

House of Representatives

Supplementary Order Paper

Wednesday, 22 July 2020

Protection for First Responders and Prison Officers Bill

Proposed amendment

Hon Andrew Little, in Committee, to move the following amendment:

Clause 6

In *clause 6, new section 85A(2)*, replace “given the circumstances of the offence and the offender, a sentence of imprisonment would be manifestly unjust” (page 3, lines 10 and 11), with “a sentence of imprisonment of 6 months would be unjust, given the circumstances of the offence and the offender”.

Explanatory note

This Supplementary Order Paper creates a presumption that the court should impose a sentence of imprisonment in all cases where an offender is found guilty of an offence under *new section 189A* of the Crimes Act 1961. At the same time, it requires the court to consider whether it would result in an injustice if the offender were to be imprisoned for 6 months, given the circumstances of the offence and the offender. Were the court to find that a 6-month term of imprisonment would have this result, the court would be required to impose such lesser term of imprisonment as the court decided appropriate to see that justice was done in the case.