

**TABLE OF
COMMON CHARGE OPTIONS
FOR STATE OFFENCES**

***A PRACTITIONERS' GUIDE
FOR THE EAGP SCHEME***

The Public Defenders

Last updated 8 March 2019

Users' guide, notes and acknowledgements

The purpose of this document and a disclaimer

- This document has been prepared as a resource designed to assist lawyers, whether defence or prosecution, involved in negotiations under the Early Appropriate Guilty Plea legislation.
- You should always undertake your own research into the particular offences and provisions which may be relevant to any case you are working on. This document is a guide only and should be treated as a starting point for your consideration of appropriate offences.
- Further and importantly, this document refers to the current versions of offences, maximum penalties and standard non-parole periods. You should always refer to the version of the legislation applicable at the time of any alleged offence. Because changes to sexual assault offences are so recent, we have included the most recently repealed offences for your convenience.
- Please ensure you are working from the latest version of this document available from the Public Defenders' website. The date of the most recent update is on the title page.
- Please bear in mind that this document does not include any Commonwealth offences. Commonwealth offences might be alternatives to, for example, child pornography, grooming and procuring, money laundering, terrorism and drug offences.
- Whilst every effort has been made to ensure the correctness of information in this Table, please be reminded of the Disclaimer pertaining to all information on the website of Public Defenders, Department of Justice NSW at:

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Acknowledgments

This Table has been prepared by the *Public Defenders* with assistance and input from *Legal Aid NSW* and the *Office of the Director of Public Prosecutions NSW*, initially as part of the Early Appropriate Guilty Plea Working Party 2018.

Notes

Please note the Table contains in general only the most common charge option provisions, therefore practitioners are advised to always check the relevant legislation for further relevant provisions.

When using this Table, practitioners might bear in mind the following:

Offences which are statutory alternatives:

- The most common statutory alternatives are in red.

Offences which are not direct alternatives

- There may be a need to consider other charges where there may not be direct alternatives to an offence. There may be a need to consider a combination of offences. For example, Robbery: a charge combination that may be an alternative is larceny AND assault (where there may be no nexus between the theft and the assault).

Alternative bases for criminal liability:

- There may be a need to consider the various bases of criminal responsibility, that is, principal, principal in the second degree, joint criminal enterprise, extended joint criminal enterprise, accessory before and after the fact, aid and abet.

Key

CPA	<i>Criminal Procedure Act 1986 (NSW)</i>
DMTA	<i>Drug Misuse & Trafficking Act 1985 (NSW)</i>
SNPP	Standard Non-Parole Period
SI	Strictly Indictable
T1	Table 1
T1<\$60k	Table 1 if value of property does not exceed \$60,000
T1>\$5k	Table 1 if value of property exceeds \$5,000
T2 <\$5k	Table 2 if value of property does not exceed \$5,000
T2	Table 2
SO/Xm	Summary offence / X month time limit
SO/Xy	Summary offence / X year time limit

* References to section numbers are to the *Crimes Act 1900 (NSW)* unless otherwise specified.

Please help us keep this table up-to-date

If you notice any errors or notice that any changes to legislation have not been reflected in the tables, please contact Legal Research Section, Public Defenders Chambers on (02) 9268-3111. We welcome feedback so that we can keep this shared resource as accurate and up-to-date as possible.

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SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>1. VIOLENT OFFENCES</u>				
LETHAL VIOLENCE				
<i>Murder, manslaughter etc.</i>				
19A	Murder	Life	20y	SI
	Murder –victim a police officer, emergency services worker etc..		25y	
	Murder –victim child under 18y of age		25y	
19B	Mandatory life sentences for murder of police officers	Life		SI
26	Conspiracy or solicit to murder	25y	10y	SI
349(1)	Accessory after the fact to murder	25y		SI
24	Manslaughter	25y		SI
25A(2)	Assault cause death whilst intoxicated	25y. Mandatory minimum sentence 8y. NPP not less than 8y: s.25B		SI
25A(1)	Assault cause death	20y		SI
25A(7)	<i>Offence not proven: If not guilty of murder or manslaughter, may be found guilty of 25A(1) or (2).</i>			
25A(8)	<i>If not guilty of 25A(2), may be found guilty of 25A(1).</i>			
25C	Supply of drugs causing death	20y		SI
22A	Infanticide	As for manslaughter		SI
21	Child murder by mother — verdict of contributing to death etc.	10y		SI
31C	Suicide – aids and abets	10y		T1
31C	Suicide - incites or counsels	5y		T1
43A	Failure of persons with parental responsibility to care for child	5y		T1
44	Failure provide necessities of life	5y		T1
81C	Misconduct with regard to corpses	2y		T1
<i>Note: Dangerous driving</i>				
52A(2)	Aggravated dangerous driving occasioning death	14y		T1
52A(1)	Dangerous driving occasioning death	10y		T1
NON-LETHAL VIOLENCE INCLUDING KIDNAPPING				
<i>Conspiracy to murder; attempt murder</i>				
26	Conspiracy or solicit to murder	25y	10y	SI
27	Wound or cause GBH with intent to murder	25y	10y	SI
27	Administer to, or cause to be taken, any poison with intent to murder	25y	10y	SI
28	Acts done to property with intent to murder	25y	10y	SI
29	Attempts to murder with intent, whether bodily injury is effected or not	25y	10y	SI
30	Attempts to murder by means other than specified in ss.27-29	25y	10y	SI

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<i>Suicide</i>				
31C	Aids or abets attempted suicide	10y		T1
31C	Incites or counsels attempted suicide	5y		T1
<i>Intoxicating / Poisoning</i>				
27	Administer to, or cause to be taken, any poison with intent to murder	25y	10y	SI
29	Attempts to murder with intent, whether bodily injury is effected or not	25y	10y	SI
38	Use intoxicating substance to commit indictable offence	25y		SI
39(1)	Using poison etc. to endanger life or inflict GBH	10y		T1
39(2)	<i>Offence not proven:</i> Person may be found guilty of 41 or 41A			
41	Using poison etc. and intends to injure, cause distress or pain	5y		T1
41A	Poisoning etc. water supply	5y		T1
38A	Spiking drink or food	2y /100 p.u./ both		SO / 6m
<i>Kidnapping / Carjacking</i>				
86(3)	Kidnapping - Specially aggravated offence - in company <i>and</i> occasions ABH	25y		SI
86(2)	Kidnapping - Aggravated offence – in company <i>or</i> occasions ABH	20y		SI
86(1)	Kidnapping - basic offence	14y		SI
86(4)	<i>Alternative verdicts:</i> If not guilty of 86(2) or (3), may be found guilty of a lesser offence under this section			
349(2)	Accessory after the fact to kidnapping referred to in s 86	14y		
87	Child abduction	10y		SI
154C(2)	Taking motor vehicle or vessel with assault or with occupant in circumstances of aggravation set out in s154C(3): (a) in company (b) armed with offensive weapon/instrument (c) intentionally or recklessly inflicts actual bodily harm on any person	14y	5y	T1
154C(1)	Taking motor vehicle or vessel with assault or with occupant	10y	3y	T1
<i>Assaults / Danger to life / Grievous and Actual bodily harm</i>				
<i>[Note: Consider also offences outlined separately below including assaults against police officers, other law enforcement officers, at schools against student or staff; public disorder offences; assaults involving children; intimidation / stalking]</i>				
33A(1)	Discharge / attempt discharge firearm etc. with intent cause GBH	25y	9y	SI
33A(2)	Discharge / attempt discharge firearm etc. with intent resist arrest	25y	9y	SI
33(1)	Wound or GBH with intent cause GBH	25y	7y	SI
33(2)	Wound or GBH with intent resist arrest	25y	7y	SI
33(3)	<i>Alternative verdict:</i> If not guilty of offence against this section, may be found guilty of an offence against 35			
37(2)	With intention of enabling / assisting another to commit indictable offence - chokes, suffocates, strangles so victim unconscious, insensible, incapable of resistance	25y		SI
37(1)	Chokes, suffocates, strangles and recklessly renders victim unconscious, insensible, incapable of resistance	10y		T1
37(1A)	Intentionally choke, suffocate or strangle another person without consent	5y		T1
33B(2)	<i>In company</i> - Use / possess weapon to commit indictable offence or resist arrest etc. (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation	15y		SI
33B(1)	<i>Use / possess weapon to commit indictable offence or resist arrest etc.</i> (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property	12y		T1

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
	with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation			
SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
35(1)	Reckless grievous bodily harm – in company	14y	5y	T1
35(2)	Reckless grievous bodily harm	10y	4y	T1
35(3)	Reckless wounding – in company	10y	4y	T1
35(4)	Reckless wounding	7y	3y	T1
35(5)	Alternative verdict: If not guilty of any sub-section under this section, may be found guilty of any other sub-section of this section that carries a lesser maximum penalty			
59(2)	In company - Assault occasioning actual bodily harm	7y		T2
59(1)	Assault occasioning actual bodily harm	5y		T2
59A(2)	Assault during public disorder - occasioning actual bodily harm	7y		T2
59A(1)	Assault during public disorder	5y		T2
58	Assault with intent commit serious indictable offence; Assault, resist or obstruct any officer in execution of duty; Assault any person with intent to resist / prevent lawful apprehension of any person	5y		T2
61	Common assault	2y		T2
4A	<i>Summary Offences Act 1988:</i> Offensive language	6pu		SO / 6m
11B	<i>Summary Offences Act 1988:</i> Custody of offensive implement	2y/50pu		SO / 6m
11C	<i>Summary Offences Act 1988:</i> Custody of knife in public place or school	2y/20pu		SO / 6m
11E	<i>Summary Offences Act 1988:</i> Wielding of knives in a public place or school	2y/50pu		SO / 6m
Assaults involving police officers				
[Note: Consider general danger to life/ bodily harm and assault offences, above, where execution of duty / intent to resist arrest is not an element of the offence]				
33A(2)	Discharge / attempt discharge firearm etc. with intent resist arrest	25y	9y	SI
33(2)	Wound or GBH with intent to resist arrest / apprehension	25y	7y	SI
33B(2)	<i>In company</i> - Use / possess weapon resist arrest etc. (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation	15y		SI
33B(1)	Use / possess weapon to resist arrest etc. (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation	12y		T1
60	Assault and other actions against police officers	14y	-----	
60(3A)	During public disorder – wounds or causes GBH to police officer	12y	5y	
60(3)	Wounds or causes GBH to police officer	9y	-----	
60(2A)	During public disorder – assaults police officer occasioning ABH	7y	3y	
60(2)	Assaults police officer occasioning ABH	7y	-----	
60(1A)	During public disorder-assaults, throws missile, stalks, harass or intimidate	7y	-----	
60(1)	Assaults, throws missile, stalks, harass or intimidate	5y	-----	
58	Assault with intent commit serious indictable offence; Assault, resist or obstruct any officer in execution of duty; Assault any person with intent to resist / prevent lawful apprehension of any person	5y		T2
546C	Resists/hinders or incites any person to assault/resist/hinder police	12m/ 10pu/ both		SO / 6m
13	<i>Crimes (Domestic and Personal Violence) Act 2007:</i> Stalking or intimidation with intent to cause fear of physical / mental harm	5y/50pu/ both		T2
4A	<i>Summary Offences Act 1988:</i> Offensive language	6pu		SO / 6m

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
Assaults - law enforcement officers (other than police) [Note: Consider general danger to life/ bodily harm and assault offences, above]				
60A	Assault etc. against law enforcement officers (other than police)	12y		SI
60A(3)	Wounds or causes GBH	7y		T1
60A(2)	Assault occasioning ABH	5y		T2
60A(1)	Assaults, throws missile, stalks, harass or intimidate			
Assaults - at schools against student or staff [Note: Consider general danger to life/ bodily harm and assault offences, above]				
60E	Assaults etc. at schools	12y		SI
60E(3)	Wounds or causes GBH	7y		T1
60E(2)	Assault occasioning ABH	5y		T2
60E(1)	Assaults, throws missile, stalks, harass or intimidate	5y		T2
60E(4)	Enter school with intent to commit s60E offence	5y		T2
11C	<i>Summary Offences Act 1988:</i> Custody of knife in public place or school	2y/20pu		SO/6m
11E	<i>Summary Offences Act 1988:</i> Wielding of knives in public place or school	2y/50pu		SO/6m
Public Disorder - Riot / Affray etc				
93B	Riot	15y		T1
93C	Affray	10y		T1
545C(2)	Unlawful assembly - Armed with weapon etc.	12m/ 10pu /both		SO / 6m
545C(1)	Unlawful assembly - Knowingly joining or continuing in etc.	6m/5pu/ both		SO / 6m
11A	<i>Summary Offences Act 1988:</i> Violent disorder by 3 or more persons	6m/10pu		SO / 6m
Child and other offences				
42	Injuries to child at birth	14y		SI
43	Abandoning or exposing child under 7	5y		T1
43A	Failure of persons with parental responsibility to care for child	5y		T1
44	Failure provide necessities of life	5y		T1
45 - 45A	Female genital mutilation / Removing person from State for FGM	21y		SI
Intimidation / Stalking				
13	<i>Crimes (Domestic and Personal Violence) Act 2007:</i> Stalking or intimidation with intent to cause fear of physical / mental harm	5y/50pu/ both		T2
545B	Intimidation or annoyance by violence or otherwise	2y/50pu /both		SO / 6m
14	<i>Crimes (Domestic and Personal Violence) Act 2007:</i> Contravene Apprehended Violence Order	2y/50pu/ both		

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>2. OFFENCES INVOLVING WEAPONS, EXPLOSIVES, OTHER SUBSTANCES, OBJECTS</u>				
<i>Explosives etc.</i>				
28	Acts done to property with intent to murder: - by explosion of gunpowder / other substance destroys / damages building	25y	10y	SI
46	Cause bodily injury by gunpowder etc. Intentionally or recklessly by gunpowder/ substance/ corrosive fluid / destructive matter - burns, maims, disfigures, or GBH	25y		SI
47	Use etc. explosive substance or corrosive fluid etc. cause substance to explode / send/cause to be taken any explosive substance or dangerous / noxious thing; put / throw at / applies any corrosive fluid or destructive / explosive substance (including petrol) - with intent to burn, maim, disfigure, or GBH	25y		SI
48	Explosives placed in/near building/conveyance/ public place - with intent cause bodily harm	14y		SI
49A	Throw rocks / other objects at vehicles / vessels and person in vehicle / vessel	5y		T2
93FA(1)	Possess explosive in public place	5y		T2
93FA(2)	Possess, supply or making explosives	3y/50pu/ both		T2
93FB	Possess dangerous articles other than firearms	2y/50pu/ both		SO / 6m
93Q	Bomb and other hoaxes: Convey false information person / property in danger	5y		T1
93R	Bomb and other hoaxes: Leave / send article with intent cause alarm	5y		T1
<i>Firearms etc.</i>				
29	Other attempts to murder: shoots or discharge arms	25y	10y	SI
33A(1)	Discharge / attempt discharge firearm etc. with intent cause GBH	25y	9y	T1
33A(2)	Discharge / attempt discharge firearm etc. with intent resist arrest	25y	9y	T1
93GA(1B)	Fire at dwelling-house / building - In course of organised criminal activity	16y	6y	SI
93GA(1A)	Fire at dwelling-house / building - During public disorder	16y	6y	SI
93GA(1)	Fire at dwelling-house / building	14y	5y	SI
93GA(3)	<i>Alternative verdicts: If not guilty for an offence under this section may be found guilty of 93G or 93H</i>			
93GA(4)	<i>Alternative verdicts: If not guilty under 93GA (1A) or (1B) may be found guilty of 93GA(1)</i>			
33B(2)	<i>In company</i> - Use / possess weapon to commit indictable offence or resist arrest etc.. (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation	15y		SI
33B(1)	Use / possess weapon to commit indictable offence or resist arrest etc.. (a) use, attempt / threaten to use / possess offensive weapon / instrument; or (b) threaten injury to person / property with intent to commit indictable offence, or prevent / hinder apprehension / detention / police investigation	12y		T1
93I(2)	Possess unregistered firearm in public place - Circumstances of aggravation	14y		T2
93I(1)	Possess unregistered firearm in public place	10y		T2
93G	Causing danger with firearm or spear gun Possess loaded firearm / loaded spear gun in public place / in any other place so as to endanger life Fires firearm or spear gun in or near public place Carries or fires firearm or spear gun in manner likely to injure / endanger safety/ or with disregard to safety	10y		T2

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
93H	<i>Trespass with or dangerous use of firearm or spear gun</i>			
93H(2)	Fires firearm etc. in / into building etc.	10y		T2
93H(1)	Possess firearm etc. and enters into building etc.	5y		T2
Firearms Act 1996				
Licences and permits				
7	Unauthorised possession/use pistol / prohibited firearm without licence / permit	14y	4y	T2
7(3)	Alternative verdict: If not guilty of 7, may be found guilty of 7A			
7A	Possess or use firearm without licence / permit	5y		T2
25	Fail to surrender firearm and licence to police when licence suspended/revoked	2y/50pu/ both		SO / 2y
30	Fail to surrender firearm and permit to police when permit suspended/revoked	2y/50pu/ both		SO / 2y
Registration				
36	<i>Unregistered firearms – Supply/acquire/possess/use:</i> - pistol or prohibited firearm - in any other case	14y 5y		T2
Safekeeping				
39	<i>General requirement for safekeeping</i> - pistol or prohibited firearm - in any other case	2y/50pu/ both 12m/20p u/both		SO / 2y
Firearm dealers				
43	Deal in firearms without licence	7y		T2
44A	Prescribed persons not to be involved in firearms dealing business	14y		T2
Acquisition (Purchase)				
50	Unauthorised acquisition of firearms - pistol or prohibited firearm - In any other case	14y 5y		T2 T2
50AA(2)	Unlicensed/unauthorised acquisition of firearm part for pistol or prohibited firearm	14y		T2
50AA(1)	Unlicensed/unauthorised acquisition of firearm part	5y		T2
50AA(3)	Alternative verdict: If not guilty of 50AA(2), may be found guilty of 50AA(1)			
51A	Fail to comply with restrictions on acquisition of firearms - pistol or prohibited firearm - In any other case	14y 5y		T2
50A(1)	Manufacture pistol or prohibited firearm without licence/permit	20y		T2
50A(2)	Manufacture firearm without licence/permit	10y		SI
50A(4)	Alternative verdict: If not guilty of 50A(2), may be found guilty of 50A(1)			
Supply (Sell)				
51B	Supply firearms on ongoing basis (contravene 51 on 3/more occasions over 12 months)	20y	10y	SI
51B(3)	Alternative verdict—relevant supply offence If jury not satisfied offence proven but is satisfied the person has, in respect of any of the occasions relied on, committed a relevant supply offence, may be found guilty of the relevant supply offence.			
51(1A)	Supply prohibited firearm / pistol to unauthorised person	20y	10y	SI
51(2A)	Supply prohibited firearm / pistol without licenced dealer or police	20y	10y	SI
51(1)	Supply firearm to unauthorised person	5y		T2
51(2)	Supply firearm without dealer or police witness	5y		T2
51(4)	Alternative verdict: If not guilty of 51(1A) or 51(2A), may be found guilty of 51(1) or 51(2), respectively			

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
51BA(2) 51BA(1) 51BA(4)	Supply part without licence/permit to unlicensed purchaser without inspecting buyer's licence - for pistol or prohibited firearm - firearm part Alternative verdict: If not guilty of 51BA(2), may be found guilty of 51BA(1)	14y 5y		T2 T2
51BB 51BB(4)	Supply firearm parts on ongoing basis (contravene 51BA on 3/more occasions over 12 months) Alternative verdict: If not guilty of this offence, may be found guilty of 51BA	20y		SI
50B	Give possession of firearms / parts to unauthorised persons - Pistol or prohibited firearm - In any other case	14y 5y		T2 T2
Possession				
51D(2) 51D(1) 51D(3)	Unauthorised possession of firearms in aggravated circumstances: Possess more than 3 unregistered prohibited firearms without licence/permit Possess more than 3 unregistered firearms without licence/permit Alternative verdict: If not guilty of 51D(2), may be found guilty of 51D(1)	20y 10y	10y	SI T2
51E	Possess/use pistols fitted with magazine of >10 rounds capacity	14y		T2
51F	Possess digital blueprints for manufacture of firearms	14y		T2
51I	Possess or use prohibited firearm by remote control Possess or use firearm by remote control	14y 5y		T2 T2
58(1) 58(2)	Possess spare barrel without being authorised by licence/permit - pistol or prohibited firearm - In any other case	5y 50pu/2y/ both		-- T2
Other offences				
51H	Stolen firearms or firearm parts: use, supply, acquire, possess	14y		T2
62	Shortened firearms: unauthorised shortening/ possess/ supply/ give possession	14y		T2
63	Converting firearms: Shorten firearm to convert to pistol without pistol licence Alter pistol to convert to prohibited pistol Unauthorised conversion of firearm into firearm that is not prohibited firearm Alter firearm to convert to a prohibited firearm Unlawfully provide information/thing to alter firearm	14y		T2
64	Handle/use firearm under influence alcohol/drug Supply/give possession firearm to person under influence alcohol/drugs	5y 5y		T2 T2
66	Deface/alter identification marks on firearm or use, supply, acquire or possess such firearm, or give possession of defaced firearm or part of defaced to another	14y		T2
70	False/misleading information in application - pistol or prohibited firearm - In any other case	14y 5y		T2 T2
71A	Using forged/fraudulently altered licence/permit to obtain firearm	10y		T2
72	Firearm dealer make false/misleading entry/alter, record kept under 45 - pistol or prohibited firearm - In any other case	14y 5y		T2 T2
74(1)	Acquire/Possess/use firearm in contravention of firearms prohibition order - pistol or prohibited firearm - In any other case	14y 5y		T2 T2
74(3)	Supply/give possession firearm to person subject of firearms prohibition order - pistol or prohibited firearm - In any other case	14y 5y		T2 T2

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<i>Weapons Prohibition Act 1998</i>				
7	Unauthorised possession / use prohibited weapon without licence/permit	14y	5y	T2
23(1)	Buy prohibited weapon without permit	5y		T2
23(2)	Buy prohibited weapon from unauthorised seller	50pu/12m/ both		SO / 2y
23A(2)	Sell military-style weapon to person without permit	20y		SI
23A(1)	Sell prohibited weapon to person without permit	14y		T2
23A(3)	<i>Alternative verdict: If not guilty of 23A(2), may be found guilty of 23A(1)</i>			
23B(1)	Sell prohibited weapons on an ongoing basis	20y		SI
23B(3)	<i>Alternative verdict—relevant selling offence</i> <i>If jury not satisfied offence proven but is satisfied the person has, in respect of any of the occasions relied on, committed a relevant selling offence, may be found guilty of the relevant selling offence</i>			
25A(1)	Manufacture prohibited weapon without authorisation	14y		T2
25A(2)	Manufacture military-style weapon without authorisation	20y		SI
25B(1)	Possess digital blueprints for manufacture of prohibited weapons	14y		T2
31	Make false/misleading statement in application	10y		T2
34(1)	Possess/use prohibited weapon contrary to prohibition order	10y		T2
34(3)	Sell/give person prohibited weapon knowing person prohibited	10y		T2
<i>Summary Offences Act 1988</i>				
11B	Custody of offensive implement	2y/50pu		SO/ 6m
11C	Custody of knife in public place or school	2y/20pu		SO/ 6m
11E	Wielding of knives in a public place or school	2y/50pu		SO/ 6m
11F	Sale of knives to children	50pu		SO/ 6m
11D	Parents who allow children to carry knives	5pu		SO/ 6m

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>3. BREAK & ENTER and STEALING OFFENCES</u>				
<i>Break and enter offences</i>				
<p>105A (applying to 111, 112, 113) <i>Circumstances of aggravation</i> – any one or more of the following: (a) armed with offensive weapon / instrument, (b) in company, (c) uses corporal violence on any person, (d) intentionally or recklessly inflicts actual bodily harm on any person, (e) deprives person of liberty, (f) knowing person/s inside</p> <p><i>Circumstances of special aggravation</i> – any or all of the following: (a) intentionally wounds / inflicts GBH on any person, (b) inflicts GBH on any person and reckless as to causing actual bodily harm to that or any other person , (c) armed with dangerous weapon.</p>				
110	B&E dwelling-house and assaults with intent to murder or inflicts GBH	25y		SI
	<i>B&E dwelling-house/building and commit serious indictable offence/ be in dwelling house, commit serious indictable offence and break out</i>			
112(3)	Specially aggravated offence	25y	7y	SI
112(2)	Aggravated offence. <ul style="list-style-type: none"> - Serious indictable offence is stealing / intentionally or recklessly destroying or damaging property, property value < \$60k , and only circumstance of aggravation is in company - in any other case 	20y	5y	T1<\$60k SI
112(1)	Basic offence. <ul style="list-style-type: none"> - Where serious indictable offence is stealing / maliciously destroying or damaging property, and property value < \$60k - in any other case 	14y		T1<\$60k SI
	<i>Break out of dwelling-house after committing, or entering with intent to commit, serious indictable offence</i>			
109(3)	Specially aggravated offence	25y		SI
109(2)	Aggravated offence <ul style="list-style-type: none"> - Serious indictable offence is stealing / intentionally or recklessly destroying or damaging property, property value < \$60k and only circumstance of aggravation is in company - in any other case 	20y		T1<\$60k SI
109(1)	Basic offence <ul style="list-style-type: none"> - Serious indictable offence is stealing / intentionally or recklessly destroying or damaging property, property value < \$60k - in any other case 	14y		T1<\$60k SI
	<i>Enter dwelling-house / building with intent to commit serious indictable offence</i>			
111(3)	Specially aggravated offence	20y		SI
111(2)	Aggravated offence. <ul style="list-style-type: none"> - Serious indictable offence is stealing/ maliciously/ destroying/ damaging property, property value <\$60K, and only circumstance of aggravation is in company - in any other case 	14y		T1<\$60k SI
111(1)	Basic offence. <ul style="list-style-type: none"> - Serious indictable offence is stealing/ maliciously destroying/ damaging property - in any other case 	10y		T1 SI

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
	<i>Break etc. into house etc.. with intent to commit a serious indictable offence</i>			
113(3)	Specially aggravated offence	20y		SI
113(2)	Aggravated offence <ul style="list-style-type: none"> - Serious indictable offence is stealing/ maliciously/ destroying/ damaging property, property value <\$60K, and only circumstance of aggravation is in company - in any other case 	14y		T1<\$60k SI
113(1)	Basic offence. <ul style="list-style-type: none"> - Serious indictable offence is stealing/ maliciously destroying/ damaging property - in any other case 	10y		T1 SI
<i>Found with intent</i>				
115	Being convicted, offender armed with intent to commit indictable offence (any offence in s.114)	10y		T1
114	Any person- with intent to commit indictable offence (a) armed with any weapon, or instrument (b) possess implement for housebreaking / safe breaking / capable being used to enter/drive conveyance (c) face blackened / disguised / in possession of means (d) enters/remains in or on building/land	7y		T1 T2 T1 T1
115A 115A(1)	<i>Alternative verdicts:</i> Aggravated offence reduced to basic offence: If not guilty of 106 (2), 107 (2), 109(2), 111 (2), 112 (2) or 113 (2), may be found guilty of 106 (1), 107 (1), 109 (1), 111 (1), 112 (1) or 113 (1).			
115A(2)	Specially aggravated offence reduced to aggravated offence: If not guilty of 106 (3), 107 (3), 109 (3), 111 (3), 112 (3) or 113 (3), may be found guilty of 106 (2), 107 (2), 109 (2), 111 (2), 112 (2) or 113 (2).			
115A(3)	Specially aggravated offence reduced to basic offence: If not guilty of 106 (3), 107 (3), 109 (3), 111 (3), 112 (3) or 113 (3), may be found guilty of 106 (1), 107 (1), 109 (1), 111 (1), 112 (1) or 113 (1). This subsection does not apply to an offence if the jury proceeds under subsection (2) in relation to it.			
<i>Inclosed Lands Protection Act 1901</i>				
4B	Aggravated unlawful entry on inclosed lands	50pu		
4A	Offensive conduct while on inclosed lands – prescribed premises / any other case	20pu / 10pu		
4	Unlawful entry on inclosed lands – prescribed premises / any other case	10pu/ 5pu		
4AA	Unlawful re-entry on inclosed lands	10pu		
5	Penalty on leaving gate open	2pu		
6	Offender may be apprehended - gives false name	0.5pu		

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
STEALING				
<i>Steal property / Larceny</i>				
149	Steal property in a dwelling-house with menaces	14y		SI
148	Steal property in a dwelling-house	7y		T1>\$5k T2<\$5k
154D	Steal firearms	14y		T1
152	Steal from ship in port or on wharfs etc.	7y		T1>\$5k T2<\$5k
117	Larceny	5y		T1>\$5k T2<\$5k
119 -123	<i>Note:</i> Verdict provisions – larceny, embezzlement, receiving			
124	Fraudulent appropriation	2y/20pu /both		
125	Larceny by bailee	As for larceny		T1>\$5k T2<\$5k
<i>Larceny / embezzlement by clerks / servants; public servants</i>				
156	Larceny by clerks or servants	10y		T1>\$5k T2<\$5k
157	Embezzlement by clerks or servants	10y		T1>\$5k T2<\$5k
159	Larceny by public servants	10y		T1>\$5k T2<\$5k
160	Embezzlement by public servants	10y		T1>\$5k T2<\$5k
163	Trial for embezzlement – verdict of larceny			
<i>Theft of motor vehicles and other vessels</i>				
154C(2)	Taking motor vehicle or vessel with assault or with occupant in circumstances of aggravation (154C(3)): (a) in company (b) armed with offensive weapon/instrument (c) intentionally or recklessly inflicts actual bodily harm on any person	14y	5y	T1
154C(1)	Taking motor vehicle or vessel with assault or with occupant	10y	3y	T1
154G	Facilitate organised car or boat rebirthing activities	14y	4y	SI
154F	Steal motor vehicle or vessel	10y		T1
154H	Make, use, interfere with unique identifiers	7y		T2
154I	Possess vehicle or vessel where unique identifier interfered with	5y		T2
154J	Possess vehicle identification plate not attached to motor vehicle	5y		T2
154A	Take conveyance without consent of owner	As for larceny s.117 – 5y		T2
154B(1)	Steal aircraft	10y		T1
154B(2)	Takes or exercises control (deemed larceny)	7y		
154B(3)	Takes or exercises control while person onboard (deemed larceny)	14y		SI
154B(4)	Takes or exercises control by threat/violence/trick while another onboard	20y		SI
<i>Summary Offences Act 1988</i>				
6A	Unauthorised entry of vehicle or boat	4pu		SO / 6m

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>4. ROBBERY TYPE OFFENCES INCLUDING CARJACKING</u>				
<i>Robbery etc.</i>				
98	Armed robbery with wounding or GBH. Robs / assaults with intent to rob: - armed with offensive weapon / instrument or in company - and wounds / inflicts GBH	25y	7y	SI
96	Commits any offence under 95 – Robs / assaults with intent to rob / steal from person: - and wounds or inflicts GBH	25y		SI
97(2)	Aggravated offence to 97(1) - Robs / assaults / stops vehicle etc.. with intent to rob: - armed with dangerous weapon	25y		SI
97(3)	<i>Alternative verdict: If not guilty of 97(2), may be found guilty of 97(1)</i>			
97(1)	Robs / assaults / stops vehicle etc.. with intent to rob: - armed with offensive weapon / instrument or in company	20y		SI
95	Aggravated offence to 94 - Rob / assault with intent to rob / steal from person in circumstances of aggravation – involving one or more of following: (a) uses corporal violence (b) inflict actual bodily harm (c) deprive person of liberty	20y		SI
94(a)	Robs or assaults with intent to rob	14y		T1
94(b)	Steals from person	14y		T1>\$5k T2<\$5k
349(2)	Accessory after fact to robbery with arms or in company	14y		
99	Demand property with menaces or by force with intent to steal	10y		T1
<i>Carjacking / Hijacking</i>				
154C(2)	Taking motor vehicle or vessel with assault or with occupant in circumstances of aggravation (154C(3)) : (a) in company (b) armed with offensive weapon/instrument (c) intentionally or recklessly inflicts actual bodily harm on any person	14y	5y	T1
154C(1)	Taking motor vehicle or vessel with assault or with occupant	10y	3y	T1
154B(1)	Steal aircraft	10y		T1
154B(2)	Takes or exercises control (deemed larceny)	7y		
154B(3)	Takes or exercises control while person onboard (deemed larceny)	14y		SI
154B(4)	By force / violence / threat / trick takes control while person onboard	20y		SI

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>5. SEXUAL OFFENCES (INCLUDING VOYEURISM)</u>				
<i>Note: Offences marked with *have been repealed / substituted as from 1.12.2018. New offences are noted commenced 1.12.2018.</i>				
GENERAL SEXUAL OFFENCES				
<i>Sexual assault</i>				
61JA	Aggravated sexual assault in company. Sexual intercourse without consent in company and: (i) intentional/ reckless inflict ABH on victim/person nearby; or (ii) threaten inflict ABH on victim/person nearby by offensive weapon/instrument; or (iii) deprives victim of liberty	Life	15y	SI
66EA * Repealed and substd 1.12.18	Persistent sexual abuse of a child (under 18)	25y		SI
66EA Commenced 1.12.18	Persistent sexual abuse of a child (under 16)	Life		SI
61J	Aggravated sexual assault. Sexual intercourse without consent in circumstances of aggravation: (a) intentional/ reckless inflict ABH on victim/person present/ nearby; or (b) threaten inflict ABH on victim/person present or nearby by offensive weapon / instrument, or (b1) threaten inflict GBH or wounding on victim / person present or nearby (c) in company, or (d) victim under 16, or (e) victim under authority , or (f) victim has serious physical disability, or (g) victim has cognitive impairment, or (h) breaks and enters into dwelling-house / building with intent committing the offence / other serious indictable offence, or (i) deprives victim of liberty	20y	10y	SI
61K	Assault with intent to have sexual intercourse. With intent to have sexual intercourse - (a) intentional / reckless inflict ABH on person /person present or nearby; or (b) threaten inflict ABH on person /person present or nearby	20y		SI
80A	Sexual assault by forced self-manipulation - Aggravated offence Sexual assault by forced self-manipulation	20y 14y		SI SI
61I	Sexual intercourse without consent	14y	7y	SI
66F	Sexual intercourse: person with cognitive impairment - person responsible for care - taking advantage of impairment	10y 8y		SI SI
78A - 78B	Incest / Attempts (with person 16 or above)	8y / 2y		SI
73(1) 73(2)	Sexual intercourse with young person 16 - under 17 under special care Sexual intercourse with young person 17 – under 18 under special care	8y 4y		SI SI
73A	Sexual touching young person 16 - under 17 under special care Sexual touching young person 17 – under 18 under special care	4y 2y		T2 T2
61M(1) * Repealed 1.12.18	Aggravated indecent assault. Assaults and commits act of indecency in circumstances of aggravation: (a) in company, or (c) victim under authority , or (d) victim has serious physical disability, or (e) victim has cognitive impairment	7y	5y	T1

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
61L * Repealed 1.12.18	Indecent assault	5y		T2
61O(1A)* Repealed 1.12.18	Aggravated act of indecency, or incites with / towards that or another person - person 16 or above. Circumstances of aggravation: (a) in company, or (b) victim under authority, or (c) victim has serious physical disability, or (d) victim has cognitive impairment	3y		T2
61N(2) * Repealed 1.12.18	Act of indecency / incites person to act of indecency - person aged 16 or above	18m		T2
61P* Repealed 1.12.18	Attempts to commit offence under 61I, 61J, 61JA, 61K, 61L, 61M, 61N, 61O	As for offence		
61Q * Repealed 1.12.18	<u>Alternative verdicts</u> (1) Question of aggravation – If not guilty of 61J, 61M or 61O, may be found guilty of 61I, 61L or 61N. (1A) Question of aggravation in company - If not guilty of 61JA, may be found guilty of 61I or 61J (2) Question of consent regarding alleged victim under 16 – If not guilty of 61I, may be found guilty of 66C(3) or 66C(4). (3) Question of consent or authority regarding alleged victim under 16 – If not guilty of 61J or 61JA, may be guilty of 66A or 66C. (4) Question of consent regarding incest - If not guilty of 61I or 61J, may be guilty of 78A or 78B. (5) Question of consent regarding cognitive impairment - If not guilty of 61I, 61J or 61JA, may be found guilty of 66F. (6) Question of whether offence committed for purposes of production of child abuse material - If not guilty of 61O(2A), may be found guilty of 61O(2) or 61N.			
61KD Commenced 1.12.18	Aggravated sexual touching 61KD(2) Circumstances of aggravation: (a) in company, or (b) victim under authority, or (c) victim has serious physical disability, or (d) victim has cognitive impairment	7y	5y	T1
61KC Commenced 1.12.18	Sexual touching	5y		T2
61KF Commenced 1.12.18	Aggravated sexual act 61KF(2) Circumstances of aggravation: (a) in company, or (b) victim under authority, or (c) victim has serious physical disability, or (d) victim has cognitive impairment	3y		T2
61KE Commenced 1.12.18	Sexual act	18m		T2
80AB As from 1.12.18	<u>Alternative verdicts</u> (1) Question of aggravation – If not guilty of 61J, 61KD or 61KF, may be found guilty of 61I, 61KC or 61KE. (1A) Question of aggravation in company - If not guilty of 61JA, may be found guilty of 61I or 61J (2) Question of consent regarding alleged victim under 16 – If not guilty of 61I, may be found guilty of 66C(3) or 66C(4). (3) Question of consent or authority regarding alleged victim under 16 – If not guilty of 61J or 61JA, may be guilty of 66A or 66C. (4) Question of consent regarding incest - If not guilty of 61I or 61J, may be guilty of 78A or 78B. (5) Question of consent regarding cognitive impairment - If not guilty of 61I, 61J or 61JA, may be found guilty of 66F. (6) Question of whether offence committed for purposes of production of child abuse material - If not guilty of 66DF may be found guilty of 66DC or 66DD. (7) if not guilty of 66A, may be guilty of 66B, 66C(1) – (4) or 66D (8) If not guilty of 66C(2) or (4), may be guilty of 66C(1) or (3) (9) If not guilty of 66C(1) or (2), may be guilty of 66C(3) or (4) (10) If not guilty of 66C, may be guilty of 66D (11) If not guilty of 66A, 66B, 66C, 66D, may be guilty of 66DA or 66DB			

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
Other offences				
81C	Misconduct with regard to corpses	2y		T1
Summary Offences Act 1988				
5	Obscene exposure	6m/10pu		SO/ 6m
4	Offensive conduct	3m/6pu		SO/ 6m
Sexual servitude				
80D(2)	Causing sexual servitude - in circumstances of aggravation: (a) victim under 18 (b) victim has cognitive impairment	20y		SI
80D(1)	Causing sexual servitude	15y		SI
80E(2)	Conduct of business involving sexual servitude- in circumstances of aggravation: (a) victim under 18 (b) victim has cognitive impairment	19y		SI
80E(1) 80F	Conduct of business involving sexual servitude Alternative verdicts – If not guilty of 80D(2) or 80E(2), may be found guilty of 80D(1) or 80E(1), respectively.	15y		SI
Prostitution offences				
91B	Procure for prostitution by fraud, violence, drugs	10y		T1
91A	Procure for prostitution	7y		T1
15 15A 16 17 18 18A 19 19A 20	Summary Offences Act 1988 : Living on earnings of prostitution Causing or inducing prostitution Prostitution or soliciting in massage parlours etc. Allowing premises to be used for prostitution Advertising premises used for prostitution Advertising for prostitutes Soliciting clients by prostitutes Soliciting prostitutes by clients Public acts of prostitution	12m /10pu 12m /50pu/both 3m /5pu 12m /50pu 3m /6pu 3m /10pu 3m /6-8pu 3m /6-8pu 6m /10pu		SO/ 6m
Crimes (High Risk Offenders) Act 2006				
s.12	Breach of extended supervision order or interim supervision order	500pu / 5y/both		T2
VOYEURISM AND INTIMATE IMAGES				
	91J, 91K, 91L - Aggravating circumstances: (a) child under 16, or (b) offender constructed / adapted fabric of any building for purpose of facilitating commission of offence			
91J(3) 91J(1)	Voyeurism - Aggravated offence General offence Alternative verdict: If not guilty of 91J(3) may be found guilty of 91J(1)	5y 2y/100pu/ both		T1 SO/ 6m
91K(3) 91K(1)	Filming person engaged in private act – Aggravated offence General offence Alternative verdict: If not guilty of 91K(1) may be found guilty of 91K(3)	5y 2y/100pu /both		T1 SO/ 6m
91L(3) 91L(1)	Filming person's private parts - Aggravated offence General offence Alternative verdict: If not guilty of 91L(1) may be found guilty of 91L(3)	5y 2y/100pu /both		T1 SO/ 6m
91M	Installing device Alternative verdict: If not guilty of 91J, 91K or 91L, may be found guilty of 91M.	2y/100pu /both		SO/ 6m
91P	Record intimate image without consent	3y/100pu /both		T2
91Q	Distribute intimate image without consent	3y/100pu /both		T2
91R	Threaten to record / distribute intimate image without consent	3y/100pu/ both		T2
91S	Contravene order to remove / delete image	2y/50pu/ both		SO / 6m

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
CHILD SEXUAL OFFENCES – OTHER THAN PORNOGRAPHY				
Sexual Assault				
66A	Sexual intercourse—child under 10	Life	15y	SI
66B	Attempt, or assault with intent, to have sexual intercourse - child under 10	25y	10y	SI
66EA* Repealed 1.12.18	Persistent sexual abuse of a child (victim under 18)	25y		SI
66EA Commenced 1.12.18	Persistent sexual abuse of a child (under 16)	Life		SI
66C(2)	Sexual intercourse—child between 10 -14 — aggravated offence. 66C(5) Circumstances of aggravation: (a) intentional/ reckless inflict ABH on victim/ person present or nearby, or (b) threaten inflict ABH on victim/ person present or nearby by offensive weapon/instrument, or (c) in company, or (d) victim under authority, or (e) victim has serious physical disability, or (f) victim has cognitive impairment, or (g) victim under influence of alcohol/drug, or (h) deprives victim of liberty, or (i) break and enter into dwelling-house/building with intention of committing the offence / serious indictable offence.	20y	9y	SI
66C(1)	Sexual intercourse—child between 10 - 14	16y	7y	SI
66C(4)	Sexual intercourse - child between 14 and 16—aggravated offence. 66C(5) Circumstances of aggravation (see under 66C(2))	12y	5y	SI
66C(3)	Sexual intercourse - child between 14 and 16	10y		Victim over 14y – T1
66D * Substituted 1.12.18	Attempt, or assault with intent, to commit offence under s66C (sexual intercourse) with child 10-16	As for offence		SI Victim over 14y – T1
66D Commenced 1.12.18	Assault with intent to have sexual intercourse – child 10-16	As for offence		SI Victim over 14y – T1
66E * Repealed 1.12.18	<u>Alternative verdicts:</u> (1) If not guilty of 66A, may be found guilty of 66B, 66C(1), (2), (3), (4) or 66D (3) If not guilty of 66C(2) or 66C(4), may be found guilty of 66C(1) or 66C(3) (4) If not guilty of 66C(1) or 66C(2), may be found guilty of 66C(3) or 66C(4) (5) If not guilty of 66C, may be found guilty of s 66D			
66EB(2)	Procuring child for unlawful sexual activity (a) Under 14 (b) Child 14 – 16	15y 12y	6y 5y	T1
66EB(2A)	Meets child following grooming for unlawful sexual activity (a) Under 14 (b) Child 14 – 16	15y 12y	6y 5y	T1
66EB(3)	Grooming children (a) Under 14 (b) Child 14 – 16	12y 10y	5y 4y	T1
66EB(8)	<u>Alternative verdict:</u> If not guilty of 66EB(2) or (2A), may be found guilty of 66EB(3)			
66EC Commenced 1.12.18	Grooming person for unlawful sexual activity with a child under person’s authority (a) Under 14 (b) In any other case	6y 5y		T2
78A - 78B	Incest / Attempts (with person 16 or above)	8y / 2y		SI
73(1)	Sexual intercourse with young person 16 - under 17 under special care	8y		SI
73(2)	Sexual intercourse with young person 17 – under 18 under special care	4y		SI

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
73A Commenced 1.12.18	Sexual touching young person 16 - under 17 under special care Sexual touching young person 17 – under 18 under special care	4y 2y		T2 T2
61O(2) * Repealed 1.12.18	Act of indecency , or incites with / towards that or another person - person under 10	7y		T2
61O(1) * Repealed 1.12.18	Aggravated act of indecency , or incites with / towards that or another person - person under 16	5y		T2
61O(1A) * Repealed 1.12.18	Aggravated act of indecency , or incites with / towards that or another person - person 16 or above	3y		T2
61N(1) * Repealed 1.12.18	Act of indecency - person under 16	2y		T2
61P* Repealed 1.12.18	Attempts to commit offence under 61I, 61J, 61JA, 61K, 61L, 61M, 61N or 61O	Penalty for offence		
61Q * Repealed 1.12.18	<u>Alternative verdicts</u> (1) Question of aggravation – If not guilty of 61J, 61M or 61O, may be found guilty of 61I, 61L or 61N. (1A) Question of aggravation in company - If not guilty of 61JA, may be found guilty of 61I or 61J (2) Question of consent regarding alleged victim under 16 – If not guilty of 61I, may be found guilty of 66C(3) or 66C(4). (3) Question of consent or authority regarding alleged victim under 16 – If not guilty of 61J or 61JA, may be guilty of 66A or 66C. (4) Question of consent regarding incest - If not guilty of 61I or 61J, may be guilty of 78A or 78B. (5) Question of consent regarding cognitive impairment - If not guilty of 61I, 61J or 61JA, may be found guilty of 66F. (6) Question of whether offence committed for purposes of production of child abuse material - If not guilty of 61O(2A), may be found guilty of 61O(2) or 61N.			
66DA Commenced 1.12.18	Sexual touching – child under 10	16y	8y	T1
66DB Commenced 1.12.18	Sexual touching – child 10-16	10y		T1
66DF Commenced 1.12.18	Sexual act for production of child abuse material – child under 16	10y		T1
66DC Commenced 1.12.18	Sexual act – child under 10	7y		T1
66DE Commenced 1.12.18	Aggravated sexual act – child 10-16 66D(2) Circumstances of aggravation: (a) intentional/ reckless inflict ABH on victim/ person present or nearby, or (b) threaten inflict ABH on victim/ person present or nearby by offensive weapon/instrument, or (c) in company, or (d) victim under authority, or (e) victim has serious physical disability, or (f) victim has cognitive impairment, or (g) victim under influence of alcohol/drug, or (h) deprives victim of liberty, or (i) break and enter into dwelling-house/building with intention of committing the offence / serious indictable offence.	5y		T2
66DD Commenced 1.12.18	Sexual act – child 10-16	2y		T2

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
80AB As from 1.12.18	<u>Alternative verdicts</u> (1) Question of aggravation – If not guilty of 61J, 61KD or 61KF, may be found guilty of 61I, 61KC or 61KE. (1A) Question of aggravation in company - If not guilty of 61JA, may be found guilty of 61I or 61J (2) Question of consent regarding alleged victim under 16 – If not guilty of 61I, may be found guilty of 66C(3) or 66C(4). (3) Question of consent or authority regarding alleged victim under 16 – If not guilty of 61J or 61JA, may be guilty of 66A or 66C. (4) Question of consent regarding incest - If not guilty of 61I or 61J, may be guilty of 78A or 78B. (5) Question of consent regarding cognitive impairment - If not guilty of 61I, 61J or 61JA, may be found guilty of 66F. (6) Question of whether offence committed for purposes of production of child abuse material - If not guilty of 66DF may be found guilty of 66DC or 66DD. (7) if not guilty of 66A, may be guilty of 66B, 66C(1) – (4) or 66D (8) If not guilty of 66C(2) or (4), may be guilty of 66C(1) or (3) (9) If not guilty of 66C(1) or (2), may be guilty of 66C(3) or (4) (10) If not guilty of 66C, may be guilty of 66D (11) If not guilty of 66A, 66B, 66C, 66D, may be guilty of 66DA or 66DB			
Summary Offences Act 1988				
5	Obscene exposure	6m/10pu		SO/ 6m
4	Offensive conduct	3m/6pu		SO/ 6m
Child Prostitution				
91D	Promoting / engaging in acts of child prostitution - child under 14	10y 14y	----- 6y	SI
91E	Obtaining benefit from child prostitution - child under 14	10y 14y	----- 6y	SI
91F	Premises not to be used for child prostitution	7y		SI
Child Protection (Offenders Registration) Act 2000				
s.17	Fail to comply with reporting obligations	500pu / 5y/both		T2
s.18	Furnish false or misleading information	500pu / 5y/both		T2
<u>6. CHILD ABUSE MATERIAL AND CHILD PORNOGRAPHY</u>				
91G(1)	Production of child abuse material - Child under 14	14y	6y	SI
91G(2)	Production of child abuse material - Child of or above 14	10y	-----	SI
91G(5)	<u>Offence not proven:</u> If not guilty of 91G(1), may be found guilty of 91G(2)			
91H	Production, dissemination or possession of child abuse material	10y		T1
61O(2A)* Repealed 1.12.18	Act of indecency with / towards , or incites person to act of indecency – and knowing being filmed for production of child abuse material - person under 16	10y		T1

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>7. MONEY LAUNDERING & RECEIVING STOLEN GOODS</u>				
<i>Money laundering</i>				
193B(1)	<i>Deal with proceeds of crime, knowing and intending to conceal</i>	20y		SI
193B(2)	- knowing	15y		SI
193B(3)	- reckless	10y		T1>\$5k; T2<\$5k
193D	<i>Deal with property subsequently an instrument of crime</i>			
193D(1)	- with intent	15y		SI
193D(2)	- reckless	10y		SI
193C	Deal with property suspected of being proceeds of crime			
193C(1)	- Value of property \$100k or more	5y		T1>\$5k; T2<\$5k
193C(2)	- Value of property less \$100k	3y		T1>\$5k; T2<\$5k
193E	<i>Alternative verdicts:</i> (1) If not guilty of 193B(1), may be found guilty of ss 193B(2) or (3) (2) If not guilty of 193B(2), may be found guilty of s 193B(3) (2A) If not guilty of s 193B, may be guilty of ss 193C(1) or (2) (2B) If not guilty of s 193C(1), may be found guilty of s 193C(2) (3) If not guilty of s 193D(1), may be found guilty of s 193D(2)			
<i>Receivers</i>				
188	<i>Receiving stolen property where stealing a serious indictable offence</i> - Motor vehicle or part - Any other property	12y 10y		T1>\$5k; T2<\$5k
189	Receiving etc. where principal guilty of minor indictable offence	3y		T1>\$5k T2<\$5k
189A	Receiving etc. goods stolen out of NSW	10 y		T1>\$5k T2<\$5k
527C	<i>Unlawfully possess property:- (“Goods in Custody”)</i> - Motor vehicle / part, vessel etc.. - Any other thing	1y/10pu/ both 6m /5pu/ both		SO / 6m

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>8. FRAUD, FORGERY, IDENTITY, BLACKMAIL</u>				
FRAUD				
192E(1)	Fraud. By any deception, dishonestly-	10y		T1
	(a) obtains any property belonging to another; or			
	(b) obtains financial advantage or causes financial disadvantage			
192E(4)	Alternative verdict: Fraud is alternative charge to larceny; Larceny is an alternative verdict to fraud.			
192H	Intent to deceive members / creditors by false / misleading statement of officer of organisation	7y		T1
192F	Intent to defraud by destroy / conceal accounting records	5y		T1
192G	Intent to defraud by false or misleading statement	5y		T1
IDENTITY				
192J	Deal with identification information with intent	10y		T1
192K	Possess identification information with intent	7y		T1
192L	Possess equipment etc. to make identification documents or things with intent	3y		T2
CORRUPTION				
249B - 249F	Corrupt commissions / rewards; Misleading documents / statements by agents; Corrupt inducements for advice; Corrupt benefits for trustees and others	7y		
BLACKMAIL				
249K(1)	Blackmail	10y		T1
249K(2)	Commits offence under s.249K(1) by accusation person committed serious indictable offence	14y		T1
FORGERY				
253	Making false document	10y		T1
254	Use false document	10y		T1
255	Possess false document	10y		T1
256(1)	Make / possess equipment or material designed / adapted for making false documents with intent	10y		T1
256(2)	Make / possess equipment for making false documents, knowing	3y		T2
256(3)	Possess equipment for making false documents	3y		T2
FALSE AND MISLEADING INFORMATION				
307A - C	False/misleading: Applications / Information / Documents	2y/200pu/ both		SO / 6m
COMPUTER OFFENCES				
308C - 308I	<i>Note: Computer offences – unauthorised access, impairment etc. (not set out here)</i>			

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>9. SERIOUS DRIVING AND BOATING OFFENCES</u>				
	<u>Dangerous Driving: Crimes Act 1900</u>			
52A(2)	Aggravated dangerous driving occasioning death	14y		SI
52A(4)	Aggravated dangerous driving occasioning GBH	11y		T1
52A(1)	Dangerous driving occasioning death	10 y		SI
52AB(1)	Fail to stop and assist after vehicle impact causing death	10y		T1
52AB(2)	Fail to stop and assist after vehicle impact causing GBH	7y		T1
52A(3)	Dangerous driving occasioning GBH	7y		T1
51A	Predatory driving	5y		T1
51B	Police pursuits – 1 st offence / 2 nd offence	3y / 5y		T2
53	Injuries by furious driving etc.	2y		T1
54	Cause GBH by unlawful / negligent act, or omission	2y		T1
52AA(4)	<i>Alternative verdict: If not guilty of murder or manslaughter or 53 or 54, may be found guilty of 52A.</i>			
52AA(5)	<i>Question of aggravation: If not guilty of 52A(2) or (4), may be found guilty of 52A(1) or (3).</i>			
	<u>Road Transport Act 2013</u>			
117(1)(a)	Negligent driving occasioning death: 1 st offence / 2 nd offence	18m / 2y		
146	Failure to stop and render assistance: 1 st offence / 2 nd offence	18m / 2y		
118(1)	Menacing driving with intent: 1st offence / 2nd offence	18m / 2y		
118(2)	Menacing driving possibility of menace: 1st offence / 2nd offence	12m / 18m		
117(1)(b)	Negligent driving occasioning GBH: 1st offence / 2nd offence	9m / 12m		
117(2)	Drive furiously, recklessly or manner dangerous: 1st offence / 2nd offence	9m / 12m		
	<u>Summary Offences Act 1988</u>			
11H	Intimidatory use of vehicles and vessels	6pu		SO/ 6m
	<u>Dangerous Navigation: Crimes Act 1900</u>			
52B(2)	Aggravated dangerous navigation occasioning death	14y		SI
52B(4)	Aggravated dangerous navigation occasioning GBH	11y		T1
52B(1)	Dangerous navigation occasioning death	10y		SI
52B(3)	Dangerous navigation causing GBH	7y		T1
52BA	<i>Alternative verdicts: If not guilty of murder or manslaughter or 54, may be found guilty of 52B</i> <i>Question of aggravation: If not guilty of 52B(2) or (4) may be found guilty of 52B(1) or (3)</i>			

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>10. CRIMINAL GROUPS, CONSORTING, TERRORISM, FOUND WITH INTENT</u>				
<i>Criminal groups and consorting</i>				
93T(4A)	Participates in criminal group, activities organised and on-going	15y		T1
93T(4)	Assaults law enforcement officer intending to participate in criminal group	14y		SI
93T(3)	Destroys / threaten destroy property intending to participate in criminal group	10y		T1
93T(2)	Assaults, intending to participate in criminal group	10y		T1
93T(1A)	Participates by directing	10y		T1
93T(1)	Participates in criminal groups	5y		T2
93TA	Receive material benefit from activities of criminal group	5y		T2
93V	Conduct unlawful gambling operation	7y/ 1000pu/ both		SI
93X	Consorting	3y/150pu /both		T2
<i>Recruiting persons to engage in criminal activity</i>				
351A(2)	Recruit child to engage in criminal activity	10y		T1
351A(1)	Recruit person to engage in criminal activity	7y		T1
<i>Terrorism</i>				
310J	Membership terrorist organisation	10y		SI
<i>Found with intent</i>				
114	Any person- with intent to commit indictable offence (a) armed with any weapon, or instrument (b) possess implement for housebreaking / safebreaking / capable being used to enter/drive conveyance (c) face blackened / disguised / in possession of means (d) enters/remains in or on building/land	7y		T1 T2 T1 T1
115	Being convicted, offender armed with intent to commit indictable offence (any offence in s.114)	10y		T1

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>11. PROPERTY DAMAGE, ARSON, BUSHFIRES</u>				
<i>PROPERTY DAMAGE</i>				
28	Acts done to property with intent to murder - sets fire to vessel or chattel therein / furniture part of - by explosion of gunpowder / other substance destroys / damages building	25y	10y	SI
198	Destroy / damage property with intent endanger life	25y		SI
<i>Property damage by fire (Arson) or explosives</i>				
196(2)(b)	During public disorder with intent to injure, destroy / damage property – by fire or explosives	16y		T1
197(2)(b)	During public disorder, dishonestly destroy / damage property - with view to making gain – by fire or explosives	16y		T1
196(1)(b)	Destroy / damage property, intending cause bodily injury - by fire or explosives	14y		T1
197(1)(b)	Dishonestly destroy / damage property, with view to making gain - by fire or explosives	14y		T1
195(2)(b)	During public disorder , destroy / damage property – by fire or explosives	12y		T1>\$5k; T2<\$5k
195(1A)(b)	In company, destroy / damage property – by fire or explosives	11y		T1>\$5k; T2<\$5k
195(1)(b)	Destroy / damage property – by fire or explosives	10y		T1>\$5k; T2<\$5k
200(2)	During public disorder - possess explosive with intent destroy / damage	9y		T1
200(1)	Possess explosive with intent destroy / damage property	7y		T1
<i>During public disorder (not involving fire or explosives)</i>				
196(2)(a)	During public disorder destroy / damage property – intend cause bodily injury	9y		T1
197(2)(a)	During public disorder, dishonestly destroy / damage property – with view to making gain	9y		T1
195(2)(a)	During public disorder , destroy / damage property	7y		T1>\$5k; T2<\$5k
199(2)	During public disorder - threat destroy / damage property	7y		T1
200(2)	During public disorder - possess article (not an explosive) with intent destroy/damage property	5y		T1
<i>General Destroy/Damage Property (not involving fire or explosives)</i>				
196(1)	Destroy / damage property – intending cause bodily injury	7y		T1
197(1)	Dishonestly destroy / damage property – with view to making gain	7y		T1
195(1A)(a)	In company, destroy / damage property	6y		T1>\$5k; T2<\$5k
195(1)(a)	Destroy / damage property	5y		T1>\$5k; T2<\$5k
199(1)	Threaten to destroy / damage property	5y		T1
200(1)	Possess article (not an explosive) with intent destroy / damage property	3y		T1
<i>Sabotage (public facility) / Offences relating to particular kinds of property</i>				
203B	Sabotage	25y		SI
203C	Threaten sabotage	14 y		T1
201	Interfering with a mine	7y		T1
202	Damage to sea, river, canal, other works	7y		T1

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
Contamination of Goods				
93K	Contaminate goods with intent cause public alarm / economic loss	10y		T1
93L	Threaten with intent cause public alarm / economic loss	10y		T1
93M	Make false statements with intent cause public alarm / economic loss	10y		T1
93N	Aggravated circumstances--unwarranted demand	14y		SI
93O	Aggravated circumstances--death or grievous bodily harm	25y		SI
Summary Offences Act 1988				
8(2)	Damage or deface protected places	40pu		SO/ 6m
8(3)	Commit nuisance or offensive / indecent act in connection with war memorial / internment site	20pu		SO/ 6m
7	Fountain - Damage, deface, cause foreign material or substance to enter	4pu		SO/ 6m
BUSHFIRES				
203E	Offence – intentionally causes fire	14y	5y	T1
Rural Fires Act 1997				
100(1B)	Sets / causes fire knowing fire ban in place	7y/1200pu/both		T2
100(1)	Sets / causes fire	5y/1000pu/both		T2
100(2)	Leave fire lit in open air without extinguishing	12m/50pu/both		SO / 2y
99A(1)(b)	Discard lit cigarette during fire ban	100pu		SO / 2y
99A(1)(a)	Discard lit cigarette	50pu		SO / 2y

SECT.	OFFENCE	Max. Penalty	SNPP	Type/ time limit
<u>12. PUBLIC JUSTICE OFFENCES</u>				
<i>Note: Offences marked with *have been repealed from 1.12.2018. New offences are noted commenced 1.12.2018</i>				
<i>Interference with Administration of Justice</i>				
319	Act with intent to pervert course of justice	14y		T1
318	Making / using false official instrument to pervert course of justice	14y		SI
317	Tampering etc. with evidence	10y		T1
314	False accusations etc.	7y		T1
315	Hindering investigation etc.	7y		T1
315A	Threaten / intimidate person not to bring material information to attention of police / authority	7y		T1
316(2) * Repealed 1.12.18	Conceal serious indictable offence for benefit	5y		T1
316(1) * Repealed 1.12.18	Conceal serious indictable offence	2y		T1
316(2) Commenced 1.12.18	Conceal serious indictable offence for benefit. Where maximum penalty of concealed offence is: - 10 years or less - More than 10 years and less than 20 years - More than 20 years	5y 6y 7y		T1 T1 T1
316(1) Commenced 1.12.18	Conceal serious indictable offence. Where maximum penalty of concealed offence is: - 10 years or less - More than 10 years and less than 20 years - More than 20 years	2y 3y 5y		T1 T1 T1
<i>Interference with Judicial Officers, Witnesses, Jurors Etc.</i>				
324	Increased penalty if serious indictable offence involved for offence against 321, 322, 323.	14y		
321	Corruption of witnesses and jurors	10y		T1
322	Threaten / cause injury / detriment to judges, witnesses, jurors etc. - intending to influence proceedings / attendance /conduct	10y		T1
326	Reprisals against judges, witnesses, jurors etc.	10y		T1
323	Influencing witnesses and jurors	7y		T1
325	Prevent, obstruct or dissuade witness or juror from attending	5y		T1
<i>Perjury</i>				
328	Perjury with intent to procure conviction or acquittal	14y		SI
327	Perjury	10y		T1
329	Conviction for false swearing on indictment for perjury <i>Alternative verdict: If not guilty of perjury, may be guilty of an offence under 330 (False statement on oath not amounting to perjury)</i>			
330	False statement on oath not amounting to perjury	5y		T1
335	False statements in evidence on commission	5y		T1
336	False entry on public register	5y		T1
337	False instruments issued by public officers	5y		T1
333	Subornation of perjury			
333(2)	Intending to procure conviction / acquittal of serious indictable offence	14y		SI
333(1)	Procures etc. person to give false testimony	7y		T1
<i>Disrespect to Court offences</i>				
131 Supreme Court Act 1970 200A District Court Act 1973 24A Local Court Act 2007 103A Coroners Act 2009		14 days /10pu/ both		SO/ 12m

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
<u>13. DRUG OFFENCES</u>				
<i>References to section numbers are to the Drug Misuse & Trafficking Act 1985 (NSW) unless otherwise specified.</i>				
PROHIBITED DRUGS (OTHER THAN CANNABIS LEAF)				
Manufacture / Produce Offences				
24(2A)	manufacture / produce or knowingly manufacture or produce and expose child not less than large commercial quantity		Life imp and/or 6000 pu [s33AC]	
24(2)	manufacture / produce or knowingly manufacture or produce not less than large commercial		Life imp and / or 5000 pu [s33]	15y
24(2A)	manufacture / produce or knowingly manufacture or produce and expose child not less than commercial quantity		25y imp and/or 4200 pu [s33AC]	
24(2)	manufacture / produce or knowingly manufacture or produce not less than commercial		20y imp and/or 3500 pu [s33]	10y
24(1A)	manufacture / produce or knowingly manufacture or produce and expose child between indictable and commercial quantity		18y imp and/or 2400 pu [s33AC]	
24(1A)	manufacture / produce or knowingly manufacture or produce and expose child not more than indictable quantity	2y imp and/or 100 pu [s31]	18y imp and/or 2400 pu [s33AC]	
24(1A)	manufacture / produce or knowingly manufacture or produce and expose child not more than small quantity	2y imp and/or 50 pu [s30]	18y imp and/or 2400 pu [s33AC]	
24(1)	manufacture / produce or knowingly manufacture or produce between indictable and commercial quantity		15y imp and/or 2000 pu [s32]	
24(1)	manufacture / produce or knowingly manufacture or produce not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]	
24(1)	manufacture / produce or knowingly manufacture or produce not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]	
24(3)	<i>Alternative verdict</i> - If at the trial for an offence under 24(2) or 24(2A), the jury are not satisfied the amount of prohibited drug involved is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 24(1) or 24(1A)			
24(3B)	<i>Alternative verdict</i> - If at trial for an offence under 24(1A) or 24(2A), the jury is not satisfied that a child was exposed, or is satisfied the defendant has established the exposure did not endanger the health or safety of the child, the jury may acquit and convict of an offence under 24(1) or 24(2)			
24A(1)(a)	possess precursor for manufacture or production of a prohibited drug	2y imp and/or 100 pu [s31]	10y imp and/or 2000 pu [s33AB]	
24A(1)(b)	possess drug manufacture apparatus for manufacture or production of a prohibited drug	2y imp and/or 100 pu [s31]	10y imp and/or 2000 pu [s33AB]	
24B	possess prescribed quantity of precursor	2y imp and/or 100 pu [s31]	5y imp and/or 1000 pu [s33AB]	
36ZF(1)(a)	manufacture or knowingly take part in manufacture of a psychoactive substance for supply to another person knowing that it is being supplied primarily for human consumption		2y and / or 20 pu	
36ZF(1)(b)	manufacture or knowingly take part in manufacture of a psychoactive substance for supply to another person reckless as to whether it is being supplied primarily for human consumption		2y and / or 20 pu	

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
11B	possess tablet press or drug encapsulator	2y and / or 20pu [s21]		
11C	possess instructions for manufacture or production of prohibited drug	2y and / or 20pu [s21]		
18B(1)	manufacture or produce, or knowingly take part in the manufacture or production of, a Schedule 9 substance	2y and / or 20pu [s21]		
Supply or Knowingly take part in Supply Offences				
25(2D)	person over 18y procures person under 16y to take part in not less than large commercial quantity		Life imp and/or 6000 pu [s33AC]	
25(2A)	to person under 16y not less than large commercial quantity		Life imp (and/or 6000 pu [s33 , s33AA]	
25(2)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	15y
25(2D)	person over 18y procures person under 16y to take part in not less than commercial quantity		25y imp and/or 4200 pu [s33AC]	
25(2A)	to person under 16y not less than commercial quantity		25y imp and/or 4200 pu [s33 , s33AA]	
25(2)	not less than commercial quantity		20y imp and/or 3500 pu [s33]	10y
25A	on an ongoing basis for material reward – “ongoing supply”		20y imp and/or 3500 pu [s25A]	
25(2C)	person over 18y procures person under 16y to take part in between indictable and commercial quantity		18y imp and/or 2400 pu [s32 , s33AC]	
25(1A)	to person under 16y between indictable and commercial quantity		18y imp and/or 2400 pu [s32 , s33AA]	
25(1A)	to person under 16y not more than indictable quantity	2y 6mimp and/or 120 pu [s31 , s33AA]	18y imp and/or 2400 pu [s32 , s33AA]	
25(1A)	to person under 16y not more than small quantity	2y 6m imp and/or 60 pu [s30 , s33AA]	18y imp and/or 2400 pu [s32 , s33AA]	
25(2C)	person over 18y procures per under 16y to take part in not more than indictable quantity	2y imp and/or 100 pu [s31]	18y imp and/or 2400 pu [s33AC]	
25(2C)	person over 18y procures per under 16y to take part in not more than small quantity	2y imp and/or 50 pu [s30]	18y imp and/or 2400 pu [s33AC]	
25(1)	between indictable and commercial quantity	2y imp and/or 100 pu [s267 , T1 CPA]	15y imp and/or 2000 pu [s32]	
25(1)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]	
25(1)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]	
10(1)	Possess prohibited drug	2y and / or 20pu [s21]		
36ZF(2)(a)	Supply psychoactive substance knowing it is being acquired primarily for human consumption		2y and / or 20 pu	
36ZF(2)(b)	Supply psychoactive substance reckless as to whether it is being acquired primarily for human consumption		2y and / or 20 pu	
18B(2)	Supply, or knowingly takes part in supply of, a Schedule 9 substance	2y and / or 20pu [s21]		
25(3)	Alternative verdict - If at trial for an offence under 25(2) or (2D), the jury are not satisfied the amount of prohibited drug is equal to or more than the commercial quantity they may acquit and convict of an offence under 25(1) or (2C)			
25(2B)	Alternative verdict - If at trial for offence under 25(1A) or (2A), the jury are satisfied the person had reasonable cause, and did in fact believe, the person supplied was of or above the age of 16 years, they may acquit and convict of an offence under 25(1) or (2)			
25(3)	Alternative verdict - If at trial for an offence under 25(2) or (2D), the jury are not satisfied the amount of prohibited drug is equal to or more than the commercial quantity they may acquit and convict of an offence under 25(1) or (2C)			
25A(4)	Alternative verdict - If at trial for an offence under 25A the jury is not satisfied the offence is proven but is satisfied that the person has committed a relevant supply offence, the jury may acquit and convict of the supply offence			

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
CANNABIS OFFENCES (LEAF and PLANT)				
Supply or Knowingly Take Part in Supply <u>Cannabis Leaf</u>				
25(2)	not less than large commercial quantity (100kg)		20y imp and/or 5000 pu [s33]	
25(2)	not less than commercial quantity (25kg)		15y and/or 3500 pu [s33]	
25(1)	between indictable and commercial quantity (1kg<25kg)	2y imp and/or 100 pu [s267, T1 CPA]	10y and / or 2000 pu [s32]	
25(1)	not more than indictable quantity (1kg)	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]	
25(1)	not more than small quantity (30g)	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]	
10(1)	Possess prohibited drug	2y and / or 20pu [s21]		
25(3)	Alternative verdict - If at trial for an offence under 25(2) or (2D), the jury are not satisfied the amount of prohibited drug is equal to or more than the commercial quantity they may acquit and convict of an offence under 25(1) or (2C)			
Cultivate or Knowingly Take Part in Cultivation <u>Cannabis Plant</u>				
23A(2)	<i>by enhanced indoor means</i> in presence of child not less than large commercial quantity (200 plants)		24y imp and/or 6000 pu [s33AD]	
23(2)(a)	not less than large commercial quantity (1000 plants)		20y imp and / or 5,000 pu [s33]	10y
23(2)(a)	<i>by enhanced indoor means</i> not less than large commercial quantity (200 plants)		20y imp and / or 5,000 pu [s33]	10y
23A(2)	<i>by enhanced indoor means</i> in presence of child not less than commercial quantity (50 plants)		18y imp and/or 4200 pu [s33AD]	
23A(3)	<i>by enhanced indoor means</i> in presence of child for commercial purposes between small and commercial qty (5<50 plants)		18y imp and/or 4200 pu [s33AD]	
23(2)(a)	not less than commercial quantity (250 plants)		15y and / or 3,500 pu [s33]	
23(2)(a)	<i>by enhanced indoor means</i> not less than commercial quantity (50 plants)		15y and / or 3,500 pu [s33]	
23(1A)	<i>by enhanced indoor means</i> for commercial purposes between small and commercial quantity (5<50 plants)		15y and / or 3,500 pu [s33]	
23A(1)	<i>by enhanced indoor means</i> in presence of child not more than indictable quantity (50 plants – but note: CQ is also 50)	2y imp and/or 100 pu [s31]	12y imp and/or 2400 pu [s33AD]	
23A(1)	<i>by enhanced indoor means</i> in presence of child not more than small quantity (5 plants)	2y imp and/or 50 pu [s30]	12y imp and/or 2400 pu [s33AD]	
23(1)(a)	between indictable and commercial quantity (50-250)	2y imp and/or 100 pu [s267, T1 CPA]	10y and / or 2000 pu [s32]	
23(1)(a)	not more than indictable quantity (50 plants)	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]	
23(1)(a)	not more than small quantity (5 plants)	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]	
23(3)	Alternative verdict - If at trial for offence under 23(2) (other than in relation to the cultivation of prohibited plants by enhanced indoor means), jury not satisfied the number of prohibited plants is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23(1)			

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
23(1B)	<i>Alternative verdict</i> - If at trial for offence under 23(1A) jury not satisfied the number of prohibited plants is equal to or more than the small quantity the jury may acquit and convict of an offence under 23(1)(a)			
23(1C)	<i>Alternative verdict</i> - If at trial for offence under 23(1A) jury not satisfied person cultivated for a commercial purpose jury may acquit and convict of an offence under 23(1)(a)			
23(3A)	<i>Alternative verdict</i> - If at trial for offence under 23(2) in relation to cultivation of prohibited plants by enhanced indoor means, jury is not satisfied the number of prohibited plants involved is equal to or more than the commercial quantity may acquit and convict of an offence under 23(1A) or 23(1)(a)			
23A(4)	<i>Alternative verdict</i> - If at trial for an offence under 23A(2) the jury is not satisfied the number of prohibited plants involved is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23A(3) or 23A(1)			
23A(5)	<i>Alternative verdict</i> - If at trial for an offence under 23A(3) the jury is not satisfied the person cultivated for a commercial purpose the jury may acquit and convict of an offence under 23A(1)			
23A(7)	<i>Alternative verdict</i> - If at trial for an offence under 23A(1), (2) or (3), the jury is not satisfied that a child was exposed, or is satisfied the defendant has established the exposure did not endanger the health or safety of the child, the jury may acquit and convict of an offence under 23(1)(a), (2)(a) or (1A)			
Supply or Knowingly Take Part in Supply / Possess <u>Cannabis Plant</u>				
23(2)(b) / (c)	not less than large commercial quantity		20y imp and/or 5000 pu [s33]	10y
23(2)(b) / (c)	not less than commercial quantity		15y and/or 3500 pu [s33]	
23(1)(b) / (c)	between indictable and commercial quantity	2y imp and/or 100 pu [s267, T1 CPA]	10y and / or 2000 pu [s32]	
23(1)(b) / (c)	not more than indictable quantity	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]	
23(1)(b) / (c)	not more than small quantity	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]	
23(3)	<i>Alternative verdict</i> - If at trial for offence under 23(2) jury not satisfied the number of prohibited plants is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23(1)			
PROHIBITED PLANTS (OTHER THAN CANNABIS)				
Cultivate or knowingly take part in cultivation				
23(2)(a)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	10y
23A(2)	by enhanced indoor means in presence of child not less than large commercial quantity		24y imp and/or 6000 pu [s33AD]	
23(2)(a)	not less than commercial quantity		20y imp and / or 3,500 pu [s33]	
23(1A)	by enhanced indoor for commercial purpose between small and commercial quantity		20y imp and / or 3,500 pu [s33]	
23A(3)	by enhanced indoor means in presence of child for commercial purposes between small and commercial quantity		18y imp and/or 4200 pu [s33AD]	
23A(2)	by enhanced indoor means in presence of child not less than commercial quantity		18y imp and/or 4200 pu [s33AD]	
23(1)(a)	between indictable and commercial quantity		15y imp and/or 2000 pu [s32]	
23(1)(a)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]	
23(1)(a)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]	

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
23A(1)	by enhanced indoor means in presence of child not more than indictable quantity	2y imp and/or 100 pu [s31]	12y imp and/or 2400 pu [s33AD]	
23A(1)	by enhanced indoor means in presence of child not more than small quantity	2y imp and/or 50 pu [s30]	12y imp and/or 2400 pu [s33AD]	
23(3)	<i>Alternative verdict</i> - If at trial for offence under 23(2) (other than in relation to the cultivation of prohibited plants by enhanced indoor means), jury not satisfied the number of prohibited plants is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23(1)			
23(1B)	<i>Alternative verdict</i> - If at trial for offence under 23(1A) jury not satisfied the number of prohibited plants is equal to or more than the small quantity the jury may acquit and convict of an offence under 23(1)(a)			
23(1C)	<i>Alternative verdict</i> - If at trial for offence under 23(1A) jury not satisfied person cultivated for a commercial purpose jury may acquit and convict of an offence under 23(1)(a)			
23(3A)	<i>Alternative verdict</i> - If at trial for offence under 23(2) in relation to cultivation of prohibited plants by enhanced indoor means, jury is not satisfied the number of prohibited plants involved is equal to or more than the commercial quantity may acquit and convict of an offence under 23(1A) or 23(1)(a)			
23A(4)	<i>Alternative verdict</i> - If at trial for an offence under 23A(2) the jury is not satisfied the number of prohibited plants involved is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23A(3) or 23A(1)			
23A(5)	<i>Alternative verdict</i> - If at trial for an offence under 23A(3) the jury is not satisfied the person cultivated for a commercial purpose the jury may acquit and convict of an offence under 23A(1)			
23A(7)	<i>Alternative verdict</i> - If at trial for an offence under 23A(1), (2) or (3), the jury is not satisfied that a child was exposed, or is satisfied the defendant has established the exposure did not endanger the health or safety of the child, the jury may acquit and convict of an offence under 23(1)(a), (2)(a) or (1A)			
Supply or knowingly take part in supply / possess plant				
23(2)(b) / (c)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	10y
23(2)(b) / (c)	not less than commercial quantity		20y imp and/or 3500 pu [s33]	
23(1)(b) / (c)	between indictable and commercial quantity		15y imp and/or 2000 pu [s32]	
23(1)(b) / (c)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]	
23(1)(b) / (c)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]	
23(3)	<i>Alternative verdict</i> - If at trial for offence under 23(2) jury not satisfied the number of prohibited plants is equal to or more than the commercial quantity the jury may acquit and convict of an offence under 23(1)			

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
<i>DRUG PREMISES</i>				
All offences under this Part to be dealt with summarily unless second or subsequent offence (whether or not under the same subsection of the section concerned) [s.36ZA(1), (2)]				
36Z(2)	Organise or conduct, or assist in organising or conducting, any drug premises exposing child	2y imp and/or 100 pu or max penalty for offence, whichever is lesser: [s36ZA(3)]	First offence - 14m and / or 60 pu Second and subsequent offence – 6y and / or 600 pu	
36Y(2)	Owner or occupier knowingly allowing premises to be used as drug premises exposing child	2y imp and/or 100 pu or max penalty for offence, whichever is lesser: [s36ZA(3)]	First offence - 14m and / or 60 pu Second and subsequent offence – 6y and / or 600 pu	
36X	Entering, being on or leaving a drug premises	2y imp and/or 100 pu or max penalty for offence, whichever is lesser: [s36ZA(3)]	First offence - 12m and / or 50 pu Second and subsequent offence – 5y and / or 500 pu	
36Y(1)	Owner or occupier knowingly allowing premises to be used as drug premises	2y imp and/or 100 pu or max penalty for offence, whichever is lesser: [s36ZA(3)]	First offence - 12m and / or 50 pu Second and subsequent offence – 5y and / or 500 pu	
36Z(1)	Organise or conduct, or assist in organising or conducting, any drug premises	2y imp and/or 100 pu or max penalty for offence, whichever is lesser: [s36ZA(3)]	First offence - 12m and / or 50 pu Second and subsequent offence – 5y and / or 500 pu	
36Y(4)	<p><i>Alternative verdict</i> - If jury finds offence under 36Y(2) not proven because:</p> <p>(a) is not satisfied that person knew a child had access to the premises, or</p> <p>(b) is not satisfied a child was exposed to a prohibited drug or prohibited plant, a drug supply process or equipment capable of being used to administer a prohibited drug, or</p> <p>(c) is satisfied that the defence referred to in (3) (exposure did not endanger health or safety of child) has been made out,</p> <p>may acquit the person of that offence and find the person guilty of an offence under 36Y(1)</p>			
36Z(6)	<p><i>Alternative verdict</i> - If jury finds offence under 36Z(2) not proven because:</p> <p>(a) is not satisfied that person knew a child had access to the premises, or</p> <p>(b) is not satisfied a child was exposed to a prohibited drug or prohibited plant, a drug supply process or equipment capable of being used to administer a prohibited drug, or</p> <p>(c) is satisfied that the defence referred to in (5) (exposure did not endanger health or safety of child) has been made out,</p> <p>may acquit the person of that offence and find the person guilty of an offence under 36Z(1)</p>			

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
<i>POSSESSION AND OTHER LESS SERIOUS OFFENCES</i>				
10(1)	Possess prohibited drug	2y and / or 20pu [s21]		
11(1)	Possess equipment for administration of prohibited drug	2y and / or 20pu [s21]		
12	Administer or attempt to administer prohibited drug to self	2y and / or 20pu [s21]		
13	Administer or attempt to administer prohibited drug to another person	2y and / or 20pu [s21]		
14	Permit another to administer or attempt to administer to self a prohibited drug	2y and / or 20pu [s21]		
15	Fraudulently alter or utter prescription	2y and / or 20pu [s21]		
16(a)(i)	Obtain prescription by false representation	2y and / or 20pu [s21]		
16(a)(ii)	Induce pharmacist to dispense forged or fraudulently altered prescription	2y and / or 20pu [s21]		
16(b)	Possess forged or fraudulently altered prescription	2y and / or 20pu [s21]		
17	Obtain or attempt obtain prohibited drug by false representation	2y and / or 20pu [s21]		
18(1)(a)	Obtain or attempt to obtain prohibited drug from authorised person is with intent to deceive	2y and / or 20pu [s21]		
18(1)(b)	Obtain or attempt to obtain prescription from authorised person is with intent to deceive	2y and / or 20pu [s21]		
18B(3)	Possess Schedule 9 substance	12m and/ or 20pu [s18B(3)]		
36ZG	Advertise psychoactive substances		2y and / or 20 pu	
<i>POISONS AND THERAPEUTIC GOODS ACT 1966</i>				
Part 3 Division 1: Supply, possession, etc, of poisons and restricted substances				
9(1)	Supply by wholesale any poison or restricted substance for therapeutic use not under or in accordance with conditions of wholesaler's licence or authority issued under regulations		6m imp and/or 15 pu - 2y imp and/or 20 pu if restricted substance under regulations	
10(1)	Supplies any substance specified in Schedule 1, 2 or 3 of the Poisons List otherwise than by wholesale and not in accordance with conditions of a general supplier's licence or a general supplier's authority issued under regulations		6m imp and/or 15 pu	
10(3)	Supply restricted substance otherwise than by wholesale		6m imp and/or 15 pu - 2y imp and/or 20 pu if restricted substance under regulations	

SECTION	OFFENCE	MAXIMUM PENALTY SUMMARY	MAXIMUM PENALTY INDICTABLE	SNPP Standard non-parole period
11(1)	Supply of substance specified in Schedule 1, 2, 3 or 7 of the Poisons List or a restricted substance by holder of a wholesaler's licence or a wholesaler's authority to a person other than an authorised person		6m imp and/or 15 pu - 2y imp and/or 20 pu if restricted substance under regulations	
12(1)	Obtain, or attempt to obtain, from an authorised person, by a representation the person knows, or ought reasonably to know, is false or misleading in a material respect, a substance specified in Schedule 1, 2, 3 or 7 of the Poisons List, or a restricted substance		6m imp and/or 10 pu	
16(1)	Possession or attempted possession of prescribed restricted substance by unauthorised person		6m and / or 20 pu - 2y and / or 20 pu where anabolic or androgenic steroidal agent	
16(2)	Forge or fraudulently alter, or utter, knowing it to be forged or fraudulently altered, any prescription of a medical practitioner, nurse practitioner, midwife practitioner, dentist, optometrist, podiatrist or veterinary practitioner including any prescribed restricted substance		6m and / or 20 pu	
16(3)(a)(i)	By representation the person knows, or ought reasonably to know, is false or misleading obtain, or attempt to obtain, from a medical practitioner, nurse practitioner, midwife practitioner, dentist, optometrist, podiatrist or veterinary practitioner a prescription that includes a restricted substance of a kind prescribed by the regulations		6m and / or 20 pu	
16(3)(a)(ii)	By a representation the person knows, or ought reasonably to know, is false or misleading induce, or attempt to induce, a pharmacist to dispense a prescription that includes a restricted substance, knowing the prescription to be forged or fraudulently altered, or		6m and / or 20 pu	
16(3)(a)(iii)	By a representation the person knows, or ought reasonably to know, is false or misleading induce, or attempt to induce, a pharmacist to dispense a prescription that includes a restricted substance, knowing the prescription to have been obtained as referred to in subparagraph (i)		6m and / or 20 pu	
16(3)(b)	Possession of a prescription that includes a restricted substance, knowing the prescription to be forged or fraudulently altered		6m and / or 20 pu	
16(3)(c)	Possession of a prescription obtained as referred to in paragraph (a)(i), knowing the prescription to be so obtained		6m and / or 20 pu	

14. COMMON LAW OFFENCES

<p>475A</p>	<p><i>Schedule 10, Crimes Act 1900 — Offences punishable by the Supreme Court in its summary jurisdiction</i></p> <p>(e) common law conspiracy to cheat and defraud.</p> <p>(f) Subject to 475A (2), any offence under, or the common law offence of attempting, or of conspiracy, to commit any offence under:</p> <p style="padding-left: 40px;">327 [perjury],</p> <p style="padding-left: 40px;">330 [False statement on oath not amounting to perjury] or</p> <p style="padding-left: 40px;">335 [False statements in evidence on commission]</p>	
<p>Other misc. common law offences</p>	<p>Contempt of court</p> <p>Misconduct in public office; Accessory before the fact to misconduct in public office; Conspiracy to commit misconduct in public office</p> <p>Bribery</p> <p>Extortion</p> <p>Conspiracy to commit offence</p> <p>Willfully dispose of dead body</p> <p>False imprisonment</p> <p>Indecency / lewdness</p> <p>Public nuisance</p>	