

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL JUSTICE LEGISLATION AMENDMENT ACT 2011

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Act No. 32 of 2011

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 32 of 2011

An Act to amend legislation relating to criminal justice

[Assented to 15 November 2011]

[Second reading 17 August 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 Justice Legislation Amendment Act 2011*.

### 2 Commencement

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

## Part 2 Amendment of Bail Act

### 3 Act amended

This Part amends the *Bail Act*.

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**4 Section 8 amended**

Section 8(1)(b)

*omit*

section 5(1)(b) of the *Criminal Law (Conditional Release of Offenders) Act* or

**5 Section 33 amended**

(1) Section 33(3)

*omit, insert*

(3) The person charged may apply to a magistrate or justice for a review under this section of any of the following matters:

(a) a decision by an authorised member to refuse to grant bail to the person;

(b) a failure of an authorised member to determine whether or not to grant bail to the person within 4 hours after the person was charged;

(c) a determination by an authorised member to grant bail to the person subject to conditions (other than a bail undertaking) with which:

(i) the person is unable or unwilling to comply; or

(ii) the person is unable or unwilling to arrange for another person to comply.

(2) Section 33(5)

*omit, insert*

(5) If a person who may make an application under subsection (3) for a matter has not done so, a magistrate or justice may, at the initiative of the magistrate or justice, review that matter.

(6) In reviewing a matter under subsection (3) or (5), a magistrate or justice must:

(a) for a matter mentioned in subsection (3)(a) or (c):

(i) review the decision or determination; and

(ii) confirm or vary the decision or determination (including varying or imposing conditions of bail for the person); or

- (b) for a matter mentioned in subsection (3)(b) – determine whether or not to grant bail to the person (including imposing conditions of bail if bail is to be granted).
- (7) The magistrate or justice:
- (a) must give the person, his or her legal representative and the authorised member reasonable opportunity to make submissions for subsection (6); and
  - (b) may make any order for exercising the power of the magistrate or justice under this section.

#### **6 Section 34 amended**

Section 34, after "Except as"

*insert*

provided in section 33 or

### **Part 3                      Amendment of Child Protection (Offender Reporting and Registration) Act**

#### **7 Act amended**

This Part amends the *Child Protection (Offender Reporting and Registration) Act*.

#### **8 Section 19A amended**

Section 19A(2), penalty provision

*omit*

2 years

*insert*

5 years

#### **9 Section 48 amended**

Section 48(1), penalty provision

*omit*

2 years

*insert*

5 years

**10 Section 49 amended**

Section 49, penalty provision

*omit*

2 years

*insert*

5 years

**11 Section 83 amended**

Section 83(1), penalty provision

*omit*

2 years

*insert*

5 years

**12 Section 92 amended**

Section 92(1), penalty provision

*omit*

2 years

*insert*

5 years

**Part 4 Amendment of Criminal Code**

**13 Act amended**

This Part amends the Criminal Code.

**14 Section 42 repealed**

Section 42

*repeal*

**Part 5                    Amendment of Juries Act****15            Act amended**

This Part amends the *Juries Act*.

**16            Section 11 amended**

Section 11(2)

*omit*

65

*insert*

70

**17            Part XII inserted**

After section 68

*insert*

**Part XII                Transitional matter for Criminal Justice  
Legislation Amendment Act 2011****69            Savings – exemption under section 11**

An exemption in force under section 11(2) immediately before the commencement of the amendment of that section by the *Criminal Justice Legislation Amendment Act 2011* continues to have effect as if that amendment had not been made.

**Part 6                    Amendment of Parole of Prisoners Act****18            Act amended**

This Part amends the *Parole of Prisoners Act*.

**19            Section 5 amended****(1)            Section 5(8A)**

*omit*

in pursuance of a direction given under section 5(1)(b) of the *Criminal Law (Conditional Release of Offenders) Act* or

*insert*

under

(2)            Section 5(8B)

*omit*

section 6 of the *Criminal Law (Conditional Release of Offenders) Act* or

**Part 7            Other matters**

**20            Expiry of Act**

This Act expires the day after it commences.