



MEDIA RELEASE

**Hon. John Hatzistergos MLC
Attorney General
Minister for Justice
Minister for Industrial Relations**

Wednesday, October 22, 2008

COMMUNITY VIEWS SOUGHT ON NEW SENTENCING OPTION

The Rees Government is inviting public comment on a new style of community-based sentence, which could replace the system of periodic detention.

NSW Attorney General John Hatzistergos today released a consultation paper on a new sentencing option, called an Intensive Corrections Order (ICO), that has been backed by victims groups and legal experts.

“In January, the NSW Sentencing Council, which is headed by Justice James Wood and includes three of the state’s key victims groups, recommended the abolition of periodic detention and the creation of a new order,” Mr Hatzistergos said.

“The proposed Intensive Corrections Order could force offenders to make changes to their lives which they would not do themselves.”

Under the new system, courts would be able to impose a term of imprisonment to be served by way of an ICO with a number of components.

Following a suitability assessment by a Probation and Parole Officer, the offender would be subject to strict monitoring and be forced to comply with a range of conditions and obligations. These may include:

- Completing a minimum number of hours of community work
- Undertaking rehabilitative programs
- Being subjected to supervision, drug and alcohol testing
- Complying with night curfews
- Electronic monitoring

The NSW State Parole Authority would have the power to revoke the Order and sanctions include ordering the offender to full-time imprisonment if they fail to comply with the strict conditions.

Orders could be imposed on offenders sentenced to up to two years jail, so will not apply to serious violent offenders.

Mr Hatzistergos said Intensive Corrections Orders are used in Victoria, Queensland and Western Australia, as well as New Zealand, Europe and the United States.

On periodic detention, the Sentencing Council found:

- It is not always available as an option in rural and regional areas;
- Current periodic detention facilities are under-utilised, and
- There is a lack of case management of offenders.

“However, before we decide to introduce the new order, we want to hear from the judiciary, legal profession, victims support groups, Government agencies, community groups who use periodic detainees and the wider public,” Mr Hatzistergos said.

“The NSW Government is committed to finding the best solution to encourage rehabilitation and prevent re-offending and we will do that by canvassing our stakeholders’ views.”

The Vice President of the Victims of Crime Assistance League, Howard Brown, said one of the greatest drawbacks of the periodic detention regime, was that it doesn’t address offending behaviour.

“This new order will allow things to be put back into the community through work and will provide access to drug and alcohol programs which will allow us to achieve a reduction in re-offending rates.”

The discussion paper is available from www.lawlink.nsw.gov.au/clrd

The closing date for submissions is Wednesday, 12 November 2008.