

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2023

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Act No. 4 of 2023

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# NORTHERN TERRITORY OF AUSTRALIA

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## Act No. 4 of 2023

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An Act to revise the statute law of the Northern Territory

[Assented to 2 March 2023]  
[Introduced 1 December 2022]

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 2023*.

#### 2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

### Part 2 Amendment of Adoption of Children Act 1994

#### 3 Act amended

This Part amends the *Adoption of Children Act 1994*.

#### 4 Section 3 amended (Interpretation)

Section 3(1), definition *adoption list*

*omit, insert*

*adoption list* means the list established and maintained by the Minister under section 18.

**5 Section 15 amended (Adoption by spouse of parent or relative)**

Section 15(4)(b)

*omit*

he or she

*insert*

the first-mentioned parent

**6 Section 17 replaced**

Section 17

*repeal, insert*

**17 Application and assessment**

- (1) A person or couple resident or domiciled in the Territory may apply to the Minister in the prescribed form to be assessed for suitability to adopt a child.
- (2) An application under subsection (1) may be made in relation to the applicant's suitability to adopt a citizen-child or a non-citizen child.
- (3) The Minister may arrange for an approved person to:
  - (a) assess the suitability of the applicant to adopt a child; and
  - (b) give a report on the assessment to the Minister.

**17A Suitability to adopt child**

- (1) The Minister must, after considering any report given to the Minister under section 17(3), decide whether the applicant is suitable to adopt a child.
- (2) After making a decision under subsection (1), the Minister must give written notice of the decision to the applicant.
- (3) If the Minister decides the applicant is not suitable to adopt a child, the notice under subsection (2) must include reasons for the decision.

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**7 Section 18 amended (List of persons wishing to adopt a citizen-child)**

- (1) Section 18, heading

*omit*

**a**

- (2) Section 18(1)

*omit, insert*

- (1) The Minister must establish and maintain, in any form the Minister thinks appropriate, a list of persons or couples who are suitable to adopt a citizen-child.

- (3) Section 18(2)(a), after "17"

*insert*

made by persons or couples found suitable to adopt a citizen-child

- (4) Section 18(2)(b)

*omit (all references)*

couple

*insert*

person or couple

- (5) Section 18(3) and (4)

*omit, insert*

- (3) The Minister must remove the name of a person or couple from the adoption list if the person or couple is no longer suitable to adopt a citizen-child.

**8 Sections 20 and 21 replaced**

Sections 20 and 21

*repeal, insert*

**20 Minister to have regard to adoption list for allocation or adoption of citizen-child**

(1) The Minister must have regard to the adoption list, and the chronological order of persons and couples on the adoption list, when making arrangements in relation to the following:

- (a) the allocation of a citizen-child to a person or couple;
- (b) the adoption of a citizen-child.

(2) Subsection (1) does not limit the Minister's duty to consider all other relevant matters when making any arrangements mentioned in that subsection, including in particular the welfare and interests of the citizen-child and the wishes of the birth parent or birth parents of the citizen-child and the person or couple wishing to adopt.

**21 Arrangements for adoption of non-citizen child**

If a person or couple is found suitable to adopt a non-citizen child under section 17A(1), the person or couple may proceed to have arrangements made for the allocation of a non-citizen child to them for adoption under the law in force in the Territory.

**9 Section 39 amended (Notice of intention to apply)**

Section 39(2)(a)

*omit*

he or she

*insert*

the person

**Part 3 Amendment of Constitutional Convention (Election) Act 2011****10 Act amended**

This Part amends the *Constitutional Convention (Election) Act 2011*.

**11 Part 8 repealed (Consequential amendments)**

Part 8

*repeal*

**Part 4 Amendment of Fines and Penalties (Recovery) Regulations 2001**

**12 Regulations amended**

This Part amends the *Fines and Penalties (Recovery) Regulations 2001*.

**13 Schedule 1 amended**

Schedule 1

*insert (in alphabetical order)*

*Hemp Industry Act 2019*

**Part 5 Amendment of Valuation of Land Act 1963**

**14 Act amended**

This Part amends the *Valuation of Land Act 1963*.

**15 Section 4 amended (Interpretation)**

(1) Section 4, heading

*omit*

**Interpretation**

*insert*

**Definitions**

(2) Section 4(1), definitions ***Chairman*** and ***valuer***

*omit*

## (3) Section 4(1)

*insert*

**Chairperson** means the Chairperson of the Panel appointed under section 20C.

**valuation body** means a professional association or institute of land valuers determined under section 7A(1).

**valuation qualification** means a qualification determined under section 7A(2).

**valuer** means a person who:

- (a) is a member of a valuation body; or
- (b) possesses a valuation qualification.

## (4) Section 4(1)

*omit*

(1)

## (5) Section 4(1)

*omit*

unless the contrary intention appears

## (6) Section 4, at the end

*insert*

*Note for section 4*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

**16 Section 7A inserted**

After section 7, in Part II

*insert*

**7A Valuation bodies and valuation qualifications**

- (1) The Minister may determine a professional association or institute of land valuers to be a valuation body.

- (2) The Minister may determine a professional qualification in land valuation to be a valuation qualification.

**17 Section 20A amended (Objection to decision of Valuer-General)**

- (1) Section 20A(1)

*omit*

Chairman

*insert*

Chairperson

- (2) Section 20A(2)

*omit*

shall

*insert*

must

**18 Section 20C amended (Appointment of Chairman and Deputy Chairman of Panel)**

- (1) Section 20C, heading

*omit (all references)*

**Chairman**

*insert*

**Chairperson**

- (2) Section 20C(1), (2) and (3)

*omit*

shall

*insert*

must

- (3) Section 20C(1) and (3)

*omit (all references)*

Chairman

*insert*

Chairperson

- (4) Section 20C(2)

*omit*

all words after "unless"

*insert*

the person is a member of a valuation body.

## **19 Section 20G amended (Establishment of Board)**

- (1) Section 20G(1)

*omit*

Where

*insert*

If

- (2) Section 20G(1)

*omit*

Chairman

*insert*

Chairperson

- (3) Section 20G(1)

*omit*

shall

*insert*

is to

- (4) Section 20G(2)  
*omit*  
Chairman shall  
*insert*  
Chairperson must
- (5) Section 20G(2)  
*omit*  
himself  
*insert*  
the Chairperson
- (6) Section 20G(3)  
*omit, insert*
- (3) The Chairperson must:
- (a) if the Chairperson is a member of the Board – preside at the sittings of the Board; or
  - (b) if the Chairperson is not a member of the Board – appoint a member of the Board who is a valuer to preside at the sittings of the Board.

## **20 Section 20H amended (Hearing of Board)**

- (1) Section 20H(1) and (2)  
*omit*  
shall  
*insert*  
must
- (2) Section 20H(1)  
*omit*  
Chairman

*insert*

Chairperson

(3) Section 20H(3)

*omit*

shall

(4) Section 20H(3)

*omit*

be deemed

*insert*

are taken

## **Part 6                    Amendment of Water Act 1992**

### **21            Act amended**

This Part amends the *Water Act 1992*.

### **22            Section 22B amended (Water allocation plans)**

(1) Section 22B(1)

*omit*

a water allocation plan in respect of

*insert*

one or more water allocation plans in respect of all or part of

(2) Section 22B(4)

*omit*

with the

*insert*

with any

(3) Section 22B(5)

*omit*

all words from "A" to "district"

*insert*

The water allocation plans for a water control district are to ensure

## **Part 7 Other laws amended**

### **23 Other laws amended**

The Schedule amends the laws mentioned in it.

## **Part 8 Act repealed**

### **24 Repeal of Act**

This Act is repealed on the day after it commences.

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**Schedule      Laws amended**

section 23

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Agents Licencing Act 1979</i></b>		
section 8(3)	whole subsection	(3) The Registrar and Deputy Registrars are subject to the directions, if any, of the Board, except in relation to the exercise of their powers and functions under Part XII.
section 71(1)(a)	section 68(3)	section 68(4)
<b><i>Agricultural and Veterinary Chemicals (Control of Use) Act 2004</i></b>		
section 58(2), definition <b><i>professional ground spraying applicator</i></b> , paragraph (b)	licensee;	licensee.
section 58(2), definition <b><i>professional ground spraying applicator</i></b> , paragraphs (c) and (d)	whole paragraph	
<b><i>Architects Act 1963</i></b>		
section 20B(1)	Notwithstanding The Partnership Act, 1891 of the State of South Australia in its application to the Territory as a law of the Territory,	Despite the <i>Partnership Act 1997</i> ,

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006</i></b>		
section 14(a)	Division 1	Division 1, 1A
<b><i>Charles Darwin University Act 2003</i></b>		
section 3, definition <b><i>student of the University</i></b>	of a	or a
<b><i>Child Protection (Offender Reporting and Registration) Act 2004</i></b>		
section 89(1)	an order of the Family Court	a Family Court order
after section 89(2)		(3) In this section: <b><i>Family Court order</i></b> means an order of the Family Court or the Family Court of Western Australia.
<b><i>Criminal Code</i></b>		
Part VI, Division 3, heading	<b>birth: abortion</b>	<b>birth</b>
Schedule 1	Suicide: Concealment of Birth: Abortion) (Abortion)	suicide: concealment of birth) (Termination of pregnancy)
<b><i>Crown Lands Act 1992</i></b>		
section 79, heading	whole heading	<b>79 Trustees of reserved land</b>
section 79(1), (4) and (11)	Where	If
section 79(1) and (10)	Chairman	Chairperson

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 79(3)	shall become	becomes
section 79(3)(a)	his or her ( <i>all references</i> )	the trustee's
section 79(3)(d)	office by writing under his or her hand addressed	by giving written notice of resignation
section 79(5)	shall be	are constituted as
section 79(6) and (7)	whole subsection	(6) A body corporate constituted under this section has perpetual succession and a common seal and is capable of suing and being sued.  (7) The trustees of reserved land mentioned in subsection (1) must, at the times directed by the Minister, forward the Minister a report on the administration of the trust and on any related matters as specified by the Minister from time to time, and must give the Minister a statement of revenue received and expenditure made during the period specified by the Minister.
section 79(9)(a)	shall	are to

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 79(9)(a) to (m), at the end		and
section 79(10)	shall	must
<b><i>Environment Protection (Beverage Containers and Plastic Bags) Act 2011</i></b>		
section 14(1) and 14(1), fault elements paragraph (b)	an approved	a permitted
<b><i>Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011</i></b>		
regulation 2C	an approved	a permitted
regulation 2FB, heading	<b>approved</b>	<b>permitted</b>
<b><i>Essential Goods and Services Act 1981</i></b>		
section 3	Where	If
section 5(1) and (2)	he	the Administrator
section 5(2)	Where	If
section 5(3)	shall have	has
section 6	shall lay	must table
section 7(1)	Where such action as he him	If the action the Minister the Minister
section 7(2)(a)	such directions as he	the directions the Minister
section 7(2)(d)(i)	shall	must
section 7(2)(d)(v) and (vi)	his	the Minister's

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 8(1)	his <i>(all references)</i> shall not be he	the person's  is not the person
section 8(2)	shall be he	is the person
section 8(3)	shall entitle such his	entitles the the person's
section 10	shall lay	must table
section 11(1)	Notwithstanding shall	Despite is to
section 11(2)	Where his <i>(all references)</i> he	If the person's the person
section 11(3)	shall	is to
section 12(1)	his	the Minister's
section 12(2)	shall be deemed	is taken
section 13(1)	shall	must
section 13(3)	he	the person
section 13(4)	Where his he notwithstanding that	If the person's the person even if
section 16(1)	shall him	must the person

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 16(2)	he ( <i>all references</i> ) shall	the Minister  must
section 16(3)	Notwithstanding shall	Despite is
section 16(3)(a) and (b)	where  be deemed to be	if  taken to have been
<b><i>Evidence (National Uniform Legislation) Act 2011</i></b>		
after section 216, heading		In this Chapter:
<b><i>Firearms Act 1997</i></b>		
section 49T(3)	police officer ( <i>first reference</i> )  police officer possesses	person  other person mentioned in subsection (1) is a police officer who is in possession of
<b><i>Gaming Machine Act 1995</i></b>		
section 38C(2)	unless	if
<b><i>Interpretation Act 1978</i></b>		
section 18A(4), after "exists")		in a provision of an Act
section 63B(2), note, 2	63(a)(ii) or	
<b><i>Lands Acquisition Act 1978</i></b>		
section 34(1)(a)	subsection	section
<b><i>Local Government Act 2019</i></b>		
section 7, definitions <b><i>shire</i></b> and <b><i>Territory region</i></b>	the	a

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 58(3)	The council  a regional or shire	A council for a region or a shire  the
<b><i>Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Act 2022</i></b>		
section 31, proposed section 77(3)	an official	a community
<b><i>Place Names Act 1967</i></b>		
after section 11A(2)(f)		<i>Example for subsection (2)(a)</i>  <i>Altering the location of a road named under this Act if the boundaries of the road change after it is named.</i>
<b><i>Planning Act 1999</i></b>		
section 49(2)	47A	47B
section 64(2) and (6)	Register	land register
Part 9, Division 2A, heading	whole heading	
section 117A(2)	whole subsection	(2) The Minister may, by <i>Gazette</i> notice, declare that the Tribunal has no jurisdiction to review a particular determination of the Minister as the consent authority that would otherwise be reviewable under this Division.

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 130(3)	all words after "development application"	except in accordance with any planning scheme applicable to the development.
section 130(3A)	a provision mentioned in that subsection	any planning scheme applicable to the development

### ***Planning Regulations 2000***

regulation 8A, heading      **a**

### ***Public and Environmental Health Regulations 2014***

regulation 69, definition  
***prescribed code for product approval***,  
after "Systems,"

published by the Department of Health and approved by the Chief Health Officer on 4 November 2020,

regulation 69, definition  
***prescribed code for wastewater management***, after  
"Management,"

published by the Department of Health and approved by the Chief Health Officer on 4 November 2020,

regulation 69, definition  
***prescribed code for water recycling***, after  
"Recycling,"

published by the Department of Health and approved by the Chief Health Officer on 4 November 2020,

### ***Racing and Betting Act 1983***

section 8, heading	<b>appointment, &amp;c.</b>	<b>appointment</b>
section 8(c)	whole paragraph	(c) a licensee, an agent or an operator, as defined in section 3(1) of the <i>Totalisator Licensing and Regulation</i>

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
	<i>Act 2000; or</i>	
<b><i>Real Property (Unit Titles) Act 1975</i></b>		
before section 1		<b>Part I      Preliminary Matters</b>
section 9D	section 21F <i>(all references)</i>	section 21F(1)
section 9D(d)	section 21F(d)	section 21F(1)(d)
<b><i>Summary Offences Act 1923</i></b>		
section 53C, heading	<b>police force</b>	<b>Police Force</b>
section 68A(1)	his	the person's
section 68A(1) and (2)	police force	Police Force
section 68A(3)	shall be paid by him	must be paid
section 75(1)(c)	himself	
section 75(1)(d)(i), (iii) and (iv)	waggon <i>(all references)</i>	wagon
section 75(1)(d)(iv)	his	the person's
section 75(1)(d)(v) and (k)	him his	the person the person's
<b><i>Superannuation Act 1986</i></b>		
section 3(1), definition <b><i>Commissioner</i></b>	he or she is so acting.	the person is acting as the Commissioner.
section 3(1), definition <b><i>employer-financed benefit</i></b>	whole definition	
section 3(1), definition <b><i>permanent employee</i></b> , paragraphs (b) and (c)	his or her	the person's
section 3(2)	Where	If

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b>Supreme Court Act 1979</b>		
section 30	to section 31 and	
<b>Swimming Pool Safety Act 2004</b>		
section 28(6), definition <b>Chief Executive Officer (Housing)</b>	Commission	Chief Executive Officer (Housing)
section 28(6), definition <b>immediate family member</b> , paragraph (b)	stepmother or stepfather	stepparent
section 28(6), definition <b>immediate family member</b> , paragraph (d)	whole paragraph	(d) a sibling (including a half sibling).
section 28(6), definition <b>property settlement</b>	of the Commonwealth	(Cth)
<b>Traffic Act 1987</b>		
section 11(7)	subsections	sections
<b>Unit Titles Act 1975</b>		
section 53, heading, after "of"		<b>corporation or</b>
<b>Warehousemen's Liens Act 1969</b>		
section 8(1)	he	the warehouseman
section 8(2)	shall his intention to sell:	must the warehouseman's intention to sell to the following:
section 8(2)(a)	to	
section 8(2)(b)	to any his	any a

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 8(2)(c)	whole paragraph	(c) any person who holds an interest in the goods that is registered under any other Act and the existence of which is ascertainable by ordinary search of the relevant registers using the information known to the warehouseman;
section 8(2)(d)	to any	any
section 8(3)	shall	must
section 8(3)(d)	shall	
section 8(4)	Where shall	If must
section 8(5) and (7)	shall ( <i>all references</i> )	must
section 8(9)	shall apply	applies
section 8(10)	shall be deemed	is taken
<b><i>Water Regulations 1992</i></b>		
regulation 4(1)(b)	14 days	10 business days
regulation 4(1)(c)	30 days	20 business days
<b><i>Witness Protection (Northern Territory) Act 2002</i></b>		
section 3(1)	, unless the contrary intention appears	
section 3(1), definition <b>witness</b> , paragraph (d)	111	112