

2018

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

Justice Legislation Amendment Bill 2018

SERIAL NO. 73

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Director of Public Prosecutions Act 1990*, the *Law Officers Act 1978*, the *Local Court Act 2015* and the *Supreme Court Act 1979*.

The purpose of this Bill is to increase the age of retirement to 72 years for a person appointed to the office of Director of Public Prosecutions, or the Solicitor-General of the Northern Territory, or as a Judge of the Local Court or a Judge or Associate Judge of the Supreme Court.

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 *Justice Legislation Amendment Act 2018*.

Clause 2. Commencement

This is a formal clause which provides when the Act will commence.

The Act will commence following assent by the Administrator.

Part 2 Amendment of Director of Public Prosecutions Act 1990

Clause 3. Act amended

This Part amends the *Director of Public Prosecutions Act 1990*.

Clause 4. Section 4 amended (Director of Public Prosecutions)

This clause amends section 4(1)(a), (6) and (9) to increase the age of retirement from 70 to 72 for persons appointed by the Administrator to the office of Director of Public Prosecutions.

Part 3 Amendment of Law Officers Act 1978

Clause 5. Act amended

This Part amends the *Law Officers Act 1978*.

Clause 6. Section 13 amended (Office of Solicitor-General)

This clause amends section 13(1)(a), (5) and (9) to increase the age of retirement from 70 to 72 for persons appointed by the Administrator to the office of Solicitor-General of the Northern Territory.

Part 4 Amendment of Local Court Act 2015

Clause 7. Act amended

This Part amends the *Local Court Act 2015*.

Clause 8. Section 53 amended (Appointment)

This clause amends section 53(2)(a) to increase the maximum age a person may be appointed as the Chief Judge, a Deputy Chief Judge and other Local Court Judges from 70 to 72.

Clause 9. Section 56 amended (Vacation of office)

This clause amends section 56(a) to provide that a Judge appointed under the Act may hold office until the age of 72.

Part 5 Amendment of Supreme Court Act 1979**Clause 10. Act amended**

This Part amends the *Supreme Court Act 1979*.

Clause 11. Section 32 amended (Appointment of Judges)

This clause amends section 32(1) to increase the maximum age a person may be appointed as the Chief Justice, a Judge or an additional Judge of the Supreme Court of the Northern Territory from 70 to 72.

Clause 12. Section 38 amended (Retirement)

This clause amends section 38 to provide that a Judge appointed under the Act may hold office until the age of 72.

Clause 13. Section 41A amended (Appointment of Associate Judges)

This clause amends section 41A(a) to provide that the Administrator may appoint a person as an Associate Judge up until the age of 72.

Clause 14. Section 41D (Retirement)

This clause amends section 41D to provide that an Associate Judge may hold office until the age of 72.

Clause 15. Section 41H (Authorization to act in office of Associate Judge)

This clause amends section 41H(1)(c) to provide that a person may act in the office of Associate Judge until the age of 72.

Part 6 Repeal of Act**Clause 16. Repeal of Act**

This is a standard clause which provides that the *Justice Legislation Amendment Act 2018* is repealed the day after it commences.