



New South Wales

Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Act 2013 No 78

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Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Act 2013 No 78

Act No 78, 2013

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision for standard non-parole periods for certain offences. [Assented to 29 October 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 44 Court to set non-parole period

Omit “section 54B (4A)” from section 44 (2C). Insert instead “section 54B”.

[2] Section 54A What is the standard non-parole period?

Omit section 54A (2). Insert instead:

- (2) For the purposes of sentencing an offender, the standard non-parole period represents the non-parole period for an offence in the Table to this Division that, taking into account only the objective factors affecting the relative seriousness of that offence, is in the middle of the range of seriousness.

[3] Section 54B

Omit the section. Insert instead:

54B Consideration of standard non-parole period in sentencing

- (1) This section applies when a court imposes a sentence of imprisonment for an offence, or an aggregate sentence of imprisonment with respect to one or more offences, set out in the Table to this Division.
- (2) The standard non-parole period for an offence is a matter to be taken into account by a court in determining the appropriate sentence for an offender, without limiting the matters that are otherwise required or permitted to be taken into account in determining the appropriate sentence for an offender.
- (3) The court must make a record of its reasons for setting a non-parole period that is longer or shorter than the standard non-parole period and must identify in the record of its reasons each factor that it took into account.
- (4) When determining an aggregate sentence of imprisonment for one or more offences, the court is to indicate, for those offences to which a standard non-parole period applies, the non-parole period that it would have set for each such offence to which the aggregate sentence relates had it set a separate sentence of imprisonment for that offence.
- (5) If the court indicates under subsection (4) that it would have set a non-parole period for an offence that is longer or shorter than the standard non-parole period for the offence, the court must make a record of the reasons why it would have done so and must identify in the record of its reasons each factor that it took into account.
- (6) A requirement under this section for a court to make a record of reasons for setting a non-parole period that is longer or shorter than a standard non-parole period does not require the court to identify the extent to which the seriousness of the offence for which the non-parole period is set differs from that of an offence to which the standard non-parole period is referable.
- (7) The failure of a court to comply with this section does not invalidate the sentence.

[4] Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Crimes
(Sentencing Procedure) Amendment (Standard
Non-parole Periods) Act 2013**

Operation of amendments

An amendment made by the *Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Act 2013* extends to an offence committed before the commencement of the amendment but does not affect any sentence imposed before the commencement of the amendment.

[Second reading speech made in—

Legislative Assembly on 18 September 2013

Legislative Council on 22 October 2013]