

NORTHERN TERRITORY OF AUSTRALIA  
STATUTE LAW REVISION ACT (NO. 2) 2001

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No. 62 of 2001

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 62 of 2001

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## AN ACT

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

[Assented to 11 December 2001]

[Second reading 18 October 2001]

**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) 2001*.

**2. Commencement**

(1) Section 6 is to be taken to have come into operation on the day on which, but immediately after, the *Corporations Reform (Consequential Amendments NT) Act 2001* commenced.

(2) Section 8 is to be taken to have come into operation on the day on which, but immediately before, the *Firearms Amendment Act (No. 2) 2000* commenced.

(3) Section 9(2) is to be taken to have come into operation on the day on which, but immediately after, the *Gaming Machine Amendment Act (No. 2) 2001* commenced.

(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The *Corporations (Northern Territory) Amendment Act 2001* (Act No. 20 of 2001) is repealed.

**4. Repeal**

The *Pastoral Leases (Rental) Act* (Act No. 50 of 1991) is repealed.

**5. Repeal**

The *State Bank of South Australia (Transfer of Undertaking) Act* (Act No. 42 of 1994) is repealed.

**6. Amendment of *Co-operatives Act***

Section 11 of the *Co-operatives Act* is amended by omitting from subsection (1)(f) "the Commission" and substituting "the Registrar".

**7. Amendments of *Crown Lands Freehold (Conversion from Crown Leasehold) Act***

Section 8 of the *Crown Lands Freehold (Conversion from Crown Leasehold) Act* is amended –

- (a) by omitting subsection (2)(a); and
- (b) by omitting from subsection (2)(b) "Part II of".

**8. Amendments of *Firearms Amendment Act (No. 2) 2000***

The *Firearms Amendment Act (No. 2) 2000* is amended –

- (a) by omitting from section 18(c) "500 penalty units" and substituting "50 penalty units";
- (b) by omitting from section 19(c) "500 penalty units" and substituting "50 penalty units";
- (c) by omitting the following from the Schedule:
  - (i) "Section 34(5) '\$1,000' '10 penalty units' ";
  - (ii) "Section 61 '\$10,000' '100 penalty units' ";
  - (iii) "Section 63(2) '\$2,000' '20 penalty units' ";
  - (iv) "Section 65 '\$2,000' '20 penalty units' ";
  - (v) "Section 77(1) '\$2,000' '20 penalty units' ";

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- (vi) "Section 77(2) '\$5,000' '50 penalty units' "; and
- (d) by omitting from the Schedule –
- "Section 90(1) '50 penalty units' '10 penalty units'
- Section 90(3) '50 penalty units' '50 penalty units' ",
- and substituting the following:
- "Section 90(1) '\$1,000' '10 penalty units'
- Section 90(3) '\$1,000' '10 penalty units' ".

**9. Amendments of *Gaming Machine Act***

(1) Section 77 of the *Gaming Machine Act* is amended by adding at the end of subsection (10) the following:

"Penalty: 100 penalty units or imprisonment for 2 years."

(2) Section 116 of the *Gaming Machine Act* is amended –

- (a) by omitting from subsection (1) "recognised manufacturer and supplier" and substituting "recognised manufacturer or supplier"; and
- (b) by omitting from subsection (4) "recognised manufacturers and suppliers" and substituting "recognised manufacturers or suppliers".

**10. Amendments of *Law Society Public Purposes Trust Act***

(1) The long title of the *Law Society Public Purposes Trust Act* is amended by omitting "Law Society of the Northern Territory" and substituting "Law Society Northern Territory".

(2) Section 2 of the *Law Society Public Purposes Trust Act* is amended –

- (a) by omitting "In this Act" and substituting "(1) In this Act";
- (b) by omitting "Law Society of the Northern Territory" from the definition of "Law Society" and substituting "Law Society Northern Territory"; and
- (c) by adding at the end the following:

"(2) In this Act and the Trust Deed, a reference to 'Law Society of the Northern Territory' is to be taken to be a reference to the Law Society Northern Territory as constituted by section 7 of the *Legal Practitioners Act*."

**11. Amendments of *Marine Pollution Act***

Section 7 of the *Marine Pollution Act* is amended –

- (a) by omitting " 'MARPOL' " and substituting "(1) 'MARPOL' ";
- (b) by omitting from paragraph (a) "1978; and" and substituting "1978;";
- (c) by omitting from paragraph (b) "Convention." and substituting "Convention; and"; and
- (d) by adding at the end the following:
  - "(c) as affected by any amendment made under article 16 of the Convention and accepted by Australia.

"(2) If an amendment is made under article 16 of the Convention and accepted by Australia, the amendment is of no effect for the purposes of this Act until the Minister gives notice of the amendment in the *Gazette*."

**12. Amendment of *Public Notaries Act***

The *Public Notaries Act* is amended by inserting after section 4 the following:

**"4A. Mutual recognition local registration authority**

"For the purposes of the *Mutual Recognition Act 1992* of the Commonwealth, the Registrar is the local registration authority in respect of an applicant under that Act in so far as an application relates to an appointment as a public notary."

**13. Amendments of *Unit Titles Amendment Act 2001***

(1) Section 9 of the *Unit Titles Amendment Act 2001* is amended by omitting from paragraph (a) "or a proposed conversion" and substituting "section 21C".

(2) The Schedule to the *Unit Titles Amendment Act 2001* is amended by omitting the item relating to section 103.

**14. Amendment of *Wills Act***

Section 5 of the *Wills Act* is amended by omitting subsection (3) and substituting the following:

"(3) If –

- (a) a person is divorced after the commencement of this Act; or

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(b) a person's marriage is annulled after the commencement of this Act, section 15 applies to the person's will (if any) whether the will was executed before, on or after the commencement."

**15. Revision of other Acts**

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

**16. Amendment of Regulations 2001, No. 31**

(1) Regulations 2001, No. 31 are amended by inserting before regulation 1 the following:

**"1A. Citation**

"These Regulations may be cited as the Electronic Transactions (Northern Territory) Regulations."

(2) The Regulations amended by subsection (1) may be amended or repealed by regulation as if the amendment had been made by regulation.

**17. 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.

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**SCHEDULE 1**

Section 15

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Provision	Amendment	
	omit	substitute
<i>Annual Leave Act</i>		
Section 4(1)(b)	<i>Public Service Act 1922</i>	<i>Public Service Act 1999</i>
Section 4(1)(e)	<i>Public Service Arbitration Act 1920</i>	<i>Workplace Relations Act 1996</i>
Section 4(2)	<i>Workmen's Compensation Act</i>	<i>Work Health Act</i>

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Section 5(1)

– definition of "award"	industrial agreement	industrial agreement, determination
	<i>Conciliation and Arbitration Act 1904</i> of the Commonwealth and a determination made in pursuance of the <i>Public Service Arbitration Act 1920</i>	<i>Workplace Relations Act 1996</i>

***Business Names Act***

Section 15(1)(b)	a officer	an officer
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***Companies (Unclaimed  
Assets and Moneys) Act***

Section 5	(1) In this Act	In this Act
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***Co-operatives Act***

Section 134(2)	(d) if the rules	(c) if the rules
Section 191(2)	(d) any matter	(c) any matter
Section 379(1)	(e) in the case of a merger with a participating co-operative	(d) in the case of a merger with a participating co-operative

Schedule 3

– clause 40	(a) every document given	(b) every document given
– clause 49(2)	(a) a prospective	(b) a prospective

***Energy Pipelines Act***

Section 3(1)

– definition of "pipeline"	less than 20%	, at one or more positions, greater than 20%
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Section 38A(2)	section 191B of the <i>Real Property Act</i>	section 35 of the <i>Land Title Act</i>
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***Lands Acquisition Act***

Section 5A(1)(b)(ii)	in force under	in force under
Section 42B(3)(c)	a statement indictaing affected by the acquisition	a statement indicating affected by the acquisition

***Lands and Mining  
Tribunal Act***

Section 31(5)	(d) the occasion to act	(b) the occasion to act
Section 35(2)	(d) make a record (e) produce to	(a) make a record (b) produce to

***Legal Aid Act***

Section 4(1) – definition of "Law Society"	Law Society of the Northern Territory	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
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***Legal Practitioners  
(Incorporation) Act***

Section 5(1)	are also approved by the Chief Justice	is also approved by the Chief Justice
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***Long Service Leave Act***

Section 7(1) – definition of "award"	<i>Conciliation and Arbitration Act 1904</i>	<i>Workplace Relations Act 1996</i>
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***Maintenance Act***

Section 46(3)	result of the foreclosure	result of the forfeiture
Section 86(3)	paragaph (a)	paragraph (a)

***Motor Accidents  
(Compensation) Act***

Section 15(1)	disounted present values	discounted present values
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***Motor Vehicles Act***

Section 21	<i>Traffic Act</i> , of	<i>Traffic Act</i> or
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***Northern Territory Rail  
Safety Act***

Section 20	(4) An accredited person	(3) An accredited person
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Section 21	(2) The Director	(3) The Director
	(3) A member	(4) A member

Section 45	(4) The accredited	(3) The accredited
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Section 57	(h) must allow	(i) must allow
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***Northern Territory  
Treasury Corporation  
Act***

Section 15(2)	(j) in such other	(k) in such other
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Section 15	(4) Money received	(3) Money received
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***Nursing Act***

Section 13	(3) The cost	(2) The cost
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***Pay-roll Tax Act***

Section 3(1)

– definition of "the Commissioner"

means the Commissioner of Taxes appointed pursuant to the *Taxation (Administration) Act*

has the same meaning as "Commissioner" in section 4(1) of the *Taxation Administration Act*

Section 6A	the whole section
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***Petroleum Act***

Section 57L(2)(d)(iii)      recommended      recommendation

***Police Administration Act***

Section 4(1)

– definition of "justice"      appointed to be a justice under the *Justices Act*      who is a justice of the peace within the meaning of the *Justices of the Peace Act*

Section 36

Australian Conciliation and Arbitration Commission (wherever occurring)

Australian Industrial Relations Commission

*Conciliation and Arbitration Act 1904*

*Workplace Relations Act 1996*

***Prostitution Regulation Act***

Section 20(1)(a)      the whole paragraph

***Public Holidays Act***

Section 4(1)

– definition of "award"      industrial agreement      industrial agreement, determination

*Conciliation and Arbitration Act 1904* of the Commonwealth and a determination made in pursuance of the *Public Service Arbitration Act 1920*      *Workplace Relations Act 1996*

***Public Trustee Act***

Section 59A      legal titled to property      legal title to property

**Referendums Act**

Section 17	(4) Only one scrutineer appointed by each member of the Legislative Assembly or each person authorised to appoint scrutineers for a place	(5) Only one scrutineer appointed by each member of the Legislative Assembly or each person authorised to appoint scrutineers for a place
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**Taxation  
(Administration) Act**

Section 29H(1) – paragraph (b) of the definition of "liable debit transaction"	<i>Bank Account Debits Tax Administration Act</i>	<i>Debits Tax Administration Act</i>
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**Territory Parks and  
Wildlife Conservation  
Act**

Section 74A(2)	<i>Real Property Act</i>	<i>Land Title Act</i>
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**Unit Titles  
(Consequential  
Amendments – Building  
Development) Act 2001**

Section 9(3)	", building development plan <i>Unit Titles Act</i> "	"building development plan <i>Unit Titles Act,</i> "
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**Uranium Mining  
(Environment Control)  
Act**

Section 21(3)	a referecne in	a reference in
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**Water Supply and  
Sewerage Services Act**

Section 120(15)	Part VI of the Repealed Act	Part IV of the Repealed Act
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**Work Health Act**

Section 3(1)

– paragraph (b) of the definition of "industrial award"

*Conciliation and Arbitration Act 1904*

*Workplace Relations Act 1996*

**SCHEDULE 2**

Section 17

Provision	Amendment	
	omit	substitute
<b>Fire and Emergency Regulations</b>		
Regulation 19	District Officer	Divisional Commander
<b>Firearms Regulations</b>		
Regulation 1B(k)	section 188(2)(a) to (l) (inclusive)	section 188(2)(a) to (k) (inclusive)
Regulation 11A	museum display	instruction in firearms use and safety
<b>Legal Practitioners Regulations</b>		
Regulation 2B	The Law Society of the Northern Territory	The Law Society Northern Territory
<b>Local Government (Darwin Parking Local Rates) Regulations</b>		
Regulation 2		
– definition of "central business district"	municipality of Darwin	municipality of Darwin

**Mine Management  
Regulations**

Regulation 153(1)                      factor of sfety                      factor of safety

**Mines Safety Control  
(Radioactive Wastes  
Management)  
Regulations**

Schedule

– clause 2(2)                      wich may constitute a                      which may constitute a  
   hazard    hazard

– clause 14                      demonstrate comliance                      demonstrate compliance

**Motor Vehicles  
Regulations**

Regulation 4                      the whole regulation

Schedule                      the whole schedule

**Motor Vehicles  
(Standards)  
Regulations**

Regulation 4(1)

– definition of "turning                      to the the left                      to the left  
circle"

**Northern Territory  
Electoral Regulations**

Regulation 24                      (3) In the absence                      (2) In the absence

**Poisons and Dangerous  
Drugs Regulations**

Regulation 14(1)                      l@belled                      labelled

Regulation 15(10)(a)(ii)                      specifie                      specified

**Prostitution  
Regulations**

Schedule 2

– Form 18	Escort Agency Licensing Board	Northern Territory Licensing Commission
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**Registration  
Regulations**

Schedule

– item 68 of Part 1, paragraph (a)	inspection if performed	inspection is performed
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**Stock (Control of  
Hormonal Growth  
Promotants)  
Regulations**

Regulation 7(1)	(d) the date of the sale	(e) the date of the sale
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**Taxation  
(Administration)  
Regulations**

Regulation 11(1) and (2)(a)	Federation Internationale des Bourse de Valuers	Federation Internationale des Bourses de Valeurs
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**Taxis Regulations**

Regulation 3(1)

– definition of "determination"	section 28	section 26
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**Volunteer Bushfire  
Brigades Regulations**

Schedule 1

– clause 13(6)	(d) proposal of candidates	(f) proposal of candidates
	(e) election, if any	(g) election, if any
	(f) motions	(h) motions
	(g) general business	(i) general business

**Work Health  
(Occupational Health  
and Safety)  
Regulations**

Regulation 2(1)		
– definition of "boiler"	first valve or valve assembly	first valve or valve assembly
– definition of "excavation"	tunnel or shaft	tunnel and shaft
Regulation 23(6)	persons' application	person's application
Regulation 46(1)(n)	which effects the health	which affects the health
Regulation 47(1)(a)	workers normal duties	worker's normal duties
Regulation 63(1)(d)	paragraph (a)	paragraph (c)
Regulation 68(1)	subregulation (5)	subregulation (2)
Regulation 68(4)(a)	use or produced	used or produced
Regulation 69A(a)	safety of a worker	safety of the worker
Regulation 88(1)(a)	design verifier;	design verifier; or
Regulation 105(1)(d)	the plant; and	the plant;
Regulation 110(1)(a)	suspended over or travels over	suspended over and does not travel over
Regulation 110(5)(a)	the load in	the load is
Regulation 115	Schedule 9	Schedule 10
Regulation 118	(1) An owner	An owner
Regulation 126(1)(c)	permit to work systems energising the plant	permit to work system energising of the plant



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Regulation 126(2)	excavations are to be carried out the excavation is to be carried	an excavation is to be carried out the excavation is to be carried out
Regulation 160(2)	a employer	an employer
Regulation 161(3)	employer of worker	employer of a worker
Schedule 12	Regulation 127	Regulation 111
Schedule 12		
– the item relating to BS 2902	Specification Higher tensile	Specification for higher tensile
Schedule 13		
– the item relating to AS 3190	earth-leakage devices	earth-leakage devices)

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ALTERATIONS TO SECTION HEADINGS

On the day on which the *Energy Pipelines Act* is amended by this Act, the heading to section 38A of that Act is altered by omitting "*Real Property Act*" and substituting "*Land Title Act*".

On the day on which the *Gaming Machine Act* is amended by this Act, the heading to section 116 of that Act is altered by omitting "**manufacturers and suppliers**" and substituting "**manufacturers or suppliers**".

ALTERATION TO REGULATION HEADING

On the day on which the Firearms Regulations are amended by this Act, the heading to regulation 11A of those Regulations is altered by omitting "**museum display**" and substituting "**instruction in firearms use and safety**".