



NORTHERN TERRITORY OF AUSTRALIA

No. 40 of 1991

AN ACT

to amend the *Justices Act*

[Assented to 26 September 1991]

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

1. SHORT TITLE

This Act may be cited as the *Justices Amendment Act 1991*.

2. COMMENCEMENT

(1) This Act, except section 7, shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

(2) Section 7 shall come into operation on the commencement of the *Justices of the Peace Act 1991*.

3. PRINCIPAL ACT

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

4. COURTESY LETTERS

Section 60C of the Principal Act is amended -

(a) by omitting from subsection (1)(a) "14 days" and substituting "28 days from the date of the letter";

(b) by omitting from subsection (2) "14 days after the service" and substituting "28 days from the date of the courtesy letter"; and

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- (c) by omitting from subsection (3) "14 days after service" and substituting "28 days from the date of the letter".

5. REGISTRATION OF INFRINGEMENT PENALTIES

Section 60D(1) of the Principal Act is amended -

- (a) by omitting "within 14 days after service" and substituting "within 28 days from the date of the letter"; and
- (b) by omitting from paragraph (e) "14 days have elapsed since the courtesy letter was served" and substituting "28 days from the date of the courtesy letter have elapsed".

6. NEW SECTION

The Principal Act is amended by inserting after section 100AB the following:

"100ABA. CONSENT ORDERS

"(1) Notwithstanding section 100AB(1)(a)(b) and (c), but subject to this section, the Court or the Clerk (and for that purpose the Clerk has the necessary jurisdiction) may, with the consent of the defendant and the defendant's spouse, make an order under that section.

"(2) If the Clerk is not satisfied that an order referred to in subsection (1) should be made, he or she shall refer the application to the Court for decision.

"(3) Where the Clerk refers an application to the Court under subsection (2), the Court may -

- (a) make the order sought;
- (b) direct that a further affidavit be filed; or
- (c) give directions as to the application.

"(4) Where under subsection (3)(b) the Court directs that a further affidavit be filed, the Clerk may, on the filing of the affidavit, make the order sought.

"(5) Neither the Court nor the Clerk shall make an order in pursuance of this section unless the Court or the Clerk, as the case may be, has explained or caused to be explained to the defendant -

- (a) the purpose and effect of the proposed order;

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- (b) the consequences that may follow if the defendant fails to comply with the proposed order; and
- (c) the means by which the proposed order may be varied or revoked."

7. FURTHER AMENDMENTS

The Principal Act is further amended as provided in the Schedule.

SCHEDULE

Section 7

Provision	Amendment	
	omit	substitute
Section 4 - definitions of "Justice", "Justices", "Stipendiary Magistrate"	the whole definitions	
Sections 43 and 106A	"Special" (wherever occurring)	
Section 120(a)	"Special"	
Section 121A(3)		
- definition of "Court"	the whole definition	"'Court' means the Court constituted by a Magistrate;"
Section 122A	"the Chief Magistrate or a Stipendiary Magistrate"	"a Magistrate"
Section 123	"Special" (twice occurring)	
Section 124, 129 and 158	"Special"	
Section 161	"Special" (wherever occurring)	

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Provision	Amendment	
	omit	substitute
Sections 4A, 5, 6, 7, 8, 10, 10A, 11, 15, 16, 17, 18, 19, 19A, 189, 190, 191, 192, 193, 197, 198, 199, 200	the whole sections	
Schedule 1	the whole Schedule	