

Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002 No 5

[2002-5]



New South Wales

Status Information

Currency of version

Repealed version for 9 April 2002 to 21 July 2003 (accessed 23 July 2024 at 12:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002 No 5



New South Wales

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision with respect to sentencing under that Act.

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

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

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

Schedule 1 Amendments

(Section 3)

[1] Section 21A

Insert after section 21:

21A General sentencing principles

- (1) In determining the sentence to be imposed on an offender, a court must impose a sentence of a severity that is appropriate in all the circumstances of the case.
- (2) For that purpose, the court must take into account such of the following matters as are relevant and known to the court:
 - (a) the nature and circumstances of the case,
 - (b) if the offence forms part of a course of conduct consisting of a series of criminal acts—that course of conduct,

- (c) the personal circumstances of any victim of the offence, including:
 - (i) the age of the victim (particularly if the victim is very old or very young), and
 - (ii) any physical or mental disability of the victim, and
 - (iii) any vulnerability of the victim arising because of the nature of the victim's occupation,
 - (d) any injury, loss or damage resulting from the offence,
 - (e) the degree to which the offender has shown contrition for the offence:
 - (i) by taking action to make reparation for any injury, loss or damage resulting from the offence, or
 - (ii) in any other manner,
 - (f) the need to deter the offender or other persons from committing an offence of the same or a similar character,
 - (g) the need to protect the community from the offender,
 - (h) the need to ensure that the offender is adequately punished for the offence,
 - (i) the character, antecedents, cultural background, age, means and physical or mental condition of the offender,
 - (j) the prospect of rehabilitation of the offender.
- (3) In addition, in determining whether a sentence under Division 2 or 3 of Part 2 is appropriate, the court must have regard to the nature and severity of the conditions that may be imposed on, or may apply to, the offender under that sentence.
- (4) The matters to be taken into account by a court under this section are in addition to any other matters that are required or permitted to be taken into account by the court under this Act or any other law.
- (5) This section does not apply to the determination of a sentence if proceedings (other than committal proceedings) for the offence were commenced in a court before the commencement of this section.

[2] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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