



New South Wales

Crimes (Sentencing Procedure) Amendment Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Crimes (Sentencing Procedure) Act 1999* (the ***Sentencing Act***) and certain other Acts to implement recommendations of the NSW Sentencing Council in its report *Reduction in Penalties at Sentence* of August 2009, and
- (b) to amend the *Sentencing Act* to provide for the aggregation of sentences.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act (except Schedule 1.3) on a day or days to be appointed by proclamation. Schedule 1.3 commences on assent.

Schedule 1 Amendments relating to Sentencing Council recommendations

Schedule 1 contains the amendments to the Sentencing Act and certain other Acts referred to in paragraph (a) of the Overview above.

Amendments to Crimes (Administration of Sentences) Act 1999 No 93

Section 135 of the *Crimes (Administration of Sentences) Act 1999* requires the Parole Authority to have regard to certain matters in deciding whether to make a parole order for a sentence of more than 3 years for which a non-parole period has been imposed on an offender.

Schedule 1.1 [1] implements Sentencing Council Recommendation 7 by amending section 135 to enable the Parole Authority to have regard to the nature and extent of the assistance provided by an offender after being sentenced (including the reliability and value of any information or evidence provided by the offender) and the degree to which the offender's willingness to provide such assistance reflects the offender's progress to rehabilitation in deciding whether or not it is appropriate in the public interest to release the offender on parole.

Schedule 1.1 [2] and [3] amend Schedule 5 to the *Crimes (Administration of Sentences) Act 1999* to enable the making of savings and transitional regulations and enact savings provisions consequent on the amendments to that Act described above.

Amendments to Crimes (Sentencing Procedure) Act 1999 No 92

Guilty pleas

Section 22 of the Sentencing Act requires a court to take a guilty plea into account in passing sentence for an offence and enables it to impose a lesser penalty than it would otherwise have imposed.

Schedule 1.2 [1] implements Sentencing Council Recommendation 1. It amends section 22 of the Sentencing Act to require a court to take into account the circumstances in which an offender indicated an intention to plead guilty in passing sentence. It will allow the court to take into consideration factors that may have affected the timeliness of the offender's offer or willingness to plead guilty.

Schedule 1.2 [2] implements Sentencing Council Recommendation 2. It amends section 22 of the Sentencing Act to specifically require that any lesser penalty imposed by the court under the section must not be unreasonably disproportionate to the nature and circumstances of the offence.

Power to reduce penalties for pre-trial disclosure

Section 22A of the Sentencing Act gives a court the discretion to impose a lesser penalty than it would otherwise impose on an offender, having regard to the degree to which the offender made pre-trial disclosures for the purposes of the trial.

Schedule 1.2 [3] implements Sentencing Council Recommendation 8. It enables a court to impose a lesser penalty having regard to the degree to which the administration of justice has been facilitated by the defence (whether by disclosures made pre-trial or during the trial or otherwise).

Power to reduce penalties for assistance provided to law enforcement authorities

Section 23 of the Sentencing Act empowers a court to impose a lesser penalty if an offender has assisted, or undertaken to assist, law enforcement authorities in the prevention, detection or investigation of an offence and sets out various factors to be taken into account in deciding whether to impose the lesser penalty.

Schedule 1.2 [4] and [5] implement Sentencing Council Recommendations 4 and 5 by repealing sections 23 (2) (a) and 23 (2) (j), respectively, of the Sentencing Act. The provisions to be repealed specify as factors the effect of the offence on the victim or victims of the offence and their families and the likelihood of the offender re-offending on release. The Sentencing Council states that these factors serve no useful purpose in the context of section 23 (para 8.44–47 of the Report).

Schedule 1.2 [6] implements Sentencing Council Recommendation 6. It requires a court that imposes a lesser penalty than it would otherwise impose on an offender because the offender has assisted or undertaken to assist law enforcement authorities, to indicate to the offender, and make a record of the fact, that the lesser penalty is being imposed for that reason, to state the penalty that it would otherwise have imposed and, where the lesser penalty is being imposed for both reasons, to state the amount by which the penalty has been reduced for each reason.

Fact that offender is prohibited person to be disregarded in sentencing

Section 24A of the Sentencing Act provides that a court must not take into account, as a mitigating factor in sentencing an offender, certain matters relating to mandatory supervision of sex offenders.

Schedule 1.2 [7] implements Sentencing Council Recommendation 9 by including within section 24A the fact that an offender is prohibited from engaging in child-related employment under the *Commission for Children and Young People Act 1998* because of being convicted of a serious sex offence, the murder of a child or a child-related personal violence offence.

Confiscation of assets and forfeiture of proceeds of crime to be disregarded in sentencing

Schedule 1.2 [8] implements Sentencing Council Recommendation 10. It inserts proposed section 24B into the Sentencing Act to prevent a court from taking into account, as a mitigating factor in sentencing, the consequences for the offender of any order of a court imposed because of the offence under confiscation or forfeiture legislation (for example, forfeiture orders, pecuniary penalty orders and drug proceeds orders under the *Confiscation of Proceeds of Crime Act 1989*).

Procedural error not to invalidate sentence

Schedule 1.2 [9] implements Sentencing Council Recommendation 14. It amends section 32 of the Sentencing Act to make it clear that procedural errors made in relation to the filing of lists of additional charges to be taken into account by the court in dealing with a principal offence do not invalidate any sentence imposed by the court for the offence.

Consultation with victim during charge negotiation

Section 22 of the Sentencing Act allows a court to take into account a guilty plea in passing sentence for an offence. Section 32 of the Sentencing Act allows a prosecutor to file a list of additional charges for offences that the offender wants the court to take into account when dealing with the principal offence after an offender is found guilty of the principal offence.

Schedule 1.2 [10] implements Sentencing Council Recommendation 11. It inserts proposed section 35A into the Sentencing Act to require consultation with the victim and any police officer in charge of investigating an offence in relation to agreed statements of facts and lists of additional charges compiled as a result of charge negotiations.

Sentences for offences involving escape by inmates

Section 57 of the Sentencing Act provides that sentences for offences involving escape from lawful custody committed by inmates of correctional centres are to be served consecutively with sentences of imprisonment imposed on the offender for other offences.

Schedule 1.2 [11] and [12] implement Sentencing Council Recommendation 13. They amend section 57 to require the court to set the sentences for the non-escape offences first so that escape sentences will be served cumulatively on them.

Savings and transitional provisions

Schedule 1.2 [13] and [14] amend Schedule 2 to the Sentencing Act to enable the making of savings and transitional regulations and enact savings provisions consequent on the amendments to that Act described above.

Amendments to Crimes (Serious Sex Offenders) Act 2006 No 7

Schedule 1.3 implements Sentencing Council Recommendation 12. It amends sections 6 and 14 of the *Crimes (Serious Sex Offenders) Act 2006* to make it clear that applications for extended supervision orders and continuing detention orders may be made in respect of sex offenders who are serving sentences of imprisonment for one or more serious sex offences or offences of a sexual nature or other offences being served concurrently or consecutively (or partly concurrently and partly consecutively) with such offences, irrespective of which was imposed first.

Schedule 2 Amendments to Crimes (Sentencing Procedure) Act 1999 No 92 relating to aggregate sentencing

Schedule 2 contains the amendments to the Sentencing Act referred to in paragraph (b) of the Overview above.

The amendments enable a court, in sentencing an offender for more than one offence, to impose an aggregate sentence of imprisonment in respect of all or any 2 or more of those offences instead of imposing a separate sentence of imprisonment for each (**proposed section 53A—Schedule 2 [14]**).

The term of an aggregate sentence of imprisonment must not be more than the sum of the maximum periods of imprisonment that could have been imposed if separate sentences of imprisonment had been imposed in respect of each offence to which the sentence relates and must not be less than the shortest term of imprisonment (if any) that must be imposed for any separate offence or, if the sentence relates to more than one such offence, must not be less than the shortest term of imprisonment that must be imposed for any of the offences (**proposed section 49 (2)—Schedule 2 [13]**).

A court that imposes an aggregate sentence of imprisonment in respect of 2 or more offences on an offender may set one non-parole period for all the offences to which the sentence relates after setting the term of the sentence. The term of the sentence that will remain to be served after the non-parole period set for the aggregate sentence of imprisonment is served must not exceed one-third of the non-parole period, unless the court decides that there are special circumstances for it being more (in which case the court must make a record of its reasons for that decision) (**proposed section 44 (2A) and (2B)—Schedule 2 [4]**).

Various other associated or consequential amendments are made to the Sentencing Act by other provisions of Schedule 2 to provide for aggregate sentencing.

First print



New South Wales

Crimes (Sentencing Procedure) Amendment Bill 2010

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New South Wales

Crimes (Sentencing Procedure) Amendment Bill 2010

No. , 2010

A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* and various other Acts to implement certain recommendations of the Sentencing Council; to amend the *Crimes (Sentencing Procedure) Act 1999* to provide for the aggregation of sentences; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment Act 2010</i> .	3
2 Commencement	4
(1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).	5 6
(2) Schedule 1.3 commences on the date of assent to this Act.	7

Schedule 1	Amendments relating to Sentencing Council recommendations	1
		2
1.1	Crimes (Administration of Sentences) Act 1999 No 93	3
[1]	Section 135 General duty of Parole Authority	4
	Insert after section 135 (2):	5
	(2A) Without limiting subsection (2) (k), if the offender has provided post-sentence assistance, the Parole Authority may have regard to the nature and extent of the assistance (including the reliability and value of any information or evidence provided by the offender) and the degree to which the offender's willingness to provide such assistance reflects the offender's progress to rehabilitation.	6 7 8 9 10 11 12
	(2B) In subsection (2A):	13
	<i>post-sentence assistance</i> means assistance in the prevention, detection or investigation of, or in proceedings relating to, any offence, provided by an offender to law enforcement authorities after the offender was sentenced and that was not taken into account or considered by the sentencing court.	14 15 16 17 18
[2]	Schedule 5 Savings, transitional and other provisions	19
	Insert at the end of clause 1 (1):	20
	<i>Crimes (Sentencing Procedure) Amendment Act 2010</i> (but only to the extent that it amends this Act)	21 22
[3]	Schedule 5, Part 18	23
	Insert after Part 17:	24
	Part 18 Provision consequent on enactment of Crimes (Sentencing Procedure) Amendment Act 2010	25 26 27
109	Proceedings pending before Parole Authority	28
	Any matter pending before the Parole Authority before the commencement of the amendment made to section 135 by the <i>Crimes (Sentencing Procedure) Amendment Act 2010</i> is to be continued and completed as if that section had not been amended.	29 30 31 32

1.2 Crimes (Sentencing Procedure) Act 1999 No 92	1
[1] Section 22 Guilty plea to be taken into account	2
Insert at the end of section 22 (1) (b):	3
and	4
(c) the circumstances in which the offender indicated an intention to plead guilty,	5
	6
[2] Section 22 (1A)	7
Insert after section 22 (1):	8
(1A) A lesser penalty imposed under this section must not be unreasonably disproportionate to the nature and circumstances of the offence.	9
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	11
[3] Section 22A Power to reduce penalties for facilitating the administration of justice	12
	13
Omit section 22A (1). Insert instead:	14
(1) A court may impose a lesser penalty than it would otherwise impose on an offender who was tried on indictment having regard to the degree to which the administration of justice has been facilitated by the defence (whether by disclosures made pre-trial or during the trial or otherwise).	15
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[4] Section 23 Power to reduce penalties for assistance provided to law enforcement authorities	20
	21
Omit section 23 (2) (a).	22
[5] Section 23 (2) (j)	23
Omit the paragraph.	24
[6] Section 23 (4)–(6)	25
Insert after section 23 (3):	26
(4) A court that imposes a lesser penalty under this section on an offender because the offender has assisted, or undertaken to assist, law enforcement authorities must:	27
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(a) indicate to the offender, and make a record of the fact, that the lesser penalty is being imposed for either or both of those reasons, and	30
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	32
(b) state the penalty that it would otherwise have imposed, and	33

(c)	where the lesser penalty is being imposed for both reasons—state the amount by which the penalty has been reduced for each reason.	1 2 3
(5)	Subsection (4) does not limit any requirement that a court has, apart from that subsection, to record the reasons for its decisions.	4 5
(6)	The failure of a court to comply with the requirements of subsection (4) with respect to any sentence does not invalidate the sentence.	6 7 8
[7]	Section 24A Mandatory requirements for supervision of sex offenders and prohibitions against child-related employment to be disregarded in sentencing	9 10 11
	Insert at the end of section 24A (1) (b):	12
	, or	13
(c)	as a consequence of being convicted of the offence, is prohibited under the <i>Commission for Children and Young People Act 1998</i> from applying for or attempting to obtain child-related employment or from undertaking or remaining in child-related employment.	14 15 16 17 18
[8]	Section 24B	19
	Insert after section 24A:	20
24B	Confiscation of assets and forfeiture of proceeds of crime to be disregarded in sentencing	21 22
(1)	In sentencing an offender, the court must not take into account, as a mitigating factor in sentencing, the consequences for the offender of any order of a court imposed because of the offence under confiscation or forfeiture legislation.	23 24 25 26
(2)	In this section:	27
	<i>confiscation or forfeiture legislation</i> means the following:	28
(a)	the <i>Confiscation of Proceeds of Crime Act 1989</i> ,	29
(b)	the <i>Criminal Assets Recovery Act 1990</i> ,	30
(c)	the <i>Proceeds of Crime Act 2002</i> of the Commonwealth,	31
(d)	any other law prescribed by the regulations for the purposes of this definition.	32 33

[9] Section 32 Prosecutor may file list of additional charges	1
Insert after section 32 (5):	2
(6) A failure to comply with the requirements of this section does not invalidate any sentence imposed by the court for the principal offence.	3 4 5
[10] Section 35A	6
Insert after section 35:	7
35A Consultation with victim and police in relation to charge negotiations	8 9
(1) In this section:	10
<i>charge negotiations</i> means negotiations between the prosecution and an offender with respect to a plea of guilty in relation to an offence other than the offence or offences with which the offender has been charged or committed for trial.	11 12 13 14
<i>prosecution guidelines</i> means prosecution guidelines in relation to charge negotiations issued by the Director of Public Prosecutions.	15 16 17
<i>requisite consultation</i> means consultation with the victim and the police officer in charge of investigating an offence that complies with the applicable prosecution guidelines.	18 19 20
<i>victim</i> has the same meaning as it has in section 26.	21
(2) A court must not take into account offences specified in a list of additional charges under section 32 in relation to an offence, or any statement of agreed facts, that was the subject of charge negotiations unless the prosecutor has filed a certificate with the court verifying that:	22 23 24 25 26
(a) the requisite consultation has taken place or, if consultation has not taken place, the reasons why it has not occurred, and	27 28 29
(b) any statement of agreed facts arising from the negotiations tendered to the court constitutes a fair and accurate account of the objective criminality of the offender having regard to the relevant and provable facts or has otherwise been settled in accordance with the applicable prosecution guidelines.	30 31 32 33 34 35
(3) The certificate must be signed by or on behalf of the Director of Public Prosecutions.	36 37

(4)	A certificate is taken to be signed on behalf of the Director of Public Prosecutions if it is signed by a person:	1
		2
(a)	who is authorised to do so by means of a written order signed by the Director of Public Prosecutions or who belongs to a class of persons so authorised, or	3
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		5
(b)	who is prescribed by the regulations or who belongs to a class of persons so prescribed.	6
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(5)	The court may require the prosecution to explain the reason for a failure to file a certificate when it is required by this section to do so.	8
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[11]	Section 57 Sentences for offences involving escape by inmates	11
	Insert after section 57 (1):	12
(1A)	A sentence of imprisonment to which this section applies must be imposed after any other sentence of imprisonment that is imposed in the same proceedings.	13
		14
		15
[12]	Section 57 (2)	16
	Insert “to which this section applies” after “imprisonment” where firstly occurring.	17
		18
[13]	Schedule 2 Savings, transitional and other provisions	19
	Insert at the end of clause 1 (1):	20
	<i>Crimes (Sentencing Procedure) Amendment Act 2010</i> (but only to the extent that it amends this Act)	21
		22
[14]	Schedule 2, Part 21	23
	Insert after Part 20:	24
	Part 21 Provision consequent on enactment of Crimes (Sentencing Procedure) Amendment Act 2010	25
		26
		27
62	Application of amendments	28
(1)	In this Part:	29
	<i>amending Act</i> means the <i>Crimes (Sentencing Procedure) Amendment Act 2010</i> .	30
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(2)	An amendment made by the amending Act applies to the determination of a sentence for an offence whenever committed, unless:	1
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(a)	a court has convicted the person being sentenced of the offence, or	4
		5
(b)	a court has accepted a plea of guilty and the plea has not been withdrawn,	6
		7
	before the commencement of the amendment concerned.	8
1.3	Crimes (Serious Sex Offenders) Act 2006 No 7	9
[1]	Section 6 Application for extended supervision order	10
	Omit section 6 (1) (a). Insert instead:	11
(a)	while serving a sentence of imprisonment:	12
(i)	for a serious sex offence, or	13
(ii)	for an offence of a sexual nature, or	14
(iii)	for another offence which is being served concurrently or consecutively, or partly concurrently and partly consecutively, with one or more sentences of imprisonment referred to in subparagraph (i) or (ii),	15
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	whether the sentence is being served by way of full-time detention, intensive correction in the community or home detention and whether the offender is in custody or on release on parole, or	20
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		23
[2]	Section 14 Application for continuing detention order	24
	Omit section 14 (1) (a). Insert instead:	25
(a)	while serving a sentence of imprisonment by way of full-time detention:	26
		27
(i)	for a serious sex offence, or	28
(ii)	for an offence of a sexual nature, or	29
(iii)	for another offence which is being served concurrently or consecutively, or partly concurrently and partly consecutively, with one or more sentences of imprisonment referred to in subparagraph (i) or (ii), or	30
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Schedule 2	Amendments to Crimes (Sentencing Procedure) Act 1999 No 92 relating to aggregate sentencing	1
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		3
[1]	Section 3 Interpretation	4
	Insert in alphabetical order in section 3 (1):	5
	<i>aggregate sentence of imprisonment</i> —see section 53A.	6
[2]	Section 17A Non-association and place restriction orders	7
	Insert “or to an aggregate sentence of imprisonment in respect of 2 or more offences any one of which is an offence to which this section applies” after “fine” in section 17A (1).	8
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[3]	Section 44 Court to set non-parole period	11
	Omit “When” from section 44 (1).	12
	Insert instead “Unless imposing an aggregate sentence of imprisonment, when”.	13
		14
[4]	Section 44 (2A)–(2C)	15
	Insert after section 44 (2):	16
	(2A) Without affecting the requirement to set a non-parole period for a sentence, a court imposing an aggregate sentence of imprisonment in respect of 2 or more offences on an offender may set one non-parole period for all the offences to which the sentence relates after setting the term of the sentence.	17
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	(2B) The term of the sentence that will remain to be served after the non-parole period set for the aggregate sentence of imprisonment is served must not exceed one-third of the non-parole period, unless the court decides that there are special circumstances for it being more (in which case the court must make a record of its reasons for that decision).	22
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	(2C) The court need not indicate the non-parole period that would have been imposed for each offence had separate sentences been imposed instead of an aggregate sentence unless it is required to do so by section 54B (4A).	28
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		31
[5]	Section 44 (3)	32
	Omit “subsection (2)”. Insert instead “subsection (2), (2B) or (2C)”.	33

[6] Section 45 Court may decline to set non-parole period	1
Omit section 45 (1). Insert instead:	2
(1) When sentencing an offender to imprisonment for an offence or, in the case of an aggregate sentence of imprisonment, for offences (other than an offence or offences set out in the Table to Division 1A of this Part), a court may decline to set a non-parole period for the offence or offences if it appears to the court that it is appropriate to do so:	3
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(a) because of the nature of the offence to which the sentence, or of each of the offences to which an aggregate sentence relates, or the antecedent character of the offender, or	9
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(b) because of any other penalty previously imposed on the offender, or	12
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(c) for any other reason that the court considers sufficient.	14
[7] Section 45 (2)	15
Insert “or an aggregate sentence of imprisonment” after “imprisonment”.	16
[8] Section 47 Commencement of sentence	17
Insert “or, in the case of an aggregate sentence of imprisonment, any of the offences” after “offence” in section 47 (3).	18
	19
[9] Section 47 (5)	20
Insert “(or an aggregate sentence of imprisonment)” after “imprisonment” where firstly occurring.	21
	22
[10] Section 47 (6)	23
Insert “(or an aggregate sentence of imprisonment)” after “imprisonment”.	24
[11] Section 48 Information about release date	25
Insert “, or to an aggregate sentence of imprisonment for 2 or more offences” after “for an offence” in section 48 (1).	26
	27
[12] Section 49 Restriction on term of sentence	28
Insert “(other than an aggregate sentence of imprisonment)” after “sentence of imprisonment”.	29
	30

[13] Section 49 (2)	1
Insert at the end of section 49:	2
(2) The term of an aggregate sentence of imprisonment:	3
(a) must not be more than the sum of the maximum periods of imprisonment that could have been imposed if separate sentences of imprisonment had been imposed in respect of each offence to which the sentence relates, and	4 5 6 7
(b) must not be less than the shortest term of imprisonment (if any) that must be imposed for any separate offence or, if the sentence relates to more than one such offence, must not be less than the shortest term of imprisonment that must be imposed for any of the offences.	8 9 10 11 12
[14] Sections 53 and 53A	13
Omit section 53. Insert instead:	14
53 Multiple sentences of imprisonment	15
(1) When a court imposes a sentence of imprisonment on an offender in relation to more than one offence, the court must (unless imposing an aggregate sentence of imprisonment in accordance with section 53A) comply with the requirements of this Division by imposing a separate sentence in relation to each offence.	16 17 18 19 20
(2) The term, and any non-parole period, set under this Division in relation to a sentence of imprisonment is not revoked or varied by a later sentence of imprisonment that the same or some other court subsequently imposes in relation to another offence.	21 22 23 24
53A Aggregate sentences of imprisonment	25
(1) A court may, in sentencing an offender for more than one offence, impose an aggregate sentence of imprisonment with respect to all or any 2 or more of those offences instead of imposing a separate sentence of imprisonment for each.	26 27 28 29
(2) A court that imposes an aggregate sentence of imprisonment under this section on an offender must indicate to the offender, and make a record of, the following:	30 31 32
(a) the fact that an aggregate sentence is being imposed,	33
(b) the sentence that would have been imposed for each offence (after taking into account such matters as are relevant under Part 3 or any other provision of this Act) had separate sentences been imposed instead of an aggregate sentence,	34 35 36 37 38

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Schedule 2 Amendments to Crimes (Sentencing Procedure) Act 1999 No 92 relating to aggregate sentencing

	(c) the relative weight given to the objective seriousness of each offence in determining the aggregate sentence of imprisonment.	1 2 3
	(3) Subsection (2) does not limit any requirement that a court has, apart from that subsection, to record the reasons for its decisions.	4 5
	(4) The term, and any non-parole period, set under this Division in relation to an aggregate sentence of imprisonment is not revoked or varied by a later sentence of imprisonment that the same or some other court subsequently imposes in relation to another offence.	6 7 8 9 10
	(5) An aggregate sentence of imprisonment is not invalidated by a failure to comply with this section.	11 12
[15]	Section 54B Sentencing procedure	13
	Insert “, or an aggregate sentence of imprisonment with respect to one or more offences” after “offence” where firstly occurring in section 54B (2).	14 15
[16]	Section 54B (2)	16
	Insert “or, in the case of an aggregate sentence, incorporate the standard non-parole period for each offence into the period it sets as the non-parole period for the sentence” after “offence” where secondly occurring.	17 18 19
[17]	Section 54B (4A)	20
	Insert after section 54B (4):	21
	(4A) A court that sets the non-parole period for an aggregate sentence of imprisonment in relation to any one or more offences to which this section applies must indicate to the offender, and make a record of, the proportion of the non-parole period attributable to the incorporation of a standard non-parole period, or increased or reduced standard non-parole period, for each offence in accordance with this section.	22 23 24 25 26 27 28
[18]	Section 66 Intensive correction not available for certain sexual offences	29
	Insert “or with respect to an aggregate sentence of imprisonment with respect to 2 or more offences, any one of which is a prescribed sexual offence” after “offence” in section 66 (1).	30 31 32

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Amendments to Crimes (Sentencing Procedure) Act 1999 No 92 relating to Schedule 2
aggregate sentencing

[19] Section 76 Home detention not available for certain offences

Insert “or with respect to an aggregate sentence of imprisonment with respect
to 2 or more offences, any one of which is one of the following offences” after
“offences” where firstly occurring.

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