

TITLE: NSW SENTENCING COUNCIL REVIEW OF PENALTIES FOR MURDER AND MANSLAUGHTER OFFENCES

NSW Police Force and Office for Police comments

The NSW Police Force supports the review of murder and manslaughter penalties and parole periods. It welcomes any opportunity to contribute further to the review.

Penalties for murder and manslaughter

The NSW Police Force considers that the penalties for both offences are appropriate. However, there is capacity to improve the existing sentencing regime including standard non-parole periods.

Sentences imposed for domestic and family violence related homicides

Domestic violence related homicides account for approximately a third of all homicides in NSW. The NSW Police Force believes there is scope to expand aggravating factors under s21A *Crimes (Sentencing Procedure) Act 1999* or within the *Crimes Act 1900* to specifically reference domestic violence related factors.

The NSW Police Force conducted analysis of sentences imposed for murder over the two years to September 2018. The analysis concluded that domestic violence related homicides attract lower maximum sentences than non-domestic violence related homicides and result in less life sentences. This is likely to be in opposition to community expectations.

Standard non-parole periods for murder

The NSW Police Force suggests that the Sentencing Council consider legislating standard non-parole periods based on a set of scalable or aggravating factors.

Additional considerations

The NSW Police Force has identified the possibility of the “no body, no parole” regime requiring disclosure prior to sentencing. It is suggested that this could ensure greater certainty for the families of victims with parole periods being determined at a much earlier point in time.