

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION BILL 1992

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SCHEDULE

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to revise and correct the law 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 1992*.

2. AMENDMENT OF *CLASSIFICATION OF PUBLICATIONS AMENDMENT ACT 1991*

(1) Section 38 of the *Classification of Publications Amendment Act 1991* is amended by omitting "Part II of the Principal Act by section 21(2)" and substituting "Part III of the Principal Act by section 23".

(2) The amendment made by subsection (1) shall come into operation or be deemed to have come into operation, as the case may be, on the commencement of the *Classification of Publications Amendment Act 1991*.

3. AMENDMENT OF *JUSTICES ACT*

Section 130 of the *Justices Act* is amended by adding at the end the following:

"(2) An amount payable pursuant to an order under subsection (1) shall, unless the Court otherwise orders, be paid to the Clerk on behalf of the person in whose favour the order was made.".

4. REPEAL OF *NATIVE AND HISTORICAL OBJECTS AND AREAS PRESERVATION ORDINANCE 1976*

The *Native and Historical Objects and Areas Preservation Ordinance 1976* (No. 38, 1976) is repealed.

5. AMENDMENTS OF PASTORAL LAND ACT

Section 93 of the *Pastoral Land Act* is amended -

- (a) by omitting from subsection (2) "Subject to section 113(3)" and substituting "Subject to subsection (8) and to section 113(3)"; and
- (b) by adding at the end the following:

"(8) The Tribunal may, in the Chairman's discretion, be constituted by the Chairman alone for the purposes of the Tribunal -

- (a) giving directions in any matter within its jurisdiction (including general practice directions and directions in relation to a particular matter); or
- (b) performing its functions or exercising its powers under section 106(4), (5) or (6)."

6. AMENDMENTS OF SHERIFF ACT

The *Sheriff Act* is amended -

- (a) by inserting in section 4, before the definition of "officer of the sheriff", the following:

"'Court' means the Supreme Court or the Court of Criminal Appeal;"; and

- (b) by omitting from section 7(1)(b) "to his custody by the Court" and substituting "to the custody of the Court or the Sheriff".

7. AMENDMENT OF SMALL CLAIMS ACT

(1) The *Small Claims Act* is amended by inserting after section 19 the following:

"20. RE-HEARING

"(1) Subject to and in accordance with the Rules, a person may apply to the Court for an order that a final order made by the Court be set aside and that the proceeding be re-heard.

"(2) The Rules may prescribe the procedures and jurisdiction of the Court in relation to a re-hearing referred to in subsection (1)."

(2) Section 50(1) of the *Small Claims Act* is amended by omitting "of the Court" and substituting "of the Court and, without limiting the generality of this subsection, which could be made, in respect of the Local Court, under section 21 of the *Local Court Act*".

8. REPEAL OF ELECTRICITY (FEES AND CHARGES) REGULATIONS

The Electricity (Fees and Charges) Regulations are repealed.

9. REPEAL OF LOCAL GOVERNMENT (REPEAL) REGULATIONS

The Local Government (Repeal) Regulations (Regulations 1961, No. 10) are repealed.

10. REPEAL OF INSTRUMENTS REGULATIONS

The Instruments Regulations are repealed.

11. AMENDMENTS OF JUSTICES REGULATIONS

(1) Regulation 4 of the Justices Regulations is repealed.

(2) Regulations 1991, No. 73 are repealed.

(3) The Justices Regulations are amended by inserting after regulation 13 the following:

"14. LIMIT ON AMOUNT ORDERED FOR COSTS

"(1) Subject to subregulation (2), for the purposes of section 77C of the Act, the amount that the Court may order for costs shall not exceed -

(a) for the first day of a hearing, including preparation of the case for the hearing and counsel fee - \$710;

(b) for the second or a subsequent day of the hearing - \$470.

"(2) The Court shall have regard to the complexity of a matter before it at the time of the hearing, and may order costs exceeding an amount referred to in subregulation (1) if, in its opinion -

(a) the circumstances of the case; or

(b) the legal issues involved in the case,

are of an exceptional nature.

"(3) The Court shall not, in making an order for costs under this regulation, make an allowance for a second counsel or solicitor attending at the hearing."

(4) The regulation inserted by subsection (3) may be repealed or amended as if it were inserted by an amending regulation.

12. FURTHER AMENDMENTS

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

SCHEDULE

Section 12

AMENDMENTS OF ACTS

Provision	Amendment	
	omit	substitute
<i>Education Act</i>		
Sections 10C(2) (c)(v) and 11(3)(a)(i)	"Northern Territory Teachers Federation"	"Australian Teachers Union (Northern Territory Branch)"
Section 41(1)(a)	subparagraph (iii)	"(iii) the Northern Territory Rural College (previously known as the Katherine Rural College); and"
<i>Juries Act</i>		
Schedule 7	"Department of Law"	"Department of Law, the Office of Courts Administration or the Legal Aid Commission"
<i>Juvenile Justice Act</i>		
Section 65(2)(b)	"detention centre"	"detention centre, a member of the Police Force, the sheriff within the meaning of the <i>Sheriff Act</i> "
<i>Legislative Assembly Members' Superannuation Act</i>		
Section 28	subsection (2)	

Statute Law Revision

Petroleum Act

Section 96A(1) - definition of "prescribed interest"	"section 5(1) of the Code"	"Division 5 of Part 7.12 of the Corporations Law"
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*Powers of
Attorney Act*

Section 22(2)	paragraph (b)
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*Prisons
(Correctional
Services) Act*

Section 11(c)	"member of the Police Force"	"member of the Police Force or the sheriff within the meaning of the <i>Sheriff Act</i> "
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*Teaching Service
Act*

Sections 29(2)(b), 41(2)(c) and 50(2)(b)	"Northern Territory Teachers Federation"	"Australian Teachers Union (Northern Territory Branch)"
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*Territory Parks
and Wildlife
Conservation Act*

Section 24(1)	"any kind of weapon that discharges a projectile or any kind of trap" (second occurring)
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