

**NORTHERN TERRITORY OF AUSTRALIA**

**SENTENCING REGULATIONS**

As in force at 27 February 2012

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 27 February 2012

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## SENTENCING REGULATIONS

### Regulations under the *Sentencing Act*

#### 1 Citation

These Regulations may be cited as the *Sentencing Regulations*.

#### 2 Prescribed program and undertaking

- (1) For the definition ***prescribed program*** in section 3(1) of the Act, each of the following is a prescribed program for a community based order or community custody order:
  - (a) an alcohol or other drug treatment program;
  - (b) an education or training program in driving;
  - (c) any other education or training program;
  - (d) treatment or counselling addressing personal factors.
- (2) For the definition ***undertaking*** in section 3(1) of the Act, the prescribed form is Form 1 in the Schedule.

#### 3 Proper officer

The proper officer, for each provision of the Act in which the term is used, is the following officer:

- (a) for the Local Court – a Registrar within the meaning of the *Local Court Act*;
- (b) for the Court of Summary Jurisdiction – a Clerk within the meaning of the *Justices Act*;
- (c) for the SMART Court – a Registrar of the Court mentioned in section 9 of the *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act*.

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#### **4 Prescribed persons**

- (1) For the purposes of sections 14(3)(b), 15(1), 42(3)(b) and 43(1) and (2) of the Act, each person who is a probation officer and an employee of the Agency responsible under the Minister for the administration of the *Prisons (Correctional Services) Act* is a prescribed person.
- (2) In addition to subregulation (1), for the purposes of sections 15(1) and 43(1) and (2), each person who is a prosecutor is a prescribed person.
- (3) For the purposes of section 85(2) of the Act, the Chief Health Officer is a prescribed person.
- (4) For the purposes of section 86(1) of the Act, the Chief Health Officer and the Director are prescribed persons.

#### **4A Requirement to comply with *Prisons (Correctional Services) (Community Orders) Regulations***

For sections 39(1)(g), 39E(1)(f)(i), 48E(1)(h)(i) and 48(1)(g) of the Act, an offender subject to a community work order, community based order, community custody order or home detention order must comply with the *Prisons (Correctional Services) (Community Orders) Regulations*.

#### **5 Breach of order for release on bond**

For the purposes of section 15 of the Act, the prescribed form is Form 2 in the Schedule.

#### **11 Breach of order suspending sentence**

For the purposes of section 43(1) and (2) of the Act, the prescribed form is Form 4 in the Schedule.

#### **12 Hospital orders**

For the purposes of section 80(1)(a) and (b) of the Act, the prescribed form is Form 5 in the Schedule.

#### **12A Breach of hospital order**

For the purposes of section 86(1) of the Act, the prescribed form is Form 5A in the Schedule.

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**13 Disposal of other pending charges**

For the purposes of section 107 of the Act, the prescribed form is Form 6 in the Schedule.











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FORM 5

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

*Sentencing Act*

CERTIFICATE AND REPORT OF CHIEF HEALTH OFFICER

Ref No.

Date of hearing:

Full name of defendant:

Address of defendant:

PART A – CERTIFICATE

I, the undersigned, the Chief Health Officer, certify that the abovenamed defendant was examined by (name of medical practitioner), a medical practitioner, on (time and date) at .

It is his/her opinion that:

- (a) the defendant appears to be suffering from a mental illness that requires treatment;
- (b) the treatment can only be obtained by admission to and detention in a hospital; and
- (c) the defendant should be admitted as a patient for his or her health or safety or for the protection of members of the public.

The opinion is based on the following facts:

PART B – REPORT

I, the undersigned, the Chief Health Officer, report that facilities are available at the (name of hospital) for the abovenamed defendant to undertake treatment for his/her mental illness and the admission, detention and treatment of the defendant is appropriate.

Dated 19 .

Chief Health Officer





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FORM 6

regulation 13

NORTHERN TERRITORY OF AUSTRALIA  
*Sentencing Act*  
DISPOSAL OF OTHER PENDING CHARGES  
PART A

To

Charged with

Before the Court at .

MEMORANDUM FOR ACCUSED'S INFORMATION

- (1) The list on the back of this form gives particulars of other alleged offences with which you are charged.
- (2) If you are convicted on the charge(s) set out above you may, before sentence is passed, ask to be allowed to admit all or any of the other offences listed on the back of this form and to have them taken into account by the Court in passing sentence on you.
- (3) If at your request any of the other offences listed on the back are taken into account by the Court, then –
  - (a) this does not amount to a conviction in respect of the other offences taken into account;
  - (b) the sentence that may be imposed on you by the Court for each offence of which you have in fact been convicted cannot exceed the maximum that might have been imposed for it if there had been no taking into account of other offences listed on the back.
- (4) No further proceedings may be taken against you in respect of any other offences taken into account at your request unless your conviction for the offence(s) above is quashed or set aside.

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- (5) If any proceedings are taken against you in respect of any offence that you have asked to have taken into account your admission of that offence cannot be used as evidence against you in those proceedings.

Dated 19 .

Prosecutor

Dated 19 .

Accused

PART B

CERTIFICATE

In sentencing for the offence(s) of

this day the Court has taken into account the following offences alleged against and admitted by the accused, that is to say the offences numbered on the back of this form.

Dated 19 .

Judge/Magistrate

PART C

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Number	Place where offence committed	Date of offence	Description of offence ( <i>with particulars</i> )
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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Sentencing Regulations (SL No. 28, 1996)***

Notified	1 July 1996
Commenced	1 July 1996

***Amendments of Sentencing Regulations (SL No. 57, 1996)***

Notified	19 December 1996
Commenced	19 December 1996

***Amendment of Sentencing Regulations (SL No. 9, 1997)***

Notified	9 April 1997
Commenced	9 April 1997

***Statute Law Revision Act 1997 (Act No. 17, 1997)***

Assent date	11 April 1997
Commenced	1 May 1997 ( <i>Gaz</i> G17, 30 April 1997, p 2)

***Sentencing (Consequential Amendments) Act 2001 (Act No. 56, 2001)***

Assent date	19 October 2001
Commenced	22 October 2001 (s 2)

***Sentencing Amendment (Prescribed Persons) Regulations 2006 (SL No. 1, 2006)***

Notified	1 February 2006
Commenced	1 February 2006

***Sentencing Amendment (Alcohol Court) Regulations 2006 (SL No. 21, 2006)***

Notified	14 June 2006
Commenced	14 June 2006

***Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011 (Act No. 19, 2011)***

Assent date	20 May 2011
Commenced	1 July 2011 ( <i>Gaz</i> G23, 8 June 2011, p 6)

***Prisons (Correctional Services) (Community Orders) Regulations (SL No. 53, 2011)***

Notified 20 December 2011  
Commenced 27 February 2012 (r 2, s 2 *Justice (Corrections) and Other Legislation Amendment Act 2011* (Act No. 24, 2011) and Gaz S9, 21 February 2012)

**3 LIST OF AMENDMENTS**

r 2 sub No. 53, 2011, r 42  
r 3 sub No. 21, 2006, r 3  
amd Act No. 19, 2011, s 46  
r 4 amd Act No. 17, 1997, s 18; No. 1, 2006, r 3  
4A ins No. 53, 2011, r 43  
rr 6 – 9 rep No. 1, 2006, r 4  
r 10 amd Act No. 56, 2001, s 6  
rep No. 53, 2011, r 44  
r 11A ins No. 9, 1997  
rep No. 53, 2011, r 44  
r 12A ins No. 57, 1996, r 1  
sch amd No. 57, 1996, r 2; Act No. 17, 1997, s 18; No. 1, 2006, r 5