

NORTHERN TERRITORY SUPREME COURT ACT 1975

No. 84 of 1975

An Act to amend the *Northern Territory Supreme Court Act 1961-1973*.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Northern Territory Supreme Court Act 1975*.¹

(2) The *Northern Territory Supreme Court Act 1961-1973*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Northern Territory Supreme Court Act 1961-1975*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Definitions.

3. Section 5 of the Principal Act is amended by omitting the definition of “the Territory” and substituting the following definition:—

“ ‘the Territory’ means the Northern Territory, and includes the Territory of Ashmore and Cartier Islands.”

Sittings of
the Supreme
Court.

4. Section 12 of the Principal Act is amended by omitting from sub-section (2) the words “the Judge” and substituting the words “a Judge”.

Exercise of
jurisdiction.

5. Section 13 of the Principal Act is amended—

(a) by omitting sub-sections (1), (2), (3) and (4) and substituting the following sub-sections:—

“(1) Subject to sub-section (5) of this section and to sections 13A and 13B, the jurisdiction of the Supreme Court is exercisable by one Judge, sitting in Court, or, as provided by section 14, sitting in Chambers.

“(2) The senior Judge may, from time to time, make arrangements with respect to the allocation of Judges for the exercise of the jurisdiction of the Court that is exercisable in accordance with sub-section (1).”; and

(b) by inserting in sub-section (5), after the word “Court” (second occurring), the words “that is exercisable in accordance with sub-section (1)”.

6. After section 13 of the Principal Act the following sections are inserted:—

“13A. (1) The jurisdiction of the Supreme Court in any matter relating to the professional behaviour or conduct of a legal practitioner, being a matter arising under a law of the Territory relating to legal practitioners, shall, subject to section 14, be exercised by not less than 3 Judges sitting together in Court. Exercise of jurisdiction in relation to legal practitioners.

“(2) The senior Judge may, from time to time, make arrangements with respect to the allocation of Judges for the exercise of the jurisdiction of the Court that is exercisable in accordance with sub-section (1).

“13B. (1) This section applies in relation to matters in which, but for this section, the jurisdiction of the Court would be exercisable by one Judge. Power of Judge to order that jurisdiction in a matter be exercised by not less than 3 Judges.

“(2) At any time before the commencement of the hearing of a matter in relation to which this section applies, a Judge may order that the jurisdiction of the Supreme Court in that matter shall be exercised by not less than 3 Judges.

“(3) At any time after the commencement of the hearing of a matter in relation to which this section applies, the Judge hearing the matter may order that the jurisdiction of the Supreme Court in that matter shall be exercised by not less than 3 Judges.

“(4) Where an order has been made under sub-section (2) or (3) in relation to a matter—

- (a) the jurisdiction of the Court in that matter shall, subject to section 14, be exercised by not less than 3 Judges sitting together in Court;
- (b) the senior Judge shall make arrangements as to which Judges are to exercise the jurisdiction of the Court in that matter; and
- (c) the Court may give such directions as it thinks proper as to the procedure to be followed in the further conduct of the proceedings, including, in a case where evidence was received before the making of the order, directions as to the use (if any) to be made of that evidence.

“13C. The Court constituted by one or more Judges may sit and exercise the jurisdiction of the Court in accordance with this Act notwithstanding that the Court constituted by one or more other Judges is at the same time sitting and exercising the jurisdiction of the Court. Exercise of jurisdiction by one or more Judges does not prevent exercise of jurisdiction by one or more other Judges.

Manner in which question to be decided whether jurisdiction exercised by 3 or more Judges.

“13D. If 3 or more Judges sitting together in accordance with section 13A or 13B are divided in opinion as to the decision to be given on any question, the question shall be decided according to the opinion of the majority, if there is a majority, but if the Judges are equally divided in opinion—

- (a) where a Judge appointed under sub-section (1) of section 7 is, or Judges appointed under that sub-section are, so sitting, the opinion of that Judge or of the senior of them, as the case may be, shall prevail; or
- (b) where no such Judge is so sitting, the opinion of the senior additional Judge present shall prevail.”

Jurisdiction in Chambers.

7. Section 14 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

- “(a) in matters in which jurisdiction is, by this Act, expressed to be exercisable by the Supreme Court or a Judge or by the Court or a Judge;”.

Appeals from Supreme Court in civil cases.

8. Section 46 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:—

“(1A) The High Court also has jurisdiction to hear and determine appeals from any judgment of the Supreme Court in a matter specified in sub-section (1) of section 13A.”.

Appeal from Supreme Court in criminal cases.

9. Section 47 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:—

“(1A) For the purposes of sub-section (1), a person who, although he has not been convicted on indictment before the Supreme Court, has been sentenced or otherwise dealt with by the Supreme Court in respect of an indictable offence shall be deemed to be a person convicted on indictment before that Court.”.

Indictable offences.

10. Section 51 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(8) Where a person is required to appear before the Supreme Court, or has appeared before the Supreme Court, at a particular place for trial or sentence upon a charge for an indictable offence, the Supreme Court or a Judge may, at any time, upon good cause shown—

- (a) order that the trial be had or continued, or that the person appear for sentence, before the Supreme Court at another place, being a place at which the Supreme Court is empowered to sit; and
- (b) make such further other orders, including orders as to bail and recognizances, as it or he considers necessary in the circumstances.

“(9) When an application for an order under sub-section (8) is made to a Judge sitting in Chambers, evidence may be given orally or by affidavit.”.

11. The Principal Act is amended as set out in the Schedule to this Act. Additional amendments.

SCHEDULE

Section 11

ADDITIONAL AMENDMENTS

The following provisions of the Principal Act are amended by omitting the words “the Commonwealth” (wherever occurring) and substituting the word “Australia”:-

Section 12 (1) and (2), section 15 (1) (c), section 39 (a), section 40 (2), section 49, section 51 (1) and section 53.

NOTES

1. Act No. 84, 1975; assented to 20 June 1975.
2. Act No. 11, 1961, as amended by No. 92, 1965; No. 93, 1966; No. 116, 1968; No. 40, 1969; No. 99, 1971; No. 216, 1973 (as amended by No. 20, 1974); and No. 220, 1973.