



New South Wales

Crimes (Sentencing Procedure) Amendment Bill 2006

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999* with respect to sentencing for crimes committed against public transport workers or community workers (such as surf life savers).

The Bill makes it clear that the current provision, that makes it a factor of aggravation in sentencing that the victim was a vulnerable person such as a taxi driver, extends to a bus driver or other public transport worker.

The Bill also makes it clear that the current provision, that makes it a factor of aggravation in sentencing that the person was a community worker and the offence arose because of the victim's occupation, extends to volunteer community workers (such as surf life savers) where the offence arose because of the victim's voluntary work.

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 on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Crimes (Sentencing Procedure) Act 1999* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [1] and [2] amend section 21A of the Principal Act to give effect to the amendments mentioned in the Overview relating to aggravating factors in sentencing.

Schedule 1 [3] makes a related amendment to the Table to Division 1A of Part 4 of the Principal Act (Standard non-parole periods for certain offences) so that the clarification with respect to community workers in section 21A extends to the same description of victims that appears in that Table in relation to murder.

Schedule 1 [4] and [5] amend Schedule 2 to the Principal Act to make transitional provisions consequent on the enactment of the proposed Act.

First print



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No. , 2006

A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* with respect to sentencing for crimes committed against public transport workers and community workers.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment Act 2006</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	6
The <i>Crimes (Sentencing Procedure) Act 1999</i> is amended as set out in Schedule 1.	7 8
4 Repeal of Act	9
(1) This Act is repealed on the day following the day on which this Act commences.	10 11
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	12 13

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 21A Aggravating, mitigating and other factors in sentencing	3
	Omit “the victim’s occupation” from section 21A (2) (a).	4
	Insert instead “the victim’s occupation or voluntary work”.	5
[2]	Section 21A (2) (l)	6
	Insert “, bus driver or other public transport worker” after “taxi driver”.	7
[3]	Part 4, Division 1A, Table	8
	Omit “the victim’s occupation” from Item No 1A.	9
	Insert instead “the victim’s occupation or voluntary work”.	10
[4]	Schedule 2 Savings, transitional and other provisions	11
	Insert at the end of clause 1 (1):	12
	<i>Crimes (Sentencing Procedure) Amendment Act 2006</i>	13
[5]	Schedule 2, Part 15	14
	Insert at the end of the Schedule:	15
	Part 15 Provisions consequent on enactment of Crimes (Sentencing Procedure) Amendment Act 2006	16
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		18
	55 Existing offences and proceedings	19
	The amendments made to this Act by the <i>Crimes (Sentencing Procedure) Amendment Act 2006</i> apply to the determination of a sentence for an offence whenever committed, unless:	20
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	(a) the court has convicted the person being sentenced of the offence, or	23
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Schedule 1 Amendments

(b) a court has accepted a plea of guilty and the plea has not
been withdrawn,
before the commencement of that Act.

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