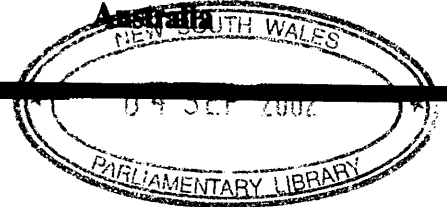


# NEWS RELEASE



Bob Carr

Premier of New South Wales



Wednesday, 4 September 2002

## Premier Carr Releases Plan For Tougher and More Consistent Sentences

The Premier of NSW, Mr Bob Carr, today released the State Government's plan for tougher, more consistent sentences and to make judges more accountable to the community.

The plan called **Standard Minimum Sentencing** makes serious violent criminals responsible for their actions and makes judges explain their decisions.

It also establishes the **NSW Sentencing Council** based on similar models in the United Kingdom and North America.

The Council will give the community, in particular victims of crime a stronger voice in the sentencing of criminals.

Mr Carr said the Council will monitor sentences handed out by the courts, making sure they meet community expectations.

This plan builds on the extra powers the Carr Government has given police such as knife search powers, and "move-on" and drug house laws.

"Standard Minimum Sentences tell judges this is the minimum time serious criminals should spend behind bars," Mr Carr said.

"Our plan covers 19 serious crimes, including serious property crime such as break and enter. It also applies to juveniles tried in adult courts.

"Other crimes include murder, attempted murder, gang rape, sexual assault, drug trafficking, large scale drug manufacturing, serious assaults on police, armed robbery, car jacking and possessing a handgun without a licence.

"Like the public liability reforms I announced yesterday, this is about personal responsibility."

Mr Carr released the exposure Bill today. The Government plans to pass the legislation through Parliament this year.

It has been developed with the assistance of a team of senior lawyers, including:

- Crown Advocate, Richard Cogswell SC;
- Solicitor General, Michael Sexton SC; and,
- Peter Johnson SC, co-editor of Butterworths Criminal Practice and Procedure, NSW.

"Under our plan, judges will have to hand down the standard minimum sentence unless there are aggravating or mitigating factors that require a higher or lower sentence," Mr Carr said.

"It makes sure a battered wife who kills her husband is dealt with differently to the cold blooded killer of a police officer.

"Judges will have a new statutory duty to give explicit reasons, justifying the sentence they hand out and making them more accountable.

"Sentences will be tougher and more consistent because judges will have to apply the same rules to every case," Mr Carr said.

The Premier said the Government will also review the law of manslaughter with a view to creating separate offences with Standard Minimum Sentences.

"It is more difficult to set a Standard Minimum Sentence for manslaughter than any other offence," he said.

"This is because the possible circumstances and degrees of culpability are so varied.

"Sentences vary from zero to 20 years. Separating the different types of manslaughter would make the law clearer."

Mr Carr also announced the Government will overhaul child sexual assault laws this year.

"These offences will also have Standard Minimum Sentences of at least 10 years."

The State Government estimates Standard Minimum Sentencing will increase the prison population by about 800 over the next 10 years.

"This will require additional recurrent funding of about \$50 million per year," Mr Carr said.

"It will also mean the expansion of two existing prisons and the possibility of a new prison after 2008.

"This could require capital investment of up to \$150 million."

**FACT SHEET: STANDARD MINIMUM SENTENCES**

<b>OFFENCES</b>	<b>AVERAGE NON PAROLE PERIOD (1994-2001)</b>	<b>NEW STANDARD MINIMUM</b>
Murder where the victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher or community worker and the offence arose because of the occupation.	n/a	25 years
Murder in other cases	14 years	20 years
Attempted Murder	5 years	10 years
Conspiracy to Murder	5 years	10 years
Gang Rape	n/a	15 years
Aggravated to sexual Assault	3 years	10 years
Sexual Assault	2 years	7 years
Supplying drugs (Large Commercial Quantity)	7 years	16 years
Supplying drugs (Commercial Quantity)	3 years	10 years
Manufacture or production of drugs (Large Commercial Quantity)	n/a	15 years

<b>OFFENCES</b>	<b>AVERAGE NON PAROLE PERIOD (1994-2001)</b>	<b>NEW STANDARD MINIMUM</b>
Manufacture or production of drugs (Commercial Quantity)	6 years	10 years
Wound or shoot at with intent to cause grievous bodily harm or resist arrest	3 years	7 years
Malicious wounding or infliction of grievous bodily harm of a police officer	n/a	5 years
Assault occasioning actual bodily harm of a police officer	18 months	3 years
Possession of a firearm without a licence	18 months	3 years
Aggravated Armed Robbery	3 years	7 years
Specially aggravated Break, Enter and Steal	4 years	7 years
Aggravated Break, Enter and Steal	2 years	5 years
Aggravated Car Jacking	n/a	5 years
Car Jacking	n/a	3 years

## FACT SHEET: NSW SENTENCING COUNCIL

### Functions:

- Advise and consult the Attorney General in relation to offences suitable for Standard Minimum Sentences and the proposed length of such sentences.
- Advise and consult the Attorney General in relation to offences suitable for guideline judgements and the submissions to be made on an application for a guideline judgement.
- Monitor and report annually to the Attorney General on the sentencing trends and practices, including the operation of Standard Minimum Sentences and guideline judgements.
- At the request of the Attorney General, to prepare research papers and special reports.

### Composition:

The Council will consist of 10 members:

- a distinguished retired judge (*Chair*)
- a person with expertise or experience in law enforcement
- three people with expertise or experience in criminal law or sentencing (*including one prosecutor and one defence lawyer*)
- a person with expertise or experience in aboriginal justice matters, and
- four people representing the general community (*including two victims representatives*)

"Under our plan, judges will have to hand down the standard minimum sentence unless there are aggravating or mitigating factors that require a higher or lower sentence," Mr Carr said.

"It makes sure a battered wife who kills her husband is dealt with differently to the cold blooded killer of a police officer.

"Judges will have a new statutory duty to give explicit reasons, justifying the sentence they hand out and making them more accountable.

"Sentences will be tougher and more consistent because judges will have to apply the same rules to every case," Mr Carr said.

The Premier said the Government will also review the law of manslaughter with a view to creating separate offences with Standard Minimum Sentences.

"It is more difficult to set a Standard Minimum Sentence for manslaughter than any other offence," he said.

"This is because the possible circumstances and degrees of culpability are so varied.

"Sentences vary from zero to 20 years. Separating the different types of manslaughter would make the law clearer."

Mr Carr also announced the Government will overhaul child sexual assault laws this year.

"These offences will also have Standard Minimum Sentences of at least 10 years."

The State Government estimates Standard Minimum Sentencing will increase the prison population by about 800 over the next 10 years.

"This will require additional recurrent funding of about \$50 million per year," Mr Carr said.

"It will also mean the expansion of two existing prisons and the possibility of a new prison after 2008.

"This could require capital investment of up to \$150 million."

**FACT SHEET: STANDARD MINIMUM SENTENCES**

<b>OFFENCES</b>	<b>AVERAGE NON PAROLE PERIOD (1994-2001)</b>	<b>NEW STANDARD MINIMUM</b>
Murder where the victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher or community worker and the offence arose because of the occupation.	n/a	25 years
Murder in other cases	14 years	20 years
Attempted Murder	5 years	10 years
Conspiracy to Murder	5 years	10 years
Gang Rape	n/a	15 years
Aggravated to sexual Assault	3 years	10 years
Sexual Assault	2 years	7 years
Supplying drugs (Large Commercial Quantity)	7 years	16 years
Supplying drugs (Commercial Quantity)	3 years	10 years
Manufacture or production of drugs (Large Commercial Quantity)	n/a	15 years

<b>OFFENCES</b>	<b>AVERAGE NON PAROLE PERIOD (1994-2001)</b>	<b>NEW STANDARD MINIMUM</b>
Manufacture or production of drugs (Commercial Quantity)	6 years	10 years
Wound or shoot at with intent to cause grievous bodily harm or resist arrest	3 years	7 years
Malicious wounding or infliction of grievous bodily harm of a police officer	n/a	5 years
Assault occasioning actual bodily harm of a police officer	18 months	3 years
Possession of a firearm without a licence	18 months	3 years
Aggravated Armed Robbery	3 years	7 years
Specially aggravated Break, Enter and Steal	4 years	7 years
Aggravated Break, Enter and Steal	2 years	5 years
Aggravated Car Jacking	n/a	5 years
Car Jacking	n/a	3 years

## FACT SHEET: NSW SENTENCING COUNCIL

### Functions:

- Advise and consult the Attorney General in relation to offences suitable for Standard Minimum Sentences and the proposed length of such sentences.
- Advise and consult the Attorney General in relation to offences suitable for guideline judgements and the submissions to be made on an application for a guideline judgement.
- Monitor and report annually to the Attorney General on the sentencing trends and practices, including the operation of Standard Minimum Sentences and guideline judgements.
- At the request of the Attorney General, to prepare research papers and special reports.

### Composition:

The Council will consist of 10 members:

- a distinguished retired judge (*Chair*)
- a person with expertise or experience in law enforcement
- three people with expertise or experience in criminal law or sentencing (*including one prosecutor and one defence lawyer*)
- a person with expertise or experience in aboriginal justice matters, and
- four people representing the general community (*including two victims representatives*)