

First print



New South Wales

Sentencing Amendment (Transitional) Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to vary the scope of amendments made to the *Sentencing Act 1989* and the *Correctional Centres Act 1952* by the *Sentencing Legislation Further Amendment Act 1997*, by providing that those amendments have effect in relation to certain proceedings and processes that were pending at the date on which the Bill for the lastmentioned Act was introduced into Parliament, as well as to proceedings and processes commencing on or after that date.

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 *Sentencing Act 1989* set out in Schedule 1.

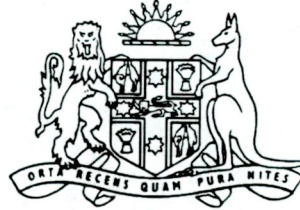
Schedule 1 Amendments

Schedule 1 [1] repeals and re-enacts clause 8 (1) of Schedule 2A to the *Sentencing Act 1989*. Under the clause as re-enacted, the effect of the amendments made to section 13A of that Act by the *Sentencing Legislation Further Amendment Act 1997* extends to an application made before the date on which the Bill for that Act was introduced into Parliament, unless the application had been fully dealt with (or fully heard, with judgment reserved) before the date of introduction of this Bill.

Schedule 1 [2] repeals clause 8 (4) of Schedule 2A to the *Sentencing Act 1989* and inserts a new clause 8 (4) and (5), the effect of which is that:

- (a) section 22P of that Act (inserted by the *Sentencing Legislation Further Amendment Act 1997*) extends to apply in relation to the exercise of functions by the Parole Board with respect to a matter that the Board had commenced to deal with before the date on which the Bill for that Act was introduced into Parliament, unless the Board had completed the exercise of those functions with respect to the matter before the date of introduction of this Bill, and
- (b) section 62AA of the *Correctional Centres Act 1952* (inserted by the *Sentencing Legislation Further Amendment Act 1997*) extends to apply in relation to the exercise of functions by the Serious Offenders Review Council with respect to a matter that the Review Council had commenced to deal with before the date on which the Bill for that Act was introduced into Parliament, unless the Review Council had completed the exercise of those functions with respect to the matter before the date of introduction of this Bill.

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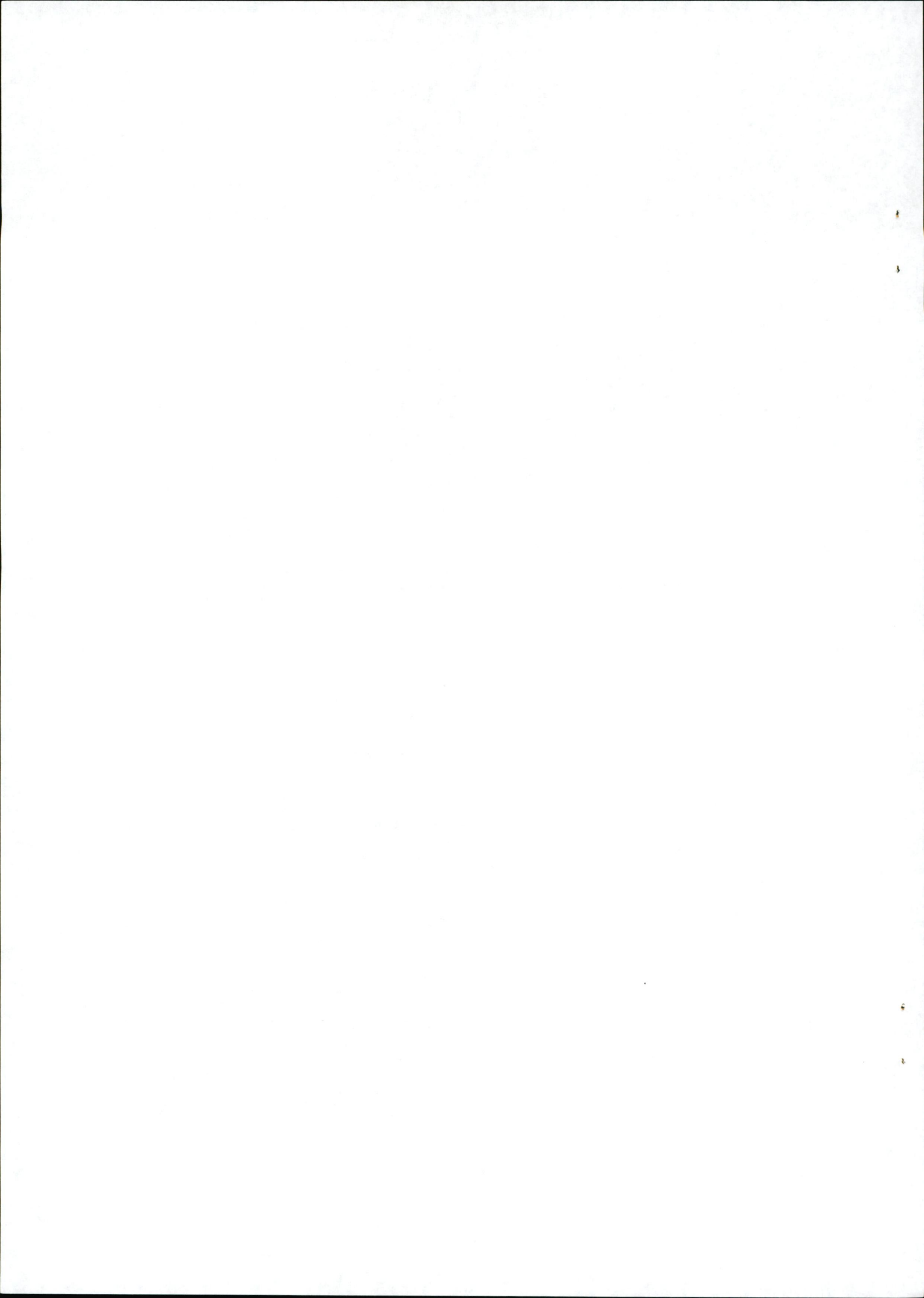


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New South Wales

Sentencing Amendment (Transitional) Bill 1997

No. , 1997

A Bill for

An Act to amend the *Sentencing Act 1989* to make further provision with respect to the application of section 13A of that Act to persons serving life sentences; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sentencing Amendment (Transitional) Act 1997*.

2 Commencement

This Act commences on the date of assent.

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3 Amendment of Sentencing Act 1989 No 87

The *Sentencing Act 1989* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Schedule 2A Savings and transitional provisions relating to amending Acts

Omit clause 8 (1). Insert instead:

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- (1) The amendments made by the amending Act to section 13A apply in relation to an application made by any person under that section before the date on which the Bill for the amending Act was introduced into Parliament (as well as in relation to applications made on or after that date), unless the application had been fully dealt with (or had been fully heard, with judgment reserved) before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.

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[2] Schedule 2A, clause 8 (4) and (5)

Omit clause 8 (4). Insert instead:

- (4) Section 22P applies in relation to the exercise by the Parole Board of any functions under Part 3 with respect to a matter it commenced to deal with before the date on which the Bill for the amending Act was introduced into Parliament (as well as in relation to matters it commenced or commences to deal with on or after that date), unless it had completed the exercise of those functions with respect to that matter before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.
- (5) Section 62AA of the *Correctional Centres Act 1952* applies in relation to the exercise by the Serious Offenders Review Council of any functions mentioned in or prescribed under that section with respect to a matter it commenced to deal with before the date on which the Bill for the amending Act was introduced into

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Sentencing Amendment (Transitional) Bill 1997

Schedule 1 Amendments

Parliament (as well as in relation to matters it commenced or commences to deal with on or after that date), unless it had completed the exercise of those functions with respect to that matter before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.

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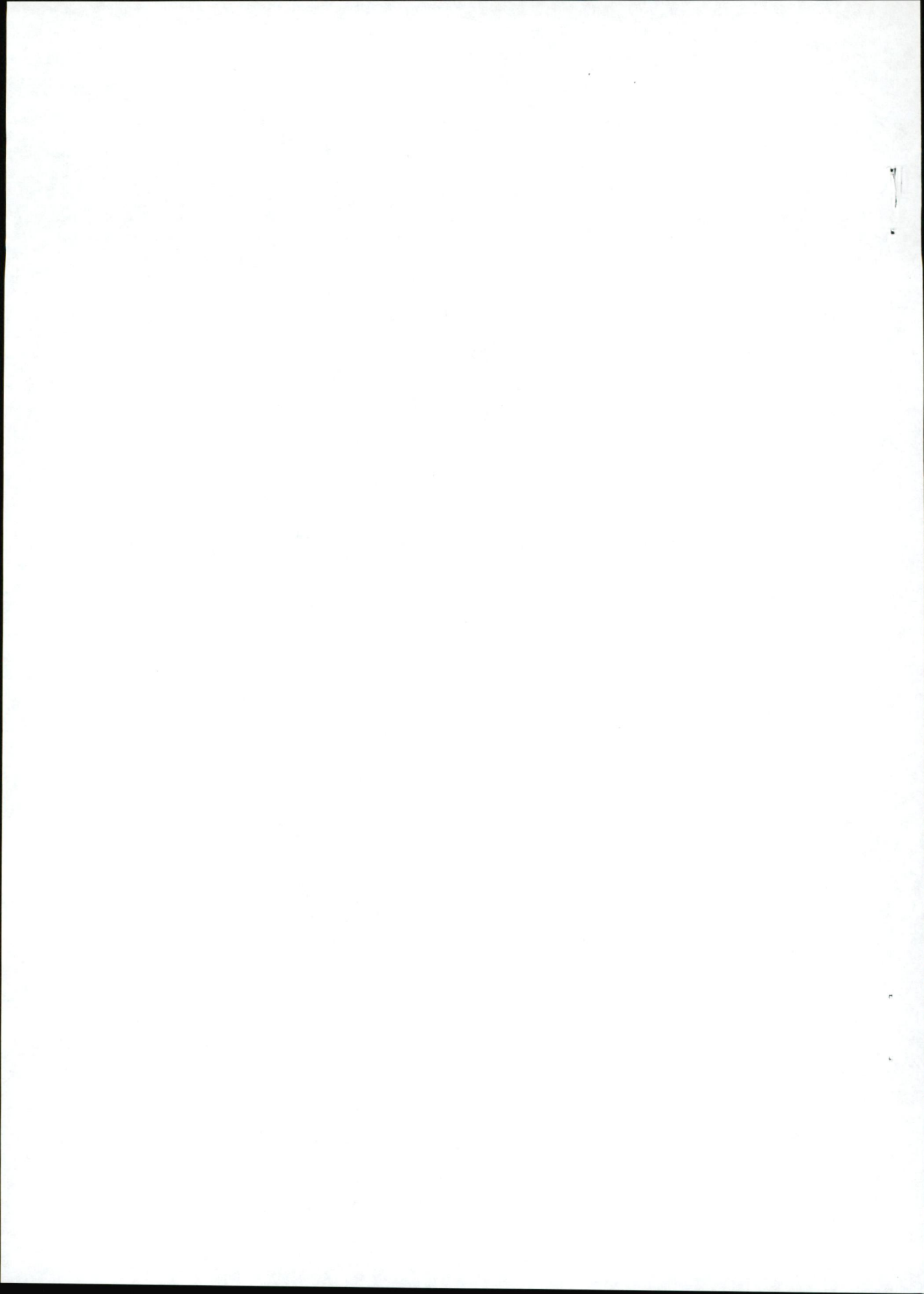


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New South Wales

Sentencing Amendment (Transitional) Act 1997 No 8

Act No 8, 1997

An Act to amend the *Sentencing Act 1989* to make further provision with respect to the application of section 13A of that Act to persons serving life sentences; and for other purposes. [Assented to 20 May 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sentencing Amendment (Transitional) Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Sentencing Act 1989 No 87

The *Sentencing Act 1989* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Schedule 2A Savings and transitional provisions relating to amending Acts

Omit clause 8 (1). Insert instead:

- (1) The amendments made by the amending Act to section 13A apply in relation to an application made by any person under that section before the date on which the Bill for the amending Act was introduced into Parliament (as well as in relation to applications made on or after that date), unless the application had been fully dealt with (or had been fully heard, with judgment reserved) before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.

[2] Schedule 2A, clause 8 (4) and (5)

Omit clause 8 (4). Insert instead:

- (4) Section 22P applies in relation to the exercise by the Parole Board of any functions under Part 3 with respect to a matter it commenced to deal with before the date on which the Bill for the amending Act was introduced into Parliament (as well as in relation to matters it commenced or commences to deal with on or after that date), unless it had completed the exercise of those functions with respect to that matter before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.
- (5) Section 62AA of the *Correctional Centres Act 1952* applies in relation to the exercise by the Serious Offenders Review Council of any functions mentioned in or prescribed under that section with respect to a matter it commenced to deal with before the date on which the Bill for the amending Act was introduced into

Sentencing Amendment (Transitional) Act 1997 No 8

Schedule 1 Amendments

Parliament (as well as in relation to matters it commenced or commences to deal with on or after that date), unless it had completed the exercise of those functions with respect to that matter before the date on which the Bill for the *Sentencing Amendment (Transitional) Act 1997* was introduced into Parliament.

[Minister's second reading speech made in—
Legislative Assembly on 13 May 1997
Legislative Council on 14 May 1997]

BY AUTHORITY