



Delia Lawrie
ATTORNEY GENERAL

29 March 2011

Greater Powers for Justice in Sentencing

New laws passed by the NT Parliament today will make it easier for the Director of Public Prosecutions (DPP) to appeal sentences considered lenient.

Attorney General Delia Lawrie said prior to the legislation, when considering an appeal from the DPP, courts needed to take into account the principle of sentencing 'double jeopardy' if the offender was being sentenced for the second time for the same offence.

"The court applies the principle both when deciding whether to allow the appeal, and if it is allowed, what the new sentence will be," Ms Lawrie said.

"This means that even if the appeal court finds the sentence manifestly inadequate, it can refuse to intervene to correct the sentence, or impose a far more lenient sentence than would otherwise be appropriate.

"For these reasons, the DPP has identified 'double jeopardy' as a major obstacle to launching appeals against sentence.

"While the Territory government understands the potential inconvenience of being sentenced twice, we believe this has to be weighed against the overriding interests of the community in seeing offenders are appropriately punished.

"Abolishing the principle of double jeopardy in sentencing will ensure justice is better served in the community."

The *Criminal Law Amendment (Sentencing Appeals) Bill 2011* brings the Northern Territory in line with Western Australia, South Australia, Victoria and Tasmania where the principle of double jeopardy in sentencing has been abolished.

"For offenders, the message is clear; do the crime and you will do the time," Ms Lawrie said.

Contact: Patrick Hastwell 0427 017 803

