

No. 54 of 1974

An Ordinance to amend the
Justices Ordinance 1928 as amended

[Assented to 30 September 1974]

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* 1974. Short title

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 published in the *Gazette*.* Commencement

4. Section 3 of the Principal Ordinance is repealed. Repeal of section 3

5. Before section 42 of the Principal Ordinance the following section is inserted in Part IV:

“41A. There is hereby established a court to be known as the Court of Summary Jurisdiction.”

The Court of Summary Jurisdiction

6. Section 112 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

“(3) If, in the opinion of the Justice, the evidence is sufficient, he shall—

 - (a) direct the defendant to be tried at the first sitting of the Supreme Court exercising its criminal jurisdiction next held after a period of 14 days after a date and at a place specified by the Justice;

* The date fixed was 28 October, 1974 (see *Northern Territory Government Gazette* No. 42 of 17 October, 1974, page 475).

(b) by his warrant, commit the defendant to a specified gaol or place to which by law he may be committed, to be kept there until delivered so to appear, or admit him to bail as provided by Division 4; and

(c) cause a record of the direction and the committal or admission to bail to be made in writing.

“(4) Where the defendant is so directed, he shall, subject to any order made by the Supreme Court, be tried accordingly.”.

Defendant
may be asked
to plead to
the charge

7. Section 134(1) of the Principal Ordinance is amended by omitting “a capital offence or with manslaughter” and substituting “an offence punishable upon conviction by imprisonment for life”.

8. Section 136 of the Principal Ordinance is repealed and the following section substituted:

On plea of
guilty
defendant to
be committed
or admitted
to bail for
sentence

“136(1) If the defendant pleads guilty, the Justice shall—

(a) direct the defendant to appear for sentence at the first sitting of the Supreme Court exercising its criminal jurisdiction next held after a period of 14 days after a date and at a place specified by the Justice;

(b) by his warrant commit the defendant to a specified gaol or place to which by law he may be committed to be kept there until delivered so to appear, or admit him to bail as provided by Division 4; and

(c) cause a record of the plea, the direction and the committal or admission to bail to be made in writing.

“(2) Where the defendant appears for sentence, he shall, subject to sections 141 and 142 and to any order made by the Supreme Court, be sentenced accordingly.”.

Transmission
of documents
to Supreme
Court

9. Section 139 of the Principal Ordinance is amended by omitting “thereof” and substituting “next held after a period of 14 days after a date specified for the purposes of section 112(3)(a) or 136(1)(a)”.

Repeal of
section 140

10. Section 140 of the Principal Ordinance is repealed.

Power to
admit to bail
persons charged
with felony
or certain
misdemeanours

11.(1) Section 143(a) of the Principal Ordinance is amended by omitting “as provided in section 112 or 140” and substituting “or sentence”.

(2) Section 143(b) of the Principal Ordinance is amended by omitting “trial” and substituting “trial or sentence”.

12.(1) Section 144(a) of the Principal Ordinance is amended by omitting “trial” and substituting “trial or sentence”. Bail for persons charged with other misdemeanours

(2) Section 144(b) of the Principal Ordinance is amended by omitting “trial” and substituting “trial or sentence”.

13. Section 145 of the Principal Ordinance is amended— Bail after commitment for trial or sentence

(a) by omitting “trial” and substituting “trial or sentence”; and

(b) by omitting “to appear” and substituting “sentenced”.

14. The Principal Ordinance is amended by omitting the heading to Division 4 of Part VII and substituting the following heading: Heading to Division 4 of Part VII

“Division 4—Charges and Regulations”.

15. Section 201 of the Principal Ordinance is repealed and the following section substituted:

“201.(1) Subject to this section, a charge of 40 cents per page is payable for a copy of a document in any proceedings before the Court. Charges for copies of documents

“(2) A clerk shall, at the request of a person who is a party to any proceedings before the Court, furnish, free of charge, to that person, one copy of each document in those proceedings.

“(3) A charge payable under this section may be altered by regulations made under this Ordinance.”.

16. Section 203 of the Principal Ordinance is amended by omitting paragraph (c). Regulations

17. The Second Schedule to the Principal Ordinance is repealed. Repeal of Second Schedule

18. The Principal Ordinance is further amended as set out in the Schedule. Further amendments

19.(1) An order made, punishment imposed or summons or warrant issued by a Court of Summary Jurisdiction under the Principal Ordinance continues to have effect and may be enforced by the Court of Summary Jurisdiction as if made, imposed or issued under the Principal Ordinance as amended by this Ordinance. Transitional

(2) The Court of Summary Jurisdiction under the Principal Ordinance as amended by this Ordinance may vary an order made by a court under the Principal Ordinance.

(3) Proceedings that have been commenced in a court under the Principal Ordinance may be continued as proceedings of the Court of Summary Jurisdiction under the Principal Ordinance as amended by this Ordinance.

Section 18

SCHEDULE

AMENDMENTS OF PRINCIPAL ORDINANCE

<i>Section Amended</i>	<i>Amendment</i>
4	Omit "a Court" from the definition of "Court of Summary Jurisdiction", substitute "the Court".
5	Omit "a Court", substitute "the Court".
27A(6)	Omit "a Court or", substitute "the Court or a".
33A	Omit "a Court" (wherever occurring), substitute "the Court".
33B	Omit "any Court of Summary Jurisdiction or", substitute "the Court of Summary Jurisdiction or a".
37A(1)	Omit "a Court", substitute "the Court".
37A(2)	Omit "A Court", substitute "the Court".
37B	Omit "a Court" (wherever occurring), substitute "the Court".
37C	Omit "a Court" (wherever occurring), substitute "the Court".
37D	Omit "a Court" (wherever occurring), substitute "the Court".
39(2)	Omit "a Court of Summary Jurisdiction", substitute "the Court".
42(1)	Omit "Courts", substitute "the Court".
42(2)	Omit "a Court", substitute "the Court".
46	Omit "any Court" (wherever occurring), substitute "the Court".
47(1)	Omit "any Court", substitute "the Court".
	Omit "a Court", substitute "the Court".
(2)	Omit "desist from further proceeding with the hearing", substitute "hear the complaint or application at that other place".
57A(4)	Omit "a Court", substitute "the Court".
61(1)	Omit "any Court", substitute "the Court".
65(1)	Omit "any Court", substitute "the Court".
	Omit "no Court", substitute "the Court".
65(4)	Omit "other Court or", substitute "other".
65(6)	Omit "which sat to hear the complaint before the adjournment".
65(7)	Omit
65(9)	Omit "which sat to hear the complaint before the adjournment".
65(10)	Omit
65(13)	Omit "A Court", substitute "the Court".
68(3)	Omit "a Court", substitute "the Court".
75(1)	Omit "a Court", substitute "the Court".
	Omit "any Court", substitute "the Court".
76(1)	Omit "A Court", substitute "The Court".
77	Omit "a Court", (wherever occurring), substitute "the Court".
82	Omit "a Court", substitute "the Court".
85(1)	Omit "a Court", substitute "the Court".
99(1)	Omit "a Court", substitute "the Court".
106A(2)(a)	Omit "a Court", substitute "the Court".
108A	Omit "a Court", substitute "the Court".
116(1)	Omit "Court", substitute "district".
120(1)	Omit "a Court", substitute "the Court".
120(2)	Omit "A Court", substitute "The Court".
125(2)	Omit "a Court", substitute "the Court".
129(3)	Omit "a Court", substitute "the Court".
130B(1)	Omit "a Court of Summary Jurisdiction" (wherever occurring), substitute "the Court of Summary Jurisdiction".

- 130n(1)(b) Omit "such a court" (wherever occurring), substitute "the Court".
 131(1) Omit "relevant Court", substitute "relevant district".
 131n(1) Omit "a Court", substitute "the Court".
 131c(1) Omit "a Court of Summary Jurisdiction", substitute "the Court".
 131B Omit "a Court of Summary Jurisdiction", substitute "the Court".
 131n(b) Omit "before which the charge is brought".
 139 Omit "relevant Court", substitute "relevant district".
 162(1) Omit "any Court of Summary Jurisdiction", substitute "the Court".
 Omit "that Court", substitute "the Court".
 163(1) Omit "a Court of Summary Jurisdiction", substitute "the Court".
 175 Omit "relevant Court", substitute "relevant district".
 176 Omit "relevant Court", substitute "relevant district".
 177(2)(d) Omit "same or any other competent".
 182 Omit "the Justice or".
 183 Omit "the Justice, or to".
 Omit "the Justice or".
 184 Omit "the Justice or".
 186(1) Omit "a Court", substitute "the Court".
 186(2) Omit "a Court", substitute "the Court".
 187 Omit "a Court of Summary Jurisdiction", substitute "the Court".
 187A Omit "a Court of Summary Jurisdiction", substitute "the Court".
 Omit "Clerk of that Court", substitute "Clerk of the relevant district".
 188(1) Omit "a Court of Summary Jurisdiction", substitute "the Court".
 203(a) Omit "Courts of Summary Jurisdiction", substitute "the Court".
 Omit "holding of Courts thereat", substitute "holding of the Court
 thereat".
 203(b) Omit "Courts of Summary Jurisdiction", substitute "the Court".
 203(c) Omit "a Court of Summary Jurisdiction", substitute "the Court".
-

