

Serial 55

Sentencing Legislation Amendment (Crime of Murder) Bill 2009

Mr Mills

A Bill for an Act to provide for a person sentenced to imprisonment for life for
murder, and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING LEGISLATION AMENDMENT (CRIME OF MURDER) BILL 2009

Act No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2009

An Act to provide for a person sentenced to imprisonment for life for murder,
and for related purposes

[Assented to [] 2009]
[Second reading [] 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Sentencing Legislation Amendment (Crime of Murder) Act 2009*.

Part 2 Amendment of Sentencing Act

2 Act amended

This Part amends the *Sentencing Act*.

3 Amendment of section 53 (Fixing of non-parole period by sentencing court)

(1) Before section 53(1)

insert

(1AA) This section applies if:

- (a) a court sentences an offender to be imprisoned for 12 months or longer (other than imprisonment for life for the crime of murder); and
- (b) the sentence is not suspended in whole or in part.

(2) Section 53(1)

omit

all the words before ", as part of the sentence"

substitute

(1) The court must

(3) After section 53(2)

insert

(3) This section has effect subject to sections 54, 55 and 55A.

Note for section 53

An offender sentenced to imprisonment for life for the crime of murder may have the sentence remitted in accordance with section 432 of the Criminal Code.

4 Repeal of section 53A

Section 53A

repeal

5 Amendment of section 54 (Minimum non-parole period)

Section 54(3)

omit, substitute

(3) Subsection (1) does not apply if:

- (a) the offender is sentenced to imprisonment for life; or

- (b) the court considers under section 53(1) the fixing of a non-parole period is inappropriate.

6 Amendment of section 57 (Fixing of new non-parole period in respect of multiple sentences)

Section 57(2)(c)

omit

53A,

7 New Part 14

After section 131

insert

Part 14 Transitional matters for Sentencing Legislation Amendment (Crime of Murder) Act 2009

132 Application

The amendments made to this Act by the *Sentencing Legislation Amendment (Crime of Murder) Act 2009* apply only in relation to a person who is sentenced on or after the commencement of that Act.

Part 3 Amendment of Criminal Code

8 Act amended

This Part amends the Criminal Code.

9 Amendment of section 157 (Punishment for murder and conspiracy to murder)

- (1) Section 157, note, heading

omit, substitute

Note for section 157

- (2) Section 157, note 1

omit

- (3) Section 157, note 2

omit

2.

10 Amendment of section 432 (Conditional remission of sentence by Administrator)

After section 432(2)

insert

- (3) Despite subsections (1) and (2), the Administrator may remit the sentence of a person (the **offender**) sentenced to imprisonment for life for the crime of murder only in accordance with subsections (4) to (6).
- (4) The Administrator may remit the sentence only after the offender has served at least:
- (a) if subsection (5) applies in relation to the offender – 25 years of the sentence; or
 - (b) otherwise – 20 years of the sentence.
- (5) This subsection applies if:
- (a) the act or omission that caused the victim's death occurred while the victim was carrying out the duties of, or for a reason otherwise connected with, an occupation involving the performance of a public function or the provision of a community service; or
 - (b) the act or omission that caused the victim's death was part of a course of conduct by the offender that included conduct, either before or after the victim's death, that would have constituted a sexual offence against the victim; or
 - (c) the victim was under 18 years of age at the time of the act or omission that caused the victim's death; or
 - (d) the sentence was related to 2 or more convictions for unlawful homicide; or
 - (e) the sentence was related to one conviction for murder and one or more other unlawful homicides are being taken into account; or

- (f) at the time the offender was convicted of the offence, the offender had one or more previous convictions for unlawful homicide.
- (6) Without limiting subsection (5)(a), an occupation mentioned in that subsection includes the following:
 - (a) police officer;
 - (b) emergency services worker;
 - (c) correctional services officer;
 - (d) judicial officer;
 - (e) health professional;
 - (f) teacher;
 - (g) community worker.

11 New Part XIII

After section 445

insert

Part XIII Transitional matters for Sentencing Legislation (Crime of Murder) Amendment Act 2009

446 Application

The amendments made to this Act by the *Sentencing Legislation Amendment (Crime of Murder) Act 2009* apply only in relation to a person who is sentenced on or after the commencement of that Act.

Part 4 Amendment of Parole of Prisoners Act

12 Act amended

This Part amends the *Parole of Prisoners Act*.

13 Amendment of section 3EB (Constitution of Board for different matters)

- (1) Section 3EB, heading

omit

for different matters

- (2) Section 3EB(1)

omit

- (3) Section 3EB(2)

omit

- (2) For a matter relating to any other prisoner

substitute

For a matter relating to a prisoner

14 Amendment of section 3F (Meetings of Board)

- (1) Section 3F(4)

omit, substitute

- (4) At a meeting of the Board, a quorum is constituted by the Chairman and 3 other members.

- (2) Section 3F(5)(a), at the end

insert

and

- (3) Section 3F(5)(b)

omit

15 Repeal of section 3GB

Section 3GB

repeal

16 New section 18

After section 17

insert

18 Transitional matters for *Sentencing Legislation Amendment (Crime of Murder) Act 2009*

- (1) The amendments made to this Act by the *Sentencing Legislation Amendment (Crime of Murder) Act 2009* apply only in relation to a person who is sentenced on or after the commencement of that Act.
- (2) Despite those amendments, this Act as in force immediately before that commencement continues to have effect in relation to a person sentenced for the crime of murder and for whom a minimum term of imprisonment was fixed by a court before that commencement.

Part 5 Amendment of Sentencing (Crime of Murder) and Parole Reform Act**17 Act amended**

This Part amends the *Sentencing (Crime of Murder) and Parole Reform Act*.

18 New Part 5, Division 3

After section 22

insert

Division 3 Effect of the Sentencing Legislation Amendment (Crime of Murder) Act 2009**23 Effect of *Sentencing Legislation Amendment (Crime of Murder) Act 2009***

This Part is not affected by the *Sentencing Legislation Amendment (Crime of Murder) Act 2009*.