



HIGH COURT OF AUSTRALIA

20 June 2018

CRAIG WILLIAM JOHN MINOGUE v STATE OF VICTORIA [2018] HCA 27

Today the High Court held, in answer to questions stated in a special case, that s 74AAA of the *Corrections Act* 1986 (Vic) ("the Act") does not, on its proper construction, apply to the plaintiff, Craig Minogue.

In 1988 the plaintiff was sentenced by the Supreme Court of Victoria to a term of life imprisonment with a non-parole period of 28 years for the murder of Angela Rose Taylor, a constable in the Victorian police force. Constable Taylor was killed following the detonation of an explosive device contained in a car parked in the vicinity of a number of public buildings in Melbourne, including the Russell Street Police Complex and the Melbourne Magistrates' Court building.

The plaintiff's non-parole period expired on 30 September 2016 and, on 3 October 2016, he submitted an application for parole. On 20 October 2016, the Adult Parole Board of Victoria ("the Board") decided to proceed with parole planning to consider the plaintiff's suitability for release on parole. On 14 December 2016, s 74AAA was inserted into the Act. Section 74AAA relevantly provides that the Board must not make a parole order in respect of a prisoner "convicted and sentenced" to a term of imprisonment "for the murder of a person who the prisoner knew was, or was reckless as to whether the person was, a police officer" unless the Board is satisfied that the prisoner is in imminent danger of dying or is seriously incapacitated. On 20 December 2017, s 127A was inserted into the Act. Section 127A relevantly provides that s 74AAA applies regardless of whether, before the commencement of s 74AAA, the prisoner had become eligible for parole, the prisoner had taken any steps to ask the Board to grant parole, or the Board had begun consideration of whether the prisoner should be granted parole.

Before s 127A was enacted, the plaintiff commenced proceedings in the original jurisdiction of the High Court. After commencing his proceedings, the plaintiff asked the Board not to take any further action in relation to his application for parole until the determination of these proceedings. The Board acceded to that request.

In answering questions stated in the special case, the High Court held that s 74AAA, on its proper construction, applies to a prisoner sentenced on the basis that the prisoner knew, or was reckless as to whether, the person murdered was a police officer. The plaintiff was not sentenced on that basis. The remarks of the sentencing judge contain no reference to the plaintiff's state of mind concerning the identity of the police constable who was killed. The offence committed was indiscriminate and no particular person or class of persons was targeted. Therefore, the Court concluded that s 74AAA does not apply to the plaintiff.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*