

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1989, No. 21*

Regulations under the *Justices Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Justices Act*.

Dated 31 July 1989.

J.H. MUIRHEAD
Administrator

AMENDMENT OF THE JUSTICES REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Justices Amendment Act 1989*.

2. NEW REGULATIONS

The Justices Regulations are amended by inserting after regulation 9 the following:

"10. APPLICATION UNDER SECTION 100AB

"(1) An application under section 100AB shall be in accordance with Form 66, which shall be prepared in duplicate, and filed with the Court at the place where it is proposed that the application be heard.

"(2) Where the applicant proposes to proceed with the application without the issue of a summons to the defendant, there shall be entered on the application the date, time and place set down for the hearing of the application.

* Notified in the *Northern Territory Government Gazette*
on 9 AUG 1989.

Government Printer of the Northern Territory

Justices Regulations

"(3) In all cases other than a case referred to in subregulation (2), there shall be -

- (a) entered on the application the date, time and place set down for the hearing of the application; and
- (b) issued a summons (prepared in triplicate) in accordance with Form 67, directed to the defendant requiring the defendant to be and appear at the hearing.

"(4) An order under section 100AB(1) shall be prepared in quadruplicate and be in accordance with Form 68.

"(5) A summons under subsection 100AB(5) shall be -

- (a) in accordance with Form 69;
- (b) prepared in triplicate; and
- (c) directed to the defendant requiring the defendant to be and appear at the date, time and place set down for the hearing of the application.

"(6) An order under section 100AB(5) shall be prepared in quadruplicate and be in accordance with Form 70.

"11. APPLICATION UNDER SECTION 100AC

"(1) An application under section 100AC shall be in accordance with Form 71 and be prepared in quadruplicate by both the Magistrate and the member of the Police Force.

"(2) An order under section 100AC(9) shall be prepared in quadruplicate and shall be in accordance with Form 72.

"12. APPLICATION UNDER SECTION 100AE

"(1) An application under section 100AE shall be prepared in quadruplicate and shall be in accordance with Form 73.

"(2) An order under section 100AE shall be prepared in quadruplicate and shall be in accordance with Form 74.

"13. PROOF OF SERVICE

"Where an order or copy of an order is to be served in pursuance of section 100AF(2)(c), the person posting the order shall provide a proof of posting in accordance with Form 75 and the person for whose benefit the order is or is to be made shall provide a proof of verification of signature in accordance with Form 76."

Justices Regulations

3. AMENDMENT TO SCHEDULE

The Schedule to the Justices Regulations is amended by inserting after Form 65, the forms contained in the Schedule to these Regulations.

SCHEDULE

FORM 66

[Regulation 10]

Justices Act

Section 100AB

APPLICATION FOR AN ORDER UNDER SECTION 100AB TO KEEP THE PEACE

I,, of,
being a member of the Police Force of the Northern Territory/a
spouse within the meaning of section 100AB of the *Justices Act*,
(1) state that of (the
defendant), on the day of 19..., at
..... in the said Northern Territory, did (2)

.....
.....
.....
.....

and I apply for an order that the defendant (3)

.....
.....
.....
.....

Justices Regulations

There are in existence the following orders affecting the defendant and the person for whose benefit the application is made:

.....
.....
.....
.....(4)

.....(5)
(SIGNED)

Taken before me the day of 19..., at
..... in the Northern Territory

.....
Justice of the Peace/
Commissioner for Oaths

NOTICE OF HEARING

This application has been set down for hearing on the
day of..... 19.., at am/pm at the Court of
Summary Jurisdiction at (6)

Clerk of the Court/Justice of the Peace:
Date:

Justices Regulations

NOTES

- (1) Cross out whichever does not apply. Spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were a spouse of the person although not married to the person.
 - (2) Here list the alleged behaviour of the defendant in terms of section 100AB.
 - (3) Here list the terms of the order being sought. If insufficient space on the form, attach an Annexure marked "A".
 - (4) Here list the details of existing orders of any Court affecting the defendant and the person for whose benefit the order is being sought. (For example, the Family Court may have made orders as to custody and access of children of that person and the defendant or a Court may have made a Home Detention order under the *Criminal Law (Conditional Release of Offenders Act)* If there are no existing orders then this should be stated.
 - (5) Applicant to sign here.
 - (6) Location of Court to be inserted here. The applicant must attend at the Court on the date and time indicated. On that date the applicant should enquire of the Court Staff as to in which Court the matter will be heard.
-

Justices Regulations

FORM 67

Justices Act

[Regulation 10]

(obverse side)

Section 100AB

SUMMONS TO DEFENDANT UNDER SECTION 100AB

TO of
(the defendant)

An application has been made by of,
a member of the Police Force of the Northern Territory/a spouse
within the meaning of section 100AB of the *Justices Act* (1),
before me, a Justice of the Peace for the Northern Territory of
Australia stating that on the day of 19..,
you.....
.....
.....(2)

and seeking an order that
.....
..... (3)

You are therefore commanded to appear on the day of
..... 19.., at am/pm at the Court of Summary
Jurisdiction at in the Northern Territory before
such Justices as may then be there to deal with the application,
and be further dealt with according to law.

Dated the day of 19.., at
in the Northern Territory.

.....
Clerk of the Court/Justice of the Peace

TAKE NOTICE that if you do not appear an order may be made in
your absence.

Justices Regulations

NOTES

- (1) Cross out whichever does not apply. Spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person.
- (2) Here list the alleged behaviour of the defendant in terms of section 100AB.
- (3) Here insert the nature of the terms of the order being sought by the applicant.

(reverse side)

PROOF OF SERVICE

I,, of make oath and say (or affirm)* that I did on the day of 19.., at in the Northern Territory of Australia serve the within summons by -

. delivering a duplicate to him/her* personally

OR

. leaving a duplicate for him/her* at his/her* last known (or most usual)* place of abode (or of business)* with some other person apparently an inmate thereof (or employed at that place)*, and apparently not less than 16 years of age.(+)

Justices Regulations

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

(+) The place of employment of the person to be served is not
necessarily that person's place of business.

Justices Regulations

FORM 68

Justices Act

[Regulation 10]

(obverse side)

Section 100AB

ORDER

On the day of 19.., application was made
by, of, a member of the Police
Force of the Northern Territory/a spouse within the meaning of
section 100AB of the *Justices Act* (1), that
of (the defendant) did

.....
.....
.....(2)

Now on this the day of 19...., the Court
of Summary Jurisdiction at in the Northern
Territory of Australia, having heard the application ordered

.....
.....
.....
..... (3)

Dated the day of 19...

.....
Justices/Magistrate/Clerk of the Court(4)

TAKE NOTICE that non-compliance with this order renders you
liable to a term of imprisonment not exceeding 6 months or a
fine not exceeding \$2,000, or both.

Justices Regulations

NOTES

- (1) Cross out whichever does not apply. A spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person.
- (2) Here recite the allegation against the Defendant.
- (3) Here recite the order made.
- (4) Order to be signed by the Justices/Magistrate constituting the Court of Summary Jurisdiction making the order or the Clerk of the Court.

(reverse side)

PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the day
of at o'clock in the noon serve
the within-named defendant with the within order by* giving it
to him/her* personally/telling him/her* of its existence orally
or in writing* by
.....(2)/
serving it in accordance with the order of the Court by
.....(3)*

Justices Regulations

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
 - (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
 - (3) Insert details as to the Court's order as to method of service.
-

Justices Regulations

FORM 69

Justices Act

[Regulation 10]

(obverse side)

Section 100AB(5)

SUMMONS TO A DEFENDANT TO SHOW CAUSE PURSUANT TO SECTION 100AB(5)

TO of
(the defendant). On the day of 19.., an
application was made by of, a
member of the Police Force of the Northern Territory/a spouse
within the meaning of section 100AB of the *Justices Act* (1), that
on the day of 19.., at
in the Northern Territory you
.....
.....(2)
and on the day of 19.., a Court of Summary
Jurisdiction sitting at, made an order in your absence
that you
.....
..... (3)

You are commanded to appear on the day of
..... 19.., at am/pm at the Court of Summary
Jurisdiction at in the Northern Territory before
such Justices as may then be there to show cause why the above
order should not be confirmed.

Dated the day of 19.., at
in the Northern Territory.

.....
Clerk of the Court/Justice of the Peace

Justices Regulations

TAKE NOTICE that if you do not appear the order may be confirmed. Non-compliance with the order renders you liable to a term of imprisonment not exceeding 6 months or a fine not exceeding \$2,000, or both.

NOTES

- (1) Cross out whichever does not apply. Spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person.
 - (2) Here list the alleged behaviour of the defendant in terms of section 100AB.
 - (3) Here list the terms of the order made.
-

(reverse side)

PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the day
of at o'clock in the noon serve
the within-named defendant with the within summons by* giving it
to him/her* personally/telling him/her* of its existence orally
or in writing* by (2).....
...../
serving it in accordance with the order of the Court by
.....(3)

Justices Regulations

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
 - (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
 - (3) Insert details as to the Court's order as to method of service.
-

Justices Regulations

FORM 70

Justices Act

[Regulation 10]

(obverse side)

Section 100AB(5)

ORDER TO CONFIRM EARLIER ORDER

On the day of 19(1) an Order
was made by the Court of Summary Jurisdiction at
that the Defendant of
.....
.....
.....(2)

Now on this day of 19 the
Court of Summary Jurisdiction at
confirmed the above-mentioned order.

Dated the day of 19

.....
Justices/Magistrate/Clerk of the Court(3)

TAKE NOTICE that non-compliance with this order renders you
liable to a term of imprisonment not exceeding 6 months or a fine
not exceeding \$2,000, or both.

NOTES

- (1) Date of Order
- (2) Terms of Order
- (3) Order to be signed by the Justices/Magistrate constituting
the Court of Summary Jurisdiction making the Order or the
Clerk of the Court.

Justices Regulations

(reverse side)
PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the day
of at o'clock in the noon serve
the within-named defendant with the within order by* giving it
to him/her* personally/telling him/her* of its existence orally
or in writing* by
.....(2)/
serving it in accordance with the order of the Court by
.....(3)*

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
- (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
- (3) Insert details as to the Court's order as to method of service.

Justices Regulations

FORM 71

[Regulation 11]

Justices Act

Section 100AC

APPLICATION AND ORDER UNDER SECTION 100AC

APPLICATION PART

I,, a member of the Police Force of the Northern Territory, state that of (the defendant) on day of 19.., at in the Northern Territory did - (1)

☐

Cause personal injury to or damage to property in the possession of, of, being a spouse (2) of the defendant and in particular

.....
.....
.....

and unless restrained is likely to again cause personal injury or damage.

☐

Threaten to cause personal injury to or damage to property in the possession of, of, being a spouse (2) of the defendant, by

.....
.....
.....

Justices Regulations

and unless restrained is likely to carry out the threat.

☐

Behaved in a provocative or offensive manner towards of, being a spouse (2) of the defendant by

.....
.....

being behaviour that was likely to lead to a breach of the peace and the defendant is unless restrained likely to again behave in the same or a similar manner.

There are in existence the following orders affecting the defendant and the person for whose benefit the application is made:

.....
.....
.....
.....(3)

.....
Applicant to sign his/her copy

.....
Magistrate to sign his/her copy

Application made by telephone on the day of 19.., at o'clock in the noon to, a Magistrate of the Northern Territory of Australia.

Justices Regulations

ORDER PART

I,, being a Magistrate of the Northern Territory of Australia, having heard the application of, a member of the Police Force of the Northern Territory of Australia, order that the defendant,, of, refrain from: (4)

- ☐ entering the premises situated at until o'clock on or until such time as the Court further orders.
- ☐ causing or threatening to cause personal injury to of
- ☐ causing or threatening to cause damage to property in the possession of of
- ☐ acting in a provocative or offensive manner towards of
- ☐
.....
.....
(here describe any other restraints imposed)

The reasons for making the order are that on the hearing of the application I am satisfied that unless the order is so made the defendant will -(5)

- ☐ again cause personal injury to, or property in the possession of
- ☐ carry out the threats that have been made against or the property of
- ☐ again behave in a provocative or offensive manner towards

Justices Regulations

(here describe other reasons)

☐

.....
.....
.....

I further order that the order is returnable on the
day of 19..., at am/pm at the Court of
Summary Jurisdiction at in the Northern Territory
of Australia before such Justices as may then be there to deal
with the application, and be further dealt with according to law.

SUMMONS TO DEFENDANT

AND the defendantof..... is summoned to
appear at the above-mentioned time to be further dealt with
according to law.

☐

Applicant informed of terms of order

☐

Defendant informed of terms of order
(including summons)(6)

.....
Magistrate(7)

NOTICE TO DEFENDANT: If you do not appear at the above
mentioned time and place, the order may be confirmed. If you do
comply with the order you could be found guilty of an offence
punishable by 6 months imprisonment or a fine of \$2,000, or both.

Justices Regulations

NOTES

- (1) Tick and complete which section applies. Only members of the Police Force can make applications under section 100AC.
 - (2) Spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person.
 - (3) Here list the details of existing orders of any Court affecting the defendant and the person for whose benefit order is being sought e.g., Family Court/Home Detention.
 - (4) Tick and complete which section applies.
 - (5) Tick and complete which section applies.
 - (6) Tick both or whichever is applicable.
 - (7) Magistrate to sign his/her copy.
-

Justices Regulations

(reverse side)
PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the day
of at o'clock in the noon serve
the within-named defendant with the within order by* giving it
to him/her* personally/telling him/her* of its existence orally
or in writing* by
.....(2)/
serving it in accordance with the order of the Magistrate by
.....(3)*

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
- (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
- (3) Insert details as to the Magistrate's order as to method of service.

Justices Regulations

FORM 72

Justices Act

[Regulation 11]

(obverse side)

Section 100AC(9)

ORDER CONFIRMING ORDER UNDER SECTION 100AC

On the day of 19(1) an order
was made by telephone by, (2) a Magistrate of
the Northern Territory that the defendant
of(3)
.....
.....(4)

Now on this day of 19 the
Court of Summary Jurisdiction at
confirmed the above-mentioned order made by telephone.

Dated the day of 19

.....
Justices/Magistrate/Clerk of the Court

TAKE NOTICE that non-compliance with this order renders you
liable to a term of imprisonment not exceeding 6 months or a fine
not exceeding \$2,000, or both.

Justices Regulations

NOTES

- (1) Date of telephone order
 - (2) Name of Magistrate making the telephone order.
 - (3) Name and address of defendant.
 - (4) Terms of telephone order.
 - (5) Order to be signed by the Justices or Magistrate constituting the Court of Summary Jurisdiction making the Order or the Clerk of the Court.
-

Justices Regulations

(reverse side)

PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the day
of at o'clock in the noon serve
the within-named defendant with the within order by* giving it
to him/her* personally/telling him/her* of its existence orally
or in writing* by
.....(2)/
serving it in accordance with the order of the Court by
.....(3)*

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
- (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
- (3) Insert details as to the Court's order as to method of service.

Justices Regulations

FORM 73

[Regulation 12]

Justices Act

Section 100AE

APPLICATION TO REVOKE OR VARY AN ORDER

Following an application by(1)
now of
an order was made pursuant to section(2) of the
Justices Act, by a Magistrate/the Court of Summary Jurisdiction*
at
.....(3)
that
now of(4)
do
.....
.....(5)

I,
(name) (occupation)
of(6)
(address)

apply to have the above order revoked/varied pursuant to section
100AE of the *Justices Act*, as follows:

.....
.....
.....(7)

.....(8)

(SIGNED)

Taken before me the day of 19, at
..... in the Northern Territory.

.....
Justice of the Peace/Commissioner for Oaths

Justices Regulations

NOTICE

TAKE NOTICE that this application will be dealt with by the Court of Summary Jurisdiction at on at when you are required to attend.

If you do not attend, an order may be made in your absence.

.....
Clerk of the Court/Justice of the Peace

Date:

* Delete where necessary

NOTES

- (1) Name and current address of person who made the original application.
- (2) Section of the *Justices Act* under which the original application made.
- (3) Location of original Court of Summary Jurisdiction/Magistrate.
- (4) Name and current address of original defendant.
- (5) Terms of original order.
- (6) Name and address of current applicant.
- (7) Terms of variation order being sought.
- (8) Signature of person making the variation application.

Justices Regulations

(reverse side)

PROOF OF SERVICE

I,, of make
oath and say (or affirm)* that I did on the day of
..... 19.., at in the Northern Territory of
Australia serve the within summons by -

- . delivering a duplicate to him/her* personally
- OR
- . leaving a duplicate for him/her* at his/her* last
known (or most usual)* place of abode (or of
business)* with some other person apparently an inmate
thereof (or employed at that place)*, and apparently
not less than 16 years of age.(+)

Sworn (or affirmed)* before me at, the
..... day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

(+) The place of employment of the person to be served is not
necessarily that person's place of business.

Justices Regulations

FORM 74

[Regulation 12]

Justices Act

Section 100AE

ORDER OF RESTRAINT AS VARIED OR REVOKED

On the day of 19..., application was made by, a member of the Police Force of the Northern Territory/a spouse within the meaning of section 100AB of the *Justices Act* (1), and a Magistrate or the Court of Summary Jurisdiction at made an order that:

..... (2)
.....

AND on the day of 19..., a Court of Summary Jurisdiction at revoked the order/varied the order so that the order now provides -

.....(3)
.....
.....

Dated the day of 19..., at in the Northern Territory of Australia.

TO:

The Commissioner of Police*

AND: of

(The applicant who made the original application/the person for whose benefit the original application was made)

AND: of

(The defendant under the original application)

* Delete if inapplicable

.....
Justices/Magistrate/Clerk of the Court(4)

Justices Regulations

NOTES

- (1) Cross out whichever does not apply. Spouse includes a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person.
 - (2) Here recite the terms of original order.
 - (3) Here recite the terms of variation order.
 - (4) Order to be signed by the Justices or Magistrate constituting the Court of Summary Jurisdiction making the Order or the Clerk of the Court.
-

Justices Regulations

(reverse side)
PROOF OF SERVICE

I,, of
.....(1)
make oath and say (or affirm)* that I did on the
day of at o'clock in the noon
serve the within-named defendant with the within order by*
giving it to him/her* personally/telling him/her* of its
existence orally or in writing* by
.....(2)/
serving it in accordance with the order of the Court by
.....(3)*

Sworn (or affirmed)* before me at, the
day of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable

NOTES

- (1) Insert name and occupation, e.g., bailiff, member of the Police Force of the Northern Territory.
- (2) Only members of the Police Force can serve an order by making its existence and terms known to the defendant orally or in writing. Here insert details, e.g., stopping the defendant in the street and telling him.
- (3) Insert details as to the Court's order as to method of service.

Justices Regulations

FORM 75

[Regulation 13]

Justices Act

Section 100AF

PROOF OF POSTING

I,, of, make oath and say (or affirm)* that I did on the day of 19..., at o'clock in the noon address and post by AR Security Post the within order to the defendant at being the defendant's last known/most usual* place of abode/postal address* and a copy of the receipt for posting is annexed to this affidavit.

Sworn/affirmed* before me at the day of 19....

.....

Justice of the Peace/
Commissioner of Oaths

* Delete if inapplicable

Justices Regulations

FORM 76

[Regulation 13]

Justices Act

Section 100AF

PROOF OF VERIFICATION OF SIGNATURE

I,, of, the
person for whose benefit the within order has been made, make
oath and say (or affirm)* that the signature of acknowledgement
of receipt annexed to this affidavit is to the best of my
knowledge that of the defendant.

Sworn (or affirmed)* before me at the day
of 19....

.....
Justice of the Peace/
Commissioner for Oaths

* Delete if inapplicable
