

FACT SHEET

Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018

The *Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018* makes amendments to the *Sentencing Act 1997* to introduce mandatory minimum terms in relation to adult offenders as follows:

- 4 years' imprisonment for the crime of rape (section 185 of the *Criminal Code*) where a victim is under 17 years at the time of the offence.
- 4 years' imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the *Criminal Code*) where there are circumstances of aggravation and at least one of the unlawful sexual acts is an offence of rape.
- 3 years' imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the *Criminal Code*) where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape.
- 2 years' imprisonment for the crime of sexual intercourse with a young person (section 124 of the *Criminal Code*) where there are circumstances of aggravation.

The circumstances of aggravation that attract mandatory minimum terms of imprisonment in relation to the crimes of maintaining a sexual relationship and sexual intercourse with a young person are outlined in section 11A of the *Sentencing Act 1997*.

The amendments do not require courts to impose mandatory minimum sentences in relation to offenders who are under the age of 18 years at the time the offence was committed or offenders who have impaired mental functioning that is causally linked to the offence.

The Bill also provides the following additional safeguards in relation to the introduction of mandatory minimum sentences:

- the court retains a discretion not to impose the mandatory minimum term of imprisonment where there are exceptional circumstances in relation to the offence or the offender;
- the introduction of the mandatory minimum term of imprisonment operates as a sentencing floor and does not inflate all sentences in relation to an offence; and
- the court may make an order for parole eligibility in relation to an offender to whom a mandatory minimum term of imprisonment applies in accordance with the existing parole framework.