

CLAUSE NOTES

Sentencing Amendment (Sentences of Imprisonment) Bill 2017

Clause 1: Short Title

Provides that the short title of the Bill is the *Sentencing Amendment (Sentences of Imprisonment) Bill 2017*.

Clause 2: Commencement

Provides that the Act will commence on a day to be proclaimed.

Clause 3: Principal Act

All references to the "Principal Act" are to the *Sentencing Act 1997*.

Clause 4: Section 92A inserted

Clause 4 includes the new Section 92A of the Principal Act

92A(1) requires that a court when imposing or confirming a sentence must state;

- the length of each term of imprisonment
- the length of any suspended portion of a sentence
- whether a term of imprisonment is to be served concurrently or cumulatively with another term of imprisonment.
- whether an offender is ineligible for parole or whether they are ineligible for parole before a certain date.

92A(2) Requires that a court when activating a suspended sentence must state;

- the length of the term of imprisonment being activated
- whether a term of imprisonment being activated is to be served concurrently or cumulatively with another term of imprisonment.
- whether an offender is ineligible for parole or whether they are ineligible for parole before a certain date.

92A(3) refers to situations where the court is imposing, activating or confirming more than one sentence. It requires the court state the total term of imprisonment and the total period during which the person cannot apply for parole.

Section 92A(4) clarifies that 92A does not give the court any extra powers to impose a sentence, these powers can already be found in the Act.

Section 92A(5) states that 92A does not create obligations that, if not met, will invalidate the sentence.

Clause 5: Repeal

This clause provides that the amendment act is repealed 365 days after the day on which it commences.