

Serial 151  
Criminal Law Amendment (Sentencing Appeals) Bill 2011  
Ms Lawrie

A Bill for an Act to amend the Criminal Code and *Justices Act*

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL LAW AMENDMENT (SENTENCING APPEALS) ACT 2011

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Act No. [ ] of 2011

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2011

An Act to amend the Criminal Code and *Justices Act*

[Assented to [ ] 2011]  
[Second reading [ ] 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Criminal Law Amendment (Sentencing Appeals) Act 2011*.

### 2 Commencement

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

## Part 2 Amendment of Criminal Code

### 3 Act amended

This Part amends the Criminal Code.

**4 Section 414 amended**

After section 414(1)

*insert*

(1A) In exercising its discretion on an appeal made under subsection (1)(c) involving a sentence imposed after the commencement of this subsection, the Court must not take into account any element of double jeopardy involving the respondent being sentenced again when deciding whether to do either or both of the following:

- (a) allow the appeal;
- (b) impose another sentence.

**Part 3 Amendment of Justices Act****5 Act amended**

This Part amends the *Justices Act*.

**6 Section 177 amended**

After section 177(3)

*insert*

(4) In exercising its discretion on an appeal made under section 163(1) for an increase of sentence imposed after the commencement of this subsection (whether or not the sentence involved imprisonment or another penalty, forfeiture or sum), the Supreme Court must not take into account any element of double jeopardy involving the respondent being sentenced again when deciding whether to do either or both of the following:

- (a) allow the appeal;
- (b) impose another sentence.