



New South Wales

Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes (Appeal and Review) Act 2001* to extend an exception to the rule against double jeopardy in relation to an acquitted person where previously inadmissible evidence becomes admissible.

The Bill provides that, when the Director of Public Prosecutions applies to the Court of Criminal Appeal for an order that an acquitted person be retried for an offence punishable by life imprisonment, evidence against the acquitted person is to be considered fresh (for the purpose of determining whether it is “fresh and compelling” in the sense required for a retrial) if it was inadmissible in the proceedings in which the person was acquitted but, as a result of a substantive legislative change in the law of evidence since the acquittal, would now be admissible if the acquitted person were to be retried.

The Bill also amends the *Crimes (Appeal and Review) Act 2001* to allow for a second application for the retrial of an acquitted person to be made in exceptional circumstances.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Crimes (Appeal and Review) Act 2001* for the purposes described in the above overview.