

Serial 67  
Local Court Amendment (Judicial Appointments) Bill 2018  
Ms Fyles

A Bill for an Act to amend the *Local Court Act*



NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT AMENDMENT (JUDICIAL APPOINTMENTS) ACT 2018

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Act No. [ ] of 2018

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2018

An Act to amend the *Local Court Act*

[Assented to [ ] 2018]  
[Introduced [ ] 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Local Court Amendment (Judicial Appointments) Act 2018*.

## 2 Commencement

This Act commences on the day on which the Administrator's assent to this Act is declared.

## 3 Act amended

This Act amends the *Local Court Act*.

## 4 Section 53 amended (Appointment)

Section 53(1)

*omit*

*Gazette* notice

*insert*

instrument

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**5 Section 60 amended (Appointment)**

Section 60(1)

*omit*

*Gazette* notice

*insert*

instrument

**6 Section 67A inserted**

After section 67, in Part 5, Division 3

*insert*

**67A Validity of acts**

The Court's exercise of its jurisdiction is not affected only by reason of a defect in the appointment of a Judge or an acting Judge.

**7 Part 7A inserted**

After section 81

*insert*

**Part 7A Validation****81A Appointments to Court**

- (1) Elizabeth Jane Morris is taken to have been appointed under section 53(1)(b) as a Deputy Chief Judge on and from 29 July 2017.
- (2) Sarah Jane McNamara is taken to have been appointed under section 53(1)(c) as a Judge on and from 13 March 2017.
- (3) Gregory John Macdonald is taken to have been appointed under section 53(1)(c) as a Judge on and from 31 July 2017.
- (4) Richard Johnston Wallace is taken to have been appointed under section 60(1) as an acting Judge for the following periods:
  - (a) from 1 August 2016 to 31 October 2016;
  - (b) for a period of 3 months on and from 30 January 2017;

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- (c) from 2 May 2017 to 1 May 2018;
  - (d) from 2 May 2018 to 1 May 2019.
- (5) Sarah Jane McNamara is taken to have been appointed under section 60(1) as an acting Judge for the period from 5 September 2016 to 18 October 2016.
- (6) Richard James Coates is taken to have been appointed under section 60(1) as an acting Judge for the following periods:
- (a) for a period of 3 months on and from 30 January 2017;
  - (b) from 2 May 2017 to 1 May 2018.
- (7) The Administrator may make regulations under this Part prescribing:
- (a) a person who is taken to have been appointed to a specified position under this Act; and
  - (b) the period, or the date from which, that appointment is taken to have had effect.
- (8) A regulation made under subsection (7) may have retrospective effect for a period:
- (a) beginning on, or on and from a date on or after, the day on which section 53 commenced; and
  - (b) ending immediately before the day on which section 7 of the *Local Court Amendment (Judicial Appointments) Act 2018* commenced.

### **81B Validation of certain judicial appointments**

An appointment specified by or under section 81A is a valid appointment and is taken to have always been a valid appointment despite the failure to publish a *Gazette* notice of appointment on or before the day on which the appointment was purported to take effect.

### **81C Validation of acts performed**

- (1) If a person appointed under an appointment specified by or under section 81A performed or purported to perform, or performs or purports to perform, any act under this Act or any other Act, that act is not invalid, and is taken never to have been invalid, by reason only of a defect in the appointment of the person under this Act.

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- (2) Any act performed or purported to have been performed under this Act or any other Act by a person under an appointment specified by or under section 81A is taken to have, and always to have had, the same force and effect as it would have had if the person had been validly appointed under this Act before the act was performed or purported to have been performed.
- (3) Without limiting subsections (1) and (2), the performance of an act under this Act or any other Act includes the following:
- (a) the exercise or purported exercise of any power;
  - (b) the making or purported making of any decision;
  - (c) the granting or purported granting or issuing or purported issuing of any order or any other document;
  - (d) the performance or purported performance of any function.

## **8 Repeal of Act**

This Act is repealed on the day after it commences.