

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 1991

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No. 31 of 1991

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 31 of 1991

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## AN ACT

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

[Assented to 25 June 1991]

**B**E 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 1991*.

2. AMENDMENT OF *CRIMINAL LAW (REGULATORY OFFENCES) ACT*

(1) The *Criminal Law (Regulatory Offences) Act 1983* is amended by adding at the end the following:

"142. AMENDMENT OF REGULATIONS, RULES AND BY-LAWS

"Where Regulations, Rules or By-laws are amended by this Act, the provisions so amended may be repealed or further amended as if the amendments made by this Act were duly made by Regulations, Rules or By-laws, as the case may be."

(2) The *Criminal Law (Regulatory Offences) Act 1986* is amended by adding at the end the following:

"5. AMENDMENT OF REGULATIONS

"Regulation 46A of the Traffic Regulations may be amended by a regulation duly made for that purpose."

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3. AMENDMENTS OF *FISHERIES ACT*

(1) Section 4(1) of the *Fisheries Act* is amended by omitting from the definition of "operative management plan" the words "come into operation pursuant to section 25(4)" and substituting "taken effect pursuant to section 49(1)".

(2) Section 25 of the *Fisheries Act* is amended -

(a) by inserting after subsection (2) the following:

"(2A) There may be included with each proposed plan prepared under section 23, but so as not to form part of the plan -

(a) an outline of the history and status of the fishery;

(b) the policy and objectives of the plan; and

(c) such other information relating to the fishery,

as the Director thinks fit."; and

(b) by omitting subsection (4).

(3) Section 49 of the *Fisheries Act* is amended by omitting subsection (1) and substituting the following:

"(1) Subject to subsection (2), every management plan approved under section 25(3), and every notice given under this Act and required to be published in the *Gazette*, shall be deemed to be regulations for the purposes of the *Interpretation Act* .".

(4) Schedule 2 to the *Fisheries Act* is amended -

(a) by omitting clause 1; and

(b) by omitting from paragraph (h) in clause 2 "conservation or management" and substituting "conservation, management or control".

4. AMENDMENT OF BARRAMUNDI FISHERY MANAGEMENT PLAN

(1) The Barramundi Fishery Management Plan published as *Gazette* No. S5 of 31 January 1991 is amended -

(a) by omitting from the definition of "seven inch net line" in clause 4(1) "drawn through" and substituting "drawn between";

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- (b) by omitting from clause 19(2) "less than 50 cm" and substituting "less than 55 cm";
- (c) by omitting from clause 20(1)(b) "more than 5 barramundi" and substituting "of more than 5 barramundi"; and
- (d) by omitting from Schedule 5 the words and figures specified in column 1 of Schedule 3 to this Act and substituting those specified in Column 2 of that Schedule opposite to those words and figures.

(2) The provisions of the Barramundi Fishery Management Plan amended by subsection (1) may be further amended, or the Plan repealed, as if the amendments in that subsection had been made by a plan approved under section 25(3) of the *Fisheries Act*.

(3) The amendment made by subsection (1) shall be deemed to have come into operation on 1 February 1991.

5. REPEAL OF *INTESTATE ABORIGINALS (DISTRIBUTION OF ESTATES) REPEAL ACT*

The *Intestate Aboriginals (Distribution of Estates) Repeal Act 1979*, being Act No. 37, 1979, is repealed.

6. AMENDMENT OF *JUVENILE JUSTICE ACT*

Section 24 of the *Juvenile Justice Act* is amended by adding at the end the following:

"(2) The Commissioner of Police or a Deputy or Assistant Commissioner of Police may make an authorization referred to in the definition of 'authorized officer' in subsection (1) by reference to a particular rank and/or particular duties (including duties as the member in charge of a particular police station) and a person from time to time holding the rank or performing those duties is an authorized officer accordingly."

7. *LEGISLATIVE ASSEMBLY MEMBERS' REMUNERATION ACT 1987*

The *Legislative Assembly Members' Remuneration Act 1987*, being Act No. 28, 1987, is repealed.

8. AMENDMENT OF SECTION 151A OF *REAL PROPERTY ACT*

(1) Section 151A of the *Real Property Act* is amended by inserting after subsection (1) the following:

"(1A) The registration of a grant in fee simple or new Crown lease pursuant to subsection (1)(d) shall be deemed to have occurred before the creation of an interest

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to which the grant in fee simple or new Crown lease is subject as provided in subsection (1)(d) and every such interest shall be deemed to relate to the grant in fee simple or new Crown lease, as the case may be."

(2) The amendment made by subsection (1) shall be deemed to have come into operation on the commencement of the section it amends.

9. AMENDMENT OF SECTION 191 OF *REAL PROPERTY ACT*

(1) Section 191 of the *Real Property Act* is amended by omitting paragraph I. and substituting the following:

"I. A caveat shall be in the prescribed form and may be signed and lodged by the caveator or the agent of the caveator:".

(2) The amendment made by subsection (1) shall be deemed to have come into operation on 1 February 1990.

10. REPEAL OF *REAL PROPERTY (SPECIAL PROVISIONS) ACT*

The *Real Property (Special Provisions) Act 1979*, being Act No. 140, 1979, is repealed.

11. REPEAL OF *AGRICULTURAL DEVELOPMENT AND MARKETING ACTS*

The *Agricultural Development and Marketing Act 1980* (being Act No. 41, 1980), the *Agricultural Development and Marketing Act 1985* (being Act No. 3, 1985) and the *Agricultural Development and Marketing Act 1986* (being Act No. 56, 1986) are repealed.

12. AMENDMENT OF DECLARATION UNDER *TERRITORY PARKS AND WILDLIFE CONSERVATION ACT*

(1) For the purpose of correcting errors in the description of the area of land declared to be a park in pursuance of section 12(1)(a) of the *Territory Parks and Wildlife Conservation Act* by a notice signed by the Administrator published in *Gazette* No. G31 of 9 August 1989 at pages 4 and 5, the Schedule to the notice is hereby amended -

- (a) by omitting "90° 22' 308 metres; 128° 19' 25" 031.5 metres" and substituting "90° 22308 metres; 128° 19' 25031.5 metres"; and
- (b) by omitting "303° 59' 15" 479.81 metres; 0° 10" 347.5 metres" and substituting "303° 59' 15479.81 metres; 0° 10347.5 metres".

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(2) The amendments effected by subsection (1) shall be deemed to have come into operation on 9 August 1989.

(3) The declaration in the notice amended by subsection (1) (including the descriptions substituted by that subsection) may be revoked, or the notice may be further amended, by a notice in pursuance of section 13(1)(a) of the *Territory Parks and Wildlife Conservation Act*.

13. REPEAL OF SOUTH AUSTRALIAN ACTS

The following Acts of South Australia, in their application to the Territory as laws of the Territory, are repealed:

*An Act to secure, in certain cases, the Right of Property in Telegraph Messages.* (being Act No. 10 of 1872);

The Public Charities Act, 1875 (being Act No. 7 of 1875);

The Public Charities Act, 1876 (being Act No. 39 of 1876);

The Public Charities Amendment Act, 1886 (being Act No. 376 of 1886);

The Public Charities Further Amendment Act, 1890 (being Act No. 492 of 1890).

14. REVISION OF ACTS

The provisions of the Acts specified in Schedule 1 are amended as provided for in that Schedule.

15. REVISION OF REGULATIONS

(1) The provisions of the Regulations specified in Schedule 2 are amended as provided for in that Schedule.

(2) A provision amended as provided for in Schedule 2 may be repealed or further amended by regulations as if the amendments made by this Act were duly made by regulations.

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SCHEDULE 1

Section 14

AMENDMENTS TO ACTS

Provision	Amendment	
	omit	substitute
<i>Adult Guardianship Act</i>		
Section 16(3)	"a manager under subsection 2"	"an adult guardian appointed to be a manager under subsection (1)(a)"
<i>Crimes (Forfeiture of Proceeds) Act</i>		
Section 3(1) -		
definition of "corresponding law"	"a State"	"the Commonwealth or a State"
definition of "interstate serious offence"	"a State"	"the Commonwealth or a State"
paragraph (d) of the definition of "relevant period"	"subsection (4)"	"subsection (5)"
Section 38	"State official" (wherever occurring)	"government official"
	"the State"	"the jurisdiction of that government official"
Section 40(2)	"State"	"jurisdiction"



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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<i>Crown Lands Act</i>		
Section 102F(6)	"Minister"	"Tribunal"
<i>Electoral Act</i>		
Section 18A	the whole section	
<i>Industry and Employment Training Act</i>		
Section 19(2)(b)	the whole paragraph	"(b) courses (other than pre-apprenticeship, pre-vocational, apprenticeship and traineeship courses) conducted by the Department of Education or by the Institute of Technical and Further Education established under the <i>Northern Territory University Act</i> ."
<i>Land and Business Agents Act</i>		
Section 5(1)	the definition of "certificate in lieu of a fidelity bond" and "fidelity bond"	
Part XI	the whole Part	
Section 127(2)	"corporate manager"	"corporation manager"

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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<i>Legal Practitioners Act</i>		
Section 36(1)	paragraph (ba)	"(ba) the Director of Public Prosecutions within the meaning of the <i>Director of Public Prosecutions Act</i> ;  "(bb) the Director of Legal Aid within the meaning of the <i>Legal Aid Act</i> ; or"
<i>Mine Management Act</i>		
Section 5(3)	"this Act" (twice occurring)	"this Act or the Regulations"
Section 15(d)	"of her"	"or her"
<i>Motor Accidents (Compensation) Act</i>		
Section 10(b)	" <i>Compensation (Commonwealth Government Employees) Act 1971</i> "	" <i>Compensation (Commonwealth Government Employees) Act 1971 or the Commonwealth Employees' Rehabilitation and Compensation Act 1988</i> "
<i>Nursing Act</i>		
Section 5(3)(c)	"Royal Australian Nursing Federation"	"Australian Nursing Federation"

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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<i>National Crime Authority (Territory Provisions) Act</i>		
Section 19(5)	"Crown Law Officer" (twice occurring)	"Director of Public Prosecutions"
<i>Police Administration Act</i>		
Section 16AA	"Inspector"	"Superintendent"
<i>Superannuation Act</i>		
Section 3(3)	"takes effect"	"takes effect or shall be deemed to have taken effect, as the case may be,"
<i>Summary Offences Act</i>		
Section 49B	the whole section	
<i>Supreme Court Act</i>		
Section 76	the whole section	
<i>Supreme Court (Judges Long Leave Payments) Act</i>		
Section 4(4)(b)	"section 4(2)"	"section 4(3)"
<i>Tenancy Act</i>		
Part IV	the whole part	

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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<i>Trade Measurement Administration Act 1990</i>		
Section 3(1) -		
Definition of "Commissioner"	the whole definition	"'Commissioner' means the Commissioner of Consumer Affairs, and includes a person for the time being acting in, or performing the duties of, the office of Commissioner;"
<i>Unlawful Betting Act</i>		
Section 27(1)	"knowingly -"	"knowingly and without lawful excuse -"

SCHEDULE 2

Section 15

AMENDMENTS TO REGULATIONS

Provision	Amendment	
	omit	substitute
<i>Justices (Territory Infringement Notices Enforcement Scheme) Regulations</i>		
Schedule -		
Forms 1 and 4	<i>"Crimes Compensation Act"</i>	<i>"Crimes (Victims Assistance) Act"</i>

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Provision	Amendment
	omit                      substitute
Land and Business Agents Regulations	
Regulation 25	the whole regulation
Stock Routes and Travelling Stock Regulations	
Schedule 2	Form 2

SCHEDULE 3

Section 4(1)(d)

AMENDMENTS TO SCHEDULE 5 TO  
BARRAMUNDI FISHERY MANAGEMENT PLAN

Column 1	Column 2
"Creeks on Keyling Inlet" (first occurring)	"Creeks on Gunn Channel"
"Creek at Yelcher Beach 5444 E 84195 N to 5445 E 884222 N"	"Creek at Yelcher Beach" 5444 E 84195 N to 5445 E 84222 N"
"Jessie River 7026 E"	"Jessie River 7206 E"
"Childer Creek 5435 E 83562 N to 5443 E 3548 N"	"Childer Creek 5435 E 83562 N to 5443 E 83548 N"
"Unnamed creeks east of Wearyan River 7068 E 82370 N to 7082 E 82370 N PELLEW 6266 and 7082 E 82370 N to 7082 E 86379 N PELLEW 6266"	"Unnamed creeks east of Wearyan River 7068 E 82370 N to 7082 E 82370 N PELLEW 6266 and 7082 E 82370 N to 7082 E 82379 N PELLEW 6266"

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Column 1	Column 2
"Seven Emu Creek 7533 E 82147 N to 6547 E"	"Seven Emu Creek 7533 E 82147 N to 7547 E"

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