

Serial 75  
Criminal Code Amendment (Presumption of Joint Trials) Bill 2014  
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (PRESUMPTION OF JOINT TRIALS)  
ACT 2014

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Act No. [ ] of 2014

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2014

An Act to amend the Criminal Code

[Assented to [ ] 2014]  
[Second reading [ ] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Criminal Code Amendment (Presumption of Joint Trials) Act 2014*.

## 2 Commencement

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

## 3 Criminal Code amended

This Act amends the Criminal Code.

## 4 Section 309 amended

After section 309(1)

*insert*

- (1A) To avoid doubt, charges for more than one offence may be joined in the same indictment even if the offences are alleged to have been committed against different persons.

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**5 Section 341 amended**

After section 341(1)

*insert*

(1A) Subsection (1) applies subject to section 341A.

**6 Section 341A inserted**

After section 341

*insert*

**341A Presumption of joint trial of sexual offences**

(1) Despite any rule of law to the contrary, if an accused person is charged with more than one sexual offence in the same indictment, it is presumed that the charges are to be tried together.

(2) The presumption 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.

(3) In this section:

*sexual offence*, see section 3 of the *Sexual Offences (Evidence and Procedure) Act*.

**7 Part XI, Division 9 inserted**

After section 451

*insert*

**Division 9 Criminal Code Amendment (Presumption of Joint Trials) Act 2014**

**452 Application of presumption**

Section 341A, as inserted by the *Criminal Code Amendment (Presumption of Joint Trials) Act 2014*, applies in relation to an indictment presented or filed in court after the commencement of that Act, even if an offence charged in the indictment is alleged to have been committed before the commencement of that Act.

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**8 Expiry of Act**

This Act expires on the day after it commences.