



New South Wales

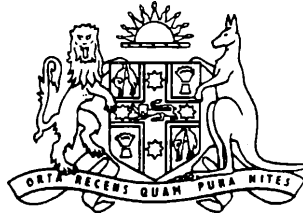
# Crimes Amendment (Mandatory Life Sentences) Act 1996 No 5

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New South Wales

# Crimes Amendment (Mandatory Life Sentences) Act 1996 No 5

Act No 5, 1996

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An Act to amend the *Crimes Act 1900* with respect to the imposition of mandatory life sentences for certain offences. [Assented to 21 May 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crimes Amendment (Mandatory Life Sentences) Act 1996*.

**2 Commencement**

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

**3 Amendment of Crimes Act 1900 No 40**

The *Crimes Act 1900* is amended as set out in Schedule 1.

## Schedule 1 Amendment

(Section 3)

### Section 431B

Insert after section 431A:

#### 431B Mandatory life sentences for certain offences

- (1) A court is to impose a sentence of penal servitude for life on a person who is convicted of murder, if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met through the imposition of that sentence.
- (2) A court is to impose a sentence of imprisonment for life on a person who is convicted of an offence under section 25 (2) or (2A) of the *Drug Misuse and Trafficking Act 1985* to which section 33 (subsection (2) excepted) of that Act applies involving heroin or cocaine if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met through the imposition of that sentence and the court is also satisfied that:
  - (a) the offence involved:
    - (i) a high degree of planning and organisation, and
    - (ii) the use of other people acting at the direction of the person convicted of the offence in the commission of the offence, and
  - (b) the person was solely or principally responsible for planning, organising and financing the offence, and

- (c) the heroin or cocaine was of a high degree of purity, and
  - (d) the person committed the offence solely for financial reward.
- (3) Nothing in subsection (1) affects section 442.
  - (4) Section 442 of this Act and section 33A (2) of the *Drug Misuse and Trafficking Act 1985* do not apply if the court is satisfied that the circumstances referred to in subsection (2) exist.
  - (5) Nothing in subsection (2) limits or derogates from the discretion of a court to impose a sentence of imprisonment for life on a person who is convicted of an offence under section 25 (2) or (2A) of the *Drug Misuse and Trafficking Act 1985* to which section 33 (subsection (2) excepted) of that Act applies involving heroin or cocaine.
  - (6) This section does not apply to a person who was less than 18 years of age at the date of commission of the offence.
  - (7) This section does not apply to offences committed before the commencement of this section.
  - (8) In this section, heroin has the same meaning as in the *Drug Misuse and Trafficking Act 1985*.

[Minister's second reading speech made in—  
Legislative Council on 17 April 1996  
Legislative Assembly on 1 May 1996]