

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

**A BILL
for
AN ACT**

to amend the *Justices Act*

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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."
