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30 March 2027

Secretary
Legislative Scrutiny Committee

By email to LA.Committees@nt.gov.au

Dear Secretary

Submission on the Criminal Procedure Legislation Amendment Bill 2026

The North Australian Aboriginal Justice Agency (**NAAJA**) provides high quality, culturally appropriate legal advice, representation and justice related services to Aboriginal people throughout the Northern Territory. For over 50 years, NAAJA has played a leading role in policy and law reform in areas affecting Aboriginal peoples' legal rights and access to justice.

We refer to the Inquiry into the Criminal Procedure Legislation Amendment Bill 2026 (**the Bill**), which introduces certain amendments to the Local Court (Criminal Procedure) Act 1928 (**the LCCPA**) and related legislation.

We recognise the significant strain that has been placed on the justice system by increased case loads and we support efforts to reduce this burden on both courts and practitioners. Many of the provisions of the Bill are appropriately directed to this end.

However, we note that the Bill does not address the underlying structural causes of our overburdened Local Court system. There is an urgent need to increase resourcing for the judiciary, court services, and legal services including NAAJA. It is also critical that the NT Government invest in alternatives to custody, including supported bail accommodation, diversionary programs, and programs that effectively address the causes of offending.

Our detailed comments on the Bill are set out in the table below. While we generally support the passage of the Bill, we would highlight that we do not support (or would recommend revisions to) the following:

1. Clauses 6 and 26 of the Bill, dealing with joinder of charges. In our submission, the existing legislative scheme provides sufficient options for joinder, and there is a real risk of confusion and further delay if the proposed changes are adopted. We **recommend** that these changes be removed from the Bill or significantly revised.
2. Clause 37, amending s 49EB of the LCCPA. We **recommend** that pleas of guilty and bail applications are added to the list of circumstances in s 49EB(5) in which a detained defendant is to be brought before the court in person.

Comments on specific sections of the Bill

Clause of Bill	Section of LCCPA amended	NAAJA comments
4	20	No issue.
5	21	No issue as this interacts with the new s 16(6) of the <i>Bail Act</i> , which provides discretion for police to grant bail on warrants where a warrant is not marked as excluded for bail by the court.
6	51	<p>Joinder of Charges</p> <p>We note the interaction with changes to s 183B – see cl 26 of the Bill creating a presumption that domestic violence offences are to be dealt with together.</p> <p>There is already adequate provision contained in s 51 of the LCCPA which deals with the question of joinder of charges on information and complaint when domestic violence offences (and other offences) are to be determined. The question of joinder is already carefully considered by the court when an application is made by the prosecution to join charges and there is no procedural need or efficiency to change the current approach.</p> <p>In NAAJA's view the question of joinder is adequately dealt with in the current legislation and there is no need to create a separate presumption that Domestic Violence offending be heard together (the presumption question is dealt with below in more detail at clause 26 where the proposed new s183B is put forward).</p>
7	52 (replaced)	This increases the flexibility for options to resolve matters out of time with the consent of the parties and is supported by NAAJA.
8		NAAJA welcomes increased flexibility for police to grant bail on warrants where the court has not excluded it as an option.
9		No issue.
10		NAAJA supports clarity in the legislation for the listings of matters before a directions hearing process where there are real prospects of resolution.
11		No issue.
12		No issue. This change reduces the administrative burden on under resourced prosecutors and defence lawyers.

13		No Issue.
14		No issue. Provides more flexibility for sentence indications which NAAJA supports.
15		No issue. Supported by NAAJA as it permits and provides clarity to the court and the parties that submissions can be made as to an appropriate sentence where a sentence indication is permitted.
16		No comment.
17		No issue. This occurs in practice from time to time already.
18		No comment.
19		No comment.
20		See earlier comments on joinder and clause 26 commentary below.
21		No comment.
22		No comment.
23		No comment.
24		No issue. Where consent is provided by both prosecution and defence. It doesn't really change much from the current practice of proceeding to a PEP by consent.
25		No issue.
26		<p>There are already appropriate process in the current LCCPA, Criminal Code and Uniform Evidence Act covering the issue of joinder. In practice many DV matters are already heard together by consent of the parties and following an application made by prosecution setting out what is to be joined.</p> <p>The way in which the current clause is drafted creates a real risk of confusion and further delay in court proceedings as it doesn't appear that there is any requirement for an application to be made by the prosecution to have domestic violence charges heard together.</p> <p>This undermines the fundamental right of a person who is charged with offending to know what case will be presented against them and will likely mean that court processes will be delayed by further court dates to enquire as to the prosecution's intention, applications to rebut the presumption and increased arguments around the admission of evidence. It may</p>

		<p>also increase the likelihood of conviction appeals from the Local court to the Supreme Court.</p> <p>The creation of a presumption further erodes the court's ability to decide the question of whether matters should properly be dealt with together, on the particular facts of each individual application before it.</p>
27		No comment.
28		No comment.
29		Supported as clarifies the discretion of police to grant bail on warrants where the court has not excluded it. Anything that will see less people incarcerated unnecessarily is supported by NAAJA.
30		No comment.
31		No comment.
32		No comment.
33		No comment.
34		No comment.
35		No comment.
36		No comment – relevant changes to give effect to point 37.
37	49EA	No objection to this – this happens in practice already.
	49EB	<p>Whilst NAAJA welcomes that s 49EB (5) sets out the specific court appearances that a defendant (including a youth defendant) must attend in person at court, we would like to see the addition of pleas of guilty and bail applications being added to the list in s 49EB(5).</p> <p>NAAJA notes that some of our Aboriginal clients are disadvantaged in AVL appearances as English is often a second language, clients may experience hearing impairments (and NT Correctional centres do not provide hearing loops for prisoners appearing in court via AVL), may have an acquired brain injury, mental health challenges and cognitive impairments. All of these factors can contribute to difficulty understanding, hearing and processing the comments of Judges, lawyers and prosecutors over the AVL, effectively limiting a person's participation in their court matter.</p>

		<p>Where a defendant has experience of one of these factors (and some people may experience a combination), this can severely compromise a defendant's comprehension of sentencing orders and their understanding on release. This can have the flow on effect that where a person is not physically present in court to participate fully, they may miss important information relevant to their conditions of release or sentencing/ bail. Whilst a defendant's lawyers will endeavour to explain any outcome and obligations to them over the phone after court with the assistance of an interpreter where necessary, this does not replace being able to participate and understand what is happening in court which would be better facilitated by in person attendance at plea, bail and sentencing hearings. This physical presence is particularly essential for young people in custody who may experience a disability, FASD, cognitive impairment, language barriers and hearing impairments.</p> <p>By limiting people's participation in person in their sentencing, bail and plea hearings a false economy is perpetuated where the person being sentenced or applying for bail is at risk of not understanding their obligations or the impact of their offending, increasing the risk of breach of orders and recidivism.</p>
38		No comment.
39		No comment.
40		No comment.
41		No comment.
42		No comment.
43		No comment.
44		No comment.
45		No comment.
46		No comment.
47		Supported – no further comment to make.

Conclusion

Thank you for the opportunity to provide this submission to the committee.

Please don't hesitate to contact us if you require any further information.

Yours sincerely



Ben Grimes
Chief Executive Officer