



MEDIA RELEASE

Hon. John Hatzistergos MLC
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Minister for Citizenship
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NSW LIMITS SENTENCE DISCOUNTS FOR SEX OFFENDERS AND OTHERS CRIMINALS

Sex offenders banned from working with children will no longer be able to seek sentence discounts for extra punishment suffered as a result of the ban.

Attorney General John Hatzistergos today announced the change as part of a package of significant reforms to the process of sentence discounts in NSW designed to ensure offenders do not receive excessive discounts.

“These important reforms enshrine in law that a discount must not result in a sentence that is ‘unreasonably disproportionate’ to the serious nature of the crime,” he said.

“Discounts for ‘hardship’ are to be given only where the evidence shows they are warranted, not in instances where an offender’s apparent suffering is a consequence of their appalling criminal behaviour.”

Another major change will be to ensure that no discounts are given for offenders because their assets have been confiscated as proceeds of crime.

“Criminals, many of whom may have accumulated their ill-gotten gains through organised crime, don’t deserve to get a discount on their sentence because their proceeds of crime have been seized,” Mr Hatzistergos said.

The reforms will ensure:

- no discounts for sex offenders because they are a listed prohibited person under Child Protection laws that ban them from working with children; and
- no discounts for offenders because their assets have been confiscated as proceeds of crime.

Mr Hatzistergos also endorsed the Sentencing Council’s finding that any presumption that offenders would suffer “hardship” because of their assistance to authorities was largely unwarranted because of improvements to correctional facilities and procedures.

“Courts have traditionally presumed that offenders who ‘roll over’ do it tougher on the inside, but the modern reality of our prison system dictates that this is not always the case.”

The case law has now come down against a presumption of harsher circumstances due to protective custody and instead the accused is required to prove to the court that he will be facing more difficult conditions in custody.

The Government will provide judicial education and information to judges from Corrective Services with details of the actual conditions faced by offenders in the correctional system.

Mr Hatzistergos said another important reform requires the courts to reveal the sentence an offender would have received, had the offender not offered to assist authorities.

“This will assist the appeal courts in re-determining sentences in cases where offenders renege on their promise of assistance,” he said.

To simplify the sentencing process for multiple offences, judges will now be able to announce the total sentence and non-parole period that an offender is to serve for all the offences, provided that they give an indication of the appropriate sentence for each individual charge.

“This will help ensure victims and offenders have a clear understanding of the final sentence,” Mr Hatzistergos said.

The sentencing reforms are based on recommendations made by the NSW Sentencing Council and the Chief Judge of the District Court last year.

The report, *Reductions in Penalties at Sentence*, led by former Supreme Court Justice Hon. James Wood AO QC, was commissioned by the NSW Government to ensure offenders were not receiving excessive sentence discounts.

It made a number of recommendations regarding restricting the circumstances where offenders may be granted discounts, particularly in relation to the presumption of hardship.

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