

NORTHERN TERRITORY OF AUSTRALIA  
JUSTICE LEGISLATION AMENDMENT ACT 2008

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Act No. 2 of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 2 of 2008

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An Act to amend various Acts administered by the Minister for Justice and Attorney-General

[Assented to 11 March 2008]  
[Second reading 29 November 2007]

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 Act 2008*.

### **2**                    **Commencement**

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

## **Part 2**                    **Amendment of Bail Act**

### **3**                    **Act amended**

This Part amends the *Bail Act*.

**4 Amendment of section 3 (Interpretation)**

(1) Section 3(1), definition ***bail condition***

*omit*

or 27A

(2) Section 3(3)(e)

*omit*

; or

*substitute*

;

(3) Section 3(3)(f)

*omit*

**5 Amendment of section 23 (Power of Supreme Court to grant bail)**

(1) Section 23

*omit*

The

*substitute*

(1) The

(2) After section 23(1)

*insert*

(2) If a person is arrested by a police officer under a warrant issued by the Supreme Court, a Judge may grant bail to the person by telephone or another form of electronic communication the Judge considers appropriate.

**Part 3 Amendment of Criminal Code****6 Act amended**

This Part amends the Criminal Code.

**7 New section 351A**

After section 351

*insert*

**351A Details of jury panel to be given to accused**

- (1) Subject to subsection (3), a person who is to be tried on indictment (the **accused**) must be given a list of the persons on the jury panel for the trial containing:
  - (a) the full name of each person; and
  - (b) if requested by the accused – a description of each person.
- (2) The list must be given to the accused at least 2 days before the accused is called on to plead to the indictment.
- (3) The court may, if it considers it appropriate, refuse to give the list to the accused.

**8 Repeal of section 434**

Section 434

*repeal*

**Part 4 Amendment of Juries Act****9 Act amended**

This Part amends the *Juries Act*.

**10 Repeal and substitution of section 11**

Section 11

*repeal, substitute*

**11 Exempt persons**

- (1) A person specified in Schedule 7 is exempt from serving as a juror.
- (2) A person who is over the age of 65 may exempt himself or herself from serving as a juror on a permanent basis by giving written notice to the Sheriff.
- (3) The name of a person exempt from serving as a juror under subsection (1) or (2) must not be included on a jury list.

**11 Amendment of Schedule 7**

Schedule 7

*omit*

a person over the age of 65 years.

**Part 5 Amendment of Law of Property Act****12 Act amended**This Part amends the *Law of Property Act*.**13 Repeal and substitution of section 161**

Section 161

*repeal, substitute***161 Conditions of easements**

The enjoyment of the rights conferred by an easement or easement in gross is subject to:

- (a) the rights being exercised in a way that is reasonable and appropriate to the purpose for which the easement is created; and
- (b) any conditions specified in the instrument of the easement.

**Part 6 Amendment of Powers of Attorney Act****14 Act amended**This Part amends the *Powers of Attorney Act*.**15 New section 6A**

After section 6

*insert***6A Recognition of powers under interstate laws**

- (1) This section applies to a power regardless of when it is executed.
- (2) Subsection (3) applies if:

- (a) the power is executed under the law of a State or another Territory (the ***interstate general power***); and
  - (b) under the law, the interstate general power is revoked if the donor of the power subsequently becomes legally incapable.
- (3) The interstate general power is taken to be a general power created under this Act to the extent that the powers it gives could validly have been given by a general power created under this Act.
- (4) Subsection (5) applies if:
- (a) the power is executed under the law of a State or another Territory (the ***interstate enduring power***); and
  - (b) under the law, the interstate enduring power is not revoked if the donor of the power subsequently becomes legally incapable.
- (5) The interstate enduring power is taken to be an enduring power created under this Act to the extent that the powers it gives could validly have been given by an enduring power created under this Act.
- (6) In this section:

***general power*** means a power to which section 16 applies.

## **16 Amendment of section 7 (Registration)**

Section 7(1A)

*omit, substitute*

- (1A) An instrument creating or revoking a power, including an enduring power, executed in a State or another Territory under the law of the State or Territory may be registered regardless of when it is executed.