

Serial 118
Statute Law Revision Bill (No. 3) 2002
Dr Toyne

**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 (NO. 3) 2002

No. of 2002

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

AN ACT

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

[Assented to 2002]
[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision Act (No. 3) 2002*.

2. Commencement

(1) Section 8 is taken to have come into operation on the day on which, but immediately before, the *Community Welfare Amendment Act 2002* commenced.

(2) Section 9 is taken to have come into operation on the day on which the *Law of Property Act* commenced. (See back note 1)

(3) Section 11 comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

(4) The remaining provisions of this Act come into operation on the day on which the Administrator's assent to this Act is declared.

3. Repeal

The *Commission of Inquiry (Chamberlain Convictions) Act 1986* (Act No. 1 of 1986) is repealed.

4. Repeal

The *Criminal Law (Regulatory Offences) Act 1983* (Act No. 68 of 1983) is repealed.

5. Repeal

The *Racing, Gaming and Liquor Commission Act Repeal Act 1991* (Act No. 17 of 1991) is repealed.

6. Repeal

The *Transfer of Powers (Health) Act 1978* (Act No. 122 of 1978) is repealed.

7. Repeal

The following Acts are repealed:

- (a) *Transfer of Powers (Law) Act 1978* (Act No. 1 of 1980);
- (b) *Transfer of Powers (Law) Act 1979* (Act No. 2 of 1980).

8. Amendments of *Community Welfare Amendment Act 2002*

The Schedule to the *Community Welfare Amendment Act 2002* is amended –

- (a) by omitting from the item in the "omit" column relating to section 97(2) "or the performance of his duties" and substituting "or the performance of his functions"; and
- (b) by omitting from the item in the "substitute" column relating to section 97(4) "his duties" and substituting "his or her duties".

9. Amendment of *Law of Property Act*

Section 190 of the *Law of Property Act* is amended by omitting from subsection (1) "does affect the validity" and substituting "does not affect the validity".

10. Amendment of *Local Court Act*

Section 19 of the *Local Court Act* is amended by inserting in subsection (8) in alphabetical order the following:

" 'order of the Court' means an order made by a magistrate exercising the jurisdiction of the Court;".

11. Amendments of *Prisons (Correctional Services) Act*

- (1) Section 3 of the *Prisons (Correctional Services) Act* is repealed.
- (2) The Schedule to the *Prisons (Correctional Services) Act* is repealed.

12. Amendments of *Unit Titles Act*

Section 109 of the *Unit Titles Act* is amended –

- (a) by omitting "There are" and substituting "(1) There are";
- (b) by omitting "or applications under section 95A";
- (c) by omitting "the regulations" and substituting "the regulations made under the *Registration Act*"; and
- (d) by adding at the end the following:

"(2) A fee payable under subsection (1) is payable to the Registrar-General."

13. Amendment of *Weapons Control Act*

Section 3 of the *Weapons Control Act* is amended by inserting in alphabetical order the following:

" 'night-time' means the interval between 9 o'clock in the evening and 6 o'clock in the morning;".

14. Amendment of Alice Springs (Control of Public Places) By-laws

By-law 55A of the Alice Springs (Control of Public Places) By-laws is amended by omitting from clause (1) the definition of "dealer" and substituting the following:

" 'dealer' has the same meaning as in Part 10 of the *Consumer Affairs and Fair Trading Act*";".

15. Amendments of Darwin City Council By-laws

By-law 103 of the Darwin City Council By-laws is amended –

- (a) by omitting from clause (1)(d) "within the meaning of the *Caravan Parks Act*"; and
- (b) by inserting after clause (1) the following:

"(1A) For the purposes of this by-law, land is taken to be a caravan park or camping area (as the case may be) if –

- (a) the land is used for parking of caravans or the erection of tents for the purpose of providing accommodation to members of the public; and
- (b) the owner or occupier of the land receives payment from another person as consideration for permitting the person to park or live in a caravan or to erect or live in a tent on the land."

16. Amendment of Jabiru Town Development (Aboriginal Camping Areas) By-laws

By-law 2 of the Jabiru Town Development (Aboriginal Camping Areas) By-laws is amended by omitting the definition of "caravan" and substituting the following:

" 'caravan' means a habitable container designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels;"

17. Amendments of Tennant Creek (Control of Public Places) By-laws

By-law 47 of the Tennant Creek (Control of Public Places) By-laws is amended –

- (a) by omitting from clause (1)(d) "within the meaning of the *Caravan Parks Act*"; and
- (b) by inserting after clause (1) the following:

"(1A) For the purposes of this by-law, land is taken to be a caravan park or camping area (as the case may be) if –

- (a) the land is used for parking of caravans or the erection of tents for the purpose of providing accommodation to members of the public; and
- (b) the owner or occupier of the land receives payment from another person as consideration for permitting the person to park or live in a caravan or to erect or live in a tent on the land."

18. Revision of other Acts

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

19. Revision of other Regulations

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

20. Amendment by regulation authorised

A regulation amended by this Act may be amended or repealed by a regulation as if the amendment had been made by a regulation.

21. Amendment by by-law authorised

A by-law amended by this Act may be amended or repealed by a by-law as if the amendment had been made by a by-law.

SCHEDULE 1

Section 18

| Provision | Amendment | |
|---|---|--|
| | omit | substitute |
| <i>Absconding Debtors Act</i> | | |
| Section 11(3) | <i>Prisons Act</i> | <i>Prisons (Correctional Services) Act</i> |
| <i>Consumer Affairs and Fair Trading Act</i> | | |
| Section 60(3) | | |
| – definitions of "consortium" and "prescribed information provider" | <i>Broadcasting and Television Act 1942</i> | <i>Broadcasting Act 1942</i> |
| <i>Darwin Port Corporation Act</i> | | |
| Section 48(1)(zd) | a fine of \$10,000 | 100 penalty units |

Debits Tax Act

Section 18A(4) under that subsection under this section

Disability Services Act

Section 5(1) *Public Service Act* *Public Sector
Employment and
Management Act*

Disasters Act

Section 24(1)(e) Department of Health
and Community
Services Agency primarily
responsible for health,
welfare and community
services

Section 24(1)(f) Department of Transport
and Works Agency primarily
responsible for transport
and infrastructure

***Health Practitioners
and Allied
Professionals
Registration Act***

Section 58(2)(a) Northern Territory
Attorney-General's
Department established
under that Act Agency primarily
responsible for law and
the administration of
justice

Nursing Act

Section 81(1)(a) the whole paragraph

Section 81(1)(b) its its constitution,

Planning Act

Section 3(1)
– definition of
"service authority" Authority established by
the *Power and Water
Authority Act* Corporation established
by the *Power and Water
Corporation Act*

**Taxation
(Administration) Act**

Section 83D(2) 2 months 60 days

SCHEDULE 2

Section 19

| Provision | Amendment | |
|---|--|--|
| | omit | substitute |
| Barranyi (North Island) Local Management Committee Regulations | | |
| Regulation 4(1)(b) | <i>Public Service Act</i> | <i>Public Sector Employment and Management Act</i> |
| Crown Lands Regulations | | |
| Regulation 53(2) | <i>Public Service Act</i> | <i>Public Sector Employment and Management Act</i> |
| Marine (Air-Cushioned Vehicles) Regulations | | |
| Regulation 20 | (1) The | The |
| Motor Vehicle Dealers Regulations | | |
| Regulation 8(4) | the Australian Society of Certified Practising Accountants | CPA Australia |

Schedule 3

– Forms 7 and 8 the Australian Society of CPA Australia
 Certified Practising
 Accountants

**Motor Vehicles (Fees
 and Charges)
 Regulations**

Schedule

– Item 26 24A or 24B 27 or 28

**Motor Vehicle (Hire
 Car) Regulations**

Regulation 51 *Public Service Act* *Public Sector
 Employment and
 Management Act*

**Passenger Bus
 Regulations**

Regulation 14(2)(c) defaced; defaced; or
 Regulation 17(2)(c) bus; bus; and

**Tourist Vehicles
 Regulations**

Regulation 8(a) vehicle; vehicle; and

Traffic Regulations

Regulation 3(1)
 – definition of (c) an ambulance (ca) an ambulance
 "emergency vehicle"

Note

1. The *Law of Property Act 2000* commenced on 1 December 2000.