



No To Violence

Men's Referral Service

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10 March 2017

The Hon. Paul Coghlan
Bail Review
26/121 Exhibition Street
Melbourne VIC 3000

Re: Review of the Victorian Bail System

Dear Judge Coghlan,

Thank you for the opportunity to respond to the review of the bail system in Victoria, and providing an extension of time to provide a response.

No To Violence incorporating the Men's Referral Service (NTV/MRS) is the Victorian peak body for organisations and individuals working with men to end their violence and abuse against family members.

NTV/MRS oversees the minimum standards of practice for men's behaviour change programs delivered by more than 100 members, delivers the Graduate Certificate in Male Family Violence which is the core required qualification for facilitators of Men's Behaviour Change Programs in Victoria, provides professional development training to organisations in the family violence sector, welfare and community sectors and is currently exploring training relationships with workplaces in both the public and private sectors. NTV/MRS undertakes practice and policy development work to ensure men who use violence are held accountable for their behaviour.

The Men's Referral Service has had over 150,000 conversations with men about their use of violence over the last 23 years. MRS currently engages with more than 10,000 men who use violence per year in Victoria, New South Wales, Tasmania and across Australia. MRS provides the follow up to all weekend police incidents in Victoria – more than 17,000 per year – and provides follow up to all 40,000 men assessed to be victims in family and domestic violence incidents in NSW. In total, NTV/MRS provides support for more than 70,000 men affected by family violence each year.

The Victorian bail system has come under scrutiny due to the terrible events of 20th January, where it is alleged that Dimitrious Gargasoulas, who was on bail at the time, ran down a number of pedestrians in a motor vehicle that he was driving.

NTV/MRS would encourage caution before significant changes are made in response to anomalous events. While it is always important to implement measures to protect safety, the other objectives and mechanisms in the justice system should also be considered.

In 2015 and 2016 the Royal Commission into Family Violence considered a range of measures across human services, health and justice systems to prevent and respond to family violence. Recommendation 80 specifies a range of changes to the Bail Act to address family violence risk within the bail decision making system to be enacted within 12 months of the release of the Commission's final report.

The Royal Commission undertook a comprehensive process of review to arrive at its recommendations, and the Premier has committed to their implementation in full.



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The importance of this commitment, and the process to fulfil it, cannot be underestimated. After many years of inattention, the opportunity to improve Victorian responses, across the breadth of systems involved with family violence, must be fully realised. Without the coordinated action being implemented at present, Victoria risks a siloed and fragmented approach that puts women and children at risk of further harm.

The Department of Justice and Regulation has undertaken consultation with the Family Violence Steering Committee in relation to the recommended changes, and draft legislation prepared. I am therefore somewhat concerned that the amendments have not gone forward as planned with the *Family Violence Protection Amendment Bill 2017* that came before the Parliament on 7th March.

NTV/MRS' members' experience of supporting and delivering Men's Behaviour Change Programs has demonstrated that a range of interventions are needed in order to change controlling, coercive and violent behaviour.

Simply resorting to a custodial approach is insufficient to ensure safety. A targeted approach to using remand, informed by high quality risk assessment, should guide bail decision making. In conjunction with coordination between agencies and a suite of interventions aimed at changing violent behaviour, this is likely to reduce violence in the long term.

To this end, NTV/MRS supports the changes to bail risk assessment recommended by the Royal Commission into Family Violence. Specifically, that relevant risks of family violence should be considered in bail applications.

At present, risk assessment practices in bail decisions vary, and relevant risks of family violence are not considered systematically. NTV/MRS supports the introduction of better risk assessment that incorporates relevant family violence risks, in order to increase the effectiveness of the remand system at ensuring the safety of victims and survivors of family violence.

Furthermore, adding a broader range of offences to show cause or exceptional circumstances categories within the Bail Act would have a range of unintended consequences, without clear benefits. With the overburdened remand system in place at present, there is a risk of increasing the exposure of persons held on remand to violence while they are in custody. This is likely to be especially true for Aboriginal and Torres Strait Islander people, as well as people facing a range of disadvantages.

For further information please contact me at jacquiw@ntv.org.au or 0429 030 318.

Yours sincerely,

Jacqui Watt
CEO