

FACT SHEET

Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2023

The *Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2023* (the Bill) amends the *Sentencing Act 1997* to provide for the following minimum terms of imprisonment:

- 4 years' imprisonment for the crime of rape (section 185 of the Criminal Code) where a victim is under 18 years at the time of the offence;
- 4 years' imprisonment for the crime of persistent sexual abuse of a child or young person (section 125A of the Criminal Code) where at least one of the unlawful sexual acts is a crime of rape;
- 3 years' imprisonment for the crime of persistent sexual abuse of a child or 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; and
- 2 years' imprisonment for the crime of penetrative sexual abuse of a child or young person (section 124 of the Criminal Code) where there are circumstances of aggravation; and
- 2 years' imprisonment for the crime of penetrative sexual abuse of a child or young person (section 124A of the Criminal Code).

The presumption of mandatory minimum sentencing provisions proposed in the Bill will not apply where the Court is of the opinion that the imposition of such a sentence would be unjust, or inappropriate, when considering the circumstances of the offence or the offender.

The provisions will also not apply to offenders who are under the age of 18 years at the time the crime was committed, or, in certain circumstances, to offenders who have impaired mental functioning that is causally linked to the crime.

The amendments to the above sections will apply from the commencement day, which is the day the Bill receives the Royal Assent.