

Serial 148  
Local Court (Repeals and Related Amendments) Bill 2015  
Mr Elferink

A Bill for an Act to repeal various laws and amend other laws in consequence  
of the enactment of the *Local Court Act 2015*, and for related purposes



NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (REPEALS AND RELATED AMENDMENTS) ACT 2015

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Act No. [ ] of 2015

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- Schedule 9**    **Prisoners (Interstate Transfer) Act further amended**
- Schedule 10**   **Sentencing Act further amended**
- Schedule 11**   **Serious Crime Control Act further amended**
- Schedule 12**   **Work Health Administration Act further amended**
- Schedule 13**   **Youth Justice Act further amended**
- Schedule 14**   **Other laws amended**
- Schedule 15**   **Laws repealed**



# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2015

An Act to repeal various laws and amend other laws in consequence of the enactment of the *Local Court Act 2015*, and for related purposes

[Assented to [ ] 2015]  
[Second reading [ ] 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Local Court (Repeals and Related Amendments) Act 2015*.

### 2 Commencement

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

## Part 2 Amendment of Justices Act

### 3 Act amended

This Part amends the *Justices Act*.

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**4 Long title replaced**

Long title

*repeal, insert*

**An Act relating to procedure for criminal proceedings in the Local Court**

**5 Section 1 replaced**

Section 1

*repeal, insert*

**1 Short title**

This Act may be cited as the *Local Court (Criminal Procedure) Act*.

**6 Section 4 amended****(1) Section 4**

*omit*

, unless the contrary intention appears

**(2) Section 4, definitions *clerk, Court of Summary Jurisdiction or Court, guardian, minor indictable offence, simple offence* and *Special Act***

*omit*

**(3) Section 4**

*insert (in alphabetical order)*

**Court** means the Local Court.

**courtroom** means a room or other place where the Court is sitting or where a person who is participating in proceedings is located.

**Court venue** means a place approved under section 24 of the *Local Court Act*.

**indictable offence**, see section 3(2) of the Criminal Code.

**JP** means a justice of the peace appointed under section 5 of the *Justices of the Peace Act*.

*Note for definition JP*

*JP does not include a Judge, registrar or other person who is a justice of the peace by reason of holding an office mentioned in Schedule 1 to the Justices of the Peace Act.*

**Judge** means a Local Court Judge.

**registrar**, see section 3 of the *Local Court Act*.

**relevant registrar**, in relation to a charge, means the registrar at the place approved under section 24 of the *Local Court Act* at which the charge is being dealt with.

**summary offence**, see section 3(3) of the Criminal Code.

- (4) Section 4, definition **complaint**, paragraph (a)

*omit, insert*

- (a) in relation to a charge of an indictable offence that is dealt with summarily – includes the information laid in respect of the charge; and

- (5) Section 4, definition **defendant**, paragraph (aa), after "Part VII,"

*insert*

Division 3

- (6) Section 4, at the end

*Note for section 4*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

## **7 Section 9 replaced**

Section 9

*repeal, insert*

## **5 Application of Act**

This Act applies in relation to the Court's criminal jurisdiction (as defined in section 3 of the *Local Court Act*).

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**8 Part II, section 26, Part III, Divisions 4 to 7 and Part IV, Division 1 repealed**

Part II, section 26, Part III, Divisions 4 to 7 and Part IV, Division 1  
*repeal*

**9 Section 49 replaced**

Section 49  
*repeal, insert*

**49 Complaint**

A complaint may be made to the Court in any case where a person is suspected to have committed a summary offence.

**10 Section 53 repealed**

Section 53  
*repeal*

**11 Section 60AZC replaced**

Section 60AZC  
*repeal, insert*

**60AZC Constitution of Court to withdraw sentence indication, sentence or give later sentence indication**

- (1) The Court may be constituted otherwise than as required by section 60AW(4)(a) or 60AZ(2)(a) if the Judge who constituted the Court that gave the sentence indication is unable to withdraw the sentence indication or impose the sentence.
- (2) The Court may be constituted otherwise than as mentioned in section 60AZB(2)(a) if the Judge who constituted the Court that gave the original sentence indication is unable to give the later sentence indication.
- (2) For this section, a Judge is **unable** to withdraw the sentence indication, impose the sentence or give the later sentence indication if the Judge:
  - (a) has died or ceased to hold office; or
  - (b) is, by reason of illness, injury or other cause, unlikely to be able to constitute the Court within a reasonable time.

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**12 Sections 60A, 61, 66, 73 to 75, 107 to 108A and 117 to 119 repealed**

Sections 60A, 61, 66, 73 to 75, 107 to 108A and 117 to 119

*repeal*

**13 Part V, Division 2 heading replaced**

Part V, Division 2, heading

*omit, insert*

**Division 2 Certain indictable offences may be dealt with summarily****14 Sections 120 and 121A replaced**

Sections 120 and 121A

*repeal, insert*

**120 Certain property offences in small amount**

- (1) Subject to section 122A, the Court may hear and determine the charge of an indictable offence summarily if:
  - (a) the offence is against section 210, 219, 221, 224, 227 or 229 of the Criminal Code, or is an attempt to commit such an offence; and
  - (b) the value of the property involved does not exceed \$50 000 or any greater amount prescribed by regulation.
- (2) The jurisdiction conferred by subsection (1) may be exercised whether or not the defendant consents to its exercise.

**121A Offences that may be dealt with summarily**

- (1) Subject to section 122A, the Court may hear and determine the charge of an indictable offence summarily if:
  - (a) the offence is:
    - (i) punishable by not more than 10 years imprisonment; or
    - (ii) against section 210, 213, 228, 229 or 241 of the Criminal Code and punishable by not more than 14 years imprisonment; or

- 
- (iii) an offence to which section 213(5) of the Criminal Code applies; and
  - (b) in the opinion of the Court, the charge is not one that the Court could, apart from this section, hear and determine summarily; and
  - (c) the defendant consents to it being so disposed of; and
  - (d) the prosecutor consents to it being so disposed of; and
  - (e) the Court is of the opinion that the charge should be heard and determined summarily.
- (2) The Court may seek from the prosecutor and the prosecutor must give to the Court, an outline of the evidence that will be presented for the prosecution, for the purpose of enabling the Court to determine whether to hear and determine the charge summarily.
- (3) A statement made by the prosecutor under subsection (2) is not admissible in evidence in a subsequent proceeding in respect of the charge.
- (4) Subject to subsection (5), a person the subject of a charge that is being heard summarily under subsection (1) and who, in respect of the charge, is represented by a legal practitioner, may, at any stage of the proceedings relating to the hearing of that charge, plead guilty to that charge.
- (5) The Court hearing a charge summarily under subsection (1) must not, in respect of that charge, accept a plea of guilty under and in accordance with subsection (4) from the person the subject of that charge unless the Court is of the opinion that to accept the plea of guilty is proper.

## **15 Section 124 replaced**

Section 124

*repeal, insert*

## **124 JPs not having jurisdiction may remand for hearing before Judge**

If it appears to the Court constituted by a JP or 2 JPs that a charge against a defendant may be a charge that should be heard and determined summarily under section 120 or 121A, the Court may:

- (a) remand the defendant; and



- 
- (b) adjourn the hearing to the time and place as the Court thinks fit, to be heard before the Court constituted by a Judge.

**16 Section 125 amended**

- (1) Section 125(1)

*omit*

When a Magistrate proceeds to dispose of any case

*insert*

If the Court decides to hear and determine a charge summarily

- (2) Section 125(2)

*omit, insert*

- (2) The charge must then be heard and determined as if the offence were a summary offence.

**17 Section 131A replaced**

Section 131A

*repeal, insert*

**131A Certain assault and harm offences may be dealt with summarily**

- (1) Subject to subsection (3)(a), the Court may hear and determine the charge of an indictable offence summarily if the offence is an offence against section 186, 188(2), 188A or 189A(1) or (2)(a) of the Criminal Code.
- (2) The prosecutor or the defendant may apply to the Court, before the Court exercises its jurisdiction under subsection (1), for the charge to be heard and determined by the Supreme Court.
- (3) The Court may exercise the jurisdiction under subsection (1):
- (a) only if the Court is of the opinion that the charge should be heard and determined summarily; and
- (b) whether or not the defendant consents to its exercise.

**18 Sections 138, 156 to 160 and 167 repealed**

Sections 138, 156 to 160 and 167

*repeal*

**19 Section 169 replaced**

Section 169

*repeal, insert*

**169 Duty to pursue appeal**

- (1) An appellant who institutes an appeal to the Supreme Court is under a duty to pursue the appeal.
- (2) If the appellant has been granted bail under section 168, and the appellant does not pursue the appeal, the Local Court may revoke the appellant's bail.

**20 Part VII, Division 2 repealed**

Part VII, Division 2

*repeal*

**21 Part VII, Divisions 4A and 4 replaced**

Part VII, Divisions 4A and 4

*repeal, insert*

**Division 4 Regulations****203 Regulations**

The Administrator may make regulations under this Act.

---

**22 Part VIII, Division 4 inserted**

After section 208

*insert*

**Division 4 Transitional matters for Local Court (Repeals and Related Amendments) Act 2015****209 Offences that may be dealt with summarily**

- (1) Section 120, as amended by the amendment Act, applies in relation to offences committed after the commencement.
- (2) Section 121A, as amended by the amendment Act, applies in relation to offences to which section 213(5) of the Criminal Code applies that are committed after the commencement.
- (3) Sections 120 and 121A, as in force immediately before commencement, apply in relation to offences committed before the commencement.
- (4) Section 131A, as amended by the amendment Act, applies in relation to offences committed before and after the commencement.
- (5) In this section:

***amendment Act*** means the *Local Court (Repeals and Related Amendments) Act 2015*.

***commencement*** means the commencement of section 21 of the amendment Act.

**23 Schedule 3 repealed**

Schedule 3

*repeal*

**24 Act further amended**

Schedule 1 has effect.

**Part 3 Amendment of Local Court Act 2015 (as amended)****25 Act amended**

This Part amends the *Local Court Act* (being Act No. 15 of 2015).

---

**26 Section 7 amended**

Section 7(5)

*omit, insert*

- (5) The question whether a person is unable to continue is decided by the Chief Judge and the Chief Judge's decision is not liable to be challenged on any ground.
- (6) In this section, a person is **unable to continue** if the person:
- (a) dies; or
  - (b) vacates office and is unable to finish dealing with the proceedings under section 58(2) or 64(2); or
  - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceedings without unreasonable delay.

**27 Section 85 amended**

Section 85(3)

*omit, insert*

- (3) The person:
- (a) holds the new office on the same terms and conditions (including entitlements determined under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*) as applied in relation to the old office; and
  - (b) is considered to have fulfilled any preconditions required to perform the functions of the new office; and
  - (c) if the person's appointment to the old office was for a specified term – for the remainder of that term.

*Example for subsection (3)(b)*

*For example, a Stipendiary Magistrate who holds the new office of Judge is considered to have taken the oath required to perform the functions of that new office.*

---

## Part 4                      **Amendment of Local Court Act 1989 (as amended)**

### **28                      Act amended**

This Part amends the *Local Court Act* (being Act No. 31 of 1989 as amended).

### **29                      Long title replaced**

Long title

*repeal, insert*

**An Act relating to procedure for civil proceedings in the Local Court**

### **30                      Section 1 replaced**

Section 1

*repeal, insert*

### **1                      Short title**

This Act may be cited as the *Local Court (Civil Procedure) Act*.

### **31                      Section 3 and Part II replaced**

Section 3 and Part II

*repeal, insert*

### **3                      Definitions**

In this Act:

***Court*** means the Local Court.

***proceedings*** means civil proceedings, as defined in section 3 of the *Local Court Act*.

***registrar***, see section 3 of the *Local Court Act*.

***Rules***, see section 3 of the *Local Court Act*.

### **4                      Application of Act**

This Act applies in relation to the Court's civil jurisdiction (as defined in section 3 of the *Local Court Act*).

---

**32 Part III heading replaced**

Part III, heading

*omit, insert*

**Part III Procedure in civil proceedings****33 Section 14 replaced**

Section 14

*repeal, insert*

**14 Certain proceedings brought by children**

A child may bring proceedings in the Court for the recovery of money payable to the child under a contract of service or a contract for services as if the child were an adult.

**34 Section 19 amended**

(1) Section 19(1)

*omit*

a proceeding

*insert*

proceedings

(2) Section 19(1)

*omit*

that proceeding

*insert*

the proceedings

(3) Section 19(3), (4) and (8)

*omit*

**35 Part IV and sections 28, 28B and 30 repealed**

Part IV and sections 28, 28B and 30

*repeal*

**36 Section 31 amended**

Section 31(2)

*omit, insert*

- (2) This section applies even if the claim the subject of the proceedings is wholly or partly beyond the jurisdiction of the Court.

**37 Sections 33 to 35 repealed**

Sections 33 to 35

*repeal*

**38 Section 36A replaced**

Section 36A

*repeal, insert*

**36A Regulations**

The Administrator may make regulations under this Act.

**39 Act further amended**

Schedule 2 has effect.

**Part 5 Further consequential amendments**

**Division 1 Assembly Members and Statutory Officers  
(Remuneration and Other Entitlements) Act**

**40 Act amended**

This Division amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

**41 Section 2 amended**

- (1) Section 2, definition **statutory officer**, paragraph (a)

*omit, insert*

- (a) a Local Court Judge; or

(2) Section 2, at the end

*insert*

*Note for section 2*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

#### **42 Part 3, Division 1, heading amended**

Part 3, Division 1, heading

*omit*

**Magistrates**

*insert*

**Local Court Judges**

#### **43 Section 6 amended**

Section 6

*omit*

Magistrates appointed under section 4(3) of the *Magistrates Act*

*insert*

Local Court Judges

#### **44 Section 7 amended**

Section 7(1)

*omit, insert*

- (1) Subject to section 55(2) of the *Local Court Act*, the Tribunal must, at least once a year, inquire into and determine the entitlements of Local Court Judges and Local Court Judges who hold a statutory office in addition to that of Local Court Judge.

*Note for subsection (1)*

*Section 55(2) of the Local Court Act provides that the salary, allowances and other benefits to which a Local Court Judge is entitled must not be altered to the Judge's detriment during the Judge's term of office.*



## Division 2 Bail Act

### 45 Act amended

This Division amends the *Bail Act*.

### 46 Section 3 amended

(1) Section 3(1), definitions ***court***, ***Judge*** and ***justice***

*omit*

(2) Section 3(1)

*insert (in alphabetical order)*

***court*** means:

- (a) the Supreme Court; or
- (b) the Local Court; or
- (c) the Youth Justice Court continued in existence by section 45 of the *Youth Justice Act*; or
- (d) a Supreme Court Judge, Local Court Judge or justice of the peace not sitting as a court.

***Supreme Court Judge*** means:

- (a) a Judge of the Supreme Court; or
- (b) if the Rules of Court made under the *Supreme Court Act* permit the Master of the Supreme Court to exercise the powers of the Supreme Court under this Act – the Master of the Supreme Court.

(3) Section 3(1), definition ***appeal***, paragraph (a)

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

- (4) Section 3(1), definition **conviction**, paragraphs (a) to (c), after "Act"  
*insert*  
(repealed)
- (5) Section 3(1), definition **Supreme Court**, after "a"  
*insert*  
Supreme Court
- (6) Section 3(1), at the end  
*insert*  
*Note for subsection (1)*  
*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*
- (7) Section 3(2)(c)  
*omit*  
*Justices Act to a court*  
*insert*  
*Local Court (Criminal Procedure) Act to the Local Court*
- (8) Section 3(2)(e)  
*omit*  
Court of Summary Jurisdiction  
*insert*  
Local Court

#### **47 Section 20 amended**

- (1) Section 20, heading  
*omit*  
**magistrates and justices**  
*insert*  
**Local Court**

- (2) Section 20(1)  
*omit, insert*
- (1) Subject to section 21, the Local Court may, at any time:
- (a) grant bail to a person brought or appearing before the Local Court accused of an offence; or
  - (b) except as prescribed by the Regulations, grant bail to an appellant under Part VI, Division 2 of the *Local Court (Criminal Procedure) Act*.
- (3) Section 20(2)  
*omit*  
a magistrate  
*insert*  
the Local Court
- (4) After section 20(2)  
*insert*
- (3) The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.

**48 Section 34 replaced**

Section 34  
*repeal, insert*

**34 Review by Court of bail decision made by Court**

- (1) The Local Court constituted by a Local Court Judge may review a decision in relation to bail made by the Local Court constituted by:
- (a) the same Judge; or
  - (b) a different Judge, if the Local Court as originally constituted cannot conveniently be reconvened; or
  - (c) one or more justices of the peace.

- (2) The Local Court constituted by one or more justices of the peace may review a decision in relation to bail made by the Court constituted by:
- (a) the same justice of the peace or justices of the peace; or
  - (b) a different justice of the peace or different justices of the peace, if the Local Court as originally constituted cannot conveniently be reconvened.
- (3) For this section, the Local Court constituted by a particular person or persons **cannot conveniently be reconvened** to deal with a review if the person or any one of the persons is:
- (a) by reason of illness, absence or other cause, not available to deal with the proceedings when the request for review is made; and
  - (b) not likely to be available within 24 hours after the request is made.

**49 Act further amended**

Schedule 3 has effect.

**Division 3 Care and Protection of Children Act**

**50 Act amended**

This Division amends the *Care and Protection of Children Act*.

**51 Section 13 amended**

- (1) Section 13, definitions **child** (second and third definitions), **Court**, **Court order**, **Court proceedings** and **family matters jurisdiction**  
*omit*
- (2) Section 13  
*insert (in alphabetical order)*  
**Court** means the Local Court.  
**Court order**, see section 88(1).  
**Court proceedings**, see section 88(1).

(3) Section 13, at the end

*insert*

*Note for section 13*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

## **52 Section 63 amended**

Section 63(1)

*omit (all references)*

magistrate

*insert*

Local Court Judge

## **53 Section 87 amended**

Section 87(2)

*omit, insert*

- (2) The object is to be achieved by:
- (a) providing for a family matters division within the Court to hear and determine matters under this Act (see Division 2); and
  - (b) providing for:
    - (i) the Court's power to make various orders for children (see Division 4); and
    - (ii) procedural matters (see Divisions 3 and 5 to 7).

## **54 Part 2.3, Division 2 heading and sections 88 and 89 replaced**

Part 2.3, Division 2, heading and sections 88 and 89

*repeal, insert*

### **88 Definitions**

In this Part:

***Court order*** means an order made by the Court under this Act.

***Court proceedings*** means proceedings in the Court under this Act.

## **Division 2 Family matters division of Court**

### **89 Family matters division of Court**

- (1) There is to be a division of the Court to deal with proceedings under this Act.
- (2) For dealing with proceedings under this Act, the Court must be constituted by a Local Court Judge.

### **55 Section 90 amended**

Section 90(1)

*omit, insert*

- (1) In Court proceedings, the Court must regard the best interests of the child to whom the proceedings relate as paramount.

### **56 Section 91 amended**

Section 91(1)

*omit*

all words from "The" to "proceedings is"

*insert*

Court proceedings are

### **57 Section 173 amended**

Section 173(1) and (2)

*omit*

Registrar

*insert*

registrar

### **58 Section 175 amended**

Section 175(2) and (4)

*omit*

Registrar

*insert*

registrar

**59 Section 176 amended**

(1) Section 176, heading

*omit*

**Registrar**

*insert*

**registrar**

(2) Section 176

*omit*

Registrar

*insert*

registrar

**60 Section 179 amended**

Section 179(1) and (2)

*omit*

Registrar

*insert*

registrar

**Division 4 Coroners Act**

**61 Act amended**

This Division amends the *Coroners Act*.

**62 Section 4 amended**

Section 4(2) and (3)

*omit*

magistrate

*insert*

Local Court Judge

**63 Section 7 amended**

Section 7

*omit (all references)*

magistrate

*insert*

Local Court Judge

**64 Section 9 amended**

Section 9(2)

*omit*

Registrar

*insert*

registrar

**65 Section 35 amended**

(1) Section 35(3)

*omit*

must

*insert*

may

(2) Section 35(3)

*omit*

a crime

*insert*

an offence



## Division 5 Criminal Code

### 66 Criminal Code amended

This Division amends the Criminal Code.

### 67 Section 1 amended

- (1) Section 1, definitions ***judicial proceeding***, ***justice of the peace*** and ***trial***

*omit*

- (2) Section 1

*insert (in alphabetical order)*

***indictable offence***, see section 3.

***Judge*** means a Supreme Court judge.

***judicial proceedings*** means any proceedings had or taken in or before a court, tribunal or person in which evidence may be taken on oath.

***summary offence***, see section 3.

***trial*** includes proceedings upon a plea of guilty.

- (3) Section 1, at the end

*insert*

*Note for section 1*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

### 68 Section 3 replaced

Section 3

*repeal, insert*

## 3 Classification of offence

- (1) Every offence is either an indictable offence or a summary offence.
- (2) An offence is an ***indictable offence*** if:
- (a) an Act states that the offence is an indictable offence; or

- (b) subject to subsection (3)(a), the penalty that may be imposed on an individual for the offence includes imprisonment for a period of more than 2 years.
- (3) An offence is a **summary offence** if:
- (a) an Act states that:
- (i) the offence is a summary offence; or
  - (ii) the offence is not an indictable offence; or
  - (iii) a charge of the offence must be heard and determined summarily; or
- (b) the offence is not an indictable offence.

**69 Section 277 amended**

- (1) Section 277(1)  
*omit*  
a crime or a simple  
*insert*  
an
- (2) Section 277(2)  
*omit (all references)*  
a crime  
*insert*  
an indictable offence
- (3) Section 277(3)  
*omit, insert*
- (3) If a charge of the offence attempted to be committed may be heard and determined summarily, a charge of the offence of attempting to commit the offence may also be heard and determined summarily.

**70 Section 294 amended**

(1) Section 294(1) and (2)

*omit*

a crime

*insert*

an indictable offence

(2) Section 294(2)

*omit*

other crime

*insert*

other offence

(3) Section 294(3)

*omit*

all words from "crime or" to "summarily"

*insert*

offence of such a nature that the offender may be sentenced

(4) Section 294(4)

*omit, insert*

- (4) If a charge of the offence to which the person is an accessory may be heard and determined summarily, a charge of the offence of being an accessory to the offence may also be heard and determined with summarily.

**71 Section 296 repealed**

Section 296

*repeal*

**72 Section 388 replaced**

Section 388

*repeal, insert*

**388 Definition**

In this Division:

***summarily-triable offence*** means:

- (a) a summary offence; or
- (b) an indictable offence a charge of which may be heard and determined summarily by the Local Court; or
- (c) an offence mentioned in section 22(1) of the *Misuse of Drugs Act* if:
  - (i) the prosecution has elected under section 23(2) of that Act for the charge of the offence to be heard and determined summarily; and
  - (ii) the Local Court has not discontinued those summary proceedings under section 23(4) of that Act.

**73 Section 406 amended**

Section 406(7)

*omit, insert*

- (7) If the charge of the offence of which a person is found guilty was heard and determined summarily, for the purposes of an appeal the person is taken to have been found guilty of a summary offence.

**74 Act further amended**

Schedule 4 has effect.

**Division 6 Cross-border Justice Act**

**75 Act amended**

This Division amends the *Cross-border Justice Act*.

**76 Section 7 amended**

- (1) Section 7(1), definition **magistrate**

*omit*

- (2) Section 7(1)

*insert (in alphabetical order)*

**Local Court Judge**, for the Territory, means a Local Court Judge of the Territory.

**magistrate**, for another participating jurisdiction, means a magistrate of the jurisdiction under its cross-border laws.

*Note for definition **magistrate***

*This definition is affected by section 10.*

- (3) Section 7(1), definition **prescribed court**, paragraph (a)

*omit, insert*

- (a) for the Territory:

- (i) for the Local Court; or
- (ii) for the Youth Justice Court; or

- (4) Section 7(1), definition **registrar**, paragraph (a)

*omit, insert*

- (a) for the Territory:

- (i) for the Local Court – a registrar as defined in section 3 of the *Local Court Act*; or
- (ii) for the Youth Justice Court – a person who holds office as a Registrar of the Court; or

- (5) Section 7(1), definition **restraining orders**, paragraph (a)(ii) and **restraining orders laws**, paragraph (a)(ii)

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

(6) Section 7(1), at the end

*insert*

*Note for subsection (1)*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

#### **77 Section 67 amended**

Section 67(a) to (d)

*omit, insert*

- (a) section 24 of the *Local Court Act*,
- (b) section 48 of the *Youth Justice Act*.

#### **78 Section 68 amended**

(1) Section 68(2)(a) and (b)

*omit, insert*

- (a) criminal proceedings (as defined in section 3 of the *Local Court Act*) in the Local Court;

(2) Section 68, Examples

*omit (all references)*

*an NT magistrate*

*insert*

*the NT Local Court*

#### **79 Act further amended**

Schedule 5 has effect.

### **Division 7 Cross-border Justice Regulations**

#### **80 Regulations amended**

This Division amends the *Cross-border Justice Regulations*.

**81 Part 3, Division 2 repealed**

Part 3, Division 2

*repeal*

**82 Regulation 8 amended**

Regulation 8(1)

*omit*

***authorized***

*insert*

***authorised***

**83 Regulation 10 amended**

Regulation 10, heading

*omit*

**magistrates and justices**

*insert*

**Local Court**

**84 Regulation 16 amended**

Regulation 16, modified section 22(b)

*omit*

of the court of summary jurisdiction

*insert*

in the Local Court

**85 Regulation 19 amended**

Regulation 19, modified section 93(3)

*omit*

clerk

*insert*

registrar

**86 Part 3, Division 8, heading amended**

Part 3, Division 8, heading

*omit*

**Justices**

*insert*

**Local Court (Criminal Procedure)**

**87 Regulation 22 amended**

Regulation 22

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

**88 Regulation 24 repealed**

Regulation 24

*repeal*

**89 Part 3, Division 9 replaced**

Part 3, Division 9

*repeal, insert*

**Division 9 Local Court Act**

**26 Act modified**

This Division prescribes modifications to the *Local Court Act*.



**26A Modification of section 6 (Constitution of Court)**

After section 6(5)

*insert*

- (6) However, for exercising its cross-border jurisdiction the Court must be constituted by a Judge.

**27 New Part 5, Division 1, Subdivision 3**

After section 59

*insert*

**Subdivision 3 Cross-border Judges**

**59A Appointment of cross-border Judges**

- (1) If the Administrator is of the opinion that it is necessary to do so to facilitate the administration of justice in a cross-border region, the Administrator may appoint a magistrate of another participating jurisdiction to be a cross-border Judge.
- (2) The instrument of appointment must specify:
- (a) the period of the appointment; and
  - (b) any conditions of the appointment.
- (3) The Administrator may vary a matter specified in the instrument of appointment except the period of appointment.
- (4) The conditions of service (including remuneration) of a cross-border Judge are those that the cross-border Judge is entitled to as a magistrate of the other participating jurisdiction.
- (5) A cross-border Judge ceases to be a cross-border Judge if the cross-border Judge ceases to be a magistrate of the other participating jurisdiction.
- (6) A reference in this Act, other than sections 50, 53, 54, 55, 59 and 66, or in any other Act to a Judge (however appointed) includes a reference to a cross-border Judge.

(7) In this section:

**magistrate**, of another participating jurisdiction, does not include a person who holds the office of magistrate of the other jurisdiction as a secondary office holder.

*Note for section 59A*

*A cross-border Judge is not required to take an oath of office under section 65 of the Local Court Act.*

## **90 Regulation 38 replaced**

Regulation 38

*repeal, insert*

## **38 Modification of section 4 (Interpretation)**

section 4(1)

*insert (in alphabetical order)*

**justice of the peace** includes a Local Court Judge of the Territory in another participating jurisdiction.

## **91 Part 5 inserted**

After regulation 70

*insert*

## **Part 5 Transitional matters for Local Court (Repeals and Related Amendments) Act 2015**

### **71 Continuation of appointment of cross-border magistrate**

- (1) This regulation applies to a magistrate of another participating jurisdiction appointed by the Administrator to be a cross-border magistrate under section 13B of the *Magistrates Act*, as modified by these Regulations in force immediately before the commencement.
- (2) The cross-border magistrate is taken to be a cross-border Judge under section 59A of the *Local Court Act*, as modified by these Regulations after the commencement.
- (3) The cross-border Judge holds office:
  - (a) for the remainder of the period specified in the appointment mentioned in subregulation (1); and

(b) on the same conditions, if any, as applied to the appointment.

(4) In this regulation:

**commencement** means the commencement of the Part 5, Division 7 of the *Local Court (Repeals and Related Amendments) Act 2015*.

## Division 8 Domestic and Family Violence Act

### 92 Act amended

This Division amends the *Domestic and Family Violence Act*.

### 93 Section 4 amended

(1) Section 4, definitions **clerk**, **Court** and **CSJ DVO**

*omit*

(2) Section 4

*insert (in alphabetical order)*

**Court** means the Local Court.

**Judge** means a Local Court Judge.

**Local Court DVO**, see section 28(1).

**registrar**, see section 3 of the *Local Court Act*.

(3) Section 4, definition **court DVO**, paragraph (a)

*omit, insert*

(a) a Local Court DVO; or

(4) Section 4, definition **issuing authority**, paragraph (a)

*omit, insert*

(a) for a Local Court DVO:

(i) the Court; or

(ii) a registrar deciding the application for the DVO; or

(5) Section 4, at the end

*insert*

*Note for section 4*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

**94 Section 91B inserted**

After section 91 in Chapter 2, Part 2.12

*insert*

**91B Registrar exercises powers as delegate of Court**

- (1) This section applies in relation to the exercise, by a registrar, of a power under this Act to make, vary or revoke a DVO.
- (2) In exercising the power the registrar is acting as a delegate of the Court.
- (3) The decision of the registrar is a decision of the Court.

**95 Act further amended**

Schedule 6 has effect.

**Division 9 Fines and Penalties (Recovery) Act**

**96 Act amended**

This Division amends the *Fines and Penalties (Recovery) Act*.

**97 Section 48A inserted**

After section 48, in Part 5, Division 3

*insert*

**48A Jurisdiction of Local Court**

The jurisdiction conferred on the Local Court under this Part is part of the Court's criminal jurisdiction.

**98 Section 68 amended**

Section 68(12)

*omit, insert*

- (12) If a person who is served with an examination summons engages in conduct that would, if the Fines Recovery Unit were the Local Court, constitute contempt of the Court under section 45 of the *Local Court Act*.
- (a) the Director may refer the matter to the Local Court; and
- (b) the Local Court, constituted by a Local Court Judge, may deal with the matter under Part 4, Division 4 of the *Local Court Act* as if it were an alleged contempt referred to it under section 46(4)(b) of that Act.

**99 Section 70 amended**

Section 70(2)

*omit, insert*

- (2) The provisions of rules under the *Local Court Act* prescribed by regulation apply, with any modifications prescribed by Regulation, to a property seizure order.

**100 Section 72 amended**

Section 72(3) and (4)

*omit, insert*

- (3) The provisions of rules under the *Local Court Act* prescribed by regulation apply, with any modifications prescribed by the regulation, to a garnishee order.

**101 Section 74 amended**

- (1) Section 74(2)

*omit*

- (2) Section 74(3)

*omit*

Registrar

*insert*

registrar

- (3) Section 74(5)

*omit*

all words after "costs"

*insert*

under section 75 of the *Local Court Act* as if it were a decision of a registrar exercising a delegated power.

#### **102 Section 78A amended**

- (1) Section 78A(3)

*omit*

Registrar

*insert*

registrar

- (2) Section 78A(5)

*omit, insert*

- (5) The Local Court may review a decision of the Fines Recovery Unit in respect of enforcement costs in accordance with the provisions of rules under the *Local Court Act* prescribed by the Regulations, with any modifications prescribed by the Regulations.

#### **103 Act further amended**

Schedule 7 has effect.

### **Division 10 Fines and Penalties (Recovery) Regulations**

#### **104 Regulations amended**

This Division amends the *Fines and Penalties (Recovery) Regulations*.

**105 Regulation 8 amended**

Regulation 8

*omit*

the Registrar

*insert*

a registrar

**106 Regulations 11B and 11C inserted**

After regulation 11A

*insert*

**11B Property seizure orders**

- (1) For section 70 of the Act, the prescribed provisions are Part 44 (except rules 44.02 and 44.05(5)) of the *Local Court (Civil Proceedings) Rules*.
- (2) Those rules apply (with the necessary changes) as if:
  - (a) the property seizure order were a warrant of seizure and sale; and
  - (b) the Territory were the judgement creditor.

**11C Garnishee orders**

- (1) For section 72 of the Act, the prescribed provisions are Parts 48 (except rules 48.02 to 48.05) and 49 (except rules 49.03 and 49.07) of the *Local Court (Civil Proceedings) Rules*.
- (2) Those rules apply (with the necessary changes) as if:
  - (a) the garnishee order were an attachment of earnings order or an attachment of debts order, as the case may be; and
  - (b) a reference to a court or Registrar were a reference to the Fines Recovery Unit; and
  - (c) a reference to the judgment debtor were a reference to the fine defaulter; and
  - (d) the Territory were the judgement creditor; and

- (e) a reference to a particular form were a reference to the appropriate approved form; and
- (f) the Fines Recovery Unit were required to serve the appropriate notices on an employer or a garnishee.

**107 Schedule 5 amended**

Schedule 5, Form 3

*omit*

Registrar

*insert*

registrar

**Division 11 Fisheries Act**

**108 Act amended**

This Division amends the *Fisheries Act*.

**109 Section 38 amended**

After section 38(1)

*insert*

- (1A) An offence against this Act that would otherwise be an indictable offence, is a summary offence.

**110 Section 43A amended**

Section 43A

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

**Division 12 Interpretation Act**

**111 Act amended**

This Division amends the *Interpretation Act*.



**112 Section 17 amended**

- (1) Section 17, definitions ***court of summary jurisdiction, indictable offence, Judge, Justice, Local Court*** and ***magistrate***

*omit*

- (2) Section 17

*insert (in alphabetical order)*

***Chief Judge***, see section 3 of the *Local Court Act*.

***Chief Justice***, see section 9(1) of the *Supreme Court Act*.

***indictable offence*** means:

- (a) an offence that is an indictable offence under section 3(2) of the Criminal Code; or
- (b) an act or omission committed outside the Territory that would be an indictable offence under paragraph (a) if it were committed in the Territory.

***Local Court*** means the Local Court of the Northern Territory under the *Local Court Act*.

***Local Court Judge***, means a Judge or acting Judge as defined in section 3 of the *Local Court Act*.

***summary offence***, see section 3(3) of the Criminal Code.

***Supreme Court Judge*** means a Judge as defined in section 9(1) of the *Supreme Court Act*.

- (3) Section 17, definition ***committed for trial***, paragraph (b)

*omit*

admitted to bail on a recognizance

*insert*

granted bail under the *Bail Act*

**113 Section 38E repealed**

Section 38E

*repeal*

**114 Section 70 amended**

Section 70

*omit*

Judge, Justice of the Peace

*insert*

judge, justice of the peace

**Division 13 Mineral Titles Act**

**115 Act amended**

This Division amends the *Mineral Titles Act*.

**116 Section 145 amended**

(1) Section 145(1)

*omit*

(2) Section 145(2)

*omit*

(2)

**117 Section 148 amended**

After section 148(1)

*insert*

(2) An offence against this section is a summary offence.

**118 Section 184 amended**

(1) Section 184(3)

*omit*

Court of Summary Jurisdiction

*insert*

Local Court

(2) Section 184(3)

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

## **Division 14 Misuse of Drugs Act**

### **119 Act amended**

This Division amends the *Misuse of Drugs Act*.

### **120 Section 3 amended**

Section 3, definition ***magistrate***

*omit*

### **121 Section 5 amended**

(1) Section 5(1)

*omit*

a crime

*insert*

an offence

(2) Section 5(2)

*omit*

a crime under

*insert*

an offence against

(3) Section 5(3)

*omit*

subsection (2)

*insert*

subsection (1)

**122 Section 6 amended**

(1) Section 6(1) and (2)

*omit*

a crime

*insert*

an offence

(2) Section 6(2)(d)

*omit*

a crime under

*insert*

an offence against

**123 Section 7 amended**

(1) Section 7(1)

*omit*

a crime

*insert*

an offence

(2) Section 7(2)

*omit*

a crime under

*insert*

an offence against

**124 Section 8 amended**

- (1) Section 8(1)  
*omit*  
a crime  
*insert*  
an offence
- (2) Section 8(2)  
*omit*  
a crime under  
*insert*  
an offence against

**125 Section 9 amended**

- (1) Section 9(1)  
*omit*  
a crime  
*insert*  
an offence
- (2) Section 9(2)  
*omit*  
a crime under  
*insert*  
an offence against

**126 Section 11 amended**

- (1) Section 11(1)  
*omit*  
a crime

*insert*

an offence

(2) Section 11(2)

*omit*

a crime under

*insert*

an offence against

### **127 Section 19A amended**

Section 19A, definition *magistrate*

*omit*

### **128 Section 23 amended**

Section 23(1) to (5)

*omit, insert*

- (2) Despite section 121A of the *Local Court (Criminal Procedure) Act*, a charge mentioned in section 22 may be heard and determined summarily only if the prosecution elects for it to be so heard.
- (3) Summary proceedings for an indictable offence against this Act may proceed:
  - (a) if the offence is one that may be heard and determined summarily; and
  - (b) even if 6 months have elapsed from the time when the offence was allegedly committed.
- (4) If it appears to the Local Court that a charge of an offence against this Act that is being heard summarily ought to be tried by the Supreme Court, the Local Court must discontinue the summary proceedings and continue the proceedings as a preliminary examination under the *Local Court (Criminal Procedure) Act*.
- (5) If the Court discontinues the summary proceedings under subsection (4):
  - (a) the plea of the defendant taken at the outset of the summary proceedings must be disregarded; and

- (b) the evidence already adduced in the proceedings is taken to be evidence in the preliminary examination; and
- (c) before committing the defendant for trial or sentence, the Local Court Judge must address the defendant in accordance with section 110 of the *Local Court (Criminal Procedure) Act*.

**129 Section 24 amended**

Section 24(2)

*omit*

a crime

*insert*

an offence

**130 Section 26 amended**

(1) Section 26(1) and (2)

*omit, insert*

(1) In proceedings for an offence against Part II, Division 1 the following may make an order prohibiting the publication of the whole or any part of the proceedings, or the name and address of any witness, that remains in force for the period specified in the order:

- (a) the Local Court;
- (b) if the defendant has been committed for trial or sentence – the Supreme Court.

(2) The application is to be heard in the presence of only such persons as the court thinks fit.

(2) Section 26(3)

*omit*

magistrate or Judge

*insert*

the court

(3) Section 26(3)

*omit*

he or she

*insert*

the court

**131 Section 27 amended**

(1) Section 27(2)

*omit*

(2) Section 27(3)(e)

*omit*

all words from "or, in the" to "another magistrate"

**132 Act further amended**

Schedule 8 has effect.

**Division 15 Prisoners (Interstate Transfer) Act**

**133 Act amended**

This Division amends the *Prisoners (Interstate Transfer) Act*.

**134 Section 4B inserted**

After section 4, in Part I

*insert*

**4B Jurisdiction of Local Court**

- (1) The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.
- (2) For exercising its jurisdiction under this Act the Court must be constituted by a Local Court Judge.

**135 Act further amended**

Schedule 9 has effect.



## **Division 16 Sentencing Act**

### **136 Act amended**

This Division amends the *Sentencing Act*.

### **137 Section 109 repealed**

Section 109

*repeal*

### **138 Section 122 replaced**

Section 122

*repeal, insert*

### **122 Maximum penalty for indictable offence dealt with summarily**

- (1) If the Local Court hears and determines a charge of an indictable offence summarily, the court must not impose on the person found guilty of the offence a sentence of imprisonment of more than 5 years or a fine greater than 500 penalty units.
- (2) Subsection (1) does not have the effect of increasing the maximum penalty for the indictable offence.

### **139 Section 125 repealed**

Section 125

*repeal*

### **140 Act further amended**

Schedule 10 has effect.

## **Division 17 Sentencing Regulations**

### **141 Regulations amended**

This Division amends the *Sentencing Regulations*.

**142 Regulation 3 replaced**

Regulation 3

*repeal, insert*

**3 Proper officer**

For section 3(1) of the Act, definition ***proper officer***, the proper officer for the Local Court is a registrar (as defined in section 3 of the *Local Court Act*).

*Note for regulation 3*

*For the Supreme Court, see rule 81A of the Supreme Court Rules.*

**143 Schedule amended**

(1) Schedule, Forms 2, 4 and 5A

*omit*

\*Clerk of the Court

\*Sheriff or Registrar

*insert*

\*Sheriff / Registrar of \_\_\_ Court

(2) Schedule, Forms 5B and 6

*omit (all references)*

Judge/Magistrate

*insert*

Supreme Court Judge / Local Court Judge

**Division 18 Serious Crime Control Act**

**144 Act amended**

This Division amends the *Serious Crime Control Act*.

**145 Section 5A inserted**

After section 5, in Part 1

*insert*

**5A Jurisdiction of Local Court**

The jurisdiction conferred on the Local Court under this Act is part of the Court's criminal jurisdiction.

**146 Act further amended**

Schedule 11 has effect.

**Division 19 Supreme Court Act**

**147 Act amended**

This Division amends the *Supreme Court Act*.

**148 Section 11A inserted**

After section 11

*insert*

**11A Changes in constitution of Court during proceedings**

- (1) If, in a criminal proceeding, the defendant pleads guilty and the proceeding is adjourned before the making of sentencing submissions commences, after that adjournment:
  - (a) the Court need not be constituted by the same person or persons as when the plea was entered; but
  - (b) the Court must then be constituted by the same person or persons until the proceedings are determined.
- (2) Further, if at any stage of a proceeding the person or one of the persons who constitutes the Court is unable to continue, the Court constituted by a different person or persons may continue to deal with the proceeding.
- (3) The question whether a person is unable to continue is decided by the Chief Justice and the Chief Justice's decision is not liable to be challenged on any ground.
- (4) This section does not limit the circumstances in which the Court may or may not be reconstituted during a proceeding.

- (5) In this section, a person is **unable to continue** if the person:
- (a) dies; or
  - (b) vacates office; or
  - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceeding without unreasonable delay.

## Division 20 Work Health Administration Act

### 149 Act amended

This Division amends the *Work Health Administration Act*.

### 150 Section 3 amended

- (1) Section 3, definition **Chief Magistrate**

*omit*

- (2) Section 3

*insert (in alphabetical order)*

**Judge** means a Local Court Judge.

**judicial registrar** means a person appointed under section 23.

**managing Judge** means the Judge appointed under section 21.

**registrar** means the person appointed under section 22.

- (3) Section 3, at the end

*insert*

*Note for section 3*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

**151 Sections 19 and 20 replaced**

Sections 19 and 20

*repeal, insert*

**19 Contempt of Court**

- (1) A person who has been served with a summons to attend before the Court to give evidence or to produce documents or other things commits a contempt of the Court if, without reasonable excuse, the person:
  - (a) does not attend as required by the summons; or
  - (b) does not continue to attend until released by the Court from further attendance.
- (2) A person appearing before the Court as a witness commits a contempt of the Court if, without reasonable excuse, the person does not do any of the following when required by the Court to do so:
  - (a) take an oath;
  - (b) answer a question;
  - (c) produce a document or other thing.
- (3) A person commits a contempt of the Court if:
  - (a) the Court has made an order requiring the person to do or not do something; and
  - (b) the order:
    - (i) was made orally to the person while the person was in the courtroom; or
    - (ii) has been served on the person; and
  - (c) the person does not comply with the order; and
  - (d) no other law of the Territory provides a means for punishing non-compliance with, or enforcing, the order.
- (4) A person commits a contempt of the Court if, without reasonable excuse, the person fails to comply with an undertaking the person has given to the Court.

- (5) A person commits a contempt of the Court if the person:
- (a) wilfully prevaricates in the face of the Court; or
  - (b) engages in any other conduct that, under a law of the Territory, constitutes a contempt in the face of the Court.

## **20 Dealing with contempt of Court**

- (1) If it appears to the Court that a person has committed a contempt of the Court, the Court may:
- (a) for a contempt in the face of the Court – orally order that the person be arrested and brought before the Court; or
  - (b) for any contempt:
    - (i) issue a warrant to have the person arrested and brought before the Court; or
    - (ii) issue a summons requiring the person to appear before the Court.
- (2) When the person is brought or appears before the Court, the Court:
- (a) must inform the person of the contempt with which the person is charged; and
  - (b) may deal with the person in accordance with any procedure the Court thinks fit.
- (3) The *Bail Act* applies in relation to the person as if the person were accused of an offence and were being held in custody for that offence.
- (4) The Court constituted by the registrar or a judicial registrar:
- (a) cannot exercise the Court's powers under this section and section 20A; but
  - (b) may refer the alleged contempt to the Court constituted by a Judge.
- (5) The Court constituted by a Judge may exercise those powers in relation to the alleged contempt.

## **20A Punishment for contempt**

- (1) If the Court finds a person guilty of a contempt of the Court, it may order that the person be imprisoned for not more than 6 months or be fined not more than an amount equal to 100 penalty units.

- (2) A person cannot be punished, in respect of the same conduct, for a contempt and for an offence against another Act.
- (3) If the Court orders that the person be imprisoned, the Court may order that the person be discharged before the end of the term of imprisonment that was ordered.
- (4) If a person who has been found guilty of a contempt apologises to the Court for the contempt, the Court may amend or cancel any order imposing punishment for the contempt, and if it does so may order the refund of all or part of any fine that has been paid.

#### **152 Act further amended**

Schedule 12 has effect.

### **Division 21 Youth Justice Act**

#### **153 Act amended**

This Division amends the *Youth Justice Act*.

#### **154 Section 5 amended**

- (1) Section 5(1), definitions ***Court***, ***Court of Summary Jurisdiction*** and ***preliminary examination***

*omit*

- (2) Section 5(1)

*insert (in alphabetical order)*

***Court*** means the Youth Justice Court as mentioned in section 45 and, if the context requires, includes the Supreme Court exercising its jurisdiction under this Act.

***preliminary examination*** means the procedure under Part V of the *Local Court (Criminal Procedure) Act* relating to indictable offences.

- (3) Section 5(1), at the end

*insert*

*Note for subsection (1)*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

(4) Section 5(2) and (2A)

*omit, insert*

- (2) In this Act, if the context requires, **Local Court Judge** includes a Supreme Court Judge.

**155 Section 45 amended**

Section 45(2)

*omit, insert*

- (2) Each Local Court Judge is a Judge of the Youth Justice Court.

**156 Sections 46 and 46A inserted**

Section 46

*repeal, insert*

**46 Exercise of jurisdiction**

- (1) The jurisdiction of the Youth Justice Court is exercisable by a Judge sitting alone.
- (2) The Chief Judge may appoint as a Youth Judge a Local Court Judge who, in the opinion of the Chief Judge, has the knowledge, qualifications, skills and experience in the law and the social or behavioural sciences, and in dealing with youths and their families, as the Chief Judge considers appropriate.
- (3) An appointment of a Local Court Judge as a Youth Judge does not affect:
- (a) the terms and conditions of the Judge's appointment under the *Local Court Act*, or
  - (b) the ability of a Local Court Judge who is not a Youth Judge to exercise the jurisdiction of the Youth Justice Court.

**46A Changes in constitution of Court during proceedings**

- (1) In particular proceedings, the Court need not be constituted by the same person or persons for the whole of the proceedings, until the taking of evidence commences.
- (2) Once the taking of evidence commences, the Court must be constituted by the same person or persons until the proceedings are determined.



- (3) If, in criminal proceedings, the defendant pleads guilty and the proceedings are adjourned before the making of sentencing submissions commences, after that adjournment:
  - (a) the Court need not be constituted by the same person as when the plea was entered; but
  - (b) the Court must then be constituted by the same person until the proceedings are determined.
- (4) Further, if at any stage of proceedings the person who constitutes the Court is unable to continue, the Court constituted by a different person or persons may continue to deal with the proceedings.
- (5) The question whether a person is unable to continue is decided by the Chief Judge and the Chief Judge's decision is not liable to be challenged on any ground.
- (6) In this section, a person is **unable to continue** if the person:
  - (a) dies; or
  - (b) vacates office; or
  - (c) is, by reason of illness, injury or other cause, unable to continue dealing with the proceedings without unreasonable delay.

## **157 Section 53 replaced**

Section 53

*repeal, insert*

## **53 Application of other Acts**

- (1) Unless this Act makes specific provision in relation to proceedings, orders or convictions, the following applies as if the Youth Justice Court were the Local Court:
  - (a) the *Local Court (Criminal Procedure) Act*, except for Part IV, Division 2A of that Act;
  - (b) Part 4, Divisions 4 and 5 of the *Local Court Act*.
- (1A) In a provision of any other Act relating to unlawful activity or alleged unlawful activity:
  - (a) a reference to the Local Court includes, in relation to a youth, a reference to the *Youth Justice Act*; and

- (b) a reference to a Local Court Judge includes, in relation to a youth, a reference to a Judge of the Youth Justice Court; and
- (c) a reference to a registrar of the Local Court includes, in relation to a youth, a registrar of the Youth Justice Court.

*Note for subsection (1A)*

*Acts relating to unlawful activity or alleged unlawful activity include the Criminal Code, Bail Act and Parole Act.*

- (2) This Act does not affect the powers of a justice of the peace to issue a summons or warrant in relation to a youth.

### **158 Section 56B amended**

- (1) Section 56B(1)(c) and (5)(b)

*omit*

*Justices*

*insert*

*Local Court (Criminal Procedure)*

- (2) Section 56B(2)

*omit, insert*

- (2) If this section applies, the 2 preliminary examinations may be conducted as a joint preliminary examination by a Local Court Judge constituting, at the same time, both the Local Court and the Youth Justice Court.

- (3) Section 56B(3)(a)

*omit*

Magistrate

*insert*

presiding Judge

- (4) Section 56B(3)(b)

*omit, insert*

- (b) for the charge against the adult – the presiding Judge constitutes the Local Court and must deal with the matter under the *Local Court (Criminal Procedure) Act*.

(5) Section 56B(4)

*omit*

Magistrate

*insert*

court

**159 Act further amended**

Schedule 13 has effect.

**Division 22 Other laws**

**160 Other laws amended**

Schedule 14 amends the laws mentioned in it.

**Part 6 Repeals**

**161 Laws repealed**

The laws specified in Schedule 15 are repealed.

**Part 7 Miscellaneous matters**

**162 Transitional regulations**

- (1) The Administrator may make regulations to provide for a matter of a transitional nature because of the enactment of the *Local Court Act 2015* or this Act.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement of this section.
- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
  - (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (4) This section and each regulation made under it expires 2 years after the commencement of this section.

**163 Expiry of Act**

- (1) Parts 2 to 6 expire on the day after Part 5 commences.
- (2) Parts 1 and 7 expire 2 years after the commencement of Part 6.

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## Schedule 1 Justices Act further amended

section 24

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 20(1)(c)	him before the Justice issuing it, or before some other Justice	the defendant before the Court
section 22(1)(c), after "appear"		before the Court
section 22(1)(c)	therein mentioned, before such Justice as shall then be there,	mentioned in the summons
section 22(2)	and in accordance with the form in Schedule 3	
section 23	Justice or the clerk Justice or clerk him to appear  before such Justices as shall then be there,	Judge, registrar or JP Judge, registrar or JP the person to appear before the Court
section 25	Justice he may issue his	Judge the Judge may issue a
section 26A, heading	<b>court</b>	<b>courtroom</b>
section 26A(1)	(1) Any Justice court room or other place where he is sitting	The Court courtroom
sections 26A(2) and 27A(2)	whole subsection	
section 27A(6)	or a Justice may, if it or he	may, if it

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section 28(1)	any proceeding within the jurisdiction of Justices	proceedings before the Court
	the Justices	the Court
section 28(1)(b)	Justice or other officer or	
section 50, heading	<b>laid</b>	<b>complaint to be made</b>
section 50(1)	his counsel or solicitor	the complainant's legal practitioner
section 50(2)	some Special	any other
section 50(3)	any oath being made of the truth thereof	substantiation by oath
section 50(3)(a)	some Special	any other
section 50(3)(b)	Justice issues his	Court issues a
section 51(4)	the Special	any other
section 52, heading	<b>laying information</b>	<b>making complaint</b>
sections 55 and 56(1)	Special Act or other document	Act
section 57(1)	any Justice may issue his	a Judge, registrar or JP may issue a
	any Justice to issue his	a Judge, registrar or JP to issue a
	of Justices	of the Court
section 57(2)	the Justice	a Judge, registrar or JP
section 57(3) and (4)	whole subsection	
section 57A(1)	in the form in Schedule 3	
section 57A(1)(c) and (2)	all words from "clerk" to "appear"	relevant registrar
section 57A(4)	counsel	the defendant's legal practitioner

section 57B(c)	all words from "as stated" to "section 57(3)"	of an offence to which section 57 applies
section 57C	all words from "the clerk" to "recorded"	a relevant registrar
section 57E(1)	all words from "clerk" to "recorded"	relevant registrar
section 57E(3)	on him clerk of the Court so served shall	registrar must
section 57E(4)	all words from "(which" to "place)"	
section 58(1)	all words from "to the" to "him"	on oath to the satisfaction of the Court
section 58(2)(a)	the commission of a simple offence	a summary offence
section 58(2)(c)	Special	other
section 58(2)	a Justice may, instead of issuing his summons, issue his	the Court may, instead of issuing a summons, issue a
section 58(3)	any Justice may issue his	, the Court may issue a
section 58(3)(b)	Justice (what he deems)	Court
section 59, heading	<b>Justice</b>	<b>Court</b>
section 59	all words from "he shall" to "grant him"	the defendant must be brought before the Court, which must either remand the defendant into custody or grant the defendant
section 60(1)	all words from "Justice before" to "another Justice" that Justice	Court may remand, and the Court

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section 60(2)	a Justice	the Court
	the Justice <i>(all references)</i>	the Court
	that Justice	the Court
	such Justice or Justices as shall then be there	the Court
	the clerk	a registrar
section 60(3)	A Justice	The Court
	he	the defendant
	a Justice	the Court
	the Justice	the Court
section 60(4)	whole subsection	
section 60(5)	A Justice	The Court
section 60AB(a)	Court of Summary Jurisdiction	criminal jurisdiction of the Local Court
section 60AB(a)(i)	the proceeding	proceedings
section 60AC(1)	matters over which the Court has jurisdiction, except the matters	criminal proceedings in the Court, except those
section 60AI(4)(a)	by counsel or solicitor at the directions hearing	at the directions hearing by the defendant's legal practitioner
section 60AK(3)(b)(i)	pass sentence on	sentence
section 60AK(3)(b)(ii)	to pass sentence on	for the sentencing of
section 60AL(b)	sentencing the	the sentencing of
sections 60AM(1) and 60AN(1)(a)	a matter for	proceedings in relation to
section 60AP, heading	<b>of complaint or information</b>	
section 60AP(1)	a matter for	proceedings in relation to



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section 60AT(1)	the proceeding	criminal proceedings
section 60AT(3)	a proceeding	proceedings
sections 60AV, 60AW(4)(a) and (b), 60AZ(2)(a) and 60AZA(2)	Magistrate ( <i>all references</i> )	Judge
section 60AZB, heading	<b>Magistrate</b>	<b>Judge</b>
section 60AZB(2)(a)	Magistrate	Judge
section 63(1)	(1) by his counsel or solicitor	the defendant's legal practitioner
section 63(2)	whole subsection	
section 63A(1AA)	a Court (the <b><i>relevant Court</i></b> )	the Court
section 63A(1) and (1A)	all words from "give the" to "Court to"	apply to the Court to
section 63A(1B), after "must"		be in writing and
section 63A(2)	all words from "a clerk" to "the clerk"	an application is made under subsection (1) or (1A), the relevant registrar
section 63A(2)(a)	by the relevant Court	
section 63A(3)	served ( <i>all references</i> ) a Justice	made the Court
section 64	counsel or solicitors	legal practitioners
section 65, heading	<b>or a Justice</b>	

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section 65(1)	whole subsection	(1) The hearing of a complaint may be adjourned by the Court from time to time, and at any time before it is completed.
section 65(2) and (3)	or the Justice <i>(all references)</i>	
section 65(4)	or any Justice or Justice or any other Justice	
section 65(5)(a)	then sitting to hear the adjourned complaint or a Justice	
section 65(5)(b)	then sitting to hear the adjourned complaint	
section 65(8)	sitting to hear the adjourned complaint or any Justice	
section 65(12)	his counsel or solicitor	the defendant's legal practitioner
section 65(13)	he him of Summary Jurisdiction, or a Justice or Justice	the defendant the defendant
sections 65(14) and 68(2)	whole subsection	
section 68(3)	of Summary Jurisdiction	
section 70A(2)	the Special	any other
section 72	the clerk shall	a registrar must
section 77B	a proceeding is	proceedings are

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section 101	before a Justice	
section 101(a)	all words from "any treason" to "whatsoever,"	an indictable offence
section 101(b)	the Courts	a court
section 101A(1)	, whether felonies or misdemeanours,	
section 101A(2)	Justice may, if he	Court may, if it
section 103	before a Justice against any person, the Justice his	the Court a
section 104	before a Justice he may  issue his	a Judge, registrar or JP may issue a
section 105(1) and (2)	any Justice may issue his	the Court may issue a
section 105A	a Justice	the Court
section 105B(2)	a Magistrate	the Court
section 105B(3)(a)	Magistrate	presiding Judge
section 105B(3)(b)	Magistrate acts in his or her capacity as a Justice	presiding Judge constitutes the Court
section 105B(4)	A Magistrate	The Court
section 105C(2)(a)	a Justice	the Court
section 105C(4)	with the clerk	at the Court
section 105G(1)	Justice conducting the preliminary examination	Court

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sections 105G(3), 105H(1)(b), (2) to (5) and (7)(a), 105J(1) and (4) to (7) and 105K(4) and (6)	Justice <i>(all references)</i>	Court
section 106A, heading	<b>Magistrate</b>	<b>Court</b>
section 106A(1)	all words from "before" to "defendant at"	before the Court on a charge that may be heard and determined summarily under section 120 or 121A, if the Court is constituted by a Judge the defendant may at
	the Magistrate	the Court
section 106A(2)(a)	whole paragraph	
section 106A(2)(b)	simple offence under this Act	summary offence
section 106A(3)	Magistrate <i>(all references)</i>	Court
section 109(1)	Justice then present shall upon his	Court must on
section 109(2)	Justice he	Court it
section 109(3)	Justice <i>(all references)</i>	Court
section 109(3)(a)	of a minor indictable offence,	that may be heard and determined summarily under Division 2 –
section 109(3)(b)	he	the defendant
section 110(1)	A Justice proceeding must	If the Court proceeds it must
section 110(1)(c)(i)	Justice	Court

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section 110(2)	A Justice the Justice	The Court the Court
section 110(3) and (4)(a)	Justice	Court
section 112(1)	Justice then present shall	Court must
section 112(2) and (3)	Justice <i>(all references)</i> he shall	Court the Court must
section 112A(1)	Justice conducting the examination	Court
sections 112A(2) and (3) and 113(1) and (2)	Justice <i>(all references)</i>	Court
section 113(4)	Any Justice he a Justice him the Justice	The Court, the defendant the Court the defendant the Court
section 113(5)	whole subsection	
section 114	all words from "any" to "him"	the Court may grant the defendant
section 115	all words from "Justice who" to "other Justice"	Court
	him or any other Justice	the Court
section 116(1)	Justice shall forthwith  writing under the hand of the clerk for the relevant district  recognisances of witnesses,	Court must  the relevant registrar

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section 116(2)	all words from "shall cause" to "thereof"	must deliver these documents to the proper office of the Supreme Court, before or at the opening of the Supreme Court, on the first day of the sitting
	Judge in the Court	Supreme Court Judge
section 116(3)	Justice	Court
section 122A(1)	an offence being dealt with pursuant to Court:	a charge being heard summarily under Court, the Court:
section 122A(1)(a)	the Court	
section 122A(1)(b)	the Magistrate who constituted the Court may	if it does so, must
section 122A(2)	A Magistrate who continues	The Court, in continuing
section 122A(2)(c)	Magistrate	Court
section 126	Justices constituting the Court, his	Court, the witness'
section 130A, heading	<b>to minor offences</b>	
section 130B(1)(a)	all words from "member" to "Territory"	police officer in connection with criminal proceedings in the Court
	his	the officer's
section 130B(1)(b)	Court of Summary Jurisdiction, or a clerk of the Court	Court or a Judge, registrar or JP
	a summary proceeding in the Court,	criminal proceedings in the Court;

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section 130B(1)	all words from "of Summary Jurisdiction may" to "property, make"	may, on application by a police officer or a claimant of the property or on its own initiative, make
	thereof	
	as to the Court may seem fit	as the Court sees fit
section 131(1)	writing under the hand of the clerk for the relevant district	a registrar
section 131(1) and (2)	clerk	Registrar
section 134(1)	the Justice to do so, the Justice he	, the Court the defendant
section 134(2)	Justice read him	Court the presiding Judge must read the defendant
sections 135 and 136(1)	Justice ( <i>all references</i> )	Court
section 137(3)	Judge before whom	Supreme Court when
section 139	Justice shall forthwith writing under the hand of the clerk for the relevant district requires, and the recognisances recognisance (if any), Court at which the defendant is to appear for sentence	relevant registrar must the relevant registrar and Supreme Court

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	Judge who is to preside in the	Supreme
section 141(1)	he ( <i>all references</i> )	the defendant
	Court at his any Judge presiding over the	Supreme Court at the defendant the Supreme
section 142, heading	<b>Court</b>  <b>the Judge advises withdrawal of the plea</b>	<b>Supreme Court</b>  <b>plea withdrawn</b>
section 142	Court ( <i>all references</i> ) the presiding Judge of he may	Supreme Court  the presiding Supreme Court Judge may
section 153, heading	<b>Justice may take deposition</b>	<b>Deposition</b>
section 153(1)	of any Justice the Justice	of the Court a Judge, JP or registrar
section 153(1)(c)	any Justice	the Court
section 153(2)	Justice his	Judge, JP or registrar the
sections 153(3) and 154(a)	Justice	Judge, JP or registrar
section 154(c)	counsel or solicitor	or her legal practitioner
section 155(2)	all words from "Judge or" to "another Justice"	Court
Part VI, heading	<b>Court of Summary Jurisdiction</b>	<b>Local Court</b>
section 162(1), before "Court"		Supreme



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section 162(1A)	Court of Summary Jurisdiction	Local Court
section 162(2)	Courts below	Local Court
section 162(4)	Justices shall	Local Court must
section 163(1)	Court may	Local Court may
	all words from "including a" to "not including"	other than
	some Special	any other
section 163(1)(b) and (5)	Justices whose decision is appealed against	Local Court
section 163(2)	Special	other
section 163(3)	Court arising	Local Court arising
	all words from "minor" to "disposes of"	charge that is heard and determined summarily
section 163(4)	a Special	any other
section 168(1)	a Special Magistrate or a Justice	the Court
	all words from "the Justice" to "Justices,"	the Court,
section 170, heading	<b>Justices</b>	<b>Court</b>
section 170(1)	all words from "Justices" to "other Justice, shall"	Court will
section 170(1A)	Court	Supreme Court
	all words from "Justices" to "other Justice"	Local Court
section 170(2)	proceeding	proceedings
	any Justice	the Court or any person constituting the Court

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section 171(1)	all words from ", by entering" to "168"	
section 171(2)	one month Judge of the he as he	28 days  the Supreme Court as it
section 172(3)	all words from "clerk" to "against"  all words from "or, where" to "\$3"	relevant registrar
section 174(1)	all words from "Justices" to "made"  clerk or other	Local Court
section 174(2)	proceeding	proceedings
section 175	Justices  clerk for the relevant district	Local Court  relevant registrar
	proceeding	proceedings
section 176	proceeding  clerk for the relevant district	proceedings  relevant registrar
section 176A(3)(b)	solicitor	legal practitioner
section 177(1)	Justices whose decision is appealed from	Local Court
section 177(2)(d)	Court of Summary Jurisdiction	Local Court
section 179(1)	any Justice all words from "Justices" to "modes"	the Local Court the Local Court
sections 182 and 184	him or to	

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section 185(1)	(1)	
	all words after "evidence"	by the Court at any time after it has been signed, and before it has been executed, upon such (if any) terms as to costs, or otherwise, as the Court sees fit.
section 185(1)(a)	a Court of Summary Jurisdiction	the Court
section 185(1)(b)	any Justice,	the Court;
section 185(2)	whole subsection	
section 186(1)	proceeding before Justices Special Act,  the Special	proceedings before the Court  Act creating the offence,  that
section 186(2)	proceeding before Justices	proceedings before the Court
section 187A(1)	clerk of the relevant district or by the deputy of the clerk	relevant registrar
section 189, definition <b>complainant</b>	counsel or solicitor	legal practitioner
section 190(3) and (4)	proceeding	proceedings
section 190(5)	a proceeding another proceeding	proceedings other proceedings
section 192(1)	proceeding	proceedings
section 192(2)	a proceeding another proceeding	proceedings other proceedings

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## Schedule 2 Local Court Act further amended

section 39

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 15, heading	<b>Proceedings</b>	<b>Claim</b>
section 15(1)	a proceeding	a claim
section 15(1)(a)	the proceeding	it
section 15(1)(b)	proceeding	proceedings
section 15(2)(a)	a proceeding	proceedings
section 15(2)(b)	proceeding has	proceedings have
section 16, heading	<b>, &amp;c.</b>	<b>etc.</b>
section 16(1)	a proceeding or part of it	proceedings, or a matter raised in proceedings,
section 16(3)(a) and (b)	proceeding	proceedings
section 16(4)	a proceeding	the proceedings
section 17	a proceeding proceeding as matter the subject of the proceeding	proceedings proceedings as proceedings
section 18, heading	<b>proceeding</b>	<b>proceedings</b>
section 18(1)	whole subsection	(1) A party to proceedings (other than an appeal) may apply to the Court for an order that the proceedings be transferred to the Supreme Court.

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section 18(2)	proceeding	claim the subject of the proceedings
section 18(3)	proceeding	proceedings
section 18(4)(a)	proceeding in the Court is	proceedings in the Local Court are
section 18(4)(b)	proceeding shall be transmitted by the Registrar	proceedings must be transmitted by the principal registrar
section 18(4)(c)	proceeding	proceedings
section 20(1)	other than in a proceeding by way of appeal to the Court	in proceedings other than an appeal
section 20(1)(b) and (2)	proceeding	proceedings
section 20(1)	proceeding be	proceedings be
section 22(9)	all words from "The" to "subsection (8)"	A court convicting a person of an offence against subsection (8) may order the person
section 24(1)	the Registrar shall	a registrar must
section 28A	a proceeding the proceeding	proceedings the proceedings
section 29, heading	<b>proceeding</b>	<b>hearing</b>
section 29(1)	all words from "the proceeding" to "a proceeding"	proceedings or on its own initiative, adjourn a hearing
section 29(2)	the hearing of a proceeding	a hearing
section 32(1)	a proceeding	proceedings
section 32(2)	all words from "a proceeding" to "fails or is"	proceedings cannot conveniently be heard or proceed, or fail or are
section 32(4)	a proceeding or	proceedings or an

after section 32(4)

(5) This section applies even if the claim the subject of the proceedings is wholly or partly beyond the jurisdiction of the Court.

(6) This section also applies to a law practice, as defined in section 4 of the *Legal Practitioners Act*, that employs the legal practitioner.

section 36(2)

Registrar

principal registrar

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**Schedule 3 Bail Act further amended**

section 49

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 6(e)(ii)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 15(b)	a justice	the Local Court
section 15(c)	all words from "committed" to "magistrate"	sentenced to imprisonment by the Local Court
section 16(2)	a justice or the justice or	
section 21, heading	<b>magistrates and justices</b>	<b>Local Court</b>
section 21	by a magistrate or a justice	by the Local Court
section 22	a justice	the Local Court constituted other than by a Local Court Judge
	the justice	the Local Court
section 23(2), before "Judge"		Supreme Court
section 26(c)	clerk of the Court of Summary Jurisdiction	registrar of the Local Court
section 31(2)	a Judge, justice or magistrate	the court
section 33(1)(b) and (c), (3) and (6)	a magistrate or justice	the Local Court
section 33(4)	a magistrate or a justice	the Local Court
	a magistrate or justice	the Local Court

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section 33(5)	a magistrate or justice magistrate or justice	the Local Court Local Court
section 33(7)	magistrate or justice ( <i>all references</i> )	Local Court
sections 35(1), 36(4) and (5) and 36A(1)(a)	a magistrate or justice	the Local Court
section 36A(1)(b) and (2)	magistrate or justice	Local Court
section 36A(4)(a)	Court magistrate or justice	Supreme Court Local Court
section 36A(4)(b), (5) and (6)	Court ( <i>all references</i> )	Supreme Court
section 37C(1)	a legal proceeding for	proceedings for a charge of
section 37C(2)	proceeding	proceedings
section 37C(3)	proceeding	charge
section 37D(1)	the legal proceeding for	a charge of
section 37D(2)	proceeding	charge
section 37D(3)	proceeding it were a summary proceeding under the <i>Justices Act</i>	proceedings the offence were a summary offence
section 37D(4), (5), (6) and (7)	proceeding ( <i>all references</i> )	proceedings
section 37D(7), before "Court"		Supreme
section 37D(8)	Court's legal proceeding	Supreme Court's charge
section 38(1)(b)	magistrate or justice	Local Court Judge or justice of the peace
section 40(4)	or recognizance	



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section 47(3)(b)	all words from "Judge" to "Jurisdiction"	Supreme Court Judge, Local Court Judge, justice of the peace, registrar of the Local Court
section 51	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 53(2)(b)	a magistrate or justice	the Local Court

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## Schedule 4 Criminal Code further amended

section 74

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 19, heading	<b>crimes</b>	<b>offences</b>
section 20	a crime or a simple offence	another offence that is not a regulatory offence
section 21	a judge or a justice of the peace	a court
	him	the court
section 31(3)	a crime defined by	an offence against
section 40(2)	a crime	an offence
section 43AA(3)(e)	crimes	indictable offence
section 43A, definition <b>committal proceeding</b>	<b>proceeding</b> <i>Justices</i>	<b>proceedings</b> <i>Local Court (Criminal Procedure)</i>
section 43M(1)	a committal proceeding	committal proceedings
section 43M(1)(a)	proceeding	proceedings
section 43M(1)(b)	proceeding is	proceedings are
section 43M(1)(b) and (2)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
sections 65, 69, 70 and 71(1)	a crime	an offence
section 71(2)	crime	offence
section 72, definition <b>act of piracy</b> , paragraph (b)	a crime defined by or referred to in section 251(3) or (4)	an offence against

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sections 73, 74, 75, 76(1), 77, 78, 79(1), 80(1), 81, 82(1) and 83 to 88	a crime <i>(all references)</i>	an offence
section 89(1)	any of the crimes defined by	an offence against
sections 89(3), 90, 91, 92 and 93(1)	a crime	an offence
section 93(2)	a judicial proceeding	judicial proceedings
section 93(3)	for any of the crimes defined by	of an offence against
section 94	a crime	an offence
section 95(a), (b) and (c)	proceeding <i>(all references)</i>	proceedings
section 95	a crime	an offence
section 96(1)	judicial proceeding <i>(all references)</i>	judicial proceedings
	that proceeding <i>(all references)</i>	the proceedings
	a crime	an offence
section 96(5) and (6)	proceeding	proceedings
section 97(1)	a crime	an offence
section 97(2)	the crime	the offence
	a crime	an offence
sections 99, 100 and 101	proceeding <i>(all references)</i>	proceedings
	a crime	an offence
section 102	a judicial proceeding	judicial proceedings
	a crime	an offence
section 103	a crime	an offence
section 104, heading	<b>crimes</b>	<b>indictable offences</b>

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section 104(1)	conceal a crime	conceal an indictable offence
	for a crime	for an indictable offence
	of a crime	of an offence
section 104(2)	crime	indictable offence
sections 105 to 109	a crime	an offence
section 110	the crime	the offence
	a crime	an offence
section 111	a crime	an offence
section 112(2)	all words after "arrested"	or convicted:
		(a) is an indictable offence – the person is liable to imprisonment for 3 years; or
		(b) is a summary offence – the person is liable to imprisonment for one year.
section 112(2AA)	guilty of a crime and is	
sections 113 to 119	a crime	an offence
section 120	any of the crimes defined by	an offence against
sections 121 to 125 and 125B(1)	a crime	an offence
section 125B(6)(a) and (b)	crime	offence
sections 125E and 127(1)	a crime	an offence
section 127(2)	crime	offence
section 127(4)	a crime defined by	an offence against

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section 128(1)	a crime	an offence
section 128(4)	a crime defined by	an offence against
section 130(2) and (3A)	a crime	an offence
section 130(3) and (3C)	a crime defined by	an offence against
section 130(3)(a)	crime	offence
section 131(1)	a crime	an offence
section 131(3)	a crime defined by	an offence against
section 131A(1)	defined by	against
section 131A(2)	a crime	an offence
section 131A(3)	the crime defined by	an offence against
section 131A(6)	a crime defined by	an offence against
section 131A(7) and (8)	defined by	against
section 132(2)	a crime	an offence
section 132(5)	a crime defined by	an offence against
sections 133 and 134(1)	a crime	an offence
section 134(4)	the crime defined by	an offence against
section 138	a crime	an offence
section 139	the crimes defined by	an offence against
section 139A, heading	<b>crime defined by</b>	<b>offence against</b>
section 139A	a crime defined by a section in the crime ( <i>all references</i> )	an offence against the offence
sections 140, 148 and 148B to 148D	a crime	an offence
section 149C	an offence under	

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sections 155 and 155A(1)	a crime	an offence
sections 156(1) and (2), 157(1) and (3), 160, 161 and 161A(1), (3) and (4)	crime	offence
sections 165 and 166(1)	a crime	an offence
section 166(2)	a crime defined by	an offence against
section 170	a crime	an offence
section 174B(4)	under	against
sections 174C, 174D, 174E, 174F(1) and (2) and 174FA(1)	a crime	an offence
sections 175 and 176, heading	<b>crime</b>	<b>indictable offence</b>
sections 175 and 176	a crime, <i>(all references)</i>	an indictable offence,
	a crime and	an offence and
sections 177 to 180A(1) and 181 to 185(1)	a crime	an offence
section 186	a crime or, upon being found guilty summarily, to imprisonment for 2 years	an offence
sections 186B(1) and 186C(1)	a crime	an offence
section 186D	a crime defined by	an offence against
section 188(2)	a crime or, upon being found guilty summarily, to imprisonment for 2 years	an offence

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section 188(3)	the crime defined by crime.	an offence against offence.
section 188A(1)	a crime	an offence
section 189A(1)	a crime or, upon being found guilty summarily, to imprisonment for 2 years	an offence
section 189A(2)(a)	or, upon being found guilty summarily, to imprisonment for 3 years	
section 190, heading	<b>or magistrates</b>	
section 190	or a magistrate a crime	an offence
sections 191 and 192(3) and (4)	a crime	an offence
section 192(5), (6), (7) and (8)	the crime defined by	an offence against
section 192A	judge	Judge
sections 192B(2), 193 and 194(1)	a crime	an offence
section 194(2)	crime	offence
sections 195 and 196(1)	a crime	an offence
section 196(3)	defined by	against
sections 197 to 202(1), 202B(1) to (3), 202C(1) to (3) and 202D(1)	a crime	an offence
section 202E	a crime referred to in the crime	an offence against the offence
section 204(g)	proceeding,	proceedings;

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sections 204 and 205	a crime	an offence
sections 206, 207 and 208	a crime defined by	an offence against
sections 210(1), 211(1) and 212(1)	a crime	an offence
section 213(2)	simple offence guilty of a simple offence and is	summary offence
section 213(3)	a crime is guilty of a crime and	an indictable offence
section 213(4)	other crime is guilty of a crime and	other indictable offence
section 213(5)	hereinbefore defined	against this section
section 213(6)	defined by	against
section 214(1)	a simple offence or crime  which	an offence  whether it is a summary offence or an indictable offence
	simple	summary
section 214(2)	a crime ( <i>all references</i> )	an indictable offence
section 214(3)	a simple offence or crime	an offence
sections 215, 216(1), 217, 218(2), 219(1) and 220 to 224	a crime	an offence
sections 225 and 226	a crime, a crime	an indictable offence, an offence
section 226A(2)(b)(ii)	crime	offence
section 226B(1) and (2)	a crime	an offence



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section 226B(3)	a crime referred to in	an offence against
sections 227(1), (3) and (4) and 228(1)	a crime	an offence
section 228(2)	a crime defined by	an offence against
Part VII, Division 2A, note, after "Court" (all references)		(Civil Procedure)
section 228C(1)(c)	a crime (all references)	an offence
section 228C(2)(a)	crime	offence
section 228D(1)(c)	a crime (all references)	an offence
section 228D(2)(a)	crime	offence
section 228E(1)(c)	a crime (all references)	an offence
section 228E(2)	crime	offence
section 229(1)	a crime (all references)	an indictable offence
	a crime.	an offence.
section 229(2)(d)	a crime defined by	an offence against
section 229(2)	a crime within the meaning of	an offence against
section 230	a crime (all references)	an indictable offence
section 231, heading	<b>a crime</b>	<b>indictable offence</b>
section 231	of a crime constituted a crime guilty of a crime	of an indictable offence constituted an indictable offence guilty of an offence
section 231B(1)	a crime	an offence
section 231B(2)(b)	crime	offence

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section 231C(1)	a crime	an offence
section 231C(3)(b)	crime	offence
section 231D, heading	<b>Summary offence</b>	<b>Dealing with suspicious property</b>
section 231E	under	against
section 232(1)	a crime	an offence
section 232(2)	under a crime or judge	against an offence
sections 233, 234(1), 235(1) and (2), 236, 237, 237H, 237J(1), (2) and (3), 237K(1), 237L(1), 241(1) and (2) and 242(1), (2) and (3)	a crime	an offence
section 242(2), note	<i>crime</i>	<i>offence</i>
section 243(1) to (3)	a crime	an offence
section 243(2), note	<i>crime</i>	<i>offence</i>
sections 244(1) and 246(1) and (2)	a crime	an offence
section 246(2), note	<i>crime</i>	<i>offence</i>
sections 247 and 258	a crime	an offence
section 259	the crime a crime	the offence an offence
sections 260 to 271, 272(1) and 273 to 275	a crime	an offence
section 276(2)	under	against
sections 276B(1) and (2), 276C(1), 276D and 276E(1) and (2)	a crime	an offence
section 276F	a crime under	an offence against

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section 278(1)	a crime	an indictable offence
section 278(2)	a crime of any other kind or a simple crime or simple	any other
section 281, heading	<b>crimes</b>	<b>indictable offence</b>
section 281	any crime is guilty of a crime	an indictable offence is guilty of an offence
section 282, heading	<b>crimes</b>	<b>indictable offence</b>
section 282	any crime be a crime of a crime the crime	an indictable offence be an indictable offence of an offence the offence
section 283, heading	<b>simple offences</b>	<b>summary offence</b>
section 283	simple a crime	summary an offence
sections 284, 285(1), 286, 288 and 289	a crime	an offence
section 293	crime	offence
section 295	the trial of offenders	hearing and determining charges of offences
section 297(1)	judge thereof	Judge
section 297A(1)	a crime	an indictable offence
section 298(1)	a crime the crime	an indictable offence the offence
section 299	a crime	an indictable offence
section 301(1)	a justice of the peace	the Local Court
section 301(2)	justice of the peace before whom he is brought	Local Court

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section 308(1)	a crime <i>(all references)</i>	an indictable offence
section 314, heading	whole heading	<b>314 Application to complaints if charge heard and determined summarily</b>
section 314	all words from "upon" to "crime"	, the charges against whom are heard and determined summarily
section 316(2)	the offence defined by	an offence against
section 317	crime	offence
section 318	crime defined by	offence against
section 319(1)	a crime defined by all words from "crime also" to "charged"	an offence against offence against the same section
section 319(2)	a crime defined by	an offence against
section 319(2)(a)	crime	offence
section 319(2)(b)	a crime defined by a crime	an offence against an offence
section 320(1) and (2)	a crime	an offence
section 326(2)	judge	Judge
section 327	a crime punishable on being found guilty	an offence a charge of which may be heard and determined
section 328	a crime defined by section 225 or any simple	an offence against section 225 or any summary
section 329	a crime <i>(all references)</i> crime or crimes	an indictable offence offence or offences

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section 336(3)	judges	Judges
section 344(1)	a crime the crime	an indictable offence the offence
section 344(2)	justice of the peace crime	Local Court offence
section 372, heading	<b>judge</b>	<b>Judge</b>
section 372(1), (2)(a), (4) and (6)	judge ( <i>all references</i> )	Judge
section 372(4)	<b>judge</b>	<b>Judge</b>
section 374	all words from "proceeding" to "its"	proceedings of the court are not invalid by reason of their
section 376	a crime	an indictable offence
section 377(1)	a crime defined by	an offence against
section 377(1)(a) and (c)	crime	offence
section 379(3)	justices of the peace dealing summarily with a crime	the Local Court to hear and determine the charge of an indictable offence summarily
Part IX, Division 7, heading	<b>summary</b>	<b>summarily-triable</b>
section 389, heading	<b>summary</b>	<b>summarily-triable</b>
section 389(1) to (5)	summary offence	summarily-triable offence
section 389(4)	court of summary jurisdiction ( <i>all references</i> )	Local Court
section 389(5)	clerk of the court of summary jurisdiction	registrar of the Local Court
section 390, heading	<b>summary</b>	<b>summarily-triable</b>

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section 390(1)(b)	summary offence	summarily-triable offence
section 390(2)	summary offence	summarily-triable offence
	clerk of the court of summary jurisdiction	registrar of the Local Court
section 390(4)	clerk	registrar of the Local Court
section 390(4)(b)	court of summary jurisdiction	Local Court
section 391, heading	<b>court of summary jurisdiction</b>	<b>Local Court</b>
section 391(1)	summary	summarily-triable
section 391(2)	court of summary jurisdiction and clerk of the court of summary jurisdiction	Local Court and registrar of the Local Court
section 407(1) and (3)	judges ( <i>all references</i> )	Judges
sections 407(3), 408(3) and (4), 409(4) and 410(b)	judge	Judge
section 412(1)	a crime the crime	an indictable offence the offence
section 414(1)(c)	a crime whether dealt with on indictment or summarily	an indictable offence
section 418	judge	Judge
section 428(2)	judge thereof	Judge
section 429, heading	<b>judge</b>	<b>Judge</b>
section 429(1)	judge of the Court	Judge
section 429(2)	judge	Judge

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section 430(1) and (2)	Judge thereof	Judge
	judge	Judge
section 430(3)	judge thereof	Judge
section 433A(1)	a crime or	
section 433A(6)(a)(i)	a proceeding	proceedings
section 435(1) and (2)	justices of the peace	the Local Court
section 435A, heading	<b>Treason, felony or other offences</b>	<b>Offences</b>
section 435A	treason, a felony or other offences	an offence
section 437	a crime	an offence
	proceeding	proceedings
section 438(2)	judge	Judge
section 439	any crime	an indictable offence
section 443(1)	Justice	justice of the peace

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## Schedule 5 Cross-border Justice Act further amended

section 79

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 5(2)(a) and (b)	magistrates	Local Court Judges
section 33(2)	magistrate ( <i>all references</i> )	Local Court Judge
section 33, examples 1 to 3	<i>magistrate</i> ( <i>all references</i> )	<i>Local Court Judge</i>
section 35(4)	magistrate ( <i>all references</i> )	Local Court Judge
section 35, examples 1 to 3	<i>magistrate</i> ( <i>all references</i> )	<i>Local Court Judge</i>
section 69(3)	magistrate	Local Court Judge
section 80	Court of Summary Jurisdiction	Local Court
section 80, example 1	<i>in WA</i>	<i>in SA</i>
section 80, examples 1 and 2	<i>Court of Summary Jurisdiction</i>	<i>Local Court</i>
section 81	Court of Summary Jurisdiction	Local Court
section 81, examples 1 and 2	<i>Court of Summary Jurisdiction</i>	<i>Local Court</i>
section 85(1)	Judge of the Supreme Court	Supreme Court Judge
sections 90 and 91, example 1	<i>An NT magistrate</i>	<i>The NT Local Court</i>
Part 13, Division 2, heading	<b>to be magistrates</b>	<b>to be Local Court Judges</b>
section 132, heading	<b>magistrates</b>	<b>Local Court Judges</b>



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section 132	The <i>Magistrates Act</i>	Part 5 of the <i>Local Court Act</i>
	magistrates ( <i>second reference</i> )	Local Court Judges

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## Schedule 6 Domestic and Family Violence Act further amended

section 95

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 2.4, heading	<b>Court of Summary Jurisdiction</b>	<b>Local Court</b>
section 28(1)	<b>CSJ</b>	<b>Local Court</b>
sections 29(1) and (2)(c) and 30	CSJ	Local Court
section 31	clerk	registrar
section 32(1)	CSJ	Local Court
section 33, heading	<b>clerk</b>	<b>registrar</b>
section 33(1) and (2)	clerk CSJ	registrar Local Court
section 33(1), note	<i>Note</i> <i>clerk</i>	<i>Note for subsection (1)</i> <i>registrar</i>
section 33(2)	by the Chief Magistrate under the <i>Justices</i>	under the <i>Local Court</i>
section 34(1)	CSJ	Local Court
section 34(1)(a), (2) and (4)	clerk	registrar
section 35(1) and (3)(b) and (c)	CSJ ( <i>all references</i> )	Local Court
section 36	CSJ clerk	Local Court registrar
section 37(b)	CSJ	Local Court
section 38(1)	clerk	registrar

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section 39, heading	<b>clerk</b>	<b>registrar</b>
sections 39(1) and (3) and 40	clerk ( <i>all references</i> )	registrar
section 40, note	<i>clerk</i>	<i>registrar</i>
sections 41(1)(a)(ii) and (b) and 45(1)	CSJ	Local Court
sections 50, 54, 55(b), 56(1) and (2), 57(1)(a), (2) and (4), 58 and 61	clerk	registrar
section 62, heading	<b>clerk</b>	registrar
sections 62(1) and (3) and 63	clerk ( <i>all references</i> )	registrar
section 63, note	<i>clerk</i>	<i>registrar</i>
sections 65(1) and (1A), 66(2)(b) and 67(1) to (3)	magistrate	Judge
section 68, heading	<b>magistrate</b>	<b>Judge</b>
section 68	magistrate ( <i>all references</i> )	Judge
section 69, heading	<b>magistrate</b>	<b>Judge</b>
sections 69(1), (2) and (4) and 70(1)(a)	magistrate	Judge
section 70(1)(b)(i)	magistrate's	Judge's
sections 71, 72, 73(3), 74(1) to (3), 75 and 76	magistrate ( <i>all references</i> )	Judge
section 77, heading	<b>magistrate</b>	<b>Judge</b>
sections 77 and 78(1)	magistrate ( <i>all references</i> )	Judge
section 78(1)(b)(i)	magistrate's	Judge's
section 79	magistrate	Judge
section 83	clerk	registrar

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section 88(1)	the clerk	a registrar
section 88, example	<i>clerk</i> ( <i>all references</i> ) <i>CSJ</i>	<i>registrar</i>  <i>Local Court</i>
sections 94(1) and (3) and 95(1) and (2)	clerk	registrar
section 100	The clerk	A registrar
sections 110(2), 111(2) and 113(c)(iii)	magistrate	Judge
section 116	Court or magistrate	issuing authority
section 117(1)	clerk	registrar
section 119(d)	magistrate	Judge
section 126(1)	Magistrate	Judge

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## Schedule 7 Fines and Penalties (Recovery) Act further amended

section 102

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 3(1)(a)(ii)	and recognizances	
section 3(2)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 5, definition <b>Registrar</b>	whole definition	
section 5, at the end		<i>Note for section 5 The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i>
section 24(1)	The Registrar	A registrar
section 29(3)	Registrar	registrar
sections 45(2)(a)(i) and (ii) and (b)(iii) and (3) and 46(1) and (3) to (6)	Court of Summary Jurisdiction	Local Court
section 46(2)	The Registrar of the Court of Summary Jurisdiction	A registrar the Local Court
sections 47(3)(b) and 48(1)	Court of Summary Jurisdiction ( <i>all references</i> )	Local Court
section 71(3) and (4), after "justice"		of the peace
sections 100, definition <b>relevant officer</b> and 103(2)	the Registrar	a registrar
section 107(1)	all words after "judgment"	of the Local Court for the payment of that amount.

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section 107(3)	Court of Summary Jurisdiction	Local Court in the exercise of its criminal jurisdiction
Part 8, heading	<b>or recognizances</b>	
section 108, definition <b>forfeited recognizance</b>	whole definition	
section 109(1)	or forfeited recognizance	
section 113(1)(i)(i)	or recognizance	
section 114(1)(b)	Registrars	registrars

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## Schedule 8 Misuse of Drugs Act further amended

section 132

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 10	under	against
section 11J(1)	magistrate	Local Court Judge
sections 11J(6) and 11P(6), after "Court"		(Civil Procedure)
section 11T(2), (4), (5), (6) and (8)	court of summary jurisdiction	Local Court
section 11T, at the end		(9) The jurisdiction conferred on the Local Court under this section is part of the Court's criminal jurisdiction.
section 19E, heading	<b>magistrate</b>	<b>Local Court</b>
section 19E(1)	a magistrate magistrate,	the Local Court Local Court,
section 19E(2), (3) and (4)	magistrate (all references)	Local Court
section 19F	a magistrate	the Local Court
section 19F(n)	, in the opinion of the magistrate,	the Local Court considers
section 19G(1)	A magistrate	The Local Court
section 19G(1)(b)	, in the opinion of the magistrate,	the Local Court considers that
section 19H	a magistrate the magistrate	the Local Court the Local Court

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section 19J(1)	a magistrate may have specified	the Local Court specifies
section 19J(2)	A magistrate	The Local Court
section 19K(1)	a magistrate	the Local Court
section 19M(1) and (2)	magistrate <i>(all references)</i>	Local Court
section 19R(a)	a magistrate	the Local Court
section 19R(b)	magistrate	Local Court
section 19S(1) and (2)	magistrate <i>(all references)</i>	Local Court Judge
section 34(11)	Judge or magistrate	Supreme Court Judge or Local Court Judge
section 35(4)	Court of Summary Jurisdiction <i>Justices</i>	Local Court <i>Local Court (Criminal Procedure)</i>
section 35A(1) and (2)	judge of the Supreme Court	Supreme Court Judge
section 36A(6)(a) to (d)	offence under	offence against
section 41	a magistrate or a jury	the trier of fact

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## Schedule 9 Prisoners (Interstate Transfer) Act further amended

section 135

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 3(1), definitions <b><i>court of petty sessions</i></b> and <b><i>justice</i></b>	whole definition	
section 3(1), definition <b><i>default imprisonment</i></b> , paragraph (a)	, judge or justice	
section 3(1), at the end		<i>Note for subsection (1)</i> <i>The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i>
section 3(2), after "justice"		of the peace
section 12, heading	<b>court of petty sessions</b>	<b>Local Court</b>
section 12(1)	A court of petty sessions the court of petty sessions	The Local Court the Local Court at the place
section 13	all words from "The" to "shall:"	When the prisoner is brought before it, the Local Court must:
section 14, heading	<b>court of petty sessions</b>	<b>Local Court</b>
section 14(1) and (4)	court of petty sessions	Local Court
section 26(5)(a)(ii)	or magistrate	
section 30(2)	a justice the justice	the Local Court the Local Court

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section 32

A court of petty  
sessions

The Local Court

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**Schedule 10 Sentencing Act further amended**

section 140

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 3(1), definition <b>registrar</b>	clerk or the judicial registrar of the Court of Summary Jurisdiction	registrar of the Local Court
section 3(1), at the end		<i>Note for subsection (1)</i> <i>The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i>
section 5(2)(ha)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 14(4)(b)(ii)	Court of Summary Jurisdiction	Local Court
section 15(2)(b)	Justice <i>(all references)</i>	justice of the peace
section 15(3B) and (3C)	Court of Summary Jurisdiction <i>(all references)</i>	Local Court
sections 39(2) and 39M(1) and (2)	Justice <i>(all references)</i>	justice of the peace
section 42(4)(b)(ii)	Court of Summary Jurisdiction	Local Court
section 43(3)(b)	a Justice the Justice	the court the court
section 43(4C), (4D) and (4E)	Court of Summary Jurisdiction <i>(all references)</i>	Local Court
sections 48(2) and 48K(1) and (2)	Justice <i>(all references)</i>	justice of the peace
section 53A, heading	<b>crime</b>	<b>offence</b>

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sections 53A(1) and (12), definition <b><i>unlawful homicide</i></b> and 56(4)	crime	offence
section 65(1)	a crime	an offence
section 78K(4)	crime	offence
section 78N(2)	Justice <i>(all references)</i>	justice of the peace
section 85(3)(b)(ii)	Court of Summary Jurisdiction	Local Court
section 97AB(1)(b), after " <i>Court</i> "		<i>(Civil Procedure)</i>
section 107(3A)	court of summary jurisdiction	Local Court
section 108A(1)(a)	Court of Summary Jurisdiction	Local Court
section 108A(1)(b)	magistrate <i>(all references)</i>	Court
section 108A(2)	magistrate	person constituting the Court
	the magistrate would have	would have been
section 108A(3)	a magistrate	the person
section 111(1)(b)	Court of Summary Jurisdiction	Local Court
section 114(5) and (6)	Justice <i>(all references)</i>	justice of the peace
section 114(7)	a magistrate and the magistrate	the Local Court and the Local Court
section 114(8)	all words from "a magistrate" to "her"	the Local Court and, if the Local Court is satisfied that the person
	the magistrate may	the Local Court may

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section 114(9)	a magistrate	the Local Court
	the magistrate ( <i>all references</i> )	the Local Court
section 114(10)	magistrate	Local Court
section 114(11)	a magistrate	the Local Court
section 114(12)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
sections 115(5) to (8) and (10) and 123A(1)(a) and (b)	Court of Summary Jurisdiction	Local Court
section 123A(2)(b)	magistrate	Court
section 128(2)(d)	\$2,000	100 penalty units
Schedule 2, sections 175 and 176	crime	indictable offence
Schedule 2, section 190	or magistrates	

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## Schedule 11 Serious Crime Control Act further amended

section 146

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 6, definition <b><i>Court of Summary Jurisdiction</i></b>	whole definition	
section 6, definition <b><i>registrar</i></b> , paragraph (b)	Court of Summary Jurisdiction – a Registrar	Local Court – a registrar
section 6, at the end		<i>Note for section 6</i> <i>The Interpretation Act</i> <i>contains definitions and</i> <i>other provisions that may be</i> <i>relevant to this Act.</i>
section 10(2)(a)	Court of Summary Jurisdiction	Local Court
section 49, heading	<b>Court of Summary Jurisdiction</b>	<b>Local Court</b>
section 49(1) and (3)	Court of Summary Jurisdiction	Local Court
section 50(1)	Court of Summary Jurisdiction	Local Court
	magistrate <i>(all references)</i>	Local Court Judge
section 50(2) to (8)	magistrate <i>(all references)</i>	Judge
section 50(5)(a) and (8)(b)(ii)	Court of Summary Jurisdiction	Local Court
section 50(9)	magistrate	Judge
	Court of Summary Jurisdiction	Local Court
section 51(2)	Court of Summary Jurisdiction	Local Court

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section 51(5)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
sections 52(1), (3) and (4) and 59(1)	Court of Summary Jurisdiction	Local Court
section 60, heading	<b>Court of Summary Jurisdiction</b>	<b>Local Court</b>
section 60(1)	Court of Summary Jurisdiction	Local Court
section 60(3)	Court of Summary Jurisdiction	Local Court
	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
sections 61(1)(d) and 63(1)	Court of Summary Jurisdiction	Local Court
section 63(5)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 64(1) and (3) to (5)	Court of Summary Jurisdiction	Local Court
section 64(2)	Court of Summary Jurisdiction	Local Court
	magistrate or Justices	Local Court Judge or justices of the peace
sections 67(1)(a)(ii), 70(1) and 73(1)(g) and (i) to (k)	Court of Summary Jurisdiction	Local Court
section 73(1)(f) and (h)	Court of Summary Jurisdiction	Local Court
	magistrate	Local Court Judge
section 73(7), definition <b>court</b>	magistrate, the Court of Summary Jurisdiction	Local Court Judge, the Local Court
section 79(1)(b)	Court of Summary Jurisdiction	Local Court

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section 85(7), definition  
**former judicial officer**,  
paragraph (a), after "a"

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Supreme Court



## Schedule 12 Work Health Administration Act further amended

section 152

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 13(a)	magistrate	Judge
section 15(1)	<i>Act</i> court.	<i>Act and Local Court (Civil Procedure) Act</i> court in its civil jurisdiction.
section 18(4)	the Clerk	a registrar
Part 3, Division 2, heading	<b>magistrate</b>	<b>Judge</b>
section 21, heading	<b>magistrate</b>	<b>Judge</b>
section 21(1)	Magistrate magistrate ( <i>all references</i> )	Judge Judge
section 21(2)	magistrate	Judge
sections 22(1), (2)(a) and (3), 23(1), (2)(a) and (3), 24(3) and 25(3)	Magistrate	Judge
section 28(2)	a Local	the Local
sections 30(2) and 31(1) and (3)	Magistrate	Judge

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## Schedule 13 Youth Justice Act further amended

section 159

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 24(1) to (5) and 30(3) to (5) and (7) and (8)	magistrate <i>(all references)</i>	Local Court Judge
section 31(1)(a)	a crime	an indictable offence
section 31(2)(a), (4), (5), (7) and (8)	magistrate	Local Court Judge
section 32(3), definition <b>relevant offence</b>	a crime	an offence
section 33(3), (5), (7) and (8)	magistrate	Local Court Judge
section 47(1)	A Registrar	A registrar
section 49(4)	a magistrate	the Court
section 55(1)(a)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
section 58(1)(b)	trial	hearing
section 121(4)	Justice	justice of the peace
section 132(d)	a court of summary jurisdiction	the Local Court
section 138(1) and (2)(a)	Court of Summary Jurisdiction <i>(all references)</i>	Local Court
section 140G(4)	Magistrate	Judge
section 144(2)(b), before "Judge"		Supreme Court

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section 144(3)	all words from "Justices" to "Jurisdiction"	<i>Local Court (Criminal Procedure) Act</i> relating to appeals from the Local Court
section 146	Judge of the Supreme Court	Supreme Court Judge
section 154(3)	magistrate	Local Court Judge
section 159(1)	a crime	an indictable offence

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**Schedule 14 Other laws amended**

section 160

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Bail Regulations</i></b>		
regulation 4	whole regulation	
Schedule, Form 1	Court of Summary Jurisdiction/ <i>(all references)</i>	
	<i>Justice of the Peace</i> <i>(all references)</i>	<i>justice of the peace</i>
Schedule, Form 2	<i>Justice of the Peace</i>	<i>justice of the peace</i>
Schedule, Form 3	Court of Summary Jurisdiction / Court of Summary Jurisdiction/ <i>Clerk</i>	<i>registrar</i>
	<i>Justice of the Peace</i>	<i>justice of the peace</i>
Schedule, Form 4	Court of Summary Jurisdiction/ <i>Justice of the Peace</i>	<i>justice of the peace</i>
<b><i>Firearms Act</i></b>		
section 3(1), definition <b><i>personal violence</i></b> <b><i>restraining order</i></b> , paragraph (a)	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
<b><i>Housing Regulations</i></b>		
Schedule 1, Part A, item 3, after "section"		9(2)(f),

**Misuse of Drugs Regulations**Schedule 3, Form 13,  
after "Court"**(Civil Procedure)****Police Administration Act**section 4(1), definitions  
**Judge, justice** and  
**magistrate**section 4(1), definition  
**forensic procedure**  
**approval,**  
paragraphs (a) and (b)

magistrate

Local Court Judge

section 101(1)

Judge of the Supreme  
Court

Supreme Court Judge

section 116(1)

For the purposes of this  
Part, unless the  
contrary intention  
appears

For this Part

section 116(2)

In this Part unless the  
contrary intention  
appears

For this Part

section 116(2)

*(in alphabetical order)***offence** means an  
offence against a law of  
the Territory or an Act  
of the Commonwealth.

section 116(6)

whole subsection

section 116(8)

Judge, magistrate or  
justice  
*(all references)*court, judge or justice of  
the peacesections 117(1) to (4)  
and (6), 118(1) to (10),  
120B(1), (5), (6) and  
(8)(b)(i), 121(1) to (5)  
and (7) and 122(1) to  
(10), after "justice"  
*(all references)*

of the peace

section 124(1)	Judge, magistrate or justice	Supreme Court Judge, Local Court Judge or justice of the peace
section 125(3)	A justice	The court
section 125(3)(b)	whole paragraph	(b) grant the person bail in accordance with the <i>Bail Act</i> as if the person had been charged with the similar offence mentioned in subsection (1); or
section 129(2)	without his entering into any recognizance or bail	
section 131(1)	without his entering into any recognizance or bail,	
section 133(1)	a justice	a court of competent jurisdiction
	the justice	the court
section 133(2)	a justice	the court
	the justice	the court
section 133AB(3)(d), after "justice"		of the peace
Part VII, Division 4A, heading, before " <b>Court</b> "		<b>Local</b>
section 133A, definition <b>Court</b>	whole definition	
sections 133B(1) and (2) and 133C(1)(c) and (d), (3) and (4), before "Court" ( <i>all references</i> )		Local
section 133D	Court, clerk of the	Local Court, Registrar of the Local

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section 133E	Court <i>Justices</i>	Local Court <i>Local Court (Criminal Procedure)</i>
Part VII, Division 6, heading	<b>a justice or</b>	
section 137, heading	<b>justice or</b>	
section 137(1)	a justice or	
section 138, heading	<b>justice or</b>	
section 138	all words from "the justice" to "shall"	the court, the court considering the question must
section 138A, heading	<b>justice or</b>	
section 138A(3)	justice or	
section 145(2)(b), (3), (4) and (6)	magistrate	Local Court Judge
section 145A(1)(a)	a crime	an indictable offence
section 147B(3), definition <b>relevant offence</b>	a crime	
section 149(2), after "justice"		of the peace
section 161(1) and (2)(b) and (c)	justice or magistrate ( <i>all references</i> )	Local Court Judge or justice of the peace
section 162(5), before "Judge"		Supreme Court
section 162(6), (7A)(b)(ii), (9) and (10)	magistrate	Local Court Judge
<b><i>Prisoners (Interstate Transfers) Regulations</i></b>		
regulations 13(3), 14(1) and (2) and 16(1)	a court of petty sessions	the Local Court
regulation 22(2)	perons's	person's

regulation 30(a)	a court of petty sessions	the Local Court
Schedule, Form 5	COURT OF SUMMARY JURISDICTION court of summary jurisdiction at _____, at the court of summary jurisdiction Clerk of the Court of Summary Jurisdiction court of summary jurisdiction in	LOCAL COURT Local Court, at the Local Court Registrar of the Local Court Local Court in
Schedule, Form 6	all words from " NOW," to "Court,"	NOW, * this the [*Local Court/ Supreme Court], *   _____, a person authorised by the Rules of the Supreme Court,
Schedule, Form 7	COURT OF SUMMARY JURISDICTION undersigned magistrate constituting a court of summary jurisdiction at  I, the undersigned magistrate constituting the above-named court, issue I, THEREFORE, HEREBY COMMAND Magistrate	LOCAL COURT Local Court  this, the Local Court, issues THE LOCAL COURT, THEREFORE, COMMANDS Local Court Judge



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Schedule, Form 8	court of summary jurisdiction at ( <i>court</i> )	Local Court,
	court of summary jurisdiction ( <i>all other references</i> )	Local Court
	Judge of the Supreme Court ( <i>all references</i> )	Supreme Court Judge
Schedule, Form 11, paragraph (a)	a justice at ( <i>court</i> )	the Local Court at ( <i>address</i> )
Schedule, Form 11, paragraph (b)	justice	Local Court
Schedule, Form 12	COURT OF SUMMARY JURISDICTION	LOCAL COURT
	court of summary jurisdiction at for	Local Court for
	at the court of summary jurisdiction	at the Local Court
	Clerk of the Court of Summary Jurisdiction	Registrar of the Local Court
	court of summary jurisdiction in	Local Court in

***Public Transport (Passenger Safety) Regulations***

Schedule, Part A,  
item 3, after "section" 9(2)(f),

***Youth Justice Regulations***

regulation 32(1)(a)	Judge or magistrate	Supreme Court Judge or Youth Judge
Schedule 2, Forms 1, 2, 4, 5, 6 and 8 to 12	Peace	peace
Schedule 2, Forms 10, 12, 14 and 15B	Magistrate	Youth Judge

***Weapons Control Act***

section 15(4), definition  
***personal violence***  
***restraining order***,  
paragraph (a)

*Justices*

*Local Court (Criminal  
Procedure)*

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## **Schedule 15 Laws repealed**

section 161

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<i>Crimes (Victims Assistance) Rules</i>	Subordinate Legislation No. 43 of 2002
<i>Justices Rules</i>	Subordinate Legislation No. 12 of 2011
<i>Local Court Regulations</i>	Subordinate Legislation No. 39 of 1998
<i>Amendments of Local Court Regulations</i>	Subordinate Legislation No. 10 of 2000
<i>Amendment of Local Court Regulations</i>	Subordinate Legislation No. 23 of 2001
<i>Amendments of Local Court Regulations</i>	Subordinate Legislation No. 45 of 2002

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