

Serial 143  
Courts and Administrative Tribunals (Immunities) Bill 2008  
Dr Burns

A Bill for an Act to confer immunities from civil and criminal liability on members and officers of courts and administrative tribunals and on persons who participate in proceedings before courts and administrative tribunals

NORTHERN TERRITORY OF AUSTRALIA

COURTS AND ADMINISTRATIVE TRIBUNALS (IMMUNITIES) ACT 2008

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Act No. [ ] of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2008

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An Act to confer immunities from civil and criminal liability on members and officers of courts and administrative tribunals and on persons who participate in proceedings before courts and administrative tribunals

[Assented to [ ] 2008]  
[Second reading [ ] 2008]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1 Short title**

This Act may be cited as the *Courts and Administrative Tribunals (Immunities) Act 2008*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Definitions**

In this Act:

**act** includes an omission.

**administrative tribunal** means a body or person (other than a court) vested under the law of the Territory with power to conduct a hearing to resolve, or to make recommendations on the resolution of, any administrative, quasi-judicial or other question and includes a body or person classified by regulation as an administrative tribunal but does not include a body or person excluded by regulation from the ambit of this definition.

**ancillary officer**, of a court or administrative tribunal, means a

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person (other than a member) who carries out ancillary functions for the court or administrative tribunal.

**court** means a body or person vested with judicial powers under the law of the Territory.

**judicial office** means the office of judge or magistrate or some other office or position under the law of the Territory that carries with it the power to act judicially.

**member**, of a court or administrative tribunal, means a person who either alone or together with others decides cases that are brought before the court or tribunal for decision.

**representative** means counsel or other representative for a party, intervenor or other person in proceedings before a court or administrative tribunal and includes a person appointed to assist the court or tribunal itself (i.e. as *amicus curiae*).

#### **4 Immunities for persons exercising judicial powers, powers as members of administrative tribunals or ancillary powers**

- (1) A member of a court incurs no civil or criminal liability for an honest act in the exercise, or purported exercise, of:
  - (a) judicial powers; or
  - (b) administrative powers assigned to the member in the member's judicial capacity or as the holder of a judicial office.
- (2) A member of an administrative tribunal incurs no civil or criminal liability for an honest act in the exercise, or purported exercise, of powers conferred by law on the administrative tribunal or the member.
- (3) An ancillary officer of a court or administrative tribunal incurs no civil or criminal liability for an honest act in the exercise, or purported exercise, of powers conferred on the officer.

#### **5 Immunities for witnesses and representatives**

- (1) A person who participates in proceedings before a court or administrative tribunal as a witness or representative incurs no civil or criminal liability for an honest and temperate statement or act in the course of that participation.
- (2) This section does not affect:
  - (a) a liability to be punished for a contempt; or

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(b) a liability to disciplinary proceedings and any consequent penalty.

**6 Non-derogation from other Acts and the common law**

This Act is in addition to, and does not derogate from, corresponding protections and immunities under other Acts and at common law.

**7 Regulations**

The Administrator may make regulations under this Act.