

Media Release

The Hon Martin Pakula MP

Attorney-General

Minister for Racing



Monday, 20 March, 2017

COMMUNITY CORRECTION ORDER LAWS IN FORCE

New laws preventing courts from using community correction orders (CCOs) as a sentencing option for the most serious crimes, such as rape and murder, come into force today.

Attorney-General Martin Pakula introduced the new laws in October last year to better align sentencing with community expectations.

The *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* will tighten the sentencing regime which was broadened under the former Liberal Government and may have resulted in CCOs being imposed in cases where a term of imprisonment would have been more appropriate.

The new laws will apply to crimes committed from today and will prevent the use of CCOs and other non-custodial orders for ten serious category 1 offences, including:

- murder
- rape
- persistent sexual abuse of a child under the age of 16
- sexual penetration of a child under the age of 12
- incest (where the victim is under 18)
- causing serious injury intentionally in circumstances of gross violence
- causing serious injury recklessly in circumstances of gross violence
- rape by compelling sexual penetration
- trafficking a large commercial quantity of a drug of dependence
- cultivating a large commercial quantity of a drug of dependence.

CCOs and other non-custodial orders are now no longer permitted for category 2 offences except where special reasons apply, for example if the offender is suffering from impaired mental functioning. Category 2 offences include manslaughter, child homicide, kidnapping and intentionally causing serious injury.

From today, the length of imprisonment that can be combined with a CCO has been halved from two years to one year or less. A non-parole period cannot be fixed as part of a combined order, meaning offenders must serve their full term of imprisonment before beginning their CCO.

The maximum length that a CCO can now be imposed is five years. Previously a CCO could be imposed for up to the maximum term of imprisonment for the relevant offence.

Quotes attributable to Attorney-General Martin Pakula

“Our laws will stop the most serious offenders from getting community correction orders – and that’s what the community expects.”

“CCOs are no longer a sentencing option for cases including rape, child sexual abuse and commercial drug trafficking. The only appropriate sentence for these serious crimes is a prison sentence.”