

Serial 24
Bail and Youth Justice Legislation Amendment Bill 2025
Mrs Finocchiaro

A Bill for an Act to amend the *Bail Act 1982* and the *Youth Justice Act 2005*

NORTHERN TERRITORY OF AUSTRALIA

BAIL AND YOUTH JUSTICE LEGISLATION AMENDMENT ACT 2025

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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An Act to amend the *Bail Act 1982* and the *Youth Justice Act 2005*

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

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Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Bail and Youth Justice Legislation Amendment Act 2025*.

2 Commencement

15

This Act commences on 7 May 2025.

Part 2 Amendment of Bail Act 1982

3 Act amended

This Part amends the *Bail Act 1982*.

4 Section 7A amended (Presumption against bail for certain offences)

(1) Section 7A, heading

omit, insert

5 **7A No bail for certain offences without high degree of confidence in accused person**

(2) Section 7A(2)

omit, insert

10 (2) An authorised member or court must not grant bail to a person accused of an offence to which this section applies unless the person satisfies the member or court that bail should be granted.

Note for subsection (2)

15 *See sections 24 and 24A in relation to the matters to be considered by an authorised member or court in determining whether bail should be granted.*

(2AA) The matter mentioned in section 24(1)(aa) is the paramount consideration when the authorised member or court is determining whether bail should be granted to the person.

Note for subsection (2AA)

20 *Section 24(1)(aa) provides for consideration of the risk to the safety of the community if a person accused of an offence is released on bail.*

25 (2AB) Even if an authorised member or court is satisfied, as mentioned in subsection (2), that bail should be granted, the member or court must not grant bail to the person unless the member or court has a high degree of confidence, when considered in isolation from matters mentioned in sections 24 and 24A, that the person will not, if released on bail:

(a) commit a prescribed offence or a serious violence offence; or

(b) otherwise endanger the safety of the community.

30 (3) Section 7A(2A)

omit

subsection (2) does

insert

subsections (2), (2AA) and (2AB) do

5 Section 12 amended (Bail may be granted where no entitlement)

Section 12

omit

5

or 8A

6 Section 24 amended (Criteria to be considered in bail applications)

(1) Before section 24(1)(a)

insert

10

(aa) the risk (if any) to the safety of the community that would result from the accused person's release on bail;

(2) Section 24(1), before note for section 24(1)(b)(iiic)

insert

Note for section 24(1)(aa)

15

Under section 7A(2AA), the matter mentioned in this paragraph is the paramount consideration in determining whether bail should be granted to a person accused of an offence to which section 7A applies.

7 Section 24A amended (Criteria to be considered in bail applications for youths)

20

Section 24A(2)(a) and (e)

omit

8 Part 9, Division 10 inserted

After section 76

insert

25

Division 10 Bail and Youth Justice Legislation Amendment Act 2025

77 Definitions

In this Division:

30

amending Act means the *Bail and Youth Justice Legislation Amendment Act 2025*.

commencement means the commencement of section 3 of the amending Act.

78 Application of amendments

5 (1) Sections 7A, 24 and 24A, as amended by the amending Act, apply in relation to an application for bail that is made after the commencement even if the alleged offence to which the bail relates was committed before the commencement.

(2) Sections 7A, 24 and 24A, as in force immediately before the commencement, continue to apply in relation to the following:

10 (a) an application for bail that was made before the commencement;

(b) a continuation of bail under section 32 if the bail was granted before the commencement;

15 (c) the review, under section 33(3) or (5), of a matter that occurred before the commencement;

(d) the review, under section 34 or 35, of a decision if the decision being reviewed:

(i) relates to a matter mentioned in section 33(3) that occurred before the commencement; or

20 (ii) was made by the Local Court or the Supreme Court before the commencement.

79 Circumstances where bail may not be continued

(1) This section applies to a person who, on the commencement, is on bail that was granted by an authorised member or the Local Court.

25 (2) If, after the commencement, the person appears before the Supreme Court in relation to an offence for which the bail was granted, despite section 32, the person's bail may not be continued under that section but the person may make a new application for bail.

30 *Note for subsection (2)*

Under section 19 there is no limit on the number of applications that may be made in relation to bail.

Part 3 Amendment of Youth Justice Act 2005

9 Act amended

This Part amends the *Youth Justice Act 2005*.

10 Section 4 amended (Principles)

5 Section 4(c)
omit

Part 4 Repeal

11 Repeal of Act

This Act is repealed on the day after it commences.