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CLERK: *McLoughlin*LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

**SUPREME COURT AMENDMENT (ASSOCIATE JUDGES)  
BILL 2017****SERIAL NO. 26****EXPLANATORY STATEMENT****GENERAL OUTLINE**

The purpose of this Bill is to make changes to the Office of the Master of the Supreme Court by making amendments to the *Supreme Court Act*, to the Criminal Code and consequential amendments to related legislation.

**NOTES ON CLAUSES****Part 1                      Preliminary matters****Clause 1.                  Short Title**

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Supreme Court Amendment (Associate Judges) Act 2017*.

**Clause 2.                  Commencement**

This is a formal clause which provides when the Act will commence. The Act will commence on a day fixed by the Administrator by *Gazette* notice.



**Part 2                      Amendment of the Supreme Court Act****Clause 3.                      Act amended**

This is a formal clause which provides that the following amendments are made to the *Supreme Court Act*.

**Clause 4.                      Section 9 amended**

Section 9(1), the definition for '*Master*' is omitted to remove an outdated term no longer in use.

Section 9(1), insert a new definition for '*Associate Judge*'.

**Clause 5.                      Section 11 amended**

Section 11(1), replace '*Master*' with '*Associate Judges*' to reflect the change in title being implemented by this Act.

Section 11(2), replace '*the Master, by the Master*' with '*an Associate Judge, by an Associate Judge*' to reflect the change in title being implemented by this Act.

**Clause 6.                      Section 15 amended**

Section 15(d), replace '*the Master*' with '*an Associate Judge*' to reflect the change in title being implemented by this Act.

**Clause 7.                      Section 25 amended**

Section 25 heading, replace '*Master, & c.*' with '*Associate Judge, etc.*' to reflect the change in title being implemented by this Act.

Sections 25(a) and 25(c)(i), replace '*the Master*' with '*an Associate Judge*' to reflect the change in title being implemented by this Act.



**Clause 8.           Section 26 amended**

Section 26(1) and 26(3), replace all references to 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 9.           Section 27 amended**

Sections 27(1) and 27(2), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 10.          Section 28 amended**

Section 28(c), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 11.          Section 29 amended**

Section 29 heading, replace 'Master' with 'Associate Judges' to reflect the change in title being implemented by this Act.

Section 29, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Sections 29(a), 29(b) and 29(c), replace 'he' with 'the Associate Judge or referee' to modernise language.

Section 29(a), omit '(but not including the power to commit for contempt)' to provide Associate Judges with the power to commit for contempt.

**Clause 12.          Section 30 amended**

Section 30, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.



**Clause 13.           Section 33 amended**

A new section 33(5) is inserted to specify the relative seniorities of two or more Associate Judges in the event that there are two or more Associate Judges.

**Clause 14.           Part II, Division 5A heading amended**

Part II, Division 5A heading, replace 'Master' with 'Associate Judges' to reflect the change in title being implemented by this Act.

**Clause 15.           Section 41A amended**

Section 41A heading, replace 'Master' with 'Associate Judges' to reflect the change in title being implemented by this Act.

Section 41A replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 16.           Section 41B amended**

Section 41B, replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 17           Section 41C amended**

Section 41C(1), replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.

A new section 41C(3) is inserted to specify that the salary, allowances and other benefits of an Associate Judge must not be altered to the Associate Judge's detriment during their term of office.

**Clause 18.           Section 41D amended**

Section 41D, replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.



**Clause 19.           Section 41E amended**

Section 41E, replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 20.           Section 41F amended**

Section 41F heading, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Section 41F replace 'the Master from office if, and only if, the Master:' with 'an Associate Judge from office, if and only if, the Associate Judge:' to reflect the change in title being implemented by this Act.

**Clause 21.           Section 41G amended**

Section 41G, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Section 41G replace '*Public Service Act*' with 'Public Sector Employment and Management Act' to provide a correct reference to the current Act.

**Clause 22.           Section 41H amended**

Section 41H heading, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Sections 41H(1) and 41H(2), replace all references to 'of Master' with 'of Associate Judge' to reflect the change in title being implemented by this Act.

Section 41H(1)(b) replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.



**Clause 23.           Section 41J amended**

Section 41J(1), replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.

Sections 41J(1) and 41J(2), replace 'of Master' with 'of Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 24.           Section 41K amended**

Section 41K heading, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Sections 41K(1) and 41K(3), replace 'The Master' with "An Associate Judge" to reflect the change in title being implemented by this Act.

Sections 41K(1) and 41K(2), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 25.           Section 49 amended**

Sections 49(1) and 49(2), replace all references to 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 26.           Section 49A amended**

Section 49A heading, replace 'Master' with 'Associate Judges' to reflect the change in title being implemented by this Act.

Section 49A, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 27.           Section 53 amended**

Section 53(4), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.



**Clause 28.           Section 55 amended**

Section 55(1)(c)(i), replace all references to 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 29.           Section 83A amended**

Section 83A(3)(b), omit subsection (b) and replace with '(b) an Associate Judge;' to reflect the change in title being implemented by this Act.

Section 83A(8), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Clause 30.           Section 90 amended**

A new section 90(1) is inserted to provide that the current occupier of the office of the Master becomes the holder of the office of an Associate Judge.

A new section 90(2) is inserted to provide that any service as Master is taken to be service as an Associate Judge.

A new section 90(3) is inserted to provide that the person who holds office as Associate Judge under section 90(1) does so on the same terms and is not required to take an oath under section 41J.

A new section 90(4) is inserted to provide that on-going proceedings before the Master will continue uninterrupted before an Associate Judge.

A new section 90(5) is inserted to provide that existing judgments, orders and processes of the Master become judgments, orders and processes of an Associate Judge.



A new section 90(6) is inserted to provide that a reference to the Master of the Supreme Court is taken to be a reference to an Associate Judge unless context requires otherwise.

A new section 90(7) is inserted to insert a definition for '*commencement day*'.

**Clause 31.            Schedule 2 amended**

Schedule 2, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

**Part 3                    Amendment of the Criminal Code**

**Clause 32.            Act Amended**

This is a formal clause which provides that the following amendments are made to the Criminal Code.

**Clause 33.            Section 190 amended**

Section 190, before 'Any' insert '(1)' to provide for a new subsection.

A new section 190(2) is inserted to specify that '*judge*' refers to Judges or Associate Judges of the Supreme Court or Judges of the local Court.

**Part 4                    Amendment of Interpretation Act**

**Clause 34.            Act amended**

This is a formal clause which provides that the following amendments are made to the Interpretation Act.

**Clause 35.            Section 17 amended**

Section 17, insert a new definition for '*Associate Judge*'.



**Part 5                      Consequential amendments****Clause 36.              Other laws amended**

This is a formal clause which provides that the laws specified in Schedule 1 are amended.

**Part 6                      Expiry of Act****Clause 37.              Expiry of Act**

This is a standard clause which provides that the *Supreme Court Amendment (Associate Judges) Act 2017* expires the day after it commences.



**Schedule 1      Other laws amended*****Absconding Debtors Act***

Section 4(1), the definition for '*Master of the Supreme Court*' is omitted to remove an outdated term no longer in use.

Section 7(b), replace 'the Master of the Supreme Court' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

**Agents Licensing Regulations**

Regulation 17(1)(c)(xi), omit subregulation (xi) and replace with '(xi) an Associate Judge' to reflect the change in title being implemented by this Act.

***Bail Act***

Section 3(1)(b) definition for 'Supreme Court Judge', replace all references to 'the Master of the Supreme Court' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

***Constitutional Convention (Election) Act***

Section 3, the definition for '*Master*' is omitted to remove an outdated term no longer in use.

Sections 118(1), 119, 122(1)(a), 128(2) and 128(3) and 129, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

***Electoral Act***

Section 3, the definition for '*Master*' is omitted to remove an outdated term no longer in use.



Section 238, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Sections 239, 240(1), 242(1), 248(2) and 242(3), 249, 250 and 255, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

### ***Evidence Act***

Section 49ZD(2)(a)(ii), before 'the Master' insert 'an Associate Judge or' to enable the section to also consider Associate Judges.

### ***Juries Act***

Section 5(1), the definition for '*Master*' is omitted to remove an outdated term no longer in use.

Section 15 heading, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Section 15, replace the first reference to 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Sections 15 and 17A(1), replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Section 17A(2) replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Section 27A(1) replace 'he' with 'the Judge or Associate Judge' to modernise language and replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Section 27A(4) replace 'he shall thereupon' with 'the Sherriff or Deputy Sherriff must' to modernise language and replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.



Section 36, replace 'the Master that' with 'an Associate Judge that'; and 'Master, as' with 'Associate Judge, as' to reflect the change in title being implemented by this Act.

### ***Justices of the Peace Act***

Schedule 1, replace 'Master of the Supreme Court' with 'Associate Judge' to reflect the change in title being implemented by this Act.

### ***Legal Profession Act***

Section 4, the definition for '*Master*' is omitted to remove an outdated term no longer in use.

Section 351 definition for '*reviewer*' paragraphs (a) and (b), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Section 467(7) definition for 'judicial officer', omit subsection (b) and replace with '(b) an Associate Judge; or' to reflect the change in title being implemented by this Act.

Section 651(1), omit subsection (a) and replace with '(a) an Associate Judge; and' to reflect the change in title being implemented by this Act.

Sections 651(4), 655(2), 655(3) and 655(4), replace all references to 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Section 687(2), omit subsection (b) and replace with '(b) an Associate Judge; or' to reflect the change in title being implemented by this Act.



### ***Local Court (Criminal Procedure) Act***

The reference to 'the Master' in section 178(1) is replaced with 'an Associate Judge' to reflect the change in title being implemented by this Act and the reference to 'him' is replaced with 'Associate Judge or other proper officer' to modernise language.

The reference to 'the Master' in section 178(2) is replaced with 'an Associate Judge' to reflect the change in title being implemented by this Act.

### ***Motor Accidents (Compensation) Act***

Section 29A(2), replace 'the Master of the Supreme Court' with 'an Associate Judge'; and 'the Master may' with 'an Associate Judge may' to reflect the change in title being implemented by this Act.

### ***Motor Accidents (Compensation) Appeal Tribunal Rules***

Rule 3 the definition for 'Master' is omitted to remove an outdated term no longer in use.

Rule 4A heading, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

Rule 4A, replace 'The Master' with 'An Associate Judge' to reflect the change in title being implemented by this Act.

### ***Public Interest Disclosure Act***

Section 7(2), omit subsection (b) and replace with '(b) an Associate Judge; or' to reflect the change in title being implemented by this Act.

### ***Referendums Act***

Section 2, the definition for 'Master' is omitted to remove an outdated term no longer in use.



Section 62(3)(f), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

Sections 62(4), 62(5), 63(2), 69 and 73, replace 'Master' with 'Associate Judge' to reflect the change in title being implemented by this Act.

### **Sherriff Regulations**

Regulation 2, is omitted to remove references to 'the Master' which is an outdated term no longer in use.

Regulations 10(3), 12, 17 and Schedule 1 - Item 14, replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

### ***Status of Children Act***

Section 19(3), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.

### **Supreme Court Regulations**

Schedule - Part 2 - Item 5, replace 'Master's' with 'Associate Judge's' to reflect the change in title being implemented by this Act.

### ***Trustee Act***

Section 22(4), replace 'the Master' with 'an Associate Judge' to reflect the change in title being implemented by this Act.