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The Hon J Wood AO QC
Chairperson
New South Wales Law Reform Commission
GPO Box 5199
SYDNEY NSW 2001

Thank you for the opportunity to offer a preliminary submission to the Law Reform Commission's review of the *Crimes (Sentencing Procedure) Act 1999 (NSW)*.

The Commission has requested preliminary submissions on the scope and focus of the review. In that regard I would ask that the following be considered for investigation and reform:

- A clear and separate set of sentencing principles for juvenile offenders. This would include a recognition that incarceration should be a punishment of last resort—not only because of the harm done to young offenders—but also because of the deleterious effect it has on the community as a whole;
- A review of intensive correction orders and the impact of the abolition of periodic detention;
- The complexity of Section 21A. Consideration of less complex provisions, such as found in the *Crimes (Sentencing) Act 2005 (ACT)*, may be pertinent;
- A greater focus on diversionary programs and alternative sentencing regimes to benefit victims of crime, offenders, and the community as a whole;
- A review of the efficacy and operation of Guideline Judgements, and the extent to which these principles inappropriately restrain sentencing discretion;
- A review of the inequitable sentencing outcomes suffered by Aboriginal defendants in NSW courts.

Kind regards,

A handwritten signature in black ink, appearing to read 'D. Shoebridge', written over a horizontal line.

David Shoebridge, MLC