



OFFICE of
PUBLIC PROSECUTIONS
VICTORIA

T: (03) 9603 7666
www.opp.vic.gov.au

1 April 2020

The Hon. Anthony North QC
Chair, Victoria Law Reform Commission
GPO Box 4736
Melbourne VIC 3001
DX 144 Melbourne VIC

By email: law.reform@lawreform.vic.gov.au

To the Honourable Anthony North QC

VLRC - Issues Paper 1 Sexual Offences: 'Grab and Drag'

Thank you for the opportunity for us to provide a submission on 'Issues Paper 1: Sexual Offences: Grab and Drag'.

We consider that a new 'grab and drag' offence would unnecessarily complicate this type of offending. We are of the view that existing offences sufficiently cover 'grab and drag' conduct. There would be significant overlap with a new 'grab and drag' offence and offences under sections 42 and 47, and common law assault offences. This would overcomplicate this type of conduct for juries as they would be making determinations on the same conduct that is covered by multiple offences.

We are of the view that any 'grab and drag' conduct that falls short of the elements of a section 42 offence can be adequately covered by the offence of common law assault. Any 'grab and drag' features of the conduct can be relied upon as aggravating features of such an offence. The 5-year maximum sentence that common law assault attracts is sufficient for sentencing courts to impose a higher sentence for these types of offences that recognises that 'grab and drag' conduct includes serious features such as the victim fearing for their safety due to being restrained, and that moving someone from a public space to a less public space increases the risk to the victim.

We also wish to highlight that we do not support a proposed 'grab and drag' offence related to sexual harm which would include a presumed intent of committing a sexual offence as this may diminish the criminal standard of proof.

Thank you again for the opportunity to provide our comments. If you have any further questions in relation to our response, please contact Diana Hogan via email at [REDACTED]

Yours faithfully,

[REDACTED]

Suzanne Penhall
Manager, Policy and Specialised Legal Division
Office of Public Prosecutions