NORTHERN TERRITORY OF AUSTRALIA

JUSTICES ACT

As in force at 10 October 2007

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 10 October 2007

JUSTICES ACT

An Act relating to Justices of the Peace

Part I Preliminary

1 Short title

This Act may be cited as the *Justices Act*.

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, unless the contrary intention appears:

child means a person under the age of 18 years.

Clerk means the Registrar referred to in section 42.

Complaint includes a charge of minor indictable offence, if, and when, a Court of Summary Jurisdiction proceeds to dispose of the charge summarily.

Court of Summary Jurisdiction or ***Court*** means Justices forming the Court for the purposes of hearing and adjudicating upon any case or matter which they have power to determine in a summary manner, and whether they are acting under this Act or under any other Act incorporated herewith, or by virtue of their commissions, or under the common law.

Defendant means person charged with any offence or against whom relief is sought.

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

Gaol includes any prison or other place in which imprisonment or detention is authorized by law according to the circumstances of the case.

Guardian in relation to a child includes any person who, in the opinion of the Justices having cognizance of any case in which a child is concerned, has, for the time being, the charge of, or control over, the child.

Keeper of a gaol includes any superintendent, keeper, or other chief officer of a gaol.

Minor indictable offence means indictable offence which is capable of being, and is, in the opinion of the Justice before whom the case comes, fit to be heard and determined in a summary way under the provisions of Division 2 of Part V.

serious violence offence means an offence against any of the following provisions of the Criminal Code that is punishable by imprisonment for 5 or more years:

(a) Part V, Division 2;

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

(c) section 211 or 212;

(d) another provision prescribed by the Regulations.

Simple offence means offence or act for which a person is liable by law, upon a finding of guilt before a Justice or Justices, to be imprisoned or fined or both or to be otherwise punished. but does not include an indictable offence which can only be heard and determined in a summary way as a minor indictable offence.

Special Act means statute, Act rule, regulation, or by-law authorizing the making of the finding of guilt or order, or the determination or adjudication in question, or otherwise specially applicable to the case.

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.

9 Incorporation with past and future Acts and Ordinances

(1) Wherever any Ordinance or Act, past or future, or any rule, regulation, or by-law made under or by virtue of any Ordinance or Act:

(a) constitutes any act or omission a simple offence; or

(b) provides that any sum may be recovered, by summary proceedings or summarily, before a Court of Summary Jurisdiction or before a Justice or Justices; or

(c) provides that any order may be made by a Court of Summary Jurisdiction, or by a Justice or Justices in a summary way,

the Ordinance, Act, rule, regulation, or by-law shall, unless the contrary intention appears, be deemed to refer to this Act, and this Act shall for that purpose be incorporated with such other Ordinance or Act.

(2) When in any other Ordinance or any Act the term ***information*** is used in relation to a simple offence or to any other matter determinable by a Justice or Justices in a summary way that term shall, for the purposes of this Act, be deemed to refer to and to mean a complaint under this Act.

Part II Justices

14 Issue of summons, &c.

(1) All summonses, warrants, findings of guilt, and orders (not being by law authorized to be made by word of mouth only) shall be under the hands of the Justices issuing or making them.

(2) A Justice may receive any information or complaint and may grant or issue any warrant or summons on a Sunday as well as any other day.

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;

(b) name or otherwise describe the defendant; and

(c) order the person or persons to whom it is directed to apprehend the defendant and bring him before the Justice issuing it, or before some other Justice, to answer the charge contained in the information or complaint, and to be further dealt with according to law.

(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.

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;

(b) state shortly the matter so charged;

(c) require the defendant to be and appear at a certain time and place therein mentioned, before such Justice as shall then be there, 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 and in accordance with the form in Schedule 3.

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 Justice or the clerk 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 Justice or clerk may issue a summons to the person requiring him to appear, at a time and place mentioned in the summons, before such Justices as shall then be there, 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 Justice 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, he may issue his warrant in the first instance.

26 Witness refusing to give evidence may be committed to gaol

Any Justice before whom any person appears or is brought upon summons or warrant, to give evidence or to produce any article may, if the person without offering any just excuse refuses:

(a) to be examined upon oath concerning the premises;

(b) to take the oath;

(c) to answer after having taken an oath such questions concerning the premises as are then put to him; or

(d) to bring or produce any such article,

by warrant commit him to the nearest gaol, there to remain and be imprisoned for any time not exceeding 7 days, unless in the meantime he consents to be examined and to answer concerning the premises, or to produce the article (as the case may be): Provided that no person shall be bound to produce any article not specified or otherwise sufficiently described in the summons, or any document or writing which he would not be bound to produce upon a subpoena duces tecum in the Supreme Court.

26A Power to require evidence from persons present in court

(1) Any Justice may, on the application of any party to the proceedings, require any person in the court room or other place where he is sitting for the hearing of any complaint or information to take an oath and give evidence concerning the matter of that complaint or information.

(2) If any person so required refuses to take an oath or without offering any just excuse refuses to answer any question put to him concerning the matter of the complaint or information, or if any person voluntarily appearing as a witness without offering any just excuse refuses to answer any such question, the Justice may by warrant commit him to the nearest gaol, there to remain and be imprisoned for any time not exceeding 7 days, unless in the meantime he consents to be examined and to answer the question put to him.

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 authorized by this Act or the *Domestic Violence 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;

(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.

(2) If a certificate of the clerk given under section 57(3) is to be served on the defendant, the summons shall also be served on the defendant personally.

(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*, 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 or a Justice may, if it or he 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, &c.

(1) In any proceeding within the jurisdiction of Justices, without prejudice to any other mode of proof:

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

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

may be proved by an affidavit taken before a Justice or before a commissioner for taking affidavits in the Supreme Court: Provided that the Justices may require the person making the affidavit to be called as a witness, or may require further evidence of the facts.

(2) Any document purporting to be an affidavit under this section shall (subject to the proviso to subsection (1)) be received in evidence in any Court or legal proceeding as sufficient proof of the statements contained therein, without proof of the signature or of the official character of the person or persons taking or signing it.

(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.

Division 4 Assistance of counsel

29 Parties to have assistance of counsel

Every party to any proceeding before Justices shall be at liberty to conduct his case or to make his application or his full answer to the charge or complaint (as the case may be) and to have the witnesses examined and cross-examined, by a legal practitioner: Provided that nothing herein contained shall be deemed:

(a) to dispense with the personal attendance before the Justice of any defendant who is charged with an indictable offence; or

(b) to authorize Justices to proceed to hear or to hear and determine any charge of an indictable offence in the absence of the defendant.

Division 5 Recognizances

31 Discretion of justices as to amount and sureties

Every recognizance shall be for such amount and with such surety or sureties as the Justice taking the recognizance thinks fit to ensure the due fulfilment of the conditions thereof: Provided that, in the case of a recognizance taken under section 33 it shall be for such amount, and with such surety or sureties, as the Justice authorizing the taking thereof thinks fit.

32 Justice may fix amount of recognizance and sureties

Where a Justice is authorized to take a recognizance, or when any recognizance is required to be entered into before a Justice, the Justice may fix the amount or amounts in which the principal and sureties are to be bound, and the recognizances may then be entered into as provided in section 33.

33 Recognizances taken out of court

(1) A recognizance need not be entered into before a Justice but may be entered into before any clerk or before an inspector of police or other officer of police of equal or superior rank or any member of the police force in charge of any police station, or where any of the parties is in gaol before the keeper of the gaol: Provided that no Justice, and no clerk, officer of police, member of the police force or keeper of a gaol shall take the recognizance of any person proposed as a surety unless the person so proposed first makes an affidavit or declaration of justification in the prescribed form.

(2) Where, as a condition of the release of any person, he is required to enter into a recognizance with sureties, the recognizance of the sureties may be taken separately, and either before or after the recognizance of the defendant; and, if so taken, the recognizances of the principal and sureties shall be as binding as if they had been taken together and at the same time.

33A Extension of provisions for taking recognizance out of Court

Section 32 and 33 shall apply and be deemed always to have applied in any case where the Court of Summary Jurisdiction is authorized to take a recognizance or where any recognizance is required to be entered into before the Court of Summary Jurisdiction.

33B Court may order commitment in default

If a person enters into a recognizance as a principal, the Court of Summary Jurisdiction constituted by a magistrate sitting alone may order that, if the recognizance is forfeited, the person is to be committed by warrant to a gaol for a specified period in default of payment.

Division 6 Security

34 Security under this act to be given by deposit with or acknowledgment to Clerk of the Court

Any security required or permitted to be given under this Act shall be given, whether by principal or surety, either:

(a) by the deposit of money with a clerk; or

(b) by a written acknowledgement given to a clerk of the undertaking or condition by which, and of the sum for which, the principal or surety is bound:

Provided that the security shall be given in such of the modes aforesaid as the Court or person authorizing the taking of the security may order or direct.

35 Entry of security and evidence thereof

(1) Every clerk shall keep a security book, and shall enter therein, with respect to each security given in relation to any proceeding before the Court, the name and address of each person bound, showing whether he is bound as principal or as surety, the sum in which each person is bound, the undertaking or condition by which he is bound, the date of the security, and the person before whom it is

taken.

(2) The security book, and also any extract therefrom certified by the clerk, shall be prima facie evidence of the several matters hereby required to be entered therein.

36 Indemnity of surety by principal

Any sum paid by a surety on behalf of his principal in respect of a security under this Act, together with all costs, charges, and expenses incurred by the surety in respect of that security, shall be deemed a debt due to him from the principal, and shall be recoverable either summarily under this Act, or in any civil court of competent jurisdiction.

37 Security to be enforced in substitution of other remedies

Where security is given under this Act for payment of a sum of money, the payment of the sum shall be inforced by means of the security in substitution for any other means of enforcing the payment.

Division 7 Enforcement of recognizances and securities

38 Justice's certificate of non-compliance with conditions, prima facie evidence of forfeiture

(1) Whenever the conditions, or any of the conditions, mentioned in any recognizance or security are not complied with, any Justice may certify in what respect the conditions have not been observed, and the certificate shall be prima facie evidence of the non-compliance, and of the recognizance or security having been forfeited.

39 Enforcement of recognizances

(1) Upon proof of any breach of the condition, or of any of the conditions, of any recognizance or security, or upon other proof of the forfeiture thereof, any 2 Justices may make an order adjudging the recognizance or security to be forfeited and for payment of any amount due thereunder.

(2) No order shall be made under this section in the absence of any person sought to be bound thereby unless it is proved, to the satisfaction of the Court, that a summons was duly served upon the person at least 7 clear days before the return thereof.

(3) Every order under this section is to be enforced under the *Fines and Penalties (Recovery) Act* unless the Court in accordance with section 33B orders commitment in default of payment.

40 Suspension or mitigation of forfeiture

(1) Upon an application for an order adjudging a recognizance or security to be forfeited, the Justices to whom the application is made may order that the liability of all or any of the persons liable upon or in respect of the recognizance or security shall be remitted, suspended, or reduced.

(2) Where an order has been made adjudging a recognizance or security to be forfeited, any 2 Justices may at any time, whether goods have or have not been sold under a warrant of distress issued to enforce the order, make any of the following orders which they deem just:

(a) that the forfeiture and any order for payment of any amount due under the recognizance or security be cancelled or suspended; and

(b) that the liability of all or any of the persons liable upon or in respect of the recognizance or security shall be remitted, suspended or reduced.

(3) The Justices making an order under subsection (2) may:

(a) impose any terms and conditions which they deem just; and

(b) make any order consequential on or incidental to any such order.

(4) An order made under this section shall not affect the validity of any thing done to enforce the forfeiture of the recognizance or security before making the order.

41 Application of moneys received on enforcement

(1) The order for payment of any amount due under any recognizance or security shall direct that the amount be paid to the clerk, and the Court may further direct that the sum paid, or such portion thereof as may be just, be paid by the clerk, upon receipt thereof, to any person in whose interest the recognizance or security was taken.

(2) Subject to any direction under subsection (1) the clerk of the Court shall apply any amount paid under any order made under section 39 in the manner in which fines are applied of which no special appropriation is made.

Part IV Summary jurisdiction

Division 1 Courts of Summary Jurisdiction

41A The Court of Summary Jurisdiction

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

42 Clerk of Court

A Registrar of the Local Court is a clerk of the Court of Summary Jurisdiction.

43 Constitution of courts of petty sessions

(1) Subject to this section, every matter of complaint shall (unless the provisions of some Act otherwise require) be heard and determined by:

(a) a Magistrate, if there is any Magistrate present who is competent and willing to act; or

(b) if there is no such Magistrate present, then by 2 or more Justices.

(2) A single Justice may hear and determine a matter of complaint where:

(a) the matter of complaint is that the defendant has committed an offence against a law in force in the Territory;

(b) the offence is an offence that is not punishable by a term of imprisonment;

(c) the penalty that may be imposed for the offence is a pecuniary penalty not exceeding $100; and

(d) the complainant and the defendant consent in writing to a single Justice hearing and determining the matter.

44 Powers of a single Justice

In any case, whether the matter of complaint is or is not directed or required to be heard by 2 or more Justices, a single Justice may:

(a) receive the complaint;

(b) grant a summons or warrant thereon;

(c) issue his summons or warrant to compel the attendance of any witness;

(d) by consent of the parties expedite the date of hearing;

(e) either upon the return of the summons, or at any other time before the completion of the hearing, adjourn the hearing as hereinafter provided;

(f) do all other acts and matters preliminary to the hearing; and

(g) issue any warrant of distress or commitment upon any finding of guilt or order.

45 Interlocutory proceedings need not be before same Justices

It shall not be necessary for any Justice who acts before or after the hearing to be the Justice, or one of the Justices, by whom the case is heard; but wherever it is necessary for any matter of complaint to be heard and determined or for a finding of guilt or order to be made by 2 or more Justices, such 2 or more Justices must be present and acting together during the whole of the hearing and determination of the case.

46 Contempt of Court

(1) Any person who:

(a) wilfully interrupts the proceedings of the Court;

(b) conducts himself disrespectfully to the Justice or Justices during the sittings thereof;

(c) obstructs or assaults any person in attendance, or any officer thereof, in the execution of his duty, in view of the Court; or

(d) wilfully disobeys any order made by the Court under section 61(2);

shall be guilty of an offence.

Penalty: $20 or imprisonment for one month.

(2) Any person who in the opinion of the Justice or Justices wilfully prevaricates in giving evidence to the Court of Summary Jurisdiction shall be guilty of an offence.

Penalty: $20 or imprisonment for one month.

(3) The Justice or Justices constituting the Court in whose presence any offence under this section is committed may forthwith convict the person guilty of the offence, either on their own view or on the oath of some credible witness, and may issue their warrant of commitment accordingly.

(4) Every warrant of commitment under this section shall be good and valid in law without any other order, summons, or adjudication whatsoever.

(5) If any person found guilty of any offence under subsection (1) makes to the convicting Justices, before the rising of the Court, such an apology for the interruption or misbehaviour as they in their uncontrolled discretion deem satisfactory the Justices may, if they think fit, remit the penalty either wholly or in part.

47 Proceedings to be brought in most convenient Court

(1) Upon the hearing of any complaint or application before the Court the defendant may, before any evidence is given, object that there is a proper place at which the Court might be held more easy of access than the place where the Court is then sitting, not only from the place of abode of the defendant, but also from the place where the subject-matter of the complaint or application arose.

(2) The Court may hear any evidence adduced and, if it appears to the Court that the objection is well founded, it may hear the complaint or application at that other place.

48 Compensation may be awarded in vexatious cases

Whenever any objection under section 47 is established to the satisfaction of the Court, and the person making the objection complains at once to the Court that he has been brought to the place where the Court is held vexatiously and oppressively, the Court shall forthwith, and without any further summons or notice, proceed to hear and determine the matter of the objection in a summary way, and if the Court is of opinion that such is the fact it may order the complainant or the applicant to pay to the person making the objection, by way of compensation or amends, such sum not exceeding $10 as it may think fit, and in default of payment the sum so awarded may be enforced by imprisonment for any period not exceeding 7 days.

Division 2 The complaint and the proceedings thereon

49 Complaint

A complaint may be made to a Justice in any case where:

(a) any person has committed, or is suspected to have committed, any simple offence; or

(b) a Justice or Justices has, or have, authority by law to make any order for the payment of money or otherwise.

50 How laid

(1) A complaint may be made by the complainant in person or by his counsel or solicitor, or by any other person authorized in that behalf.

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

(3) A complaint may be made without any oath being made of the truth thereof, except in any case:

(a) where some Special Act otherwise requires; or

(b) where the Justice issues his 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) 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 the Special Act.

52 Limitation of time for laying information, &c.

Where no time is specially limited for making the complaint by any statute or law relating to the particular case, the complaint shall be made within 6 months from the time when the matter of the complaint arose.

53 Punishment of aiders and abettors in the commission of offences

Every person who aids, abets, counsels, or procures the commission of any simple offence may be proceeded against and found guilty of the offence, either together with the principal offender, or before or after the finding of guilt, and shall be liable upon the finding of guilt to any penalty to which the principal offender is or was liable, or would be liable if he were found guilty.

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 Special Act or other document 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 Special Act or other document 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 any Justice may issue his 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 any Justice to issue his summons in any case where the application for any order of Justices 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, the Justice may, upon the request of the complainant issue a summons in accordance with section 22(2).

(3) Where the defendant to a complaint in a summons issued under subsection (2) has previously been found guilty of another offence, the clerk may give a certificate under his hand:

(a) alleging that the defendant has been so found guilty of that offence; and

(b) stating that the certificate is admissible at the hearing of the summons as prima facie evidence of the matters alleged.

(4) The certificate is admissible as prima facie evidence of the matters alleged if a copy of the certificate is served on the defendant personally at the same time as the summons is served on him.

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

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

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

(ii) against the *Motor Vehicles Act* 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;

(ii) a person employed by an authority or corporation established under a law of the Territory and authorized 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 in form of Schedule 3

(1) A person upon whom is served a summons in the form in Schedule 3 may plead guilty to the charge specified therein by:

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

(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 clerk of the Court of Summary Jurisdiction at the place at which he is required to appear.

(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 clerk of the Court of Summary Jurisdiction before which the defendant is required to appear 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 counsel.

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;

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

(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 as stated in the certificate of the Clerk given under section 57(3);

(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, the clerk of the Court in which the finding of guilt was recorded 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;

(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 clerk of the Court in which the finding of guilt was recorded 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 on him of a notice under subsection (1), the clerk of the Court so served shall fix 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 (which need not be formed by the same persons who formed the Court which recorded the finding of guilt in the first place):

(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 to the satisfaction of the Justice upon oath made before him.

(2) When the matter of any complaint:

(a) charging the defendant with the commission of a simple offence; or

(b) made for the purpose of having the defendant bound over to keep the peace or be of good behaviour; or

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

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

(3) If any defendant fails to appear in obedience to a summons any Justice may issue his 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 Justice that the summons was duly served (what he deems) a reasonable time before the time appointed for the hearing.

59 Defendant on apprehension to be brought before Justice

When a defendant is apprehended under a warrant he shall be brought before a Justice, who shall thereupon commit him into custody or grant him bail in accordance with the *Bail Act*.

60 Remand or discharge on bail

(1) Where a defendant is apprehended under a warrant or where, from the absence of witnesses, or from any other reasonable cause, it becomes necessary or advisable to defer or adjourn the defendant's hearing, the Justice before whom that defendant is brought or appears may remand, and that Justice or another Justice may, from time to time, further remand that defendant for such period as that Justice thinks fit, but not exceeding 15 clear days at any one time unless both parties consent thereto.

(2) Where a Justice remands under subsection (1) or (3) a defendant, the Justice shall, in respect of the defendant's period of remand or further period of remand, as the case may be, commit that defendant:

(a) by warrant to the nearest prison or to some place of security;

(b) orally to the custody of the constable or other person who apprehended him; or

(c) orally to such other safe custody as the Justice thinks fit,

and that Justice shall order that defendant to be brought up at some stated time and placed before such Justice or Justices as shall then be there, of which order the clerk shall give the complainant due notice.

(3) A Justice, on being satisfied that a defendant who has been remanded under subsection (1) and committed into custody in accordance with subsection (2) is, by reason of illness or accident, unable at the expiration of the period for which he was remanded under subsection (1) to appear personally before a Justice may, in the absence of the defendant, further remand that defendant for such period as the Justice thinks fit, but not exceeding 15 clear days at any one time.

(4) Where a Justice, for the purposes of a further period of remand referred to in subsection (3), commits under subsection (2)(a) a defendant, the warrant required by that second-mentioned subsection may be issued by the Justice further remanding the defendant or by any other Justice.

(5) A Justice may, instead of committing under subsection (2) a defendant, grant the defendant bail in accordance with the *Bail Act*.

Division 3 The hearing

61 Sittings to be in open Court but witnesses and other persons may be ordered to leave the Court

(1) The room in which the Court sits shall be deemed an open and public Court, to which the public generally may have access so far as the room can conveniently contain them, and subject to this section.

(2) The Court may, if it thinks fit, order that all witnesses (except the parties and any of their witnesses whom it sees fit to except) shall go and remain outside and beyond the hearing of the Court until required to give evidence.

(3) Nothing contained in this section shall require any case to be heard in open Court if it is, by any Special Act, required or authorized to be heard in camera.

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*, 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;

(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

(1) 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 his counsel or solicitor, the Court shall dismiss the complaint, unless for some reason it thinks proper to adjourn the hearing.

(2) In any such case any single Justice shall be competent to dismiss the complaint, or to adjourn the hearing.

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

(1) Where 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) dismissed under section 63(1) a complaint,

the defendant or complainant may, not later than one month after:

(c) in the case of that defendant – the finding of guilt or order referred to in paragraph (a) coming to that defendant's notice; and

(d) in the case of that complainant – the dismissal referred to in paragraph (b) coming to that complainant's notice,

serve on the clerk of the Court by which that finding of guilt or order or dismissal was made, a written application to the Court to set aside that finding of guilt or order, or dismissal, as the case may be, and of the grounds of the application.

(2) Where a clerk is served an application referred to in subsection (1), he shall appoint a time and place for the hearing by the Court of the application and shall give written notice to the defendant or complainant making that application of the time and place so appointed.

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

(4) Where a defendant is in custody pursuant to a finding of guilt or order referred to in subsection (1)(a), the keeper of the gaol where the defendant is being held, or a person authorized by him in writing for that purpose, shall, upon 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) shall, pending the determination under subsection (7) of the application 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 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 shall 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), the Court shall, unless the applicant to which the application relates was a defendant who was, under subsection (3), granted bail in accordance with the *Bail Act* and who fails to appear in accordance with his 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 he thinks fit, at that time and place appear to oppose that application,

and the Court shall 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* 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 shall order the return of the applicant to custody according to the finding of guilt or order to which that application relates.

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

If both parties appear before the Court, either in person or by their respective counsel or solicitors, then the Court shall proceed to hear and determine the matter of the complaint.

65 Power of the Court or a Justice to adjourn hearing

(1) The hearing of any complaint may be adjourned from time to time, and at any time before it is completed, either:

(a) by the Court before which the complaint comes for hearing; or

(b) if the Court is then sitting to hear the complaint, then by any Justice.

(2) Every such adjournment shall be to a time and place appointed and stated by the Court or the Justice 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 or the Justice thinks fit, and in the meantime the Court or the Justice may remand the defendant into custody, grant him bail in accordance with the *Bail Act*, or dispense with the requirements for bail pursuant to the *Bail Act*.

(4) The Court or any Justice may, in any case where the defendant has been remanded into custody, order the defendant to be brought before the Court or Justice or any other Justice 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 any keeper of the gaol or 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* 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 then sitting to hear the adjourned complaint or a Justice may issue a warrant for the apprehension of the defendant and further adjourn the hearing until he is apprehended; or

(b) the Court then sitting to hear the adjourned complaint 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 sitting to hear the adjourned complaint or any Justice 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 his counsel or solicitor, the Court shall dismiss the complaint, unless for some reason it thinks it proper to further adjourn the hearing.

(13) The Court of Summary Jurisdiction, or a Justice, 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 he was remanded to appear personally before the Court, may in the absence of the defendant order him to be kept in custody for such further period as the Court or Justice deems reasonable, but not exceeding 15 clear days at any one time, unless both parties consent to a longer period.

(14) The warrant for keeping the defendant in custody pursuant to any such order may be issued by the Justice who made the order, or any other Justice.

66 Postponement of hearing where no component Court available

(1) If no Justice is present at the time and place at which any summons is returnable, or to which the hearing is adjourned or postponed, the clerk shall, at the request of the complainant, postpone the hearing until the next day on which a Justice or Justices (as the case may require) will attend at such place.

(2) The postponement shall be made by delivering to the complainant and to the defendant, or such of them as are present, a memorandum in the prescribed form, and every defendant and witness to whom a copy of the memorandum is delivered shall be under the like obligation to attend at the time and place therein mentioned, and shall be subject to the same obligations and liabilities, as if the memorandum were a summons issued by a Justice.

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

(1) 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;

(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.

(2) Subject to any law for the time being in force in the Territory in regard to the evidence of aboriginals and children, every witness shall be examined upon oath.

(3) The practice before the Court of Summary Jurisdiction upon the hearing of any complaint with respect to the examination, cross-examination and re-examination of witnesses and the right of addressing the Court in reply or otherwise shall be in accordance as nearly as may be with the practice for the time being of the Supreme Court upon trials at the criminal sittings of that Court.

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 the Special 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 the clerk shall furnish the copies upon payment of the fees authorized in that behalf.

73 For discouraging corrupt practices by common informers

In order to discourage corrupt practices by common informers the Court may, upon any finding of guilt, and notwithstanding any Special Act to the contrary, adjudge that no part, or such part only of the penalty as it thinks fit, be paid to the informer.

74 Penalties in discretion of Court

In any case where the Special Act authorizes the imposition of a fine of uncertain amount – that is to say, a fine of not less than, or not exceeding, some certain amount or amounts in that behalf specified – the amount of every such fine, within the limits so

prescribed, shall be in the discretion of the Court.

75 General power of courts to refrain from or mitigate punishment

(1) Upon the hearing of any complaint under this or any other Act, whether past or future, and notwithstanding the provisions of any other enactment to the contrary, the Court of Summary Jurisdiction shall have the powers conferred by this section: Provided that nothing herein contained shall:

(a) authorize the Court to reduce below the prescribed minimum the amount of any fine imposed under any Act passed for carrying into effect any treaty, convention, or agreement made with the Imperial Government of Great Britain, or with any British possession or with any foreign State, where such treaty, convention, or agreement stipulates for a fine of such minimum amount; or

(b) affect the powers conferred upon the Court by any Act in force in the Territory relating to first offenders.

Division 5 Costs

77 Power to award costs to defendant

(1) Subject to subsection (2) and section 77A, where the Court finds a defendant not guilty of any offence on a complaint or a complaint is withdrawn, it may order the complainant to pay to the defendant such costs as it thinks fit.

(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;

(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 an acquittal 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 a proceeding is 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* 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* 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* 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* 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*.

Division 7 Sureties to keep the peace

99 This Act to apply to peace informations

(1) The power of the Court of Summary Jurisdiction, upon complaint of any person, to adjudge a defendant to enter into a recognizance, and find sureties to keep the peace, or be of good behaviour towards the complainant, shall be exercised by an order upon complaint, and this Act shall apply accordingly.

(2) The complainant and defendant and their witnesses may be called and examined and cross-examined, and the complainant and defendant shall be subject to costs, as in the case of any other complaint.

(3) The Court may order the defendant to enter into a recognizance, with or without sureties, to keep the peace, or be of good behaviour, and, in default of compliance with the order, to be imprisoned for any period not exceeding 6 months, and the recognizance if entered into forthwith upon the making of the order may be taken by the Court or any Justice or if entered into subsequently may be taken by any Justice.

100 Power to vary order with regard to sureties

(1) When any defendant is committed to gaol in default of finding sureties, as in section 99, he may in person, or by any one acting on his behalf, apply for an order varying that under which he was committed.

(2) The matter of the application shall be heard and determined by a Special Magistrate, who may inquire further into the case.

(3) If it appears just, upon new evidence produced, or upon proof of a change of circumstances, the Magistrate, having regard to all the circumstances of the case, may make an order reducing the amount for which it is proposed the sureties should be bound, or dispensing with the sureties or surety, or otherwise dealing with the case as the Court thinks just.

Part V Indictable offences

Division 1 Procedure to committal

100A Definitions

(1) In this Part, ***prosecutor*** means the informant, a solicitor or counsel acting for the informant or a solicitor or counsel acting for the Crown.

(2) For sections 105AA, 105A and 105B:

recorded statement means a statement recorded on audio-tape, video-tape or by other audio-visual means.

sexual offence has the same meaning as in the *Sexual Offences (Evidence and Procedure) Act*.

101 Information on indictable offence

An information may be laid before a Justice in any case where:

(a) any person is suspected to have committed any treason, felony, or indictable misdemeanour, or other indictable offence whatsoever, within the Territory; or

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

101A Joinder of charges

(1) Charges for any offences, whether felonies or misdemeanours, 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) The Justice may, if he thinks just, deal with any charge so joined separately.

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 parol and without any oath.

103 Issue of warrant in first instance

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

104 Issue of summons

Whenever an information is laid before a Justice he may, if the defendant is not then in custody, issue his 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, any Justice may issue his warrant to apprehend the defendant.

(2) Notwithstanding anything herein contained any Justice may issue his 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.

105AA Evidence of child witness in sexual offence matter

(1) If a preliminary examination involves a charge of a sexual offence or a serious violence offence (either as the only charge, or one of a number of charges, subject to examination), the evidence of a child must be given by written or recorded statement.

(2) A child who gives evidence by written or recorded statement need not attend the preliminary examination and cannot be cross-examined in relation to his or her evidence.

105A Procedure where prosecutor proposes to tender written or recorded statements to Court

(1) Where a person is charged with an indictable offence, the prosecutor, not later than 14 days, or such shorter period as a Justice may approve, before the date fixed for the taking of the preliminary examination, may give to that person a notice in writing:

(a) informing him of the time and place of the preliminary examination;

(b) stating that the Justice conducting the preliminary examination will be asked to admit written statements or recorded statements as evidence without requiring the attendance of the persons who made the statements; and

(c) setting out the terms of this section and section 105B.

(2) A notice under subsection (1) is not duly given unless it is accompanied by:

(a) a copy of the information;

(b) a list of persons who have made written statements or recorded statements which the prosecutor proposes to tender to the Justice at the preliminary examination;

(c) a copy of each written statement and, for each recorded statement:

(i) a transcript of the statement; and

(ii) an invitation to contact the prosecutor so that the prosecutor may arrange to have the statement replayed in the presence of the defendant or the defendant's lawyer (or both) under subsection (7); and

(d) a list of the documents and things (if any) referred to in those statements which the prosecutor proposes to tender to the Justice at the preliminary examination;

(e) where a thing, not being a document, cannot adequately be described in that list, a photograph of that thing; and

(f) a copy of each document mentioned in the list.

(3) A notice and accompanying documents may be given to a defendant in any manner in which a summons issued in respect of an information may be served under this Act.

(4) The giving of a notice under subsection (3) may be proved in the same manner as the service of a summons.

(5) Where a notice has been given to a defendant under this section, the prosecutor, not later than 7 days, or such shorter period as a Justice may approve, before the date set down for the preliminary examination, shall file with the clerk a copy of the notice together with a copy of each document and photograph accompanying the notice.

(6) Where copies are filed with the clerk under subsection (5), he shall transmit them before the preliminary examination to the Justice before whom the defendant will appear for the preliminary examination.

(7) Before the preliminary examination commences, the prosecutor must, at the request of the defendant or the defendant's lawyer:

(a) arrange to have a recorded statement replayed in the presence of the defendant or the defendant's lawyer (or both) at a reasonable time and place nominated by the prosecutor; or

(b) permit the defendant or the defendant's lawyer (or both) to inspect the documents and things listed under subsection (2)(d).

105B Written and recorded statements may be admitted in evidence

(1) Subject to this section, where a prosecutor has duly given notice to a defendant under section 105A, the Justice at the preliminary examination may admit a written statement or recorded statement, a copy of which accompanied that notice, as evidence of the matters stated and the statement shall thereupon constitute depositions of the person who made it.

(2) A written statement shall not be admitted in evidence by the Justice unless:

(a) the person making the statement:

(i) has made a statutory declaration under the *Oaths Act* verifying its accuracy; or

(ii) is a child; and

(b) the statement:

(i) if made by an adult – contains a statement of that fact; and

(ii) if made by a child – contains a statement of that fact and of the age of the child; and

(c) it contains a statement that, before he signed it, the person who made it read the statement or had it read to him; and

(d) if it contains a statement that, before he signed it, the person who made it had it read to him, it contains a further statement indicating whether that person is disabled so that he cannot read it and, if so, the nature of the disablement.

(2A) A recorded statement may only be admitted as evidence if the person making the statement:

(a) verifies its accuracy by statutory declaration under the *Oaths Act*; or

(b) is a child.

(3) Subject to subsection (11), where a person has made a written statement or recorded statement which, but for this subsection, would be admissible under subsection (1), that statement shall not be admissible where the defendant, not later than 5 days before the date set down for the preliminary examination, gives notice in writing to the prosecutor that he requires the attendance at the preliminary examination of the person who made the statement.

(4) Where the defendant gives notice in writing to the prosecutor under subsection (3), he shall file a copy of that notice with the clerk.

(5) Where the defendant has given notice under subsection (3), he may, at any time before the preliminary examination, notify the informant in writing that he withdraws that notice and this section shall apply as if the notice under subsection (3) had not been given.

(6) Subject to subsection (11), despite the failure by the defendant to give notice under subsection (3), he may object at the preliminary examination to a written statement or recorded statement being tendered in evidence and the Justice may, if he thinks fit, uphold the objection and require the person who made the statement to attend and give evidence before him.

(7) Subject to subsection (11), where, under this section, the Justice admits a written statement or recorded statement, he may, of his own motion, require the person who made the statement to attend before him to give evidence.

(8) Where it appears to the Justice that any part of a written statement or recorded statement tendered in evidence under this section is inadmissible according to the rules of evidence, he may, where the statement is otherwise admissible under this section, admit that statement, but, where he does so, he shall identify the part that is inadmissible and shall, with reference to that part, write on the statement (or, if the statement was recorded, on a transcript of the statement) the words ***ruled inadmissible*** or words to that effect.

(9) Subject to subsection (11), if the Justice admits a written statement or recorded statement under this section, the prosecutor may call the person who made the statement to give oral evidence and that person and any other witnesses, not being witnesses called by the accused person, who attend before the Justice:

(a) shall be examined in the presence or hearing of the defendant and, if the defendant so desires, in the presence or hearing of his counsel or solicitor; and

(b) may be cross-examined by the defendant or his counsel or solicitor.

(10) Where a Justice admits a written statement or recorded statement under this section, the statement:

(a) is, for the purposes of sections 116, 131, 139 and 175, a deposition of a witness; and

(b) is, for the purposes of section 152 a deposition of a witness notwithstanding the fact that the deposition was not taken in the presence of the defendant.

(11) Subsections (3), (6), (7) and (9) do not apply if:

(a) the preliminary examination involves a charge of a sexual offence or a serious violence offence and the statement was made by a child; or

(b) the preliminary examination involves a charge of a sexual offence and the statement was made by the alleged victim of the offence

106 Preliminary examination where written statements not tendered

Subject to section 106A, where a person appears or is brought before a Justice charged with an indictable offence and a notice has not been given to that person in accordance with section 105A, the Justice shall, in the presence or hearing of the defendant, and if the defendant so desires, in the presence or hearing of his counsel or solicitor, take the preliminary examination or statement on oath of any persons who know the facts and circumstances of the case, and the defendant or his counsel or solicitor may cross-examine those persons.

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

(1) Where the defendant appears before a Magistrate and the information charges the defendant with an offence cognisable by a Magistrate under section 120 or 121A, or both, the defendant 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 Magistrate 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:

(a) the Magistrate shall, in relation to that offence, be the Court of Summary Jurisdiction within the meaning of this Act;

(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 simple offence under this Act; 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 Magistrate, 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 Magistrate 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.

107 Place where examination taken not to be deemed an open Court, and no person to remain without consent

The room or building in which the examination is taken shall not be deemed an open Court for that purpose, and the Justice may, if it appears to him that the ends of justice will be best answered by so doing, order that no person shall have access to or be or remain in the room or building without his consent or permission: Provided that nothing herein contained shall authorize the exclusion of any counsel or solicitor for either party.

108 Evidence upon oath

(1) Subject to any law for the time being in force in the Territory in regard to the evidence of aboriginals and children, every witness shall have the usual oath administered to him before he is examined.

108A Contemptuous behaviour on preliminary examination

Section 46 shall apply in relation to the preliminary examination before a Justice in the same way as it applies to proceedings before the Court of Summary Jurisdiction and shall be read and construed with all such modifications as are necessary to give effect to this section.

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 Justice then present shall consider whether it is sufficient to put the defendant upon his trial for any indictable offence.

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

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

(a) if the charge is one of a minor indictable offence, proceed in the manner directed and under the provisions in that behalf contained in Division 2;

(b) unless the defendant is charged with a capital offence, or with manslaughter, ask the defendant whether he 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 Evidence or statement by defendant

(1) Where the Justice proceeds with the examination, he shall say to the defendant these words, or words to the like effect:

"Having heard the evidence for the prosecution, do you wish to be sworn and give evidence on your own behalf, or do you desire to say anything in answer to the charge. You are not obliged to be sworn and give evidence, nor are you required to say anything unless you desire to do so; but whatever evidence you may give upon oath, or anything you may say, will be recorded, and may be given in evidence upon your trial.

"You are clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to you to induce you to make any admission or confession of your guilt; but that whatever you now say may be given in evidence upon your trial, notwithstanding any such promise or threat.".

(2) Upon the trial of the defendant, any evidence given or statement made in pursuance of this section may be given in evidence.

(4) Nothing herein contained shall prevent the prosecutor in any case from giving in evidence any admission or confession or other statement of the defendant made at any time, which by law would be admissible as evidence against him.

111 Defendant may call witnesses

(1) When the defendant has given evidence or made his statement, or has declined to do so, the Justice, before he commits the defendant for trial or admits him to bail, shall ask the defendant whether he desires to call any witness.

(2) Any witness whom the defendant desires to call shall then be called, and the statement of any such witness who knows anything relating to the facts and circumstances of the case, or any evidence tending to prove the innocence of the defendant, shall be taken.

112 Procedure on completion of examination

(1) When the examination is completed the Justice then present shall consider whether the evidence is sufficient to put the defendant upon his trial for any indictable offence.

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

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

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

(b) by his warrant, commit the defendant to a specified gaol or place to which by law he may be committed, to be kept there until delivered so to appear, or grant him bail in accordance with the *Bail Act*; 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.

113 Power to remand defendant from time to time

(1) If from the absence of witnesses, or from any other reasonable cause, it becomes necessary or advisable to defer or adjourn the examination for any time, the Justice before whom the defendant appears or is brought may, from time to time, remand the defendant for such time as in his discretion he deems reasonable, but not exceeding 15 clear days at one time unless both parties consent thereto.

(2) If the remand is for a time not exceeding 3 clear days, the Justice may verbally order the constable or other person in whose custody the defendant then is, or any other constable or person named by the Justice in that behalf, to continue or keep the defendant in custody, and to bring him before the same or any other Justice acting at the time appointed for continuing the examination.

(3) If the remand is for any time exceeding 3 clear days the defendant shall be remanded by a warrant of the Justice to gaol, or to some other place of security.

(4) Any Justice 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 he was remanded to appear personally before a Justice, may in the absence of the defendant order him to be kept in custody for such further period as the Justice deems reasonable, but not exceeding 15 days at any one time unless both parties consent to a longer period.

(5) The warrant for keeping the defendant in custody pursuant to any such order may be issued by the Justice who made the order, or any other Justice.

114 Power to admit to bail in lieu of remand

Instead of detaining the defendant in custody as provided in section 113, any Justice before whom the defendant appears or is brought may grant him bail in accordance with the *Bail Act*.

115 Power to continue examination before expiry of remand

The Justice who remanded the defendant or any other Justice may, notwithstanding that the defendant has been remanded, order the defendant to be brought before him or any other Justice, at any time before the expiration of the period for which the defendant has been remanded, and any keeper of the gaol or 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 Justice shall forthwith deliver, or cause to be delivered, to the Director of Public Prosecutions the written information (if any), a copy, certified by writing under the hand of the clerk for the relevant district 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 all recognizances of witnesses, bail undertakings and conditions of bail entered into.

(2) The Director of Public Prosecutions shall cause these documents to be delivered to the proper officer of the Court in which the trial is to be had, before or at the opening of the Court, on the first day of the sitting thereof, or at such other time as the Judge who is to preside in the Court 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 Justice would have had, and been subject to, if the documents had not been transmitted to the Director of Public Prosecutions.

117 Binding witnesses by recognizances

(1) The Justice before whom any witness is examined, or by whom the written statement of any person was admitted in evidence under section 105B, may bind that witness or person, by recognizance, to appear at the Court at which the defendant is to be tried, then and there to give evidence.

(2) Every witness called by the defendant (except a witness merely to the character of the accused) who, in the opinion of the Justice, gives evidence in any way material to the case, or tending to prove the guilt or innocence of the accused person, shall be bound as provided in subsection (1).

(3) Any recognizance under this section may be entered into at any stage of the examination, although the defendant has not then been committed for trial; but a recognizance so entered into before committal shall be void if the defendant is not committed for trial.

118 Form of recognizance of witness

(1) The recognizance shall specify:

(a) the Christian name and surname of the witness; and

(b) the place of his residence, and, if it is in a city or town, the name of the street and the number (if any) of the house, and whether he is the owner or tenant thereof, or a lodger therein; and

(c) his occupation.

(2) The recognizance shall be entered into and duly acknowledged by the witness before, and be subscribed by, the Justice.

(3) The recognizances in respect of all or any 2 or more witnesses who are bound in the same sum or penalty may be included in one form or document, and in respect of each witness the recognizance shall be as valid and effectual as if it had been entered into by a separate form or document.

119 Witness refusing to enter into recognizance may be committed to gaol

If any witness refuses to enter into or acknowledge the recognizance the Justice may, by his warrant, commit the witness to the gaol nearest to the place in which the defendant is to be tried, there to be imprisoned and safely kept until after the trial of the defendant, unless in the meantime the witness duly enters into and acknowledges the recognizance before some Justice; but if afterwards, from want of sufficient evidence in that behalf, or other cause, the Justice before whom the defendant is brought does not commit him or hold him to bail for the offence with which he is charged, any Justice may order and direct the keeper of the gaol to discharge any such witness from custody, and he shall be discharged accordingly.

Division 2 Minor offences

120 Minor offences

(1) Subject to this Act, the Court constituted by a Magistrate has jurisdiction to hear and determine in a summary manner a charge in respect of an offence against section 210, 219, 221, 224, 227 or 229 of the Criminal Code, or an attempt to commit such an offence, where the value of the property involved does not exceed $5,000.

(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, where:

(a) a person is charged before the Court with an indictable offence;

(b) the offence is either:

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

(ii) against sections 210, 213, 228, 229, 240, 241, 243, 245, 246, 247, 251 or 252 of the Criminal Code and punishable by not more than 14 years imprisonment;

(c) in the opinion of the Court, the charge is not one that the Court has jurisdiction, apart from this section, to hear and determine in a summary manner;

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

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

(f) the Court is of the opinion that the case can properly be disposed of summarily,

the Court has jurisdiction to hear and determine the charge in a summary manner, and pass sentence on the person so charged.

(1AA) The Court may seek from the prosecutor or, if the informant is appearing in person, from the informant, and the prosecutor or informant shall 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 in a summary manner.

(1AB) A statement made by the prosecutor or informant under subsection (1AA) is not admissible in evidence in a subsequent proceeding in respect of the charge.

(1A) Subject to subsection (1B), a person the subject of a charge referred to in subsection (1)(a) being dealt with in the manner referred to in 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.

(1B) The Court hearing a charge being dealt with in the manner referred to in subsection (1) shall not, in respect of that charge, accept a plea of guilty under and in accordance with subsection (1A) from the person the subject of that charge unless it is of the opinion that it is proper to do so.

(3) In this section:

Court means the Court constituted by a Magistrate.

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

If it appears to the Court that an offence being dealt with pursuant to section 120 or 121A, 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 may conduct a preliminary examination under this Part in relation to the offence.

124 Justice or Justices not having jurisdiction may remand for hearing by a competent Court

If the Justice or Justices before whom any defendant appears, charged with any offence cognizable under sections 120 or 121A, is

or are not competent to hear and determine the case in a summary way, and it appears to him or them that the case is or may be one fit to be so heard and determined, he or they may remand the defendant, and adjourn the hearing to such time and place as he deems or they deem fit, then and there to be heard before a Magistrate or 2 or more Justices, as the case may require.

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

(1) When a Magistrate proceeds to dispose of any case under section 120 or 121A, 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) Thereafter the Magistrate shall be the Court of Summary Jurisdiction within the meaning of this Act, and, subject to this Act, the procedure and the 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 simple offence under this Act.

126 Witnesses for prosecution may be recalled for a cross-examination

When the evidence of any witness has been taken before the Justices constituting the Court, his 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 to minor offences

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 member of the Police Force in connection with a charge or prosecution under a law in force in the Territory or otherwise in the course of his duty; or

(b) has come into the custody or possession of the Court of Summary Jurisdiction, or a clerk of the Court, whether as an exhibit or otherwise in connection with a summary proceeding in the court,

the Court of Summary Jurisdiction may, on application either by a member of the Police Force of the Northern Territory or a clerk of the Court of Summary Jurisdiction or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof, or, may make such order with respect to the property as to the Court may seem 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, certified by writing under the hand of the clerk for the relevant district 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 clerk 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 clerk 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 Summary jurisdiction in respect of harm and aggravated assault

(1) The Court constituted by a Magistrate has jurisdiction to hear and determine in a summary manner a charge in respect of an offence against section 186, 188(2) or 189A(1) or (2)(a) of the Criminal Code.

(2) The Court shall not hear and determine in a summary manner a charge referred to in subsection (1) if it is of the opinion that the charge should be prosecuted on indictment.

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) Unless the defendant is charged with an offence punishable upon conviction by imprisonment for life, the Justice may, when all the evidence offered upon the part of the prosecution has been heard, and if he thinks fit, ask the defendant whether he wishes to plead to the charge.

(2) If the defendant thereupon signifies a desire to plead to the charge, the Justice shall reduce the charge into writing and read the same to the defendant, and say to him, "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 Justice 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 Justice shall:

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

(b) by his warrant commit the defendant to a specified gaol or place to which by law he may be committed to be kept there until delivered so to appear, or grant him bail in accordance with the *Bail Act*; 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 the Judge before whom the defendant appears for sentence to hear witnesses as to his character, or to hear any statement by him or on his behalf.

138 Attendance of witnesses at the criminal court

(1) The Justice may bind the prosecutor or any witness by recognizance to appear at the Court before which the defendant is to appear for sentence, in the same manner as if he had been committed for trial: Provided that, unless the Justice when binding the prosecutor or any witness otherwise directs, every such recognizance shall be void unless the defendant, within the time and in the manner prescribed by section 141, withdraws his plea of guilty and substitutes therefor a plea of not guilty.

(2) Section 119 applies to any witness who refuses to enter into any such recognizance.

139 Transmission of documents to Supreme Court

When the defendant is committed, or granted bail, the Justice shall forthwith deliver the record, or cause it to be delivered, with the written information or charge, a copy, certified by writing under the hand of the clerk for the relevant district 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 recognizances (if any), to the Director of Public Prosecutions, who shall cause it to be delivered to the proper officer of the Court at which the defendant is to appear for sentence, 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 Judge who is to preside in the 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, he 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 Court at which he is to appear, withdraw his plea of guilty and substitute therefor a plea of not guilty: Provided that in such case any Judge presiding over the Court may adjourn or postpone the trial to such day as he 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 Court to sentence accordingly unless the Judge advises withdrawal of the plea

Subject to section 141, upon the appearance for sentence of a defendant committed or granted bail to appear for sentence, the Court may pass sentence or otherwise deal with the defendant as if he had been arraigned and had pleaded guilty in the 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 presiding Judge of the Court that the plea of guilty should be withdrawn, he 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 Court, be arraigned, and the case shall proceed in the usual course.

Division 5 Miscellaneous

151 Regulations for conveying prisoners to gaol

Any constable or other person to whom a warrant of commitment is directed shall convey the person therein named or described to the gaol mentioned in the warrant, and there deliver him, together with the warrant, to the keeper of the gaol, who shall thereupon give the constable or other person so delivering the prisoner into his custody a receipt for the prisoner, setting forth the state and condition in which the prisoner was when he was so delivered.

152 Use of deposition of witness in certain cases

The deposition of any witness, taken at the preliminary examination is admissible as evidence upon the trial of the defendant, upon proof:

(a) that the witness is dead, or so ill as not to be able to travel; and

(b) in the case of a witness for the prosecution, that the deposition was taken in the presence of the defendant, and that he, or his counsel or solicitor, had a full opportunity of cross-examining the witness,

and without further proof.

153 Justice may take deposition of person dangerously ill and unable to attend preliminary examination

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

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

(b) the person is able and willing to give material information relating to any indictable offence, or to any defendant accused of any such offence; and

(c) it is not practicable for any Justice to take the deposition of the person at the preliminary examination of the defendant,

the Justice may take the statement upon oath of the person.

(2) The Justice taking the deposition shall there-upon subscribe the deposition, and shall add thereto, by way of caption, a statement of his 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 Justice 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.

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 accused, if:

(a) the statement purports to be signed by the Justice by or before whom it purports to be taken;

(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 counsel or solicitor, had, or might have had if he had chosen to be present, full opportunity of cross-examining the person who made the statement.

155 Provision for prisoner being present at the taking of deposition

Whenever any prisoner in actual custody causes to be served, or receives notice of, an intention to take a statement under section 153, the Judge or Justice before whom the prisoner was committed, or a visiting Justice of the gaol in which he is confined, may, by an order in writing, direct the keeper of the gaol having the custody of the prisoner to convey him to the place mentioned in the notice for the purpose of being present at the taking of the statement, and the keeper shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the gaol from which the prisoner is conveyed.

156 Manner of payment to prosecutor or witness

Every order for payment to any prosecutor or other person under section 391 of the Criminal Law Consolidation Act shall be forthwith made out and delivered by the proper officer of the Court to the prosecutor or other person, and shall be paid by the Sheriff out of any funds he may have in his hands, or which may be granted to him for the purpose, to the person named therein; or if the order is endorsed with the words "Pay the bearer hereof," or words to that effect, signed by the person therein named, and witnessed by one disinterested person, then to the bearer thereof; and the Sheriff shall be allowed the sum paid in his accounts; and every payment made by him shall effectually discharge him from any claims made by the person named in the order for payment, or any person claiming by, through, or under him.

157 Court may allow expenses to witnesses for the defence

Any Judge of the Court before which any defendant is prosecuted or tried, or for trial before which he is committed or bailed to appear, for any felony, misdemeanour, or other indictable offence, is hereby authorized and empowered in his discretion, at the request of any person who appears before the Court to give evidence on behalf of the person accused, to certify that the witness so appearing ought to be paid his expenses, and in that case the amount to be paid to the witness shall be the same as if he had been a witness for the prosecution, and shall be ascertained in like manner, and shall be defrayed out of any moneys provided by the Legislative Assembly for allowances to witnesses.

158 Power to award payment of expenses of prosecution of a minor offence

When any charge is summarily adjudicated upon under Division 2, the Justices or Magistrate, upon the request of any person who has preferred the charge, or appeared to prosecute or to give evidence against the person charged, may, if they or he thinks fit, grant a certificate to that person for the amount of the compensation for his reason-able expense, trouble, and loss of time therein, subject to the regulations for the time being in force in relation to the certificates to be granted by the examining Magistrates under the *Criminal Law Consolidation Act*: Provided that the amounts of fees payable in respect of the expenses of apprehending the defendant and detaining him in custody, and of such other expenses as are now by law payable when incurred before a commitment for trial, may be added to the certificate for compensation, and paid in the like manner.

159 Power to award costs of prosecution although charge dismissed

Where any defendant is charged before a Justice with felony, or with any indictable misdemeanour, and in the opinion of the Justice the charge was bona fide made up on reasonable and probable cause, the Justice may, in his discretion, at the request of the prosecutor, grant a certificate of the expenses and of the amount to be allowed for the trouble and loss of time to the witnesses appearing and examined on the charge, notwithstanding that the parties may not be bound over by recognizance to prosecute and give evidence and although no committal for trial may take place: Provided that any certificate so granted shall be subject to the regulations for the time being in force with regard to certificates granted by examining Magistrates under the *Criminal Law Consolidation Act*, and shall be payable in manner directed by section 160.

160 Manner of payment under sections 158 and 159

Every certificate for compensation under section 158 or 159 shall be paid by the clerk, upon the certificate being presented to him, upon sight, out of any funds in his hands, or which may be granted to him for the purpose, to the person named therein; or if the certificate is endorsed with the words, "Pay the bearer hereof," or words to that effect, signed by the person named therein and witnessed by one disinterested person, then to the bearer thereof, and the clerk shall be allowed the sum paid in his accounts, and every payment made by him shall effectually discharge him from any claims made by the person named in the certificate, or any person claiming by, through or under him:

Provided that no payment shall be made on any certificate for compensation under section 158 or 159 unless the certificate is presented for payment within 6 months from the date when it was signed by the Justice or Magistrate who granted it.

Part VI Appeals from Courts of Summary Jurisdiction

Division 1 Special case

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

(1) The 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 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 Court of Summary Jurisdiction 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 Courts below) 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 Justices shall 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 Court may appeal to the Supreme Court from a conviction, order, or adjudication of the Court (including a conviction of a minor indictable offence but not including 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 Justices whose decision is appealed against, 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 some Special 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 Special 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 Court arising from a complaint or an information in relation to a minor indictable offence that the Court summarily disposes of 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 a Special 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 Justices whose decision is appealed against 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).

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.

167 Recognizances on appeal

(1) Every recognizance on appeal shall be entered into before the Justices whose decision is appealed against, or some other Justice, and shall be conditioned duly to prosecute the appeal, and to abide the order of the Supreme Court thereon, and to pay such costs as may be awarded by that Court.

(2) Subject to this section, the Justice or Justices taking the recognizance may in their discretion require one or more sureties to be bound by the recognizance for the due performance of the conditions thereof, in such sum or sums as the Justice or Justices think fit.

(3) Where notice of appeal has been given and the respondent is a member of the Police Force of the Northern Territory, a Justice shall not take a recognizance on appeal unless he is satisfied that the appellant has given to the officer-in-charge of the police station nearest the Justice notice in writing of his intention to enter into a recognizance on appeal before the Justice on a date and at a time specified in the notice.

(4) A member of the Police Force of the Northern Territory may appear before a Justice proposing to take a recognizance and be heard on the question of the amount of the bond, the necessity for sureties and the amount in which the sureties (if any) shall be bound.

(5) In relation to an order dismissing a complaint, not being a complaint of any offence, the Court making the order may order that if the decision is appealed against no recognizance shall be entered into.

(6) Where the Court so orders no recognizance on appeal shall be entered into.

(7) When any fine or sum of money is adjudged to be paid by a conviction or order, a person appealing against the conviction or order may, at his option:

(a) enter into a recognizance on appeal; or

(b) pay into Court:

(i) the amount of the fine or sum of money adjudged to be paid; and

(ii) the amount of $20, to abide the order of the Supreme Court on the appeal.

(8) Unless a recognizance on appeal is entered into before a Stipendiary Magistrate or a Special Magistrate, any surety bound by the recognizance shall make an affidavit as to his means of paying the sum in which he is bound.

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, a Special Magistrate or a Justice may, subject to this section, if satisfied that his appeal has been duly instituted, release him on bail in accordance with the *Bail Act*, subject to an undertaking that he appear before the Justice or Justices whose decision is appealed against, or if that is impracticable, before some other Justice or Justices, 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 Amendment of recognizances on appeal

(1) If any recognizance entered into as a condition of any appeal appears to the Supreme Court to have been insufficiently entered into, or to be otherwise defective or invalid, that Court may:

(a) permit the substitution of a new and sufficient recognizance to be entered into before it, in the place of the insufficient, defective, or invalid recognizance; or

(b) dispense with the recognizance,

and in either case upon such terms as to adjournment and costs as it thinks just.

(2) Every such substituted recognizance shall be as valid and effectual and may be enforced as if it had been duly entered into in the first instance.

170 After decision on appeal Justices may enforce same

(1) When any finding of guilt or order has been affirmed, amended, or made upon any appeal, the Justices from whose decision the appeal has been brought, or any other Justice, shall 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 to gaol appeals and is released on bail under the *Bail Act* pending the outcome of his appeal, and the Court on appeal orders that the balance or some part of the balance of his sentence be served, the Justices from whose decision the appeal has been brought or any other Justice 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 proceeding whatsoever shall be commenced or had against any Justice 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 one month

(1) The appeal shall be instituted by notice in accordance with section 172, by entering into such recognizance on appeal as is required under sections 167 and 168 and by payment of the fee specified in section 172.

(2) Every appeal shall be instituted within one month from the time of the conviction, order, or adjudication appealed against: Provided that where the Judge of 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, he may extend that time for such further period, not exceeding 3 months, as he 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 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 clerk of the Justices whose decision is appealed against, and shall be accompanied by the prescribed fee or, where there is no prescribed fee, a fee of $3.

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, &c., 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 Justices by whom the conviction, order, or adjudication is made shall cause the conviction, order, or adjudication to be forthwith transmitted to the clerk or other proper officer of the Supreme Court, there to be kept among the records of that Court.

(2) In any subsequent proceeding 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 copy of depositions to Supreme Court on appeal

The Justices shall also cause a copy of the notice of appeal, together with the fee paid pursuant to section 172 and a copy, certified by writing under the hand of the clerk for the relevant district 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 proceeding to be transmitted with the conviction, order, or adjudication.

175A Transmission of documents to Supreme Court deemed to be a tendering in evidence to 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 proceeding produced out of the custody of the clerk for the relevant district, 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;

(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 solicitor, 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 Justices whose decision is appealed from.

(2) Upon the hearing of the appeal the Supreme Court may:

(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 Court of Summary Jurisdiction;

(e) make such further or other order as to costs or otherwise as it thinks fit; or

(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.

(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.

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 the Master or other proper officer of the Supreme Court, to be by him 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) the Master 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 any Justice 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 Justices, or by putting the recognizances (if any) in suit, or in both of those modes.

(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 him or 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.

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 him or to it that the defendant has been prejudiced by the defect or variance.

185 Amendment of findings of guilt, warrants, &c.

(1) Any:

(a) finding of guilt or order made by a Court of Summary Jurisdiction; or

(b) warrant of committal, or other warrant or proceeding issued or had by or before any Justice,

may be amended, according to the evidence, by the Justices or Justice by or before whom the finding of guilt, order, or warrant was made, issued, or had, or by any Court before which it comes, on appeal or otherwise, 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 to the Justices or Justice or the Court seem fit.

(2) Without limiting the generality of subsection (1), a Court of Summary Jurisdiction may at any time correct a clerical mistake in any of the terms of a judgment, finding of guilt or order, or an error arising in any such terms from an accidental slip or omission.

186 Findings of guilt, &c., not voidable for want of form, &c.

(1) No finding of guilt or order of the Court, or other proceeding before Justices, 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 Special Act, or if it appears that the offence was one against the true intent and meaning of the Special Act.

(2) No judgment, finding of guilt, or order of the Court, or other proceeding before Justices, 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 clerk of the relevant district or by the deputy of the clerk.

(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 2 Habeas corpus

188 After summary finding of guilt or order habeas not to issue except on an affidavit writ to be returnable at least 4 days after issue, and notice to be given thereof

(1) No writ of habeas corpus shall issue to bring up the body of any person who has been found guilty by the Court, or adjudged by any such Court to pay any sum or perform any duty, unless the person or his solicitor or agent states in an affidavit, in writing and duly sworn, the ground of objection to the finding of guilt or proceedings.

(2) Upon the return to the writ, no objection shall be taken or considered unless it has been so stated.

(3) There shall be an interval of at least 4 clear days between the day upon which any such writ issues and the day upon which it is returnable, and no such writ shall issue without notice to the committing Justice, or to the Director of Public Prosecutions, and to the opposite party or his solicitor.

(4) Such notice shall be in writing, and shall be given to them or left at their respective dwelling-places or offices at least 4 clear days before the return of the writ.

(5) No return to any such writ shall be considered by any Court or Judge unless it is proved by affidavit that notice has been given as required by this section.

(6) Any writ issuing without such notice, or not being in conformity to the directions contained in this section, shall be void to all intents and purposes whatsoever.

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

189 Definitions

In this Division:

complainant includes an informant and a counsel or solicitor 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*.

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 proceeding.

(4) If a defendant appears and the complainant fails to appear, the Court must dismiss the proceeding unless it thinks it proper to adjourn the hearing.

(5) The dismissal of a proceeding under this section does not prevent the commencement of another proceeding in respect of the offence specified in the notice to appear.

191 Warrant to apprehend on failure to appear

(1) If a person fails to appear as required by a notice to appear, the Court may adjourn the hearing and issue a warrant to apprehend the person, provided that:

(a) the substance of the offence specified in the notice to appear is substantiated, upon oath made before the Court, to the satisfaction of the Court; and

(b) the Court is satisfied that the notice to appear was served in accordance with section 133B(2) of the *Police Administration Act*.

(2) 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;

(a) 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*.

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*, the Court may dismiss the proceeding.

(2) The dismissal of a proceeding under subsection (1) does not prevent the commencement of another proceeding in respect of the offence specified in the notice to appear.

Division 4A Rules and practice directions

201A Rules and procedures

(1) For the purpose of the Court exercising the jurisdiction conferred on the Court by this or any other Act, the Chief Magistrate, within the meaning of the *Magistrates Act*, may make rules and give practice directions:

(a) regulating the practice and procedures of the Court;

(b) regulating the enforcement of an order of the Court; and

(c) regulating and prescribing all matters and things incidental or relating to court practice or procedure or enforcement,

as the Chief Magistrate considers necessary or convenient for the conduct of the business of the Court.

(2) Without limiting the generality of subsection (1), the Rules may:

(a) prescribe fees, costs and charges in respect of a proceeding in the Court;

(b) enable the hearing of a proceeding to be conducted by telephone or closed circuit television;

(c) provide for officers of the Court and their functions and may confer a discretionary authority on an officer or class of officers; and

(d) provide for the exemption of a person or proceeding, or a class of persons or proceedings, from the application of the Rules or a particular rule.

(3) The Rules may impose or confer on a clerk the functions and powers in relation to the Court and proceedings before the Court and a clerk is to perform those functions and may exercise those powers accordingly.

(4) Subject to this Act and the Regulations, the practice and procedures of the Court in relation to a proceeding within its jurisdiction are in the discretion of the Court.

Division 4 Charges and regulations

202 Penalty for extortion

No clerk shall take, accept, or receive from any person any fee, gratuity, or reward not allowed by law, or greater in amount than is so allowed.

Penalty: $50.

203 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular prescribing:

(a) the places at which the Court shall or may sit, and the constitution and holding of the Court thereat;

(b) the practice and procedure before Justices and the Court;

(c) the fees to be paid for a matter or thing required or permitted to be done under this Act and the circumstances in which such fees may be waived by the clerk;

(d) the forms to be used under this Act, including the form of any recognizance mentioned in this Act;

(e) the duties of clerks and the form of any record or account required to be kept by them, and providing for the discontinuance of any existing record or account rendered unnecessary by those regulations.

Schedule 3

sections 22, 57 and 57A

NORTHERN TERRITORY OF AUSTRALIA

Justices Act

SUMMONS TO A PERSON ON COMPLAINT

To of

Whereas you have this day been charged by

of before the undersigned, a Justice of the Peace for the Northern Territory of Australia, for that on the day of , 19 , at , in the Northern Territory of Australia you did .

These are therefore to command you to be and appear on day the day of 19 , at o'clock in the noon, at

in the said Territory before me or such other Justice or Justices of the Peace for the said Territory as may then be there, to answer the said charge, and to be further dealt with according to law.

Dated this day of , 19 ,

at in the said Territory.

Justice of the Peace

You must either appear in Court on the date shown to plead guilty or not guilty or, if you prefer that the Court should take your plea of guilty without your going to Court, you must sign the "Endorsement" hereunder and deliver it to the Court where this summons requires you to appear or to the nearest police station in the Northern Territory.

Endorsement

I have read the terms of the charge against me herein specified and I acknowledge my commission of the offence charged and plead guilty thereto.

I offer the following explanation for the acts alleged in the summons to be an offence:

AFFIDAVIT OF SERVICE

I of

make oath and say [or affirm] that I did on the

day of 19 , between the hours of

and in the noon, at

in the Northern Territory duly serve the within-named defendant with this summons by delivering 2 copies of the summons to him personally [or by leaving 2 copies of the summons with him at his last-known place of abode (or of business) with some other person apparently an inmate of that place (or employed in that place) and apparently not less than 16 years of age].

Sworn [or affirmed] before me

at

on day of 19 .

Justice of the Peace

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)

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 LIST OF AMENDMENTS

It	amd No. 21, 1982, s 2
s 1	amd No. 21, 1982, s 2
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
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
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

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
s 14	amd No. 17, 1996, s 6
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
s 21	rep No. 62, 1982, s 4
s 22	amd No. 50, 1973, s 4; No. 149, 1979, s 4; No. 21, 1982, s 2
s 22A	ins No. 12, 1933, s 6 amd No. 21, 1982, s 2
s 23	amd No. 35, 2006, s 23
s 24	rep No. 32, 2006, s 7
s 26	amd No. 21, 1982, s 2
s 26A	ins No. 31, 1961, s 4
s 27	amd No. 50, 1973, s 5; No. 21, 1982, s 2; No. 14, 1995, s 12
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
s 28	amd No. 50, 1973, s 7; No. 149, 1979, s 4; No. 17, 1997, s 12; No. 32, 2006, s 8
s 29	amd No. 149, 1979, s 4
s 30	rep No. 62, 1982, s 4
ss 31 – 32	amd No. 21, 1982, s 2
s 33	amd No. 12, 1933, s 7; No. 86, 1973, s 5
s 33A	ins No. 12, 1933, s 8 amd No. 87, 1973, s 12; No. 54, 1974, s 18; No. 21, 1982, s 2
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
s 34	amd No. 21, 1982, s 2
ss 36 – 37	amd No. 21, 1982, s 2
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
s 38	amd No. 86, 1973, s 7; No. 62, 1982, s 4
s 39	amd No. 12, 1933, s 9; No. 54, 1974, s 18; No. 62, 1982, s 4; No. 60, 2001, s 9
s 39A	ins No. 12, 1933, s 10 rep No. 62, 1982, s 4
s 40	sub No. 31, 1961, s 5
s 41A	ins No. 54, 1974, s 5
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
s 43	amd No. 69, 1964, s 2; No. 60, 1965, s 3; No. 21, 1982, s 2; No. 40, 1991, s 7
ss 44 –45	amd No. 17, 1996, s 6
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
s 47	amd No. 54, 1974, s 18
s 48	amd No. 60, 1965, s 5
s 49	amd No. 87, 1973, s 12
s 50	amd No. 21, 1982, s 2
s 51	sub No. 31, 1961, s 7 amd No. 21, 1982, s 2
s 53	amd No. 17, 1996, s 6
ss 55 – 56	amd No. 21, 1982, s 2
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
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
s 57B	ins No. 50, 1973, s 9 amd No. 149, 1979, s 4; No. 17, 1996, s 6
s 57C	ins No. 50, 1973, s 9 amd No. 17, 1996, s 6
s 57D	ins No. 50, 1973, s 9
s 57E	ins No. 50, 1973, s 9 amd No. 149, 1979, s 4; No. 17, 1996, s 6
s 58	amd No. 21, 1982, s 2
s 59	amd No. 62, 1982, s 6
s 60	amd No. 12, 1933, s 12; No. 21, 1982, s 2; No. 62, 1982, s 7 sub No. 2, 1983, s 9
pt IV	
div 2A hdg	ins No. 55, 1988, s 3 rep No. 60, 2001, s 9
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
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
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
s 63A	ins No. 2, 1983, s 13 amd No. 17, 1996, s 6
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
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
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
s 72	amd No. 76, 1970, s 3; No. 17, 1996, s 6
s 73	amd No. 21, 1982, s 2; No. 17, 1996, s 6
s 74	amd No. 21, 1982, s 2
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
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
ss 77A – 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
pt IV	
div 6 hdg	rep No. 60, 2001, s 9
s 80	amd No. 17, 1996, s 6 rep No. 60, 2001, s 9
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
s 82	amd No. 54, 1974, s 18; No. 17, 1996, s 6 rep No. 60, 2001, s 9
s 83	amd No. 17, 1996, s 6; No. 19, 2000, s 9 rep No. 60, 2001, s 9
s 84	amd No. 21, 1982, s 2; No. 17, 1996, s 6 rep No. 60, 2001, s 9
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

s 86	rep No. 60, 2001, s 9
s 87	amd No. 60, 1965, s 8; No. 21, 1982, s 2 rep No. 60, 2001, s 9
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
s 90	rep No. 17, 1996, s 6
s 91	amd No. 12, 1933, s 16; No. 17, 1993, s 3; No. 17, 1996, s 6 rep No. 60, 2001, s 9
s 92	amd No. 21, 1982, s 2 rep No. 17, 1996, s 6
s 93	amd No. 17, 1996, s 6 rep No. 60, 2001, s 9
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
s 99	amd No. 12, 1933, s 18; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6
s 100	amd No. 21, 1982, s 2
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
s 100A	ins No. 63, 1974, s 3
s 101	amd No. 12, 1933, s 2; No. 21, 1982, s 2
s 101A	ins No. 12, 1933, s 19
s 105	amd No. 21, 1982, s 2
s 105AA	ins No. 56, 2004, s 11 amd No. 16, 2007, s 5
s 105A	ins No. 63, 1974, s 4 amd No. 21, 1982, s 2; No. 56, 2004, s 12; No. 16, 2007, s 6
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
s 106	amd No. 31, 1961, s 11 sub No. 63, 1974, s 4
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
s 108	amd No. 12, 1933, s 2; No. 31, 1961, s 13; No. 76, 1970, s 4
s 108A	ins No. 12, 1933, s 20 amd No. 54, 1974, s 18
s 109	amd No. 12, 1933, s 21; No. 63, 1974, s 5

s 110	amd No. 31, 1961, s 14; No. 76, 1970, s 5
s 112	amd No. 12, 1933, s 22; No. 54, 1974, s 6; No. 62, 1982, s 10
s 113	amd No. 31, 1961, s 15
s 114	amd No. 62, 1982, s 11
s 115	amd No. 31, 1961, s 16
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
s 117	amd No. 2, 1931, s 2; No. 12, 1933, s 23; No. 63, 1974, s 6
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
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
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
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
s 125	amd No. 54, 1974, s 18; No. 20, 1976, s 5; No. 21, 1982, s 2; No. 5, 1997, s 7
s 126	amd No. 63, 1974, s 8; No. 5, 1997, s 8
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
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
s 131	amd No. 76, 1970, s 7; No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6
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
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
s 136	sub No. 54, 1974, s 8 amd No. 62, 1982, s 13
s 137	amd No. 76, 1970, s 8
s 138	amd No. 21, 1982, s 2
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
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
s 142	amd No. 21, 1982, s 2; No. 62, 1982, s 16
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 152	amd No. 76, 1970, s 10
s 153	amd No. 21, 1982, s 2
ss 156 – 157	amd No. 21, 1982, s 2
s 158	amd No. 21, 1982, s 2; No. 40, 1991, s 7
s 159	amd No. 21, 1982, s 2
s 160	amd No. 12, 1933, s 30; No. 87, 1973, s 12; No. 31, 1990, s 7
s 161	amd No. 31, 1961, s 22; No. 40, 1991, s 7 rep No. 33, 2005, s 3
s 162	amd No. 12, 1933, s 31; No. 54, 1974, 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
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
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
s 170	amd No. 12, 1933, s 35; No. 62, 1982, s 18; No. 17, 1996, s 6
s 171	amd No. 31, 1961, s 27; No. 21, 1982, s 2
s 172	sub No. 31, 1961, s 28 amd No. 60, 1965, s 15; No. 21, 1982, s 2; No. 2, 1983, s 18

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
s 175	amd No. 31, 1961, s 30; No. 76, 1970, s 11; No. 54, 1974, s 18; No. 2, 1983, s 19
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
s 176A	ins No. 20, 1976, s 12 sub No. 2, 1983, s 22 amd No. 17, 1997, s 12
s 177	amd No. 31, 1961, s 31; No. 54, 1974, s 18; No. 20, 1976, s 13; No. 2, 1983, s 23
s 178	amd No. 31, 1961, s 32; No. 60, 1965, s 16
s 179	amd No. 21, 1982, s 2
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
ss 182 – 183	amd No. 54, 1974, s 18
s 183A	ins No. 5, 1997, s 10
s 184	amd No. 54, 1974, s 18
s 185	amd No. 53, 1989, s 3; No. 17, 1996, s 6
s 186	amd No. 54, 1974, s 18; No. 21, 1982, s 2; No. 17, 1996, s 6
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
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
pt VII div 3 hdg	ins No. 51, 2001, s 3
ss 189 – 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
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
s 201A	ins No. 5, 1997, s 11

pt VII	
div 4 hdg	sub No. 54, 1974, s 14
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
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
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