

2022

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

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Leader of the Opposition

Sentencing Amendment Bill 2022

Serial No. 39

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Sentencing Act 1995*.

The purpose of this Bill is to amend the *Sentencing Act* to ensure that a first offence against sections 188A (Assaults on workers) or 189A (Assaults on police or emergency workers) of the *Criminal Code Act 1983* will result in a term of actual imprisonment.

NOTES ON CLAUSES

Part 1 Preliminary Matters

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 Amendment Act 2022*.

Clause 2. Commencement

This is a formal clause, which provides that the Bill will commence on the day after the day on which the Administrator's assent is declared.

Clause 3. Act Amended

This is a standard clause to indicate that amendments will be made to the *Sentencing Act 1995*.

Clause 4. Section 78CA amended (Offence levels)

This clause amends section 78CA of the *Sentencing Act* to specifically add offences against sections 188A and 189A of the *Criminal Code* to the definition of a '**level 3 offence**'. New section 78CA makes clear that an 'actual term of imprisonment' must be imposed if: (1) an offender commits a level 3 offence (including against section 188A and 189A); (2) an offender commits an offence covered by section 78CA(3)(a) or (b) (such as common assault) accompanied by physical harm; and (3) applies even if the offender has not previously been convicted of a violent offence.

Clause 5. Section 78DC replaced

This clause replaces section 78DC and ensures that an offence that is a level 3 offence, within the meaning of section 78CA as amended in Clause 4, will attract a term of actual imprisonment. New section 78CA retains the requirement of physical harm for offences mentioned in section 78CA(3)(a) or (b) and also retains the current exception for level 3 offences where an offender has a previous conviction for a violent offence.

Clause 6. Repeal of Act

This clause provides that this Act will be repealed on the day after it commences.
