

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (CRIMINAL JURISDICTION) RULES 1929

As in force at 24 June 2020

Table of provisions

1	Short title	1
2	Forms	1

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 24 June 2020

LOCAL COURT (CRIMINAL JURISDICTION) RULES 1929

Rules under the *Local Court Act 2015*

1 Short title

These Rules may be cited as the *Local Court (Criminal Jurisdiction) Rules 1929*.

2 Forms

The forms to be used under the *Local Court Act 2005* are to be in accordance with the forms set out in the Schedule.

Schedule

FORM 1A

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 23

SUMMONS TO A WITNESS TO APPEAR ON COMPLAINT

To: _____ of _____
(name) (address)

Whereas: _____ of _____
(name) (address)

has made a complaint against _____
of _____ for that he/she* on
the _____ day of _____, at _____ in the
Northern Territory of Australia, did _____
(nature of complaint)

And whereas I, the undersigned, a Local Court Judge/registrar/JP, am satisfied that you are likely to give material evidence upon behalf of the complainant (or defendant)*:

You are therefore hereby summoned to appear at _____ in
the Territory, on the _____ day of _____, at _____ o'clock in
the _____ noon, before the Local Court, to testify what you know
concerning the matter of the said complaint.

Dated the _____ day of _____, _____.

Local Court Judge/registrar/JP*

PROOF OF SERVICE

I, _____ of _____
(name) (address)
make oath and say that I did on the _____ day of _____, between the hours of _____
and _____ in the _____ noon, at _____ in the Territory, duly serve the
within-named with the within summons by delivering a duplicate thereof to
him/her* personally [or by leaving a duplicate thereof for him/her* at his/her*
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].

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

*Delete if inapplicable.

FORM 1B

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 23

SUMMONS TO A WITNESS TO PRODUCE DOCUMENTS ON COMPLAINT

To _____ of _____
(name) (address)
Whereas _____ of _____
(name) (address)
has made a complaint against _____
(name)
of _____ for that he/she
(address)
on the _____ day of _____
at _____ in the Northern Territory of Australia,
did _____
(nature of complaint)

And whereas I, the undersigned, a Local Court Judge/registrar/JP, am satisfied that you are likely to have in your possession or power certain articles required for the purposes of evidence upon behalf of the complainant (or defendant)*:

You are therefore hereby summoned to appear at _____ in
the Territory, on the _____ day of _____,
, at _____ o'clock in the _____ noon, before the Local Court, to
produce the following (*describe precisely the articles to be produced*):

Dated the _____ day of _____, .

Local Court Judge/registrar/JP*

PROOF OF SERVICE

I, _____ of _____
(name) (address)
make oath and say that I did on the _____ day of _____, between
the hours of _____ and _____ in the _____ noon, at _____ in the Territory,
duly serve the within-named with the within summons by delivering a duplicate
thereof to him/her* personally [or by leaving a duplicate thereof for him/her* at
his/her* 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].

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

*Delete if inapplicable.

FORM 2A

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 23

SUMMONS TO A WITNESS TO APPEAR ON INFORMATION

To _____ of _____
(name) (address)

Whereas _____ of _____
(name) (address)

has laid an information against _____
(name)

of _____ for that he/she*
(address)

on the _____ day of _____, _____, _____
at _____ in the Northern Territory of
Australia, did _____
(nature of information)

And whereas I, the undersigned, a Local Court Judge/registrar/JP, am satisfied that you are likely to give material evidence upon behalf of the informant (or defendant)*:

You are therefore hereby summoned to appear at _____ in the Territory, on the _____ day of _____, _____, at _____ o'clock in the _____ noon, before the Local Court, to testify what you know concerning the matter of the said information.

Dated the _____ day of _____, _____,

Local Court Judge/registrar/JP*

PROOF OF SERVICE

I, _____ of _____
(name) (address)
make oath and say that I did on the day _____ of _____, between the
hours of _____ and _____ in the _____ noon, at _____ in the Territory, duly serve
the within-named with the within summons by delivering a duplicate thereof to
him/her* personally [or by leaving a duplicate thereof for him/her* at his/her*
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].

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

*Delete if inapplicable.

FORM 2B

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 23

SUMMONS TO A WITNESS TO PRODUCE DOCUMENTS ON
INFORMATION

To _____ of _____
(name) (address)
Whereas _____ of _____
(name) (address)
has laid an information against _____
(name)
of _____ for that he/she*
(address)
on the _____ day of _____, _____,
at _____ in the Northern Territory of Australia,
did _____
(nature of information)

And whereas I, the undersigned, a Local Court Judge/registrar/JP, am satisfied that you are likely to have in your possession or power certain articles required for the purposes of evidence upon behalf of the informant (or defendant)*:

You are therefore hereby summoned to appear at _____ in the Territory, on the _____ day of _____, _____, at _____ o'clock in the _____ noon, before the Local Court, to produce the following (*describe precisely the articles to be produced*):

Dated the _____ day of _____, _____,

Local Court Judge/registrar/JP*

PROOF OF SERVICE

I, _____ of _____
(name) (address)
make oath and say that I did on the _____ day
of _____, between the hours of _____ and _____ in the
noon, at _____ in the Territory, duly serve the within-named with the
within summons by delivering a duplicate thereof to him/her* personally [or by
leaving a duplicate thereof for him/her* at his/her* 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].

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

*Delete if inapplicable.

FORM 5

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 25

WARRANT FOR A WITNESS IN THE FIRST INSTANCE

To _____, and to each and all of the Constables and Peace Officers of the Northern Territory of Australia.

Whereas _____ of _____ has made a complaint against _____ of _____ for that he/she on the day of _____, _____ at _____ in the Northern Territory of Australia, did _____.

And whereas I am satisfied by the oath of _____ of _____, that _____ of _____ is likely to give material evidence (or to have in his/her possession or power certain articles required for the purposes of evidence) upon behalf of the complainant (or defendant), and that it is probable that he/she will not attend to give evidence or to produce any article without being compelled to do so:

You are therefore hereby commanded to bring him/her before the Local Court at _____ on _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon, to testify what he/she knows concerning the said complaint [or (and) to produce such books, plans, papers, documents, articles, goods, and things likely to be material evidence on the hearing of the said complaint (and especially _____)].

Dated the _____ day of _____, _____, at _____, in the Northern Territory of Australia.

Local Court Judge

FORM 6

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 25

WARRANT FOR A WITNESS IN THE FIRST INSTANCE

To _____, and to each and all of the Constables and Peace Officers of the Northern Territory of Australia.

Whereas _____ of _____ has laid an information against _____ of _____ for that he/she on the _____ day of _____, _____, at _____ in the Northern Territory of Australia, did _____.

And whereas I am satisfied by the oath of _____ of _____, that _____ of _____ is likely to give material evidence (or to have in his/her possession or power certain articles required for the purposes of evidence) upon behalf of the informant (or defendant), and that it is probable that he/she will not attend to give evidence or to produce any article without being compelled to do so:

You are therefore hereby commanded to bring him/her before the Local Court at _____ on _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon, to testify what he/she knows concerning the said information [or (and) to produce all books, plans, papers, documents, articles, goods, and things likely to be material evidence on the hearing of the said information (and especially _____)].

Dated the _____ day of _____, at _____, in the said Territory.

Local Court Judge

FORM 13

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 49

COMPLAINT

Defendant's Address

Complainant's Address

The complaint of _____ of

taken this _____ day of _____, _____, before the undersigned, a justice of the peace, who (upon oath) states that _____ of _____ on the _____ day of _____, _____, at _____ in the Northern Territory of Australia, did

Taken on oath before me, the day and year first above-mentioned at _____ in the said Territory.

Justice of the peace

FORM 14

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 22, 57 and 104

SUMMONS TO ATTEND COURT

Defendant's details

Full name:

Address:

DOB:

Offence details [*including date and reference to the section of the law creating the offence*]:

Complainant's details

Full name:

Address:

Hearing details

Registry of Local Court:

Date:

Address:

Time:

.....
Judge/Registrar/Justice of the Peace Date

IMPORTANT NOTICE TO DEFENDANT

If you do not attend the Local Court on the hearing date mentioned above to answer the charge or on any day that the matter is adjourned the Court may:

- (a) proceed in your absence; or
- (b) issue a warrant for your arrest.

PROOF OF SERVICE

Name of person serving:

Address of person serving:

Name of person served (defendant):

Address at which service effected:

Date service effected:

Time of day:

Method of service [tick box]:

- personally;
- by leaving a copy for the defendant at the defendant's last-known place of residence with a person who is apparently a resident at that place and who appears to be 16 years of age or older;
- by leaving it for the defendant at the defendant's last-known place of business with a person who is apparently an employee at that place and who appears to be 16 years of age or older.

I certify that I served a copy of this summons on the defendant in the manner described.

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

FORM 14A

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 22 and 57A

SUMMONS TO ATTEND COURT

Defendant's details

Full name:

Address:

DOB:

Offence details [*including date and reference to the section of the law creating the offence*]:

Complainant's details

Full name:

Address:

Hearing details

Registry of Local Court:

Date:

Address:

Time:

.....

Judge/Registrar/Justice of the Peace

.....

Date

IMPORTANT NOTICE TO DEFENDANT

You must either:

- (a) attend the Local Court on the hearing date mentioned above to answer the charge; or

- (b) fill out the endorsement below and have it witnessed by a Justice of the Peace, Solicitor or police officer and deliver it in person or by post to one of the following places at least 3 days before the hearing date mentioned above:
- (i) the address of the Local Court listed above;
 - (ii) a police station that is within 80 km of that Local Court.

ENDORSEMENT

I [*defendant's name*] have read and understood the charge against me specified in the attached summons. I plead guilty to the charge.

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

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

PROOF OF SERVICE

Name of person serving:

Address of person serving:

Name of person served (defendant):

Address at which service effected:

Date service effected:

Time of day:

Method of service [tick box]:

- personally;
- by leaving a copy for the defendant at the defendant's last-known place of residence with a person who is apparently a resident at that place and who appears to be 16 years of age or older;
- by leaving it for the defendant at the defendant's last-known place of business with a person who is apparently an employee at that place and who appears to be 16 years of age or older.

I certify that I served a copy of this summons on the defendant in the manner described.

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

INFORMATION FOR DEFENDANT

Attending Court

- It is recommended that you get legal advice about your rights as soon as you receive this summons. If you do not have a lawyer, you can get legal advice from a legal aid agency. You can find more information about going to the Local Court at www.lawinfont.org.au.
- If you have a physical impairment or you need an interpreter, you should contact the Local Court listed in this summons as soon as you can. You can find contact details at <https://localcourt.nt.gov.au>.

Pleading Guilty in Writing

- If you choose to fill out the endorsement rather than attend the Local Court, the endorsement must be returned to the Local Court at least 3 days before the date you are supposed to attend the Local Court.

- The Judge does not have to accept the written guilty plea. The Judge may choose to reject your guilty plea if the Judge thinks:
 - (a) a punishment other than a fine is appropriate; or
 - (b) that you do not understand the consequences of pleading guilty; or
 - (c) you should answer the charge in the Local Court.
- When you send the endorsement you can also include other documents for the Judge to take into account when the Judge sentences you. For example, you can include a character reference or financial records that show why it might be difficult for you to pay a fine.

INFORMATION FOR DEFENDANT

Attending Court

- It is recommended that you get legal advice about your rights as soon as you receive this summons. If you do not have a lawyer, you can get legal advice from a legal aid agency. You can find more information about going to the Local Court at www.lawinfont.org.au.
- If you have a physical impairment or you need an interpreter, you should contact the Local Court listed in this summons as soon as you can. You can find contact details at <https://localcourt.nt.gov.au>.

FORM 15

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 20, 58

WARRANT TO APPREHEND A PERSON ON COMPLAINT

To _____, and to each and all of the Constables and Peace Officers of the Northern Territory of Australia.

Complaint on oath was made this day (or on the _____ day of _____, _____), by _____ of _____ that _____ of _____ (hereunder called the defendant) on the _____ day of _____, _____, at _____ in the Northern Territory of Australia did _____.

You are therefore, hereby commanded to apprehend the defendant and to bring him/her before the Local Court at _____ forthwith (or on _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon), to answer the said charge contained in the said complaint, and to be further dealt with according to law.

Dated the _____ day of _____, at _____, in the said Territory.

Local Court

FORM 16

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 60, 112

WARRANT OF COMMITMENT

To _____, and to all other Constables of the Northern Territory of Australia and to the Keeper of the Gaol at _____ in the Northern Territory of Australia.

Whereas _____ of _____ (hereinafter called the defendant) was this day charged before the Local Court, on the oath of _____, of _____, for that on the _____ day of _____, at _____ in the said _____ Territory he/she did _____.

These are therefore to command you, the said Constables, to take the defendant and safely convey him/her to the Gaol at _____ aforesaid, and there deliver him/her to the Keeper thereof, together with this warrant; And to command you, the said Keeper of the said Gaol, to receive the said defendant into your custody in the said Gaol, and there safely to keep him/her until he/she shall be thence delivered by due course of law.

Dated the _____ day of _____, at _____, in the said Territory.

Local Court

FORM 17

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 60

WARRANT OF COMMITTAL OR SAFE CUSTODY DURING
ADJOURNMENT OF HEARING

To _____, Constable and to each and all of the Constables and Peace Officers of the Northern Territory of Australia and to the Keeper of the Common Gaol at _____ in the Northern Territory of Australia.

Whereas _____ of _____ (hereinafter called the defendant), was this day brought before the Local Court, charged for that on the _____ day of _____, at _____ in the said Territory he/she did _____.

And whereas, the hearing of the case being adjourned, it appears to the Court to be necessary to remand the defendant:

You the said Constables, are therefore hereby commanded to convey the defendant to the said Gaol, and there to deliver him/her to the Keeper thereof, together with this warrant, and you, the Keeper of the said Gaol, are hereby commanded to receive him/her into your custody, and, unless he/she shall have been bailed in the meantime, to keep him/her until the _____ day of _____, _____, and on that day to bring him/her up before the Local Court at _____ at the hour of _____ o'clock in the _____ noon, to be further dealt with according to law, unless you the said Keeper shall be otherwise ordered in the meantime.

Dated the _____ day of _____.

Local Court

FORM 19

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 62

WARRANT WHEN THE SUMMONS IS DISOBEYED

To _____, and to each and all of the Constables and Peace Officers of the Northern Territory of Australia.

Whereas complaint (on oath) was made this day (or on the _____ day of _____,) by _____ of _____ that _____ of _____ (hereinafter called the defendant), on the _____ day of _____, _____, at _____ in the Northern Territory of Australia did _____.

And whereas the defendant was thereupon summoned to appear before the Local Court sitting at _____ in the said Territory on the _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon, to answer the said charge:

And whereas oath has been made that the defendant was duly served with the summons, but did not appear, and that such complaint is true.

You are therefore hereby commanded to apprehend the defendant and to bring him/her before the Local Court at _____ forthwith (or on _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon), to answer the charge contained in the said complaint, and to be further dealt with according to law.

Dated the _____ day of _____, at _____ in the said Territory.

Local Court

FORM 21

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 71, 72, &c.

ORDER OF DISMISSAL OF A COMPLAINT

Be it remembered that, on the day of , , complaint was duly made by of , (hereinafter called the complainant), for that of , (hereinafter called the defendant) did on the day of , , at , in the Northern Territory of Australia,

Now on this day, to wit, on the day of , , at , in the said Territory, the Local Court having heard the said complaint, dismisses the complaint and orders that the complainant do pay to the defendant the sum of for his/her costs incurred by him/her in his defence in this behalf; and if the said sum for costs be not paid immediately that the same be levied by distress and sale of the goods and chattels of the complainant, and in default of sufficiency of distress in that behalf that the complainant to be imprisoned in the at in the said Territory, for the space of unless the said sum for costs, and all costs and charges of the said distress, shall be sooner paid.

Dated the day of , at , in the said Territory.

Local Court

FORM 22

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 71

CERTIFICATE OF DISMISSAL

The Local Court hereby certifies that a complaint made by _____ of _____, against _____ of _____, for that on the _____ day of _____, at _____ in the Northern Territory of Australia, he/she did was this day heard by the Court and was dismissed.

Dated this _____ day of _____, .

Local Court

FORM 28

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 72, 77, &c.

ORDER FOR ANY MATTER WHERE THE DISOBEYING OF IT IS
PUNISHABLE WITH IMPRISONMENT

Be it remembered that, on the _____ day of _____, _____, complaint was duly made by _____, of _____, (hereinafter called the complainant), for that _____ of _____, (hereinafter called the defendant), did on the _____ day of _____, _____, at _____ in the Northern Territory of Australia,

Now on this day, to wit, on the _____ day of _____, _____, at _____, in the said Territory, the Local Court, having heard the matter of the said complaint, adjudges the defendant to (*here set out adjudication shortly*) and if upon a copy of a minute of this order being served upon the defendant, either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case the Court adjudges the defendant for such disobedience to be imprisoned in the _____ at _____ for the space of _____, and also adjudges the defendant to pay to the complainant the sum of _____ for his costs in this behalf; and if the said sum for costs be not paid immediately the Court orders the same to be levied by distress and sale of the goods and chattels of the defendant unless the said sum and costs shall be sooner paid.

Dated the _____ day of _____, at _____, in the said Territory.

Local Court

FORM 38

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 101

INFORMATION FOR AN INDICTABLE OFFENCE

Defendant's Address:

Informant's Address:

The information of _____ of
taken this _____ day of _____, _____, before the undersigned, justice of the peace,
who (upon oath) states that _____ of _____ on the _____ day of _____,
_____ at _____ in the Northern Territory of Australia, did

Taken on oath before me, the day and year first above-mentioned at
in the said Territory.

Justice of the peace

FORM 39

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 20, 103

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE
OFFENCE

To _____, and to each and all of the Constables and Peace Officers of the
Northern Territory of Australia.

Information on oath was laid this day (or on the _____ day of _____,
) by _____ of _____
that _____ of _____

(hereinafter called the defendant), on the _____ day of _____, _____, at
_____ in the Northern Territory of Australia did

You are therefore hereby commanded to apprehend the defendant and to
bring him/her before the Local Court, at _____ forthwith (or on _____ day,
the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon),
to answer the said charge contained in the said information, and to be further
dealt with according to law.

Dated the _____ day of _____, at _____ in the said Territory.

Local Court Judge

FORM 40

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 22, 104

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE

To _____ of _____

Whereas you have this day been charged by _____ of _____ before the Local Court, for that on the _____ day of _____, at _____ in the Northern Territory of Australia you did _____

These are therefore to command you to be and appear on _____ day the _____ day of _____, at _____ o'clock in the _____ noon, at _____ in the said Territory before the Local Court, to answer the said charge, and to be further dealt with according to law.

Dated this _____ day of _____, at _____, in the said Territory.

Local Court Judge/registrar/JP

PROOF OF SERVICE

I, _____ of _____ make oath and say that I did on the _____ day of _____, between the hours of _____ and _____ o'clock in the _____ noon, at _____ in the said Territory, duly serve the within-named defendant with the within summons by delivering a duplicate to him/her personally [or by leaving a duplicate thereof for him/her at his/her 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].

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by _____

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

FORM 41

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 105

WARRANT WHEN A SUMMONS IS DISOBEYED

To _____, and to each and all of the Constables and Peace Officers of the Northern Territory of Australia.

Whereas information (on oath) was laid this day (or on the _____ day of _____,) by _____ of _____ that _____ of _____ (hereinafter called the defendant), on the _____ day of _____, at _____ in the Northern Territory of Australia, did

And whereas the defendant was thereupon summoned to appear before the Local Court at _____ in the said Territory on _____ day, the _____ day of _____, at the hour of _____ o'clock in the _____ noon to answer the said charge:

And whereas oath has been made that the defendant was duly served with the summons, but did not appear, and that such information is true.

You are therefore hereby commanded to apprehend the defendant and to bring him before the Local Court, at _____ forthwith (or on _____ day, the _____ day of _____, at the hour of _____ o'clock in the _____ noon), to answer the charge contained in the said information, and to be further dealt with according to law.

Dated the _____ day of _____, at _____, in the said Territory.

Local Court

FORM 42

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 105D

NOTICE OF PRELIMINARY EXAMINATION

In the Local Court, Northern Territory

To *[name and address of accused]* _____

You have been charged with *[details of offence(s)]* _____

There will now be a preliminary examination in relation to the charge(s).

It will be held at the Local Court at *[address of Court]* _____

There will be a mention hearing on ___/___/___ at _____ am/pm.

You must attend the Local Court for this hearing.

The Judge will then set the date for the preliminary examination.

Information about a preliminary examination

What is a preliminary examination?

A preliminary examination is a court proceeding in which a Local Court Judge reviews the evidence against you and decides whether there is sufficient evidence to send you for trial in the Supreme Court.

The evidence

The evidence against you is contained in the committal brief you have been given with this notice. The brief also includes:

- a list of prosecution witnesses and copies or recordings of their statements; and
- a list of any other prosecution evidence (i.e. documents or other things) and copies or a description or picture of them.

If the prosecution wants the Judge to hear from other witnesses, or has other evidence, it must give you another list and copies of witness statements or the evidence.

These witness statements and any other listed evidence is the evidence that the Judge may consider at the preliminary examination.

Questioning the witnesses

If you (or your lawyer) want to question any of the prosecution's witnesses, you must get permission from the Judge to do so.

When you have decided whether you want to question any of the witnesses, you must fill in the Notice in Relation to Witnesses form. (If you have a lawyer, he or she will have this form. If not, you can get one from the Court.) When you attend Court for the mention hearing, you must give the form to the Judge.

If the prosecution agrees to the questioning, the Judge will usually give permission. If the prosecution does not agree to the questioning, the Judge may give permission if the Judge believes there is a good reason for you to question the witness. However, the Judge does not have to give permission.

[The following sentence is to be included only if the accused is charged with a sexual offence.]

Also, you will not be allowed to question the alleged victim or any witnesses who are children.

[The following sentence is to be included only if the accused is charged with a serious violence offence that is not a sexual offence.]

Also, you will not be allowed to question any witnesses who are children.

What happens at the preliminary examination?

At the preliminary examination the Judge will read each witness' statement and treat it the same as if the witness had given evidence in person. The Judge may allow the witness to appear in Court and give extra evidence, but only if there is a good reason.

If you have been given permission to question the witness, the witness must attend Court and you (or your lawyer) will be allowed to question the witness. However, the Judge will control what you can question the witness about.

The Judge may allow the prosecution to call witnesses who are not on the list in the committal brief, or to give other evidence, but only if there is a very good reason.

If you wish to do so, you can give evidence at the preliminary examination and call your own witnesses. If you do, you and your witnesses can be questioned by the prosecutor and the Judge.

After considering all the evidence, the Judge will decide whether there is enough evidence to send you for trial in the Supreme Court.

Where to get more information

If you have a lawyer, he or she will be able to advise you about the procedure for a preliminary examination and what you should do now.

If you do not have a lawyer, it is recommended that you seek advice from the NT Legal Aid Commission, the North Australian Aboriginal Justice Agency (NAAJA) or the Central Australian Aboriginal Legal Aid Service (CAALAS).

If you choose to represent yourself, you should read and make sure you understand Part V, Division 1A of the *Local Court (Criminal Procedure) Act 1928* and the Court's Practice Directions which give more details about the Court's procedures.

FORM 44

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 113, 124

WARRANT REMANDING A PERSON CHARGED WITH AN INDICTABLE
OFFENCE

To _____ and to each and all of the Constables of the
Northern Territory of Australia and to the Keeper of the _____ in the
Northern Territory of Australia.

Whereas _____ of _____ (hereinafter called
the defendant) was this day brought before the Local Court, upon an
information charging him/her for that on the _____ day of _____,
_____ at _____ in the Northern Territory of Australia, he/she did

And whereas it appears to the Court to be necessary to remand the
defendant:

You, the said Constables, are therefore hereby commanded to convey the
defendant to the said Prison and there to deliver him/her to the Keeper
thereof, together with this warrant, and you, the Keeper of the said Prison, are
hereby commanded to receive him/her into your custody, and, unless he/she
shall have been bailed in the meantime, to keep him/her until the day of
_____, _____, and on that day to have him/her at _____, at the hour of _____
o'clock in the _____ noon, before the Local Court, to be further dealt with
according to law, unless you, the said Keeper, shall be otherwise ordered in
the meantime.

Dated the _____ day of _____, at _____, in the said Territory.

Local Court

FORM 50

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 128

CERTIFICATE OF DISMISSAL OF A CHARGE OF INDICTABLE OFFENCE
HEARD AND DETERMINED SUMMARILY

The Local Court certifies that on the day of ,
at , in the Northern Territory of Australia,
of (hereinafter called the
defendant) was charged before the Court for that on the day of
 , at in the said Territory, he/she did

and the Court, having summarily adjudicated thereon, dismissed the said
charge.

Dated this day of , at , in the said Territory.

Local Court

FORM 52

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 136

WARRANT OF COMMITTAL FOR SENTENCE

To _____, and to each and all of the Constables of the Northern Territory of Australia, and to the Keeper of the Gaol at _____ in the Northern Territory of Australia.

Whereas _____ of _____ (hereinafter called the defendant) was this day charged before the Local Court, on the oath of _____ of _____ for that on the _____ day of _____, at _____ in the said Territory, he/she did

And whereas the defendant has pleaded guilty to the said charge:

These are, therefore, to command you, the said Constables, to take the defendant and him/her safely convey to the Gaol aforesaid, and there to deliver him/her to the Keeper thereof, together with this warrant: And to command you, the said Keeper of the said Gaol, to receive the defendant into your custody in the said Gaol to appear for sentence before the Supreme Court, to be held at _____ in the said Territory, or at such other place as may hereafter be ordered by a Supreme Court Judge, and in the meantime to safely keep him/her in such Gaol.

Dated this _____ day of _____, at _____ in the said Territory.

Local Court

FORM 53

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 136

COMMITTAL FOR SENTENCE

of (hereinafter
called the defendant) stands charged before the Local Court, for that on
day of , , at in the Northern Territory of Australia,
he did

and the examination of all the witnesses on the part of the prosecution having
been completed and thereupon the defendant being asked whether he wishes
to plead to the said charge and the defendant signifying a desire to do so, and
the said charge being read to him, and the defendant, having been asked,
"Are you guilty or not guilty of the offence with which you are charged?" the
defendant thereupon pleads guilty, and now the Court admits the defendant to
bail (*or* commits the defendant to the Gaol at , in the said
Territory) to appear for the sentence before the Supreme Court, to be held at
in the said Territory, or at such other place as may hereafter be
ordered by a Supreme Court Judge.

Dated the day of , at in the said Territory.

Local Court

FORM 58

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 153

DEPOSITION OF WITNESS DANGEROUSLY ILL AND NOT LIKELY TO
RECOVER

The examination and deposition of

of _____ (hereinafter called ***the witness***) taken on oath this _____ day of _____, at _____ in the Northern Territory of Australia, before the undersigned, a Local Court Judge/registrar/JP, it having been made to appear to my satisfaction that the witness is dangerously ill and is, in the opinion of _____ of _____, in the said Territory, a legally qualified medical practitioner, not likely to recover from such illness, and that the witness is able and willing to give material information relating to a certain indictable offence, namely, the offence of _____ (or relating to _____ of _____, who is accused of a certain indictable offence, namely, the offence of _____ and that it is not practicable for the Local Court to take the deposition of the witness at the preliminary examination of such person so accused).

The witness on his/her oath says as follows:

The above deposition of the witness was taken on oath before me at _____ in the said Territory, on the day and year first above-mentioned, the following persons being present at the taking thereof:

Local Court Judge/registrar/JP

FORM 59

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 154, 155

NOTICE OF INTENTION TO TAKE DEPOSITION OF WITNESS
DANGEROUSLY ILL AND NOT LIKELY TO RECOVER

To _____ of _____

I, _____ of _____
hereby give you notice that _____ a Local Court Judge/registrar/JP,
intends on _____ day the _____ day of _____, _____, at _____, in the
Northern Territory of Australia, to take the statement
of _____ of _____, who is dangerously ill and is, in the
opinion of a certain legally qualified medical practitioner, not likely to recover
from such illness, and who is alleged to be able and willing to give material
information relating to a certain indictable offence, namely, the offence
of _____ (or relating to you being a person accused of a certain
indictable offence, namely, the offence of _____, it not being
practicable for the Local Court to take the statement of the
said _____ at the preliminary examination of you the said accused).

Dated this _____ day of _____ .

FORM 60

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 155

ORDER TO CONVEY A PRISONER TO PLACE OF TAKING DEPOSITION
OF A WITNESS DANGEROUSLY ILL

To the Keeper of the Gaol at _____ *in the Northern Territory of*
Australia.

Whereas it appears to the Local Court that _____ now
in your custody (under the Court's commitment) has duly served (or has
received from _____) a notice pursuant to the *Local Court (Criminal*
Procedure) Act 1928, that a Local Court Judge/registrar/JP intends [As in
Form 59]

Now the Local Court directs you to convey the said _____ to the place
mentioned in the said notice, for the purpose of being present at the taking of
the statement of the said

Dated the _____ day of _____, . . .

Local Court

FORM 61

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

section 162

SPECIAL CASE STATED BY LOCAL COURT

In the Local Court at

Between informant
(or complainant) and defendant.

Special case stated by the Local Court reserving questions of law for the consideration of the Supreme Court of the Northern Territory, pursuant to section 162 of the *Local Court (Criminal Procedure) Act 1928*.

I. The above-named informant laid an information (or complainant made a complaint) against the above-named defendant for that the said defendant did on the day of , , at , in the Northern Territory of Australia.

II. The said information (or complaint) came on for hearing before the Local Court on the day of , , and the result of such hearing was as follows:

III. At the said hearing the following facts were either proved, or admitted by the parties:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

IV. Upon these facts the Local Court found that

V. On the part of the informant (or complainant) it was contended that

VI. On the part of the defendant it was contended that

VII. The Local Court is of opinion in point of law that

VIII. The question of law upon which this case is stated for the opinion of the Supreme Court is whether

IX. For the information of the Supreme Court a copy of the evidence taken upon the hearing of the said information (*or* complaint) is attached hereto.

Dated the day of , at in the said
Territory.

Local Court

FORM 63

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 171, 172

NOTICE OF APPEAL

In the matter of a conviction, finding of guilt (*or* order or adjudication) made on the _____ day of _____, _____, by the Local Court at _____, in the Northern Territory of Australia, on the hearing of a certain information (*or* complaint) _____ wherein _____ of _____, _____ was informant (*or* complainant), and _____, of _____, as defendant.

To _____ *the Local Court*

Take notice that _____ of _____

intends to institute and duly prosecute an appeal and hereby appeals to the Supreme Court of the Northern Territory against a certain conviction, finding of guilt (*or* order or adjudication) made on the _____ day of _____, _____, by the Local Court at _____ in the said Territory in which the Local Court [*Here set out the conviction, finding of guilt or order or adjudication*]

And take notice that the appellant intends to institute and duly prosecute the appeal at the sittings of that Supreme Court which will, in accordance with the rules of that Supreme Court, if practicable commence at Darwin [or Alice Springs] on a day which is the first day after the expiration of 21 days from the service of this notice on which sittings of that Supreme Court for hearing appeals under the *Local Court (Criminal Procedure) Act 1928* have been set down to commence.

And take notice that the grounds of such appeal are _____

Dated this _____ day of _____, _____.

Appellant.

ENDNOTES
1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION***Justices Regulations (SL No. –, 1929)***

Notified	18 April 1929
Commenced	1 August 1929 (<i>Cth Gaz</i> , 18 April 1929)

Amendment of the Justices Regulations (SL No. –, 1939)

Notified	1 September 1939
Commenced	1 September 1939

Amendment of the Justices Regulations (SL No. 7, 1959)

Notified	30 December 1959
Commenced	30 December 1959

Amendments of the Justices Regulations (SL No. 9, 1959)

Notified	11 December 1959
Commenced	11 December 1959

Amendments of the Justices Regulations (SL No. 10, 1963)

Notified	3 June 1963
Commenced	3 June 1963

Amendments of the Justices Regulations (SL No. 4, 1965)

Notified	21 April 1965
Commenced	21 April 1965

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

Amendments of the Justices Regulations (SL No. 4, 1974)

Notified	28 March 1974
Commenced	16 May 1974 (r 1, s 3 <i>Justices Ordinance (No. 3) 1973 (Act No. 86, 1973)</i> and <i>Gaz No. 20, 16 May 1974, p 239</i>)

Amendment of the Justices Regulations (SL No. 23, 1984)

Notified 30 May 1984
 Commenced 30 May 1984

Amendment of the Justices Regulations (SL No. 46, 1984)

Notified 22 August 1984
 Commenced 5 September 1984 (r 1)

Amendment of the Justices Regulations (SL No. 21, 1989)

Notified 9 August 1989
 Commenced 30 October 1989 (r 1, s 2 *Justices Amendment Act 1989* (Act No. 7, 1989) and Gaz S61, 27 October 1989)

Amendments of Justices Regulations (SL No. 52, 1991)

Notified 1 November 1991
 Commenced 1 January 1992 (r 1, s 2 *Justices Amendment Act 1991* (Act No. 40, 1991) and Gaz S58, 1 November 1991)

Amendments of Justices Regulations (SL No. 73, 1991)

Notified 20 December 1991
 Commenced 1 January 1992 (r 1) [rep Act No. 46, 1992, s 12(2)]

Statute Law Revision Act 1992 (Act No. 46, 1992)

Assent date 7 September 1992
 Commenced 7 September 1992

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

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

Amendments of Justices Regulations (SL No. 9, 1994)

Notified 13 April 1994
 Commenced 13 April 1994

Amendment of Justices Regulations (SL No. 22, 1996)

Notified 12 June 1996
 Commenced 12 June 1996

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 and Other Legislation (Witness Assistance) Amendment Act 2006 (Act No. 32, 2006)

Assent date 3 November 2006
 Commenced 3 November 2006

Courts Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 36, 2006)

Notified 8 November 2006
 Commenced 8 November 2006

Domestic and Family Violence Act 2007 (Act No. 34, 2007)

Assent date 12 December 2007
 Commenced 1 July 2008 (*Gaz G25*, 25 June 2008, p 4)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date 18 November 2010
 Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz G7*, 16 February 2011, p 4)

Justices Amendment Regulations 2011 (SL No. 15, 2011)

Notified 18 May 2011
 Commenced 18 May 2011

Fees and Charges (Attorney-General and Justice Portfolio) Amendment Regulations 2013 (SL No. 27, 2013)

Notified 28 June 2013
 Commenced 1 July 2013 (r 2)

Justices Amendment Regulations 2016 (SL No. 14, 2016)

Notified 29 April 2016
 Commenced 30 April 2016 (r 2)

Local Court (Criminal Jurisdiction) Amendment Rules 2016 (SL No. 18, 2016)

Notified 16 May 2016
 Commenced 16 May 2016

Local Court (Criminal Jurisdiction) Amendment Rules 2020 (SL No. 15, 2020)

Notified 24 June 2020
 Commenced 24 June 2020

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by section 11 of the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: rr 2, 3, 4, 5 and Sch

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 *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1 and 2 and sch.

5 LIST OF AMENDMENTS

lt amd No. 18, 2016, r 4
 rr 1 – 2 amd No. 18, 2016, r 4
 r 3 rep No. 14, 2016, r 4
 r 4 ins No. 9, 1959, r 1
 rep Act No. 46, 1992, s 12(1)

ENDNOTES

- r 5 ins No. 10, 1963, r 1
 amd No. 4, 1965, r 1
 rep No. 14, 2016, r 4
- r 6 ins No. 23, 1984
 amd No. 9, 1994, r 1; No. 36, 2006, r 7; Act No. 34, 2007, s 146; No. 27,
 2013, r 11
 rep No. 14, 2016, r 4
- r 7 ins No. 23, 1984
 rep No. 14, 2016, r 4
- r 8 ins No. 23, 1984
 amd Act No. 28, 1993, s 3(2)
 rep No. 14, 2016, r 4
- r 9 ins No. 23, 1984
 rep No. 14, 2016, r 4
- rr 10 – 13 ins No. 21, 1989, r 2
 rep No. 9, 1994, r 2
- r 14 ins Act No. 46, 1992, s 12(3)
 rep No. 14, 2016, r 4
- sch amd No. – , 1939, rr 1, 2, 3 and 4; No. 7, 1959; No. 9, 1959, r 2; No. 10,
 1963, r 2; No. 4, 1965, r 2; No. 4, 1974, rr 3, 4 and 5; No. 46, 1984, r 2;
 No. 21, 1989, r 3; No. 52, 1991, r 2; No. 9, 1994, r 3; No. 22, 1996; Act
 No. 60, 2001, s 19; Act No. 32, 2006, s 13; Act No. 40, 2010, s 132; No. 15,
 2011, r 4; No. 18, 2016, rr 3 and 4; No. 15, 2020, r 4