

NORTHERN TERRITORY OF AUSTRALIA

MAGISTRATES AMENDMENT ACT 1998

No. 5 of 1998

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NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 1998

AN ACT

to amend the *Magistrates Act*

[Assented to 25 March 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Magistrates Amendment Act 1998*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Magistrates Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 3 of the Principal Act is amended by inserting "a Deputy Chief Magistrate," after "Chief Magistrate," in the definition of "Magistrate".

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5. HEADING TO PART II

The heading to Part II of the Principal Act is amended by inserting ", DEPUTY CHIEF MAGISTRATE" after "CHIEF MAGISTRATE".

6. CHIEF MAGISTRATE, DEPUTY CHIEF MAGISTRATE AND STIPENDIARY MAGISTRATE

Section 4 of the Principal Act is amended —

- (a) by inserting in subsection (1)(b) "Deputy Chief Magistrate and" after "offices of";
- (b) by inserting in subsection (2) "and each Deputy Chief Magistrate" after "Chief Magistrate"; and
- (c) by inserting in subsection (4) "or Deputy Chief Magistrate" after "Chief Magistrate".

7. ACTING MAGISTRATES

Section 9 of the Principal Act is amended —

- (a) by inserting in subsection (1) "a Deputy Chief Magistrate or" after "appoint";
- (b) by inserting after subsection (1) the following:

"(1A) Where —

- (a) there is a vacancy in the office of Deputy Chief Magistrate; or
- (b) a Deputy Chief Magistrate is absent from duty or from the Territory or, for any other reason, is unable to carry out the duties of his or her office,

the Administrator or the Minister may appoint a Stipendiary Magistrate to act as a Deputy Chief Magistrate during that vacancy, absence or inability, as the case may be.";

- (c) by omitting from subsection (3) "subsection (1) or (2) shall not continue to act as Chief Magistrate" and substituting "subsection (1), (1A) or (2) must not continue to act as Chief Magistrate, Deputy Chief Magistrate";
- (d) by inserting in subsection (4) ", as Deputy Chief Magistrate in pursuance of an appointment under subsection (1A)" after "subsection (1)";

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- (e) by inserting in subsection (4)(a) ", a Deputy Chief Magistrate" after "Chief Magistrate";
- (f) by inserting in subsection (4)(b) ", a Deputy Chief Magistrate" after "Chief Magistrate";
- (g) by omitting subsection (6) and substituting the following:

"(6) Where —

- (a) a person is acting as Chief Magistrate in pursuance of an appointment under subsection (1)(b) and the office of Chief Magistrate becomes vacant while the person is so acting;
- (b) a person is acting as a Deputy Chief Magistrate in pursuance of an appointment under subsection (1A)(b) and the office of Deputy Chief Magistrate becomes vacant while the person is so acting; or
- (c) a person is acting as a Stipendiary Magistrate in pursuance of an appointment under subsection (2)(b) and the office of Stipendiary Magistrate becomes vacant while the person is so acting,

the person may continue to act until the Administrator otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.";

- (h) by inserting in subsection (7) ", (1A)" after "subsection (1)"; and
 - (j) by inserting in subsection (8) ", as a Deputy Chief Magistrate in pursuance of an appointment under subsection (1A)" after "subsection (1)".
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