

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION BILL 1994

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

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

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 1994*.

2. AMENDMENT OF *CLASSIFICATION OF PUBLICATIONS AND FILMS ACT*

(1) The *Classification of Publications and Films Act* is in this section referred to as the Principal Act.

(2) Section 24C of the Principal Act is amended -

- (a) by omitting from subsection (1) "approve the classification of" and substituting "classify";
- (b) by omitting from subsection (2) "approve the classification of" and substituting "classify";
- (c) by omitting from subsection (3) "approve the classification of" and substituting "classify";
- (d) by omitting from subsection (4) "approve the classification of" and substituting "classify";
- (e) by omitting from subsection (5) "approve the classification of" and substituting "classify";
- (f) by omitting from subsection (6) "approve the classification of" and substituting "classify";

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- (g) by omitting from subsection (6) (a) "'MA(15+)', 'R(18+)' or 'X(18+)' " and substituting "or 'MA(15+)';";
 - (h) by omitting from subsection 6(b) "'MA(15+)', 'R(18+)' or 'X(18+)' computer game;" and substituting 'MA(15+) computer game; or";
 - (j) by omitting from subsection (6) (c) "'R(18+)' or 'X(18+)' computer game; or" and substituting "computer game.";
 - (k) by omitting subsection (6) (d); and
 - (m) by omitting from subsection (7) "approve the classification of" and substituting "classify".
- (3) Section 24D(1) of the Principal Act is amended -
- (a) by omitting from paragraph (a) "a game of";
 - (b) by omitting from paragraph (b) -
 - (i) "a computer game" and substituting "a computer game or a class of computer game";
 - (ii) "a game the publishing" and substituting "a game or a class of game the publishing"; and
 - (iii) "the game." and substituting "the game or the class of game."
- (4) Section 25(1) of the Principal Act is amended by omitting "films" and substituting "films and computer games".
- (5) Section 35(3) (b) of the Principal Act is amended by omitting "published" and substituting "offensive".
- (6) Section 56AA of the Principal Act is amended by omitting subsection (1) and substituting the following:
- "(1) For the purposes of a prosecution under this Act, a certificate issued by the Censor stating that a video or computer game known by a particular name -
 - (a) has been classified;
 - (b) has been refused classification; or
 - (c) has not been classified,

shall, in the absence of evidence to the contrary, respectively be evidence that the video or computer game has been classified (and given the classification so named), has been refused classification or has not been classified."

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(7) The Principal Act is amended -

(a) by omitting from Part VI "Division 2 - Miscellaneous"; and

(b) by inserting after section 60G the following:

"Division 2 - Miscellaneous".

3. AMENDMENT OF *COMMERCIAL AND PRIVATE AGENTS LICENSING ACT*

Section 4(1) of the *Commercial and Private Agents Licensing Act* is amended -

(a) by omitting from paragraph (h) "employment; or" and substituting "employment;";

(b) by omitting from paragraph (i) "employment." and substituting "employment; or"; and

(c) by adding at the end the following:

"(j) a person authorised by the Power and Water Authority, established by the *Power and Water Authority Act*, to request and receive payment of money due and owing to it by members of an Aboriginal community or group while acting in the ordinary course of requesting and receiving those payments."

4. AMENDMENT OF *COMMERCIAL PASSENGER (ROAD) TRANSPORT ACT*

(1) Section 3 of the *Commercial Passenger (Road) Transport Act* is amended by inserting after the definition of "taxi" the following:

"'this Act' includes regulations made under this Act;".

(2) Section 63(1) of the *Commercial Passenger (Road) Transport Act* is amended by omitting "special passenger licence" and substituting "special passenger vehicle licence".

5. AMENDMENT OF *CONSUMER AFFAIRS AND FAIR TRADING ACT*

(1) Section 165 of the *Consumer Affairs and Fair Trading Act* is amended -

(a) by omitting "ROADWORTHINESS ON SALE OF UNREGISTERED VEHICLE" and substituting "ROADWORTHINESS ON SALE OF VEHICLE"; and

- (b) by omitting from subsection (1) "vehicle, if not registered in the Territory," and substituting "vehicle".

(2) Section 184(1) of the *Consumer Affairs and Fair Trading Act* is amended by omitting "purchase them" and substituting "purchase them which is, for the greater part, comprised of letting or hiring out motor vehicles for periods not exceeding 4 months or for periods as prescribed".

6. AMENDMENT OF *CRIMINAL CODE AMENDMENT ACT (NO. 2) 1994*

(1) Section 3 of the *Criminal Code Amendment Act (No. 2) 1994* is amended -

- (a) by omitting "189." and substituting "189A."; and
- (b) by omitting "suffers grievous bodily harm" and substituting "suffers grievous harm".

(2) The amendments effected by this section shall be deemed to have come into operation on the commencement of the *Police Administration Amendment Act 1994*.

7. AMENDMENT OF *DISASTERS ACT*

Section 17 of the *Disasters Act* is amended by omitting paragraph (b) and substituting the following:

- "(aa) the Commissioner of Police (appointed under the *Police Administration Act*), who for the purposes of, and notwithstanding anything in, the *Public Sector Employment and Management Act* shall be the Chief Executive Officer of the Northern Territory Emergency Service;
- (b) other persons appointed and employed under the *Public Sector Employment and Management Act* in positions established for that purpose; and".

8. AMENDMENT OF *FIRE SERVICE ACT*

Section 76 of the *Fire Service Act* is amended by inserting after subsection (5) the following:

"(6) A cost or an expense due and payable under this section in relation to land or a building on the land is a statutory charge, within the meaning of the *Real Property Act*, on the land."

9. AMENDMENT OF *INTERPRETATION ACT*

Section 17 of the *Interpretation Act* is amended -

- (a) by omitting the definition of "Justice" and substituting the following:

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"'Justice' means a justice of the peace within the meaning of the *Justices of the Peace Act*"; and

- (b) by omitting the definition of "Justice of the Peace" and substituting the following:

"'justice of the peace" means a justice of the peace within the meaning of the *Justices of the Peace Act*;"

10. AMENDMENT OF *JUSTICES AMENDMENT ACT 1994*

(1) Section 3 of the *Justices Amendment Act 1994* is amended by omitting "or 189(1) or (2) (a)" and substituting "or 189A(1) or (2) (a)".

(2) The amendment effected by this section shall be deemed to have come into operation on the commencement of the *Police Administration Amendment Act 1994*.

11. AMENDMENT OF *PASTORAL LAND ACT*

(1) Section 95 of the *Pastoral Land Act* is amended -

- (a) by omitting "A member" and substituting "(1) A member"; and

(b) by adding at the end the following:

"(2) The Chairman or Deputy Chairman of the Tribunal may, in writing delivered to the Minister, resign his or her office."

(2) Section 106(1C) of the *Pastoral Land Act* is amended by omitting "unable to perform his or her functions under this Part" and substituting "the Chairman is unable to perform his or her functions under this Part or there is a vacancy in the office of Chairman".

12. AMENDMENT OF *PLANNING ACT*

(1) Section 3 of the *Planning Act* is amended by adding at the end the following:

"(4) Where a provision of this Act empowers the Minister, by notice in the *Gazette*, to make an instrument of a legislative or administrative character, it is sufficient compliance with the provision if -

- (a) the Minister signs the instrument; and
(b) a notice of the making of the instrument and of the place where copies of the instrument are available is published in the *Gazette*,

and the instrument takes effect from the date of notification in the *Gazette* or, where a later date is provided for in the instrument, from that later date."

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(2) Section 146 of the *Planning Act* is amended by omitting subsection (3).

(3) Section 150(4) of the *Planning Act* is amended by omitting "the *Principal Act*" and substituting "this Act".

13. AMENDMENT OF *PROSTITUTION REGULATION ACT*

The *Prostitution Regulation Act* is amended by inserting after section 47 the following:

"47A. MINISTER MAY APPEAR AND BE HEARD

"Notwithstanding sections 38 and 40, the Minister may -

- (a) appear and be heard in a matter before the Board;
- (b) appear and be heard in a matter before the Tribunal; or
- (c) be a party to an appeal to the Supreme Court."

14. AMENDMENT OF *SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) AMENDMENT ACT 1994*

(1) Section 4(a) of the *Sexual Offences (Evidence and Procedure) Amendment Act 1994* is amended by omitting from the definition of "sexual offence" the words "192 or" and substituting "192, 192B or".

(2) The amendment effected by this section shall be deemed to have come into operation on the commencement of the *Evidence Amendment Act (No. 2) 1994*.

15. AMENDMENT OF *STOCK DISEASES AMENDMENT ACT 1994*

(1) The *Stock Diseases Amendment Act 1994* is in this section referred to as the *Principal Act*.

(2) Section 3 of the *Principal Act* is repealed and the following substituted:

"3. DEFINITIONS

"Section 5 of the *Stock Diseases Act* is amended -

- (a) by omitting the definition of 'fittings' and substituting the following:

'"equipment" means any object that is used, or has been used, in stock husbandry or which has, or is likely to have, come into contact with stock;'; and

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- (b) by inserting in the definition of 'stock', after the word 'poultry', the words 'buffalo, deer, rabbits, bees, '."
- (3) Section 4 of the Principal Act is amended -
 - (a) by omitting from paragraph (f) "or class;"; and" and substituting "or class.'."; and
 - (b) by omitting "(g)" and substituting "(b)".
- (4) Section 7 of the Principal Act is amended by omitting "34." and substituting "34B."
- (5) The Schedule to the Principal Act is amended by adding, at the end, the following:

"Section 47(1) 'fittings' 'equipment'".

(6) The amendments effected by this section shall be deemed to have come into operation on the commencement of the Principal Act.

16. REVISION OF OTHER ACTS

The provisions of the Acts specified in the Schedule are amended as provided for in the Schedule.

SCHEDULE
AMENDMENTS OF ACTS

Section 16

Provision	Amendment	
	omit	substitute
<i>Agents Licensing Act</i>		
Section 7(6)	"vacant"	"vacant or will become vacant"
<i>Bail Act</i>		
Section 24(1) (d)	"Division 8 of Part IV of the <i>Justices Act</i> "	" <i>Domestic Violence Act</i> "
<i>Building Act</i>		
Section 163(2)	"justice"	"Justice"

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Section 163(3)	"120(3) to (6)" "subregulation"	"120B(4) to (8)" "subsection"
<i>Business Franchise Act</i>		
Section 36B (second occurring)	"36B."	"36BA."
<i>Classification of Publications and Films Amendment Act 1994</i>		
Schedule	"Sections 30, 32, 34A, 34C, 34CD, 49, 56B and 56C"	"Sections 30, 32, 34A, 34C, 34D, 49, 56B and 56C"
<i>Coroners Act</i>		
Section 42(3)	"subsection (1)"	"subsection (2)"
<i>Crown Lands Act</i>		
Section 108(1)	"permits"	"leases, permits"
<i>Electrical Workers and Contractors Act</i>		
Section 4 - definition of "employee"	"has the same meaning as in the <i>Electricity Act</i> "	"means an employee within the meaning of the <i>Public Sector Employment and Management Act</i> "
Sections 17(2), 17A(1), 17A(2), 17C(c) and 17C(e)	"the Authority"	"the Minister"
<i>Fire Service Act</i>		
Section 4 - definition of "Director"	"section 6"	"section 8"
<i>Firearms Act</i>		
Sections 3(1) - definitions of "community government area" and "community government council"	the whole definition	
Section 3(2)	"or ammunition"	

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Section 10(4)	"shooter's licence or collector's"	
Section 10(5)	"A company"	"A person"
Section 34(1)	"possess"	"only possess"
Section 63(2)	"The Minister"	"The Minister primarily responsible for the administration of the <i>Crown Lands Act</i> "

*Jurisdiction of
Courts (Cross-
vesting) Act*

Section 3 - definition of "State"	"the Northern Territory"	"the Australian Capital Territory, the Northern Territory"
- definition of "Territory"	"the Northern Territory"	"the Australian Capital Territory or the Northern Territory"

Mining Act

Section 6	" <i>Public Service Act</i> "	" <i>Public Sector Employment and Management Act</i> "
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*Motor Accident
(Compensation) Act*

Section 10(b)	" <i>Commonwealth Employees' Rehabil- itation and Compen- sation Act 1988</i> "	" <i>Safety Rehabilitation and Compensation Act 1988</i> "
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Motor Vehicle Act

Section 35(5)	"section 107"	"section 33 or 34 of the <i>Traffic Act</i> "
Section 105	the whole section	

*Museum and Art
Galleries
Amendment Act 1994*

Section 6	"section 3"	"section 4"
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*Parole of Prisoners
Act*

Section 5(9A) "the constable named "a constable"
in the warrant"

*Power and Water
Authority
Amendment Act 1994*

Schedule "section 11(2)" "section 11(3)"

*Racing and
Betting Act*

Section 18(2)(d) "lotteries, soccer
football pools,"

*Racing and Betting
Amendment Act 1993*

Section 9 "15" "16"

*Stamp Duty Amendment
Act 1991*

Section 5(m) "5%" "5%
(twice occurring)"

*Territory Insurance
Office Act*

Section 12(3) "member" "members"

Section 20(1) "Public Service
Act" "Public Sector
Employment and
Management Act"

Section 20(2) "a prescribed
authority within
the meaning of the
Public Service Act" "an Agency"

*Trade Measurement
Act*

Section 6(3) the whole subsection

Traffic Act

Section 11(3)(c) "specify the
sections, if any,
of the Act" "specify the
provisions, if any,
of this Act"

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*Traffic Amendment
Act 1994*

Section 4

- section 20A(1) (b) "other than section 19(3) (a) (i) " "other than one to which section 19(3) (a) (i) applies"

Section 6

- section 39(1) (e) "against section 19(3) (a) (ii) or (b) " "against section 19(2) to which section 19(3) (a) (ii) or (b) applies"

- section 39(1) (f) "section 19(1) or (3) " "section 19(1) or (2) "

*Totalization
Administration and
Betting Act*

Section 4

- definitions of "Chairman", "deputy", "lottery" and "member" the whole definition

- definition of "lawful lottery" "Lotteries and Gaming Act" "Gaming Control Act"

Trustee Act

Sections 45, 46, 65, 71, 77 and 79 the whole section

*Trustee Amendment
Act (No. 2) 1994*

Section 5 "50A" "50AA"

Unit Titles Act

Section 26G "unconditional approval under section 112" "unconditional consent under section 52"

Sections 26Q(3) (c) and 26W(2) (b) "an development" "a development"

Water Act

Section 8(1) and (2) "or municipal council"

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Work Health Act

Section 85(4)

"date of"

"date the"