



Submission cover sheet

Inquiry into the Bail Amendment Bill 2026

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Submitter: Canberra Rape Crisis Centre

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Canberra Rape Crisis Centre Submission - June 2026: *Bail Amendment Bill 2026*

About the Canberra Rape Crisis Centre

The Canberra Rape Crisis Centre (CRCC) is a not for profit organisation and the only specialist organisation working to eliminate sexual violence in the ACT. Our services are available for anyone who has experienced any form of sexual violence, whether recently or in the past.

We provide trauma-informed crisis counselling, advocacy and therapeutic support for people who have experienced sexual violence and their supporters. Our service is informed by 50 years of practical expertise and a deep understanding of victim-survivors and their journey of healing.

Introduction

CRCC welcomes the opportunity to provide a submission to the inquiry on the *Bail Amendment Bill 2026* (the Bill). Victim-survivors of sexual violence continue to face systemic barriers when seeking protection and justice. In Australia, only 8% of women who experience sexual violence by a male report their most recent incident to police (Australian Bureau of Statistics, 2023).

Bail decisions are inherently complex, particularly in matters involving sexual violence. It requires careful consideration to ensure victim-survivors are protected from harm, while balancing the rights of an accused person. CRCC supports the proposed Bill and the improvements it brings to uphold the safety of victim-survivors, in recognition of contemporary understandings of trauma and systemic disadvantage. This submission responds to various components of the Bill and makes recommendations to strengthen the consideration of victims' views and knowledge.

Feedback

Expanded definition of victim

CRCC supports the Bill's expanded definition of victim in section 20, which includes family members; individuals financially or psychologically dependent on the primary victim; and if the primary victim dies, close family members, carers and intimate partners. This reform recognises

that sexual violence can cause significant harm that extends beyond the primary victim, including impacts on families and support networks (Australian Institute of Health and Welfare).

CRCC also supports the Bill's new definition of victim representative under section 21. This amendment enables the victim to nominate a representative to participate in proceedings and receive notifications about updates on the bail status of an accused person on their behalf. These reforms better acknowledge the realities of harm experienced by victim-survivors of sexual violence and promote more trauma-informed justice responses that avoid retraumatisation.

Risk of harm

CRCC supports the Bill's new definition of 'harm', which now includes mental injury, emotional suffering, pregnancy, economic loss and substantial impairment of a person's legal rights. The inclusion of non-physical harm better reflects the complex dynamics of coercion, manipulation and power imbalance that underpin sexual violence.

Section 22A of the proposed Bill requires decision-makers to consider whether the offence is a family violence offence, the likelihood of the person using family violence if released on bail, and how to manage that risk. Noting that sexual violence is included under the definition of 'family violence', CRCC supports these amendments, which strengthens victim-survivor safety by supporting proactive, risk-based bail decisions.

Inclusion of victims' views and knowledge

Victim-survivors of sexual violence are experts in their own experiences and safety. For this reason, CRCC welcomes the Bill's requirements under section 23A for bail decision makers to explicitly consider concerns about the need for protection, violence or harassment expressed by victims. CRCC also supports the new expanded definition of 'violence or harassment', which includes family violence, personal violence and harm towards a victim's family members or pets.

CRCC notes that prosecutors retain discretion as to whether submissions on these matters are put before the court. While we support the intent of preserving the views of victims who object to their information being disclosed, there is a risk this discretion may dilute victim-survivor voices as their concerns may not always influence decisions. CRCC is concerned that section 23A may be interpreted too narrowly, as it allows prosecutors not to disclose victim safety concerns unless the victim expressly indicates that the court should be informed. CRCC recommends amending section 23A to reverse this presumption, requiring prosecutors to make a submission unless the victim has requested that the information not be disclosed.

To further mitigate this risk, CRCC also recommends that victims are assisted through this process by trauma-informed intermediaries, such as Independent Sexual Violence Advisors (ISVAs). ISVAs at CRCC are independent, specialist advocates who provide ongoing, client-led support to victim-survivors of sexual violence navigating the legal system. ISVAs can advocate for victim-survivors and ensure they are fully informed about whether, and how, their safety concerns should be submitted to the court.

Recommendation 1: Amend section 23A to ensure prosecutors must make a submission to the court about a victim's safety concerns unless the victim has expressly requested that the information not be disclosed to the court.

Recommendation 2: Ensure sexual violence victim-survivors' views are obtained through trauma-informed supports such as ISVAs to ensure their concerns and safety are considered in bail decisions.

Vulnerable cohort considerations

CRCC supports the Bill's requirement for decision-makers to consider additional factors relevant to concerns about the safety and wellbeing of accused persons from marginalised and vulnerable groups, including children, people with disability, pregnant people and Aboriginal and Torres Strait Islander people. We know detention can have severe and long-lasting adverse impacts on individuals. For example, the *Royal Commission into the Protection and Detention of Children in the Northern Territory* revealed that therapy and diversion rehabilitation models are more effective for young people and reduce the risk of abuse and mistreatment while detained (Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017). These additional considerations strongly aligns with CRCC's ongoing advocacy for intersectional and trauma-informed decision-making and responses.

Conclusion

CRCC welcomes the ACT Government's commitment to strengthening bail legislation in the ACT. The proposed changes present an opportunity to support a reform agenda that prioritises victim-survivor safety, acknowledges the rights of the accused and enables decision-makers to act with clarity, consistency and compassion.

CRCC remains committed to working alongside the government, police, legal services and the broader community to ensure victim-survivors can access protection and justice without retraumatisation or risk. These reforms are likely to increase reporting of sexual violence, which will further increase demand on our frontline services for victim-survivors. We will continue to highlight the need for funding to meet increasing demand and complexity.

References

Australian Bureau of Statistics. (2023) [Personal Safety Survey 2021-2022 Financial Year](#).

Australian Institute of Health and Welfare. [Family, domestic and sexual violence](#).

Royal Commission and Board Inquiry into the Protection and Detention of Children in the Northern Territory. (2017). [Volume 2B](#).