

Tuesday, 18 June 2024

NEW LAWS TO IMPROVE COMMUNITY SAFETY AND REDUCE OFFENDING

The Allan Labor Government will reform Victoria's youth justice system – to improve community safety, reduce offending and provide genuine opportunities for young people to turn their lives around.

Introduced into Parliament today, the *Youth Justice Bill 2024* will be Victoria's first standalone Act for our youth justice system, acquitting key recommendations from the landmark *Youth Justice Review and Strategy* conducted by Penny Armytage and Professor James Ogloff AM and delivering on the *Youth Justice Strategic Plan 2020–2030*.

It's not simply just a matter of tightening our laws – our police response, our courts and our youth justice system must also address why these complex young people are behaving the way they are.

These new laws will mean stronger consequences for those who engage in serious, high-risk and repeat offending, and also enable earlier intervention and diversion for lower-level offenders – because diverting young people from risky behaviour is the most effective way to keep them and the community safe.

CHANGING OUR FRONTLINE RESPONSE

The Bill will create a legislated scheme for warnings, cautions and early diversion so that police have more tools to deal with anti-social behaviour before it escalates, becomes a risk to community safety and ends up in court.

These diversions help to reduce crime – in New South Wales after three years of legislated cautions, Aboriginal children were 50 per cent less likely to be taken to court.

Police will still be able to lay charges, however legislating this scheme will allow more kids to get on the right path without the need for formal charges where appropriate.

Warnings can be given verbally or in writing on the spot for minor offences. Cautions are more formal and are used for more serious offending – they must be in writing, require the authorisation of a Sergeant and are designed to divert the child from further interaction with the justice system.

Police will be able to work closely with Aboriginal communities in administering cautions by considering culturally appropriate locations for issuing the caution or asking an Elder or respected community member to administer it.

Victoria will become the first state to raise the minimum age of criminal responsibility to 12, because 10- and 11-year-olds belong in school and not in the criminal justice system. Those aged 12 and up will continue to be held criminally responsible for any offending.

The Bill will give Victoria Police powers to make sure children aged 10 or 11 who still present a risk of serious harm to themselves or others can be transported somewhere safe and to someone who can take care of them.

Loopholes will be closed to crack down on those who seek to exploit children to do their dirty work, including lowering the age of prosecution for recruiting children into criminal activity from 21 to 18 years old.

A MORE TAILORED AND TARGETED COURT SYSTEM

We will deliver an additional Magistrate, boosting the children's court capacity to hear the criminal cases of repeat youth offenders, ensuring consistency in hearings and young people are held to account.

While Victoria has one of the lowest rates of youth offending in Australia, a cohort of young people are driving an increase in serious offences. That's why this Bill will enable a two-year trial of electronic monitoring.

The trial will be implemented alongside more intensive bail supervision, to help keep young people in education, employment programs and other initiatives that address the underlying causes of offending.

The Bill will also codify the existing legal presumption known as *doli incapax* – ensuring the principle is better understood and applied consistently in the courts.

For Aboriginal children, sentences must also take self-determination into account, support family, Elders and community to strengthen the child's connection to their culture and Country and reflect the need to reduce the overrepresentation of Aboriginal people in the justice system.

Where an Aboriginal child is sentenced to custody, the court will need to give reasons outlining why and how it has considered the new Aboriginal sentencing principles.

The Bill will also introduce new sentencing outcomes that provide more options for accountability and rehabilitation and leaves custody as the most severe outcome.

Community service orders and youth supervision and support orders will become options for judges to consider, expanding the tools available to address problematic behaviour.

HEARING VICTIMS' VOICES AND STRENGTHENING OUR CUSTODIAL SETTINGS

The Bill will introduce new sentencing principles that recognise the impact on any victim and provide opportunities to address harm through restorative justice measures. They will also recognise the need to protect the community from any reoffending by the child and they will expand the role of court monitoring to keep young people on track.

Victoria's sentencing framework for young offenders will be reformed to ensure sentences and conditions can be tailored to each young person's risks and needs.

A new Youth Justice Victims Register will be created enabling victims to receive relevant updates, and to provide information to the Youth Parole Board to help inform decisions around the conditions of parole.

The youth justice custodial framework will be strengthened and clarified to provide more safeguards for both the young people in youth justice facilities and the staff working in them.

This includes tightening the eligibility for those aged between 18 and 21 being placed in a youth justice facility and strengthening transfer mechanisms to allow young people aged 16 and over to be transferred to adult prison.

The Bill will also include specific measures that address the over-representation of young Aboriginal people in the justice system, promote self-determination and support Victoria's work towards Treaty.

Quote attributable to Premier Jacinta Allan

"The new laws mean stronger consequences for serious, high-risk and repeat offending, but they also enable earlier intervention and diversion for young lower-level offenders so they have a chance to turn their lives around."

Quote attributable to Minister for Youth Justice and Victim Support Enver Erdogan

"The best way to keep Victorians safe is to address the root causes of offending. Our changes will support more young people get back on the right path and put victims' voices into decision making."

Quote attributable to Attorney-General Jaclyn Symes

"When young people engage in crime, something has gone wrong in their life. We owe it to them and to all Victorians to respond in a way that addresses this while still making sure they're accountable for their actions."

Quote attributable to Minister for Police Anthony Carbines

"Victoria Police do an incredible job diverting young people away from the justice system and keeping everyone safe. We're continuing our strong support of their work and giving them more ways to respond to repeat offenders."

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