

In your Parliament...

Passage of the Justice and Other Legislation Amendment Bill (No.2) 2011

On 15 February 2012 the Northern Territory Legislative Assembly passed the Justice and Other Legislation Amendment Bill (No.2) 2011 (the Bill). This Bill makes a range of miscellaneous amendments to justice portfolio and related legislation.

The Bill results from the Department of Justice and other key stakeholders, including the legal profession and judiciary, identifying various problems and improvements that could be made to the operation of the affected Acts. The Government wishes to particularly thank the Law Society Northern Territory and its members for its contributions in the development of this Bill and encourages their further suggestions for law reform.

The key changes of interest to practitioners will be those in the *Oaths, Affidavits and Declarations Act*, the *Local Court Act* and the *Justices Act*.

The Bill is expected to commence in the coming months. The Bill and its Explanatory Statement may be viewed at the following website:

<http://notes.nt.gov.au/dcm/legislat/Acts.nsf/5504d78e6e675d6e6925649e001bb652/0dcce18e8515aa9f69257957007f01ae?OpenDocument>

In brief the changes are:

Bail Act

Subsection 6(f) of the *Bail Act* is replaced to remove outdated and incorrect references, but the intent of the provision remains the same. The amendments now refer to the correct sections of the *Sentencing Act* and allow bail to be granted to a person who has allegedly breached a suspended sentence or good behaviour bond, for the period up to their appearance in the Supreme Court (new subsection 6(g)) or Court of Summary Jurisdiction (new subsection 6(f)).

Companies (Trustee and Personal Representatives) Act

These amendments are consequential upon recent amendment to the *Corporations Act 2001* (Cth) in 2011 and are part of a national scheme. The amendments enable the Australian Securities and Investment Commission to make a 'voluntary' transfer determination to allow the transfer of trustee company estate assets and liabilities to another trustee company, on application by the transferring company.

Justices Act & Police Administration Act

The *Justices Act* is amended to allow police notices to appear to be heard *ex parte*. The same appeal rights as for complaints have been extended to notices to appear

heard *ex parte*. Police notices to appear will also now display a warning about the consequences if the person fails to appear.

Liquor Act

The amendments correct a minor drafting error and ensure the defence in Subsection 106B(3) is now correctly linked to the offence in subsection 106B(1).

Local Court Act

Section 19 of the *Local Court Act* is amended to allow the Supreme Court to grant an extension of time to appeal from interlocutory orders of the Local Court.

Oaths, Affidavits and Declarations Act

Sections 5, 8, 18, 19, 20 and 21 of the *Oaths, Affidavits and Declarations Act* are amended to ensure oaths, affidavits and declarations contain the name of the person making them in the formal words and allow the discretionary inclusion of the person's address or other identifying information. Section 13 is replaced with section 24A so minor non-compliance with the formal requirements for oaths will be extended to affidavits and declarations. Schedule 1 is amended to ensure oaths of interpreters can be recited in the third person by a person administering the oath and includes the name of the person being interpreted. ●