

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (AUTHORITY OF MASTER)
RULES 2010

Subordinate Legislation No. 30 of 2010

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SUPREME COURT AMENDMENT (AUTHORITY OF MASTER) RULES 2010

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 9 November 2010

T. J. RILEY CJ

D. MILDREN J

S. R. SOUTHWOOD J

J. KELLY J

P. BARR J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 15 December 2010.

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Authority of Master) Rules 2010*.

2 Rules amended

These Rules amend the *Supreme Court Rules*.

3 Rule 32.08 amended

Rule 32.08(3)

omit

4 Rule 53.07 replaced

Rule 53.07

repeal, insert

53.07 Judgment for possession

In a proceeding under this Order, a judgment for possession must be in Form 53A.

5 Rule 53.08 amended

Rule 53.08(1)

omit, insert

- (1) In relation to a proceeding under this Order, a person may issue a warrant of possession to enforce a judgment for possession only if:
- (a) 3 months have elapsed since the judgment for possession took effect; and
 - (b) the leave of the Court has been obtained.

6 Rule 77.01 amended

- (1) Rule 77.01, heading

omit, insert

77.01 Authority in civil proceedings

(2) Rule 77.01(1)

omit

may:

insert

may do any of the following:

(3) Rule 77.01(1)(h)

omit

land; and

insert

land;

(4) After rule 77.01(1)(j)

insert

(k) exercise the jurisdiction of the Court under the *Family Law Act 1975* (Cth).

(5) After rule 77.01(2)

insert

(3) Subject to these Rules, the Master may hear and determine all interlocutory matters including an application for an interim or interlocutory injunction.

7 Rule 77.02 amended

(1) Rule 77.02(4)

omit

The

insert

Subject to these Rules, the

(2) Rule 77.02(4)(a), (b), (c) and (g)

omit

(3) Rule 77.02(4)(n)

omit, insert

(n) an application under any of the following Acts:

(i) the *Criminal Property Forfeiture Act*,

(ii) the *Serious Crime Control Act*,

(iii) the *Vexatious Proceedings Act*.

8 Rule 77.04 amended

(1) Rule 77.04(1)

omit

Where

insert

Subject to subrules (5) and (6), if

(2) After rule 77.04(4)

insert

(5) If it is reasonably practicable to do so, the Master must consult a Judge before hearing an interlocutory matter in a proceeding that:

(a) is being case flow managed by a Judge; or

(b) in the opinion of the Master, is proper for the determination of a Judge as mentioned in subrule (1).

(6) The Master must refer an application for a Mareva Order or Anton Pillar Order to a Judge under subrule (1) unless there are exceptional circumstances why the Master should hear and determine the application.

9	Rule 81A.02A inserted
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After rule 81A.02

insert

81A.02A Authority of Master in criminal proceedings

- (1) Subject to these Rules, the Master may exercise the powers and authority of the Court:
 - (a) in relation to a matter on an arraignment day as mentioned in rule 81A.14; and
 - (b) under the *Bail Act*.