

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION (FINANCIAL PROVISIONS) ACT 2002

Act No. 38 of 2002

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 38 of 2002

AN ACT

to revise the law in minor respects consequential upon the enactment of section 47 of the *Financial Sector Reform (Northern Territory) Act* and amendments to the *Banking Act 1959* of the Commonwealth

[Assented to 13 September 2002]
[Second reading 23 May 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision (Financial Provisions) Act 2002*.

2. Commencement

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

3. Amendment of *Audit Act*

Section 22 of the *Audit Act* is repealed and the following substituted:

"22. ADI officers to give access to accounts

"The Auditor-General or an authorised auditor may require the manager or other officer of an ADI in which money of the Territory has been deposited –

- (a) to permit the Auditor-General or auditor to make copies of or extracts from any of the ADI's accounts relating to the money in the custody of the ADI, including any account or record relating to an entry in the accounts of the ADI; and
- (b) to provide to the Auditor-General or auditor certificates or other information that the Auditor-General or auditor requires."

4. Amendment of *Debits Tax Act*

Section 8 of the *Debits Tax Act* is repealed and the following substituted:

"8. Accounts kept outside Territory

"A reference in this Part to a debit made to an account kept outside the Territory includes a reference to a debit made to an account kept outside the Territory with –

- (a) an ADI; or
- (b) a similar body,

('the relevant institution or body'), including an account kept by way of withdrawable share capital in, or money deposited with, the relevant institution or body if –

- (c) another account is kept with an ADI in the name of the relevant institution or body; and
- (d) the account has characteristics such that a cheque may be drawn on the ADI that keeps it by the relevant institution or body and, at a time when it is incomplete, be delivered by the relevant institution or body to a customer under an agreement under which –
 - (i) the customer is authorised to fill up the cheque; and
 - (ii) the relevant institution or body is authorised, for the purpose of making a payment to the ADI to enable the institution or body to honour the cheque, to debit the account."

5. Amendments of *Interpretation Act*

(1) Section 18 of the *Interpretation Act* is amended by omitting "bank account" from the definition of "Northern Territory Government Account" and substituting "ADI account".

(2) Section 19 of the *Interpretation Act* is amended –

- (a) by inserting before the definition of "AFIC (NT) Code" the following:

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" 'ADI' means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* of the Commonwealth;"

- (b) by omitting the definitions of "bank" and "building society" and substituting the following:

" 'bank' means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use –

- (a) the word 'bank', 'banker' or 'banking'; or
- (b) any other word (whether or not in English) that is of like import to a word referred to in paragraph (a);

'bank cheque' or 'banker's cheque' means a cheque that an ADI draws on itself;

'building society' means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use –

- (a) the expression 'building society'; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a);

- (c) by omitting the definition of "credit union" and substituting the following:

" 'credit society' means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use –

- (a) the expression 'credit society'; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a);

'credit union' means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use –

- (a) the expression 'credit union'; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a); and

- (d) by inserting after the definition of "Financial Institutions (NT) Regulations" the following:

" 'friendly society' means a body that is a friendly society for the purposes of the *Life Insurance Act 1995* of the Commonwealth;"

6. Amendments of other Acts

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

7. Amendments of Regulations, Rules and legislative instruments

(1) The Regulations, Rules and legislative instruments specified in Schedule 2 are amended as set out in that Schedule.

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

SCHEDULE 1

Section 6

Provision	Amendment	
	omit	substitute
<i>Advance Bank Integration Act</i>		
Section 9(5)	a bank banking records	an ADI ADI records
<i>Batchelor Institute of Indigenous Tertiary Education Act</i>		
Section 37(1)	a bank, building society or credit union	an ADI
Section 41(1)(b)	a bank	an ADI
<i>Business Names Act</i>		
Section 4(2)(b)	bank account	ADI account
<i>Commercial and Private Agents Licensing Act</i>		
Section 3		
– definition of "bank"	the whole definition	

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Section 4(1)(h)	the whole paragraph	(h) a trustee company, an ADI, the Territory Insurance Office or a person carrying on the business of insurance, insurance broking, insurance adjustment or deposit-taking, while acting in the ordinary course of business as such or an employee of any such body or person while acting in the ordinary course of his or her employment;
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Section 23(2)	in a bank, building society or credit union in the Northern Territory	with an ADI in the Territory or the Territory Insurance Office
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Section 27(1)	a banker	an ADI, the Territory Insurance Office
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Section 28(1)	a bank, building society or credit union	an ADI or the Territory Insurance Office, being the body
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Section 28(2)	a bank, building society or credit union receiving a notice referred to in subsection (1)(a) shall	an ADI, or the Territory Insurance Office, that receives a notice referred to in subsection (1)(a) must
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Co-operatives Act

Sections 354(1) and 363(2)(c)	bank account	ADI account
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Section 388(2)(a)	banker	ADI
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Section 398(1)

- | | | |
|--|--------|--------|
| – paragraph (b) of the definition of "involved person" | banker | an ADI |
|--|--------|--------|

Schedule 4

- | | | |
|------------------------|-----------------|--------------|
| – heading to clause 11 | bank accounts | ADI accounts |
| – clause 11(1)(a) | Australian bank | ADI |

Criminal Code

Section 1

- | | | |
|-------------------------|----------------------|--|
| – definition of "money" | the whole definition | "money" includes an instrument for the payment of money that may be negotiated by an ADI, coins, cheques and any other orders, warrants or authorities for the payment of money; |
|-------------------------|----------------------|--|

Defamation Act

- | | | |
|-----------------|------|-----|
| Section 6(1)(d) | bank | ADI |
|-----------------|------|-----|

Disposal of Uncollected Goods Act

- | | | |
|---------------|--|--------|
| Section 19(3) | a bank, building society or credit union | an ADI |
|---------------|--|--------|

Evidence Act

Section 4

- | | | |
|---|----------------------|--|
| – definitions of "bank" and "banker's book" | the whole definition | "ADI's book" includes any ledger, day book, cash book, account book or other book used in the ordinary course of business of an ADI, however the |
|---|----------------------|--|

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		book is compiled, recorded or stored, whether in written form or on microfilm or by electronic process or otherwise;
Section 42B(5)	a bank, of the transactions by a customer of the bank upon his account with the bank,	an ADI, of the transactions by a customer of the ADI upon his or her account with the ADI,
Section 42B(6)		
– paragraph (b) of the definition of "prescribed corporation"	bank	ADI
Heading to Part V	BANKERS' BOOKS	ADIS' BOOKS
Sections 43(a) and (b) and 44(1)	a banker's book	an ADI's book
Section 44(1)(a) and (2)	bank	ADI
Section 45	a banker's book	an ADI's book
Section 45A	a bank	an ADI
	the bank	the ADI
Section 45B	bankers' books and banks and branches of banks	ADIs' books and ADIs and branches of ADIs
Section 46	the bank	the ADI
	a bank	an ADI
Section 46(a)	banker's book	ADI's books
Section 47(1)	a banker's book	an ADI's book
Section 47(2)	bank	ADI

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Section 48(1)	a bank	an ADI
	the bank	the ADI
Section 48(2)	a bank	an ADI
	the bank	the ADI

***Financial Institutions
Duty Act***

Section 3(1)		
– paragraph (a) of the definition of "financial institution"	the whole paragraph	(a) an ADI;

***Law Society Public
Purposes Trust Act***

Long title	banks	ADIs
Section 2		
– definition of "bank"	a building society, a credit union	other ADIs

Legal Practitioners Act

Section 53		
– definition of "bank"	a building society, a credit union	other ADIs
Section 86(5)(a)	a bank or banks, a building society or building societies, a credit union or credit unions	an ADI or ADIs

Local Government Act

Section 83	bankers	ADI
Sections 161(1) and (2) and 170(3)	a bank, building society or credit union	an ADI
Sections 181(2)(b) and 243(1)(d)	bank, building society or credit union	ADI

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Maintenance Act

Section 47(1)	a bank, building society or credit union	an ADI
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***Menzies School of
Health Research Act***

Section 25(1)	a bank or banks, a building society or building societies, a credit union or credit unions	an ADI or ADIs
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Section 30(1)(b)	a bank	an ADI
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Section 30(2)	a bank	an ADI
	other bank	other ADI

***Northern Territory
Treasury Corporation
Act***

Section 3

– paragraph (a) of the definition of "bank"	the whole paragraph	(a) an ADI; or
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Section 14(2)(k)	, or any building society or credit union
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Sections 15(3) and 28(1), (2) and (3)	official bank account	official ADI account
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***Northern Territory
University Act***

Section 34(1)	such bank or banks, building society or building societies, credit union or credit unions	an ADI or ADIs
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Section 39(1)(b) and (2)	a bank	an ADI
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Power and Water Corporation Act

Section 31(2)	bank account (all references)	ADI account
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Public Trustee Act

Section 14(1)	a bank, building society or credit union	an ADI
Section 14(2)	a bank or banks, a building society or building societies or a credit union or credit unions	an ADI or ADIs
Section 16(2)	bank, building society or credit union	ADI
Section 27(1) and (4)	a bank, building society or credit union	any ADI

Racing and Betting Act

Section 4(1)		
– definition of "money"	the whole definition	"money" includes an instrument for the payment of money that may be negotiated by an ADI by an overdraft of such an instrument or coins, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or an acknowledgement, note or other thing purporting or intending to entitle

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the bearer or
another person to
money or money's
worth;

***Residential Tenancies
Act***

Sections 29(4)(a), (b) and (c) and 37(4)(a), (b) and (c)	the whole paragraph	(a) an ADI; or (b) a statutory corporation of the Territory or of the Commonwealth.
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***Salvation Army
(Northern Territory)
Property Trust Act***

Section 23(b)	banks, building societies, credit unions	ADIs
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***Soccer Football Pools
Act***

Section 3		
– definition of "prize fund"	a bank	an ADI
Section 21(1)(a)	a bank and bank	an ADI and an ADI
Section 21(1)(b)	a bank that bank	an ADI that ADI
Section 21(2) and (3)	a bank	an ADI

Summary Offences Act

Section 61(1)		
– definition of "personal property"	a bank account, credit union account, building society account	an ADI account

Superannuation Act

Section 39(1)	such bank or banks, building society or building societies, credit union or credit unions	such ADI or ADIs
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***Taxation
(Administration) Act***

Section 29H(1)

– definition of "financial institution"	the whole definition	"financial institution" means – (a) an ADI; or (b) a person or class of persons prescribed as being a financial institution for the purposes of this Division, and includes a branch of such an ADI or financial institution;
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***Territory Insurance
Office Act***

Section 24	a bank or banks	one or more ADIs
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***The Commercial Bank
of Australia Limited
(Merger) Act***

Section 9(2) and (3)	banker's books (all references)	ADI's books
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***The Commercial
Banking Company of
Sydney Limited
(Merger) Act***

Section 9(2) and (3)	banker's books (all references)	ADI's books
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Trustee Act

Section 17(3)	an incorporated bank	a bank
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Section 82	the context otherwise requires –	<p>the context otherwise requires –</p> <p>The expression "bank" means an ADI that is permitted under the <i>Banking Act</i> 1959 of the Commonwealth to assume or use –</p> <p>(a) the word "bank", "banker" or "banking"; or</p> <p>(b) any other word (whether or not in English) that is of like import to a word referred to in paragraph (a);</p>
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Unit Titles Act

Section 35(1)	a bank, building society or credit union	an ADI
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Unlawful Betting Act

Section 3(1)

- | | | |
|-------------------------|----------------------|--|
| – definition of "money" | the whole definition | "money" includes an instrument for the payment of money that may be negotiated by an ADI, coins, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or an acknowledgement, note or other thing purporting or intending to entitle the bearer or another person to money or money's worth; |
|-------------------------|----------------------|--|

Waste Management and Pollution Control Act

Section 36(2)

bank

ADI

SCHEDULE 2

Section 7

Provision	Amendment	
	Omit	Substitute
Agents Licensing Regulations		
Schedule 3		
– clause 2	a bank in the Territory or at an approved building society	an ADI in the Territory
Associations Incorporation (Accountability) Regulations		
Schedule 2	except that a reference to a bank account or a bank reconciliation shall be read as if including a reference to an account with a credit union registered under the Financial Institutions (NT) Code and a reconciliation statement in respect of such an account	
Angurugu Community Government Scheme		
Clause 10(q)	a bank agency	an agency for an ADI
AustralAsia Railway Corporation (Investment) Regulations		
Regulation 2(2)(a)	a bank account	an ADI account
Regulation 2(3)(c)	a bank, building society or credit union	an ADI

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Regulation 2(4)(b)(ii)	the bank account	the ADI account
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**Binjari Community
Government Scheme**

Clause 11(m)	bank	an ADI
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**Cullen Bay Marina
Regulations**

Regulation 15(1)	bank accounts	ADI accounts
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**Education (College and
School Councils)
Regulations**

Regulation 11(1)(a) and (b)	a bank or banks, a building society or building societies or a credit union or credit unions	one or more ADIs
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**Fines and Penalties
(Recovery) Regulations**

Schedule 5

– Form 1 (under the heading "2. PROPERTY AND ASSETS")	2.4 Where mortgage held (bank etc.):	2.4 Where mortgage held (bank, building society, credit union etc.):
	2.10 Bank Accounts (who with):	2.10 Bank, building society, credit union etc. accounts (who with):

Fisheries Regulations

Regulation 171(d)	a bank	an ADI
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**Gaming Control
(Internet Gaming)
Regulations**

Regulation 2		
– definition of "financial institution"	the whole definition	"financial institution" means – (a) an ADI;

- (b) a friendly society; or
- (c) an entity prescribed under regulation 3;

Home Purchase Assistance Scheme Regulations

Schedule

- | | | |
|---|----------------------|---|
| – definition of "lender" in clause 1(1) | the whole definition | "lender" includes an ADI, a finance company and an insurance company; |
|---|----------------------|---|

Housing Assistance Schemes Regulations

Regulation 2(1)

- | | | |
|----------------------------|---|---|
| – definition of "approved" | the whole definition | "approved" means approved by the Chief Executive Officer (Housing);

"bank" includes but is not limited to a body corporate that is an ADI; |
| – definition of "lender" | a bank, building society, credit union, finance company and insurance company | an ADI, a finance company and an insurance company |

Jilkmिंगgan Community Government Scheme

- | | | |
|--------------|------|--------|
| Clause 11(m) | Bank | an ADI |
|--------------|------|--------|

**Juvenile Justice
(Juveniles'
Infringement Notice
Enforcement Scheme)
Regulations**

Schedule

- | | | |
|--|------|-----------------------|
| – Form 1 (Part 2) and
Form 4 (Part 2) | bank | financial institution |
|--|------|-----------------------|

Local Court Rules

- | | | |
|-----------------------------|---|---|
| Rules 31.06 and
31.07(b) | a bank | an ADI |
| Rule 31.07(c) | the bank
(all references) | the ADI |
| Rule 31.08(2) | a bank | an ADI |
| Rule 49.01(2) | a bank, building
society, co-
operative housing
society or similar
society, credit union,
credit society or
investment fund or
corporation | an ADI,
co-operative housing
society or similar
society, investment fund
or corporation |

Schedule 1

- | | | |
|------------|--|--|
| – Form 31A | IRREVOCABLE
BANK GUARANTEE

<i>name of bank</i>

The bank
(all references)

<i>the Bank</i>

<i>the bank</i> | IRREVOCABLE
GUARANTEE BY ADI

<i>name of ADI (e.g bank,
credit union)</i>

<i>The ADI</i>

<i>the ADI</i>

<i>the ADI</i> |
| – Form 31B | <i>name of bank</i>

<i>the Bank</i> | <i>name of ADI (e.g name
of bank, credit union)</i>

<i>the ADI</i> |

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	<i>the bank</i>	<i>the ADI</i>
– Form 47C (under the heading "Miscellaneous income")	Average weekly interest on bank, credit union or building society deposit, debentures, &c.:	Average weekly interest on deposits with ADIs (e.g banks, credit unions or building societies), debentures etc.:
– Form 47C (under the heading "Property and assets")	Deposit in bank, credit union, building society, &c.:	Deposit in ADIs (e.g. banks, credit unions, building societies etc.):
– Form 47D (under the heading "1. AMOUNT AND SOURCE OF WEEKLY RECEIPTS")	Average weekly interest on bank, credit union or building society deposit, debentures, &c.:	Average weekly interest on deposits with ADIs (e.g banks, credit unions or building societies), debentures etc.:
– Form 47D (under the heading "2. PROPERTY AND ASSETS ")	Deposit in bank, credit union, building society, &c.:	Deposit in ADIs (e.g. banks, credit unions, building societies etc.):

**Local Government
(Accounting)
Regulations**

Heading to Part X	BANK, &C.	ADI ETC.
Regulations 19(1) and (2) and 20(a)	a bank, building society or credit union	an ADI

**Northern Territory
Interest Subsidy
Scheme Regulations**

Schedule

– definition of "lender" in clause 1(1)	the whole definition	"lender" includes an ADI, a finance company and an insurance company;
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**Northern Territory
Treasury Corporation
Inscribed Stock
Regulations**

Regulation 30(3)	a bank account	an ADI account
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**Numbulwar
Numbirindi
Community
Government Scheme**

Clause 12(y)	a bank agency	an ADI
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**Pay-roll Tax
Regulations**

Regulation 17(a)	bank notes	notes issued by an ADI
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Regulation 17(b)	bank draft	draft of an ADI
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Small Claims Rules

Schedule 1

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> – Form 22C (under the heading "AMOUNT AND SOURCE OF WEEKLY INCOME") – Form 22C (under the heading "PROPERTY AND ASSETS") – Form 22D (under the heading "AMOUNT AND SOURCE OF WEEKLY RECEIPTS") – Form 22D (under the heading "PROPERTY AND ASSETS") | <ul style="list-style-type: none"> on bank, credit union or building society deposit, debentures, &c.: Deposit in bank, credit union, building society, &c.: Average weekly interest on bank, credit union or building society deposit, debentures, &c.: Deposit in bank, credit union, building society, &c.: | <ul style="list-style-type: none"> on deposits with ADIs (e.g. banks, credit unions or building societies), debentures etc.: Deposits in ADIs (e.g. banks, credit unions, building societies etc.): Average weekly interest on deposits in ADIs (e.g. banks, credit unions or building society), debentures etc.: Deposits in ADIs (e.g. banks, credit unions, building societies etc.): |
|--|--|--|

Supreme Court Rules

Rule 39.01(2)

- definition of "bank" the whole definition

Rule 39.05(c) a bank an ADI

Rule 71.03(1) a bank, in a credit union
or in a society an ADI

Rule 71.03(2) a bank or a credit union
or in a credit society an ADI

Rule 77.01(1)(b)(ii) Bankers Book
(all references) ADI books

Rule 79.02(1) a bank account an ADI account

Rule 79.02(2) bank ADI

Rule 90.04

- Note (1) in a bank in an ADI
- Form 72C (under the heading "1. Amount and Source of Weekly Income") Average weekly interest on bank, Credit Union or building society deposit, debentures etc.: Average weekly interest on deposits in ADIs (e.g. banks, credit unions or building societies), debentures etc.:
- Form 72C (under the heading "2. Property and Assets") Net value:
Deposit in bank, Credit Union, building society, etc.: Net value:
Deposits in ADIs (e.g. banks, credit unions, building societies etc.):
- Form 88T *5. Money in bank or financial institution on deposit.* *5. Money in ADI on deposit.*

SCHEDULE No. 2
MONEY IN CURRENT
ACCOUNT

(name of bank) at (place)

SCHEDULE No. 3
MONEY IN BANKS,
&c., ON DEPOSIT

(name of bank)

SCHEDULE No. 2
MONEY IN CURRENT
ACCOUNT

(name of ADI) at (place)

SCHEDULE No. 3
MONEY IN ADIs etc.
ON DEPOSIT

(name of ADI)

**Volunteer Bushfire
Brigades Regulations**

Schedule 1

– Item 10(2)	a banking account in its name, with the Territory Insurance Office or with such bank, building society or credit union as	an account in its name with the Territory Insurance Office or an ADI that
– Item 10(4)	banking account	account

ALTERATIONS TO SECTION HEADINGS

On the day on which the Acts specified in the following table are amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to the sections specified in the table are altered as set out in the table.

Section	Alteration	
	Omit	Substitute
<i>Agents Licensing Act</i>		
Section 54	banks or building societies	ADIs
Section 73	bank	ADI
<i>Batchelor Institute of Indigenous Tertiary Education Act</i>		
Section 37	Bank accounts	ADI accounts
<i>Evidence Act</i>		
Section 43	bankers' books	ADIs' books
Section 44	banker's book	ADI's book
Section 45A	banking account	ADI account

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Section 46	Banker not compellable to produce his books	ADI may not be compelled to produce books
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Section 47	banker's	ADI's
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Local Government Act

Section 161	Bank, &c., account	ADI accounts
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Territory Insurance Office Act

Section 24	bank accounts	ADI accounts
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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, in addition to any alteration to provision headings indicated in the text of this Act, the headings to the provisions specified in the table are altered as set out in the table.

Provision	Alteration	
	Omit	Substitute
Local Court Rules		
Rule 31.08	bank	ADI
Local Government (Accounting) Regulations		
Regulation 17	bank	ADI
Regulation 19	Bank, &c., accounts	ADI accounts