

MEDIA RELEASE

SENTENCING FOR MURDER & MANSLAUGHTER

RELEASE DATE: 23 JANUARY 2004 EMBARGOED UNTIL 27 JANUARY 2004

Sentences imposed for manslaughter in NSW have become more severe over the last 8 years while sentences for murder have remained relatively consistent according to a new study released today by the Judicial Commission of NSW.

This study is a continuation of earlier work by the Commission. It examined the sentences imposed for the offences of murder and manslaughter over a period of 8 years from 1 January 1994 to 31 December 2001.

From time to time media reports are extremely critical of the sentences handed down in murder and manslaughter offences. This report highlights the many factors judges are required to take into account. Despite the complexity of sentencing the judiciary is delivering consistent sentences.

Commenting on the findings, the Chief Executive of the Judicial Commission, Mr Ernie Schmatt, said "this study tends to confirm the proposition that murder is a rare offence, but one that, when it does occur, is punished severely. Conversely, the broad range of sentences handed down for manslaughter reflect the incredibly diverse circumstances in which this offence occurs."

Key findings include:

- the overwhelming majority of offenders were male
- female offenders generally received less severe sentences
- juvenile offenders generally received shorter terms of imprisonment and non-parole periods than adult offenders
- offenders who murdered children tended to attract higher sentences
- offenders with a record of prior violence usually received longer terms of imprisonment
- offenders who committed multiple homicide offences usually received harsher sentences
- the type of weapon used by an offender has an impact on the sentence — offences involving firearms attracted more severe sentences
- Aboriginal offenders were over-represented by five to six times in relation to their proportion in the general population. While they received similar sentences to non-aboriginal persons, they tended to receive lower non-parole periods.

Mr Schmatt, said that "the findings of this study provide valuable information for the justice system and will assist sentencing judges when making their sentencing decisions".

Further enquiries: Mr Ernie Schmatt 02 9299 4421