

NORTHERN TERRITORY OF AUSTRALIA
STATUTE LAW REVISION ACT (NO. 2) 2003

Act No. 44 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 44 of 2003

AN ACT

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

[Assented to 7 July 2003]
[Second reading 30 April 2003]

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) 2003*.

2. Amendment of *Crimes (Victims Assistance) Act*

Section 17 of the *Crimes (Victims Assistance) Act* is amended by omitting subsection (3) and substituting the following:

"(3) In proceedings under this Act, all evidence other than the evidence referred to in subsection (4) is to be given by affidavit.

"(4) Evidence included in a sworn statement, a medical report, or any other report relevant to the victim's injury, filed at the Court in accordance with rules or practice directions referred to in section 15(1) or with an order of the Court, is not required to be given by affidavit, whether filed –

- (a) before or after the commencement of this subsection; or
- (b) in accordance with rules or practice directions in force before or after the commencement of the *Crimes (Victims Assistance) Rules*.

"(5) Subsection (4) does not prevent a report referred to in that subsection from being given by affidavit.

"(6) A party may cross-examine the deponent of an affidavit, or the person who made a statement or report referred to in subsection (4), only with the leave of the Court."

3. Amendments of *Status of Children Act*

(1) Section 7 of the *Status of Children Act* is amended by omitting from subsection (2) all the words from and including "against –" to and including "person, or" and substituting the following:

"against –

- (a) an executor of a person's will;
- (b) an administrator or trustee of a person's estate; or"
- (2) Section 19 of the *Status of Children Act* is repealed.
- (3) The Schedule to the *Status of Children Act* is repealed.

4. Amendments of *Taxation (Administration) Act*

(1) Section 4 of the *Taxation (Administration) Act* is amended –

(a) by inserting after the definition of "Crown lease" in subsection (1) the following:

" 'discretionary trust' means –

- (a) a trust under which the vesting of the whole or a part of the capital of the trust property, or the whole or a part of the income from that capital, or both –
 - (i) is required to be determined by a person either in respect of the identity of the beneficiaries, or the quantum of interest to be taken, or both; or
 - (ii) will occur in the event that a discretion conferred under the trust is not exercised; or
- (b) a trust declared by the Regulations to be a discretionary trust,

but does not include a trust that is –

- (c) solely a charitable trust; or

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- (d) declared by the Regulations not to be a discretionary trust";
- (b) by omitting from paragraph (e) of the definition of "hiring arrangement" in subsection (1) "(within the meaning of the *Caravan Parks Act*)";
- (c) by omitting from subsection (1) the definition of "recipient"; and
- (d) by omitting subsection (2A)(a) and substituting the following:
 - "(a) related bodies corporate within the meaning of the *Corporations Act 2001*";
 - (2) Section 4A of the *Taxation (Administration) Act* is amended by omitting from subsection (1) "subsection" and substituting "section".
 - (3) Section 56BAA of the *Taxation (Administration) Act* is amended by omitting the definition of "discretionary trust".
 - (4) Section 56C of the *Taxation (Administration) Act* is amended by omitting from subsection (1) the definition of "discretionary trust".
 - (5) Section 83A of the *Taxation (Administration) Act* is amended by omitting from subsection (2)(c) "Law" and substituting "Act 2001".

5. Revision of other Acts

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

6. Revision of By-laws, Regulations and Rules

- (1) The By-laws, Regulations and Rules specified in Schedule 2 are amended as set out in that Schedule.
- (2) A by-law amended as set out in Schedule 2 may be amended or repealed by a by-law as if the amendment had been made by a by-law.
- (3) 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.
- (4) A rule amended as set out in Schedule 2 may be amended or repealed by a rule as if the amendment had been made by a rule.

SCHEDULE 1

Section 5

Provision	Amendment	
	omit	substitute
<i>Agents Licensing Act</i>		
Section 5(2)(c)	Part 1 of	
Section 7(5) and (6)	Commissioner	Commissioner within the meaning of the <i>Consumer Affairs and Fair Trading Act</i>
Section 20(1)	or 32	or 39
Section 44(3)	under his hand	
Section 52(1)	he	he or she
	him	him or her
Section 52(3) and (4)	him	him or her
Section 52(4)(a)	his	his or her
Section 57(2)(b)	Territory that most closely corresponds to this Act, not being the Northern Territory, relating	another Territory of the Commonwealth that most closely corresponds to this Act and that relates
Section 68(2)	under his hand	
Section 75(1)(b)	him	him or her
	his	the
Section 75(2)	his	his or her
Section 92(6)	<i>Authority</i> (all references)	
Section 95B(1)(c)	section 69(1)(b)	this Act
Section 108(3)	he	he or she

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Sections 118 and 119	his	his or her
<i>Cemeteries Act</i>		
Section 14(2)	crematorium	crematorium
<i>Community Welfare Act</i>		
Section 77	by him –	by him or her –
Section 97(2)	duties under	functions under
<i>Consumer Affairs and Fair Trading Act</i>		
Section 160(1)	penalty.	penalty units.
<i>Consumer Affairs and Fair Trading Amendment Act 2002</i>		
Section 59(c)	5 000	2 500
	2 500	5 000
<i>Criminal Code</i>		
Sections 318 and 383(1)	section 35	section 43C
<i>Licensed Surveyors Act</i>		
Section 6(1)	<i>Electoral</i>	<i>Northern Territory Electoral</i>
<i>Mineral Royalty Act</i>		
Section 4B(1)(q)	174B or	
<i>Mining Act</i>		
Section 4(1)		
– definition of "park or reserve"	<i>Land and Sanctuary</i>	<i>Land, Sanctuary and Marine Park</i>
Section 176(2)(c) and (3)	<i>Land and Sanctuary</i>	<i>Land, Sanctuary and Marine Park</i>

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Nursing Act

Section 3(1)

– definition of "Australian Nursing Council"	Australia,;	Australia;
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***Prostitution Regulation
Act***

Section 3

– definition of "Tribunal"	33(3);	33(3).
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Registration Act

Section 5(1A)	he	he or she
Section 6(2)	him his	him or her his or her
Section 8	his	the
Section 10(1)(a)	he	he or she

Unlawful Betting Act

Section 33(1)(c)	acordance	accordance
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SCHEDULE 2

Section 6

Provision	Amendment	
	omit	substitute
Alice Springs (Control of Public Places) By-laws		
By-law 56(1)	authorized	authorised
Alice Springs (Garbage Dumps) By-laws		
By-law 8(2)(e)	on a	on
Commercial and Private Agents Licensing Regulations		
Regulation 9(3)	(b) inform	(c) inform
Cullen Bay Marina Regulations		
Regulation 14(6)(b)	regulation;	regulation
Dangerous Goods Regulations		
Regulation 55(b)	section 17	section 17 of the Act
Regulation 62	area of the Port of Darwin as described in Schedule 1 of the <i>Darwin Port Authority Act</i>	Port within the meaning of the <i>Darwin Port Corporation Act</i>
Darwin City Council By-laws		
By-law 118(1)	(e)	(d)

**Fire and Emergency
Regulations**

Regulation 12(3)(a) has the same meaning as
in the *Caravan Parks
Act* and

Juries Regulations

Regulation 3 *Electoral* *Northern Territory
Electoral*

**Legal Practitioners
Complaints Committee
Rules**

Rule 13(2) subsection subrule

**Marine (Passenger)
Regulations**

Regulation 7 Notwithstanding (1) Notwithstanding

Minibus Regulations

Regulation 4(3) issued under
subsection (2)

Mining Regulations

Regulation 34 174(9) 174(9) of the Act,

**Petroleum Products
Subsidy Regulations**

Regulation 2 the *Petroleum Products* the Act
Subsidy Act

Regulation 2(a) and (c) authorized authorised

Regulation 3 the whole regulation

**Referendums
Regulations**

Regulation 12 (3) In (2) In

Supreme Court Rules

Rule 86.03	it has been contended that he was not responsible according to law for his actions on the ground referred to in section 35(1)	the defence of mental impairment has been raised under Part IIA
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Schedule 2

- item 12	plead insanity	be tried mental impairment
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Taxis Regulations

Regulation 5(3)	issued under subsection (2)	
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Unit Titles Regulations

Schedule 4

- Form 9	(NOTE 5) (second reference)	(NOTE 6)
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Work Health Regulations

Regulation 6	(1) For (2)	For
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ALTERATIONS TO PROVISION HEADINGS

On the day on which the laws specified in the following table are amended by this Act, the headings to the provisions specified in the table are altered as set out in the table.

Provision	Amendment	
	Omit	substitute
<i>Agents Licensing Act</i>		
Section 9	Chairman	Chairperson
<i>Petroleum Products Subsidy Act</i>		
Section 12	Authorized	Authorised
Work Health Regulations		
Regulation 6	whole heading	Prescribed amount of funeral benefit