

NSW Sentencing Council  
Sentencing for firearms, knives and other weapons  
Youth Justice Preliminary Submission

Youth Justice NSW (YJNSW) notes that the NSW Sentencing Council has been asked to review sentencing for firearms, knives and other weapons offences by the Attorney-General and to consider whether existing sentencing, penalties, parole periods etc. remain fit for purpose (Tab A). In reviewing the current penalties and sentencing principles, Youth Justice NSW asks that the NSW Sentencing Council consider the potential impact of legislative reform particularly on children and young people.

### The Data

The data from the Bureau of Crime Statistics and Research NSW (BOCSAR) shows:

- Recorded crime statistics for the number of violent incidents involving firearms or knives recorded by NSW Police where the person of interest is 10 to 17 years old have gone down significantly over the 20-year period from October 2002 to September 2022 (in line with the general population).
- Murder, attempted murder, non-domestic assaults and domestic assaults with *firearms* involve a very small number to no young people. Robbery has a higher number with 12 incidents of robbery involving firearms in 2022 at a rate per 100,000 of 1.5.
- The numbers of violent knife incidents where the person of interest is 10-17 are higher for robbery than in relation to other crimes, (that is, murder, non-domestic assault, and domestic assault) and have decreased less significantly over the 20-year period than for other crimes. For example, in the year to September 2003 there were 135 robberies involving knives being a rate of 18.7 per 100,000 and in the year to September 2022 there were 132 robberies involving knives with a rate of 17 per 100,000.
- Robberies involving knives for the whole population (not just young people) occur more frequently in Sydney (524 incidences in the year to September 2022) than in the rest of NSW (227 incidences in the year to September 2022)
- Other firearms offences involving young people relate to unlawfully obtaining, or possessing regulated weapons/explosives (78 young people were found guilty of this offence in July 2021-July 2022)

YJNSW data similarly indicates:

- There are low numbers of young people involved in firearm offences, for example in 2016-17 there were 60 young people (with 66 admissions) who received a control order where *at least one* of their offences being a weapons offence. In 2021-22 there were 41 admissions of young people on a control order with at least one of their offences being a weapons related offence.
- The most common weapons-related 'Most Serious Offence (MSO)' was *Robbery Armed with Offensive Weapon* (13 admissions had this as their MSO in 2016-17). In 2020-21 there were 20 admissions where the MSO was robbery armed with an offensive weapon.
- In most years (4 out of 6) between 2016-17 and 2021-22 there are more non Aboriginal and Torres Strait Islander young people with weapons related offences, although Aboriginal and

Torres Strait Islander young people are overrepresented in the cohort (as for the population of young people in Centres generally).

- The age of young people admitted to custody with a weapons-related offence ranged from 13 to 19 years across the six years from 2016-17 to 2021-22. The average age remained stable at 16 years.

## Possible consequences

The data demonstrates that violent crimes involving firearms or knives where the person of interest or offender is 10-17 years old have been steadily decreasing over a twenty-year period from 2002-2022. The most frequently occurring most serious crime for young people with a control order where there is a weapons offence is robbery armed with an offensive weapon.

Accordingly, the data would seem to indicate at least with respect to young people that there is no basis for increasing the severity of sentencing for crimes involving firearms and weapons given the low numbers and downward trends for young people and the recidivist impact of a control order on a young person.

Literature from UK and USA jurisdictions that have been seeking to respond effectively to youth knife crime arguably for longer than Australia, indicate that knife crime amongst young people is associated with exposure to any violence as a witness, victim or perpetrator (Baiden P., Findley E., & Onyeaka H.K. focus on the association between sexual violence victimisation and weapon carrying by adolescents) and mental health problems. Males were found to be more at risk of engaging in knife crime in the community and females in domestic settings. Some research has shown that primary prevention strategies such as stop and search, knife amnesties, media campaigns and curfews did not show a significant impact in the UK on youth knife crime. By contrast increasing offenders' access to tailored support regarding housing, education and employment showed an impact in reducing weapon carrying (Brown K.D., Green K., Jareno-Ripoll S., Paddock E., (2022)).

Feedback from frontline Youth Justice staff indicates that most young people who carry knives say that they do so to protect themselves and that they assume everyone else is also carrying one. In some areas carrying a knife has become somewhat normalised. Staff believe that carrying a knife is more prevalent amongst young men, aged 15-17 in the Sydney Metropolitan areas. This would tend to suggest that place-based, locally designed, targeted interventions are likely to be effective with respect to young people who are carrying and/or using knives. Youth Justice will pilot Violence Reduction Units in Penrith and Wagga Wagga as an opportunity for appropriate place based early intervention.

## Attachments

Tab	Title
A	NSWAG's reference to the NSW Law Reform Commission – 4 November 2022

## Approval

Role	Electronic approval by	Date
████████	████████████████	03/03/2023
████████████████	████████████████	03/03/2023