

Serial 47  
Statute Law Revision Bill 2002  
Dr Toyne

**A BILL  
for  
AN ACT**

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

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NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 2002

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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 2002*.

**2. Amendments of *Local Government Act***

(1) Section 194 of the *Local Government Act* is amended –

- (a) by omitting from subsection (2) all the words after "by-laws may provide" and substituting "that, as an alternative to prosecution, a person who is alleged to have infringed those by-laws may be served with an infringement notice under which the person may pay to the council a specified sum in lieu of the penalty by which an infringement of those by-laws is otherwise punishable"; and
- (b) by omitting from subsection (3)(e) all words after "shall be paid".

(2) Section 208 of the *Local Government Act* is repealed and the following substituted:

**"208. Fines and penalties to be paid to council**

"(1) If a fine or monetary penalty is paid or payable as a result of a prosecution by a council for an offence committed in the council area against this or another Act, or a regulation under this or another Act or the By-laws, the fine or monetary penalty is payable to the Fines Recovery Unit established under the *Fines and Penalties (Recovery) Act* (unless the court otherwise directs) and the Fines Recovery Unit must pay the amount, when received, to the council.

"(2) If an infringement notice is issued by a council as an alternative to prosecution for an offence alleged to have been committed in the council area against this or another Act, or a regulation under this or another Act or the By-laws, the penalty under the infringement notice is an amount payable to the council."

**3. Amendments of *Marine Pollution Act***

(1) Section 26 of the *Marine Pollution Act* is amended by omitting from the definition of "jettisoning" in subsection (1) "leakage;" and substituting "leakage and accidental discharge or loss overboard;"

(2) Section 41 of the *Marine Pollution Act* is amended –

- (a) by omitting from subsection (1) "more than 12 m long" and substituting "12 m or more in length"; and
- (b) by inserting in subsection (1) "the prescribed" before "placards".

**4. Amendment of *Radioactive Ores and Concentrates (Packaging and Transport) Act***

Section 25 of the *Radioactive Ores and Concentrates (Packaging and Transport) Act* is amended by omitting from subsection (1) all the words after "adopt" and substituting "(wholly or in part) a code, rule, specification or regulation that deals with packaging, storing or transporting of radioactive material".

**5. Amendment of Fisheries Regulations**

Regulation 26 of the Fisheries Regulations is amended by omitting subregulation (2)(a)(ii) and substituting the following:

"(ii) is in pursuance of section 303EB of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth taken to be suitable for live import;"

**6. Revision of other Acts**

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

**7. Revision of other Regulations**

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

(2) The Regulations amended as set out in Schedule 2 may be amended or repealed by regulation as if the amendments had been made by regulation.

**8. Revision of Rules of Court**

(1) The Rules of Court specified in Schedule 3 are amended as set out in that Schedule.

(2) A rule amended as set out in Schedule 3 may be amended or repealed by a rule as if the amendment had been made by a rule.

**SCHEDULE 1**

Section 5

Provision	Amendment	
	omit	substitute
<b><i>Agents Licensing Act</i></b>		
Section 17(1A)(b)	Law Society of the Northern Territory	Law Society Northern Territory
Schedule		
– Part 1, clause 1(c)(ii)	Law Society of the Northern Territory	Law Society Northern Territory
<b><i>Business Names Act</i></b>		
Section 4E	Australian Securities Commission	Australian Securities and Investment Commission
<b><i>Co-operatives Act</i></b>		
Section 209(2)(b)	Part 2D.6	Chapter 2D.6
Section 354(3)	Commission	Registrar
Section 447(4)(f)	Australian Securities Commission	Australian Securities and Investment Commission

<b><i>Commercial and Private Agents Licensing Act</i></b>		
Section 12(3)	Corporations Law	Corporations Act 2001
<b><i>Consumer Affairs and Fair Trading Act</i></b>		
Sections 60(1)(a)(vi)(B) and (3), 96(6)(b), 126(4)(b), 136(3), 137(3) and 193(3) and (5)	<i>Companies (Northern Territory) Code</i> (all references)	Corporations Act 2001
<b><i>Law of Property Act</i></b>		
Section 4 – definition of "Law Society"	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
<b><i>Licensed Surveyors Act</i></b>		
Section 48(4)	(within the meaning of the Corporations Law)	
<b><i>Mental Health and Related Services Act</i></b>		
Section 23(3)	cannot to be appointed	cannot be appointed
<b><i>Petroleum Act</i></b>		
Section 89S(2)	and not in derogation of provisions of the Corporations Law	the provisions of the Corporations Act 2001
<b><i>Prisons (Correctional Services) Act</i></b>		
Section 51(3)	Law Society of the Northern Territory disclosures	Law Society Northern Territory discloses



**Special Purposes Leases Act**

Section 26(2)	Commonwealth	Territory
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**Totalisator Licensing and Regulation Act**

Section 70(3)	all the words after "maximum"	number of penalty units for a fine that may be imposed under subsection (2)(d)
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Section 76	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
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**SCHEDULE 2**

Section 7

Provision	Amendment	
	omit	substitute
<b>Agents Licensing Regulations</b>		
Schedule 4 – Part 2, clause 4(b)	Law Society of the Northern Territory	Law Society Northern Territory
<b>Co-operatives Regulations</b>		
Schedule 9 – Item 3 (Commonwealth)	Australian Securities Commission under the <i>Australian Securities Commission Act 1989</i>	Australian Securities and Investment Commission under the <i>Australian Securities and Investment Commission Act 2001</i>

<b>Consumer Affairs and Fair Trading (Travel Agents) Regulations</b>		
Regulation 8(g)(iii)	Australian Securities Commission	ASIC
<b>Gaming Machine Regulations</b>		
Schedule 5		
– Item 4	section 40(2)(a)	section 40A(1)(a)
<b>Legal Practitioners Regulations</b>		
Regulation 2B	Northern Territory Attorney-General's Department	Solicitor for the Northern Territory
<b>Motor Vehicles (Fees and Charges) Regulations</b>		
Schedule		
– Item 14(d) and (e)	a laden mass	an unladen mass
<b>Totalisator Licensing and Regulation (Arbitration) Regulations</b>		
Regulation 2		
– definition of "President of the Law Society"	Law Society of the Northern Territory constituted under section 7 of the <i>Legal Practitioners Act</i>	Law Society Northern Territory as constituted by section 7 of the <i>Legal Practitioners Act</i>
Regulation 4	the amount that from time to time is equal to 50 penalty units within the meaning of the <i>Penalties Act</i>	50 penalty units

SCHEDULE 3

Section 8

Provision	Amendment	
	omit	substitute
<b>Local Court Rules</b>		
Rule 1.09		
- definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory
- definition of "legal practitioner"		
paragraph (c)	Commonwealth; or	Commonwealth;
paragraph (d)	the whole paragraph	(d) the Commonwealth Director of Public Prosecutions; or (e) an AGS lawyer within the meaning of section 55I of the <i>Judiciary Act 1903</i> of the Commonwealth;
Forms 7A, 7B and 7C	Law Society of the Northern Territory	Law Society Northern Territory
<b>Small Claims Rules</b>		
Rule 1.06		
- definition of "document exchange"	Law Society of the Northern Territory	Law Society Northern Territory
- definition of "legal practitioner"		
paragraph (c)	Commonwealth; or	Commonwealth;
paragraph (d)	the whole paragraph	(d) the Commonwealth Director of Public Prosecutions; or (e) an AGS lawyer within the meaning of section 55I of the <i>Judiciary Act 1903</i> of the Commonwealth;

**Work Health Court  
Rules**

Rule 1.08(1)

– definition of  
"document exchange"

Law Society of the  
Northern Territory

Law Society Northern  
Territory

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