



New South Wales

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005 No 13

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	2
4 Amendment of Crimes (Administration of Sentences) Act 1999 No 93	2
Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999	3
Schedule 2 Amendment of Crimes (Administration of Sentences) Act 1999	4



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Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005 No 13

Act No 13, 2005

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* with respect to existing life sentences the subject of non-release recommendations; and for other purposes. [Assented to 6 May 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005*.

2 Commencement

This Act commences on the date of assent.

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

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

4 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

The *Crimes (Administration of Sentences) Act 1999* is amended as set out in Schedule 2.

Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999

(Section 3)

[1] Schedule 1 Existing life sentences

Insert “, and includes any such recommendation, observation or expression of opinion that (before, on or after the date of assent to the *Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005*) has been quashed, set aside or called into question” after “imprisonment” in the definition of *non-release recommendation* in clause 1.

[2] Schedule 1, clause 5

Insert “or (3)” after “4 (1)” in clause 5 (1).

[3] Schedule 2 Savings, transitional and other provisions

Omit clause 21 (2). Insert instead:

- (2) In particular, any such application that had been made before 8 May 1997 under section 13A of the 1989 Act but had not been determined as at the date of assent to the *Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005*, being an application made by an offender who is the subject of a non-release recommendation:
 - (a) is not to be determined until the offender has served at least 30 years of the existing life sentence to which the application relates, and
 - (b) is to be disposed of in accordance with clause 4 (3) of Schedule 1 to this Act, and not otherwise.

[4] Schedule 2, clause 39

Omit the clause.

Schedule 2 Amendment of Crimes (Administration of Sentences) Act 1999

(Section 4)

**[1] Section 154A Serious offenders the subject of non-release
recommendations**

Insert “, as in force from time to time” after “Schedule” in section 154A
(4) (b).

[2] Schedule 5 Savings, transitional and other provisions

Insert “, as in force from time to time” after “Schedule” in clause 62 (b).

[Second reading speech made in—
Legislative Assembly on 4 May 2005
Legislative Council on 5 May 2005]

BY AUTHORITY