

CAT 1 = MUST GET JAIL & NEVER CCO - Sentencing Act, s3

MUST: Offender over 18y at time of offending

Offending on or after 20 March 2017 (except Car Ramming = on or after 5 April 18)

Murder ICSI gross violence s15A(1) RCSI gross violence s15B(1) ICSI on emergency worker (s16) RCSI on emergency worker (s17) ICI or RCI on emergency worker (s18) Agg Home Invasion 77B(2) Agg Car Jacking 79A(2) Driving at emergency workers who gets injured s317AC & s317AD	Rape s 38(1) Rape compel pen s 39(1) Sex Pen < 12 y s 49A(1) Persistent sex abuse < 16 49J(1) Incest (inc step kids) < 18 y 50C(1)	Traffic LCQ s 71(1) Traffic CQ (for crim org) 71AA(2) Cultivate LCQ s 72 Old Acts that amounted to all of above
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CAT 2 = Must Get Jail & Never a straight or combo CCO UNLESS TOUGH EXCEPTIONS* MADE OUT

MUST Offender over 18y at time of offending

Offending on or after 20 March 2017 (except Car Ramming = on or after 5 April 18)

*See exceptions cheat sheet

Manslaughter Child Homicide 5A ICSI (other than Cat 1 ICSI) s16 Kidnapping (statue & common) Armed Robbery w firearm or vic injured or in company (s75A(2)) Home Invasion s77A(3) Car Jacking s79(2) Arson causing death s197A Culpable drive s318 Dangerous Drive causing death s319 (not serious injury)	Traffic CQ s71AA Cultivate CQ s72A Providing docs enable Terrorist s4B Driving at Emergency workers (other than cat 1) s317AD, AF Shooting at Cops s31C Common Assault against emergency worker s320A, 31(2)
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UNKNOWN: ATTEMPTS - Does this regime apply to ATTEMPTS? *Sentencing Act* specifically says that the Standard sentencing regime does NOT apply to attempts (s5A(2)) but no such wording for category 1 & 2 regime. Also, s3 defines which offences amount to Cat 1 or 2 by specific section number but there is no mention of s321M(attempts) in s3. Still unclear if attempts are covered

MANDATORY JAIL TERMS- *Sentencing Act*, s9B onwards

MUST Offender over 18y at time of offending

Offending on or after 20 March 2017 (except Car Ramming = on or after 5 April 18)

Manslaughter (gross violence or single punch)	10y NPP
Serious Injury Gross Violence	4 y NPP
Agg Home Invasion or Agg Car Jacking	3y NPP
Breach ESO Restrictive condition	12 m NPP

Emergency Workers Offences

Intentionally causing serious injury in circumstances of gross violence	5 years
Recklessly causing serious injury in circumstances of gross violence	5 years
Driving at them & injuring them	2 years
Intentionally causing serious injury	3 years
Recklessly causing serious injury	2 years
Intentionally or recklessly causing injury	6 months

UNKNOWN: ATTEMPTS - Does this regime apply to ATTEMPTS? *Sentencing Act* specifically says the Standard Sentencing regime does NOT apply to attempts (s5A(2)) but no such wording for the mandatory sentencing regime. s321M (attempts) not mentioned which would suggest Attempts are not caught under this regime.

EXCEPTIONS: See exception cheat sheet

STANDARD SENTENCES Offending on or after 1 Feb 18- Found in *Crimes Act*

Offender must be > 18y time offending. Standard sentencing Regime doesn't apply to attempts, conspiracies or incitements to commit a standard sentence offence (s5A(2))

Standard sentence offence	Standard sentence
Murder	30 y (emergency workers), 25 years (others)
Rape	10 years
Sexual penetration of a child under 12	10 years
Sexual penetration of a child under 16	6 years
Sexual assault of a child under 16	4 years
Sexual activity in the presence of a child under 16	4 years
Causing a child under 16 to be present during sexual activity	4 years
Persistent sexual abuse of a child under 16	10 years
Sexual penetration of a child of lineal descendant under 18	10 years
Sexual penetration of a step-child under 18	10 years
Culpable driving causing death	8 years
Trafficking in a drug or drugs of dependence – LCQ	16 years