



# NORTHERN TERRITORY OF AUSTRALIA

---

No. 14 of 1989

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## AN ACT

to amend various Acts consequential on the  
passing of the *Local Court Act 1989*

**B**E 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:

[Assented to 5 June 1989]

### 1. SHORT TITLE

This Act may be cited as the *Local Court (Consequential Amendments) Act 1989*.

### 2. COMMENCEMENT

(1) Section 6 shall come into operation on the commencement of the *Small Claims Amendment Act 1988*.

(2) The remaining provisions of this Act shall come into operation on the commencement of the *Local Court Act 1989*.

### 3. REPEAL OF CYCLONE DISASTER ACTS

(1) The *Cyclone Disaster (Moratorium) Ordinance* (being Ordinance No. 2 of 1975) is repealed.

(2) The following Acts are repealed:

*Cyclone Disaster Emergency Ordinance 1975* (being Ordinance No. 1 of 1975)

*Cyclone Disaster Emergency Ordinance (No. 2) 1975* (being Ordinance No. 12 of 1975)

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*Local Court (Consequential Amendments)*

*Cyclone Disaster Emergency Ordinance (No. 3)  
1975 (being Ordinance No. 13 of 1975).*

4. REPEAL OF *WAGES ATTACHMENT ACT*

(1) The *Wages Attachment Act 1898* of the State of South Australia in its application to the Territory (being Act No. 697, 1898) is repealed.

(2) The *Wages Attachment Ordinance 1958* (being Ordinance No. 19 of 1958) is repealed.

5. AMENDMENT OF *MAGISTRATES ACT*

The *Magistrates Act* is amended -

- (a) by omitting the heading to Part IV and substituting the following:

"PART IV - JURISDICTION AND PROTECTION  
OF MAGISTRATES"; and

- (b) by inserting in Part IV, after section 19, the following:

"19A. PROTECTION OF MAGISTRATES

"A Magistrate has, in the performance of his or her duties as a Magistrate, the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge."

6. AMENDMENT OF *SMALL CLAIMS ACT*

The *Small Claims Act* is amended by omitting section 5 and substituting the following:

"5. PROCEEDINGS UNDER ACT

"Subject to and in accordance with the Rules, a person may institute proceedings in the Court with respect to a claim for -

- (a) the recovery of an amount not exceeding \$5,000;  
(b) the performance of work of a value not exceeding \$5,000;  
(c) relief from payment of money of an amount not exceeding \$5,000; and  
(d) the return or replacement of goods to a value not exceeding \$5,000."

Local Court (Consequential Amendments)

7. AMENDMENTS

The provisions of the Acts specified in the Schedule are amended as provided for in that Schedule.

SCHEDULE

Section 7

AMENDMENT OF ACTS

Provision	Amendment	
	omit	substitute
<i>Abattoirs and Slaughtering Act</i>		
Section 5 - definition of "Court"	the whole definition	"'Court' means the Local Court"
Section 20(1)	"a court of competent jurisdiction"	"the Court"
Section 20(2)	"A court of competent jurisdiction"	"The Court"
Section 20(3)	"a court of competent jurisdiction"	"the Court"
	"as the court"	"as the Court"
Section 20(4)	"A court of competent jurisdiction"	"The Court"
Section 20(5)	the whole subsection	
Section 27	the whole section	
<i>Absconding Debtors Act</i>		
Section 3	the whole section	
Section 4(1) - definition of "applicant"	the whole definition	"'applicant' means a person who applies for an order or warrant under this Act;

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
		'Court' means the Local Court or the Supreme Court;"
definitions of "Judge", "Justice" and "Local Court"	the whole definitions	
Section 5	"magistrate or Judge" (twice occurring)	"Court"
Section 6(1)	"magistrate or Judge"	"Court"
Section 6(2)	"magistrate or Judge"	"Court"
	"he is satisfied"	"it is satisfied"
Section 7	"magistrate or Judge who"	"Court that"
	"\$10,000" (twice occurring)	"\$40,000"
	"Clerk of the nearest"	"Registrar at the nearest office of the"
Section 11(2)(b)	"\$10,000" (twice occurring)	"\$40,000"
	"magistrate or Judge"	"Court"
	"a Judge"	"the Supreme Court"
Section 11(3)	"police station"	"police prison"
Section 12(c)	"magistrate or Judge"	"Court"
Section 13(1)	"Judge or magistrate"	"Court"
Section 13(1A)	"\$10,000"	"\$40,000"
	"a magistrate"	"the Local Court"
	"a Judge"	"the Supreme Court"
Section 13(2)(b)	"Judge"	"Court"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 14(1)	"Judge or magistrate"	"Court"
	"he sees fit"	"it thinks fit"
Section 14(2)	"magistrate or Judge"	"Court"
	"he is satisfied"	"it is satisfied"
Section 15	"magistrate or Judge" (wherever occurring)	"Court"
Section 16	"magistrate or Judge" (twice occurring)	"Court"
	"he thinks fit"	"it thinks fit"
Section 17	"magistrate or Judge"	"Court"
	"he shall order"	"it shall order"
Section 18(2)	"a magistrate"	"the Local Court"
	"a Judge"	"the Supreme Court"
Section 18(3)	"magistrate or Judge"	"Court"
	"if he"	"if it"
Section 18(4)	"magistrate or Judge"	"Court"
	"he thinks fit"	"it thinks fit"
Section 19(1)	"magistrate or Judge"	"Court"
	"under the <i>Local Courts Act</i> or the <i>Supreme Court Act</i> as the case may be"	
Section 19(2)	"magistrate or Judge"	"Court"
Section 19(3)	"magistrate or Judge"	"Court"
	"he thinks fit"	"it thinks fit"
	"the Local Court or the Supreme Court, as the case may be,"	"the Court"

*Local Court (Consequential Amendments)*

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 19(4)	"the Supreme Court or Local Court, as the case may be,"	"the Court"
Section 20(1)	"a Judge"	"the Supreme Court"
	"a magistrate"	"the Local Court"
Section 20(3)	"the Judge" (twice occurring)	"the Supreme Court"
Section 21	the whole section	"The Supreme Court may make such orders in respect of an application under section 20 as it thinks fit."
Section 23	"a Judge"	"the Court"
Section 26	"a magistrate or Judge"	"the Court"
	"\$10,000" (twice occurring)	"\$40,000"
Section 27(a)	"or a Judge thereof"	
Section 28	the whole section	
<i>Auctioneers Act</i>		
Section 8	all words after "may appeal"	"to the Local Court."
Section 8A	all words before paragraph (b)	"The Local Court -"
<i>Caravan Parks Act</i>		
Section 13A(1)	"a Magistrate"	"the Local Court"
Section 13A(2), (6) and (7)	"A Magistrate"	"The Local Court"
Section 13A(3) and (5)	"the Magistrate"	"the Local Court"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Claims by and against the Government Act</i>		
Section 8(1)	"Clerk"	"Registrar"
<i>Construction Safety Act</i>		
Section 26(1)	"a Magistrate"	"the Coroner's Court"
Section 26(2)	"A Magistrate so directed"	"The Coroner's Court"
Section 26(3)	the whole subsection	
<i>Coroners Act</i>		
Section 8(2)	"the clerk of"	"the Registrar at"
<i>Credit Unions Act</i>		
Section 29(2)	"apply to a magistrate for a review of"	"appeal to the Local Court against"
Section 29(3)	"the review"	"an appeal"
	"the magistrate"	"the Local Court"
Section 29(4)	"The magistrate"	"The Local Court"
<i>Crimes Compensation Act</i>		
Section 4(1) - definition of "Court"	the whole definition	"'Court' means the Local Court"
<i>Dangerous Goods Act</i>		
Section 38(1)	"a magistrate"	"the Local Court"
Section 38(3)	"A magistrate"	"The Local Court"
	"as he thinks fit"	"as it thinks fit"
Section 38(4)	"a magistrate"	"the Local Court"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 38(5)	"A magistrate"	"The Local Court"
Section 38(6)	"a magistrate"	"a Local Court"
<i>Disposal of Uncollected Goods Act</i>		
Section 3 - definition of "court"	"a Local Court"	"the Local Court"
Section 21	the whole section	"21. APPLICATION TO BE IN ACCORDANCE WITH RULES  "All applications under this Act to the Court shall be in accordance with the Rules of Procedure of the court."
<i>Dog Act</i>		
Section 61	all words after "notice of the decision,"	"appeal to the Local Court"
Section 62	the whole section	
Section 63	the whole section	
<i>Electrical Workers and Contractors Act</i>		
Section 47	"a Local Court"	"the Local Court"
Section 49(1)	"to which an appeal under section 47 has been made"	
<i>Exotic Diseases (Animals) Compensation Act</i>		
Section 8(3)(b)	the whole paragraph	"(b) in the Local Court, if within its juris- dictional limit."



Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 8(8) <i>Fences Act</i>	"a Local Court"	"the Local Court"
Section 5(1) - definition of "court"	"a Local Court"	"the Local Court"
Sections 5(2), 6, 8, 9, 10, 13, 14, 15 and 17	"a court" and "A court" (wherever occurring)	"the court" and "The court" respectively
Section 18	"A court"	"The court"
Section 19  <i>Firearms Act</i>	"any court of competent jurisdiction"	"the court"
Section 72	"a Court of Summary Jurisdiction"	"the Local Court"
Section 73	"Clerk of the Court of Summary Jurisdiction"	"Registrar of the Local Court"
Section 76	"A Court of Summary Jurisdiction"	"The Local Court"
Section 77(1)	"A Court of Summary Jurisdiction"	"The Local Court"
Section 77(2)  <i>Hawkers Act</i>	"a Court of Summary Jurisdiction"	"the Local Court"
Section 3 - definition of "court of summary jurisdiction"	the whole definition	
Section 7A	"a court of summary jurisdiction"	"the Local Court"

*Local Court (Consequential Amendments)*

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Hire Purchase Act</i>		
Section 5(1) - definition of "court"	the whole definition	"'Court' means the Local Court"
Section 14	"a court"	"the Court"
Section 48(1)	"Upon complaint"	"On a claim"
	"any justice of the peace"	"the Court"
	"a court"	"the Court"
	"the court hearing the case"	"the Court"
	"the court" (second occurring)	"it"
<i>Inspection of Machinery Act</i>		
Section 65A(1) and (2)	"a magistrate"	"the Local Court"
Section 65A(3)	all words before "determines"	"The Local Court shall conduct a hearing in such manner as it"
Section 65A(4)	"a magistrate hearing an appeal made under sub-section (1)"	"the Local Court"
Section 65A(5)	"A magistrate to whom an appeal under sub- section (1) has been made"	"The Local Court"
Section 65(6)	"a magistrate"	"the Local Court"
<i>Interpretation Act</i>		
Section 17 - definition of "Local Court"	"a court established by or under the <i>Local Courts Ordinance</i> "	"the Court established by the <i>Local Court Act</i> "

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Juvenile Justice Act</i>		
Section 16	"Clerk of the Local Court"	"Registrar of the Local Court"
Section 17	the whole section	
Section 43(1)	"Clerk"	"Registrar"
<i>Land and Business Agents Act</i>		
Section 85(1) and (2)	"a Stipendiary Magistrate"	"the Local Court"
Section 85(3)	"a Stipendiary Magistrate who hears"	"the Local Court in relation to"
	"the Stipendiary Magistrate requires"	"the Court requires"
Section 85(5)	"A Stipendiary Magistrate" and "the Stipendiary Magistrate"	"The Local Court" and "the Court" respectively
Section 85(6) and (7)	the whole subsections	"(6) When the Local Court sets aside or varies a decision of the Board, it shall set out in its decision the reasons for the decision.  "(7) All appeals under this section shall be in accordance with the Rules of Procedure of the Local Court."
Section 101(1)	"a Stipendiary Magistrate"	"the Local Court"
Section 101(2)	"A Stipendiary Magistrate" and "if he thinks fit"	"The Local Court" and "if it thinks fit" respectively

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Motor Vehicle Dealers Act</i>		
Section 26(1)	"a magistrate appointed under the <i>Magistrates Act</i> "	"the Local Court"
Section 26(2)	"A magistrate appointed under the <i>Magistrates Act</i> "	"The Local Court"
<i>Notifiable Diseases Act</i>		
Section 12(1)	"a magistrate"	"the Local Court"
Section 12(2)	"A magistrate before whom an appeal under sub-section (1) is brought"	"The Local Court, after considering an appeal under subsection (1),"
	"as he thinks fit"	"as it thinks fit"
<i>Nursing Act</i>		
Section 24	"a magistrate"	"the Local Court"
Section 26(1)	the whole subsection	"(1) The Local Court shall conduct a hearing into the grounds for the Board's decision appealed against under section 24."
Section 26(2)	"a magistrate hearing an appeal under section 24"	"the Local Court"
Section 26(3)	"A magistrate to whom an appeal under section 24 has been made"	"The Local Court, after considering an appeal under section 24"
	"he thinks fit"	"it thinks fit"
	"his own"	"its"
Section 26(4)	"in his order"	"in the order"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Pawnbrokers Act</i>		
Section 5 - definition of "clerk of the court"	the whole definition	
definition of "Court"	the whole definition	"'Court' means the Local Court"
definition of "saleable pawn"	the whole definition	"'Registrar' means Registrar of the Court;  'saleable pawn' means a pawn the redemption period in respect of which has expired."
Section 7	"the clerk of the court in the district in which the person carries on or intends to carry on business as a pawnbroker"	"the Registrar"
Section 8	"The clerk of the court"	"The Registrar"
Section 10(1)	"the clerk of the court" (first occurring) and "the clerk of the court to whom an application under section 7(1) was made"	"the Registrar"
Section 10(2)	"the clerk of the court to whom the appli- cation under section 7(1) the subject of the objection was made"	"the Registrar"
Section 11(1)	"The court"	"The Court"
Section 11(2)	the whole subsection	
Section 11(3)	"The court"	"The Court, on"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 15(1)	"the clerk of the court who or the clerk of the court which granted the licence that the licence held by a licensed pawnbroker be cancelled"	"the Registrar to cancel the licence of a licensed pawnbroker"
Section 16	all words before "as soon as practicable"	"The Registrar, on receiving a request under section 15, shall"
Section 17(1), (3), (4) and (6)	"The court"	"The Court"
Section 17(2)	the whole subsection	
Section 35	"court" (wherever occurring)	"Court"
Section 35(1)	"a magistrate"	"the Court"
Section 36	"The clerk of a court"	"The Registrar"
Section 41	the whole section	"All applications under this Act to the Registrar or the Court shall be in accordance with the Rules of Procedure of the Court."
<i>Pet Meat Act</i>		
Section 41	"a Local Court"	"the Local Court"
Section 43	"to which an appeal under section 41 has been made"	
<i>Plant Diseases Control Act</i>		
Section 20(3)	"a Court of Summary Jurisdiction"	"the Local Court"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Pounds Act</i>		
Section 36(1)	"any Court of Summary Jurisdiction"	"the Local Court"
<i>Prevention of Cruelty to Animals</i>		
Section 3	the definition of "Justice"	
Section 3 - definition of "the Court"	"Special Magistrate or Justice hearing the complaint"	"Court of Summary Jurisdiction"
Section 7(3)	"before a Special Magistrate or 2 Justices (other than the Justice who signed the notice)"	"before the Court"
Section 7(4)	"any Justice"	"the Court"
	"the Justice shall issue his summons"	"the Court shall issue a summons"
	"any Special Magistrate or 2 Justices, who may in their discretion"	"the Court, which may in its discretion"
Section 12(2)	"apprehension"	"arrest"
Section 14(2)	"The Special Magistrate or Justices who hear the case"	"The Court"
	all words after "saddle and harness"	"had been the subject of a warrant of seizure and sale issued by the Local Court."

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 17	"a Special Magistrate or a Justice"	"the Court"
	"the Magistrate or Justice may, by writing under his hand,"	"it may, by order,"
Section 19(1)	"the Special Magistrate or Justices before whom the complaint is laid may"	"the Court may"
	"him"	"it"
Section 19(2)	"the Special Magistrate or Justices before whom the driver or other employee is required to be produced may"	"the Court may"
Section 20(1)	"by complaint before a Special Magistrate or 2 Justices"	"as a debt in the Local Court"
<i>Private Hospitals and Nursing Homes Act</i>		
Section 29(1)	"a magistrate"	"the Local Court"
Section 29(3)	"A magistrate to whom an appeal under subsection (1) has been made"	"The Local Court"
Section 29(4)	"a magistrate"	"the Local Court, in"
Section 29(5)	all words before paragraph (a)	"(5) The Local Court shall determine an appeal under subsection (1) by -"
	"he thinks fit"	"it thinks fit"
Section 29(6)	"a magistrate"	"the Local Court"



Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Records of Depositions Act</i>		
Section 3 - definition of "court"	the whole definition	"'court' means a court to which this Act applies;"
Section 4	the whole section	"4. APPLICATION OF ACT  "This Act applies to and in relation to the following courts:  (a) the Court of Summary Jurisdiction;  (b) the Local Court;  (c) the Juvenile Court;  (d) the Coroner's Court;  (e) the Family Matters Court;  (f) the Work Health Court; and  (g) the warden's courts."
Section 12	paragraphs (a) and (b)	
Section 12(c)	"of the Northern Territory of Australia"	
Section 12(e)	"Justices Ordinance"	"Justices Act"
Sections 15 and 16(1)(b) and (d)	"sub-section (1) of section 13"	"section 13(1)"
Section 17	"Justices Ordinance"	"Justices Act"
	"section 27 of the Coroners Ordinance"	"section 29 of the Coroners Act"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Sections 1, 2, 3, 4, 12(e), 17 and 19(f)	"Ordinance" (wherever occurring)	"Act"
<i>Radiographers Act</i>		
Section 16(1)	"a Magistrate"	"the Local Court"
Section 16(2)	"the Magistrate"	"the Local Court"
Section 16(5)	"The Magistrate hearing an appeal"	"The Local Court"
Section 16(6)	the whole subsection	"(6) The Local Court may order that one party to an appeal under this section pay to the other such costs as it thinks fit."
<i>Seeds Act</i>		
Section 16(1)	"a Stipendiary Magistrate, appointed under the <i>Justices Ordinance</i> "	"the Local Court"
Section 16(2) and (4)	"the Magistrate"	"the Local Court"
Section 16(5)	"The Magistrate hearing an appeal"	"The Local Court"
Section 16(6)	"the Magistrate"  "he may"	"the Local Court"  "it may"
Section 17(2)	"the Magistrate" (twice occurring)  "the Magistrate's decision"	"the Local Court"  "the Local Court's decision"
<i>Small Claims Act</i>		
Section 4(1) - definitions of "Clerk" and "Court"	the whole definitions	"'Court' means the Local Court;"

Local Court (Consequential Amendments)

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
definition of "Supreme Court"	the whole definition	"'Registrar' has the same meaning as in the <i>Local Court Act</i> ;"
Section 8	the whole section	
Section 13	"Clerk"	"Registrar"
Section 23(1)	all words after "claim"	"be dealt with as if it had been commenced under the <i>Local Court Act</i> , and give such directions as it thinks appropriate."
Section 24(1)	all words after "claim" (first occurring)	"be dealt with as if it had been commenced under this Act, and give such directions as it thinks appropriate"
Sections 30, 39 and 40	the whole sections	
Section 42	"Clerk" (wherever occurring)	"Registrar"
Section 45(1)	"Clerk"	"Registrar"
Section 45(2)	the whole subsection	"(2) The same fees are payable in proceedings for -  (a) the enforcement of a judgment; or  (b) the personal service of a document under this Act,  as are payable under the <i>Local Court Act</i> in respect of those matters in the Local Court."
Sections 46 and 48(1)	"Clerk" (twice occurring)	"Registrar"
Section 49	"Clerk"	"Registrar"

*Local Court (Consequential Amendments)*

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Schedule	"Clerk" (wherever occurring)	"Registrar"
<i>Small Claims Amendment Act 1988 (No. 43, 1988)</i>		
Section 4(a)	the whole paragraph	
Section 8 - proposed section 9(1) and (2)	"Clerk"	"Registrar"
Section 21	"'The Clerk of the Court'"	"'The Registrar'"
Section 25 - proposed section 50(2)	"Clerk" (twice occurring)	"Registrar"
<i>Tenancy Act</i>		
Section 4 - definition of "Local Court"	the whole definition	
definition of "Registrar"	the whole definition	"'Registrar' means the Registrar of the Local Court;"
<i>Therapeutic Goods and Cosmetics Act</i>		
Section 54	"a Local Court"	"the Local Court"
Section 56(1)	all words before paragraph (a)	"The Local Court -"
<i>Warehousemen's Liens Act</i>		
Section 3 - definition of "Local Court of Full Juris- diction"	the whole definition	

*Local Court (Consequential Amendments)*

SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 7	"Penalty: 20 dollars"	"Penalty: \$200"
Section 8(8)	"of Full Jurisdiction nearest to the premises of the warehouseman"	
Section 9(3)	"5 per centum"	"12%"
Section 11(1)	"of Full Jurisdiction nearest to the premises of the warehouse"	
	"100 dollars"	"\$500"
Section 11(2)	"Clerk of that Court"	"Registrar"
	"Penalty: 20 dollars"	"Penalty: \$200"
Section 14	the whole section	
<i>Work Health Act</i>		
Section 101(1)	the whole subsection	"(1) A Registrar of the Local Court is an Assistant Registrar of the Work Health Court unless he or she has been appointed as the Registrar of the Work Health Court."
Section 101(2) and (3)	the whole subsections	