

# CONCURRENCE COPY

## CRIMES (FURTHER AMENDMENT) BILL, 1983

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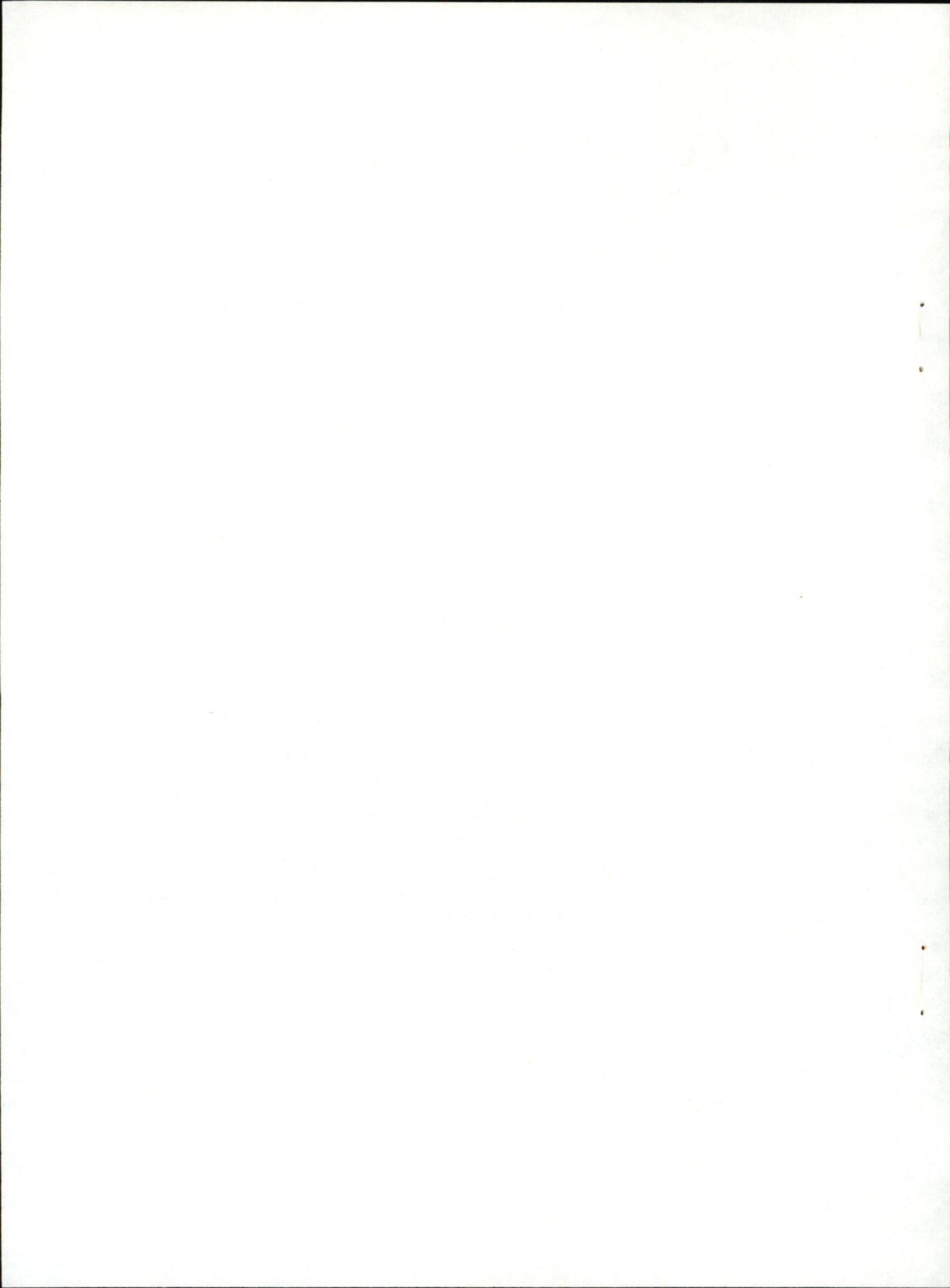
### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Probation and Parole Bill, 1983.

The object of this Bill is to amend the Crimes Act, 1900, so as—

- (a) to state that a recommendation for—
    - (i) the release of a prisoner on license, or for the revocation of such a license, under section 463 of that Act; or
    - (ii) the grant under section 462 of that Act of a remission of the whole or a part of a sentence,  
is to be made to the Governor-in-Council by the Minister administering the relevant section (Schedule 1 (1) (a), (2) (a), (b));
  - (b) to provide that a recommendation for the release of a prisoner under section 463 of that Act may not be made unless it is in accordance with a recommendation of either—
    - (i) the Release on Licence Board, as constituted under amendments proposed by the Prisons (Amendment) Bill, 1983; or
    - (ii) a Judge of the Court of Criminal Appeal, as referred to in section 27 of the Criminal Appeal Act, 1912,  
(Schedule 1 (2) (c)); and
  - (c) to provide that a recommendation for the grant under section 462 of that Act of a remission of sentence may not be made unless it is in accordance with a recommendation of that Board (Schedule 1 (1) (b)).
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**CRIMES (FURTHER AMENDMENT) BILL, 1983**

No.           , 1983.

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**A BILL FOR**

An Act to amend the Crimes Act, 1900, in relation to the release of offenders under sections 462 and 463 of that Act.

[MR ANDERSON—24 *November*, 1983.]

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*Crimes (Further Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

**1.** This Act may be cited as the "Crimes (Further Amendment) Act, 1983".

**Commencement.**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

**(2)** Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 40, 1900.**

**15 3.** The Crimes Act, 1900, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 3.)

**AMENDMENTS TO THE CRIMES ACT, 1900.**

**20 (1) (a)** Section 462—

After "Governor" wherever occurring, insert " , with the advice of the Executive Council, and on the recommendation of the Minister,".

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*Crimes (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

(b) Section 462 (2)—

At the end of section 462, insert:—

5           (2) A recommendation shall not be made for the purposes of subsection (1) except in accordance with a recommendation made by the Release on Licence Board under section 60 of the Prisons Act, 1952.

(2) (a) Section 463 (1)—

10           After “Governor” wherever occurring, insert “, with the advice of the Executive Council, and on the recommendation of the Minister,”.

(b) Section 463 (2)—

15           Omit “be revoked by the Governor at his discretion”, insert instead “at any time be revoked by the Governor, with the advice of the Executive Council, and on the recommendation of the Minister”.

(c) Section 463 (5)—

After section 463 (4), insert:—

20           (5) A recommendation shall not be made for the purposes of subsection (1), nor shall any limits be specified in or conditions indorsed on any such license, except in accordance with—

(a) a recommendation made by the Release on Licence Board under section 60 of the Prisons Act, 1952; or

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*Crimes (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

- (b) a report of a Judge of the Court of Criminal Appeal as referred to in section 27 of the Criminal Appeal Act, 1912.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(20c)

**CRIMES (FURTHER AMENDMENT) ACT, 1983, No. 131**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 131, 1983.**

An Act to amend the Crimes Act, 1900, in relation to the release of offenders under sections 462 and 463 of that Act. [Assented to, 21st December, 1983.]

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*Crimes (Further Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Crimes (Further Amendment) Act, 1983".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 40, 1900.**

3. The Crimes Act, 1900, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 3.)

**AMENDMENTS TO THE CRIMES ACT, 1900.**

(1) (a) Section 462—

After "Governor" wherever occurring, insert " , with the advice of the Executive Council, and on the recommendation of the Minister,".



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*Crimes (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

(b) Section 462 (2)—

At the end of section 462, insert:—

(2) A recommendation shall not be made for the purposes of subsection (1) except in accordance with a recommendation made by the Release on Licence Board under section 60 of the Prisons Act, 1952.

(2) (a) Section 463 (1)—

After “Governor” wherever occurring, insert “, with the advice of the Executive Council, and on the recommendation of the Minister,”.

(b) Section 463 (2)—

Omit “be revoked by the Governor at his discretion”, insert instead “at any time be revoked by the Governor, with the advice of the Executive Council, and on the recommendation of the Minister”.

(c) Section 463 (5)—

After section 463 (4), insert:—

(5) A recommendation shall not be made for the purposes of subsection (1), nor shall any limits be specified in or conditions indorsed on any such license, except in accordance with—

(a) a recommendation made by the Release on Licence Board under section 60 of the Prisons Act, 1952; or

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*Crimes (Further Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

- (b) a report of a Judge of the Court of Criminal Appeal as referred to in section 27 of the Criminal Appeal Act, 1912.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 21st December, 1983.*