

Serial 15
Magistrates Amendment Bill 2005
Dr Toyne

**A BILL
for
AN ACT**

to amend the *Magistrates Act*

NORTHERN TERRITORY OF AUSTRALIA
MAGISTRATES AMENDMENT ACT 2005

Act No. [] of 2005

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act amended
4. Amendment of section 3 (Definitions)
5. Amendment of section 4 (Chief Magistrate, Deputy Chief Magistrate and Stipendiary Magistrate)
6. Amendment of section 5 (Eligibility for appointment)
7. Amendment of section 9 (Acting Magistrates)
8. Amendment of section 9A (Relieving Magistrate)



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2005

AN ACT

to amend the *Magistrates Act*

[Assented to [] 2005]

[Second reading [] 2005]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Magistrates Amendment Act 2005*.

2. Commencement

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

3. Principal Act amended

This Act amends the *Magistrates Act*.

4. Amendment of section 3 (Definitions)

Section 3 –

insert (in alphabetical order)

"eligible person" means a person eligible under section 5 for appointment as a Magistrate;

5. Amendment of section 4 (Chief Magistrate, Deputy Chief Magistrate and Stipendiary Magistrate)

Section 4(3) –

omit, substitute

(3) The Administrator may appoint an eligible person to hold an office referred to in subsection (1).

6. Amendment of section 5 (Eligibility for appointment)

Section 5 –

omit

A person is not eligible for appointment under section 4(3) unless –

substitute

A person is eligible for appointment as a Magistrate if –

7. Amendment of section 9 (Acting Magistrates)

(1) Section 9(2) –

omit

a person who is eligible for appointment under section 4(3)

substitute

an eligible person

(2) After section 9(2) –

insert

(2A) However, a person who has attained the age of 70 years must not be appointed to act as a Stipendiary Magistrate.

(3) After section 9(3) –

insert

(3A) In addition, a person who has attained the age of 70 years must not continue to act as a Stipendiary Magistrate.

8. Amendment of section 9A (Relieving Magistrate)

(1) Section 9A(1) –

omit

a person who is eligible for appointment under section 4(3)

substitute

an eligible person

(2) After section 9A(1) –

insert

(1A) However, a person who has attained the age of 70 years must not be appointed to be a Relieving Magistrate.

(3) After section 9A(4) –

insert

(4A) Despite subsection (4), a Relieving Magistrate ceases to hold office on attaining the age of 70 years.
