NORTHERN TERRITORY OF AUSTRALIA

**CRIMINAL CODE AMENDMENT (REMISSION FOR RESENTENCING)
ACT 2015**

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Act No. 5 of 2015

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Table of provisions

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Act No. 5 of 2015

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An Act to amend the Criminal Code

[*Assented to 25 March 2015*]
[*Second reading 22 October 2014*]

The Legislative Assembly of the Northern Territory enacts as follows:

1   Short title

This Act may be cited as the *Criminal Code Amendment (Remission for Resentencing) Act 2015*.

2   Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3   Act amended

This Act amends the Criminal Code.

4   Section 411 amended

Section 411(4)

omit, insert

(4) On an appeal against a sentence, the Court must:

    (a)   if it is of the opinion that another sentence, whether more or less severe, is warranted and should have been passed – quash the sentence and either:

        (i)   impose another sentence; or

(ii)   remit the matter to the court of trial; or

    (b)   in any other case – dismiss the appeal.

5   Part XI, Division 10 inserted

After section 452

insert

Division 10   Criminal Code Amendment (Remission for Resentencing) Act 2015

453   Application of section 411(4)

    (1)   Section 411(4), as amended by the *Criminal Code Amendment (Remission for Resentencing) Act 2015*, applies in relation to an appeal against a sentence that is heard after the commencement of that Act (the **commencement**).

    (2)   Subsection (1) applies:

        (a)   even if the appellant was found guilty before the commencement; and

        (b)   regardless of when the appellant filed an originating process as defined in rule 82.01 of the *Supreme Court Rules* in relation to the appeal.

6   Expiry of Act

This Act expires on the day after it commences.