



# LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

15<sup>th</sup> Assembly

## LEGISLATIVE SCRUTINY COMMITTEE

**Public Briefing Transcript**

**Bail Amendment Bill 2026**

1.30 pm – 2.00 pm, Monday, 9 February 2026

Litchfield Room, Level 3 Parliament House, Darwin

**Members:** Mrs Oly Carlson MLA, Chair, Member for Wanguri  
Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale  
Justine Davis MLA, Member for Johnston  
Mr Chanston Paech MLA, Member for Gwoja  
Mrs Laurie Zio MLA, Member for Fannie Bay

**Witnesses:** *Attorney-General's Department*  
Erin McAuley, Acting Deputy Chief Executive Officer  
Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy  
Coordination

**INQUIRY INTO THE BAIL AMENDMENT BILL 2026**  
**Attorney-General's Department**

**Madam CHAIR:** On behalf of the committee, I welcome everyone to this public briefing into the Bail Amendment Bill 2026. I welcome to the table to give evidence to the committee from the Attorney-General's Department Erin McAuley, Acting Deputy Chief Executive Officer, and Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy Coordination. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligations not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for the use of the committee and may be put on the committee's website. If at any time during this hearing you are concerned that what you will say should not be made public, you may ask the committee to go into closed session and take your evidence in private.

Today I have with me the Member for Drysdale and the Member for Fannie Bay. Online we have the Member for Johnston and the Member for Gwoja.

Could you each please state your name and the capacity in which you are appearing.

**Ms CLEE:** Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy Coordination.

**Ms McAULEY:** Erin McAuley, Acting Deputy Chief Executive Officer of the Attorney-General's Department.

**Madam CHAIR:** Thank you. Ms McAuley, would you like to make an opening statement?

**Ms McAULEY:** I will let Hannah make the opening statement.

**Ms CLEE:** Thank you to the committee for the opportunity to brief on the Bail Amendment Bill 2026. The purpose of this Bill is to make technical amendments to the *Bail Act 1982* to make it abundantly clear that the Act applies in relation to the Youth Justice Court unless otherwise stated in the Act, and to put it beyond doubt that a reference to the Local Court includes a reference to the Youth Justice Court, Youth Justice Court judges and Youth Justice Court registrars unless otherwise expressly stated in the Act. The Bill therefore makes technical amendments to the *Bail Act* to achieve this. Through this briefing our intention is to provide the committee with a short overview of the two key amendments contained in the Bill.

The amendments address an ambiguity in the Act in respect to its application in the Youth Justice Court. The issue was highlighted in a recent decision of the Youth Justice Court where the Director of Public Prosecutions was prevented from making a bail stay application in respect of a youth matter. The Youth Justice Court held that the relevant provision in the *Bail Act*, section 36A, did not apply to the Youth Justice Court. The decision was reviewed by the Supreme Court which corrected error and confirmed that the *Bail Act*, and in particular section 36A, does apply to the Youth Justice Court. While the judicial review process has operated and established case law in this regard, it remains appropriate for the legislature to amend the Act to ensure a similar error does not occur in the future.

Firstly, the Bill amends the definition of 'court' in the *Bail Act*. It does this in section 3(1) by removing paragraph (c) relating to the Youth Justice Court. This is a consequential amendment as the reference becomes redundant with the insertion of a new section 3AA, which I will refer to in a moment. A note will be inserted at the end of section 3, 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.

Secondly, the Bill inserts new section 3AA, which provides for references to Local Court, judges or registrars. The insertion of a new section 3AA creates a deeming provision for any reference to the Local Court, Local Court judges and registrars of the Local Court to include the Youth Justice Court, judges of the Youth Justice Court and registrars of the Youth Justice Court, unless otherwise specified in the Act.

The purpose of the 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. The new section 3AA expands on the previous definition to provide absolute clarity to judges and legal practitioners when applying the law, particularly in relation to youth offenders.

In terms of practical implications of the amendments, the Bill will not have any impact on the way that the courts operate or apply the law. The amendments are technical in nature to clarify the operation of existing law. The amendments are intended to assist legal practitioners and the courts to correctly apply the law when considering bail applications in what is a generally high-volume environment.

**Madam CHAIR:** Thank you, Ms Clee. I now open the floor for questions.

**Mr HOWE:** Thank you, Madam Chair. My question is just really simple. Please correct me if I am wrong, but this seems to be just an administrative change in line with government's intent.

**Ms CLEE:** The change does reinforce that the Act applies to youth and youth matters in the same way that it applies to adults, unless it is clearly stated in the Bill that a section does not apply to youth.

**Mr HOWE:** Would this make future changes more simplified as well if the government's intent is to have it across those courts?

**Ms CLEE:** It reinforces and just makes it really clear that it is to apply, to avoid any confusion in future applications before the court.

**Mr HOWE:** No more questions, thank you.

**Mrs ZIO:** Just following on from that, so it actually streamlines processes and prevents escalation to things like the Supreme Court, to get managed earlier—no additional costs, no additional timeframes—is that correct?

**Ms CLEE:** Yes, because it is abundantly clear that it is to apply to youth then there should not be situations where a matter ends up before the Supreme Court for review as a result of any misunderstanding of whether the Act applies or not.

**Madam CHAIR:** Member for Johnston? I believe the Member for Gwoja has no questions either. Are there any further questions?

Do you have any closing statements?

**Ms CLEE:** No.

**Madam CHAIR:** Thank you, Ms McAuley and Ms Clee, for attending today's public briefings.

The committee concluded.

---