



Mark Speakman
Attorney General

MEDIA RELEASE

Thursday, 20 October 2022

SENTENCING OF HISTORICAL OFFENCES REFORMS

Offenders convicted of historical offences will be sentenced based on current sentencing patterns and practices under laws which came into force on Wednesday 19 October 2022.

Attorney General Mark Speakman said these changes will ensure that sentencing courts apply contemporary sentencing practices to offenders, regardless of the nature of the crime, or when it was committed.

“Previously, courts were required to apply sentencing patterns and practices that existed at the time an offence was committed, except in child sexual abuse cases,” Mr Speakman said.

“The legislation recognises that offenders convicted of any historical offences should be sentenced according to current practices.

“Courts shouldn’t be required to perpetuate inadequate sentencing practices that do not adequately reflect the community’s expectations of our justice system.”

The new provision will not apply where an offender demonstrates exceptional circumstances for an offence other than a child sex offence.

This amendment expands the NSW Government’s 2018 reforms, which ensured child sex offenders would be sentenced according to contemporary practices, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Mr Speakman said this important reform does not change the maximum penalties or standard non-parole periods that were in force at the time of the offence, but subject to that will affect previous sentence patterns and practices that are no longer in line with community standards.

“In this law the NSW Government has also fixed a gap in the drafting of Labor’s 2010 Intensive Correction Orders legislation,” Mr Speakman said.

“The NSW Government’s reforms make sure that Intensive Correction Orders cannot be imposed for certain sexual offences, regardless of when those offences were committed.”

The [Crimes \(Sentencing Procedure\) Amendment Act 2022](#) was the product of extensive consultation with stakeholders, including an initial scoping discussion paper and draft bill.

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