

Passed by both Houses



New South Wales

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill 2005

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

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2005*



New South Wales

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill 2005

Act No , 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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

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).