

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

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

The Public Defenders

VERSION 6.0

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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.
- This document is a guide only and should be treated as a starting point for your consideration of appropriate offences. You should always undertake your own research into the particular offences and provisions which may be relevant to any case you are working on.
- 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.
- 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: <https://www.justice.nsw.gov.au/Pages/copyright-disclaimer.aspx>

Acknowledgments

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Key

CHROA Index Offence	A 'serious sex offence' (s 5) or 'serious violence offence' (s 5A) under the Crimes (High Risk) Offenders Act 2006 . Note: "child" is a person under 16 (s 4).
CPORA Registrable Offence	A Class 1 or Class 2 Offence under s 3 of the Child Protection (Offenders Registration) Act 2000 . An offence is only a registrable offence if the Victim was a child. Note: "child" is a person under 18.
CPA	Criminal Procedure Act 1986
DMTA	Drug Misuse & Trafficking Act 1985
SNPP	Standard Non-Parole Period
SI	Strictly Indictable
T1	Table 1 (CPA Sch 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 (CPA Sch 1)
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.

Notes

Practitioners might bear in mind the following:

- 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.
- **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.
- **Penalties for Attempts:** [s 344A](#) Penalty as for offence.
- **Penalties for Abettors and Accessories:**
 - [s 345](#) **Principals in the second degree in any serious indictable offence** Same punishment had the person been the principal in the first degree.
 - [s 346](#) **Accessories before the fact in any serious indictable offence** Same punishment had the person been the principal offender.
 - [s 349](#) **Accessories after the fact to murder; robbery with arms or in company; kidnapping s 86**
Accessory after the fact to murder - 25 years
Accessory after the fact to robbery with arms or in company, or kidnapping s 86 - 14 years
 - [s 350](#) **Accessories after the fact to other serious indictable offences** 5 years, except where otherwise specifically enacted.
 - [s 351](#) **Abettors of minor indictable offences** May be indicted, convicted, and punished as a principal offender.
 - [s 351A](#) **Recruiting persons to engage in criminal activity**
Recruit person to engage in criminal activity – 7 years
Recruit child to engage in criminal activity - 10 years
 - [s 351B](#) **Aiders and abettors punishable as principals**
Any offence punishable on summary conviction or indictable offence dealt with summarily – same penalty and punishment of the principal offender.

Please help us keep this Table up-to-date

If you notice any errors or changes to legislation not reflected in the tables, please contact Legal Research, 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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SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
<u>1. VIOLENT OFFENCES</u>						
LETHAL VIOLENCE						
Murder, Manslaughter						
19A	Murder	Life	20y	SI	Yes	Yes
	Murder –victim a police officer, emergency services worker etc.		25y		-	Yes
	Murder –victim child under 18y of age		25y		Yes	Yes
19B	Mandatory life sentences for murder of police officers	Life		SI	-	Yes
26	Conspiracy or solicit to murder	25y	10y	SI	Yes	Yes
349(1)	Accessory after the fact to murder	25y		SI	-	-
24	Manslaughter	25y		SI	Yes – unless result of motor vehicle accident s.3(1)	Yes
25A(2)	Assault cause death whilst intoxicated	25y. Mandatory minimum 8y. NPP not less than 8y: s.25B		SI	Unclear	Unclear
25A(1)	Assault cause death	20y		SI	Unclear	Unclear
25A(7) 25A(8)	Offence not proven: If not guilty of murder or manslaughter, may be found guilty of 25A(1) or (2). If not guilty of 25A(2), may be found guilty of 25A(1).					
25C	Supply of drugs causing death	20y		SI	Unclear	Unclear
22A	Infanticide	As for manslaughter		SI	Yes	Yes
21	Child murder by mother – verdict of contributing to death etc.	10y		SI	Unclear	Unclear
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	-	-
52A(2) 52A(1)	Aggravated dangerous driving occasioning death Dangerous driving occasioning death	14y 10y		T1 T1	-	-
Loss of Foetus provisions						
54B 54A	(Death of pregnant woman) – loss of foetus Causing loss of foetus	3y Total of max penalty for GBH provision plus 3y				
NON-LETHAL VIOLENCE INCLUDING KIDNAPPING						
Conspiracy to murder; attempt murder						
26	Conspiracy or solicit to murder	25y	10y	SI	Yes	Yes
27	Wound or cause GBH with intent to murder	25y	10y	SI	Yes	Yes
27	Administer to, or cause to be taken, any poison with intent to murder	25y	10y	SI	Yes	Yes
28	Acts done to property with intent to murder	25y	10y	SI	Yes	Yes
29	Attempts to murder with intent, whether bodily injury effected or not	25y	10y	SI	Yes	Yes
30	Attempts to murder by means other than specified in ss.27-29	25y	10y	SI	Yes	Yes

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
Suicide						
31C	Aids or abets attempted suicide	10y		T1	-	-
31C	Incites or counsels attempted suicide	5y		T1	-	-
Intoxicating / poisoning						
27	Administer to, or cause to be taken, any poison with intent to murder	25y	10y	SI	Yes	Yes
29	Attempts to murder with intent, whether bodily injury effected or not	25y	10y	SI	Yes	Yes
38	Use intoxicating substance to commit indictable offence	25y		SI	May apply *	May apply**
39(1) 39(2)	Using poison etc. to endanger life or inflict GBH Offence not proven: Person may be found guilty of 41 or 41A	10y		T1	-	Yes – if GBH inflicted
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 /100pu/both		SO / 6m	-	-
Offences related to Voluntary Assisted Dying Act 2022						
41B 41C 41D 41E	Unauthorised administration of prescribed substance Induce another to request or access voluntary assisted dying Inducing self-administration of prescribed substance Advertise Sch 4 or 8 poison as voluntary assisted dying substance	Life 7y Life 330pu/3y/both		T1		
Kidnapping / carjacking						
86(3)	Kidnapping. Specially aggravated offence: in company and occasions ABH	25y		SI	Yes	May apply **
86(2)	Kidnapping. Aggravated offence: in company or occasions ABH	20y		SI	Yes	
86(1)	Kidnapping - basic offence. Takes or detains: (a) with intention of holding to ransom (a1) with intention of committing serious indictable offence (b) with intention of obtaining advantage	14y		SI	Yes- except where parent/carer: Class 2 offence	s86(1)(a1) may apply**
86(4)	Alternative verdicts: 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	Yes - where no parental responsibility Class 2 offence	-
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 ABH on any person	14y	5y	T1	-	-
154C(1)	Taking motor vehicle or vessel with assault or with occupant	10y	3y	T1	-	-
Assaults / Danger to life / Grievous and Actual bodily harm						
[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]						
33A(1) 33A(2)	Discharge / attempt discharge firearm etc. with intent to cause GBH Discharge / attempt discharge firearm etc. with intent resist arrest	25y 25y	9y	SI SI	- -	Yes -
33(1)	Wounds or causes GBH with intent to cause GBH	25y	7y	SI	Yes- child under 10 and accused not a child: Class 2 offence	Yes
33(2) 33(3)	Wounds or causes GBH with intent to resist arrest Alternative verdict: If not guilty of offence against this section, may be found guilty of an offence against 35	25y	7y	SI		

* [CPORA](#): Class 1or Class 2 offence means an offence an element of which is an intention to commit an offence of a kind listed in this definition: s. 3(1)

** [CHROA](#): An offence under s 38, s 86(1)(a1) committed with intent to commit an offence under Div 10 of Part 3 *Crimes Act* 1900 punishable by imprisonment for 7 years or more is a 'serious sex offence': s5(1)(b). Note also meaning of 'serious violence offence' under s5A.

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
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 without consent	5y		T1	-	-
33B(2)	In company - 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	-	-
35(1)	Reckless GBH or wounding	14y	5y	T1	-	Yes
35(2)	In company - Causes GBH and reckless as to ABH	10y	4y	T1	-	Yes
35(3)	Causes GBH and reckless as to ABH	10y	4y	T1	-	-
35(4)	In company - Wounds and reckless as to ABH	7y	3y	T1	-	-
35(5)	Wounds and reckless as to ABH 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					
54	Cause GBH by unlawful / negligent act, or omission	2y		T1		
59(2)	In company - Assault occasioning ABH	7y		T2	-	-
59(1)	Assault occasioning ABH	5y		T2	-	-
59A(2)	Assault during public disorder - occasioning ABH	7y		T2	-	-
59A(1)	Assault during public disorder	5y		T2	-	-
58	Assault with intent commit serious indictable offence; Assault any person with intent resist / prevent lawful apprehension of any person	5y		T2	-	-
61	Common assault	2y		T2	-	-
4A	Summary Offences Act 1988: Offensive language	6pu		SO / 6m		
11B	Summary Offences Act 1988: Custody of offensive implement	2y/50pu		SO / 6m		
11C (rep)	Summary Offences Act 1988: Custody of knife in public place or school - repealed 23.10.2023	2y/20pu		SO / 6m		
11E (rep)	Summary Offences Act 1988: Wielding of knives in a public place or school - repealed 23.10.2023	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 not element of 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)	In company - 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	-	-

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
60 60(3A) 60(3) 60(2A) 60(2) 60(1A) 60(1) 60(1AA)	Assault and other actions against police officers During public disorder wounds/causes GBH to officer, reckless to ABH Wounds/causes GBH to officer and reckless as to ABH During public disorder assaults officer occasioning ABH Assaults officer occasioning ABH During public disorder assaults, throws missile, stalks, harass or intimidate Assaults, throws missile, stalks, harass or intimidate Hinder, resists, incites another to hinder/resist officer in execution of duty	14y 12y 9y 7y 7y 5y 12m/20pu/both	5y 3y		-	Yes Yes - - -
58	Assault with intent commit serious indictable offence; Assault any person with intent to resist / prevent lawful apprehension of any person	5y		T2		-
13	<u>Crimes (Domestic and Personal Violence) Act 2007:</u> Stalking or intimidation with intent to cause fear of physical / mental harm	5y/50pu/both		T2		
4A	<u>Summary Offences Act 1988:</u> Offensive language	6pu		SO/ 6m		
Assaults - law enforcement officers						
[Note: Consider general danger to life/ bodily harm and assault offences, above]						
60A(3A) 60A(3) 60A(2A) 60A(2) 60A(1A) 60A(1) 60A(1AA)	During public disorder wounds/causes GBH to law enforcement officer and reckless to ABH to officer or another person Wounds or causes GBH and reckless as to ABH During public disorder assaults law enforcement officer cause ABH Assault law enforcement officer occasioning ABH During public disorder, assaults, throws missile, stalks, harass or intimidate Assaults, throws missile, stalks, harass or intimidate Hinder, resists, incites another to hinder/resist officer in execution of duty	14y 12y 9y 7y 7y 5y 12m/20pu/both		SI SI T1 T1 T2	-	Yes - -
60AB	Assault persons aiding law enforcement officers	5y				
60AC	Hinder, obstruct persons aiding law enforcement officers	12m/20pu/both				
60B	Actions against third parties connected with law enforcement officer to cause officer to fear physical or mental harm	5y				
60C	Obtain personal information about law enforcement officers to assault/ stalk/ harass etc.	5y				
Assaults -frontline emergency and health workers						
[Note: Consider general danger to life/ bodily harm and assault offences, above]						
60AD(7) 60AD(6) 60AD(5) 60AD(4) 60AD(3) 60AD(2) 60AD(1)	During public disorder wounds/causes GBH to emergency worker and reckless to ABH to worker/another person Wounds or causes GBH to emergency worker and reckless as to ABH During public disorder – assaults emergency worker occasioning ABH Assaults emergency worker occasioning ABH During public disorder, assaults, throws missile, stalks, harass, intimidate Assaults, throws missile, stalks, harass or intimidate Hinder, resists, incites another to hinder/resist emergency worker in course of duty	14y 12y 9y 7y 7y 5y 12m/20pu/both		SI SI T1 T1 T2 T2		
60AE(7) 60AE(6) 60AE(5) 60AE(4) 60AE(3) 60AE(2) 60AE(1)	During public disorder wounds/causes GBH to health worker and reckless to ABH to worker or another person Wounds or causes GBH to health worker and reckless as to ABH During public disorder assaults health worker occasioning ABH Assaults health worker occasioning ABH During public disorder assaults, throws missile, stalks, harass or intimidate Assaults, throws missile, stalks, harass or intimidate Hinder, resists, incites another to hinder/resist health worker in course of duty	14y 12y 9y 7y 7y 5y 12m/20pu/both		SI SI T1 T1 T2 T2		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
Assaults – at school against students or staff						
[Note: Consider general danger to life/ bodily harm and assault offences, above]						
60E	Assaults etc. at schools					
60E(3)	Wounds or causes GBH and reckless as to ABH	12y		SI		Yes
60E(2)	Assault occasioning ABH	7y		T1		-
60E(1)	Assaults, throws missile, stalks, harass or intimidate	5y		T2		-
60E(4)	Enter school with intent to commit s60E offence	5y		T2		-
93B	Custody of knives in public places or schools	4y/40pu/both		T1		
93C	Use or carrying knives in public places or schools	4y/100pu/both		T1		
11C (rep)	<u>Summary Offences Act 1988: Custody of knife in public place or school</u> - <i>repealed 23.10.2023</i>	2y/20pu		SO/6m		
11E (rep)	<u>Summary Offences Act 1988: Wielding of knives in public place or school</u> - <i>repealed 23.10.2023</i>	2y/50pu		SO/6m		
Assaults – retail workers						
[Note: Consider general danger to life/ bodily harm and assault offences, above]						
60G(1)	Assaults, stalks etc. at schools	4y		T2		
60G(2)	Assault cause actual bodily harm	6y		T1		
60G(3)	Wounds or causes GBH and is reckless as to causing ABH	11y		SI		
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	<u>Summary Offences Act 1988: Violent disorder by 3 or more persons</u>	6m/10pu		SO/6m	-	-
Child and other offences						
42	Injuries to child at birth: intentionally or recklessly inflicts GBH	14y		SI	-	Yes
43	Abandoning or exposing child under 7	5y		T1	-	-
43A	Failure of persons with parental responsibility to care for child	5y		T1	-	-
43B	Fail reduce / remove risk of child becoming victim of child abuse	2y		T1	-	-
44	Failure provide necessities of life	5y		T1	-	-
45 - 45A	Female genital mutilation / Removing person from State for FGM	21y		SI	-	Unclear
Intimidation / Stalking						
13	<u>Crimes (Domestic and Personal Violence) Act 2007:</u> 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	<u>Crimes (Domestic and Personal Violence) Act 2007:</u> Contravene Apprehended Violence Order	2y/50pu/ both				

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
2. OFFENCES INVOLVING WEAPONS, EXPLOSIVES, OTHER SUBSTANCES, OBJECTS						
Explosives						
28	Acts done to property with intent to murder: - by explosion of gunpowder / other substance destroys / damages building	25y	10y	SI	Yes	Yes
46	Cause bodily injury by gunpowder etc. Intentionally or recklessly by gunpowder/ substance/ corrosive fluid / destructive matter - burns, maims, disfigures, or does GBH	25y		SI	-	Yes
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 to do GBH	25y		SI	-	Yes
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	-	-
Firearms etc.						
29	Other attempts to murder: shoots or discharge arms	25y	10y	SI	Yes	Yes
33A(1) 33A(2)	Discharge / attempt discharge firearm etc. with intent to cause GBH Discharge / attempt discharge firearm etc. with intent resist arrest	25y 25y	9y 9y	T1 T1	- -	Yes -
93GA(1B) 93GA(1A) 93GA(1) 93GA(3) 93GA(4)	Fire at dwelling-house / building - In course of organised criminal activity Fire at dwelling-house / building - During public disorder Fire at dwelling-house / building Alternative verdicts: If not guilty for an offence under this section may be found guilty of 93G or 93H Alternative verdicts: If not guilty under 93GA (1A) or (1B) may be found guilty of 93GA(1)	16y 16y 14y	6y 6y 5y	SI SI SI	-	-
33B(2)	In company - 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) 93I(1)	Possess unregistered firearm in public place - Circumstances of aggravation	14y		T2	-	-

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
	Possess unregistered firearm in public place	10y		T2		
93G	Possess loaded firearm / loaded spear gun in public / any other place so as to endanger life; or fires firearm or spear gun in or near public place; or carries or fires firearm or spear gun in manner likely to injure / endanger safety/ or with disregard to safety.	10y		T2	-	-
93H 93H(2) 93H(1)	Trespass with or dangerous use of firearm or spear gun Fires firearm etc. in / into building etc. Possess firearm etc. and enters into building etc.	10y 5y		T2 T2	-	-
Knives						
93B 93C	Custody of knives in public places or schools Use or carrying knives in public places or schools	4y/40pu/both 4y/100pu/both		T1 T1		
Summary Offences Act 1988						
11B	Custody of offensive implement	2y/50pu		SO/ 6m		
11C (rep)	Custody of knife in public place or school – <i>repealed 23.10.2023, see s 93IB Crimes Act</i>	2y/20pu		SO/ 6m		
11E (rep)	Wielding of knives in public place or school - <i>repealed 23.10.2023, see s 93IC Crimes Act</i>	2y/50pu		SO/ 6m		
11F	Sale of knives to children	50pu		SO/ 6m		
11D	Parents who allow children to carry knives	5pu		SO/ 6m		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
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	Unregistered firearms – Supply/acquire/possess/use: - pistol or prohibited firearm - in any other case	14y 5y		T2
Safekeeping				
39	General requirement for safekeeping - pistol or prohibited firearm - in any other case	2y/50pu/both 12m/20pu/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) 50AA(1) 50AA(3)	Unlicensed/unauthorised acquisition of firearm part for pistol or prohibited firearm Unlicensed/unauthorised acquisition of firearm part Alternative verdict: If not guilty of 50AA(2), may be found guilty of 50AA(1)	14y 5y		T2 T2
51A	Fail to comply with restrictions on acquisition of firearms - pistol or prohibited firearm - In any other case	14y 5y		T2
50A(2) 50A(1) 50A(4)	Manufacture pistol or prohibited firearm without licence/permit Manufacture firearm without licence/permit Alternative verdict: If not guilty of 50A(2), may be found guilty of 50A(1)	20y 10y		SI T2
Supply (Sell)				
51B 51B(3)	Supply firearms on ongoing basis (contravene 51 on 3/more occasions over 12m) 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.	20y	10y	SI
51(1A) 51(2A) 51(1) 51(2) 51(4)	Supply prohibited firearm / pistol to unauthorised person Supply prohibited firearm / pistol without licenced dealer or police Supply firearm to unauthorised person Supply firearm without dealer or police witness Alternative verdict: If not guilty of 51(1A) or 51(2A), may be found guilty of 51(1) or 51(2), respectively	20y 20y 5y 5y	10y 10y	SI SI T2 T2
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 ongoing (contravene 51BA on 3/more occasions over 12m) 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)	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	20y 10y	10y	SI T2

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
51D(3)	Alternative verdict: If not guilty of 51D(2), may be found guilty of 51D(1)			
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
Weapons Prohibition Act 1998				
7	Unauthorised possession / use prohibited weapon without licence/permit	14y	5y	T2
23(1) 23(2)	Buy prohibited weapon without permit Buy prohibited weapon from unauthorised seller	5y 50pu / 12m / both		T2 SO / 2y
23A(2) 23A(1) 23A(3)	Sell military-style weapon to person without permit Sell prohibited weapon to person without permit Alternative verdict: If not guilty of 23A(2), may be found guilty of 23A(1)	20y 14y		SI T2
23B(1) 23B(3)	Sell prohibited weapons on an ongoing basis Alternative verdict—relevant selling 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 selling offence, may be found guilty of the relevant selling offence	20y		SI
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

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable Offence	CHROA Index offence
<u>3. BREAK & ENTER and STEALING OFFENCES</u>						
Break and Enter Offences						
<p>105A (applying to 111, 112, 113) Circumstances of aggravation – 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>Circumstances of special aggravation – 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	Yes	Yes
112(3) 112(2) 112(1)	B&E dwelling-house/building and commit serious indictable offence/ be in dwelling house, commit serious indictable offence and break out Specially aggravated offence Aggravated offence. - 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 Basic offence. - Where serious indictable offence is stealing / maliciously destroying or damaging property, and property value < \$60k - in any other case	25y 20y 14y	7y 5y	SI T1<\$60k SI T1<\$60k SI	May apply*	May apply**
109(3) 109(2) 109(1)	Break out of dwelling-house after committing, or entering with intent to commit, serious indictable offence Specially aggravated offence Aggravated offence - 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 Basic offence - Serious indictable offence is stealing / intentionally or recklessly destroying or damaging property, property value < \$60k - in any other case	25y 20y 14y		SI T1<\$60k SI T1<\$60k SI	May apply*	May apply**
111(3) 111(2) 111(1)	Enter dwelling-house / building with intent to commit serious indictable offence Specially aggravated offence Aggravated offence. - Serious indictable offence is stealing/ maliciously/ destroying/ damaging property, property value <\$60K, and only circumstance of aggravation is in company - in any other case Basic offence. - Serious indictable offence is stealing/ maliciously destroying/ damaging property - in any other case	20y 14y 10y		SI T1<\$60k SI T1 SI	May apply*	May apply**

* [CPORA](#): Class 1or Class 2 offence means an offence an element of which is an intention to commit an offence of a kind listed in this definition: s. 3(1)

** [CHROA](#): Offence under ss 111, 112, 113 or 114(a), (c), (d) committed with intent to commit an offence under Div 10 of Part 3 *Crimes Act 1900* punishable by imprisonment for 7 years or more is a 'serious sex offence' under s. 5(1)(b). Note also meaning of 'serious violence offence' under s 5A.

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable Offence	CHROA Index offence
113(3) 113(2) 113(1)	Break etc. into house etc.. with intent to commit a serious indictable offence Specially aggravated offence Aggravated offence - Serious indictable offence is stealing/ maliciously/ destroying/ damaging property, property value <\$60k, and only circumstance of aggravation is in company - in any other case Basic offence. - Serious indictable offence is stealing/ maliciously destroying/ damaging property - in any other case	20y 14y 10y		SI T1<\$60k SI T1 SI	May apply**	May apply**
Found with Intent						
115	Being convicted, offender armed with intent to commit indictable offence (any offence in s.114)	10y		T1	May apply*	May apply**
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	May apply*	May apply** - s.114(a), (c), (d)
115A 115A(1) 115A(2) 115A(3)	Alternative verdicts: 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). 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).					
Performance crime offences – Break and Enter						
154K	Performance crime offences - break and enter	Max penalty for break and enter offence plus 2y imp.		T1 or T2		
Inclosed Lands Protection Act 1901						
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				

* [CPORA](#): Class 1or Class 2 offence means an offence an element of which is an intention to commit an offence of a kind listed in this definition: s 3(1)

** [CHROA](#): Offence under ss 111, 112, 113 or 114(a), (c), (d) committed with intent to commit an offence under Div 10 of Part 3 *Crimes Act* 1900 punishable by imprisonment for 7 years or more is a 'serious sex offence' under s. 5(1)(b). Note also meaning of 'serious violence offence' under s 5A.

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
STEALING				
Steal Property / Larceny / embezzlement by clerks / servants / public servants				
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	Alternative Verdicts – larceny, embezzlement, receiving			
124	Fraudulent appropriation	2y/20pu/both		
125	Larceny by bailee	As for larceny		T1>\$5k /T2<\$5k
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			
Theft of motor vehicle and other vessels				
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 ABH 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
154K	Performance crime offences - motor vehicles (ss.154A, 154C, 154F)	Max penalty for motor theft offence plus 2y imprisonment		T1 or 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
Summary Offences Act 1988				
6A	Unauthorised entry of vehicle or boat	4pu		SO / 6m

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
<u>4. ROBBERY TYPE OFFENCES INCLUDING CARJACKING</u>						
Robbery etc						
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) 97(3)	Aggravated offence to 97(1) Robs / assaults / stops vehicle etc. with intent to rob: - armed with dangerous weapon Alternative verdict: If not guilty of 97(2), may be found guilty of 97(1)	25y		SI		
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) intentionally or recklessly inflicts ABH (c) deprive person of liberty	20y		SI		
94(a) 94(b)	Robs or assaults with intent to rob Steals from person	14y 14y		T1 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		
Carjacking / Hijacking						
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 ABH on any person	14y	5y	T1		
154C(1)	Taking motor vehicle or vessel with assault or with occupant	10y	3y	T1		
154B(1) 154B(2) 154B(3) 154B(4)	Steal aircraft Takes or exercises control (deemed larceny) Takes or exercises control while person onboard (deemed larceny) By force / violence / threat / trick takes control while person onboard	10y 7y 14y 20y		T1 SI SI		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
5. SEXUAL OFFENCES (INCLUDING VOYEURISM)						
GENERAL SEXUAL OFFENCES						
Sexual assault						
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	Yes	Yes
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 intention of committing the offence / other serious indictable offence, or (i) deprives victim of liberty	20y	10y	SI	Yes	Yes
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	Yes	Yes – s.5(1)(a1)
80A	Sexual assault by forced self-manipulation - Aggravated offence Sexual assault by forced self-manipulation	20y 14y		SI	Yes Yes	Yes – child *
61I	Sexual intercourse without consent	14y	7y	SI	Yes	Yes – child *
66F	Sexual intercourse: person with cognitive impairment - person responsible for care - taking advantage of impairment	10y 8y		SI	Yes	Yes – child *
78A - 78B	Incest (with person aged 16 or above) Attempts incest under s 78A	8y 2y		SI	Yes Yes	- -
61KD	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	Yes	Yes
61KC	Sexual touching	5y		T2	Yes	-
61KF	Aggravated sexual act s.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	Yes	-
61KE	Sexual act	18m		T2	Yes	-

* [CHROA](#) s5(1)(a) 'serious sex offence' means an offence under Division 10 of Part 3 *Crimes Act 1900*: (i) against an adult or a child punishable by imprisonment for 7 years or more, and (ii) in the case of an adult, in circumstances of aggravation. Note: "child" is a person under 16: s3 [CHROA](#)

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
80AB	<p>Alternative verdicts</p> <p>(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</p>					
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	Yes	-
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	Yes	-
80E(1)	Conduct of business involving sexual servitude	15y		SI	Yes	-
80F	Alternative verdicts – If not guilty of 80D(2) or 80E(2), may be found guilty of 80D(1) or 80E(1), respectively.					
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	<p>Summary Offences Act 1988 :</p> <p>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</p>	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	Yes	-
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	Yes	-

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
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	Yes	-
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	-	-

CHILD SEXUAL OFFENCES – OTHER THAN PORNOGRAPHY

Child Sexual Assault

66A	Sexual intercourse—child under 10	Life	15y	SI	Yes	Yes
66B	Attempt/assault with intent, sexual intercourse child under 10	25y	10y	SI	Yes	Yes
66EA	Persistent sexual abuse of a child (under 16)	Life		SI	Yes	Yes-s.5(1)(a1)
66C(2)	Sexual intercourse—child between 10 -14 — Aggravated offence. 66C(5) Circumstances of aggravation: (a) intentional/ reckless inflict ABH on victim/person present/nearby, or (b) threaten inflict ABH on victim/ person present/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	Yes	Yes
66C(1)	Sexual intercourse—child between 10 - 14	16y	7y	SI	Yes	Yes
66C(4)	Sexual intercourse - child between 14 and 16—Aggravated offence. 66C(5) Circumstances of aggravation (see under 66C(2))	12y	5y	SI	Yes	Yes
66C(3)	Sexual intercourse - child between 14 and 16	10y		SI T1 - Victim over 14y	Yes	Yes
66D	Assault with intent to commit offence under s 66C (sexual intercourse) with child 10-16	As for offence under s 66C		SI T1 - Victim over 14y	Yes	Yes
66DA	Sexual touching – child under 10	16y	8y	T1	Yes	Yes
66DB	Sexual touching – child 10-16	10y		T1	Yes	Yes
66DF	Sexual act for production of child abuse material – child under 16	10y		T1	Yes	Yes
66DC	Sexual act – child under 10	7y		T1	Yes	Yes
66DE	Aggravated sexual act – child 10-16 66D(2) Circumstances of aggravation: (a) intentional/ reckless inflict ABH on victim/person present/nearby, or (b) threaten inflict ABH on victim/ person present/ 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	Yes	-
66DD	Sexual act – child 10-16	2y		T2	Yes	-
78A - 78B	Incest (with person aged 16 or above) Attempts incest under s 78A	8y 2y		SI	Yes	-

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index Offence
80AB	<p>Alternative verdicts</p> <p>(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</p>					
Young persons under special care						
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	Yes	-
73A	Sexual touching young person 16 -under 17 under special care	4y		T2	Yes	-
	Sexual touching young person 17- under 18 under special care	2y		T2		
Procuring and grooming						
66EB(2)	Procuring child for unlawful sexual activity (a) Under 14 (b) Child 14 – 16	15y 12y	6y 5y	T1	Yes	Yes
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)	Alternative verdict: If not guilty of 66EB(2) or (2A), may be found guilty of 66EB(3)					
66EC	Grooming person for unlawful sexual activity with a child under person's authority (a) Under 14 (b) In any other case	6y 5y		T2	Yes	-
Sexual servitude: see above s 80D – s 80E						
Child prostitution						
91D	Promoting / engaging in acts of child prostitution - child under 14	10y 14y	6y	SI	Yes	-
91E	Obtaining benefit from child prostitution - child under 14	10y 14y	6y	SI	Yes	-
91F	Premises not to be used for child prostitution	7y		SI	Yes	-
Summary Offences Act 1988						
5	Obscene exposure	6m/10pu		SO/ 6m		
4	Offensive conduct	3m/6pu		SO/ 6m		
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		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable Offence	CHROA Index offence
<u>6. CHILD ABUSE MATERIAL AND CHILD PORNOGRAPHY</u>						
91G(3)	Aggravated production of child abuse material	20y		SI	Yes	Yes
91G(1)	Production of child abuse material - Child under 14	14y	6y	SI	Yes	
91G(2)	Production of child abuse material - Child of or above 14	10y		SI		
91G(3C)	Alternative verdict If not guilty of 91G(3), may be found guilty of 91G(1) or (2)					
91G(5)	Alternative verdict If not guilty of 91G(1), may be found guilty of 91G(2)					
91H	Production, dissemination or possession of child abuse material	10y		T1	Yes	
91HAA	Administer digital platform used to deal with child abuse material	14y		SI		
91HAB	Encourage use of digital platform to deal with child abuse material	14y		SI		
91HAC	Providing information about avoiding detection of or prosecution for offence against 91HAA or 91HAB	14y		SI		
66DF	Sexual act for production of child abuse material – child under 16	10y		T1	Yes	Yes
<u>6A. SLAVERY AND SLAVERY-LIKE OFFENCES</u>						
93AB	Slavery or servitude	25y		SI		-
93AB	Child forced labour	25y		SI		-
93AC(3)	Cause child to enter forced marriage	9y		SI		-
93AC(4)	Enter into forced marriage with child	9y		SI		-

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
<u>7. MONEY LAUNDERING & RECEIVING STOLEN GOODS</u>				
Money laundering				
193B 193B(1) 193B(2) 193B(3)	Deal with proceeds of crime - knowing and intending to conceal - knowing - reckless	20y 15y 10y		SI SI T1>\$5k; T2<\$5k
193BA	Deal with proceeds of general crime valued at \$100k or more - Reckless and intending to conceal or disguise - Reckless	15y 10y		T1
193C 193C(1AB) 193C(1AA) 193C(1) 193C(2)	Deal with property suspected of being proceeds of crime - Aggravated offence. Value of property \$5m or more - Value of property \$5 million or more - Value of property \$100k or more - Value of property less \$100k	10y 8y 5y 3y		T1>\$5k; T2<\$5k T1>\$5k; T2<\$5k
193D 193D(1) 193D(2)	Deal with property subsequently an instrument of crime - with intent - reckless	15y 10y		SI SI
193E	Alternative verdicts: (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)			
Receivers				
188	Receiving stolen property where stealing a serious indictable offence - 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	Unlawfully possess property:- ("Goods in Custody") - Motor vehicle / part, vessel etc. - Any other thing	1y/10pu/both 6m /5pu/ both		SO / 6m

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
<u>8. FRAUD, FORGERY, IDENTITY, BLACKMAIL</u>				
Fraud				
192E(1)	Fraud. By any deception, dishonestly-			
	(a) obtains any property belonging to another; or	10y		T1
192E(4)	(b) obtains financial advantage or causes financial disadvantage 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	Computer offences – unauthorised access, impairment etc. (not set out here)			

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
<u>9. SERIOUS DRIVING AND BOATING OFFENCES</u>				
Dangerous Driving – Crimes Act 1900				
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) 52AA(5)	Alternative verdict: If not guilty of murder or manslaughter or 53 or 54, may be found guilty of 52A. Question of aggravation: If not guilty of 52A(2) or (4), may be found guilty of 52A(1) or (3).			
Road Transport Act 2013				
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		
Summary Offences Act 1988				
11H	Intimidatory use of vehicles and vessels	6pu		SO/ 6m
Dangerous Navigation: Crimes Act 1900				
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	Alternative verdicts: If not guilty of murder or manslaughter or 54, may be found guilty of 52B Question of aggravation: If not guilty of 52B(2) or (4) may be found guilty of 52B(1) or (3)			

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit
<u>10. CRIMINAL GROUPS, CONSORTING, TERRORISM, FOUND WITH INTENT</u>				
Criminal groups and consorting				
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
93U	Alternative verdicts: (1) If not guilty of 93T (1A), (2), (3), (4) or (4A), may be found guilty of 93T (2) If not guilty of 93T (1), (1A) or (4A), may be found guilty of 93TA			
93V	Conduct unlawful gambling operation	7y/1000pu/both		SI
93X	Consorting	3y/150pu/both		T2
Recruiting persons to engage in criminal activity				
351A(2)	Recruit child to engage in criminal activity	10y		T1
351A(1)	Recruit person to engage in criminal activity	7y		T1
Terrorism				
310j	Membership terrorist organisation	10y		SI
Found with intent				
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

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
<u>11. PROPERTY DAMAGE, ARSON, BUSHFIRES</u>						
PROPERTY DAMAGE						
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	Yes	Yes
198	Destroy / damage property with intent endanger life	25y		SI		
Property damage by fire (arson) or explosives						
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		
During public disorder (not involving fire or explosive)						
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		
General destroy / damage property (not involving fire or explosives)						
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		
Sabotage (public facility) / Offences relating to particular kinds of property						
203B	Sabotage	25y		SI		
203C	Threaten sabotage	14 y		T1		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ Time limit	CPORA Registrable offence	CHROA Index offence
201	Interfering with a mine	7y		T1		
202	Damage to sea, river, canal, other works	7y		T1		
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	14y		SI		
93N	Aggravated circumstances--unwarranted demand	25y		SI		
93O	Aggravated circumstances--death or grievous bodily harm					
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		

SECTION	OFFENCE	Maximum Penalty	SNPP	Type/ time limit
<u>12. PUBLIC JUSTICE OFFENCES</u>				
Interference with administration of justice				
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)	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)	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
Interference with judicial officers, witnesses, jurors etc				
324	Increased penalty if serious indictable offence involved for offence against 321, 322, 323.	14y		
321	Corruption of witnesses and jurors	10y		T1
322	Threats or intimidation—judges and other persons connected with judicial proceedings	10y		T1
326	Reprisals —judges and other persons connected with judicial proceedings	10y		T1
323	Influencing witnesses and jurors	7y		T1
325	Prevent, obstruct or dissuade witness or juror from attending	5y		T1
Perjury				
328	Perjury with intent to procure conviction or acquittal	14y		SI
327	Perjury	10y		T1
329	Conviction for false swearing on indictment for perjury Alternative verdict: If not guilty of perjury, may be guilty of an offence under 330 (False statement on oath not amounting to perjury)			
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
Disrespect to court offences				
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	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
<u>13. DRUG OFFENCES</u>					
References to section numbers are to the Drug Misuse & Trafficking Act 1985 (NSW) unless otherwise specified.					
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]		SI
24(2)	manufacture / produce or knowingly manufacture or produce not less than large commercial		Life imp and / or 5000 pu [s33]	15y	SI
24(2A)	manufacture / produce or knowingly manufacture or produce and expose child not less than commercial quantity		25y imp and/or 4200 pu [s33AC]		SI
24(2)	manufacture / produce or knowingly manufacture or produce not less than commercial		20y imp and/or 3500 pu [s33]	10y	SI
24(1A)	manufacture / produce or knowingly manufacture or produce and expose child between indictable and commercial quantity		18y imp and/or 2400 pu [s33AC]		SI
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]		T1 s31 DMTA
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]		T2 s30 DMTA
24(1)	manufacture / produce or knowingly manufacture or produce between indictable and commercial quantity		15y imp and/or 2000 pu [s32]		SI
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]		T1 s31 DMTA
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]		T2 s30 DMTA
24(3)	Alternative verdict - 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)	Alternative verdict - 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]		T1 s31 DMTA
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]		T1 s31 DMTA
24B	possess prescribed quantity of precursor	2y imp and/or 100 pu [s31]	5y imp and/or 1000 pu [s33AB]		T1 s31 DMTA

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
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			SO / 6m
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			SO / 6m
11B	possess tablet press or drug encapsulator	2y and / or 20pu [s21]			SO / 6m
11C	possess instructions for manufacture or production of prohibited drug	2y and / or 20pu [s21]			SO / 6m
18B(1)	manufacture or produce, or knowingly take part in the manufacture or production of, a Schedule 9 substance	2y and / or 20pu [s21]			SO / 6m
Supply / 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]		SI
25(2A)	to person under 16y not less than large commercial quantity		Life imp (and/or 6000 pu [s33, s33AA])		SI
25(2)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	15y	SI
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]		SI
25(2A)	to person under 16y not less than commercial quantity		25y imp and/or 4200 pu [s33, s33AA]		SI
25(2)	not less than commercial quantity		20y imp and/or 3500 pu [s33]	10y	SI
25A	on an ongoing basis for material reward – “ongoing supply”		20y imp and/or 3500 pu [s25A]		T1 – CPA Sched 1
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]		SI
25(1A)	to person under 16y between indictable and commercial quantity		18y imp and/or 2400 pu [s32, s33AA]		SI
25(1A)	to person under 16y not more than indictable quantity	2y 6m imp and/or 120 pu [s31, s33AA]	18y imp and/or 2400 pu [s32, s33AA]		T1 s31 DMTA
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]		T2 s30 DMTA
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]		T1 s31 DMTA
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]		T2 s30 DMTA

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
25(1)	between indictable and commercial quantity	2y imp and/or 100 pu [s267, T1 CPA]	15y imp and/or 2000 pu [s32]		T1
25(1)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]		T1 s31 DMTA
25(1)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]		T2 s30 DMTA
10(1)	Possess prohibited drug	2y and / or 20pu [s21]			SO / 6m
36ZF(2)(a)	Supply psychoactive substance knowing it is being acquired primarily for human consumption	2y and / or 20 pu			SO / 6m
36ZF(2)(b)	Supply psychoactive substance reckless as to whether it is being acquired primarily for human consumption	2y and / or 20 pu			SO / 6m
18B(2)	Supply, or knowingly takes part in supply of, a Schedule 9 substance	2y and / or 20pu [s21]			SO / 6m
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				
CANNABIS OFFENCES (LEAF and PLANT)					
Supply / Knowingly take part in Supply – Cannabis Leaf					
25(2)	not less than large commercial quantity (100kg)		20y imp and/or 5000 pu [s33]		SI
25(2)	not less than commercial quantity (25kg)		15y and/or 3500 pu [s33]		SI
25(1)	between indictable and commercial quantity (1kg<25kg)	2y imp and/or 100 pu [s267, T1 CPA]	10y and / or 2000 pu [s32]		T1
25(1)	not more than indictable quantity (1kg)	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]		T1 s31 DMTA
25(1)	not more than small quantity (30g)	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]		T2 s30 DMTA
10(1)	Possess prohibited drug	2y and / or 20pu [s21]			SO / 6m
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 / Knowingly take part in Cultivation – Cannabis Plant					
23A(2)	by enhanced indoor means in presence of child not less than large commercial quantity (200 plants)		24y imp and/or 6000 pu [s33AD]		SI

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
23(2)(a)	not less than large commercial quantity (1000 plants)		20y imp and / or 5,000 pu [s33]	10y	SI
23(2)(a)	by enhanced indoor means not less than large commercial quantity (200 plants)		20y imp and / or 5,000 pu [s33]	10y	SI
23A(2)	by enhanced indoor means in presence of child not less than commercial quantity (50 plants)		18y imp and/or 4200 pu [s33AD]		SI
23A(3)	by enhanced indoor means in presence of child for commercial purposes between small and commercial qty (5<50 plants)		18y imp and/or 4200 pu [s33AD]		SI
23(2)(a)	not less than commercial quantity (250 plants)		15y and / or 3,500 pu [s33]		SI
23(2)(a)	by enhanced indoor means not less than commercial quantity (50 plants)		15y and / or 3,500 pu [s33]		SI
23(1A)	by enhanced indoor means for commercial purposes between small and commercial quantity (5<50 plants)		15y and / or 3,500 pu [s33]		SI
23A(1)	by enhanced indoor means 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]		T1 s31 DMTA
23A(1)	by enhanced indoor means 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]		T2 s30 DMTA
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]		T1 s32 DMTA
23(1)(a)	not more than indictable quantity (50 plants)	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]		T1 s31 DMTA
23(1)(a)	not more than small quantity (5 plants)	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]		T2 s30 DMTA
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)				
23(1B)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)				

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
Supply / Knowingly take part in Supply – Cannabis Plant					
23(2)(b) / (c)	not less than large commercial quantity		20y imp and/or 5000 pu [s33]	10y	SI
23(2)(b) / (c)	not less than commercial quantity		15y and/or 3500 pu [s33]		SI
23(1)(b) / (c)	between indictable and commercial quantity	2y imp and/or 100 pu [s267, T1 CPA]	10y and / or 2000 pu [s32]		T1 s32 DMTA
23(1)(b) / (c)	not more than indictable quantity	2y imp and/or 100 pu [s31]	10y and / or 2000 pu [s32]		T1 s31 DMTA
23(1)(b) / (c)	not more than small quantity	2y imp and/or 50 pu [s30]	10y and / or 2000 pu [s32]		T2 s30 DMTA
23(3)	Alternative verdict - 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 / Knowingly take part in Cultivation – not Cannabis					
23(2)(a)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	10y	SI
23A(2)	by enhanced indoor means in presence of child not less than large commercial quantity		24y imp and/or 6000 pu [s33AD]		SI
23(2)(a)	not less than commercial quantity		20y imp and / or 3,500 pu [s33]		SI
23(1A)	by enhanced indoor for commercial purpose between small and commercial quantity		20y imp and / or 3,500 pu [s33]		SI
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]		SI
23A(2)	by enhanced indoor means in presence of child not less than commercial quantity		18y imp and/or 4200 pu [s33AD]		SI
23(1)(a)	between indictable and commercial quantity		15y imp and/or 2000 pu [s32]		SI
23(1)(a)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]		T1 s31 DMTA
23(1)(a)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]		T2 s30 DMTA
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]		T1 s31 DMTA
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]		T2 s30 DMTA

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
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)				
23(1B)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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)	Alternative verdict - 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 / Knowingly take part in Supply – not Cannabis Plant					
23(2)(b) / (c)	not less than large commercial quantity		Life imp and/or 5000 pu [s33]	10y	SI
23(2)(b) / (c)	not less than commercial quantity		20y imp and/or 3500 pu [s33]		SI
23(1)(b) / (c)	between indictable and commercial quantity		15y imp and/or 2000 pu [s32]		SI
23(1)(b) / (c)	not more than indictable quantity	2y imp and/or 100 pu [s31]	15y imp and/or 2000 pu [s32]		T1 s31 DMTA
23(1)(b) / (c)	not more than small quantity	2y imp and/or 50 pu [s30]	15y imp and/or 2000 pu [s32]		T2 s30 DMTA
23(3)	Alternative verdict - 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)				
DRUG PREMISES					
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)]					
36Y(2)	Owner or occupier knowingly allowing premises to be used as drug premises exposing child	First offence - 14m and / or 60 pu	Second and subsequent offence – 6y and / or 600 pu		SO / 6m for first offence SI subsequent offence [s36ZA(3)]
36Z(2)	Organise or conduct, or assist in organising or conducting, any drug premises exposing child	First offence - 14m and / or 60 pu	Second and subsequent offence – 6y and / or 600 pu		SO / 6m for first offence SI subsequent offence [s36ZA(3)]

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
36X	Entering, being on or leaving a drug premises	First offence - 12m and / or 50 pu	Second and subsequent offence – 5y and / or 500 pu		SO / 6m for first offence SI subsequent offence [s36ZA(3)]
36Y(1)	Owner or occupier knowingly allowing premises to be used as drug premises	First offence - 12m and / or 50 pu	Second and subsequent offence – 5y and / or 500 pu		SO / 6m for first offence SI subsequent offence [s36ZA(3)]
36Z(1)	Organise or conduct, or assist in organising or conducting, any drug premises	First offence - 12m and / or 50 pu	Second and subsequent offence – 5y and / or 500 pu		SO / 6m for first offence SI subsequent offence [s36ZA(3)]
36Y(4)	<p>Alternative verdict - 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>Alternative verdict - 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>				
POSSESSION AND OTHER LESS SERIOUS OFFENCES					
10(1)	Possess prohibited drug	2y and / or 20pu [s21]			SO / 6m
11(1)	Possess equipment for administration of prohibited drug	2y and / or 20pu [s21]			SO / 6m
12	Administer or attempt to administer prohibited drug to self	2y and / or 20pu [s21]			SO / 6m
13	Administer or attempt to administer prohibited drug to another person	2y and / or 20pu [s21]			SO / 6m
14	Permit another to administer or attempt to administer to self a prohibited drug	2y and / or 20pu [s21]			SO / 6m
15	Fraudulently alter or utter prescription	2y and / or 20pu [s21]			SO / 6m
16(a)(i)	Obtain prescription by false representation	2y and / or 20pu [s21]			SO / 6m
16(a)(ii)	Induce pharmacist to dispense forged or fraudulently altered prescription	2y and / or 20pu [s21]			SO / 6m
16(b)	Possess forged or fraudulently altered prescription	2y and / or 20pu [s21]			SO / 6m

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
17	Obtain or attempt obtain prohibited drug by false representation	2y and / or 20pu [s21]			SO / 6m
18(1)(a)	Obtain or attempt to obtain prohibited drug from authorised person is with intent to deceive	2y and / or 20pu [s21]			SO / 6m
18(1)(b)	Obtain or attempt to obtain prescription from authorised person is with intent to deceive	2y and / or 20pu [s21]			SO / 6m
18B(3)	Possess Schedule 9 substance	12m and/ or 20pu [s18B(3)]			SO / 6m
36ZG	Advertise psychoactive substances	2y and / or 20 pu			SO / 6m

POISONS AND THERAPEUTIC GOODS ACT 1966

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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m

SECTION	OFFENCE	Max penalty - summary	Max penalty – indictable	SNPP	Type / Time Limit
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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m
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			SO / 12m

14. COMMON LAW OFFENCES

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