



NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1985

AN ACT

To amend the *Justices Act*

[Assented to 1 April 1985]

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 1985*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

In this Act the *Justices Act* is referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended by inserting after the definition of "Special Act" the following:

"'Stipendiary Magistrate' means a Stipendiary Magistrate appointed under section 4 of the *Magistrates Act* or the Chief Magistrate within the meaning of that Act;".

5. APPOINTMENT OF JUSTICES

Section 10 of the Principal Act is amended by adding at the end the following:

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"(3) Without limiting the generality of sub-section (2), an appointment under sub-section (1) may be expressed to remain in force for as long only as the person appointed holds a particular office, is employed in a particular capacity or resides in a particular location and on a person so appointed ceasing to hold that office, to be employed in that capacity or to reside in that location he ceases to be a Justice of the Peace."

6. NEW SECTION

The Principal Act is amended by inserting after section 10 the following:

"10A. EX OFFICIO JUSTICES

"A person who holds the office of Judge of the Supreme Court, magistrate or clerk or assistant clerk of the Court of Summary Jurisdiction or a Local Court shall, by virtue of his holding that office, be a Justice of the Peace for the Territory."

7. OATHS OF OFFICE, &c.

Section 11 of the Principal Act is amended -

(a) by omitting sub-sections (1) and (2) and substituting the following:

"(1) A Justice of the Peace, other than a Justice referred to in section 10A, shall, before proceeding to exercise the powers or discharge the duties of his office, take an oath of office and of allegiance.

"(2) Subject to this section, an oath referred to in sub-section (1) may be taken before the Attorney-General or in the Supreme Court either in open court or before a Judge of the Court in chambers.

"(2A) Where the usual place of residence of a Justice of the Peace is not further than 30 kilometres from either the Darwin Post Office or the Alice Springs Post Office, an oath referred to in sub-section (1) may be taken by him as provided in sub-section (2) or before a Stipendiary Magistrate sitting in open court or in chambers.

"(2B) Where the usual place of residence of a Justice of the Peace is further than 30 kilometres from both the Darwin Post Office and the Alice Springs Post Office, an oath referred to in sub-section (1) may be taken by him as provided in sub-section (2) or (2A) or before a commissioner for taking affidavits in the Supreme Court or a Commissioner for Oaths appointed under section 17 of the *Oaths Act*."

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- (b) by inserting in sub-section (3), after "Commissioner" (twice occurring) ", Commissioner for Oaths";
- (c) by omitting from sub-section (3) "the Crown Solicitor" and substituting "the Departmental Head, within the meaning of the *Public Service Act*, of the Department primarily responsible to the Minister for the administration of this Act";
- (d) by omitting from sub-section (4) "The Crown Solicitor shall keep a Roll of Justices in such form and containing such information" and substituting "The Departmental Head referred to in sub-section (3) shall keep a Roll of Justices in such form and containing such information relating to Justices, other than Justices referred to in section 10A,"; and
- (e) by omitting from sub-section (4) "persons assigned by Her Majesty's Commission to act as Justices" and substituting "them".

8. VACATION OF OFFICE OF JUSTICE

Section 18 of the Principal Act is amended -

- (a) by omitting from sub-section (1)(b) "his creditors;" and substituting "his creditors; or";
- (b) by omitting from sub-section (1) paragraph (c);
- (c) by omitting from sub-section (1) all words after paragraph (d) and substituting the following:

"he shall thereupon cease to hold office as a Justice."; and

- (d) by omitting sub-section (2) and substituting the following:

"(2) The Administrator shall remove from office a Justice who has been convicted of an offence where he considers that, by reason of the conviction, the Justice should cease to be a Justice.

"(2A) The Departmental Head referred to in section 11(3) shall remove from the Roll of Justices the name of a Justice who has died or for any other reason ceases to hold office as a Justice and may publish in the *Gazette*, in such form as he thinks fit, a notification of that fact."

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9. TRANSITIONAL

The amendments effected by section 6 shall apply only to and in relation to Justices appointed under section 10 of the Principal Act, as amended by this Act, on or after the commencement of this Act or who were appointed before that commencement under that section as then in force but who had not taken the required oaths before that commencement.
