

Crimes Amendment Regulation 2013 (No. 1)

FRLI: F2013L00592

Portfolio: Justice

Summary of committee view

2.33 The committee seeks clarification as to what effect the various sentencing orders may have on human rights and whether such limitations are justifiable.

Overview

2.34 This instrument amends the *Crimes Regulations 1990* to reflect changes to sentencing options in the Northern Territory. The *Crimes Act 1901* allows people convicted of federal offences to be tried and sentenced in state and territory courts. The sentences available include custodial sentences but also provide for alternative sentencing orders that are available in state and territory courts. This regulation prescribes four sentencing options that are now available in Northern Territory courts, as those now available when sentencing federal offenders: community based orders; community custody orders; community work orders and home detention orders.

Compatibility with human rights

2.35 The statement of compatibility states that '[t]his legislative instrument does not engage any of the applicable rights or freedoms'. However, the imposition of orders such as community work orders and home detention orders would appear to engage a number of human rights, for example, the right to freedom of movement, the right to liberty, the right to work, and the right to a private and family life. Any limitation on these rights may seek to achieve a legitimate objective and may be reasonable and proportionate, but the committee is unable to reach a conclusion on this without an analysis of the impact of the orders on human rights.

2.36 The committee intends to write to the Minister for Justice to seek clarification as to what effect the various sentencing orders may have on human rights and whether such limitations are justifiable.