



NORTHERN TERRITORY OF AUSTRALIA

No. 66 of 1988

AN ACT

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

[Assented to 22 December 1988]

BE 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 1988.

2. REPEAL OF DARWIN RADIO-TELEGRAPH STATION ORDINANCE

The Darwin Radio-Telegraph Station Ordinance 1929 (No. 16 of 1929) is repealed.

3. AMENDMENT OF COAL ACT

(1) Section 32 of the Coal Act is amended -

- (a) by omitting from subsection (1) "proclamation" (first and third occurring) and substituting "notice in the Gazette";
 - (b) by omitting from subsection (1) "proclamation" (second and last occurring) and substituting "notice"; and
 - (c) by omitting from subsection (2) "proclamation" (twice occurring) and substituting "notice".
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Statute Law Revision

(2) Where immediately before the commencement of this Act a proclamation made under section 32 of the Coal Act as then in force reserving an area from leasing under that area was in force, that reservation shall continue in force after that commencement as if that proclamation were a notice made under section 32 of the Coal Act, as amended by this Act, on that commencement and it may be revoked or varied under that section accordingly.

4. AMENDMENT OF SECTION 19 OF PUBLIC SERVICE ACT

Section 19 of the Public Service Act is amended by inserting after subsection (3) the following:

"(3A) The Administrator may direct an employee to be Head from time to time of a Department, or Chief Executive Officer from time to time of a unit of administration, during any vacancy in a position of Departmental Head of that Department or Chief Executive Officer of that unit of administration or absence or inability to act of the Departmental Head or Chief Executive Officer, but such a direction shall be effective only until an inconsistent direction under subsection (3) or (4) by the Administrator or under subsection (4B) by the Minister, is given.".

5. AMENDMENT OF STATUS OF CHILDREN ACT

The Status of Children Act is amended -

(a) by omitting from section 3 the definition of "District Registrar";

(b) by inserting in section 3, after the definition of "proof", the following:

"Registrar" means the Registrar within the meaning of the Registration of Births, Deaths and Marriages Act.";

(c) by omitting from section 10 "District Registrar" (wherever occurring) and substituting "Registrar"; and

(d) by omitting section 20.

6. STATUTE LAW REVISION

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

(2) The provisions of the Regulations and By-laws specified in Schedule 2 are amended as provided in that Schedule.

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7. AMENDMENT AS CONSEQUENCE OF PASSING OF FISHERIES ACT

(1) Subject to subsection (2), section 18 of the Aboriginal Land Act is amended by omitting subsection (1) and substituting the following:

"(1) Subject to the Fisheries Act, the holder of a licence issued under the Fish and Fisheries Act (and kept in force under section 72 of the Fisheries Act), or the holder of a licence granted under the Fisheries Act, who held the licence before the publication of a notice under section 12, may, together with any persons who assist or work for the holder, enter and fish the area of closed seas referred to in that notice."

(2) The amendment referred to in subsection (1) shall come into operation on the commencement of the Fisheries Act 1988.

8. AMENDMENTS AS CONSEQUENCE OF PASSING OF NORTHERN TERRITORY UNIVERSITY ACT

(1) Subject to subsection (2), the provisions of the Acts and Regulations specified in Schedule 3 are amended as provided in that Schedule.

(2) The amendments referred to in subsection (1) shall come into operation on 1 January 1989.

Statute Law Revision

SCHEDULE 1

Section 6(1)

AMENDMENTS OF ACTS

Provision	Amendment	
	omit	substitute
<u>Associations Incorporation Act</u>		
Section 8(4)	"Judge"	"Supreme Court"
<u>Commercial Arbitration Act</u>		
Sections 38(7)(a) and (b) and 39(3) and (4)	"Federal Court" (wherever occurring)	"Court of Appeal of the Northern Territory"
<u>Commission of Inquiry (Deaths in Custody) Act</u>		
Schedule	"in prison or in any place of detention"	"in prison or in any other place of detention"
<u>Criminal Code</u>		
Section 22	"sections 26(1)(c) and (d)"	"sections 26(1)(c) and (d) (and sections 23 and 24 to the extent necessary to give effect to section 26(1)(c) and (d))"
<u>Juvenile Justice Act</u>		
Section 25(4)	"Part XVIII"	"Part XVII"
<u>Limitation Act</u>		
Section 31	the whole section	

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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<u>Local Government Act</u>		
Section 4 (definition of "Commissioner")	"Division 6"	"Division 6 or a person appointed under section 296(1) (e) , as the case requires"
Heading to Division 2 of Part IV	" <u>Specific</u> "	
<u>Medical Services Act</u>		
Section 9(3)	", subject to section 11,"	
Section 11	the whole section	
<u>Motor Vehicles Act</u>		
Section 9	subsections (3), (3A), (3B), (4) and (5)	
Section 10A	subsections (3), (4), (5) and (6)	
Sections 107, 107A, 107B and 114	the whole section	
<u>Plumbers and Drainers Licensing Act</u>		
Section 37(3)	"sub-section (3)"	"subsection (2)"
<u>Remuneration Tribunal Act</u>		
Section 9(1)	", subject to section 9A,"	

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SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
<u>Small Claims</u> <u>Amendment Act</u> <u>1988</u>		
Section 7	"\$3,000"	"\$5,000"
Section 16	from proposed section 30A(2) (a), (b) and (f) "(other than the claimant)"	
<u>Summary Offences Act</u>		
Section 5 - definition of "public place" or "place of public resort"	all words after paragraph (c)	
definition of "the public"	the whole definition	
<u>Traffic Act</u>		
Section 52	"as provided"	"is provided"
<u>Water Supply and</u> <u>Sewerage Act</u>		
Section 31(1)	"Director"	"Authority"
Section 31(2)	"Director"	"Authority"
	"to him"	"to it"
Section 63(1)	"Director"	"Authority"
	"Territory's"	"Authority's"
Section 63(3)	"Territory"	"Authority"
	"Director"	"Authority"

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SCHEDULE 2

Section 6(2)

AMENDMENT OF REGULATIONS AND BY-LAWS

Provision	Amendment	
	omit	substitute
Motor Vehicle (Hire Car) Regulations		
Regulation 40	the whole regulation	
Schedule 2	the whole Schedule	
Port By-laws		
Schedule 4, item 5	"berth" (second occurring)	"wharf"

SCHEDULE 3

Section 8(1)

AMENDMENTS OF ACTS AND REGULATIONS

Provision	Amendment	
	omit	substitute
<u>Industry and Employment Training Act</u>		
Section 3	the definition of "Darwin Institute of Technology"	
Section 19(2) (b)	"Darwin Institute of Technology"	"Institute of Technology and Further Education established under the <u>Northern Territory University Act</u> "

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SCHEDULE 3 - continued

Provision	Amendment	
	omit	substitute
<u>Menzies School of Health Research Act</u>		
Section 3	the definition of "College"	
	the definition of "School"	"'Northern Territory University' means the University established by that name by the <u>Northern Territory University Act</u> "
		"'School' means the Menzies School of Health Research established by section 4(1);"
Section 5(e)	"College"	"Northern Territory University"
Section 6(e)	"College"	"Northern Territory University"
Nursing Regulations		
Regulation 13(1) (a) (ii)	"Darwin Institute of Technology"	"Institute of Technical and Further Education established under the <u>Northern Territory University Act</u> (or, in relation to a time earlier than 1 January 1989, the Darwin Institute of Technology)"

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SCHEDULE 3 - continued

Provision	Amendment
	<div data-bbox="616 426 677 450">omit</div> <div data-bbox="948 426 1105 450">substitute</div>
Superannuation Regulations	
Regulation 4(1)	paragraphs (a) and (b) "(a) the Northern Territory University estab- lished by the <u>Northern Territory</u> <u>University Act;</u> "