



NORTHERN TERRITORY OF AUSTRALIA

No. 62 of 1982

AN ACT

To amend the *Justices Act*

[Assented to 8 October 1982]

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 1982*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Bail Act 1982*.

3. PRINCIPAL ACT

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

4. REPEAL

The provisions of the Principal Act specified in column 1 of the Schedule are repealed to the extent provided in column 2 of the Schedule.

5. INTERPRETATION

Section 4 of the Principal Act is amended by omitting all words after the definition of "The Territory".

Justices Amendment

6. DEFENDANT ON APPREHENSION TO BE BROUGHT BEFORE JUSTICE

Section 59 of the Principal Act is amended by omitting "or discharge him upon recognizance," and substituting "or grant him bail in accordance with the *Bail Act*."

7. REMAND OR DISCHARGE ON BAIL

Section 60(2) of the Principal Act is amended by omitting all words after "as provided in sub-section (1)," and substituting "grant him bail in accordance with the *Bail Act*."

8. REPEAL AND SUBSTITUTION

Section 62A of the Principal Act is repealed and the following substituted:

"62A. PROCEDURE WHERE PERSON GRANTED BAIL FAILS TO APPEAR

"If a defendant who has been apprehended, whether under or without a warrant, and released on bail in accordance with the *Bail Act*, fails to appear in accordance with his bail undertaking, the Court, in addition to issuing a warrant under section 39 of that Act, may -

- (a) adjourn the hearing until the defendant is apprehended; or
- (b) proceed *ex parte* to the hearing of the complaint and may adjudicate on the complaint as fully and effectually, to all intents and purposes, as if the defendant had appeared in accordance with his bail undertaking."

9. POWER OF THE COURT OR A JUSTICE TO ADJOURN HEARING

Section 65 of the Principal Act is amended -

- (a) by omitting from sub-section (3) all words after "the Court or the Justice" (second appearing) and substituting "may remand the defendant into custody, grant him bail in accordance with the *Bail Act*, or dispense with the requirements for bail pursuant to the *Bail Act*"; and
- (b) by omitting from sub-section (5) ", who has been suffered to go at large or discharged upon recognizance as provided in sub-section (3)," and substituting ", who has been released on bail in accordance with the *Bail Act* or in respect of whom the requirement of bail has been dispensed with pursuant to that Act,".

Justices Amendment

10. PROCEDURE ON COMPLETION OF EXAMINATION

Section 112(3)(b) of the Principal Act is amended by omitting "admit him to bail as provided by Division 4;" and substituting "grant him bail in accordance with the *Bail Act*";.

11. POWER TO ADMIT TO BAIL IN LIEU OF REMAND

Section 114 of the Principal Act is amended by omitting all words after "appears or is brought" and substituting "may grant him bail in accordance with the *Bail Act*."

12. TRANSMISSION OF DOCUMENTS TO SUPREME COURT UPON COMMITMENT FOR TRIAL

Section 116(1) of the Principal Act is amended -

- (a) by omitting "admitted to bail"; and
- (b) by omitting "all recognizances of witnesses and of bail." and substituting "all recognizances of witnesses, bail undertakings and conditions of bail entered into."

13. ON PLEA OF GUILTY DEFENDANT TO BE COMMITTED OR GRANTED BAIL BEFORE SENTENCE

Section 136(1) of the Principal Act is amended -

- (a) by omitting from paragraph (b) the words "admit him to bail as provided by Division 4;" and substituting "grant him bail in accordance with the *Bail Act*";; and
- (b) by omitting from paragraph (c) "committal or admission to bail" and substituting "committal or grant of bail".

14. TRANSMISSION OF DOCUMENTS TO SUPREME COURT

Section 139 of the Principal Act is amended by omitting "or admitted to bail" and substituting "or granted bail".

15. WITHDRAWAL OF PLEA AND SUBSTITUTION OF PLEA OF NOT GUILTY

Section 141 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "or admitted to bail" and substituting "or granted bail"; and

Justices Amendment

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

"(b) if granted bail to appear for sentence, shall be deemed to have been granted bail to appear for trial, and any bail undertaking or condition by whomsoever entered into in connection with the grant of bail, shall be construed accordingly."

16. COURT TO SENTENCE ACCORDINGLY UNLESS THE JUDGE ADVISES WITHDRAWAL OF THE PLEA

Section 142 of the Principal Act is amended by omitting "committed or admitted to bail" and substituting "committed or granted bail".

17. RELEASE OF APPELLANT IN CUSTODY

Section 168(1) of the Principal Act is amended by omitting "upon his entering into a recognizance with or without sureties, conditioned for his appearance" and substituting "on bail in accordance with the *Bail Act*, subject to an undertaking that he appear".

18. AFTER DECISION ON APPEAL JUSTICES MAY ENFORCE SAME

Section 170(1A) of the Principal Act is amended by omitting "liberated upon recognizance on appeal" and substituting "released on bail under the *Bail Act* pending the outcome of his appeal".

Justices Amendment

SCHEDULE

Section 4

Column 1	Column 2
Provision	Extent of Repeal
Section 21	The whole section
Section 30	The whole section
Section 33B	The whole section
Division 6A of Part III	The whole Division
Section 38	Sub-section (2)
Section 39	Proviso to sub-section (2)
Section 39A	The whole section
Division 4 of Part V	The whole Division