

Serial 26  
Supreme Court Amendment (Associate Judges) Bill 2017  
Ms Fyles

A Bill for an Act to amend the *Supreme Court Act*, and for related purposes



# NORTHERN TERRITORY OF AUSTRALIA

## SUPREME COURT AMENDMENT (ASSOCIATE JUDGES) ACT 2017

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Act No. [ ] of 2017

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2017

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An Act to amend the *Supreme Court Act*, and for related purposes.

[Assented to [ ] 2017]  
[Second reading [ ] 2017]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Supreme Court Amendment (Associate Judges) Act 2017*.

### 2 Commencement

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

## Part 2 Amendment of Supreme Court Act

### 3 Act amended

This Part amends the *Supreme Court Act*.

### 4 Section 9 amended

- (1) Section 9(1), definition ***Master***  
*omit*

## (2) Section 9(1)

*insert (in alphabetical order)*

**Associate Judge** means an Associate Judge of the Court, and includes a person authorised to act in the office of Associate Judge.

**5 Section 11 amended**

## (1) Section 11(1)

*omit*

Master

*insert*

Associate Judges

## (2) Section 11(2)

*omit*

the Master, by the Master

*insert*

an Associate Judge, by an Associate Judge

**6 Section 15 amended**

Section 15(d)

*omit*

the Master

*insert*

an Associate Judge

**7 Section 25 amended**

## (1) Section 25, heading

*omit*

**Master, &c.**

*insert*

**Associate Judge, etc.**

(2) Section 25(a) and (c)(i)

*omit*

the Master

*insert*

an Associate Judge

**8 Section 26 amended**

Section 26(1) and (3)

*omit (all references)*

the Master

*insert*

an Associate Judge

**9 Section 27 amended**

Section 27(1) and (2)

*omit*

the Master

*insert*

an Associate Judge

**10 Section 28 amended**

Section 28(c)

*omit*

the Master

*insert*

an Associate Judge

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**11 Section 29 amended**

- (1) Section 29, heading

*omit*

**Master**

*insert*

**Associate Judges**

- (2) Section 29

*omit*

the Master

*insert*

an Associate Judge

- (3) Section 29(a), (b) and (c)

*omit (all references)*

he

*insert*

the Associate Judge or referee

- (4) Section 29(a)

*omit*

(but not including the power to commit for contempt)

**12 Section 30 amended**

Section 30

*omit*

the Master

*insert*

an Associate Judge



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**13 Section 33 amended**

After section 33(4)

*insert*

- (5) Associate Judges have seniority, as between themselves, according to:
- (a) the dates on which their commissions took effect; or
  - (b) in the case of 2 or more commissions that took effect on the same date, according to the precedence assigned to them in their commissions.

**14 Part II, Division 5A heading amended**

Part II, Division 5A, heading

*omit*

**Master**

*insert*

**Associate Judges**

**15 Section 41A amended**

- (1) Section 41A, heading

*omit*

**Master**

*insert*

**Associate Judges**

- (2) Section 41A

*omit*

the Master

*insert*

an Associate Judge

---

**16 Section 41B amended**

Section 41B

*omit*

The Master

*insert*

An Associate Judge

**17 Section 41C amended**

(1) Section 41C(1)

*omit*

The Master

*insert*

An Associate Judge

(2) After section 41C(2)

*insert*

(3) The salary, allowances and other benefits to which an Associate Judge is entitled under subsection (1) must not be altered to the Associate Judge's detriment during the Associate Judge's term of office.

**18 Section 41D amended**

Section 41D

*omit*

The Master

*insert*

An Associate Judge

**19 Section 41E amended**

Section 41E

*omit*

The Master

*insert*

An Associate Judge

**20 Section 41F amended**

- (1) Section 41F, heading

*omit*

**Master**

*insert*

**Associate Judge**

- (2) Section 41F

*omit*

the Master from office if, and only if, the Master:

*insert*

an Associate Judge from office if, and only if, the Associate Judge:

**21 Section 41G amended**

- (1) Section 41G

*omit*

the Master

*insert*

an Associate Judge

- (2) Section 41G

*omit*

*Public Service Act*

*insert*

*Public Sector Employment and Management Act*

---

**22 Section 41H amended**

- (1) Section 41H, heading  
*omit*  
**Master**  
*insert*  
**Associate Judge**
- (2) Section 41H(1) and (2)  
*omit (all references)*  
of Master  
*insert*  
of Associate Judge
- (3) Section 41H(1)(b)  
*omit*  
the Master  
*insert*  
an Associate Judge

**23 Section 41J amended**

- (1) Section 41J(1)  
*omit*  
The Master  
*insert*  
An Associate Judge
- (2) Section 41J(1) and (2)  
*omit*  
of Master

*insert*

of Associate Judge

## **24 Section 41K amended**

- (1) Section 41K, heading

*omit*

**Master**

*insert*

**Associate Judge**

- (2) Section 41K(1) and (3)

*omit*

The Master

*insert*

An Associate Judge

- (3) Section 41K(1) and (2)

*omit*

the Master

*insert*

an Associate Judge

## **25 Section 49 amended**

Section 49(1) and (2)

*omit (all references)*

the Master

*insert*

an Associate Judge

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**26 Section 49A amended**

- (1) Section 49A, heading

*omit*

**Master**

*insert*

**Associate Judges**

- (2) Section 49A

*omit*

the Master

*insert*

an Associate Judge

**27 Section 53 amended**

Section 53(4)

*omit*

the Master

*insert*

an Associate Judge

**28 Section 55 amended**

Section 55(2)(c)(i)

*omit (all references)*

the Master

*insert*

an Associate Judge

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**29 Section 83A amended**

- (1) Section 83A(3)(b)  
*omit, insert*  
(b) an Associate Judge;
- (2) Section 83A(8)  
*omit*  
the Master  
*insert*  
an Associate Judge

**30 Section 90 inserted**

After section 89

*insert*

**90 Transitional matters for *Supreme Court Amendment (Associate Judges) Act 2017***

- (1) The person who is the Master of the Court immediately before the commencement day becomes a holder of the office of Associate Judge on the commencement day.
- (2) Any service of the person as Master of the Court before the commencement day is taken, on and after the commencement day, to be service as an Associate Judge.
- (3) The person:
- (a) holds the office of Associate Judge on the same terms and conditions as those on which the person held the office of Master of the Court; and
  - (b) is not required to take an oath under section 41J.
- (4) A proceeding that was before the Master of the Court immediately before the commencement day:
- (a) becomes a proceeding before an Associate Judge; and
  - (b) continues uninterrupted and is not affected by the enactment of the *Supreme Court Amendment (Associate Judges) Act 2017*.

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- (5) A judgment given, order made or process issued by the Master of the Court before the commencement day has effect, on and after the commencement day, as if it were a judgment given, order made or process issued (as the case requires) by an Associate Judge.
- (6) A reference (in an Act or other document) to the Master of the Court is taken to be a reference to an Associate Judge, unless the context otherwise requires.
- (7) In this section:

**commencement day** means the day on which section 4 of the *Supreme Court Amendment (Associate Judges) Act 2017* commences.

### 31 Schedule 2 amended

Schedule 2

*omit*

Master

*insert*

Associate Judge

## Part 3 Amendment of Criminal Code

### 32 Act amended

This Part amends the *Criminal Code*.

### 33 Section 190 amended

- (1) Section 190, before "Any"

*insert*

(1)

- (2) Section 190, at the end

*insert*

- (2) In this section:

**judge** means the following:

- (a) a Judge or Associate Judge of the Supreme Court;



- (b) a Local Court Judge.

## **Part 4                      Amendment of Interpretation Act**

### **34                      Act amended**

This Part amends the *Interpretation Act*.

### **35                      Section 17 amended**

Section 17

*insert (in alphabetical order)*

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

## **Part 5                      Consequential amendments**

### **36                      Other laws amended**

The Schedule amends the laws mentioned in it.

## **Part 6                      Expiry of Act**

### **37                      Expiry of Act**

This Act expires on the day after it commences.

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**Schedule      Other laws amended**

section 36

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Absconding Debtors Act</i></b>		
section 4(1), definition <b><i>Master of the Supreme Court</i></b>	whole definition	
section 7(b)	the Master of the Supreme Court	an Associate Judge
<b><i>Agents Licensing Regulations</i></b>		
regulation 17(1)(c)(xi)	whole subparagraph	(xi) an Associate Judge;
<b><i>Bail Act</i></b>		
section 3(1), definition <b><i>Supreme Court Judge</i></b> , paragraph (b)	the Master of the Supreme Court ( <i>all references</i> )	an Associate Judge
<b><i>Constitutional Convention (Election) Act</i></b>		
section 3, definition <b><i>Master</i></b>	whole definition	
sections 118(1), 119, 122(1)(a), 128(2) and (3) and 129	the Master	an Associate Judge
<b><i>Electoral Act</i></b>		
section 3, definition <b><i>Master</i></b>	whole definition	
section 238	the Master	an Associate Judge
sections 239, 240(1), 242(1), 248(2) and (3), 249, 250 and 255	Master	Associate Judge

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Evidence Act</i></b>		
section 49ZD(2)(a)(ii), before "a Master"		an Associate Judge or
<b><i>Juries Act</i></b>		
section 5(1), definition <b>Master</b>	whole definition	
section 15, heading	<b>Master</b>	<b>Associate Judge</b>
section 15	the Master ( <i>first reference</i> )	an Associate Judge
sections 15 and 17A(1)	Master	Associate Judge
section 17A(2)	the Master	an Associate Judge
	he	the Judge or Associate Judge
section 27A(1)	he	the Deputy Sheriff
	the Master	an Associate Judge
section 27A(4)	he shall thereupon	the Sheriff or Deputy Sheriff must
	the Master	an Associate Judge
section 36	the Master that	an Associate Judge that
	Master, as	Associate Judge, as
<b><i>Justices of the Peace Act</i></b>		
Schedule 1	Master of the Supreme Court	Associate Judge

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Legal Profession Act</i></b>		
section 4, definition <b><i>Master</i></b>	whole definition	
section 351, definition <b><i>reviewer</i></b> , paragraphs (a) and (b)	the Master	an Associate Judge
section 467(7), definition <b><i>judicial officer</i></b> , paragraph (b)	whole paragraph	(b) an Associate Judge; or
section 651(1)(a)	whole paragraph	(a) an Associate Judge; and
sections 651(4) and 655(2), (3) and (4)	Master ( <i>all references</i> )	Associate Judge
section 687(2)(b)	whole paragraph	(b) an Associate Judge; or
<b><i>Local Court (Criminal Procedure) Act</i></b>		
section 178(1)	the Master	an Associate Judge
	him	Associate Judge or other proper officer
section 178(2)	the Master	an Associate Judge
<b><i>Motor Accidents (Compensation) Act</i></b>		
section 29A(2)	the Master of the Supreme Court	an Associate Judge
	the Master may	an Associate Judge may
<b><i>Motor Accidents (Compensation) Appeal Tribunal Rules</i></b>		
rule 3, definition <b><i>Master</i></b>	whole definition	
rule 4A, heading	<b>Master</b>	<b>Associate Judge</b>

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rule 4A	The Master	An Associate Judge
<b><i>Public Interest Disclosure Act</i></b>		
section 7(2)(b)	whole paragraph	(b) an Associate Judge; or
<b><i>Referendums Act</i></b>		
section 2, definition <b><i>Master</i></b>	whole definition	
section 62(3)(f)	the Master	an Associate Judge
sections 62(4) and (5), 63(2), 69 and 73	Master	Associate Judge
<b><i>Sheriff Regulations</i></b>		
regulation 2	whole regulation	
regulations 10(3), 12 and 17 and Schedule 1, item 14	the Master	an Associate Judge
<b><i>Status of Children Act</i></b>		
section 10(3)	the Master	an Associate Judge
<b><i>Supreme Court Regulations</i></b>		
Schedule, Part 2, item 5	Master's	Associate Judge's
<b><i>Trustee Act</i></b>		
section 22(4)	the Master	an Associate Judge