

## **Explanatory Statement**

### **LOCAL COURT AMENDMENT (JUDICIAL APPOINTMENTS) BILL 2018**

**SERIAL NO. 67**

LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

### **EXPLANATORY STATEMENT**

#### **GENERAL OUTLINE**

This Bill amends the *Local Court Act*.

The purpose of this Bill is to confirm the validity of the appointment of certain Local Court Judges, the Deputy Chief Judge and Acting Judges and any judicial acts and decisions made by those Judges. It is also to remove the requirement for such judges to be appointed by Gazette Notice and instead be appointed by instrument.

#### **NOTES ON CLAUSES**

##### **Clause 1. Short Title**

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Local Court Amendment (Judicial Appointments) Act 2018*.

##### **Clause 2. Commencement**

This is a formal clause which provides when the Act will commence. This Act commences on the day on which the Administrator's assent to this Act is declared.

##### **Clause 3. Act amended**

This is a formal clause which sets out that the Act amends the *Local Court Act*.

##### **Clause 4. Section 53 amended (Appointment)**

This clause amends section 53 of the *Local Court Act* by replacing the words 'Gazette notice' with 'instrument'. The appointment of Local Court Judges will take place by instrument rather than the publication of a notice in the Gazette.

## **Clause 5. Section 60 amended (Appointment)**

This clause amends section 60 of the *Local Court Act* by replacing the words 'Gazette notice' with 'instrument'. The appointment of Acting Local Court Judges will take place by instrument rather than the publication of a notice in the Gazette.

## **Clause 6. Section 67A inserted**

This clause inserts a new provision into the *Local Court Act*, which is similar to provisions in the establishing legislation of other courts and tribunals. It serves to confirm that if for some reason there is a defect in the appointment of a Judge that will not affect the exercise of the Court's jurisdiction.

## **Clause 7. Part 7A inserted**

This clause inserts a new Part 7A into the *Local Court Act*, which consists of new sections 81A to 81C. The new Part operates to validate the judicial appointments, the instruments of appointment and actions taken by those persons appointed.

New section 81A identifies the particular judicial appointments which the validation applies to.

New section 81A(7) provides the Administrator with a new power to prescribe by regulation any additional judicial appointments that may require validation.

New section 81A(8) provides that any regulation made under subsection (7), validating any additional judicial appointment, may have retrospective effect.

New section 81B validates the appointments themselves.

New section 81C, together with section 67A, goes to confirming the validity of all acts, judgments or exercises of power made by those particular judicial appointments.

## **Clause 8. Repeal of Act**

This is a standard clause for legislation which consists entirely of amendments to other legislation. It provides that the Act ceases to have effect once it has performed its function of repealing or amending the other legislation.