



# MEDIA RELEASE

Hon. John Hatzistergos MLC  
General  
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Friday November 27, 2009

## MOVES TO RESTRICT SENTENCE DISCOUNTS FOR SEX OFFENDERS

NSW Attorney General John Hatzistergos has today welcomed the release of a report by The Sentencing Council which recommends legislation limiting the courts' ability to give criminals discounts on their sentences.

"While reduced sentences for guilty pleas have a part to play in the justice system, it is important they are applied consistently and in accordance with clear principles," Mr Hatzistergos said.

"This report recommends legislating to restrict the circumstances where offenders may be granted discounts."

Mr Hatzistergos said that he was concerned that some discount principles overlap and when applied mechanically can lead to perceptions of greater leniency.

"For the public and police to have confidence in the justice system then it is important to see offenders being held accountable for their crimes and that any discounts have a legitimate public purpose," the Attorney General said.

In its final report under the chairmanship of former Supreme Court Justice Hon. James Wood AO QC, the NSW Sentencing Council also recommends victims be included in the charge negotiations process between the prosecution and the offender.

"This would build a mechanism into the charge negotiations process to guarantee that victims of crime get a fair say," Mr Hatzistergos said.

"The prosecution would have to sign a certificate to verify they had consulted with victims on the statement of facts submitted to the court during sentencing."

The report *Reductions in Penalties at Sentence* was commissioned by the NSW Government to ensure offenders were not receiving excessive sentence reductions.

The report recommends new laws:

- to ensure no discounts for sex offenders solely on the basis that they will be designated prohibited persons under Child Protection laws and prevented from working with children;
- to ensure no discounts for offenders on the basis that their assets have been confiscated;
- to ensure any discounts do not result in a penalty that is 'unreasonably disproportionate' to the serious nature and circumstances of the offence; and

- to require the court take into account the circumstances in which the offender pleads guilty .

“It also recommended that further education of the judiciary about facilities and programs available in jail would reduce the risk of hardship discounts being granted unnecessarily,” Mr Hatzistergos said.

“This will ensure that courts apply the principle that there is no presumption that an offender who gives assistance to the authorities will suffer harsher treatment in prison.

“The Council affirmed the existing requirement that the offender provide evidence that their prison time will be more onerous before courts can take this into account.”

The NSW Government is consulting with the heads of the NSW judiciary about the report and will make any necessary changes to the law early next year.