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MEDIA RELEASE

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HISTORICAL OFFENCES TO FACE MODERN JUSTICE

Perpetrators of sexual violence and other criminals who've evaded the criminal justice system for years, or even decades, will now face the prospect of tougher sentencing from NSW courts, which will no longer be bound by outdated sentencing practices.

Attorney General and Minister for Prevention of Domestic and Sexual Violence Mark Speakman said the Government was drafting a bill that would require courts to apply current sentencing practices to all crimes, regardless of when they were committed.

"Right now, except for child sexual abuse, courts must apply sentencing patterns and practices related to the offence that were in place at the time the offence was committed, instead of at the time of sentencing," Mr Speakman said.

"But sometimes those guideposts don't reflect our community's current stance on crimes – this is especially so for heinous acts like sexual assault or domestic violence.

"Asking courts to put themselves in the shoes of a judge years or decades earlier can be impractical, inefficient and produce inconsistent outcomes. Our bill will change this so people who committed offences years ago will be sentenced according to current practices.

"It's unacceptable for an offender to get more lenient treatment, just because they'd dodged police detection, or their offence had not yet been reported by an often traumatised victim.

"While courts will still be guided by the maximum penalty and any standard non-parole period that existed at the time of the offence, historical offenders will now face the prospect of tougher penalties, particularly for crimes like sexual assault that are often reported later."

The proposed reform comes after a NSW Government review of historical sentencing practices, which engaged legal experts, victims' rights groups and law enforcement.

The move also follows [2018 legislation](#) that ensures child sex offenders are sentenced according to contemporary practices. The 2018 Act came after the Royal Commission into Institutional Responses to Child Sexual Abuse recommended legislation to ensure sentences for child sexual abuse are imposed according to practices that exist at the time of sentencing.

"This applies consistency to all offending so we won't perpetuate any past errors by using old practices, which don't align with contemporary attitudes or our current understanding of serious crimes like sexual assault and domestic violence," Mr Speakman said.

Key stakeholders will be consulted on a draft exposure bill this year. Feedback will then be considered and a final bill will be introduced to NSW Parliament in 2022.