

The Hon Michael Daley MP
Attorney General



The Hon. Peter McClellan AM KC
Chairperson
NSW Sentencing Council
GPO Box 31
SYDNEY NSW 2001

By email sentencingcouncil@justice.nsw.gov.au

Dear Mr McClellan,

Government response to the NSW Sentencing Council's report on 'Fraud'

Thank you for providing the NSW Sentencing Council's report, Fraud (the Report).

The NSW Government has carefully considered the Report and will undertake the following in response to the Report's recommendations.

In response to recommendation 3.1 of the Report, the NSW Government will undertake consultation on recommendations 2.1(a) and 2.2 of the Sentencing Council's 2018 report Victims Involvement in Sentencing which sought to expand the application of the victim impact statement scheme to any victim who has suffered harm as a result of any offence, and expand the list of harms that allow victims to make a statement.

In relation to recommendation 4.1, the Government recognises a tiered offence structure for fraud, including increasing the maximum penalty for more serious fraud and reducing the maximum penalty for less serious fraud, provides more flexibility in addressing, and better reflects the gravity of, this offending. Further consultation with key stakeholders will be undertaken with a view to introducing legislation to give effect to this recommendation.

In relation to recommendation 5.1, the Government is committed to expanding its key diversionary program for drug and alcohol addiction, the Magistrates Early Referral into Treatment (MERIT) program. In September 2022, the former government announced a funding package to deliver targeted health and justice reforms as part of its final response to the Special Commission of Inquiry into the Drug 'Ice' including a significant investment in the MERIT program. The details of the MERIT expansion are pending public announcement.

The Government notes that eligible defendants affected by prescription drug use are already able to access the MERIT program. The extension of MERIT to defendants with gambling problems is not within the scope of the program, which is aimed at treating drug or alcohol use. The NSW Government's Office of Responsible Gambling provides gambling services through GambleAware (www.gambleaware.nsw.gov.au). GambleAware includes self-help information, and specialist counselling over the phone, via online chat, or face to face.

Culturally appropriate services are provided for Aboriginal people and support is available in over 40 languages.

I approve this letter being provided to the members of the Sentencing Council and uploaded to the Sentencing Council's website.

Once again, I thank the Sentencing Council for its work on the Report.

Sincerely,

Michael Daley MP
Attorney General

11 DEC 2024