

LEGISLATIVE COUNCIL

Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Bill

Schedule of the amendments agreed to in Committee of the Whole
on Thursday 21 November 2002.

- Govt** No. 1 Page 9, Schedule 1 [4], proposed Table. Insert after line 13:
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|----|---|---------|
| 9A | Section 61M (1) of the <i>Crimes Act 1900</i>
(aggravated indecent assault) | 5 years |
| 9B | Section 61M (2) of the <i>Crimes Act 1900</i>
(aggravated indecent assault - child under 10) | 5 years |
- Govt** No. 2 Page 9, Schedule 1 [4], proposed Table. Insert after line 26:
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|-----|--|---------|
| 15A | Section 203E of the <i>Crimes Act 1900</i> (bushfires) | 5 years |
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- R Jones** No. 3 Page 12, Schedule 1 [5], proposed section 100J. Insert after line 11:
- (4) In the exercise of its functions, the Sentencing Council may consult with, and may receive and consider information and advice from, the Judicial Commission of New South Wales and the Bureau of Crime Statistics and Research of the Attorney General's Department (or any like agency that may replace either of those agencies).
- Govt** No. 4 Page 18, Schedule 3.1 [3], proposed clause 12, lines 21-25. Omit all words on those lines. Insert instead:
- (2) Part 7 of Schedule 2 to the *Crimes (Sentencing Procedure) Act 1999* also has effect for the purposes of the application of the *Crimes (Sentencing Procedure) Act 1999* to offences dealt with under Division 4 of Part 3 of this Act.
- Govt** No. 5 Page 20, Schedule 3.2 [9], proposed clause 45, line 18. Omit "The amendments". Insert instead "Except as provided by subclause (2), the amendments".
- Govt** No. 6 Page 20, Schedule 3.2 [9], proposed clause 45. Insert after line 21:
- (2) Sections 3A and 21A of this Act, as inserted by the *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*, apply to the determination of a sentence for an offence whenever committed, unless:
- a court has convicted the person being sentenced of the offence, or
 - a court has accepted a plea of guilty to the offence and the plea has not

been withdrawn,
before the commencement of the section concerned.

- (3) Section 21A of this Act, as in force immediately before its repeal by the *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*, continues to apply as if it had not been repealed to the determination of a sentence for an offence in respect of which:
- (a) a court has convicted the person being sentenced of the offence, or
 - (b) a court has accepted a plea of guilty to the offence and the plea has not been withdrawn,
before that repeal.
- (4) In this clause:
convict includes make a finding of guilt.