

How to use Law Part Code and Law Part Modifier Code in JusticeLink

The Law Part Code and Law Part Modifier Code fields which are used in JusticeLink indicate exactly what offence is being heard, sentenced or appealed against.

The Law Part Code refers to the substantive offence and the Law Part Modifier Code is required when there are derivative offences. Derivative offences include inchoate offences such as attempt, conspiracy and incitement. The offender can be liable even if the substantive offence did not occur. Similarly, a Law Part Modifier Code is required where the Crown relies upon accessorial liability such as accessory before the fact, aid and abet and accessory after the fact.

The identification of derivative offences is an important factor in determining the seriousness of the offence. While inchoate offences and accessorial liability usually (but not always) attract the same statutory maximum penalty as the substantive offence, it is relevant to take into account at sentence that the offence was not completed and/or the offender's role in the offence. In most cases, an accessory after the fact to the substantive offence will receive a lesser sentence than the principal offender.

It is important to ensure that the court results recorded in Justice Link are detailed and accurate as they are later sent to BOCSAR for producing reports on crime statistics and to the NSW Judicial Commission for use in the Judicial Information Research System (JIRS). The sentencing information in JIRS provides an essential decision making tool for the entire NSW justice sector.

Every offence should use a Law Part Code for the substantive offence which **must** be valid at the offence date. When the offence is a derivative offence, the Law Part Modifier Code should also be used. While there are Law Part Codes that are specifically modifiers, generic Law Part Modifier Codes may be used in JusticeLink. For example, Law Part Code 41445 under s 11.1(1) of the *Criminal Code Act 1995* (Cth) is a modifier that refers to an *attempt to commit an offence*. Similarly, Law Part Code 1101 under s 344A of the *Crimes Act 1900* also refers to an *attempt to commit an offence under this Act*. Instead of using the specific Law Part Code, the generic Law Part Modifier Code 48 may be used in JusticeLink.

The JusticeLink system will accept generic Law Part Modifier Codes, including the following:

- **Accessory after the fact to an offence = 15**
- **Accessory after the fact to an attempted offence = 3**
- **Accessory before the fact to an offence = 46**
- **Accessory before the fact to an attempted offence = 47**
- **Aid, abet, counsel or procure an offence = 71**
- **Aid, abet, counsel or procure an attempted offence = 72**
- **Aid and/or abet an offence = 42**
- **Aid and/or abet an attempted offence = 16**
- **Attempted = 48**
- **Be knowingly concerned in an offence = 44**
- **Be knowingly concerned in an attempted offence = 45**
- **Conspiracy to commit an offence = 51**
- **Conspiracy to commit an attempted offence = 13**
- **Counsel an offence = 54**
- **Counsel an attempted offence = 57**
- **Deemed supply prohibited drug = 69**
- **Incite to commit an offence = 50**
- **Incite to commit an attempted offence = 60**
- **Innocent agency = 73**
- **Joint commission = 76**
- **Principal in second degree to serious indictable offence = 74**
- **Principal in second degree to attempted serious offence = 75**
- **Procure an offence = 63**
- **Procure an attempted offence = 67**
- **Solicit an offence = 49**
- **Solicit an attempted offence = 68**

Some substantive Law Part Codes have a "built-in" modifier eg Law Part Code 1104 *accessory after the fact to murder* under s 349(1) of the *Crimes Act 1900*. You don't need to use a generic Law Part Modifier Code for these offences.

On the other hand, some Law Part Codes represent the modifier only and do not describe the substantive offence. For example Law Part Code 35349 *accessory after the fact to a serious indictable offence* under s 350 of the *Crimes Act 1900*. You should use the relevant Law Part Code for the substantive offence and use the generic Law Part Modifier Code 15.