

Northern Territory Supreme Court Act 1973

No. 220 of 1973

AN ACT

Relating to the Supreme Court of the Northern Territory
of Australia.

[Assented to 20 December 1973]

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

1. (1) This Act may be cited as the *Northern Territory Supreme Court Act 1973*. Short title
and citation.

(2) The *Northern Territory Supreme Court Act 1961–1971** 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 1961–1973.

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

3. Section 3 of the Principal Act is repealed. Repeal.

* Act No. 11, 1961, as amended by No. 92, 1965; No. 93, 1966; No. 116, 1968; No. 40, 1969; and No. 99, 1971.

Definitions.

4. Section 5 of the Principal Act is amended—

- (a) by omitting from the definition of “ ‘ Judge ’ or ‘ Judge of the Supreme Court ’ ” the words “ the Judge appointed under sub-section (1) of section seven of this Act ” and substituting the words “ a Judge appointed under sub-section (1) of section 7 ” ;
- (b) by omitting the definition of “ the senior Judge ” and inserting the following definition:—

“ ‘ the senior Judge ’ means the senior Judge appointed under sub-section (1) of section 7 who is available for the discharge of duties under this Act or, if there is no Judge appointed under that sub-section who is so available or there is no Judge holding office by virtue of an appointment under that sub-section, the senior additional Judge who is available for the discharge of duties under this Act; ”.

Appointment and tenure of Judges and additional Judges.

5. (1) Section 7 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:—

“ (1) The Governor-General may, by commission issued in pursuance of this sub-section, appoint a person who, or persons each of whom—

- (a) is or has been a Judge of another court created by the Parliament or of a Court of a State; or
- (b) has been enrolled as a legal practitioner of the High Court, or of the Supreme Court of a State or Territory, for not less than five years,

to be a Judge or Judges of the Supreme Court, but so that the number of Judges holding office under this sub-section at any time does not exceed three.

“ (1A) The Judges appointed under sub-section (1) have seniority as Judges of the Supreme Court according to the dates of their commissions. ” ;

- (b) by omitting from sub-section (2) the words “ a Judge or Judges ” and substituting the words “ an additional Judge or additional Judges ” ; and
- (c) by inserting in sub-section (3), before the word “ Judges ” (second occurring), the word “ additional ”.

(2) The Judge of the Supreme Court of the Northern Territory of Australia appointed under sub-section 7 (1) of the Principal Act and holding office immediately before the commencement of this Act shall, upon the commencement of this Act, continue to hold office as if he had been appointed under sub-section 7 (1) of the Principal Act as amended by this Act.

6. Section 9 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:—

Salaries and allowances.

“(1) A Judge appointed under sub-section (1) of section 7 shall receive a salary at such rate, and an annual allowance at such rate, as are fixed by the Parliament.”.

7. Section 13 of the Principal Act is amended by omitting from sub-section (7) the words “the last succeeding sub-section” and substituting the words “sub-section (6)”.

Exercise of jurisdiction.

8. The Principal Act is amended as set out in the Schedule.

Formal amendments.

SCHEDULE

Section 8

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 4 (1) and (4), 5 (definition of “additional Judge”) and 15 (1).

2. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “to this Act” and “of this section” (wherever occurring):—

Sections 5 (definitions of “additional Judge”), 7 (4), 10, 15 (3) and 30 (6) and (7).

3. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 15 (1)	Omit “the first day of January, One thousand nine hundred and eleven”, substitute “1 January 1911”. Omit “of this Act” (second occurring).