



New South Wales

Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill 2000

Explanatory note

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

Overview of Bill

Under Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999*, persons serving certain life sentences may apply to have their sentences redetermined. Such a redetermination replaces an existing life sentence with a sentence for a fixed term, and may also set a non-parole period for the term so fixed. After the expiry of the non-parole period, the offender may then apply for release on parole. Subject to certain qualifications, applications for the redetermination of an existing life sentence may be made by any offender, including an offender in respect of whom the sentencing court has made a non-release recommendation (that is, a recommendation or observation, or an expression of opinion, that the offender should never be released from imprisonment).

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999* (the ***Principal Act***) so as to prevent any redetermination of an existing life sentence for an offender in respect of whom the sentencing court has made a non-release recommendation.

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 giving effect to the amendments to the Principal Act set out in Schedule 1.

Schedule 1 [2] inserts proposed clause 9 into Schedule 1 to the Principal Act so as to give effect to the object of the proposed Act.

Schedule 1 [1] makes a consequential amendment to clause 2 of Schedule 1 to the Principal Act.



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Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill 2000

No. , 2000

A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* so as to ensure that an existing life sentence imposed on an offender in respect of whom the sentencing court has recommended that the offender should never be released from imprisonment can no longer be redetermined under Schedule 1 to that Act.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Act 2000</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	7
The <i>Crimes (Sentencing Procedure) Act 1999</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Schedule 1 Existing life sentences	3
	Insert after clause 2 (3):	4
	(4) The provisions of subclauses (2) (b) and (3) cease to have effect on the date of assent to the <i>Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Act 2000</i> .	5 6 7
[2]	Schedule 1	8
	Insert after clause 8:	9
	9 Barring of applications for offenders subject to non-release recommendations	10 11
	(1) On and from the date of assent to the <i>Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Act 2000</i> :	12 13
	(a) a disqualified person is no longer eligible to apply to the Supreme Court for a determination under clause 4 (1), and	14 15 16
	(b) the Supreme Court no longer has jurisdiction to make a determination under clause 4 (1) in respect of a disqualified person.	17 18 19
	(2) Subclause (1) (b) applies to and in respect of a disqualified person even if an application for a determination under clause 4 (1) was made, but not determined, in respect of the person before the date of assent to the <i>Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Act 2000</i> .	20 21 22 23 24
	(3) In this clause, <i>disqualified person</i> means an offender who is serving an existing life sentence and in respect of whom a non-release recommendation is in force.	25 26 27