

## LEGISLATIVE COUNCIL

Wednesday 24 June 2009

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### QUESTION TIME

#### ALCOHOL-RELATED VIOLENCE SENTENCING

**The Hon. PENNY SHARPE:** My question is addressed to the Attorney General. What is the latest information on sentencing for alcohol-related violence?

**The Hon. JOHN HATZISTERGOS:** Alcohol abuse can destroy not only the health of individuals, but also can wreak havoc on the peace and wellbeing of local communities and destroy the lives of victims of alcohol-related violence, such as glassing attacks. In October last year the Premier unveiled a comprehensive package of reforms to address the problem of alcohol-related violence. As part of this package the Government requested the New South Wales Sentencing Council, which is chaired by the Honourable Justice James Wood AO QC, and includes representatives of victims of crime, police and the Director of Public Prosecutions, to undertake a review of sentencing in relation to alcohol-related violence. I am pleased to report that the Sentencing Council recently has completed its review and released its report entitled "Sentencing for Alcohol-related violence" on its website.

As part of this review the council was asked to provide advice to the Government on the current principles and practices governing sentences for offences committed whilst the offender is intoxicated, including personal violence offences such as glassing; whether there is a need to change penalties or sentencing practices to address alcohol-related violence; and whether the intoxication of the offender should be added as an aggravating factor on sentencing under section 21A of the Crimes (Sentencing Procedure) Act. The council received submissions from police, legal groups and peak drug and alcohol advisory groups, and undertook its own detailed research, including the assessment of statistics and a review of relevant case law. The council concluded that courts have given appropriate levels of guidance in the sentencing of offenders where intoxication is an issue and that relevant sentencing principles are not overlooked by judges.

The council found that existing sentencing laws impose appropriate sentences for repeat offenders who have a record of violence while intoxicated. The council examined also the adequacy of existing provisions that enable courts to consider it an aggravating factor on sentencing if the offence involved the use of a weapon. The council highlighted a number of cases where such provisions have been applied appropriately to impose tougher sentences against offenders in glass attacks. The council found also that under existing law intoxication can constitute an aggravating factor where the offender has a history of committing alcohol-related offences and is aware of his or her propensity for violence in those circumstances. In light of these findings, the council found that existing sentencing laws are effective in dealing with offences involving alcohol-related violence.

However, the council noted concerns expressed by the Chief Magistrate that in certain cases the prosecution of serious personal violence offences in the Local Court, rather than the District Court, might prevent the imposition of sufficiently severe sentences. The council therefore recommended that there be an ongoing review to determine whether there is a body of personal violence cases where the Local Court's jurisdictional limit of two years' imprisonment has led to the imposition of inappropriate sentences. The Government has agreed to provide a further reference to the Sentencing Council to allow this further review to proceed. We are examining also existing processes to ensure that proper consideration is given to bringing appropriate cases to prosecution in the District Court. Otherwise, the council expressed the view that the best response to alcohol-related violence is to take steps to stop it from occurring in the first place through measures such as tough licensing laws to curb excessive drinking and a public education campaign.

As members would be aware, notwithstanding the opposition of the Liberal Party and The Nationals, the Government already has imposed tough conditions on licensed venues known to be the source of much alcohol-related violence. Currently, through New South Wales Health we are undertaking extensive public education campaigns to draw people's attention to the dangers of excessive drinking. Alcohol-related violence is a scourge on the community, which warrants targeted and considered policy responses. The Sentencing Council has assisted in our review of this matter. [*Time expired.*]

<9>