

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 7 July 1987

VIOLENT OFFENCES BILL (NO. 2)

Proposed Amendments

Right Hon. GEOFFREY PALMER, in Committee, to move the following amendment:

Proposed new clause 15A: To insert on page 21, after clause 15, the following clause:

15A. Period on remand to be taken into account on sentence—(1) The principal Act is hereby amended by repealing section 81, and substituting the following section:

“81. (1) On imposing a sentence of imprisonment for a term, the court shall, in determining the term, take into account in accordance with **subsection (2)** of this section the total period (if any) during which the offender was held on remand in penal custody at any stage of the proceedings leading to the offender’s conviction, or pending sentence, whether that period or any part of it related to any charge on which the offender was eventually convicted or any other charge on which the offender was originally arrested or that the offender faced at any time subsequent to his or her arrest and prior to his or her conviction.

“(2) For the purposes of **subsection (1)** of this section, a court shall take into account the period spent on remand in penal custody by reducing the term of imprisonment that would otherwise be appropriate by so much of that period as is reasonably practicable in all the circumstances.

“(3) The court shall be provided with such information as is necessary to enable the court to comply with **subsection (2)** of this section.

“(4) This section shall not apply in respect of any time spent on remand in penal custody while the offender was subject to any full-time custodial sentence.

“(5) In this section “penal custody” means detention in any penal institution established under the Penal Institutions Act 1954 except a Police jail.”

(2) **Subsection (1)** of this section shall not apply in respect of any sentences imposed before the commencement of this Act or any sentences imposed in substitution for any such sentences.

EXPLANATORY NOTE

Proposed clause 15A: This clause repeals and replaces section 81 of the Criminal Justice Act 1985. That section provides that, where an offender is sentenced to imprisonment or preventive detention, any time spent by the offender on remand in custody is to be counted as time served for the purposes of the sentence. Under this clause, the Judge, on imposing a sentence of imprisonment for a term, will take into account the time spent in custody on remand, when determining the length of sentence to impose.