

Serial 124
Sentencing Legislation Amendment Bill 2015
Mr Elferink

A Bill for an Act to amend the *Sentencing Act* and *Youth Justice Act*

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING LEGISLATION AMENDMENT ACT 2015

Act No. [] of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2015

An Act to amend the *Sentencing Act* and *Youth Justice Act*

[Assented to [] 2015]
[Second reading [] 2015]

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 Act 2015*.

2 Commencement

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

Part 2 Amendment of Sentencing Act

3 Act amended

This Part amends the *Sentencing Act*.

4 Section 53 amended

After section 53(1)

insert

- (1A) Subject to section 57, if a court sentences an offender to be imprisoned for less than 12 months or for a term that is suspended in whole or part, the court may not, as part of the sentence, fix a non-parole period.

5 Section 57 amended

Section 57(1)

omit, insert

- (1) This section applies if:
- (a) an offender has been sentenced to be imprisoned for an offence and a non-parole period has been fixed in respect of the sentence; and
 - (b) before the end of the non-parole period the offender is sentenced by a court to a further term of imprisonment.
- (1A) The court must fix a new single non-parole period in respect of all the sentences the offender is to serve or complete.

6 Section 59 amended

- (1) Section 59(1)

omit

(1)

- (2) Section 59(2)

omit

7 Section 108 amended

Section 108(4)

omit

all words from "centre" to "Act)"

insert

facility

8 Part 12, Division 7 inserted

After section 136

insert

**Division 7 Transitional matters for Sentencing Legislation
Amendment Act 2015**

137 Application of amendments

- (1) Section 57, as amended by the amending Act, applies if an offender is sentenced by a court to a further term of imprisonment after the commencement, even if the offence to which the sentence relates was committed before the commencement.
- (2) Section 59, as in force immediately before the commencement, continues to apply in relation to a sentence, the service of which was suspended under section 59 before the commencement, as if the amending Act had not commenced.
- (3) In this section:

amending Act means the *Sentencing Legislation Amendment Act 2015*.

commencement means the commencement of the amending Act.

Part 3 Amendment of Youth Justice Act

9 Act amended

This Part amends the *Youth Justice Act*.

10 Section 5 amended

Section 5(1)

insert (in alphabetical order)

non-parole period, for a sentence of detention or imprisonment, means a period fixed by the Court during which the youth is not eligible to be released on parole.

11 Section 85 amended

Section 85(3)

omit, insert

- (3) Subject to section 87, if the Court sentences a youth to a term of detention or imprisonment of 12 months or less, or a term that is suspended in whole or part, the Court may not fix a non-parole period.

12 Section 87 amended

Section 87(1)

omit, insert

- (1) This section applies if:
- (a) a youth has been sentenced to be detained or imprisoned for an offence and a non-parole period has been fixed in respect of the sentence; and
 - (b) before the end of the non-parole period the youth is sentenced by the Court to a further term of detention or imprisonment.
- (1A) The Court must fix a new single non-parole period in respect of all the sentences the youth is to serve or complete.

13 Section 130 amended

- (1) Section 130(1)

omit

- (1)

- (2) Section 130(2)
omit

14 Part 17, Division 3 inserted

After section 227
insert

Division 3 Sentencing Legislation Amendment Act 2015

228 Application of amendments

- (1) Section 87, as amended by the amending Act, applies if a youth is sentenced by the Court to a further term of detention or imprisonment after the commencement, even if the offence to which the sentence relates was committed before the commencement.
- (2) Section 130, as in force immediately before the commencement, continues to apply in relation to a sentence, the service of which was suspended under section 130 before the commencement, as if the amending Act had not commenced.
- (3) In this section:

amending Act means the *Sentencing Legislation Amendment Act 2015*.

commencement means the commencement of the amending Act.

Part 4 Expiry of Act

15 Expiry of Act

This Act expires on the day after it commences.