

THE NORTHERN TERRITORY OF AUSTRALIA

No. 12 of 1981

AN ACT

To amend the Magistrates Act

[Assented to 9 January 1981]

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 Magistrates Amendment Act 1980.

2. PRINCIPAL ACT

The Magistrates Act is in this Act referred to as the Principal Act.

3. COMMENCEMENT

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

4. REPEAL AND SUBSTITUTION OF SECTION 10

Section 10 of the Principal Act is repealed and the following section substituted:

"10. REMOVAL FROM OFFICE

"A Magistrate appointed under section 4(3) shall not be removed from office unless -

(a) he has failed to comply with a direction given by the Chief Magistrate under section 13(2); or

(b) the Administrator is satisfied that the Magistrate is -

(i) incapable of carrying out his duties;

(ii) incompetent to carry out his duties; or

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(iii) for any other reason unsuited to the performance of his duties."

5. REPEAL AND SUBSTITUTION OF SECTION 13

Section 13 of the Principal Act is repealed and the following section substituted:

"13. APPOINTMENT OF COURTS, &c.

"(1) The Minister may, after consultation with the Chief Magistrate, appoint the places in the Territory where Magistrates and Justices shall hold courts or sit in the exercise of jurisdiction conferred on them under this Act or any other law in force in the Territory.

"(2) The Chief Magistrate shall assign and apportion their duties to Magistrates and Justices and may for this purpose give such directions, including directions as to the places in the Territory where they shall perform those duties, as may be necessary.

"(3) Where the Chief Magistrate, in exercising his powers under sub-section (2), gives a direction to a Magistrate or a Justice, the Magistrate or Justice shall comply with the direction."

6. REPEAL OF SECTION 15

Section 15 of the Principal Act is repealed.

7. EXISTING APPOINTMENTS

Section 44 of the Interpretation Act shall, notwithstanding the provisions of section 12 of that Act, apply to the appointment of a Magistrate made prior to the commencement of this Act.

8. FORMAL AMENDMENTS

The Principal Act is amended as set out in the Schedule.

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SCHEDULE

Section 8

FORMAL AMENDMENTS

Column 1	Column 2	
Provision	Amendment	
	Matter omitted	Matter substituted
Long title and section 1	"Ordinance" (wherever occurring)	"Act"
Section 1	<u>"Magistrates Ordinance"</u>	<u>"Magistrates Act"</u>
Section 2	"This Ordinance"	"This Act"
Section 3 - definition of "Coroner"	"In this Ordinance" <u>"Coroners Ordinance"</u>	"In this Act" <u>"Coroners Act"</u>
definition of "Justice"	the whole definition	
Section 4(1)	"this Ordinance"	"this Act"
Section 6	"or another Ordinance"	
Section 7(1)	"this Ordinance"	"this Act"
Section 11	"this Ordinance" (twice occurring)	"this Act"
Section 12	<u>"Officers' Rights Declaration Act 1928"</u>	<u>"Officers' Rights Declaration Act 1928 of the Commonwealth"</u>
Section 14	"this Ordinance"	"this Act"
Section 18	<u>"Justices Ordinance"</u> (twice occurring)	<u>"Justices Act"</u>
	"any other Ordinance or any Act"	"any Act"
	"any Ordinance or Act"	"any Act"
Section 21	"this Ordinance" (wherever occurring)	"this Act"

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FORMAL AMENDMENTS

Column 1	Column 2	
Provision	Amendment	
	Matter omitted	Matter substituted
	<u>"Justices Ordinance"</u> (wherever occurring)	<u>"Justices Act"</u>
Section 22	"this Ordinance"	"this Act"
	<u>"Justices Ordinance"</u>	<u>"Justices Act"</u>
Section 23	the whole section	
Section 24	<u>"Justices Ordinance"</u>	<u>"Justices Act"</u>
	"this Ordinance"	"this Act"