

Media Release

The Hon Martin Pakula MP
Attorney-General
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NEW PROTECTIONS FOR SEX ASSAULT VICTIMS

A new Bill before Parliament today will amend the Criminal Procedure Act 2009 to allow the recorded evidence of a sexual assault victim from the Children's Court to be used in appeals in higher courts and other related criminal or civil proceedings.

Complainants in serious sexual offence cases heard in the Children's Court are currently required to repeat their evidence in the County Court if the accused appeals their conviction.

Repeating this difficult evidence causes unnecessary trauma to victims, delays proceedings, and sometimes results in the prosecution of serious charges being discontinued because the victim is unable, or unwilling, to repeat their evidence on appeal.

The Bill will protect complainants in serious sexual offence matters including rape, sexual penetration, incest, persistent sexual abuse of a child and indecent acts with children.

The Bill will also boost protections for custodial officers guarding prisoners or people being held in police cells.

The amendment ensures police custody officers and prison officers are afforded the same protections as emergency services workers under the Sentencing Act 1991.

Under the Bill, an offender found guilty of either intentionally or recklessly causing serious injury to a custodial officer in circumstances of gross violence will receive a statutory minimum sentence of five years imprisonment.

A conviction for intentionally causing serious injury to a custodial officer will result in a statutory minimum sentence of three years imprisonment, while recklessly causing serious injury will result in a sentence of two years imprisonment. A conviction for either intentionally or recklessly causing injury to a custodial officer will also result in at least six months imprisonment.

The "special reasons" exception currently contained in the Act will be retained.

Quotes attributable to Attorney General Martin Pakula

"Custodial officers play a key role in protecting the Victorian community: they are entitled to a safe working environment and to be protected from violence, as far as possible, while carrying out those duties."

"This Bill sends a clear message that assaulting a custodial officer is unacceptable, and that doing so will result in serious consequences."

"It also addresses the needless trauma inflicted on sexual assault victims who have in the past been required to give the same harrowing evidence over and over again."

"Allowing a victim to use their previously recorded evidence in an appeal proceeding ensures that the most vulnerable in our community are not exposed to further unnecessary harm via the court process."