

SENTENCING (LIFE SENTENCES) AMENDMENT ACT 1993
No. 74

NEW SOUTH WALES



TABLE OF PROVISIONS

- 1 Short title
- 2 Commencement
- 3 Amendment of Sentencing Act 1989 No. 87
- 4 Transitional provision

SCHEDULE 1—AMENDMENTS

SENTENCING (LIFE SENTENCES) AMENDMENT ACT 1993
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NEW SOUTH WALES



Act No. 74, 1993

An Act to amend section 13A of the Sentencing Act 1989 with respect to prisoners serving sentences of imprisonment for life. [Assented to 18 November 1993]

Sentencing (Life Sentences) Amendment Act 1993 No. 74

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Sentencing (Life Sentences) Amendment Act 1993.

Commencement

2 This Act commences on a day to be appointed by proclamation.

Amendment of Sentencing Act 1989 No. 87

3. The Sentencing Act 1989 is amended as set out in Schedule 1.

Transitional provision

4 The amendments made by this Act do not apply to an application made to the Supreme Court under section 13A of the Sentencing Act 1989 before the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 13A (8)–(8B):

Omit section 13A (8), insert instead:

(8) If the Supreme Court declines to determine a minimum term and an additional term, the Court may (when making that decision) direct that the person who made the application:

- (a) never re-apply to the Court under this section; or
- (b) not re-apply to the Court under this section for a specified period.

(8A) If the Court gives a direction under subsection (8) that a person may never re-apply to the Court under this section, the person is to serve the existing life sentence for the term of the person's natural life.

(8B) If the Court does not give a direction under subsection (8), the person may not re-apply within the period of 2 years from the date of the Court's decision to decline to determine a minimum term and an additional term.

SCHEDULE 1—AMENDMENTS—*continued*

(8C) A direction under subsection (8) that a person may never re-apply to the Court under this section or not re-apply for a period exceeding 2 years may be given only if:

- (a) the person was sentenced for the crime of murder; and
- (b) it is a most serious case of murder and it is in the public interest that the determination be made.

(2) Section 13A (9):

Omit “in setting a minimum term and an additional term under this section”, insert instead “in exercising its functions under this section”.

(3) Section 13A (9):

At the end of section 63A (9) (c), insert:

; and

- (d) the age of the person (at the time the person committed the offence and also at the time the Supreme Court deals with the application),

(4) Section 13A (12):

Omit the first sentence, insert instead:

An appeal lies to the Court of Criminal Appeal in relation to:

- (a) the determination of a minimum term and an additional term under this section; or
- (b) decision to decline to make such a determination; or
- (c) a direction that a person may never re-apply for such a determination or not re-apply for a period exceeding 2 years.