



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Industrial Relations

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NEW SENTENCING PROPOSAL FOR CHILD KILLERS

NSW Attorney General John Hatzistergos has invited public comment on a radical new sentencing proposal for children aged 10 to 14 who are convicted of murder.

Mr Hatzistergos said that a report released today by the NSW Sentencing Council had reviewed laws surrounding the sentencing of child murderers and recommended the introduction of a new 'provisional sentencing' option for courts.

"Under the proposal, a sentencing court would have the option of imposing a sentence which it could vary or adjust as the child matures," he said.

The Attorney General said a court could only impose a provisional sentence if the offender's young age did not permit a proper psychological assessment to be carried out.

"With young children who have committed very serious crimes, it can initially be difficult to determine whether the presence of a serious psychological disorder poses an ongoing risk for community safety," he said.

"Under this proposal, the court could impose a final sentence once the child matures, taking into account any mental health conditions that have emerged."

Mr Hatzistergos said the court could review a provisional sentence after two years, at the mid-point of the non-parole period, or when it otherwise deems necessary.

"The child could also apply at any time for a final determination of the sentence," he said.

Mr Hatzistergos said that provisional sentencing would be a departure from existing laws, which provide for finality in all sentencing decisions.

"The principle of finality is not just there to provide certainty to those who are being sentenced – it can also provide closure to victims of crime," he said.

The Government will consult with victims of crime and invite public comment on the proposal prior to making a determination about whether to accept the report's recommendation.

Mr Hatzistergos said that members of the public could obtain a copy of the report and make a comment by visiting the Department of Justice and Attorney General's website at www.lawlink.nsw.gov.au/clrd. Submissions close 31 January 2010.