

Serial 219
Justices Amendment Bill 2000
Mr Burke

**A BILL
for
AN ACT**

to amend the *Justices Act* and regulations made under that Act

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NORTHERN TERRITORY OF AUSTRALIA
JUSTICES AMENDMENT ACT 2000

No. of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

to amend the *Justices Act* and regulations made under that Act

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Justices Amendment Act 2000*.

2. Commencement

(1) Section 3 is to be taken to have come into operation on the commencement of Division 2A of Part IV of the *Justices Act*.

(2) Section 5(1) is to be taken to have come into operation on the commencement of the Katherine Town Council By-laws.

(3) Section 5(2) is to be taken to have come into operation on the commencement of the Nhulunbuy (Animal Control) By-laws.

3. Repeal and substitution

Section 60B of the *Justices Act* is repealed and the following substituted:

"60B. Application of Division

"(1) The procedures set out in this Division may be used to enforce an infringement notice if the infringement penalty is not paid within the time specified in the infringement notice.

"(2) The procedures set out in this Division may be used to enforce an infringement notice whether issued before or after the commencement of this Division.

"(3) The procedures set out in this Division may be used to enforce an infringement notice –

- (a) even if the law under which the infringement notice was issued does not specifically provide for enforcement of the infringement notice; or
- (b) despite that the law under which the infringement notice was issued contemplates that a person who fails to pay the infringement penalty is to be prosecuted for the offence specified in the infringement notice.

"(4) This Division does not apply if the person in respect of whom an infringement notice was issued has notified the enforcement agency within the time specified in the infringement notice for paying the infringement penalty that he or she wants the offence indicated in the infringement notice to be dealt with by a court.

"(5) Nothing in this section is to be taken as limiting any other proceedings that an enforcement agency is authorised to take against a person for an offence for which an infringement notice was issued or to require an enforcement agency to use the procedures set out in this Division to enforce an infringement notice."

4. Further amendments

The *Justices Act* is further amended as set out in the Schedule.

5. Amendments of Justices (Territory Infringement Notices Enforcement Scheme) Regulations

(1) Regulation 2A of Justices (Territory Infringement Notices Enforcement Scheme) Regulations is amended by inserting after paragraph (e) the following:

- "(f) by-law 21 of the Katherine Town Council By-laws;"

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(2) Regulation 2A of Justices (Territory Infringement Notices Enforcement Scheme) Regulations is amended by inserting after paragraph (f) (as inserted by subsection (1)) the following:

"(fa) by-law 17 of the Nhulunbuy (Animal Control) By-laws;"

(3) The Schedule to the Justices (Territory Infringement Notices Enforcement Scheme) Regulations is amended—

- (a) by omitting from Part 1 of Form 1 "a warrant may be issued for your arrest" and substituting "a warrant may be issued for your imprisonment"; and
- (b) by omitting "Issued for:" (wherever occurring) and substituting " Issued for: (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included)".

(4) The Justices (Territory Infringement Notices Enforcement Scheme) Regulations as amended by this section may be amended or repealed by a regulation as if the amendments had been made by a regulation.

SCHEDULE

Section 4

Provision	Amendment	
	omit	substitute
Section 27A(3)	"Part XIV"	"Part 3"
Section 60A – Definition of "infringement notice"	"regulation 87"	"regulation 41"
	"parking notice" (twice occurring)	"parking infringement notice"
	"regulation 65"	"regulation 47"
Section 60D(1)(j)	"regulation 65"	"regulation 47"
	"regulation 64(3)(b)"	"regulation 53(2)(c)"
Section 60R(2)(a)	"regulation 65"	"regulation 47"
	"regulation 64(3)(b)"	"regulation 53(2)(c)"

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