Serial 85
Sentencing and Sexual Offences (Evidence and Procedure) Amendment Bill 2026
Ms Boothby

A Bill for an Act to amend the *Sentencing Act 1995* and the *Sexual Offences (Evidence and Procedure) Act 1983*

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING AND SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) AMENDMENT ACT 2026

Act No. [ ] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2026

An Act to amend the *Sentencing Act 1995* and the *Sexual Offences (Evidence and Procedure) Act 1983*

[*Assented to [ ] 2026*]
[*Introduced [ ] 2026*]

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 and Sexual Offences (Evidence and Procedure) Amendment Act 2026*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Sentencing Act 1995

3 Act amended

This Part amends the *Sentencing Act 1995*.

4 Section 5 amended (Sentencing guidelines)

Section 5(3A)

omit, insert

(3A) Despite subsection (2)(e), in sentencing an offender for an offence against Part V, Division 2 or Part VIA of the Criminal Code, a court must not have regard to the previous good character of the offender.

(3B) However, the court may have regard to the previous good character of the offender, but only to the extent it assists the court in assessing the offender's prospects of rehabilitation or risk of reoffending, if:

(a) the offender was a youth when the offence was committed; and

(b) the court considers that exceptional circumstances exist in relation to the offence or the offender.

5 Part 12, Division 17 inserted

After section 158

insert

Division 17 Transitional matters for Sentencing and Sexual Offences (Evidence and Procedure) Amendment Act 2026

159 Application of amendments to section 5

(1) Section 5, as amended by the amending Act, applies in relation to the sentencing of an offender after the commencement, irrespective of when the offence was committed.

(2) In this section:

amending Act means the *Sentencing and Sexual Offences (Evidence and Procedure) Amendment Act 2026*.

commencement means the commencement of section 4 of the amending Act.

Part 3 Amendment of Sexual Offences (Evidence and Procedure) Act 1983

6 Act amended

This Part amends the *Sexual Offences (Evidence and Procedure) Act 1983*.

7 Section 7 amended (Disclosing identity of defendant)

Section 7(1)(b) to (d)

omit, insert

(b) the publication or making of the statement or representation results in the disclosure of any of the following particulars:

(i) the name, address, school or place of employment of a defendant;

(ii) any other particular likely to lead to the identification of a defendant; and

(c) the statement or representation is published or made before the conclusion of the defendant's first appearance in a court (whether personally or by legal practitioner) on a charge of having committed a sexual offence to which the statement or representation relates; and

(d) the person is reckless in relation to the result referred to in paragraph (b) and the circumstance referred to in paragraph (c).

8 Section 8 amended (Exempted statements and representations)

(1) Section 8(1)

omit

(1)

(2) Section 8(2)

omit

9 Section 9 amended (Court may authorise disclosure)

(1) Section 9(1)

omit

section 6 or 7.

insert

section 6.

(2) Section 9(4)

omit

all words from 'or 7(1)' to 'or defendant'

insert

does not apply in relation to a specified complainant

10 Section 12A inserted

After section 12

insert

12A Other laws prohibiting or restricting disclosure of identity of complainant or defendant not limited or otherwise affected

Sections 6 and 7 do not limit or otherwise affect any other law that prohibits or restricts, or authorises a court or tribunal to prohibit or restrict, the publication or making of a statement or representation that discloses any particular that is likely to lead to the identification of a complainant or a defendant.

11 Part 3, Division 5 inserted

After section 22

insert

Division 5 Transitional matters for Sentencing and Sexual Offences (Evidence and Procedure) Amendment Act 2026

23 Application of amendments to section 7 in relation to certain defendants

(1) Section 7, as amended by the amending Act, applies with the modifications set out in subsection (2) to the publication or making of a statement or representation in relation to a defendant (a ***relevant defendant***) who, before the commencement:

(a) was charged with having committed a sexual offence (an ***existing charge***); and

(b) has appeared in a court (whether personally or by legal practitioner) on the existing charge; and

(c) has not been committed for trial or sentence.

(2) A reference in section 7(1)(c) to the statement or representation being published or made before the conclusion of the first appearance of a defendant who is a relevant defendant is taken to be a reference to the statement or representation being published or made before the conclusion of the relevant defendant's next appearance in court (whether personally or by legal practitioner) on the existing charge after the commencement.

(3) In this section:

amending Act means the *Sentencing and Sexual Offences (Evidence and Procedure) Amendment Act 2026*.

commencement means the commencement of section 6 of the amending Act.

Part 4 Repeal of Act

12 Repeal of Act

This Act is repealed on the day after it commences.