



Northern
Territory
Government

DEPARTMENT OF JUSTICE

Mandatory Sentencing in the Northern Territory 2008-09

www.justice.nt.gov.au

Some Statistics

- NT has an Imprisonment rate of 646 per 100,000 population, four times the national rate of 171
- Indigenous people constitute 82% of the NT prison population
- For 2007-08 NT prisons operated at 103% of design capacity
- In 2008-09 NT prisons operated at 120% of design capacity

1997 Mandatory Sentencing – Property Offences

- Accounted for up to 15% of adult prison of the adult prison population
- An Indigenous person was 8.6 times more likely to be imprisoned than non-Indigenous person
- Sentencing occasions resulting in imprisonment 50% higher during mandatory sentencing era than following repeal

2008 Amendment s78BA Sentencing Act

- Effective 10 December 2008
- Mandatory imprisonment for first time offenders of assault type offences where injury interferes with victim's health or results in serious harm
- Concerns raised about:
 - What effect the legislation would have on the prison population
 - What impact it would have on Indigenous offenders

Mandatory Sentences of Imprisonment - Currently

From 1999

- s78BA – wide range of violence offences
 - » Repeat offenders
- s78BB - wide range of sexual offences
 - » First time Offender
- Actual Imprisonment Mandatory
- No minimum prescribed

10 December 2008

- s78BA amended
 - applies first time offenders
 - Limited number of offences

Murder

- Mandatory sentence life imprisonment
- Mandatory Minimum NPP 20 years (25 years aggravated)
- Unless exceptional circumstances

s37 Misuse of Drugs Act

- 28 days for a number of serious offences under the MDA
- Unless having regard to the particular circumstances of offence or offender court is of opinion penalty should not be imposed

s121 Domestic and Family Violence Act

- 7 days for subsequent breach DVO
- But not if no harm caused OR if court satisfied not appropriate in the circumstances to record conviction and sentence



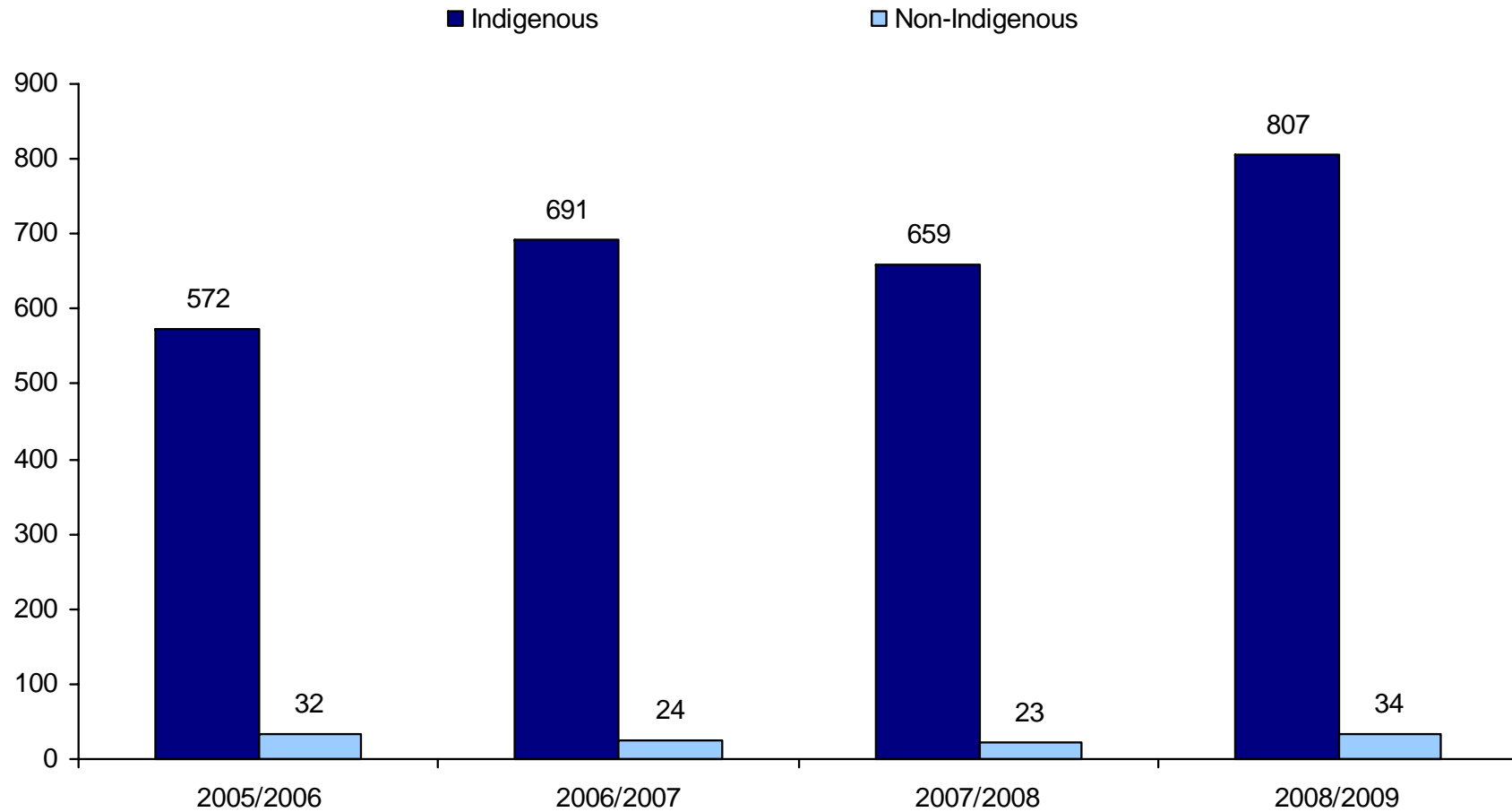
Northern
Territory
Government

DEPARTMENT OF JUSTICE

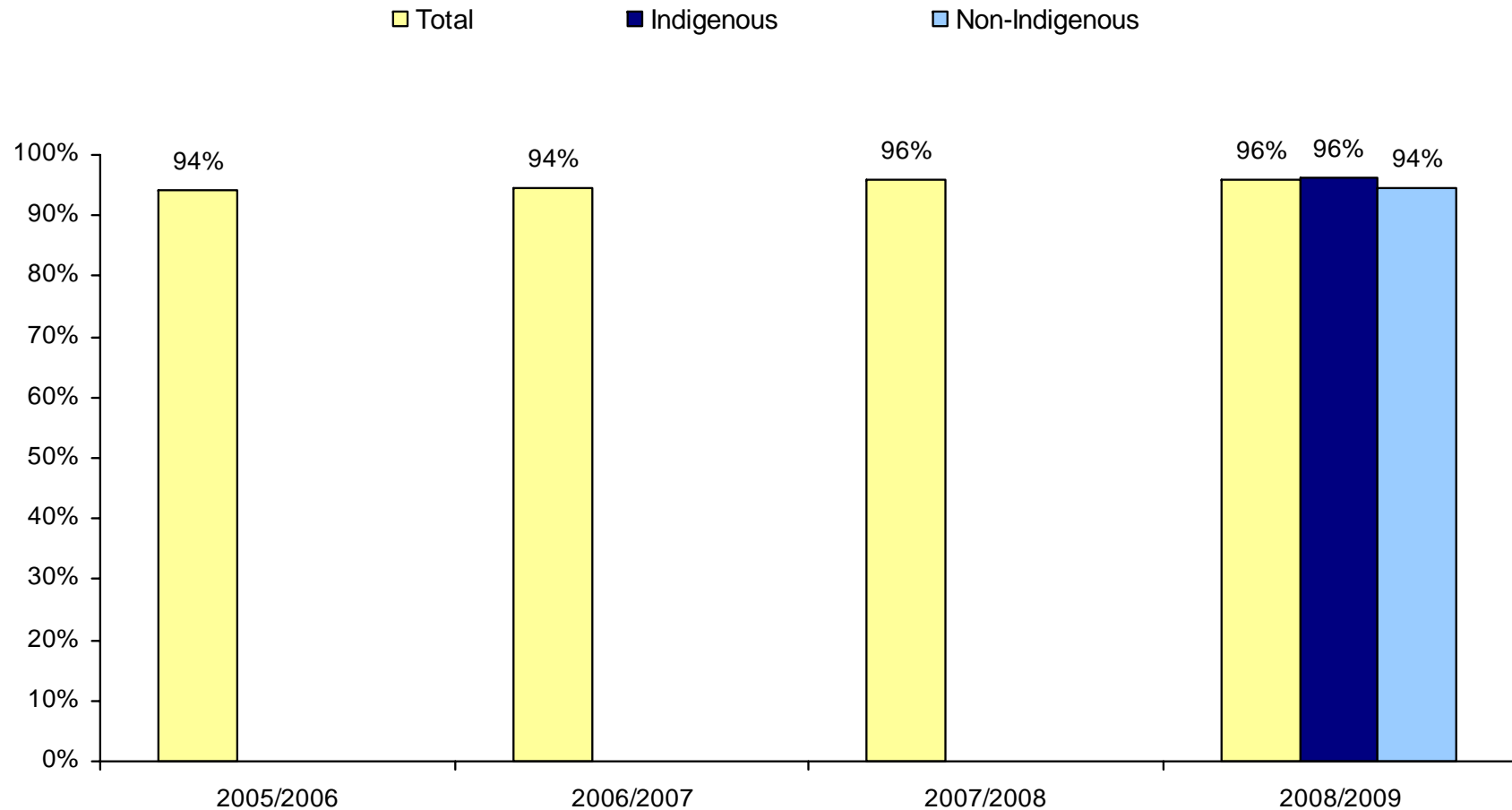
Mandatory Custodial Sentence Repeat Conviction for Violent Offences



Number of Offenders Receiving Actual Imprisonment of Second or Subsequent Conviction of a Violent Offence



Percentage Offenders Receiving Actual Imprisonment for Second or Subsequent Conviction of a Violent Offence





Northern
Territory
Government

DEPARTMENT OF JUSTICE

Mandatory Custodial Sentence First Time Conviction for Violent Offences

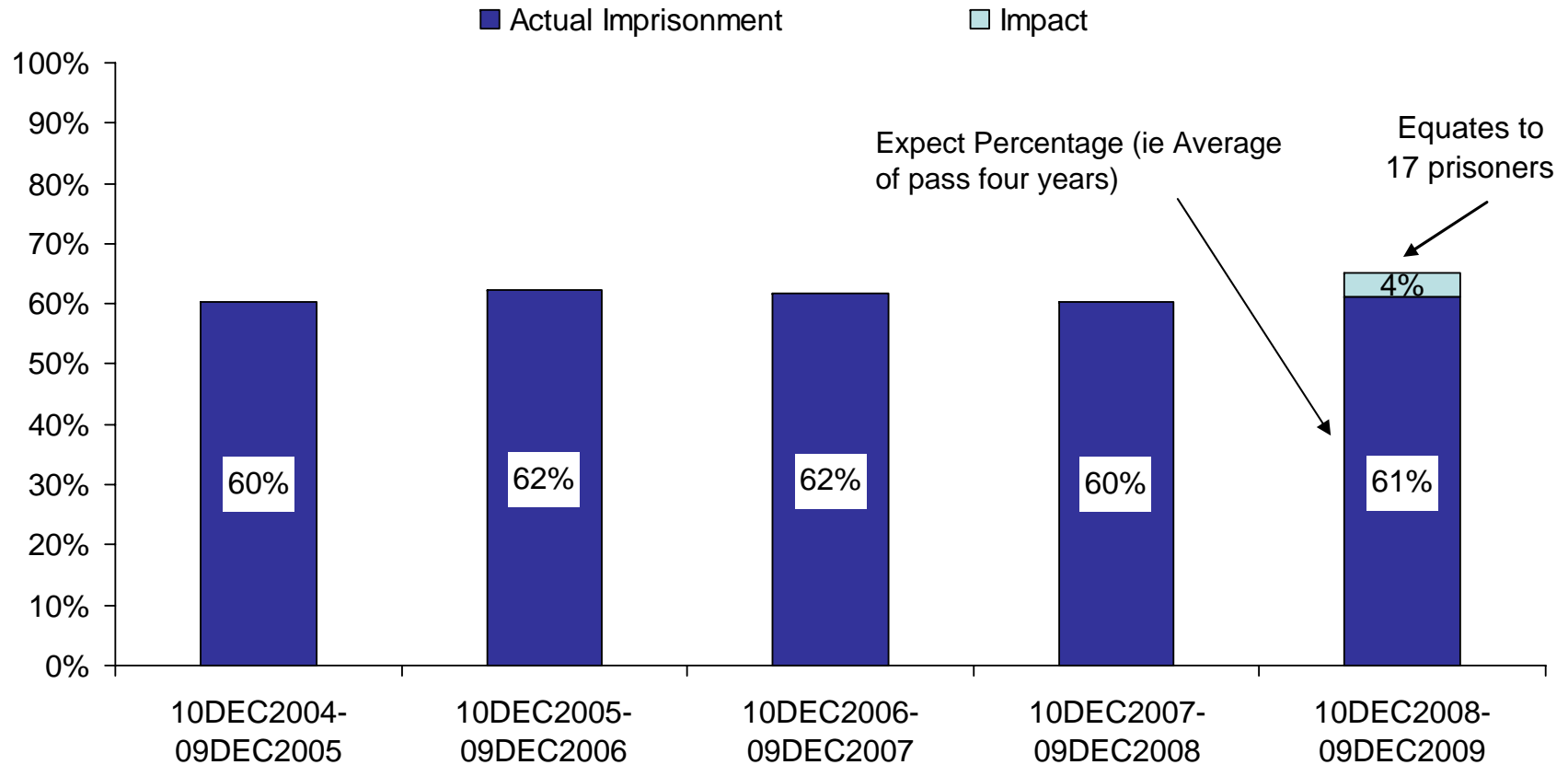
www.justice.nt.gov.au

Number of First Time Serious Violent Offenders Receiving Actual Imprisonment Sentence

- Data available for period 10 December 2008 to 9 December 2009
- 268 offenders sentenced to actual imprisonment
 - 244 Indigenous offenders
 - 24 non-Indigenous offender



Percentage of First Time Serious Violent Offenders Receiving Actual Imprisonment Sentence





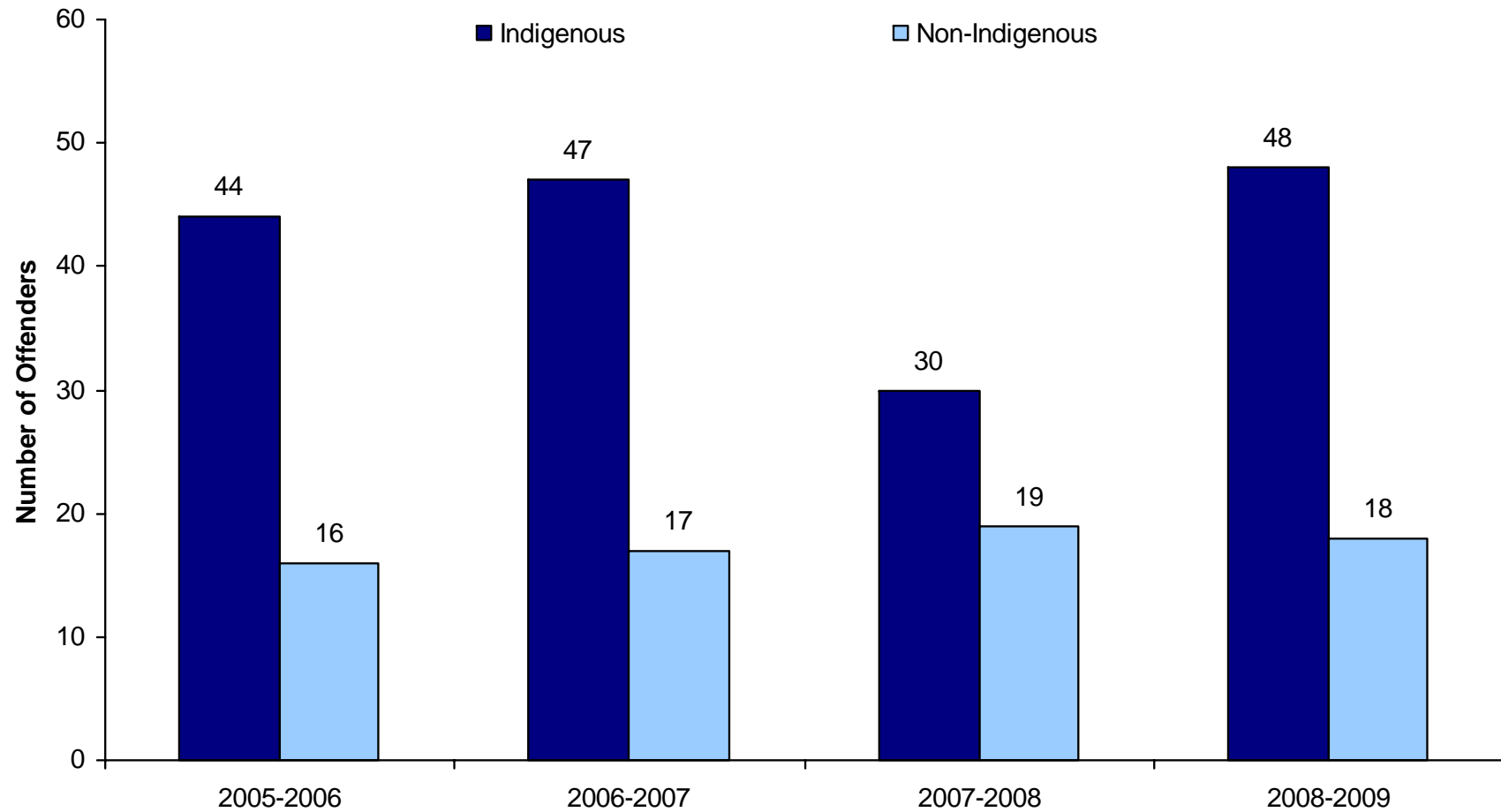
Northern
Territory
Government

DEPARTMENT OF JUSTICE

Mandatory Custodial Sentence Sexual Assault Offences



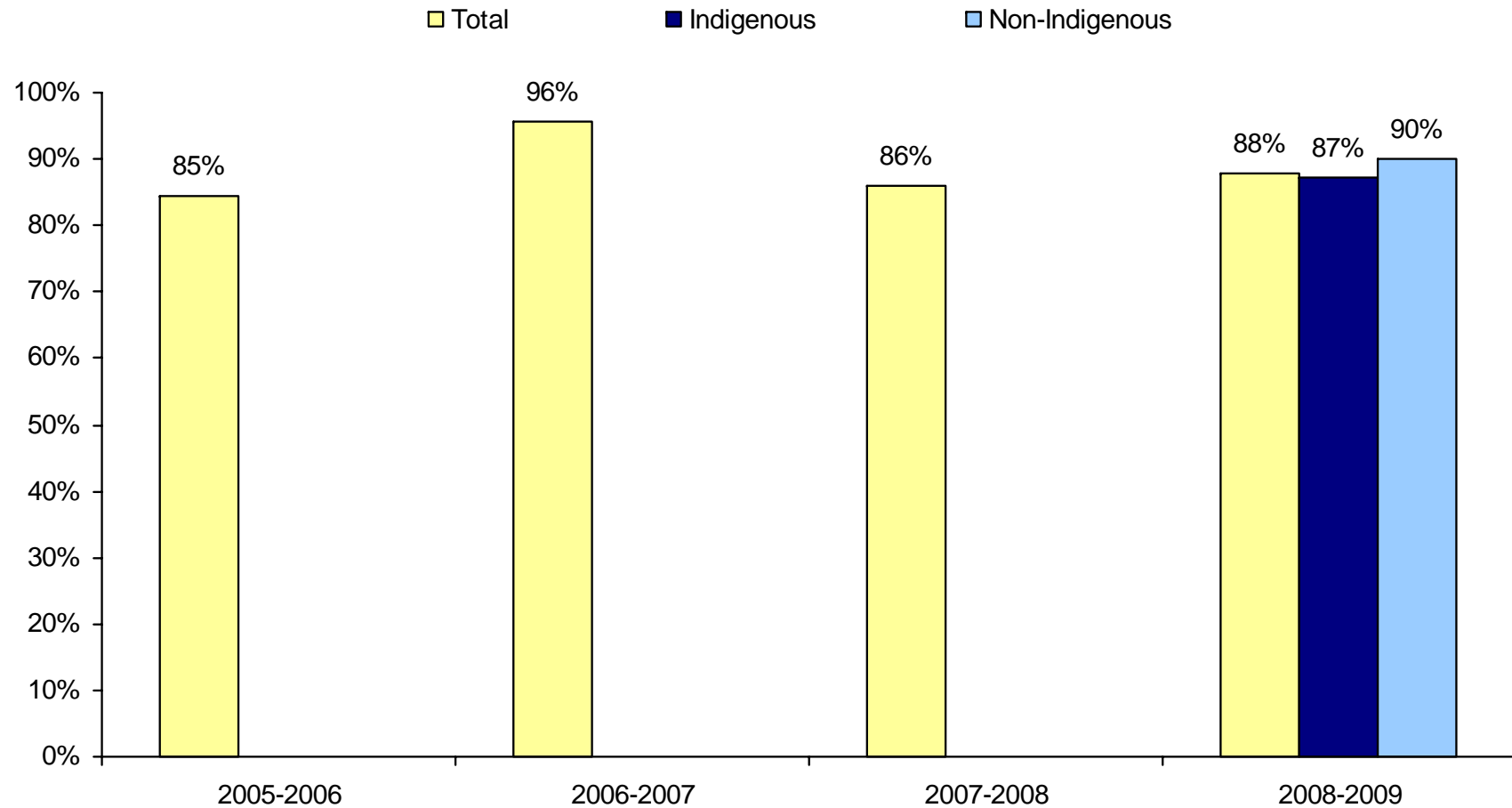
Number of Sexual Assault Offenders Receiving Actual Imprisonment Sentence





Northern
Territory
Government

Percentage of Sexual Assault Offenders Receiving Actual Imprisonment Sentence



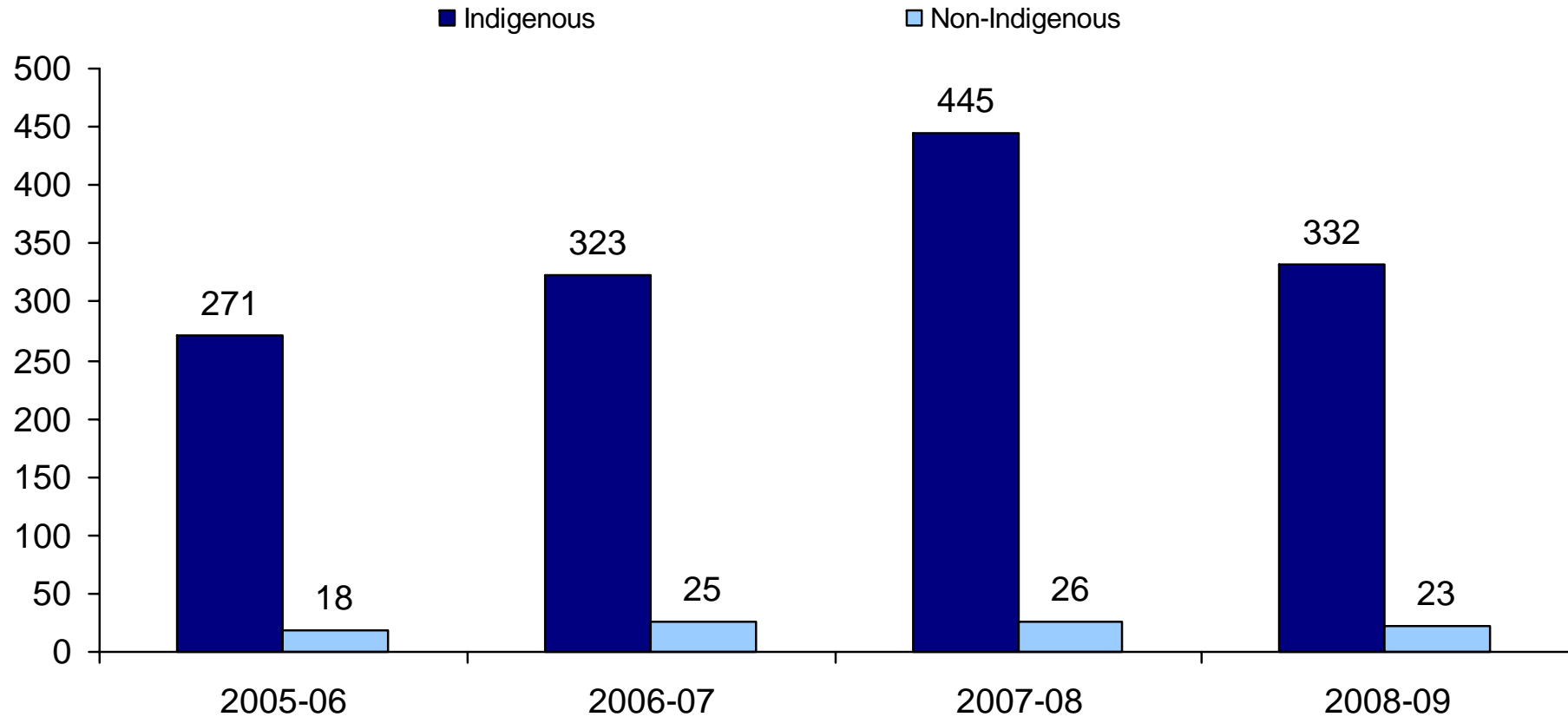


Northern
Territory
Government

DEPARTMENT OF JUSTICE

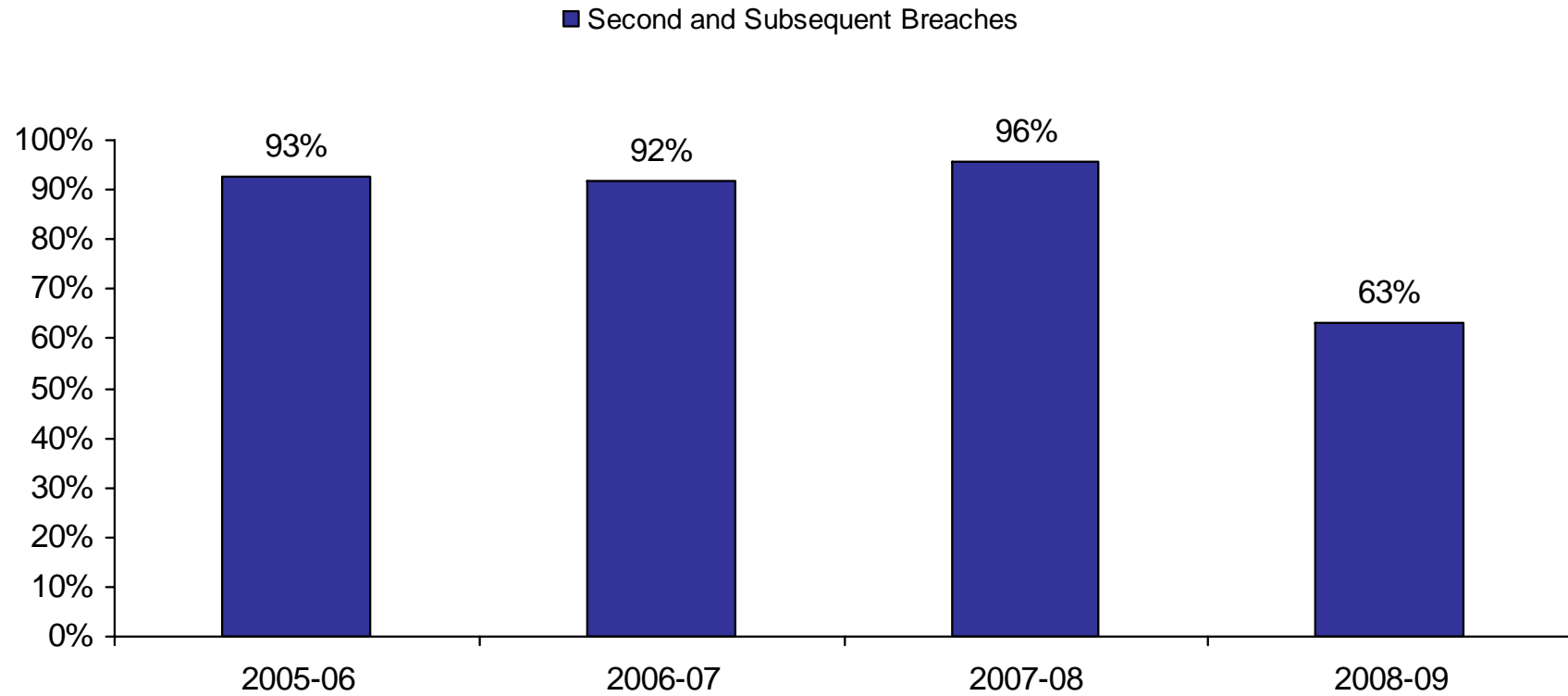
Presumptive Mandatory Minimum Custodial Sentence Breach of Domestic Violence Retraining Order

Number of Offenders Receiving Actual Imprisonment Order for Their Second or Subsequent Conviction of Breaching DVO by Indigenous Status



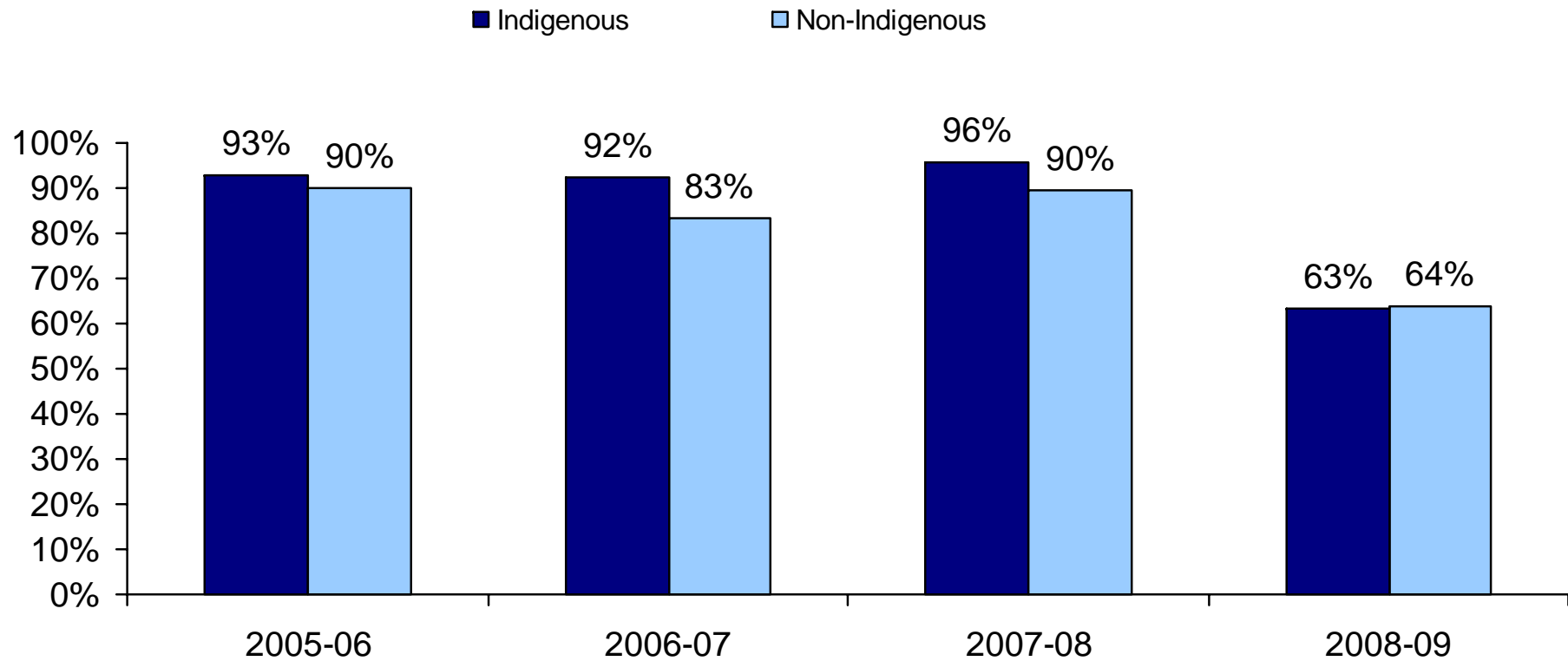


Percentage of Offenders Receiving Actual Imprisonment Order for a Second or Subsequent Breach of a DVO





Percentage of Offenders Receiving Actual Imprisonment Order for Their Second or Subsequent Conviction for Breaching a DVO by Indigenous Status





Northern
Territory
Government

DEPARTMENT OF JUSTICE

Custodial Sentences Murder and Drug Offences



- Four convictions for Murder
 - Mandatory Minimum life sentence
 - all Indigenous Persons
- Four Drug convictions
 - Received the Presumptive Mandatory Minimum Custodial Sentence of 28 Days
 - all Indigenous Persons



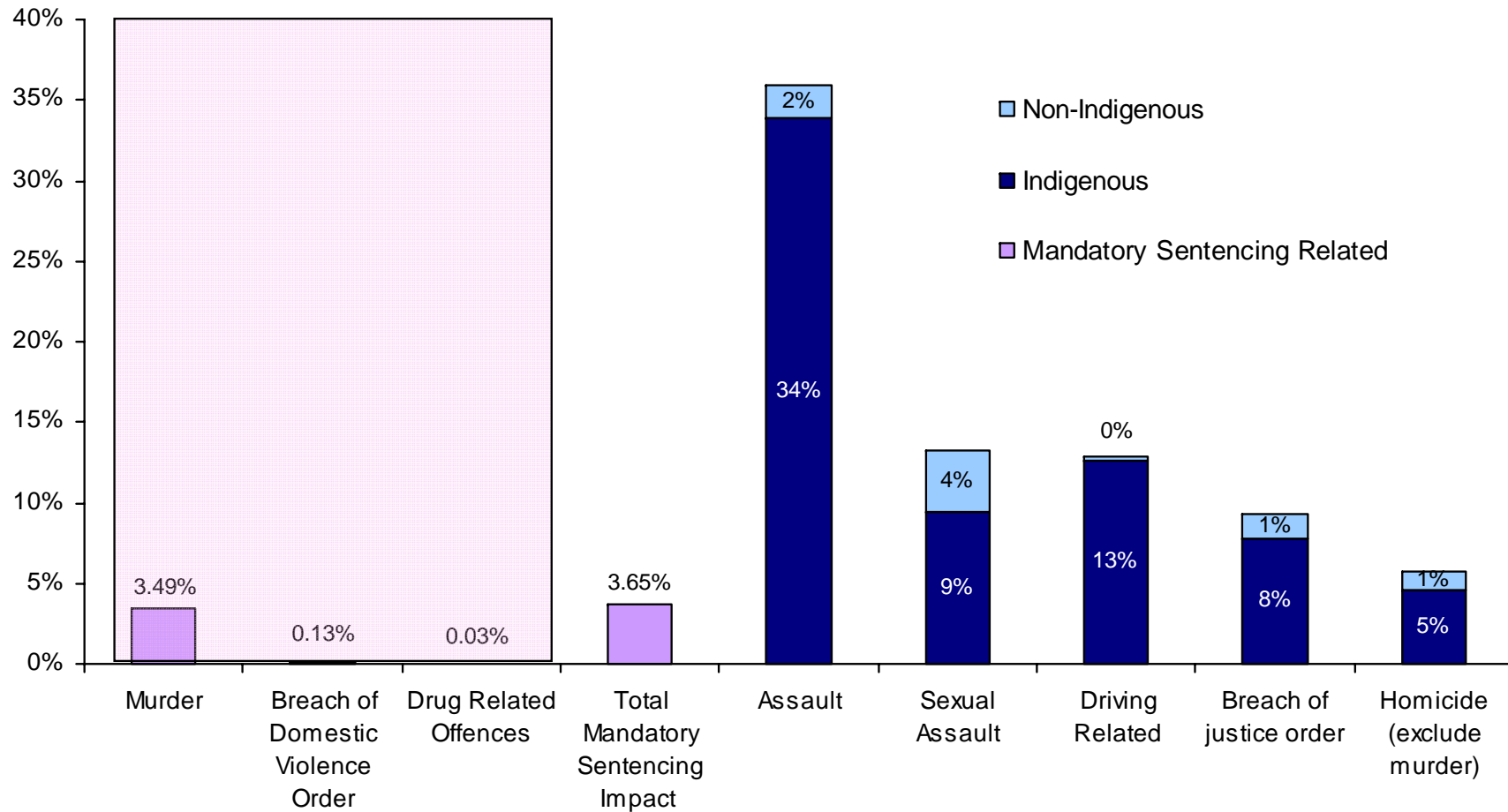
Northern
Territory
Government

DEPARTMENT OF JUSTICE

Mandatory Sentence Impact on Prisoner Numbers and Over Representation of Indigenous Offenders



Mandatory Sentencing Impact on Daily Average Prisoner Numbers





Northern
Territory
Government

DEPARTMENT OF JUSTICE

Closing Remarks

Closing Remarks

- Mandatory Sentencing and Mandatory Minimum Sentencing have a very marginal impact on the NT prison population
- Indigenous adults much more likely to be convicted of violence offences, sexual assault and subsequent breach of DVO
- If convicted there is little discernable difference in the likelihood of an Indigenous or non-Indigenous person being sentenced to imprisonment
- Significant reduction in imprisonment rate for subsequent breach DVO since introduction of Domestic and Family Violence Act
- Surprised by modest increase in percentage of first time offenders receiving sentence of actual imprisonment since December 2008 amendments to Sentencing Act
- The NT Indigenous imprisonment rate of 2,194 per 100,000 relevant population is 7.5% less than the national rate of 2,373



Northern
Territory
Government

DEPARTMENT OF JUSTICE

Back up slides

Recorded Offences Against the Person

Recorded Offences Against the Person in Northern Territory

	12 mths from July 03 to end of June 04	12 mths from July 04 to end of June 05	12 mths from July 05 to end of June 06	12 mths from July 06 to end of June 07	12 mths from July 07 to end of June 08	12 mths from July 08 to end of June 09
Offences Against The Person						
Homicide and Related Offences						
Murder	8	10	14	13	11	13
Attempted Murder	3	1	5	5	3	5
Manslaughter	8	14	12	6	8	2
Robbery	59	62	65	92	104	110
Assault	3 844	3 758	4 547	4 839	5 290	5 854
Sexual Assault	413	341	337	397	412	365
Other Offences Against the Person	102	118	109	101	136	124
Total	4 437	4 304	5 089	5 453	5 964	6 473

Recorded Assault Offences in the Northern Territory

