

NORTHERN TERRITORY OF AUSTRALIA
STATUTE LAW REVISION ACT (NO. 2) 2004

Act No. 54 of 2004

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 54 of 2004

AN ACT

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

[Assented to 15 September 2004]

[Second reading 16 June 2004]

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) 2004*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Amendment of *Law Reform (Miscellaneous Provisions) Act*

The heading to Part III of the *Law Reform (Miscellaneous Provisions) Act* is repealed.

4. Amendment of *Legal Practitioners Act*

Section 130AE of the *Legal Practitioners Act* is amended by omitting subsection (4).

5. Amendment of *Prostitution Regulation Act*

Section 54 of the *Prostitution Regulation Act* is repealed and the following substituted:

"(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters –

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

"(2) The Regulations may provide for –

- (a) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act; and
- (b) the service of a notice relating to payment of the prescribed amount on a person alleged to have committed the offence and the particulars to be included in the notice."

6. Amendments of Northern Territory Rail Safety Regulations

The Northern Territory Rail Safety Regulations are amended –

(a) by omitting regulation 24(2)(b) and substituting the following:

"(b) the person has complied with any conditions on which the accredited person's permission is given."; and

(b) by omitting regulation 28(2)(b) and (c) and substituting the following:

"(b) either of the following applies:

- (i) subregulations (2A), (3) and (4) have been complied with;
- (ii) the person driving the vehicle is –
 - (A) a railway employee or inspector carrying out his or her duties;
 - (B) the owner or occupier of land adjoining or adjacent to a railway, an employee or agent of the owner or occupier or any other person acting to protect life or property, control or extinguish a fire or otherwise deal with an emergency; or

- (C) a person who is permitted by the relevant accredited person to cross the level crossing without complying with subregulations (2A), (3) and (4).".

7. Revision of other Acts

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

8. Revision of other subordinate legislation

The subordinate legislation specified in Schedule 2 is amended as set out in that Schedule.

9. Amendment by subordinate legislation authorised

Subordinate legislation amended by this Act may be amended or repealed by subordinate legislation as if the amendments had been made by subordinate legislation.

SCHEDULE 1

Section 7

ACTS REVISED

Provision	Amendment	
	omit	substitute
<i>Aged and Infirm Persons' Property Act</i>		
Section 7(1)(b)	any a near relation	a near relation
<i>Annual Leave Act</i>		
Section 4(1)(c)	an award makes provision for annual leave in his employment	an employment award makes provision for annual leave
Section 5(1)		
– definition of "normal daily number of hours of work"		
– paragraph (a)	his	
– paragraph (b)	worked by him in his employment	worked
	he commences his	the employee commences
	when his employment terminates or his death	of termination of employment or the death of the employee
– definition of "normal weekly hours of work"		
– paragraph (a)	his	
– paragraph (b)	worked by him during the period actually worked by him in his employment during	worked during periods of actual employment in

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	when his employment terminates, or of his death,	of termination of employment or the death of the employee
– definition of "pay"	his (first reference)	the
	his (second reference)	his or her
– definition of "shift worker", paragraph (b)	his	
Section 5(2)(b)	his pay for his normal	his or her pay for normal
Section 5(2)(c)	his	
Section 5(3)(b)	his	his or her
Section 6(1)	be granted by his employer	
Section 6(2)	his (first reference) be granted by his employer	
Section 6(3)	be granted by his employer	
Section 6(8)	his employer shall grant the leave to him	the employer must grant the leave
Section 7(1)	he	the employee
Section 7(2)	the continuity of his service by reason of his absence	continuity of service by reason of his or her absence
Section 7(2)(b)	his	the
Section 7(3)	his (first and second references) his (third reference)	the

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Section 7(4)	his	
Section 7(6)	prior to his current period of employment, he has	prior, has
	he (second reference)	the employee
	his (second reference)	the current
Section 7(8)(b)	his	his or her
Section 9	his (first reference)	the
	the pay of the employee at his ordinary rate of pay	the pay (at the employee's ordinary rate)
Section 10(2)(a) and (b)	his	the employee's
Section 11	if he had not died and the employment had been terminated otherwise than by death on the day of his death	if the employment had been terminated otherwise than by death
Section 12(3)(b)	entitled to receive from his employer an amount equal to the amount of pay at his ordinary rate of pay that he would have received in respect of the sum of –	entitled to payment, at the employee's ordinary rate of pay, for –
Section 12(3)(b)(i)	he	the employee
Section 12(3)(b)(ii)	his he	the the employee
Section 13	his (first reference) his death	the death of the employee
Section 13(a)	his	

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Section 13(b)	the termination of his employment	termination of employment
Section 13(c)	his	
Section 15	he	he or she
Section 16(1)	of his employees	employee
Section 16(2)(b)	his	the
Section 17(1)	authorized (all references)	authorised
Section 17(2)	to him	
Section 17(3)	authorized	authorised
Section 18(1)	agreement between an employer and his employee	employment agreement
Section 19(1)	applicable to him	
Section 19(2)	the employment of that other person by him	that other person's employment
Section 19(3)	his	his or her
	he	he or she
Section 19A	is	in
<i>AustralAsia Railway (Special Provisions) Act</i>		
Section 14(2A)	PAWA	PowerWater
<i>Charles Darwin University Act</i>		
Section 52(2)(c)	sections	section
<i>Commercial and Private Agents Licensing Act</i>		
Section 4(1)(j)	Authority (first reference)	Corporation

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Section 18(2)	section 36(1)	section 17E(1)(a)
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***Commercial Passenger
(Road) Transport Act***

Section 37J(2)	private hire car licence	limousine licence
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Co-operatives Act

Section 4

– definition of "deposit taking co-operative"	deposit taking	deposit-taking
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Section 65(2)	co-operative, if he or she	co-operative if the person
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Section 140(2) and (3)	set-off	set off
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Section 296(2)(a)	the (second reference)	
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Section 296(2)(d)	or (third reference)	of
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Section 347(3)	order provide	order, provide
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***Criminal Records
(Spent Convictions) Act***

Section 3

– definition of "sexual offence", paragraph (b)	section 188(1)(k)	section 188(2)(k)
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Disability Services Act

Section 2(1)

– definition of "organisation", paragraph (d)	Northern Territory University	Charles Darwin University
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Education Act

Section 4(1)

– definition of "Institute"	Institute of Technical and Further Education established pursuant to section 20 of the <i>Northern Territory University Act</i>	Institute of Advanced Studies established under section 23 of the <i>Charles Darwin University Act</i>
– definition of "University"	Northern Territory University established by section 4 of the <i>Northern Territory University Act</i>	Charles Darwin University

Section 10M(1)	Subject to this section, the	The
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Kava Management Act

Section 47	section 45	section 46
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Liquor Act

Section 32A(6)	(a) (second reference)	(b)
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Local Government Act

Section 20(2)(b)	or is or is	or is
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Long Service Leave Act

Section 6(1)	his	the person's
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Section 7(1)

– definition of "pay"	his (first reference)	the
	his (second reference)	his or her

Section 7(2)(b)	his	his or her
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Section 7(2)(c)	his	
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Section 7(3)(b)	his	his or her
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Section 10(2)(a)	his he	he or she
Section 10(2)(b)	his (first reference) his (second reference)	the
Section 10(2)(c)	his (all references)	
Section 10(3)	but, if he had lived, he otherwise his (first reference) his former	and he or she otherwise the
Section 12(1)	he	the employee
Section 12(2)	the continuity of his service his (second reference)	continuity of service
Section 12(4)	the continuity of his employment	continuity of employment
Section 12(4)(a)	his	the
Section 12(4)(b)	his	his or her
Section 12(5)	his	
Section 12(5)(b)	his	the
Section 12(6)	prior to his current period of employment, he has for which he was so employed his	prior, has of employment the current
Section 12(8)(b)	his	his or her
Section 13	he	he or she

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Section 14(1)	of his or her employees	employee
Section 14(2)(b)	his	the
Section 15(1)	authorized (all references)	authorised
Section 15(2)	to him	
Section 15(3)	authorized	authorised
Section 16	when he is his (first reference) him his (second reference) he was granted that leave	while the the employee the leave was granted
Section 17	agreement between an employer and his employee	employment agreement
Section 18(1)	applicable to him	
Section 18(2)	the employment of that other person by him	that other person's employment
Section 18(3)	his he	his or her he or she
<i>Marine Act</i>		
Section 95	75(2)(a) and (b)	75(2)(a), (b), (fa) and (fc)
Section 191A	37, 40(1) or (2), 43(1), 47(1), 54, 63,	
<i>Marine Pollution Act</i>		
Section 99(4)	\$10,000	100 penalty units

***Northern Territory
Employment and
Training Act***

Section 3(2)(a)	Northern Territory University established under the <i>Northern Territory University Act</i>	Charles Darwin University continued in existence by the <i>Charles Darwin University Act</i>
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***Northern Territory
Tourist Commission Act***

Section 4

– definition of "appointed member"	section 6(b)	section 6(1)(b)
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Parole of Prisoners Act

Section 3

– definition of "parole officer"	honourary	honorary
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Section 3P(2)	honourary	honorary
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Private Security Act

Section 18(7)(b)	sated	stated
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Section 27(1)(d)	authority's	authority
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***Public Employment
(Mobility) Act***

Section 3(1)

– definitions of "employee" and "public employment"	<i>Conservation Commission Act</i>	<i>Parks and Wildlife Commission Act</i>
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Public Holidays Act

Section 11(2)	by his employer he	
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Section 11(3)	by his employer	
	\$300 per week or such other amount per week as is prescribed	the prescribed rate
	he (first reference)	the employee
	he (second reference)	he or she
Section 11(4)	by his employer	
Section 11(4)(a)	his	
Section 11(5)(a)	by his employer	
Section 12	he	he or she
Section 13(1)	of his employees	employee
Section 14(1)	authorized (all references)	authorised
Section 14(2)	to him	
Section 14(3)	authorized	authorised
Section 15(1)	agreement between an employer and his employee	employment agreement
Section 16(1)	applicable to him	
Section 16(2)	the employment of that other person by him	that other person's employment
Section 16(3)	his he	his or her he or she
<i>Public Sector Employment and Management Act</i>		
Section 40(3)	in his or her	at his or her
Section 47(4)	a employee	an employee

Section 64(2)(b)	such manner as is prescribed	the prescribed manner
Section 64(2)(c)	such functions as are prescribed	the prescribed functions
Section 64(2)(d)	such manner as prescribed	the prescribed manner

Racing and Betting Act

Section 76(3)	(2)	subsection (2)
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Strehlow Research Centre Act

Section 9(1)(a)	Northern Territory University constituted under the <i>Northern Territory University Act</i>	Charles Darwin University continued in existence by the <i>Charles Darwin University Act</i>
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Taxation (Administration) Act

Section 4(1)		
– definition of "convertible Crown lease"	Crown lease granted by	lease granted by or in the name of
– definition of "Crown lease"	the whole definition	
Section 56C(1)		
– definition of "acquire", subparagraph (d)(v)	1988	1988)
Section 81(1)	Division 3B to 13A	Divisions 3B to 13

Telecommunications (Interception) Northern Territory Act

Section 3(2)(c)	the whole paragraph	
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Unit Titles Act

Sections 76 and 78(3)(a) the Schedule

Schedule 1

SCHEDULE 2

Section 8

SUBORDINATE LEGISLATION REVISED

Provision	Amendment	
	omit	substitute
Alice Springs (Council Meetings and Procedures) By-laws		
By-law 2	For the purpose of section 68 of the Act shall be	For section 55 of the Act are
Animal Welfare Regulations		
Regulation 6(2)(g)	Northern Territory University	Charles Darwin University
Classification of Publications, Films and Computer Games Regulations		
Regulation 8	Northern Territory University established under the <i>Northern Territory University Act</i>	Charles Darwin University
Criminal Property Forfeiture Regulations		
Schedule 2		
-- Part A, Western Australia	section 28	section 28 or 30
-- Part B, Western Australia	freezing order under section 34 or 43	freezing notice under section 34, or a freezing order under section 43,

**Criminal Records
(Spent Convictions)
Regulations**

Regulation 3	Private Security Licensing Authority	Northern Territory Licensing Commission
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**Education (Board of
Studies) Regulations**

Regulation 3(1)(e)(i)	Northern Territory University	Charles Darwin University
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**Superannuation
Regulations**

Regulation 4(a)	Northern Territory University established by the <i>Northern Territory University Act</i>	Charles Darwin University continued in existence by the <i>Charles Darwin University Act</i>
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**Waste Management
and Pollution Control
(Administration)
Regulations**

Schedule 1		
- clause 2	3(1), 6(3), 7(2) and 8(2)	3, 6, 7 and 8
