



Reforming Sentence Deferrals in Victoria

16/12/22

Sent by email to: contact@sentencingcouncil.vic.gov.au

Dear Council members

Youthlaw, Victoria's specialist community legal centres for young people under 25 years endorses and refers you to Victoria Legal Aid's **Submission to the Sentencing Advisory Council: reforming Sentence Deferrals in Victoria**.

We would like to submit some brief supporting points.

Access to support services

In relation to access to services for purpose of deferral, due to limitation in resources and age eligibility Youth Justice is often not available for young adults, and CISP is often not available to young adults unless there is a risk of a term of imprisonment. This lack of availability can be a real barrier to a deferral for our clients.

Rehabilitation for young offenders

Rehabilitation must consistently be the primary and guiding sentencing consideration for children and young people under 25 years.

We support the introduction of an express provision added to section 83(A) of the *Sentencing Act* so that following engagement of a deferral, rehabilitation becomes the primary purpose of the sentence. (*Recommendation 5* in VLA's submission)

Currently in our practice experience, a deferral submission might be rejected on the basis that an immediate term of imprisonment or an immediate Community Corrections Order is more appropriate given the seriousness of the offending.

The prioritisation of rehabilitation should allow deferrals to become more readily available in such situations, and give the young person the opportunity to engage in rehabilitation and avoid more a severe sentence, such as CCOs or imprisonment.

If you require any clarification or expansion please contact me.

Yours faithfully

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