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A Community Legal Centre

Department of Justice Bail Reform Project- Response to Discussion Paper Stage 1

Fitzroy Legal Service ("FLS") welcomes the opportunity to respond to the Department of Justice Bail Reform Project Stage One Discussion paper.

FLS has previously made submissions in relation to the review of the Bail Act, and we are pleased that the Government has encouraged community feedback in the consideration of this legislation that affects many of our clients.

FLS is one of the oldest community legal centres in Australia. Located in the inner Melbourne suburb of Fitzroy, our doors first opened in 1972 to provide casework to clients who live, study or work in a catchment area consisting of Fitzroy, Collingwood, Abbotsford, Brunswick, Richmond, Carlton, East Melbourne and Clifton Hill.

Our service operates both day and night services to best meet the needs of clients and to take full advantage of the many highly experienced lawyers and willing legal students who provide their valuable skills on a pro bono basis.

The service also plays a significant role in the areas of law reform and community legal education, which is closely bound up with the practice of preventative law, demystification of the law, self-help and empowerment. FLS also has a long history of running public interest cases and working closely with marginalised communities and individuals.

Our experiences in the casework practice serve to inform our law reform and community legal education activities.

FLS supports most of the VLRC recommendations that have formed the basis for this discussion paper. We take this opportunity to briefly respond to some of the recommendations that we do not entirely agree with.

Police and Bail

FLS supports the VLRC's *Recommendation 16* to promote referral of accused people to different support services. We reiterate our comments to the VLRC review where we indicated that those who are vulnerable or disadvantaged to access support, particularly in relation to accommodation, should be referred to relevant agencies. We reiterate also that lack of funding or availability of such support services should not form the basis for unequal treatment of an accused by the police in making a summons versus arrest decision, particularly where the offence is unlikely to attract a custodial sentence.

We also support the comments made by the Federation of Community Legal Centres (Vic) in relation to their concerns about the basis for police referral to CISP.

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Bail Justices

We remain opposed to the retention of the bail justice system. Our reasons opposing the retention have been outlined in our previous submission to the VLRC. We note that the VLRC have recommended an independent review of the bail justice system and we anticipate that we shall respond to this review when it occurs.

Whilst the system is currently retained, we make the following comments:

- FLS supports the Department of Justice's commitment towards an improved recruitment process to increase the diversity of bail justice appointments. Apart from recruiting people varied gender and cultural backgrounds we would also suggest that the Department look to actively recruiting people who have specialist knowledge and experience of working with people who are homeless, young, Indigenous, have substance dependence or mental health issues
- We strongly support *recommendation 48* for bail justices to be authorised to detain an accused to the next business day only.
- We support continued and mandatory training for bail justices in order to ensure that they are able to understand the complex issues that many people have who come into contact with the criminal justice system.
- We support a code of conduct that bails justices are required to adhere by. We suggest that this code of conduct should be displayed in a public place similar to the requirement for Migration Agents.

We thank the Committee for the opportunity to respond to this Inquiry. If there are any further queries, please feel free to contact the writer.

Yours faithfully,
FITZROY LEGAL SERVICE

PER:

Belinda Lo
Legal Projects Officer and Solicitor