



New South Wales

Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Bill 2001

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.



New South Wales

Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Bill 2001

Act No , 2001

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

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	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] Section 21A

3

Insert after section 21:

4

21A General sentencing principles

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- (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. 6
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- (2) For that purpose, the court must take into account such of the following matters as are relevant and known to the court: 9
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 - (a) the nature and circumstances of the case, 11
 - (b) if the offence forms part of a course of conduct consisting of a series of criminal acts—that course of conduct, 12
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 - (c) the personal circumstances of any victim of the offence, including: 15
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 - (i) the age of the victim (particularly if the victim is very old or very young), and 17
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 - (ii) any physical or mental disability of the victim, and 19
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 - (iii) any vulnerability of the victim arising because of the nature of the victim's occupation, 21
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 - (d) any injury, loss or damage resulting from the offence, 23
 - (e) the degree to which the offender has shown contrition for the offence: 24
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 - (i) by taking action to make reparation for any injury, loss or damage resulting from the offence, or 26
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 - (ii) in any other manner, 28
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 - (f) the need to deter the offender or other persons from committing an offence of the same or a similar character, 30
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 - (g) the need to protect the community from the offender, 33

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Schedule 1 Amendments

(h) the need to ensure that the offender is adequately punished for the offence,	1 2
(i) the character, antecedents, cultural background, age, means and physical or mental condition of the offender,	3 4
(j) the prospect of rehabilitation of the offender.	5
(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.	6 7 8 9
(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.	10 11 12 13
(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.	14 15 16 17
[2] Schedule 2 Savings, transitional and other provisions	18
Insert at the end of clause 1 (1):	19
<i>Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2001</i>	20 21