



Local Court
New South Wales

DEPUTY CHIEF MAGISTRATE OF NEW SOUTH WALES

3 March 2023

The Hon. Peter McClellan AM KC
Chairperson
NSW Sentencing Council
GPO Box 5199
Sydney NSW 2001

By email: sentencingcouncil@justice.nsw.gov.au

Dear Mr McClellan,

Re: Submission - Sentencing for firearms, knives and other weapons offences

On behalf of the Chief Magistrate, Judge Peter Johnstone, I **attach** my submission with respect to the Sentencing Council's review into sentencing for firearms, knives and other weapons offences.

Yours faithfully,

[Redacted signature block]

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Submission

Submission date:

3 March 2023

Submission Topic:

Sentencing for firearms, knives and other weapons offences

Expressions called for by:

NSW Sentencing Council

Closing date:

3 March 2023

Submission by:

Local Court of NSW

Submission:

The Local Court of NSW has been invited to provide a preliminary submission on issues relevant to the NSW Sentencing Council's Review of sentencing for firearms, knives and other weapons offences.

Using the headings outlined in the Terms of Reference, the Local Court provides the following submissions:

1. Provide sentencing statistics for convictions and penalty notices (where relevant) over a five-year period

The Local Court notes that the submissions called for are preliminary in nature. There are a number of offences relating to firearms, knives and other weapons outlined in the following legislation:

- (1) [Crimes Act 1900 \(NSW\)](#)
- (2) [Firearms Act 1996 \(NSW\)](#)
- (3) [Weapons Prohibition Act 1998 \(NSW\)](#)
- (4) [Summary Offences Act 1988 \(NSW\)](#)

Many of the more serious offences are dealt with on indictment. However, an appreciable amount of firearms, knives, and other weapon related offences are dealt with in the Local Court, summarily.

Attached to these submissions is a list of the offences dealt with predominantly in the Local Court, summarily. Given the vast number of offences referred to in the list, this submission does not propose to outline the sentencing statistics for each. Such statistics, however, are readily available through the Judicial Commission's Judicial Information Research System ('JIRS') and outcomes can be provided in any later tranche of submissions made with respect to the Terms of Reference.



2. Provide information on the characteristics of offenders, sentence type and length

The Local Court is disinclined to comment on the characteristics of offenders appearing before the Local Court on firearms, knives or other weapons offences. As indicated above, sentencing statistics are readily available through JIRS and can be provided in any later tranche of submissions.

3. Provide background information, including:

3.1 The key sentencing principles and reasoning employed by sentencing judges

The Local Court submits that the application of statutory sentencing provisions in the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#), buttressed by principles derived from relevant caselaw from appellate courts, contain sufficient guidance to allow experienced judicial officers to determine appropriate sentences in the circumstances of each case. These include:

- (a) The purposes of sentencing in [s 3A](#) of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#).
- (b) The aggravating factors in [s 21A\(2\)](#) of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#).
- (c) The mitigating factors in [s 21A\(3\)](#) of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#).
- (d) Insofar as the Local Court is concerned, the objective seriousness of offending conduct, which is to be assessed against the backdrop of the statutory maximums prescribed by Parliament rather than the jurisdictional maximums applicable in the Local Court: *R v Doan* (2000) 50 NSWLR 115 (Grove J at [35]); *Park v the Queen* [2021] HCA 37 at [19]; *Markarian v the Queen* (2005) 228 CLR 357; *Veen v The Queen (No 2)* (1988) 164 CLR 465.
- (e) Guideline judgments delivered by the Court of Criminal Appeal.

3.2 The mitigating subjective features of offenders

Mitigating and aggravating factors are outlined in [s 21A](#) of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#). The operation of these factors enables experienced judicial officers to determine an appropriate sentence in the circumstances of each case, providing for both low-level and serious offending to be dealt with appropriately.

3.3 Any other significant factors considered in sentencing decisions that explain how courts come to their final decision on sentence (which may be done using case-studies or collation of predominate themes across cases)

Deterrence, particularly with regard to sentencing for firearms offences, remains one of the key principles of sentencing and through which the community's expectations are reflected and protection is advanced. This is consistent with the overriding policy considerations and objects of the legislation which are directed to ensuring public safety.



Deterrence was considered by Spigelman CJ in *R v Howard* [2004] NSWCCA 348 at [66]:

“Where it appears that there are elements within the community who refuse to accept that firearms offences must be regarded as serious, the objectives of general and personal deterrence are entitled to substantial weight in sentencing for such offences. The availability of such weapons poses a major threat to the community particularly where, as here, an accused is completely indifferent to the persons who were to acquire them. The community has determined that trade in such weapons on any other than a strictly regulated basis is to be regarded as a serious offence. That must be reflected in the sentence imposed.”

Further aggravating factors have been identified for firearm offences in a number of reported decisions. These include where:

- a person sells a weapon with a silencer and does not have any concern about the identity of the purchaser since “a silencer is quintessentially a feature of weapons used in violent crimes”: *R v Howard* [2004] NSWCCA 348 per Spigelman CJ at [65].
- firearms are sold to members of an outlaw motorcycle gang: *R v Sword* [2014] NSWCCA 259 at [44].

4. Consider whether the standard non parole periods where identified remain appropriate

The Local Court submits that the penalties prescribed by Parliament for firearms, knives and other weapons offences is a matter for Government. [Part 4 Division 1A](#) was inserted into the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#) in 2003, creating standard non-parole periods (‘SNPP’) for several offences, including firearm, knives and other weapons offences under the [Crimes Act 1900 \(NSW\)](#), [Firearms Act 1996 \(NSW\)](#) and [Weapons Prohibition Act 1998 \(NSW\)](#). These submissions, while cognisant of the existence of SNPP for some charges, do not individually outline the various SNPPs which only apply to matters dealt with on indictment, as provided by [s 54D](#) of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#).

5. Consider whether offences for which penalty notices are available remain appropriate

The Local Court is disinclined to comment on the availability of issuing a penalty notice in lieu of a Court Attendance Notice. Removal of the discretion available to police increases the jurisdiction of this Court and its workload, with this jurisdiction hearing the vast majority of offences within the scope of the Terms of Reference. It follows that any increase to jurisdiction places additional pressure on already limited judicial resources.

6. Consider whether the maximum penalties for the offences are appropriate with reference to other jurisdictions

The Local Court is disinclined to comment on the sufficiency of maximum penalties or any perceived need to increase maximum penalties. The Local Court is cognisant, though, of the fact that any increase to maximum penalties is an indication that higher penalties should be imposed. So much is made clear from the decision in *R v Way* (2004) 60 NSWLR 186 at [52], wherein the Court held that:

“Traditionally any intention on the part of the legislature that the offences should attract a heavier sentence has been manifested by an increase in the statutory maximum: *R v Sha* (1988) 38 A Crim R 334; *R v Peel* [1971] 1 NSWLR 247. The courts are expected to recognise and reflect that intention when



sentencing offenders for offences after such amendments are made: *R v Slattery* (1996) 90 A Crim R 519 at 524 and *R v Jurisic* (1998) 45 NSWLR 209 at 227.”

An increase, however, may represent a change in the community feeling or expectation as to the sentence appropriate for such an offence, although it should be understood that such a change will not necessarily have a wholly determinative or conclusive effect: *R v Crump* (unreported, 30/5/94, NSWCCA).

It is submitted that any consideration given to the suitability of statutory maximum penalties would benefit greater from a focus on whether or not a matter is strictly indictable.

The Local Court’s jurisdictional limit of 2 years’ imprisonment for a single offence, or 5 years’ imprisonment for multiple offences, means that the only practical use to which the maximum statutory penalties may be put is the backdrop against which objective seriousness is assessed, in accordance with the decisions of *R v Doan* (2000) 50 NSWLR 115 and *Park v The Queen* [2021] HCA 37.

7. Consider whether any existing summary offences should be made indictable offences

It is to be noted that 94.7% of Table 1 offences are finalised in the Local Court, whilst 99.7% of all Table 2 offences are finalised in the Local Court. The appropriateness of jurisdiction was discussed by Deane J, albeit in a dissenting judgment, in *Kingswell v The Queen* (1985) HCA 72; 62 ALR 161 at 200-201:

“The correct criterion of what constitutes a serious offence is that it not be one which can appropriately be dealt with summarily by justices or magistrates. Within the limit of those offences which are capable of being appropriately so dealt with, the question of whether a particular offence should, as a matter of legislative policy, actually be dealt with summarily by justices or magistrates is a matter for Parliament.”

General

Given the impact that any amendments may have on the Local Court, the Chief Magistrate and I would be grateful for the opportunity to be further consulted and involved in the implementation of any amendments.

[REDACTED]

Local Court Bench Book — Specific Penalties and Orders

Crimes Act 1900 No 40

Currency

As amended to *Crimes Amendment (Prohibition on Display of Nazi Symbols) Act 2022* (No 37). Commenced 19 August 2022. Current to 24 August 2022.

The Act encompasses the following types of offences:

- strictly indictable offences (offences which must be dealt with on arraignment)
- indictable offences which may be dealt with summarily by the Local Court (Table 1 and Table 2 offences) — see discussion of these in the Introduction to the chapter, above
- summary offences.

In broad terms offences against the person provide a 2-year term of imprisonment and/or maximum fines of 50 penalty units. Property offences involving property, damage or benefit of a value in excess of \$5000 are generally Table 1 offences. Table 2 penalties generally vary depending whether the value exceeds \$2000 or not.

Offences against the person under the Crimes Act 1900

See Sch 1, Table 1, Pt 1[1] of the CP Act.

Note: Sexual offences in the Local Court

Part 5, Div 1, Subdiv 3 *Criminal Procedure Act* containing ss 292A–292E regarding directions relating to misconceptions about sexual consent apply to the sexual offences marked with a ^ below. See [5-000] **Sexual offences in the Local Court**.

Offences against the person where victim 14 years of age or over

Note: In each of the offences listed below the victim must have been 14 yrs of age or over to attract summary jurisdiction (although the description of the offence itself may be “child of or above the age of 10 and below 16 yrs”). All these offences are Table 1 offences.

SECTION	DESCRIPTION
61E (repealed Act No 198 of 1998, commenced 17 March 1991)	Sexual assault category 4 — indecent assault and act of indecency (latest version prior to repeal)
66C(1) (as in force before commencement of Sch 1[9] <i>Crimes Amendment (Sexual Offences) Act 2003</i> , commenced 13 June 2003)	Sexual intercourse with child of/or above 10 and under 16 yrs
66C(3) (as in force after the commencement of Sch 1[9] <i>Crimes Amendment (Sexual Offences) Act 2003</i> , commenced 13 June 2003)	Sexual intercourse with child of/or above 14 and under 16 yrs
66D	Attempting, or assaulting with intent, to have sexual intercourse with child of or above 10 and below 16 yrs
71 (repealed Act No 149 of 1985, commenced 23 March 1986)	Carnally knowing girl of or above 10 and under 16 yrs
72 (repealed Act No 149 of 1985, commenced 23 March 1986)	Attempt unlawful carnal knowledge of girl of or above 10 and under 16 yrs
76 (repealed Act No 42 of 1981, commenced 14 July 1981)	Assault female with act of indecency
76A (repealed Act No 42 of 1981, commenced 14 July 1981)	Commit act of indecency with or towards girl under 16 yrs
81 (repealed Act No 7 of 1984, commenced 8 June 1984)	Commit indecent assault on male

Larceny and other offences punishable as larceny (Sch 1, Table 1, Pt 2, and Sch 1, Table 2, Pt 2 CP Act)

SECTION/DESCRIPTION	PENALTY (MAX)	TABLE
Larceny	100 pu or 2 yrs where value of property stolen exceeds \$5000; 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000	1 2
Any offence that under the <i>Crimes Act</i> is taken to be, or is made punishable as, larceny or stealing (except an offence under ss 125, 139, 140 or 154A, as to which see below)	100 pu or 2 yrs where value of property stolen exceeds \$5000; 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000	1 2
An offence of stealing any chattel, money or valuable security from another person (eg under s 94 <i>Crimes Act 1900</i>)	100 pu or 2 yrs where value of property stolen exceeds \$5000; 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000	1 2

Note: Where applicable, the maximum penalty for an offence dealt with on indictment is indicated in square brackets in the Penalty (Max) column.

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
12	Compassing etc deposition of the Sovereign, overawing Parliament	Strictly indictable [25 yrs]	

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
19A	Murder		Strictly indictable [Life]
21	Child murder by mother		Strictly indictable [10 yrs]
22A	Infanticide		Strictly indictable [25 yrs]
24	Manslaughter		Strictly indictable [25 yrs]
25A	Assault causing death		Strictly indictable [20 yrs; intoxication: 25 yrs] (s 25B mandatory minimum sentence of imprisonment 8 yrs when offender is intoxicated)
25C	Supply drugs causing death		Strictly indictable [20 yrs]
26	Conspiracy to murder		Strictly indictable [25 yrs]
27	Act with intent to murder		Strictly indictable [25 yrs]
28	Act with property with intent to murder		Strictly indictable [25 yrs]
29	Other attempts to murder		Strictly indictable [25 yrs]
30	Attempt to murder by other means		Strictly indictable [25 yrs]
31	Intentionally or recklessly, and knowing its contents, send/deliver document threaten to kill/inflict bodily harm	100 pu or 2 yrs [10 yrs]	1
31C	Aid/abet suicide/attempted suicide	100 pu or 2 yrs [10 yrs; incite/counsel 5 yrs]	1
32	Impede endeavours to escape shipwreck		Strictly indictable [25 yrs]
33	Wound/cause grievous bodily harm with intent		Strictly indictable [25 yrs]
33A	Discharge firearm with intent		Strictly indictable [25 yrs]
33B(1)	Use offensive weapon to prevent police investigation/lawful detention etc	100 pu or 2 yrs [12 yrs]	1
33B(2)	Use offensive weapon to prevent police investigation/lawful detention etc in company		Strictly indictable [15 yrs]
35	Recklessly cause gbh/wound	100 pu or 2 yrs [gbh 10 yrs; in company 14 yrs wounding 7 yrs; in company 10 yrs] SNPP offence	1
35A(1)	Recklessly cause dog to cause gbh	100 pu or 2 yrs [10 yrs]	1
35A(2)	Recklessly cause dog to cause actual bh	50 pu and/or 2 yrs [5 yrs]	2
37(1A)	Intentionally choke, suffocate or strangle person	100 pu or 2 yrs [5 yrs]	1
37(1)	Intentionally choke, suffocate or strangle person with recklessness	100 pu or 2 yrs [10 yrs]	1
37(2)	Choke, suffocate or strangle person with intent to commit indictable offence		Strictly indictable [25 yrs]
38	Use intoxicating substance to commit indictable offence		Strictly indictable [25 yrs]
38A	Spike food or drink	100 pu and/or 2 yrs	Summary
39	Intentionally or recklessly administer poison/intoxicating substance so as to endanger life or cause gbh	100 pu or 2 yrs [10 yrs]	1
41	Administer poison/intoxicating substance with intent to injure/cause distress/pain	100 pu or 2 yrs [5 yrs]	1
41A	Introduce poison into water supply with intent to injure	100 pu or 2 yrs [5 yrs]	1
42	Injure child at time of birth		Strictly indictable [14 yrs]
43	Unlawfully abandon or expose child under 7 yrs so as to endanger life or injure health	100 pu or 2 yrs [5 yrs]	1
43A(2)	Parent intentionally/recklessly fail to provide child with necessities cause death/serious injury	100 pu or 2 yrs [5 yrs]	1
43B(1)	Failure to reduce or remove risk of child becoming victim of child abuse	100 pu or 2 yrs [2 yrs]	1
44	Intentionally/recklessly fail to provide necessities of life for a person whom the offender has a legal obligation to support, when such failure results in death/serious injury, or likelihood of serious injury to that person	100 pu or 2 yrs [5 yrs]	1
45	Mutilate female genitalia		Strictly indictable [21 yrs]

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
45A	Removing person from State for female genital mutilation	Strictly indictable [21 yrs]	
46	Cause bodily injury by gunpowder	Strictly indictable [25 yrs]	
47	Use explosive substance/corrosive fluid with intent	Strictly indictable [25 yrs]	
48	Cause explosives to be placed near building/conveyance/public place	Strictly indictable [14 yrs]	
49	Set/permit to continue to be set trap with intent to cause gbh	100 pu or 2 yrs [5 yrs]	1
49A	Throw/drop object towards/on vehicle/vessel on any road/railway/waterway with risk to any person therein	50 pu and/or 2 yrs [5 yrs]	2
51A	Predatory driving — while in pursuit of or travelling near another vehicle, cause/threaten impact intending to cause actual bodily harm	100 pu or 2 yrs [5 yrs]	1
51B	Drive from police pursuit, not stop and drive recklessly/in manner dangerous	1st off: 50 pu and/or 2 yrs [3 yrs] 2nd off: 50 pu and/or 2 yrs [5 yrs]	2
52A	Dangerous driving occasioning gbh	100 pu or 2 yrs [7 yrs; with aggravation 11 yrs]	1
52A	Dangerous driving occasioning death	Strictly indictable [10 yrs]	
52AB(1)	Driver of car knowingly involved in impact causing death, fail to stop and give assistance necessary or within power of driver	100 pu or 2 yrs [10 yrs]	1
52AB(2)	Driver of car knowingly involved in impact causing gbh fail to stop and give assistance necessary or within power of driver	100 pu or 2 yrs [7 yrs]	1
52B	Dangerous navigation causing gbh	100 pu or 2 yrs [7 yrs; with aggravation 11 yrs]	1
52B	Dangerous navigation causing death	Strictly indictable [14 yrs]	
53	Cause injuries by furious riding or driving or other misconduct	100 pu or 2 yrs [2 yrs]	1
54	Cause gbh by unlawful act or omission	100 pu or 2 yrs [2 yrs]	1
54A	Cause loss of foetus (gbh of pregnant woman)	Strictly indictable [Maximum penalty for relevant gbh provision plus 3 yrs]	
54B	Cause loss of foetus (death of pregnant woman)	Strictly indictable [3 yrs]	
55	Possess/manufacture gunpowder/explosives with intent to injure/commit serious indictable offence	100 pu or 2 yrs [10 yrs]	1
56	Obstruct member of clergy in his/her duties	50 pu and/or 2 yrs [2 yrs]	2
57	Assault on person preserving wrecks	100 pu or 2 yrs [7 yrs]	1
58	Assault with intent to commit a serious indictable offence on, constable, prison officer etc	50 pu and/or 2 yrs [5 yrs]	2
59	AOABH	50 pu and/or 2 yrs [5 yrs; in company 7 yrs]	2
59A	Assault/AOABH during large scale public disorder	50 pu and/or 2 yrs [assault 5 yrs; AOABH 7 yrs]	2
60(1)	Assault etc police officer in execution of duty w/o occasioning actual bodily harm	50 pu and/or 2 yrs [5 yrs]	2
60(1A)	During public disorder, assault etc police officer in execution of duty w/o causing actual bodily harm	2 yrs [7 yrs]	2
60(2)	AOABH of police officer in execution of duty	100 pu or 2 yrs [7 yrs] [SNPP offence]	1
60(2A)	AOABH of police officer in execution of duty during public disorder	100 pu or 2 yrs [9 yrs]	1
60(3)	Recklessly wound/cause gbh to a police officer in execution of duty	Strictly indictable [12 yrs]	
60(3A)	Recklessly wound/cause gbh to a police officer in execution of duty during public disorder	Strictly indictable [14 yrs]	
60A(1)	Assault of law enforcement officer (not police officer) in execution of duty	50 pu and/or 2 yrs [5 yrs]	2
60A(2)	AOABH of law enforcement officer (not police officer) in execution of duty	100 pu or 2 yrs [7 yrs]	1
60A(3)	Recklessly wound/cause gbh to a law enforcement officer (not police officer) in execution of duty	Strictly indictable [12 yrs]	
60B	Assault/stalk/obtain information about law officer's relative	50 pu and/or 2 yrs [5 yrs]	2
60C	Obtain personal information about officer	50 pu and/or 2 yrs [5 yrs]	2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
60E(1)	Assault/harass/intimidate/stalk school student/staff member while attending school	50 pu and/or 2 yrs [5 yrs]	2
60E(2)	AOABH on school student/staff member	100 pu or 2 yrs [7 yrs]	1
60E(3)	Wound/cause gbh to school student/staff member	Strictly indictable [12 yrs]	
60E(4)	Enter school premises with intent to commit a s 60E offence	50 pu and/or 2 yrs [5 yrs]	2
61	Common assault	50 pu and/or 2 yrs [2 yrs]	2
61I^	Sexual assault without consent	Strictly indictable [14 yrs]	
61J^	Aggravated sexual assault without consent	Strictly indictable [20 yrs]	
61JA^	Section 61J offence in company	Strictly indictable [Life]	
61K	Assault with intent to have sexual intercourse	Strictly indictable [20 yrs]	
61KC^	Sexual touching	50 pu and/or 2 yrs [5 yrs]	2
61KD(1)^	Aggravated sexual touching	100 pu and/or 2 yrs [7 yrs] SNPP offence	1
61KE^	Sexual act without consent	50 pu and/or 18 mths [18 mths]	2
61KF(1)^	Aggravated sexual act	50 pu and/or 2 yrs [3 yrs]	2
66A	Sexual intercourse with child under 10 yrs	Strictly indictable [Life]	
66B	Attempt s 66A offence	Strictly indictable [25 yrs]	
66C(1)-(4)	Sexual intercourse with child 10-16 yrs	Strictly indictable [child 10-14 yrs: 16 yrs; aggravation: 20 yrs; child 14-16 yrs: 10 yrs; aggravation: 12 yrs]	
66D	Assault with intent to commit s 66C(1), (2), (4) offence	Strictly indictable [child 10-14 yrs: 16 yrs; aggravation: 20 yrs; child 14-16 yrs: 10 yrs; aggravation: 12 yrs]	
66DA	Sexual touching of child under 10	100 pu or 2 yrs [16 yrs] SNPP offence	1
66DB	Sexual touching of child between 10 and 16	100 pu or 2 yrs [10 yrs]	1
66DC	Sexual act with or towards child under 10	100 pu or 2 yrs [7 yrs]	1
66DD	Sexual act with or towards child between 10 and 16	50 pu and/or 2 yrs [2 yrs]	2
66DE	Aggravated sexual act with or towards a child between 10 and 16	50 pu and/or 2 yrs [5 yrs]	2
66DF	Sexual act for production of child abuse material with or towards a child under 16	100 pu or 2 yrs [10 yrs]	1
66EA	Persistent sexual abuse of child	Strictly indictable [Life]	
66EB(2)	Procure/groom child for unlawful sexual activity	100 pu or 2 yrs [12 yrs; child under 14 yrs: 15 yrs] SNPP offence	1
66EB(2A)	Meet/travel to meet child after grooming with intent of procuring for unlawful sexual activity with that person or another	100 pu or 2 yrs [12 yrs; child under 14 yrs: 15 yrs] SNPP offence	1
66EB(3)	Expose child to indecent material or provide intoxicating substance or financial or other material benefit with intent to facilitate procurement for unlawful sex activity	100 pu or 2 yrs [10 yrs; child under 14 yrs: 12 yrs] SNPP offence	1
66EC(2)	Groom a person for unlawful sexual activity with child under the person's authority	50 pu and/or 2 yrs [5 yrs; child under 14 yrs: 6 yrs]	2
66F	Sexual intercourse with one of cognitive impairment	Strictly indictable [person responsible for care: 10 yrs; take advantage of impairment: 8 yrs]	
73	Sexual intercourse with young person between 16-18 yrs under special care	Strictly indictable [child 16-17 yrs under special care: 8 yrs; child 17-18 yrs under special care: 4 yrs]	
73A(1)	Sexual touching of young person between 16-18 yrs under special care	50 pu and/or 2 yrs [child 16-17 yrs: 4 yrs; child 17-18 yrs: 2 yrs]	2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
78A	Incest	Strictly indictable [child 16 yrs and above: 8 yrs]	
78B	Attempt s 78A offence	Strictly indictable [2 yrs]	
79	Bestiality	Strictly indictable [14 yrs]	
80	Attempt to commit act of bestiality	100 pu or 2 yrs [5 yrs]	1
80A	Sexual assault by forced self-manipulation	Strictly indictable [14 yrs; aggravation: 20 yrs]	
80D	Cause sexual servitude	Strictly indictable [15 yrs; aggravation: 20 yrs]	
80E	Conduct business of sexual servitude	Strictly indictable [15 yrs; aggravation: 19 yrs]	
81C	Indecently/improperly interfere with dead body	100 pu or 2 yrs [2 yrs]	1
85	Wilfully conceal/attempt conceal birth by disposition of child's dead body where defendant is mother and not charged with any other person	100 pu or 2 yrs [2 yrs]	1
86	Kidnap	Strictly indictable [14 yrs; aggravation: 20 yrs; special aggravation: 25 yrs]	
87	Child abduction	Strictly indictable [10 yrs]	
91A	Procure person for purposes of prostitution	100 pu or 2 yrs [7 yrs]	1
91B	Procure person for purposes of prostitution by fraud, violence, threat, abuse of authority, use of drug or intoxicating liquor	100 pu or 2 yrs [10 yrs]	1
91D	Promote/engage in acts of child prostitution	Strictly indictable [child 14 yrs and above: 10 yrs; child under 14 yrs: 14 yrs]	
91E	Obtain benefit from child prostitution	Strictly indictable [child 14 yrs and above: 10 yrs; child under 14 yrs: 14 yrs]	
91F	Use premises for child prostitution	Strictly indictable [7 yrs]	
91G	Use child for production of child abuse material	Strictly indictable [child 14 yrs and above: 10 yrs; child under 14 yrs: 14 yrs; aggravation: 20 yrs]	
91H(2)	Produce/disseminate/possess child abuse material	100 pu or 2 yrs [10 yrs]	1
91HAA(1)	Administer digital platform dealing with child abuse material	Strictly indictable [14 yrs]	
91HAB(1)	Encourage use of digital platform dealing with child abuse material	Strictly indictable [14 yrs]	
91HAC(1)	Provide information to avoid detection/prosecution of offences under ss 91HAA, 91HAB	Strictly indictable [14 yrs]	
91J(1), (6)	Voyeurism (including attempted offence)	100 pu and/or 2 yrs	Summary
91J(3), (6)	Voyeurism in circumstances of aggravation (including attempted offence)	100 pu or 2 yrs [5 yrs]	1
91K(1), (6)	Film another in private act without consent for purposes of sexual gratification (including attempted offence)	100 pu and/or 2 yrs	Summary
91K(3), (6)	Subs (1) offence in circumstances of aggravation (including attempted offence)	100 pu or 2 yrs [5 yrs]	1
91L(1), (6)	Film another's private parts without consent for purposes of sexual gratification (including attempted offence)	100 pu and/or 2 yrs	Summary
91L(3), (6)	Subs (1) offence in circumstances of aggravation (including attempted offence)	100 pu or 2 yrs [5 yrs]	1
91M	Install device/construct/adapt building to facilitate observation/ filming to enable commission of offence under ss 91J, 91K, 91L	100 pu and/or 2 yrs	Summary
91P	Record intimate image without consent	50 pu and/or 2 yrs [100 pu and/or 3 yrs]	2
91Q	Distribute intimate image without consent	50 pu and/or 2 yrs [100 pu and/or 3 yrs]	2
91R	Threaten to record or distribute intimate image	50 pu and/or 2 yrs [100 pu and/or 3 yrs]	2
92	Bigamy	100 pu or 2 yrs [7 yrs]	1
93	Participate in bigamy knowing former spouse of other party still alive	100 pu or 2 yrs [5 yrs]	1
93AC(3), (4)	Force child to enter marriage/enter forced marriage with child	Strictly indictable [9 yrs]	

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
93B	Riot — 12 or more persons use unlawful violence	100 pu or 2 yrs [15 yrs]	1
93C	Affray — use or threaten unlawful violence	100 pu or 2 yrs [10 yrs]	1
93FA(1)	Possess explosive in a public place	2 yrs [5 yrs]	2
93FA(2)	Possess/supply/make explosive with reasonable suspicion of unlawful purpose	2 yrs [50 pu and/or 3 yrs]	2
93FB(1)	Possess anything capable of discharging any irritant matter in liquid/powder/gas/chemical form, or fuse/detonator/distress signal or flare that operates by emitting a bright light	50 pu and/or 2 yrs	Summary
93G	Causing danger with firearm or spear gun	50 pu and/or 2 yrs [10 yrs]	2
93GA	Fire at dwelling house/buildings	Strictly indictable [14 yrs; public disorder: 16 yrs; organised criminal activity: 16 yrs]	
93H	Trespassing with/firing or dangerous use of firearm or spear gun	50 pu and/or 2 yrs [5 yrs; firing weapon 10 yrs]	2
93I	Possessing an unregistered firearm in a public place	50 pu and/or 2 yrs [10 yrs; with aggravation 14 yrs]	2
93K	Contaminating goods with intent to cause public alarm/economic loss	100 pu or 2 yrs [10 yrs]	1
93L	Threatening to contaminate goods with intent to cause public alarm or economic loss	100 pu or 2 yrs [10 yrs]	1
93M	Making false statements concerning contamination of goods with intent to cause public alarm or economic loss	100 pu or 2 yrs [10 yrs]	1
93N	Aggravated ss 93K, 93L, 93M with demands	Strictly indictable [14 yrs]	
93O	Aggravated ss 93K,93L offences with death/grievous bodily harm	Strictly indictable [25 yrs]	
93Q	Convey false information that a person or property is in danger	100 pu or 2 yrs [5 yrs]	1
93R	Leave or send article with intent to cause alarm	100 pu or 2 yrs [5 yrs]	1
93T(1)	Participate in a criminal group knowing participation contributes to criminal activity	2 yrs [5 yrs]	2
93T(1A)	Participate in a criminal group by directing activities	100 pu or 2 yrs [10 yrs]	1
93T(2)	Participate in a criminal group and assault another	100 pu or 2 yrs [10 yrs]	1
93T(3)	Participate in a criminal group and destroy/intend destroy damage property	100 pu or 2 yrs [10 yrs]	1
93T(4)	Participate in a criminal group and assault law enforcement officer in execution of duty	Strictly indictable [14 yrs]	
93T(4A)	Participate in a criminal group with organised/on-going activities by directing activities	100 pu or 2 yrs [15 yrs]	1
93TA	Receive material benefit derived from criminal activity of criminal group	2 yrs [10 yrs]	2
93V	Conduct unlawful gambling operation	Strictly indictable [1000 pu and/or 7 yrs]	
93X	Habitual consorting with convicted offenders (persons under the age of 14 years old exempt from prosecution)	50 pu or 2 yrs [150 pu or 3 yrs]	2
93Z(1)	Publicly threaten or incite violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.	100 pu or 2 yrs [Corp: 500 pu; Indiv: 100 pu and/or 3 yrs]	1
93ZA	Display Nazi symbols	Indiv 100 pu and/or 12 mths; Summary Corp 500 pu	
94(a)	Rob or assault with intent to rob	100 pu or 2 yrs [14 yrs]	1
94(b)	Steal chattel, money or valuable security from the person of another	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [14 yrs]	1 2
95	Section 94 offence with aggravation	Strictly indictable [20 yrs]	
96	Section 95 offence with wounding	Strictly indictable [25 yrs]	
97	Mail robbery being armed/in company	Strictly indictable [20 yrs; aggravation: 25 yrs]	
98	Armed robbery with wounding	Strictly indictable [25 yrs]	
99	Demand property with menaces with intent to steal	100 pu or 2 yrs [10 yrs; in company 14 yrs]	1

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
109(1)	Break out of dwelling-house after committing, or entering with intent to commit, serious indictable offence where serious indictable offence is stealing or intentionally or recklessly destroying or damaging property, value of property does not exceed \$60,000 1. commit offence under s 109(1) in any other case	100 pu or 2 yrs [14 yrs]	1 Strictly indictable [14 yrs]
109(2)	Commit offence under s 109(1) with aggravation, where serious indictable offence is stealing or intentionally or recklessly destroying or damaging property, value of property does not exceed \$60,000, and circumstance of aggravation is in company 1. commit offence under s 109(1) in any other case	100 pu or 2 yrs [20 yrs]	1 Strictly indictable [20 yrs]
109(3)	Commit offence under s 109(1) with special aggravation		Strictly indictable [25 yrs]
110	Break/enter and assault with intent to murder		Strictly indictable [25 yrs]
111(1)	Enter dwelling with intent to commit serious indictable offence, where serious indictable offence is stealing/maliciously destroying/damaging property 1. enter dwelling house with intent to commit serious offence other than stealing/maliciously/destroying/damaging property	100 pu or 2 yrs [10 yrs]	1 Strictly indictable [10 yrs]
111(2)	Commit offence under s 111(1) with aggravation, where serious indictable offence is stealing/intentionally/recklessly/destroying/damaging property, property value does not exceed \$60,000, and circumstance of aggravation is in company 1. commit offence under s 111(1) with aggravation in any other case	100 pu or 2 yrs [14 yrs]	1 Strictly indictable [14 yrs]
111(3)	Commit offence under s 111(1) with special aggravation		Strictly indictable [20 yrs]
112(1)	Break and enter dwelling house and commit serious indictable offence/be in dwelling house, commit serious indictable offence and break out, where serious indictable offence is stealing or intentionally or recklessly destroying or damaging property, and value of property does not exceed \$60,000 1. commit offence under s 112(1) in any other case	100 pu or 2 yrs [14 yrs]	1 Strictly indictable [14 yrs]
112(2)	Commit offence under s 112(1) with aggravation, where serious indictable offence is stealing or intentionally or recklessly destroying or damaging property, property value does not exceed \$60,000, and circumstance of aggravation is in company	100 pu or 2 yrs [20 yrs]	1 SNPP offence
112(3)	Commit offence under s 112(1) with special aggravation in any other case		Strictly indictable [25 yrs]
113(1)	Break and enter dwelling with intent to commit serious indictable offence where serious indictable offence is stealing/maliciously/destroying/damaging property 1. offence under s 113(1) in any other case	100 pu or 2 yrs [10 yrs]	1 Strictly indictable
113(2)	Commits an offence under s 113(1) with aggravation, where serious indictable offence is stealing or intentionally or recklessly destroying or damaging property, the value does not exceed \$60,000, and circumstance of aggravation is in company. 1. offence under s 113(1) in any other case	100 pu or 2 yrs [14 yrs]	1 Strictly indictable
113(3)	Offence s 113(1) with special aggravation		Strictly indictable [20 yrs]
114(1)(a)	Armed with weapon with intent to commit indictable offence	100 pu or 2 yrs [7 yrs]	1
114(1)(b)	Have in possession housebreaking implement/implement capable of being used to enter and/or drive conveyance	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	2
114(1)(c)	Face blackened etc with intent to commit indictable offence	100 pu or 2 yrs [7 yrs]	1
114(1)(d)	Enter or remain on building with intent to commit indictable offence	100 pu or 2 yrs [7 yrs]	1
115	Convicted offender armed with intent to commit indictable offence	100 pu or 2 yrs [10 yrs]	1
117	Larceny and similar offences	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	1 2
125	Larceny by a bailee	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	1 2
126	Stealing cattle or killing with intent to steal	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [14 yrs]	1 2
131	Unlawfully using etc another person's cattle	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [3 yrs]	1 2
132	Stealing dogs	100 pu or 12 mths where value exceeds \$5000 50 pu and/or 12 mths if value not over \$5000; 20 pu and/or 12 mths if value not over \$2000 [12 mths]	1 2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
133	Corruptly taking money to restore dogs	100 pu or 12 mths where value exceeds \$5000 50 pu and/or 12 mths if value not over \$5000; 20 pu and/or 12 mths if value not over \$2000 [12 mths]	1 2
135	Steal, destroy wills or codicils	100 pu or 2 yrs [7 yrs]	1
138	Stealing, destroying etc records etc of any court or public office	100 pu or 2 yrs [7 yrs]	1
139	Stealing etc metal, glass, wood etc, fixed to house or land	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	1 2
140	Stealing etc trees in pleasure-grounds etc	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	1 2
148	Stealing property in a dwelling house	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2
149	Commit s 148 offence with menaces		Strictly indictable [14 yrs]
150	Stealing goods in process of manufacture	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [3 yrs]	1 2
151	Selling etc materials to be manufactured	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [4 yrs]	1 2
152	Stealing from ship in port or on wharfs etc	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2
153	Stealing from ship in distress or wrecked	100 pu or 2 yrs [10 yrs]	1
154	Tenant, etc steal articles let to hire	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	1 2
154A	Take conveyance without consent of owner	50 pu and/or 2 yrs [5 yrs]	2
154B(1)	Steal aircraft	100 pu or 2 yrs [7 yrs]	1
154B(3)	Take control of aircraft while another person on board		Strictly indictable [14 yrs]
154B(4)	Take control of aircraft by threat/violence/trick while another aboard		Strictly indictable [20 yrs]
154C(1)(a)	Assault with intent to take car/vessel, and in fact take and drive, or take for the purpose of driving	100 pu or 2 yrs [10 yrs] [SNPP offence]	1
154C(1)(b)	Take car/vessel and drive, or take for the purpose of driving, when a person is in it or on it	100 pu or 2 yrs [10 yrs] [SNPP offence]	1
154C(2)	Offence under subs (1) with aggravation	100 pu or 2 yrs [14 yrs] [SNPP offence]	1
154D(1)	Stealing firearm	100 pu or 2 yrs [14 yrs]	1
154F	Steal car/vessel/trailer	100 pu or 2 yrs [10 yrs]	1
154G(1)	Knowingly facilitate a car/boat/trailer re-birthing activity on an organised basis		Strictly indictable [14 yrs]
154H(1)	Make/use/possess/copy/interfere with unique identifier of motor vehicle/vessel/trailer	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	2
154I(1)	Possess motor vehicle/vessel/trailer where unique identifier has been interfered with	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	2
154J(1)	Possess vehicle identification plate not attached to vehicle or trailer	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [5 yrs]	2
156	Larceny by clerks or servants	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
157	Embezzlement by clerks or servants	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
159	Larceny by persons in Public Service	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
160	Embezzlement etc by persons in the Public Service	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
188(1)	Receiving stolen property where stealing a serious indictable offence	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [12 yrs motor vehicle/vessel etc; other 10 yrs]	1 2
189	Receiving etc where principal guilty of minor indictable offence	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [3 yrs]	1 2
189A(1)	Receiving etc goods stolen out of NSW	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
190	Receiving etc cattle unlawfully killed; carcass	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
192	Receiving material or tools entrusted for manufacture	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [4 yrs]	1 2
192E(1)	Fraud — dishonestly obtain by deception property/financial advantage/cause financial disadvantage	100 pu or 2 yrs [10 yrs]	1
192F(1)	Dishonestly destroy/conceal accounting record with intent to defraud	100 pu or 2 yrs [5 yrs]	1
192G	Dishonestly make/publish false/misleading statement with intent to defraud	100 pu or 2 yrs [5 yrs]	1
192H(1)	Officer of organisation make/publish false/misleading statement with intent to deceive members/creditors	100 pu or 2 yrs [7 yrs]	1
192J	Deal in identification information with intent commit/facilitate indictable offence	100 pu or 2 yrs [10 yrs]	1
192K	Possess identification information with intent commit/facilitate indictable offence	100 pu or 2 yrs [7 yrs]	1
192L	Possess equipment capable of making identification information with intent commit/facilitate indictable offence	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [3 yrs]	2
193B(1), (2)	Knowingly deal with proceeds of crime	Strictly indictable [15 yrs; intent to conceal: 20 yrs]	
193B(3)	Recklessly deal with proceeds of crime	100 pu or 2 yrs where value exceeds \$5000; 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [10 yrs]	1 2
193C(1), (2)	Deal with property when reasonable suspicion that proceeds of crime	100 pu or 2 yrs where value exceeds \$5000; 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs value over \$100,000 [3 yrs value less than \$100,000]	1 2
193D	Deal with property later used as instrument of crime	Strictly indictable [15 yrs; recklessness: 10 yrs]	
193N- Q(1)	Offences related to cheating at gambling Engage in/facilitate/conceal conduct that corrupts betting outcome of event/use corrupt conduct information for betting purposes	100 pu or 2 yrs [10 yrs]	1
193Q(2)	Possess corrupt conduct information and bet on an event, encourage another to bet on an event or communicate corrupt conduct information to another person	100 pu or 2 yrs [2 yrs]	1
195(1)	Intentionally or recklessly destroying or damaging property	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [5 yrs; with fire/explosives:10 yrs]	1 2
195(1A)	Commit subs (1) offence in company	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [6 yrs; with fire/explosives:11 yrs]	1 2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
195(2)	Commit subs (1) offence during public disorder	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs; with fire/explosives:12 yrs]	1 2
196(1)	Destroying or damaging property with intent to cause bodily injury	100 pu or 2 yrs [7 yrs; with fire/explosives: 14 yrs]	1
196(2)	During public disorder, commit offence under subs (1)	100 pu or 2 yrs [9 yrs; with fire/explosives: 16 yrs]	1
197(1)	Dishonestly destroy or damage property with a view to gain	100 pu or 2 yrs [7 yrs; with fire/explosives: 14 yrs]	1
197(2)	During public disorder commit offence under subs (1)	100 pu or 2 yrs [9 yrs; with fire/explosives: 16 yrs]	1
198	Destroy/damage property with intent to endanger life	Strictly indictable [25 yrs]	
199(1)	Threatening to destroy or damage property	100 pu or 2 yrs [5 yrs]	1
199(2)	During public disorder, commit offence under subs (1)	100 pu or 2 yrs [7 yrs]	1
200(1)	Possession, custody or control of an article with intent to destroy or damage property	100 pu or 2 yrs [3 yrs; explosive article: 7 yrs]	1
200(2)	During public disorder commit offence under subs (1)	100 pu or 2 yrs [5 yrs; explosive article: 9 yrs]	1
201	Interfering with a mine	100 pu or 2 yrs [7 yrs]	1
202	Intentionally or recklessly destroy, damage sea, river, canal and other works	100 pu or 2 yrs [7 yrs]	1
203B	Sabotage	Strictly indictable [25 yrs]	
203C(1)	Threaten sabotage to public facility	100 pu or 2 yrs [14 yrs]	1
203E(1)	Intentionally cause fire and be reckless as to its spread	100 pu or 2 yrs [21 yrs] SNPP offence	1
204	Destroy/damage aircraft/reckless indifference	Strictly indictable [25 yrs]	
205	Prejudice safe operation of aircraft/vessel	Strictly indictable [14 yrs]	
206	Assault crew member of aircraft/vessel	Strictly indictable [14 yrs]	
207(2)	Placing, carrying dangerous articles on board an aircraft or vessel	100 pu or 2 yrs [7 yrs]	1
208(2)	Make demand with threat to destroy/damage/endanger safety of aircraft/vessel or to kill/inflct injury to persons on board	Strictly indictable [14 yrs]	
208(3)	As in (2) and discharges firearm causes explosion/gbh to person	Strictly indictable [25 yrs]	
208(4)	Make threat to destroy etc aircraft, vessel or transport vehicle or kill/inflct injury to persons on board	100 pu or 2 yrs [5 yrs]	1
209	Convey false information as to plan to prejudice the safety of an aircraft or vessel or persons on board	100 pu or 2 yrs [2 yrs]	1
210	Intentionally or recklessly destroy, damage an aid to navigation	100 pu or 2 yrs [7 yrs]	1
211(1)	Criminal acts to railways with intent to cause death/gbh	Strictly indictable [25 yrs]	
212	By unlawful act/negligent omission, endanger safety of person/being conveyed on railway	100 pu or 2 yrs [3 yrs]	1
213	Obstructing a railway	100 pu or 2 yrs [2 yrs]	1
214A(1)	Damage/disruption to major facility	200 pu and/or 2 yrs	Summary
249B	Corrupt commissions or rewards	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2
249C	Misleading documents or statements used or made by agents	100 pu or 2 yrs [7 yrs]	1
249D	Corrupt inducements for advice	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
249E	Corrupt benefits for trustees and others (proceedings not to be commenced without consent of Attorney General)	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2
249F	Aid, abet, counsel, procure, solicit, incite offence under s 249C	100 pu or 2 yrs [7 yrs]	1
249F	Aid, abet, counsel, procure, solicit, incite offence under ss 249B, 249D, 249E	100 pu or 2 yrs where value exceeds \$5000 50 pu and/or 2 yrs if value not over \$5000; 20 pu and/or 2 yrs if value not over \$2000 [7 yrs]	1 2
249K(1)	Blackmail — demand with menaces for gain/loss or to influence public duty	100 pu or 2 yrs [10 yrs]	1
249K(2)	Demand with menaces with accusation/threatened accusation of serious indictable crime	100 pu or 2 yrs [14 yrs]	1
253	Forgery — make false document with intent to induce some person to accept it as genuine to obtain advantage	100 pu or 2 yrs [10 yrs]	1
254	Use false document with intent to induce some person to accept it as genuine to obtain advantage	100 pu or 2 yrs [10 yrs]	1
255	Possess false document with intent	100 pu or 2 yrs [10 yrs]	1
256(1)	Knowingly make/possess equipment designed to make false document with intent that it be so used	100 pu or 2 yrs [10 yrs]	1
256(2)–(3)	Knowingly make/possess equipment designed to make false document	50 pu and/or 2 yrs 20 pu and/or 2 yrs if value not over \$2000 [3 yrs]	2
307A(1)	Make false/misleading application	200 pu and/or 2 yrs	Summary
307B(1)	Give false/misleading information to another for benefit	200 pu and/or 2 yrs	Summary
307C(1)	Produce false/misleading document	200 pu and/or 2 yrs	Summary
308C(1)	Unauthorised access modification or impairment with intent to commit serious indictable offence where the serious indictable offence is punishable by 10 yrs or less	100 pu or 2 yrs [penalty same as serious indictable offence committed]	1
308D(1)	Unauthorised modification of data with intent to cause impairment	100 pu or 2 yrs [10 yrs]	1
308E(1)	Unauthorised impairment of electrical communication	100 pu or 2 yrs [10 yrs]	1
308F(1)	Possession of data with intent to commit serious computer offence	100 pu or 2 yrs [3 yrs]	1
308G(1)	Produce, supply or obtain data with intent to commit serious computer offence	100 pu or 2 yrs [3 yrs]	1
308H	Unauthorised access to or modification of restricted data held in computer	2 yrs*	Summary
308I	Unauthorised impairment of data held in computer disk, credit card or other device	2 yrs*	Summary
Part 6A	Sections 310A–310H — does not apply to custody under home detention order or intensive correction order, or child detention centre		
310B	Rescue inmate from lawful custody		Strictly indictable [14 yrs]
310C	Aiding escape	100 pu or 2 yrs [7 yrs]	1
310D	Escape from lawful custody; fail to return	100 pu or 2 yrs [10 yrs]	1
310E(1)	Tunnels to facilitate escape	100 pu or 2 yrs [10 yrs]	1
310F(1)	Permitting escape	100 pu or 2 yrs [7 yrs wilful; 2 yrs negligent]	1
310G(1)	Knowingly harbour, maintain, employ escapee	100 pu or 2 yrs [3 yrs]	1
310J	Membership of terrorist organisation		Strictly indictable [10 yrs]
314	Make false accusation intending person to be investigated, knowing other person to be innocent	100 pu or 2 yrs [7 yrs]	1
315(1)	Hinder investigation of serious indictable offence	100 pu or 2 yrs [7 yrs]	1
315A(1)	Threatening or intimidating victims or witnesses	100 pu or 2 yrs [7 yrs]	1
316(1)	Conceal serious indictable offence	100 pu or 2 yrs [(a) 2 yrs if the max penalty for serious indictable offence is not more than 10 yrs; (b) 3 yrs if max penalty for serious indictable offence is more than 10 yrs but not more than 20 yrs; (c) 5 yrs if max penalty for serious indictable offence is more than 20 yrs]	1
316(2)	Solicit/accept/agrees to accept benefit for commission of offence under ss (1)	100 pu or 2 yrs [(a) 5 yrs if the max penalty for serious indictable offence is not more than 10 yrs; (b) 6 yrs if the max penalty for serious indictable offence is more than 10 yrs but not more than 20 yrs; (c) 7 yrs if the max penalty for serious indictable offence is more than 20 yrs]	1

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
316A(1)	Concealing child abuse offence	100 pu or 2 yrs [(a) 2 yrs if max penalty for child abuse offence is less than 5 yrs; (b) 5 yrs if max penalty for child abuse offence is 5 yrs or more]	1
316A(4)	Solicits, accepts or agrees to accept any benefit for commission of an offence under s 316A(1)	100 pu or 2 yrs [(a) 5 yrs if max penalty for child abuse offence is less than 5 yrs; (b) 7 yrs if max penalty for child abuse offence is 5 yrs or more]	1
317	Tampering with evidence with intent to mislead judicial tribunal	100 pu or 2 yrs [10 yrs]	1
318(2), (3)	Make/use false official document to pervert course of justice	Strictly indictable [14 yrs]	
319	General offence of pervert course of justice	100 pu or 2 yrs [14 yrs]	1
321-323	Corruption of witness and jurors — threat or intimidation of judges/witnesses/jurors — influence of witnesses/jurors	100 pu or 2 yrs unless person charged intended to procure conviction/acquittal of another of any serious indictable offence — when strictly indictable [10 yrs corruption of witness, etc 10 yrs intimidation of judge, etc 7 yrs influence of witness, etc]	1
325(1), (1A), (2)	Preventing, obstructing or dissuading witness or juror from attending as witness or producing evidence pursuant to summons or subpoena	100 pu or 2 yrs [5 yrs]	1
326(1), (2)	Threaten reprisals against judges, witnesses, jurors	100 pu or 2 yrs [10 yrs]	1
327(1)	Perjury	100 pu or 2 yrs [10 yrs]	1
328	Perjury with intent to procure conviction/acquittal	Strictly indictable [14 yrs]	
330	Make false statement on oath not amounting to perjury	100 pu or 2 yrs [5 yrs]	1
333(1)	Procure, persuade, induce or cause a person to give false testimony	100 pu or 2 yrs [7 yrs]	1
335	Make false statement in evidence on commission	100 pu or 2 yrs [5 yrs]	1
336(1), (2)	Make false statement for entry kept in register by public official	100 pu or 2 yrs [5 yrs]	1
337	Public official knowingly issue false instrument for improper purpose	100 pu or 2 yrs [5 yrs]	1
351A(1)	Recruiting another to engage in criminal activity	100 pu or 2 yrs [7 yrs]	1
351A(2)	Recruiting children to engage in criminal activity	100 pu or 2 yrs [10 yrs]	1
353B	(now s 547D)		
502	Possess part of skin or carcass of stolen cattle	5 pu and/or 6 mths	Summary
503	Steal dog	5 pu and/or 6 mths	Summary
504	Possess stolen dog or skin of stolen dog	5 pu	Summary
505	Steal or kill with intent to steal, domestic animal or bird	5 pu and/or 6 mths	Summary
506	Steal or kill with intent to steal, domestic animal or bird (2nd + offence)	12 mths	Summary
507	Possess stolen bird/animal or skin thereof	5 pu and/or 6 mths	Summary
508	Possess stolen bird/animal or skin thereof (2nd + offence)	12 mths	Summary
510	Destroy part of fence of land where deer are kept/set snare for deer	5 pu	Summary
512	Destroy/take fish in waters on private property	0.1 pu and fine = to value of fish	Summary
513	Destroy/damage, with intent to steal/steal part of plant etc	5 pu and/or 6 mths	Summary
515	Steal/cut etc with intent to steal live/dead fence etc	1 pu and value of property stolen/injured	Summary
517	Possess whole or part of tree/fence etc	1 pu and value of property stolen/injured	Summary
518	Steal/damage with intent to steal dead wood on another's land	1 pu and value of property stolen/injured	Summary
520	Steal/damage with intent to steal plant etc in garden etc	5 pu and/or 6 mths	Summary
521	Steal/damage with intent to steal plants etc not growing in gardens	2 pu	Summary
521A	Steal rock/stone gravel in, under or forming part of land	5 pu and/or 6 mths	Summary
522	Possess goods from shipwreck	5 pu and/or 6 mths Order for delivery to owner	Summary
523	Offer goods from shipwreck for sale	5 pu and/or 6 mths Order for delivery to owner upon payment reasonable reward	Summary
525	Steal/damage books and other things in public libraries and other places	10 pu and/or 12 mths and fine = 4 x value property	Summary
527C(1)	Goods in custody:		Summary
	(a) if a motor vehicle or motor vehicle part	10 pu and/or 12 mths;	
	(b) in the case of any other thing	5 pu and/or 6 mths	
530(1)	Commit serious act of animal cruelty with intent to inflict severe pain	2 yrs [5 yrs]	2

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
530(1A)	Recklessly commit serious act of animal cruelty	2 yrs [3 yrs]	2
531	Intentionally kill or seriously injure animal used by law enforcement officer in execution of duty or in retaliation for such use	2 yrs [5 yrs]	2
545B(1)	Intimidation or annoyance by violence	50 pu and/or 2 yrs	Summary
545C(1)	Knowingly joining in, continuing in, unlawful assembly	5 pu and/or 6 mths	Summary
545C(2)	Member of unlawful assembly armed with weapon or loaded arms	10 pu and/or 12 mths	Summary
546B(1)	Found in premises/public place with intent to commit indictable offence	4 pu or 6 mths	Summary
546C	Resisting or hindering police	10 pu and/or 12 mths	Summary
546D(1)	Impersonate a police officer	100 pu and/or 2 yrs	Summary
546D(2)	Impersonate a police officer with intent to deceive	100 pu or 2 yrs [7 yrs]	1
547B(1)	Public mischief	50 pu and/or 12 mths	Summary
547C	Peep or pry	2 pu or 3 mths	Summary
547D	Carry cutting instrument	5 pu and/or 6 mths	Summary
547E(1)	Produce/disseminate bestiality/animal crush material	Strictly indictable [Greater of: max penalty for offence against s 530(1); or 5 yrs]	
547E(2)	Possess bestiality/animal crush material	Strictly indictable [3 yrs]	
578A(2)	Publish details of complainant in prescribed sexual offences	Indiv 50 pu and/or 6 mths; Corp 500 pu	Summary
578C(2)	Publish indecent articles	Indiv 100 pu and/or 12 mths; Corp 200 pu	Summary
578E(2)	Advertise, display products re sexual behaviour	Indiv 100 pu and/or 12 mths; Corp 200 pu	Summary

* No alternative monetary penalty specified. These offences are specifically designated summary offences, and they do not fall within either Table 1 or Table 2.

Provisions for certain sexual assault offences repealed on 1 December 2018 by *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018*

SECTION	DESCRIPTION	PENALTY (MAX)	TABLE
61L	Assault with act of indecency	50 pu and/or 2 yrs [5 yrs]	2
61M	Aggravated indecent assault	100 pu or 2 yrs [7 yrs; (10 yrs victim under 16 yrs)] SNPP offence	1
61N(1)	Commit act of indecency to or with person under 16 yrs	50 pu and/or 2 yrs [2 yrs]	2
61N(2)	Commit act of indecency to or with person 16 yrs or above	50 pu and/or 18 mths [18 mths]	2
61O(1)	Commit aggravated act of indecency to or with person under 16 yrs	50 pu and/or 2 yrs [5 yrs]	2
61O(1A)	Commit aggravated act of indecency to/with person 16 yrs or above	50 pu and/or 2 yrs [3 yrs]	2
61O(2)	Commit act of indecency with/towards person under 10 yrs	100 pu or 2 yrs [7 yrs]	1
61O(2A)	Commit/incite act of indecency with/towards person under 16 yrs knowing act being filmed for production of child pornography	100 pu or 2 yrs [10 yrs]	1

Sentencing Bench Book — Sentencing procedures for imprisonment

Appendix A: Pt 4 Div 1A Table — standard non-parole periods

[8-000] Pt 4 Div 1A Table — standard non-parole periods

For legislative amendments to the Table, see Appendix B at [8-100].

Item No	Offence	SNPP	Commentary
1A	Murder — where the victim was a police officer, emergency services worker, correctional officer, judicial officer, council law enforcement officer, health worker, teacher, community worker, or other public official, exercising public or community functions and the offence arose because of the victim's occupation or voluntary work	25 years	[30-020]
1B*	Murder — where the victim was a child under 18 years of age	25 years	[30-020]
1	Murder — in other cases	20 years	[30-020]
2	Section 26 <i>Crimes Act</i> 1900 (conspiracy to murder)	10 years	[30-090]
3	Sections 27, 28, 29 or 30 <i>Crimes Act</i> 1900 (attempt to murder)	10 years	[30-100]
4	Section 33 <i>Crimes Act</i> 1900 (wounding etc with intent to do bodily harm or resist arrest)	7 years	[50-080]
4AA	Section 33A(1) <i>Crimes Act</i> 1900 (discharging a firearm with intent to cause grievous bodily harm)	9 years	[60-070]
4AB	Section 33A(2) <i>Crimes Act</i> 1900 (discharging a firearm with intent to resist arrest or detention)	9 years	[60-070]
4A*	Section 35(1) <i>Crimes Act</i> 1900 (reckless causing of grievous bodily harm in company)	5 years	[50-070]
4B*	Section 35(2) <i>Crimes Act</i> 1900 (reckless causing of grievous bodily harm)	4 years	[50-070]
4C*	Section 35(3) <i>Crimes Act</i> 1900 (reckless wounding in company)	4 years	[50-070]
4D*	Section 35(4) <i>Crimes Act</i> 1900 (reckless wounding)	3 years	[50-070]
5	Section 60(2) <i>Crimes Act</i> 1900 (assault of police officer occasioning bodily harm)	3 years	[50-120]
6	Section 60(3) <i>Crimes Act</i> 1900 (wounding or inflicting grievous bodily harm on police officer)	5 years	[50-120]
7	Section 61I <i>Crimes Act</i> 1900 (sexual assault)	7 years	[20-640]
8	Section 61J <i>Crimes Act</i> 1900 (aggravated sexual assault)	10 years	[20-660]
9	Section 61JA <i>Crimes Act</i> 1900 (aggravated sexual assault in company)	15 years	[20-670]
9A^	Until 30 November 2018 Section 61M(1) <i>Crimes Act</i> 1900 (aggravated indecent assault)	5 years	[17-510] [20-690]
	On and from 1 December 2018 Section 61KD(1) <i>Crimes Act</i> 1900 (aggravated sexual touching)	5 years	
9B*^	Until 30 November 2018 Section 61M(2) <i>Crimes Act</i> 1900 (aggravated indecent assault) [The standard non-parole period was increased from 5 to 8 years by the <i>Crimes (Sentencing Procedure) Amendment Act</i> 2007. This increase was held to have retrospective effect in <i>R v GSH</i> [2009] NSWCCA 214 at [46].]	8 years	[17-510] [20-690]
	On and from 1 December 2018 Section 66DA <i>Crimes Act</i> 1900 (sexual touching — child under 10)	8 years	
10	Section 66A <i>Crimes Act</i> 1900 (sexual intercourse with a child under 10)	15 years	[17-480]
10A	Section 66B <i>Crimes Act</i> 1900 (attempt, or assault with intent, to have sexual intercourse with a child under 10 years)	10 years	[17-480]

Item No	Offence	SNPP	Commentary
10B	Section 66C(1) <i>Crimes Act 1900</i> (sexual intercourse with a child 10–14 years)	7 years	[17-490]
10C	Section 66C(2) <i>Crimes Act 1900</i> (aggravated sexual intercourse with a child 10–14 years)	9 years	[17-490]
10D	Section 66C(4) <i>Crimes Act 1900</i> (aggravated sexual intercourse with a child 14–16 years)	5 years	[17-490]
10E	Section 66EB(2) <i>Crimes Act 1900</i> (procure a child under 14 years for unlawful sexual activity)	6 years	[17-535]
10F	Section 66EB(2) <i>Crimes Act 1900</i> (procure a child 14–16 years for unlawful sexual activity)	5 years	[17-535]
10G	Section 66EB(2A) <i>Crimes Act 1900</i> (meet a child under 14 years following grooming)	6 years	[17-535]
10H	Section 66EB(2A) <i>Crimes Act 1900</i> (meet a child 14–16 years following grooming)	5 years	[17-535]
10I	Section 66EB(3) <i>Crimes Act 1900</i> (groom a child under 14 years for unlawful sexual activity)	5 years	[17-535]
10J	Section 66EB(3) <i>Crimes Act 1900</i> (groom a child 14–16 years for unlawful sexual activity)	4 years	[17-535]
10K	Section 91D(1) <i>Crimes Act 1900</i> (induce a child under 14 years to participate in child prostitution)	6 years	[17-540]
10L	Section 91E(1) <i>Crimes Act 1900</i> (obtain benefit from child prostitution, child under 14 years)	6 years	[17-540]
10M	Section 91G(1) <i>Crimes Act 1900</i> (use a child under 14 years for child abuse material purposes)	6 years	[17-541]
10N	Section 93GA(1) <i>Crimes Act 1900</i> (fire a firearm at a dwelling-house or other building with reckless disregard for the safety of any person)	5 years	[60-070]
10O	Section 93GA(1A) <i>Crimes Act 1900</i> (fire a firearm, during a public disorder, at a dwelling-house or other building with reckless disregard for the safety of any person)	6 years	[60-070]
10P	Section 93GA(1B) <i>Crimes Act 1900</i> (fire a firearm, in the course of an organised criminal activity, at a dwelling-house or other building with reckless disregard for the safety of any person)	6 years	[60-070]
11	Section 98 <i>Crimes Act 1900</i> (robbery with arms etc and wounding)	7 years	[20-270]
12	Section 112(2) <i>Crimes Act 1900</i> (breaking etc into any house etc and committing serious indictable offence in circumstances of aggravation)	5 years	[17-050]
13	Section 112(3) <i>Crimes Act 1900</i> (breaking etc into any house etc and committing serious indictable offence in circumstances of special aggravation)	7 years	[17-050]
14	Section 154C(1) <i>Crimes Act 1900</i> (taking motor vehicle or vessel with assault or with occupant on board)	3 years	[20-400]
15	Section 154C(2) <i>Crimes Act 1900</i> (taking motor vehicle or vessel with assault or with occupant on board in circumstances of aggravation)	5 years	[20-400]
15A*	Section 154G <i>Crimes Act 1900</i> (organised car or boat rebirthing activities)	4 years	[20-420]
15B	Section 203E <i>Crimes Act 1900</i> (bushfires)	5 years	[63-020]
15C*	Section 23(2) <i>Drug Misuse and Trafficking Act 1985</i> ((cultivation, supply or possession of prohibited plants), being an offence that involves not less than the large commercial quantity (if any) specified for the prohibited plant concerned under that Act)	10 years	[19-810]
16	Section 24(2) <i>Drug Misuse and Trafficking Act 1985</i> ((manufacture or production of commercial quantity of prohibited drug), being an offence that: (a) does not relate to cannabis leaf, and (b) if a large commercial quantity is specified for the prohibited drug concerned under that Act, involves less than the large commercial quantity of that prohibited drug)	10 years	[19-820]
17	Section 24(2) <i>Drug Misuse and Trafficking Act 1985</i> ((manufacture or production of commercial quantity of prohibited drug), being an offence that: (a) does not relate to cannabis leaf, and (b) if a large commercial quantity is specified for the prohibited drug concerned under that Act, involves not less than the large commercial quantity of that prohibited drug)	15 years	[19-820]
18	Section 25(2) <i>Drug Misuse and Trafficking Act 1985</i> ((supplying commercial quantity of prohibited drug), being an offence that: (a) does not relate to cannabis leaf, and (b) if a large commercial quantity is specified for the prohibited drug concerned under that Act, involves less than the large commercial quantity of that prohibited drug)	10 years	[19-840]

Item No	Offence	SNPP	Commentary
19	Section 25(2) <i>Drug Misuse and Trafficking Act 1985</i> ((supplying commercial quantity of prohibited drug), being an offence that: (a) does not relate to cannabis leaf, and (b) if a large commercial quantity is specified for the prohibited drug concerned under that Act, involves not less than the large commercial quantity of that prohibited drug)	15 years	[19-840]
20	Section 7 <i>Firearms Act 1996</i> (unauthorised possession or use of firearms) [The standard non-parole period was increased from 3 to 4 years by the <i>Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act 2015</i> . The 4-year standard non-parole period applies to offences committed on or after 21 August 2015]	4 years	[60-040]
21*	Section 51(1A) or (2A) <i>Firearms Act 1996</i> (unauthorised sale of prohibited firearm or pistol)	10 years	[60-050]
22*	Section 51B <i>Firearms Act 1996</i> (unauthorised sale of firearms on an ongoing basis)	10 years	[60-050]
23*	Section 51D(2) <i>Firearms Act 1996</i> (unauthorised possession of more than 3 firearms any one of which is a prohibited firearm or pistol)	10 years	[60-050]
24*	Section 7 <i>Weapons Prohibition Act 1998</i> ((unauthorised possession or use of prohibited weapon) — where the offence is prosecuted on indictment) [The standard non-parole period was increased from 3 to 5 years by the <i>Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act 2015</i> . The 5-year standard non-parole period applies to offences committed on or after 21 August 2015]	5 years	[60-060]

Extracted from Pt 4 Div 1A *Crimes (Sentencing Procedure) Act 1999*.

* The transitional provisions for the new and amended standard non-parole periods introduced in 2007 state:

The amendments made to this Act by the *Crimes (Sentencing Procedure) Amendment Act 2007* apply to the determination of a sentence for an offence whenever committed, unless:

- (a) the court has convicted the person being sentenced of the offence, or
- (b) a court has accepted a plea of guilty and the plea has not been withdrawn, before the commencement of the amendments [1 January 2008].

^ The Table to Pt 4, Div 1A *Crimes (Sentencing Procedure) Act 1999*, as in force immediately before its amendment by the *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018*, continues to apply in respect of an offence against s 61M(1) or (2) *Crimes Act 1900* committed before the commencement of that amendment [1 December 2018].