



Response

Date: 1st October 2013

Standard Minimum Non-Parole Periods (SNPP): Consultation Paper by the NSW Sentencing Council

We support the concept of a standard minimum non-parole period (SNPP) scheme in principle. However it is essential that there is transparency around the criteria used in determining which offences are to be included in the scheme as well as greater consistency in how the scheme is to be applied to specific categories of offenses.

In reviewing the data regarding what percentage of the head sentence is applied for different SNPP sentences, there appears to be considerable variation and a lack of clarity about what circumstances were taken into consideration when determining this. It would be helpful if this could be addressed in more simple terms.

Another inconsistency appears in relation to which sexual assault offences meet criteria and which do not. For example, the *Crimes Act 1900*'s 61I (sexual assault) is correctly included, however, section 66F(2) Sexual intercourse with person who has an intellectual disability by person in authority or section 66EA Persistent sexual abuse of a child.

We strongly support the inclusion of all child sexual assault offences on the basis that they meet the criteria of type of offence, community concern about the offence and whether sentencing pattern does not sufficiently reflect its seriousness. This would have the benefit of informing the community in relation to their expectations around sentencing for these kinds of offenses as it is likely to result in greater uniformity in sentencing.

We are pleased to note that this scheme supports the judicial discretion to sentence outside the scheme so long as all relevant sentencing factors are considered and explained in that process.

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