

IN YOUR PARLIAMENT – NT LEGISLATIVE ASSEMBLY AUGUST 2009

A Summary of Legislation and Ministerial Statements and Reports

The following information provides summaries of the legislation dealt with by the Northern Territory Parliament. It is not intended to be a comprehensive or definitive description of each Bill, nor should it be relied upon as such. Please refer to the legislation itself for full details. Information on how to locate or obtain the full text of Acts and Bills is provided below.

Summary Information on Bills Passed in the August 2009 Sitings

Plumbers and Drainers Licensing Amendment Bill 2009 (Serial 39)

This Bill amends the *Plumbers and Drainers Licensing Act* to place beyond doubt the application of the *Act* since 1 January 2001 when the *Water Supply and Sewerage Act* was repealed, and to validate the performance of functions and the exercise of powers under the *Act* since that time.

The Bill also makes amendments to reflect procedures relating to private certification under the *Building Act*.

Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Bill 2009 (Serial 45)

The Bill reinstates the power of the Northern Territory Remuneration Tribunal to determine “capacity” entitlements for Members of the Legislative Assembly, following receipt of legal advice that the Tribunal did not have the power under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*, as previously understood, to determine this particular type of entitlement.

These entitlements relate to the provision of facilities which enable performance of the functions of a Member. They include matters such as provision for electorate offices, staff, office equipment, motor vehicle, communications, postage, child care and travel entitlements (other than travel allowance).

The Bill also clarifies the Remuneration Tribunal's power to set entitlements in specific, limited circumstances for Members who have not been successful when standing for re-election.

Cancer (Registration) Bill 2009 (Serial 46)

The Bill addresses privacy issues that have limited NT Cancer Registry access to relevant health information from private hospitals and practitioners by legislating for the collection of this information from relevant health care providers.

The Bill's key features include :

- allowing registry data to be used for appropriate purposes at the discretion of the Chief Health Officer;
- expanding the definition of cancer to allow the NT Cancer Registry collection to respond to national and international progress in the area, and
- providing protection for those working in good faith under the Act.

Statute Law Revision Bill 2009 (Serial 47)

The Bill makes minor revisions and corrections to the laws of the Northern Territory in ways that do not reflect substantive changes in policy.

Amendments have been made to various Acts and Regulations to correct typographical or other minor errors, to make them consistent with other Acts, to clarify provisions of Acts, to simplify or improve the operation of Acts, or other minor but necessary changes.

Care and Protection of Children Amendment Bill 2009 (Serial 49)

This Bill amends section 26 of the *Care and Protection of Children Act* for the purpose of clarifying the mandatory obligation to report actual or potential harm or exploitation in children, including where a reasonable belief is formed that a child is or is likely to become the victim of a sexual offence.

The Bill clarifies that is an offence for any person to fail to report a reasonable belief that a child has, or is likely to have:

- suffered harm or exploitation;
- been a victim of a sexual offence, where the child is under the age of 14 years;
- been a victim of a sexual offence pursuant to section 128 of the *Criminal Code*

Additional obligations are imposed on health practitioners and persons who perform work of a kind prescribed by regulation to report a reasonable belief that a child:

- is aged 14 or 15 years and has been or is likely to be the victim of a sexual offence; and
- the age differential between the child and the sexual partner is more than 2 years.

After they receive assent, Acts will be on sale at the Government Printing Office, Railway Street, Parap or via GPO Box 1447 Darwin 0801 and the Alice Springs Access Centre, Westpac Building, Todd Mall, Alice Springs or via GPO Box 1071 Alice Springs 0871. Legislation can also be accessed at: www.nt.gov.au/dcm/legislation/current.shtml

Summary Information on Bills Currently Before Parliament

Public Authorities Advertising Bill 2008 (Serial 16)*

This Bill seeks to put in place a legislative framework governing the content of public information programs/advertising undertaken by Members of the Assembly and Ministers which may be funded by public monies.

Aboriginal Land Amendment (Inter-Tidal Waters) Bill 2008 (Serial 19)*

This Bill seeks to provide a means by which non-Indigenous people may have access to the inter-tidal zone without the need for a specific permit to be issued by giving traditional owners and land councils a statutory mechanism to issue exemptions for the general public, or for a particular class of the public.

Traffic Amendment Bill 2009 (Serial 38)*

This Bill seeks to increase penalties for repeat drink driver offenders while allowing leeway for first time offenders. The Bill also provides for the forfeiture of vehicles for those caught drink-driving three times or more in a five year period, and on one of those occasions is classified as high range. Proceeds from the sale of forfeited vehicles will be redirected to those with a financial interest, with any remainder to fund education programs that specifically target youth and drink-driving.

Serious Crime Control Bill 2009 (Serial 48)

This Bill seeks to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of persons who engage or have engaged in serious criminal activity and members of particular organisations, and for related purposes.

The Bill also makes consequential amendments to the *Bail Act*, Criminal Code and to the *Information Act*.

Criminal Code Amendment (Child Sexual Offences) Bill 2009 (Serial 50)*

This Bill seeks to provide a defence to a person who is prosecuted as a result of a failure to report, pursuant to proposed amendments to the *Care and Protection of Children Act*. The defence would operate only in limited circumstances, that is, if the child is 14 or more years of age, if the age difference between the accused person and the child is no more than two years, and provided there is no coercion of the child.

Care and Protection of Children Amendment (Reporting Obligations) Bill 2009 (Serial 51)*

This Bill seeks to amend section 26(1) of the *Care and Protection of Children Act* by adding that a child who has participated in a sexual act with another child is not a victim of a sexual offence in certain specific circumstances as set out in the Bill.

Ombudsman Amendment Bill 2009 (Serial 52)*

This Bill seeks to amend section 165 of the Act by providing the Ombudsman with the power to investigate matters relating to any open police complaints, regardless of whether the complaint was made before or after the *Ombudsman Act* commenced.

Justice Legislation (Penalties) Amendment Bill 2009 (Serial 53)

This Bill seeks to amend 62 Justice Portfolio Acts and seven pieces of subordinate legislation for the purposes of:

- all monetary penalties being expressed in penalty units;
- modernising the way that penalty provisions are drafted by using the words "Maximum Penalty" where the word "Penalty" is currently used; and
- providing for imprisonment penalties for breaches of certain provisions.

Criminal Code Amendment (Bushfires) Bill 2009 (Serial 54)

This Bill seeks to amend the Criminal Code to create a new bushfires offence, with a maximum penalty reflecting the seriousness of the creation of the risk of bushfire which may eventuate in catastrophic damage to life, property, or environment, unpredictable in extent and consequences.

Sentencing Legislation Amendment (Crime of Murder) Bill 2009 (Serial 55)*

This Bill seeks to amend the *Sentencing Act*, *Criminal Code*, *Parole of Prisoners Act*, *Sentencing (Crime of Murder)* and *Parole Reform Act* with a view to ensuring that persons sentenced to life imprisonment for murder serve the full sentence, apart from exceptional circumstances where the Administrator of the Northern Territory may approve the release of a prisoner under special licence.

Prisoners (Interstate Transfer) Amendment Bill 2009 (Serial 56)

This Bill seeks to amend the *Prisoners (Interstate Transfer) Act* to broaden the range of factors to which the Minister may have regard when considering a request by a prisoner to be transferred to or from another state or territory.

The Bill also proposes minor amendments to remove all instances of gender specific language and to take account of amendments that have been made to the *Interpretation Act*.

Hospital Boards Bill 2009 (Serial 57)

This Bill seeks to repeal and replace the *Hospital Management Boards Act*. The purpose of this Bill is to:

- establish a hospital board for each public hospital in the Northern Territory;
- assist local communities engaging with hospitals;
- facilitate communication and support between hospitals and the communities they serve;
- encourage community involvement in the strategic planning of hospitals;
- promote improvement of service quality and appropriateness; and
- clarify that the primary focus of hospital boards is advisory and not management.

Summary Information on Bills Negatived during the August 2009 Sitings

Sentencing Amendment (Violent Offences) Bill 2008 (Serial 4)*

This Bill sought to amend the *Sentencing Act* by setting out specific minimum sentences for violent offences which affect some first time offences, and all second and subsequent offences.

The Bill also sought to remove the ability for (1) suspension of any of the minimum sentence and (2) suspension of sentence for second or subsequent offences within 10 years of conviction of a previous violent offence.

Environment Protection Authority Amendment Bill 2008 (Serial 17)*

This Bill sought to amend the functions of the Environmental Protection Authority and how the Authority reports to the Minister and to the Parliament.

Information Amendment Bill 2008 (Serial 20)*

The Bill sought to amend the *Information Act* by:

- modifying the scope of the exemption in section 45(1)(i) of the Act in relation to documents brought into existence for submission to and consideration by an executive body; and
- modifying section 156 of the Act to provide that no fee applies to an application or complaint lodged by a member of the Legislative Assembly.

*Private Members Bill

The full text of Bills can be found at
<http://www.nt.gov.au/dcm/legislation/current.html>

August 2009 – Ministerial Statements

Hon Paul Henderson MLA

- Education and Training in the Territory - Strategic Directions
- Implementation and Impact of Federal Government Stimulus Package