

CLAUSE NOTES

Sentencing Amendment (Mandatory Sentencing) Bill 2022

- Clause 1** **Short Title**
Specifies the name of the proposed Act.
- Clause 2** **Commencement**
Provides that the Act commences on the day on which the Act receives Royal Assent.
- Clause 3** **Principal Act**
Provides that the Principal Act that is being amended is the *Sentencing Act 1997* (the Act).
- Clause 4** **Sections 16B, 16C and 16D inserted**
Inserts three new sections into the Act.
- New section 16B ‘Mandatory imprisonment for certain sexual offences against children’. This new section defines ‘aggravating circumstance’ and ‘minimum period’ and sets out mandatory minimum sentences of imprisonment for certain sexual offences against children. It provides for the minimum terms of imprisonment for each offence.
- New section 16C ‘Application of Act where section 16B applies in relation to offence’. This new section sets out the application of the new section 16B in relation to an offence.
- New section 16D ‘Determination of whether exceptional circumstances exist under section 16A or 16B’. This new section sets out matters a court is to have regard to in determining whether exceptional circumstances exist for the purposes of section 16A, or new section 16B.
- Clause 5** **Repeal of Act**
This automatically repeals the amending legislation after the first anniversary of this Act commencing. The provisions that the amending legislation inserts into the Principal Acts still remain in force after the repeal of the Amending Act.