

Serial 99
Criminal Code Amendment (Remission for Resentencing) Bill 2014
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (REMISSION FOR RESENTENCING)
ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the Criminal Code

[Assented to [] 2014]
[Second reading [] 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 2014*.

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

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- (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 2014

453 Application of section 411(4)

- (1) Section 411(4), as amended by the *Criminal Code Amendment (Remission for Resentencing) Act 2014*, 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.