

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING AMENDMENT (VIOLENT OFFENCES) ACT 2008

Act No. 30 of 2008

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Act No. 30 of 2008

An Act to amend the *Sentencing Act*

[Assented to 21 November 2008]
[Second reading 11 September 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Sentencing Amendment (Violent Offences) Act 2008*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Sentencing Act*.

4 Amendment of section 3 (Interpretation)

Section 3(1), definition ***violent offence***

omit, substitute

violent offence means:

- (a) for sections 65, 67, 68 and 74 – a violent offence as defined in section 65; and
- (b) for other provisions of this Act – an offence specified in Schedule 2.

5 Repeal and substitution of section 78BA

Section 78BA

repeal, substitute

78BA Mandatory imprisonment for certain violent offences

- (1) This section applies to:
- (a) any of the following violent offences:
 - (i) an offence against section 181 or 186 of the Criminal Code;
 - (ii) an offence against section 188 or 189A of the Criminal Code that results in harm to the victim; and
 - (b) any other violent offence committed after the offender has (before or after the commencement of this section) been found guilty of:
 - (i) a violent offence; or
 - (ii) an offence substantially corresponding to a violent offence committed against a law that was later repealed or the law of some other jurisdiction (including a jurisdiction outside Australia).
- (1A) However, if an offence in subsection (1)(a) relates to causing or resulting in only physical harm to a victim, this section applies only if the harm is a physical injury that interferes with the victim's health.

Example

A is found guilty of an offence against section 186 for unlawfully causing physical harm to B. If the harm consists only of pain that does not amount to a physical injury that interferes with B's health, this section does not apply to the sentencing of A for the offence.

- (2) If a court finds an offender guilty of an offence to which this section applies, the court must record a conviction and must order that the offender serve:
- (a) a term of actual imprisonment; or
 - (b) a term of imprisonment that is partly, but not wholly, suspended.
- (3) This section does not prevent the sentencing court from exercising powers that may be exercised consistently with this section.