

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT AMENDMENT (ASSOCIATE JUDGES) ACT 2017

Act No. 18 of 2017

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Schedule Other laws amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. 18 of 2017

An Act to amend the *Supreme Court Act*, and for related purposes.

[Assented to 5 September 2017]

[Second reading 10 May 2017]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Supreme Court Amendment (Associate Judges) Act 2017*.

2 Commencement

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

Part 2 Amendment of Supreme Court Act

3 Act amended

This Part amends the *Supreme Court Act*.

4 Section 9 amended

(1) Section 9(1), definition ***Master***

omit

- (2) Section 9(1)

insert (in alphabetical order)

Associate Judge means an Associate Judge of the Court, and includes a person authorised to act in the office of Associate Judge.

5 Section 11 amended

- (1) Section 11(1)

omit

Master

insert

Associate Judges

- (2) Section 11(2)

omit

the Master, by the Master

insert

an Associate Judge, by an Associate Judge

6 Section 15 amended

Section 15(d)

omit

the Master

insert

an Associate Judge

7 Section 25 amended

- (1) Section 25, heading

omit

Master, &c.

insert

Associate Judge, etc.

(2) Section 25(a) and (c)(i)

omit

the Master

insert

an Associate Judge

8 Section 26 amended

Section 26(1) and (3)

omit (all references)

the Master

insert

an Associate Judge

9 Section 27 amended

Section 27(1) and (2)

omit

the Master

insert

an Associate Judge

10 Section 28 amended

Section 28(c)

omit

the Master

insert

an Associate Judge

11 Section 29 amended

- (1) Section 29, heading

omit

Master

insert

Associate Judges

- (2) Section 29

omit

the Master

insert

an Associate Judge

- (3) Section 29(a), (b) and (c)

omit (all references)

he

insert

the Associate Judge or referee

- (4) Section 29(a)

omit

(but not including the power to commit for contempt)

12 Section 30 amended

Section 30

omit

the Master

insert

an Associate Judge

13 Section 33 amended

After section 33(4)

insert

- (5) Associate Judges have seniority, as between themselves, according to:
- (a) the dates on which their commissions took effect; or
 - (b) in the case of 2 or more commissions that took effect on the same date, according to the precedence assigned to them in their commissions.

14 Part II, Division 5A heading amended

Part II, Division 5A, heading

omit

Master

insert

Associate Judges

15 Section 41A amended

- (1) Section 41A, heading

omit

Master

insert

Associate Judges

- (2) Section 41A

omit

the Master

insert

an Associate Judge

16 Section 41B amended

Section 41B

omit

The Master

insert

An Associate Judge

17 Section 41C amended

(1) Section 41C(1)

omit

The Master

insert

An Associate Judge

(2) After section 41C(2)

insert

(3) The salary, allowances and other benefits to which an Associate Judge is entitled under subsection (1) must not be altered to the Associate Judge's detriment during the Associate Judge's term of office.

18 Section 41D amended

Section 41D

omit

The Master

insert

An Associate Judge

19 Section 41E amended

Section 41E

omit

The Master

insert

An Associate Judge

20 Section 41F amended

- (1) Section 41F, heading

omit

Master

insert

Associate Judge

- (2) Section 41F

omit

the Master from office if, and only if, the Master:

insert

an Associate Judge from office if, and only if, the Associate Judge:

21 Section 41G amended

- (1) Section 41G

omit

the Master

insert

an Associate Judge

- (2) Section 41G

omit

Public Service Act

insert

Public Sector Employment and Management Act

22 Section 41H amended

- (1) Section 41H, heading

omit

Master

insert

Associate Judge

- (2) Section 41H(1) and (2)

omit (all references)

of Master

insert

of Associate Judge

- (3) Section 41H(1)(b)

omit

the Master

insert

an Associate Judge

23 Section 41J amended

- (1) Section 41J(1)

omit

The Master

insert

An Associate Judge

- (2) Section 41J(1) and (2)

omit

of Master

insert

of Associate Judge

24 Section 41K amended

- (1) Section 41K, heading

omit

Master

insert

Associate Judge

- (2) Section 41K(1) and (3)

omit

The Master

insert

An Associate Judge

- (3) Section 41K(1) and (2)

omit

the Master

insert

an Associate Judge

25 Section 49 amended

Section 49(1) and (2)

omit (all references)

the Master

insert

an Associate Judge

26 Section 49A amended

(1) Section 49A, heading

omit

Master

insert

Associate Judges

(2) Section 49A

omit

the Master

insert

an Associate Judge

27 Section 53 amended

Section 53(4)

omit

the Master

insert

an Associate Judge

28 Section 55 amended

Section 55(2)(c)(i)

omit (all references)

the Master

insert

an Associate Judge

29 Section 83A amended

- (1) Section 83A(3)(b)
omit, insert
- (b) an Associate Judge;
- (2) Section 83A(8)
omit
- the Master
insert
- an Associate Judge

30 Section 90 inserted

After section 89

insert

90 Transitional matters for *Supreme Court Amendment (Associate Judges) Act 2017*

- (1) The person who is the Master of the Court immediately before the commencement day becomes a holder of the office of Associate Judge on the commencement day.
- (2) Any service of the person as Master of the Court before the commencement day is taken, on and after the commencement day, to be service as an Associate Judge.
- (3) The person:
- (a) holds the office of Associate Judge on the same terms and conditions as those on which the person held the office of Master of the Court; and
- (b) is not required to take an oath under section 41J.
- (4) A proceeding that was before the Master of the Court immediately before the commencement day:
- (a) becomes a proceeding before an Associate Judge; and
- (b) continues uninterrupted and is not affected by the enactment of the *Supreme Court Amendment (Associate Judges) Act 2017*.

- (5) A judgment given, order made or process issued by the Master of the Court before the commencement day has effect, on and after the commencement day, as if it were a judgment given, order made or process issued (as the case requires) by an Associate Judge.
- (6) A reference (in an Act or other document) to the Master of the Court is taken to be a reference to an Associate Judge, unless the context otherwise requires.
- (7) In this section:

commencement day means the day on which section 4 of the *Supreme Court Amendment (Associate Judges) Act 2017* commences.

31 Schedule 2 amended

Schedule 2

omit

Master

insert

Associate Judge

Part 3 Amendment of Criminal Code

32 Act amended

This Part amends the *Criminal Code*.

33 Section 190 amended

- (1) Section 190, before "Any"

insert

(1)

- (2) Section 190, at the end

insert

- (2) In this section:

judge means the following:

- (a) a Judge or Associate Judge of the Supreme Court;

(b) a Local Court Judge.

Part 4 Amendment of Interpretation Act

34 Act amended

This Part amends the *Interpretation Act*.

35 Section 17 amended

Section 17

insert (in alphabetical order)

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

Part 5 Consequential amendments

36 Other laws amended

The Schedule amends the laws mentioned in it.

Part 6 Expiry of Act

37 Expiry of Act

This Act expires on the day after it commences.

Schedule Other laws amended

section 36

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Absconding Debtors Act</i>		
section 4(1), definition <i>Master of the Supreme Court</i>	whole definition	
section 7(b)	the Master of the Supreme Court	an Associate Judge
<i>Agents Licensing Regulations</i>		
regulation 17(1)(c)(xi)	whole subparagraph	(xi) an Associate Judge;
<i>Bail Act</i>		
section 3(1), definition <i>Supreme Court Judge</i> , paragraph (b)	the Master of the Supreme Court <i>(all references)</i>	an Associate Judge
<i>Constitutional Convention (Election) Act</i>		
section 3, definition <i>Master</i>	whole definition	
sections 118(1), 119, 122(1)(a), 128(2) and (3) and 129	the Master	an Associate Judge
<i>Electoral Act</i>		
section 3, definition <i>Master</i>	whole definition	
section 238	the Master	an Associate Judge
sections 239, 240(1), 242(1), 248(2) and (3), 249, 250 and 255	Master	Associate Judge

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Evidence Act</i>		
section 49ZD(2)(a)(ii), before "a Master"		an Associate Judge or
<i>Juries Act</i>		
section 5(1), definition Master	whole definition	
section 15, heading	Master	Associate Judge
section 15	the Master (<i>first reference</i>)	an Associate Judge
sections 15 and 17A(1)	Master	Associate Judge
section 17A(2)	the Master	an Associate Judge
	he	the Judge or Associate Judge
section 27A(1)	he	the Deputy Sheriff
	the Master	an Associate Judge
section 27A(4)	he shall thereupon	the Sheriff or Deputy Sheriff must
	the Master	an Associate Judge
section 36	the Master that	an Associate Judge that
	Master, as	Associate Judge, as
<i>Justices of the Peace Act</i>		
Schedule 1	Master of the Supreme Court	Associate Judge

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Legal Profession Act		
section 4, definition Master	whole definition	
section 351, definition reviewer , paragraphs (a) and (b)	the Master	an Associate Judge
section 467(7), definition judicial officer , paragraph (b)	whole paragraph	(b) an Associate Judge; or
section 651(1)(a)	whole paragraph	(a) an Associate Judge; and
sections 651(4) and 655(2), (3) and (4)	Master (<i>all references</i>)	Associate Judge
section 687(2)(b)	whole paragraph	(b) an Associate Judge; or
Local Court (Criminal Procedure) Act		
section 178(1)	the Master	an Associate Judge
	him	Associate Judge or other proper officer
section 178(2)	the Master	an Associate Judge
Motor Accidents (Compensation) Act		
section 29A(2)	the Master of the Supreme Court	an Associate Judge
	the Master may	an Associate Judge may
Motor Accidents (Compensation) Appeal Tribunal Rules		
rule 3, definition Master	whole definition	
rule 4A, heading	Master	Associate Judge

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rule 4A	The Master	An Associate Judge
<i>Public Interest Disclosure Act</i>		
section 7(2)(b)	whole paragraph	(b) an Associate Judge; or
<i>Referendums Act</i>		
section 2, definition <i>Master</i>	whole definition	
section 62(3)(f)	the Master	an Associate Judge
sections 62(4) and (5), 63(2), 69 and 73	Master	Associate Judge
<i>Sheriff Regulations</i>		
regulation 2	whole regulation	
regulations 10(3), 12 and 17 and Schedule 1, item 14	the Master	an Associate Judge
<i>Status of Children Act</i>		
section 10(3)	the Master	an Associate Judge
<i>Supreme Court Regulations</i>		
Schedule, Part 2, item 5	Master's	Associate Judge's
<i>Trustee Act</i>		
section 22(4)	the Master	an Associate Judge