Note

In order to give effect to the Cross-border Justice Act 2009, this law must be applied with the modifications mentioned in section 13 of the Cross-border Justice Act 2009 as if this law had been altered in that way.

For modifications of this law prescribed by regulation, see Part 3, Division 8 of the Cross-border Justice Regulations 2009.

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (CRIMINAL PROCEDURE) ACT 1928

As in force at 1 July 2026

Table of provisions

Part I Preliminary

1 Short title 1
2 Commencement 1
4 Interpretation 1
5 Application of Act 4

Part III General procedure

Division 1 Form of warrant and summons

20 Form of warrant 4
21 Endorsement of warrant to exclude police bail 5
22 Form of summons 5
22A Description of offence in documents under this Act 5

Division 2 Witnesses

23 Summons to witness 6
25 Warrant in first instance 6
26A Power to require evidence from persons present in courtroom 6

Division 3 Service

27 Service of summonses and notices under this Act 7
27A Service of summons under section 57(2) 7
28 Proof by affidavit of service of process, handwriting etc. 8

Part IV Summary jurisdiction

Division 2 The complaint and the proceedings thereon

49 Complaint 9
50 How complaint to be made 9
51 Joinder of charges 9
51A Charges on separate complaints may be heard together 10
52 Limitation of time for making complaint 10
54 Allegations as to ownership 10
55 Description of offence 10
56 Exceptions or exemptions need not be specified or disproved by the complainant 11
57 Upon complaint summons to issue 11
57A Plea of guilty may be made in writing if summons issued 12
57B Limits on power of Court where plea of guilty in writing 12
57C Notice of finding of guilt or plea of guilty in writing to be first served 13
57D Court may refuse to accept plea of guilty in writing 13
57E Further consideration of complaint may be required 13
58 Issue of warrant 14
59 Defendant apprehended under warrant 15
60 Remand of defendant 15

Division 2A Pre-hearing procedure for offences and sentence indications

Subdivision 1 General matters

60AA Definitions 16
60AB Object of Division 17
60AC Application of Division 17

Subdivision 2 Pre-hearing procedure for offences

60AD Prosecution's obligations after first mention 17
60AE Contents of preliminary brief of evidence 18
60AF Statement made by informant or prosecution 19
60AG Defendant's disclosure requirements for evidence of an alibi 20
60AH Purpose of directions hearing 20
60AI Directions hearing to be held 20
60AJ Procedure for directions hearing 22
60AK Orders at directions hearing 22
60AL Prosecution or defendant may apply for matter to be considered 23
60AM Defendant's disclosure requirements for expert evidence and objections 23
60AN Defendant's disclosure requirements for subsequent evidence 24

60AO Defendant's disclosure requirements – Court may make orders 24
60AQ Consequences of non-disclosure 24
60AR Court may shorten or extend time 25
60ARA Court may dispense with compliance in certain proceedings 25
60AS Prosecution's obligations in relation to disclosure not affected 25

Subdivision 3 Sentence indications

60AT Sentence indication 25
60AU Court to have regard to material for sentence indication 26
60AV Court not bound by sentence indication 27
60AW Court may withdraw sentence indication 27
60AX Sentence indication not admissible 28
60AY Sentence indication does not affect appeal rights 28
60AZ Sentence indication and plea of guilty 28
60AZA Sentence indication and no plea of guilty 28
60AZB Sentence indication from one Judge only 29
60AZC Constitution of Court to withdraw sentence indication, sentence or give later sentence indication 29

Division 3 The Hearing

62 On non-appearance of defendant Court may issue warrant or proceed ex parte 30
62A Procedure where person granted bail fails to appear 30
62AB Ex parte proceedings 30
63 If the complainant does not appear, Court to dismiss complaint, or at discretion adjourn hearing 31
63A Certain decisions of Court may be set aside on application by defendant or complainant 31
64 If both parties appear, Court to hear and determine the case 34
65 Power of the Court to adjourn hearing 34
67 When defendant pleads guilty Court to find guilty or make an order 35
68 If defendant pleads not guilty Court to hear parties and their evidence 35
69 After hearing the parties Court to find guilty or dismiss 36

Division 4 Judgment

70 Finding of guilt to be minuted 36
70A Findings of guilt where charges joined in the complaint 36
71 Order and certificate of dismissal 36
72 Furnishing of copy of complaint and conviction or order to interested party 37

Division 5 Costs

77 Power to award costs to defendant 37
77A Power to award costs against defendant 37
77B Costs of adjournment 38
77C Limitation on amount of costs 38
78 Manner of enforcing payment of costs 38
78A Civil enforcement of costs 39
79 Enforcing costs payable by complainant 39

Part V Indictable offences

Division 1A Preliminary matters

100 Definitions 39

Division 1 Procedure to committal

101 Information on indictable offence 40
101A Joinder of charges 40
101B Charges on separate informations may be dealt with together 40
102 If warrant to issue information to be upon oath; otherwise oath not necessary 40
103 Issue of warrant in first instance 41
104 Issue of summons 41
105 Issue of warrant 41
105A Preliminary examination to be conducted 41
105B Youth and adult charged – joint preliminary examination 41
105C Prosecutor to serve committal brief 42
105D Content of committal brief 43
105E Continuing obligation to update committal brief 44
105F Requirements for witness statements and exhibits 44
105G Defendant may apply for leave to cross-examine witness 46
105H Leave to cross-examine witness 46
105J Prosecution evidence 48
105K Cross-examination of witness 49
105L Protected witness cannot be called or examined 49
106A Powers of Court to take plea of guilty without evidence 50
106B Dispensing with preliminary examination 51
109 Procedure on completion of the evidence for the prosecution 51
110 Defendant may give evidence and call witnesses 52
112 Procedure on completion of examination 53
112A Conduct of preliminary examination generally 53
113 Power to remand defendant from time to time 54
114 Power to admit to bail in lieu of remand 54
115 Power to continue examination before expiry of remand 54
116 Transmission of documents to Supreme Court upon committal for trial 54

Division 2 Certain indictable offences may be dealt with summarily

120 Property offences that may be dealt with summarily 55
121A Offences that may be dealt with summarily 55
122A Serious or difficult matters not to be dealt with summarily 56
124 JPs not having jurisdiction may remand for hearing before Judge 57
125 Charge to be reduced into writing and defendant required to plead 57
126 Witnesses for prosecution may be recalled for cross-examination 57
128 Certificate of dismissal 58
130A Application of certain provisions of Criminal Code 58
130B Power of Court to order delivery of property 58
131 Transmission of documents to Supreme Court and evidentiary value 58
131A Certain assault and harm offences may be dealt with summarily 59
132 Effect of finding of guilt 59
133 Proceedings to be a bar to further prosecution 59

Division 3 Committal for sentence

134 Defendant may be asked to plead to the charge 59
135 On plea of not guilty examination to proceed 60
136 On plea of guilty defendant to be committed or granted bail before sentence 60
137 Defendant may call witnesses as to character 60
139 Transmission of documents to Supreme Court 60
141 Withdrawal of plea and substitution of plea of not guilty 61
142 Supreme Court to sentence accordingly unless plea withdrawn 61

Division 5 Miscellaneous

151 Effect of warrant of commitment 62
152 Evidence at trial if witness dead or ill 62
153 Deposition of person dangerously ill and unable to attend preliminary examination 62
154 Use of such deposition at trial 63
155 Person in custody may be present at taking of deposition 63

Part VI Appeals from Local Court

Division 1 Special case

162 Points of law may be reserved for the consideration of the Supreme Court 64

Division 2 Appeals generally

163 Right of appeal to Supreme Court 64
164 No appeal on removal into Supreme Court to be allowed except under this Act 65
165 Power of Supreme Court to dispense with conditions precedent to appeal where compliance impracticable 65
166 Amendment of notice of appeal 66
168 Release of appellant in custody 66
169 Duty to pursue appeal 66
170 After decision on appeal Court may enforce same 67
171 Appeal to be instituted within 28 days 67
172 Notice of appeals 67
173 Hearing of appeals 68
174 Convictions etc. to be transmitted to Supreme Court 68
175 Transmission of documents to Supreme Court on appeal 69
175A Transmission of documents to Supreme Court deemed to be a tendering in evidence that Court 69
176 Evidence on appeal 69
176A Tendering of evidence to Supreme Court 69
177 Procedure and power of Supreme Court on appeal 70
178 If costs not paid according to order of Supreme Court, certificate to be granted 71
179 Enforcement of payment of costs of appeal 71

Part VII Supplementary provisions

Division 1 Irregularities and amendment

181 Form of information or complaint 72
182 Information or complaint not to be objected to for irregularity 72
183 Amendment of information or complaint 72
183A Complaint and information may be joined in certain circumstances 73
183B Presumption for domestic violence offences to be dealt with together 73
184 Warrant or summons not to be objected to for irregularity 74
185 Amendment of findings of guilt, warrants etc. 74
186 Findings of guilt etc. not voidable for want of form 74
187 Parties not to be discharged upon defects in warrants provided finding of guilt took place upon good grounds 75
187A Proof of findings of guilt by minute on complaint 75

Division 3 Procedures in relation to person served with notice to appear

189 Definitions 76
190 Procedure on appearance of defendant 76
191 Procedure if failure to appear 77

192 Procedure on failure to appear after ineffective service 78

Division 4 Regulations

203 Regulations 78

Part VIII Transitional matters

Division 1 Justice Legislation Amendment (Committals Reform) Act 2010

204 Application of amendments 78

Division 2 Criminal Code Amendment (Criminal Damage) Act 2011

205 Transitional matters for *Criminal Code Amendment (Criminal Damage) Act 2011* 78

Division 3 Justice Legislation Amendment (Summary Procedure) Act 2015

206 Definitions 79
207 Application of amending Act for charges 79
208 Application of amending Act for joined charges 79

Division 4 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016

209 Offences that may be dealt with summarily 79

Division 5 Transitional matters for Personal Violence Restraining Orders Act 2016

210 Definitions 80
211 Continuation of existing orders 80
212 Continuation of existing proceedings 80
213 Continuation of existing documents 81

Division 6 Transitional matters for Local Court (Related Amendments) Act 2016

214 Appeal already commenced 81

Division 7 Transitional matters for Justice and Other Legislation Amendment Act 2021

215 Definitions 81
216 Awarding costs 81

217 Right of appeal 82

Division 8 Transitional matter for Criminal Code Amendment (Property Offences) Act 2022

218 Offences that may be dealt with summarily 82

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2026

LOCAL COURT (CRIMINAL PROCEDURE) ACT 1928

An Act relating to procedure for criminal proceedings in the Local Court

Part I Preliminary

1 Short title

This Act may be cited as the *Local Court (Criminal Procedure) Act 1928*.

2 Commencement

This Act shall commence on a date to be fixed by the Government Resident by notice in the *North Australia Gazette*.

4 Interpretation

In this Act:

child means a person under the age of 18 years.

committal brief means a brief served under section 105C, including any additional documents forming part of the brief under section 105D(3)(b) or 105E(3)(b).

committal date, for Part V, see section 100.

complainant, for Part VII, Division 3, see section 189.

complaint:

(a) in relation to a charge of an indictable offence that is dealt with summarily – includes the information laid in respect of the charge; and

(b) for Part VII, Division 3 – see section 189.

Court means the Local Court.

courtroom means a room or other place where the Court is sitting or where a person who is participating in proceedings is located.

Court venue means a place approved under section 24 of the *Local Court Act 2015*.

criminal record, for Part IV, Division 2A, see section 60AA.

defendant:

(aa) for Part VII, Division 3 – see section 189; or

(b) otherwise – means a person charged with an offence or against whom relief is sought.

directions hearing, for Part IV, Division 2A, see section 60AA.

disclosure requirement, for Part IV, Division 2A, see section 60AA.

document, for Part IV, Division 2A, see section 60AA.

evidence of an alibi, for Part IV, Division 2A, see section 60AA.

expert evidence material, for Part IV, Division 2A, see section 60AA.

fine includes any pecuniary penalty or pecuniary forfeiture or pecuniary compensation payable upon a finding of guilt.

handed-up witness statement, for Part V, see section 100.

indictable offence, see section 3(2) of the Criminal Code.

JP means a justice of the peace appointed under section 5 of the *Justices of the Peace Act 1991*.

*Note for definition **JP***

JP does not include a Judge, registrar or other person who is a justice of the peace by reason of holding an office mentioned in Schedule 1 to the Justices of the Peace Act 1991.

Judge means a Local Court Judge.

later sentence indication, for Part IV, Division 2A, see section 60AA.

listed exhibit, for Part V, see section 100.

listed witness, for Part V, see section 100.

notice to appear, for Part VII, Division 3, see section 189.

original sentence indication, for Part IV, Division 2A, see section 60AA.

preliminary examination means an examination under section 105A.

prosecutor, for Part V, see section 100.

recorded, for Part V, see section 100.

registrar, see section 3 of the *Local Court Act 2015*.

relevant registrar, in relation to a charge, means the registrar at the place approved under section 24 of the *Local Court Act 2015* at which the charge is being dealt with.

sentence indication, for Part IV, Division 2A, see section 60AA.

serious violence offence means:

(a) an offence against any of the following provisions of the Criminal Code that is punishable by imprisonment for 5 or more years:

(i) Part V, Division 2;

(ii) Part VI, Divisions 3 to 6A;

(iii) Part VIA;

(iv) section 218;

(v) another provision prescribed by regulation; or

(aa) an offence against section 211 or 212 of the Criminal Code, as in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*; or

(b) an offence against Part V, Division 2 or Part VI, Division 5 of the Criminal Code, as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023*, that was punishable by imprisonment for 5 or more years.

sum adjudged to be paid by a finding of guilty and ***sum adjudged to be paid by an order*** respectively include any costs adjudged to be paid by the finding of guilt or order (as the case may be) of which the amount is ascertained by the finding or order.

summary offence, see section 3(3) of the Criminal Code.

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

5 Application of Act

This Act applies in relation to the Court's criminal jurisdiction (as defined in section 3 of the *Local Court Act 2015*).

Part III General procedure

Division 1 Form of warrant and summons

20 Form of warrant

(1) Every warrant for the apprehension of a defendant shall:

(a) state shortly the matter of the information or complaint upon which it is founded; and

(b) name or otherwise describe the defendant; and

(c) order the person or persons to whom it is directed to apprehend the defendant and to:

(i) if the warrant is endorsed in accordance with section 21 – bring the defendant before the Court to be further dealt with according to law; or

(ii) otherwise – bring the defendant before the Court to be further dealt with according to law unless the defendant is granted bail in accordance with section 16(6) of the *Bail Act 1982.*

(2) The warrant may be directed specially to any constable or other person by name, or generally to all constables and peace officers of the Territory, or both specially and generally as aforesaid; and where the warrant is directed generally it shall be lawful for any constable or other peace officer to execute the warrant in like manner as if it had been specially directed to him by name.

(3) It shall not be necessary to make the warrant returnable at any particular time, but it shall remain in force until it is executed.

(4) Every warrant may be executed by apprehending the defendant at any place within the Territory.

21 Endorsement of warrant to exclude police bail

(1) In issuing a warrant to apprehend a defendant, the Court may, by endorsement on the warrant, exclude the granting of bail by an authorised member to the defendant under the *Bail Act 1982* for the purpose of section 16(6) of that Act.

Note for subsection (1)

Section 16(6) of the Bail Act 1982 provides that an authorised officer may grant bail to a person apprehended in accordance with a warrant issued by the Court unless the granting of bail has been excluded by endorsement on the warrant.

(2) In this section:

authorised member, see section 3(1) of the *Bail Act 1982*.

22 Form of summons

(1) Subject to this section, every summons for the appearance of a defendant shall be in duplicate and shall:

(a) be directed to the defendant charged by the information or complaint; and

(b) state shortly the matter so charged; and

(c) require the defendant to be and appear before the Court at a certain time and place mentioned in the summons to answer to the charge contained in the information or complaint, and to be further dealt with according to law.

(2) A summons issued under section 57(2) shall be in triplicate.

22A Description of offence in documents under this Act

(1) Any information, complaint, summons, warrant or other document under this Act in which it is necessary to state the matter charged against any person shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as are necessary for giving reasonable information as to the nature of the charge.

(2) The statement of the offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by any law of the Territory, shall contain a reference to the section of the law of the Territory creating the offence.

(3) After the statement of the offence, necessary particulars of the offence shall be set out in ordinary language, in which the use of technical terms shall not be required.

(4) Any information, complaint, summons, warrant or other document to which this section applies, which is in such form as would have been sufficient in law if this section had not come into force, shall, notwithstanding anything contained in this section, continue to be sufficient in law.

Division 2 Witnesses

23 Summons to witness

If a Judge, registrar or JP is satisfied that any person is likely to give material evidence or to have in his possession or power any article (which term includes any document, writing, or thing) required for the purposes of evidence upon behalf of either party to any information, complaint or application, the Judge, registrar or JP may issue a summons to the person requiring the person to appear before the Court, at a time and place mentioned in the summons, to testify what he knows concerning the matter of the information, complaint or application, or to produce the article, or to testify and produce as aforesaid (as the case may be).

25 Warrant in first instance

If a Judge is satisfied, by evidence upon oath, that it is probable that any person will not attend to give evidence or to produce any article without being compelled to do so, then, instead of issuing a summons as provided by section 23, the Judge may issue a warrant in the first instance.

26A Power to require evidence from persons present in courtroom

The Court may, on the application of any party to the proceedings, require any person in the courtroom for the hearing of any complaint or information to take an oath and give evidence concerning the matter of that complaint or information.

Division 3 Service

27 Service of summonses and notices under this Act

Subject to the provisions of this or any other enactment specially applicable to the particular case, any summons or notice required or authorised by this Act to be served upon any person, may be served upon the person by:

(a) delivering it to him personally; or

(b) leaving it for him at his last or most usual place of abode or of business with some other person, apparently an inmate thereof or employed thereat, and apparently not less than 16 years of age.

27A Service of summons under section 57(2)

(1) A summons issued under section 57(2) to a person other than a corporation may be served on a defendant:

(a) by delivering 2 copies of the summons to the defendant personally; or

(b) subject to subsection (2), by leaving 2 copies of the summons for the defendant at his last-known place of abode or business with a person apparently an inmate or employed at that place and apparently not less than 16 years of age; or

(c) subject to subsections (2) and (3), by posting by registered post service, as provided under the *Australian Postal Corporation Act 1989* of the Commonwealth, 2 copies of the summons to the defendant at his last-known place of abode or business.

(3) A summons served under subsection (1)(c) on a defendant shall be served:

(a) if the offence alleged in the summons is an offence in respect of which a traffic infringement notice, within the meaning of Part 3 of the *Traffic Regulations 1999*, may be served – not later than 90 days after the date of the alleged offence; or

(b) in any other case – not later than 60 days after the date of the alleged offence,

and not earlier than one month before the date shown on the summons as the date for the hearing of the charge to which that summons relates.

(4) A summons issued under section 57(2) to a corporation may be served on the corporation:

(a) by delivering 2 copies of the summons to a director, secretary, or other responsible officer of the corporation; or

(b) by posting by registered post service, as provided under the *Australian Postal Corporation Act 1989* of the Commonwealth, 2 copies of the summons to the principal place of business of the corporation in the Territory.

(5) In the absence of evidence to the contrary, the address appearing on the summons shall be deemed to be the defendant's last-known place of abode or business.

(6) Where a summons has not been served personally, the Court may, if it is of the opinion that there is a reasonable probability that the summons has not come to the notice of the defendant, refuse to adjudicate upon the complaint and direct that a fresh summons be issued and served personally on the defendant.

28 Proof by affidavit of service of process, handwriting etc.

(1) In proceedings before the Court, without prejudice to any other mode of proof:

(a) the service on any person of any summons, notice, process, or document required or authorised to be served; or

(b) the handwriting of any person on any warrant, summons, notice, process, or document;

may be proved by an affidavit: Provided that the Court may require the person making the affidavit to be called as a witness, or may require further evidence of the facts.

(3) If any affidavit made under this section is untrue in any material particular, the person wilfully making the false affidavit shall be guilty of wilful and corrupt perjury, and shall be punishable accordingly.

(4) Service of a summons issued under section 57(2) may, without prejudice to any other mode of proof, be proved by a receipt for registered post service issued under the *Australian Postal Corporation Act 1989* of the Commonwealth and bearing the serial number referred to in evidence as the number relating to the summons sent by that registered post service and by a written receipt under those Regulations purporting to be duly completed and acknowledging receipt of that registered post service article.

(5) The receipt and returned receipt of registered post service are admissible at the hearing of the summons as prima facie evidence that the summons was received by the address of the article and of the matters set out in them.

Part IV Summary jurisdiction

Division 2 The complaint and the proceedings thereon

49 Complaint

A complaint may be made to the Court in any case where a person is suspected to have committed a summary offence.

50 How complaint to be made

(1) A complaint may be made by the complainant in person or by the complainant's legal practitioner, or by any other person authorised in that behalf.

(2) No complaint need be in writing unless it is required to be so by any other Act.

(3) A complaint may be made without substantiation by oath, except in any case:

(a) where any other Act otherwise requires; or

(b) where the Court issues a warrant in the first instance.

51 Joinder of charges

(1) Charges for any number of offences may be joined in the same complaint, if the charges arise out of the same set of circumstances.

(2) Where a provision constituting an offence states the offence to be the doing of or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions, or other matters stated in the alternative in the provision, may be stated in the alternative in the complaint.

(3) Subject to section 183B, the Court may, if it thinks just, deal with any charge so joined, separately.

(4) This section shall apply notwithstanding anything inconsistent therewith contained in any other Act.

51A Charges on separate complaints may be heard together

The Court may, on application, order that charges contained in separate complaints against the same person be heard and determined together.

52 Limitation of time for making complaint

A complaint must be made within 6 months of the date on which the offence is alleged to have been committed unless:

(a) another Act provides otherwise in respect of that offence; or

(b) the person charged by the complaint gives consent to the complaint being made after the expiry of that period.

54 Allegations as to ownership

(1) Whenever in any complaint, or the proceedings thereon, it is necessary to state the ownership of any property belonging to, or in the possession of, partners, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of those persons, and to state the property to belong to the person so named and another or others (as the case may be).

(2) Whenever in any complaint or the proceedings thereon it is necessary to mention for any purpose whatsoever any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the same manner.

(3) Whenever in any complaint or the proceedings thereon it is necessary to describe the ownership of any work or building made, maintained, or repaired at the expense of any public board of commissioners or trustees, or of any materials for the making, altering, or repairing of the work or building, it shall be sufficient to describe the work or building or materials as the property of the commissioners or trustees without naming them.

55 Description of offence

In any complaint and in any proceedings thereon the description of any offence in the words of the Act creating the offence, or in similar words, shall be sufficient in law.

56 Exceptions or exemptions need not be specified or disproved by the complainant

(1) No exception, exemption, proviso, excuse, or qualification (whether it does or does not accompany in the same section the description of the offence in the Act creating the offence) need be specified or negatived in the complaint.

(2) Any exception, exemption, proviso, excuse, or qualification referred to in subsection (1) may be proved by the defendant, but, whether it is or is not specified or negatived in the complaint, no proof in relation to it shall be required on the part of the complainant.

57 Upon complaint summons to issue

(1) Whenever a complaint is made in accordance with this Part a Judge, registrar or JP may issue a summons for the appearance of any person charged by the complaint or against whom the order is thereby sought to be made: Provided that nothing herein mentioned shall oblige a Judge, registrar or JP to issue a summons in any case where the application for any order of the Court is by law to be made ex parte.

(2) Where a complaint is made by a public officer charging that an offence to which this subsection applies has been committed, a Judge, registrar or JP may, upon the request of the complainant issue a summons in accordance with section 22(2).

(5) For the purposes of subsection (2):

(a) an offence to which that subsection applies is an offence:

(i) against the *Traffic Act 1987* or the Regulations made under that Act; or

(ii) against the *Motor Vehicles Act 1949* or the Regulations made under that Act; or

(iii) punishable by a fine only; and

(b) ***public officer*** means:

(i) a member of the Police Force of the Northern Territory; or

(ii) a person employed by an authority or corporation established under a law of the Territory and authorised by or under that law to make a complaint charging an offence against a law in force in the Territory; or

(iii) an officer or employee of the Public Service of the Commonwealth or of the Territory acting in the course of his employment as such an officer or employee.

57A Plea of guilty may be made in writing if summons issued

(1) A person upon whom is served a summons issued under section 57(2) may plead guilty to the charge specified therein by:

(a) completing the endorsement appearing on a copy of the summons; and

(b) signing (whether within or without Australia) the endorsement, so completed, before a person entitled to administer an oath in any part of Australia or before a lawyer or member of the police force of the Commonwealth or of a State or Territory; and

(c) delivering or serving by post, not less than 3 days prior to the date on which he is required by the summons to appear, the copy of the summons so completed and signed to the complainant or the relevant registrar.

(2) Service of the copy of the summons duly completed and signed shall be deemed to have been effected under subsection (1) if it is left at the office of the relevant registrar or if it is left at any police station within 80 kilometres of the place at which appearance is required by the summons.

(3) A person who has pleaded guilty in the manner prescribed by this section is not required to appear in person or otherwise at the Court before which he is summoned to appear.

(4) The Court may accept a plea of guilty made by endorsement as prescribed by this section without proof of any signature thereon or of the office or occupation of any person purporting to have signed the endorsement and, subject to section 57B, may proceed in such manner and make such adjudication and orders as it might have made if the defendant had appeared in answer to the summons in person or by the defendant's legal practitioner.

57B Limits on power of Court where plea of guilty in writing

Where a person has pleaded guilty in the manner prescribed by section 57A, the Court shall not:

(a) impose a sentence of imprisonment in the first instance; and

(b) cancel or suspend a licence held by the defendant or otherwise disqualify him from holding a licence; and

(c) treat the offence as other than a first offence unless the Court is satisfied upon evidence that the defendant has been previously found guilty of an offence to which section 57 applies; and

(d) fail to allow a reasonable time for payment of any sum adjudged to be paid by the defendant; and

(e) order the defendant to pay any sum in respect of the attendance of any witness.

57C Notice of finding of guilt or plea of guilty in writing to be first served

Where a person has been found guilty of an offence to which he has pleaded guilty in the manner prescribed by section 57A, a relevant registrar shall forthwith serve, personally or by post, on the defendant notice of the finding of guilt and of any order or sentence made on that finding of guilt and no further proceedings upon the finding of guilt or order shall be taken until the expiry of 14 days after such service.

57D Court may refuse to accept plea of guilty in writing

Where, upon its consideration of the subject matter of a complaint to which a defendant has pleaded guilty as prescribed by section 57A or of any explanation endorsed by a defendant upon a copy of a summons issued upon such a complaint, the Court is of the opinion:

(a) that the offence may be one which merits punishment other than a fine; or

(b) that the defendant did not understand the consequences of his submitting a written plea of guilty; or

(c) that for some other reason justice would be better served by requiring the appearance of the defendant in person,

the Court shall vacate the summons issued and shall order that a summons in the form prescribed by the regulations shall issue.

57E Further consideration of complaint may be required

(1) Where a summons has been issued under section 57(2) and a finding of guilt has been recorded in the absence of the defendant, the defendant may, within 7 days after service upon him of a notice under section 57C, serve either personally or by post on the relevant registrar a notice requiring further consideration of the complaint upon which the finding of guilt was recorded.

(2) Upon service of a notice under subsection (1), no proceedings shall be taken to enforce the finding of guilt or any order made thereon until after the proceedings consequent upon that notice have been completed.

(3) As soon as is practicable after service of a notice under subsection (1), the registrar mustfix a time and place for the further consideration of the complaint and, by notice served personally or by post, notify the complainant and defendant of the time and place so fixed.

(4) On the day fixed under subsection (3), the Court :

(a) may quash the finding of guilt and vacate any orders made thereon if it is satisfied that the summons first issued on the complaint did not come to the notice of the defendant a reasonable time before the date appointed by the summons for the hearing; and

(b) direct that the complaint shall be reheard at a time and place then fixed by the Court; or

(c) confirm the finding of guilt and any orders made thereon.

(5) The Court before which a complaint is reheard in pursuance of a direction under subsection (4) has power to adjudicate thereon as if the rehearing was the first hearing of the complaint and the defendant had been personally served with a summons requiring his attendance on the day fixed by the direction.

58 Issue of warrant

(1) No warrant to apprehend any defendant shall be issued unless the matter of the complaint is substantiated on oath to the satisfaction of the Court.

(2) When the matter of any complaint:

(a) charging the defendant with a summary offence; or

(c) under any other Act which authorises the issue of a warrant in the first instance,

is substantiated as provided in this section the Court may, instead of issuing a summons, issue a warrant in the first instance to apprehend the defendant.

(3) If any defendant fails to appear in obedience to a summons, the Court may issue a warrant for the apprehension of the defendant, provided that:

(a) the matter of the complaint is substantiated as provided in this section; and

(b) it is proved to the satisfaction of the Court that the summons was duly served a reasonable time before the time appointed for the hearing.

59 Defendant apprehended under warrant

When a defendant is apprehended under a warrant and is brought before the Court, the Court must either:

(a) remand the defendant into custody in accordance with section 60; or

(b) grant the defendant bail in accordance with the *Bail Act 1982.*

60 Remand of defendant

(1) If the Court remands the defendant into custody under section 59 or 65, the Court must commit the defendant:

(a) either orally or by warrant into the custody of the Commissioner of Correctional Services; or

(b) orally to the custody of the police officer or other person who apprehended the defendant under the warrant mentioned in section 59; or

(c) orally to such other safe custody as the Court considers appropriate.

(2) In remanding the defendant under subsection (1), the Court must order the defendant to be brought up before the Court at a specified time and place.

(3) The period of remand cannot exceed:

(a) if the defendant is committed into custody orally – 3 days; or

(b) if the defendant is committed into custody by warrant – 15 days unless both parties consent to a longer period.

Division 2A Pre-hearing procedure for offences and sentence indications

Note for Division 2A

Section 5(2)(ha) of the Sentencing Act 1995 provides that, in sentencing a defendant, the court must have regard to the conduct of the defendant during the proceedings, including the extent to which the defendant complied with a requirement imposed on the defendant under this Division.

Subdivision 1 General matters

60AA Definitions

In this Division:

criminal record, see section 3(1) of the *Criminal Records (Spent Convictions) Act 1992*.

directions hearing means a directions hearing that is required under section 60AI.

disclosure requirement means a requirement that the defendant do one of the following:

(a) serve a notice under section 60AG(1);

(b) indicate something under section 60AJ(2);

(c) disclose information under an order mentioned in section 60AK(2)(a);

(d) serve a document or thing under section 60AM(2);

(e) serve a document, thing or notice under section 60AN(2).

document has the same meaning as in the *Evidence (National Uniform Legislation) Act 2011*.

evidence of an alibi, see section 331(6) of the Criminal Code.

expert evidence material means:

(a) written notice of the name and, if known, the address of the person whom the defendant intends to call to give expert evidence; and

(b) a written description of the expert evidence intended to be adduced.

later sentence indication, see section 60AZB(2).

original sentence indication, see section 60AZB(1).

sentence indication means an indication, given by the Court under section 60AT, of a sentence that the Court would likely impose on a defendant.

60AB Object of Division

The object of this Division is to:

(a) provide for fair, efficient, expeditious and economical case management procedures in the criminal jurisdiction of the Local Court including by:

(i) facilitating, if appropriate, a defendant's guilty plea to an offence at an early stage of proceedings in relation to a complaint or information before the Court; and

(ii) ensuring that, if a complaint or information proceeds to a hearing of a charge, the hearing is focused on the issues that are in dispute; and

(iii) minimising the time between the making of a complaint or the laying of an information and the hearing of the charge; and

(b) minimise the trauma that might be experienced by victims of crime.

60AC Application of Division

This Division applies to all criminal proceedings in the Court except those that are subject to a preliminary examination under Part V.

Subdivision 2 Pre-hearing procedure for offences

60AD Prosecution's obligations after first mention

(1) This section applies once the information has been laid or the complaint has been made in relation to a charge.

(2) The prosecution must, within 7 days after the matter is first mentioned in Court:

(a) serve a preliminary brief of evidence on the defendant; and

(b) file with the Court a copy of the statement of the alleged facts on which the charge is founded, mentioned in section 60AF(1)(a).

(3) The purpose of filing the statement with the Court is to assist the Court to facilitate the conduct of the directions hearing.

60AE Contents of preliminary brief of evidence

(1) A preliminary brief of evidence mentioned in section 60AD must include the following:

(a) a copy of the information or complaint in relation to the charge;

(b) a statement in relation to the charge made by an informant or the prosecution that complies with section 60AF;

(c) any certificate of evidence that is issued under an Act, likely to be relevant to the charge, and available to the prosecution at the time the preliminary brief is served;

(d) a copy of the defendant's criminal record or a written statement made by the prosecution that the defendant does not have a criminal record;

(e) any written statement made by the informant or prosecution that the informant or prosecution will not disclose any document or thing that would otherwise be included in the preliminary brief but that the informant or prosecution is not required by law to disclose;

(f) if there is any information recorded by audio-visual, audio or visual means (including closed-circuit television) in relation to the charge:

(i) a copy of the recording, if it is available to the prosecution at the time the preliminary brief is served; or

(ii) if the recording is not available to the prosecution at the time the preliminary brief is served – a written statement made by the prosecution that there is information recorded that the prosecution intends to obtain;

(g) subject to subsection (2), any other document or thing that may assist the defendant in understanding the evidence against the defendant that is available to the prosecution at the time the preliminary brief is served;

(h) any other document or thing prescribed by the regulations.

(2) The prosecution is not required to include, in the preliminary brief, a transcript of a recording of an interview conducted with the defendant in relation to the charge.

Note for subsection (2)

A transcript is also not required for a recorded statement under Part 3A of the Evidence Act 1939 in a domestic violence offence proceeding – see section 21N(1) of that Act.

(3) Subsection (1)(f) does not apply in relation to a recorded statement under Part 3A of the *Evidence Act 1939* in a domestic violence offence proceeding.

60AF Statement made by informant or prosecution

(1) For section 60AE(1)(b), a statement made by an informant or the prosecution must be a complete and accurate statement of the material available to the informant or prosecution at the time the statement is made and must include the following:

(a) a statement of the alleged facts on which the charge is founded, including reference to any evidence available to the prosecution to support the alleged facts;

(b) a copy of any document or thing containing an admission made by the defendant, and a written summary of any oral statements made by the defendant, in relation to the charge;

(c) in relation to persons who may be called as witnesses at the hearing in relation to the charge:

(i) a list that contains:

(A) the name of each witness; or

(B) a description of each witness; or

(C) a description of each class of witness; and

(ii) an outline of the evidence that each witness is expected to give at the hearing; and

(iii) an indication of whether any of those persons have made a statement;

(d) a list of any documents or things the prosecution might tender as exhibits at the hearing in relation to the charge and an indication of whether the documents or things are in the possession of the prosecution at the time the statement is made.

(2) In this section:

admission has the same meaning as in the *Evidence (National Uniform Legislation) Act 2011*.

60AG Defendant's disclosure requirements for evidence of an alibi

(1) If the defendant intends to adduce evidence of an alibi in relation to the charge, the defendant must serve the prosecution with a notice of the following:

(a) the defendant's intention to adduce evidence of an alibi;

(b) the particulars of the alibi;

(c) a list of the names of the persons whom the defendant intends to call as witnesses to give the evidence and the address for, or other information that would help locate, each person.

(2) The defendant must comply with subsection (1):

(a) not less than 7 days before the date and time appointed for a directions hearing for the matter; or

(b) if the defendant decides to adduce evidence of an alibi within the period that begins 7 days before the date appointed for a directions hearing – as soon as practicable after the defendant makes the decision.

(3) The Court may dispense with the disclosure requirements under this section if the Court is satisfied that there is good reason to do so.

60AH Purpose of directions hearing

A directions hearing is a hearing conducted by the Court in relation to a matter in order to identify the following:

(a) the issues that are in dispute and the issues that are not in dispute;

(b) the steps required to progress the matter.

60AI Directions hearing to be held

(1) If a defendant has not pleaded guilty to the charge at the first mention of the matter in Court, the Court must appoint a date and time for a directions hearing.

(2) The date and time appointed for the directions hearing under subsection (1) is to be at least 4 weeks after the first mention unless an earlier date and time is appointed under subsection (6).

(3) Subject to subsection (4), the defendant must attend the directions hearing.

(4) The Court may order, if the Court is satisfied that there is good reason to do so, that:

(a) the defendant may appear at the directions hearing by the defendant's legal practitioner; and

(b) the defendant is not required to attend the directions hearing.

(5) The defendant may apply to the Court to appoint a date and time for the directions hearing that is earlier than 4 weeks after the first mention.

(6) The Court may appoint a date and time for a directions hearing that is earlier than 4 weeks after the first mention:

(a) on an application under subsection (5) or on the Court's own initiative; and

(b) only if the Court is satisfied that there is good reason to do so.

(7) Unless the parties to the directions hearing agree otherwise, evidence of anything said or done in the course of the directions hearing, or any document prepared for the directions hearing, is not admissible in any proceedings in any court or tribunal or before any person acting judicially.

(8) The Court may, on the application of either party or its own initiative, appoint a date and time for a further mention of the matter in Court before the date and time appointed for the directions hearing.

(9) The Court must, as far as is reasonably practicable, appoint a date and time for a further mention under subsection (8) on an application if:

(a) the defendant is in custody; and

(b) the Court is satisfied there are real prospects of a resolution of the matter.

60AJ Procedure for directions hearing

(1) At the directions hearing, the prosecution must indicate:

(a) if any document or thing that is required to be provided to the defendant has not been provided to the defendant; and

(b) the prosecution's estimate of the length of the hearing if the matter should proceed to a hearing; and

(c) any orders the prosecution is likely to seek in relation to the matter.

(2) At the directions hearing, the defendant must indicate:

(a) the issues that are in dispute and the issues that are not in dispute; and

(b) whether the defendant intends to plead guilty or not guilty; and

(c) if the defendant intends to adduce any evidence of an alibi in relation to the charge; and

(d) if the defendant intends to call any witnesses to give evidence of an alibi in relation to the charge or any expert witnesses; and

(e) the defendant's estimate of the length of the hearing if the matter should proceed to a hearing; and

(f) any orders the defendant is likely to seek in relation to the matter.

60AK Orders at directions hearing

(1) The Court may, at a directions hearing, make orders to progress a matter.

(2) Without limiting subsection (1), the Court may make orders for:

(a) a defendant to disclose information to the prosecution; or

(b) the prosecution to disclose information to the defendant.

(3) If, at the directions hearing, the defendant pleads guilty to the charge, the Court may:

(a) accept the plea of guilty; and

(b) do one of the following:

(i) sentence the defendant for the charge;

(ii) appoint a date and time for the sentencing of the defendant for the charge.

(4) At the conclusion of the directions hearing, the Court must appoint a date and time for one or both of the following:

(a) if the Court considers another directions hearing is required – another directions hearing;

(b) a hearing in relation to the charge.

60AL Prosecution or defendant may apply for matter to be considered

Section 60AK does not prevent the prosecution or defendant from making an application to the Court, before the matter is next before the Court under section 60AK(4), to appoint a date and time for the matter for:

(a) a mention or another directions hearing; or

(b) if the defendant indicates after a directions hearing that the defendant intends to plead guilty to the charge – the sentencing of the defendant for the charge.

60AM Defendant's disclosure requirements for expert evidence and objections

(1) This section applies in relation to proceedings in relation to which a date and time have been appointed for a hearing in relation to the charge.

(2) The defendant must serve the prosecution with the following:

(a) a document or thing in relation to any expert evidence that the defendant intends to adduce at the hearing;

(b) written notice of an objection, and the grounds for the objection, by the defendant to:

(i) a document or thing that the prosecution intends to tender as evidence at the hearing; or

(ii) evidence to be given by a witness whom the prosecution intends to call at the hearing.

(3) The defendant must comply with subsection (2) not less than 21 days before the date and time appointed for the hearing.

(4) This section applies to a defendant in addition to the requirements under section 177 of the *Evidence (National Uniform Legislation) Act 2011*.

60AN Defendant's disclosure requirements for subsequent evidence

(1) This section applies:

(a) in relation to proceedings in relation to which a date and time have been appointed for a hearing in relation to the charge; and

(b) if the defendant obtains a document or thing in relation to any expert evidence material or decides to make an objection within 21 days of the date and time appointed for the hearing for the matter.

(2) The defendant must serve the prosecution, as soon as practicable after obtaining the document or thing or deciding to make the objection, with the document or thing or a written notice of the objection under section 60AM(2).

60AO Defendant's disclosure requirements – Court may make orders

The Court may dispense with the disclosure requirements under section 60AM or 60AN if the Court is satisfied that there is good reason to do so.

60AQ Consequences of non-disclosure

(1) If, at the hearing in relation to a matter, the Court is satisfied that the defendant has not complied with a disclosure requirement, the Court, on the application of the prosecution, may adjourn the hearing to a time that would allow enough time:

(a) for the defendant to do what is required by the provision that imposes the disclosure requirement; and

(b) for the prosecution to further prepare its case and to obtain any further evidence that may be necessary as a result of the disclosure.

(2) On the resumption of a hearing adjourned under subsection (1), the Court may permit the prosecution to adduce further evidence, whether or not obtained as a result of the disclosure.

60AR Court may shorten or extend time

The Court may, at any time, shorten or extend the time required for doing anything under this Division if the Court is satisfied that there is good reason to do so.

60ARA Court may dispense with compliance in certain proceedings

(1) This section applies in relation to proceedings that are to be heard and determined by the Court sitting at a place other than Darwin, Alice Springs, Tennant Creek or Katherine.

(2) The Court may dispense with compliance with a requirement of this Subdivision if the Court is satisfied that there is good reason to do so.

(3) For subsection (2), the Court may dispense with compliance either before or after the occasion for compliance with the requirement arises.

60AS Prosecution's obligations in relation to disclosure not affected

This Division does not affect the prosecution's obligations in relation to disclosure and the consequences for any failure in relation to those obligations under this Act, any other Act, or a law of the Commonwealth, or at common law.

Subdivision 3 Sentence indications

60AT Sentence indication

(1) The defendant may apply for a sentence indication from the Court during criminal proceedings.

(2) The Court may indicate that, if the defendant pleads guilty to a charge at the time of the application, the Court would be likely to impose on the defendant:

(a) if sections 78CA and 78CB of the *Sentencing Act 1995* do not apply – a sentence of actual imprisonment to commence at a specified time; or

(b) a sentence of another specified type; or

(c) if section 78CB of the *Sentencing Act 1995* applies to the offence – a sentence of actual imprisonment as required by that section; or

(d) if section 78CA of the *Sentencing Act 1995* applies to the offence:

(i) a sentence that is the minimum sentence of actual imprisonment that the Court is required to impose for the offence; or

(ii) a sentence that takes into account exceptional circumstances under section 78DB of the *Sentencing Act 1995*, if the Court is satisfied that, if the Court were imposing a sentence on the defendant, the circumstances of the case would be exceptional.

(3) The Court may give a sentence indication at any time before the date appointed, if any, for the commencement of the hearing of the charge.

(5) The Court may refuse to give a sentence indication if the Court is satisfied that there is good reason to do so.

(6) A decision to give or not to give a sentence indication is final.

60AU Court to have regard to material for sentence indication

(1) Before giving a sentence indication to a defendant, the Court must have regard to the following:

(a) a statement of the agreed facts on which the charge is based;

(b) the defendant's criminal record;

(c) the submissions made by the parties, if any, on the appropriate sentence to be imposed if the defendant pleads guilty to the offence.

(2) The Court must also have regard to a victim impact statement or victim report if the statement or report is available at the time of the sentence indication.

(3) However, the Court is not required to have regard to a victim impact statement or victim report that is available at the time of the sentence indication if:

(a) section 78CA of the *Sentencing Act 1995* applies to the offence; and

(b) the Court would not have regard to the victim impact statement or victim report if the Court were:

(i) imposing the sentence on the defendant; and

(ii) deciding whether the Court was satisfied that the circumstances of the case were exceptional under section 78DB of the *Sentencing Act 1995*.

(4) The Court may have regard to any other material that is relevant to the offence and available at the time of the sentence indication.

(5) In this section:

victim impact statement, see section 106A of the *Sentencing Act 1995*.

victim report, see section 106A of the *Sentencing Act 1995*.

60AV Court not bound by sentence indication

The Court is not bound by a sentence indication when imposing a sentence on the defendant if the Court that imposes the sentence is constituted by a different Judge to the Judge that gave the sentence indication.

60AW Court may withdraw sentence indication

(1) The Court may withdraw a sentence indication if:

(a) the defendant does not plead guilty to the offence as a result of the sentence indication within a reasonable time after the sentence indication was given; or

(b) there has been a change in circumstances that would likely cause the Court to impose a more severe sentence than the sentence indicated:

(i) before the defendant pleads or does not plead guilty to the offence; or

(ii) after the defendant pleads guilty to the offence, if the defendant has pleaded guilty as a result of the sentence indication.

(2) Before withdrawing a sentence indication under subsection (1)(b), the Court must:

(a) be satisfied that the sentence that the Court has indicated it is likely to impose would not, as a result of the change in circumstances, be an appropriate sentence; and

(b) inform the defendant that the Court would likely impose a more severe sentence than the sentence indicated.

(3) If the Court withdraws a sentence indication under subsection (1)(b)(ii), the defendant may withdraw the plea of guilty.

(4) A sentence indication may be withdrawn under this section only if the Court is constituted in one of the following ways:

(a) the Court is constituted by the same Judge as the one who gave the sentence indication;

(b) if section 60AZC applies, the Court is constituted by another Judge.

60AX Sentence indication not admissible

An application for a sentence indication, or a sentence indication, is not admissible in any proceedings in any court or tribunal or before any person acting judicially.

60AY Sentence indication does not affect appeal rights

A sentence indication does not affect the defendant's or prosecution's right to appeal against a sentence imposed on the defendant for the offence.

60AZ Sentence indication and plea of guilty

(1) This section applies if:

(a) the Court gives a sentence indication; and

(b) the defendant pleads guilty to the offence as a result of the sentence indication.

(2) Subject to section 60AZC(1), the Court, when imposing a sentence on the defendant for the offence:

(a) must be constituted by the same Judge as the one who gave the sentence indication; and

(b) must not impose a more severe sentence than the sentence indicated.

60AZA Sentence indication and no plea of guilty

(1) This section applies if:

(a) the Court gives a sentence indication; and

(b) the defendant does not plead guilty to the offence as a result of the sentence indication.

(2) The Court that finally determines the charge may be constituted by the same Judge who gave the sentence indication.

60AZB Sentence indication from one Judge only

(1) This section applies if:

(a) the Court gives a sentence indication (the ***original sentence indication***); and

(b) the defendant does not plead guilty to the offence as a result of the original sentence indication.

(2) Subject to section 60AZC(2), the defendant may apply for another sentence indication (the ***later sentence indication***) only if:

(a) the Court is constituted by the same Judge as the one who gave the original sentence indication; and

(b) there has been a change in circumstances that is likely to materially affect the appropriateness of the original sentence indicated.

(3) This Subdivision applies to a later sentence indication in the same way as it applies to a sentence indication.

60AZC Constitution of Court to withdraw sentence indication, sentence or give later sentence indication

(1) The Court may be constituted otherwise than as required by section 60AW(4)(a) or 60AZ(2)(a) if the Judge who constituted the Court that gave the sentence indication is unable to withdraw the sentence indication or impose the sentence.

(2) The Court may be constituted otherwise than as mentioned in section 60AZB(2)(a) if the Judge who constituted the Court that gave the original sentence indication is unable to give the later sentence indication.

(2) For this section, a Judge is ***unable*** to withdraw the sentence indication, impose the sentence or give the later sentence indication if the Judge:

(a) has died or ceased to hold office; or

(b) is, by reason of illness, injury or other cause, unlikely to be able to constitute the Court within a reasonable time.

Division 3 The Hearing

62 On non-appearance of defendant Court may issue warrant or proceed ex parte

If the defendant fails to appear in obedience to the summons the Court may:

(a) issue a warrant as provided by section 58, and adjourn the hearing until the defendant is apprehended; or

(b) upon proof that the summons was served a reasonable time before the time thereby appointed for his appearance, subject to section 62AB proceed ex parte to the hearing of the complaint and to adjudicate thereon as fully and effectually, to all intents and purposes, as if the defendant had personally appeared before it in obedience to the summons.

62A Procedure where person granted bail fails to appear

If a defendant who has been apprehended, whether under or without a warrant, and released on bail in accordance with the *Bail Act 1982*, fails to appear in accordance with his bail undertaking, the Court, in addition to issuing a warrant under section 39 of that Act, may:

(a) adjourn the hearing until the defendant is apprehended; or

(b) subject to section 62AB, proceed ex parte to the hearing of the complaint and may adjudicate on the complaint as fully and effectually, to all intents and purposes, as if the defendant had appeared in accordance with his bail undertaking.

62AB Ex parte proceedings

(1) Where the Court proceeds ex parte in pursuance of, and in accordance with, section 62(b) or 62A(b) to hear and adjudicate upon a complaint, it may in so doing, in respect of the complaint, regard:

(a) an allegation contained in the summons as served upon the defendant to which that complaint relates; or

(b) an allegation contained in that complaint where that complaint is a complaint made on oath in accordance with the requirements of section 50(3)(b); or

(c) oral evidence,

as evidence of the matter alleged.

(2) For the purposes of subsection (1)(a) and (b), an allegation is contained in a summons or complaint if it is contained in, annexed to, or accompanies the summons or complaint.

(3) An allegation referred to in subsection (1) may include particulars of the alleged offence and of the circumstances in which it is alleged to have been committed.

(4) Where the Court finds a charge proved in ex parte proceedings under section 62(b) or 62A(b), heard and adjudicated upon in accordance with this section, the prosecutor may recite to the Court a relevant matter alleged against the defendant to which those proceedings relate as if that defendant had personally appeared and pleaded guilty.

63 If the complainant does not appear, Court to dismiss complaint, or at discretion adjourn hearing

If the defendant appears in obedience to the summons, or is brought before the Court by virtue of any warrant, then if the complainant, having had due notice, does not appear in person or by the complainant's legal practitioner, the Court shall dismiss the complaint, unless for some reason it thinks proper to adjourn the hearing.

63A Certain decisions of Court may be set aside on application by defendant or complainant

(1AA) This section applies if the Court has:

(a) proceeded ex parte, under section 62(b) or 62A(b), to hear and adjudicate on a complaint and has found the defendant guilty of the offence or made an order against the defendant to which the complaint relates; or

(b) proceeded ex parte, under section 191, to hear and adjudicate on an offence specified in a notice to appear and has found the defendant guilty of the offence or made an order against the defendant to which the notice to appear relates; or

(c) dismissed a complaint under section 63(1) or the proceedings for the notice to appear under section 190(4) (each of which is a ***dismissal***).

(1) The defendant in relation to a finding of guilt or order may, not later than 1 month after the finding of guilt or order comes to the defendant's notice, apply to the Court to set aside that finding or order.

(1A) The complainant in relation to a dismissal may, not later than 1 month after the dismissal comes to the complainant's notice, apply to the Court to set aside the dismissal.

(1B) An application mentioned in subsection (1) or (1A) must be in writing and state the grounds of the application.

(2) If an application is made under subsection (1) or (1A), the relevant registrar must:

(a) appoint a time and place for the hearing of the application; and

(b) give written notice to the person who made the application of the time and place so appointed.

(3) Where a defendant who has made an application referred to in subsection (1) is in custody pursuant to the finding of guilt or order to which the application relates, the Court may, upon application by the defendant, if satisfied that that first-mentioned application has been duly made and that that defendant is not in custody for some other cause, grant the defendant bail in accordance with the *Bail Act 1982*.

(4) Where a defendant is in custody pursuant to a finding of guilt or order mentioned in subsection (1AA)(a) or (b), the Commissioner of Correctional Services, or a person authorised in writing by the Commissioner for that purpose, must, at the request of that defendant, as soon as practicable, make all necessary arrangements:

(a) for the purpose of allowing service of an application referred to in subsection (1); and

(b) for the purpose of allowing that defendant to make an application referred to in subsection (3).

(5) A defendant who has served an application referred to in subsection (1) and who is not granted bail pursuant to subsection (3) must, pending the determination under subsection (7) of the application and for so long as the defendant is not in custody for some other cause, be treated in the same manner as a person who is in custody pursuant to section 60(1).

(6) Where, as a result of a determination under subsection (7), a defendant is required to serve a term of imprisonment, the period, if any, during which the defendant is in custody pending the determination must count as part of the whole term.

(7) At the time and place appointed under subsection (2) for the hearing of an application referred to in subsection (1) or (1A), the

Court must, unless the applicant to which the application relates was a defendant who was, under subsection (3), granted bail in accordance with the *Bail Act 1982* and who fails to appear in accordance with the defendant's bail undertaking, proceed to hear and determine that application:

(a) by refusing that application; or

(b) by adjourning the hearing of that application to a time and place appointed by the Court, and giving to the other party written notice:

(i) of that time and place; and

(ii) that that other party may, if the other party thinks fit, at that time and place appear to oppose that application,

and the Court must then and there set aside the finding of guilt or order, or dismissal, as the case may be, to which that application relates, on such terms and conditions as the Court thinks fit, or the Court may refuse to set aside that finding of guilt or order, or dismissal.

(8) The Court may, in making a determination under subsection (7), make such order as to costs as it thinks fit.

(9) Where an application referred to in subsection (1) relates to a finding of guilt or order against the applicant and the finding of guilt or order imposed a sentence of imprisonment but that applicant was, under subsection (3), granted bail in accordance with the *Bail Act 1982* and the Court, in determining under subsection (7) the application:

(a) refuses, under subsection (7)(a), that application; or

(b) refuses, under subsection (7)(b), to set aside that finding of guilt or order,

it must order the return of the applicant to custody according to the finding of guilt or order to which that application relates.

(10) In this section:

complainant, in circumstances relating to a notice to appear, includes a complainant as defined in section 189.

defendant, in circumstances relating to a notice to appear, includes a person who fails to appear as required by the notice to appear.

notice to appear, see section 189.

64 If both parties appear, Court to hear and determine the case

(1) If both parties appear before the Court, either in person or by their respective legal practitioners, then the Court shall proceed to hear and determine the matter of the complaint.

(2) A legal practitioner appearing for the defendant may, on behalf of the defendant, enter a plea to the charge on the complaint.

65 Power of the Court to adjourn hearing

(1) The hearing of a complaint may be adjourned by the Court from time to time, and at any time before it is completed.

(2) Every such adjournment shall be to a time and place appointed and stated by the Court in the presence and hearing of the party or parties then present.

(3) The adjournment shall be allowed upon such (if any) terms as the Court thinks fit, and in the meantime the Court may remand the defendant into custody in accordance with section 60, grant him bail in accordance with the *Bail Act 1982*, or dispense with the requirements for bail pursuant to the *Bail Act 1982*.

(4) The Court may, in any case where the defendant has been remanded into custody, order the defendant to be brought before the Court for the hearing or the continuation of the hearing at any time before the expiration of the period for which the hearing has been adjourned, and the Commissioner of Correctional Services or any officer in whose custody the defendant is shall duly obey the order.

(5) If a defendant, who has been released on bail in accordance with the *Bail Act 1982* or in respect of whom the requirement of bail has been dispensed with pursuant to that Act, fails to appear at the time and place appointed under subsection (2):

(a) the Court may issue a warrant for the apprehension of the defendant and further adjourn the hearing until he is apprehended; or

(b) the Court may proceed ex parte to the hearing of the complaint and may adjudicate on the complaint as fully and effectually, to all intents and purposes, as if the defendant had appeared at that time and place.

(6) If the defendant is by virtue of a warrant issued under subsection (5) brought before the Court, the Court shall hear the case or continue the hearing as if there had been no adjournment.

(8) Instead of issuing a warrant as provided in subsection (5), the Court may issue a summons for the appearance of the defendant at the time and place mentioned in the summons.

(9) If the defendant appears before the Court, the Court shall hear the case or continue hearing as if there had been no adjournment.

(11) If a defendant summoned under subsection (8) fails to appear in obedience to the summons, the Court before which he is summoned may proceed in the manner provided by section 62.

(12) If a defendant appears at the time and place appointed under subsection (2) and the complainant, having had due notice, does not appear in person or by the complainant's legal practitioner, the Court shall dismiss the complaint, unless for some reason it thinks it proper to further adjourn the hearing.

(13) The Court, on being satisfied that a defendant who has been remanded into custody is by reason of illness or accident unable at the expiration of the period for which the defendant was remanded to appear personally before the Court, may in the absence of the defendant order the defendant to be kept in custody for such further period as the Court deems reasonable, but not exceeding 15 clear days at any one time, unless both parties consent to a longer period.

67 When defendant pleads guilty Court to find guilty or make an order

(1) When the defendant is present at the hearing the substance of the complaint shall be stated to him, and he shall be asked if he has any cause to show why he should not be found guilty or why an order should not be made against him (as the case may be).

(2) If the defendant admits the truth of the complaint, and shows no sufficient cause why he should not be found guilty, or why an order should not be made against him, the Court shall find him guilty or make an order against him accordingly.

68 If defendant pleads not guilty Court to hear parties and their evidence

If the defendant does not admit the truth of the complaint the Court shall proceed to hear:

(a) the complainant and his witnesses and any other evidence which he adduces in support of his complaint; and

(b) the defendant and his witnesses and any other evidence which he adduces in his defence; and

(c) any evidence which the complainant adduces in reply if the defendant adduces any evidence other than as to his, the defendant's, general character.

69 After hearing the parties Court to find guilty or dismiss

When the parties and their evidence have been heard, the Court shall consider and determine the whole matter, and shall find the defendant guilty or make an order against the defendant or dismiss the complaint, as the case may require: Provided that the Court may, at any time before the matter has been finally determined, permit the complaint to be withdrawn, upon such terms (if any) as it thinks fit.

Division 4 Judgment

70 Finding of guilt to be minuted

(1) When the Court finds the defendant guilty or makes an order against the defendant a minute or memorandum of the finding of guilt or order shall then be made.

(2) No fee shall be paid for any minute or memorandum under this section.

70A Findings of guilt where charges joined in the complaint

(1) Where charges for more than one offence have been joined in the same complaint, pursuant to this Act, the Court may:

(a) find the defendant guilty of such one or more of those offences as it finds proved; and

(b) include any number of offences in a minute or memorandum of a finding of guilt or in any formal finding of guilt.

(2) This section shall apply notwithstanding anything contained in any other Act.

71 Order and certificate of dismissal

(1) If the Court dismisses the complaint a minute or memorandum of that fact shall be made and the Court may, on being required to do so and if it thinks fit, draw up an order of dismissal and give the defendant a certificate thereof.

(2) A certificate of dismissal shall, upon production and without further proof, be a bar to any subsequent complaint for the same matter against the same party.

72 Furnishing of copy of complaint and conviction or order to interested party

Every party interested in any finding of guilt or order shall be entitled to demand and have copies of the complaint and of the finding of guilt order (as the case may be), and a registrar must furnish the copies upon payment of the fees authorised in that behalf.

Division 5 Costs

77 Power to award costs to defendant

(1) Subject to subsection (2) and section 77A, the Court may order a complainant to pay to a defendant the costs it thinks fit if:

(a) the Court dismisses the charge of any offence on the complaint; or

(b) the complaint is withdrawn.

(2) The Court shall not make an order for costs under subsection (1) if:

(a) the defendant's actions or omissions in connection with the alleged offence were, in the opinion of the Court:

(i) unreasonable in the circumstances; and

(ii) contributed to the institution or continuation of the proceedings; or

(b) the defendant's actions or omissions during the course of the proceedings or in the conduct of the defence were, in the opinion of the Court, calculated to unnecessarily prolong the proceedings or cause unnecessary expense; or

(c) in the opinion of the Court, there was sufficient evidence to support a finding of guilt but the defendant was entitled to a dismissal because of a minor procedural irregularity.

77A Power to award costs against defendant

Subject to section 77C, where the Court finds a defendant guilty of an offence, it may order the defendant to pay to the complainant such costs as it thinks fit.

77B Costs of adjournment

Where proceedings are adjourned, the Court may, whether or not the defendant is subsequently found guilty of the offence with which he or she is charged, make an order for costs against the party who requested the adjournment.

77C Limitation on amount of costs

The amount that the Court may order for costs under section 77, 77A or 77B shall not exceed the amount calculated in accordance with the prescribed scale.

78 Manner of enforcing payment of costs

(1) If the complainant is a law enforcement officer within the meaning of the *Fines and Penalties (Recovery) Act 2001* and the Court orders the defendant to pay costs under section 77A or 77B, the costs may be enforced under that Act unless the Court orders imprisonment in default in accordance with subsection (2).

(2) The Court may order that if the amount a person is ordered to pay is not paid within 28 days, the person is to be imprisoned until his or her liability to pay the amount ordered is discharged.

(3) If the Court makes an order under subsection (2) and the person does not pay the amount ordered within 28 days, the Court may issue a warrant of commitment in respect of the person specifying the period of imprisonment calculated on the basis of the amount ordered as follows:

(a) the period is to be one day for each amount (or part of that amount) prescribed for the purposes of section 88 of the *Fines and Penalties (Recovery) Act 2001* that comprises the amount ordered;

(b) the period is not to be less than one day;

(c) the period is not to exceed 3 months.

(4) If the person serves the total period of imprisonment under a warrant under subsection (2), the amount ordered is taken to be satisfied.

(5) If the person serves part of the period of imprisonment under a warrant under subsection (2), the amount ordered is taken to be partially satisfied by the amount calculated at the rate prescribed for the purposes of section 88 of the *Fines and Penalties (Recovery) Act 2001* for each day actually served.

(6) Unless otherwise ordered by the Court, any period of imprisonment that the person has to serve as a result of an order under subsection (2) is to be served:

(a) cumulatively on any incomplete sentence or sentences of imprisonment imposed on the person for the default of a payment of a fine or sum of money; and

(b) concurrently with any incomplete sentence or sentences of imprisonment imposed on the person other than for the default of a payment of a fine or sum of money, whether the other sentence was or the other sentences were imposed before or at the same time as that term.

78A Civil enforcement of costs

If the complainant is not a law enforcement officer within the meaning of the *Fines and Penalties (Recovery) Act 2001* and the Court orders the defendant to pay costs under section 77A or 77B, the amount ordered, if not paid within 28 days, is enforceable under Part 7 of that Act.

79 Enforcing costs payable by complainant

Payment of any costs ordered to be paid by a complainant to a defendant under section 77 or 77B are, if not paid within 28 days, enforceable under Part 7 of the *Fines and Penalties (Recovery) Act 2001*.

Part V Indictable offences

Division 1A Preliminary matters

100 Definitions

In this Part:

committal date means the date fixed for the commencement of a preliminary examination.

handed-up witness statement means a statement of a listed witness, a copy or transcript of which was included in the committal brief in accordance with section 105D(1)(e) or 105E.

listed exhibit, means a document or thing on the list included in the committal brief under section 105D(1)(d)(ii) or any updated or supplementary list under section 105E.

listed witness, means a person on the list included in the committal brief under section 105D(1)(d)(i) or any updated or supplementary list under section 105E.

prosecutor means the informant or a legal practitioner acting for the informant.

recorded, for a statement, means recorded by audio or audio-visual means.

Division 1 Procedure to committal

101 Information on indictable offence

An information may be laid in any case where:

(a) any person is suspected to have committed an indictable offence within the Territory; or

(b) any person suspected to be guilty of having committed any such offence out of the Territory (of which offence cognisance may be taken by a court of the Territory) is or is suspected to be within the Territory.

101A Joinder of charges

(1) Charges for any offences may be joined in the same information if the charges are founded on the same facts or form or are part of a series of offences of the same or a similar character.

(2) Subject to section 183B, the Court may, if it thinks just, deal with any charge so joined separately.

101B Charges on separate informations may be dealt with together

The Court may, on application, order that charges contained in separate informations against the same person be dealt with together.

102 If warrant to issue information to be upon oath; otherwise oath not necessary

(1) If it is intended to issue a warrant in the first instance, as hereinafter provided, the information shall be in writing, and the matter thereof shall be substantiated by the oath of the informant or a witness.

(2) In any other case the information may be by parole and without any oath.

103 Issue of warrant in first instance

Whenever an information is laid and the matter thereof is substantiated by the oath of the informant or a witness, the Court may, if the defendant is not then in custody, issue a warrant, in the first instance, for the apprehension of the defendant.

104 Issue of summons

Whenever an information is laid, if the defendant is not then in custody, a Judge, registrar or JP may issue a summons for the appearance of the defendant.

105 Issue of warrant

(1) If after being duly served with a summons the defendant fails to appear in obedience thereto, and if the matter of the information is or has been substantiated by the oath of the informant or a witness, the Court may issue a warrant to apprehend the defendant.

(2) Notwithstanding anything herein contained the Court may issue a warrant, before or after the time appointed in a summons, for the appearance of a defendant against whom an information for an indictable offence has been duly laid and substantiated as provided in this Act.

105A Preliminary examination to be conducted

If an information is laid under section 101 for an indictable offence, a preliminary examination must be conducted by the Court unless:

(a) an indictment for the offence signed under section 300 of the Criminal Code has been presented; or

(b) the offence is dealt with under Division 2; or

(c) the requirement to conduct the preliminary examination is dispensed with under section 106B.

105B Youth and adult charged – joint preliminary examination

(1) This section applies if:

(a) a youth, as defined in the *Youth Justice Act 2005*, and an adult are charged with offences founded on the same facts; and

(b) under the *Youth Justice Act 2005* the charge against the youth is to be dealt with by way of preliminary examination; and

(c) under this Act the charge against the adult is to be dealt with by way of preliminary examination.

(2) If this section applies, the 2 preliminary examinations may be conducted by the Court as a joint preliminary examination.

(3) When conducting a joint preliminary examination:

(a) for the charge against the youth – the presiding Judge constitutes the Youth Justice Court and must deal with the matter under the *Youth Justice Act 2005*; and

(b) for the charge against the adult – the presiding Judge constitutes the Court and must deal with the matter under this Act.

(4) The Court conducting a joint preliminary examination may, at any stage, disjoin the examinations and deal with the defendants separately if satisfied it would be in the interests of justice to do so.

(5) When a joint preliminary examination is conducted, the examination:

(a) in so far as it relates to the youth, is a preliminary examination under the *Youth Justice Act 2005*; and

(b) in so far as it relates to the adult, is a preliminary examination under this Act.

105C Prosecutor to serve committal brief

(1) If a preliminary examination must be conducted, the prosecutor must serve on the defendant a committal brief that complies with section 105D.

(2) Subject to sections 105D(2) and 105E, the committal brief must be served on the defendant at least 28 days before the committal date unless:

(a) the Court fixes a different period for service; or

(b) the defendant consents to a shorter period of service.

(3) A committal brief must be served:

(a) if the defendant is not represented by a legal practitioner – on the defendant personally; or

(b) if the defendant is represented by a legal practitioner – on the legal practitioner personally or by post.

(4) The prosecutor must file a copy of the committal brief at the Court as soon as practicable after it is served under subsection (3).

105D Content of committal brief

(1) A committal brief must contain all of the following:

(a) a copy of the information for the charge to which the preliminary examination relates;

(b) a notice stating a preliminary examination is to be conducted and where and when it will take place;

(c) a notice, in the approved form under section 49A of the *Local Court Act 2015*, explaining:

(i) the purpose and nature of a preliminary examination; and

(ii) that the prosecution's evidence will include the written or recorded statements of the listed witnesses and any listed exhibits; and

(iii) the defendant's rights and obligations under sections 105G to 105L;

(d) a list of:

(i) the persons whose statements the prosecutor proposes to tender as evidence at the preliminary examination (the ***listed witnesses***); and

(ii) any other documents or things the prosecutor proposes to tender as evidence at the preliminary examination (the ***listed exhibits***);

(e) for each listed witness – the documents required by section 105F(1) to (3) (as appropriate);

(f) for each listed exhibit – the information required by section 105F(4).

(2) Despite subsection (1), if it is not reasonably practicable for a document mentioned in subsection (1)(e) or (f) to be included in the committal brief when it is served:

(a) the document need not be included in the committal brief when it is served; but

(b) the prosecutor must serve the document on the defendant as soon as it becomes practicable to do so.

(3) A document required by subsection (2) to be served on the defendant:

(a) must be served as provided in section 105C(3) for service of the committal brief; and

(b) when served, forms part of the committal brief.

105E Continuing obligation to update committal brief

(1) This section applies if, after the committal brief is served, there is any change as to:

(a) who the persons are whose statements the prosecutor proposes to tender as evidence at the preliminary examination; or

(b) what other documents or things the prosecutor proposes to tender as evidence at the preliminary examination.

(2) If this section applies, the prosecutor must:

(a) update the list mentioned in section 105D(1)(d) or prepare a supplementary list; and

(b) serve on the defendant:

(i) the updated or supplementary list; and

(ii) the documents mentioned in section 105D(1)(e) or (f) (as appropriate) for any witness or exhibit added to the list.

(3) A document required by subsection (2) to be served on the defendant:

(a) must be served as provided in section 105C(3) for service of the committal brief; and

(b) when served, forms part of the committal brief.

105F Requirements for witness statements and exhibits

(1) For each listed witness, the committal brief must contain:

(a) if the witness' statement is written – a copy of the statement that complies with subsections (2) and (3); or

(b) if the witness' statement is recorded:

(i) a transcript of the recording; and

(ii) a statutory declaration made by the witness declaring that the recorded statement is true.

Note for subsection (1)

A transcript is not required for a recorded statement under Part 3A of the Evidence Act 1939 in a domestic violence offence proceeding – see section 21N(1) of that Act.

(2) A written witness statement must be in the form of, or accompanied by, a statutory declaration made by the witness declaring:

(a) that the witness has read the statement or, if the witness cannot read, that the statement has been read to him or her; and

(b) that the statement is true.

(3) If a listed witness is a child, the witness' statement:

(a) need not be, or be accompanied by, a statutory declaration; but

(b) must contain, or be accompanied by, a written statement of the witness' age.

(4) For each listed exhibit, the committal brief must contain:

(a) if the exhibit is a document – a copy of the document; or

(b) if the exhibit is not a document – a description of the exhibit (which may be included in the list under section 105D(1)(d)) or a photograph of the exhibit.

(5) The prosecutor must give to the defendant and the defendant's legal practitioner reasonable opportunity before the committal date to:

(a) listen to, and for an audio-visual recording, view, any recorded statements of listed witnesses; and

(b) inspect any listed exhibits.

(6) In this section:

statutory declaration includes an affidavit.

105G Defendant may apply for leave to cross-examine witness

(1) The defendant may apply to the Court for leave to cross-examine a listed witness.

(2) An application for leave to cross-examine must be made at least 14 days before the committal date.

(3) The Court may permit the defendant to make a late application for leave to cross-examine if satisfied that it is in the interests of justice to do so, having regard to the reason why the application was not made in time.

105H Leave to cross-examine witness

(1) The defendant cannot cross-examine a witness at a preliminary examination unless:

(a) the defendant applies under section 105G or 105J(9)(b) for leave to cross-examine; and

(b) the Court grants leave under this section.

(2) If the prosecutor consents to leave being granted, the Court must grant leave unless satisfied it would not be in the interests of justice to do so.

(3) If the prosecutor does not consent to leave being granted, the Court must not grant leave unless satisfied:

(a) the defendant:

(i) has identified an issue to which the proposed cross-examination relates; and

(ii) has provided a reason why the evidence of the witness is relevant to that issue; and

(b) cross-examination of the witness on that issue is justified having regard to the matters mentioned in subsections (4) and (5).

(4) In determining whether cross-examination is justified, the Court must have regard to the need to ensure that:

(a) the prosecution case is adequately disclosed; and

(b) the issues are adequately defined; and

(c) the evidence is sufficient to put the defendant on trial for any indictable offence; and

(d) a fair trial will take place if the matter proceeds to trial, including that the defendant will be able adequately to prepare and present a defence; and

(e) any matters relevant to a potential plea of guilty are clarified; and

(f) any matters relevant to a potential discontinuance of prosecution are clarified; and

(g) trivial, vexatious or oppressive cross-examination is not permitted; and

(h) any mental, intellectual or physical disability to which the witness is or appears to be subject and of which the Court is aware is taken into consideration; and

(i) the interests of justice are otherwise served.

(5) If the witness is a child, the Court must also have regard to:

(a) the need to minimise the trauma that might be experienced by the witness in giving evidence; and

(b) any relevant condition or characteristic of the witness, including age, culture, personality, education and level of understanding; and

(c) the importance of the witness to the case for the prosecution; and

(d) the existence or lack of evidence that corroborates the proposed evidence of the witness; and

(e) the extent of any proposed admissions; and

(f) the probative value of the proposed evidence of the witness; and

(g) the issues in dispute; and

(h) the weight of the proposed evidence of the witness; and

(i) any statements of other witnesses that contradict the proposed evidence of the witness.

(6) If leave to cross-examine a witness is granted, the witness must attend at the time and place fixed for the giving of evidence by the witness.

(7) If a witness does not attend a preliminary examination when required to do so:

(a) the Court may continue the preliminary examination in the absence of the witness; but

(b) the witness' handed-up witness statement is then inadmissible as evidence in the preliminary examination.

105J Prosecution evidence

(1) A handed-up witness statement must be admitted at the preliminary examination as the evidence-in-chief of the witness as if the witness had appeared before the Court and given evidence orally.

(2) If a handed-up witness statement is admitted under subsection (1), any listed exhibit mentioned in the statement must be admitted as if it had been mentioned by the witness while giving evidence orally.

(3) Subsections (1) and (2) apply:

(a) on proof of service of the handed-up witness statement; and

(b) subject to subsections (4) and (5) and section 105H(7)(b).

(4) The Court may refuse to admit all or any part of a handed-up witness statement or a listed exhibit in accordance with any applicable rules of evidence.

(5) The Court may refuse to admit a recorded handed-up witness statement or a listed exhibit if satisfied section 105F(5) has not been complied with.

(6) The Court may grant leave to the prosecution for a listed witness to give oral evidence-in-chief supplementary to his or her handed-up witness statement if satisfied it is in the interests of justice to do so.

(7) The Court may grant leave to the prosecution for a person who is not a listed witness to give evidence if satisfied it is in the interests of justice to do so.

(8) A witness for whom leave is granted under subsection (7) is to give the whole of his or her evidence-in-chief orally.

(9) If leave is granted under subsection (6) or (7):

(a) the witness must attend at the time and place fixed for the giving of evidence by the witness; and

(b) the defendant may apply for leave to cross-examine the witness.

105K Cross-examination of witness

(1) If leave to cross-examine a listed witness is granted, the evidence-in-chief of the witness at the preliminary examination must be confined to the witness:

(a) identifying himself or herself; and

(b) attesting to the truthfulness of his or her handed-up witness statement.

(2) Subsection (1) does not apply to a witness if leave is granted under section 105J(6) or (7) for the witness.

(3) A defendant who is granted leave to cross-examine a witness is not limited to cross-examining the witness on the issue for which leave was granted.

(4) However, the Court may disallow any question asked during the cross-examination if it appears to the Court that:

(a) the defendant has not:

(i) identified an issue to which the question relates; and

(ii) provided a reason why the evidence of the witness is relevant to that issue; or

(b) the question is not justified having regard to the matters mentioned in section 105H(4) and (5).

(5) A witness cross-examined by the defendant may be re-examined by the prosecutor.

(6) This section does not limit any other power the Court may have to disallow a question asked of a witness.

105L Protected witness cannot be called or examined

(1) Despite any other provisions of this Act, a protected witness:

(a) is not required to attend a preliminary examination; and

(b) cannot be examined or cross-examined at a preliminary examination.

(2) In this section:

protected witness means:

(a) if the charge, or any of the charges, the subject of the preliminary examination is a charge of a sexual offence:

(i) a child; or

(ii) the alleged victim of the offence; or

(b) if the charge, or any of the charges, the subject of the preliminary examination is a charge of a serious violence offence – a child.

sexual offence, see section 3 of the *Sexual Offences (Evidence and Procedure) Act 1983*.

106A Powers of Court to take plea of guilty without evidence

(1) Where the defendant appears before the Court on a charge that may be heard and determined summarily under section 120, 121A or 131A, if the Court is constituted by a Judge the defendant may at any stage of the proceedings, and whether any statement has been taken from any witness or not, may plead guilty to the offence or any of the offences charged against him or her, and the Court at the commencement of the proceedings is to inform the defendant of his or her right so to plead.

(2) If the defendant pleads guilty to such an offence:

(b) the procedure and powers of the Court shall be the same, and the provisions of this Act shall apply, as if the charge were a complaint for a summary offence; and

(c) sections 130A, 131, 132 and 133 shall, so far as they are applicable, apply in respect of the offence,

but the plea of guilty may be withdrawn as provided in subsection (3).

(3) If after the defendant has so pleaded guilty to an offence, the Court, on consideration of any facts stated by the prosecution or given in evidence, is of the opinion that the time for taking the plea should be postponed, the Court may order that the plea of guilty be withdrawn and thereupon all further proceedings in respect of the offence are to be conducted in accordance with this Part; but if any such further proceedings are taken the defendant is not, by reason of his or her plea of guilty, entitled to plead autrefois convict.

106B Dispensing with preliminary examination

(1) A defendant who is legally represented may, at any time after service of the committal brief, apply to the Court to dispense with the requirement to conduct a preliminary examination.

(2) The Court may, on an application under subsection (1), dispense with the requirement to conduct the preliminary examination if:

(a) the defendant concedes to the Court that the evidence proposed to be tendered by the prosecutor at the preliminary examination would be sufficient to put the defendant on trial for the offence charged; and

(b) the prosecutor consents to the preliminary examination being dispensed with.

(3) If the preliminary examination is dispensed with under subsection (2), the Court must commit the defendant for trial in the manner provided for by section 112(3)(a) to (c).

109 Procedure on completion of the evidence for the prosecution

(1) When all the evidence offered upon the part of the prosecution has been taken, the Court must consider whether it is sufficient to put the defendant on trial for any indictable offence.

(2) If the Court is of the opinion that the evidence is not so sufficient, it shall forthwith order the defendant, if in custody, to be discharged as to the information then under inquiry.

(3) If the Court is of opinion that the evidence is so sufficient, the Court may:

(a) if the charge is one that may be heard and determined summarily under Division 2 – proceed in the manner directed and under the provisions in that behalf contained in Division 2; or

(b) unless the defendant is charged with an offence punishable by imprisonment for life, ask the defendant whether the defendant wishes to plead to the charge as provided in Division 3, and proceed as thereby directed; or

(c) proceed with the examination as provided in the next succeeding sections.

110 Defendant may give evidence and call witnesses

(1) If the Court proceeds with a preliminary examination under section 109(3)(c) it must explain to the defendant, in a way reasonably likely to be understood by the defendant, that:

(a) the defendant has the right to answer the charge; and

(b) the defendant may give evidence on oath in his or her defence, but is not required to do so; and

(c) if the defendant chooses to give evidence:

(i) he or she may be questioned by the Court and cross-examined by the prosecution; and

(ii) anything the defendant says will be recorded and may be given in evidence at trial; and

(d) the defendant may call other witnesses to give evidence on oath in his or her defence, but is not required to do so.

(2) The Court need not give the explanation required by subsection (1) if the defendant is represented by a legal practitioner and the Court is satisfied the matters mentioned in subsection (1) have been adequately explained to the defendant by the legal practitioner.

(3) After giving the explanation required by subsection (1), or dispensing with it under subsection (2), the Court must give the defendant the opportunity to give evidence and call any witnesses.

(4) If the defendant chooses to give evidence, he or she is to give his or her evidence-in-chief on oath and may be:

(a) questioned by the Court; and

(b) cross-examined by the prosecutor and then re-examined.

(5) If the defendant is committed for trial, any evidence given by the defendant at the preliminary examination may be given in evidence at the trial.

(6) Any witness called by the defendant is to give his or her evidence-in-chief on oath and may be cross-examined by the prosecution and re-examined.

112 Procedure on completion of examination

(1) When the examination is completed the Court must consider whether the evidence is sufficient to put the defendant upon his trial for any indictable offence.

(2) If, in the opinion of the Court, it is not so sufficient, the Court must forthwith order the defendant, if in custody, to be discharged as to the information then under inquiry.

(3) If, in the opinion of the Court, the evidence is sufficient, the Court must:

(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 Court; and

(b) either commit the defendant by warrant into the custody of the Commissioner of Correctional Services until the trial or grant the defendant bail under the *Bail Act 1982*; 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.

112A Conduct of preliminary examination generally

(1) Except as provided in this or any other Act, a preliminary examination must be conducted in the way determined by the Court.

(2) Unless this or any other Act provides otherwise, for controlling and managing the conduct of a preliminary examination, the Court may do any of the following:

(a) adjourn the preliminary examination from time to time;

(b) order the prosecutor and defendant to attend before the Court to deal with procedural or case-management issues;

(c) order the prosecutor or defendant to do anything the Court considers will or may facilitate the preliminary examination being conducted fairly, efficiently, economically and expeditiously.

(3) This section does not limit any other power the Court may have for dealing with the conduct of a preliminary examination.

113 Power to remand defendant from time to time

(1) This section applies if the Court conducting a preliminary examination adjourns the examination.

(2) The Court may remand the defendant into the custody of the Commissioner of Correctional Services:

(a) if the remand is for a period of not more than 3 clear days – orally; or

(b) otherwise – by warrant.

(3) The period of remand cannot exceed 15 clear days unless both the prosecutor and the defendant consent.

(4) The Court, on being satisfied that a defendant who has been remanded into custody is, by reason of illness or accident, unable at the expiration of the period for which the defendant was remanded to appear personally before the Court, may in the absence of the defendant order the defendant to be kept in custody for such further period as the Court deems reasonable, but not exceeding 15 days at any one time unless both parties consent to a longer period.

114 Power to admit to bail in lieu of remand

Instead of detaining the defendant in custody as provided in section 113, the Court may grant the defendant bail in accordance with the *Bail Act 1982*.

115 Power to continue examination before expiry of remand

The Court may, notwithstanding that the defendant has been remanded, order the defendant to be brought before the Court, at any time before the expiration of the period for which the defendant has been remanded, and the Commissioner of Correctional Services or any officer in whose custody the defendant is shall duly obey the order.

116 Transmission of documents to Supreme Court upon committal for trial

(1) Whenever a defendant is committed for trial, the Court must deliver, or cause to be delivered, to the Director of Public Prosecutions a copy of the committal brief, a copy, certified by the relevant registrar to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of any witnesses who gave oral evidence at the preliminary examination and all bail undertakings and conditions of bail entered into.

(2) The Director of Public Prosecutions must deliver these documents to the proper officer of the Supreme Court, before or at the opening of the Supreme Court, on the first day of the sitting, or at such other time as the Supreme Court Judge who is to preside at the trial order and appoints.

(3) Whilst the documents are in the custody of the Director of Public Prosecutions, he shall have and be subject to the same duties and liabilities with respect to the several documents upon a certiorari directed to him, or upon a rule or order directed to him in lieu of that writ, as the Court would have had, and been subject to, if the documents had not been transmitted to the Director of Public Prosecutions.

Division 2 Certain indictable offences may be dealt with summarily

120 Property offences that may be dealt with summarily

(1) Subject to section 122A, the Court may hear and determine summarily one or more charges of one or more indictable offences in relation to a defendant, at the same time, if:

(a) each offence is against section 217, 226, 228AA, 228AH or 228AK of the Criminal Code, or is an attempt to commit such an offence; and

(b) the value of the property or financial advantage involved for all of the offences being heard and determined does not exceed $100 000.

(2) The jurisdiction conferred by subsection (1) may be exercised whether or not the defendant consents to its exercise.

121A Offences that may be dealt with summarily

(1) Subject to section 122A, the Court may hear and determine the charge of an indictable offence summarily if:

(a) the offence is:

(i) punishable by not more than 10 years imprisonment; or

(ii) against section 218 of the Criminal Code, except an offence to which an aggravating circumstance in section 219(1) applies; or

(iii) against section 221 of the Criminal Code, except an offence to which an aggravating circumstance in section 222(1)(c) or (d) of the Code applies; or

(iv) against section 228AO of the Criminal Code; and

(b) in the opinion of the Court, the charge is not one that the Court could, apart from this section, hear and determine summarily; and

(c) the defendant consents to it being so disposed of; and

(d) the prosecutor consents to it being so disposed of; and

(e) the Court is of the opinion that the charge should be heard and determined summarily.

(2) The Court may seek from the prosecutor and the prosecutor must give to the Court, an outline of the evidence that will be presented for the prosecution, for the purpose of enabling the Court to determine whether to hear and determine the charge summarily.

(3) A statement made by the prosecutor under subsection (2) is not admissible in evidence in a subsequent proceeding in respect of the charge.

(4) Subject to subsection (5), a person the subject of a charge that is being heard summarily under subsection (1) and who, in respect of the charge, is represented by a legal practitioner, may, at any stage of the proceedings relating to the hearing of that charge, plead guilty to that charge.

(5) The Court hearing a charge summarily under subsection (1) must not, in respect of that charge, accept a plea of guilty under and in accordance with subsection (4) from the person the subject of that charge unless the Court is of the opinion that to accept the plea of guilty is proper.

122A Serious or difficult matters not to be dealt with summarily

(1) If it appears to the Court that a charge being heard summarily under section 120, 121A or 131A, having regard to its seriousness, the intricacy of the facts or the difficulty of any question of law likely to arise at the trial or any other relevant circumstances, ought to be tried by the Supreme Court, the Court:

(a) may discontinue the summary proceedings; and

(b) if it does so, must continue the proceedings as a preliminary examination.

(2) The Court, in continuing proceedings under subsection (1)(b) may, having regard to the stage reached in the summary proceedings, do any or all of the following:

(a) dispense with the requirement for a committal brief to be served;

(b) grant leave for witnesses to give oral evidence-in-chief or be cross-examined without requiring compliance with sections 105G to 105K;

(c) otherwise dispense with or modify the requirements of Division 1 to the extent to which the Court considers appropriate to facilitate the proceedings being conducted fairly, efficiently, economically and expeditiously.

124 JPs not having jurisdiction may remand for hearing before Judge

If it appears to the Court constituted by a JP or 2 JPs that a charge against a defendant may be a charge that should be heard and determined summarily under section 120, 121A or 131A, the Court may:

(a) remand the defendant; and

(b) adjourn the hearing to the time and place as the Court thinks fit, to be heard before the Court constituted by a Judge.

125 Charge to be reduced into writing and defendant required to plead

(1) If the Court decides to hear and determine a charge summarily under section 120, 121A or 131A, the charge shall, in the case of a parol information, be reduced into writing, and the defendant shall be asked whether he is guilty or not guilty of the charge.

(2) The charge must then be heard and determined as if the offence were a summary offence.

126 Witnesses for prosecution may be recalled for cross-examination

When the evidence of any witness has been taken before the Court, the witness' evidence need not be taken again, but any such witness shall, if the defendant so requires, be recalled for the purposes of cross-examination.

128 Certificate of dismissal

If the Court dismisses the charge, an order of dismissal shall be drawn up, and a certificate thereof granted to the defendant in the manner provided by section 71.

130A Application of certain provisions of Criminal Code

Sections 322, 323, 324, 326 and 329 of the Criminal Code shall apply on the trial, under this Division of any offence to which they relate in the same manner as far as possible as they apply to the trial of similar offences in the Supreme Court.

130B Power of Court to order delivery of property

(1) Where any property:

(a) has come into the custody or possession of a police officer in connection with criminal proceedings in the Court or otherwise in the course of the officer's duty; or

(b) has come into the custody or possession of the Court or a Judge, registrar or JP, whether as an exhibit or otherwise in connection with criminal proceedings in the Court;

the Court may, on application by a police officer or a claimant of the property or on its own initiative, make an order for the delivery of the property to the person appearing to the Court to be the owner, or, may make such order with respect to the property as the Court sees fit.

(2) No order made under this section shall be a bar to the right of any person to recover the property by action from the person to whom it is delivered by virtue of the order where that action is brought within 6 months after the order is made.

131 Transmission of documents to Supreme Court and evidentiary value

(1) When any charge is heard and determined under this Division, the written charge, a copy of the committal brief (if a preliminary examination was conducted), a copy, certified by a registrar to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses in the relevant proceeding, and the finding of guilt, or the order of dismissal, shall be transmitted to the Registrar of the Supreme Court, there to be kept among the records of that Court.

(2) A copy of the finding of guilt, or of the order of dismissal, certified by the Registrar of the Supreme Court, or proved to be a true copy, shall be sufficient evidence to prove a finding of guilt or dismissal for the offence mentioned therein, in any legal proceeding whatever.

131A Certain assault and harm offences may be dealt with summarily

(1) Subject to subsection (3)(a), the Court may hear and determine the charge of an indictable offence summarily if the offence is an offence against section 186, 188(2), 188A, 189A(1) or (2)(a) or 204 of the Criminal Code.

(2) The prosecutor or the defendant may apply to the Court, before the Court exercises its jurisdiction under subsection (1), for the charge to be heard and determined by the Supreme Court.

(3) The Court may exercise the jurisdiction under subsection (1):

(a) only if the Court is of the opinion that the charge should be heard and determined summarily; and

(b) whether or not the defendant consents to its exercise.

132 Effect of finding of guilt

A finding of guilt under this Division shall have the same effect as a finding of guilt upon an indictment for the same offence would have had.

133 Proceedings to be a bar to further prosecution

A defendant who obtains an order of dismissal, or is found guilty, under this Division, shall be released from all further or other criminal proceedings for the same cause.

Division 3 Committal for sentence

134 Defendant may be asked to plead to the charge

(1) If section 109(3)(b) permits, the Court may ask the defendant whether the defendant wishes to plead to the charge.

(2) If the defendant thereupon signifies a desire to plead to the charge, the Court shall reduce the charge into writing and the presiding Judge must read the same to the defendant, and say to the defendant, "Are you guilty or not guilty of the offence with which you are charged?".

135 On plea of not guilty examination to proceed

If the defendant does not signify a wish to plead, or pleads not guilty, the Court shall proceed to complete the preliminary examination in the manner provided in Division 1.

136 On plea of guilty defendant to be committed or granted bail before sentence

(1) If the defendant pleads guilty, the Court 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 Court; and

(b) either commit the defendant by warrant into the custody of the Commissioner of Correctional Services, or grant the defendant bail under the *Bail Act 1982*, until the defendant is required to appear for sentencing; and

(c) cause a record of the plea, the direction and the committal or grant of 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.

137 Defendant may call witnesses as to character

(1) The defendant, upon pleading guilty, may, if he so desires, call any witnesses as to his character.

(2) If any such witnesses are called, their depositions shall be recorded.

(3) Nothing contained in this section shall be deemed to take away, or in any way limit, the power of Supreme Court when the defendant appears for sentence to hear witnesses as to his character, or to hear any statement by him or on his behalf.

139 Transmission of documents to Supreme Court

When the defendant is committed, or granted bail, the relevant registrar must deliver the record, or cause it to be delivered, with the a copy of the committal brief, a copy, certified by the relevant registrar to be a true copy, of a transcript of the record or of the record and of the depositions of any witnesses who gave oral evidence at the preliminary examination, to the Director of Public Prosecutions, who shall cause it to be delivered to the proper officer

of the Supreme Court, before or at the opening of that Court on the first sitting next held after a period of 14 days after a date specified for the purposes of section 112(3)(a) or 136(1)(a), or at such other time as the Supreme Court may order.

141 Withdrawal of plea and substitution of plea of not guilty

(1) When a defendant has been committed or granted bail to appear for sentence, the defendant may, nevertheless, by notice in writing to the Director of Public Prosecutions, not less than 7 clear days before the day of the first sitting of the Supreme Court at which the defendant is to appear, withdraw the defendant's plea of guilty and substitute therefor a plea of not guilty: Provided that in such case the Supreme Court may adjourn or postpone the trial to such day as the Court thinks proper.

(2) Thereupon the defendant:

(a) if committed to appear for sentence, shall be deemed to have been committed for trial and the warrant of committal shall be construed accordingly; or

(b) if granted bail to appear for sentence, shall be deemed to have been granted bail to appear for trial, and any bail undertaking or condition by whomsoever entered into in connection with the grant of bail, shall be construed accordingly.

(3) Upon receipt of a notice under this section it shall be the duty of the Director of Public Prosecutions to cause the notice to be delivered to the proper officer mentioned in section 139.

(4) At the trial of any person who has, under this section, substituted a plea of not guilty, the fact that he had pleaded guilty to the charge on which he is being tried shall not be put in evidence, nor be made the subject of any comment by the prosecution.

142 Supreme Court to sentence accordingly unless plea withdrawn

Subject to section 141, upon the appearance for sentence of a defendant committed or granted bail to appear for sentence, the Supreme Court may pass sentence or otherwise deal with the defendant as if he had been arraigned and had pleaded guilty in the Supreme Court, and all the same consequences shall ensue as if he had been so arraigned and had so pleaded guilty: Provided that if, for any reason, it appears to the Supreme Court that the plea of guilty should be withdrawn, the presiding Supreme Court Judge may advise the person to withdraw that plea, and, if the plea be thereupon withdrawn, the defendant shall be deemed to have been committed for trial, and may forthwith, or after adjournment, and

notwithstanding that no information has been filed in the Supreme Court, be arraigned, and the case shall proceed in the usual course.

Division 5 Miscellaneous

151 Effect of warrant of commitment

A warrant of commitment commits the person named in the warrant into the custody of the Commissioner of Correctional Services.

152 Evidence at trial if witness dead or ill

(1) This section applies if a defendant is committed for trial and a witness whose evidence was admitted at the preliminary examination is unable to give evidence at the trial because the witness is dead or so ill as not to be able to travel.

(2) If this section applies the following are admissible as evidence at the trial without further proof:

(a) the handed-up witness statement of the witness (to the extent to which it was admitted); and

(b) if the witness gave oral evidence at the preliminary examination, the deposition of the witness.

153 Deposition of person dangerously ill and unable to attend preliminary examination

(1) Whenever it is made to appear to the satisfaction of the Court that:

(a) an oral witness is dangerously ill and is, in the opinion of a medical practitioner, not likely to recover from the illness; and

(c) it is not practicable for the Court to take the deposition of the witness at the preliminary examination of the defendant;

a Judge, JP or registrar may take the statement upon oath of the witness.

(2) The Judge, JP or registrar taking the deposition shall thereupon subscribe the deposition, and shall add thereto, by way of caption, a statement of the reason for taking it, and of the day and place when and where it was taken, and of the names of the persons (if any) present at the taking thereof.

(3) If the deposition relates to any indictable offence for which any defendant is already committed or bailed to appear for trial the Judge, JP or registrar shall transmit the deposition, with the addition mentioned in subsection (2), to the officer to whom the depositions are by law required to be transmitted, and that officer shall preserve it.

(4) In this section:

oral witness means a person:

(a) for whom leave to cross-examine has been granted under section 105H; or

(b) for whom leave to give oral evidence has been granted under section 105J(6) or (7); or

(c) whom the defendant desires to call as a witness under section 110.

154 Use of such deposition at trial

Afterwards, upon the trial of any defendant or defendants to whom the statement relates, the statement may be read in evidence, either for or against the defendant, if:

(a) the statement purports to be signed by the Judge, JP or registrar by or before whom it purports to be taken; and

(b) it is proved that the person who made the statement is dead, or that there is no reasonable probability that the person will ever be able to travel or give evidence; and

(c) it is proved, to the satisfaction of the Court, that reasonable notice of the intention to take the statement was served upon the person (whether prosecutor or defendant) against whom it is proposed to be read in evidence, and that that person, or his or her legal practitioner, had, or might have had if he had chosen to be present, full opportunity of cross-examining the person who made the statement.

155 Person in custody may be present at taking of deposition

(1) This section applies if a person held in the custody of the Commissioner of Correctional Services gives or receives a notice of an intention to take a statement under section 153.

(2) The Court may, by written notice, direct the Commissioner of Correctional Services to convey the person to a place for the purpose of being present at the taking of the statement.

(3) The Commissioner of Correctional Services must comply with a notice given under subsection (2) and pay all expenses associated with conveying the person in accordance with the notice.

Part VI Appeals from Local Court

Division 1 Special case

162 Points of law may be reserved for the consideration of the Supreme Court

(1) The Local Court may, at discretion, reserve any question of law arising on or out of the hearing or determination of any information or complaint for the consideration of the Supreme Court, and state a special case or cases for the opinion of the Supreme Court.

(1A) Any such question may be so reserved at any time during the hearing of the information or complaint, or at any time within one month after the Local Court has finally determined the information or complaint.

(2) The Supreme Court shall deal with every such special case according to the practice of the Supreme Court on special cases, and may make such order thereon (including any order as to the costs of the proceedings in that Court and in the Local Court) as to the Supreme Court appears just.

(3) The Supreme Court may send any such special case back for amendment, or may itself amend it.

(4) The Local Court must make a conviction or order in respect of the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court.

Division 2 Appeals generally

163 Right of appeal to Supreme Court

(1) A party to proceedings before the Local Court may appeal to the Supreme Court from a conviction, order, or adjudication of the Court (other than an order dismissing a complaint of an offence), on a ground which involves:

(a) sentence; or

(b) an error or mistake, on the part of the Local Court, on a matter or question of fact alone, or a matter or question of law alone, or a matter or question of both fact and law,

as hereinafter provided, in every case, unless any other Act expressly declares that such a conviction, order, or adjudication shall be final or otherwise expressly prohibits an appeal against it.

(2) Any provision of any other Act conferring a right of appeal to a Local Court against any conviction, order, or adjudication mentioned in subsection (1) or (3) shall be read as conferring a right of appeal to the Supreme Court under this Act in lieu of to a Local Court.

(3) A party to proceedings before the Local Court arising from a complaint or an information in relation to a charge that is heard and determined summarily may appeal to the Supreme Court from an order or adjudication of the Court dismissing the complaint or information.

(4) Subsection (3) does not apply if any other Act expressly declares that the order or adjudication is to be final or otherwise expressly prohibits an appeal against it.

(5) An appeal under subsection (3) may be on a ground that involves an error or mistake on the part of the Local Court on a matter or question of law alone or a matter or question of both fact and law.

(6) Section 176A does not apply to an appeal under subsection (3).

(7) Despite anything to the contrary in this section, a decision made under Part V, Division 1 or 3 may not be appealed to the Supreme Court.

164 No appeal on removal into Supreme Court to be allowed except under this Act

No appeal shall be allowed from any conviction, order, determination, or adjudication of the kind mentioned in section 163(1) or (3), nor shall any such conviction, order, determination, or adjudication be removed into the Supreme Court, except as provided by this Act.

165 Power of Supreme Court to dispense with conditions precedent to appeal where compliance impracticable

The Supreme Court may dispense with compliance with any condition precedent to the right of appeal, as prescribed by this Act, if, in its opinion, the appellant has done whatever is reasonably practicable to comply with this Act.

166 Amendment of notice of appeal

No appeal shall be defeated merely by reason of any defect, whether of substance or of form, in any notice or statement of the grounds of appeal, but if upon the hearing thereof the Supreme Court is of opinion that any objection raised to the notice or statement is valid, it may cause the notice or statement to be forthwith amended:

Provided that if the notice or statement appears to have been misleading, or to have occasioned expense, or to have prejudiced the respondent, the amendment shall be allowed only upon such terms as to costs or postponement, or both, as the Supreme Court thinks just.

168 Release of appellant in custody

(1) Where the appellant is in custody or the subject of a non-custodial order in pursuance of the conviction or order appealed against, the Court may, subject to this section, if satisfied that his appeal has been duly instituted, release him on bail in accordance with the *Bail Act 1982*, subject to an undertaking that he appear before the Court, within 14 days of the day on which the Supreme Court announces its decision on the appeal, to abide the result of the decision, unless the conviction or order is reversed.

(2) The appellant shall give the respondent reasonable notice of his intention to apply for release.

(3) The respondent may object to the application for release.

(4) An appellant who has instituted his appeal and is not released pursuant to this section shall, pending the determination of his appeal and for so long as he is not in custody for some other cause, be treated in the same manner as a person who is committed for trial and is in custody awaiting trial.

(5) If as a result of his appeal the appellant is required to serve a term of imprisonment, subject to the direction of the Supreme Court, the time during which the appellant is in custody and is specially treated shall count as part of the whole of that term.

169 Duty to pursue appeal

(1) An appellant who institutes an appeal to the Supreme Court is under a duty to pursue the appeal.

(2) If the appellant has been granted bail under section 168, and the appellant does not pursue the appeal, the Local Court may revoke the appellant's bail.

170 After decision on appeal Court may enforce same

(1) When any finding of guilt or order has been affirmed, amended, or made upon any appeal, the Court will have the same authority to enforce the finding of guilt or order as if it had not been appealed against, or had been made in the first instance.

(1A) If a person found guilty and committed into the custody of the Commissioner of Correctional Services appeals and is released on bail under the *Bail Act 1982* pending the outcome of his appeal, and the Supreme Court on appeal orders that the balance or some part of the balance of his sentence be served, the Local Court may by warrant remand the appellant to his former custody, there to serve the balance of the term to be served by him.

(2) No action or proceedings whatsoever shall be commenced or had against the Court or any person constituting the Court for enforcing the finding of guilt or order by reason of any defect in the finding of guilt or order.

171 Appeal to be instituted within 28 days

(1) The appeal shall be instituted by notice in accordance with section 172 and by payment of the fee specified in section 172.

(2) Every appeal shall be instituted within 28 days from the time of the conviction, order, or adjudication appealed against: Provided that where the Supreme Court is of opinion that, by reason of the remoteness from the seat of the Court of Appeal of the place at which the conviction, order, determination, or adjudication was effected or made, an extension of the time within which notice of appeal from the conviction, order, determination, or adjudication may be given is reasonable, the Supreme Court may extend that time for such further period, not exceeding 3 months, as it thinks fit.

172 Notice of appeals

(1) The notice of appeal shall be in writing, and shall be served upon the respondent, and shall state:

(a) that the appellant appeals to the Supreme Court at the sittings of the Supreme Court for hearing appeals under this Act commencing at Darwin or Alice Springs, as the case requires, on a day specified in the notice in accordance with subsection (2); and

(b) the conviction, order or adjudication appealed against under section 163(1) or (3); and

(c) the nature and grounds of the appeal.

(2) The day specified in the notice shall be a day on which sittings of the Supreme Court for hearing appeals under this Act will, in accordance with the rules of the Supreme Court, if practicable, commence at Darwin or Alice Springs, whichever is nearer to the place at which the decision appealed against was made and shall be the first such day after the expiration of 21 days from the service of the notice.

(3) Two copies of the notice of appeal shall be served upon the relevant registrar, and shall be accompanied by the prescribed fee.

(4) If 2 or more convictions, orders or adjudications are made by the Local Court in respect of charges that have been heard and determined together, the appellant may serve one notice of appeal under this section to institute an appeal against all or any of those convictions, orders or adjudications by stating in the notice of appeal:

(a) each conviction, order or adjudication appealed against under section 163(1) or (3); and

(b) for each conviction, order or adjudication appealed against – the nature and grounds of the appeal.

173 Hearing of appeals

An appeal shall unless it has been summarily dismissed be heard at the sittings of the Supreme Court for hearing appeals under this Act commencing at Darwin or Alice Springs, as the case requires, on the day specified in the notice of appeal in accordance with section 172(1), or if sittings are not commenced there on that day, the first sittings commencing there after that day; but this section shall not affect the power of the Supreme Court to adjourn the hearing to any time or place it thinks fit.

174 Convictions etc. to be transmitted to Supreme Court

(1) When notice of appeal is served pursuant to section 172 and the fee mentioned in that section is paid the Local Court shall cause the conviction, order, or adjudication to be forthwith transmitted to the proper officer of the Supreme Court, there to be kept among the records of that Court.

(2) In any subsequent proceedings relative thereto the conviction, order, or adjudication, or a copy thereof certified by the proper officer of the Supreme Court under his hand, shall be sufficient evidence thereof.

175 Transmission of documents to Supreme Court on appeal

The Local Court shall also cause a copy of the notice of appeal, together with the fee paid pursuant to section 172, a copy of the committal brief (if a preliminary examination was conducted), and a copy, certified by writing under the hand of the relevant registrar to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses or all exhibits tendered in the relevant proceedings to be transmitted with the conviction, order, or adjudication.

175A Transmission of documents to Supreme Court deemed to be a tendering in evidence that Court

Where, under section 174(1) or 175, a document or exhibit referred to in either of those sections is transmitted to the Supreme Court, the transmission of the document or exhibit shall be deemed to be a tendering in evidence to that Court of that document or exhibit.

176 Evidence on appeal

Subject to section 176A, no evidence shall be received on the hearing of the appeal other than such documents or exhibits as are mentioned in sections 174 and 175 and a record, made by means of sound-recording apparatus or shorthand, of the depositions of a witness in the relevant proceedings produced out of the custody of the relevant registrar, except by consent of the parties.

176A Tendering of evidence to Supreme Court

(1) Where evidence is tendered to the Supreme Court, that Court shall, unless it is satisfied that the evidence, if received, would not afford a ground for allowing the appeal, admit that evidence if:

(a) it appears to it that that evidence is likely to be credible and would have been admissible in the proceedings from which the appeal lies on an issue which is the subject of the appeal; and

(b) it is satisfied that that evidence was not adduced in those proceedings and there is a reasonable explanation for the failure to adduce it; and

(c) it is satisfied that the appellant has complied with the requirements of subsections (2) and (3) in respect of that evidence.

(2) An appellant shall not, under subsection (1), tender evidence to the Supreme Court unless he has, not less than 7 days before the hearing of the appeal to which the evidence relates is commenced

by that Court, given, subject to subsection (3), written notice to the other party to the proceedings of the evidence to be so tendered including, where such evidence is to be given by a person, irrespective of whether it is to be given orally or by affidavit, the name, address and occupation of the person.

(3) For the purposes of subsection (2), an appellant shall give a notice referred to in that subsection by delivering or leaving it at, or by sending it by registered post service to, the last known residential or business address of:

(a) the other party to the proceedings; or

(b) the legal practitioner, if any, of the other party to the proceedings.

177 Procedure and power of Supreme Court on appeal

(1) Every appeal shall be heard and determined by the Supreme Court in a summary way, and according to the rules of practice in force with reference to the proceedings of the Court in that behalf, and the Supreme Court shall have all the powers and duties, as to amendment and otherwise, of the Local Court.

(2) Upon the hearing of the appeal the Supreme Court may do any or all of the following:

(a) adjourn the hearing from time to time;

(b) mitigate or increase any penalty, forfeiture, or sum;

(c) affirm, quash, or vary the conviction, order, or adjudication appealed from, or substitute or make any conviction, order, or adjudication which ought to have been made in the first instance;

(d) remit the case for hearing or for further hearing before the Local Court;

(e) subject to subsections (2A) and (2B), make such further or other order as to costs or otherwise as it thinks fit;

(f) notwithstanding that it is of the opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred.

(2A) For subsection (2)(e), the Supreme Court, when making an order for costs in relation to proceedings in the Local Court must apply the prescribed scale as mentioned in section 77C.

(2B) However, if the Supreme Court considers the circumstances of the case, or the legal issues, are of an exceptional nature, the Court may order costs exceeding the prescribed scale.

(3) The Supreme Court may upon such terms as it thinks fit at any time before the order of dismissal is drawn up and sealed reinstate any appeal dismissed for want of prosecution.

(4) In exercising its discretion on an appeal made under section 163(1) for an increase of sentence imposed after the commencement of this subsection (whether or not the sentence involved imprisonment or another penalty, forfeiture or sum), the Supreme Court must not take into account any element of double jeopardy involving the respondent being sentenced again when deciding whether to do either or both of the following:

(a) allow the appeal;

(b) impose another sentence.

178 If costs not paid according to order of Supreme Court, certificate to be granted

(1) When the Supreme Court makes any order as to the costs of the appeal it shall direct the costs to be paid to an Associate Judge or other proper officer of the Supreme Court, to be by Associate Judge or other proper officer paid over to the party entitled thereto, and may state a time within which the costs are to be paid.

(2) If the costs are not paid within the time so limited (or if no time is so limited, then within 7 days) an Associate Judge or other proper officer of the Supreme Court, upon application of the party entitled to the costs of any person on his behalf, and on payment of the fee of 10 cents, shall grant to the party so applying a certificate that the costs have not been paid.

179 Enforcement of payment of costs of appeal

(1) Upon production of the certificate mentioned in section 178 to the Local Court the payment of the costs may be enforced in the same manner as is provided by this Act for enforcing the payment of costs awarded by the Local Court.

(2) The payment of the costs may be enforced under the same warrant as any penalty or sum adjudged to be paid by any conviction or order affirmed or made upon the appeal.

Part VII Supplementary provisions

Division 1 Irregularities and amendment

181 Form of information or complaint

It shall be sufficient in any information or complaint, if the information or complaint gives the defendant a reasonably clear and intelligible statement of the offence or matter with which he is charged.

182 Information or complaint not to be objected to for irregularity

No objection shall be taken or allowed to any information or complaint in respect of:

(a) any alleged defect therein, in substance or in form; or

(b) any variance between it and the evidence adduced in its support at the preliminary examination or at the hearing (as the case may be):

Provided that the Court shall dismiss the information or complaint, unless it is amended as provided by section 183, if it appears to it:

(a) that the defendant has been prejudiced by the defect or variance; or

(b) that the information or complaint fails to disclose any offence or matter of complaint.

183 Amendment of information or complaint

If it appears to the Court before whom any defendant comes or is brought to answer any information or complaint that the information or complaint:

(a) fails to disclose any offence or matter of complaint, or is otherwise defective; and

(b) ought to be amended so as to disclose an offence or matter of complaint, or otherwise to cure the defect,

the Court may amend the information or complaint upon such terms as may be just.

183A Complaint and information may be joined in certain circumstances

Notwithstanding any other provision of this Act, where the Court has jurisdiction to deal with both:

(a) a charge specified in a complaint; and

(b) a charge specified in an information,

relating to the same defendant and arising from the same or associated circumstances, the Court may deal with both the complaint and information together.

183B Presumption for domestic violence offences to be dealt with together

(1) If a defendant in a proceeding or in proceedings before the Court is charged with more than one domestic violence offence alleged to have been committed by the defendant in relation to the same person, it is presumed that the charges against the defendant will be heard and determined together.

(2) The charges of the domestic violence offences referred to in subsection (1) may be charges against the defendant contained in:

(a) the same complaint or separate complaints before the Court; or

(b) the same information or separate informations before the Court if:

(i) the offences charged may be heard and determined summarily by the Court under Part V, Division 2; and

(ii) the Court has decided to summarily hear and determine those charges in accordance with Part V, Division 2; or

(c) one or more complaints together with one or more informations before the Court if:

(i) the offences charged on information may be heard and determined summarily by the Court under Part V, Division 2; and

(ii) the Court has decided to summarily hear and determine those charges on information in accordance with Part V, Division 2.

(3) The presumption in subsection (1) is not rebutted merely because:

(a) evidence on one charge is not admissible on another charge; or

(b) there is a possibility that evidence may be the result of collusion or suggestion.

(4) In this section:

domestic violence offence means:

(a) an offence that is a DVO contravention offence, as defined in section 4 of the *Domestic and Family Violence Act 2007*; or

(b) an offence constituted by, or involving, conduct that is domestic violence, as defined in section 5 of the *Domestic and Family Violence Act 2007*.

184 Warrant or summons not to be objected to for irregularity

No objection shall be taken or allowed to any warrant or summons in respect of:

(a) any alleged defect therein, in substance or in form; or

(b) any variance between it and the evidence adduced in support of the information or complaint at the preliminary examination or at the hearing (as the case may be):

Provided that the Court may adjourn the hearing, if it appears to it that the defendant has been prejudiced by the defect or variance.

185 Amendment of findings of guilt, warrants etc.

Any:

(a) finding of guilt or order made by the Court; or

(b) warrant of committal, or other warrant or proceeding issued or had by or before the Court;

may be amended, according to the evidence by the Court at any time after it has been signed, and before it has been executed, upon such (if any) terms as to costs, or otherwise, as the Court sees fit..

186 Findings of guilt etc. not voidable for want of form

(1) No finding of guilt or order of the Court, or other proceedings before the Court, shall be void or voidable, or liable to be quashed,

annulled, or set aside in any manner, by reason of any deficiency in the statement of the offence therein described, if the offence is stated in the words of the Act creating the offence, or if it appears that the offence was one against the true intent and meaning of that Act.

(2) No judgment, finding of guilt, or order of the Court, or other proceedings before the Court, shall be quashed or set aside for any mere matter of form or technical error, or mistake in any name, date, or title, or in any matter of description only; but in all cases regard shall be had alone to the substantial merits and justice of the case.

187 Parties not to be discharged upon defects in warrants provided finding of guilt took place upon good grounds

No warrant of commitment issued upon any finding of guilt of the Court shall be held void or invalid, or be quashed, for any defect in substance or in form, nor shall any party be entitled to be discharged out of custody on account of any such defect, provided:

(a) it is alleged in the warrant that the party has been found guilty of an offence; and

(b) it appears to the Court or Judge before whom the warrant is returned that the finding of guilt proceeded on good and valid grounds.

187A Proof of findings of guilt by minute on complaint

(1) Any finding of guilt or order whatsoever made by the Court may be proved by a copy of the information or complaint on which the finding of guilt or order was made, and of the minute or memorandum thereof made by the Court and endorsed on the complaint. One copy shall be certified by the person or one of the persons constituting the Court by which the finding of guilt or order was made or by the relevant registrar.

(2) No proof shall be required of the signature or judicial or official character of the person appearing to have signed any such copy as is referred to in subsection (1).

(3) This section shall apply to any finding of guilt whether made before or after the commencement of this Act, and shall be in addition to and not in substitution for any other enactment providing a mode of proving findings of guilt or orders.

Division 3 Procedures in relation to person served with notice to appear

189 Definitions

In this Division:

complainant includes an informant and a legal practitioner representing a complainant.

complaint includes an information.

defendant means a person who appears before the Court as required by a notice to appear.

notice to appear means a notice issued under section 133B of the *Police Administration Act 1978*.

190 Procedure on appearance of defendant

(1) At the hearing in respect of an offence specified in a notice to appear, the complainant must give the defendant and the Court a complaint containing a statement of the specific offence with which the defendant is charged and the particulars that are necessary to give the defendant reasonable information about the nature of the charge.

(2) The Court may adjourn a hearing so that a defendant given a complaint under subsection (1) may consider it and make a full answer to the charge.

(3) If a defendant is not given a complaint in accordance with subsection (1), the Court may adjourn the hearing or dismiss the proceedings.

(4) If a defendant appears and the complainant fails to appear, the Court must dismiss the proceedings unless it thinks it proper to adjourn the hearing.

(5) The dismissal of proceedings under this section does not prevent the commencement of other proceedings in respect of the offence specified in the notice to appear.

191 Procedure if failure to appear

(1) This section applies if a person fails to appear as required by a notice to appear and the Court is satisfied:

(a) the substance of the offence specified in the notice to appear (the ***specified offence***) is substantiated on oath made before the Court; and

(b) the notice to appear was served in accordance with section 133B(2) of the *Police Administration Act 1978*.

(2) The Court may do either of the following:

(a) adjourn the hearing of the specified offence and issue a warrant for the apprehension of the person;

(b) proceed ex parte to a hearing of the specified offence (the ***ex parte proceedings***) and, subject to this section, adjudicate in relation to that offence as fully and effectually, to all intents and purposes, as if the person had personally appeared as required by the notice to appear.

Note for subsection (2)

See section 63A for the process for setting aside a decision under this section.

(3) For the ex parte proceedings, the Court may have regard to either or both of the following as evidence of the commission by the person of the specified offence*:*

(a) the statement in the notice to appear about the substance of the specified offence;

(b) any oral evidence.

(4) If the result of the ex parte proceedings is that the Court finds the person committed the specified offence, the prosecutor may recite to the Court a relevant matter alleged against the person about the specified offence as if the person had personally appeared and pleaded guilty.

(5) A copy of a notice to appear, which the member who served the notice:

(a) endorsed on the day of service with the date, time and place it was served; and

(b) signed on the day of service; and

(c) has certified as a true copy of the original,

is evidence that the notice was served in accordance with section 133B(2) of the *Police Administration Act 1978*.

192 Procedure on failure to appear after ineffective service

(1) If a person fails to appear as required by a notice to appear and the Court is not satisfied that the person was served with the notice in accordance with section 133B(2) of the *Police Administration Act 1978*, the Court may dismiss the proceedings.

(2) The dismissal of proceedings under subsection (1) does not prevent the commencement of other proceeding in respect of the offence specified in the notice to appear.

Division 4 Regulations

203 Regulations

The Administrator may make regulations under this Act.

Part VIII Transitional matters

Division 1 Justice Legislation Amendment (Committals Reform) Act 2010

204 Application of amendments

A preliminary examination in relation to a charge the information for which was laid before the commencement of the *Justice Legislation Amendment (Committals Reform) Act 2010* is to be conducted in accordance with this Act as if that Act had not commenced.

Division 2 Criminal Code Amendment (Criminal Damage) Act 2011

205 Transitional matters for *Criminal Code Amendment (Criminal Damage) Act 2011*

The amendment made to section 121A by the *Criminal Code Amendment (Criminal Damage) Act 2011* does not affect the operation of this Act, on and after the commencement of the amendment, to an offence:

(a) mentioned in section 121A(1)(b)(ii) as in force immediately before the commencement of the amendment; and

(b) was committed or is alleged to have been committed before the commencement of the amendment.

Division 3 Justice Legislation Amendment (Summary Procedure) Act 2015

206 Definitions

In this Division:

amending Act means the *Justice Legislation Amendment (Summary Procedure) Act 2015*.

commencement means the commencement of the amending Act.

207 Application of amending Act for charges

Part IV, Division 2A, as inserted by the amending Act, applies to a proceeding in relation to a complaint or information:

(a) if the complaint is made or the information is laid after the commencement; and

(b) whether or not an offence charged in the complaint or information is alleged to have been committed before the commencement.

208 Application of amending Act for joined charges

(1) This section applies if:

(a) a complaint is made or an information is laid before the commencement (the ***first complaint***); and

(b) another complaint is made or information is laid charging one or more offences against the same defendant after the commencement but before the proceeding in relation to the first complaint begins (the ***other complaint***); and

(c) the first complaint and the other complaint are dealt with together.

(2) A proceeding mentioned in subsection (1)(c) is dealt with as if the amending Act had not commenced.

Division 4 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016

209 Offences that may be dealt with summarily

(1) Section 120, as amended by the amendment Act, applies in relation to offences committed after the commencement.

(2) Section 121A, as amended by the amendment Act, applies in relation to offences to which section 213(5) of the Criminal Code applies that are committed after the commencement.

(3) Sections 120 and 121A, as in force immediately before commencement, apply in relation to offences committed before the commencement.

(4) Section 131A, as amended by the amendment Act, applies in relation to offences committed before and after the commencement.

(5) In this section:

amendment Act means the *Local Court (Repeals and Related Amendments) Act 2016*.

commencement means the commencement of section 21 of the amendment Act.

Division 5 Transitional matters for Personal Violence Restraining Orders Act 2016

210 Definitions

In this Division:

amendment Act means the *Personal Violence Restraining Orders Act 2016*.

commencement mean the commencement of the amendment Act.

existing order means a personal violence restraining order made under the repealed provisions and in force immediately before the commencement.

repealed provisions means Part IVA of this Act as in force immediately before its repeal by section 18 of the amendment Act.

211 Continuation of existing orders

On the commencement, an existing order becomes a personal violence restraining order under the amendment Act.

212 Continuation of existing proceedings

(1) On the commencement, proceedings before the Court of Summary Jurisdiction under the repealed provisions become proceedings under the amendment Act.

(2) Those proceedings continue uninterrupted and are not affected by the enactment of the amendment Act in place of the repealed provisions.

Note for section 212

Section 86 of the Local Court Act 2015 also applies in relation to the proceedings. That section provides that proceedings before the Court of Summary Jurisdiction continue as proceedings before the Local Court.

213 Continuation of existing documents

A summons, warrant or other document relating to an order made under the repealed provisions that, immediately before the commencement, had ongoing effect, continues with the same force and effect after the commencement.

Division 6 Transitional matters for Local Court (Related Amendments) Act 2016

214 Appeal already commenced

(1) This section applies in relation to an appeal mentioned in section 177 that was lodged before the commencement of this section.

(2) Section 177, as in force immediately before the commencement of this section, continues to apply to the appeal.

Division 7 Transitional matters for Justice and Other Legislation Amendment Act 2021

215 Definitions

In this Division:

amending Act means the *Justice and Other Legislation Amendment Act 2021*.

commencement means the commencement of Part 7 of the amending Act.

216 Awarding costs

(1) Section 77, as amended by the amending Act, applies in relation to a complaint made before the commencement only if the complaint has not been determined before the commencement.

(2) Section 77, as in force immediately before the commencement, continues to apply in relation to a complaint determined before the commencement.

217 Right of appeal

Section 163, as amended by the amending Act, applies in relation to decisions made in relation to all proceedings, including decisions made prior to the commencement.

Division 8 Transitional matter for Criminal Code Amendment (Property Offences) Act 2022

218 Offences that may be dealt with summarily

Section 121A(1)(a), as in force immediately before the commencement of section 28 of the *Criminal Code Amendment (Property Offences) Act 2022*, continues to apply in relation to an offence committed before the commencement.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Justices Ordinance 1928* (Act No. 26, 1928)**
Assent date 30 November 1928
Commenced 1 August 1929 (*North Australian Gaz* 26 April 1929)

***Justices Ordinance 1929* (Act No. 17, 1929)**
Assent date 29 August 1929
Commenced 1 August 1929

***Justices Ordinance 1931* (Act No. 2, 1931)**
Assent date 26 February 1931
Commenced 26 February 1931

***Justices Ordinance 1933* (Act No. 12, 1933)**
Assent date 7 September 1933
Commenced 7 September 1933

***Justices Ordinance 1939* (Act No. 6, 1939)**
Assent date 18 May 1939
Commenced 18 May 1939

***Justices Ordinance 1952* (Act No. 31, 1952)**
Assent date 5 September 1952
Commenced 23 February 1953 (*North Australian Gaz* No. 7, 18 February 1953)

***Justices Ordinance 1957* (Act No. 16, 1957)**
Assent date 12 April 1957
Commenced 12 April 1957

Amending Legislation

***Justices Ordinance 1961* (Act No. 31, 1961)**
Assent date 13 September 1961
Commenced 13 September 1961

Justices Ordinance 1961 **(Act No. 31, 1961)**

Assent date	13 September 1961
Commenced	13 September 1961

Justices Ordinance 1964 **(Act No. 69, 1964)**

Assent date	18 December 1964
Commenced	18 December 1964

Justices Ordinance 1965 **(Act No. 60, 1965)**

Assent date	17 December 1965
Commenced	14 February 1966 (s 2)

Justices Ordinance (No. 2) 1970 **(Act No. 67, 1970)**

Assent date	10 December 1970
Commenced	10 December 1970

Justices Ordinance 1970 **(Act No. 76, 1970)**

Assent date	18 December 1970
Commenced	18 December 1970 (s 2, s 2 *Records of Depositions Ordinance 1970* (Act No. 44, 1970) and *Gaz* No. 50A, 18 December 1970, p 365)

Justices Ordinance 1973 **(Act No. 19, 1973)**

Assent date	8 May 1973
Commenced	14 June 1973 (*Gaz* No. 24, 14 June 1973, p 199)

Justices Ordinance (No. 2) 1973 **(Act No. 50, 1973)**

Assent date	18 July 1973
Commenced	25 October 1973 (*Gaz* No. 42, 18 October 1973, p 377)

Justices Ordinance (No. 3) 1973 **(Act No. 86, 1973)**

Assent date	11 December 1973
Commenced	16 May 1974 (*Gaz* No. 20, 16 May 1974)

Ordinances Revision Ordinance 1973 **(Act No. 87, 1973)**

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation

Ordinances Revision Ordinance 1974 **(Act No. 34, 1974)**

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 **(Act No. 69, 1974)**

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 **(Act No. 27, 1976)**

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Justices Ordinance 1974 **(Act No. 54, 1974)**

Assent date	30 September 1974
Commenced	28 October 1974 (*Gaz* No. 42, 17 October 1974, p 475)

***Justices Ordinance (No. 2) 1974* (Act No. 63, 1974)**

Assent date	21 October 1974
Commenced	21 October 1974

***Justices Ordinance (No. 2) 1975* (Act No. 19, 1975)**

Assent date	30 July 1975
Commenced	30 July 1975

***Justices Ordinance 1975* (Act No. 20, 1976)**

Assent date	27 May 1976
Commenced	27 May 1976

***Ordinances Revision Ordinance 1976* (Act No. 27, 1976)**

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

***Justices Ordinance 1976* (Act No. 5, 1977)**

Assent date	10 February 1977
Commenced	4 April 1977 (s 2, s 2 *Magistrates Ordinance 1976* (Act No. 4, 1977) and *Gaz* No. 13A, 4 April 1977, p 492)

***Transfer of Powers (Further Provisions) Ordinance 1977* (Act No. 51, 1977)**

Assent date	9 December 1977
Commenced	1 January 1978 (s 2)

***Justices Ordinance 1978* (Act No. 45, 1978)**

Assent date	29 June 1978
Commenced	1 July 1978 (s 3)

***Transfer of Powers (Self-Government) Ordinance 1978* (Act No. 54, 1978)**

Assent date	1 July 1978
Commenced	1 July 1978 (s 2)

***Law Officers Ordinance 1978* (Act No. 61, 1978)**

Assent date	1 July 1978
Commenced	1 July 1978

***Justices Act (No. 2) 1978* (Act No. 6, 1979)**

Assent date	17 January 1979
Commenced	17 January 1979

***Justices Act 1979* (Act No. 149, 1979)**

Assent date	12 December 1979
Commenced	12 December 1979

***Statute Law Revision Act (No. 3) 1979* (Act No. 37, 1980)**

Assent date	24 April 1980
Commenced	24 April 1980

***Limitation Act 1981* (Act No. 87, 1981)**

Assent date	21 September 1981
Commenced	26 February 1982 (*Gaz* G8, 26 February 1982, p 2)

Justices Amendment Act 1981 **(Act No. 109, 1981)**

Assent date	21 December 1981
Commenced	21 December 1981

Amending Legislation

Justices Amendment Act 1983 **(Act No. 2, 1983)**

Assent date	27 April 1983
Commenced	10 June 1983 (*Gaz* G23, 10 June 1983, p 8)

Statute Law Revision Act 1982 **(Act No. 21, 1982)**

Assent date	27 April 1982
Commenced	27 April 1982

Justices Amendment Act 1982 **(Act No. 62, 1982)**

Assent date	8 October 1982
Commenced	29 June 1983 (s 2, s 2 *Bail Act 1982* (Act No. 57, 1982) and *Gaz* S19, 29 June 1983)

Justices Amendment Act 1983 **(Act No. 2, 1983)**

Assent date	27 April 1983
Commenced	10 June 1983 (*Gaz* G23, 10 June 1983, p 8)

Justices (Criminal Code) Amendment Act 1983 **(Act No. 66, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Justices Amendment Act 1984 **(Act No. 2, 1984)**

Assent date	3 April 1984
Commenced	3 April 1984

Justices Amendment Act (No. 2) 1984 **(Act No. 10, 1984)**

Assent date	29 June 1984
Commenced	29 June 1984 (s 2 and s 2 *Criminal code amendment Act 1984* (Act No. 9, 1984)

Justices Amendment Act 1985 **(Act No. 10, 1985)**

Assent date	1 April 1985
Commenced	1 May 1985 (*Gaz* G17, 1 May 1985, p 7)

Law Officers Amendment Act (No. 2) 1986 **(Act No. 48, 1986)**

Assent date	10 December 1986
Commenced	19 December 1986 (*Gaz* S87, 17 December 1986)

Justices Amendment Act 1988 **(Act No. 33, 1988)**

Assent date	14 September 1988
Commenced	14 September 1988

Justices Amendment Act (No. 3) 1988 **(Act No. 55, 1988)**

Assent date	17 November 1988
Commenced	1 August 1990 (*Gaz* S47, August 1990)

***Justices Amendment Act 1989* (Act No. 7, 1989)**

Assent date	28 March 1989
Commenced	30 October 1989 (*Gaz* S61, 27 October 1989)

Amending Legislation

***Justices (Subsequential Amendments) Act 1989* (Act No. 54, 1989)**

Assent date	20 September 1989
Commenced	20 September 1989

***Justices Amendment Act (No. 2) 1989* (Act No. 53, 1989)**

Assent date	20 September 1989
Commenced	20 September 1989

***Director of Public Prosecutions (Consequential Amendments) Act 1990* (Act No. 29, 1990)**

Assent date	11 June 1990
Commenced	21 January 1991 (s 2, s 2 *Director of Public Prosecutions Act 1990* (Act No. 35, 1990) and *Gaz* G2, 16 January 1991, p 9)

***Local Court (Consequential Amendments) Act 1990* (Act No. 31, 1990)**

Assent date	11 June 1990
Commenced	s 5: 11 June 1990; rem: 1 January 1991 (s 2, s 2 *Local Court Act 1989* (Act No. 31, 1990) and *Gaz* G49, 12 December 1990, p 2)

***Justices Amendment Act 1991* (Act No. 40, 1991)**

Assent date	26 September 1991
Commenced	s 7: 1 January 1992; rem: 1 November 1991 (s 2(2), s 2 *Justices of the Peace Act 1991* (Act No. 42, 1991), *Gaz* G50, 18 December 1991, p 3 and *Gaz* S58, 1 November 1991)

***Justices Amendment Act (No. 2) 1991* (Act No. 41, 1991)**

Assent date	26 September 1991
Commenced	1 January 1992 (*Gaz* S65, 20 December 1991)

***Statute Law Revision Act 1992* (Act No. 46, 1992)**

Assent date	7 September 1992
Commenced	7 September 1992

***Justices Amendment Act 1992* (Act No. 68, 1992)**

Assent date	14 December 1992
Commenced	1 January 1994 (s 2, s 2 *Domestic Violence Act 1992* (Act No. 67, 1992) and *Gaz* G51, 22 December 1993, p 3)

***Justices Amendment Act 1993* (Act No. 17, 1993)**

Assent date	16 June 1993
Commenced	1 August 1993 (*Gaz* G29, 21 July 1993, p 3)

***Local Government (Consequential Amendments) Act 1993* (Act No. 84, 1993)**

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and *Gaz* S35, 20 May 1994)

***Justices Amendment Act 1994* (Act No. 14, 1994)**

Assent date 6 April 1994
Commenced 1 December 1994 (s 2)

Amending Legislation

***Statute Law Revision Act 1994* (Act No. 50, 1994)**

Assent date 20 September 1994
Commenced 20 September 1994 (s 10(2))

***Statute Law Revision Act 1995* (Act No. 14, 1995)**

Assent date 23 June 1995
Commenced 23 June 1995

***Sentencing (Consequential Amendments) Act 1996* (Act No. 17, 1996)**

Assent date 19 April 1996
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

***Justices Amendment Act 1996* (Act No. 35, 1996)**

Assent date 5 September 1996
Commenced 1 November 1996 (*Gaz* G41, 9 October 1996, p 4)

***Justices Amendment Act 1997* (Act No. 5, 1997)**

Assent date 26 March 1997
Commenced 4 May 1997 (*Gaz* G17, 30 April 1997, p 2)

***Statute Law Revision Act 1997* (Act No. 17, 1997)**

Assent date 11 April 1997
Commenced s 16: 10 December 1997; rem: 1 May 1997 (*Gaz* G17, 30 April 1997, p 2)

***Justices Amendment Act 1998* (Act No. 6, 1998)**

Assent date 25 March 1998
Commenced 22 April 1998 (*Gaz* G15, 22 April 1998, p 3)

***Justices Amendment Act (No. 2) 1998* (Act No. 57, 1998)**

Assent date 1 September 1998
Commenced 23 September 1998 (*Gaz* G37, 23 September 1998, p 5)

***Justices Amendment Act 1999* (Act No. 7, 1999)**

Assent date 9 March 1999
Commenced 9 March 1999

***Statute Law Revision Act 1999* (Act No. 27, 1999)**

Assent date 18 June 1999
Commenced 18 June 1999

***Justices Amendment Act 2000* (Act No. 7, 2000)**

Assent date 21 March 2000
Commenced s 3: 1 August 1990; s 5(1): 4 February 1998; s 5(2): 26 August 1998; rem: 21 March 2000 (s 2)

***Statute Law Revision Act 2000* (Act No. 19, 2000)**

Assent date 6 June 2000
Commenced s 6: 4 December 1999; rem: 12 July 2000 (s 2 and *Gaz* G27, 12 July 2000, p 2)

Justices Amendment Act 2001 **(Act No. 40, 2001)**

Assent date	19 July 2001
Commenced	26 September 2001 (s 2)

Justices Amendment Act (No. 2) 2001 **(Act No. 51, 2001)**

Assent date	19 October 2001
Commenced	22 October 2001 (s 2, s 2 *Police Administration Amendment Act 2001* (Act No. 50, 2001) and *Gaz* S44, 22 October 2001)

Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 **(Act No. 60, 2001)**

Assent date	11 December 2001
Commenced	1 January 2002 (s 2, s 2 *Fines and Penalties (Recovery) Act 2001* (Act No. 59, 2001) and *Gaz* G50, 19 December 2001, p 3)

Evidence Reform (Children and Sexual Offences) Act 2004 **(Act No. 56, 2004)**

Assent date	4 November 2004
Commenced	8 December 2004 (*Gaz* G49, 8 December 2004, p 3)

Youth Justice (Consequential Amendments) Act 2005 **(Act No. 33, 2005)**

Assent date	22 September 2005
Commenced	1 August 2006 (s 2, s 2 *Youth Justice Act 2005* (Act No. 32, 2005) and *Gaz* G30, 26 July 2006, p 3)

Criminal Code Amendment (Criminal Responsibility Reform) Act 2005 **(Act No. 37, 2005)**

Assent date	22 November 2005
Commenced	20 December 2006 (*Gaz* G51, 20 December 2006, p 2)

Evidence and Other Legislation (Witness Assistance) Amendment Act 2006 **(Act No. 32, 2006)**

Assent date	3 November 2006
Commenced	3 November 2006

Justice Legislation Amendment Act (No. 2) 2006 **(Act No. 35, 2006)**

Assent date	3 November 2006
Commenced	3 November 2006

Legal Profession (Consequential Amendments) Act 2007 **(Act No. 7, 2007)**

Assent date	17 May 2007
Commenced	s 10: 1 July 2007; rem: 17 May 2007 (*Gaz* G26, 27 June 2007, p 3)

Evidence of Children Act 2007 **(Act No. 16, 2007)**

Assent date	18 September 2007
Commenced	10 October 2007 (*Gaz* G41, 10 October 2007, p 4)

Domestic and Family Violence Act 2007 **(Act No. 34, 2007)**

Assent date	12 December 2007
Commenced	1 July 2008 (*Gaz* G25, 25 June 2008, p 4)

Cross-border Justice Act 2009 **(Act No. 1, 2009)**

Assent date	12 March 2009
Commenced	ss 67(b), 68(2)(e), 106, 108, 114, 116 and pt 15, div 6: 1 December 2009; rem: 1 November 2009 (*Gaz* S59, 29 October 2009)

Justice Legislation Amendment (Penalties) Act 2010 **(Act No. 12, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

Justice Legislation Amendment (Committals Reform) Act 2010 **(Act No. 31, 2010)**

Assent date	9 September 2010
Commenced	1 April 2011 (*Gaz* G13, 30 March 2011, p 11)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 **(Act No. 40, 2010)**

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

Criminal Code Amendment (Criminal Damage) Act 2011 **(Act No. 5, 2011)**

Assent date	16 March 2011
Commenced	1 June 2011 (*Gaz* S19, 4 May 2011)

Criminal Code Amendment (Sentencing Appeals) Act 2011 **(Act No. 10, 2011)**

Assent date	18 April 2011
Commenced	27 April 2011 (*Gaz* G17, 27 April 2011, pp 8 – 9)

Justice and Other Legislation Amendment Act 2012 **(Act No. 2, 2012)**

Assent date	21 March 2012
Commenced	pts 2, 3 and 5 to 7: 1 August 2012; rem: 1 September 2012 (*Gaz* G29, 18 July 2012, p 7)

Criminal Code Amendment (Assaults on Workers) Act 2013 **(Act No. 3, 2013)**

Assent date	14 March 2013
Commenced	1 May 2013 (*Gaz* S16, 22 April 2013)

Correctional Services (Related and Consequential Amendments) Act 2014 **(Act No. 27, 2014)**

Assent date	4 September 2014
Commenced	9 September 2014 (*Gaz* S80, 9 September 2014, p 2)

Justice Legislation Amendment (Summary Procedure) Act 2015 **(Act No. 20, 2015)**

Assent date	6 July 2015
Commenced	21 September 2015 (*Gaz* S92, 16 September 2015)

Local Court (Related Amendments) Act 2016 **(Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Amending Legislation

Personal Violence Restraining Orders Act 2016 **(Act No. 10, 2016)**

Assent date	29 April 2016
Commenced	pt 4, div 5: 29 April 2016; rem: 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (*Gaz* S34, 29 April 2016)

***Personal Violence Restraining Orders Act 2016* (Act No. 10, 2016)**

Assent date	29 April 2016
Commenced	pt 4, div 5: 29 April 2016; rem: 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Statute Law Revision Act 2017* (Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

***Justice Legislation Amendment (Body-worn Video and Domestic Violence Evidence) Act 2017* (Act No. 6, 2017)**

Assent date	5 April 2017
Commenced	s 6 (ext ins ss 21H to 21R) and pt 4: 2 August 2017 (S55, 2 August 2017); rem: 26 April 2017 (*Gaz* G17, 26 April 2017, p 6)

***Supreme Court Amendment (Associate Judges) Act 2017* (Act No. 18, 2017)**

Assent date	5 September 2017
Commenced	22 November 2017 (*Gaz* S84, 21 November 2017, p 1)

***Statute Law Revision Act 2018* (Act No. 10, 2018)**

Assent date	23 May 2018
Commenced	20 June 2018 (*Gaz* S41, 20 June 2018)

***Statute Law Revision and Repeals Act 2019* (Act No. 33, 2019)**

Assent date	6 November 2019
Commenced	pts 2 and 3: 11 December 2019 (*Gaz* G50, 11 December 2019, p 2); rem: 7 November 2019 (s 2)

***Justice and Other Legislation Amendment Act 2021* (Act No. 7, 2021)**

Assent date	13 April 2021
Commenced	14 April 2021 (s 2)

***Justice and Licensing Legislation Amendment Act 2022* (Act No. 6, 2022)**

Assent date	14 April 2022
Commenced	pt 6: 1 May 2022; rem: 1 July 2022 (Gaz S17, 27 April 2022)

***Criminal Code Amendment (Property Offences) Act 2022* (Act No. 24, 2022)**

Assent date	31 October 2022
Commenced	30 April 2023 (*Gaz* G8, 13 April 2023, p 1)

***Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023)**

Assent date	17 August 2023
Commenced	25 March 2024 (*Gaz* S20, 22 March 2024)

Justice and Other Legislation Amendment Act 2024 **(Act No. 4, 2024)**

Assent date	14 March 2024
Commenced	pt 5, div 1: 30 October 2023 (s 2(2)); pt 3, div 2: 25 March 2024 (s 2(3), s 2 *Sentencing and Other Legislation Amendment Act 2022* (Act No. 28, 2022) and *Gaz* S19, 22 March 2024); pt 4: 25 March 2024 (s 2(4), s 2 *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024); rem: 15 March 2024 (s 2(1))

Justice and Other Legislation Further Amendment Act 2024 **(Act No. 9, 2024)**

Assent date	24 May 2024
Commenced	pt 4: 1 July 2024 (s 2(2)), s 2 *Health Care Decision Making Act 2023* (Act No. 19, 2023) and *Gaz* 13, 20 June 2024, p 2); pt 8: 19 March 2026 (s 2(5)); pts 9 and 10: 1 July 2024 (s 2(3)); rem: 25 May 2024 (s 2(1))

Bail Legislation Amendment Act 2024 **(Act No. 16, 2024)**

Assent date	29 October 2024
Commenced	6 January 2025 (*Gaz* S111, 23 December 2024)

Defamation Legislation Amendment Act 2025 **(Act No. 20, 2025)**

Assent date	10 August 2025
Commenced	11 August 2025 (s 2)

Criminal Procedure Legislation Amendment Act 2026 **(Act No. 11, 2026)**

Assent date	28 May 2026
Commenced	1 July 2026 (*Gaz* S47, 22 June 2026)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 17(2) *Justices Ordinance 1961* (Act No. 31, 1961)
ss 6(3) and 10(3) *Justices Ordinance 1973* (Act No. 19, 1973)
s 19 *Justices Ordinance 1974* (Act No. 54, 1974)
s 4 *Justices Act (No. 2) 1978* (Act No. 6, 1979)
s 4 *Justices Amendment Act 1981* (Act No. 109, 1981)
s 5 *Justices Amendment Act 1983* (Act No. 2, 1983)
s 9 *Justices Amendment Act 1985* (Act No. 10, 1985)
s 4 *Justices Amendment Act 1993* (Act No. 17, 1993)
s 7 *Justices Amendment Act 2001* (Act No. 40, 2001)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: ss 4, 5, 8 – 11, 13, 17, 21, 25, 26, 26A, 27, 28, 31, 39, 40, 41, 43 – 46, 48, 52, 56, 57, 57A – 57E, 60, 62, 62A, 65, 75, 78, 79, 81, 83, 85, 87, 89, 91, 99, 100, 106A, 108A, 109, 113, 114, 117, 118, 120, 121, 123, 123A, 124, 128, 129, 130A, 130B, 131B – 131E, 135, 138, 141 – 144, 147, 153, 155, 156, 158 – 161, 162A, 163, 164, 167, 168, 171 – 175, 178 – 180, 182, 187A, 188, 194 – 197, 200, 202 and 203.

5 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 27A, 57, 59, 60, 60AA, 60AC, 60AE, 60AF, 60AM, 60AT, 60AU, 62A, 63A, 65, 78, 78A, 79, 105B, 105D, 105F, 105L, 112, 114, 136, 168, 170, 189, 191 and 192.

6 LIST OF AMENDMENTS

lt	amd No. 21, 1982, s 2; No. 9, 2016, s 4
s 1	amd No. 21, 1982, s 2 sub No. 9, 2016, s 5
s 2	amd No. 67, 1970, s 1; No. 21, 1982, s 2
s 3	amd No. 86, 1973, s 4 rep No. 54, 1974, s 4
s 4	amd No. 12, 1933, s 2; No. 16, 1957, s 2; No. 67, 1970, s 2; No. 19, 1973, s 4; No. 54, 1974, s 18; No. 27, 1976, s 6; No. 61, 1978, s 4; No. 21, 1982, s 2; No. 62, 1982, s 5; No. 10, 1985, s 4; No. 31, 1990, s 7; No. 40, 1991, s 7; No. 17, 1996, s 6; No. 16, 2007, s 4; No. 34, 2007, s 142; No. 31, 2010, ss 4 and 23; No. 27, 2014, s 15; No. 20, 2015,s 4; No. 9, 2016, s 6; No. 10, 2016, s 34; No. 20, 2023, s 54; No. 16, 2024, s 20
s 4A	ins No. 19, 1973, s 5 amd No. 5, 1977, s 4; No. 21, 1982, s 2 rep No. 40, 1991, s 7
s 5	amd No. 54, 1974, s 18; No. 21, 1982, s 2 rep No. 40, 1991, s 7 ins No. 9, 2016, s 7
ss 6 – 7	amd No. 21, 1982, s 2 rep No. 40, 1991, s 7
s 8	amd No. 12, 1933, s 2; No. 21, 1982, s 2 rep No. 40, 1991, s 7
s 9	amd No. 12, 1933, s 3; No. 87, 1973, s 12; No. 21, 1982, s 2 rep No. 9, 2016, s 7
s 10	amd No. 12, 1933, ss 2 and 4; No. 6, 1939, s 2; No. 19, 1973, s 6; No. 5, 1977, s 5; No. 51, 1977, s 3; No. 10, 1985, s 5 rep No. 40, 1991, s 7
s 10A	ins No. 10, 1985, s 6 rep No. 40, 1991, s 7
s 11	amd No. 12, 1933, s 5; No. 6, 1939, s 3; No. 31, 1961, s 2; No. 19, 1973, s 7; No. 87, 1973, s 12; No. 5, 1977, s 6; No. 61, 1978, s 4; No. 149, 1979, s 4; No. 10, 1985, s 7 rep No. 40, 1991, s 7
s 12	rep No. 5, 1977, s 7
s 13	amd No. 19, 1973, s 8 rep No. 5, 1977, s 7
pt II hdg	rep No. 9, 2016, s 8
s 14	amd No. 17, 1996, s 6; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 15	amd No. 12, 1933, ss 2 and 4; No. 87, 1973, s 12 rep No. 40, 1991, s 7
ss 16 – 17	rep No. 40, 1991, s 7
s 18	sub No. 31, 1961, s 3 amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 61, 1978, s 4; No. 21, 1982, s 2; No. 10, 1985, s 8 rep No. 40, 1991, s 7
s 19	amd No. 21, 1982, s 2; No. 2, 1983, s 6 rep No. 40, 1991, s 7

s 19A	ins No. 2, 1984, s 2 rep No. 40, 1991, s 7
s 20	amd No. 12, 1933, s 2; No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24; No. 11, 2026, s 4
s 21	rep No. 62, 1982, s 4 ins No. 11, 2026, s 5
s 22	amd No. 50, 1973, s 4; No. 149, 1979, s 4; No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24
s 22A	ins No. 12, 1933, s 6 amd No. 21, 1982, s 2
s 23	amd No. 35, 2006, s 23; No. 9, 2016, s 24
s 24	rep No. 32, 2006, s 7
s 25	amd No. 9, 2016, s 24
s 26	amd No. 21, 1982, s 2; No. 31, 2010, s 23; No. 27, 2014, s 23 rep No. 9, 2016, s 8
s 26A	ins No. 31, 1961, s 4 amd No. 27, 2014, s 23; No. 9, 2016, s 24
s 27	amd No. 50, 1973, s 5; No. 21, 1982, s 2; No. 14, 1995, s 12; No. 34, 2007, s 143; No. 31, 2010, s 23
s 27A	ins No. 50, 1973, s 6 amd No. 54, 1974, s 18; No. 6, 1979, s 3; No. 149, 1979, ss 3 and 4; No. 21, 1982, s 2; No. 2, 1983, s 7; No. 33, 1988, s 3; No. 17, 1997, s 12; No. 7, 2000, s 4; No. 31, 2010, s 23; No. 9, 2016, s 24
s 28	amd No. 50, 1973, s 7; No. 149, 1979, s 4; No. 17, 1997, s 12; No. 32, 2006, s 8; No. 40, 2010, s 63; No. 31, 2010, s 23; No. 9, 2016, s 24
pt III div 4 hdg	rep No. 9, 2016, s 8
s 29	amd No. 149, 1979, s 4; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 30	rep No. 62, 1982, s 4
pt III div 5 hdg	amd No. 31, 2010, s 23 rep No. 9, 2016, s 8
ss 31 – 32	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 33	amd No. 12, 1933, s 7; No. 86, 1973, s 5; No. 31, 2010, s 23; No. 27, 2014, s 23
s 33A	ins No. 12, 1933, s 8 amd No. 87, 1973, s 12; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 33B	ins No. 12, 1933, s 3 amd No. 54, 1974, s 18; No. 21, 1982, s 2 rep No. 62, 1982, s 4 ins No. 60, 2001, s 9 amd No. 31, 2010, s 23; No. 27, 2014, s 23 rep No. 9, 2016, s 8
pt III div 6 hdg	rep No. 9, 2016, s 8
s 34	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 35	rep No. 9, 2016, s 8
s 36	amd No. 21, 1982, s 2 rep No. 9, 2016, s 8
s 37	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 8

pt III	
div 6A hdg	ins No. 86, 1973, s 6 rep No. 62, 1982, s 4
s 37A	ins No. 86, 1973, s 6 amd No. 54, 1974, s 18; No. 27, 1976, s 6 rep No. 62, 1982, s 4
ss 37B – 37C	ins No. 86, 1973, s 6 amd No. 54, 1974, s 18; No. 21, 1982, s 2 rep No. 62, 1982, s 4
s 37D	ins No. 86, 1973, s 6 amd No. 54, 1974, s 18 rep No. 62, 1982, s 4
pt III	
div 7 hdg	amd No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 38	amd No. 86, 1973, s 7; No. 62, 1982, s 4; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 39	amd No. 12, 1933, s 9; No. 54, 1974, s 18; No. 62, 1982, s 4; No. 60, 2001, s 9; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 39A	ins No. 12, 1933, s 10 rep No. 62, 1982, s 4
s 40	sub No. 31, 1961, s 5 amd No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 41	amd No. 31, 2010, s 23 rep No. 9, 2016, s 8
pt IV	
div 1 hdg	rep No. 9, 2016, s 8
s 41A	ins No. 54, 1974, s 5 rep No. 9, 2016, s 8
s 42	amd No. 12, 1933, s 11; No. 31, 1961, s 6; No. 54, 1974, s 18; No. 51, 1977, s 3; No. 54, 1978, s 3; No. 109, 1981, s 3; No. 2, 1983, s 8 sub No. 31, 1990, s 7 amd No. 1, 2009, s 147 rep No. 9, 2016, s 8
s 43	amd No. 69, 1964, s 2; No. 60, 1965, s 3; No. 21, 1982, s 2; No. 40, 1991, s 7; No. 12, 2010, s 3; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 44	amd No. 17, 1996, s 6; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 45	amd No. 17, 1996, s 6 rep No. 9, 2016, s 8
s 46	amd No. 60, 1965, s 4; No. 54, 1974, s 18; No. 149, 1979, s 4; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 12, 2010, s 3; No. 31, 2010, s 23 rep No. 9, 2016, s 8
s 47	amd No. 54, 1974, s 18 rep No. 9, 2016, s 8
s 48	amd No. 60, 1965, s 5 rep No. 9, 2016, s 8
s 49	amd No. 87, 1973, s 12 sub No. 9, 2016, s 9
s 50	amd No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24
s 51	sub No. 31, 1961, s 7 amd No. 21, 1982, s 2; No. 9, 2016, s 24; No. ,11 2026, s 6
s 51A	ins No. 11, 2026, s 7
s 52	amd No. 31, 2010, s 23; No. 9, 2016, s 24 sub No. 11, 2026, s 7

s 53	amd No. 17, 1996, s 6 rep No. 9, 2016, s 10
ss 55 – 56	amd No. 21, 1982, s 2; No. 9, 2016, s 24
s 57	amd No. 50, 1973, s 8; No. 149, 1979, s 4; No. 21, 1982, s 2; No. 33, 1988, s 4; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 57A	ins No. 50, 1973, s 9 amd No. 87, 1973, s 12; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 7, 2007, s 16; No. 31, 2010, s 23; No. 9, 2016, s 24
s 57B	ins No. 50, 1973, s 9 amd No. 149, 1979, s 4; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 57C	ins No. 50, 1973, s 9 amd No. 17, 1996, s 6; No. 9, 2016, s 24
s 57D	ins No. 50, 1973, s 9 amd No. 31, 2010, s 23
s 57E	ins No. 50, 1973, s 9 amd No. 149, 1979, s 4; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 58	amd No. 21, 1982, s 2; No. 34, 2007, s 144; No. 31, 2010, s 23; No. 9, 2016, s 24
s 59	amd No. 62, 1982, s 6; No. 9, 2016, s 24 sub No. 11, 2026, s 8
s 60	amd No. 12, 1933, s 12; No. 21, 1982, s 2; No. 62, 1982, s 7 sub No. 2, 1983, s 9 amd No. 31, 2010, s 23; No. 27, 2014, s 16; No. 9, 2016, s 24 sub No. 11, 2026, s 8
pt IV div 2A hdg	ins No. 55, 1988, s 3 rep No. 60, 2001, s 9 ins No. 20, 2015, s 5
pt IV div 2A sdiv 1 hdg	ins No. 20, 2015, s 5
s 60AA	ins No. 20, 2015, s 5
s 60AB	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24
s 60AC	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24 sub No. 11, 2026, s 9
pt IV div 2A sdiv 2 hdg	ins No. 20, 2015, s 5
s 60AD	ins No. 20, 2015, s 5
s 60AE	ins No. 20, 2015, s 5 amd No. 6, 2017, s 15
ss 60AF – 60AH	ins No. 20, 2015, s 5
s 60AI	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24; No. 11, 2026, s 10
s 60AJ	ins No. 20, 2015, s 5
s 60AK	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24
s 60AL	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24; No. 4, 2017, s 34; No. 11, 2026, s 11
ss 60AM – 60AN	ins No. 20, 2015, s 5 amd No. 9, 2016, s 24
s 60AO	ins No. 20, 2015, s 5

s 60AP	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24; No. 11, 2026, s 12
s 60AQ – 60AR	ins No. 20, 2015, s 5
s 60ARA	No. 11, 2026, s 13
s 60AS	ins No. 20, 2015, s 5
pt IV div 2A	
sdiv 3 hdg	ins No. 20, 2015, s 5
s 60AT	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24; No. 4, 2024, s 38; No. 11, 2026, s 14
s 60AU	ins No. 20, 2015, s 5
	amd No. 4, 2024, s 39; No. 11, 2026, s 15
ss 60AV – 60AW	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24
ss 60AX – 60AY	ins No. 20, 2015, s 5
ss 60AZ – 60AZB	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24
s 60AZ	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24
s 60AZA	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24; No. 11, 2026, s 16
s 60AZB	ins No. 20, 2015, s 5
	amd No. 9, 2016, s 24
s 60AZC	ins No. 20, 2015, s 5
	sub No. 9, 2016, s 11
s 60A	ins No. 55, 1988, s 3
	amd No. 84, 1993, s 6; No. 7, 2000, s 4
	rep No. 60, 2001, s 9
	ins No. 1, 2009, s 148
	rep No. 9, 2016, s 12
s 60B	ins No. 55, 1988, s 3
	sub No. 7, 2000, s 3
	rep No. 60, 2001, s 9
s 60C	ins No. 55, 1988, s 3
	amd No. 40, 1991, s 4
	rep No. 60, 2001, s 9
s 60D	ins No. 55, 1988, s 3
	amd No. 40, 1991, s 5; No. 7, 2000, s 4
	rep No. 60, 2001, s 9
ss 60E – 60H	ins No. 55, 1988, s 3
	rep No. 60, 2001, s 9
s 60J	ins No. 55, 1988, s 3
	amd No. 17, 1996, s 6
	rep No. 60, 2001, s 9
ss 60K – 60Q	ins No. 55, 1988, s 3
	rep No. 60, 2001, s 9
s 60R	ins No. 55, 1988, s 3
	amd No. 7, 2000, s 4
	rep No. 60, 2001, s 9
s 61	amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 31, 2010, s 23
	rep No. 9, 2016, s 12
s 62	amd No. 2, 1983, s 10

s 62A	ins No. 31, 1952, s 3 amd No. 21, 1982, s 2 sub No. 62, 1982, s 8 amd No. 2, 1983, s 11
s 62AB	ins No. 2, 1983, s 12 amd No. 31, 2010, s 23
s 63	amd No. 9, 2016, s 24; No. 33, 2019, s 50
s 63A	ins No. 2, 1983, s 13 amd No. 17, 1996, s 6; No. 31, 2010, s 23; No. 2, 2012, s 10; No. 27, 2014, s 23; No. 9, 2016, s 24
s 64	amd No. 9, 2016, s 24; No. 11, 2026, s 17
s 65	amd No. 12, 1933, s 13; No. 31, 1952, s 4; No. 31, 1961, s 8; No. 54, 1974, s 18; No. 27, 1976, s 6; No. 62, 1982, s 9; No. 27, 2014, s 23; No. 9, 2016, s 24; No. 33, 2019, s 50; No. 11, 2026, s 18
s 66	rep No. 9, 2016, s 12
s 67	amd No. 17, 1996, s 6
s 68	amd No. 17, 1929, s 3; No. 12, 1933, s 2; No. 54, 1974, s 18; No. 31, 2010, s 23; No. 9, 2016, s 24; No. 11, 2026, s 19
ss 69 – 70	amd No. 17, 1996, s 6
s 70A	ins No. 31, 1961, s 9 amd No. 21, 1982, s 2; No. 17, 1996, s 6; No. 9, 2016, s 24
s 72	amd No. 76, 1970, s 3; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 73	amd No. 21, 1982, s 2; No. 17, 1996, s 6 rep No. 9, 2016, s 12
s 74	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 12
s 75	amd No. 12, 1933, ss 2 and 14; No. 31, 1952, s 5; No. 60, 1965, s 6; No. 54, 1974, s 18; No. 45, 1978, s 4; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 31, 2010, s 23 rep No. 9, 2016, s 12
s 76	amd No. 54, 1974, s 18 rep No. 17, 1996, s 6
s 77	amd No. 54, 1974, s 18; No. 21, 1982, s 2 sub No. 41, 1991, s 3 amd No. 31, 2010, s 23; No. 7, 2021, s 21
s 77A	ins No. 41, 1991, s 3
s 77B	ins No. 41, 1991, s 3 amd No. 9, 2016, s 24
s 77C	ins No. 41, 1991, s 3
s 78	amd No. 21, 1982, s 2; No. 17, 1996, s 6 sub No. 60, 2001, s 9 amd No. 31, 2010, s 23
s 78A	ins No. 60, 2001, s 9
s 79	amd No. 60, 2001, s 9
pt IV div 6 hdg	rep No. 60, 2001, s 9
pt IVA hdg	ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
pt IVA div 1 hdg	ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 80	amd No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35

s 81	sub No. 12, 1933, s 15 amd No. 31, 1961, s 10; No. 60, 1965, s 7; No. 45, 1978, s 5; No. 21, 1982, s 2; No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
pt IVA	
div 2 hdg	ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 82	amd No. 54, 1974, s 18; No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 83	amd No. 17, 1996, s 6; No. 19, 2000, s 9 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 84	amd No. 21, 1982, s 2; No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 85	amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 35, 1996, s 3 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 86	rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 87	amd No. 60, 1965, s 8; No. 21, 1982, s 2 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 88	ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
ss 88A – 88B	ins No. 57, 1998, s 3 rep No. 60, 2001, s 9
s 89	amd No. 21, 1982, s 2 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 90	rep No. 17, 1996, s 6 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
pt IVA	
div 3 hdg	ins No. 34, 2007, s 145
s 91	amd No. 12, 1933, s 16; No. 17, 1993, s 3; No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 92	amd No. 21, 1982, s 2 rep No. 17, 1996, s 6 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35
s 93	amd No. 17, 1996, s 6 rep No. 60, 2001, s 9 ins No. 34, 2007, s 145 rep No. 10, 2016, s 35

s 93A	ins No. 12, 1933, s 17 amd No. 17, 1996, s 6 rep No. 60, 2001, s 9
s 94	amd No. 60, 1965, s 9; No. 17, 1996, s 6 rep No. 60, 2001, s 9
ss 95 – 96	rep No. 60, 2001, s 9
s 97	amd No. 17, 1996, s 6 rep No. 60, 2001, s 9
s 98	amd No. 21, 1982, s 2; No. 2, 1983, s 14; No. 17, 1996, s 6; No. 27, 1999, s 15 rep No. 60, 2001, s 9
pt IV	
div 7 hdg	rep No. 34, 2007, s 145
s 99	amd No. 12, 1933, s 18; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6 rep No. 34, 2007, s 145
s 100	amd No. 21, 1982, s 2 rep No. 34, 2007, s 145
pt IV	
div 8 hdg	ins No. 7, 1989, s 4 rep No. 68, 1992, s 3
ss 100AA – 100AB	ins No. 7, 1989, s 4 rep No. 68, 1992, s 3
s 100ABA	ins No. 40, 1991, s 6 rep No. 68, 1992, s 3
ss 100AC – 100AK	ins No. 7, 1989, s 4 rep No. 68, 1992, s 3
pt V	
div 1A hdg	ins No. 31, 2010, s 5
s 100	ins No. 31, 2010, s 5
s 100A	ins No. 63, 1974, s 3 amd No. 56, 2004, s 10 rep No. 31, 2010, s 6
s 101	amd No. 12, 1933, s 2; No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24
s 101A	ins No. 12, 1933, s 19 amd No. 9, 2016, s 24; No. 11, 2026, s 20
s 101B	ins No. 11, 2026, s 21
ss 103 – 104	amd No. 9, 2016, s 24
s 105	amd No. 21, 1982, s 2; No. 9, 2016, s 24
s 105AA	ins No. 56, 2004, s 11 amd No. 16, 2007, s 5 rep No. 31, 2010, s 7
s 105A	ins No. 63, 1974, s 4 amd No. 21, 1982, s 2; No. 56, 2004, s 12; No. 16, 2007, s 6 sub No. 31, 2010, s 7 amd No. 9, 2016, s 24; No. 11, 2026, s 22
s 105B	ins No. 63, 1974, s 4 amd No. 149, 1979, s 4; No. 33, 1988, s 5; No. 56, 2004, s 13; No. 16, 2007, s 7 sub No. 31, 2010, s 7 amd No. 9, 2016, s 24
s 105C	ins No. 31, 2010, s 7 amd No. 9, 2016, s 24
s 105D	ins No. 31, 2010, s 7 amd No. 9, 2016, s 24; No. 11, 2026, s 23

s 105E	ins No. 31, 2010, s 7
s 105F	ins No. 31, 2010, s 7 amd No. 6, 2017, s 16
ss 105G – 105K	ins No. 31, 2010, s 7 amd No. 9, 2016, s 24
s 105L	ins No. 31, 2010, s 7
s 106	amd No. 31, 1961, s 11 sub No. 63, 1974, s 4 rep No. 31, 2010, s 7
s 106A	ins No. 31, 1961, s 12 amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 40, 1991, s 7; No. 5, 1997, s 3; No. 31, 2010, s 23; No. 9, 2016, s 24
s 106B	ins No. 11, 2026, s 24
s 107	amd No. 31, 2010, s 23 rep No. 9, 2016, s 12
s 108	amd No. 12, 1933, s 2; No. 31, 1961, s 13; No. 76, 1970, s 4; No. 31, 2010, s 23 rep No. 9, 2016, s 12
s 108A	ins No. 12, 1933, s 20 amd No. 54, 1974, s 18 rep No. 9, 2016, s 12
s 109	amd No. 12, 1933, s 21; No. 63, 1974, s 5; No. 31, 2010, s 8; No. 9, 2016, s 24
s 110	amd No. 31, 1961, s 14; No. 76, 1970, s 5 sub No. 31, 2010, s 9 amd No. 9, 2016, s 24
s 111	sub No. 31, 2010, s 9
s 112	amd No. 12, 1933, s 22; No. 54, 1974, s 6; No. 62, 1982, s 10; No. 31, 2010, s 23; No. 27, 2014, s 17; No. 9, 2016, s 24
s 112A	ins No. 31, 2010, s 10 amd No. 9, 2016, s 24
s 113	amd No. 31, 1961, s 15; No. 31, 2010, s 11; No. 27, 2014, s 18; No. 9, 2016, s 24
s 114	amd No. 62, 1982, s 11; No. 9, 2016, s 24
s 115	amd No. 31, 1961, s 16; No. 27, 2014, s 23; No. 9, 2016, s 24
s 116	amd No. 76, 1970, s 6; No. 54, 1974, s 18; No. 61, 1978, s 4; No. 62, 1982, s 12; No. 48, 1986, s 9; No. 29, 1990, s 7; No. 31, 2010, s 12; No. 9, 2016, s 24
s 117	amd No. 2, 1931, s 2; No. 12, 1933, s 23; No. 63, 1974, s 6; No. 31, 2010, s 13 rep No. 9, 2016, s 12
s 118	amd No. 31, 2010, s 23 rep No. 9, 2016, s 12
s 119	amd No. 31, 2010, s 23 sub No. 27, 2014, s 19 rep No. 9, 2016, s 12
pt V div 2 hdg	sub No. 9, 2016, s 13
s 120	amd No. 12, 1933, s 24; No. 31, 1961, s 17; No. 60, 1965, s 10; No. 87, 1973, s 12; No. 54, 1974, s 18; No. 149, 1979, s 4; No. 21, 1982, s 2 sub No. 66, 1983, s 4 amd No. 40, 1991, s 7; No. 5, 1997, s 4 sub No. 9, 2016, s 14 amd No. 24, 2022, s 27; No. 11, 2026, s 25
s 121	rep No. 66, 1983, s 4

s 121A	ins No. 20, 1976, s 3 amd No. 21, 1982, s 2; No. 2, 1983, s 15; No. 53, 1989, s 2; No. 40, 1991, s 7; No. 17, 1996, s 6; No. 5, 1997, s 5; No. 31, 2010, s 23; No. 5, 2011, s 7 sub No. 9, 2016, s 14 amd No. 24, 2022, s 27
ss 121B – 121C	ins No. 20, 1976, s 3 rep No. 5, 1997, s 6
s 122	sub No. 12, 1933, s 25; No. 20, 1976, s 3 rep No. 5, 1997, s 6
s 122A	ins No. 20, 1976, s 3 amd No. 40, 1991, s 7 sub No. 5, 1997, s 6 amd No. 31, 2010, s 14; No. 9, 2016, s 24
s 123	sub No. 12, 1933, s 25 amd No. 31, 1961, s 18; No. 63, 1974, s 7; No. 40, 1991, s 7 rep No. 5, 1997, s 6
s 123A	ins No. 31, 1961, s 19 rep No. 33, 2005, s 3
s 124	amd No. 12, 1933, s 26; No. 20, 1976, s 4; No. 40, 1991, s 7; No. 31, 2010, s 23 sub No. 9, 2016, s 15
s 125	amd No. 54, 1974, s 18; No. 20, 1976, s 5; No. 21, 1982, s 2; No. 5, 1997, s 7; No. 9, 2016, s 16
s 126	amd No. 63, 1974, s 8; No. 5, 1997, s 8; No. 9, 2016, s 24
s 127	rep No. 20, 1976, s 6
s 129	sub No. 12, 1933, s 27 amd No. 31, 1961, s 20; No. 60, 1965, s 11; No. 54, 1974, s 18; No. 20, 1976, s 7; No. 21, 1982, s 2; No. 40, 1991, s 7; No. 17, 1996, s 6 rep No. 5, 1997, s 9
s 130	amd No. 12, 1933, s 28; No. 46, 1992, s 3 rep No. 17, 1996, s 6
s 130A	ins No. 12, 1933, s 29 amd No. 21, 1982, s 2; No. 66, 1983, s 5; No. 7, 1999, s 2; No. 9, 2016, s 24
s 130B	ins No. 16, 1957, s 3 amd No. 54, 1974, s 18; No. 19, 1975, s 3; No. 21, 1982, s 2; No. 66, 1983, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 131	amd No. 76, 1970, s 7; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 31, 2010, s 15; No. 9, 2016, s 24
s 131A	ins No. 31, 1961, s 21 amd No. 87, 1973, s 12 sub No. 21, 1982, s 2; No. 66, 1983, s 7 amd No. 10, 1984, s 3; No. 14, 1994, s 3; No. 37, 2005; No. 3, 2013, s 6 sub No. 9, 2016, s 17 amd No. 20, 2025, s 30
s 131B	ins No. 31, 1961, s 21 amd No. 60, 1965, s 12; No. 54, 1974, s 18; No. 20, 1976, s 8; No. 21, 1982, s 2 rep No. 66, 1983, s 7
s 131C	ins No. 31, 1961, s 21 amd No. 60, 1965, s 13; No. 54, 1974, s 18; No. 20, 1976, s 9; No. 21, 1982, s 2 rep No. 66, 1983, s 7
s 131D	ins No. 31, 1961, s 21 amd No. 87, 1973, s 12 rep No. 66, 1983, s 7
s 131E	ins No. 31, 1961, s 21 rep No. 66, 1983, s 7

ss 132 – 133	amd No. 21, 1982, s 2; No. 17, 1996, s 6
s 134	amd No. 87, 1973, s 12; No. 54, 1974, s 7; No. 31, 2010, s 16; No. 9, 2016, s 24
s 135	amd No. 9, 2016, s 24
s 136	sub No. 54, 1974, s 8 amd No. 62, 1982, s 13; No. 31, 2010, s 23; No. 27, 2014, s 20; No. 9, 2016, s 24
s 137	amd No. 76, 1970, s 8
s 138	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 18
s 139	amd No. 76, 1970, s 9; No. 54, 1974, ss 9 and 18; No. 61, 1978, s 4; No. 62, 1982, s 14; No. 48, 1986, s 9; No. 29, 1990, s 7; No. 31, 2010, s 17; No. 9, 2016, s 24
s 140	rep No. 54, 1974, s 10
s 141	amd No. 61, 1978, s 4; No. 21, 1982, s 2; No. 62, 1982, s 15; No. 48, 1986, s 9; No. 29, 1990, s 7; No. 9, 2016, s 24; No. 10, 2016, s 36
s 142	amd No. 21, 1982, s 2; No. 62, 1982, s 16; No. 9, 2016, s 24
pt V	
div 4 hdg	rep No. 62, 1982, s 4
s 143	amd No. 54, 1974, s 11 rep No. 62, 1982, s 4
s 144	amd No. 54, 1974, s 12 rep No. 62, 1982, s 4
s 145	amd No. 54, 1974, s 13 rep No. 62, 1982, s 4
s 146	amd No. 21, 1982, s 2 rep No. 62, 1982, s 4
ss 147 – 148	rep No. 62, 1982, s 4
s 149	amd No. 61, 1978, s 4 rep No. 62, 1982, s 4
s 150	rep No. 62, 1982, s 4
s 151	amd No. 31, 2010, s 23 sub No. 27, 2014, s 21
s 152	amd No. 76, 1970, s 10 sub No. 31, 2010, s 18
s 153	amd No. 21, 1982, s 2; No. 31, 2010, s 19; No. 9, 2016, s 24
s 154	amd No. 31, 2010, s 23; No. 9, 2016, s 24
s 155	sub No. 27, 2014, s 22 amd No. 9, 2016, s 24
s 156	amd No. 21, 1982, s 2 rep No. 9, 2016, s 18
s 157	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 18
s 158	amd No. 21, 1982, s 2; No. 40, 1991, s 7 rep No. 9, 2016, s 18
s 159	amd No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 18
s 160	amd No. 12, 1933, s 30; No. 87, 1973, s 12; No. 31, 1990, s 7 rep No. 9, 2016, s 18
s 161	amd No. 31, 1961, s 22; No. 40, 1991, s 7 rep No. 33, 2005, s 3
pt VI hdg	amd No. 31, 2010, s 23; No. 9, 2016, s 24
s 162	amd No. 12, 1933, s 31; No. 54, 1974, s 18; No. 9, 2016, s 24; No. 6, 2022, s 18

s 162A	ins No. 31, 1961, s 23 amd No. 87, 1973, s 12; No. 61, 1978, s 4; No. 48, 1986, s 9; No. 29, 1990, s 7 rep No. 40, 2001, s 4
s 163	amd No. 12, 1933, s 32; No. 31, 1961, s 24; No. 54, 1974, s 18; No. 20, 1976, s 10; No. 21, 1982, s 2; No. 2, 1983, s 16; No. 40, 2001, s 5; No. 9, 2016, s 24; No. 7, 2021, s 22
s 164	amd No. 21, 1982, s 2; No. 2, 1983, s 17; No. 40, 2001, s 6
s 165	amd No. 21, 1982, s 2
s 167	amd No. 12, 1933, s 33; No. 16, 1957, s 4; No. 31, 1961, s 25; No. 60, 1965, s 14; No. 21, 1982, s 2; No. 31, 2010, s 23 rep No. 9, 2016, s 18
s 168	amd No. 12, 1933, s 34 sub No. 31, 1961, s 26 amd No. 62, 1982, s 17; No. 6, 1998, s 3; No. 9, 2016, s 24
s 169	amd No. 31, 2010, s 23 sub No. 9, 2016, s 19
s 170	amd No. 12, 1933, s 35; No. 62, 1982, s 18; No. 17, 1996, s 6; No. 27, 2014, s 23; No. 9, 2016, s 24
s 171	amd No. 31, 1961, s 27; No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24; No. 10, 2018, s 6
s 172	sub No. 31, 1961, s 28 amd No. 60, 1965, s 15; No. 21, 1982, s 2; No. 2, 1983, s 18; No. 9, 2016, s 24; No. 9, 2024, s 28
s 173	amd No. 12, 1933, s 36 sub No. 31, 1961, s 28 amd No. 21, 1982, s 2
s 174	amd No. 31, 1961, s 29; No. 31, 2010, s 23; No. 9, 2016, s 24
s 175	amd No. 31, 1961, s 30; No. 76, 1970, s 11; No. 54, 1974, s 18; No. 2, 1983, s 19; No. 31, 2010, s 20; No. 9, 2016, s 24
s 175A	ins No. 2, 1983, s 20
s 176	amd No. 76, 1970, s 12; No. 87, 1973, s 12; No. 54, 1974, s 18; No. 20, 1976, s 11; No. 2, 1983, s 21; No. 9, 2016, s 24
s 176A	ins No. 20, 1976, s 12 sub No. 2, 1983, s 22 amd No. 17, 1997, s 12; No. 31, 2010, s 23; No. 9, 2016, s 24
s 177	amd No. 31, 1961, s 31; No. 54, 1974, s 18; No. 20, 1976, s 13; No. 2, 1983, s 23; No. 31, 2010, s 23; No. 10, 2011, s 6; No. 9, 2016, s 24; No. 8, 2016, s 28
s 178	amd No. 31, 1961, s 32; No. 60, 1965, s 16; No. 18, 2017, s 36
s 179	amd No. 21, 1982, s 2; No. 31, 2010, s 23; No. 9, 2016, s 24
s 180	amd No. 20, 1976, s 14 rep No. 21, 1982, s 2
pt VIA hdg	ins No. 2, 1983, s 24 rep No. 60, 2001, s 9
s 180A	ins No. 2, 1983, s 24 amd No. 17, 1996, s 6 rep No. 60, 2001, s 9
ss 180B – 180E	ins No. 2, 1983, s 24 rep No. 60, 2001, s 9
s 182	amd No. 54, 1974, s 18 amd No. 9, 2016, s 24
s 183	amd No. 54, 1974, s 18
s 183A	ins No. 5, 1997, s 10
s 183B	ins No. 11, 2026, s 26
s 184	amd No. 54, 1974, s 18; No. 9, 2016, s 24

s 185	amd No. 53, 1989, s 3; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 186	amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 31, 2010, s 23; No. 9, 2016, s 24
s 187	amd No. 54, 1974, s 18; No. 17, 1996, s 6
s 187A	ins No. 12, 1933, s 37 amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6; No. 9, 2016, s 24
pt VII	
div 2 hdg	rep No. 9, 2016, s 20
s 188	amd No. 54, 1974, s 18; No. 61, 1978, s 4; No. 48, 1986, s 9; No. 29, 1990, s 7; No. 17, 1996, s 6; No. 40, 2010, s 64; No. 31, 2010, s 23 rep No. 9, 2016, s 20
pt VII	
div 3 hdg	ins No. 51, 2001, s 3
ss 189 – 190	rep No. 40, 1991, s 7 ins No. 51, 2001, s 3 amd No. 31, 2010, s 23; No. 2, 2012, s 11; No. 9, 2016, s 24
s 191	rep No. 40, 1991, s 7 ins No. 51, 2001, s 3 amd No. 31, 2010, s 23; No. 2, 2012, s 11
s 192	amd No. 21, 1982, s 2 rep No. 40, 1991, s 7 ins No. 51, 2001, s 3 amd No. 9, 2016, s 24
s 193	rep No. 40, 1991, s 7
s 194	amd No. 12, 1933, s 2 rep No. 87, 1981, s 3
ss 195 – 196	rep No. 87, 1981, s 3
s 197	amd No. 87, 1981, s 3 rep No. 40, 1991, s 7
s 198	amd No. 60, 1965, s 17 rep No. 40, 1991, s 7
s 199	rep No. 40, 1991, s 7
s 200	amd No. 21, 1982, s 2 rep No. 40, 1991, s 7
pt VII	
div 4A hdg	ins No. 5, 1997, s 11 sub No. 9, 2016, s 21
s 201A	ins No. 5, 1997, s 11 amd No. 31, 2010, s 21 rep No. 9, 2016, s 21
pt VII	
div 4 hdg	sub No. 54, 1974, s 14; No. 9, 2016, s 21
s 201	sub No. 54, 1974, s 15 amd No. 21, 1982, s 2 rep No. 2, 1983, s 25
s 202	amd No. 60, 1965, s 18; No. 21, 1982, s 2; No. 12, 2010, s 3 rep No. 9, 2016, s 21
s 203	amd No. 12, 1933, s 2; No. 54, 1974, ss 16 and 18; No. 37, 1980, s 22; No. 21, 1982, s 2; No. 2, 1983, s 26; No. 31, 2010, s 23 sub No. 9, 2016, s 21
pt VIII hdg	ins No. 31, 2010, s 22 sub No. 20, 2015,s 6
pt VIII	
div 1 hdg	ins No. 20, 2015,s 6
s 204	ins No. 31, 2010, s 22

pt IX hdg	ins No. 5, 2011, s 7 sub No. 20, 2015,s 7
s 205	ins No. 5, 2011, s 7
pt VIII div 3 hdg	ins No. 20, 2015,s 8
ss 206 – 208	ins No. 20, 2015,s 8
pt VIII div 4 hdg	ins No. 9, 2016, s 22
s 209	ins No. 9, 2016, s 22
pt VIII div 5 hdg	ins No. 10, 2016, s 37
ss 210 – 213	ins No. 10, 2016, s 37
pt VIII div 6 hdg	ins No. 8, 2016, s 29 as amd by No. 10, 2016, s 41
s 214	ins No. 8, 2016, s 29 as amd by No. 10, 2016, s 41
pt VIII div 7 hdg	ins No. 7, 2021, s 23
ss 215 – 217	ins No. 7, 2021, s 23
pt VIII div 8 hdg	ins No. 24, 2022, s 29
s 218	ins No. 24, 2022, s 29
sch hdg	om No. 87, 1973, s 12
sch 1	amd No. 21, 1982, s 2 rep No. 40, 1991, s 7
sch 2	sub No. 60, 1965, s 19 amd No. 76, 1970, s 13 rep No. 54, 1974, s 17
sch 3	ins No. 50, 1973, s 10 amd No. 87, 1973, s 12; No. 21, 1982, s 2; No. 40, 2010, s 65; No. 31, 2010, s 23 rep No. 9, 2016, s 23