

2008

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR JUSTICE AND ATTORNEY-GENERAL

SENTENCING (VIOLENT OFFENCES) AMENDMENT BILL 2008

SERIAL NO. 7

EXPLANATORY STATEMENT

GENERAL OUTLINE

The purpose of the Bill is to amend the *Sentencing Act* to require Courts to sentence offenders who commit certain violent offences causing harm or serious harm to serve a term of actual imprisonment, whilst retaining the current sentencing regime for other violent offences.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill.

The Bill, when passed, may be cited as the *Sentencing*

(Violent Offences) Amendment Act 2008.

Clause 2. Commencement

This clause provides that the Act will commence on the date fixed by the Administrator by notice in the NT Government Gazette.

Clause 3. Act amended

This clause provides that the Act amends the *Sentencing Act*.

Clause 4. Amendment of section 3 (Interpretation)

This clause amends the definition of “violent offence” in section 3(1) of the *Sentencing Act* by clarifying that the meaning of the term, for the purposes of sections 65, 67, 68 and 74, is as defined in section 65 and the meaning of the term for the rest of the Act is as specified in Schedule 2.

Clause 5. Substitution of section 78BA

This clause repeals and substitutes section 78BA. Current section 78BA(1) is now section 78BA(1)(b). Section 78BA(1)(a) provides for a new sentencing regime for offenders found guilty of an offence against sections 181 and 186 of the Criminal Code (ie causing serious harm

or harm) and sections 188 and 189A of the Criminal Code being aggravated assault causing harm and aggravated assault on a police officer causing harm to the victim. In those circumstances, the court must record a conviction and must order that the offender serve a term of actual imprisonment or a term of imprisonment that is partly, but not wholly, suspended.

The existing sentencing regime is continued for offenders found guilty of other Schedule 2 violent offences, ie where they have previously been found guilty of a Schedule 2 violent offence (or the equivalent), a conviction must be recorded and the offender sentenced to a term of actual imprisonment or a term of imprisonment that is partly, but not wholly, suspended.

The existing section 78BA(2) is re-written and in substance is continued as section 78BA(3), ie a sentencing court may exercise any other powers it has consistently with this section.