



MEDIA RELEASE

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

Tuesday, June 17, 2008

LIFE SENTENCE REDETERMINATIONS CURBED

Offenders will only get one chance to have their life sentences re-determined, sparing their victims the anguish of multiple court hearings, Attorney General John Hatzistergos announced today.

He said under the new legislation, to be introduced into NSW Parliament tomorrow, Supreme Court judges will be required to place substantial weight on the heinousness of a prisoner's crime when considering their re-determination application.

"These important new laws will protect victims and their families from being re-traumatized as they are repeatedly dragged through the courts," said Mr Hatzistergos.

"Offenders will now be allowed just one re-determination application. If they are unsuccessful, they'll stay in prison and will not be able to re-apply."

Mr Hatzistergos said the new laws will apply to those remaining NSW prisoners who were given natural life sentences before 'truth in sentencing' laws were passed in 1989.

The laws, introduced by the Greiner Government, meant that those serving old 'life' sentences could apply to the court over and over to have their sentence redetermined.

Under the changes, pre-1989 life sentence inmates:

- Will only have one chance at having a sentence redetermination heard by the Court;
- Will only be able to withdraw or re-apply following the withdrawal of an application with leave of the court;
- Will have substantial weight placed on the heinousness of their crime by the court when it make its decision.

Until now, said Mr Hatzistergos, offenders such as John Cribb have been able to apply multiple times to the Supreme Court to have their sentences re-determined.

"It meant victims and their families have had to go through the trauma of reliving these terrible crimes again and again every time the offender made another re-determination application," he said.

Victims of crime groups have welcomed the changes to the law restricting redeterminations.

“Victims need certainty. They need to know that, when they prepare themselves to appear in court, it will be the last time they have to do it,” Howard Brown from the Victims of Crime Assistance League said.

Martha Jabour from the Homicide Victims Support Group said, “I have worked with the families of victims of homicide who will be assisted by this legislation.

“This legislation will help to protect them from the trauma of having to go back to court every few years,” she said.

Ken Marslew from Enough is Enough said, “Requiring the courts to consider how terrible the offender’s crimes were is a big improvement. Some of these offenders should never be released as they are a possible risk to both the community and themselves.”

The legislation will apply to applications lodged from today.

“We have taken this step to prevent a rush of applications being made seeking to circumvent the legislation whilst it is before Parliament.”

Mr Hatzistergos said that in order to prevent tactical withdrawals and reapplications, or “judge shopping”, once offenders make an application they can only withdraw it, or re-apply, with the leave of the court.

He said this will allow the Crown to argue against a withdrawal which is not made for a legitimate reason.

In considering whether to grant leave, the court will be required to give substantial weight to the number of previous withdrawals and reapplications the offender has had.

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