



# **Crimes Amendment (Remissions of Sentences) Act 2021**

**No. 129, 2021**

**An Act to amend the *Crimes Act 1914*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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# Crimes Amendment (Remissions of Sentences) Act 2021

No. 129, 2021

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## An Act to amend the *Crimes Act 1914*, and for related purposes

[Assented to 8 December 2021]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Crimes Amendment (Remissions of Sentences) Act 2021*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| <b>Commencement information</b> |   |                     |
|---------------------------------|---|---------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                   | <b>Column 3</b>     |
| <b>Provisions</b>               | <b>Commencement</b>                               | <b>Date/Details</b> |
| 1. The whole of this Act        | The day after this Act receives the Royal Assent. | 9 December 2021     |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Crimes Act 1914*

**1 Subsection 16(1) (subparagraph (b)(i) of the definition of *licence period*)**

Omit “(after deducting any remission or reduction that is applicable)”.

**2 Section 19AA**

Repeal the section.

**3 Paragraph 19AB(3)(b)**

Omit “, as reduced by any remissions or reductions under section 19AA”.

**4 Paragraph 19AC(4)(b)**

Omit “, as reduced by any remissions or reductions under section 19AA”.

**5 Section 19AF (heading)**

Omit “remitted”.

**6 Subsection 19AF(1)**

Omit “, as reduced by any remissions or reductions under section 19AA”.

**7 Paragraph 19AMA(3)(a)**

Omit “(after deducting any remission or reduction that is applicable)”.

**8 Paragraph 19AR(4)(b)**

Omit “, as reduced by any remissions or reductions under section 19AA”.

**9 Paragraph 19AW(1)(f)**

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.

## 10 After subsection 19AW(3)

Insert:

- (3A) Before fixing a non-parole period under paragraph (1)(f) in respect of the outstanding sentence or sentences, the prescribed authority must have regard to the period of time spent by the person on parole or licence before the parole order or licence was revoked under subsection 19AU(1).

## 11 Application provisions

### *Scope*

- (1) This item applies if, immediately before the commencement of this item:
- (a) a person had served, or was serving, a federal sentence in a prison of a State or Territory; and
  - (b) a law of the State or Territory provides, or provided, for the remission or reduction (however described) of State or Territory sentences being served in a prison of the State or Territory; and
  - (c) as a result of:
    - (i) the law mentioned in paragraph (b); and
    - (ii) subsection 19AA(1) of the *Crimes Act 1914* (as in force immediately before the commencement of this item);there was a remission or reduction (the ***pre-commencement remission or reduction***) of the federal sentence.

### ***Application—federal sentences that had been served before commencement***

- (2) If, before the commencement of this item, the person had served the federal sentence, then, despite the amendments of Part IB of the *Crimes Act 1914* made by this Schedule, that Part continues to apply, in relation to the pre-commencement remission or reduction of the federal sentence, as if those amendments had not been made.



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*Application—federal sentences that were being served immediately before commencement (laws of a kind mentioned in subsection 19AA(2) of the Crimes Act 1914)*

- (3) If, immediately before the commencement of this item:
- (a) the person was serving the federal sentence; and
  - (b) the law mentioned in paragraph (1)(b) is, or was, a law of a kind mentioned in subsection 19AA(2) of the *Crimes Act 1914* (as in force immediately before the commencement of this item);

then, despite the amendments of Part IB of the *Crimes Act 1914* made by this Schedule, that Part continues to apply, in relation to the pre-commencement remission or reduction of the federal sentence, as if those amendments had not been made.

*Application—federal sentences that were being served immediately before commencement (laws of a kind not mentioned in subsection 19AA(2) of the Crimes Act 1914)*

- (4) If, immediately before the commencement of this item:
- (a) the person was serving the federal sentence; and
  - (b) the law mentioned in paragraph (1)(b) is not, or was not, a law of a kind mentioned in subsection 19AA(2) of the *Crimes Act 1914* (as in force immediately before the commencement of this item);

then:

- (c) the amendments of Part IB of the *Crimes Act 1914* made by this Schedule apply in relation to the pre-commencement remission or reduction of the federal sentence; and
- (d) the pre-commencement remission or reduction of the federal sentence is taken to be of no effect.

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[Minister's second reading speech made in—  
Senate on 25 August 2021  
House of Representatives on 1 December 2021]

(112/21)

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