

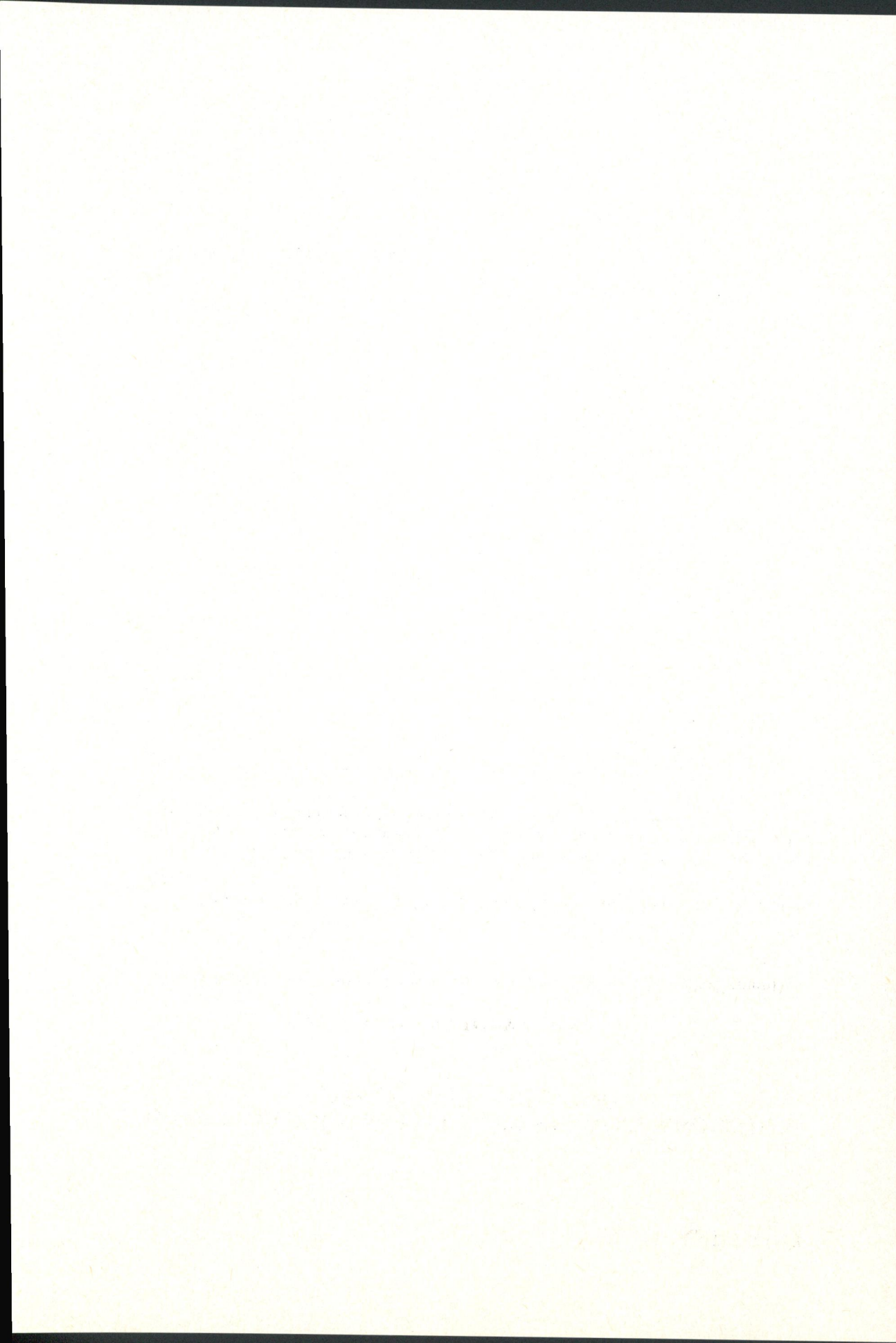
**MISCELLANEOUS ACTS (DEATH PENALTY ABOLITION)
AMENDMENT BILL, 1985**

EXPLANATORY NOTE

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

This Bill is cognate with the Crimes (Death Penalty Abolition) Amendment Bill, 1985.

The object of this Bill is, in consequence of the enactment of the proposed Crimes (Death Penalty Abolition) Amendment Act, 1985, to remove certain references to the death penalty which appear in the various Acts specified in Schedule 1.



**MISCELLANEOUS ACTS (DEATH PENALTY ABOLITION)
AMENDMENT BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend certain Acts as a consequence of the enactment of the
Crimes (Death Penalty Abolition) Amendment Act, 1985, and for other
purposes.

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

Amendments.

2. Each Act specified in Schedule 1 is amended in the manner set forth
10 in that Schedule in relation to that Act.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS.

Child Welfare Act, 1939, No. 17—

15 (1) Sections 12 (1) (b), 83 (2), (3), 86 (1)—

Omit " , an offence punishable by death or penal servitude for life" wherever occurring, insert instead "or any other offence punishable by penal servitude for life".

(2) (a) Section 87 (1)—

20 Omit " , an offence punishable by death or penal servitude for life", insert instead "or any other offence punishable by penal servitude for life".

(b) Section 87 (1), proviso—

Omit paragraph (b).

Miscellaneous Acts (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Section 87 (2) (a)—

- 5 Omit “, an offence punishable by death or penal servitude for life”, insert instead “or any other offence punishable by penal servitude for life”.

Community Welfare Act, 1982, No. 76—

(1) (a) Section 138 (1)—

Omit “, an offence punishable by death or penal servitude for life”, insert instead “or any other offence punishable by penal servitude for life”.

- 10 (b) Section 138 (1)—

Omit “, subject to subsection (2),”.

(c) Section 138 (2)—

Omit the subsection.

(2) Sections 165 (1), 185 (1), 188 (a), 193, 264 (1) (b)—

- 15 Omit “, an offence punishable by death or penal servitude for life” wherever occurring, insert instead “or any other offence punishable by penal servitude for life”.

Criminal Appeal Act, 1912, No. 16—

(1) (a) Section 10 (2)—

- 20 Omit the subsection.

(b) Section 10 (3)—

Omit the subsection, insert instead:—

- 25 (3) The court may, at any time, extend the time within which notice of appeal, or notice of an application for leave to appeal, is required to be given to the court.

Miscellaneous Acts (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 26—

Omit “other than the sentence of death”.

5 District Court Act, 1973, No. 9—

Section 166—

Omit “which is punishable with death or which was so punishable”, insert instead “which was punishable with death”.

Interpretation Act, 1897, No. 4—

10 Section 29—

Omit “of death, or of penal servitude,”, insert instead “of penal servitude”.

Piracy Punishment Act, 1902, No. 69—

(1) Section 4—

Omit “suffer death”, insert instead “penal servitude for life”.

15 (2) Section 6—

Omit “with death or otherwise”.

Prisons Act, 1952, No. 9—

Section 4, definition of “convicted prisoner”—

Omit paragraph (b).

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



**MISCELLANEOUS ACTS (DEATH PENALTY ABOLITION)
AMENDMENT ACT, 1985, No. 59**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 59, 1985.

An Act to amend certain Acts as a consequence of the enactment of the Crimes (Death Penalty Abolition) Amendment Act, 1985, and for other purposes. [Assented to, 15th May, 1985.]

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

Amendments.

2. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule in relation to that Act.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS.

Child Welfare Act, 1939, No. 17—

(1) Sections 12 (1) (b), 83 (2), (3), 86 (1)—

Omit ", an offence punishable by death or penal servitude for life" wherever occurring, insert instead "or any other offence punishable by penal servitude for life".

(2) (a) Section 87 (1)—

Omit ", an offence punishable by death or penal servitude for life", insert instead "or any other offence punishable by penal servitude for life".

(b) Section 87 (1), proviso—

Omit paragraph (b).

Miscellaneous Acts (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Section 87 (2) (a)—

Omit “, an offence punishable by death or penal servitude for life”, insert instead “or any other offence punishable by penal servitude for life”.

Community Welfare Act, 1982, No. 76—

(1) (a) Section 138 (1)—

Omit “, an offence punishable by death or penal servitude for life”, insert instead “or any other offence punishable by penal servitude for life”.

(b) Section 138 (1)—

Omit “, subject to subsection (2),”.

(c) Section 138 (2)—

Omit the subsection.

(2) Sections 165 (1), 185 (1), 188 (a), 193, 264 (1) (b)—

Omit “, an offence punishable by death or penal servitude for life” wherever occurring, insert instead “or any other offence punishable by penal servitude for life”.

Criminal Appeal Act, 1912, No. 16—

(1) (a) Section 10 (2)—

Omit the subsection.

(b) Section 10 (3)—

Omit the subsection, insert instead:—

(3) The court may, at any time, extend the time within which notice of appeal, or notice of an application for leave to appeal, is required to be given to the court.

Miscellaneous Acts (Death Penalty Abolition) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 26—

Omit "other than the sentence of death".

District Court Act, 1973, No. 9—

Section 166—

Omit "which is punishable with death or which was so punishable", insert instead "which was punishable with death".

Interpretation Act, 1897, No. 4—

Section 29—

Omit "of death, or of penal servitude,", insert instead "of penal servitude".

Piracy Punishment Act, 1902, No. 69—

(1) Section 4—

Omit "suffer death", insert instead "penal servitude for life".

(2) Section 6—

Omit "with death or otherwise".

Prisons Act, 1952, No. 9—

Section 4, definition of "convicted prisoner"—

Omit paragraph (b).

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

J. A. ROWLAND,
Governor.

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

BY AUTHORITY

D. WEST. GOVERNMENT PRINTER, NEW SOUTH WALES—1985