

Serial 173
Criminal Justice Legislation Amendment Bill 2011
Ms Lawrie

A Bill for an Act to amend legislation relating to criminal justice

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL JUSTICE LEGISLATION AMENDMENT ACT 2011

Act No. [] of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2011

An Act to amend legislation relating to criminal justice

[Assented to [] 2011]
[Second reading [] 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*.

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.