

NORTHERN TERRITORY OF AUSTRALIA
STATUTE LAW REVISION ACT (No. 2) 1999

No. 48 of 1999

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NORTHERN TERRITORY OF AUSTRALIA

No. 48 of 1999

AN ACT

to revise and correct the law of the Territory in minor respects

[Assented to 10 November 1999]
[Second reading 18 August 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision Act (No. 2) 1999*.

2. Amendment of *Instruments Act*

Section 9A of the *Instruments Act* is amended by omitting subsection (2) and substituting the following:

"(2) The effect of registration of a bill of sale may be extended one or more times, for a further period of 5 years, by the grantee of the bill of sale —

- (a) applying for the extension, in a form approved by the Registrar-General, before the expiry of the then effective period of registration; and
- (b) paying the prescribed fee."

3. Revision of other Acts

The Acts specified in Schedule 1 are amended as set out in that Schedule.

4. Revision of Regulations

(1) The Regulations specified in Schedule 2 are amended as set out in that Schedule.

(2) A regulation amended as set out in Schedule 2 may be amended or repealed by a regulation as if the amendment had been made by a regulation.

5. Savings and validation: memorandum and articles of certain companies

(1) If, immediately before the commencement of this Act, the memorandum and articles of a proposed company have been submitted for approval, or have been approved, as required by –

- (a) section 51(4)(a) of the *Dental Act*;
- (b) section 6(1) of the *Legal Practitioners (Incorporation) Act*; or
- (c) section 54(3) of the *Medical Act*,

the memorandum and articles are, on and from the commencement of this Act, to be taken together to make up the constitution of the proposed company.

(2) If, immediately before the commencement of this Act, a company that was incorporated in accordance with –

- (a) section 51(4)(a) of the *Dental Act*;
- (b) section 6(1) of the *Legal Practitioners (Incorporation) Act*; or
- (c) section 54(3) of the *Medical Act*,

is registered under the Corporations Law, the memorandum and articles of the company are, on and from 1 July 1998, to be taken together to make up the constitution of the company.

(3) Every approval of the constitution of a proposed company, or of an alteration to the constitution of a company, under the *Dental Act*, *Legal Practitioners (Incorporation) Act* or *Medical Act* during the period commencing on 1 July 1998 and ending on the day before the day of commencement of this Act is as valid as if the constitution were the memorandum and articles of the company.

(4) Every acceptance of the constitution of a company under section 14B(1)(b) of the *Architects Act* during the period commencing on 1 July 1998 and ending on the day before the day of commencement of this Act is as valid as if the constitution were the memorandum of the company.

(5) During the period commencing on 1 July 1998 and ending on the day before the day of commencement of this Act, the Agents Licensing Board of

the Northern Territory was entitled to be satisfied under section 25(a)(i) of the *Agents Licensing Act* that a company was authorised to carry on business as an agent –

- (a) if the company had no memorandum of association or constitution; or
- (a) in relation to a company that had a constitution – if the company was authorised to do so by its constitution.

SCHEDULE 1

Section 3

AMENDMENTS OF ACTS

Provision	Amendment	
	omit	substitute
<i>Agents Licensing Act</i>		
Section 25(a)(i)	"is, by its memorandum of association, authorised"	"has the power"
<i>Architects Act</i>		
Section 14B(1)(b)	"memorandum" (twice occurring)	"constitution"
Section 20C(1)(a)	"memorandum"	"constitution"
<i>Commercial Passenger (Road) Transport Act</i>		
Section 9(4)(a)	"objects"	"constitution, objects"
<i>Companies (Trustees and Personal Representatives) Act</i>		
Sections 7(1)(b) and 41(1)(b)	"is empowered by its objects"	"has the power"

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Co-operatives Act

Section 10(2)(a)	"articles or memorandum of association"	"a constitution"
Section 23(1)	"articles of association" (first occurring)	"constitution"
Sections 23(1)(b) and 24(c)(iii)	"memorandum and articles of association"	"constitution"
Sections 302(1)(c) and 305(1)	"memorandum or articles of association"	"constitution"

Criminal Code

Section 269	"memorandum or articles of association"	"constitution"
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Dental Act

Section 3 – definition of "dental company"	"memorandum or articles of association"	"constitution"
Section 51(4)(a) and (b)	"memorandum and articles of association"	"constitution"

Gaming Machine Act

Section 3 – definition of "non-proprietary club"	"memorandum and articles of association,"	
Sections 24(3)(d)(ii) and 62(1)(e)(ii)	"memorandum and articles of association,"	

Legal Practitioners (Incorporation) Act

Section 5(1) and (2)	"memorandum and articles"	"constitution"
Section 6(1)	"memorandum and articles"	"a constitution"
Section 6(2)	"memorandum or articles"	"constitution"

Marine Act

Section 134(4)(a)	"memorandum of association"	"constitution"
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Marketable Securities Act

Section 8(3)(b)	"memorandum and articles or by the constitution"	"constitution or rules"
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Sections 11(4) and 12	"articles,"	"articles, constitution,"
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Section 13	"memorandum or articles"	"constitution or rules"
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Schedule 2 – Forms 4, 9 and 11	"memorandum and articles or by the constitution"	"constitution or rules"
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Medical Act

Section 3(1) – definition of "medical company"	"memorandum or articles of association"	"constitution"
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Section 54(3)	"memorandum and articles of association"	"constitution"
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Section 54(4)	"memorandum or articles of association"	"constitution"
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Section 54(5)	"memorandum and articles of association"	"constitution"
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Taxation (Administration) Act

Section 56C(1) – paragraph (a) of the definition of "acquire"	"initial allotment of shares to a subscriber to a memorandum"	"issue of a share to a member on registration"
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Section 56C(6)(a)	"memorandum and articles of association"	"constitution or rules"
	"memorandum, articles"	"constitution or rules"
Section 56C(6)(b)(i)	"memorandum or articles of association"	"constitution or rules"
Section 56T(3)(d)	"memorandum and articles of association"	"constitution or rules"
<i>Yulara Tourist Village Management Act</i>		
Section 4(1)	"memorandum and articles of association"	"constitution or rules"
Section 4(2)	"memorandum or articles of association"	"constitution or rules"

SCHEDULE 2

Section 4

AMENDMENTS OF REGULATIONS

Provision	Amendment	
	omit	substitute
Kava Management Regulations		
Regulation 6(b)(v)	"memorandum of association and the articles of association of the applicant or the"	"constitution or"

Northern Territory
Treasury Corporation
Inscribed Stock
Regulations

Regulation 10(4)(a) "Articles of Association" "Constitution"

ALTERATION TO SECTION HEADING

On the day on which the *Legal Practitioners (Incorporation) Act* is amended by this Act, the heading to section 6 of that Act is altered by omitting "MEMORANDUM AND ARTICLES" and substituting "CONSTITUTION".