

Our Ref: RBGMM1301691

19 January 2010

The Hon. Jerrold Cripps QC  
Chairperson  
The NSW Sentencing Council  
Box 6 GPO  
SYDNEY 2001

Dear Mr Cripps,

**Provisional Sentencing for Children**

Thank you for seeking the Law Society's views on the Report into provisional sentencing for children.

The Law Society's Criminal Law Committee and Juvenile Justice Committee (Committees) have reviewed the Report and congratulate the authors on a comprehensive paper.


The Committees had some reservations about the concept of provisional sentencing for children when preliminary comments were first sought in 2007. However, having carefully reviewed the Report, the Committees support the proposed model.

If a legislative scheme of provisional sentencing is going to be introduced, it is essential that the legislation addresses the important aspects of the model as set out in the Report, including:

- circumstances in which provisional sentencing will be available;
- the imposition of a provisional sentence;
- review of the provisional sentence and head sentence;
- the final determination of the sentence, and
- rights of appeal.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely,

  
Mary Macken  
President