

Media Release

The Hon Enver Erdogan MP
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STRONGER YOUTH OFFENDER LAWS PASS PARLIAMENT

The Allan Labor Government has passed landmark youth justice laws that will deliver tough consequences for repeat and serious offenders and allow for more early intervention to keep children out of the justice system.

The *Youth Justice Bill 2024* and several amendments to the *Bail Act* will ensure that serious youth offenders face consequences for their actions.

These changes include 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 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.

The ability of police to apply for bail revocation for repeat offenders will be strengthened and clarified – 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 Bill raises 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 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 the behaviour.

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 parole decisions.

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.

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.

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In addition to legislated changes, we'll fast-track the delivery of an additional Magistrate to be 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.

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."

Quote attributable to Attorney-General Jaclyn Symes

"These changes address the root cause of youth crime whilst ensuring that our courts and police work together to hold repeat offenders to account."

Quote attributable to Minister for Police Anthony Carbines

"We're making these changes because every serious offender should feel serious consequences and every Victorian should feel safe. They will complement the work Victoria Police do every day to detect and deter youth crime."