

No. 19 of 1973

An Ordinance to amend the *Justices Ordinance* 1928 as amended

[Assented to 8 May, 1973]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This Ordinance may be cited as the *Justices Ordinance* Short title 1973.

2. The *Justices Ordinance* 1928 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.* Commencement

4. Section 4 of the Principal Ordinance is amended by inserting after the definition of "Keeper of a gaol" the following definition: Interpretation

" 'Magistrate' means the Chief Magistrate, a Stipendiary Magistrate or a Special Magistrate;".

5. After section 4 of the Principal Ordinance the following section is inserted:

"4A. A reference in this Ordinance or in any other law of the Northern Territory to a Special Magistrate shall be read as including a reference to a Stipendiary Magistrate and to the Chief Magistrate.".

References to Magistrates

6.(1) Section 10(3) of the Principal Ordinance is amended—

Appointment of Justices of the Peace and Magistrates

(a) by omitting "and" from the end of paragraph (b); and

(b) by omitting paragraph (c) and substituting the following paragraphs:

"(c) a person who is or has been a practising barrister or solicitor of the High Court of Australia or of the Supreme Court of a State or Territory of Australia of not

* The date fixed was 14 June, 1973 (see *Northern Territory Government Gazette* No. 24 of 14 June, 1973, page 199).

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less than five years' standing to be a Stipendiary Magistrate for the Northern Territory; and

(d) a person who is or has been a practising barrister or solicitor of the High Court of Australia or of the Supreme Court of a State or Territory of Australia of not less than five years' standing to be the Chief Magistrate for the Northern Territory.”.

(2) Section 10 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(4) A person, not being a Stipendiary Magistrate, who is appointed to be the Chief Magistrate is, by virtue of his appointment, a Stipendiary Magistrate.”.

(3) An appointment of a person as a Stipendiary Magistrate for the Northern Territory under the *Justices Ordinance* 1928 or that Ordinance as amended and in force immediately before the commencement of this Ordinance continues in force according to its tenor as if made under the Principal Ordinance as amended by this Ordinance, and that person shall not again be required to take the oaths, or make the affirmations, of office and of allegiance in relation to that appointment.

*Oaths of
office, &c.*

7. Section 11 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(5) A Stipendiary Magistrate who is appointed the Chief Magistrate shall not again be required to take the oaths or make the affirmations of office and of allegiance.”.

*Powers of
Magistrates*

8.(1) Section 13 of the Principal Ordinance is amended—

(a) by omitting “So long as his commission remains in force and unrevoked, every Special Magistrate shall have” and substituting “Each Magistrate, each Stipendiary Magistrate, and each Special Magistrate, has”; and

(b) by omitting “any Special Magistrate” and substituting “any Magistrate”.

(2) Section 13 of the Principal Ordinance is amended by adding at the end the following sub-sections:

“(2) Every Stipendiary Magistrate has the jurisdiction and all the powers and functions of a Special Magistrate, whether given by or under this Ordinance or by or under any other law in force in the Northern Territory.

"(3) The Chief Magistrate is, subject to rules made under the Local Courts Ordinance, responsible for the administrative allocation and co-ordination of the work of Magistrates and Justices of the Peace under this Ordinance or any other law in force in the Northern Territory relating to the jurisdiction of courts in the Northern Territory that are constituted by Magistrates or by Justices of the Peace.".
