



# Barry O'Farrell MP

## Premier of NSW

### Minister for Western Sydney

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## MEDIA RELEASE

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Tuesday 25 February 2014

### **MANDATORY MINIMUM SENTENCES TO BE INTRODUCED FOR SERIOUS DRUG AND ALCOHOL-FUELLED ASSAULTS**

NSW Premier Barry O'Farrell and Attorney General Greg Smith SC today announced the NSW Government would introduce mandatory minimum sentences for serious drug and alcohol-fuelled assaults.

"This is the second tranche of our comprehensive package of reforms targeting drug and alcohol-fuelled violence aimed at changing our culture and promoting personal responsibility," Mr O'Farrell said.

"These reforms have always been targeted at serious personal violence involving drugs and alcohol intoxication," he said.

"This package of mandatory minimum offences sends the clearest possible message that those who engage in drug or alcohol-fuelled assaults in public will face the full force of the law.

"There is no simple or single solution to stamp out drug and alcohol-fuelled violence. It will involve everyone taking responsibility for their actions and to bring about the culture change that is required."

Mr Smith explained all the offences attracting a mandatory minimum sentence would also include a two year increase to the maximum penalty when the offence is committed in public by an intoxicated offender.

"The public places to which the intoxication offences will apply will be defined broadly to include in or in the vicinity of any premises open to the public, such as public streets, licenced venues, and restricted premises like brothels and bikie headquarters."

Mr Smith said following a request from the NSW Police Force, the definition of intoxication has been more clearly explained:

*For the purposes of an aggravated intoxication offence, a person is intoxicated if either:*

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected as the result of the consumption or taking of alcohol or a narcotic drug (or any other intoxicating substance in conjunction with alcohol or a narcotic drug), or*
- (b) there was present in the person's breath or blood the prescribed concentration of alcohol (that is, 0.15 or above).*

Drug and alcohol blood and urine testing will now be able to be conducted up to 12 hours after the offence (rather than four hours). If a breath or blood test is taken within two or six hours respectively and the offender's PCA is 0.15 or above, then they will be presumed to have been intoxicated at the time of the offence.

Otherwise, the information obtained from the blood and urine testing will be able to be used with other evidence that the offender was intoxicated.

These definitions of public intoxication will also apply to the new assault causing death offence (one-punch).

The offences attracting the new mandatory minimum sentences are:

<b>Offence</b>	<b>Current Max Penalty</b>	<b>Max Penalty for new Aggravated Offence</b>	<b>New Mandatory Minimum Sentence</b>
Reckless GBH in company (s35(1))	14	16	5
Reckless GBH (s35(2))	10	12	4
Reckless wounding in company (s35(3))	10	12	4
Reckless wounding (s35(4))	7	9	3
Assault police officer - reckless GBH or wounding (not during public disorder) (s60(3))	12	14	5
Assault police officer - reckless GBH or wounding (public disorder) (s60(3A))	14	16	5

The issue of possible mandatory minimum sentences for sexual assault will be considered once the NSW Government has received the report of the Parliamentary inquiry examining the issue of child sexual assault sentences.

ENDS

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