

FIRST PRINT

**CRIMES (DEATH PENALTY ABOLITION) AMENDMENT
BILL, 1985**

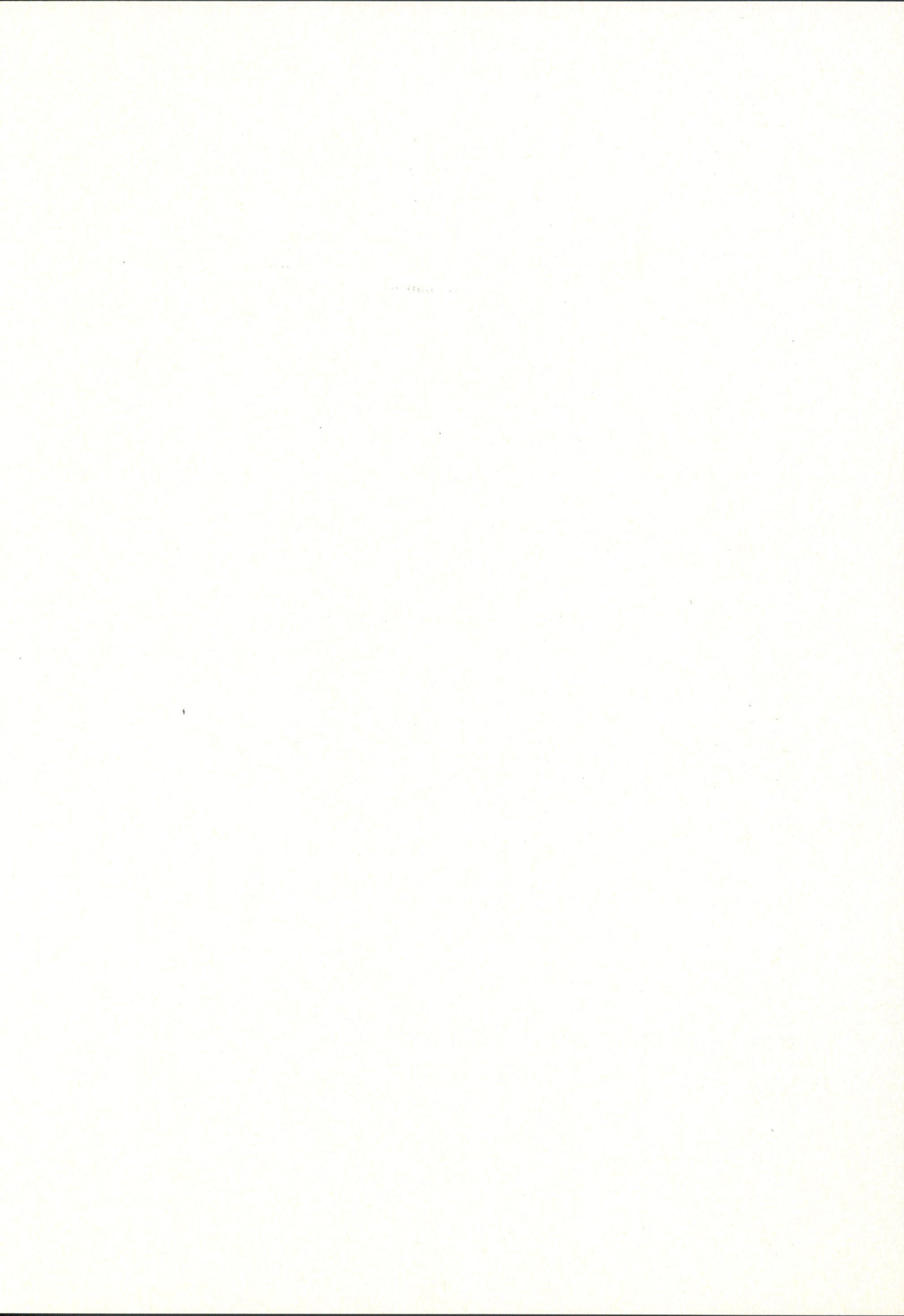
EXPLANATORY NOTE

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

The Miscellaneous Acts (Death Penalty Abolition) Amendment Bill, 1985, is cognate with this Bill.

The objects of this Bill are—

- (a) to amend the Crimes Act, 1900, so as to abolish the death penalty in respect of those offences to which it may still be applicable and to provide that a person who is in future convicted of any of those offences is liable to be sentenced to penal servitude for life; and
 - (b) to make other amendments to that Act of a minor, consequential or ancillary nature.
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**CRIMES (DEATH PENALTY ABOLITION) AMENDMENT
BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the Crimes Act, 1900, for the purpose of abolishing the death penalty as a punishment for certain crimes and for related purposes.

See also Miscellaneous Acts (Death Penalty Abolition) Amendment Bill, 1985.

Crimes (Death Penalty Abolition) Amendment 1985

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 (Death Penalty Abolition) Amendment Act, 1985".

Amendment of Act No. 40, 1900.

10 1. 2. The Crimes Act, 1900, is amended in the manner set forth in Schedule

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CRIMES ACT, 1900.

- 15 (1) Section 9—
Omit "death or".
- (2) Section 18 (1) (a)—
Omit "death or".
- (3) Section 345—
Omit ", and whether a capital felony or not".
- 20 (4) Section 370—
Omit "not capital".
- (5) Section 431—
Omit the section, insert instead:—
Convicted persons not to be liable to death penalty.
- 25 431. (1) This section applies to offences under—
(a) an Act;
(b) an Imperial Act so far as it applies in New South Wales; or
(c) a rule of law,

Crimes (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

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

whether committed before or after the commencement of the Crimes (Death Penalty Abolition) Amendment Act, 1985.

5 (2) A person is not liable to the punishment of death for an offence to which this section applies.

(3) Where, but for this subsection, no penalty would be provided for an offence to which this section applies that was formerly punishable by death, that offence shall be punishable by penal servitude for life.

(6) Section 440B (1)—
Omit “death or”.

(7) Section 441—
Omit “, whether punishable with death or otherwise,”.

15 (8) (a) Sections 448–452, short heading—
Omit the short heading.

(b) Sections 448–452—
Omit the sections.

(9) Sections 459, 460—
20 Omit the sections.

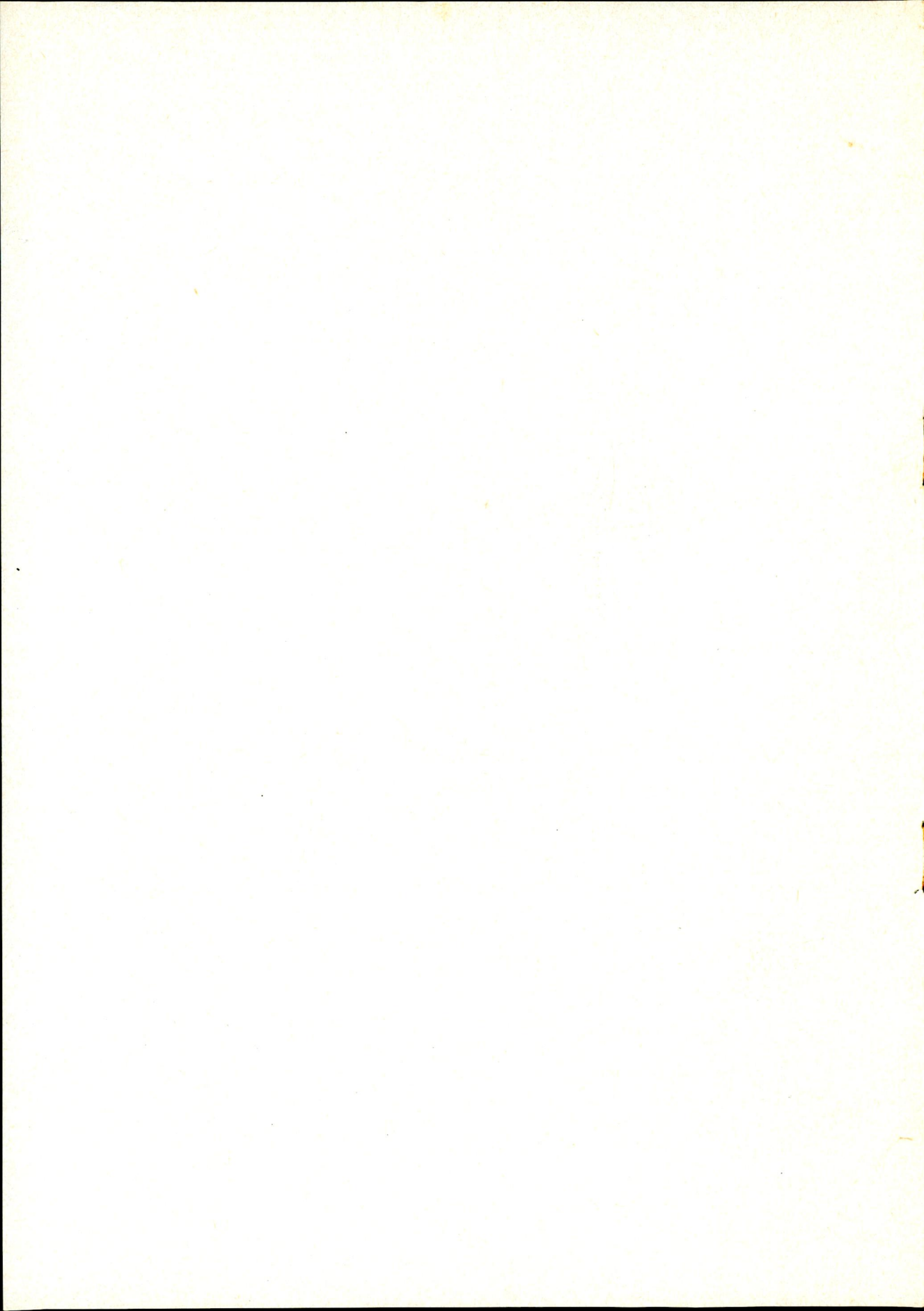
(10) (a) Section 461—
Omit “whether under the sentence of a Court, or under any order made as last aforesaid,”.

(b) Section 461—
25 Omit “any such sentence or order”, insert instead “any sentence or order of a Court”.

(11) Seventh Schedule—
Omit the Schedule.







**CRIMES (DEATH PENALTY ABOLITION) AMENDMENT ACT,
1985, No. 58**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 58, 1985.

An Act to amend the Crimes Act, 1900, for the purpose of abolishing the death penalty as a punishment for certain crimes and for related purposes. [Assented to, 15th May, 1985]

See also Miscellaneous Acts (Death Penalty Abolition) Amendment Act, 1985.

Crimes (Death Penalty Abolition) Amendment 1985

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 (Death Penalty Abolition) Amendment Act, 1985".

Amendment of Act No. 40, 1900.

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

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CRIMES ACT, 1900.

- (1) Section 9—
Omit "death or".
- (2) Section 18 (1) (a)—
Omit "death or".
- (3) Section 345—
Omit ", and whether a capital felony or not".
- (4) Section 370—
Omit "not capital".
- (5) Section 431—
Omit the section, insert instead:—
Convicted persons not to be liable to death penalty.
431. (1) This section applies to offences under—
 - (a) an Act;
 - (b) an Imperial Act so far as it applies in New South Wales; or
 - (c) a rule of law,

Crimes (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

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

whether committed before or after the commencement of the Crimes (Death Penalty Abolition) Amendment Act, 1985.

(2) A person is not liable to the punishment of death for an offence to which this section applies.

(3) Where, but for this subsection, no penalty would be provided for an offence to which this section applies that was formerly punishable by death, that offence shall be punishable by penal servitude for life.

(6) Section 440B (1)—
Omit “death or”.

(7) Section 441—
Omit “, whether punishable with death or otherwise,”.

(8) (a) Sections 448–452, short heading—
Omit the short heading.

(b) Sections 448–452—
Omit the sections.

(9) Sections 459, 460—
Omit the sections.

(10) (a) Section 461—
Omit “whether under the sentence of a Court, or under any order made as last aforesaid,”.

(b) Section 461—
Omit “any such sentence or order”, insert instead “any sentence or order of a Court”.

(11) Seventh Schedule—
Omit the Schedule.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th May, 1985.*

