

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (REPEALS AND RELATED AMENDMENTS) ACT 2016

Act No. 9 of 2016

Table of provisions

| | | |
|---------------|--|---|
| Part 1 | Preliminary matters | |
| 1 | Short title | 1 |
| 2 | Commencement | 1 |
| Part 2 | Amendment of Justices Act | |
| 3 | Act amended | 1 |
| 4 | Long title replaced | 2 |
| 5 | Section 1 replaced | 2 |
| | 1 Short title | |
| 6 | Section 4 amended | 2 |
| 7 | Section 9 replaced | 3 |
| | 5 Application of Act | |
| 8 | Part II, section 26, Part III, Divisions 4 to 7 and Part IV, Division 1 repealed | 4 |
| 9 | Section 49 replaced | 4 |
| | 49 Complaint | |
| 10 | Section 53 repealed | 4 |
| 11 | Section 60AZC replaced | 4 |
| | 60AZC Constitution of Court to withdraw sentence indication, sentence or give later sentence indication | |
| 12 | Sections 60A, 61, 66, 73 to 75, 107 to 108A and 117 to 119 repealed | 5 |
| 13 | Part V, Division 2 heading replaced | 5 |
| 14 | Sections 120 and 121A replaced | 5 |
| | 120 Property offences that may be dealt with summarily | |
| | 121A Offences that may be dealt with summarily | |
| 15 | Section 124 replaced | 6 |
| | 124 JPs not having jurisdiction may remand for hearing before Judge | |
| 16 | Section 125 amended | 7 |
| 17 | Section 131A replaced | 7 |
| | 131A Certain assault and harm offences may be dealt with summarily | |
| 18 | Sections 138, 156 to 160 and 167 repealed | 8 |
| 19 | Section 169 replaced | 8 |
| | 169 Duty to pursue appeal | |

| | | |
|----|---|---|
| 20 | Part VII, Division 2 repealed | 8 |
| 21 | Part VII, Divisions 4A and 4 replaced | 8 |
| | Division 4 Regulations | |
| | 203 Regulations | |
| 22 | Part VIII, Division 4 inserted | 9 |
| | Division 4 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016 | |
| | 209 Offences that may be dealt with summarily | |
| 23 | Schedule 3 repealed..... | 9 |
| 24 | Act further amended | 9 |

Part 3 Amendment of Local Court Act 2015 (as amended)

| | | |
|----|-------------------------|----|
| 25 | Act amended | 9 |
| 26 | Section 7 amended..... | 10 |
| 27 | Section 85 amended..... | 10 |

Part 4 Amendment of Local Court Act 1989 (as amended)

| | | |
|----|---|----|
| 28 | Act amended | 11 |
| 29 | Long title replaced | 11 |
| 30 | Section 1 replaced..... | 11 |
| | 1 Short title | |
| 31 | Section 3 and Part II replaced | 11 |
| | 3 Definitions | |
| | 4 Application of Act | |
| 32 | Part III heading replaced..... | 12 |
| 33 | Section 14 replaced..... | 12 |
| | 14 Certain proceedings brought by children | |
| 34 | Section 19 amended..... | 12 |
| 35 | Part IV and sections 28, 28B and 30 repealed | 12 |
| 36 | Section 31 amended..... | 13 |
| 37 | Sections 33 to 35 repealed..... | 13 |
| 38 | Section 36A replaced | 13 |
| | 36A Regulations | |
| 39 | Act further amended | 13 |

Part 5 Further consequential amendments

**Division 1 Assembly Members and Statutory Officers
(Remuneration and Other Entitlements) Act**

| | | |
|----|------------------------|----|
| 40 | Act amended | 13 |
| 41 | Section 2 amended..... | 13 |

| | | |
|----|--|----|
| 42 | Part 3, Division 1, heading amended..... | 14 |
| 43 | Section 6 amended..... | 14 |
| 44 | Section 7 amended..... | 14 |

Division 2 Bail Act

| | | |
|----|--|----|
| 45 | Act amended | 15 |
| 46 | Section 3 amended..... | 15 |
| 47 | Section 20 amended..... | 16 |
| 48 | Section 34 replaced..... | 17 |
| | 34 Review by Court of bail decision made by Court | |
| 49 | Act further amended | 18 |

Division 3 Care and Protection of Children Act

| | | |
|----|--|----|
| 50 | Act amended | 18 |
| 51 | Section 13 amended..... | 18 |
| 52 | Section 63 amended..... | 19 |
| 53 | Section 87 amended..... | 19 |
| 54 | Part 2.3, Division 2 heading and sections 88 and 89 replaced | 19 |
| | 88 Definitions | |
| | Division 2 Family matters division of Court | |
| | 89 Family matters division of Court | |
| 55 | Section 90 amended..... | 20 |
| 56 | Section 91 amended..... | 20 |
| 57 | Section 173 amended..... | 20 |
| 58 | Section 175 amended..... | 20 |
| 59 | Section 176 amended..... | 21 |
| 60 | Section 179 amended..... | 21 |

Division 4 Coroners Act

| | | |
|----|-------------------------|----|
| 61 | Act amended | 21 |
| 62 | Section 4 amended..... | 21 |
| 63 | Section 7 amended..... | 22 |
| 64 | Section 9 amended..... | 22 |
| 65 | Section 35 amended..... | 22 |

Division 5 Criminal Code

| | | |
|----|----------------------------------|----|
| 66 | Criminal Code amended..... | 23 |
| 67 | Section 1 amended..... | 23 |
| 68 | Section 3 replaced..... | 23 |
| | 3 Classification of offence | |
| 69 | Section 277 amended..... | 24 |
| 70 | Section 294 amended..... | 25 |
| 71 | Section 296 repealed..... | 25 |
| 72 | Section 388 replaced..... | 26 |

| | | | |
|----|-----|---------------------------|----|
| | 388 | Definition | |
| 73 | | Section 406 amended..... | 26 |
| 74 | | Act further amended | 26 |

Division 6 Cross-border Justice Act

| | | | |
|----|--|---------------------------|----|
| 75 | | Act amended | 26 |
| 76 | | Section 7 amended..... | 27 |
| 77 | | Section 67 amended..... | 28 |
| 78 | | Section 68 amended..... | 28 |
| 79 | | Act further amended | 28 |

Division 7 Cross-border Justice Regulations

| | | | |
|----|--|--|----|
| 80 | | Regulations amended..... | 28 |
| 81 | | Part 3, Division 2 repealed..... | 29 |
| 82 | | Regulation 8 amended | 29 |
| 83 | | Regulation 10 amended | 29 |
| 84 | | Regulation 16 amended | 29 |
| 85 | | Regulation 19 amended | 29 |
| 86 | | Part 3, Division 8, heading amended..... | 30 |
| 87 | | Regulation 22 amended | 30 |
| 88 | | Regulation 24 repealed | 30 |
| 89 | | Part 3, Division 9 replaced..... | 30 |

Division 9 Local Court Act

| | | | |
|-----|--|---|--|
| 26 | | Act modified | |
| 26A | | Modification of section 6 (Constitution of Court) | |
| 27 | | New Part 5, Division 1, Subdivision 3 | |

Subdivision 3 Cross-border Judges

| | | | |
|----|--------|--|----|
| | 59A | Appointment of cross-border Judges | |
| 90 | | Regulation 38 replaced..... | 32 |
| | 38 | Modification of section 4 (Interpretation) | |
| 91 | | Part 5 inserted | 32 |
| | Part 5 | Transitional matters for Local Court (Repeals and Related Amendments) Act 2016 | |
| | 71 | Continuation of appointment of cross-border magistrate | |

Division 8 Domestic and Family Violence Act

| | | | |
|----|-----|---|----|
| 92 | | Act amended | 33 |
| 93 | | Section 4 amended..... | 33 |
| 94 | | Section 91B inserted | 34 |
| | 91B | Registrar exercises powers as delegate of Court | |
| 95 | | Act further amended | 34 |

Division 9 Fines and Penalties (Recovery) Act

| | | |
|-----|---------------------------------|----|
| 96 | Act amended | 34 |
| 97 | Section 48A inserted | 34 |
| | 48A Jurisdiction of Local Court | |
| 98 | Section 68 amended..... | 35 |
| 99 | Section 70 amended..... | 35 |
| 100 | Section 72 amended..... | 35 |
| 101 | Section 74 amended..... | 35 |
| 102 | Section 78A amended | 36 |
| 103 | Act further amended | 36 |

Division 10 Fines and Penalties (Recovery) Regulations

| | | |
|-----|--|----|
| 104 | Regulations amended..... | 36 |
| 105 | Regulation 8 amended | 37 |
| 106 | Regulations 11B and 11C inserted | 37 |
| | 11B Property seizure orders | |
| | 11C Garnishee orders | |
| 107 | Schedule 5 amended..... | 38 |

Division 11 Fisheries Act

| | | |
|-----|---------------------------|----|
| 108 | Act amended | 38 |
| 109 | Section 38 amended..... | 38 |
| 110 | Section 43A amended | 38 |

Division 12 Interpretation Act

| | | |
|-----|----------------------------|----|
| 111 | Act amended | 38 |
| 112 | Section 17 amended..... | 39 |
| 113 | Section 38E repealed | 39 |
| 114 | Section 70 amended..... | 40 |

Division 13 Mineral Titles Act

| | | |
|-----|--------------------------|----|
| 115 | Act amended | 40 |
| 116 | Section 145 amended..... | 40 |
| 117 | Section 148 amended..... | 40 |
| 118 | Section 184 amended..... | 40 |

Division 14 Misuse of Drugs Act

| | | |
|-----|------------------------|----|
| 119 | Act amended | 41 |
| 120 | Section 3 amended..... | 41 |
| 121 | Section 5 amended..... | 41 |
| 122 | Section 6 amended..... | 42 |
| 123 | Section 7 amended..... | 42 |
| 124 | Section 8 amended..... | 43 |

| | | |
|-----|---------------------------|----|
| 125 | Section 9 amended..... | 43 |
| 126 | Section 11 amended..... | 43 |
| 127 | Section 19A amended | 44 |
| 128 | Section 23 amended..... | 44 |
| 129 | Section 24 amended..... | 45 |
| 130 | Section 26 amended..... | 45 |
| 131 | Section 27 amended..... | 46 |
| 132 | Act further amended..... | 46 |

Division 15 Prisoners (Interstate Transfer) Act

| | | |
|-----|--------------------------------|----|
| 133 | Act amended | 46 |
| 134 | Section 4B inserted | 46 |
| | 4B Jurisdiction of Local Court | |
| 135 | Act further amended..... | 46 |

Division 16 Sentencing Act

| | | |
|-----|---|----|
| 136 | Act amended | 47 |
| 137 | Section 109 repealed..... | 47 |
| 138 | Section 122 replaced..... | 47 |
| | 122 Maximum penalty for indictable offence dealt with summarily | |
| 139 | Section 125 repealed..... | 47 |
| 140 | Act further amended..... | 47 |

Division 17 Sentencing Regulations

| | | |
|-----|----------------------------|----|
| 141 | Regulations amended..... | 47 |
| 142 | Regulation 3 replaced..... | 48 |
| | 3 Proper officer | |
| 143 | Schedule amended..... | 48 |

Division 18 Serious Crime Control Act

| | | |
|-----|--------------------------------|----|
| 144 | Act amended | 48 |
| 145 | Section 5A inserted | 49 |
| | 5A Jurisdiction of Local Court | |
| 146 | Act further amended..... | 49 |

Division 19 Supreme Court Act

| | | |
|-----|---|----|
| 147 | Act amended | 49 |
| 148 | Section 11A inserted | 49 |
| | 11A Changes in constitution of Court during proceedings | |

Division 20 Work Health Administration Act

| | | |
|-----|-------------------|----|
| 149 | Act amended | 50 |
|-----|-------------------|----|

| | | |
|-----|-----------------------------------|----|
| 150 | Section 3 amended..... | 50 |
| 151 | Sections 19 and 20 replaced | 51 |
| | 19 Contempt of Court | |
| | 20 Dealing with contempt of Court | |
| | 20A Punishment for contempt | |
| 152 | Act further amended | 53 |

Division 21 Youth Justice Act

| | | |
|-----|---|----|
| 153 | Act amended | 53 |
| 154 | Section 5 amended..... | 53 |
| 155 | Section 45 amended..... | 54 |
| 156 | Sections 46 and 46A inserted..... | 54 |
| | 46 Exercise of jurisdiction | |
| | 46A Changes in constitution of Court during proceedings | |
| 157 | Section 53 replaced..... | 55 |
| | 53 Application of other Acts | |
| 158 | Section 56B amended | 56 |
| 159 | Act further amended | 57 |

Division 22 Other laws

| | | |
|-----|--------------------------|----|
| 160 | Other laws amended | 57 |
|-----|--------------------------|----|

Part 6 Repeals

| | | |
|-----|---------------------|----|
| 161 | Laws repealed | 57 |
|-----|---------------------|----|

Part 7 Miscellaneous matters

| | | |
|-----|--------------------------------|----|
| 162 | Transitional regulations | 57 |
| 163 | Expiry of Act | 58 |

Schedule 1 Justices Act further amended

Schedule 2 Local Court Act further amended

Schedule 3 Bail Act further amended

Schedule 4 Criminal Code further amended

Schedule 5 Cross-border Justice Act further amended

Schedule 6 Domestic and Family Violence Act further amended

Schedule 7 Fines and Penalties (Recovery) Act further amended

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- Schedule 8** **Misuse of Drugs Act further amended**
- Schedule 9** **Prisoners (Interstate Transfer) Act further amended**
- Schedule 10** **Sentencing Act further amended**
- Schedule 11** **Serious Crime Control Act further amended**
- Schedule 12** **Work Health Administration Act further amended**
- Schedule 13** **Youth Justice Act further amended**
- Schedule 14** **Other laws amended**
- Schedule 15** **Laws repealed**



NORTHERN TERRITORY OF AUSTRALIA

Act No. 9 of 2016

An Act to repeal various laws and amend other laws in consequence of the enactment of the *Local Court Act 2015*, and for related purposes

[Assented to 6 April 2016]
[Second reading 3 December 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Local Court (Repeals and Related Amendments) Act 2016*.

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 Long title replaced

Long title

repeal, insert

An Act relating to procedure for criminal proceedings in the Local Court

5 Section 1 replaced

Section 1

repeal, insert

1 Short title

This Act may be cited as the *Local Court (Criminal Procedure) Act*.

6 Section 4 amended**(1) Section 4**

omit

, unless the contrary intention appears

(2) Section 4, definitions *clerk, Court of Summary Jurisdiction or Court, guardian, minor indictable offence, simple offence* and *Special Act*

omit

(3) Section 4

insert (in alphabetical order)

Court means the Local Court.

courtroom means a room or other place where the Court is sitting or where a person who is participating in proceedings is located.

Court venue means a place approved under section 24 of the *Local Court Act*.

indictable offence, see section 3(2) of the Criminal Code.

JP means a justice of the peace appointed under section 5 of the *Justices of the Peace Act*.

Note for definition JP

JP does not include a Judge, registrar or other person who is a justice of the peace by reason of holding an office mentioned in Schedule 1 to the Justices of the Peace Act.

Judge means a Local Court Judge.

registrar, see section 3 of the *Local Court Act*.

relevant registrar, in relation to a charge, means the registrar at the place approved under section 24 of the *Local Court Act* at which the charge is being dealt with.

summary offence, see section 3(3) of the Criminal Code.

- (4) Section 4, definition **complaint**, paragraph (a)

omit, insert

- (a) in relation to a charge of an indictable offence that is dealt with summarily – includes the information laid in respect of the charge; and

- (5) Section 4, definition **defendant**, paragraph (aa), after "Part VII"

insert

, Division 3

- (6) Section 4, at the end

Note for section 4

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

7 Section 9 replaced

Section 9

repeal, insert

5 Application of Act

This Act applies in relation to the Court's criminal jurisdiction (as defined in section 3 of the *Local Court Act*).

8 Part II, section 26, Part III, Divisions 4 to 7 and Part IV, Division 1 repealed

Part II, section 26, Part III, Divisions 4 to 7 and Part IV, Division 1
repeal

9 Section 49 replaced

Section 49
repeal, insert

49 Complaint

A complaint may be made to the Court in any case where a person is suspected to have committed a summary offence.

10 Section 53 repealed

Section 53
repeal

11 Section 60AZC replaced

Section 60AZC
repeal, insert

60AZC Constitution of Court to withdraw sentence indication, sentence or give later sentence indication

- (1) The Court may be constituted otherwise than as required by section 60AW(4)(a) or 60AZ(2)(a) if the Judge who constituted the Court that gave the sentence indication is unable to withdraw the sentence indication or impose the sentence.
- (2) The Court may be constituted otherwise than as mentioned in section 60AZB(2)(a) if the Judge who constituted the Court that gave the original sentence indication is unable to give the later sentence indication.
- (2) For this section, a Judge is **unable** to withdraw the sentence indication, impose the sentence or give the later sentence indication if the Judge:
 - (a) has died or ceased to hold office; or
 - (b) is, by reason of illness, injury or other cause, unlikely to be able to constitute the Court within a reasonable time.

12 Sections 60A, 61, 66, 73 to 75, 107 to 108A and 117 to 119 repealed

Sections 60A, 61, 66, 73 to 75, 107 to 108A and 117 to 119

repeal

13 Part V, Division 2 heading replaced

Part V, Division 2, heading

omit, insert

Division 2 Certain indictable offences may be dealt with summarily**14 Sections 120 and 121A replaced**

Sections 120 and 121A

repeal, insert

120 Property offences that may be dealt with summarily

- (1) Subject to section 122A, the Court may hear and determine summarily one or more charges of one or more indictable offences in relation to a defendant, at the same time, if:
 - (a) each offence is against section 210, 219, 221, 224, 227 or 229 of the Criminal Code, or is an attempt to commit such an offence; and
 - (b) the value of the property involved for all of the offences being heard and determined does not exceed \$50 000.
- (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, the Court may hear and determine the charge of an indictable offence summarily if:
 - (a) the offence is:
 - (i) punishable by not more than 10 years imprisonment; or
 - (ii) against section 210, 213, 228, 229 or 241 of the Criminal Code and punishable by not more than 14 years imprisonment; or

-
- (iii) an offence to which section 213(5) of the Criminal Code applies; and
 - (b) in the opinion of the Court, the charge is not one that the Court could, apart from this section, hear and determine summarily; and
 - (c) the defendant consents to it being so disposed of; and
 - (d) the prosecutor consents to it being so disposed of; and
 - (e) the Court is of the opinion that the charge should be heard and determined summarily.
- (2) The Court may seek from the prosecutor and the prosecutor must 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 summarily.
- (3) A statement made by the prosecutor under subsection (2) is not admissible in evidence in a subsequent proceeding in respect of the charge.
- (4) Subject to subsection (5), a person the subject of a charge that is being heard summarily under 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.
- (5) The Court hearing a charge summarily under subsection (1) must not, in respect of that charge, accept a plea of guilty under and in accordance with subsection (4) from the person the subject of that charge unless the Court is of the opinion that to accept the plea of guilty is proper.

15 Section 124 replaced

Section 124

repeal, insert

124 JPs not having jurisdiction may remand for hearing before Judge

If it appears to the Court constituted by a JP or 2 JPs that a charge against a defendant may be a charge that should be heard and determined summarily under section 120, 121A or 131A, the Court may:

- (a) remand the defendant; and

-
- (b) adjourn the hearing to the time and place as the Court thinks fit, to be heard before the Court constituted by a Judge.

16 Section 125 amended

- (1) Section 125(1)

omit

When a Magistrate proceeds to dispose of any case under section 120 or 121A

insert

If the Court decides to hear and determine a charge summarily under section 120, 121A or 131A

- (2) Section 125(2)

omit, insert

- (2) The charge must then be heard and determined as if the offence were a summary offence.

17 Section 131A replaced

Section 131A

repeal, insert

131A Certain assault and harm offences may be dealt with summarily

- (1) Subject to subsection (3)(a), the Court may hear and determine the charge of an indictable offence summarily if the offence is an offence against section 186, 188(2), 188A or 189A(1) or (2)(a) of the Criminal Code.
- (2) The prosecutor or the defendant may apply to the Court, before the Court exercises its jurisdiction under subsection (1), for the charge to be heard and determined by the Supreme Court.
- (3) The Court may exercise the jurisdiction under subsection (1):
- (a) only if the Court is of the opinion that the charge should be heard and determined summarily; and
- (b) whether or not the defendant consents to its exercise.

18 Sections 138, 156 to 160 and 167 repealed

Sections 138, 156 to 160 and 167

repeal

19 Section 169 replaced

Section 169

repeal, insert

169 Duty to pursue appeal

- (1) An appellant who institutes an appeal to the Supreme Court is under a duty to pursue the appeal.
- (2) If the appellant has been granted bail under section 168, and the appellant does not pursue the appeal, the Local Court may revoke the appellant's bail.

20 Part VII, Division 2 repealed

Part VII, Division 2

repeal

21 Part VII, Divisions 4A and 4 replaced

Part VII, Divisions 4A and 4

repeal, insert

Division 4 Regulations**203 Regulations**

The Administrator may make regulations under this Act.

22 Part VIII, Division 4 inserted

After section 208

insert

Division 4 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016**209 Offences that may be dealt with summarily**

- (1) Section 120, as amended by the amendment Act, applies in relation to offences committed after the commencement.
- (2) Section 121A, as amended by the amendment Act, applies in relation to offences to which section 213(5) of the Criminal Code applies that are committed after the commencement.
- (3) Sections 120 and 121A, as in force immediately before commencement, apply in relation to offences committed before the commencement.
- (4) Section 131A, as amended by the amendment Act, applies in relation to offences committed before and after the commencement.
- (5) In this section:

amendment Act means the *Local Court (Repeals and Related Amendments) Act 2016*.

commencement means the commencement of section 21 of the amendment Act.

23 Schedule 3 repealed

Schedule 3

repeal

24 Act further amended

Schedule 1 has effect.

Part 3 Amendment of Local Court Act 2015 (as amended)**25 Act amended**

This Part amends the *Local Court Act* (being Act No. 15 of 2015).

26 Section 7 amended

Section 7(5)

omit, insert

- (5) The question whether a person is unable to continue is decided by the Chief Judge and the Chief Judge's decision is not liable to be challenged on any ground.
- (6) In this section, a person is **unable to continue** if the person:
- (a) dies; or
 - (b) vacates office and is unable to finish dealing with the proceedings under section 58(2) or 64(2); or
 - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceedings without unreasonable delay.

27 Section 85 amended

Section 85(3)

omit, insert

- (3) The person:
- (a) holds the new office on the same terms and conditions (including entitlements determined under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*) as applied in relation to the old office; and
 - (b) is considered to have fulfilled any preconditions required to perform the functions of the new office; and
 - (c) if the person's appointment to the old office was for a specified term – for the remainder of that term.

Example for subsection (3)(b)

For example, a Stipendiary Magistrate who holds the new office of Judge is considered to have taken the oath required to perform the functions of that new office.

Part 4 **Amendment of Local Court Act 1989 (as amended)**

28 Act amended

This Part amends the *Local Court Act* (being Act No. 31 of 1989 as amended).

29 Long title replaced

Long title

repeal, insert

An Act relating to procedure for civil proceedings in the Local Court

30 Section 1 replaced

Section 1

repeal, insert

1 Short title

This Act may be cited as the *Local Court (Civil Procedure) Act*.

31 Section 3 and Part II replaced

Section 3 and Part II

repeal, insert

3 Definitions

In this Act:

Court means the Local Court.

proceedings means civil proceedings, as defined in section 3 of the *Local Court Act*.

registrar, see section 3 of the *Local Court Act*.

Rules, see section 3 of the *Local Court Act*.

4 Application of Act

This Act applies in relation to the Court's civil jurisdiction (as defined in section 3 of the *Local Court Act*).

32 Part III heading replaced

Part III, heading

omit, insert

Part III Procedure in civil proceedings**33 Section 14 replaced**

Section 14

repeal, insert

14 Certain proceedings brought by children

A child may bring proceedings in the Court for the recovery of money payable to the child under a contract of service or a contract for services as if the child were an adult.

34 Section 19 amended

(1) Section 19(1)

omit

a proceeding

insert

proceedings

(2) Section 19(1)

omit

that proceeding

insert

the proceedings

(3) Section 19(3), (4) and (8)

omit

35 Part IV and sections 28, 28B and 30 repealed

Part IV and sections 28, 28B and 30

repeal

36 Section 31 amended

Section 31(2)

omit, insert

- (2) This section applies even if the claim the subject of the proceedings is wholly or partly beyond the jurisdiction of the Court.

37 Sections 33 to 35 repealed

Sections 33 to 35

repeal

38 Section 36A replaced

Section 36A

repeal, insert

36A Regulations

The Administrator may make regulations under this Act.

39 Act further amended

Schedule 2 has effect.

Part 5 Further consequential amendments

**Division 1 Assembly Members and Statutory Officers
(Remuneration and Other Entitlements) Act**

40 Act amended

This Division amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

41 Section 2 amended

- (1) Section 2, definition **statutory officer**, paragraph (a)

omit, insert

- (a) a Local Court Judge; or

(2) Section 2, at the end

insert

Note for section 2

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

42 Part 3, Division 1, heading amended

Part 3, Division 1, heading

omit

Magistrates

insert

Local Court Judges

43 Section 6 amended

Section 6

omit

Magistrates appointed under section 4(3) of the *Magistrates Act*

insert

Local Court Judges

44 Section 7 amended

Section 7(1)

omit, insert

- (1) Subject to section 55(2) of the *Local Court Act*, the Tribunal must, at least once a year, inquire into and determine the entitlements of Local Court Judges and Local Court Judges who hold a statutory office in addition to that of Local Court Judge.

Note for subsection (1)

Section 55(2) of the Local Court Act provides that the salary, allowances and other benefits to which a Local Court Judge is entitled must not be altered to the Judge's detriment during the Judge's term of office.

Division 2 Bail Act

45 Act amended

This Division amends the *Bail Act*.

46 Section 3 amended

(1) Section 3(1), definitions ***court***, ***Judge*** and ***justice***

omit

(2) Section 3(1)

insert (in alphabetical order)

court means:

- (a) the Supreme Court; or
- (b) the Local Court; or
- (c) the Youth Justice Court continued in existence by section 45 of the *Youth Justice Act*; or
- (d) a Supreme Court Judge, Local Court Judge or justice of the peace not sitting as a court.

Supreme Court Judge means:

- (a) a Judge of the Supreme Court; or
- (b) if the Rules of Court made under the *Supreme Court Act* permit the Master of the Supreme Court to exercise the powers of the Supreme Court under this Act – the Master of the Supreme Court.

(3) Section 3(1), definition ***appeal***, paragraph (a)

omit

Justices

insert

Local Court (Criminal Procedure)

- (4) Section 3(1), definition **conviction**, paragraphs (a) to (c), after "Act"
insert
(repealed)
- (5) Section 3(1), definition **Supreme Court**, after "a"
insert
Supreme Court
- (6) Section 3(1), at the end
insert
Note for subsection (1)
The Interpretation Act contains definitions and other provisions that may be relevant to this Act.
- (7) Section 3(2)(c)
omit
Justices Act to a court
insert
Local Court (Criminal Procedure) Act to the Local Court
- (8) Section 3(2)(e)
omit
Court of Summary Jurisdiction
insert
Local Court

47 Section 20 amended

- (1) Section 20, heading
omit
magistrates and justices
insert
Local Court

- (2) Section 20(1)
omit, insert
- (1) Subject to section 21, the Local Court may, at any time:
- (a) grant bail to a person brought or appearing before the Local Court accused of an offence; or
 - (b) except as prescribed by the Regulations, grant bail to an appellant under Part VI, Division 2 of the *Local Court (Criminal Procedure) Act*.
- (3) Section 20(2)
omit
a magistrate
insert
the Local Court
- (4) After section 20(2)
insert
- (3) The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.

48 Section 34 replaced

Section 34
repeal, insert

34 Review by Court of bail decision made by Court

- (1) The Local Court constituted by a Local Court Judge may review a decision in relation to bail made by the Local Court constituted by:
- (a) the same Judge; or
 - (b) a different Judge, if the Local Court as originally constituted cannot conveniently be reconvened; or
 - (c) one or more justices of the peace.

- (2) The Local Court constituted by one or more justices of the peace may review a decision in relation to bail made by the Court constituted by:
- (a) the same justice of the peace or justices of the peace; or
 - (b) a different justice of the peace or different justices of the peace, if the Local Court as originally constituted cannot conveniently be reconvened.
- (3) For this section, the Local Court constituted by a particular person or persons **cannot conveniently be reconvened** to deal with a review if the person or any one of the persons is:
- (a) by reason of illness, absence or other cause, not available to deal with the proceedings when the request for review is made; and
 - (b) not likely to be available within 24 hours after the request is made.

49 Act further amended

Schedule 3 has effect.

Division 3 Care and Protection of Children Act

50 Act amended

This Division amends the *Care and Protection of Children Act*.

51 Section 13 amended

- (1) Section 13, definitions **child** (second and third definitions), **Court**, **Court order**, **Court proceedings** and **family matters jurisdiction**
omit
- (2) Section 13
insert (in alphabetical order)
Court means the Local Court.
Court order, see section 88(1).
Court proceedings, see section 88(1).

(3) Section 13, at the end

insert

Note for section 13

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

52 Section 63 amended

Section 63(1)

omit (all references)

magistrate

insert

Local Court Judge

53 Section 87 amended

Section 87(2)

omit, insert

(2) The object is to be achieved by:

(a) providing for a family matters division within the Court to hear and determine matters under this Act (see Division 2); and

(b) providing for:

(i) the Court's power to make various orders for children (see Division 4); and

(ii) procedural matters (see Divisions 3 and 5 to 7).

54 Part 2.3, Division 2 heading and sections 88 and 89 replaced

Part 2.3, Division 2, heading and sections 88 and 89

repeal, insert

88 Definitions

In this Part:

Court order means an order made by the Court under this Act.

Court proceedings means proceedings in the Court under this Act.

Division 2 Family matters division of Court

89 Family matters division of Court

- (1) There is to be a division of the Court to deal with proceedings under this Act.
- (2) For dealing with proceedings under this Act, the Court must be constituted by a Local Court Judge.

55 Section 90 amended

Section 90(1)

omit, insert

- (1) In Court proceedings, the Court must regard the best interests of the child to whom the proceedings relate as paramount.

56 Section 91 amended

Section 91(1)

omit

all words from "The" to "proceedings is"

insert

Court proceedings are

57 Section 173 amended

Section 173(1) and (2)

omit

Registrar

insert

registrar

58 Section 175 amended

Section 175(2) and (4)

omit

Registrar

insert

registrar

59 Section 176 amended

(1) Section 176, heading

omit

Registrar

insert

registrar

(2) Section 176

omit

Registrar

insert

registrar

60 Section 179 amended

Section 179(1) and (2)

omit

Registrar

insert

registrar

Division 4 Coroners Act

61 Act amended

This Division amends the *Coroners Act*.

62 Section 4 amended

Section 4(2) and (3)

omit

magistrate

insert

Local Court Judge

63 Section 7 amended

Section 7

omit (all references)

magistrate

insert

Local Court Judge

64 Section 9 amended

Section 9(2)

omit

Registrar

insert

registrar

65 Section 35 amended

(1) Section 35(3)

omit

must

insert

may

(2) Section 35(3)

omit

a crime

insert

an offence

Division 5 Criminal Code

66 Criminal Code amended

This Division amends the Criminal Code.

67 Section 1 amended

- (1) Section 1, definitions ***judicial proceeding***, ***justice of the peace*** and ***trial***

omit

- (2) Section 1

insert (in alphabetical order)

indictable offence, see section 3.

Judge means a Supreme Court judge.

judicial proceedings means any proceedings had or taken in or before a court, tribunal or person in which evidence may be taken on oath.

summary offence, see section 3.

trial includes proceedings upon a plea of guilty.

- (3) Section 1, at the end

insert

Note for section 1

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

68 Section 3 replaced

Section 3

repeal, insert

3 Classification of offence

- (1) Every offence is either an indictable offence or a summary offence.
- (2) An offence is an ***indictable offence*** if:
- (a) an Act states that the offence is an indictable offence; or

- (b) subject to subsection (3)(a), the penalty that may be imposed on an individual for the offence includes imprisonment for a period of more than 2 years.
- (3) An offence is a **summary offence** if:
 - (a) an Act states that:
 - (i) the offence is a summary offence; or
 - (ii) the offence is not an indictable offence; or
 - (iii) a charge of the offence must be heard and determined summarily; or
 - (b) the offence is not an indictable offence.

69 Section 277 amended

- (1) Section 277(1)
 - omit*
 - a crime or a simple
 - insert*
 - an
 - (2) Section 277(2)
 - omit (all references)*
 - a crime
 - insert*
 - an indictable offence
 - (3) Section 277(3)
 - omit, insert*
- (3) If a charge of the offence attempted to be committed may be heard and determined summarily, a charge of the offence of attempting to commit the offence may also be heard and determined summarily.

70 Section 294 amended

(1) Section 294(1) and (2)

omit

a crime

insert

an indictable offence

(2) Section 294(2)

omit

other crime

insert

other offence

(3) Section 294(3)

omit

all words from "crime or" to "summarily"

insert

offence of such a nature that the offender may be sentenced

(4) Section 294(4)

omit, insert

- (4) If a charge of the offence to which the person is an accessory may be heard and determined summarily, a charge of the offence of being an accessory to the offence may also be heard and determined with summarily.

71 Section 296 repealed

Section 296

repeal

72 Section 388 replaced

Section 388

repeal, insert

388 Definition

In this Division:

summarily-triable offence means:

- (a) a summary offence; or
- (b) an indictable offence a charge of which may be heard and determined summarily by the Local Court; or
- (c) an offence mentioned in section 22(1) of the *Misuse of Drugs Act* if:
 - (i) the prosecution has elected under section 23(2) of that Act for the charge of the offence to be heard and determined summarily; and
 - (ii) the Local Court has not discontinued those summary proceedings under section 23(4) of that Act.

73 Section 406 amended

Section 406(7)

omit, insert

- (7) If the charge of the offence of which a person is found guilty was heard and determined summarily, for the purposes of an appeal the person is taken to have been found guilty of a summary offence.

74 Act further amended

Schedule 4 has effect.

Division 6 Cross-border Justice Act

75 Act amended

This Division amends the *Cross-border Justice Act*.

76 Section 7 amended

- (1) Section 7(1), definition **magistrate**

omit

- (2) Section 7(1)

insert (in alphabetical order)

Local Court Judge, for the Territory, means a Local Court Judge of the Territory.

magistrate, for another participating jurisdiction, means a magistrate of the jurisdiction under its cross-border laws.

*Note for definition **magistrate***

This definition is affected by section 10.

- (3) Section 7(1), definition **prescribed court**, paragraph (a)

omit, insert

- (a) for the Territory:

- (i) for the Local Court; or
- (ii) for the Youth Justice Court; or

- (4) Section 7(1), definition **registrar**, paragraph (a)

omit, insert

- (a) for the Territory:

- (i) for the Local Court – a registrar as defined in section 3 of the *Local Court Act*; or
- (ii) for the Youth Justice Court – a person who holds office as a Registrar of the Court; or

- (5) Section 7(1), definition **restraining order**, paragraph (a)(ii) and **restraining orders laws**, paragraph (a)(ii)

omit

Justices

insert

Local Court (Criminal Procedure)

(6) Section 7(1), at the end

insert

Note for subsection (1)

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

77 Section 67 amended

Section 67(a) to (d)

omit, insert

- (a) section 24 of the *Local Court Act*,
- (b) section 48 of the *Youth Justice Act*.

78 Section 68 amended

(1) Section 68(2)(a) and (b)

omit, insert

- (a) criminal proceedings (as defined in section 3 of the *Local Court Act*) in the Local Court;

(2) Section 68, Examples

omit (all references)

an NT magistrate

insert

the NT Local Court

79 Act further amended

Schedule 5 has effect.

Division 7 Cross-border Justice Regulations

80 Regulations amended

This Division amends the *Cross-border Justice Regulations*.

81 Part 3, Division 2 repealed

Part 3, Division 2

repeal

82 Regulation 8 amended

Regulation 8(1)

omit

authorized

insert

authorised

83 Regulation 10 amended

Regulation 10, heading

omit

magistrates and justices

insert

Local Court

84 Regulation 16 amended

Regulation 16, modified section 22(b)

omit

of the court of summary jurisdiction

insert

in the Local Court

85 Regulation 19 amended

Regulation 19, modified section 93(3)

omit

clerk

insert

registrar

86 Part 3, Division 8, heading amended

Part 3, Division 8, heading

omit

Justices

insert

Local Court (Criminal Procedure)

87 Regulation 22 amended

Regulation 22

omit

Justices

insert

Local Court (Criminal Procedure)

88 Regulation 24 repealed

Regulation 24

repeal

89 Part 3, Division 9 replaced

Part 3, Division 9

repeal, insert

Division 9 Local Court Act

26 Act modified

This Division prescribes modifications to the *Local Court Act*.

26A Modification of section 6 (Constitution of Court)

After section 6(5)

insert

- (6) However, for exercising its cross-border jurisdiction the Court must be constituted by a Judge.

27 New Part 5, Division 1, Subdivision 3

After section 59

insert

Subdivision 3 Cross-border Judges

59A Appointment of cross-border Judges

- (1) If the Administrator is of the opinion that it is necessary to do so to facilitate the administration of justice in a cross-border region, the Administrator may appoint a magistrate of another participating jurisdiction to be a cross-border Judge.
- (2) The instrument of appointment must specify:
 - (a) the period of the appointment; and
 - (b) any conditions of the appointment.
- (3) The Administrator may vary a matter specified in the instrument of appointment except the period of appointment.
- (4) The conditions of service (including remuneration) of a cross-border Judge are those that the cross-border Judge is entitled to as a magistrate of the other participating jurisdiction.
- (5) A cross-border Judge ceases to be a cross-border Judge if the cross-border Judge ceases to be a magistrate of the other participating jurisdiction.
- (6) A reference in this Act, other than sections 50, 53, 54, 55, 59 and 66, or in any other Act to a Judge (however appointed) includes a reference to a cross-border Judge.

(7) In this section:

magistrate, of another participating jurisdiction, does not include a person who holds the office of magistrate of the other jurisdiction as a secondary office holder.

Note for section 59A

A cross-border Judge is not required to take an oath of office under section 65 of the Local Court Act.

90 Regulation 38 replaced

Regulation 38

repeal, insert

38 Modification of section 4 (Interpretation)

section 4(1)

insert (in alphabetical order)

justice of the peace includes a Local Court Judge of the Territory in another participating jurisdiction.

91 Part 5 inserted

After regulation 70

insert

Part 5 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016

71 Continuation of appointment of cross-border magistrate

- (1) This regulation applies to a magistrate of another participating jurisdiction appointed by the Administrator to be a cross-border magistrate under section 13B of the *Magistrates Act*, as modified by these Regulations in force immediately before the commencement.
- (2) The cross-border magistrate is taken to be a cross-border Judge under section 59A of the *Local Court Act*, as modified by these Regulations after the commencement.
- (3) The cross-border Judge holds office:
 - (a) for the remainder of the period specified in the appointment mentioned in subregulation (1); and

(b) on the same conditions, if any, as applied to the appointment.

(4) In this regulation:

commencement means the commencement of the Part 5, Division 7 of the *Local Court (Repeals and Related Amendments) Act 2016*.

Division 8 Domestic and Family Violence Act

92 Act amended

This Division amends the *Domestic and Family Violence Act*.

93 Section 4 amended

(1) Section 4, definitions **clerk**, **Court** and **CSJ DVO**

omit

(2) Section 4

insert (in alphabetical order)

Court means the Local Court.

Judge means a Local Court Judge.

Local Court DVO, see section 28(1).

registrar, see section 3 of the *Local Court Act*.

(3) Section 4, definition **court DVO**, paragraph (a)

omit, insert

(a) a Local Court DVO; or

(4) Section 4, definition **issuing authority**, paragraph (a)

omit, insert

(a) for a Local Court DVO:

(i) the Court; or

(ii) a registrar deciding the application for the DVO; or

(5) Section 4, at the end

insert

Note for section 4

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

94 Section 91B inserted

After section 91 in Chapter 2, Part 2.12

insert

91B Registrar exercises powers as delegate of Court

- (1) This section applies in relation to the exercise, by a registrar, of a power under this Act to make, vary or revoke a DVO.
- (2) In exercising the power the registrar is acting as a delegate of the Court.
- (3) The decision of the registrar is a decision of the Court.

95 Act further amended

Schedule 6 has effect.

Division 9 Fines and Penalties (Recovery) Act

96 Act amended

This Division amends the *Fines and Penalties (Recovery) Act*.

97 Section 48A inserted

After section 48, in Part 5, Division 3

insert

48A Jurisdiction of Local Court

The jurisdiction conferred on the Local Court under this Part is part of the Court's criminal jurisdiction.

98 Section 68 amended

Section 68(12)

omit, insert

- (12) If a person who is served with an examination summons engages in conduct that would, if the Fines Recovery Unit were the Local Court, constitute contempt of the Court under section 45 of the *Local Court Act*.
- (a) the Director may refer the matter to the Local Court; and
- (b) the Local Court, constituted by a Local Court Judge, may deal with the matter under Part 4, Division 4 of the *Local Court Act* as if it were an alleged contempt referred to it under section 46(4)(b) of that Act.

99 Section 70 amended

Section 70(2)

omit, insert

- (2) The provisions of rules under the *Local Court Act* prescribed by regulation apply, with any modifications prescribed by Regulation, to a property seizure order.

100 Section 72 amended

Section 72(3) and (4)

omit, insert

- (3) The provisions of rules under the *Local Court Act* prescribed by regulation apply, with any modifications prescribed by the regulation, to a garnishee order.

101 Section 74 amended

- (1) Section 74(2)

omit

- (2) Section 74(3)

omit

Registrar

insert

registrar

- (3) Section 74(5)

omit

all words after "costs"

insert

under section 75 of the *Local Court Act* as if it were a decision of a registrar exercising a delegated power.

102 Section 78A amended

- (1) Section 78A(3)

omit

Registrar

insert

registrar

- (2) Section 78A(5)

omit, insert

- (5) The Local Court may review a decision of the Fines Recovery Unit in respect of enforcement costs in accordance with the provisions of rules under the *Local Court Act* prescribed by the Regulations, with any modifications prescribed by the Regulations.

103 Act further amended

Schedule 7 has effect.

Division 10 Fines and Penalties (Recovery) Regulations

104 Regulations amended

This Division amends the *Fines and Penalties (Recovery) Regulations*.

105 Regulation 8 amended

Regulation 8

omit

the Registrar

insert

a registrar

106 Regulations 11B and 11C inserted

After regulation 11A

insert

11B Property seizure orders

- (1) For section 70 of the Act, the prescribed provisions are Part 44 (except rules 44.02 and 44.05(5)) of the *Local Court (Civil Proceedings) Rules*.
- (2) Those rules apply (with the necessary changes) as if:
 - (a) the property seizure order were a warrant of seizure and sale; and
 - (b) the Territory were the judgement creditor.

11C Garnishee orders

- (1) For section 72 of the Act, the prescribed provisions are Parts 48 (except rules 48.02 to 48.05) and 49 (except rules 49.03 and 49.07) of the *Local Court (Civil Proceedings) Rules*.
- (2) Those rules apply (with the necessary changes) as if:
 - (a) the garnishee order were an attachment of earnings order or an attachment of debts order, as the case may be; and
 - (b) a reference to a court or Registrar were a reference to the Fines Recovery Unit; and
 - (c) a reference to the judgment debtor were a reference to the fine defaulter; and
 - (d) the Territory were the judgement creditor; and

- (e) a reference to a particular form were a reference to the appropriate approved form; and
- (f) the Fines Recovery Unit were required to serve the appropriate notices on an employer or a garnishee.

107 Schedule 5 amended

Schedule 5, Form 3

omit

Registrar

insert

registrar

Division 11 Fisheries Act

108 Act amended

This Division amends the *Fisheries Act*.

109 Section 38 amended

After section 38(1)

insert

- (1A) An offence against this Act that would otherwise be an indictable offence, is a summary offence.

110 Section 43A amended

Section 43A

omit

Justices

insert

Local Court (Criminal Procedure)

Division 12 Interpretation Act

111 Act amended

This Division amends the *Interpretation Act*.

112 Section 17 amended

- (1) Section 17, definitions ***court of summary jurisdiction, indictable offence, Judge, Justice, Local Court*** and ***magistrate***

omit

- (2) Section 17

insert (in alphabetical order)

Chief Judge, see section 3 of the *Local Court Act*.

Chief Justice, see section 9(1) of the *Supreme Court Act*.

indictable offence means:

- (a) an offence that is an indictable offence under section 3(2) of the Criminal Code; or
- (b) an act or omission committed outside the Territory that would be an indictable offence under paragraph (a) if it were committed in the Territory.

Local Court means the Local Court of the Northern Territory under the *Local Court Act*.

Local Court Judge, means a Judge or acting Judge as defined in section 3 of the *Local Court Act*.

summary offence, see section 3(3) of the Criminal Code.

Supreme Court Judge means a Judge as defined in section 9(1) of the *Supreme Court Act*.

- (3) Section 17, definition ***committed for trial***, paragraph (b)

omit

admitted to bail on a recognizance

insert

granted bail under the *Bail Act*

113 Section 38E repealed

Section 38E

repeal

114 Section 70 amended

Section 70

omit

Judge, Justice of the Peace

insert

judge, justice of the peace

Division 13 Mineral Titles Act

115 Act amended

This Division amends the *Mineral Titles Act*.

116 Section 145 amended

(1) Section 145(1)

omit

(2) Section 145(2)

omit

(2)

117 Section 148 amended

After section 148(1)

insert

(2) An offence against this section is a summary offence.

118 Section 184 amended

(1) Section 184(3)

omit

Court of Summary Jurisdiction

insert

Local Court

(2) Section 184(3)

omit

Justices

insert

Local Court (Criminal Procedure)

Division 14 Misuse of Drugs Act

119 Act amended

This Division amends the *Misuse of Drugs Act*.

120 Section 3 amended

Section 3, definition ***magistrate***

omit

121 Section 5 amended

(1) Section 5(1)

omit

a crime

insert

an offence

(2) Section 5(2)

omit

a crime under

insert

an offence against

(3) Section 5(3)

omit

subsection (2)

insert

subsection (1)

122 Section 6 amended

(1) Section 6(1) and (2)

omit

a crime

insert

an offence

(2) Section 6(2)(d)

omit

a crime under

insert

an offence against

123 Section 7 amended

(1) Section 7(1)

omit

a crime

insert

an offence

(2) Section 7(2)

omit

a crime under

insert

an offence against

124 Section 8 amended

- (1) Section 8(1)
omit
a crime
insert
an offence
- (2) Section 8(2)
omit
a crime under
insert
an offence against

125 Section 9 amended

- (1) Section 9(1)
omit
a crime
insert
an offence
- (2) Section 9(2)
omit
a crime under
insert
an offence against

126 Section 11 amended

- (1) Section 11(1)
omit
a crime

insert

an offence

(2) Section 11(2)

omit

a crime under

insert

an offence against

127 Section 19A amended

Section 19A, definition *magistrate*

omit

128 Section 23 amended

Section 23(1) to (5)

omit, insert

- (2) Despite section 121A of the *Local Court (Criminal Procedure) Act*, a charge mentioned in section 22 may be heard and determined summarily only if the prosecution elects for it to be so heard.
- (3) Summary proceedings for an indictable offence against this Act may proceed:
 - (a) if the offence is one that may be heard and determined summarily; and
 - (b) even if 6 months have elapsed from the time when the offence was allegedly committed.
- (4) If it appears to the Local Court that a charge of an offence against this Act that is being heard summarily ought to be tried by the Supreme Court, the Local Court must discontinue the summary proceedings and continue the proceedings as a preliminary examination under the *Local Court (Criminal Procedure) Act*.
- (5) If the Court discontinues the summary proceedings under subsection (4):
 - (a) the plea of the defendant taken at the outset of the summary proceedings must be disregarded; and

- (b) the evidence already adduced in the proceedings is taken to be evidence in the preliminary examination; and
- (c) before committing the defendant for trial or sentence, the Local Court Judge must address the defendant in accordance with section 110 of the *Local Court (Criminal Procedure) Act*.

129 Section 24 amended

Section 24(2)

omit

a crime

insert

an offence

130 Section 26 amended

(1) Section 26(1) and (2)

omit, insert

(1) In proceedings for an offence against Part II, Division 1 the following may make an order prohibiting the publication of the whole or any part of the proceedings, or the name and address of any witness, that remains in force for the period specified in the order:

(a) the Local Court;

(b) if the defendant has been committed for trial or sentence – the Supreme Court.

(2) The application is to be heard in the presence of only such persons as the court thinks fit.

(2) Section 26(3)

omit

magistrate or Judge

insert

the court

(3) Section 26(3)

omit

he or she

insert

the court

131 Section 27 amended

(1) Section 27(2)

omit

(2) Section 27(3)(e)

omit

all words from "or, in the" to "another magistrate"

132 Act further amended

Schedule 8 has effect.

Division 15 Prisoners (Interstate Transfer) Act

133 Act amended

This Division amends the *Prisoners (Interstate Transfer) Act*.

134 Section 4B inserted

After section 4, in Part I

insert

4B Jurisdiction of Local Court

- (1) The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.
- (2) For exercising its jurisdiction under this Act the Court must be constituted by a Local Court Judge.

135 Act further amended

Schedule 9 has effect.

Division 16 Sentencing Act

136 Act amended

This Division amends the *Sentencing Act*.

137 Section 109 repealed

Section 109

repeal

138 Section 122 replaced

Section 122

repeal, insert

122 Maximum penalty for indictable offence dealt with summarily

- (1) If the Local Court hears and determines a charge of an indictable offence summarily, the court must not impose on the person found guilty of the offence a sentence of imprisonment of more than 5 years or a fine greater than 500 penalty units.
- (2) Subsection (1) does not have the effect of increasing the maximum penalty for the indictable offence.

139 Section 125 repealed

Section 125

repeal

140 Act further amended

Schedule 10 has effect.

Division 17 Sentencing Regulations

141 Regulations amended

This Division amends the *Sentencing Regulations*.

142 Regulation 3 replaced

Regulation 3

repeal, insert

3 Proper officer

For section 3(1) of the Act, definition ***proper officer***, the proper officer for the Local Court is a registrar (as defined in section 3 of the *Local Court Act*).

Note for regulation 3

For the Supreme Court, see rule 81A of the Supreme Court Rules.

143 Schedule amended

(1) Schedule, Forms 2, 4 and 5A

omit

*Clerk of the Court

*Sheriff or Registrar

insert

*Sheriff / Registrar of ___ Court

(2) Schedule, Forms 5B and 6

omit (all references)

Judge/Magistrate

insert

Supreme Court Judge / Local Court Judge

Division 18 Serious Crime Control Act

144 Act amended

This Division amends the *Serious Crime Control Act*.

145 Section 5A inserted

After section 5, in Part 1

insert

5A Jurisdiction of Local Court

The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.

146 Act further amended

Schedule 11 has effect.

Division 19 Supreme Court Act

147 Act amended

This Division amends the *Supreme Court Act*.

148 Section 11A inserted

After section 11

insert

11A Changes in constitution of Court during proceedings

- (1) If, in a criminal proceeding, the defendant pleads guilty and the proceeding is adjourned before the making of sentencing submissions commences, after that adjournment:
 - (a) the Court need not be constituted by the same person or persons as when the plea was entered; but
 - (b) the Court must then be constituted by the same person or persons until the proceedings are determined.
- (2) Further, if at any stage of a proceeding the person or one of the persons who constitutes the Court is unable to continue, the Court constituted by a different person or persons may continue to deal with the proceeding.
- (3) The question whether a person is unable to continue is decided by the Chief Justice and the Chief Justice's decision is not liable to be challenged on any ground.
- (4) This section does not limit the circumstances in which the Court may or may not be reconstituted during a proceeding.

- (5) In this section, a person is **unable to continue** if the person:
- (a) dies; or
 - (b) vacates office; or
 - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceeding without unreasonable delay.

Division 20 Work Health Administration Act

149 Act amended

This Division amends the *Work Health Administration Act*.

150 Section 3 amended

- (1) Section 3, definition **Chief Magistrate**

omit

- (2) Section 3

insert (in alphabetical order)

Judge means a Local Court Judge.

judicial registrar means a person appointed under section 23.

managing Judge means the Judge appointed under section 21.

registrar means the person appointed under section 22.

- (3) Section 3, at the end

insert

Note for section 3

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

151 Sections 19 and 20 replaced

Sections 19 and 20

repeal, insert

19 Contempt of Court

- (1) A person who has been served with a summons to attend before the Court to give evidence or to produce documents or other things commits a contempt of the Court if, without reasonable excuse, the person:
 - (a) does not attend as required by the summons; or
 - (b) does not continue to attend until released by the Court from further attendance.
- (2) A person appearing before the Court as a witness commits a contempt of the Court if, without reasonable excuse, the person does not do any of the following when required by the Court to do so:
 - (a) take an oath;
 - (b) answer a question;
 - (c) produce a document or other thing.
- (3) A person commits a contempt of the Court if:
 - (a) the Court has made an order requiring the person to do or not do something; and
 - (b) the order:
 - (i) was made orally to the person while the person was in the courtroom; or
 - (ii) has been served on the person; and
 - (c) the person does not comply with the order; and
 - (d) no other law of the Territory provides a means for punishing non-compliance with, or enforcing, the order.
- (4) A person commits a contempt of the Court if, without reasonable excuse, the person fails to comply with an undertaking the person has given to the Court.

- (5) A person commits a contempt of the Court if the person:
- (a) wilfully prevaricates in the face of the Court; or
 - (b) engages in any other conduct that, under a law of the Territory, constitutes a contempt in the face of the Court.

20 Dealing with contempt of Court

- (1) If it appears to the Court that a person has committed a contempt of the Court, the Court may:
- (a) for a contempt in the face of the Court – orally order that the person be arrested and brought before the Court; or
 - (b) for any contempt:
 - (i) issue a warrant to have the person arrested and brought before the Court; or
 - (ii) issue a summons requiring the person to appear before the Court.
- (2) When the person is brought or appears before the Court, the Court:
- (a) must inform the person of the contempt with which the person is charged; and
 - (b) may deal with the person in accordance with any procedure the Court thinks fit.
- (3) The *Bail Act* applies in relation to the person as if the person were accused of an offence and were being held in custody for that offence.
- (4) The Court constituted by the registrar or a judicial registrar:
- (a) cannot exercise the Court's powers under this section and section 20A; but
 - (b) may refer the alleged contempt to the Court constituted by a Judge.
- (5) The Court constituted by a Judge may exercise those powers in relation to the alleged contempt.

20A Punishment for contempt

- (1) If the Court finds a person guilty of a contempt of the Court, it may order that the person be imprisoned for not more than 6 months or be fined not more than an amount equal to 100 penalty units.

- (2) A person cannot be punished, in respect of the same conduct, for a contempt and for an offence against another Act.
- (3) If the Court orders that the person be imprisoned, the Court may order that the person be discharged before the end of the term of imprisonment that was ordered.
- (4) If a person who has been found guilty of a contempt apologises to the Court for the contempt, the Court may amend or cancel any order imposing punishment for the contempt, and if it does so may order the refund of all or part of any fine that has been paid.

152 Act further amended

Schedule 12 has effect.

Division 21 Youth Justice Act

153 Act amended

This Division amends the *Youth Justice Act*.

154 Section 5 amended

- (1) Section 5(1), definitions ***Court***, ***Court of Summary Jurisdiction*** and ***preliminary examination***

omit

- (2) Section 5(1)

insert (in alphabetical order)

Court means the Youth Justice Court as mentioned in section 45 and, if the context requires, includes the Supreme Court exercising its jurisdiction under this Act.

preliminary examination means the procedure under Part V of the *Local Court (Criminal Procedure) Act* relating to indictable offences.

- (3) Section 5(1), at the end

insert

Note for subsection (1)

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

(4) Section 5(2) and (2A)

omit, insert

- (2) In this Act, if the context requires, **Local Court Judge** includes a Supreme Court Judge.

155 Section 45 amended

Section 45(2)

omit, insert

- (2) Each Local Court Judge is a Judge of the Youth Justice Court.

156 Sections 46 and 46A inserted

Section 46

repeal, insert

46 Exercise of jurisdiction

- (1) The jurisdiction of the Youth Justice Court is exercisable by a Judge sitting alone.
- (2) The Chief Judge may appoint as a Youth Judge a Local Court Judge who, in the opinion of the Chief Judge, has the knowledge, qualifications, skills and experience in the law and the social or behavioural sciences, and in dealing with youths and their families, as the Chief Judge considers appropriate.
- (3) An appointment of a Local Court Judge as a Youth Judge does not affect:
- (a) the terms and conditions of the Judge's appointment under the *Local Court Act*, or
 - (b) the ability of a Local Court Judge who is not a Youth Judge to exercise the jurisdiction of the Youth Justice Court.

46A Changes in constitution of Court during proceedings

- (1) In particular proceedings, the Court need not be constituted by the same person or persons for the whole of the proceedings, until the taking of evidence commences.
- (2) Once the taking of evidence commences, the Court must be constituted by the same person or persons until the proceedings are determined.

- (3) If, in criminal proceedings, the defendant pleads guilty and the proceedings are adjourned before the making of sentencing submissions commences, after that adjournment:
 - (a) the Court need not be constituted by the same person as when the plea was entered; but
 - (b) the Court must then be constituted by the same person until the proceedings are determined.
- (4) Further, if at any stage of proceedings the person who constitutes the Court is unable to continue, the Court constituted by a different person or persons may continue to deal with the proceedings.
- (5) The question whether a person is unable to continue is decided by the Chief Judge and the Chief Judge's decision is not liable to be challenged on any ground.
- (6) In this section, a person is **unable to continue** if the person:
 - (a) dies; or
 - (b) vacates office; or
 - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceedings without unreasonable delay.

157 Section 53 replaced

Section 53

repeal, insert

53 Application of other Acts

- (1) Unless this Act makes specific provision in relation to proceedings, orders or convictions, the following applies as if the Youth Justice Court were the Local Court:
 - (a) the *Local Court (Criminal Procedure) Act*, except for Part IV, Division 2A of that Act;
 - (b) Part 4, Divisions 4 and 5 of the *Local Court Act*.
- (1A) In a provision of any other Act relating to unlawful activity or alleged unlawful activity:
 - (a) a reference to the Local Court includes, in relation to a youth, a reference to the *Youth Justice Act*; and

- (b) a reference to a Local Court Judge includes, in relation to a youth, a reference to a Judge of the Youth Justice Court; and
- (c) a reference to a registrar of the Local Court includes, in relation to a youth, a registrar of the Youth Justice Court.

Note for subsection (1A)

Acts relating to unlawful activity or alleged unlawful activity include the Criminal Code, Bail Act and Parole Act.

- (2) This Act does not affect the powers of a justice of the peace to issue a summons or warrant in relation to a youth.

158 Section 56B amended

- (1) Section 56B(1)(c) and (5)(b)

omit

Justices

insert

Local Court (Criminal Procedure)

- (2) Section 56B(2)

omit, insert

- (2) If this section applies, the 2 preliminary examinations may be conducted as a joint preliminary examination by a Local Court Judge constituting, at the same time, both the Local Court and the Youth Justice Court.

- (3) Section 56B(3)(a)

omit

Magistrate

insert

presiding Judge

- (4) Section 56B(3)(b)

omit, insert

- (b) for the charge against the adult – the presiding Judge constitutes the Local Court and must deal with the matter under the *Local Court (Criminal Procedure) Act*.

(5) Section 56B(4)

omit

Magistrate

insert

court

159 Act further amended

Schedule 13 has effect.

Division 22 Other laws

160 Other laws amended

Schedule 14 amends the laws mentioned in it.

Part 6 Repeals

161 Laws repealed

The laws specified in Schedule 15 are repealed.

Part 7 Miscellaneous matters

162 Transitional regulations

- (1) The Administrator may make regulations to provide for a matter of a transitional nature because of the enactment of the *Local Court Act 2015* or this Act.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement of this section.
- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (4) This section and each regulation made under it expires 2 years after the commencement of this section.

163 Expiry of Act

- (1) Parts 2 to 6 expire on the day after Part 5 commences.
- (2) Parts 1 and 7 expire 2 years after the commencement of Part 6.

Schedule 1 Justices Act further amended

section 24

| Provision | Amendment | |
|----------------------------------|---|---|
| | <i>omit</i> | <i>insert</i> |
| section 20(1)(c) | him before the Justice issuing it, or before some other Justice | the defendant before the Court |
| section 22(1)(c), after "appear" | | before the Court |
| section 22(1)(c) | therein mentioned, before such Justice as shall then be there, | mentioned in the summons |
| section 22(2) | and in accordance with the form in Schedule 3 | |
| section 23 | Justice or the clerk Justice or clerk him to appear before such Justices as shall then be there, | Judge, registrar or JP Judge, registrar or JP the person to appear before the Court |
| section 25 | Justice he may issue his | Judge the Judge may issue a |
| section 26A, heading | court | courtroom |
| section 26A(1) | (1) Any Justice court room or other place where he is sitting | The Court courtroom |
| sections 26A(2) and 27A(2) | whole subsection | |
| section 27A(6) | or a Justice may, if it or he | may, if it |

| | | |
|---------------------------|--|--------------------------------------|
| section 28(1) | any proceeding within the jurisdiction of Justices | proceedings before the Court |
| | the Justices | the Court |
| section 28(1)(b) | Justice or other officer or | |
| section 50, heading | laid | complaint to be made |
| section 50(1) | his counsel or solicitor | the complainant's legal practitioner |
| section 50(2) | some Special | any other |
| section 50(3) | any oath being made of the truth thereof | substantiation by oath |
| section 50(3)(a) | some Special | any other |
| section 50(3)(b) | Justice issues his | Court issues a |
| section 51(4) | the Special | any other |
| section 52, heading | laying information | making complaint |
| sections 55 and 56(1) | Special Act or other document | Act |
| section 57(1) | any Justice may issue his | a Judge, registrar or JP may issue a |
| | any Justice to issue his | a Judge, registrar or JP to issue a |
| | of Justices | of the Court |
| section 57(2) | the Justice | a Judge, registrar or JP |
| section 57(3) and (4) | whole subsection | |
| section 57A, heading | in form of Schedule 3 | issued |
| section 57A(1) | in the form in Schedule 3 | issued under section 57(2) |
| section 57A(1)(c) and (2) | all words from "clerk" to "appear" | relevant registrar |

| | | |
|---------------------|--|--|
| section 57A(4) | counsel | the defendant's legal practitioner |
| section 57B(c) | all words from "as stated" to "section 57(3)" | of an offence to which section 57 applies |
| section 57C | all words from "the clerk" to "recorded" | a relevant registrar |
| section 57E(1) | all words from "clerk" to "recorded" | relevant registrar |
| section 57E(3) | on him clerk of the Court so served shall | registrar must |
| section 57E(4) | all words from "(which" to "place)" | |
| section 58(1) | all words from "to the" to "him" | on oath to the satisfaction of the Court |
| section 58(2)(a) | the commission of a simple offence | a summary offence |
| section 58(2)(c) | Special | other |
| section 58(2) | a Justice may, instead of issuing his summons, issue his | the Court may, instead of issuing a summons, issue a |
| section 58(3) | any Justice may issue his | , the Court may issue a |
| section 58(3)(b) | Justice (what he deems) | Court |
| section 59, heading | Justice | Court |
| section 59 | all words from "he shall" to "grant him" | the defendant must be brought before the Court, which must either remand the defendant into custody or grant the defendant |

| | | |
|----------------------------|---|---|
| section 60(1) | all words from "Justice before" to "another Justice" | Court may remand, and |
| | that Justice | the Court |
| section 60(2) | a Justice | the Court |
| | the Justice (<i>all references</i>) | the Court |
| | that Justice | the Court |
| | such Justice or Justices as shall then be there | the Court |
| | the clerk | a registrar |
| section 60(3) | A Justice | The Court |
| | he | the defendant |
| | a Justice | the Court |
| | the Justice | the Court |
| section 60(4) | whole subsection | |
| section 60(5) | A Justice | The Court |
| section 60AB(a) | Court of Summary Jurisdiction | criminal jurisdiction of the Local Court |
| section 60AB(a)(i) | the proceeding | proceedings |
| section 60AC(1) | matters over which the Court has jurisdiction, except the matters | criminal proceedings in the Court, except those |
| section 60AC(1)(b) and (2) | 201A | 49 of the <i>Local Court Act</i> |
| section 60AI(4)(a) | by counsel or solicitor at the directions hearing | at the directions hearing by the defendant's legal practitioner |
| section 60AK(3)(b)(i) | pass sentence on | sentence |
| section 60AK(3)(b)(ii) | to pass sentence on | for the sentencing of |
| section 60AL(b) | sentencing the | the sentencing of |

| | | |
|--|--|---|
| sections 60AM(1) and 60AN(1)(a) | a matter for | proceedings in relation to |
| section 60AP, heading | of complaint or information | |
| section 60AP(1) | a matter for | proceedings in relation to |
| section 60AT(1) | the proceeding | criminal proceedings |
| section 60AT(3) | a proceeding | proceedings |
| sections 60AV, 60AW(4)(a) and (b), 60AZ(2)(a) and 60AZA(2) | Magistrate (<i>all references</i>) | Judge |
| section 60AZB, heading | Magistrate | Judge |
| section 60AZB(2)(a) | Magistrate | Judge |
| section 63(1) | (1) by his counsel or solicitor | the defendant's legal practitioner |
| section 63(2) | whole subsection | |
| section 63A(1AA) | a Court (the relevant Court) | the Court |
| section 63A(1) and (1A) | all words from "give the" to "Court to" | apply to the Court to |
| section 63A(1B), after "must" | | be in writing and |
| section 63A(2) | all words from "a clerk" to "the clerk" | an application is made under subsection (1) or (1A), the relevant registrar |
| section 63A(2)(a) | by the relevant Court | |
| section 63A(3) | served (<i>all references</i>) a Justice | made the Court |
| section 64 | counsel or solicitors | legal practitioners |

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|---------------------------|--|---|
| section 65, heading | or a Justice | |
| section 65(1) | whole subsection | (1) The hearing of a complaint may be adjourned by the Court from time to time, and at any time before it is completed. |
| section 65(2) and (3) | or the Justice <i>(all references)</i> | |
| section 65(4) | or any Justice or Justice or any other Justice | |
| section 65(5)(a) | then sitting to hear the adjourned complaint or a Justice | |
| section 65(5)(b) | then sitting to hear the adjourned complaint | |
| section 65(8) | sitting to hear the adjourned complaint or any Justice | |
| section 65(12) | his counsel or solicitor | the defendant's legal practitioner |
| section 65(13) | he him of Summary Jurisdiction, or a Justice or Justice | the defendant the defendant |
| sections 65(14) and 68(2) | whole subsection | |
| section 68(3) | of Summary Jurisdiction | |
| section 70A(2) | the Special | any other |
| section 72 | the clerk shall | a registrar must |

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|------------------------|--|---|
| section 77B | a proceeding is | proceedings are |
| section 101 | before a Justice | |
| section 101(a) | all words from "any treason" to "whatsoever," | an indictable offence |
| section 101(b) | the Courts | a court |
| section 101A(1) | , whether felonies or misdemeanours, | |
| section 101A(2) | Justice may, if he | Court may, if it |
| section 103 | before a Justice against any person, the Justice his | the Court a |
| section 104 | before a Justice he may issue his | a Judge, registrar or JP may issue a |
| section 105(1) and (2) | any Justice may issue his | the Court may issue a |
| section 105A | a Justice | the Court |
| section 105B(2) | a Magistrate | the Court |
| section 105B(3)(a) | Magistrate | presiding Judge |
| section 105B(3)(b) | Magistrate acts in his or her capacity as a Justice | presiding Judge constitutes the Court |
| section 105B(4) | A Magistrate | The Court |
| section 105C(2)(a) | a Justice | the Court |
| section 105C(4) | with the clerk | at the Court |
| section 105D(1)(c) | 201A | 48 of the <i>Local Court Act</i> |
| section 105G(1) | Justice conducting the preliminary examination | Court |

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|---|---|--|
| sections 105G(3), 105H(1)(b), (2) to (5) and (7)(a), 105J(1) and (4) to (7) and 105K(4) and (6) | Justice <i>(all references)</i> | Court |
| section 106A, heading | Magistrate | Court |
| section 106A(1) | all words from "before" to "defendant at" | before the Court on a charge that may be heard and determined summarily under section 120, 121A or 131A, if the Court is constituted by a Judge the defendant may at |
| | the Magistrate | the Court |
| section 106A(2)(a) | whole paragraph | |
| section 106A(2)(b) | simple offence under this Act | summary offence |
| section 106A(3) | Magistrate <i>(all references)</i> | Court |
| section 109(1) | Justice then present shall upon his | Court must on |
| section 109(2) | Justice he | Court it |
| section 109(3) | Justice <i>(all references)</i> | Court |
| section 109(3)(a) | of a minor indictable offence, | that may be heard and determined summarily under Division 2 – |
| section 109(3)(b) | he | the defendant |
| section 110(1) | A Justice proceeding must | If the Court proceeds it must |
| section 110(1)(c)(i) | Justice | Court |

| | | |
|---|--|--|
| section 110(2) | A Justice the Justice | The Court the Court |
| section 110(3) and (4)(a) | Justice | Court |
| section 112(1) | Justice then present shall | Court must |
| section 112(2) and (3) | Justice <i>(all references)</i> he shall | Court the Court must |
| section 112A(1) | Justice conducting the examination | Court |
| sections 112A(2) and (3) and 113(1) and (2) | Justice <i>(all references)</i> | Court |
| section 113(4) | Any Justice he a Justice him the Justice | The Court, the defendant the Court the defendant the Court |
| section 113(5) | whole subsection | |
| section 114 | all words from "any" to "him" | the Court may grant the defendant |
| section 115 | all words from "Justice who" to "other Justice" | Court |
| | him or any other Justice | the Court |
| section 116(1) | Justice shall forthwith writing under the hand of the clerk for the relevant district recognisances of witnesses, | Court must the relevant registrar |

| | | |
|-----------------------|---|---|
| section 116(2) | all words from "shall cause" to "thereof" | must deliver these documents to the proper officer of the Supreme Court, before or at the opening of the Supreme Court, on the first day of the sitting |
| | Judge in the Court | Supreme Court Judge |
| section 116(3) | Justice | Court |
| section 122A(1) | an offence being dealt with pursuant to section 120 or 121A | a charge being heard summarily under section 120, 121A or 131A |
| | Court: | Court, the Court: |
| section 122A(1)(a) | the Court | |
| section 122A(1)(b) | the Magistrate who constituted the Court may | if it does so, must |
| section 122A(2) | A Magistrate who continues | The Court, in continuing |
| section 122A(2)(c) | Magistrate | Court |
| section 126 | Justices constituting the Court, his | Court, the witness' |
| section 130A, heading | to minor offences | |
| section 130B(1)(a) | all words from "member" to "Territory" | police officer in connection with criminal proceedings in the Court |
| | his | the officer's |
| section 130B(1)(b) | Court of Summary Jurisdiction, or a clerk of the Court | Court or a Judge, registrar or JP |
| | a summary proceeding in the Court, | criminal proceedings in the Court; |

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| section 130B(1) | all words from "of Summary Jurisdiction may" to "property, make" thereof | may, on application by a police officer or a claimant of the property or on its own initiative, make |
| | as to the Court may seem fit | as the Court sees fit |
| section 131(1) | writing under the hand of the clerk for the relevant district | a registrar |
| section 131(1) and (2) | clerk | Registrar |
| section 134(1) | the Justice to do so, the Justice he | , the Court the defendant |
| section 134(2) | Justice read him | Court the presiding Judge must read the defendant |
| sections 135 and 136(1) | Justice <i>(all references)</i> | Court |
| section 137(3) | Judge before whom | Supreme Court when |
| section 139 | Justice shall forthwith writing under the hand of the clerk for the relevant district , as the case requires, and the recognisances recognisance (if any), Court at which the defendant is to appear for sentence Judge who is to preside in the | relevant registrar must the relevant registrar and Supreme Court Supreme |

| | | |
|-----------------------------------|--|---|
| section 141(1) | he may Court at which he his any Judge presiding over the he thinks | the defendant may Supreme Court at which the defendant the defendant's the Supreme the Court |
| section 142, heading | Court the Judge advises withdrawal of the plea | Supreme Court plea withdrawn |
| section 142 | Court <i>(all references)</i> the presiding Judge of he may | Supreme Court the presiding Supreme Court Judge may |
| section 153, heading | Justice may take deposition | Deposition |
| section 153(1) | of any Justice the Justice | of the Court a Judge, JP or registrar |
| section 153(1)(c) | any Justice | the Court |
| section 153(2) | Justice his | Judge, JP or registrar the |
| sections 153(3) and 154(a) | Justice | Judge, JP or registrar |
| section 154(c) | counsel or solicitor | or her legal practitioner |
| section 155(2) | all words from "Judge or" to "another Justice" | Court |
| Part VI, heading | Court of Summary Jurisdiction | Local Court |
| section 162(1), before "Court" | | Supreme |

| | | |
|---------------------------|---|--|
| section 162(1A) | Court of Summary Jurisdiction | Local Court |
| section 162(2) | Courts below | Local Court |
| section 162(4) | Justices shall | Local Court must |
| section 163(1) | Court may | Local Court may |
| | all words from "including a" to "not including" | other than |
| | some Special | any other |
| section 163(1)(b) and (5) | Justices whose decision is appealed against | Local Court |
| section 163(2) | Special | other |
| section 163(3) | Court arising | Local Court arising |
| | all words from "minor" to "disposes of" | charge that is heard and determined summarily |
| section 163(4) | a Special | any other |
| section 168(1) | a Special Magistrate or a Justice | the Court |
| | all words from "the Justice" to "Justices," | the Court, |
| section 170, heading | Justices | Court |
| section 170(1) | all words from "Justices" to "other Justice, shall" | Court will |
| section 170(1A) | Court | Supreme Court |
| | all words from "Justices" to "other Justice" | Local Court |
| section 170(2) | proceeding | proceedings |
| | any Justice | the Court or any person constituting the Court |

| | | |
|----------------------|--|---|
| section 171(1) | all words from ", by entering" to "168" | |
| section 171(2) | one month Judge of the he as he | 28 days the Supreme Court as it |
| section 172(3) | all words from "clerk" to "against" all words from "or, where" to "\$3" | relevant registrar |
| section 174(1) | all words from "Justices" to "made" clerk or other | Local Court |
| section 174(2) | proceeding | proceedings |
| section 175 | Justices clerk for the relevant district | Local Court relevant registrar |
| | proceeding | proceedings |
| section 176 | proceeding clerk for the relevant district | proceedings relevant registrar |
| section 176A(3)(b) | solicitor | legal practitioner |
| section 177(1) | Justices whose decision is appealed from | Local Court |
| section 177(2)(d) | Court of Summary Jurisdiction | Local Court |
| section 179(1) | any Justice all words from "Justices" to "modes" | the Local Court the Local Court |
| sections 182 and 184 | him or to | |

| | | |
|--|---|--|
| section 185(1) | (1) | |
| | all words after "evidence" | by the Court 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 the Court sees fit. |
| section 185(1)(a) | a Court of Summary Jurisdiction | the Court |
| section 185(1)(b) | any Justice, | the Court; |
| section 185(2) | whole subsection | |
| section 186(1) | proceeding before Justices Special Act, the Special | proceedings before the Court Act creating the offence, that |
| section 186(2) | proceeding before Justices | proceedings before the Court |
| section 187A(1) | clerk of the relevant district or by the deputy of the clerk | relevant registrar |
| section 189, definition complainant | counsel or solicitor | legal practitioner |
| section 190(3) and (4) | proceeding | proceedings |
| section 190(5) | a proceeding another proceeding | proceedings other proceedings |
| section 192(1) | proceeding | proceedings |
| section 192(2) | a proceeding another proceeding | proceedings other proceedings |

Schedule 2 Local Court Act further amended

section 39

| Provision | Amendment | |
|--------------------------|--|---|
| | <i>omit</i> | <i>insert</i> |
| section 15, heading | Proceedings | Claim |
| section 15(1) | a proceeding | a claim |
| section 15(1)(a) | the proceeding | it |
| section 15(1)(b) | proceeding | proceedings |
| section 15(2)(a) | a proceeding | proceedings |
| section 15(2)(b) | proceeding has | proceedings have |
| section 16, heading | , &c. | etc. |
| section 16(1) | a proceeding or part of it | proceedings, or a matter raised in proceedings, |
| section 16(3)(a) and (b) | proceeding | proceedings |
| section 16(4) | a proceeding | the proceedings |
| section 17 | a proceeding proceeding as matter the subject of the proceeding | proceedings proceedings as proceedings |
| section 18, heading | proceeding | proceedings |
| section 18(1) | whole subsection | (1) A party to proceedings (other than an appeal) may apply to the Court for an order that the proceedings be transferred to the Supreme Court. |

| | | |
|--------------------------|--|---|
| section 18(2) | proceeding | claim the subject of the proceedings |
| section 18(3) | proceeding | proceedings |
| section 18(4)(a) | proceeding in the Court is | proceedings in the Local Court are |
| section 18(4)(b) | proceeding shall be transmitted by the Registrar | proceedings must be transmitted by the principal registrar |
| section 18(4)(c) | proceeding | proceedings |
| section 20(1) | other than in a proceeding by way of appeal to the Court | in proceedings other than an appeal |
| section 20(1)(b) and (2) | proceeding | proceedings |
| section 20(1) | proceeding be | proceedings be |
| section 22(9) | all words from "The" to "subsection (8)" | A court convicting a person of an offence against subsection (8) may order the person |
| section 24(1) | the Registrar shall | a registrar must |
| section 28A | a proceeding the proceeding | proceedings the proceedings |
| section 29, heading | proceeding | hearing |
| section 29(1) | all words from "the proceeding" to "a proceeding" | proceedings or on its own initiative, adjourn a hearing |
| section 29(2) | the hearing of a proceeding | a hearing |
| section 32(1) | a proceeding | proceedings |
| section 32(2) | all words from "a proceeding" to "fails or is" | proceedings cannot conveniently be heard or proceed, or fail or are |
| section 32(4) | a proceeding or | proceedings or an |

after section 32(4)

(5) This section applies even if the claim the subject of the proceedings is wholly or partly beyond the jurisdiction of the Court.

(6) This section also applies to a law practice, as defined in section 4 of the *Legal Practitioners Act*, that employs the legal practitioner.

section 36(2)

Registrar

principal registrar

Schedule 3 Bail Act further amended

section 49

| Provision | Amendment | |
|---------------------------------------|--|---|
| | <i>omit</i> | <i>insert</i> |
| section 6(e)(ii) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 15(b) | a justice | the Local Court |
| section 15(c) | all words from "committed" to "magistrate" | sentenced to imprisonment by the Local Court |
| section 16(2) | a justice or the justice or | |
| section 21, heading | magistrates and justices | Local Court |
| section 21 | by a magistrate or a justice | by the Local Court |
| section 22 | a justice | the Local Court constituted other than by a Local Court Judge |
| | the justice | the Local Court |
| section 23(2), before "Judge" | | Supreme Court |
| section 26(c) | clerk of the Court of Summary Jurisdiction | registrar of the Local Court |
| section 31(2) | a Judge, justice or magistrate | the court |
| section 33(1)(b) and (c), (3) and (6) | a magistrate or justice | the Local Court |
| section 33(4) | a magistrate or a justice | the Local Court |
| | a magistrate or justice | the Local Court |

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| section 33(5) | a magistrate or justice magistrate or justice | the Local Court Local Court |
| section 33(7) | magistrate or justice (<i>all references</i>) | Local Court |
| sections 35(1), 36(4) and (5) and 36A(1)(a) | a magistrate or justice | the Local Court |
| section 36A(1)(b) and (2) | magistrate or justice | Local Court |
| section 36A(4)(a) | Court magistrate or justice | Supreme Court Local Court |
| section 36A(4)(b), (5) and (6) | Court (<i>all references</i>) | Supreme Court |
| section 37C(1) | a legal proceeding for | proceedings for a charge of |
| section 37C(2) | proceeding | proceedings |
| section 37C(3) | proceeding | charge |
| section 37D(1) | the legal proceeding for | a charge of |
| section 37D(2) | proceeding | charge |
| section 37D(3) | proceeding it were a summary proceeding under the <i>Justices Act</i> | proceedings the offence were a summary offence |
| section 37D(4), (5), (6) and (7) | proceeding (<i>all references</i>) | proceedings |
| section 37D(7), before "Court" | | Supreme |
| section 37D(8) | Court's legal proceeding | Supreme Court's charge |
| section 38(1)(b) | magistrate or justice | Local Court Judge or justice of the peace |
| section 40(4) | or recognizance | |

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| section 47(3)(b) | all words from "Judge" to "Jurisdiction" | Supreme Court Judge, Local Court Judge, justice of the peace, registrar of the Local Court |
| section 51 | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 53(2)(b) | a magistrate or justice | the Local Court |

Schedule 4 Criminal Code further amended

section 74

| Provision | Amendment | |
|---|--|---|
| | <i>omit</i> | <i>insert</i> |
| section 19, heading | crimes | offences |
| section 20 | a crime or a simple offence | another offence that is not a regulatory offence |
| section 21 | a judge or a justice of the peace | a court |
| | him | the court |
| section 31(3) | a crime defined by | an offence against |
| section 40(2) | a crime | an offence |
| section 43AA(3)(e) | crimes | indictable offence |
| section 43A, definition committal proceeding | proceeding <i>Justices</i> | proceedings <i>Local Court (Criminal Procedure)</i> |
| section 43M(1) | a committal proceeding | committal proceedings |
| section 43M(1)(a) | proceeding | proceedings |
| section 43M(1)(b) | proceeding is | proceedings are |
| section 43M(1)(b) and (2) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| sections 65, 69, 70 and 71(1) | a crime | an offence |
| section 71(2) | crime | offence |
| section 72, definition act of piracy , paragraph (b) | a crime defined by or referred to in section 251(3) or (4) | an offence against |

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| sections 73, 74, 75, 76(1), 77, 78, 79(1), 80(1), 81, 82(1) and 83 to 88 | a crime (<i>all references</i>) | an offence |
| section 89(1) | any of the crimes defined by | an offence against |
| sections 89(3), 90, 91, 92 and 93(1) | a crime | an offence |
| section 93(2) | a judicial proceeding | judicial proceedings |
| section 93(3) | for any of the crimes defined by | of an offence against |
| section 94 | a crime | an offence |
| section 95(a), (b) and (c) | proceeding (<i>all references</i>) | proceedings |
| section 95 | a crime | an offence |
| section 96(1) | judicial proceeding (<i>all references</i>) | judicial proceedings |
| | that proceeding (<i>all references</i>) | the proceedings |
| | a crime | an offence |
| section 96(5) and (6) | proceeding | proceedings |
| section 97(1) | a crime | an offence |
| section 97(2) | the crime | the offence |
| | a crime | an offence |
| sections 99, 100 and 101 | proceeding (<i>all references</i>) | proceedings |
| | a crime | an offence |
| section 102 | a judicial proceeding | judicial proceedings |
| | a crime | an offence |
| section 103 | a crime | an offence |
| section 104, heading | crimes | indictable offences |

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| section 104(1) | conceal a crime for a crime of a crime | conceal an indictable offence for an indictable offence of an offence |
| section 104(2) | crime | indictable offence |
| sections 105 to 109 | a crime | an offence |
| section 110 | the crime a crime | the offence an offence |
| section 111 | a crime | an offence |
| section 112(2) | all words after "arrested" | or convicted: (a) is an indictable offence – the person is liable to imprisonment for 3 years; or (b) is a summary offence – the person is liable to imprisonment for one year. |
| section 112(2AA) | guilty of a crime and is | |
| sections 113 to 119 | a crime | an offence |
| section 120 | any of the crimes defined by | an offence against |
| sections 121 to 125 and 125B(1) | a crime | an offence |
| section 125B(6)(a) and (b) | crime | offence |
| sections 125E and 127(1) | a crime | an offence |
| section 127(2) | crime | offence |
| section 127(4) | a crime defined by | an offence against |
| section 128(1) | a crime | an offence |

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| section 128(4) | a crime defined by | an offence against |
| section 130(2) and (3A) | a crime | an offence |
| section 130(3) and (3C) | a crime defined by | an offence against |
| section 130(3)(a) | crime | offence |
| section 131(1) | a crime | an offence |
| section 131(3) | a crime defined by | an offence against |
| section 131A(1) | defined by | against |
| section 131A(2) | a crime | an offence |
| section 131A(3) | the crime defined by | an offence against |
| section 131A(6) | a crime defined by | an offence against |
| section 131A(7) and (8) | defined by | against |
| section 132(2) | a crime | an offence |
| section 132(5) | a crime defined by | an offence against |
| sections 133 and 134(1) | a crime | an offence |
| section 134(4) | the crime defined by | an offence against |
| section 138 | a crime | an offence |
| section 139 | the crimes defined by | an offence against |
| section 139A, heading | crime defined by | offence against |
| section 139A | a crime defined by a section in the crime (<i>all references</i>) | an offence against the offence |
| sections 140, 148 and 148B to 148D | a crime | an offence |
| section 149C | an offence under | |
| sections 155 and 155A(1) | a crime | an offence |

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| sections 156(1) and (2), 157(1) and (3), 160, 161 and 161A(1), (3) and (4) | crime | offence |
| sections 165 and 166(1) | a crime | an offence |
| section 166(2) | a crime defined by | an offence against |
| section 170 | a crime | an offence |
| section 174B(4) | under | against |
| sections 174C, 174D, 174E, 174F(1) and (2) and 174FA(1) | a crime | an offence |
| sections 175 and 176, heading | crime | indictable offence |
| sections 175 and 176 | a crime, <i>(all references)</i> | an indictable offence, |
| | a crime and | an offence and |
| sections 177 to 180A(1) and 181 to 185(1) | a crime | an offence |
| section 186 | a crime or, upon being found guilty summarily, to imprisonment for 2 years | an offence |
| sections 186B(1) and 186C(1) | a crime | an offence |
| section 186D | a crime defined by | an offence against |
| section 188(2) | a crime or, upon being found guilty summarily, to imprisonment for 2 years | an offence |
| section 188(3) | the crime defined by crime. | an offence against offence. |

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| section 188A(1) | a crime | an offence |
| section 189A(1) | a crime or, upon being found guilty summarily, to imprisonment for 2 years | an offence |
| section 189A(2)(a) | or, upon being found guilty summarily, to imprisonment for 3 years | |
| section 190, heading | or magistrates | |
| section 190 | or a magistrate | |
| | a crime | an offence |
| sections 191 and 192(3) and (4) | a crime | an offence |
| section 192(5), (6), (7) and (8) | the crime defined by | an offence against |
| section 192A | judge | Judge |
| sections 192B(2), 193 and 194(1) | a crime | an offence |
| section 194(2) | crime | offence |
| sections 195 and 196(1) | a crime | an offence |
| section 196(3) | defined by | against |
| sections 197 to 202(1), 202B(1) to (3), 202C(1) to (3) and 202D(1) | a crime | an offence |
| section 202E | a crime referred to in the crime | an offence against the offence |
| section 204(g) | proceeding, | proceedings; |
| sections 204 and 205 | a crime | an offence |

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| sections 206, 207 and 208 | a crime defined by | an offence against |
| sections 210(1), 211(1) and 212(1) | a crime | an offence |
| section 213(2) | simple offence guilty of a simple offence and is | summary offence |
| section 213(3) | a crime is guilty of a crime and | an indictable offence |
| section 213(4) | other crime is guilty of a crime and | other indictable offence |
| section 213(5) | hereinbefore defined | against this section |
| section 213(6) | defined by | against |
| section 214(1) | a simple offence or crime which | an offence whether it is a summary offence or an indictable offence |
| | simple | summary |
| section 214(2) | a crime (<i>all references</i>) | an indictable offence |
| section 214(3) | a simple offence or crime | an offence |
| sections 215, 216(1), 217, 218(2), 219(1) and 220 to 224 | a crime | an offence |
| sections 225 and 226 | a crime, a crime | an indictable offence, an offence |
| section 226A(2)(b)(ii) | crime | offence |
| section 226B(1) and (2) | a crime | an offence |
| section 226B(3) | a crime referred to in | an offence against |

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| sections 227(1), (3) and (4) and 228(1) | a crime | an offence |
| section 228(2) | a crime defined by | an offence against |
| Part VII, Division 2A, note, after "Court" (all references) | | (Civil Procedure) |
| section 228C(1)(c) | a crime (all references) | an offence |
| section 228C(2)(a) | crime | offence |
| section 228D(1)(c) | a crime (all references) | an offence |
| section 228D(2)(a) | crime | offence |
| section 228E(1)(c) | a crime (all references) | an offence |
| section 228E(2) | crime | offence |
| section 229(1) | a crime (all references) | an indictable offence |
| | a crime. | an offence. |
| section 229(2)(d) | a crime defined by | an offence against |
| section 229(2) | a crime within the meaning of | an offence against |
| section 230 | a crime (all references) | an indictable offence |
| section 231, heading | a crime | indictable offence |
| section 231 | of a crime | of an indictable offence |
| | constituted a crime | constituted an indictable offence |
| | guilty of a crime | guilty of an offence |
| section 231B(1) | a crime | an offence |
| section 231B(2)(b) | crime | offence |
| section 231C(1) | a crime | an offence |

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| section 231C(3)(b) | crime | offence |
| section 231D, heading | Summary offence | Dealing with suspicious property |
| section 231E | under | against |
| section 232(1) | a crime | an offence |
| section 232(2) | under a crime or judge | against an offence |
| sections 233, 234(1), 235(1) and (2), 236, 237, 237H, 237J(1), (2) and (3), 237K(1), 237L(1), 241(1) and (2) and 242(1), (2) and (3) | a crime | an offence |
| section 242(2), note | <i>crime</i> | <i>offence</i> |
| section 243(1) to (3) | a crime | an offence |
| section 243(2), note | <i>crime</i> | <i>offence</i> |
| sections 244(1) and 246(1) and (2) | a crime | an offence |
| section 246(2), note | <i>crime</i> | <i>offence</i> |
| sections 247 and 258 | a crime | an offence |
| section 259 | the crime a crime | the offence an offence |
| sections 260 to 271, 272(1) and 273 to 275 | a crime | an offence |
| section 276(2) | under | against |
| sections 276B(1) and (2), 276C(1), 276D and 276E(1) and (2) | a crime | an offence |
| section 276F | a crime under | an offence against |
| section 278(1) | a crime | an indictable offence |

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| section 278(2) | a crime of any other kind or a simple crime or simple | any other |
| section 281, heading | crimes | indictable offence |
| section 281 | any crime is guilty of a crime | an indictable offence is guilty of an offence |
| section 282, heading | crimes | indictable offence |
| section 282 | any crime be a crime of a crime the crime | an indictable offence be an indictable offence of an offence the offence |
| section 283, heading | simple offences | summary offence |
| section 283 | simple a crime | summary an offence |
| sections 284, 285(1), 286, 288 and 289 | a crime | an offence |
| section 293 | crime | offence |
| section 295 | the trial of offenders | hearing and determining charges of offences |
| section 297(1) | judge thereof | Judge |
| section 297A(1) | a crime | an indictable offence |
| section 298(1) | a crime the crime | an indictable offence the offence |
| section 299 | a crime | an indictable offence |
| section 301(1) | a justice of the peace | the Local Court |
| section 301(2) | justice of the peace before whom he is brought | Local Court |
| section 308(1) | a crime (<i>all references</i>) | an indictable offence |

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| section 314, heading | whole heading | 314 Application to complaints if charge heard and determined summarily |
| section 314 | all words from "upon" to "crime" | , the charges against whom are heard and determined summarily |
| section 316(2) | the offence defined by | an offence against |
| section 317 | crime | offence |
| section 318 | crime defined by | offence against |
| section 319(1) | a crime defined by all words from "crime also" to "charged" | an offence against offence against the same section |
| section 319(2) | a crime defined by | an offence against |
| section 319(2)(a) | crime | offence |
| section 319(2)(b) | a crime defined by a crime | an offence against an offence |
| section 320(1) and (2) | a crime | an offence |
| section 326(2) | judge | Judge |
| section 327 | a crime punishable on being found guilty | an offence a charge of which may be heard and determined |
| section 328 | a crime defined by section 225 or any simple | an offence against section 225 or any summary |
| section 329 | a crime (<i>all references</i>) crime or crimes | an indictable offence offence or offences |
| section 336(3) | judges | Judges |

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| section 344(1) | a crime the crime | an indictable offence the offence |
| section 344(2) | justice of the peace crime | Local Court offence |
| section 372, heading | judge | Judge |
| section 372(1), (2)(a), (4) and (6) | judge <i>(all references)</i> | Judge |
| section 372(4) | judge | Judge |
| section 374 | all words from "proceeding" to "its" | proceedings of the court are not invalid by reason of their |
| section 376 | a crime | an indictable offence |
| section 377(1) | a crime defined by | an offence against |
| section 377(1)(a) and (c) | crime | offence |
| section 379(3) | justices of the peace dealing summarily with a crime | the Local Court to hear and determine the charge of an indictable offence summarily |
| Part IX, Division 7, heading | summary | summarily-triable |
| section 389, heading | summary | summarily-triable |
| section 389(1) to (5) | summary offence | summarily-triable offence |
| section 389(4) | court of summary jurisdiction <i>(all references)</i> | Local Court |
| section 389(5) | clerk of the court of summary jurisdiction | registrar of the Local Court |
| section 390, heading | summary | summarily-triable |
| section 390(1)(b) | summary offence | summarily-triable offence |

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| section 390(2) | summary offence | summarily-triable offence |
| | clerk of the court of summary jurisdiction | registrar of the Local Court |
| section 390(4) | clerk | registrar of the Local Court |
| section 390(4)(b) | court of summary jurisdiction | Local Court |
| section 391, heading | court of summary jurisdiction | Local Court |
| section 391(1) | summary | summarily-triable |
| section 391(2) | court of summary jurisdiction and clerk of the court of summary jurisdiction | Local Court and registrar of the Local Court |
| section 407(1) and (3) | judges (<i>all references</i>) | Judges |
| sections 407(3), 408(3) and (4), 409(4) and 410(b) | judge | Judge |
| section 412(1) | a crime the crime | an indictable offence the offence |
| section 414(1)(c) | a crime whether dealt with on indictment or summarily | an indictable offence |
| section 418 | judge | Judge |
| section 428(2) | judge thereof | Judge |
| section 429, heading | judge | Judge |
| section 429(1) | judge of the Court | Judge |
| section 429(2) | judge | Judge |
| section 430(1) and (2) | Judge thereof | Judge |
| | judge | Judge |

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| section 430(3) | judge thereof | Judge |
| section 433A(1) | a crime or | |
| section 433A(6)(a)(i) | a proceeding | proceedings |
| section 435(1) and (2) | justices of the peace | the Local Court |
| section 435A, heading | Treason, felony or other offences | Offences |
| section 435A | treason, a felony or other offences | an offence |
| section 437 | a crime | an offence |
| | proceeding | proceedings |
| section 438(2) | judge | Judge |
| section 439 | any crime | an indictable offence |
| section 443(1) | Justice | justice of the peace |

Schedule 5 Cross-border Justice Act further amended

section 79

| Provision | Amendment | |
|-------------------------------|--|---------------------------------|
| | <i>omit</i> | <i>insert</i> |
| section 5(2)(a) and (b) | magistrates | Local Court Judges |
| section 33(2) | magistrate (<i>all references</i>) | Local Court Judge |
| section 33, examples 1 to 3 | <i>magistrate</i> (<i>all references</i>) | <i>Local Court Judge</i> |
| section 35(4) | magistrate (<i>all references</i>) | Local Court Judge |
| section 35, examples 1 to 3 | <i>magistrate</i> (<i>all references</i>) | <i>Local Court Judge</i> |
| section 69(3) | magistrate | Local Court Judge |
| section 80 | Court of Summary Jurisdiction | Local Court |
| section 80, example 1 | <i>in WA</i> | <i>in SA</i> |
| section 80, examples 1 and 2 | <i>Court of Summary Jurisdiction</i> | <i>Local Court</i> |
| section 81 | Court of Summary Jurisdiction | Local Court |
| section 81, examples 1 and 2 | <i>Court of Summary Jurisdiction</i> | <i>Local Court</i> |
| section 85(1) | Judge of the Supreme Court | Supreme Court Judge |
| sections 90 and 91, example 1 | <i>An NT magistrate</i> | <i>The NT Local Court</i> |
| Part 13, Division 2, heading | to be magistrates | to be Local Court Judges |
| section 132, heading | magistrates | Local Court Judges |

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| section 132 | The <i>Magistrates Act</i> | Part 5 of the <i>Local Court Act</i> |
| | magistrates (<i>second reference</i>) | Local Court Judges |

Schedule 6 Domestic and Family Violence Act further amended

section 95

| Provision | Amendment | |
|----------------------------------|--|--|
| | <i>omit</i> | <i>insert</i> |
| Part 2.4, heading | Court of Summary Jurisdiction | Local Court |
| section 28(1) | CSJ | Local Court |
| sections 29(1) and (2)(c) and 30 | CSJ | Local Court |
| section 31 | clerk | registrar |
| section 32(1) | CSJ | Local Court |
| section 33, heading | clerk | registrar |
| section 33(1) and (2) | clerk CSJ | registrar Local Court |
| section 33(1), note | <i>Note</i> <i>clerk</i> | <i>Note for subsection (1)</i> <i>registrar</i> |
| section 33(2) | by the Chief Magistrate under the <i>Justices</i> | under the <i>Local Court</i> |
| section 34(1) | CSJ | Local Court |
| section 34(1)(a), (2) and (4) | clerk | registrar |
| section 35(1) and (3)(b) and (c) | CSJ (<i>all references</i>) | Local Court |
| section 36 | CSJ clerk | Local Court registrar |
| section 37(b) | CSJ | Local Court |
| section 38(1) | clerk | registrar |

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| section 39, heading | clerk | registrar |
| sections 39(1) and (3) and 40 | clerk (<i>all references</i>) | registrar |
| section 40, note | <i>clerk</i> | <i>registrar</i> |
| sections 41(1)(a)(ii) and (b) and 45(1) | CSJ | Local Court |
| sections 50, 54, 55(b), 56(1) and (2), 57(1)(a), (2) and (4), 58 and 61 | clerk | registrar |
| section 62, heading | clerk | registrar |
| sections 62(1) and (3) and 63 | clerk (<i>all references</i>) | registrar |
| section 63, note | <i>clerk</i> | <i>registrar</i> |
| sections 65(1) and (1A), 66(2)(b) and 67(1) to (3) | magistrate | Judge |
| section 68, heading | magistrate | Judge |
| section 68 | magistrate (<i>all references</i>) | Judge |
| section 69, heading | magistrate | Judge |
| sections 69(1), (2) and (4) and 70(1)(a) | magistrate | Judge |
| section 70(1)(b)(i) | magistrate's | Judge's |
| sections 71, 72, 73(3), 74(1) to (3), 75 and 76 | magistrate (<i>all references</i>) | Judge |
| section 77, heading | magistrate | Judge |
| sections 77 and 78(1) | magistrate (<i>all references</i>) | Judge |
| section 78(1)(b)(i) | magistrate's | Judge's |
| section 79 | magistrate | Judge |
| section 83 | clerk | registrar |

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| section 88(1) | the clerk | a registrar |
| section 88, example | <i>clerk</i> (<i>all references</i>) <i>CSJ</i> | <i>registrar</i> <i>Local Court</i> |
| sections 94(1) and (3) and 95(1) and (2) | clerk | registrar |
| section 100 | The clerk | A registrar |
| sections 110(2), 111(2) and 113(c)(iii) | magistrate | Judge |
| section 116 | Court or magistrate | issuing authority |
| section 117(1) | clerk | registrar |
| section 119(d) | magistrate | Judge |
| section 126(1) | Magistrate | Judge |

Schedule 7 Fines and Penalties (Recovery) Act further amended

section 103

| Provision | Amendment | |
|---|---|--|
| | <i>omit</i> | <i>insert</i> |
| section 3(1)(a)(ii) | and recognizances | |
| section 3(2) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 5, definition Registrar | whole definition | |
| section 5, at the end | | <i>Note for section 5 The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i> |
| section 24(1) | The Registrar | A registrar |
| section 29(3) | Registrar | registrar |
| sections 45(2)(a)(i) and (ii) and (b)(iii) and (3) and 46(1) and (3) to (6) | Court of Summary Jurisdiction | Local Court |
| section 46(2) | The Registrar of the Court of Summary Jurisdiction | A registrar the Local Court |
| sections 47(3)(b) and 48(1) | Court of Summary Jurisdiction (<i>all references</i>) | Local Court |
| section 71(3) and (4), after "justice" | | of the peace |
| sections 100, definition relevant officer and 103(2) | the Registrar | a registrar |

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| section 107(1) | all words after "judgment" | of the Local Court for the payment of that amount. |
| section 107(3) | Court of Summary Jurisdiction | Local Court in the exercise of its criminal jurisdiction |
| Part 8, heading | or recognizances | |
| section 108, definition forfeited recognizance | whole definition | |
| section 109(1) | or forfeited recognizance | |
| section 113(1)(i)(i) | or recognizance | |
| section 114(1)(b) | Registrars | registrars |

Schedule 8 Misuse of Drugs Act further amended

section 132

| Provision | Amendment | |
|---|--|--|
| | <i>omit</i> | <i>insert</i> |
| section 10 | under | against |
| section 11J(1) | magistrate | Local Court Judge |
| sections 11J(6) and 11P(6), after "Court" | | (Civil Procedure) |
| section 11T(2), (4), (5), (6) and (8) | court of summary jurisdiction | Local Court |
| section 11T, at the end | | (9) The jurisdiction conferred on the Local Court under this section is part of the Court's criminal jurisdiction. |
| section 19E, heading | magistrate | Local Court |
| section 19E(1) | a magistrate magistrate, | the Local Court Local Court, |
| section 19E(2), (3) and (4) | magistrate (all references) | Local Court |
| section 19F | a magistrate | the Local Court |
| section 19F(n) | , in the opinion of the magistrate, | the Local Court considers |
| section 19G(1) | A magistrate | The Local Court |
| section 19G(1)(b) | , in the opinion of the magistrate, | the Local Court considers that |
| section 19H | a magistrate the magistrate | the Local Court the Local Court |

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| section 19J(1) | a magistrate may have specified | the Local Court specifies |
| section 19J(2) | A magistrate | The Local Court |
| section 19K(1) | a magistrate | the Local Court |
| section 19M(1) and (2) | magistrate <i>(all references)</i> | Local Court |
| section 19R(a) | a magistrate | the Local Court |
| section 19R(b) | magistrate | Local Court |
| section 19S(1) and (2) | magistrate <i>(all references)</i> | Local Court Judge |
| section 34(11) | Judge or magistrate | Supreme Court Judge or Local Court Judge |
| section 35(4) | Court of Summary Jurisdiction <i>Justices</i> | Local Court <i>Local Court (Criminal Procedure)</i> |
| section 35A(1) and (2) | judge of the Supreme Court | Supreme Court Judge |
| section 36A(6)(a) to (d) | offence under | offence against |
| section 41 | a magistrate or a jury | the trier of fact |

Schedule 9 Prisoners (Interstate Transfer) Act further amended

section 135

| Provision | Amendment | |
|---|----------------------------------|---|
| | <i>omit</i> | <i>insert</i> |
| section 3(1), definitions <i>court of petty sessions</i> and <i>justice</i> | whole definition | |
| section 3(1), definition <i>default imprisonment</i> , paragraph (a) | , judge or justice | |
| section 3(1), at the end | | <i>Note for subsection (1)</i> <i>The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i> |
| section 3(2), after "justice" | | of the peace |
| section 12, heading | court of petty sessions | Local Court |
| section 12(1) | A court of petty sessions | The Local Court |
| | the court of petty sessions | the Local Court at the place |
| section 13 | all words from "The" to "shall:" | When the prisoner is brought before it, the Local Court must: |
| section 14, heading | court of petty sessions | Local Court |
| section 14(1) and (4) | court of petty sessions | Local Court |
| section 26(5)(a)(ii) | or magistrate | |
| section 30(2) | a justice | the Local Court |
| | the justice | the Local Court |

section 32

A court of petty
sessions

The Local Court

Schedule 10 Sentencing Act further amended

section 140

| Provision | Amendment | |
|---|--|---|
| | <i>omit</i> | <i>insert</i> |
| section 3(1), definition registrar | clerk or the judicial registrar of the Court of Summary Jurisdiction | registrar of the Local Court |
| section 3(1), at the end | | <i>Note for subsection (1)</i> <i>The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i> |
| section 5(2)(ha) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 14(4)(b)(ii) | Court of Summary Jurisdiction | Local Court |
| section 15(2)(b) | Justice <i>(all references)</i> | justice of the peace |
| section 15(3B) and (3C) | Court of Summary Jurisdiction <i>(all references)</i> | Local Court |
| sections 39(2) and 39M(1) and (2) | Justice <i>(all references)</i> | justice of the peace |
| section 42(4)(b)(ii) | Court of Summary Jurisdiction | Local Court |
| section 43(3)(b) | a Justice the Justice | the court the court |
| section 43(4C), (4D) and (4E) | Court of Summary Jurisdiction <i>(all references)</i> | Local Court |
| sections 48(2) and 48K(1) and (2) | Justice <i>(all references)</i> | justice of the peace |
| section 53A, heading | crime | offence |

| | | |
|--|--|--|
| sections 53A(1) and (12), definition <i>unlawful homicide</i> and 56(4) | crime | offence |
| section 65(1) | a crime | an offence |
| section 78K(4) | crime | offence |
| section 78N(2) | Justice <i>(all references)</i> | justice of the peace |
| section 85(3)(b)(ii) | Court of Summary Jurisdiction | Local Court |
| section 97AB(1)(b), after " <i>Court</i> " | | <i>(Civil Procedure)</i> |
| section 107(3A) | court of summary jurisdiction | Local Court |
| section 108A(1)(a) | Court of Summary Jurisdiction | Local Court |
| section 108A(1)(b) | magistrate <i>(all references)</i> | Court |
| section 108A(2) | magistrate | person constituting the Court |
| | the magistrate would have | would have been |
| section 108A(3) | a magistrate | the person |
| section 111(1)(b) | Court of Summary Jurisdiction | Local Court |
| section 114(5) and (6) | Justice <i>(all references)</i> | justice of the peace |
| section 114(7) | a magistrate and the magistrate | the Local Court and the Local Court |
| section 114(8) | all words from "a magistrate" to "her" | the Local Court and, if the Local Court is satisfied that the person |
| | the magistrate may | the Local Court may |

| | | |
|--|---|---|
| section 114(9) | a magistrate | the Local Court |
| | the magistrate <i>(all references)</i> | the Local Court |
| section 114(10) | magistrate | Local Court |
| section 114(11) | a magistrate | the Local Court |
| section 114(12) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| sections 115(5) to (8) and (10) and 123A(1)(a) and (b) | Court of Summary Jurisdiction | Local Court |
| section 123A(2)(b) | magistrate | Court |
| section 128(2)(d) | \$2,000 | 100 penalty units |
| Schedule 2, sections 175 and 176 | crime | indictable offence |
| Schedule 2, section 190 | or magistrates | |

Schedule 11 Serious Crime Control Act further amended

section 146

| Provision | Amendment | |
|--|---|--|
| | <i>omit</i> | <i>insert</i> |
| section 6, definition <i>Court of Summary Jurisdiction</i> | whole definition | |
| section 6, definition <i>registrar</i> , paragraph (b) | Court of Summary Jurisdiction – a Registrar | Local Court – a registrar |
| section 6, at the end | | <i>Note for section 6</i> <i>The Interpretation Act</i> <i>contains definitions and</i> <i>other provisions that may be</i> <i>relevant to this Act.</i> |
| section 10(2)(a) | Court of Summary Jurisdiction | Local Court |
| section 49, heading | Court of Summary Jurisdiction | Local Court |
| section 49(1) and (3) | Court of Summary Jurisdiction | Local Court |
| section 50(1) | Court of Summary Jurisdiction | Local Court |
| | magistrate <i>(all references)</i> | Local Court Judge |
| section 50(2) to (8) | magistrate <i>(all references)</i> | Judge |
| section 50(5)(a) and (8)(b)(ii) | Court of Summary Jurisdiction | Local Court |
| section 50(9) | magistrate | Judge |
| | Court of Summary Jurisdiction | Local Court |
| section 51(2) | Court of Summary Jurisdiction | Local Court |

| | | |
|--|---|---|
| section 51(5) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| sections 52(1), (3) and (4) and 59(1) | Court of Summary Jurisdiction | Local Court |
| section 60, heading | Court of Summary Jurisdiction | Local Court |
| section 60(1) | Court of Summary Jurisdiction | Local Court |
| section 60(3) | Court of Summary Jurisdiction <i>Justices</i> | Local Court <i>Local Court (Criminal Procedure)</i> |
| sections 61(1)(d) and 63(1) | Court of Summary Jurisdiction | Local Court |
| section 63(5) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 64(1) and (3) to (5) | Court of Summary Jurisdiction | Local Court |
| section 64(2) | Court of Summary Jurisdiction magistrate or Justices | Local Court Local Court Judge or justices of the peace |
| sections 67(1)(a)(ii), 70(1) and 73(1)(g) and (i) to (k) | Court of Summary Jurisdiction | Local Court |
| section 73(1)(f) and (h) | Court of Summary Jurisdiction magistrate | Local Court Local Court Judge |
| section 73(7), definition court | magistrate, the Court of Summary Jurisdiction | Local Court Judge, the Local Court |
| section 79(1)(b) | Court of Summary Jurisdiction | Local Court |

section 85(7), definition
former judicial officer,
paragraph (a), after "a"

Supreme Court

Schedule 12 Work Health Administration Act further amended

section 152

| Provision | Amendment | |
|--|---|--|
| | <i>omit</i> | <i>insert</i> |
| section 13(a) | magistrate | Judge |
| section 15(1) | <i>Act</i> court. | <i>Act and Local Court (Civil Procedure) Act</i> court in its civil jurisdiction. |
| section 18(4) | the Clerk | a registrar |
| Part 3, Division 2, heading | magistrate | Judge |
| section 21, heading | magistrate | Judge |
| section 21(1) | Magistrate magistrate (<i>all references</i>) | Judge Judge |
| section 21(2) | magistrate | Judge |
| sections 22(1), (2)(a) and (3), 23(1), (2)(a) and (3), 24(3) and 25(3) | Magistrate | Judge |
| section 28(2) | a Local | the Local |
| sections 30(2) and 31(1) and (3) | Magistrate | Judge |

Schedule 13 Youth Justice Act further amended

section 159

| Provision | Amendment | |
|--|--|---|
| | <i>omit</i> | <i>insert</i> |
| sections 24(1) to (5) and 30(3) to (5) and (7) and (8) | magistrate <i>(all references)</i> | Local Court Judge |
| section 31(1)(a) | a crime | an indictable offence |
| section 31(2)(a), (4), (5), (7) and (8) | magistrate | Local Court Judge |
| section 32(3), definition <i>relevant offence</i> | a crime | an offence |
| section 33(3), (5), (7) and (8) | magistrate | Local Court Judge |
| section 47(1) | A Registrar | A registrar |
| section 49(4) | a magistrate | the Court |
| section 55(1)(a) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| section 58(1)(b) | trial | hearing |
| section 121(4) | Justice | justice of the peace |
| section 132(d) | a court of summary jurisdiction | the Local Court |
| section 138(1) and (2)(a) | Court of Summary Jurisdiction <i>(all references)</i> | Local Court |
| section 140G(4) | Magistrate | Judge |
| section 144(2)(b), before "Judge" | | Supreme Court |

| | | |
|----------------|---|--|
| section 144(3) | all words from "Justices" to "Jurisdiction" | <i>Local Court (Criminal Procedure) Act</i> relating to appeals from the Local Court |
| section 146 | Judge of the Supreme Court | Supreme Court Judge |
| section 154(3) | magistrate | Local Court Judge |
| section 159(1) | a crime | an indictable offence |

Schedule 14 Other laws amended

section 160

| Provision | Amendment | |
|---|--|---|
| | <i>omit</i> | <i>insert</i> |
| <i>Bail Regulations</i> | | |
| regulation 4 | whole regulation | |
| Schedule, Form 1 | Court of Summary Jurisdiction/ <i>(all references)</i> | |
| | <i>Justice of the Peace</i> <i>(all references)</i> | <i>justice of the peace</i> |
| Schedule, Form 2 | <i>Justice of the Peace</i> | <i>justice of the peace</i> |
| Schedule, Form 3 | Court of Summary Jurisdiction / | |
| | Court of Summary Jurisdiction/ <i>Clerk</i> | <i>registrar</i> |
| | <i>Justice of the Peace</i> | <i>justice of the peace</i> |
| Schedule, Form 4 | Court of Summary Jurisdiction/ <i>Justice of the Peace</i> | <i>justice of the peace</i> |
| <i>Firearms Act</i> | | |
| section 3(1), definition <i>personal violence</i> <i>restraining order</i> , paragraph (a) | <i>Justices</i> | <i>Local Court (Criminal Procedure)</i> |
| <i>Housing Regulations</i> | | |
| Schedule 1, Part A, item 3, after "section" | | 9(2)(f), |

Misuse of Drugs RegulationsSchedule 3, Form 13,
after "**Court**"**(Civil Procedure)****Police Administration Act**section 4(1), definitions
Judge, justice and
magistratesection 4(1), definition
forensic procedure
approval,
paragraphs (a) and (b)

magistrate

Local Court Judge

section 101(1)

Judge of the Supreme
Court

Supreme Court Judge

section 116(1)

For the purposes of this
Part, unless the
contrary intention
appears

For this Part

section 116(2)

In this Part unless the
contrary intention
appears

For this Part

section 116(2)

*(in alphabetical order)***offence** means an
offence against a law of
the Territory or an Act
of the Commonwealth.

section 116(6)

whole subsection

section 116(8)

Judge, magistrate or
justice
*(all references)*court, judge or justice of
the peacesections 117(1) to (4)
and (6), 118(1) to (10),
120B(1), (5), (6) and
(8)(b)(i), 121(1) to (5)
and (7) and 122(1) to
(10), after "justice"
(all references)

of the peace

| | | |
|--|---|--|
| section 124(1) | Judge, magistrate or justice | Supreme Court Judge, Local Court Judge or justice of the peace |
| section 125(3) | A justice | The court |
| section 125(3)(b) | whole paragraph | (b) grant the person bail in accordance with the <i>Bail Act</i> as if the person had been charged with the similar offence mentioned in subsection (1); or |
| section 129(2) | without his entering into any recognizance or bail | |
| section 131(1) | without his entering into any recognizance or bail, | |
| section 133(1) | a justice | a court of competent jurisdiction |
| | the justice | the court |
| section 133(2) | a justice | the court |
| | the justice | the court |
| section 133AB(3)(d), after "justice" | | of the peace |
| Part VII, Division 4A, heading, before " Court " | | Local |
| section 133A, definition Court | whole definition | |
| sections 133B(1) and (2) and 133C(1)(c) and (d), (3) and (4), before "Court" (<i>all references</i>) | | Local |
| section 133D | Court, clerk of the | Local Court, Registrar of the Local |

| | | |
|--|--|--|
| section 133E | Court <i>Justices</i> | Local Court <i>Local Court (Criminal Procedure)</i> |
| Part VII, Division 6, heading | a justice or | |
| section 137, heading | justice or | |
| section 137(1) | a justice or | |
| section 138, heading | justice or | |
| section 138 | all words from "the justice" to "shall" | the court, the court considering the question must |
| section 138A, heading | justice or | |
| section 138A(3) | justice or | |
| section 145(2)(b), (3), (4) and (6) | magistrate | Local Court Judge |
| section 145A(1)(a) | a crime | an indictable offence |
| section 147B(3), definition relevant offence | a crime | |
| section 149(2), after "justice" | | of the peace |
| section 161(1) and (2)(b) and (c) | justice or magistrate (<i>all references</i>) | Local Court Judge or justice of the peace |
| section 162(5), before "Judge" | | Supreme Court |
| section 162(6), (7A)(b)(ii), (9) and (10) | magistrate | Local Court Judge |
| <i>Prisoners (Interstate Transfers) Regulations</i> | | |
| regulations 13(3), 14(1) and (2) and 16(1) | a court of petty sessions | the Local Court |
| regulation 22(2) | perons's | person's |

| | | |
|------------------|--|--|
| regulation 30(a) | a court of petty sessions | the Local Court |
| Schedule, Form 5 | COURT OF SUMMARY JURISDICTION court of summary jurisdiction at _____, at the court of summary jurisdiction Clerk of the Court of Summary Jurisdiction court of summary jurisdiction in | LOCAL COURT Local Court, at the Local Court Registrar of the Local Court Local Court in |
| Schedule, Form 6 | all words from " NOW," to "Court," | NOW, * this the [*Local Court/ Supreme Court], * _____, a person authorised by the Rules of the Supreme Court, |
| Schedule, Form 7 | COURT OF SUMMARY JURISDICTION undersigned magistrate constituting a court of summary jurisdiction at I, the undersigned magistrate constituting the above-named court, issue I, THEREFORE, HEREBY COMMAND Magistrate | LOCAL COURT Local Court this, the Local Court, issues THE LOCAL COURT, THEREFORE, COMMANDS Local Court Judge |

| | | |
|----------------------------------|---|---------------------------------------|
| Schedule, Form 8 | court of summary jurisdiction at (<i>court</i>) | Local Court, |
| | court of summary jurisdiction (<i>all other references</i>) | Local Court |
| | Judge of the Supreme Court (<i>all references</i>) | Supreme Court Judge |
| Schedule, Form 11, paragraph (a) | a justice at (<i>court</i>) | the Local Court at (<i>address</i>) |
| Schedule, Form 11, paragraph (b) | justice | Local Court |
| Schedule, Form 12 | COURT OF SUMMARY JURISDICTION | LOCAL COURT |
| | court of summary jurisdiction at for | Local Court for |
| | at the court of summary jurisdiction | at the Local Court |
| | Clerk of the Court of Summary Jurisdiction | Registrar of the Local Court |
| | court of summary jurisdiction in | Local Court in |

Public Transport (Passenger Safety) Regulations

Schedule, Part A,
item 3, after "section" 9(2)(f),

Youth Justice Regulations

| | | |
|---|---------------------|------------------------------------|
| regulation 32(1)(a) | Judge or magistrate | Supreme Court Judge or Youth Judge |
| Schedule 2, Forms 1, 2, 4, 5, 6 and 8 to 12 | Peace | peace |
| Schedule 2, Forms 10, 12, 14 and 15B | Magistrate | Youth Judge |

Weapons Control Act

section 15(4), definition
personal violence
restraining order,
paragraph (a)

Justices

*Local Court (Criminal
Procedure)*

Schedule 15 Laws repealed

section 161

| | |
|--|---|
| <i>Crimes (Victims Assistance) Rules</i> | Subordinate Legislation No. 43 of 2002 |
| <i>Justices Rules</i> | Subordinate Legislation No. 12 of 2011 |
| <i>Local Court Regulations</i> | Subordinate Legislation No. 39 of 1998 |
| <i>Amendments of Local Court Regulations</i> | Subordinate Legislation No. 10 of 2000 |
| <i>Amendment of Local Court Regulations</i> | Subordinate Legislation No. 23 of 2001 |
| <i>Amendments of Local Court Regulations</i> | Subordinate Legislation No. 45 of 2002 |
