

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2002

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Act No. 18 of 2002

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# 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- (2) Section 208 of the *Local Government Act* is repealed and the following substituted: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.

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**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

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

Section 12(3)                      Corporations Law                      Corporations Act 2001

***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

***Law of Property Act***

Section 4

– definition of "Law  
Society"                      Law Society of the  
Northern Territory  
constituted under  
section 7 of the *Legal  
Practitioners Act*                      Law Society Northern  
Territory as constituted  
by section 7 of the *Legal  
Practitioners Act*

***Licensed Surveyors  
Act***

Section 48(4)                      (within the meaning of  
the Corporations Law)

***Mental Health and  
Related Services Act***

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

***Petroleum Act***

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

***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

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		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
<b>Small Claims Rules</b>		
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;
<b>Work Health Court Rules</b>		
Rule 1.08(1)		
– definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory

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