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NORTHERN TERRITORY SUPREME COURT (REPEAL) BILL 1979

Date Introduced: 6 June 1979
House: Senate
Presented by: Senator the Honourable F. Chaney,
Minister for Aboriginal Affairs

Short Digest of Bill

Purpose

To repeal the Northern Territory Supreme Court Act 1961 to enable the establishment and constitution of a new Territory Supreme Court by the Northern Territory Government.

Background

This Bill is part of a package of Bills designed to complete the transfer of judicial powers to the Northern Territory Government. Under the Northern Territory (Self-government) Act 1978 the Territory Government was granted legislative powers for the peace, order and good government of the Territory and executive power in respect of most State-type functions, from 1 July 1978. Jurisdiction over the Territory's lower courts was transferred to the Territory Government on 1 January 1978. This Bill will extend that jurisdiction to the Supreme Court.

Main Provisions

Clause 4 repeals the Northern Territory Supreme Court Act 1961.

Clauses 5 and 6 are transitional provisions ensuring both the continuation of proceedings pending before the High Court or on the Federal Court of Australia arising from proceedings in the present Northern Territory Supreme Court and the appointments to the Federal Court of the present Judges of the Supreme Court.

Clause 7 states that references in existing Commonwealth legislation to the Northern Territory Supreme Court shall be read as references to the Northern Territory Supreme Court established by Territory legislation, except where the context otherwise requires.