



NORTHERN TERRITORY OF AUSTRALIA

No. 79 of 1998

AN ACT

to amend the Criminal Code

[Assented to 21 October 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Criminal Code Amendment Act 1998*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. TRIAL BY JURY

Section 348 of the Criminal Code is amended by omitting "If" and substituting "Subject to section 348A, if".

4. NEW SECTION

The Criminal Code is amended by inserting after section 348 the following:

Criminal Code Amendment

"348A. PROCEDURE WHERE ACCUSED PLEADS NOT GUILTY AND CROWN ADDUCES NO EVIDENCE

"(1) If —

- (a) an accused person pleads not guilty of an offence; and
- (b) the Crown does not intend to adduce any evidence in respect of the offence,

the Crown must, before a jury is empanelled, inform the court of its intention.

"(2) On being informed by the Crown under subsection (1), the court must make a finding that the accused is not guilty of the offence.

"(3) A finding of not guilty under subsection (2) has effect as if it were a not guilty verdict of a jury on the offence."