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Public Briefing Transcript

Inquiry into the Criminal Procedure Legislation Amendment Bill 2026

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Litchfield Room, Level 3, Parliament House

Members: Mrs Oly Carlson MLA, Chair, Member for Wulagi
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*
Janet Hanigan: Executive Director, Strategic Policy Coordination
Jane Bochmann: Senior Policy Lawyer, Legislation and Legal Policy

INQUIRY INTO THE CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2026
Attorney-General's Department

Madam CHAIR: On behalf of the committee, I welcome everyone to this public briefing into the Criminal Procedure Legislation Amendment Bill 2026.

I welcome to the table to give evidence to the committee from the Attorney-General's Department, Janet Hanigan, Executive Director, Strategic Policy Coordination; and Jane Bochmann, Senior Policy Lawyer, Legislation and Legal Policy. 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 both.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation 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 use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

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

Ms HANIGAN: Janet Hanigan, Executive Director, Strategic Policy Coordination. I am here as the executive director of the division in which the legislation and legal policy unit sits, who led the development of the Bill.

Ms BOCHMANN: Jane Bochmann, Senior Policy Lawyer with the Attorney-General's Department. I am here in the capacity as the senior lawyer involved with this Bill.

Madam CHAIR: Thank you, ladies.

My name is Oly Carlson. I am the Member for Wanguri and the Chair. Online joining me is the deputy, the Member for Drysdale, Clinton Howe. I have also the Member for Fannie Bay; the Member for Johnston; and online is the Member for Gwoja.

Ms Hanigan, would you like to make an opening statement?

Ms HANIGAN: I will not. I will pass to Jane who will make an opening statement, thank you.

Ms BOCHMANN: Thank you to the committee for the opportunity to brief you on the Criminal Procedure Legislation Amendment Bill 2026. This Bill is one step in the broader work being done through the reducing-crime strategy.

The purpose of this Bill is to assist with the early resolution of matters and to streamline court processes to help deliver swift justice for victims and the community. This is intended to be achieved by:

- introducing a first-step provision aimed at providing fast-track committal pathways
- the expansion of matters which can be heard in the Local Court
- improved flexibility in court procedures
- permitting guilty pleas to be entered through counsel
- the removal of limitation periods where appropriate
- encouraging the use of audiovisual links
- streamlining hearings for related domestic violence matters
- improving the court's ability to issue warrants for witnesses who do not attend court
- providing the NT Police Force with flexibility to manage arrest outcomes for court-ordered warrants
- expansion of the sentencing indication provisions
- making amendments to align the Act internally and with other relevant legislation

- removing and updating obsolete and outdated administrative provisions
- updating how Local Court forms are prescribed.

The Bill is intended to support a broad range of procedural and process matters and, therefore, intersects with other criminal justice legislation, resulting in the Bill also making amendments to the *Local Court (Criminal Procedure) Act 1928*; the *Bail Act 1982*; the *Evidence Act 1939*; the *Evidence (National Uniform Legislation) Act 2011*; the *Local Court Act 2015* and subordinate legislation; the *Misuse of Drugs Act 1990*; and the *Sentencing Act 1995*.

These amendments were developed in consultation with the Local Court criminal procedure review working group which was established to review and identify opportunities relating to criminal procedure for potential legislative amendment. The working group's deliberations were considered in the provision of advice to government.

The working group is made up of members from the following justice sector agencies and organisations: the North Australian Aboriginal Justice Agency; NT Legal Aid Commission; the Criminal Lawyers Association of the NT; the Bar Association of the NT; Attorney-General's Department; the Local Court judiciary; the Office of the Director of Public Prosecutions; the Office of the Commonwealth Director of Public Prosecutions; the Department of Corrections; and the NT Police Force.

Since April 2025 there have been 12 one-hour working group meetings. Various reform options were considered by the working group, both those proposed by members and the government, with the members of the group providing insight as to the practicalities of any amendments and the proposed efficiencies within the Local Court. Thank you to the working group for their insightful contributions during this process.

This briefing is intended to provide the committee with a short overview of each of the key amendments contained in the Bill.

Clauses 22 and 24 of the Bill amend section 105A of the *Local Court (Criminal Procedure) Act* and introduce a new provision, section 106B, to provide the first step towards a fast-track committal pathway to expedite committal of indictable matters to the Supreme Court. The amendments allows the Local Court to dispense with the requirement to conduct a preliminary examination hearing of the evidence and refer the matter to the Supreme Court once the committal brief is served, once defence concedes the sufficiency of the evidence and the prosecution consents.

Clauses 25, 45 and 46 of the Bill amend section 120 of the *Local Court (Criminal Procedure) Act* and also sections 22 and 23 of the *Misuse of Drugs Act* to expand the indictable offences which can be heard summarily in the Local Court. Section 120(1)(b) of the *Local Court (Criminal Procedure) Act* is amended to increase the financial cap on certain indictable property offences which might be dealt with summarily from \$50,000 to \$100,000. Sections 22 and 23 of the *Misuse of Drugs Act* are amended to allow the indictable offence of receiving or possessing tainted property to be heard and determined summarily in the Local Court where both parties consent.

Clauses 10 and 11 of the Bill amend sections 60AI and 60AL of the *Local Court (Criminal Procedure) Act* to allow more flexibility for the court to list matters where there are real prospects of early resolution. These amendments require, as far as reasonably practicable, the Local Court on application to appoint a date and time for an additional mention before a directions hearing where a defendant is in custody and there are reasonable prospects of the matter resolving. This amendment allows parties to ask that the matter is listed for an extra mention soon after that first mention.

The *Local Court (Criminal Procedure) Act* is also amended by clauses 9 and 13 to allow further flexibility in court procedures in remote communities. Section 60AC is amended, while the new provision in section 60ARA is inserted to allow circuit courts—that is, courts sitting in places other than Darwin, Alice Springs, Tennant Creek or Katherine—to dispense with the pre-hearing procedure requirements in Part IV, Division 2A, Subdivision 2. This is aimed at improving access to justice within those communities by allowing flexibility where strict adherence with the directions hearing requirements of the *Local Court (Criminal Procedure) Act* is challenging due to the remote location of the court.

Clause 17 of the Bill amends section 64 of the *Local Court (Criminal Procedure) Act* to expressly allow legal practitioners appearing on behalf of a defendant to enter a plea on their behalf for summary charges, including indictable charges being dealt with summarily. This gives statutory effect to a current practice and facilitates swifter resolution of matters.

Clause 7 of the Bill amends section 52 of the *Local Court (Criminal Procedure) Act* to remove the six-month limitation period for laying summary charges where the defendant consents. This is intended to allow parties to negotiate pleas based on alternative lesser charges which previously would not have been able to be laid due to being out of time.

Sections 49EA and 49EB are inserted into the Northern Territory *Evidence Act*, with consequential amendments made to sections 4, 49, 49D and 49E by Part 4 of the Bill. These amendments encourage the use of audiovisual links for defendants and remote witnesses by creating a presumption in favour of AVL (audiovisual) use where it is appropriate and efficient.

New section 49EA requires the court to allow a witness in a remote community or a place located more than 100 kilometres from the court to appear in a criminal proceeding by AVL where appropriate. In practice, the necessary facilities must be available or able to be made available. If there is any opposition to the use of AVL the court will need to find that it is in the interests of the administration of justice to give the direction. In determining this the court must have regard to the inconvenience, expense and delays if the witness were to need to appear physically but also whether the giving of the direction would be unfair to the party opposing it, along with any other matter the court considers relevant.

New section 49EB provides that a detained defendant, being a person held in the custody of the Commissioner of Correctional Services, in a summary criminal proceeding in a Local Court or Youth Justice Court must appear before the court via audiovisual link unless the necessary facilities are unavailable and cannot be reasonably made available or the court directs otherwise. Exceptions to that requirement for defendants to appear via AVL are the first appearance of the defendant; the contested hearing of the charge or charges; and a preliminary examination hearing.

Clauses 6, 7, 20, 21 and 26 of the Bill all amend the *Local Court (Criminal Procedure) Act* to streamline hearings for related domestic violence matters where appropriate. This is to remove the double handling of matters involving the same victim and offender by creating a presumption of joinder for such matters. Specifically, sections 51 and 101A are amended, while sections 51A and 101B are inserted to provide the court with the general power to hear and determine separate complaints or information together, and where considering whether to deal with joined charges separately, the court must have regard to the presumption for domestic violence offences to be heard and determined together.

The presumption is created by new section 183B, which presumes that domestic violence offences charged on the same or separate complaints or information committed by the defendant against the same person are to be heard and determined together. This will allow parties to avoid unnecessary repeat court appearances, relieving the pressure on the court system, and potentially reducing the risk of re-traumatising victims through prolonged or repeated court interactions.

Clause 39 of the Bill amends the *Evidence (National Uniform Legislation) Act* to improve the court's ability to issue warrants in appropriate circumstances for witnesses who do not attend court. This clause amends section 194 of that Act to allow the court to consider the provision of travel and/or accommodation instead of solely just whether a reasonable sum of money has been provided to a witness who has failed to attend court when determining whether to issue a warrant to bring them before the court.

Clauses 4 and 5 and 28 and 31 of the Bill amend the *Local Court (Criminal Procedure) Act* and the *Bail Act* to provide the Northern Territory Police Force with flexibility to manage arrest outcomes for court-ordered warrants in limited and appropriate circumstances. Primarily, the Bill inserts new section 21 into the *Local Court (Criminal Procedure) Act* and new section 16(6) into the *Bail Act* with consequential amendments made to section 20 of the *Local Court (Criminal Procedure) Act* and sections 15 and 51 of the *Bail Act* to introduce a general discretion for police to grant or refuse bail when a person is arrested on a warrant of apprehension unless bail has been specifically excluded by the court.

This amendment gives the police the discretion to grant bail rather than having to automatically bring that person before the court. By enabling these matters to be resolved at the police level in the appropriate circumstances, as will be determined by the police, the amendment aims to help avoid unnecessary use of holding cells and court time, and in turn, reducing delays and conserving time and resources for all those involved.

Clauses 14 to 16 of the Bill amend sections 60AT, 60AU and 60AZA of the *Local Court (Criminal Procedure) Act* to improve the sentencing indication process, aimed at promoting the early resolution of matters and encourage early appropriate guilty pleas. In providing a sentencing indication the court will now

be able to have regard to submissions from both parties. They will also be able to provide a sentence indication at any time right up until the appointed day of hearing.

Clause 48 of the Bill consequently repeals section 123A of the *Sentencing Act* to ensure that courts can still have regard to the plea of guilty in the stage in proceedings at which the offender pleaded guilty even if that plea is within seven days of the date appointed for the hearing.

Additionally, even in circumstances where a sentence indication is passed up and the matter remains contested, the court which finally determines the charge can be constituted by the same judge who gave the initial sentencing indication. This is intended to reduce listing conflicts and reduce the burden on the court, as well as increase the use of sentencing indications as a mechanism to encourage earlier resolution of matters.

Clauses 8 and 18 of the Bill amend the *Local Court (Criminal Procedure) Act* to ensure alignment between sections 59, 60 and 65 when the court orders the defendant to be remanded in custody or granted bail, and removes unnecessary duplication of provisions within these sections.

Clause 12 of the Bill repeals section 60AP of the *Local Court (Criminal Procedure) Act*, removing an obsolete administrative provision which required the prosecution and defence to give seven days' written notice to the court that they are ready to proceed with an appointed hearing.

Clause 19 of the Bill repeals section 68(3) of the *Local Court (Criminal Procedure) Act* to remove an obsolete provision governing the practice of the court, which is covered by the *Evidence (National Uniform Legislation) Act*.

Finally, clauses 23 and 41 to 43 amend the *Local Court (Criminal Procedure) Act* and the *Local Court Act*, as well as its subordinate legislation, to allow the Chief Judge to publish Local Court criminal forms on its website, rather than prescribing them in legislation. This removes the requirement to amend legislation each time changes to the forms are required, and will allow the court to more readily update its forms as to other changes to legislation that are made and technological advancements that continue to occur.

That is the scope of the Bill.

I thank the Office of Parliamentary Counsel for its assistance in drafting the Bill.

I am happy to take any questions.

Madam CHAIR: Thank you, Ms Bochmann. I will open the floor for some questions.

Mrs ZIO: I appreciate your opening statement; you have answered a lot of questions for me, so thank you.

Can you please provide a quick overview of why this Bill is required? What prompted the changes and why is it beneficial to government, courts and victims?

Ms HANIGAN: This is part of the broader reducing-crime agenda for government. There are five priorities across that strategy. Reforming the system is priority 5. Within that, the ultimate aim of this Bill goes to a number of efforts that are in train to make the system more efficient and effective for all users and stakeholders. The reducing-crime strategy details a whole heap of initiatives that go to making the system more efficient.

Mrs ZIO: Can you talk through—you touched on it—who was consulted through this process? Did it go out to broader consultation? Can you have a quick chat about that process?

Ms HANIGAN: Jane, in her opening statement, referenced the working group which was established in April last year. As per her statement, they met routinely. Beyond that group there was no broader consultation formally. That group was made up of various stakeholders who have expertise across the local criminal court system.

Does that answer your question?

Mrs ZIO: Yes, partially. Can you provide a bit of an overview of the timeframe with the consultation period?

Ms HANIGAN: From April last year they met 12 times with one-hour meetings—I think that was the reference in Jane's opening statement—so routinely and regularly. There was a significant contribution from the group

in terms of idea generation. The Bill has reflected the idea generation that came out of that working group that then informed the department's advice to government around the Bill.

J DAVIS: Did that working group see a copy of the Bill before it was tabled?

Ms BOCHMANN: The working group saw numerous copies of the drafts of the Bill. They may not have seen the final iteration of the Bill just before introduction, but there were no policy changes to that. They certainly saw it the moment it was introduced.

J DAVIS: They saw iterations of it, and they saw this one when it was introduced. Thank you.

Madam CHAIR: During that consultation process with the working group, were there any major concerns that were raised that have been dealt with along the way and then amended through the drafting or anything?

Ms HANIGAN: The terms of reference of the working group and the intention of the working group was to inform government advice. There was never an intention for the working group to reach consensus on every idea and every matter. In terms of the Bill that is before the House it reflects a significant amount of the contributions that the working group generated through their discussions and their work, but ultimately it is based on the advice that the department provides government in terms of the drafting.

J DAVIS: Does the Bill diverge in any significant ways from the advice from the working group?

Ms HANIGAN: To be clear: consensus was not sought from the working group. I am not clear on what further detail you would like.

J DAVIS: I am curious. I heard you say that the working group gave advice. It was not a consensus process. The department then wrote the Bill. I am wondering whether there was any significant divergence between the views of the working group and what is in the Bill.

Ms HANIGAN: 'Significant divergence' is a difficult ...

J DAVIS: Any divergence?

Ms HANIGAN: There was no desire to reach consensus on the content of the Bill.

J DAVIS: I am interested in what the divergence might have been, not whether there was.

Ms HANIGAN: When you talk divergence, are you talking about consensus agreement on all aspects of the Bill or ...

J DAVIS: No, I am talking about whether specific concerns were raised by the working group that were not taken up by the department and are not reflected in the Bill.

Ms HANIGAN: This is a matter, of course, when our department consults. Our advice that goes up to government reflects all views that were provided in the context of the advice that is given. That would have included if there were any concerns raised around specific aspects.

J DAVIS: Were there concerns raised?

Ms HANIGAN: I am not in a position to provide that detail. I am happy to take that one on notice.

J DAVIS: Thank you.

Madam CHAIR: For *Hansard*, Member for Johnston, are you happy to take that one on notice?

J DAVIS: Yes. The question was: can you provide to the committee concerns from the working group about this Bill that were not addressed or reflected in the Bill?

Ms HANIGAN: That, as it is currently stated, would require us to go through 12 meetings of discussion. There was also a very clear view within the working group's operations that it was a safe, very wide opening discussion. What I cannot commit to is taking a question on notice that would identify individual members of the working group and/or get into—unless you can be more specific in your question, I am happy to take it on notice, but wanted to flag there are limitations to how I would then be in a position to provide a response.

J DAVIS: Absolutely. To be clear: I am not asking for every different view that was presented. I said earlier any significant divergence, and you said, 'What might that mean?' I do not have an example of that; I am not privy to what happened in the working group obviously. What I am interested in, in plain English, is: were there views expressed in the working group that are concerns about this Bill, which there may not be, that were then not addressed in the Bill? I understand your answer about the potential limitations and challenges of answering that. To be clear: I am not asking for every single view that was expressed.

Ms HANIGAN: I am happy to take the question on notice, but again flag that reference to 'significant'. I am not sure what your reference to significance is versus ours, but am happy to take it on notice.

J DAVIS: Thank you.

Mrs ZIO: Thank you for your work on this.

My question is around the changes to being able to use audiovisual links for court processes. I want to check to see whether there are any minimum requirements, for either victims or perpetrators, for privacy standards around the use of audiovisual technology to ensure that there is reliability of evidence. If I am a defendant in a remote community, can I pick up my phone and FaceTime into a court proceeding? Do I have to go into a local police station or a Local Court to go through that process? Can you talk through that a little bit?

Ms HANIGAN: It sounds like a more operational question around how this would play out. Ultimately, those provisions are set with the court having ultimate discretion as to whether it is a workable practical use of technology for all parties. I am not sure. I am not 100% clear on what is the—could you provide a bit more detail as to what you are after?

Mrs ZIO: Yes. I have a bit of background in this space. I have been involved in prosecutions before, so I understand the delays that can happen when you have a court process and somebody does not show up or somebody is out of town—all this kind of stuff. I understand that the use of audiovisual greatly benefits the court's time.

I want to make sure that there are some privacy standards involved to ensure that if a defendant or a victim is attending via audiovisual link that there is something in place in the court process to make sure that there is some reliability there and some privacy there.

Ms BOCHMANN: The expert working group gave a lot of insight into all of these provisions. Part of that was to provide safeguards in most of them. For instance, the AVL provisions have safeguards so that it would be a matter for prosecution and defence to raise those concerns. The discretion is there for the court to deal with them adequately when required.

Mrs ZIO: I think that answers my question. I am thinking that, potentially, there will be a case-by-case understanding and agreement across the courts, the police or whoever.

J DAVIS: How will access to legal advice and effective participation be ensured with the increased use of AVL?

Ms BOCHMANN: There have been some safeguards included in the drafting to ensure that certain hearings are not presumed to be via AVL. In relation to infrastructure and resourcing and access to clients et cetera, that is an operational matter that I understand is being dealt with by the department and various departments as we move along.

Mrs ZIO: I know there have been some changes to the bail requirements and who can approve bail. My question is around DV victims. If a police officer grants bail, how are the victims notified that a perpetrator may have been granted bail, outside of the current process that we have now?

Ms BOCHMANN: This Bill is quite specific. It is only addressing bail in circumstances where a court warrant was issued for non-attendance. In those circumstances a person would ordinarily be on bail, so the victim would be aware of the bail conditions in place in any event. This does not change what is the ordinary course in that space. If anything, it might see their alleged perpetrator remanded, but nothing in terms of the original conditions would necessarily change.

Mrs ZIO: Thanks for that clarity.

Madam CHAIR: I will check in with the Members for Gwoja and Drysdale. Do you have any questions?

Mr PAECH: No; thank you, Chair. I think the AVL stuff has been pretty much answered. The area of [call audio dropped out.]

J DAVIS: Chansey, you are cutting out a little bit.

Madam CHAIR: Can you repeat that, Chansey? Sorry.

Mr PAECH: All good. I think it has been answered anyway by Jane and the department around the safeguards for the AVL.

J DAVIS: I am wondering whether there has been any modelling done on the impact of this on court workloads and outcomes.

Ms HANIGAN: Not specifically relating to just this Bill. We do a lot of work across the demand of the system, but not directly related to the Bill.

J DAVIS: The anticipation is that it will reduce delays and improve case resolution. I think that was said in the opening statement. Is that right?

Ms HANIGAN: The anticipation is that this, as part of a suite of initiatives that are being pursued with respect to the reducing-crime strategy and making the system more efficient, will be measurable. If you look at the reducing-crime strategy there is a clear target that is set. That is target 4 in the measuring outcomes. That certainly references a few KPIs that would go to demonstrating that.

J DAVIS: In relation to the domestic violence provisions I wondered whether there was consultation with victim advocacy groups about hearing matters together.

Ms BOCHMANN: As Janet already said, the consultation was limited to the working group. It was quite a broad spectrum of justice sector participants who were in the working group—Commonwealth DPP, DPP and police were all involved. Specifically with a victim advocacy service, no.

Mrs ZIO: Can you clarify for me the changes—sorry if I missed it while I was trying to process some of the information. There is moving from paper-based to online stuff in the courts; is that right?

Ms BOCHMANN: The only amendment related to that in this Bill is the method of prescribing approved forms. It is an amendment to the *Local Court Act* to allow the Chief Judge to publish forms online and that will be the method of prescribing an approved form, as opposed to needing to go through a regulation-making process each time a form needs to be updated.

A similar process has recently occurred in the Supreme Court. It is aimed at efficiencies and saving time of the Office of the Parliamentary Counsel and letting the courts have control of their forms.

Mrs ZIO: Amazing; thank you.

J DAVIS: I have a question about the fast-track committals. What is in place to ensure that consent is fully informed and not pressured, particularly with vulnerable people?

Ms BOCHMANN: At the moment, the requirements of that very much first-step provision is that the prosecution consents but also that the defendant is legally represented. You would rely on the ordinary rules of representing clients and lawyers' ethical responsibilities to take instructions and act on their client's instructions and ensure that the clients are fully informed and have the requisite capacity.

Madam CHAIR: There are no further questions. Thank you, Ms Hanigan and Ms Bochmann, for coming before the committee today.

The committee suspended.
