

Media Release

Hon Jacinta Allan MP
Premier



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CRACKING DOWN ON REPEAT SERIOUS OFFENDERS

The Allan Labor Government is taking strong and decisive action, delivering tough consequences for repeat and serious youth offenders.

Under amendments to the *Youth Justice Bill 2024* and practice changes within the justice system, we will make our laws stronger and clearer when it comes to bail – granting it, revoking it, and ensuring those who seriously offend while on it, face the consequences.

That includes strengthening the bail test by making it crystal clear that bail decision-makers must assess both the risk to community safety and the risk of further serious offending when deciding if bail is appropriate.

This change will make it explicit that if they believe a young person poses an unacceptable risk of committing a Schedule 1 or 2 offence while on bail, that is a clear reason to refuse bail.

The Bail Act will also be amended to specifically call out alarming crimes such as aggravated burglary or robbery, dangerous driving, carjacking or home invasion as explicit examples of offences that present an unacceptable risk to community safety.

We'll also strengthen and clarify the ability of police to apply for bail revocation for repeat offenders – with any offending or likely offending, or any serious breaches of bail conditions, grounds to seek revocation.

And we'll create a new separate offence for committing a serious crime – including aggravated burglary, carjacking, murder and rape – while on bail.

The delivery of an additional Magistrate will also be fast-tracked and in place this year, supporting the Children's Court's capacity to hear these cases quickly.

We'll match the effort in the Children's Court by expanding Victoria Police's dedicated team of prosecutors – boosting their capability to respond to and prosecute this cohort quickly.

A new, ongoing Council on Bail, Rehabilitation and Accountability (COBRA) will be established, made up of experts including police, Youth Justice, the Department of Families, Fairness and Housing, Department of Health, schools and others as needed – to explore what is driving the actions of this group of reoffenders and how to stop them.

COBRA will report directly to Ministers, informing government of any trends, concerns or ideas so we can quickly act.

And we'll take stock of our youth crime prevention programs to see what's working and what's not – enabling us to target investment to programs with the greatest likelihood of success.

These changes respond to direct feedback from multiple meetings with police, the judiciary and youth justice workers around our response to youth offending.

The changes will strengthen those proposed in the Youth Justice Bill – Victoria's first standalone act for our youth justice system. The Bill will mean stronger consequences for those who engage in serious, high-risk and repeat offending, and enable earlier intervention and diversion for lower-level offenders.

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The legislation before the Parliament will raise the age of criminal responsibility for children up to 12 years old, making Victoria the first state in the country to do so.

It also provides appropriate measures to keep children out of the youth justice system and give them better outcomes such as the codification of *doli incapax*.

The Government will not, however, raise the age of criminal responsibility to 14.

The Bill also includes a trial of electronic monitoring and more intensive bail supervision, stronger powers to transfer young people aged over 18 to adult prison where they are a serious risk to others and more tailored sentencing options for courts to address the behaviour that led to the offending.

The Bill will allow for more young people on bail or on remand to participate in treatment and rehabilitation without prejudicing their case – helping them get back on a better path, sooner.

It will also introduce more options for restorative justice – bringing offenders face to face with victims to hear directly about the harm they've caused, which is proven to help victims heal, while giving offenders real insight into their behavior.

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 new Youth Justice Victims Register will also 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 Bill also creates more pathways to re-engage young people in school, in jobs and in other support programs – helping to keep them out of trouble and keep Victorians safe.

Quote attributable to Premier Jacinta Allan

"We're making these changes because every serious offender should feel serious consequences. And every Victorian should feel safe."

Quote attributable to Attorney-General Jaclyn Symes

"These changes will make it easier for courts and police to work together to tackle youth crime – and its causes."

Quote attributable to Minister for Police Anthony Carbines

"Community safety must be front of mind for all bail decision-makers. We're making it crystal clear that serious offending must have serious consequences."

Quote attributable to Minister for Youth Justice Enver Erdogan

"This legislation is about providing modern, evidence-based and effective Youth Justice responses that keep the community safe, while giving young people the best possible chance to turn their lives around."