

Serial 217
Statute Law Revision Bill 2000
Mr Burke

**A BILL
for
AN ACT**

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



NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2000

No. of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

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

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision Act 2000*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Amendment of *Bail Act*

Section 3 of the *Bail Act* is amended by inserting after paragraph (a) of the definition of "court" in subsection (1) the following:

"(ba) the Local Court;"

4. Amendment of *Community Welfare Act*

Section 43 of the *Community Welfare Act* is amended –

- (a) by omitting from subsection (5) "may include –" and substituting "may include one of the following:"; and
- (b) by omitting from subsection (5)(c) "fit; or" and substituting "fit;"

5. Amendment of *Juries Act*

(1) Section 5 of the *Juries Act* is amended by omitting from subsection (1) the definitions of "ballot box" and "numbered balls".

(2) Section 32 of the *Juries Act* is amended by omitting from subsection (1) all words after "in pursuance of the jury precept".

(3) Section 33 of the *Juries Act* is amended –

- (a) by omitting from subsection (1) "(1) Upon" and substituting "Upon";
- (b) by omitting from subsection (1) all words after "the Sheriff" and substituting "must return into the Court the jury precept and, annexed to it, the panel of jurors relating to the precept."; and
- (c) by omitting subsection (2).

(4) Section 37 of the *Juries Act* is amended –

- (a) by omitting subsection (1) and substituting the following:

"(1) Subject to section 37A, at a criminal trial, the proper officer must –

- (a) select one at a time, in accordance with the written directions of the Chief Justice, persons from the panel of jurors to the trial; and
- (b) call aloud the name and description of the person selected,

until 12 persons appear and remain approved as indifferent.

"(1A) The 12 persons who remain are, upon being duly sworn, to be the jury to try the issues on the trial.";

- (b) by omitting from subsection (2) "If all the numbered balls" and substituting "If the names of persons from the panel of jurors to the trial"; and
- (c) by omitting subsections (4) and (5).

(5) Section 38 of the *Juries Act* is amended by omitting from paragraph (b) all words after "set aside and" and substituting the following:

"try that other issue with –

- (i) the residue of the original jury; and
- (ii) jurors whose names are on the panel of jurors, who have not been selected under section 37A to be one of the panel of jurors to the trial and who appear and are approved as indifferent."

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- (6) Section 39 of the *Juries Act* is amended –
- (a) by omitting subsection (1)(a) and substituting the following:
- "(a) must, in accordance with the written directions of the Chief Justice –
- (i) select, one at a time, persons from the panel of jurors to the trial; and
- (ii) call aloud the name and description of the person selected,
- until, after all challenges for cause are allowed, 12 persons appear and remain approved as indifferent; and";
- (b) by omitting from subsection (1)(b) "shall" and substituting "must";
- (c) by omitting from subsection (2) "If all the numbered balls" and substituting "If the names of persons from the panel of jurors to the trial"; and
- (d) by omitting subsections (7) and (8).

6. Amendment of *Pay-roll Tax Act*

Section 37 of the *Pay-roll Tax Act* is amended by omitting subsection (3) and substituting the following:

"(3) A court that finds a person guilty of an offence against this section may, at the time of making that finding, order the person to comply within the period specified in the order with the requirements of the Commissioner under the provision in respect of which that person was found guilty."

7. Amendment of *Planning Act 1999*

(1) Section 46 of the *Planning Act 1999* is amended by omitting from subsection (4)(a) "subsection (2)" and substituting "subsection (3)".

(2) Section 94 of the *Planning Act 1999* is amended by omitting from subsection (1) "by in writing" and substituting "in writing".

(3) Section 171 of the *Planning Act 1999* is amended by omitting from subsections (1), (2) and (3) "section 98" and substituting "section 99".

8. Revision of other Acts

The Acts specified in Schedule 1 are amended as set out in that Schedule.

9. Revision of Regulations

(1) The Regulations specified in Schedule 2 are amended as set out in that Schedule.

(2) A regulation amended as set out in Schedule 2 may be amended or repealed by a regulation as if the amendment had been made by a regulation.

SCHEDULE 1

Section 8

| Provision | Amendment | |
|--|---|--|
| | Omit | Substitute |
| <i>Administration and Probate Act</i> | | |
| Schedule 4 | | |
| Item 1 of Part 1 | "1. Assents" | "1. Assets" |
| Item 3 of Part 1 | "unappropriated" | "appropriated" |
| <i>Business Names Act</i> | | |
| Section 5(4) | "official receiver" | "Official Receiver within the meaning of the <i>Bankruptcy Act 1966</i> of the Commonwealth" |
| <i>Commercial and Private Agents Licensing Act</i> | | |
| Section 16(1)(e) | "Local Courts Act" | "Local Court Act" |
| Section 30(1) | "Local Courts Act" | "Local Court Act" |
| Section 31(1) | "Local Courts Act" | "Local Court Act" |
| Section 33(1) | "and charges for service or execution payable as provided for by rule 37.01 of the Local Court Rules" | "for service or execution payable under the Local Court Regulations" |

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|---|---|--|
| Section 33(1A) | "section 272 of the <i>Local Courts Act</i> " | "the Local Court Regulations" |
| Section 33A(1) and (2) | "and charges for service or execution payable as provided for by rule 37.01 of the Local Court Rules" | "for service or execution payable under the Local Court Regulations" |
| <i>Commercial Passenger (Road) Transport Act</i> | | |
| Section 77(2) | "section 75(1)(b)" | "section 75(1)(d)" |
| <i>Consumer Affairs and Fair Trading Act</i> | | |
| Section 4(1) | | |
| – definition of "code of practice" | "section 227" | "section 239" |
| – definition of "regulations" | "section 237" | "section 338" |
| <i>Education Act</i> | | |
| Section 71(8) | "group school council" | "group school management council" |
| <i>Financial Institutions Duty Act</i> | | |
| Section 8(3)(a) | "section 14" | "section 13" |
| <i>Justices Act</i> | | |
| Section 83(1) | "(1)" | |
| Section 83(2) | the whole subsection | |
| <i>Meteorites Act</i> | | |
| Section 2 | | |
| – definition of "Board" | "section 5" | "section 9" |

Mining Act

Section 4(1)

"extractive mineral"
means –

- (a) soil; or
- (b) sand, gravel, clay or stone for use in the manufacture of ceramics or in construction, building or road works;"

**Taxation
(Administration) Act**

Section 4(1)

– definition of "bill
facility"

the whole definition

– paragraph (a) of the
definition of "debenture"

"section 97 of the
*Companies (Northern
Territory) Code*, a
document prescribed by
subsection (2) of that
section and complies
with the other
requirements of that
section"

"section 1023 of the
Corporations Law, a
document that complies
with the requirements of
that section"

– paragraph (d) of the
definition of "debenture"

"section 97(7)(b) of the
*Companies (Northern
Territory) Code*"

"section 65(1)(a) of the
Corporations Law"

– definitions of "hirer",
"loan", "loan security",
"mortgage", "owner",
"purchase price" and
"registered owner"

the whole definition

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|---|--|---|
| – definition of "return" | "24, 29N, 42, 48, 64, 69N, 71B(6)" | "29N, 42, 48, 64, 69N" |
| Section 56C(1) | | |
| – paragraph (d)(iii) of the definition of "acquire" | "Part VIII of the <i>Companies (Northern Territory) Code</i> " | "Chapter 5 of the Corporations Law" |
| – definitions of "corporation" and "director" | " <i>Companies (Northern Territory) Code</i> " | "Corporations Law" |
| Sections 56C(2)(a)(i) and (3)(b) | "section 5 of the <i>Companies (Northern Territory) Code</i> " | "section 50 of the Corporations Law" |
| Sections 56C(5)(b) | "section 136 of the <i>Companies (Northern Territory) Code</i> " | "section 708 of the Corporations Law" |
| Section 56N(4)(d) and (5)(a) | "section 7 of the <i>Companies (Northern Territory) Code</i> " | "Division 6 of Part 1.2 of Chapter 1 of the Corporations Law" |
| Section 56T(1)(a) | "Division 6 of Part IV of the <i>Companies (Northern Territory) Code</i> " | "Chapter 5C of the Corporations Law" |
| Section 81(1) | "Division 2 to 13" | "Division 3B to 13A" |
| Section 101(2)(a) | "objection" (first occurring) | "appeal" |

SCHEDULE 2

Section 9

| Provision | Amendment | |
|---|--|--|
| | Omit | Substitute |
| Bail Regulations | | |
| Schedule 1 | | |
| Forms 1 and 3 | "Children's Court/" (twice occurring) | "Juvenile Court/ Local Court/" |
| Form 4 | "Children's Court/" | "Juvenile Court/ Local Court/" |
| Companies Regulations | | |
| Regulation 23 | "The Official Receiver in Bankruptcy" | "an Official Receiver within the meaning of the <i>Bankruptcy Act 1966</i> of the Commonwealth" |
| Commercial Passenger (Miscellaneous) Regulations | | |
| Schedule 1 | | |
| Item 44 | "Reg 12" | "Reg 11" |
| Item 61 | "Reg 23" | "Reg 22" |
| Item 62 | "Reg 24" | "Reg 23" |