



IN YOUR PARLIAMENT – NT LEGISLATIVE ASSEMBLY

Legislation and Ministerial Statements and Reports

February 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 February 2003 Sittings

Consumer Affairs and Fair Trading Bill (No. 2) 2002 (Serial 81)

Implements the recommendations arising from the National Competition Policy review of the *Consumer Affairs and Fair Trading Act*. Removes the requirement that motor vehicle dealers provide annual financial returns. It also removes the power of the Commissioner for Consumer Affairs to require a banker's guarantee from applicants for motor vehicle dealer licences and for the Commissioner to advise the details of persons seeking licences under the relevant provisions of the Act. Revises maximum penalties and provides for the expression of those penalties in terms of penalty units.

Personal Injuries (Liabilities and Damages) Bill 2002 (Serial 108)

Modifies the law relating to the entitlement to damages for personal injuries, clarifies principles of contributory negligence, fixes reasonable limits on certain awards of damages for personal injuries, and provides for periodic payments of damages for personal injuries.

Personal Injuries (Liabilities and Damages) (Consequential Amendments) Bill 2002 (Serial 109)

Amends various Acts and Rules consequential on the enactment of the *Personal Injuries (Liabilities and Damages) Act*.

Trade Measurement Amendment Bill 2002 (Serial 110)

Makes minor amendments which are necessary to overcome difficulties with the administration of the legislation. Allows for owners of measuring instruments to be granted 28 days to rectify minor breaches, allows for employees of licence holders to be prosecuted for non-compliance with licence conditions. Provides for the licensing of partnerships. Also deals with measuring instruments and batch testing of beer jugs and spirit measures. Penalties are also converted into penalty units.

Trade Measurement Administration Amendment Bill 2002 (Serial 111)

Provides for the issuing of infringement notices for alleged breaches of the *Trade Measurement Act* or Regulations made under that Act or the *Trade Measurement Administration Act*, and makes a number of Statute Law Revision amendments relating to penalties.

Commercial Passenger (Road) Transport Amendment Bill 2002 (Serial 112)

Establishes a Commercial Passenger Vehicle Board and new commercial passenger vehicle categories (e.g. executive taxi), allows for minibuses to respond to ad hoc hails, establishes maximum seating capacity for standard and executive taxis, provides for taxis and minibuses to be registered in the name of the licence holder, provides for up-front full annual payment of any new taxi or minibus licence, and determines fares and charges for standard and executive taxis. Makes consequential amendments to the *Motor Vehicles Act* to align definitions of 'commercial passenger vehicle'.

Superannuation Amendment Bill 2002 (Serial 113)

Amends the *Superannuation Act* consequential to the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2002* of the Commonwealth, and the *Superannuation Industry (Supervision) Act Amendment Regulations 2001* of the Commonwealth. Enables the various Territory superannuation schemes to comply with the Commonwealth requirements to provide information to members and their spouses, reduces the superannuation benefit payable to a member and creates a separate interest in the name of an ex-spouse.

Superannuation Guarantee (Safety Net) Amendment Bill 2002 (Serial 114)

Amends the *Superannuation Guarantee (Safety Net) Act* consequential to the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2002* of the Commonwealth, and the *Superannuation Industry (Supervision) Act Amendment Regulations 2001* of the Commonwealth. Enables the various Territory superannuation schemes to comply with the Commonwealth requirements to provide information to members and their spouses, reduces the superannuation benefit payable to a member and creates a separate interest in the name of an ex-spouse.

Supreme Court (Judges Pensions) Amendment Bill 2002 (Serial 115)

Amends the *Supreme Court (Judges Pensions) Act* consequential to the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2002* of the Commonwealth, and the *Superannuation Industry (Supervision) Act Amendment Regulations 2001* of the Commonwealth. Enables the various Territory superannuation schemes to comply with the Commonwealth requirements to provide information to members and their spouses, reduces the superannuation benefit payable to a member and creates a separate interest in the name of an ex-spouse.

Legislative Assembly Members' Superannuation Amendment Bill 2002 (Serial 116)

Amends the *Legislative Assembly Members' Superannuation Act* consequential to the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2002* of the Commonwealth, and the *Superannuation Industry (Supervision) Act Amendment Regulations 2001* of the Commonwealth. Enables the various Territory superannuation schemes to comply with the Commonwealth requirements to provide information to members and their spouses, reduces the superannuation benefit payable to a member and creates a separate interest in the name of an ex-spouse.

Administrators Pensions Amendment Bill 2002 (Serial 117)

Amends the *Administrators Pensions Act* consequential to the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2002* of the Commonwealth, and the *Superannuation Industry (Supervision) Act Amendment Regulations 2001* of the Commonwealth. Enables the various Territory superannuation schemes to comply with the Commonwealth requirements to provide information to members and their spouses, reduces the superannuation benefit payable to a member and creates a separate interest in the name of an ex-spouse.

Statute Law Revision Bill (No. 3) 2002 (Serial 118)

Makes minor revisions and corrections to the laws of the Territory.

Police Administration Amendment Bill (No. 2) 2002 (Serial 119)

Enables a member of the Northern Territory Police who is responsible for a person's custody to obtain authority to continue detention beyond 6 hours for a maximum further period of 4 hours where the person in custody continues to appear to be seriously affected by alcohol or drugs, for the purpose of arranging a medical examination as soon as practicable.

Petroleum Amendment Bill 2002 (Serial 121)

Introduces environmental offences and penalties that are consistent with the *Environmental Offences and Penalties Act*, and improves the management of the environmental aspects of petroleum activities.

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.

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).

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.

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.

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.

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.

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) Amendment 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.

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.

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.

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 matters consequential to that regulation.

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.

** 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

February Ministerial Statements

Hon Clare Martin MLA As Chief Minister

- Development Opportunities for the Territory

Hon Peter Toyne MLA As Minister for Justice and Attorney-General

- Consumer Protection and Education

Hon Jane Aagaard MLA As Minister for Health and Community Services

- Review of Department of Health and Community Services

Hon Kon Vatskalis MLA As Minister for Transport and Infrastructure

- Public Bus Transport Systems

Dr Chris Burns MLA As Minister for the Environment and Heritage

- Greenhouse Gas Emissions

February Ministerial Reports

Hon Clare Martin MLA	Overseas Gas Campaign Darwin to Alice Springs Railway
Hon Syd Stirling MLA	Secondary Education: Future directions Secondary Education in Remote Communities Employment and Training Board
Hon Peter Toyne MLA	Alcohol Restrictions in Alice Springs Alice Springs Regional Crime Council
Hon Paul Henderson	Mining Management Development Project in Indonesia
Mr John Ah Kit MLA	Itinerants Public Housing Assets Upgrade

Hon Jane Aagaard MLA Nurse Recruitment
Australian Health Ministers Conference

Hon Kon Vatskalis MLA Building Indemnity Industry Insurance
Filipiniana Senior Citizens Association

Dr Chris Burns MLA Hay Crop in the Northern Territory