1. As part of its pre-election commitments, the Government committed to: ensuring that victim impact statements be read out in court if the victim wishes; toughening the sentencing laws for drug traffickers who target children; requiring drug traffickers to serve at least 80 percent of their sentence before parole eligibility; and requiring all graffiti offenders to remove graffiti and to strengthen the maximum penalty for all graffiti crime.
2. The Criminal Law Amendment Bill (No. 2) 2012 delivers on these commitments by:
* amending the Criminal Code to increase the maximum penalty for the offence of wilful damage under section 469, special case 9 (Graffiti), from five to seven years imprisonment; and to insert a new graffiti forfeiture provision regarding property used to record, store or transmit images of graffiti, applying to prescribed adult graffiti offenders;
* amending the *Drugs Misuse Act 1986* to increase the maximum penalty for ‘aggravated supply’ under section 6 where an adult supplies a dangerous drug to a child under 16 years. An offender will be liable to a maximum penalty of life imprisonment for a schedule 1 drug and 25 years imprisonment for a schedule 2 drug;
* amending the *Penalties and Sentences Act 1992* and the *Corrective Services Act 2006* to create a new mandatory minimum non-parole period of 80 percent for all drug traffickers sentenced to immediate full-time imprisonment;
* amending the *Penalties and Sentences Act 1992* to insert a new mandatory community based order called a Graffiti Removal Order, to apply to all offenders convicted of a prescribed graffiti offence;
* amending the *Victims of Crime Assistance Act 2009* to ensure that a victim who so wishes is permitted to read aloud their victim impact statement before the sentencing court, where it is reasonable to do so in the circumstances; and
* amending the *Youth Justice Act 1992* to insert a new mandatory community based order called a Graffiti Removal Order, to apply to any child aged 12 to 16 years convicted of a graffiti offence under the Criminal Code; and to insert new and expanded diversionary mechanisms under that Act and the *Police Powers and Responsibilities Act 2000*, which will allow children aged 12 years and over to be made subject to graffiti removal service without court intervention.
1. The Bill includes amendments to end the Drug Court by 30 June 2013. The Bill also amends the *Bail Act 1980* to omit the statutory requirement for bail based rehabilitative programs for defendants to be prescribed and makes it an offence for a defendant to breach a condition of bail relating to participation in a rehabilitative program.
2. Cabinet approved the introduction of the Criminal Law Amendment Bill (No. 2) 2012 into the Legislative Assembly.
3. *Attachments*
* [Criminal Law Amendment Bill (No. 2) 2012](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/ExNotes.pdf)