

Serial 322
Sentencing Amendment Bill (No. 2) 2001
Mr Burke

**A BILL
for
AN ACT**

to amend the *Sentencing Act*

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

AN ACT

to amend the *Sentencing Act*

[Assented to 2001]
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Sentencing Amendment Act (No. 2) 2001*.

2. Commencement

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

3. Sentencing guidelines

Section 5 of the *Sentencing Act* is amended –

(a) by inserting after subsection (2)(b) the following:

"(ba) if the offence is a sexual offence –

- (i) whether the victim contracted a sexually transmissible medical condition as a result of the offence; and
- (ii) whether the offender was aware at the time of the offence that he or she had a medical condition that could be sexually transmitted;" and

Sentencing Amendment Act (No. 2) 2001

(b) by adding at the end the following:

"(3) For the purposes of subsection (2)(ba) –

(a) a certificate by a medical practitioner that a person has (or had at a stated time) a sexually transmissible medical condition is evidence of the existence of that condition; and

(b) if –

(i) a certificate is tendered that the offender had at the relevant time a sexually transmissible medical condition; and

(ii) evidence is given that the victim contracted the medical condition at a time that is consistent with the medical condition being transmitted from the offender,

the contraction by the victim of the medical condition is to be taken to be a result of the offence."

4. Definitions

Section 106A of the *Sentencing Act* is amended by inserting after paragraph (b) of the definition of "harm" the following:

"(ba) contraction or fear of contraction of a sexually transmissible medical condition;"
