

THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: RBGMM1296139 (7124)(283)

Direct Line: 9926 0216

31 August 2009

The Hon. James Wood AO QC
Chairperson
The NSW Sentencing Council
GPO Box 6
SYDNEY 2001

Dear Mr Wood,

Re: Review of personal violence cases finalised in the Local Court

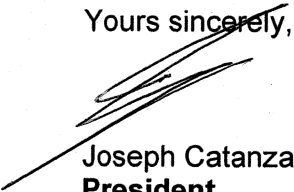
Thank you for inviting the Law Society to make a written submission to the Sentencing Council's review of personal violence cases finalised in the Local Court.

The Law Society's Criminal Law Committee (Committee) is not aware of any significant body of personal violence cases, prosecuted in the Local Court, where the court's jurisdictional limit has led to the imposition of sentences that are not commensurate with the objective seriousness of the offence and the subjective circumstances of the offender.

In appropriate matters the prosecution can make an election, in accordance with the provisions of the *Criminal Procedure Act 1986*, to have the offence dealt with on indictment and expose the defendant to a higher maximum penalty.

The Committee does not support the possibility of increasing the jurisdiction of the Local Court.

Yours sincerely,


Joseph Catanzariti
President