

BAIL

WHAT IS THE MEASURE?

The National Emergency Response Act (Cth) makes clear that a court cannot take customary law or cultural practices into account in:

- considering bail applications
- determining sentences

However in considering bail a court must consider whether a person resides in a remote community.

In determining sentences the court cannot use customary law or cultural practices to lessen or increase the sentence.

WHERE DOES IT APPLY?

Anywhere in the Northern Territory.

WHEN DOES IT START?

18 August 2007

WHAT ARE THE POSSIBLE PROBLEMS?

The courts have no discretion to consider cultural matters and Aboriginal people may be more likely to go to jail.

WHERE CAN I FIND OUT MORE?

Northern Territory National Emergency Response Act 2007 Part 6



Central Land
Council
Alice Springs