

NORTHERN TERRITORY OF AUSTRALIA

**JUSTICE LEGISLATION AMENDMENT (COMMITTALS
REFORM) ACT 2010**

Act No. 31 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 31 of 2010

An Act to amend the *Justices Act*, *Youth Justice Act* and Criminal Code

[Assented to 9 September 2010]

[Second reading 9 June 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Justice Legislation Amendment (Committals Reform) Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Justices Act

3 Act amended

This Part amends the *Justices Act*.

4 Amendment of section 4 (Interpretation)

(1) Section 4, definition *complaint*

omit

(2) Section 4

insert (in alphabetical order)

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

committal date, for Part V, see section 100.

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

complaint:

(a) includes a charge of minor indictable offence if, and when, a Court of Summary Jurisdiction proceeds to dispose of the charge summarily; and

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

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

listed exhibit, for Part V, see section 100.

listed witness, for Part V, see section 100.

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

preliminary examination means an examination under section 105A.

prosecutor, for Part V, see section 100.

recorded, for Part V, see section 100.

(3) Section 4, definition **defendant**, after paragraph (a)

insert

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

5 New Part V, Division 1A

Before Division 1, in Part V

insert

Division 1A Preliminary matters**100 Definitions**

In this Part:

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

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

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

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

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

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

6 Repeal of section 100A

Section 100A

repeal

7 Repeal and substitution of sections 105AA to 106

Sections 105AA to 106

repeal, substitute

105A Preliminary examination to be conducted

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

- (a) an indictment for the offence signed under section 300 of the Criminal Code has been presented; or
- (b) the offence is dealt with under Division 2.

105B Youth and adult charged – joint preliminary examination

- (1) This section applies if:
 - (a) a youth, as defined in the *Youth Justice Act*, and an adult are charged with offences founded on the same facts; and
 - (b) under the *Youth Justice Act* the charge against the youth is to be dealt with by way of preliminary examination; and
 - (c) under this Act the charge against the adult is to be dealt with by way of preliminary examination.
- (2) If this section applies, the 2 preliminary examinations may be conducted by a Magistrate as a joint preliminary examination.
- (3) When conducting a joint preliminary examination:
 - (a) for the charge against the youth – the Magistrate constitutes the Youth Justice Court and must deal with the matter under the *Youth Justice Act*; and
 - (b) for the charge against the adult – the Magistrate acts in his or her capacity as a Justice and must deal with the matter under this Act.
- (4) A Magistrate conducting a joint preliminary examination may, at any stage, disjoin the examinations and deal with the defendants separately if satisfied it would be in the interests of justice to do so.
- (5) When a joint preliminary examination is conducted, the examination:
 - (a) in so far as it relates to the youth, is a preliminary examination under the *Youth Justice Act*; and

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

105C Prosecutor to serve committal brief

- (1) If a preliminary examination must be conducted, the prosecutor must serve on the defendant a committal brief that complies with section 105D.
- (2) Subject to sections 105D(2) and 105E, the committal brief must be served on the defendant at least 28 days before the committal date unless:
 - (a) a Justice fixes a different period for service; or
 - (b) the defendant consents to a shorter period of service.
- (3) A committal brief must be served:
 - (a) if the defendant is not represented by a legal practitioner – on the defendant personally; or
 - (b) if the defendant is represented by a legal practitioner – on the legal practitioner personally or by post.
- (4) The prosecutor must file a copy of the committal brief with the clerk as soon as practicable after it is served under subsection (3).

105D Content of committal brief

- (1) A committal brief must contain all of the following:
 - (a) a copy of the information for the charge to which the preliminary examination relates;
 - (b) a notice stating a preliminary examination is to be conducted and where and when it will take place;
 - (c) a notice, in the form prescribed by the Rules under section 201A, explaining:
 - (i) the purpose and nature of a preliminary examination; and
 - (ii) that the prosecution's evidence will include the written or recorded statements of the listed witnesses and any listed exhibits; and
 - (iii) the defendant's rights and obligations under sections 105G to 105L;

- (d) a list of:
 - (i) the persons whose statements the prosecutor proposes to tender as evidence at the preliminary examination (the ***listed witnesses***); and
 - (ii) any other documents or things the prosecutor proposes to tender as evidence at the preliminary examination (the ***listed exhibits***);
 - (e) for each listed witness – the documents required by section 105F(1) to (3) (as appropriate);
 - (f) for each listed exhibit – the information required by section 105F(4).
- (2) Despite subsection (1), if it is not reasonably practicable for a document mentioned in subsection (1)(e) or (f) to be included in the committal brief when it is served:
- (a) the document need not be included in the committal brief when it is served; but
 - (b) the prosecutor must serve the document on the defendant as soon as it becomes practicable to do so.
- (3) A document required by subsection (2) to be served on the defendant:
- (a) must be served as provided in section 105C(3) for service of the committal brief; and
 - (b) when served, forms part of the committal brief.

105E Continuing obligation to update committal brief

- (1) This section applies if, after the committal brief is served, there is any change as to:
- (a) who the persons are whose statements the prosecutor proposes to tender as evidence at the preliminary examination; or
 - (b) what other documents or things the prosecutor proposes to tender as evidence at the preliminary examination.
- (2) If this section applies, the prosecutor must:
- (a) update the list mentioned in section 105D(1)(d) or prepare a supplementary list; and

- (b) serve on the defendant:
 - (i) the updated or supplementary list; and
 - (ii) the documents mentioned in section 105D(1)(e) or (f) (as appropriate) for any witness or exhibit added to the list.
- (3) A document required by subsection (2) to be served on the defendant:
 - (a) must be served as provided in section 105C(3) for service of the committal brief; and
 - (b) when served, forms part of the committal brief.

105F Requirements for witness statements and exhibits

- (1) For each listed witness, the committal brief must contain:
 - (a) if the witness' statement is written – a copy of the statement that complies with subsections (2) and (3); or
 - (b) if the witness' statement is recorded:
 - (i) a transcript of the recording; and
 - (ii) a statutory declaration made by the witness declaring that the recorded statement is true.
- (2) A written witness statement must be in the form of, or accompanied by, a statutory declaration made by the witness declaring:
 - (a) that the witness has read the statement or, if the witness cannot read, that the statement has been read to him or her; and
 - (b) that the statement is true.
- (3) If a listed witness is a child, the witness' statement:
 - (a) need not be, or be accompanied by, a statutory declaration; but
 - (b) must contain, or be accompanied by, a written statement of the witness' age.
- (4) For each listed exhibit, the committal brief must contain:
 - (a) if the exhibit is a document – a copy of the document; or

- (b) if the exhibit is not a document – a description of the exhibit (which may be included in the list under section 105D(1)(d)) or a photograph of the exhibit.
- (5) The prosecutor must give to the defendant and the defendant's legal practitioner reasonable opportunity before the committal date to:
 - (a) listen to, and for an audio-visual recording, view, any recorded statements of listed witnesses; and
 - (b) inspect any listed exhibits.
- (6) In this section:

statutory declaration includes an affidavit.

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

- (1) The defendant may apply to the Justice conducting the preliminary examination for leave to cross-examine a listed witness.
- (2) An application for leave to cross-examine must be made at least 14 days before the committal date.
- (3) The Justice may permit the defendant to make a late application for leave to cross-examine if satisfied that it is in the interests of justice to do so, having regard to the reason why the application was not made in time.

105H Leave to cross-examine witness

- (1) The defendant cannot cross-examine a witness at a preliminary examination unless:
 - (a) the defendant applies under section 105G or 105J(9)(b) for leave to cross-examine; and
 - (b) the Justice grants leave under this section.
- (2) If the prosecutor consents to leave being granted, the Justice must grant leave unless satisfied it would not be in the interests of justice to do so.
- (3) If the prosecutor does not consent to leave being granted, the Justice must not grant leave unless satisfied:
 - (a) the defendant:
 - (i) has identified an issue to which the proposed cross-examination relates; and

- (ii) has provided a reason why the evidence of the witness is relevant to that issue; and
 - (b) cross-examination of the witness on that issue is justified having regard to the matters mentioned in subsections (4) and (5).
- (4) In determining whether cross-examination is justified, the Justice must have regard to the need to ensure that:
- (a) the prosecution case is adequately disclosed; and
 - (b) the issues are adequately defined; and
 - (c) the evidence is sufficient to put the defendant on trial for any indictable offence; and
 - (d) a fair trial will take place if the matter proceeds to trial, including that the defendant will be able adequately to prepare and present a defence; and
 - (e) any matters relevant to a potential plea of guilty are clarified; and
 - (f) any matters relevant to a potential discontinuance of prosecution are clarified; and
 - (g) trivial, vexatious or oppressive cross-examination is not permitted; and
 - (h) any mental, intellectual or physical disability to which the witness is or appears to be subject and of which the Justice is aware is taken into consideration; and
 - (i) the interests of justice are otherwise served.
- (5) If the witness is a child, the Justice must also have regard to:
- (a) the need to minimise the trauma that might be experienced by the witness in giving evidence; and
 - (b) any relevant condition or characteristic of the witness, including age, culture, personality, education and level of understanding; and
 - (c) the importance of the witness to the case for the prosecution; and
 - (d) the existence or lack of evidence that corroborates the proposed evidence of the witness; and

- (e) the extent of any proposed admissions; and
 - (f) the probative value of the proposed evidence of the witness; and
 - (g) the issues in dispute; and
 - (h) the weight of the proposed evidence of the witness; and
 - (i) any statements of other witnesses that contradict the proposed evidence of the witness.
- (6) If leave to cross-examine a witness is granted, the witness must attend at the time and place fixed for the giving of evidence by the witness.
- (7) If a witness does not attend a preliminary examination when required to do so:
- (a) the Justice may continue the preliminary examination in the absence of the witness; but
 - (b) the witness' handed-up witness statement is then inadmissible as evidence in the preliminary examination.

105J Prosecution evidence

- (1) A handed-up witness statement must be admitted at the preliminary examination as the evidence-in-chief of the witness as if the witness had appeared before the Justice and given evidence orally.
- (2) If a handed-up witness statement is admitted under subsection (1), any listed exhibit mentioned in the statement must be admitted as if it had been mentioned by the witness while giving evidence orally.
- (3) Subsections (1) and (2) apply:
- (a) on proof of service of the handed-up witness statement; and
 - (b) subject to subsections (4) and (5) and section 105H(7)(b).
- (4) The Justice may refuse to admit all or any part of a handed-up witness statement or a listed exhibit in accordance with any applicable rules of evidence.
- (5) The Justice may refuse to admit a recorded handed-up witness statement or a listed exhibit if satisfied section 105F(5) has not been complied with.

- (6) The Justice may grant leave to the prosecution for a listed witness to give oral evidence-in-chief supplementary to his or her handed-up witness statement if satisfied it is in the interests of justice to do so.
- (7) The Justice may grant leave to the prosecution for a person who is not a listed witness to give evidence if satisfied it is in the interests of justice to do so.
- (8) A witness for whom leave is granted under subsection (7) is to give the whole of his or her evidence-in-chief orally.
- (9) If leave is granted under subsection (6) or (7):
 - (a) the witness must attend at the time and place fixed for the giving of evidence by the witness; and
 - (b) the defendant may apply for leave to cross-examine the witness.

105K Cross-examination of witness

- (1) If leave to cross-examine a listed witness is granted, the evidence-in-chief of the witness at the preliminary examination must be confined to the witness:
 - (a) identifying himself or herself; and
 - (b) attesting to the truthfulness of his or her handed-up witness statement.
- (2) Subsection (1) does not apply to a witness if leave is granted under section 105J(6) or (7) for the witness.
- (3) A defendant who is granted leave to cross-examine a witness is not limited to cross-examining the witness on the issue for which leave was granted.
- (4) However, the Justice may disallow any question asked during the cross-examination if it appears to the Justice that:
 - (a) the defendant has not:
 - (i) identified an issue to which the question relates; and
 - (ii) provided a reason why the evidence of the witness is relevant to that issue; or
 - (b) the question is not justified having regard to the matters mentioned in section 105H(4) and (5).

- (5) A witness cross-examined by the defendant may be re-examined by the prosecutor.
- (6) This section does not limit any other power the Justice may have to disallow a question asked of a witness.

105L Protected witness cannot be called or examined

- (1) Despite any other provisions of this Act, a protected witness:
 - (a) is not required to attend a preliminary examination; and
 - (b) cannot be examined or cross-examined at a preliminary examination.
- (2) In this section:

protected witness means:

- (a) if the charge, or any of the charges, the subject of the preliminary examination is a charge of a sexual offence:
 - (i) a child; or
 - (ii) the alleged victim of the offence; or
- (b) if the charge, or any of the charges, the subject of the preliminary examination is a charge of a serious violence offence – a child.

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

8 Amendment of section 109 (Procedure on completion of the evidence for the prosecution)

- (1) Section 109(2), after "Justice is of"

insert

the

- (2) Section 109(3)(a), at the end

insert

or

(3) Section 109(3)(b)

omit

a capital offence, or with manslaughter,

substitute

an offence punishable by imprisonment for life,

9 Repeal and substitution of sections 110 and 111

Sections 110 and 111

repeal, substitute

110 Defendant may give evidence and call witnesses

- (1) A Justice proceeding with a preliminary examination under section 109(3)(c) must explain to the defendant, in a way reasonably likely to be understood by the defendant, that:
- (a) the defendant has the right to answer the charge; and
 - (b) the defendant may give evidence on oath in his or her defence, but is not required to do so; and
 - (c) if the defendant chooses to give evidence:
 - (i) he or she may be questioned by the Justice and cross-examined by the prosecution; and
 - (ii) anything the defendant says will be recorded and may be given in evidence at trial; and
 - (d) the defendant may call other witnesses to give evidence on oath in his or her defence, but is not required to do so.
- (2) A Justice need not give the explanation required by subsection (1) if the defendant is represented by a legal practitioner and the Justice is satisfied the matters mentioned in subsection (1) have been adequately explained to the defendant by the legal practitioner.
- (3) After giving the explanation required by subsection (1), or dispensing with it under subsection (2), the Justice must give the defendant the opportunity to give evidence and call any witnesses.
- (4) If the defendant chooses to give evidence, he or she is to give his or her evidence-in-chief on oath and may be:
- (a) questioned by the Justice; and

- (b) cross-examined by the prosecutor and then re-examined.
- (5) If the defendant is committed for trial, any evidence given by the defendant at the preliminary examination may be given in evidence at the trial.
- (6) Any witness called by the defendant is to give his or her evidence-in-chief on oath and may be cross-examined by the prosecution and re-examined.

10 New section 112A

After section 112

insert

112A Conduct of preliminary examination generally

- (1) Except as provided in this or any other Act, a preliminary examination must be conducted in the way determined by the Justice conducting the examination.
- (2) Unless this or any other Act provides otherwise, for controlling and managing the conduct of a preliminary examination, the Justice may do any of the following:
 - (a) adjourn the preliminary examination from time to time;
 - (b) order the prosecutor and defendant to attend before the Justice to deal with procedural or case-management issues;
 - (c) order the prosecutor or defendant to do anything the Justice considers will or may facilitate the preliminary examination being conducted fairly, efficiently, economically and expeditiously.
- (3) This section does not limit any other power the Justice may have for dealing with the conduct of a preliminary examination.

11 Amendment of section 113 (Power to remand defendant from time to time)

Section 113(1)

omit

all the words from "If" to "time to time,"

substitute

If the Justice adjourns the preliminary examination, the Justice may

12 Amendment of section 116 (Transmission of documents to Supreme Court upon committal for trial)

(1) Section 116(1)

omit

the written information (if any),

substitute

a copy of the committal brief,

(2) Section 116(1)

omit

the witnesses in the relevant proceeding and all recognizances

substitute

any witnesses who gave oral evidence at the preliminary examination and all recognisances

13 Amendment of section 117 (Binding witnesses by recognizances)

(1) Section 117, heading

omit

recognizances

substitute

recognisances

(2) Section 117(1)

omit

all the words from "The" to "by recognizance,"

substitute

The Justice conducting a preliminary examination may, by recognisance, bind any listed witness or other witness examined under section 105J(7)

(3) Section 117(2)

omit

accused)

substitute

defendant)

(4) Section 117(2)

omit

accused person,

substitute

defendant,

(5) Section 117(3)

omit (all references)

recognizance

substitute

recognisance

14 Amendment of section 122A (Serious or difficult matters not to be dealt with summarily)

(1) Section 122A, before "If it"

insert

(1)

(2) Section 122A(1)

omit

Court, the Court may conduct a preliminary examination under this Part in relation to the offence.

substitute

Court:

(a) the Court may discontinue the summary proceedings; and

(b) the Magistrate who constituted the Court may continue the proceedings as a preliminary examination.

(3) After section 122A(1)

insert

(2) A Magistrate who continues proceedings under subsection (1)(b) may, having regard to the stage reached in the summary proceedings, do any or all of the following:

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

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

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

15 Amendment of section 131 (Transmission of documents to Supreme Court and evidentiary value)

Section 131(1), after "written charge,"

insert

a copy of the committal brief (if a preliminary examination was conducted),

16 Amendment of section 134 (Defendant may be asked to plead to the charge)

Section 134(1)

omit

all the words from "Unless" to "thinks fit,"

substitute

If section 109(3)(b) permits the Justice to do so, the Justice may

17 Amendment of section 139 (Transmission of documents to Supreme Court)

(1) Section 139

omit

written information or charge,

substitute

a copy of the committal brief,

(2) Section 139

omit

the witnesses in the relevant proceeding, and the recognizances

substitute

any witnesses who gave oral evidence at the preliminary examination, and the recognisances

18 Repeal and substitution of section 152

Section 152

repeal, substitute

152 Evidence at trial if witness dead or ill

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

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

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

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

19 Amendment of section 153 (Justice may take deposition of person dangerously ill and unable to attend preliminary examination)

- (1) Section 153(1)(a)
omit
any person
substitute
an oral witness
- (2) Section 153(1)(a), at the end
insert
and
- (3) Section 153(1)(b)
omit
- (4) Section 153(1)(c)
omit
person
substitute
witness
- (5) Section 153(1)(c)
omit
defendant,
substitute
defendant;
- (6) Section 153(1)
omit
person.

substitute

witness.

- (7) After section 153(3)

insert

- (4) In this section:

oral witness means a person:

- (a) for whom leave to cross-examine has been granted under section 105H; or
- (b) for whom leave to give oral evidence has been granted under section 105J(6) or (7); or
- (c) whom the defendant desires to call as a witness under section 110.

20 Amendment of section 175 (Transmission of copy of depositions to Supreme Court on appeal)

- (1) Section 175, heading

omit

copy of depositions

substitute

documents

- (2) Section 175, after "section 172"

insert

, a copy of the committal brief (if a preliminary examination was conducted),

21 Amendment of section 201A (Rules and procedures)

- (1) Section 201A(1)

omit

directions:

substitute

directions doing any or all of the following:

- (2) Section 201A(1)(b)

omit

and

- (3) Section 201A(2)

omit

may:

insert

may do any or all of the following:

- (4) Section 201A(2)(c)

omit

officers; and

substitute

officers;

- (5) Section 201A(2)(d)

omit

rule.

substitute

rule;

- (6) After section 201A(2)(d)

insert

(e) provide for matters to facilitate the conducting of joint preliminary examinations under section 105B of this Act and section 56B of the *Youth Justice Act*.

(7) After section 201A(4)

insert

(5) In this section:

Court includes a Justice exercising a function under Part V in relation to a preliminary examination.

22 **New Part VIII**

After section 203

insert

Part VIII Transitional matters for Justice Legislation Amendment (Committals Reform) Act 2010

204 **Application of amendments**

A preliminary examination in relation to a charge the information for which was laid before the commencement of the *Justice Legislation Amendment (Committals Reform) Act 2010* is to be conducted in accordance with this Act as if that Act had not commenced.

23 **Further amendments**

The Schedule has effect.

Part 3 Amendment of Youth Justice Act

24 **Act amended**

This Part amends the *Youth Justice Act*.

25 **Amendment of section 5 (Interpretation)**

Section 5(1)

insert (in alphabetical order)

Court of Summary Jurisdiction includes a justice conducting a preliminary examination under Part V of the *Justices Act*.

26 New section 56B

Before section 57

insert

56B Youth and adult charged – joint preliminary examination

- (1) This section applies if:
 - (a) a youth and an adult are charged with offences founded on the same facts; and
 - (b) under this Act the charge against the youth is to be dealt with by way of preliminary examination; and
 - (c) under the *Justices Act* the charge against the adult is to be dealt with by way of preliminary examination under that Act.
- (2) If this section applies, the 2 preliminary examinations may be conducted by a Magistrate as a joint preliminary examination.
- (3) When conducting a joint preliminary examination:
 - (a) for the charge against the youth – the Magistrate constitutes the Youth Justice Court and must deal with the matter under this Act; and
 - (b) for the charge against the adult – the Magistrate acts in his or her capacity as a Justice and must deal with the matter under the *Justices Act*.
- (4) A Magistrate conducting a joint preliminary examination may, at any stage, disjoin the examinations and deal with the defendants separately if satisfied it would be in the interests of justice to do so.
- (5) When a joint preliminary examination is conducted, the examination:
 - (a) in so far as it relates to the youth, is a preliminary examination under this Act; and
 - (b) in so far as it relates to the adult, is a preliminary examination under the *Justices Act*.

Part 4 Amendment of Criminal Code

27 Act amended

This Part amends the Criminal Code.

28 Amendment of section 43M (Committal proceedings)

Section 43M(1)(b)

omit

sections 106 and 110 of that Act are

substitute

section 110 of that Act is

Schedule Further amendments of Justices Act

section 23

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
section 4, definition Clerk	Clerk	clerk
section 4, definition Fine	Fine	fine
section 4, definition Gaol	Gaol	gaol
	authorized	authorised
section 4, definition Guardian	Guardian	guardian
	cognizance	cognisance
section 4, definition Keeper of a gaol	Keeper	keeper
section 4, definition Minor indictable offence	Minor	minor
section 4, definition Simple offence	Simple	simple
section 4, definition Special Act	authorizing	authorising
section 4, definition Sum adjudged to be paid by a finding of guilty	Sum (all references)	sum
section 14, heading	, &c.	etc.
section 14(1)	authorized	authorised
sections 20(1)(a) and 22(1)(a) and (b)	;	; and
section 26(a) and (b)	;	; or
section 27	authorized	authorised

section 27A(1)(a)	;	; or
section 28, heading	, &c.	etc.
section 28(1)(a)	authorized	authorised
section 28(2)	any Court	any court
section 29(b)	authorize	authorise
Part III, Division 5, heading	Recognizances	Recognisances
section 31	recognizance (all references) authorizing	recognisance authorising
section 32, heading	recognizance	recognisance
section 32	authorized recognizance (all references) recognizances	authorised recognisance recognisances
section 33, heading	Recognizances	Recognisances
section 33(1) and (2)	recognizance (all references)	recognisance
section 33(2)	recognizances	recognisances
section 33A, heading	recognizance	recognisance
section 33A	authorized	authorised
sections 33A and 33B	recognizance (all references)	recognisance
section 34	authorizing	authorising
section 37	inforced	enforced
Part III, Division 7, heading	recognizances	recognisances
section 38	recognizance (all references)	recognisance
section 39, heading	recognizances	recognisances

sections 39(1), 40(1), (2), (2)(a) and (b) and (4) and 41(1)	recognizance (all references)	recognisance
section 43, heading	Petty Sessions	Summary Jurisdiction
section 43(2)(a) and (b)	;	; and
section 44	may:	may do any or all of the following:
section 44(f)	hearing; and	hearing;
section 46(1)(a) and (b)	;	; or
section 50(1)	authorized	authorised
section 52, heading	, &c.	
section 57(5)(a)(i) and (b)(i)	;	; or
section 57(5)(b)(ii)	authorized	authorised
sections 57A(1)(a) and 57B(a), (b) and (c)	;	; and
section 57B(c)	Clerk	clerk
section 57D(a)	;	; or
section 57E(4)	court	Court
section 58(2)(c)	authorizes	authorises
section 60(2)(a)	;	; or
section 61(3)	authorized	authorised
section 62AB(1)(a)	;	; or
section 63A(4)	authorized	authorised
section 68(1)(a)	;	; and
section 72	authorized	authorised
section 74	authorizes	authorises
section 75(1)(a)	authorize	authorise

section 77(2)(a)(ii)	;	; or
section 78(6)	court,	Court,
section 101(b)	cognizance	cognisance
section 106A, heading	Justices	Magistrate
section 106A(2)(a)	;	; and
section 107	Court authorize	court authorise
section 108	aboriginals and	
section 112(3)(a)	;	; and
section 118, heading	recognizance	recognisance
section 118(1), (2) and (3)	recognizance	recognisance
section 118(3)	recognizances	recognisances
section 119, heading	recognizance	recognisance
section 119	recognizance (all references)	recognisance
section 121A(1)(a), (b)(ii), (c) and (d)	;	; and
section 121A(1AA)	or, if the informant is appearing in person, from the informant, and the prosecutor or informant shall	and the prosecutor must
section 121A(1AB)	or informant	
section 124	cognizable Magistrate or 2 or more Justices, as the case may require.	cognisable Magistrate.
section 130B(1)(b) and (1)	court	Court
section 136(1)(a)	;	; and

section 138(1) and (2)	recognizance (all references)	recognisance
section 151, heading	Regulations for conveying	Conveying of
section 154	accused,	defendant,
section 154(a)	;	; and
section 157	authorized person accused,	authorised defendant,
section 159	recognizance	recognisance
Part VI, heading	courts of summary jurisdiction	Court of Summary Jurisdiction
section 167, heading	Recognizances	Recognisances
section 167(1) to (6), (7)(a) and (8)	recognizance (all references)	recognisance
section 169, heading	recognizances	recognisances
sections 169(1), (1)(a) and (b) and (2) and 171(1)	recognizance (all references)	recognisance
section 174, heading	, &c. ,	etc.
section 176A(1)(a)	;	; and
section 177(2)	may:	may do any or all of the following:
section 177(2)(e)	fit; or	fit;
section 179(1)	recognizances	recognisances
section 185, heading	, &c.	etc.
section 185(1)	any Court the Court	any court the court
section 186, heading	, &c. , form, &c,	etc. form
section 188(5)	Court	court

section 191(2)(a)	;	; and
section 191(2)	(a) signed	(b) signed
section 203	prescribing:	prescribing any or all of the following:
section 203(d)	recognizance	recognisance
Schedule 3	19 (all references)	20
