

SENTENCING (LIFE SENTENCES) AMENDMENT BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Crimes (Life Sentences) Amendment Bill 1989.

The object of this Bill is to amend the Sentencing Act 1989 so as:

- (a) to enable the Supreme Court to determine a minimum term and an additional term for an offender serving an existing life sentence (those offenders are presently eligible for release on licence under section 463 of the Crimes Act 1900 but will now be eligible instead to be released on parole at the end of the minimum term set by the Supreme Court); and**
- (b) to provide for the Offenders Review Board to make a parole order in certain specified exceptional circumstances before the prisoner would otherwise be eligible for release; and**
- (c) to enable representation of the Serious Offenders Review Board at meetings of the Offenders Review Board that concern the release on parole of serious offenders.**

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Sentencing Act 1989.

SCHEDULE 1 - AMENDMENTS

Schedule 1 (1) enables the Supreme Court to determine a minimum term and an additional term for an offender serving an existing life sentence. A determination

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does not apply in respect of sentences for a person's natural life passed under section 19A of the Crimes Act 1900 or 33A of the Drug Misuse and Trafficking Act 1985, as proposed to be inserted by the Crimes (Life Sentences) Amendment Bill 1989. An offender may not make application for a determination until at least 8 years of the life sentence have been served. Certain matters which the Supreme Court must have regard to are specified. A determination made under the proposed section replaces the original life sentence. If the Court declines to make a determination, the person who made the application may re-apply after 2 years or a shorter period specified by the Court.

Schedule 1 (2) enables the Offenders Review Board to authorise the release of a prisoner on parole before the prisoner is otherwise eligible for release, but only if the prisoner is dying or it is necessary because of exceptional extenuating circumstances. Such an order is not available to a person serving a life sentence.

Schedule 1 (3) makes provision for a member of the Serious Offenders Review Board to attend and be heard at meetings of the Offenders Review Board when that Board is considering any matter relating to serious offenders.
