

# Media Release

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## **BIGGEST EVER SHAKE UP TO TARGET VIOLENT CRIME**

Victoria's largest ever suite of legislative measures will be introduced today to crackdown on serious offenders, toughen sentences for serious and violent crimes, and increase consequences for young offenders, as the Andrews Labor Government takes further steps to keep the community safe.

The *Bail Amendment (Stage One) Bill 2017*; the *Children and Justice Legislation (Youth Justice Reform) Bill 2017*; and the *Sentencing Amendment (Sentencing Standards) Bill 2017* will deliver on a series of commitments made in response to the Bail Review, the Community Safety Statement, and a Sentencing Advisory Council report.

The *Bail Amendment (Stage One) Bill 2017* will implement key recommendations made by Mr Paul Coghlan QC following the Bourke Street tragedy on 20 January 2017.

Under the reforms, it will be harder than ever for serious offenders to get bail in Victoria and community safety will be given a much higher priority.

Bail will be refused for a number of new offences – regardless of age – including aggravated home invasion and aggravated carjacking unless there are exceptional circumstances, putting them in the same category as murder and terrorism.

There will also be a presumption against bail for many more offences, including rape, armed robbery, and dangerous or negligent driving while pursued by police.

In addition, people who commit serious indictable offences while on bail, summons, parole, serving a community correction order or otherwise under sentence, will not be granted bail again unless they can prove there are exceptional circumstances.

The Government will introduce a second wave of bail reforms later this year which will cover more complex matters including giving police more powers to remand and clarifying the 'unacceptable risk' and 'reverse onus' tests.

The *Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017* will see increased penalties for young people committing serious and violent crimes.

Under the reforms, young offenders will face longer detention periods of up to four years, risk having their cases being heard in higher courts, and there will be tougher consequences for youths who assault youth justice officers while in detention.

There will be a presumption in favour of uplifting serious youth offences, such as aggravated home invasion and aggravated carjacking, from the Children's Court to the higher courts for those aged 16 years or older.

Serious youth offenders aged 18-21 will no longer be able to be sentenced to detention in a youth justice facility, unless exceptional circumstances apply.

There will also be a new presumption that young offenders who damage property, escape or attempt to escape from a youth justice facility will serve their sentences on top of an existing period of detention, regardless of age.

This legislation will also create a new Youth Control Order, a new sentencing option that will require young offenders to engage in education, work or training. It may include curfews, anti-association conditions, social media restrictions, and increase family members' accountability for ensuring their child complies.

The Secretary of the Department of Justice and Regulation will also be given the power to authorise publication of identifying information by Victoria Police when a young offender escapes from custody, making it easier for police to catch the offender and safer for the public.

The Government will also create a statutory youth diversion scheme, delivering on a key recommendation from the Royal Commission into Family Violence, to address underlying causes of low level offending before it escalates.

The *Sentencing Amendment (Sentencing Standards) Bill 2017* will increase sentences for 12 of the most serious crimes, including murder, rape and sexual offences involving children.

The reforms will replace current sentencing practice with a higher standard sentence. Courts will be able to deviate from the standard sentence due to aggravating or mitigating factors but will need to provide reasons if they do so. A standard sentence will apply to the following crimes:

- Murder: 25 years
- Murder of an emergency service worker: 30 years
- Culpable driving causing death: 8 years
- Trafficking a large commercial quantity drug of dependence: 16 years
- Rape: 10 years
- Sexual penetration of a lineal descendant under 18 years-old : 10 years
- Sexual penetration of a step-child under 18 years-old : 10 years
- Persistent sexual abuse of a child under 16 years-old: 10 years
- Sexual penetration with a child under 12 years-old: 10 years
- Sexual penetration with a child under 16 years-old: 6 years
- Sexual assault of a child under 16 years-old: 4 years
- Sexual activity in the presence of a child under 16 years-old: 4 years
- Causing a child under 16 to be present during sexual activity: 4 years

The new sentencing standards have been introduced to replace the Napthine Government's failed Baseline Sentencing Scheme which was found to be unworkable by the Court of Appeal. It follows a report from the Sentencing Advisory Council and is based on NSW legislation.

#### **Quotes attributable to Attorney-General Martin Pakula**

*"We're transforming the way our justice system works with the largest ever suite of legislative reforms. We're cracking down on violent offenders, overhauling our bail laws and prioritising community safety."*

*"Our reforms will make sure serious offenders are held accountable for their actions and punished for their crimes, and ensure that sentences are more in line with community expectations."*

#### **Quotes attributable to Minister for Families and Children Jenny Mikakos**

*"We're backing our hard working staff. Young offenders will face the toughest ever consequences for assaulting staff, damaging property, escaping or attempting to escape whilst incarcerated."*

*"We are rebuilding the youth justice system to keep our dedicated and hard-working staff safe and the community safe."*