

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2003

Act No. 12 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 12 of 2003

AN ACT

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

[Assented to 18 March 2003]

[Second reading 28 November 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision Act 2003*.

2. Commencement

(1) Section 8 is taken to have come into operation on the day on which, but immediately before, the *Community Welfare Amendment Act 2002* commenced.

(2) Section 9 is taken to have come into operation on the day on which the *Law of Property Act* commenced. (See back note 1)

(3) Section 11 comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

(4) The remaining provisions of this Act come into operation on the day on which the Administrator's assent to this Act is declared.

3. Repeal

The *Commission of Inquiry (Chamberlain Convictions) Act 1986* (Act No. 1 of 1986) is repealed.

4. Repeal

The *Criminal Law (Regulatory Offences) Act 1983* (Act No. 68 of 1983) is repealed.

5. Repeal

The *Racing, Gaming and Liquor Commission Act Repeal Act 1991* (Act No. 17 of 1991) is repealed.

6. Repeal

The *Transfer of Powers (Health) Act 1978* (Act No. 122 of 1978) is repealed.

7. Repeal

The following Acts are repealed:

- (a) *Transfer of Powers (Law) Act 1978* (Act No. 1 of 1980);
- (b) *Transfer of Powers (Law) Act 1979* (Act No. 2 of 1980).

8. Amendments of *Community Welfare Amendment Act 2002*

The Schedule to the *Community Welfare Amendment Act 2002* is amended –

- (a) by omitting from the item in the "omit" column relating to section 97(2) "or the performance of his duties" and substituting "or the performance of his functions"; and
- (b) by omitting from the item in the "substitute" column relating to section 97(4) "his duties" and substituting "his or her duties".

9. Amendment of *Law of Property Act*

Section 190 of the *Law of Property Act* is amended by omitting from subsection (1) "does affect the validity" and substituting "does not affect the validity".

10. Amendment of *Local Court Act*

Section 19 of the *Local Court Act* is amended by inserting in subsection (8) in alphabetical order the following:

" 'order of the Court' means an order made by a magistrate exercising the jurisdiction of the Court;".

11. Amendments of *Prisons (Correctional Services) Act*

(1) Section 3 of the *Prisons (Correctional Services) Act* is repealed.

(2) The Schedule to the *Prisons (Correctional Services) Act* is repealed.

12. Amendments of *Unit Titles Act*

Section 109 of the *Unit Titles Act* is amended –

- (a) by omitting "There are" and substituting "(1) There are";
- (b) by omitting "or applications under section 95A";
- (c) by omitting "the regulations" and substituting "the regulations made under the *Registration Act*"; and
- (d) by adding at the end the following:

"(2) A fee payable under subsection (1) is payable to the Registrar-General."

13. Amendment of *Weapons Control Act*

Section 3 of the *Weapons Control Act* is amended by inserting in alphabetical order the following:

" 'night-time' means the interval between 9 o'clock in the evening and 6 o'clock in the morning;".

14. Amendment of Alice Springs (Control of Public Places) By-laws

By-law 55A of the Alice Springs (Control of Public Places) By-laws is amended by omitting from clause (1) the definition of "dealer" and substituting the following:

" 'dealer' has the same meaning as in Part 10 of the *Consumer Affairs and Fair Trading Act*";.

15. Amendments of Darwin City Council By-laws

By-law 103 of the Darwin City Council By-laws is amended –

- (a) by omitting from clause (1)(d) "within the meaning of the *Caravan Parks Act*"; and
- (b) by inserting after clause (1) the following:

"(1A) For the purposes of this by-law, land is taken to be a caravan park or camping area (as the case may be) if –

- (a) the land is used for parking of caravans or the erection of tents for the purpose of providing accommodation to members of the public; and
- (b) the owner or occupier of the land receives payment from another person as consideration for permitting the person to park or live in a caravan or to erect or live in a tent on the land."

16. Amendment of Jabiru Town Development (Aboriginal Camping Areas) By-laws

By-law 2 of the Jabiru Town Development (Aboriginal Camping Areas) By-laws is amended by omitting the definition of "caravan" and substituting the following:

" 'caravan' means a habitable container designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels;"

17. Amendments of Tennant Creek (Control of Public Places) By-laws

By-law 47 of the Tennant Creek (Control of Public Places) By-laws is amended –

- (a) by omitting from clause (1)(d) "within the meaning of the *Caravan Parks Act*"; and
- (b) by inserting after clause (1) the following:

"(1A) For the purposes of this by-law, land is taken to be a caravan park or camping area (as the case may be) if –

- (a) the land is used for parking of caravans or the erection of tents for the purpose of providing accommodation to members of the public; and
- (b) the owner or occupier of the land receives payment from another person as consideration for permitting the person to park or live in a caravan or to erect or live in a tent on the land."

18. Revision of other Acts

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

19. Revision of other Regulations

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

20. Amendment by regulation authorised

A regulation amended by this Act may be amended or repealed by a regulation as if the amendment had been made by a regulation.

21. Amendment by by-law authorised

A by-law amended by this Act may be amended or repealed by a by-law as if the amendment had been made by a by-law.

SCHEDULE 1

Section 18

Provision	Amendment	
	omit	substitute
<i>Absconding Debtors Act</i>		
Section 11(3)	<i>Prisons Act</i>	<i>Prisons (Correctional Services) Act</i>
<i>Consumer Affairs and Fair Trading Act</i>		
Section 60(3)		
– definitions of "consortium" and "prescribed information provider"	<i>Broadcasting and Television Act 1942</i>	<i>Broadcasting Act 1942</i>
<i>Darwin Port Corporation Act</i>		
Section 48(1)(zd)	a fine of \$10,000	100 penalty units

Debits Tax Act

Section 18A(4)	under that subsection	under this section
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Disability Services Act

Section 5(1)	<i>Public Service Act</i>	<i>Public Sector Employment and Management Act</i>
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Disasters Act

Section 24(1)(e)	Department of Health and Community Services	Agency primarily responsible for health, welfare and community services
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Section 24(1)(f)	Department of Transport and Works	Agency primarily responsible for transport and infrastructure
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***Health Practitioners
and Allied
Professionals
Registration Act***

Section 58(2)(a)	Northern Territory Attorney-General's Department established under that Act	Agency primarily responsible for law and the administration of justice
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Nursing Act

Section 81(1)(a)	the whole paragraph	
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Section 81(1)(b)	its	its constitution,
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Planning Act

Section 3(1)

– definition of "service authority"	Authority established by the <i>Power and Water Authority Act</i>	Corporation established by the <i>Power and Water Corporation Act</i>
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**Taxation
(Administration) Act**

Section 83D(2) 2 months 60 days

SCHEDULE 2

Section 19

Provision	Amendment	
	omit	substitute
Barranyi (North Island) Local Management Committee Regulations		
Regulation 4(1)(b)	<i>Public Service Act</i>	<i>Public Sector Employment and Management Act</i>
Crown Lands Regulations		
Regulation 53(2)	<i>Public Service Act</i>	<i>Public Sector Employment and Management Act</i>
Marine (Air-Cushioned Vehicles) Regulations		
Regulation 20	(1) The	The
Motor Vehicle Dealers Regulations		
Regulation 8(4)	the Australian Society of Certified Practising Accountants	CPA Australia

Schedule 3

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|-----------------|--|---------------|
| – Forms 7 and 8 | the Australian Society of
Certified Practising
Accountants | CPA Australia |
|-----------------|--|---------------|

**Motor Vehicles (Fees
and Charges)
Regulations**

Schedule

- | | | |
|-----------|------------|----------|
| – Item 26 | 24A or 24B | 27 or 28 |
|-----------|------------|----------|

**Motor Vehicle (Hire
Car) Regulations**

- | | | |
|---------------|---------------------------|--|
| Regulation 51 | <i>Public Service Act</i> | <i>Public Sector
Employment and
Management Act</i> |
|---------------|---------------------------|--|

**Passenger Bus
Regulations**

- | | | |
|---------------------|----------|-------------|
| Regulation 14(2)(c) | defaced; | defaced; or |
| Regulation 17(2)(c) | bus; | bus; and |

**Tourist Vehicles
Regulations**

- | | | |
|-----------------|----------|--------------|
| Regulation 8(a) | vehicle; | vehicle; and |
|-----------------|----------|--------------|

Traffic Regulations

Regulation 3(1)

- | | | |
|--|------------------|-------------------|
| – definition of
"emergency vehicle" | (c) an ambulance | (ca) an ambulance |
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Note

1. The *Law of Property Act 2000* commenced on 1 December 2000.