

MEDIA RELEASE

STUDY SHOWS INCREASES IN NSW SENTENCES

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The introduction of standard non-parole periods in NSW has had a dramatic effect on the length of sentences imposed for a range of serious offences.

A study by the Judicial Commission of NSW has found that both the severity of penalties imposed and the duration of sentences have increased since standard non-parole periods were introduced in 2003.

Sentences have also become more consistent and the guilty plea rate for standard non-parole period offences has increased overall.

The largest sentence increase was for the offence of sexual intercourse with a child under the age of 10 years, with the median full term of sentence increasing by 60% from 5 years to 8 years, and the median non-parole period increasing by 42% from 3 years to 4 years 3 months for offenders who pleaded guilty.

The study also found there was an increase in the imposition of full-time imprisonment for aggravated indecent assault from 37% to 59%, and aggravated indecent assault with a child under the age of 10 years from 57% to 81%.

The standard non-parole period is the non-parole period in “the middle of the range of objective seriousness” for an offence before adjustment for subjective considerations. It applies to offenders convicted after trial but remains a yardstick where the offender pleads guilty.

The study found statistically significant increases in the duration of sentences for three of four offences analysed following a “not guilty” plea:

- wounding with intent — the median full term of sentence increased by 60% from 5 years to 8 years, and the median non-parole period more than doubled from 2 years 6 months to 5 years 7.5 months.
- sexual assault — the median full term increased by 29% from 4 years 8 months to 6 years, and the median non-parole period increased by 60% from 2 years 6 months to 4 years.
- murder — the median full term increased by 28% from 18 years to 23 years, and the median non-parole period increased by 18% from 14 years to 16 years 6 months.

A comparison of prison sentences imposed by plea shows that the increases in the severity of sentences were generally greater for offenders convicted after trial than for offenders who entered a guilty plea.

For guilty plea cases the study found statistically significant increases in the duration of sentences for six offences of 12 considered.

The other offences registering an increase included supply a commercial quantity of prohibited drug, murder, aggravated sexual assault and aggravated indecent assault.

The study found that the greater the proportion of the standard non-parole period to the maximum penalty for an offence the greater the increase in the sentences imposed.

It also found an increase in Crown appeals against leniency of sentence and a decrease in the number of severity appeals. The appeal rate, however, varied depending on the offence.

For further enquiries and a copy of the report:

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