

Standard Minimum Non-Parole Periods

Submissions regarding Child Sexual Assault Offences

Victims Services is thankful for the opportunity to provide submissions on the Sentencing Council's ('the Council's') Consultation Paper on the standard minimum non-parole periods ('SNPPs') in the *Crimes (Sentencing Procedure) Act 1999* (NSW). The Council seeks submissions with respect to SNPPs and child sexual assault offences in light of a parliamentary inquiry into child sexual offences. In the event that Victims Services makes complete submissions on the Consultation Paper, we seek that these specific submissions be read together with any further submissions that may be made.

The Council's Consultation Paper has sought submissions specifically in relation to two questions:

- a) identification of child sexual assault offences that should be included in the standard non-parole period Table; and
- b) whether there are specific factors that should be taken into account to determine the standard non-parole periods for child sexual assault offences and, if so, what those factors are.

Victims Services routinely sees the level of harm caused by offences relating to the sexual assault of a child. Almost invariably offences of this nature are not single incident offences, and for the most part are characterised by a progression from more subtle offensive behaviour to more overt criminal acts. Similarly, it is common for offenders convicted of child sexual assault matters in relation to one victim to be linked, whether it be through allegation or through conviction, to other victims alleging offences of a similar nature. By way of general comment, given the apparent progressive and repetitive nature of these offences, the need for strong deterrence and, more importantly, diversion into mandatory intervention programs prior to release, should be given priority. We submit that SNPPs would assist in this end, as one component of a more complete strategy.

More specifically, Victims Services considers that the sexual assault of a child is an offence of grave concern to the community, and that a number of offences not currently attracting a SNPP should be reconsidered for inclusion within the SNPP Table. In particular, we note in relation to the sexual assault of a child between the ages of 10 and 16 that the Council's considered there to be "no data to suggest that sentencing trends for these offences were currently inconsistent" (see 2.15). We submit that it may nevertheless be appropriate to proactively acknowledge the community's views of the seriousness of such offences by considering inclusion of these offences, or as a minimum, all of those offences listed in Table D1 where the maximum penalty is 10 years' imprisonment or more and where the offence is strictly indictable.

Finally, by way of observation, Victims Services holds concerns over the SNPP attached to offences under s 61M(2). Notwithstanding the above views, the 80% ratio of SNPP to maximum term is inconsistent with respect to this particular offence, and should be reviewed.

Sexual offences against children (Appendix D)

Sexual intercourse, child under 10 (aggravated and not) offences are SNPP offences but sexual offences against children of other ages are not SNPP. Suggest adding 66B, 66C (2), 66C(1), 66C(4), 66C(3), 73(1), 73(2), 66(d) and 66EA as the community would feel that the

sexual assault of a child, any age, is a serious offence that warrants a consistent sentencing approach that reflects the harm done to the child.

The only caution would be applying a SNPP to a young offender e.g. youth of 15 years charged with sexual intercourse of a girl 15 years, (child between 14 and 16).

It is noted that sexual assault and aggravated sexual assault both have 50% of SNPP to the maximum and sexual intercourse, child under 10 has 60%. This should be removed to provide some consistency.

In addition, a number of crimes relating to act of indecency and sexual assault by forced self-manipulation are serious offences against children and the application of SNPPs should be considered in 61C(1), 80A(2A) and 80D(2). It is noted that the crimes involving forced self-manipulation have maximum penalties of 20 years.

Victims Services