor is it always treated consistently. If they are unclear on what information will be

provided to the offender, the risk to them could be heightened, and they may not have the information needed to adequately safety plan.

It is also important that judicial officers are able to understand the context in which victim concerns and opinions are provided. If a victim-survivor is experiencing high levels of coercive control, or is managing their safety in relation to the person using violence, they may indicate they have no concerns about the alleged offender being released on bail or provide altered information about a particular incident, as a way to reduce the risk to themselves. Judicial officers need training and skill development in identifying coercive control and understanding dynamics of domestic and family violence.

Case Study:

DVCS were supporting Grace* with Case Tracking following a serious incident of physical violence towards Grace by Simon.

Grace contacted DVCS to confirm bail conditions as Simon* had attended her home.

On review DVCS staff confirmed Simon had been bailed to her address. DVCS offered Grace assistance to engage with the DPP to seek changes to the conditions. Grace declined support to engage with the DPP due to concerns for her safety if Simon became aware of her seeking to get him removed. Grace was concerned that Simon was already very angry and placing blame on her.

DVCS had limited successful engagement with Grace following this. One of the reasons for this was limited ability to communicate safely with Grace while Simon was in the home.

Had information been sought from Grace, or a better and more comprehensive understanding of Simon's behaviour and circumstances been understood prior to bail being confirmed and conditions being set, Grace's safety and ability to engage with services could have been better supported.

Enforceability and safety of bail conditions

The Bill does not address the enforcement of bail conditions. In the 2025 Discussion Paper, ACT Police were reported as saying that bail conditions can be difficult to enforce if not provided properly, or insufficient to achieve their purpose. They also noted that high-risk offenders can be more likely to ignore bail conditions. These comments align with the experience of DVCS and our clients.

We also observe that bail conditions are often unenforceable, making them meaningless, or at worst increasing the risk to our clients who have experienced domestic violence. For example, bail conditions about residing at a particular address are common, but this doesn't mean the person needs to stay there. The burden for enforcement is often on the victim-survivor reporting the person has breached by residing elsewhere, which can increase the risk to them if the offender is aware they have reported the behaviour.

Case Study:

ACT Police requested DVCS reach out urgently to Julie when her ex-partner Greg* was bailed. Greg had been bailed following charges for multiple counts of violence and threats to enact violence.

Greg's bail conditions required him to reside in the family home where Julie and her four children also resided and to maintain a 100m distance from Julie and the children. Julie was concerned that the bail conditions had rendered her and her children homeless.

Julie was initially advised by police that she could remain in the property and that Greg would be advised not to attend. This advice was then reversed, and Julie was advised to leave her property in order to support Greg to comply with his bail conditions. Julie said she felt she and her children were being punished because they had taken action to protect themselves. Julie also felt at greater risk as she believed Greg was likely to take and damage property while she and the children were out of the home.

These conditions resulted in Julie feeling a lack of clarity and distrust in organisations due to the contradictory conditions and advice she received from police regarding her need to vacate the property. It placed a significant burden on her, requiring engagement with multiple services to understand conditions which were not hers to uphold and support her safety. And as a result of a decision about bail, a woman and her four children were forced to relocate.

Even when breaches are enforced, offenders are regularly bailed again. DVCS Criminal Justice Advocates frequently receive questions from victims about how and why the offender has been bailed again after breaching conditions, often with no additional conditions placed. Breaches of bail often seem to have little consequence for the perpetrator and erode the victim's faith in the justice system to support their safety. This can create a cycle in which victims are less likely to seek support from police and report breaches in order to manage their own safety as the experts in their experience.

When adequate information is not sought from victim-survivors or they are not consulted about proposed bail conditions, decisions can be made that risk victim survivors' safety or place significant burden on them to manage the offender's behaviour or risk levels.

We welcome the opportunity to work with the Committee and the Legislative Assembly to further strengthen victim-survivor safety, and address family violence in the ACT. If you have any questions, or would like to discuss anything in this submission, please contact

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