

County Court

Criminal Division

Her Honour Judge Lisa Hannan – Head of Criminal Division

Retirement of Her Honour Judge Patrick

On 13 April 2018, Her Honour Judge Jane Patrick retired as a Judge of the County Court, having served as a Judge of the Court for 10 years.

Descending, on her mother's side, from a distinguished line of lawyers, including her mother and grandfather, it is not surprising that Her Honour found her way back to the law after an earlier career in teaching.



Her Honour Judge Patrick

With a career in the law of almost 29 years, Her Honour was admitted to practice in July 1989 and worked as a solicitor for the Commonwealth Director of Public Prosecutions and then for the Victorian Equal Opportunity Commission. Signing the Bar Roll in May 1995, Her Honour established a strong practice at the Bar, mainly in equal opportunity, employment law and crime.

Her Honour earned a reputation as being a hard-working advocate and significant contributor to the profession. Her Honour worked tirelessly in the areas of judicial education and social welfare, including approximately 11 years on the Council of Women's Health Victoria.

Her Honour was appointed as a Magistrate in January 2000, and sat on the bench of the Magistrates' Court for just over eight years. By the time of her appointment to the County Court, Her Honour was the Regional Co-ordinating Magistrate for the then new Moorabbin Justice Centre, sitting in both the Criminal and Civil Divisions in suburban Melbourne and Regional Victoria. It was

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during this time that Her Honour grew to love the Bendigo region. During her time as a Magistrate, Her Honour continued to tutor and lecture, whilst also being a member of a number of internal and external boards and committees.

During her career at the County Court Her Honour sat as a trial Judge in the Criminal Division. Already highly regarded as an excellent lawyer, Her Honour also developed a reputation as a Judge who was well prepared, and always fair and just.

Her Honour also contributed to the administration of the Court as a valued member of a number of Committees including, amongst others, the Media Committee and Sexual Offences List Committee, as well as assisting with a number of programs run by the Judicial College of Victoria. Under the auspices of the Judicial College of Victoria, Her Honour was also on the Editorial Committee of the Victorian Sentencing Manual, both as a Magistrate and Judge.

The Criminal Division thanks Judge Patrick for her hard and tireless work and wishes Her Honour well on a long and happy retirement. Being a mother and much loved grandmother of 12 grandchildren, retirement will no doubt be busy. We hope Her Honour will be able to spend more time on two of her loves – entertaining family and friends, and camping on the family's slice of heaven.

Shepparton Law Courts

Stage One of the new \$73 million state-of-the-art Shepparton Law Courts development was completed on 16 March 2018 and was officially opened on 23 March 2018.

The new law courts complex, located at the intersection of the Goulburn Valley Highway and Midland Highway, forms a Regional Headquarters for the Hume/Goulburn Region and



The new Shepparton Law Courts
Photo courtesy of Scott Burrows and Architectus



Key Dates:

May 2018

4: Criminal Division non-sitting day

19: Court's Open Day

June 2018

11: Queen's Birthday Public Holiday

provides more accessible and responsive services for regional Victoria and a safe and secure environment for all users. The multi-jurisdictional Court is purpose-built to accommodate hearings of the Supreme, County, Magistrates' and Children's Courts, in addition to hearings of the Coroners Court and the Victorian Civil and Administrative Tribunal.



Above: the foyer of the Shepparton Law Courts building

Below right: a view inside one of the courtrooms

Photos courtesy of Scott Burrows and Architectus

The new building incorporates six courtrooms; two of which can accommodate juries and four which can be used as hearing rooms. Separate facilities are provided for juries, the judiciary, law enforcement officers, legal services, support service providers, volunteers, staff and all required administrative services. An increased number of interview rooms and breakout

spaces are also available for use by a range of clinical, legal and voluntary service providers.

A dedicated Koori Courtroom and Elders Room are also central to the building design and recognise Shepparton's role in being the first to launch a Victorian Koori Court in 2002.



Stage Two of the works commenced in April 2018. These works will include the redevelopment of the existing 1930's Court House, which will be refurbished to support a Specialist Family Violence Court.

The first sitting day of the new Shepparton Law Courts was held on Monday, 3 April 2018.

Law Reform

Standard Sentence Scheme

The *Sentencing Amendment (Sentencing Standards) Act 2017* commenced on 1 February 2018. The Act amends the *Sentencing Act 1991* to:

- Repeal the Baseline Sentencing Scheme;
- Implement the Standard Sentence Scheme which will apply to 12 of the most serious indictable offences;
- Enhance the Guideline Judgment Scheme; and
- Amend the definition of 'arson offence'.

The Standard Sentence Scheme only applies to offences that are wholly committed on or after 1 February 2018.

The standard sentence is intended to act as a yardstick for sentencing in a way similar to the guidance provided by the prescribed maximum penalty. The standard sentence is the sentence for an offence that, taking into account only the objective factors affecting the relative seriousness of that offence, is in the middle of the range of seriousness.

Unless the court considers it in the interests of justice not to do so, the court must fix a non-parole period of at least:

- 30 years imprisonment if the *relevant term* (defined in the Act) is life imprisonment;
- 70% of the relevant term if that sentence is 20 years or more; and
- 60% of the relevant term if that sentence is less than 20 years.

When sentencing an offender for a standard sentence offence, the Court must have regard to the prescribed standard sentence. At the time of sentence the Court must refer to the standard sentence and explain how the sentence imposed relates to the standard sentence. If the Court imposes a lower non-parole period than that which is prescribed by s.11A(4) it must explain why it has done so.

The Standard Sentence Scheme does not apply to an offender under the age of 18 at the time of the commission of the offence or to matters heard and determined summarily. An offence of conspiracy, incitement or attempting to commit a standard sentence offence is itself not a standard sentence offence.



Standard Sentence Offences

The 12 standard sentence offences, maximum penalties and the applicable standard sentences are summarised in the table below.

Standard Sentence Offence	Maximum Penalty	Standard Sentence
Murder (if proven beyond reasonable doubt that the person murdered was a custodial officer or emergency worker on duty at the time of offence and the accused knew or was reckless to this fact)	Life	30 years
Murder	Life	25 years
Rape	25 years	10 years
Sexual Penetration of a Child Under 12	25 years	10 years
Sexual Penetration of a Child Under 16	15 years	6 years
Sexual Assault of a Child Under 16	10 years	4 years
Sexual Activity in the Presence of a Child Under 16	10 years	4 years
Causing a Child Under 16 to be Present During Sexual Activity	10 years	4 years
Persistent Sexual Abuse of a Child Under 16	25 years	10 years
Sexual Penetration of a Child or Lineal Descendant	25 years	10 years if the victim is under 18 at the time of the offence
Sexual Penetration of a Step-Child	25 years	10 years if the victim is under 18 at the time of the offence
Culpable Driving Causing Death	20 years	8 years
Trafficking in a Large Commercial Quantity of a Drug of Dependence	Life	16 years



Courts Open Day

Courts Open Day is being held on Saturday 19 May 2018. The County Court will again offer a range of tours and experiences such as tours of the custody cells, mock hearings including plea hearings, a Koori Court plea hearing, bail application, parole hearing, jury empanelment and the County Court charity BBQ. Further information about Open Day can be found [here](#).