

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2007

Act No. 4 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 4 of 2007

AN ACT

to revise and correct the law of the territory in minor respects and to repeal certain obsolete and redundant laws

[Assented to 8 March 2007]

[Second reading 30 November 2006]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY MATTERS

1. Short title

This Act may be cited as the *Statute Law Revision Act 2007*.

PART 2 – AMENDMENT OF LAWS CONSEQUENT ON ENACTMENT OF *CRIMINAL CODE AMENDMENT (CRIMINAL RESPONSIBILITY REFORM) ACT 2005*

2. Amendment of laws

- (1) This section amends the laws specified in Schedule 1.
- (2) Schedule 1 has effect.

PART 3 – AMENDMENT OF OTHER LAWS

3. Amendment of *Cemeteries Act*

- (1) This section amends the *Cemeteries Act*.

- (2) Section 36, before "The"

insert

- (1)

- (3) After section 36(1)

insert

(2) Despite subsection (1), the Minister may give approval for a multiple burial in an open or closed cemetery under the Regulations.

4. Amendment of *Community Welfare Act*

- (1) This section amends the *Community Welfare Act*.

- (2) Section 4(1), definition "Juvenile Court"

omit

- (3) Section 4(1)

insert (in alphabetical order)

"Youth Court" means the Court established by section 45 of the *Youth Justice Act*.

- (4) Section 72, definition "children's home", paragraph (a)

omit, substitute

- (a) a Youth Detention Centre established under the *Youth Justice Act*;

5. Amendment of *Liquor Act*

- (1) This section amends the *Liquor Act*.

- (2) Section 96(3)(b)

renumber as paragraph (c)

- (3) Section 96(3)(a) (second occurrence)

renumber as paragraph (b)

6. Amendment of *Swimming Pool Safety Act*

- (1) This section amends the *Swimming Pool Safety Act*.

- (2) After section 28(2)(d)

insert

- (e) small premises in respect of which there is a transfer of the fee simple interest to an immediate family member of the previous registered owner or registered proprietor.

- (3) Section 28(6)

insert (in alphabetical order)

"immediate family member" means:

- (a) a spouse or de facto partner; or
- (b) a parent (including a stepmother or stepfather) or grandparent; or
- (c) a child (including a stepchild) or grandchild; or
- (d) a brother or sister (including a half brother or half sister);

7. Amendment of other laws

- (1) This section amends the laws specified in Schedule 2.
- (2) Schedule 2 has effect.

PART 4 – REPEAL OF LAWS

8. Repeal of laws

The laws specified in Schedule 3 are repealed.

SCHEDULE 1

Section 2

**AMENDMENT OF LAWS CONSEQUENTIAL ON ENACTMENT OF
CRIMINAL CODE AMENDMENT (CRIMINAL RESPONSIBILITY
REFORM) ACT 2005**

PART 1 – AMENDMENT OF ACTS

Provision	Amendment	
	omit	substitute
Criminal Code		
Section 1, definition "declared offence"	this Part	Part IIAA
Firearms Act		
Section 3(1), definition "disqualifying offence", paragraph (b)	whole paragraph	(b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a);
Section 3(1), definition "offence of violence", paragraph (b)	whole paragraph	(b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a);

Private Security Act

Section 3, definition "disqualifying offence"	whole definition	"disqualifying offence", for a category of licence, means: (a) an offence prescribed by regulation to be a disqualifying offence in relation to that category of licence; or (b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a);
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Sentencing Act

Section 3(1), definition "violent offence"	whole definition	"violent offence" means: (a) an offence specified in Schedule 2; or (b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a).
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Section 78K(4)	an offence under section 162 of the Criminal Code.	the crime of murder.
Schedule 2, item 1	163	160
<i>Youth Justice Act</i>		
Section 39(7), definition "serious offence"	whole definition	"serious offence" means: (a) an offence prescribed by regulation; or (b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a);

PART 2 – AMENDMENT OF SUBORDINATE LEGISLATION

Provision	Amendment	
	omit	substitute
<i>Commercial Passenger (Miscellaneous) Regulations</i>		
Schedule 3		
item 11	162	156
item 13	grievous	serious
item 14	Grievous	Serious

Firearms Regulations

Regulation 1A(1)(d)	whole paragraph	
Regulation 1A(1)(e)	159, 162, 163	156, 160
Regulation 1A(1)(g)	175,	174E, 174F, 175,
Regulation 1B(h) and (i)	whole paragraph	(h) section 166 or 185, unless a custodial sentence is imposed; (i) sections 174C and 174D;

Private Security (Crowd Controllers) Regulations

Regulation 3(a)	161, 162, 163	156, 160
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Private Security (Miscellaneous Matters) Regulations

Schedule 1	Section 161 – unlawful homicide	Section 156 – murder
	Section 162 – murder	Section 160 – manslaughter
	Section 163 – manslaughter	
	grievous (all references)	serious

Private Security (Security Firms) Regulations

Regulation 2(a)	161, 162, 163	156, 160
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Schedule	Section 161 – unlawful homicide	Section 156 – murder
	Section 162 – murder	Section 160 – manslaughter
	Section 163 – manslaughter grievous (all references)	serious
 <i>Private Security (Security Officers) Regulations</i>		
Regulation 2(a)	161, 162, 163	156, 160
 <i>Youth Justice Regulations</i>		
Regulation 3(a)	154, 162, 163 170	156, 160 170, 174C, 174D, 174E, 174F

SCHEDULE 2

Section 7

AMENDMENT OF OTHER LAWS

PART 1 – AMENDMENT OF ACTS

Provision	Amendment	
	omit	substitute
<i>Animal Welfare Act</i>		
Section 8(2)	whole subsection	
<i>AustralAsia Railway Corporation Act</i>		
Section 28(1)	Consolidated Revenue Account	Central Holding Authority
<i>Bail Act</i>		
Section 16(4)	subclause	subsection
Section 27(3B)	<i>Passports Act 1938</i> of the Commonwealth	<i>Australian Passports Act 2005</i> (Cth)
<i>Batchelor Institute of Indigenous Tertiary Education Act</i>		
Section 56(2)	whole subsection	(2) Section 63 of the <i>Interpretation Act</i> does not apply to rules.
<i>Charles Darwin University Act</i>		
Section 46(5)	regulations	subordinate legislation
Section 47(5)	whole subsection	(5) Section 63 of the <i>Interpretation Act</i> does not apply to the Rules.

***Construction Industry
Long Service Leave and
Benefits Act***

Section 57(3)(a) regulations subordinate legislation

***Consumer Affairs and
Fair Trading Act***

Section 253(1) section 252 section 251

***Crimes (Victims
Assistance) Act***

Section 25A(3) Consolidated Revenue
Account Central Holding
Authority

***Criminal Records
(Spent Convictions) Act***

Section 6A, heading **Juvenile Court** **Youth Justice Court**

***Director of Public
Prosecutions Act***

Section 35(b) of the fact the fact

Education Act

Section 60H(6) regulations subordinate legislation

Section 60H(7) whole subsection (7) Section 63 of the
Interpretation Act does
not apply to by-laws
under this section.

Section 60J(5) whole subsection (5) Section 63 of the
Interpretation Act does
not apply to rules under
this section.

Sections 60J(6)
and 71N(4) regulations subordinate legislation

Section 71N(5) whole subsection (5) Section 63 of the
Interpretation Act does
not apply to by-laws
under this section.

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Section 71P(5)	regulations	subordinate legislation
Section 71P(6)	whole subsection	(6) Section 63 of the <i>Interpretation Act</i> does not apply to rules under this section.

Electoral Act

Section 200(3)	subsection (3)	subsection (2)
Section 358	Consolidated Revenue Account	Central Holding Authority

Energy Pipelines Act

Section 3(1), definition "Tribunal"	whole definition	"Tribunal" means the Lands, Planning and Mining Tribunal established by the <i>Lands, Planning and Mining Tribunal Act</i> ;
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Essential Goods and Services Act

Section 2(1), definition "service", paragraph (a)(iii)	<i>Hospitals and Medical Services Act</i>	<i>Medical Services Act</i>
Section 2(1), definition "service", paragraph (a)(iv)	<i>Electricity Act</i> or the <i>Power and Water Authority Act</i>	<i>Electricity Reform Act</i> or the <i>Power and Water Corporation Act</i>

Fines and Penalties (Recovery) Act

Section 97(2)	Consolidated Revenue Account	Central Holding Authority
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Firearms Amendment Act 2004

Section 4	whole section	
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Fire and Emergency Act

Section 56(11) subsection (9) subsection (10)

First Home Owner Grant Act

Section 43(3)(f)(i) Police; Police; or

Fuel Subsidies Act

Section 23, heading **Consolidated revenue account** **Central Holding Authority**

Gaming Control Act

Section 40(9) Consolidated Revenue Account Central Holding Authority

Gaming Machine Act

Sections 35(1) and 156(1) and (3)(a) Consolidated Revenue Account Central Holding Authority

Government Owned Corporations Act

Sections 31(3), 33(1) and (2) and 35(3) Consolidated Revenue Account Central Holding Authority

Land Title Act

Section 205(1)(b) whole paragraph (b) the Power and Water Corporation established by the *Power and Water Corporation Act*;

Lands Acquisition Act

Section 4(1), definition "Tribunal" whole definition "Tribunal" means the Lands, Planning and Mining Tribunal established by the *Lands, Planning and Mining Tribunal Act*.

Section 37(5)(b)	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
<i>Legislative Assembly (Register of Members' Interests) Act</i>		
Section 5(1)(g)	section 4(2) or (3)	section 4(1) or (2)
<i>Local Court Act</i>		
Section 36(1) and (2)	Consolidated Revenue Account	Central Holding Authority
<i>Local Government Grants Commission Act</i>		
Sections 12(1)(a), (2)(a) and (3) and 17(3)	<i>Local Government (Financial Assistance) Act 1986</i> of the Commonwealth (all references)	<i>Local Government (Financial Assistance) Act 1995</i> (Cth)
<i>Menzies School of Health Research Act</i>		
Section 42(2)	whole subsection	(2) Section 63 of the <i>Interpretation Act</i> does not apply to Rules under this section.
<i>Mining Act</i>		
Section 4(1), definition "Tribunal"	whole definition	"Tribunal" means the Lands, Planning and Mining Tribunal established by the <i>Lands, Planning and Mining Tribunal Act</i> ;
Section 140G(5)(b)	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
<i>Northern Territory Licensing Commission Act</i>		
Section 21(3)	3 sitting days	6 sitting days

***Northern Territory
Treasury Corporation
Act***

Section 12	Consolidated Revenue Account	Central Holding Authority
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Pastoral Land Act

Section 102(1)(c)	section 91	section 92
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Petroleum Act

Section 5(1), definition "Tribunal"	whole definition	"Tribunal" means the Lands, Planning and Mining Tribunal established by the <i>Lands, Planning and Mining Tribunal Act</i> ;
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Section 57H(5)(b)	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
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Planning Act

Section 3(1), definition "Registrar"	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
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Section 108	Lands and Mining Tribunal	Lands, Planning and Mining Tribunal
	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>

Section 109, heading	<i>Lands and Mining Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
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Sections 109, 110, and 132	<i>Lands and Mining Tribunal Act</i> (all references)	<i>Lands, Planning and Mining Tribunal Act</i>
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Section 122(1)	<i>Lands and Mining Appeals Tribunal Act</i>	<i>Lands, Planning and Mining Tribunal Act</i>
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Poisons and Dangerous Drugs Act

Section 31W(5)	amended	any amendments made
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Prisoners (Interstate Transfer) Act

Section 3(7)(b)(ii)(B)	sentence; and	sentence;
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Public Trustee Act

Sections 14(4), 65(2), 66(4), 67 and 67A(3)	Consolidated Revenue Account	Central Holding Authority
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Sentencing Act

Section 24	Consolidated Revenue Account	Central Holding Authority
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Section 99(4)	<i>Passports Act 1938 of the Commonwealth</i>	<i>Australian Passports Act 2005 (Cth)</i>
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Summary Offences Act

Section 45C, definition "prescribed notice"	section 45G(1)	section 45G
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Section 68A(3)	Consolidated Revenue Account	Central Holding Authority
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Superannuation Act

Section 33(1)(a)	\$15,000	\$20 000
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Section 35	Consolidated Revenue Account	Central Holding Authority
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Taxation (Administration) Act

Section 81(1)	whole subsection	(1) Instruments on which duty is imposed, other than those mentioned in Divisions 6 to 13 of this Part, must be lodged with the Commissioner for assessment.
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Section 82	whole section	
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Section 96(7)	or adhesive stamp	
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Section 116E(1)(e)	Investment	Investments
Section 116E(1)(g)	<i>Financial Transaction Report Act 1988 of the Commonwealth</i>	<i>Financial Transaction Reports Act 1988 (Cth)</i>
<i>Terrorism (Emergency Powers) Act</i>		
Section 21ZC(3)	, <i>Juvenile Justice Act</i>	
Section 21ZC(6)	<i>Juvenile Justice Act</i> or	
Section 21ZS(3)(f)	juvenile	youth
<i>Traffic Act</i>		
Section 29AG(5)(b)	reasonable	reasonably
Section 29AL(d)	Consolidated Revenue Account	Central Holding Authority
<i>Unclaimed Superannuation Benefits Act</i>		
Sections 5 and 6(3)	Consolidated Revenue Account	Central Holding Authority
<i>Uncollected Goods Act</i>		
Section 27(9)	Consolidated Revenue Account	Central Holding Authority
<i>Utilities Commission Act</i>		
Section 19	Consolidated Revenue Account	Central Holding Authority
<i>Waste Management and Pollution Control Act</i>		
Section 6(8)	<i>Prevention of Pollution of Waters by Oil Act</i>	<i>Marine Pollution Act</i>

PART 2 – AMENDMENT OF SUBORDINATE LEGISLATION

Provision	Amendment	
	omit	substitute
<i>Dangerous Goods Regulations</i>		
Regulation 131(1) and (2)	regulation 5B(1)	regulation 5D(1)
<i>Fire and Emergency Regulations</i>		
Regulation 2(1), definition "offender"	who	whom
<i>Fisheries Regulations</i>		
Regulation 4, definition "amateur drag net", paragraph (a)	lines;	lines; and
Regulation 4, definition "amateur drag net", paragraph (b)	whole paragraph	(b) is made of mesh no larger than 28mm; and
Regulations 206(2)(a) and 207(4) and (5)	Consolidated Revenue Account	Central Holding Authority
<i>Lands and Mining Tribunal Rules</i>		
Schedule 1, Forms 1 to 4	LANDS AND MINING TRIBUNAL (all references)	LANDS, PLANNING AND MINING TRIBUNAL
<i>Local Government (Administration) Regulations</i>		
Regulation 14(1)	section 19J(2)(c)	section 19K(2)(c)
Regulation 14(2)	section 19J(3)	section 19K(3)

***Public Sector
Employment and
Management
(Exemption)
Regulations***

Regulation 3, Table,
Column 1, item 1

Power and Water
Authority

Power and Water
Corporation

Supreme Court Rules

Rule 79.07.1(1) and (2)

Consolidated Revenue
Account

Central Holding
Authority

SCHEDULE 3

Section 8

REPEAL OF LAWS

PART 1 – REPEAL OF ACTS

<i>Commercial Passenger Vehicles Legislation Amendment Act 2006</i>	Act No. 3 of 2006
<i>Electrical Workers and Contractors Amendment Act 2003</i>	Act No. 48 of 2003
<i>Gaming Control Amendment Act 1996</i>	Act No. 18 of 1996
<i>Judges and Administrators Pensions Legislation Amendment Act 2006</i>	Act No. 21 of 2006
<i>Justice Legislation Amendment Act 2006</i>	Act No. 13 of 2006
<i>Maintenance Ordinance 1973</i>	Ordinance No. 5 of 1973
<i>Maintenance Ordinance (No. 2) 1973</i>	Ordinance No. 29 of 1973
<i>Treasury Legislation and Consequential Amendment Act 2006</i>	Act No. 19 of 2006

PART 2 – REPEAL OF SUBORDINATE LEGISLATION

<i>Barunga Manyallaluk Community Government Scheme</i>	
<i>Consumer Affairs and Fair Trading Amendment Regulations 2006</i>	Subordinate Legislation No. 15 of 2006
<i>Wugularr Community Government Scheme</i>	
