

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL PROCEDURE LEGISLATION AMENDMENT ACT 2026

Act No. 11 of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 11 of 2026

An Act to amend the *Local Court (Criminal Procedure) Act 1928*, the *Bail Act 1982*, the *Evidence Act 1939*, the *Evidence (National Uniform Legislation) Act 2011*, the *Local Court Act 2015*, the *Misuse of Drugs Act 1990*, the *Sentencing Act 1995* and for related purposes

[Assented to 28 May 2026]
[Introduced 18 March 2026]

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 Procedure Legislation Amendment Act 2026*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 14 March 2028, it commences on that day.

Part 2 Amendment of Local Court (Criminal Procedure) Act 1928

3 Act amended

This Part amends the *Local Court (Criminal Procedure) Act 1928*.

4 Section 20 amended (Form of warrant)

Section 20(1)(c)

omit

all words after "apprehend the defendant"

insert

and to:

- (i) if the warrant is endorsed in accordance with section 21 – bring the defendant before the Court to be further dealt with according to law; or
- (ii) otherwise – bring the defendant before the Court to be further dealt with according to law unless the defendant is granted bail in accordance with section 16(6) of the *Bail Act 1982*.

5 Section 21 inserted

After section 20

insert

21 Endorsement of warrant to exclude police bail

- (1) In issuing a warrant to apprehend a defendant, the Court may, by endorsement on the warrant, exclude the granting of bail by an authorised member to the defendant under the *Bail Act 1982* for the purpose of section 16(6) of that Act.

Note for subsection (1)

Section 16(6) of the Bail Act 1982 provides that an authorised officer may grant bail to a person apprehended in accordance with a warrant issued by the Court unless the granting of bail has been excluded by endorsement on the warrant.

- (2) In this section:

authorised member, see section 3(1) of the *Bail Act 1982*.

6 Section 51 amended (Joinder of charges)

Section 51(3)

omit

The

insert

Subject to section 183B, the

7 Section 52 replaced

Section 52

repeal, insert

51A Charges on separate complaints may be heard together

The Court may, on application, order that charges contained in separate complaints against the same person be heard and determined together.

52 Limitation of time for making complaint

A complaint must be made within 6 months of the date on which the offence is alleged to have been committed unless:

- (a) another Act provides otherwise in respect of that offence; or
- (b) the person charged by the complaint gives consent to the complaint being made after the expiry of that period.

8 Sections 59 and 60 replaced

Sections 59 and 60

repeal, insert

59 Defendant apprehended under warrant

When a defendant is apprehended under a warrant and is brought before the Court, the Court must either:

- (a) remand the defendant into custody in accordance with section 60; or
- (b) grant the defendant bail in accordance with the *Bail Act 1982*.

60 Remand of defendant

- (1) If the Court remands the defendant into custody under section 59 or 65, the Court must commit the defendant:
 - (a) either orally or by warrant into the custody of the Commissioner of Correctional Services; or

- (b) orally to the custody of the police officer or other person who apprehended the defendant under the warrant mentioned in section 59; or
 - (c) orally to such other safe custody as the Court considers appropriate.
- (2) In remanding the defendant under subsection (1), the Court must order the defendant to be brought up before the Court at a specified time and place.
- (3) The period of remand cannot exceed:
- (a) if the defendant is committed into custody orally – 3 days; or
 - (b) if the defendant is committed into custody by warrant – 15 days unless both parties consent to a longer period.

9 Section 60AC replaced

Section 60AC

repeal, insert

60AC Application of Division

This Division applies to all criminal proceedings in the Court except those that are subject to a preliminary examination under Part V.

10 Section 60AI amended (Directions hearing)

- (1) Section 60AI, heading, after "**hearing**"

insert

to be held

- (2) Section 60AI(1) and (2)

omit, insert

- (1) If a defendant has not pleaded guilty to the charge at the first mention of the matter in Court, the Court must appoint a date and time for a directions hearing.
- (2) The date and time appointed for the directions hearing under subsection (1) is to be at least 4 weeks after the first mention unless an earlier date and time is appointed under subsection (6).

(3) Section 60AI(8)

omit, insert

- (8) The Court may, on the application of either party or its own initiative, appoint a date and time for a further mention of the matter in Court before the date and time appointed for the directions hearing.
- (9) The Court must, as far as is reasonably practicable, appoint a date and time for a further mention under subsection (8) on an application if:
- (a) the defendant is in custody; and
 - (b) the Court is satisfied there are real prospects of a resolution of the matter.

11 Section 60AL amended (Prosecution or defendant may apply for matter to be considered)

Section 60AL(a)

omit

another

insert

a mention or another

12 Section 60AP repealed (Prosecution and defence to confirm hearing)

Section 60AP

repeal

13 Section 60ARA inserted

After section 60AR

insert

60ARA Court may dispense with compliance in certain proceedings

- (1) This section applies in relation to proceedings that are to be heard and determined by the Court sitting at a place other than Darwin, Alice Springs, Tennant Creek or Katherine.

- (2) The Court may dispense with compliance with a requirement of this Subdivision if the Court is satisfied that there is good reason to do so.
- (3) For subsection (2), the Court may dispense with compliance either before or after the occasion for compliance with the requirement arises.

14 Section 60AT amended (Sentence indication)

Section 60AT(3) and (4)

omit, insert

- (3) The Court may give a sentence indication at any time before the date appointed, if any, for the commencement of the hearing of the charge.

15 Section 60AU amended (Court to have regard to material for sentence indication)

- (1) Section 60AU(1)(b)

omit

record.

insert

record;

- (2) After section 60AU(1)(b)

insert

- (c) the submissions made by the parties, if any, on the appropriate sentence to be imposed if the defendant pleads guilty to the offence.

16 Section 60AZA amended (Sentence indication and no plea of guilty)

Section 60AZA(2)

omit, insert

- (2) The Court that finally determines the charge may be constituted by the same Judge who gave the sentence indication.

17 Section 64 amended (If both parties appear, Court to hear and determine the case)

- (1) Section 64, before "If"

insert

(1)

- (2) Section 64, at the end

insert

- (2) A legal practitioner appearing for the defendant may, on behalf of the defendant, enter a plea to the charge on the complaint.

18 Section 65 amended (Power of Court to adjourn hearing)

Section 65(3)

omit

custody,

insert

custody in accordance with section 60,

19 Section 68 amended (If defendant pleads not guilty Court to hear parties and their evidence)

- (1) Section 68(1)

omit

(1)

- (2) Section 68(3)

omit

20 Section 101A amended (Joinder of charges)

Section 101A(2)

omit

The

insert

Subject to section 183B, the

21 Section 101B inserted

After section 101A

insert

101B Charges on separate informations may be dealt with together

The Court may, on application, order that charges contained in separate informations against the same person be dealt with together.

22 Section 105A amended (Preliminary examination to be conducted)

(1) Section 105A(b)

omit

2.

insert

2; or

(2) After section 105A(b)

insert

(c) the requirement to conduct the preliminary examination is dispensed with under section 106B.

23 Section 105D amended (Content of committal brief)

Section 105D(1)(c)

omit

form prescribed by the Rules under section 48

insert

approved form under section 49A

24 Section 106B inserted

After section 106A

insert

106B Dispensing with preliminary examination

- (1) A defendant who is legally represented may, at any time after service of the committal brief, apply to the Court to dispense with the requirement to conduct a preliminary examination.
- (2) The Court may, on an application under subsection (1), dispense with the requirement to conduct the preliminary examination if:
 - (a) the defendant concedes to the Court that the evidence proposed to be tendered by the prosecutor at the preliminary examination would be sufficient to put the defendant on trial for the offence charged; and
 - (b) the prosecutor consents to the preliminary examination being dispensed with.
- (3) If the preliminary examination is dispensed with under subsection (2), the Court must commit the defendant for trial in the manner provided for by section 112(3)(a) to (c).

25 Section 120 amended (Property offences that may be dealt with summarily)

Section 120(1)(b)

omit

\$50 000.

insert

\$100 000.

26 Section 183B inserted

After section 183A

insert

183B Presumption for domestic violence offences to be dealt with together

- (1) If a defendant in a proceeding or in proceedings before the Court is charged with more than one domestic violence offence alleged to

have been committed by the defendant in relation to the same person, it is presumed that the charges against the defendant will be heard and determined together.

(2) The charges of the domestic violence offences referred to in subsection (1) may be charges against the defendant contained in:

(a) the same complaint or separate complaints before the Court;
or

(b) the same information or separate informations before the Court if:

(i) the offences charged may be heard and determined summarily by the Court under Part V, Division 2; and

(ii) the Court has decided to summarily hear and determine those charges in accordance with Part V, Division 2; or

(c) one or more complaints together with one or more informations before the Court if:

(i) the offences charged on information may be heard and determined summarily by the Court under Part V, Division 2; and

(ii) the Court has decided to summarily hear and determine those charges on information in accordance with Part V, Division 2.

(3) The presumption in subsection (1) is not rebutted merely because:

(a) evidence on one charge is not admissible on another charge;
or

(b) there is a possibility that evidence may be the result of collusion or suggestion.

(4) In this section:

domestic violence offence means:

(a) an offence that is a DVO contravention offence, as defined in section 4 of the *Domestic and Family Violence Act 2007*; or

(b) an offence constituted by, or involving, conduct that is domestic violence, as defined in section 5 of the *Domestic and Family Violence Act 2007*.

Part 3 Amendment of Bail Act 1982**27 Act amended**

This Part amends the *Bail Act 1982*.

28 Section 15 amended (Extension of meaning of adjournment in section 6)

(1) Section 15(c)

omit

case.

insert

case;

(2) After section 15(c)

insert

(d) the period between the apprehension of a person under a warrant to apprehend the person issued by the Local Court and the person's next appearance in the Local Court.

29 Section 16 amended (Authority for police to grant bail)

After section 16(5)

insert

- (6) An authorised member may grant bail under this Part to a person who is apprehended under a warrant to apprehend the person issued by the Local Court, unless the granting of bail has been excluded by endorsement on the warrant in accordance with section 21 of the *Local Court (Criminal Procedure) Act 1928*.

Note for subsection (6)

See section 51 in relation to the application of section 21 of the Local Court (Criminal Procedure) Act 1928 to a warrant to apprehend a person issued by the Local Court under section 39 of this Act.

30 Section 51 amended (Provisions as to warrants or summonses)

(1) Section 51, before "Subject"

insert

(1)

(2) Section 51, at the end

insert

(2) Without limiting subsection (1), section 21 of the *Local Court (Criminal Procedure) Act 1928* applies to a warrant issued or to be issued by the Local Court under section 39 of this Act in the same way that it applies to a warrant to apprehend a defendant which is issued or to be issued under that Act.

31 Part 9, Division 11 inserted

After section 79

insert

Division 11 Criminal Procedure Legislation Amendment Act 2026**80 Application of amendments to section 16**

(1) Section 16(6), as inserted by the amending Act, does not apply in relation to a warrant to apprehend a person that was issued by the Local Court before the commencement of section 29 of the amending Act.

(2) In this section:

amending Act means the *Criminal Procedure Legislation Amendment Act 2026*.

Part 4 Amendment of Evidence Act 1939**32 Act amended**

This Part amends the *Evidence Act 1939*.

33 Section 4 amended (Definitions)

- (1) Section 4, definition ***proceeding***

omit

- (2) Section 4

insert

appear, for Part 5, see section 49.

civil proceeding, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

criminal proceeding, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

proceeding means a civil proceeding or a criminal proceeding.

- (3) Section 4, at the end

insert

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

34 Section 49 amended (Interpretation)

Section 49

insert

appear, before a Territory entity, includes:

- (a) be present before the Territory entity; and
- (b) be brought before the Territory entity.

35 Section 49D amended (Application of Division)

After section 49D(3)

insert

- (4) A requirement by or under this or any other Act that a person appear before a Territory entity is taken to be satisfied if the person appears before the entity by way of a communication link in accordance with this Division.

36 Section 49E amended (Use of communication link by Territory entity)

- (1) Section 49E, heading

omit

by Territory entity

insert

in Territory proceedings generally

- (2) Section 49E(1)

omit

A

insert

Subject to subsection (6) and sections 49EA and 49EB, a

- (3) Section 49E(5)

omit

all words from "Without" to "appropriate:"

insert

In considering whether to give a direction under subsection (1), the entity may have regard to the following matters:

- (4) Section 49E(5)(e)

omit

appropriate.

insert

relevant.

- (5) Section 49E(6)(b)

omit

before the entity in person.

insert

physically before the entity.

(6) Section 49E(8)

omit

37 Sections 49EA and 49EB inserted

After section 49E

insert

49EA Audiovisual links to be used in criminal proceedings in or before Local Court for certain witnesses

- (1) This section only applies in relation to:
 - (a) a Territory proceeding that is a criminal proceeding in or before the Local Court; and
 - (b) a person (a **witness**) who is to appear before the Local Court as a witness in a criminal proceeding.
- (2) The Local Court must give a direction under section 49E(1) for a witness in a criminal proceeding to appear before, and give evidence to, the Court by audiovisual link if the Court is satisfied that:
 - (a) the witness would appear by audiovisual link from a place (the **remote place**) that is:
 - (i) a remote community; or
 - (ii) any other place that is located more than 100 km from the place where the Court is sitting; and
 - (b) the necessary facilities are available or can reasonably be made available for the witness to appear by audiovisual link from the remote place; and
 - (c) if a party to the criminal proceeding opposes the direction being given in respect of the witness – it is in the interests of the administration of justice to give the direction.

- (3) For subsection (2)(c), in considering whether it is in the interests of the administration of justice to give the direction, the Local Court:
- (a) must have regard to:
 - (i) whether the evidence of the witness can more conveniently be given from the remote place; and
 - (ii) whether the giving of the direction could support the efficient conduct of the criminal proceeding by reducing costs incurred in, or delays to, the proceeding; and
 - (iii) whether the giving of the direction would be unfair to the party opposing it; and
 - (b) may have regard to any other matter that the Court considers relevant.

49EB Use of audiovisual links in summary criminal proceedings for detained defendants

- (1) This section only applies in relation to:
- (a) a Territory proceeding that is a summary criminal proceeding; and
 - (b) a detained defendant who is to appear before a court in a summary criminal proceeding.
- (2) A detained defendant who is required to appear before a court in a summary criminal proceeding, other than in a part of the proceeding mentioned in subsection (5), is to appear by audiovisual link unless:
- (a) the necessary facilities are not available and cannot reasonably be made available for the detained defendant to appear by audiovisual link; or
 - (b) the court directs that the detained defendant appear physically before the court instead of by audiovisual link.
- (3) The court may give a direction under subsection (2)(b) on its own initiative or on the application of a party to the summary criminal proceeding.
- (4) In considering whether to give a direction under subsection (2)(b), the court may have regard to the matters specified in section 49E(5).

- (5) A detained defendant who is required to appear before a court in the following parts of a summary criminal proceeding is to appear physically before the court unless the court directs otherwise under section 47E(1):
- (a) the first appearance of the detained defendant before the court in the proceeding;
 - (b) a hearing of the charge or charges in the proceeding;
 - (c) a preliminary examination conducted by the court in respect of the charge or charges in the proceeding.
- (6) In this section:

detained defendant, in relation to a summary criminal proceeding, means a person who is:

- (a) a defendant in the summary criminal proceeding; and
- (b) held in the custody of the Commissioner of Correctional Services, whether in connection with the summary criminal proceeding or otherwise.

summary criminal proceeding means any criminal proceeding in or before either of the following courts:

- (a) the Local Court;
- (b) the Youth Justice Court.

Part 5 Amendment of Evidence (National Uniform Legislation) Act 2011

38 Act amended

This Part amends the *Evidence (National Uniform Legislation) Act 2011*.

39 Section 194 amended (Witnesses failing to attend proceedings)

Section 194(1)(c)

omit

all words after "to attend"

insert

and provided with a sum of money or its equivalent (such as prepaid travel) that is sufficient to meet the reasonable expenses of attending as required by the subpoena or summons;

Part 6 Amendment of local court legislation

Division 1 Amendment of Local Court Act 2015

40 Act amended

This Division amends the *Local Court Act 2015*.

41 Part 4, Division 5 heading amended

Part 4, Division 5, heading

omit

Rules and directions

insert

Rules, directions and forms

42 Section 49A inserted

After section 49, in Part 4, Division 5

insert

49A Approved forms

- (1) The Chief Judge may approve forms for documents to be used in connection with proceedings in the Court in the exercise of any of its jurisdiction, whether conferred by this or another Act.
- (2) If a form for a type of document to be used in the Court is approved under subsection (1), any document of that type which is filed with or issued by the Court is to be in the approved form.
- (3) An approved form must be published on the Court's website.

Division 2 Regulations repealed

43 Regulations repealed

The Regulations specified in the Schedule are repealed.

Part 7 Amendment of Misuse of Drugs Act 1990**44 Act amended**

This Part amends the *Misuse of Drugs Act 1990*.

45 Section 22 amended (Certain offences may be dealt with summarily)

Section 22(1)

omit, insert

- (1) Subject to subsection (2) and section 23, the following indictable offences against this Act may be heard and determined summarily by the Local Court:
- (a) an offence against a provision of Part II, Division 1, Subdivision 1, 2 or 3 or section 11Y(1) that is punishable by not more than 14 years imprisonment;
 - (b) an offence against section 8.

46 Section 23 amended (Proceedings for offences)

After section 23(2)

insert

- (2A) In addition to subsection (2), a charge for an offence mentioned in section 22(1)(b) may be heard and determined summarily only if the defendant also consents to it being disposed of summarily.

Part 8 Amendment of Sentencing Act 1995**47 Act amended**

This Part amends the *Sentencing Act 1995*.

48 Section 123A repealed (Late guilty plea not relevant for sentencing for offence)

Section 123A

repeal

Part 9 Repeal of Act

49 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Repealed Regulations

section 43

<i>Justices Regulations 1929</i>	Notified in <i>Commonwealth of Australia Gazette</i> on 18 April 1929
<i>Amendment of the Justices Regulations 1939</i>	Notified in <i>Northern Territory Government Gazette</i> on 1 September 1939
<i>Amendment of the Justices Regulations 1959</i>	Subordinate Legislation No. 7 of 1959
<i>Amendments of the Justices Regulations 1959</i>	Subordinate Legislation No. 9 of 1959
<i>Amendments of the Justices Regulations 1963</i>	Subordinate Legislation No. 10 of 1963
<i>Amendments of the Justices Regulations 1965</i>	Subordinate Legislation No. 4 of 1965
<i>Amendments of the Justices Regulations 1974</i>	Subordinate Legislation No. 4 of 1974
<i>Amendment of the Justices Regulations 1984</i>	Subordinate Legislation No. 23 of 1984
<i>Amendment of the Justices Regulations 1984</i>	Subordinate Legislation No. 46 of 1984
<i>Amendment of the Justices Regulations 1989</i>	Subordinate Legislation No. 21 of 1989
<i>Amendments of Justices Regulations 1991</i>	Subordinate Legislation No. 52 of 1991
<i>Amendments of Justices Regulations 1991</i>	Subordinate Legislation No. 73 of 1991
<i>Amendments of Justices Regulations 1994</i>	Subordinate Legislation No. 9 of 1994
<i>Amendment of Justices Regulations 1996</i>	Subordinate Legislation No. 22 of 1996

Justices Amendment Regulations 2011

Subordinate Legislation
No. 15 of 2011

Note for Schedule

Section 89(2) of the Local Court Act 2015 provided that, on the commencement of section 4 of the Local Court Act 2015, the Justices Regulations 1929 that were in force immediately before the commencement became rules of court under section 48 of the Local Court Act 2015.