



Proposed bail reforms are too small and too slow to fix the “unmitigated disaster” for women in Victorian prisons

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Proposed amendments to Victoria’s bail laws introduced into Parliament yesterday fall short of the urgent action required to address the crisis of imprisonment and harm against women in Victoria.

“These amendments are too small and too slow to fix the “unmitigated disaster” that led to the death of Veronica Nelson and continues to ruin the lives of thousands of women, particularly First Nations women, their families and communities,” said Flat Out Executive Officer, Karen Fletcher

“Changes to bail laws in 2018 have led to massive expansion of Victorian prisons to accommodate thousands of unconvicted people awaiting trial,” said Ms Fletcher

“Aboriginal women have become the fastest growing segment of the prison population. In the last couple of years there have been more unsentenced women in the Dame Phyllis Frost women’s prison than serving a sentence,” said Ms Fletcher.

The 2018 bail amendments, rushed through in reaction to James Gargasoulas’ car attack in Bourke Street in 2017, abolished the longstanding legal presumption in favour of bail, despite a [Coroner’s finding](#) that the actual problem in that case was a “perfect storm of police deficiencies”.

“Since 2018, changes to bail laws have had devastating consequences for many women now refused bail and held in prison away from their families. This current Bill stops short of reversing the rushed 2018 amendments, and so continues to fail women in Victoria who are caught in the widened incarceration net of those ill-considered changes to bail,” said Ms Fletcher.

“The vast majority of the women we work with are victim survivors of childhood abuse and family violence. The perfect storm of the 2018 bail laws, deficiencies in family violence policing and the housing crisis has made imprisonment the default for too many, with devastating results,” said Ms Fletcher.

Amy, who gave [evidence to the Parliamentary Inquiry into Victoria’s Criminal Justice System](#) in 2021, was arrested by police when her husband reported her as an alleged perpetrator of family violence. In reality she was the victim of his long-term abuse. She was denied bail under the tightened 2018 laws and told it would take over a year for her case to come to trial. Desperate to get out to her young children who had been put into foster care, she plead guilty and was sentenced to “time served”. She lost her job and her home. Her kids lost their mother for months.

“Under the proposed amendments, what happened to Amy can and will keep happening to anyone wrongfully identified and arrested by police,” said Ms Fletcher.



“The misidentification of women as perpetrators of family violence is widespread, with cascading consequences including criminalisation, loss of employment, housing and removal of children. All too often, the women being incorrectly identified by police as perpetrators are Aboriginal women and women from migrant backgrounds,” said Ms Fletcher

In 2018, a review by the Victorian Women's Legal Service found one in 10 women were being misidentified as the aggressor in police applications for family violence intervention orders.

“The proposed amendments won't help people wrongly accused of serious offences as a result of discriminatory or otherwise deficient policing,” Ms Fletcher said. “This impacts the most targeted and criminalised communities including First Nations, refugees and asylum seekers and trans and gender diverse people.”

Flat Out stands with the family of Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman Veronica Nelson, and our colleagues across the justice sector, to call for the urgent introduction of Poccum's Law:

- 1. Remove the presumption against bail**
- 2. Grant access to bail unless the prosecution shows that there is a specific and immediate risk to the safety of another person; a serious risk of interfering with a witness; or a demonstrable risk that the person will flee the jurisdiction**
- 3. Explicitly require that a person must not be remanded for an offence that is unlikely to result in a sentence of imprisonment**
- 4. Remove all bail offences**

Flat Out is a grassroots community organisation that supports women, trans and gender diverse people to get out and stay out of prison.

Media contact:

**Karen Fletcher,
Executive Officer Flat Out Inc
karen@flatout.org.au**