

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING AMENDMENT ACT 2001

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No. 38 of 2001

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Fixing of non-parole period by sentencing court
5. New section  
55A. Fixed non-parole period for offences against persons under 16  
years of age
6. Fixing of new non-parole period in respect of multiple  
sentences





# NORTHERN TERRITORY OF AUSTRALIA

No. 38 of 2001

## AN ACT

to amend the *Sentencing Act*

[Assented to 19 July 2001]

[Second reading 5 June 2001]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Sentencing Amendment Act 2001*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Sentencing Act* is in this Act referred to as the Principal Act.

**4. Fixing of non-parole period by sentencing court**

Section 53 of the Principal Act is amended by omitting from subsection (1) "and 55" and substituting ", 55 and 55A".

**5. New section**

The Principal Act is amended by inserting after section 55 the following:

**"55A. Fixed non-parole period for offences against persons under 16 years of age**

"(1) Subject to this section, if—

- (a) a court sentences an offender to be imprisoned for an offence against section 127, 128, 129, 130, 131, 131A, 132, 134, 177(a), 181, 184, 186, 186B, 188 or 192(4) of the Criminal Code;
- (b) the offender was an adult when the offence was committed;
- (c) the offence was committed on a person who was under the age of 16 years; and
- (d) the sentence is not suspended in whole or in part,

the court must fix a period under section 53(1) of not less than 70% of the period of imprisonment that the offender is to serve under the sentence.

"(2) Subsection (1) does not apply where under section 53(1) the court considers that the fixing of a non-parole period is inappropriate."

**6. Fixing of new non-parole period in respect of multiple sentences**

Section 57 of the Principal Act is amended by omitting from subsection (2)(c) "or 55" and substituting ", 55 or 55A".