

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2002

Act No. 18 of 2002

TABLE OF PROVISIONS

Section

1. Short title
2. Amendments of *Local Government Act*
208. Fines and penalties to be paid to council
3. Amendments of *Marine Pollution Act*
4. Amendment of *Radioactive Ores and Concentrates (Packaging and Transport) Act*
5. Amendment of Fisheries Regulations
6. Revision of other Acts
7. Revision of other Regulations
8. Revision of Rules of Court

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3



NORTHERN TERRITORY OF AUSTRALIA

Act No. 18 of 2002

AN ACT

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

[Assented to 7 June 2002]

[Second reading 6 March 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 2002*.

2. Amendments of *Local Government Act*

- (1) Section 194 of the *Local Government Act* is amended –
- (a) by omitting from subsection (2) all the words after "by-laws may provide" and substituting "that, as an alternative to prosecution, a person who is alleged to have infringed those by-laws may be served with an infringement notice under which the person may pay to the council a specified sum in lieu of the penalty by which an infringement of those by-laws is otherwise punishable"; and
- (b) by omitting from subsection (3)(e) all the words after "shall be paid".
- (2) Section 208 of the *Local Government Act* is repealed and the following substituted:

"208. Fines and penalties to be paid to council

"(1) If a fine or monetary penalty is paid or payable as a result of a prosecution by a council for an offence committed in the council area against this or another Act, or a regulation under this or another Act or the By-laws, the fine or monetary penalty is payable to the Fines Recovery Unit established under the *Fines and Penalties (Recovery) Act* (unless the court otherwise directs) and the Fines Recovery Unit must pay the amount, when received, to the council.

"(2) If an infringement notice is issued by a council as an alternative to prosecution for an offence alleged to have been committed in the council area against this or another Act, or a regulation under this or another Act or the By-laws, the penalty under the infringement notice is an amount payable to the council."

3. Amendments of *Marine Pollution Act*

(1) Section 26 of the *Marine Pollution Act* is amended by omitting from the definition of "jettisoning" in subsection (1) "leakage;" and substituting "leakage and accidental discharge or loss overboard;"

(2) Section 41 of the *Marine Pollution Act* is amended –

- (a) by omitting from subsection (1) "more than 12 m long" and substituting "12 m or more in length"; and
- (b) by inserting in subsection (1) "the prescribed" before "placards".

4. Amendment of *Radioactive Ores and Concentrates (Packaging and Transport) Act*

Section 25 of the *Radioactive Ores and Concentrates (Packaging and Transport) Act* is amended by omitting from subsection (1) all the words after "adopt" and substituting "(wholly or in part) a code, rule, specification or regulation that deals with packaging, storing or transporting of radioactive material".

5. Amendment of Fisheries Regulations

Regulation 26 of the Fisheries Regulations is amended by omitting subregulation (2)(a)(ii) and substituting the following:

- "(ii) is in pursuance of section 303EB of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth taken to be suitable for live import;"

6. Revision of other Acts

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

7. Revision of other Regulations

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

(2) The Regulations amended as set out in Schedule 2 may be amended or repealed by regulation as if the amendments had been made by regulation.

8. Revision of Rules of Court

(1) The Rules of Court specified in Schedule 3 are amended as set out in that Schedule.

(2) A rule amended as set out in Schedule 3 may be amended or repealed by a rule as if the amendment had been made by a rule.

SCHEDULE 1

Section 6

Provision	Amendment	
	omit	substitute
<i>Agents Licensing Act</i>		
Section 17(1A)(b)	Law Society of the Northern Territory	Law Society Northern Territory
Schedule		
– Part 1, clause 1(c)(ii)	Law Society of the Northern Territory	Law Society Northern Territory
<i>Business Names Act</i>		
Section 4E	Australian Securities Commission	Australian Securities and Investment Commission
<i>Co-operatives Act</i>		
Section 209(2)(b)	Part 2D.6	Chapter 2D.6
Section 354(3)	Commission	Registrar
Section 447(4)(f)	Australian Securities Commission	Australian Securities and Investment Commission

***Commercial and
Private Agents
Licensing Act***

Section 12(3)	Corporations Law	Corporations Act 2001
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***Consumer Affairs and
Fair Trading Act***

Sections 60(1)(a)(vi)(B) and (3), 96(6)(b), 126(4)(b), 136(3), 137(3) and 193(3) and (5)	Companies (Northern Territory) Code (all references)	Corporations Act 2001
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Law of Property Act

Section 4

– definition of "Law Society"	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
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***Licensed Surveyors
Act***

Section 48(4)	(within the meaning of the Corporations Law)
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***Mental Health and
Related Services Act***

Section 23(3)	cannot to be appointed	cannot be appointed
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Petroleum Act

Section 89S(2)	and not in derogation of provisions of the Corporations Law	the provisions of the Corporations Act 2001
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Prisons (Correctional Services) Act

Section 51(3)	Law Society of the Northern Territory disclosures	Law Society Northern Territory discloses
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Special Purposes Leases Act

Section 26(2)	Commonwealth	Territory
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Totalisator Licensing and Regulation Act

Section 70(3)	all the words after "maximum"	number of penalty units for a fine that may be imposed under subsection (2)(d)
Section 76	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>

SCHEDULE 2

Section 7

Provision	Amendment	
	omit	substitute

Agents Licensing Regulations

Schedule 4

– Part 2, clause 4(b)	Law Society of the Northern Territory	Law Society Northern Territory
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**Co-operatives
Regulations**

Schedule 9

– Item 3 (Commonwealth)	Australian Securities Commission under the <i>Australian Securities Commission Act 1989</i>	Australian Securities and Investment Commission under the <i>Australian Securities and Investment Commission Act 2001</i>
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**Consumer Affairs
and Fair Trading
(Travel Agents)
Regulations**

Regulation 8(g)(iii)	Australian Securities Commission	ASIC
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**Gaming Machine
Regulations**

Schedule 5

– Item 4	section 40(2)(a)	section 40A(1)(a)
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**Legal Practitioners
Regulations**

Regulation 2B	Northern Territory Attorney-General's Department	Solicitor for the Northern Territory
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**Motor Vehicles (Fees
and Charges)
Regulations**

Schedule

– Item 14(d) and (e)	a laden mass	an unladen mass
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**Totalisator Licensing
and Regulation
(Arbitration)
Regulations**

Regulation 2

– definition of "President of the Law Society"	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
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**Totalisator Licensing
and Regulation
Regulations**

Regulation 4

the amount that from time to time is equal to 50 penalty units within the meaning of the <i>Penalties Act</i>	50 penalty units
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SCHEDULE 3

Section 8

Provision	Amendment
	omit substitute

Local Court Rules

Rule 1.09

– definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory
– definition of "legal practitioner"		
paragraph (c)	Commonwealth; or	Commonwealth;
paragraph (d)	the whole paragraph	(d) the Commonwealth Director of Public

Statute Law Revision Act 2002

		Prosecutions; or
		(e) an AGS lawyer within the meaning of section 55I of the <i>Judiciary Act 1903</i> of the Commonwealth;
Forms 7A, 7B and 7C	Law Society of the Northern Territory	Law Society Northern Territory

Small Claims Rules

Rule 1.06

– definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory
– definition of "legal practitioner"		
paragraph (c)	Commonwealth; or	Commonwealth;
paragraph (d)	the whole paragraph	(d) the Commonwealth Director of Public Prosecutions; or
		(e) an AGS lawyer within the meaning of section 55I of the <i>Judiciary Act 1903</i> of the Commonwealth;

Work Health Court Rules

Rule 1.08(1)

– definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory
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