

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING OF JUVENILES (MISCELLANEOUS PROVISIONS) ACT

As in force at 22 October 2001

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 2023

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## SENTENCING OF JUVENILES (MISCELLANEOUS PROVISIONS) ACT

**An Act to ensure that persons who are 17 years of age or over but under 18 years of age are treated as juveniles under the criminal law of the Territory and for related purposes**

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Sentencing of Juveniles (Miscellaneous Provisions) Act*.

#### **2 Commencement**

This Act comes into operation on 1 June 2000.

#### **3 Interpretation**

- (1) In this Act, unless the contrary intention appears, **Juvenile Court** has the same meaning as **Court** has in the *Juvenile Justice Act*.
- (2) Unless the contrary intention appears, if a word or expression that is used in this Act is defined for the purposes of the *Juvenile Justice Act* or *Sentencing Act*, the word or expression has the same meaning in this Act as it has in the *Juvenile Justice Act* or *Sentencing Act*.

### **Part 2 Amendments of Juvenile Justice Act, Sentencing Act and other acts to raise upper age of juveniles from 17 to 18 years of age**

#### **4 Amendments of Juvenile Justice Act**

The *Juvenile Justice Act* is amended:

- (a) by omitting from the definition of **juvenile** in section 3(1) "17 years" (twice occurring) and substituting "18 years";

- (b) by omitting from section 53(6) "17 years" (twice occurring) and substituting "18 years";
- (c) by omitting from section 53(8) "17 years" and substituting "18 years";
- (d) by omitting from section 53AG(2) "17 years" (twice occurring) and substituting "18 years";
- (e) by omitting from section 53AG(5) "17 years" and substituting "18 years";
- (f) by omitting from section 58B(3) "17 years" (twice occurring) and substituting "18 years";
- (g) by omitting from section 58ZI(4) "17 years" (twice occurring) and substituting "18 years"; and
- (h) by omitting from section 58ZI(6) "17 years" and substituting "18 years".

## **5 Amendment of *Sentencing Act***

Section 78A of the *Sentencing Act* is amended by omitting from subsection (9) "17 years" (twice occurring) and substituting "18 years".

## **6 Amendments of other Acts**

- (1) Section 4 of the *Bail Act* is amended by omitting "17 years" and substituting "18 years".
- (2) Section 29A of the *Law Reform (Miscellaneous Provisions) Act* is amended by omitting from subsection (1) "17 years" and substituting "18 years".
- (3) The *Misuse of Drugs Act* is amended:
  - (a) by omitting from the definitions of **adult** and **child** in section 3(1) "17 years" and substituting "18 years"; and
  - (b) by omitting from section 21 "17 years" and substituting "18 years".
- (4) Section 21 of the *Prisons (Correctional Services) Act* is amended by omitting from subsections (1) and (3) "17 years" and substituting "18 years".

**Part 3 Provisions that apply generally to persons who have committed offences when 17 years of age**

**7 Offence committed when 17 years of age – offender awaiting sentence**

- (1) On the commencement of this Act, if:
- (a) a court (other than the Juvenile Court) has found an offender guilty of an offence committed when the offender was 17 years of age; and
  - (b) the court has not sentenced the offender in respect of the offence,

the offender must be sentenced by the Juvenile Court.

- (2) On the commencement of this Act, if a person has been charged with an offence committed when the person was 17 years of age and the offence is to be dealt with by a court (other than the Juvenile Court) the court must refer the matter to the Juvenile Court to be dealt with by the Juvenile Court.
- (3) The Juvenile Court has jurisdiction in respect of a matter that is required to be dealt with by it in accordance with subsection (1) or (2) and the *Juvenile Justice Act* applies in relation to the matter as if the proceedings in respect of the matter had been brought under that Act.

**8 Offence committed when 17 years of age – offender already sentenced**

If, before the commencement of this Act, a court (other than the Juvenile Court) had sentenced an offender in respect of an offence committed when the offender was 17 years of age, the offender is to be treated as if he or she is an adult in respect of any proceedings relating to the offence despite that the offender may not be 18 years of age.

**9 Proceedings not to be rendered invalid**

- (1) If proceedings are to be dealt with by the Juvenile Court as required by this Act, the proceedings are to be dealt with as proceedings before the Juvenile Court despite that before the commencement of this Act the proceedings or any part of those proceedings did not comply with the *Juvenile Justice Act* or that a requirement of that Act had not been complied with.

- (2) For the purposes of this Act, it is expressly declared that no proceedings to be dealt with by the Juvenile Court as required by this Act can be declared invalid by reason that before the commencement of this Act those proceedings did not comply with the *Juvenile Justice Act* or that a requirement of that Act had not been complied with.

## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Sentencing of Juveniles (Miscellaneous Provisions) Act 2000 (Act No. 17, 2000)***

Assent date           30 May 2000  
Commenced           1 June 2000 (s 2)

***Juvenile Justice (Consequential Amendments) Act 2001 (Act No. 54, 2001)***

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

### 3 LIST OF AMENDMENTS

pt 4 hdg           rep No. 54, 2001, s 3  
ss 10 – 12       rep No. 54, 2001, s 3