

Serial 101
Statute Law
(Miscellaneous
Amendments)
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL 1991

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to revise and amend the law of the Territory
in certain 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 (Miscellaneous Amendments) Act 1991*.

2. AMENDMENTS TO BRANDS ACT

(1) Section 42A(1) of the *Brands Act* is amended by omitting paragraph (a).

(2) Section 42AA of the *Brands Act* is amended -

(a) by omitting from subsection (1) all words after "a registered Brand" and substituting "except such animals that are included in travelling stock with the permission in writing of the Registrar";

(b) by inserting after subsection (1) the following:

"(1A) A person may apply to the Registrar for permission referred to in subsection (1) and shall include in the application details of the number, sex and kind of animals in respect of which the application is made.

"(1B) The Registrar may, in his absolute discretion, permit or refuse to permit all or any of the animals the subject of the application to be included in travelling stock for the purposes of the application of this section."; and

(c) by omitting from subsection (4) the definition of "authorized person".

3. AMENDMENTS TO COMMERCIAL ARBITRATION ACT

(1) Section 11 of the *Commercial Arbitration Act* is amended -

(a) by omitting from paragraph (b) "order that" and substituting "subject to subsection (2), order that"; and

(b) by adding at the end the following:

"(2) Subsection (1)(b) does not apply unless all the parties to the arbitration agreement were domiciled or ordinarily resident in Australia at the time the arbitration agreement was entered into.

"(3) Subsection (2) does not apply to an arbitration agreement that is treated as an arbitration agreement for the purposes of this Act by virtue only of the operation of section 3(4)(a).".

(2) Section 40 of the *Commercial Arbitration Act* is amended -

(a) by inserting in subsection (6), after "an arbitration agreement" the words "which is a domestic arbitration agreement"; and

(b) by adding at the end the following:

"(7) In this section 'domestic arbitration agreement' means an arbitration agreement which does not provide, expressly or by implication, for arbitration in a country other than Australia and to which neither -

(a) an individual who is a national of, or habitually resident in, a country other than Australia; nor

(b) a body corporate which is incorporated in, or whose central management and control is exercised in, a country other than Australia,

is a party at the time the arbitration agreement is entered into.".

4. REPEAL OF CROWN LANDS (KATHERINE RACE-COURSE AND RECREATION RESERVE) BY-LAWS

The Crown Lands (Katherine Race-Course and Recreation Reserve) By-laws (Regulations 1975, No. 19) are repealed.

5. REPEAL OF EARLY CLOSING ACT

The following Ordinances are repealed:

Early Closing Ordinance 1912 (No. 9, 1912)
Early Closing Ordinance 1921 (No. 1, 1921)
Early Closing Ordinance 1925 (No. 1, 1925)
Early Closing Ordinance 1932 (No. 4, 1932).

6. REPEAL OF MARINE STORES ACT IN ITS APPLICATION TO TERRITORY

The Marine Stores Act, 1898-9 (No. 716 of 1898) and The Marine Stores Act Amendment Act, 1899 (No. 719 of 1899) of the State of South Australia, in their application to the Territory as laws of the Territory, are repealed.

7. REPEAL OF REPEAL OF PAROLE OF PRISONERS (FEES AND ALLOWANCES) REGULATIONS

Regulations 1980, No. 7 are repealed.

8. AMENDMENT TO SPECIAL PURPOSES LEASES ACT

(1) Section 10A of the *Special Purposes Leases Act* is amended by omitting subsection (2) and substituting the following:

"(2) Subject to this Act (other than subsection (1)), the rent payable in respect of the land comprised in a lease is -

- (a) in the case of a lease granted before the commencement of the *Special Purposes Leases Ordinance 1965*, subject to reappraisal in accordance with the lease instrument; and
- (b) in any other case, from and after the taking of effect of the first reappraisal of the unimproved capital value of the land in accordance with section 11A, such amount (not exceeding 5% per annum of the unimproved capital value of the land as reappraised from time to time in accordance with that section) as the Minister from time to time determines."

(2) Section 11A of the *Special Purposes Leases Act* is amended by omitting subsection (7).

9. REPEAL OF STOCK FOODS ACT

The *Stock Foods Act 1981*, being Act No. 92 of 1981, is repealed.

10. AMENDMENT TO SUPREME COURT (JUDGES PENSIONS) ACT

(1) Section 3(1) of the *Supreme Court (Judges Pensions) Act* is amended by omitting the definition of "eligible child" and substituting the following:

"'eligible child' means -

(a) a child who has not attained the age of 16 years; or

(b) a child who -

(i) has attained the age of 16 years but has not attained the age of 25 years; and

(ii) is receiving full-time education at a school, college or university;"

(2) The amendment made by subsection (1) shall be deemed to have come into operation on the commencement of the *Supreme Court (Judges Pensions) Act 1980*.

11. REPEAL OF TERRITORY MOTOR VEHICLES (LIABILITY) ORDINANCE

The *Territory Motor Vehicles (Liability) Ordinance 1978*, being Ordinance No. 43 of 1978, is repealed.

12. AMENDMENTS TO WATER SUPPLY AND SEWERAGE REGULATIONS

(1) Regulation 3A of the *Water Supply and Sewerage Regulations* is amended -

(a) by omitting subregulation (1); and

(b) by inserting after subregulation (2) the following:

"(2A) Where before the expiration of the period for which a charge was fixed under subregulation (2) ('the expired period') the Minister had not, under that subregulation, fixed in respect of a period next following the expired period a charge for sewerage services to land to which they are made available, he shall, for the purposes of this regulation and regulation 3B(2), be deemed to have fixed a period of the same duration as the expired period commencing on that expiration, and to have fixed the same charges as those fixed in respect of the expired period, as the period and charges under subregulation (2)."

(2) Regulation 3B of the *Water Supply and Sewerage Regulations* is amended by omitting subregulation (1).

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(3) All amounts paid for sewerage services made available to land in respect of the financial year commencing on 1 July 1990 shall be taken to have been as validly charged and paid as if the amendments made by subregulations (1) and (2) had come into operation before the commencement of that financial year.

(4) Regulations 3A and 3B of the Water Supply and Sewerage Regulations may be repealed or further amended by regulations as if the amendments made by this section were duly made by regulations.

13. REVISION OF ACTS

The provision of the Acts specified in Schedule 1 are amended as provided for in that Schedule.

14. REVISION OF REGULATIONS

(1) The provisions of the Regulations specified in Schedule 2 are amended as provided for in that Schedule.

(2) A provision amended as provided for in Schedule 2 may be repealed or further amended by regulations as if the amendments made by this Act were duly made by regulations.

SCHEDULE 1

Section 13

AMENDMENTS TO ACTS

Provision	Amendment	
	omit	substitute
<i>Administration and Probate Act</i>		
Section 3	the whole section	
Section 6		
Definitions of "Acting Deputy Registrar", "Acting Registrar" and "Deputy Registrar"	the definitions	

Provision	Amendment	
	omit	substitute
Definitions of "representation" and "the Registrar"	the definitions	"'Registrar' means the Registrar of the Supreme Court performing the functions of the Registrar of Probates; 'representation' means the probate of a will and administration;"
Sections 8, 9 and 10	the whole sections	
Section 101(2)	"not more than 15 kilometres from the registry where the application for the sealing was filed,"	"in the Territory"
Schedules 1 and 2	the whole Schedules	
<i>Control of Roads Act</i>		
Section 29(2)	"certificate as to title land"	"certificate as to title"
<i>Co-operative Trading Societies (Loans Guarantee) Act</i>		
Section 14	"Commonwealth"	"Territory"
<i>Debits Tax Act</i>		
Section 6(1)(b)	"exempt amount"	"exempt account"
<i>Food Act</i>		
Section 56(3)(aa)	"National Health and Medical Research Council"	"National Health and Medical Research Council, or the National Food Authority established by the <i>National Food Authority Act 1991</i> of the Commonwealth,"

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Provision	Amendment	
	omit	substitute
<i>Police Administration Act</i>		
Section 86(2)	"section 88(c), (d), (e) or (f)"	"section 88(ba), (c), (d), (e) or (f)"
<i>Real Property (Unit Titles) Act</i>		
Section 17	"certificate of title, and the duplicate copy of the certificate of title,"	"folio of the Register and the certificate as to title"
Section 18	"certificate of title, and the duplicate copy of the certificate of title,"	"folio of the Register and the certificate as to title"
<i>Tenancy Act</i>		
Section 51(2)(a)	"to the dwelling-house;"	"to the dwelling-house or is likely, intentionally or recklessly to cause, or is likely to permit, such damage;"

SCHEDULE 2

Section 14

AMENDMENTS TO REGULATIONS

Provision	Amendment	
	omit	substitute
Food Standards Regulations		
Regulation 3	"National Health and Medical Research Council"	"National Health and Medical Research Council, or the National Food Authority established by the <i>National Food Authority Act 1991</i> of the Commonwealth,"
Real Property (Unit Titles) Regulations		
Schedule 1		
Form 1 -		
Item 6 in the SCHEDULE OF NOTES	"relevant"	"relevant certificate as to title"
Form 3 -		
Item 7 in the SCHEDULE OF NOTES	"The"	"The certificate as to title"
Form 15	"notified in this"	"notified in this certificate as to title"