

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (ASSOCIATE JUDGES) RULES 2017

Subordinate Legislation No. 32 of 2017

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 32 of 2017*

Supreme Court Amendment (Associate Judges) Rules 2017

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 17 October 2017

M. GRANT C J

S. R. SOUTHWOOD J

J. KELLY J

P. BARR J

G. HILEY J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 21 November 2017.

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Associate Judges) Rules 2017*.

2 Commencement

These Rules commence on the commencement of the *Supreme Court Amendment (Associate Judges) Act 2017*.

3 Rules amended

These Rules amend the *Supreme Court Rules*.

4 Rule 1.09 amended

Rule 1.09(1), definition **Registrar**

omit

the Master

insert

an Associate Judge

5 Order 1, Part 2A heading amended

Part 2A, heading

omit

Master's

insert

Associate Judges'

6 Rule 1.09A amended

(1) Rule 1.09A, heading

omit

Master's

insert

Associate Judge's

-
- (2) Rule 1.09A(1)(a)
omit
the Master
insert
an Associate Judge
- (3) Rule 109A(1)(b)
omit
the Master,
insert
an Associate Judge;
- (4) Rule 1.09A(1)
omit
Master
insert
Associate Judge
- (5) Rule 1.09A(2)
omit
The Master
insert
An Associate Judge

7 Rule 31.11 amended

- (1) Rule 31.11(1)
omit
the Master
insert
an Associate Judge

-
- (2) Rule 31.11(3) to (5)
omit (all references)
Master
insert
Associate Judge

8 Rule 41.05 amended

- (1) Rule 41.05(1) and (2)
omit
the Master
insert
an Associate Judge
- (2) Rule 41.05(2)
omit (all references)
he
insert
the Associate Judge

9 Rule 41.06 amended

- (1) Rule 41.06
omit
the Master
insert
an Associate Judge
- (2) Rule 41.06
omit
him

insert

the person

10 Rule 41.08 amended

(1) Rule 41.08(1)

omit

his

insert

the person's

(2) Rule 41.08(3)

omit (all references)

him

insert

the examiner

(3) Rule 41.08(6)

omit

the Master

insert

an Associate Judge

11 Rule 41.10 amended

(1) Rule 41.10(1)

omit

a Master and he fails or refuses to attend or he

insert

an Associate Judge and the person fails or refuses to attend or the person

-
- (2) Rule 41.10(1) and (2)(b)

omit

his

insert

the person's

12 Rule 44.03 amended

- (1) Rule 44.03(1)(a)

omit

the Master

insert

an Associate Judge

- (2) Rule 44.03(2)(b)

omit

his

insert

the witness'

- (3) Rule 44.03(2)(c)

omit

him

insert

the witness

13 Rule 45.05 amended

- (1) Rule 45.05(2)(b)

omit

authorize

insert

authorise

- (2) Rules 45.05(3)(a) and 45.05(7)(a) and (b), at the end

insert

or

- (3) Rule 45.05(7)

omit

the Master, the Master

insert

an Associate Judge, the Associate Judge

- (4) Rule 45.05(7)(a)

omit

he

insert

the Associate Judge

14 Rule 46.05.1 amended

- (1) Rule 46.05.1(2)(a)(i) and (b)

omit

the Master

insert

an Associate Judge

- (2) Rule 46.05.1(2)(b)(ii)

omit

Master's

insert

Associate Judge's

15 Rule 46.06 amended

Rule 46.06(2)

omit

the Master, a Registrar or the Master's

insert

an Associate Judge, a Registrar or the Associate Judge's

16 Rule 48.01 amended

(1) Rule 48.01, definition **Master**

omit

(2) Rule 48.01

insert (in alphabetical order)

Associate Judge includes the Registrar

17 Rule 48.04 amended

(1) Rule 48.04(1) and (2)

omit

the Master

insert

an Associate Judge

(2) Rule 48.04(3)

omit

The Master

insert

An Associate Judge

18 Rule 48.05 amended

- (1) Rule 48.05(1)
omit
the Master
insert
an Associate Judge
- (2) Rule 48.05(3) and (4)
omit
Master
insert
Associate Judge

19 Rule 48.06 amended

- (1) Rule 48.06(2) and (3)
omit (all references)
the Master
insert
an Associate Judge
- (2) Rule 48.06(4) and (5)(a)
omit (all references)
Master
insert
Associate Judge

20 Rule 48.09 amended

- (1) Rule 48.09(2) and (3)
omit
the Master

-
- insert*
an Associate Judge
- (2) Rule 48.09(2)(b) and (3)(b)
omit
hearing,
insert
hearing;
- (3) Rule 48.09(3)
omit
Master
insert
Associate Judge

21 Rule 48.11 amended

- (1) Rule 48.11(1)
omit
the Master
insert
an Associate Judge
- (2) Rule 48.11(1)(a) and (b) and (2)
omit
Master
insert
Associate Judge
- (3) Rule 48.11(3)
omit
a Judge or the Master

insert

the Judge or Associate Judge

22 Rule 48.12 amended

- (1) Rule 48.12(1), (2), (10) and (11)

omit (all references)

the Master

insert

an Associate Judge

- (2) Rule 48.12(1), (3) to (5), (6)(b) and (12)(a)

omit (all references)

Master

insert

Associate Judge

- (3) Rule 48.12(9)(b)(ii)

omit

the Master,

insert

an Associate Judge;

- (4) Rule 48.12(12)

omit

the Master

insert

an Associate Judge

23 Rule 48.13 amended

- (1) Rule 48.13(1), (2), (9), (11)(a) and (12)

omit (all references)

the Master

insert

an Associate Judge

- (2) Rule 48.13(1), (4), (5) and (6)(b)

omit (all references)

Master

insert

Associate Judge

- (3) Rule 48.13(9)

omit

The Master

insert

The Associate Judges

24 Rule 48.17 amended

- (1) Rule 48.17

omit

the Master

insert

an Associate Judge

- (2) Rule 48.17(b)

omit

trial,

insert
trial;
(3) Rule 48.17
omit
Master
insert
Associate Judge

25 Rule 48.23 amended

(1) Rule 48.23(1) and (2)(g)
omit
the Master
insert
an Associate Judge
(2) Rule 48.23(2)(g)
omit
Master
insert
an Associate Judge

26 Rule 48.24 amended

(1) Rule 48.24(1)
omit
Master
insert
an Associate Judge

(2) Rule 48.24(2), (5)(a) and (b) and (6)

omit

the Master

insert

an Associate Judge

(3) Rule 48.24(2) and (3)

omit

Master

insert

Associate Judge

(4) Rule 48.24(6)(a)

omit

his or her

insert

the Judge or Associate Judge's

(5) Rule 48.24(6)(b)

omit

he or she

insert

the Judge or Associate Judge

27 Rule 48.25 amended

(1) Rule 48.25

omit (all references)

Master

insert

Associate Judge

(2) Rule 48.25(3)

omit

his or her

insert

the witness'

28 Rule 48.27 amended

(1) Rule 48.27(1)

omit

the Master

insert

an Associate Judge

(2) Rule 48.27(1)(a) and (b)

omit

proceeding,

insert

proceeding;

(3) Rule 48.27(3)(a), at the end

insert

or

(4) Rule 48.27(3)(b)

omit

Master

insert

Associate Judge

29	Rule 50.01 amended
-----------	---------------------------

- | | |
|-----|--|
| (1) | Rule 50.01(a), at the end
<i>insert</i>
and |
| (2) | Rule 50.01(b) and (c)
<i>omit</i>
Master
<i>insert</i>
Associate Judge |
| (3) | Rule 50.01(b)
<i>omit</i>
him
<i>insert</i>
the Associate Judge or referee |
| (4) | Rule 50.01(b) and (c)
<i>omit</i>
his
<i>insert</i>
the Associate Judge's or referee's |

30	Rule 50.02 amended
-----------	---------------------------

- | | |
|-----|---|
| (1) | Rule 50.02(1)
<i>omit</i>
the Master or
<i>insert</i>
an Associate Judge or the |
|-----|---|

(2) Rule 50.02(1)

omit

him

insert

the referee

(3) Rule 50.02(1)

omit

his

insert

the referee's

(4) Rule 50.02(2)(a), at the end

insert

or

(5) Rule 50.02(2)(b)

omit

he

insert

the referee

31 Rule 50.05 amended

Rule 50.05

omit

authorizes a referee or the Master

insert

authorises a referee or an Associate Judge

32 Rule 51.04 amended

Rule 51.04

omit

the Master, he

insert

an Associate Judge, the Associate Judge

33 Rule 59.04 amended

(1) Rule 59.04

omit

the Master

insert

an Associate Judge

(2) Rule 59.04

omit

his

insert

the Associate Judge's

34 Rule 60.03 amended

(1) Rule 60.03(1)

omit

him

insert

the party

(2) Rule 60.03(2)

omit

the Master

insert

an Associate Judge

35 Rule 60.04 amended

- (1) Rule 60.04, heading

omit

Master

insert

Associate Judge

- (2) Rule 60.04(1)

omit (all references)

the Master

insert

Associate Judge

- (3) Rule 60.04(2)

omit

Master

insert

Associate Judge

- (4) Rule 60.04(2)

omit

another Judge

insert

another Judge or Associate Judge

36 Rule 63.21 amended

- (1) Rule 63.21(1)(a) to (c) and (2)(a) to (c), at the end

insert

or

- (2) Rule 63.21(4) and (5)

omit

the Master

insert

an Associate Judge

- (3) Rule 63.21(6)

omit

his

insert

the solicitor's

37 Rule 63.75 amended

Rule 63.75, Appendix, Part 1, paragraph 4

omit

the Master

insert

an Associate Judge

38 Rule 65.04 amended

Rule 65.04(3)

omit

the Master

insert

the Associate Judges

39 Rule 66.01 amended

Rule 66.01, definition *judgment for the payment of money into court*

omit

the Master

insert

an Associate Judge

40 Rule 66.02 amended

Rule 66.02(4)

omit

authorize or direct the Master

insert

authorise or direct an Associate Judge

41 Rule 67.05 amended

Rule 67.05

omit

the Master

insert

Associate Judge

42 Order 77 heading amended

Order 77, heading

omit

the Master

insert

Associate Judges

43 Rule 77.02 amended

- (1) Rule 77.02(1), (2) and (4)

omit (all references)

the Master

insert

an Associate Judge

- (2) Rule 77.02(3)

omit

The Master

insert

An Associate Judge

44 Rule 77.03 amended

- (1) Rule 77.03, heading

omit

Master

insert

Associate Judge

- (2) Rule 77.03(1) and (2)(a), (c) and (e)

omit (all references)

the Master

insert

an Associate Judge

45 Rule 77.04 amended

- (1) Rule 77.04, heading

omit

Master

insert

Associate Judge

- (2) Rule 77.04(1)

omit, insert

- (1) Subject to subrules (5) and (6), if on an application to an Associate Judge in accordance with rule 77.01 it appears to the Associate Judge that the application is proper for the determination of a Judge, the Associate Judge may refer the application to a Judge.

- (3) Rule 77.04(3) and (5)

omit

the Master

insert

an Associate Judge

- (4) Rule 77.04(4) and (6)

omit

The Master

insert

An Associate Judge

- (5) Rule 77.04(4)

omit

him

insert

the Associate Judge

- (6) Rule 77.04(5)(b) and (6)

omit

Master

insert

Associate Judge

46	Rule 78.05 amended
-----------	---------------------------

(1) Rule 78.05, heading

omit

Master

insert

Associate Judge

(2) Rule 78.05

omit

the Master

insert

an Associate Judge

47	Rule 78.06 amended
-----------	---------------------------

(1) Rule 78.06, heading

omit

Master's

insert

Associate Judge's

(2) Rule 78.06(1)

omit

the Master

insert

an Associate Judge

(3) Rule 78.06(2) to (4)

omit

Master

insert

Associate Judge

48 Rule 79.05 amended

- (1) Rule 79.05(1) and (5)

omit

the Master

insert

an Associate Judge

- (2) Rule 79.05(5)

omit

Master shall

insert

Associate Judge shall

49 Rule 79.06 amended

- (1) Rule 79.06(1)

omit (first reference)

the Master

insert

an Associate Judge

- (2) Rule 79.06(1) and (5)

omit

Master

insert

Associate Judge

-
- (3) Rule 79.06(3)

omit

The Master

insert

An Associate Judge

50 Rule 81A.01 amended

- (1) Rule 81A.01(1), definition ***criminal registrar***, before paragraph (a)

insert

(aa) an Associate Judge; and

- (2) Rule 81A.01(1), definition ***criminal registrar***, paragraph (a)

omit

the Master and

51 Rule 81A.02A amended

- (1) Rule 81A.02A, heading

omit

Master

insert

Associate Judge

- (2) Rule 81A.02A(1)

omit

the Master

insert

an Associate Judge

52 Rule 82.01 amended

Rule 82.01, definition **Registrar**

omit

the Master

insert

an Associate Judge

53 Rule 84.24 amended

(1) Rule 84.24, heading

omit

Master

insert

Associate Judge

(2) Rule 84.24, before "the Registrar"

insert

an Associate Judge or

(3) Rule 84.24

omit

his

insert

the Associate Judge or Registrar's

(4) Rule 84.24

omit

him

insert

the Associate Judge or Registrar

54 Rule 90.02 amended

- (1) Rule 90.02(1)(a)
omit
the Master is authorized
insert
an Associate Judge is authorised
- (2) Rule 90.02(1)(b)
omit
authorized
insert
authorised
- (3) Rule 90.02(2)
omit
authorize
insert
authorise

55 Rule 91.04 amended

- (1) Rule 91.04, heading
omit
the Master
insert
Associate Judges
- (2) Rule 91.04
omit
The Master

insert

An Associate Judge

56 Rule 94.12 amended

- (1) Rule 94.12, heading

omit

Master

insert

Associate Judge

- (2) Rule 94.12

omit

the Master

insert

an Associate Judge

57 Schedule 1 amended

- (1) Schedule 1, Form 5E

omit

apply to the Master

insert

apply to an Associate Judge

- (2) Schedule 1, Form 5E

omit

the Master may

insert

the Associate Judge may

-
- (3) Schedule 1, Form 5E
omit
the Master as
insert
an Associate Judge as
- (4) Schedule 1, Form 5E
omit
Master on
insert
Associate Judge on
- (5) Schedule 1, Form 5E
omit
the Master in
insert
an Associate Judge in
- (6) Schedule 1, Forms 15A and 15B
omit
MASTER
insert
ASSOCIATE JUDGE
- (7) Schedule 1, Forms 15A, 15B and 39A
omit (all references)
19
insert
20

-
- (8) Schedule 1, Form 39A
omit
and the Master of the Supreme Court of the Northern Territory of Australia
insert
and an Associate Judge
- (9) Schedule 1, Form 39A
omit
the Master of the Supreme Court
insert
the Associate Judge
- (10) Schedule 1, Form 39A
omit
the Master that
insert
the Associate Judge that
- (11) Schedule 1, Form 39A
omit (all references)
he
insert
the receiver
- (12) Schedule 1, Form 39A
omit
the Master whatever
insert
an Associate Judge whatever

-
- (13) Schedule 1, Form 45A
omit
(or the Master)
insert
(or an Associate Judge)
- (14) Schedule 1, Form 45A
omit
the Master) The Master
insert
an Associate Judge) The Associate Judge
- (15) Schedule 1, Form 45A
omit (all references)
19
insert
20
- (16) Schedule 1, Form 45A, paragraph (a)
omit
he
insert
the Associate Judge
- (17) Schedule 1, Form 46A
omit
the Master
insert
an Associate Judge

-
- (18) Schedule 1, Form 46A
omit (all references)
19
insert
20
- (19) Schedule 1, Form 60A
omit
MASTER
insert
ASSOCIATE JUDGE
- (20) Schedule 1, Form 60A
omit (all references)
19
insert
20
- (21) Schedule 1, Forms 60C, 60J, 60K and 60L
omit
MASTER
insert
ASSOCIATE JUDGE
- (22) Schedule 1, Form 72F
omit (all references)
19
insert
20

(23) Schedule 1, Form 72F

omit

the Master

insert

an Associate Judge

(24) Schedule 1, Form 83A

omit (all references)

19

insert

20

(25) Schedule 1, Form 83A

omit

Master

insert

Associate Judge

(26) Schedule 1, Form 83A

omit

his

insert

appellant's

(27) Schedule 1, Form 83C

omit (all references)

19

insert

20

-
- (28) Schedule 1, Form 83C
omit
Master
insert
Associate Judge
- (29) Schedule 1, Form 84B
omit
the Master (*or*
insert
an Associate Judge (*or* the
- (30) Schedule 1, Form 84B
omit
his
insert
person's
- (31) Schedule 1, Form 87A
omit
19
insert
20
- (32) Schedule 1, Form 87A
omit
Master
insert
Associate Judge

(33) Schedule 1, Form 87A

omit

19

insert

20

(34) Schedule 1, Form 87A

omit

his

insert

appellant's

58 Rules further amended

The Schedule has effect.

59 Repeal of Rules

These Rules are repealed on the day after they commence.

Schedule Rules further amended

rule 58

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rules 1.06(1), 3.07(3), 5.03(3), 12.12(3) and 21.03(3)	the Master	an Associate Judge
rule 28.04(1)	The Master	An Associate Judge
rules 32.03(2)(b), 33.08(1), 33.10(3)(a), 41.01(1)(a), 41.13(1)(a)(iii), 45.04(4), 46.04(3) and 48.02(2)	the Master	an Associate Judge
rule 48.07(1)	Master	Associate Judge
rule 48.16	the Master	an Associate Judge
rule 48.18(1), (2) and (5)	Master (<i>all references</i>)	Associate Judge
rule 48.19	the Master	an Associate Judge
rules 49.02(1A), 51.01, 59.06(6) and 60.02(2)	the Master	an Associate Judge
rule 63.73(4)	The Master	An Associate Judge
rule 65.04(3)	Master	the Associate Judges
rules 67.02(2), 67.03(2), 73.11(3), 77.01(1) to (3), 79.02(4), 79.03, 79.07, 79.07.1(2), 81.03(2)(c), 83.13(4), 90.01(2) and 92.09(1)	the Master (<i>all references</i>)	an Associate Judge
