

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 35 of 1979

## AN ACT

To amend the Criminal Law (Conditional Release of Offenders) Act and for other purposes

[Assented to 27 April 1979]

**B**E 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:

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| 1. This Act may be cited as the <u>Criminal Law (Conditional Release of Offenders) Act 1979</u> .   | Short title  |
| 2.(1) The <u>Criminal Law (Conditional Release of Offenders) Act</u> is in this Act referred to as the <u>Principal Act</u> .   | Interpretation   |
| (2) The <u>Criminal Law (Conditional Release of Offenders) Act 1978</u> is in this Act referred to as the <u>Amending Act</u> .   |  |
| 3. Sections 8 and 9 shall come into operation on the respective dates on which Parts IV and V inserted in the Principal Act by section 9 of the Amending Act come into operation.   | Commencement   |
| 4. Section 3 of the Principal Act is amended by inserting after the definition of "Field Officer" the following definition:<br><br>"'Justice' or 'justice' means a Justice within the meaning of the <u>Justices Act</u> ;" | Interpretation   |
| 5. Section 5(1)(a)(iii) of the Principal Act is amended by omitting "Commonwealth" and substituting "Territory".  | Formal amendment   |
| 6.(1) Section 6 of the Principal Act is amended by inserting after sub-section (1) the following sub-sections:<br><br>"(1A) Where an information is laid before a justice alleging that there are reasonable grounds for    | Failure to comply with conditions of recognizance or release |

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suspecting that a person released in pursuance of an order made under section 5 -

- (a) has failed or will fail during the period of good behaviour to comply with a condition specified in the order in accordance with sub-section (1)(a)(ii) of that section;
- (b) has failed or will fail to pay, as provided in the order, the penalty or an instalment of the penalty for the payment of which he has given security; or
- (c) has been convicted, whether in or outside the Territory, of an offence committed during the period of good behaviour,

the justice may -

- (d) issue a summons directing the person to appear before the Supreme Court, if he was so released by the Supreme Court, or before a court of summary jurisdiction, if he was so released by a court of summary jurisdiction, at a time specified in the summons and show cause why he should not be dealt with by that court under this section; or
- (e) issue a warrant addressed to a member of the Police Force for the arrest of the person.

"(1B) A justice shall not issue a warrant under sub-section (1) unless -

- (a) the informant or some other person has furnished the information, and such other information as the justice requires concerning the issue of the warrant, on oath; and
- (b) the justice is satisfied that there are reasonable grounds for believing that the person to be named in the warrant will not comply with a summons under sub-section (1A)(d)."

(2) Section 6(2) of the Principal Act is amended by inserting after "sub-section(1)" the words "or in pursuance of a warrant issued under sub-section (1A)".

Formal  
amendment

7. Section 8(1) and (2) of the Principal Act is amended by omitting "Commonwealth" and substituting "Territory".

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8. Section 9 of the Amending Act is amended by omitting proposed section 19(1) and substituting the following sub-sections:

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"(1) Where an information is laid before a justice alleging that there are reasonable grounds for suspecting that an offender has committed or will commit an offence against section 15, the justice may -

- (a) issue a summons directing the person to appear before the Supreme Court, if the attendance order to which he is subject was made by the Supreme Court, or before a court of summary jurisdiction, if the order was made by a court of summary jurisdiction, at a time specified in the summons and show cause why he should not be dealt with by that court under this section; or
- (b) issue a warrant addressed to a member of the Police Force for the arrest of the offender.

"(1A) A justice shall not issue a warrant under sub-section (1) unless -

- (a) the informant or some other person has furnished the information, and such other information as the justice requires concerning the issue of the warrant, on oath; and
- (b) the justice is satisfied that there are reasonable grounds for believing that the person to be named in the warrant will not comply with a summons under sub-section (1)(a)."

9. Section 9 of the Amending Act is amended by omitting proposed section 29(1) and substituting the following sub-sections:

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"(1) Where an information is laid before a justice alleging that there are reasonable grounds for suspecting that an offender has committed or will commit an offence against section 24, the justice may -

- (a) issue a summons directing the person to appear before the Supreme Court, if the community service order to which he is subject was made by the Supreme Court, or before a court of summary jurisdiction, if the order was made by a court of summary jurisdiction, at a time specified in the summons and show cause why he should not be dealt with by that court under this section; or
- (b) issue a warrant addressed to a member of the Police Force for the arrest of the person.

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"(1A) A justice shall not issue a warrant under sub-section (1) unless -

- (a) the informant or some other person has furnished the information, and such other information as the justice requires concerning the issue of the warrant, on oath; and
  - (b) the justice is satisfied that there are reasonable grounds for believing that the person to be named in the warrant will not comply with a summons under sub-section (1)(a).".
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