

Serial 303
Justices Amendment Bill 2001
Mr Burke

**A BILL
for
AN ACT**

to amend the *Justices Act*

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NORTHERN TERRITORY OF AUSTRALIA

JUSTICES AMENDMENT ACT 2001

No. of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

AN ACT

to amend the *Justices Act*

[Assented to 2001]
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Justices Amendment Act 2001*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

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

4. Repeal

Section 162A of the Principal Act is repealed.

5. Right of appeal to Supreme Court

Section 163 of the Principal Act is amended –

- (a) by inserting in subsection (2) "or (3)" before "shall be"; and
- (b) by adding at the end the following:

"(3) A party to proceedings before the Court arising from a complaint or an information in relation to a minor indictable offence that the Court summarily disposes of may appeal to the Supreme Court from an order or adjudication of the Court dismissing the complaint or information.

"(4) Subsection (3) does not apply if a Special Act expressly declares that the order or adjudication is to be final or otherwise expressly prohibits an appeal against it.

"(5) An appeal under subsection (3) may be on a ground that involves an error or mistake on the part of the Justices whose decision is appealed against on a matter or question of law alone or a matter or question of both fact and law.

"(6) Section 176A does not apply to an appeal under subsection (3)."

6. No appeal on removal into Supreme Court to be allowed except under this Act

Section 164 of the Principal Act is amended by inserting "or (3)" after "163(1)".

7. Transitional

(1) If a question referred by a Justice to the Supreme Court under section 162A of the Principal Act as in force before the commencement of this Act has not been determined by the Supreme Court before that commencement, section 162A continues to apply in relation to the question as if that section had not been repealed by section 4 of this Act.

(2) An appeal may be made under section 163(3) of the Principal Act in relation to a complaint or an information made or laid before the commencement of this Act only if the complaint or information has not been dismissed before the commencement.

(3) An appeal may be made under section 163(3) of the Principal Act whether or not the offence to which the complaint or information relates occurred or allegedly occurred before the commencement of this Act.