

Encouraging earlier guilty pleas

Tough and smart justice for safer communities

The NSW Government has legislated to deliver swifter, more certain justice by reducing victim stress and court delays.

What do the changes mean?

73 per cent of serious criminal cases end with the defendant pleading guilty, yet 23 per cent of guilty pleas are not entered until the day of trial. These changes will deliver benefits for victims and the community by encouraging early appropriate guilty pleas.

Reduced stress for victims: Fewer victims will suffer undue stress from prolonged criminal proceedings caused by delayed guilty pleas. Victims will get better advice from a single point of contact on the prosecution team.

Less money wasted: There will be less money and time wasted on police, courts and lawyers for both sides preparing for trials that do not proceed due to late guilty pleas.

Offenders sentenced earlier: Large sentence discounts are off the table for offenders who plead guilty on the first day of trial. Safeguards will ensure that defendants enter earlier guilty pleas only where appropriate. Earlier case resolution means offenders can enter programs to address their offending behaviour and Police can get back to work.

How will these changes work?

Early disclosure of evidence: Police will provide a simplified brief of evidence to the prosecution and defence lawyers early in the process.

Certainty about the charges: The senior prosecutor will review the brief of evidence and confirm charges early in the process, to help prevent charges being withdrawn or changed late in the process.

Mandatory case conferencing: The prosecutor and the defence lawyer will discuss the case at a formal meeting to enable early dispute resolution and the opportunity for early appropriate guilty pleas. Defendants will also be available to simultaneously conference with their lawyer and to give instructions about their case.

Flexible and efficient case management: Magistrates will perform a case management function and not hold committal hearings. Senior prosecutors will be responsible for a matter from start to finish.

Smarter, stricter sentencing discounts: Sentencing discounts for guilty pleas will be tightly prescribed by legislation. Currently, large discounts can be granted late in the process. The new scheme will provide for a fixed discount based on the timing of the plea. Judges will retain the discretion to provide no sentencing discount (or a lesser discount) in cases of extreme culpability.

Timing of guilty plea	Discount
Before committal in the Local Court	25%
Up to 14 days before the first day of trial in the District or Supreme Court (for plea or notice of plea)	10%
In any other circumstances	5%

These changes will enable early decisions on the appropriate charges and encourage early appropriate guilty pleas.

These changes are part of a package of reforms announced in May 2017 to reduce reoffending, improve community safety and support victims.

