

# Explanatory Statement

## BAIL AMENDMENT BILL 2026

### SERIAL NO. 52 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

ATTORNEY-GENERAL

#### GENERAL OUTLINE

The Bill amends the *Bail Act 1982* (the Act).

The purpose of this Bill is to amend the Act to make it expressly clear that the Act applies in relation to youth and to the Youth Justice Court, Youth Justice Court Judges, and Youth Justice Court Registrars, unless otherwise expressly stated in the Act.

This Bill does this by amending the definition of 'court' at section 3 of the Act and inserting a new provision expanding the definitions for 'Local Court', 'Local Court Judge' and 'a Registrar of the Local Court' to include the Youth Justice Court, a Judge of the Youth Justice Court, and a Registrar of the Youth Justice Court, respectively. This amendment seeks to make it easier for legal practitioners and the bench to consider youth related bail matters by making the law as clear and certain as possible on its face.

#### NOTES ON CLAUSES

##### **Clause 1. Short title**

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Bail Amendment Act 2026*.

##### **Clause 2. Commencement**

This clause sets out how the amendment Act will be commenced. In this case the Act will commence on the day after the Administrator assents to the Act.

##### **Clause 3. Act amended**

This is a formal clause which provides that the Amendment Act amends the *Bail Act 1982*.

##### **Clause 4. Section 3 amended (Interpretation)**

This clause amends the definition of 'court' under section 3 of the Act to remove subsection (1)(c) relating to the Youth Justice Court. The clause inserts a note at the end of the provision referring readers to the new section 3AA which relevantly provides the expanded definition of the application of the Local Court to the Youth Justice Court.

This amendment is consequential to the amendment at Clause 5 of the Bill. It is necessary as the reference to the Youth Justice Court in the definition of 'court' at section 3 (1) (c) of the Act has been rendered redundant by the insertion of new section 3AA.

**Clause 5. Section 3AA inserted**

This clause creates a deeming provision for any reference to the ‘Local Court’, ‘Local Court Judge’, and ‘Registrar of the Local Court’ to include the Youth Justice Court, a Judge of the Youth Justice Court, and a Registrar of the Youth Justice Court, respectively, unless specified otherwise in the Act. The purpose of this clause is to confirm that the powers and functions under the Act are conferred on, and apply to, the Youth Justice Court, along with the judges and registrars of the Youth Justice Court, as they apply to the Local Court, and judges and registrars of that court.

This clause does not change the current processes or application of the Act in relation to the Youth Justice Court, Judges of the Youth Justice Court, and Registrars of the Youth Justice Court. It simply expressly sets out that the Act applies to those entities to make the Act easier to understand and apply in a busy court environment.

**Clause 6. Repeal of Act**

Clause 6 is a formal clause that repeals this Act on the day after it commences.