

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005 No 13

[2005-13]



New South Wales

Status Information

Currency of version

Repealed version for 6 May 2005 to 23 November 2005 (accessed 20 December 2024 at 23:47)

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The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2005 No 98](#) with effect from 24.11.2005.

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 (Existing Life Sentences) Act 2005 No 13



New South Wales

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.

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).