

**NORTHERN TERRITORY OF AUSTRALIA**

**SUPREME COURT ACT**

As in force at 1 December 2000

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 December 2000

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## SUPREME COURT ACT

**An Act to create the Supreme Court of the Northern Territory of Australia in place of the Supreme Court previously established by the *Northern Territory Supreme Court Act 1961* of the Commonwealth**

### **Part I                      Preliminary**

#### **1                      Short title**

This Act may be cited as the *Supreme Court Act*.

#### **2                      Commencement**

The several Parts of this Act shall come into operation on such dates as are fixed by the Administrator by notice in the *Gazette*.

#### **3                      Proceedings in, and appeals to, former Supreme Court**

Subject to the Rules and to any directions given by a Judge with respect to matters of practice and procedure:

- (a) all proceedings in the former Supreme Court, whether civil or criminal (including proceedings by way of appeal) that were pending or incomplete at the commencement of this Act may be continued and completed in the Court as if they had been instituted in the Court; and
- (b) where, in relation to a judgment of a court, authority, board, tribunal, person or other body given or pronounced before the commencement of this Act, an appeal lay, at the commencement of this Act, to the former Supreme Court (whether or not subject to conditions as to leave to appeal or other conditions), a like appeal, subject to the like conditions, if any, lies to the Court, and for that purpose the Court may exercise any power or jurisdiction that belonged to the former Supreme Court.

**4 Judgments and Rules of former Supreme Court**

- (1) The judgments of the former Supreme Court subsisting at the commencement of this Act continue in force, and this Act and all other laws in force in the Territory apply in relation to them, as if they were judgments of the Court.
- (2) The Rules of Court that were in force under the repealed Act, including rules that were continued in force by that Act, immediately before the commencement of this Act continue in force, *mutatis mutandis*, and subject to any directions of the Court in a particular case, as if made under this Act, but may be amended or repealed by Rules of Court made under this Act.

**5 Records of former Supreme Court**

The records of the former Supreme Court, and all records of the superior court of record of the Territory that were kept under a law at any time in force in the Territory and that, immediately before the commencement of this Act, were in the custody or control of the former Supreme Court or of an officer of that Court, shall be incorporated with, and shall be deemed to form part of, the records of the Court.

**6 References to former Supreme Court, &c.**

- (1) A reference, in a law that was in force in the Territory before the commencement of this Act, to the former Supreme Court, or to the Chief Judge, the senior Judge, a Judge or an officer of the former Supreme Court, shall be read as, or as including, a reference to the Court, or to the Chief Justice, the senior Judge, a Judge or an officer of the Court, as the case may be.
- (2) A reference, in a law that was in force in the Territory before the commencement of this Act, to the repealed Act or to the *Supreme Court Ordinance 1911*, or that Ordinance as amended, shall be read as including a reference to this Act.
- (3) A reference, in a law that was in force in the Territory before the commencement of this Act, to rules of the Supreme Court, or to rules made under a provision of:
  - (a) the repealed Act; or
  - (b) the *Supreme Court Ordinance 1911*, or that Ordinance as amended,

shall be read as including a reference to the Rules of Court made under this Act.

**7 Judges of former Supreme Court**

- (1) Upon the commencement of this Act, the person who, immediately before the commencement of this Act, held office as the Chief Judge of the former Supreme Court:
  - (a) holds office as a Judge of the Court as though he had been appointed under this Act to be a Judge of the Court;
  - (b) is the senior Judge of the Court; and
  - (c) shall not be required to take an oath or affirmation before his appointment as Chief Justice, but shall be required to take an oath or affirmation upon his appointment as Chief Justice.
- (2) Upon the commencement of this Act, each person who, immediately before the commencement of this Act, held office as a Judge of the former Supreme Court, but was not the Chief Judge or an additional Judge of the former Supreme Court:
  - (a) holds office as a Judge of the Court as though he had been appointed under this Act to be a Judge of the Court;
  - (b) has the seniority, as between himself and the other Judges who hold office by virtue of this subsection, that he had immediately before the commencement of this Act; and
  - (c) shall, before proceeding to discharge the duties of his office under this Act, take before the Administrator, or before a person appointed by the Attorney-General in that behalf, an oath or affirmation in accordance with one of the forms in the Schedule.

**8 Officers of former Supreme Court**

- (1) A person who was, or was acting as, an officer of the former Supreme Court immediately before the commencement of this Act continues in the equivalent office or to act, as the case may be, after the commencement of this Act as if he were appointed, or appointed to act, under, or after the commencement of, this Act.
- (2) A person who continues in an office by virtue of subsection (1) shall not be required to take an oath upon the commencement of this Act.

## 9 Interpretation

(1) In this Act, unless the contrary intention appears:

**acting Judge** means a person appointed under this Act to act as a Judge.

**additional Judge** means a person appointed under this Act to be an additional Judge.

**affidavit** includes, in relation to a person who conscientiously objects to taking an oath, a solemn affirmation or declaration in writing.

**Chief Justice** means the Chief Justice of the Court, and includes a Judge for the time being performing the duties and exercising the powers of the Chief Justice.

**Court** or **Supreme Court** means the Supreme Court of the Northern Territory of Australia established by this Act.

**Court of Appeal** means the Court of Appeal of the Northern Territory of Australia within the meaning of section 51(2).

**defendant** includes a person against whom relief is sought in a proceeding or who is required to attend as a party to a proceeding.

**former Supreme Court** means the Supreme Court of the Northern Territory of Australia as established by law immediately before the commencement of this Act.

**Full Court** means the Court, not being the Court of Appeal, constituted by not less than 3 Judges.

**Judge** means a Judge of the Court, and includes a person who is:

- (a) the Chief Justice;
- (b) an additional Judge; or
- (c) an acting Judge.

**judgment** includes a decree, order, declaration, determination, finding (including a finding of guilt), conviction or sentence, and a refusal to make a decree, order, declaration, determination or finding, whether final or otherwise.

**Judicature Act** means *The Supreme Court of Judicature Act, 1873* of the United Kingdom.



**Master** means the Master of the Court, and includes a person authorized under section 41H to act in the office of Master.

**plaintiff** includes a person seeking relief against another person by any form of proceeding in the Court.

**practice and procedure** includes matters relating to costs, the method of pleading, the attendance of witnesses, the custody or bail of accused, persons found guilty of an offence or convicted persons and the enforcement and execution of judgments.

**proceeding** means a proceeding in the Court whether between parties or not, and includes:

- (a) a cause, action, suit or matter;
- (b) an incidental proceeding in the course of, or in connection with, a cause, action, suit or matter;
- (c) a criminal proceeding, where the context so permits; and
- (d) an appeal.

**Registrar** means a Registrar or an acting Registrar appointed under this Act.

**repealed Act** means the *Northern Territory Supreme Court Act 1961* of the Commonwealth, or that Act as amended at any time.

**Rules** means the Rules of Court made under this Act or ratified, validated and approved under the *Supreme Court (Rules of Procedure) Act 1987*.

**Seal** means the Seal of the Court.

**Sheriff** means the Sheriff of the Territory.

- (2) In this or any other Act or an instrument of a legislative or administrative character, a reference to:
  - (a) a rule or decree of the Court shall be taken to be a reference to an order of the Court; or
  - (b) a writ of prohibition, mandamus or certiorari by which the Court had before the commencement of Parts II and IV of the *Supreme Court (Rules of Procedure) Act 1987* jurisdiction to grant relief or a remedy shall be taken to be a reference to the judgment by which the Court may, after that commencement, grant that relief or remedy under this Act and the Rules.

**9A Abolition of distinction between court and chambers**

- (1) The distinction between court and chambers is abolished.
- (2) Nothing in subsection (1) alters the practice and procedure of the Court with respect to business that can be conducted otherwise than in open court.
- (3) The business of the Court, whether conducted in court or otherwise, shall be taken to be conducted in court.
- (4) Where by or under this or any other Act in force immediately before the commencement of Parts II and IV of the *Supreme Court (Rules of Procedure) Act 1987* a jurisdiction, power or authority is vested in a Judge:
  - (a) the jurisdiction, power or authority may be exercised in accordance with this Act and the Rules by the Court in all respects as that Judge might have done; and
  - (b) the Court constituted in accordance with this Act and the Rules has jurisdiction, power and authority co-ordinate with the jurisdiction, power and authority of the Judge.
- (5) Where by or under this or any other Act in force immediately before the commencement of Parts II and IV of the *Supreme Court (Rules of Procedure) Act 1987* a jurisdiction, power or authority is vested in the Court or in a Judge by the use of the words **the Court, the Court or a Judge** or **a Judge of the Supreme Court**, or by words referring to the Court or to a Judge, that jurisdiction, power or authority may be exercised by the Court in accordance with this Act and the Rules.
- (6) Subsection (5) has effect notwithstanding that the Act vesting jurisdiction, power or authority in the Court or in a Judge designates the Court or Judge as the court, judge, arbitrator or person appointed to hear and determine a matter and notwithstanding that the determination is expressed to be final or without appeal, but where the determination is expressed to be final or without appeal an appeal does not lie from a determination of the Court.

## **Part II            Constitution and jurisdiction of the Court**

### **Division 1        Constitution**

#### **10            Establishment**

There shall be a Court which, subject to section 51(2), shall be known as the Supreme Court of the Northern Territory of Australia.

#### **11            Constitution**

- (1) The Court consists of the Judges and the Master.
- (2) The Court shall be constituted by a Judge or Judges or, in a case where an Act or the Rules provide that it may be constituted by the Master, by the Master, sitting and exercising the jurisdiction of the Court.

#### **12            Superior court of record**

The Court shall be the superior court of record of the Territory.

#### **13            Principal seat, &c.**

- (1) The principal seat of the Court shall be at Darwin.
- (2) The Court shall have power to sit and act at any time and at any place the Chief Justice directs, for the transaction of any part of the business of the Court, or for the discharge of any duty which by any law in force in the Territory is required to be discharged.

### **Division 2        Jurisdiction**

#### **14            Jurisdiction**

- (1) In addition to the jurisdiction conferred on it elsewhere by this Act, the Court:
  - (a) has jurisdiction:
    - (i) in a proceeding between the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, and the Territory, or a person suing or being sued on behalf of the Territory;
    - (ii) in a proceeding between the Territory, or a person suing or being sued on behalf of the Territory, and any other person, or a person suing or being sued on behalf of that other person; and

- (iii) in a proceeding between the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, and any other person, or a person suing or being sued on behalf of that other person;
  - (b) has, subject to this Act and to any other law in force in the Territory, in relation to the Territory, the same original jurisdiction, both civil and criminal, as the Supreme Court of South Australia had in relation to the State of South Australia immediately before 1 January 1911;
  - (c) has such jurisdiction, whether civil or criminal, as was, immediately before the commencement of this Act, vested in or conferred on the former Supreme Court or is from time to time vested in or conferred on the Court by any law in force in the Territory (including a law passed or made before the commencement of this Act, as affected by section 6);
  - (d) has jurisdiction in a proceeding in which a writ of mandamus or prohibition or an injunction or other relief is sought against an officer of the Commonwealth or of the Territory, being a proceeding arising in, or under a law in force in, the Territory; and
  - (e) has jurisdiction, with such exceptions and subject to such conditions as are provided by a law in force in the Territory, to hear and determine appeals from all judgments of inferior courts in the Territory given or pronounced after the commencement of this Act.
- (2) The jurisdiction of the Court referred to in subsection (1) is in addition to the jurisdiction that the Court has under any Imperial Act.

## **15 Exercise of jurisdiction**

The jurisdiction of the Court, other than its appellate jurisdiction, is exercisable:

- (a) by the Full Court;
- (b) where it is not expressly provided that the jurisdiction of the Court shall be exercised by the Full Court, by one Judge;
- (d) as provided by Division 4, by the Master or a referee.

## **16 Transfer of proceedings to Local Court**

- (1) A party to a civil proceeding may apply to the Court for the proceeding to be transferred to the Local Court if the matters for determination in the proceeding are within the jurisdiction of the Local Court at the time the application is made.
- (2) On an application under subsection (1), the Court may, if it considers it proper to do so in all the circumstances of the case, order that the proceeding be transferred to the Local Court, and may make such other orders as it thinks fit.
- (3) Subject to any order of the Court, a transferred proceeding shall be continued in the Local Court as if it had been originally commenced in that court.

## **17 Open Court**

The Court may order the exclusion of the public or of persons specified by the Court from a sitting or a part of a sitting of the Court.

## **18 Declaration of right**

- (1) The Court may, in relation to any matter in which it has jurisdiction, make binding declarations of right, whether or not any consequential relief is or could be claimed.
- (2) A proceeding is not open to objection on the ground that a declaratory order only is sought.

## **19 Determination of matter completely and finally**

The Court shall, in every proceeding before it, grant, either absolutely or on such terms and conditions as it thinks just, all remedies to which any of the parties appears to be entitled in respect of a legal or equitable claim properly brought forward by him in the proceeding, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined and all multiplicity of proceedings concerning any of those matters avoided.

## **20 Orders and writs**

The Court has power, in relation to matters in which it has jurisdiction, to make orders, including interlocutory orders, in such terms as it thinks fit and to issue, or direct the issue of, writs in such terms as it thinks fit.

## **Division 3 Full Court**

### **21 Full Court**

- (1) The Judge hearing a proceeding, not being a proceeding in the Court of Appeal in which the jurisdiction of the Court is exercisable by one Judge, or, if the hearing of such a proceeding has not commenced, any Judge, may refer that proceeding or part of that proceeding to the Full Court.
- (2) The Full Court may:
  - (a) accept;
  - (b) decline to accept; or
  - (c) accept in part only,

a reference made under subsection (1) and, in any event, may make such orders and give such directions as it thinks proper in relation to, and to the procedure to be followed in, the further conduct of the proceedings or part, as the case may be, including, in a case where evidence was received before the reference, orders and directions in relation to the use, if any, to be made of that evidence.

### **22 Legal practitioners**

The jurisdiction, other than the appellate jurisdiction, of the Court in any matter relating to the professional behaviour or conduct of a legal practitioner, being a matter arising under an Act relating to legal practitioners, shall be exercised by the Full Court.

### **23 Majority judgments**

If 3 or more Judges sitting together to constitute the Full Court are divided in opinion as to the decision to be given on any question, the question shall be decided:

- (a) if the Judges are not equally divided, according to the opinion of the majority; or
- (b) if the Judges are equally divided, according to the opinion of the senior of those Judges.

## **24 Reserved judgments**

When any proceeding, after being fully heard before the Full Court, is ordered to stand for judgment, it shall not be necessary that all the Judges before whom it was heard shall be present together in Court to declare their opinions thereon, but:

- (a) the opinion of any of them may be reduced to writing and may be read or published by any other Judge at any subsequent sitting of the Full Court at which judgment in the proceeding is appointed to be delivered; and
- (b) in any such case the question shall be decided in the same manner, and the judgment of the Full Court shall have the same force and effect, as if the Judge whose opinion is so read or published had been present in Court and declared his opinion in person.

## **Division 4 Exercise of jurisdiction and referees**

### **25 Jurisdiction by Master, &c.**

The Rules may:

- (a) empower the Master to exercise the jurisdiction of the Court;
- (b) confer powers on the Registrar or on a person specified in the Rules; and
- (c) prescribe the circumstances in which, and the terms and conditions subject to which:
  - (i) the Master may exercise the jurisdiction of the Court; and
  - (ii) the Registrar or other person on whom powers are conferred by the Rules may exercise the powers.

### **26 Reference for report**

- (1) Subject to the Rules, and to any right to have particular cases tried by a jury, the Court may by order refer to the Master or to a referee for inquiry and report any question arising in any civil proceeding.
- (3) Where a question is referred to the Master or a referee under subsection (1), the report of the Master or referee may be adopted wholly or partially and with or without modification by the Court and may, as so adopted, be enforced as a judgment.

## **27 Reference for trial**

- (1) In any civil proceeding, except where the jurisdiction of the Court is exercisable only by the Full Court:
- (a) if all the parties interested who are not under disability consent;
  - (b) if the proceeding requires any prolonged examination of documents, or any scientific or local investigation, which cannot, in the opinion of the Court, conveniently be made before a jury or conducted by the Court; or
  - (c) if the question in dispute consists wholly or in part of matters of account,

the Court may at any time order so much of the proceeding, or of any question or issue of fact arising therein, as in the opinion of the Court is proper, to be tried before the Master or before a referee agreed on by the parties or, in the absence of agreement, appointed by the Court.

- (2) Except where the jurisdiction of the Court is exercisable only by the Full Court, the Court may at any time order that an assessment of damages be tried before the Master.

## **28 Powers**

Where the Court makes an order under section 26 or 27:

- (a) it may, subject to the Rules, make the order on such terms and conditions, including terms and conditions as to costs, as it thinks fit;
- (b) it may, subject to the Rules, give such directions as it thinks fit;
- (c) the Master or referee, as the case may be, may exercise the jurisdiction of the Court for the purpose of carrying out the order; and
- (d) if the order is an order that a matter be tried by or referred to a referee, the referee shall be deemed to be an officer of the Court.



## **29 Powers of Master**

Where the Master or a referee exercises the jurisdiction of the Court as provided by this Division, then, subject to the Rules and to the directions of the Court and, in the case of an order under section 26 or 27 to the terms of the order:

- (a) he has and may exercise the authority, powers, functions, duties, privileges and immunities of the Court and of a Judge (but not including the power to commit for contempt);
- (b) he may, at any time, and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising; and
- (c) he may, if he gives a judgment:
  - (i) order the inclusion of interest in any sum for which judgment is given; and
  - (ii) make an order as to costs.

## **30 Effect of judgment**

A judgment given by the Master or a referee in the exercise of the jurisdiction of the Court has effect, subject to section 31 and to the Rules, as a judgment of the Court.

## **31 Appeal**

- (1) A party to a proceeding affected by a judgment given in that proceeding by the Master or a referee in the exercise of the jurisdiction of the Court may appeal from that judgment to the Court.
- (2) On an appeal under subsection (1), the Court may:
  - (a) affirm, vary or reverse the judgment appealed from, in whole or in part, and give such judgment as in all the circumstances it thinks just; or
  - (b) set aside the judgment appealed from, in whole or in part, and substitute its own judgment or remit the proceeding to the Master or referee, as the case may be, for further hearing and determination subject to such directions as the Court thinks fit.

## **Division 5 Judges**

### **32 Appointment of Judges**

(1) The Administrator may, by commission, appoint a person who has not attained the age of 70 years and:

- (a) is or has been a Judge of a Court of the Commonwealth or of a State or Territory of the Commonwealth; or
- (b) has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory of the Commonwealth for not less than 10 years,

to be:

- (c) the Chief Justice of the Court;
- (d) a Judge of the Court; or
- (e) an additional Judge of the Court.

(2) The Administrator may, by commission, appoint a person who:

- (a) is or has been a Judge of a Court of the Commonwealth or of a State or Territory of the Commonwealth; or
- (b) has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory of the Commonwealth for not less than 10 years,

to act as a Judge for such period, not exceeding 12 months but subject to subsection (4), and subject to such conditions and limitations, if any, as are specified in the commission.

(3) While a person appointed under subsection (2) is acting as a Judge he has the authority, powers, functions, duties, privileges, immunities and jurisdiction of a Judge, but he shall not exercise them or constitute the Court, either alone or with another Judge, except subject to the conditions and limitations, if any, specified in his commission.

(4) A person appointed under subsection (2) to act as a Judge is authorised to complete the hearing and determination of a proceeding that is pending before the person at the time of the expiration of his or her appointment.

### **33 Seniority**

(1) The Chief Justice is the senior Judge of the Court.

- (2) The Judges who are appointed by reference to section 32(1)(d) are senior to additional Judges and acting Judges and, as between themselves, have seniority according to the dates on which their commissions took effect and, in the case where 2 or more commissions took effect on the same date, according to the precedence assigned to them in their commissions.
- (3) The additional Judges are senior to acting Judges and, as between themselves, have seniority according to the dates on which their commissions took effect and, in the case where 2 or more commissions took effect on the same date, according to the precedence assigned to them in their commissions.
- (4) The acting Judges have seniority, as between themselves, according to the dates on which their commissions took effect and, in the case where 2 or more commissions took effect on the same date, according to the precedence assigned to them in their commissions.

#### **34 Chief Justice**

The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court and accordingly may, subject to this Act and to such consultation with the Judges as the Chief Justice considers appropriate, make arrangements as to the Judge who is or the Judges who are to constitute the Court in particular matters or classes of matters.

#### **35 Acting Chief Justice**

Whenever:

- (a) the Chief Justice is absent from the Territory or from duty; or
- (b) there is a vacancy in the office of Chief Justice,

the next senior Judge who is in the Territory and is able and willing to do so shall perform the duties, and may exercise the powers, of the Chief Justice.

#### **36 Offices of profit**

- (1) A Judge shall not, without the approval of the Attorney-General:
  - (a) accept another judicial commission; or
  - (b) accept an office of profit under the Crown.
- (2) Nothing in subsection (1) shall affect a judicial commission given before the commencement of this Act.

**37 Oath of office**

A Judge shall, before proceeding to discharge the duties of his office, take before the Administrator, or before a person appointed by the Attorney-General in that behalf, an oath or affirmation in accordance with one of the forms in Schedule 1.

**38 Retirement**

A Judge, other than a Judge appointed under section 32(2), ceases to hold office upon his attaining the age of 70 years.

**39 Resignation**

A Judge may, by writing under his hand delivered to the Administrator, resign his office, but the resignation is not effective until it is accepted by the Administrator.

**40 Removal from office**

- (1) A Judge who is not an acting Judge may be removed from office by the Administrator on an address from the Legislative Assembly praying for his removal on the ground of proved misbehaviour or incapacity, but shall not otherwise be removed from office.
- (2) An acting Judge may be removed from office by the Administrator on the ground of proved misbehaviour or incapacity, but shall not otherwise be removed from office.

**41 Remuneration**

- (1) A Judge shall receive:
  - (a) salary at a rate;
  - (b) such allowances and at such rates; and
  - (c) such other benefits,as are determined from time to time by the Administrator.
- (2) Salary to which a Judge is entitled under subsection (1) accrues from day to day and is payable monthly.
- (3) The salary, allowances and other benefits to which a Judge is entitled under subsection (1) shall not be altered to his detriment during his term of office.

- (4) Salaries, allowances and benefits payable under subsection (1) are to be paid from the public moneys of the Territory and the Allocation for that purposes is established or increased to the extent necessary.

## **Division 5A Master**

### **41A Appointment of Master**

The Administrator may, on the recommendation of the Chief Justice, by commission, appoint a person who:

- (a) has not attained the age of 65 years; and
- (b) has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory of the Commonwealth for not less than 5 years,

to be the Master.

### **41B Office of profit**

The Master shall not, without the approval of the Chief Justice, accept an office of profit under the Crown.

### **41C Remuneration**

- (1) The Master shall receive:
- (a) salary at a rate;
  - (b) such allowances and at such rates; and
  - (c) subject to section 41G, such other benefits,
- as are determined, from time to time, by the Administrator.
- (2) Salaries, allowances and benefits payable under subsection (1) are to be paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary.

### **41D Retirement**

The Master shall cease to hold office on attaining the age of 65 years.

**41E Resignation**

The Master may, by writing delivered to the Administrator, resign from that office, but the resignation is not effective until it is accepted by the Administrator.

**41F Removal of Master from office**

The Administrator shall remove the Master from office if, and only if, the Master:

- (a) becomes incapable of performing the duties of the office, other than by reason of temporary illness; or
- (b) is guilty of misbehaviour.

**41G Rights of public servants**

Where a person appointed as the Master under this Act was, immediately before the appointment, an employee within the meaning of the *Public Service Act* or any Act in substitution for that Act:

- (a) the person shall retain any existing and accruing benefits that the person was entitled to by virtue of the person's employment under that Act; and
- (b) the benefits determined under section 41C(1)(c) shall be not less than those which the person would, from time to time, be entitled to had the person continued to be employed under that Act.

**41H Authorization to act in office of Master**

(1) Where:

- (a) there is a vacancy in the office of Master; or
- (b) the Master is absent from duty or from the Territory, or is unable, for any reason, to carry out the duties of the office,

the Chief Justice may, by notice in writing, authorize a person (including an employee as defined in the *Public Sector Employment and Management Act*) who:

- (c) has not attained the age of 65 years; and
- (d) is enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory,

to act in the office of Master subject to such limitations or restrictions, if any, as are specified in the notice.

- (2) A person authorized under subsection (1) shall not act in the office of Master for a continuous period longer than 12 months.

#### **41J Oath of office**

- (1) The Master and, subject to subsection (2), a person authorized under section 41H to act in the office of Master shall, before proceeding to discharge the duties of the office, take before the Chief Justice or a Judge of the Court an oath or affirmation in accordance with one of the forms in Schedule 2.
- (2) Where a person authorized under section 41H has taken the oath or affirmation under subsection (1) that person shall be deemed, by virtue of having taken the oath or affirmation, to have complied with that subsection should that person at some later time be again authorized to act in the office of Master.

#### **41K Powers of Master**

- (1) The Master has power to administer oaths, and shall perform such duties in respect of a proceeding as are assigned to the Master by a law in force in the Territory, by the Rules or by order of the Court.
- (2) Where, under a law in force in the Territory, a power is exercisable, or a duty is to be performed, or a thing is to be or may be done, by a Registrar or other officer of the court, other than a Sheriff, it may be exercised, performed or done by the Master.
- (3) The Master is a Justice of the Peace for the Territory.

### **Division 6 Registries, Seals and officers**

#### **42 Registry**

- (1) There shall be a Registry of the Court at Darwin.
- (2) The Attorney-General may authorize the establishment of additional Registries of the Court at such places in the Territory as he determines.

#### **43 Seal**

- (1) The Court shall have a Seal for sealing writs and other documents issued out of the Court and required to be sealed.

- (2) The Seal shall be of a design approved by the Chief Justice and shall be inscribed with the words "The Seal of the Supreme Court of the Northern Territory of Australia".
- (3) The Seal shall be kept at such place and in such custody as the Chief Justice directs.

#### **44 Stamps**

- (1) The Court shall have, in addition to the Seal, a stamp or stamps of a design approved by the Chief Justice.
- (2) A stamp referred to in subsection (1) shall be kept at such place and in such custody as the Chief Justice directs.
- (3) A document or a copy of a document marked with a stamp referred to in subsection (1) is as valid and effectual as if it had been sealed with the Seal.

#### **45 Judicial notice of Seal**

All Courts and all persons acting judicially shall take judicial notice of the Seal affixed to, and of the mark of a stamp referred to in section 44(1) impressed on a document or a copy of a document and shall presume that it was affixed or impressed by proper authority.

#### **48 Appointment of Registrars**

- (1) The Attorney-General may appoint a person who is admitted or qualified to be admitted as a legal practitioner of the Court to be a Registrar of the Court.
- (2) The Chief Justice may appoint a person who is admitted or qualified to be admitted as a legal practitioner of the Court to be an acting Registrar of the Court.

#### **49 Powers of Registrars**

- (1) Subject to this Act and the Rules and to the directions of the Master, a Registrar has, and may exercise and perform, all the powers and functions of the Master under any law in force in the Territory.
- (2) The appointment of a person to be a Registrar does not affect the exercise or performance of a power or function by the Master.



**49A Independence of Master and Registrars**

Except to the extent otherwise provided by or under this Act, the Master and a Registrar, in the exercise of their jurisdiction and powers and the performance of their functions under this Act, are not subject to the direction or control of any person or body.

**50 Other officers**

The Attorney-General may appoint such officers of the Court, in addition to Registrars and to the officers appointed under the Sheriff Act, as he considers necessary.

**Part III Court of Appeal****50A Application**

This Part does not apply to an appeal under Division 2 of Part X of the Criminal Code.

**51 Right of appeal**

- (1) Where the jurisdiction of the Court in a proceeding or a part of a proceeding was exercised otherwise than by the Full Court, the Master or a referee, a party to that proceeding may, subject to this Act, appeal to the Court from a judgment given in that proceeding or part, as the case may be.
- (2) The Court, when exercising its appellate jurisdiction under subsection (1), may be known as the Court of Appeal of the Northern Territory of Australia.

**52 Exercise of appellate jurisdiction**

- (1) Subject to this Act, the appellate jurisdiction of the Court under section 51(1) shall be exercised by the Court constituted by not less than 3 Judges.
- (2) One Judge sitting in Court may exercise the appellate jurisdiction of the Court under section 51(1):
  - (a) to direct the entry of any judgment by consent or make any order by consent;
  - (b) to dismiss an appeal for want of prosecution or for other prescribed cause; or
  - (c) to dismiss an appeal on the application of the appellant.

- (3) The appellate jurisdiction of the Court under section 51(1) may, subject to section 53, be exercised by a Judge:
- (a) as provided by this Act, by the Rules or by any other law in force in the Territory; and
  - (b) in all matters of practice and procedure.
- (5) A party to an appeal may apply as of right to the Court of Appeal constituted by not less than 3 Judges to discharge or vary a judgment or direction of the Court of Appeal constituted otherwise, but may not otherwise appeal to the Court from a judgment of the Court of Appeal.

**53 Appeal from interlocutory judgment**

A party to a proceeding may not appeal under section 51(1) from an interlocutory judgment except by leave of the Court of Appeal constituted by not less than 3 Judges.

**54 Evidence on appeal**

The Court of Appeal shall have regard to the evidence given in the proceedings out of which the appeal arose, and has power to draw inferences of fact and, in its discretion, to receive further evidence, which may be taken on affidavit, by oral examination before the Court of Appeal or a Judge or otherwise as the Court of Appeal directs.

**55 Form of judgment on appeal**

- (1) Subject to any law in force in the Territory, the Court of Appeal:
- (a) may exercise every power, jurisdiction and authority of the Court, whether at law or in equity or under any law in force in the Territory; and
  - (b) shall give such judgment as, in all the circumstances, it thinks fit.
- (2) Without limiting the effect of subsection (1), the Court of Appeal:
- (a) may affirm, reverse or vary the judgment appealed from, in whole or in part;
  - (b) may set aside the judgment appealed from, in whole or in part, and substitute its own judgment or remit the proceeding to the Court constituted by the Judge who gave that judgment for further hearing and determination, subject to such directions as the Court of Appeal thinks fit;

- (c) may set aside a verdict or finding of a jury in a civil proceeding, and enter a judgment notwithstanding any such verdict or finding;
  - (e) may grant a new trial in any case in which there has been a trial, either with or without a jury, on any ground upon which it is appropriate to grant a new trial; and
  - (f) may award execution from the Court or remit the proceeding to another court for the execution of the judgment of the Court of Appeal.
- (3) It is the duty of a court to which a proceeding is remitted in accordance with subsection (1)(f) to execute the judgment of the Court of Appeal in the same manner as if it were its own judgment.
  - (4) The Court of Appeal shall comply with subsection (1) notwithstanding that the notice of appeal asks that part only of the judgment may be reversed or varied, and it may give judgment in favour of all or any of the respondents or parties, including respondents or parties who have not appealed from or complained of the judgment.
  - (6) An interlocutory judgment from which there has been no appeal does not operate to prevent the Court of Appeal from giving such decision upon an appeal as it thinks just.
  - (7) The powers of the Court of Appeal under sub-section (1) in an appeal (whether by the Crown or by the defendant) against a sentence include the power to increase or decrease the sentence or substitute a different sentence.

## **56 New trial**

- (1) In an appeal in which the Court of Appeal grants a new trial, the Court of Appeal may impose such conditions on a party, and may direct such admissions to be made by a party, for the purpose of the new trial as it thinks just.
- (2) Where the Court of Appeal grants a new trial, the Court of Appeal:
  - (a) may grant it, either generally or on particular issues only, as it thinks just; and
  - (b) may at any time order that evidence of a witness examined at the former trial be used in the new trial in the manner provided in the order.

**57 Stay of proceedings**

- (1) Where an appeal to the Court under section 51(1) has been instituted, the Court of Appeal or the Court may:
  - (a) order, on such conditions, if any, as it thinks fit, a stay of the whole or any part of a proceeding under the judgment appealed from; and
  - (b) by order, on such conditions, if any, as it thinks fit, suspend the operation of a judgment to which the appeal, in whole or in part, relates.
- (2) Subsection (1) does not affect the operation of any provision made by or under any other law in force in the Territory or by the Rules for or in relation to the stay of a proceeding.
- (3) Except as expressly provided by this section or by the Rules or any other law in force in the Territory, the institution of an appeal does not operate as a stay of execution.

**58 Senior Judge presides**

- (1) At a sitting of the Court of Appeal at which the Chief Justice is present, he shall preside.
- (2) In the absence of the Chief Justice from a sitting of the Court of Appeal, the senior Judge present shall preside, unless the Chief Justice directs otherwise.

**59 Majority judgments**

- (1) The judgment of the Court of Appeal shall be in accordance with the opinion of the majority of Judges present.
- (2) Where the Judges present at a sitting of the Court of Appeal are equally divided in opinion as to the judgment to be given on any question, the judgment appealed from shall be affirmed.

**60 Reserved judgments**

When any proceeding, after being fully heard before the Court of Appeal, is ordered to stand for judgment, it shall not be necessary that all the Judges before whom it was heard shall be present together in Court to declare their opinions thereon, but:

- (a) the opinion of any of them may be reduced to writing and may be read or published by any other Judge at any subsequent sitting of the Court of Appeal at which judgment in the proceeding is appointed to be delivered; and

- (b) in any such case the question shall be decided in the same manner, and the judgment of the Court of Appeal shall have the same force and effect, as if the Judge whose opinion is so read or published had been present in Court and declared his opinion in person.

## **Part IV                      Concurrent administration of law and equity**

### **61                      Law and equity**

Subject to the express provisions of any other law in force in the Territory, in every proceeding commenced in the Court, law and equity shall be administered according to the provisions of this Part.

### **62                      Equities of plaintiff**

Where a plaintiff claims to be entitled to an equitable estate or right, or to relief on an equitable ground against a deed, instrument or contract, or against a right, title or claim asserted by any defendant in a proceeding, or to relief founded upon a legal right that could in England immediately before the commencement of the Judicature Act only have been given by a Court of Equity, the Court shall give to the plaintiff the same relief as ought then to have been given by the English Court of Chancery in a proceeding for the like purpose.

### **63                      Equities of defendant**

Where a defendant claims to be entitled to an equitable estate or right, or to relief on an equitable ground against a deed, instrument or contract, or against a right, title or claim asserted by a plaintiff in a proceeding, or alleges a ground of equitable defence to a claim of the plaintiff, the Court shall give to every equitable estate, right or ground of relief so claimed, and every equitable defence so alleged, the same effect, by way of defence against the claim of the plaintiff, as the English Court of Chancery ought, immediately before the commencement of the Judicature Act, to have given if the like matters had been relied on by way of defence in a proceeding instituted in that Court for the like purpose.

### **64                      Counter claims and third parties**

- (1) The Court has power to grant to a defendant, in respect of an equitable estate or right or other matter of equity, and also in respect of a legal estate, right or title claimed or asserted by him:
- (a) all such relief against a plaintiff as the defendant has properly claimed by his pleading and as the Court might have granted in a proceeding instituted for that purpose by that defendant against the same plaintiff; and

- (b) all such relief relating to or connected with the original subject of the proceeding, being relief claimed in like manner against another person, whether already a party to the proceeding or not, who has been duly served with notice in writing of the claim pursuant to the Rules, any other law in force in the Territory, or an order of the Court, as might properly have been granted against that person if he had been made a defendant to a proceeding duly instituted by the same defendant for the like purpose.
- (2) A person served with such a notice shall thenceforth be deemed a party to the proceeding with the same rights in respect of his defence against the claim as if he had been duly sued in the ordinary way by the defendant.

**65 Equities appearing incidentally**

The Court shall take notice of all equitable estates, titles and rights, and of all equitable duties and liabilities appearing incidentally in the course of a proceeding, in the manner in which the English Court of Chancery would, immediately before the commencement of the Judicature Act, have taken notice of those matters in a proceeding properly instituted in that court.

**66 Defence or stay instead of injunction or prohibition**

- (1) Every matter of equity on which an injunction against the prosecution of any such proceeding, if the proceeding had been a proceeding properly instituted in the English Court of Chancery for the like purpose, might, immediately before the commencement of the Judicature Act, have been obtained, whether unconditionally or on any terms or conditions, may be relied on by way of defence.
- (2) Notwithstanding subsection (1):
- (a) nothing in this Part disables the Court, if it thinks fit so to do, from directing a stay of proceedings in a matter pending before it; and
  - (b) a person, whether a party or not to a proceeding in the Court, who:
    - (i) if the proceeding had been a proceeding properly instituted in the English Court of Chancery for the like purpose, would, immediately before the commencement of the Judicature Act, have been entitled to apply to a court to restrain the prosecution of the proceeding; or

- (ii) may be entitled to enforce, by attachment or otherwise, a judgment in contravention of which the proceeding, or any part of the proceeding, has been taken,

may apply to the Court, by motion in a summary way, for a stay of proceedings, either generally or so far as is necessary for the purposes of justice, and the Court shall thereupon make such order as it thinks just.

## **67 Common law and statutory rights**

Subject to the provisions of this Part for giving effect to equitable rights and other matters of equity, the Court shall give effect to all legal claims and demands, and to all estates, titles, rights, duties, obligations and liabilities, existing under the law in force in the Territory, including common law and custom.

## **68 Rules of equity to prevail**

In all matters not particularly mentioned in this Part in which there was formerly or is a conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.

## **69 Injunctions and receivers**

- (1) The Court may grant an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the Court to be just or convenient so to do.
- (2) Such an order may be made either unconditionally or on such terms and conditions as the Court thinks just.
- (3) If, whether before, at or after the hearing of a proceeding, an application is made for an injunction to prevent a threatened or apprehended waste or trespass, the injunction may be granted, if the Court thinks fit, whether the person against whom the injunction is sought is or is not in possession under a claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under a colour of title, and whether the estate claimed by any of the parties is legal or equitable.

**Part V Practice and procedure****71 Rules of Court**

Except as provided by this Act or by any other law in force in the Territory, the practice and procedure of the Court shall be as provided by the Rules.

**72 Directions by Chief Justice**

Where no provision in relation to a matter of practice and procedure of the Court is contained in this Act, in the Rules or in any other law in force in the Territory, that matter shall be governed as the Chief Justice directs either generally or in relation to a proceeding.

**73 Evidence**

Subject to this Act, to the Rules and to any other law in force in the Territory, in any proceeding, unless the parties otherwise agree, evidence shall be given orally in open court.

**74 Affidavits**

- (1) On the hearing of any proceeding, evidence may be given by affidavit of the service of any document incidental to the proceeding or of the signature of a party to the proceeding, or of his solicitor, on such a document.
- (2) In any proceeding, the Court may, for sufficient reason, order that, subject to such conditions as the Court thinks just, all or a part of the evidence in the proceeding, being evidence that, but for the order, would be required to be given orally in open court, may be given by affidavit.
- (3) The conditions referred to in subsection (2):
  - (a) may include a condition that a copy of the affidavit by which any evidence is to be given be served on a party to the proceeding or on any other person; and
  - (b) may include a condition that a person whose evidence is given by affidavit attend at the hearing for cross-examination.

**75 Appearance**

Subject to any other law in force in the Territory, a party in a proceeding may appear before the Court either personally or by a legal practitioner having the right to practise in the Court.



**77 Non-appearance or absence of some defendants**

- (1) If there are several defendants in a proceeding and if any defendant is not served with process and does not voluntarily appear, the Court may nevertheless entertain the proceeding and hear and determine it between the parties who are properly before the Court, but the judgment given in the proceeding does not conclude the proceeding as against or prejudice other parties who are not served with process and do not voluntarily submit to the jurisdiction of the Court.
- (2) If, in a proceeding, any defendant is not a resident of, or found within, Australia, and does not voluntarily appear in the proceeding, the Court may nevertheless proceed to exercise its jurisdiction after such notice to the defendant and upon such terms as a Judge by order directs or as are prescribed.

**80 Amendment of defect in proceedings**

The Court may at any time by order, upon such terms as it thinks fit, amend or remedy a defect, error or omission in any proceeding for the purpose of determining the real questions in controversy or otherwise depending on the proceeding.

**81 Formal defects**

- (1) A proceeding in the Court shall not be invalidated by a formal defect or by an irregularity, unless the Court is of opinion that substantial injustice has been caused and that the injustice cannot be remedied by an order of the Court.
- (2) The Court may make an order declaring that any proceeding is valid notwithstanding any defect or irregularity.

**82 Further hearings at another place**

When a matter has been heard at a sitting of the Court held at one place, the Court may pronounce judgment or give further hearing or consideration to the matter at a sitting of the Court held at another place.

**83 Change of venue**

- (1) The Court may, at any stage of a civil proceeding, and subject to such conditions, if any, as the Court imposes, direct that the trial be had or continued at a place specified in the order.

- (2) Where a person is required to appear before the Court, or has appeared before the Court, at a particular place in a criminal proceeding, the Court may, at any time, upon good cause being shown:
- (a) order that that proceeding be had or continued, or that a person appear for sentence, before the Court at another place; and
  - (b) make such further orders, including orders as to bail and recognizances, as it considers necessary in the circumstances.
- (3) When an application for an order under subsection (2) is made, evidence may be given orally or by affidavit.

#### **84 Interest up to judgment**

- (1) In any proceeding in respect of a cause of action that arises after the commencement of this Act the Court may order that there shall be included in the sum for which judgment is given interest at such rate as it thinks fit on the whole or any part of that sum for the whole or any part of the period between the date when the cause of action arose and the date of the judgment.
- (2) This section:
- (a) does not authorize the giving of interest upon interest;
  - (b) does not apply in respect of any debt on which interest is payable as of right whether by virtue of an agreement or otherwise; and
  - (c) does not affect damages recoverable for the dishonour of a bill of exchange.

#### **85 Interest on judgments**

Except as provided by any law in force in the Territory, a judgment debt carries interest, from the date of the judgment:

- (a) at such rate as is fixed by the Rules; and
- (b) until a rate is so fixed, at 8% per annum.

**86 Rules of Court**

- (1) The Judges who are not acting or additional Judges, or a majority of those Judges, may make Rules of Court, not inconsistent with this Act:
  - (a) for regulating and prescribing:
    - (i) the practice and procedure, including the method of pleading, to be followed in the Court and in the offices of the Court; and
    - (ii) all matters and things incidental to or relating to any such practice and procedure or necessary or convenient to be prescribed for the conduct of any business of the Court; and
  - (b) for prescribing any matter or thing that is, by this Act, required or permitted to be prescribed by Rules of Court.
- (2) In particular, and without limiting the generality of subsection (1), the Rules may make provision for or in relation to:
  - (a) the service and execution of the process of the Court, including the service and execution of process out of the jurisdiction of the Court;
  - (b) the service and execution in the Territory of the process of any foreign Court;
  - (c) costs; and
  - (d) evidence, including the administration of oaths, the attendance of witnesses and the production of documents.
- (3) The power to make Rules of Court conferred by subsection (1) includes the power to make Rules of Court under this section in relation to any matter in respect of which a Judge (however described) may make Rules of Court (however described) under or pursuant to another Act, notwithstanding the conferral of power on a Judge (however described) to make Rules of Court (however described) in respect of that matter by that other Act.
- (4) In this section **Court** includes the Court of Criminal Appeal established by section 407 of the Criminal Code.

**87 Regulations**

- (1) The Administrator may make regulations prescribing the fees to be paid in respect of a proceeding in the Court, taxation of a bill of costs by the Master or the service or execution of the process of the Court by officers of the Court.
- (2) This section does not prevent the making of rules or regulations under another Act or law in force in the Territory with respect to a matter referred to in this section, or affect the operation of any such rules or regulations so far as they are not inconsistent with regulations under this section.

## Schedule 1

### section 37

I, \_\_\_\_\_, do swear that I will bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the Office of Chief Justice [or Judge] of the Supreme Court of the Northern Territory of Australia and that I will do right to all manner of people according to law without fear or favour, affection or ill will. So help me God!

I, \_\_\_\_\_, do solemnly and sincerely promise, affirm and declare that I will bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the Office of Chief Justice [or Judge] of the Supreme Court of the Northern Territory of Australia and that I will do right to all manner of people according to law without fear or favour, affection or ill will.

## Schedule 2

section 41J

I, \_\_\_\_\_, do swear that I will bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the office of Master of the Supreme Court of the Northern Territory of Australia and that I will do right to all manner of people according to law without fear or favour, affection or ill will. So help me God!

I, \_\_\_\_\_, do solemnly and sincerely promise, affirm and declare that I will bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the office of Master of the Supreme Court of the Northern Territory of Australia and that I will do right to all manner of people according to law without fear or favour, affection or ill will.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Supreme Court Act 1979 (Act No. 109, 1979)***

Assent date	24 September 1979
Commenced	ss 51 – 60: 12 March 1986 ( <i>Gaz S8</i> , 12 March 1986); rem: 1 October 1979 ( <i>Gaz S18</i> , 28 September 1979, p 1)

***Supreme Court Act 1980 (Act No. 28, 1980)***

Assent date	14 March 1980
Commenced	23 March 1980 ( <i>Gaz G13</i> , 28 March 1980, p 10)

***Supreme Court Amendment Act 1984 (Act No. 12, 1984)***

Assent date	12 July 1984
Commenced	12 July 1984

***Supreme Court Amendment Act 1985 (Act No. 57, 1985)***

Assent date	9 December 1985
Commenced	1 March 1986 ( <i>Gaz G7</i> , 19 February 1986, p 6)

***Supreme Court Amendment Act 1986 (Act No. 19, 1986)***

Assent date	30 June 1986
Commenced	30 June 1986

***Supreme Court (Rules of Procedure) Act 1987 (Act No. 37, 1987)***

Assent date	13 October 1987
Commenced	1 November 1987 (s 2)

***Supreme Court Amendment Act 1988 (Act No. 32, 1988)***

Assent date	14 September 1988
Commenced	14 September 1988

***Supreme Court Amendment Act 1990 (Act No. 9, 1990)***

Assent date	2 April 1990
Commenced	2 April 1990

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**Supreme Court Amendment Act (No. 2) 1990 (Act No. 52, 1990)**

Assent date 15 October 1990  
Commenced 1 February 1991 (*Gaz S4*, 30 January 1991)

**Statute Law Revision Act 1991 (Act No. 31, 1991)**

Assent date 25 June 1991  
Commenced 25 June 1991

**Supreme Court Amendment Act 1991 (Act No. 68, 1991)**

Assent date 14 November 1991  
Commenced 14 November 1991

**Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)**

Assent date 30 June 1993  
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz S53*, 29 June 1993)

**Supreme Court Amendment Act 1993 (Act No. 40, 1993)**

Assent date 14 September 1993  
Commenced 6 December 1993 (s 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 s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

**Supreme Court Amendment Act 1996 (Act No. 36, 1996)**

Assent date 5 September 1996  
Commenced 1 November 1996 (*Gaz G41*, 9 October 1996, p 4)

**Statute Law Revision Act 1999 (Act No. 18, 1999)**

Assent date 18 June 1999  
Commenced s 7(2): 9 July 1998 (s 2, s 2 *Mining Amendment Act (No. 3) 1998* (Act No. 97, 1998) and *Gaz G33*, 25 August 1999); rem: 18 June 1999 (s 2)

**Law of Property (Consequential Amendments) Act 2000 (Act No. 46, 2000)**

Assent date 12 September 2000  
Commenced 1 December 2000 (s 2, s 2 *Law of Property Act 2000* (Act No. 1, 2000) and *Gaz G38*, 27 September 2000, p 2)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

s 3 *Supreme Court Amendment Act 1986* (Act No. 19, 1986)  
s 17 *Supreme Court Amendment Act (No. 2) 1990* (Act No. 52, 1990)



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**4 LIST OF AMENDMENTS**

s 9	amd No. 37, 1987, s 11; No. 52, 1990, s 4; No. 14, 1995, s 9; No. 17, 1996, s 6
s 9A	ins No. 37, 1987, s 12
s 11	amd No. 37, 1987, s 13
s 13	amd No. 9, 1990, s 3
s 15	amd No. 37, 1987, s 14
s 16	rep No. 37, 1987, s 15 ins No. 9, 1990, s 4
s 21	amd No. 37, 1987, s 16; No. 9, 1990, s 5
s 22	amd No. 9, 1990, s 6
s 25	amd No. 19, 1986, s 2; No. 52, 1990, s 5 sub No. 68, 1991, s 2
s 26	amd No. 52, 1990, s 6
s 27	amd No. 52, 1990, s 7
s 32	amd No. 36, 1996, s 4
s 37	amd No. 52, 1990, s 8
s 38	amd No. 36, 1996, s 5
s 41	amd No. 27, 1999, s 15
pt II	
div 5A hdg	ins No. 52, 1990, s 9
ss 41A – 41B	ins No. 52, 1990, s 9
s 41C	ins No. 52, 1990, s 9 amd No. 27, 1999, s 15
ss 41D – 41F	ins No. 52, 1990, s 9
ss 41G – 41H	ins No. 52, 1990, s 9 amd No. 28, 1993, s 3
ss 41J – 41K	ins No. 52, 1990, s 9
ss 46 – 47	rep No. 52, 1990, s 10
s 48	amd No. 52, 1990, s 11; No. 14, 1995, s 9
s 49	amd No. 52, 1990, s 12; No. 68, 1991, s 3
s 49A	ins No. 32, 1988, s 2 amd No. 52, 1990, s 13
s 50	amd No. 52, 1990, s 14
s 50A	ins No. 57, 1985, s 4
s 51	amd No. 9, 1990, s 78
s 52	amd No. 37, 1987, s 17
s 55	amd No. 57, 1985, s 5
s 69	amd No. 37, 1987, s 18
s 70	rep No. 46, 2000, s 10
s 76	rep No. 31, 1991, s 14
ss 78 – 79	rep No. 40, 1993, s 3
s 83	amd No. 37, 1987, s 19
s 86	amd No. 28, 1980, s 4; No. 57, 1985, s 6
s 87	amd No. 12, 1984, s 2
sch 1	amd No. 52, 1990, s 15
sch 2	ins No. 52, 1990, s 16