

**NORTHERN TERRITORY OF AUSTRALIA**  
**LOCAL COURT (CRIMINAL JURISDICTION) AMENDMENT RULES 2016**

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**Subordinate Legislation No. 18 of 2016**

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**Schedule            Rules further amended**





# NORTHERN TERRITORY OF AUSTRALIA

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Subordinate Legislation No. 18 of 2016\*

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## ***Local Court (Criminal Jurisdiction) Amendment Rules 2016***

I, John Allan Lowndes, Chief Judge, and the Judges specified below, under section 48(1) of the *Local Court Act*, make the following rules.

Dated 4 May 2016

J. A. LOWNDES  
Chief Judge

J. M. R. NEILL  
Judge

E. H. ARMITAGE  
Judge

T. P. FONG LIM  
Judge

J. W. A. BIRCH  
Judge

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\* Notified in the *Northern Territory Government Gazette* on 16 May 2016.

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## 1 Citation

These Rules may be cited as the *Local Court (Criminal Jurisdiction) Amendment Rules 2016*.

## 2 Rules amended

These Rules amend the *Local Court (Criminal Jurisdiction) Rules*.

*Note for regulation 3*

*The Rules amended by these Rules are the former Justices Regulations, which become rules of court under section 89(2) of the Local Court Act on the commencement of that Act.*

## 3 Schedule amended

Schedule, after Form 41

*insert*

FORM 42

NORTHERN TERRITORY OF AUSTRALIA

*Local Court (Criminal Procedure) Act*

section 105D

### NOTICE OF PRELIMINARY EXAMINATION

In the Local Court, Northern Territory

To *[name and address of accused]* \_\_\_\_\_

You have been charged with *[details of offence(s)]* \_\_\_\_\_

There will now be a preliminary examination in relation to the charge(s).

It will be held at the Local Court at *[address of Court]* \_\_\_\_\_

There will be a mention hearing on \_\_\_/\_\_\_/\_\_\_ at \_\_\_\_\_ am/pm.

**You must attend the Local Court for this hearing.**

The Judge will then set the date for the preliminary examination.

### Information about a preliminary examination

#### What is a preliminary examination?

A preliminary examination is a court proceeding in which a Local Court Judge reviews the evidence against you and decides whether there is sufficient evidence to send you for trial in the Supreme Court.

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## **The evidence**

The evidence against you is contained in the committal brief you have been given with this notice. The brief also includes:

- a list of prosecution witnesses and copies or recordings of their statements; and
- a list of any other prosecution evidence (i.e. documents or other things) and copies or a description or picture of them.

If the prosecution wants the Judge to hear from other witnesses, or has other evidence, it must give you another list and copies of witness statements or the evidence.

These witness statements and any other listed evidence is the evidence that the Judge may consider at the preliminary examination.

## **Questioning the witnesses**

If you (or your lawyer) want to question any of the prosecution's witnesses, you must get permission from the Judge to do so.

When you have decided whether you want to question any of the witnesses, you must fill in the Notice in Relation to Witnesses form. (If you have a lawyer, he or she will have this form. If not, you can get one from the Court.) When you attend Court for the mention hearing, you must give the form to the Judge.

If the prosecution agrees to the questioning, the Judge will usually give permission. If the prosecution does not agree to the questioning, the Judge may give permission if the Judge believes there is a good reason for you to question the witness. However, the Judge does not have to give permission.

*[The following sentence is to be included only if the accused is charged with a sexual offence.]*

Also, you will not be allowed to question the alleged victim or any witnesses who are children.

*[The following sentence is to be included only if the accused is charged with a serious violence offence that is not a sexual offence.]*

Also, you will not be allowed to question any witnesses who are children.

## **What happens at the preliminary examination?**

At the preliminary examination the Judge will read each witness' statement and treat it the same as if the witness had given evidence in person. The Judge may allow the witness to appear in Court and give extra evidence, but only if there is a good reason.

If you have been given permission to question the witness, the witness must attend Court and you (or your lawyer) will be allowed to question the witness. However, the Judge will control what you can question the witness about.

The Judge may allow the prosecution to call witnesses who are not on the list in the committal brief, or to give other evidence, but only if there is a very good reason.

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If you wish to do so, you can give evidence at the preliminary examination and call your own witnesses. If you do, you and your witnesses can be questioned by the prosecutor and the Judge.

After considering all the evidence, the Judge will decide whether there is enough evidence to send you for trial in the Supreme Court.

### **Where to get more information**

If you have a lawyer, he or she will be able to advise you about the procedure for a preliminary examination and what you should do now.

If you do not have a lawyer, it is recommended that you seek advice from the NT Legal Aid Commission, the North Australian Aboriginal Justice Agency (NAAJA) or the Central Australian Aboriginal Legal Aid Service (CAALAS).

If you choose to represent yourself, you should read and make sure you understand Part V, Division 1A of the *Local Court (Criminal Procedure) Act* and the Court's Practice Directions which give more details about the Court's procedures.

#### **4 Rules further amended**

The Schedule has effect.

#### **5 Expiry of Rules**

These Rules expire on the day after they commence.

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**Schedule Rules further amended**

rule 5

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Long title	Regulations	Rules
	<i>Justices</i>	<i>Local Court</i>
rule 1	Regulations may be cited as the <i>Justices Regulations</i>	Rules may be cited as the <i>Local Court (Criminal Jurisdiction) Rules</i>
rule 2	<i>Justices Act</i> shall	<i>Local Court Act</i> are to
Schedule, heading	<b>The</b>	
Schedule, Forms 1A and 1B	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	Justice of the Peace for the Territory	Local Court Judge/registrar/JP
	all words from "such Justice" to "be there"	the Local Court
	Justice of the Peace (or Clerk of the Court)	Local Court Judge/registrar/JP
Schedule, Forms 2A and 2B	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	Justice of the Peace for the Northern Territory of Australia	Local Court Judge/registrar/JP
	all words from "such Justice" to "be there"	the Local Court
	Justice of the Peace (or Clerk of the Court)	Local Court Judge/registrar/JP

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Schedule 1, Forms 3 and 4	whole Form	
Schedule 1, Form 5	is is	it is
Schedule 1, Forms 5 and 6	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	me	the Local Court
	all words from "or before" to "there,"	
	Justice of the Peace.	Local Court Judge
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Forms 7 to 12	whole Form	
Schedule 1, Form 13	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	Justice of the Peace for the Northern Territory of Australia	justice of the peace
	Peace.	peace
Schedule 1, Form 14	whole Form	
Schedule 1, Form 15	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	me	the Local Court
	all words from "or before" to "Territory,"	
	Justice of the Peace.	Local Court
	all words from "ENDORSEMENT" to "Peace."	



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Schedule 1, Form 16	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	all words from "me" to "for the said Territory"	the Local Court
	I do hereby	to
	Justice of the Peace.	Local Court
Schedule 1, Form 17	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	all words from "undersigned" to "Australia"	Local Court
	19 <i>(all references)</i>	
	to me	to the Court
	before me	before the Local Court
	or before such Justice or Justices of the Peace as shall then be there,	
	Justice of the Peace.	Local Court
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Form 18	whole Form	
Schedule 1, Form 19	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	the the	the
	before the Justice or Justices	before the Local Court
	me, the undersigned, a Justice of the Peace for the said Territory	the Local Court

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	or before some other Justice or Justices of the Peace for the said Territory, Justice of the Peace.	Local Court
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Form 20	whole Form	
Schedule 1, Form 21	<i>Justices</i> 19 <i>(all references)</i> all words from "we," to "Australia," all words from "do dismiss" to "do order" forthwith we order we adjudge Justices of the Peace.	<i>Local Court (Criminal Procedure)</i>  the Local Court dismisses the complaint and orders immediately that Local Court
Schedule 1, Form 22	<i>Justices</i>  We hereby certify 19 <i>(all references)</i> all words from "us," to "us" Justices of the Peace.	<i>Local Court (Criminal Procedure)</i>  The Local Court hereby certifies  the Court and was Local Court
Schedule 1, Forms 23 to 27	whole Form	
Schedule 1, Form 28	<i>Justices</i>  19 <i>(all references)</i> all words from "we," to "Australia" do adjudge	<i>Local Court (Criminal Procedure)</i>   the Local Court adjudges

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	we adjudge	the Court adjudges
	we do also adjudge	also adjudges
	forthwith we order	immediately the Court orders
	Justices of the Peace.	Local Court
Schedule 1, Form 38	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 (all references)	
	all words from "a Justice" to "Australia" Peace.	justice of the peace peace
Schedule 1, Form 39	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 (all references)	
	me, the undersigned, a Justice of the Peace for the Northern Territory of Australia	the Local Court
	or before such other Justice or Justices of the Peace for the Northern Territory of Australia,	
	Justice of the Peace	Local Court Judge
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Form 40	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	undersigned, a Justice of the Peace for the Northern Territory of Australia	Local Court
	19 (all references)	
	all words from "me" to "there"	the Local Court

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	Justice of the Peace.	Local Court Judge/registrar/JP
Schedule 1, Form 41	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19 <i>(all references)</i>	
	Justice or Justices sitting	Local Court
	me, the undersigned, a Justice of the Peace for the Northern Territory of Australia	the Local Court
	all words from "or before" to "Australia,"	
	Justice of the Peace.	Local Court
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Form 44	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	me, the undersigned, a Justice of the Peace for the Northern Territory of Australia	the Local Court
	19 <i>(all references)</i>	
	me to	the Court to
	all words from "me or" to "there"	the Local Court
	Justice of the Peace.	Local Court
	all words from "ENDORSEMENT" to "Peace."	
Schedule 1, Forms 45 to 48	whole Form	

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Schedule 1, Form 49	<p><i>Justices</i></p> <p>sections 128, 131</p> <p>A MINOR INDICTABLE OFFENCE</p> <p>19 <i>(all references)</i></p> <p>all words from "me" to "Australia"</p> <p>I (we)</p> <p>Special Magistrate <i>(or Justices of the Peace).</i></p>	<p><i>Local Court (Criminal Procedure)</i></p> <p>section 128</p> <p>INDICTABLE OFFENCE HEARD AND DETERMINED SUMMARILY</p> <p>the Local Court</p> <p>the Local Court</p> <p>Local Court</p>
Schedule 1, Form 50	<p><i>Justices</i></p> <p>A MINOR INDICTABLE OFFENCE</p> <p>19 <i>(all references)</i></p> <p>all words from "I, the" to "certify"</p> <p>me <i>(or us)</i></p> <p>I <i>(or we)</i></p> <p>Special Magistrate <i>(or Justices of the Peace).</i></p>	<p><i>Local Court (Criminal Procedure)</i></p> <p>INDICTABLE OFFENCE HEARD AND DETERMINED SUMMARILY</p> <p>The Local Court certifies</p> <p>the Court</p> <p>the Court</p> <p>Local Court</p>
Schedule 1, Form 51	<p>whole Form</p>	

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Schedule 1, Form 52	<p><i>Justices</i></p> <p>sections 136, 140</p> <p>all words "me" to "Australia"</p> <p>19 <i>(all references)</i></p> <p>I do hereby</p> <p>next Court of Oyer and Terminer or General Gaol Delivery</p> <p>Judge of the Supreme Court</p> <p>Justice of the Peace.</p>	<p><i>Local Court (Criminal Procedure)</i></p> <p>section 136</p> <p>the Local Court</p> <p>to</p> <p>Supreme Court</p> <p>Supreme Court Judge</p> <p>Local Court</p>
Schedule 1, Form 53	<p><i>Justices</i></p> <p>me, the undersigned, a Justice of the Peace for the Northern Territory of Australia</p> <p>19 <i>(all references)</i></p> <p>by me</p> <p>I having said to him</p> <p>all words from "I do" to "admit"</p> <p>commit</p> <p>next Court of Oyer and Terminer and General Gaol Delivery</p> <p>Judge of the Supreme Court</p> <p>Justice of the Peace</p>	<p><i>Local Court (Criminal Procedure)</i></p> <p>the Local Court</p> <p>the defendant, having been asked</p> <p>the Court admits</p> <p>commits</p> <p>Supreme Court</p> <p>Supreme Court Judge</p> <p>Local Court</p>

Schedule 1, Form 58	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	19	
	Justice of the Peace for the Northern Territory of Australia	Local Court Judge/registrar/JP
	any Justice of the Peace for the Northern Territory of Australia	the Local Court
Schedule 1, Form 59	<i>Justices</i>	<i>Local Court (Criminal Procedure)</i>
	Esquire, a Justice of the Peace for the Northern Territory of Australia	a Local Court Judge/registrar/JP
	19 (all references)	
	any Justice	the Local Court
Schedule 1, Form 60	<i>Justices (all references)</i>	<i>Local Court (Criminal Procedure)</i>
	all words from "me" to "Australia,"	the Local Court
	my	the Court's
	a certain Justice of the Peace for the said Territory	a Local Court Judge/registrar/JP
	all words from "I" to "direct"	the Local Court directs
	19 Justice of the Peace.	Local Court
Schedule 1, Form 61	<i>Justices (all references)</i>	<i>Local Court (Criminal Procedure)</i>
	COURT OF SUMMARY JURISDICTION	LOCAL COURT
	Court of Summary Jurisdiction	Local Court

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	me (or us) the undersigned, a Special Magistrate (or 2 Justices of the Peace for the Northern Territory of Australia	the Local Court
	19 (all references)	
	me (or us)	the Local Court
	facts I (or we)	facts the Local Court
	I (or we) were	The Local Court is
	Special Magistrate (or Justices of the Peace).	Local Court
Schedule 1, Forms 62 and 62A	whole Form	
Schedule 1, Form 63	<i>Justices</i> (all references)	<i>Local Court (Criminal Procedure)</i>
	19 (all references)	
	by the Court of Summary Jurisdiction	by the Local Court
	all words from "and <i>Justices</i> " to "above-named"	<i>the Local Court</i>
	all words from "you the said" to "Jurisdiction"	the Local Court
	whereby you	in which the Local Court

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