



## IN YOUR PARLIAMENT – NT LEGISLATIVE ASSEMBLY

### Legislation and Ministerial Statements and Reports

#### April/May 2003 Sittings

The following information provides summaries of the legislation dealt with by the NT 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 April/May 2003 Sittings

##### **Dangerous Goods (Road and Rail Transport) Bill 2002 (Serial 122)**

New Act which deals exclusively with the transporting of dangerous goods by road and rail. Allows the Territory to meet nationally agreed standards.

##### **Dangerous Goods Act 1998 Amendment Bill 2002 (Serial 123)**

Removes reference to the transport of dangerous goods by road and rail (see instead Dangerous Goods (Road and Rail Transport) Bill – Serial 122).

##### **Places of Public Entertainment Amendment Bill 2002 (Serial 125)**

To provide an appeal mechanism where the Minister (or a council as the case may be) declines to issue a licence, to ensure that conditions in licences are to be the same for all similar licensees, and to provide for a review of penalties under the Act.

##### **Terrorism (Northern Territory) Request Bill 2003 (Serial 127)**

Requests the Commonwealth to legislate for the Territory in respect of national counter-terrorism offences, and to enact legislation in the same terms as referred by New South Wales.

##### **Terrorism (Emergency Powers) Bill 2003 (Serial 128)**

To allow members of the Police Force to respond to a terrorist act or deal with a threat of an imminent terrorist act. To enable police officers to exercise special powers for the purposes of issuing an authorisation and other powers in the protection of public health and safety, and in the quarantining and decontamination of people and property.

### **Kava Management Amendment Bill 2003 (Serial 132)**

Enables the Licensing Commission to set the price of kava, impose conditions in accordance with the objects of the Act, authorise kava use for research purposes, and suspend sales in certain circumstances. To provide greater flexibility in relation to kava licence areas and the number of trading licences to be issued, and enhance the licence application, renewal and objection provisions.

### **Private Security Amendment Bill 2003 (Serial 136)**

Requires persons seeking a licence or renewal of a licence to undertake private security work to produce evidence of a current first aid certificate. Enhances administrative processes in respect of licence application, renewal and objection processes.

### **Personal Injuries (Civil Claims) Bill 2003 (Serial 137)**

To improve the processes for the resolution of actions arising out of certain personal liabilities, by regulating claims processes during the period before commencement of proceedings in a Court and consequential matters.

### **Legal Practitioners Amendment (Costs and Advertising) Bill 2003 (Serial 138)**

To ensure appropriate advertising by legal practitioners including, where applicable, disclosure of costs to clients, regulation of conditional costs agreements, regulation of premiums imposed in conditional costs agreements, prohibition of agreements by which a legal practitioner shares the proceeds of litigation, restriction on advertising in respect of personal injuries claims, prohibitions on touting in respect of certain situations, the making of professional conduct rules by the Law Society Northern Territory, and for the Law Society Northern Territory to share with the Supreme Court the power to deal with disputes regarding costs.

**After they receive assent, copies of Acts will be on sale at the Government Printing Office, Railway Street, Parap or GPO Box 1447 Darwin 0801 and the Alice Springs Access Centre, Westpac Building, Todd Mall, Alice Springs or PO Box 1071 Alice Springs 0871. Legislation can also be accessed at <http://notes.nt.gov.au/dcm/legislat/legislat.nsf>**

## **Summary information on Bills currently before the Parliament**

### **Local Government Amendment Bill (No. 2) 2001 (Serial 10)**

Permits the Minister for Local Government to approve a name for a council, which does not include in its title one of the four prescribed terms in the Act (being "City", "Town", "Shire" or "Community Government").

### **Racing and Betting Amendment Bill 2002 (Serial 35)**

Permits bookmakers to offer to pay winnings that are the equivalent to, or based on, a totalisator dividend.

### **Juries Amendment Bill 2002 (Serial 74)\*\***

Allows a potential juror, when giving reasons for why he or she should be excused from jury service, to do so in private.

### **Traffic Amendment Bill 2003 (Serial 124)\*\***

To allow Police and Courts to impound vehicles as a penalty for certain traffic offences including burn-outs, speed trials, races between vehicles, and deliberate damaging of road surfaces.

### **Sentencing Amendment Bill 2003 (Serial 126)\*\***

To remove customary law as a relevant or mitigating factor in sentencing in cases of sexual offences against minors, and to ensure that Aboriginal girls under the age of 16 have the same rights and protection in law as other Australian girls.

### **Bushfires Amendment Bill 2003 (Serial 129)\*\***

To increase penalties from \$1 000 or six months gaol to \$20 000 or five years gaol for various offences including deliberately lighting fires and recklessness or inattention when lighting fires.

### **Criminal Code Amendment Bill 2003 (Serial 130)\*\***

To increase the penalty from 14 years to 20 years for deliberately lighting fires and recklessness or inattention when lighting fires.

### **Container Deposit (Environmental Protection) Bill 2003 (Serial 131)\*\***

Requires manufacturers or distributors of beverage containers to ensure containers are made from recyclable material and contain an appropriate label detailing the container deposit and how it can be redeemed.

## **Commercial Passenger (Road) Transport Amendment Bill 2003 (Serial 133)\*\***

The previous class of Private Hire Car has been removed and three new classes have been introduced as follows: Limousine, Special Function Vehicle and Courtesy Vehicle. Allow taxis and minibuses to park or stand at bus stops in urban areas outside route service hours. To establish exemption provisions to allow maximum seating capacity for standard and executive taxis.

## **Commercial Passenger (Road) Transport (Consequential Amendments) Bill 2003 (Serial 134)**

Amends various legislation consequential on the enactment of the *Commercial Passenger (Road) Transport Amendment Act 2003*.

## **Bail Amendment Bill 2003 (Serial 135)\*\***

To provide that, when a decision is made regarding a grant of bail to an accused person, a court or authorised member may not take into consideration the need of the person to be free to receive punishment under any customary or religious law.

## **Building Amendment Bill 2003 (Serial 139)**

Seeks to repeal sections 21, 41 and 46 of the *Building Act* in relation to certain powers provided to the Director of Building Control to act as a building certifier, ministerial direction in respect of a potential conflict of interest affecting a building certifier, and the exemption of public authorities from the requirement to engage a qualified building certifier.

## **Desert Knowledge Australia Bill 2003 (Serial 140)**

Seeks to create a legal entity with the objective of encouraging education and training, research, commerce and technology that is relevant to the health, well being, ecologically sustainable economic development and improved livelihoods of all communities in the deserts and arid lands of the Territory. It also seeks to develop wealth creation activities in deserts and arid lands for the benefit of communities in those areas while helping to maintain the culture and identity of those communities.

## **Evidence Amendment Bill 2003 (Serial 141)**

Seeks to allow DNA evidence to be tendered by way of certificate in criminal proceedings including pre-hearings, matters on complaint, minor indictable offences and criminal trials. If the Coroner chooses to do so, certificates may also be admitted as evidence in coronial inquiries.

## **Legal Practitioners Amendment (Incorporated Legal Practices and Multi-Disciplinary Partnerships) Bill 2003 (Serial 142)**

Seeks to implement reforms identified as a consequence of the National Competition Policy review of the *Legal Practitioners (Incorporation) Act*. These reforms will remove certain impediments to the way in which legal practitioners provide professional services within a business framework. The Bill seeks to ensure there is an appropriate balance between professionalism, ethics and consumer protection.

### **Energy Pipelines Amendment Bill 2003 (Serial 143)**

Seeks to mirror the provisions of the corresponding Northern Territory *Petroleum (Submerged Lands) Act 1967* by amending the term of an onshore pipeline licence issued under the *Energy Pipelines Act* so that, in the future, a licence will be granted for an indefinite term.

### **Major Cricket Events Bill 2003 (Serial 144)**

Seeks to allow specific major cricket matches to be declared by the Minister by notice in the *Gazette*, and will provide for offences that apply at the venues of such matches. The offences are aimed at preventing entering the playing field of the venue or any other area where the person is not authorised to be present, throwing or projecting objects onto the playing field during the conduct of the match, conduct that interferes with or endangers a player or official or behaviour that disrupts the conduct of the match.

### **Statute Law Revision Bill 2003 (Serial 146)**

Seeks to amend various Northern Territory laws in minor respects, or to correct minor errors that have come to light. This includes minor amendments to the *Crimes (Victims Assistance) Act*, the *Status of Children Act*, the *Taxation (Administration) Act* and a number of other Acts, by-laws, regulations and rules.

### **Appropriation Bill 2003/2004 (Serial 147)**

This Bill outlines the Government's 2003/04 Budget.

### **Financial Management Amendment Bill 2003 (Serial 148)**

Seeks to implement new provisions regarding whole-of-government financial reporting provisions and appropriation arrangements for employee entitlements paid by the Central Holding Authority. The Bill provides for the Treasurer's Annual Financial Statement to be presented on an accrual basis, and enable greater consistency with the requirements for a Fiscal Results Report under the *Fiscal Integrity and Transparency Act*.

### **Taxation (Administration) Amendment Bill 2003 (Serial 149), Stamp Duty Amendment Bill 2003 (Serial 150), Pay-roll Tax Amendment Bill 2003 (Serial 151), Mineral Royalty Amendment Bill 2003 (Serial 152), First Home Owner Grant Amendment Bill 2003 (Serial 153), Motor Vehicle Amendment Act 2001 Amendment Bill 2003 (Serial 154)**

These Bills seek to put in place a package of measures as part of the 2003/04 Territory Budget. The key proposals include abolishing the Temporary Budget Improvement Levy from 1 July 2003, reducing the payroll tax rate from 6.3% to 6.2%, exempting from stamp duty leases and franchises with an average annual rent of \$30 000 or less, and increasing the hiring duty exemption threshold from \$36 000 to \$90 000.

## **Land Development Corporation Bill 2003 (Serial 155), Trade Development Zone Act Repeal Bill 2003 (Serial 156)**

These Bills seek to create a new land holding and land development agency that will operate as a statutory authority under the guidance of a board with largely private enterprise members. The Land Development Corporation will develop and release industrial land in estates which will be initially granted to the corporation as estates in fee simple. The area formerly designated the Trade Development Zone will become the responsibility of the new Land Development Corporation.

## **Information Amendment Bill 2003 (Serial 157)**

Seeks to provide that a public sector organisation may be declared by regulation to be a public sector organisation under the *Information Act* for the purposes of personal information only, that the Information Commissioner is excluded from the operations of the Act, that an application fee (where applicable) must be paid at the time of making an application, that a public sector organisation may apply to the Archives Service for an extension to retain records for current use beyond the 30 year limit, for certain penalty provisions, and permits the regulations to prescribe for the payment and refund of deposits for processing fees.

## **Firearms Amendment Bill 2003 (Serial 158)**

Seeks to restrict the possession and use of category H firearms for sports shooters and antique firearms collectors. Provides that a person wishing to acquire a category H firearm be a shooting member of an approved firearms club, have satisfactorily completed a firearm safety training course and held a permit for at least three months to use a category H firearm under supervision. Seeks to cap the number and type of hand guns a person may possess, and deals with a range of other matters.

## **Poisons and Dangerous Drugs Amendment Bill 2003 (Serial 159)**

Seeks to introduce a range of control measures on the supply and administration of Schedule 8 substances, allows for the declaration of Schedule 4 and 8 substances as 'restricted', adopts the standard for the Uniform Scheduling of Drugs and Poisons as published by the Commonwealth of Australia and sets conditions on authorisations for the possession and use of Schedule 7 substances, including a demonstration of competency.

## **Northern Territory Aboriginal Sacred Sites Amendment Bill 2003 (Serial 160)**

Seeks to provide the Aboriginal Areas Protection Authority with legal certainty to charge fees for some services, specifically in relation to determining authority certificates, arranging conferences and providing extracts from the registers of sacred sites and authority certificates. Also provides for the conversion of monetary units to penalty units in accordance with the *Penalties Units Act* and updates the scale of the penalties in the Act.

## **Tobacco Control Amendment Bill 2003 (Serial 161)**

Seeks to clarify issues surrounding the operation of the *Tobacco Control Act 2002* in liquor licensed premises other than restaurants, issues relating to al fresco dining areas, restrictions on the display of some tobacco products and to introduce a definition of 'specialist tobacconist' for the purposes of the Act. The Bill provides that all retailers are required to have a tobacco retailer licence and that the display of tobacco products will be restricted and all advertising and promotions of tobacco products will be prohibited. The Bill provides for further clarification in relation to smoking in liquor licensed premises.

\*\* denotes Private Members Bill

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

# MINISTERIAL STATEMENTS AND REPORTS

## April/May Ministerial Statements

### Hon Clare Martin MLA As Chief Minister

- Development and vision for Central Australia and its people

## April/May Ministerial Reports

<b>Hon Clare Martin MLA</b>	North Australian Defence Service Personnel in Iraq Statehood for the Territory in 5 years Homecoming Celebration for Territory Service Personnel Alice Springs Sittings 2003
<b>Hon Syd Stirling MLA</b>	Centralian College and Northern Territory University Central Australian Economic Growth Bullying in the Workplace
<b>Hon Peter Toyne MLA</b>	Crime and Justice Information Communications Technology Delegation to Hanover – March 2003 Crime Prevention Grant Scheme 2002/2003 CeBit Expo - Sydney 2003 Remand Prisoners Crime Prevention Councils
<b>Hon Paul Henderson MLA</b>	Trade in Central Australia
<b>Mr John Ah Kit MLA</b>	Traeger Park Sporting Complex
<b>Hon Jane Aagaard MLA</b>	Tracy Aged Care Village Mental Health Services
<b>Hon Kon Vatskalis MLA</b>	Sealing of Mereenie Ring Road <i>Planning Act</i> Reforms Tanami Road Sealing Native Title Land Release in Alice Springs East Timorese Asylum Seekers
<b>Dr Chris Burns MLA</b>	Heritage Declarations in Central Australia Container Deposit Legislation