#### NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 1997

## No. 17 of 1997

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SCHEDULE 1

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## NORTHERN TERRITORY OF AUSTRALIA

## No. 17 of 1997

# AN ACT

to repeal certain laws of the Territory and to revise and correct the law of the Territory in minor aspects

[Assented to 11 April 1997]

**B**<sup>E</sup> it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the Northern Territory (Self-Government) Act 1978 of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the Statute Law Revision Act 1997.

2. COMMENCEMENT

(1) Subject to subsection (2), this Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

(2) Section 16 comes into operation or is taken to have come into operation on the commencement of the *Meat Industries Act*.

3. REPEAL OF FEDERAL HOTELS CASINOS (COMPENSATION) ACT

The Federal Hotels Casinos (Compensation) Act (No. 37 of 1984) is repealed.

4. REPEAL OF FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT

The Foreign Judgments (Reciprocal Enforcement) Ordinance 1955 (No. 21 of 1955), the Foreign Judgments (Reciprocal Enforcement) Amendment Act 1981 (No. 22 of 1981) and the Foreign Judgments (Reciprocal Enforcement) Amendment Act 1988 (No. 2 of 1988) are repealed.

5. REPEAL OF CERTAIN BY-LAWS

The By-laws specified in Schedule 1 are repealed.

6. AMENDMENT OF ADULT GUARDIANSHIP ACT

Section 7(1) of the Adult Guardianship Act is amended by omitting "Public Service Act" and substituting "Public Sector Employment and Management Act".

7. AMENDMENT OF ELECTRICAL WORKERS AND CONTRACTORS ACT

(1) Section 17A of the *Electrical Workers* and *Contractors Act* is amended by omitting subsection (2).

(2) Section 17C of the *Electrical Workers and Contractors Act* is amended by omitting paragraphs (d) and (e) and substituting the following:

- "(d) investigate and hear complaints relating to electrical work;
- (e) consider matters referred to it by the Minister and to report to the Minister on those matters; and
- (f) consider matters referred to it by the Authority and to report to the Authority on those matters.".

8. AMENDMENT OF FINANCIAL MANAGEMENT ACT

The Financial Management Act is amended -

- (a) by omitting from section 6(2)(c) "prescribed" and substituting "specified in the Treasurer's Directions issued under section 38";
- (b) by omitting from section 16(3) "and the Auditor-General"; and
- (c) by omitting from section 23(1) "is received under section 6(2)(b) or (c) into an Operating Account which differs from that estimated in the statement of estimates of receipts and

expenditures by Activity" and substituting "estimated to be received under section 6(2)(b) or (c) into an Operating Account differs from that estimated in the statement of estimates of receipts".

#### 9. AMENDMENT OF FOOD ACT

Section 56(3) of the *Food Act* is amended by omitting paragraphs (aa) and (b) and substituting the following:

- "(b) determined by the National Health and Medical Research Council, or the Authority within the meaning of the Australia New Zealand Food Authority Act 1991 of the Commonwealth, and approved by the Council within the meaning of that Act, and as published in the Commonwealth of Australia Gazette at a particular time or as published from time to time; or
- (c) prescribed or published under a corresponding law relating to the matter dealt with by the Regulations.".

#### 10. AMENDMENT OF FOOD STANDARDS REGULATIONS

(1) The Food Standards Regulations are amended by omitting regulation 3 and substituting the following:

"3. DEFINITION

"In these Regulations, 'Food Standards Code' means the Australia New Zealand Food Standards Code within the meaning of the Australia New Zealand Food Authority Act 1991 of the Commonwealth.".

(2) Regulation 3 of the Food Standards Regulations may be repealed or further amended by Regulations made under the *Food Act* as if the amendment effected by subsection (1) was made by Regulations under that Act.

11. AMENDMENT OF HUMAN TISSUE TRANSPLANT ACT

Section 20(1) of the Human Tissue Transplant Act is amended

- (a) by omitting paragraph (a) and substituting the following:
- "(a) whose death is or may be a reportable death within the meaning of section 12 of the *Coroners Act;*"; and

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- (b) by omitting paragraph (c) and substituting the following:
- "(c) in respect of whose death the Supreme Court has made an order under section 16(3) of the *Coroners Act* that an inquest be held.".
- 12. AMENDMENT OF JUSTICES ACT
  - (1) Section 27A of the Justices Act is amended
  - (a) by omitting from subsection (1)(c) "prepaid certified mail, as provided by the Postal Regulations," and substituting "registered post service, as provided under the Australian Postal Corporation Act 1989 of the Commonwealth,"; and
  - (b) by omitting from subsection (4)(b) "certified mail, as provided by the Postal Regulations," and substituting "registered post service, as provided under the Australian Postal Corporation Act 1989 of the Commonwealth,".
  - (2) Section 28 of the Justices Act is amended -
  - (a) by omitting from subsection (4) "certified mail issued under the Postal Regulations" and substituting "registered post service issued under the Australian Postal Corporation Act 1989 of the Commonwealth";

- (b) by omitting from subsection (4) "certified mail" (second and third occurring) and substituting "registered post service"; and
- (c) by omitting from subsection (5) "certified mail" and substituting "registered post service".

(3) Section 176A(3) of the *Justices Act* is amended by omitting "certified mail" and substituting "registered post service".

13. AMENDMENT OF JUSTICES OF THE PEACE ACT

Section 7(2) of the *Justices of the Peace Act* is amended by omitting "Justice of the Peace" and substituting "justice of the peace".

14. AMENDMENT OF OMBUDSMAN (NORTHERN TERRITORY) ACT

(1) Section 21 of the Ombudsman (Northern Territory) Act is amended by omitting "any employee referred to in section 11" and substituting "a person".

(2) Section 31 of the Ombudsman (Northern Territory) Act is amended -

- (a) by omitting from subsection (1) "Neither the Ombudsman nor any employee referred to in section 11 nor any delegate of the Ombudsman shall be" and substituting "The Ombudsman, an employee within the meaning of the Public Sector Employment and Management Act, a delegate of the Ombudsman or a person authorized by the Ombudsman is not";
- (b) by omitting from subsection (2) "any employee referred to in section 11 or any delegate of the Ombudsman" and substituting "an employee within the meaning of the Public Sector Employment and Management Act, a delegate of the Ombudsman or a person authorized by the Ombudsman"; and
- (c) by omitting from subsection (4) "Neither the Ombudsman nor any employee referred to in section 11 nor any delegate of the Ombudsman shall be" and substituting "The Ombudsman, an employee within the meaning of the Public Sector Employment and Management Act, a delegate of the Ombudsman or a person authorized by the Ombudsman is not to be".
- 15. AMENDMENT OF RIGHTS OF THE TERMINALLY ILL ACT

Section 7(1)(c)(iv) of the *Rights of the Terminally Ill Act* is amended by omitting "subparagraph (ii) - that" and substituting "subparagraph (ii), confirmed that".

16. AMENDMENT OF STOCK DISEASES ACT

Section 11(3) of the Stock Diseases Act is amended -

- (a) by omitting "Abattoirs and Slaughtering Act" and substituting "Meat Industries Act"; and
- (b) by omitting "the Pet Meat Act,".

17. REVISION OF OTHER ACTS

The provisions of the Acts specified in Schedule 2 are amended as provided for in that Schedule.

18. REVISION OF REGULATIONS

(1) The provisions of the Regulations specified in Schedule 3 are amended as provided for in that Schedule.

(2) The provisions of the Regulations amended as provided for in Schedule 3 may be repealed or further amended by Regulations as if the amendments effected by subsection (1) were made by Regulations.

#### SCHEDULE 1

Section 5

#### REPEALED BY-LAWS

Angurugu Community Government Council (Common Seal) By-laws 1984 (Regulations 1984, No. 43)

Barunga-Wugularr Community Government Council (Common Seal) By-laws 1986 (Regulations 1987, No. 11)

Borroloola Community Government Council (Common Seal) By-laws

Elliott District Community Government Council (Common Seal) By-laws 1986 (Regulations 1986, No. 2)

Lajamanu Community Government Council (Common Seal) By-laws

Mataranka Community Government Council (Common Seal) By-laws 1986 (Regulations 1986, No. 3)

Milikapiti Community Government Council (Common Seal) By-laws 1984 (Regulations 1984, No. 51)

Nguiu Community Government Council (Common Seal) By-laws (Regulations 1987, No. 19)

Pine Creek Community Government Council (Common Seal) By-laws

Pularumpi Community Government Council (Common Seal) By-laws (Regulations 1985, No. 3)

Wallace Rockhole Community Government Council (Common Seal) By-laws 1986 (Regulations 1987, No. 12)

Alice Springs (Parking) By-laws, Regulations 1986 No. 29

The Mall By-laws, Regulations 1982 No. 56, 1986 No. 41, 1990 No. 12, 1991 No. 26

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## SCHEDULE 2

Section 17

11.

AMENDMENTS OF ACTS

Provision	Amendment	
	omit	substitute
Cancer (Registration) Act		
Section 6(3)	"Chief Medical Officer"	"Chief Health Officer"
Dental Act		
Section 44(1)(c)	"Chief Medical Officer"	"Chief Health Officer"
Food Act		
Section 4(1) - definition of 'approved"	"Chief Medical Officer"	"Chief Health Officer"
definition of 'authorized officer"	"Chief Medical Officer"	"Chief Health Officer"
• definition of 'Chief Medical Officer"	"Chief Medical Officer" (twice occurring)	"Chief Health Officer"
Sections 11(1), (2), (3), (4) and (5)(a)(i), 13(2), (3), (5)(d), (6) and (8), 19(1) and (2), (6(2) and 58(1)(c)	"Chief Medical Officer" (wherever occurring)	"Chief Health Officer"
ection 13(3)	"Chief Medical Officer's"	"Chief Health Officer's"
Nospital Management Boards Act		
ection 4 definition of Chief Medical fficer"	the whole definition	

Litter Act

Section 3 "Chief Medical Officer" - definition of "Chief Medical Officer" (twice occurring) definition of
"public place"
paragraph (b) "Chief Medical Officer" - definition of "Chief Medical "vacant Crown Land" Officer" paragraph (d) Section 6(3)(b) "Chief Medical Officer" Medical Act Section 3(1) - definition of "Chief Medical "Chief Medical Officer" Officer" (twice occurring) Sections 5(1)(a), "Chief Medical 6(1), 7(1), 8(1), Officer" 9, 10(1) and (2) (wherever occurring) and 70(2) Mental Health Act Section 4(1) - definition of "Chief Medical "Chief Medical Officer" Officer" (twice occurring) Sections 5(a), "Chief Medical 7(2)(a), 8(2), 9(2) Officer" and (3), 11(1), (2), (wherever occurring) (3) and (4), 12, 12(d), 14(2) and (2)(h), 15(2)(c), 24(1), (4), (5) and (6), 25(2) and (2) (h), 27(2) (a), 31(1), 33, 34(1) (d), 35(1)(b) and (2), 36(1)(f), (1)(h) and (2) and 38(1), (1)(b), (2), (2)(a), (2)(b)(ii), (3), (3)(a), (3)(b), (4), (4)(b)(ii) and (5)

"Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer"

> "Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer" Misuse of Drugs Act

Section 3(1) - definition of "Chief Medical Officer"

Section 33(1)

Notifiable Diseases ACt

Section 5(1) - definition of "authorized person"

- definition of "Chief Medical Officer"

- definition of "medical officer"

Section 26A(1) - definition of "approved"

Sections 4(2)(b), "Chief Medical 8(b), 13(1), (2) and Officer" (3), 14, 16, 18(1), (wherever occurring) 18(1)(c), 20(2)(b) and (3), 21(1) and (2), 23(1)(a), 27, 31(1), (3) and (4), 32 and 38(3)

Nursing Act

Section 4 - definition of "Chief Medical Officer"

Sections 5(2)(a), "Chief Medical 8(1) and 22(2) and (3) Officer"

Optometrists Act

Section 4(1) - definition of "Chief Medical Officer"

Section 6(1) and (2)

"Chief Medical Officer" (twice occurring)

"Chief Medical Officer"

"Chief Medical Officer"

"Chief Medical Officer" (twice occurring)

"Chief Medical Officer"

"Chief Medical Officer"

"Chief Medical

(twice occurring)

"Chief Medical

"Chief Medical

(twice occurring)

Officer"

Officer"

(wherever occurring)

Officer"

"Chief Health Officer"

ø.,

"Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer"

Pharmacy Act

Section 5 - definition of "Chief Medical Officer"

Sections 7(1)(a) and (3) and 43(5)

"Chief Medical Officer" (twice occurring)

"Chief Medical Officer" (wherever occurring) "Chief Health Officer"

"Chief Health Officer"

Poisons and Dangerous Drugs Act

Section 6(1) - definition of "Chief Medical Officer"

- definition of "Inspector"

Sections 4(2), 7(1), (2) and (3), 8, (2) and (3), 8, 12(1), (2)(f), (3), (4), (5) and (6)(a), 13(1), (2) and (2)(b), 14(b), 15, 18(1), (2)(f), (3), (4), (5)and (6)(a), 19(1), (2) and (2) (b), 20 (b), 21, 24 (1), (2) (d) and (3), 25 (b), 26 (1) and (2), 28(1)(b), (1)(c)(ii), (1)(d)(i), (1)(d)(ii) and (6), 29(4), (4A), (4B), (4C) and (4D), 30, 31, 31A(1), (2), (3) and (4), 33(1)(da) and (2), 34(2A), 36(1) and (3), 37(2), 42, 43(2), 44 and 44(d), 45 and 45(c), 46(1)(b), 47(1)(b) and (2), 48(b), 49(b), 52(1) and (2), 52A(1), 53(1) and (2), 55(1), 56(1), 57, 59(1), 60, 78(1), (2) and (3)(b) and 91A(1), (1)(a), (1)(b), (2) and (3)

"Chief Medical Officer" (twice occurring)

"Chief Medical Officer"

"Chief Medical Officer" (wherever occurring) "Chief Health Officer"

"Chief Health Officer"

"Chief Health Officer"

Private Hospitals and Nursing Homes Act Section 4 - definition of "Chief Medical "Chief Health "approved" Officer" Officer" - definition of "Chief Medical "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) Sections 5, 9(1), (2) "Chief Medical and (3), 10(1) and Officer" (2), 12, 13(2), 15, (wherever occurring) "Chief Health Officer" (wherever occurring) 16(1) and (2), 17, 19(2), 20(c), 22(1), 23(1), (2) and (4), 24, 25(1), 26(1), (1)(d), (1)(f)and (2), 27(1), (2) and (3), 28(1) and (2), 29(1), (2)(c), (3), (4), (5)(a), (5)(b), (5)(c) and (5)(d), 30(1) and (2), 32 and 33 Public Health Act Section 4 - definition of "Chief Medical "Chief Health "approved" Officer" Officer" - definition of "Chief Medical "Chief Health "authorized" Officer" Officer" "Chief Medical - definition of "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) Sections 5(1) and (2), "Chief Medical "Chief Health 7(1) and (2), 7A(1) Officer" and (2), 7B(1) and (wherever occurring) Officer" (2) and 7C(1) and (2) Radiation (Safety Control) Act Section 3(1) - definition of "Chief Medical "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) Sections 5(3), 6, "Chief Medical "Chief Health 7(1) and (2), 8(1) and (4), 11(2), Officer" Officer" (wherever occurring) 12(1), (1)(b), (2), (3)(b), (3)(c) and

(3)(c)(iii), 15(1)(b), (1) (c), (1) (d) and (1) (e), 16(1), 17(g), 19(b) and (c), 20(a) and (b), 22, 24(1), 25(1), 26, 27, 30(1) and (2), 31(1), 32, 33(1), (2) and (3), 34(1), 35(1), 37(3)(a), 40, 45(d), 47(2), 48(2) and (3)(b), 49, 50(d) and (e), 51, 52(1), 53(1), (2) and (3) and 55 Radioactive Ores and Concentrates (Packaging and Transport) Act Section 3 "Chief Medical - definition of "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) "Chief Medical Section 22(1) and "Chief Health (4)Officer" Officer" (wherever occurring) Radiographers Act Section 3 - definition of "Chief Medical "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) "Chief Medical "Chief Health Section 4(2)(a) Officer" Officer" Retirement Villages ACt Section 3(1) - definition of "Chief Medical "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) Sections 13(10)(a), "Chief Medical "Chief Health 15(4)(a), 33 and Officer" Officer" 41(1)(wherever occurring) Sentencing Act Section 3(1) - definition of "Chief Medical "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring)

Sections 79(1)(b) and "Chief Medical "Chief Health (3), 80(1)(a), (1)(b), Officer" (1)(c) and (5), 81(1) (wherever occurring) Officer" and (2), 83(1), (3) and (3)(h) and 84(2) Silicosis and Tuberculosis (Mineworkers and Prospectors) Act Section 3 - definition of "Chief Medical "Chief Medical Officer" "Chief Health Officer" Officer" (twice occurring) Sections 4(1) and "Chief Medical "Chief Health (2)(b), 6(1) and (2) Officer" 7(1)(a), 10(1), (2) (wherever occurring) Officer" and (3) and 11(1), (2) and (3)Therapeutic Goods and Cosmetics Act Section 47(1) and (2) "Chief Medical "Chief Health Officer" Officer" Tobacco Act Section 3(1) "Chief Medical - definition of "Chief Health "Chief Medical Officer" Officer" Officer" (twice occurring) Section 4(1) and (2) "Chief Medical "Chief Health Officer" Officer"

## SCHEDULE 3

Section 18

3

## AMENDMENTS OF REGULATIONS

Provision	Amendment	
1	omit	substitute
Food (Administration) Regulations		
Schedule - Form 2 and Form 3	"Chief Medical Officer"	"Chief Health Officer"
Food (Interim Provisions) Regulations		
Regulation 5 - definition of "authorized"	"Chief Medical Officer"	"Chief Health Officer"
- definition of "Chief Medical Officer"	"Chief Medical Officer" (twice occurring)	"Chief Health Officer"
- definition of "inspector"	"Chief Medical Officer"	"Chief Health Officer"
Regulations 18(1)(b) and (4), 19(1) and (2), 23(1), (2) and (3), 27(c), 32(1) and (2), 42, 59(4), 57(1), (2), (3) and (4), 72, 74, 75(b), 35(b) and (j), 86(d), 39(g), 91(f), 93(1), 06(1), 97(1), 99 and 108(h)	"Chief Medical Officer" (wherever occurring)	"Chief Health Officer"
line Management Regulations		
egulation 2(1) definition of Chief Medical fficer"	"Chief Medical Officer"	"Chief Health Officer"
egulations 12(2), 4(3) and 19(4)	"Chief Medical Officer" (wherever occurring)	"Chief Health Officer"

"Chief Medical

Schedule 3

Officer" Officer" (wherever occurring) Poisons and Dangerous Drugs Regulations Regulation 3(1) "Chief Medical - definition of "Chief Health Officer" "approved" Officer" "Chief Health - definition of "Chief Medical "withholding period" Officer" - definition of Officer" Regulations 3(2) and "Chief Medical 9(1)(e) and (1)(f) Officer" "Chief Health Officer" Public Health (Barbers' Shops) Regulations Regulations 5(1), (2), "Chief Medical "Chief Health (3) and (7) and 22 Officer" Officer" (wherever occurring) Schedule - Form A and Form B "Chief Medical "Chief Health Officer" Officer" Public Health (Cervical Cytology Register) Regulations Regulation 2 - definition of "Chief Medical "refusal of consent Officer" "Chief Health Officer" marker" Regulations 3(1) and "Chief Medical "Chief Health (2), 4(e)(iii), 5(1), Officer" Officer" (wherever occurring) (2) and (3), 6(1)(c)and (5), 7(1) and (2), 8(1) and (2), 9(1) and (2), 11(1) and (2), 12 and 13(1) and (2) Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations

Regulation 3 - definition of "Chief Medical "approved" Officer"

"Chief Health Officer" 12

"Chief Health

Regulations 9, 16, 17(b), 18(3), 23, "Chief Medical "Chief Health Officer" Officer" 25, 26(1), 27(1), (wherever occurring) (2), (3), (4) and (5), 28(1), (2), (3) and (5), 30, 31(1), (1)(b)(ii) and (2), 39, 40(a) and (b), 41(1), 45(1), 46, 48, 50, 53, 55, 56(a) and (c), 64, 66(1), 67(1), 68, 69 and 70(a) and (c) Public Health (Medical and Dental Inspection of School Children) Regulations Regulation 2 - definition of "Chief Medical "Chief Health "authorized" Officer" Officer" Regulation 4(2) "Chief Medical "Chief Health Officer" Officer" Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations Regulation 42 - definition of "Chief Medical "Chief Health "health officer" Officer" Officer" Regulations 5, 12, "Chief Medical "Chief Health 13(a) and (c), 15(c) Officer" Officer" 16(1), 17(2), 18, (wherever occurring) 20(1), (2) and (3), 21(1), (1)(b), (2), 25, 30, 31, 32, 33, 39(1)(c) and (1)(d), 51, 52, 56 and 57 Public Health (Noxious Trades) Regulations Regulations 4, 5(1)(b) "Chief Medical "Chief Health and (2), 7, 8, Officer" 9(1)(c) and (2), (wherever Officer" (wherever occurring) 13(a), 14, 18, 22(2), 23(1), (2), (3), (4) and (5), 25(1) and (2), 26 and 26(a), 28, 30 and 31

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The First Schedule "Chief Medical "Chief Health and The Second Officer" Officer" Schedule (wherever occurring) Public Health (Nuisance Prevention) Regulations Regulations 3(h), 4, "Chief Medical "Chief Health 5(1), 6, 8(1), Officer" (1)(b), (2), (7), (wherever occurring) (9), (10) and (11), Officer" 9, 10(1), 16, 18, 25, 26, 30, 31, 41, 43(1), (2), (3) and (4), 44(1) and (2), 45(1), 49, 50 and 51(a) and (c) Public Health (Shops, Eating Houses, Boardinghouses, Hostels and Hotels) Regulations Regulations 11 and 34 - definition of "Chief Medical Officer" "Chief Health Officer" Regulations 5(1), "Chief Medical 13(1) and (2), 14, Officer" 15, 36(1), (2), (3) (wherever occurring) "Chief Health Officer" and (6), 37(f) and (j), 39(2) and (3), 41 and 47(h) Schedule 1 - Form A and Form B "Chief Medical "Chief Health Officer" Officer" Schedule 2 "Chief Medical - Form B "Chief Health Officer" Officer" Radiation (Safety Control) Regulations "Chief Medical Regulations 4, 9 and "Chief Health 10 Officer" Officer" (wherever occurring) Schedule 1 "Chief Medical - Form 1, Form 2, "Chief Health Officer" Form 3, Form 4 and Officer" Form 5 (wherever occurring)

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Sentencing Regulations		
Regulation 4(3) and (4)	"Chief Medical Officer"	"Chief Health Officer"
Schedule - Form 5 and Form 5A	"Chief Medical Officer" (wherever occurring)	"Chief Health Officer"