

BAIL AMENDMENT BILL 2022 — VICTIMS OF CRIME — PROTECTIONS

**345. Ms C.M. ROWE to the Attorney General:**

I refer to the McGowan Labor government's commitment to improving justice outcomes for victims of crime. Can the Attorney General outline to the house how the Bail Amendment Bill 2022 will enhance the protection of vulnerable children at the centre of child sexual abuse allegations?

**Mr J.R. QUIGLEY replied:**

I thank the member for her question.

In this house, we will all remember that, tragically, 11-year-old Annaliese Ugle took her life on 20 October 2020 following the release from bail of the man accused of perpetrating sexual abuse against her. He was admitted to bail only three weeks before Annaliese tragically took her own life. In that regard, I offer her mother, Samantha Westacott, and her extended family my sincere sympathies and condolences for the passing of beautiful Annaliese.

Today, after question time, I will give notice to introduce the Bail Amendment Bill 2022, which will respond to this tragedy by strengthening the responsiveness of the state's bail system to victims of alleged child abuse. I ask to table a transcript.

[See paper [1184](#).]

**Mr J.R. QUIGLEY:** This is the transcript of the hearing in the Narrogin court where Annaliese's abuser was presented. There is not one word of concern about Annaliese or her circumstances of living in the small country town of Boddington with her abuser—not one word! The new bill will introduce mandatory bail considerations that will apply when an accused is before the court for a sexual offence against a child victim. These new mandatory considerations will apply in the context of existing requirements under the Bail Act, with clause 1(a)(iii) of part C to require consideration of whether the accused may be a danger to the safety or welfare of the child if they are not kept in custody. In this context, and under these circumstances, the decision-maker must have regard to the following issues—none of which were addressed, as members will see from the transcript now tabled. The decision-maker must have regard to the age of the child and the age of the accused—Annaliese was aged 11 years; her abuser was 66—and whether the child victim is in a family relationship with the accused. The accused had been the partner of Annaliese's grandmother, who was recently deceased. The decision-maker must have regard to the living arrangements of both the child victim and the accused; the importance of community security and stability in the child victim's living arrangements and family and community relationship; and the physical and emotional wellbeing of the child victim.

Members can see that, going forward, the court will be mandated to consider these particular matters that were not addressed in that hearing, the transcript of which is now tabled in the chamber. The bill will also introduce new considerations that will apply to all offences, not just child sexual offences. Those considerations will include the accused's conduct towards the victim and family members since the alleged offence, which will allow the bail decision-maker to determine whether there is a pattern of behaviour, such as ongoing grooming, control or coercive conduct. In this particular case, Annaliese was living in a small town where her abuser was driving around town and could be seen at liberty by Annaliese. The court will also be required to consider the accused's conduct towards victims and their family members following any previous offending—again to examine the accused's behaviour and to assist in the development of a risk profile to inform the decision as to whether they should be released on bail. The question of bail is always a difficult one because we do not want to see everyone who is charged held on remand—there is a presumption of innocence—but we want the community and the victim's safety secured. The government is very confident and optimistic that by mandating these considerations, we will be improving community safety.