

Victorian Parliament Law Reform Committee

Media Release

From Rob Hudson MP, Chair

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REFORM OFFENCES AGAINST JUSTICE, RECOMMENDS PARLIAMENTARY INQUIRY

The Victorian Parliament Law Reform Committee has released its report on administration of justice offences recommending a move towards the ‘codification’ of crimes which undermine the justice system.

Committee Chair Rob Hudson MP today said replacing general common law offences with separate statutory offences had distinct advantages in terms of clarifying the law.

He said the move would also create greater consistency with the other states and territories, many of which already had these kind of statutory offences.

“There is a current catch-all offence of attempting to pervert the course of justice.

“The Committee has recommended retaining this general offence but enshrining it in legislation whilst also enacting specific offences,” Mr Hudson said.

He said these would include:

- misuse of evidence - making it a statutory offence to fabricate, alter, destroy, conceal or suppress evidence, or to knowingly use such evidence;
- deceiving witnesses;
- corrupting witnesses;
- threatening witnesses;
- preventing witnesses from giving evidence;
- preventing witnesses from producing physical evidence; and
- reprisals against witnesses

The maximum sentence for these statutory offences would range from 5 to 7 years imprisonment.

Mr Hudson said that creating specific offences such as misuse of evidence and offences relating to interference with witnesses would clearly spell out the elements of each offence and therefore make it much easier for everyone to understand.

He said another key Committee recommendation included clarifying the law on the offence of perjury.

“The Committee considered that the current law relating to perjury is confusing and out of step with interstate laws and recommendations made by the Model Criminal Code Officers Committee, Mr Hudson said.

He said that the Committee recommended that legislation should clearly define what perjury is but should limit it to statements made on oaths or affirmations for the purpose of legal proceedings.

Mr Hudson said the Committee has also recommended that the current maximum penalty for perjury of 15 years imprisonment be maintained.

“We recommended that perjury should not apply to statements which were not made for legal proceedings but that these statements should be covered by creating a lesser offence of making a false statement.

“We recommended that the maximum offence for this penalty will be five years imprisonment.

“The Committee believes that codification of these common law offences will help develop a model criminal code, assist the public’s understanding of the nature of these offences and make the law in this area more knowable and accessible.

“It will also place the onus on the Parliament to clarify the current law in this area,” Mr Hudson said.

**Media Contact: Rob Hudson, Chair, Parliamentary Law Reform Committee,
(mobile) 0427 840 263 (pager) 9625 0875.**