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MEDIA RELEASE

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FRAUD SENTENCES UNDER REVIEW

An independent review has commenced into sentencing laws for fraud offences in NSW.

Attorney General Mark Speakman said the NSW Sentencing Council's review will determine whether fraud-related NSW sentencing laws strike the right balance between upholding community safety, reducing crime and promoting offender rehabilitation.

"Fraudsters often prey on some of the most vulnerable people in our community," Mr Speakman said.

"We need to ensure sentences for fraud offences remain fit for purpose and continue to reflect community expectations. That's why I've asked the NSW Sentencing Council to conduct a wide-ranging review into this important area of law."

The Sentencing Council will examine statistics for convictions over a five-year period and investigate the characteristics of offenders, sentence type and length as part of the review.

Under its [terms of reference](#), the Sentencing Council will also evaluate:

- key sentencing principles and reasoning employed by judges;
- the mitigating subjective features of offenders; and
- any other significant factors considered in sentencing decisions that explain how courts come to their final decision on sentence.

The Sentencing Council will conduct comprehensive public consultation during the review before making any recommendations for reform that it considers appropriate.

"I encourage all legal practitioners, judicial officers, reporters, academics and any other community member to make their voices heard when submissions open later this month," Mr Speakman added.

Each year more than 15,000 fraud and fraud-related offences go through the courts in NSW, and there are more than 100 separate offence types.

The review will focus on *Obtain property belonging to another by deception* and *Obtain financial advantage or cause financial disadvantage by deception*, which make up the vast majority of finalised charges.

Terms of Reference

The Sentencing Council is asked to conduct a review of sentencing for fraud and fraud-related offences in New South Wales, especially but not limited to offences in Part 4AA of the *Crimes Act 1900* (NSW), and make any recommendations for reform that it considers appropriate.

In undertaking this review, the Sentencing Council should:

1. provide sentencing statistics for convictions over a five year period;
2. provide information on the characteristics of offenders, sentence type and length; and
3. provide background information, including:
 - a. the key sentencing principles and reasoning employed by sentencing judges;
 - b. the mitigating subjective features of offenders; and
 - c. any other significant factors considered in sentencing decisions that explain how courts come to their final decision on sentence (which may be done using case-studies or collation of predominate themes across cases)