

Serial 150
Bail Amendment Bill 2011
Ms Lawrie

A Bill for an Act to amend the *Bail Act*

NORTHERN TERRITORY OF AUSTRALIA

BAIL AMENDMENT ACT 2011

Act No. [] of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2011

An Act to amend the *Bail Act*

[Assented to [] 2011]
[Second reading [] 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Bail Amendment Act 2011*.

2 Commencement

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

3 Act amended

This Act amends the *Bail Act*.

4 Section 3 amended

Section 3(1)

insert (in alphabetical order)

bail offence, for Part VII, see section 37B(1).

original offence, for Part VII, see section 37B(1)(a).

5 Sections 37A to 37D inserted

Before section 38, in Part VII

insert

37A Definitions

In this Part:

bail offence, see section 37B(1).

original offence, see section 37B(1)(a).

37B Offence to breach bail

- (1) A person commits an offence (the ***bail offence***) if the person:
- (a) is granted bail for an offence (the ***original offence***); and
 - (b) engages in conduct that results in a breach of the person's bail undertaking, or a condition of the grant of bail, for the original offence.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) It is a defence to a prosecution for the bail offence if the defendant establishes a reasonable excuse.
- (3) A penalty imposed for the bail offence must not exceed the maximum penalty that may be imposed for the original offence.
- (4) Part IIAA of the Criminal Code applies to bail offences.

37C Hearing procedures for bail offence – general

- (1) This section applies to a legal proceeding for a bail offence.
- (2) The proceeding may be commenced at any time.
- (3) The proceeding must be heard and determined by:
- (a) if the court to which the offender's bail undertaking to appear for the original offence is the Supreme Court or Court of Criminal Appeal – the Supreme Court; or
 - (b) otherwise – the court to which the offender's bail undertaking to appear is given for the original offence.

37D Hearing procedures for bail offence – Supreme Court

- (1) This section applies if, under section 37C(3), the Supreme Court is to hear and determine the legal proceeding for a bail offence.
- (2) Despite another law of the Territory, the Court must hear and determine the proceeding in a summary way.
- (3) Subject to subsections (4) to (7), the proceeding must be commenced and conducted (with the necessary changes and changes prescribed by rules of court) as if it were a summary proceeding under the *Justices Act*.
- (4) The proceeding must be commenced by the complainant for the original offence or any police officer.
- (5) The proceeding must be conducted by the Director of Public Prosecutions.
- (6) A fee is not payable for a matter or thing required or permitted to be done for the proceeding.
- (7) In addition, the Court must not order a party to the proceeding to pay another party's costs of or relating to the proceeding.
- (8) Section 51 of the *Supreme Court Act* applies to the Court's determination on the legal proceeding.