



New South Wales

Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002 No 5

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Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002 No 5

Act No 5, 2002

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision with respect to sentencing under that Act. [Assented to 9 April 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002*.

2 Commencement

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

3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

The *Crimes (Sentencing Procedure) Act 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 21A

Insert after section 21:

21A General sentencing principles

- (1) In determining the sentence to be imposed on an offender, a court must impose a sentence of a severity that is appropriate in all the circumstances of the case.
- (2) For that purpose, the court must take into account such of the following matters as are relevant and known to the court:
 - (a) the nature and circumstances of the case,
 - (b) if the offence forms part of a course of conduct consisting of a series of criminal acts—that course of conduct,
 - (c) the personal circumstances of any victim of the offence, including:
 - (i) the age of the victim (particularly if the victim is very old or very young), and
 - (ii) any physical or mental disability of the victim, and
 - (iii) any vulnerability of the victim arising because of the nature of the victim's occupation,
 - (d) any injury, loss or damage resulting from the offence,
 - (e) the degree to which the offender has shown contrition for the offence:
 - (i) by taking action to make reparation for any injury, loss or damage resulting from the offence, or
 - (ii) in any other manner,
 - (f) the need to deter the offender or other persons from committing an offence of the same or a similar character,
 - (g) the need to protect the community from the offender,

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Schedule 1 Amendments

- (h) the need to ensure that the offender is adequately punished for the offence,
 - (i) the character, antecedents, cultural background, age, means and physical or mental condition of the offender,
 - (j) the prospect of rehabilitation of the offender.
- (3) In addition, in determining whether a sentence under Division 2 or 3 of Part 2 is appropriate, the court must have regard to the nature and severity of the conditions that may be imposed on, or may apply to, the offender under that sentence.
- (4) The matters to be taken into account by a court under this section are in addition to any other matters that are required or permitted to be taken into account by the court under this Act or any other law.
- (5) This section does not apply to the determination of a sentence if proceedings (other than committal proceedings) for the offence were commenced in a court before the commencement of this section.

[2] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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[Second reading speech made in—
Legislative Council on 26 September 2001
Legislative Assembly on 14 March 2002]

BY AUTHORITY