

NORTHERN TERRITORY OF AUSTRALIA
LOCAL COURT (CRIMINAL JURISDICTION) AMENDMENT RULES 2020

Subordinate Legislation No. 15 of 2020

Table of provisions

1	Title.....	2
2	Commencement	2
3	Rules amended	2
4	Schedule amended.....	2
5	Repeal of Rules	8



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 15 of 2020*

Local Court (Criminal Jurisdiction) Amendment Rules 2020

I, Elizabeth Jane Morris, Chief Judge, and the Judges specified below, under section 48(1) of the *Local Court Act 2015*, make the following rules.

Dated 21 May 2020

E. J. Morris
Chief Judge

J. M. Neill
Judge

T. P. Fong-Lim
Judge

G. J. McDonald
Judge

E. H. Armitage
Judge

* Notified in the *Northern Territory Government Gazette* on 24 June 2020.

1 Title

These Rules may be cited as the *Local Court (Criminal Jurisdiction) Amendment Rules 2020*.

2 Commencement

These Rules commence on the day on which they are notified in the *Gazette*.

3 Rules amended

These Rules amend the *Local Court (Criminal Jurisdiction) Rules 1929*.

4 Schedule amended

Schedule, after Form 13

insert

FORM 14

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 22, 57 and 104

SUMMONS TO ATTEND COURT

Defendant's details

Full name:

Address:

DOB:

Offence details [*including date and reference to the section of the law creating the offence*]:

Complainant's details

Full name:

Address:

Hearing details

Registry of Local Court:

Date:

Address:

Time:

.....

.....

Date:

Judge/Registrar/Justice of the Peace

IMPORTANT NOTICE TO DEFENDANT

If you do not attend the Local Court on the hearing date mentioned above to answer the charge or on any day that the matter is adjourned the Court may:

- (a) proceed in your absence; or
- (b) issue a warrant for your arrest.

PROOF OF SERVICE

Name of person serving:

Address of person serving:

Name of person served (defendant):

Address at which service effected:

Date service effected:

Time of day:

Method of service [tick box]:

- personally;
- by leaving a copy for the defendant at the defendant's last-known place of residence with a person who is apparently a resident at that place and who appears to be 16 years of age or older;
- by leaving it for the defendant at the defendant's last-known place of business with a person who is apparently an employee at that place and who appears to be 16 years of age or older.

I certify that I served a copy of this summons on the defendant in the manner described.

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

FORM 14A

NORTHERN TERRITORY OF AUSTRALIA

Local Court (Criminal Procedure) Act 1928

sections 22 and 57A

SUMMONS TO ATTEND COURT

Defendant's details

Full name:

Address:

DOB:

Offence details [*including date and reference to the section of the law creating the offence*]:

Complainant's details

Full name:

Address:

Hearing details

Registry of Local Court:

Date:

Address:

Time:

.....

.....

Date:

Judge/Registrar/Justice of the Peace

IMPORTANT NOTICE TO DEFENDANT

You must either:

- (a) attend the Local Court on the hearing date mentioned above to answer the charge; or
- (b) fill out the endorsement below and have it witnessed by a Justice of the Peace, Solicitor or police officer and deliver it in person or by post to one of the following places at least 3 days before the hearing date mentioned above:
 - (i) the address of the Local Court listed above;
 - (ii) a police station that is within 80 km of that Local Court.

ENDORSEMENT

I [*defendant's name*] have read and understood the charge against me specified in the attached summons. I plead guilty to the charge.

I offer the following explanation for the acts alleged in the summons to be an offence:

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

PROOF OF SERVICE

Name of person serving:

Address of person serving:

Name of person served (defendant):

Address at which service effected:

Date service effected:

Time of day:

Method of service [tick box]:

- personally;
- by leaving a copy for the defendant at the defendant's last-known place of residence with a person who is apparently a resident at that place and who appears to be 16 years of age or older;
- by leaving it for the defendant at the defendant's last-known place of business with a person who is apparently an employee at that place and who appears to be 16 years of age or older.

I certify that I served a copy of this summons on the defendant in the manner described.

Signature:

Date:

Name:

Witness signature:

Date:

Witness name:

INFORMATION FOR DEFENDANT

Attending Court

- It is recommended that you get legal advice about your rights as soon as you receive this summons. If you do not have a lawyer, you can get legal advice from a legal aid agency. You can find more information about going to the Local Court at www.lawinfont.org.au.

-
- If you have a physical impairment or you need an interpreter, you should contact the Local Court listed in this summons as soon as you can. You can find contact details at <https://localcourt.nt.gov.au>.

Pleading Guilty in Writing

- If you choose to fill out the endorsement rather than attend the Local Court, the endorsement must be returned to the Local Court at least 3 days before the date you are supposed to attend the Local Court.
- The Judge does not have to accept the written guilty plea. The Judge may choose to reject your guilty plea if the Judge thinks:
 - (a) a punishment other than a fine is appropriate; or
 - (b) that you do not understand the consequences of pleading guilty; or
 - (c) you should answer the charge in the Local Court.
- When you send the endorsement you can also include other documents for the Judge to take into account when the Judge sentences you. For example, you can include a character reference or financial records that show why it might be difficult for you to pay a fine.

INFORMATION FOR DEFENDANT

Attending Court

- It is recommended that you get legal advice about your rights as soon as you receive this summons. If you do not have a lawyer, you can get legal advice from a legal aid agency. You can find more information about going to the Local Court at www.lawinfont.org.au.
- If you have a physical impairment or you need an interpreter, you should contact the Local Court listed in this summons as soon as you can. You can find contact details at <https://localcourt.nt.gov.au>.

5 Repeal of Rules

These Rules are repealed on the day after they commence.