

MEDIA RELEASE

Courts 11% more likely to grant bail in domestic violence matters, police 8.3% more likely to grant bail for non-Aboriginal women

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Women's Safety NSW and the Women's Justice Network have noted concern at the latest NSW Bureau of Crime Statistics and Research (BOCSAR) report findings and what they mean for women's safety, justice and wellbeing.

The Report looked at the key factors influencing police and court bail decisions,¹ and found, amongst other things, that courts are 11% *more* likely to grant bail in domestic violence matters, whilst police are 8.3% *less* likely to grant bail to Aboriginal women.

Indeed, Aboriginality and gender were two of the most influential factors in bail refusal, alongside legal factors, such as the number of concurrent offences, prior offences and prior prison sentences.

"This is consistent with our experience that too many domestic violence offenders are making bail as they're commonly regarded as not posing a threat to the community" says Hayley Foster, chief executive of Women's Safety NSW

"The problem with this is that we know domestic violence offenders are highly likely to reoffend, often with destructive consequences for their current and future victims." Ms Foster continued. *"We need to move away from the erroneous assumption that domestic violence perpetrators are just good guys that snapped in the moment. That's just not the reality for victim-survivors."*

The Women's Justice Network, chief executive, Gloria Larman says she's not surprised at the findings in relation to Aboriginal women being more likely than non-Aboriginal women to be refused bail by police. Aboriginal women have been the fastest rising cohort in our imprisoned population. They represent almost a third of women prisoners, despite making up less than 3 percent of the population.

"The reality is that we have a criminal justice system that either consciously or unconsciously discriminates against Aboriginal people and Aboriginal women in particular", says Ms Larman

"We work with so many Aboriginal women who have been put on remand for minor offences such as unpaid fines or driving without a license" Ms Larman continued.

¹<https://www.bocsar.nsw.gov.au/Publications/CJB/2021-Report-What-factors-influence-police-and-court-bail-decisions-CJB236.pdf>

“These women do not pose a threat to the community and yet they’re locked up with devastating consequences for their wellbeing and the wellbeing of their families. In fact, the overwhelming majority of Aboriginal women on remand are themselves victim-survivors of long-term domestic, family and sexual violence.”

Both Women’s Safety NSW and the Women’s Justice Network are calling for a qualitative review of the way in which bail decisions are made by police and the courts. When it comes to domestic violence and Aboriginal women defendants, action must be taken to ensure greater consistency, and a greater focus on safety and risk to victims and the community more generally in the making of bail decisions.

This also means investing in non-custodial options for non-violent offenders and offenders who commit offences within the context of being a victim-survivor of domestic, family and sexual violence.

Both organisations believe investing in training and professional development for police, prosecutors and judicial officers in the dynamics and impacts of gender based violence and in cultural competency to be urgent.

“We need a significant cultural shift in our criminal justice system when it comes to domestic, family and sexual violence and the way in which we treat Aboriginal people and women in particular. We must have a focus on safety”, says Ms Foster

“We can’t keep locking Aboriginal women up at endemic rates” says Ms Larman. *“This is happening on our watch and the devastating consequences are being felt now and intergenerationally. The NSW Government needs to act now.”*

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About:

Women’s Safety NSW

Women’s Safety NSW is a peak representative body for women’s specialist domestic and family violence services. Our purpose is to advocate on behalf of our members for women’s safety, justice and wellbeing in the context of domestic and family violence through policy, practice, law reform and cultural change.

Our full members – Women’s Domestic Violence Court Advocacy Service workers – supported 53,527 women across NSW last year through:

- NSW's integrated response to domestic and family violence, Safer Pathway, in 43 metropolitan, regional and rural locations;
- The Women's Domestic Violence Court Advocacy Program in 136 local courts across the state; and
- The Family Advocacy Support Service in Family Law Registries.
Our associate members are women's specialist domestic violence workers working in a variety of services including staying home leaving violence, women's health, women's supported accommodation, women's counselling, and women's legal services.

Women's Justice Network

The Women's Justice Network (WJN) is a grassroots community organisation committed to advancing the prospects and wellbeing of women and girls affected or at risk of the criminal justice system. WJN systemically advocates to improve the criminal justice system and delivers an evidence-based practical mentoring program which:

- Provides gender-responsive social support, and engages women and girls in the community;
- Provides a safe space that is non-stigmatised;
- Fosters a positive self-identity enabling every woman and girl to live the life they deserve to; and
- Supports women and girls vulnerable to reoffending in making choices that positively contribute to the community.