



NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Local Court Act*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Local Court Amendment Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Local Court Act* is in this Act referred to as the Principal Act.

4. CONSTITUTION OF COURT

Section 5(1) of the Principal Act is amended by omitting ", where the Rules so provide, the Registrar" and substituting "the person specified in accordance with the Rules".

5. PROTECTION OF PERSON EXERCISING JURISDICTION OF COURT

Section 11 of the Principal Act is amended by omitting "A Registrar" and substituting "A person exercising the jurisdiction of the Court".

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6. COURT RECORDS

Section 12 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) An order made by the Court may be authenticated by a Registrar or a magistrate."

7. JURISDICTION

Section 14(1)(c) of the Principal Act is amended by omitting "the property" and substituting "the right to ownership or possession".

8. REPEAL AND SUBSTITUTION

Section 16 of the Principal Act is repealed and the following substituted:

"16. PRE-HEARING CONFERENCES, &c.

"(1) The -

(a) Court may, whether of its own motion or on the application of a party, order; or

(b) Rules may require,

that a proceeding or part of it be referred to -

(c) a pre-hearing conference;

(d) a mediation conference; or

(e) an arbitration conference,

which shall be conducted in accordance with the Rules by the person presiding.

"(2) If a matter is not settled between the parties at a conference referred to in subsection (1), the person presiding may refer it back to the Court.

"(3) In the settlement of a matter at a conference referred to in subsection (1), the person presiding at -

(a) a pre-hearing conference or a mediation conference - may, with the consent in writing of each of the parties, make a final order in the proceeding; or

(b) an arbitration conference - may make a final order in the proceeding.

"(4) A party to a proceeding may, within 14 days after the making of an order under subsection (3)(b), appeal, in accordance with the Rules, to the Court.

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"(5) An order made under subsection (3) has effect as an order of the Court."

9. DIRECTIONS

Section 17 of the Principal Act is amended by inserting after "pre-hearing" the words ", mediation or arbitration".

10. RULES AND PROCEDURES

Section 21(2) of the Principal Act is amended -

- (a) by omitting from the end of paragraph (f) "and";
- (b) by omitting from paragraph (g) "of process." and substituting "a process;"; and
- (c) by adding at the end the following:
 - "(h) provide that an attachment of earnings order or an attachment of debts order be enforced directly against an employer or garnishee who does not comply with the order;
 - (j) provide for the referral of proceedings in the Court, or part of such proceedings or a matter arising out of such proceedings, to a mediator or an arbitrator for mediation or arbitration;
 - (k) prescribe the procedures to be followed by a mediator or an arbitrator in mediating or arbitrating anything referred under paragraph (j);
 - (m) provide for the attendance by persons at conferences conducted by mediators or arbitrators; and
 - (n) provide the procedure when mediation or arbitration ends, including where it has, or has not, resulted in an agreement or order."

11. CONTEMPT IN FACE OF COURT

Section 33(1)(b) of the Principal Act is amended by omitting "in the form prescribed by the Rules".
