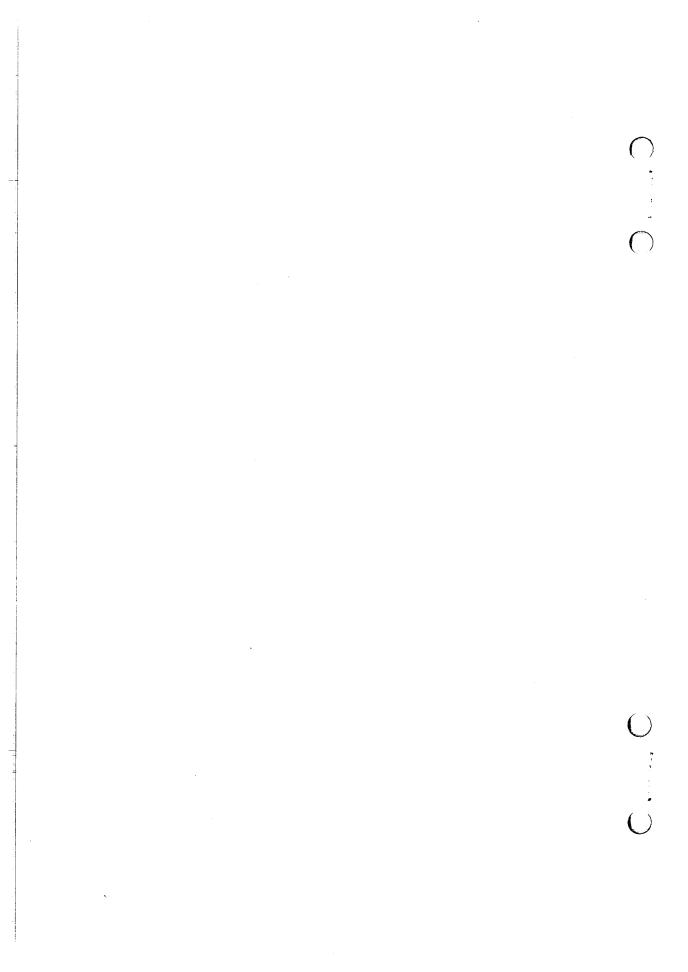
Serial 3 Justices Amendment Bill (No. 2) 2001 Dr Toyne

# A BILL for AN ACT

to amend the Justices Act



# NORTHERN TERRITORY OF AUSTRALIA JUSTICES AMENDMENT ACT (NO. 2) 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 (No. 2) 2001.

#### 2. Commencement

This Act comes into operation on the commencement of the *Police Administration Amendment Act 2001*.

#### 3. New Division

Part VII of the *Justices Act* is amended by inserting after Division 2 the following:

"Division 3 - Procedures in relation to person served with notice to appear

#### "189. Definitions

"In this Division -

'complainant' includes an informant and a counsel or solicitor representing a complainant;

'complaint' includes an information;

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'defendant' means a person who appears before the Court as required by a notice to appear;

'notice to appear' means a notice issued under section 133B of the *Police Administration Act*.

#### "190. Procedure on appearance of defendant

- "(1) At the hearing in respect of an offence specified in a notice to appear, the complainant must give the defendant and the Court a complaint containing a statement of the specific offence with which the defendant is charged and the particulars that are necessary to give the defendant reasonable information about the nature of the charge.
- "(2) The Court may adjourn a hearing so that a defendant given a complaint under subsection (1) may consider it and make a full answer to the charge.
- "(3) If a defendant is not given a complaint in accordance with subsection (1), the Court may adjourn the hearing or dismiss the proceeding.
- "(4) If a defendant appears and the complainant fails to appear, the Court must dismiss the proceeding unless it thinks it proper to adjourn the hearing.
- "(5) The dismissal of a proceeding under this section does not prevent the commencement of another proceeding in respect of the offence specified in the notice to appear.

## "191. Warrant to apprehend on failure to appear

- "(1) If a person fails to appear as required by a notice to appear, the Court may adjourn the hearing and issue a warrant to apprehend the person, provided that—
  - (a) the substance of the offence specified in the notice to appear is substantiated, upon oath made before the Court, to the satisfaction of the Court; and
  - (b) the Court is satisfied that the notice to appear was served in accordance with section 133B(2) of the *Police Administration Act*.
- "(2) A copy of a notice to appear, which the member who served the notice
  - (a) endorsed on the day of service with the date, time and place it was served;
  - (a) signed on the day of service; and

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(c) has certified as a true copy of the original,

is evidence that the notice was served in accordance with section 133B(2) of the *Police Administration Act*.

## "192. Procedure on failure to appear after ineffective service

- "(1) If a person fails to appear as required by a notice to appear and the Court is not satisfied that the person was served with the notice in accordance with section 133B(2) of the *Police Administration Act*, the Court may dismiss the proceeding.
- "(2) The dismissal of a proceeding under subsection (1) does not prevent the commencement of another proceeding in respect of the offence specified in the notice to appear."