

# Criminal Procedure Amendment (Sentencing Guidelines) Bill 1998

## Explanatory note

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

## Overview of Bill

In the recent case of *R v Jurisic* Matter No 60131/98 [1998] NSWSC 423 (12 October 1998) the Court of Criminal Appeal adopted the practice of the English Court of Appeal of giving a guideline judgment in the context of a particular case. A guideline judgment sets out guidelines for the sentencing of offenders. Such guidelines are intended to be indicative only and are not intended to be applied in every case as if they were rules binding on judges but help to ensure consistency in sentencing decisions. The object of this Bill is to amend the *Criminal Procedure Act 1986* to enable the Attorney General to apply to the Court at any time (rather than in the context of a particular case) to ask it to exercise its power and jurisdiction to give a guideline judgment in respect of a specified offence or category of offences.

## 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 a day to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 1.

**Schedule 1** contains the amendments described in the above Overview.