



IN YOUR PARLIAMENT – NT LEGISLATIVE ASSEMBLY

Legislation and Ministerial Statements and Reports

August 2005 Sittings

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 2005 Sittings

Bail Amendment (Repeat Offenders) Bill (No. 2) 2005 (Serial 6)

This Bill removes the entitlement to bail for adult persons with a history of serious offending. The Bill removes the presumption in favour of bail where persons with a particular criminal history of serious offending are charged with committing a further serious offence whilst already on bail for a serious offence. A presumption against bail will exist for persons in similar circumstances of prior offending who are charged with committing a serious violence offence whilst on bail for a serious offence or a serious violence offence. The Bill also provides for a stay of the grant of bail for up to 3 business days where a court is immediately informed that a request for review of the decision to grant bail is to be made to the Supreme Court.

Batchelor Institute of Indigenous Tertiary Education Amendment Bill 2005 (Serial 8)

This Bill amends the *Batchelor Institute of Indigenous Tertiary Education Act* to incorporate the National Governance Protocols (NGP) for Higher Education Institutions ensuring that governance is in line with the preferred national practice in the higher education sector, and ensuring maximum Commonwealth Government funding for Batchelor Institute through compliance with the NGP.

Charles Darwin University Amendment Bill 2005 (Serial 9)

This Bill amends the *Charles Darwin University Act* to incorporate the National Governance Protocols (NGP) for Higher Education Institutions ensuring that governance is in line with the preferred national practice in the higher education sector, and ensuring maximum Commonwealth Government funding for Charles Darwin University through compliance with the NGP.

Youth Justice Bill (No. 2) 2005 (Serial 10)

This Bill repeals the *Juvenile Justice Act* and replaces it with a more contemporary statute, arising from a review of the *Juvenile Justice Act*. It is to provide for justice for

youth who have committed, or are alleged to have committed, offences and for related matters.

The Bill includes objectives and guiding principles based on national standards and international conventions, the establishment of a Youth Justice Advisory Committee to advise the Minister on the administration and operation of the Act, powers of police in the investigation of offences alleged to have been committed by youth, diversion provisions formerly in the *Police Administration Act*, flexibility in dealing with youth at all stages of the youth justice process from pre-court diversion to when the youth is before the specialist Youth Justice Court to wide ranging and flexible sentencing options, regulation of Detention Centres and the interstate transfer of youth.

Youth Justice (Consequential Amendments) Bill (No. 2) 2005 (Serial 11)

This Bill amends various Acts and subordinate legislation consequent on the enactment of the Youth Justice Bill (No. 2) 2005.

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 Parliament

Criminal Code Amendment (Criminal Responsibility Reform) Bill (No. 2) 2005 (Serial 7)

This Bill represents the first stage in the progressive reform of the Northern Territory's Criminal Code. The Bill sets out, with some minor modifications, the general principles of criminal responsibility in Chapter 2 of the Model Criminal Code developed by the national Model Criminal Code Officers Committee, established by the Standing Committee of Attorneys-General ("SCAG") and as modified by SCAG.

The Bill seeks to repeal the offences of manslaughter and dangerous act, and proposes new provisions in relation to manslaughter, endangerment and negligence as to serious harm, and harm causing death or serious harm by dangerous driving. In addition, the existing offence of sexual intercourse without consent is amended.

Residential Tenancies Amendment (Termination for Unacceptable Conduct) Bill (No. 2) 2005 (Serial 12)**

This Bill seeks to amend the *Residential Tenancies Act* by allowing an 'interested person' to make application to a court to terminate a tenant's rental agreement if that agreement has been breached for reasons of objectionable behaviour over a period of time.

Evidence Amendment Bill 2005 (Serial 14)**

The purpose of this Bill is to amend section 26E of the *Evidence Act* to broaden its application so that it extends to other offences against children, not just sexual offences.

Magistrates Amendment Bill (Serial 15)

This Bill seeks to amend the *Magistrates Act* to provide that a person who has attained the age of 65 years but who has not attained the age of 70 years, can be appointed as a Relieving or Acting Magistrate under the Act.

Electoral Amendment Bill (Serial 16)**

This Bill seeks to insert a new offence provision into the *Electoral Act* to give the Electoral Commission authority to penalise a person found to have destroyed or damaged electoral material.

Domestic Violence Amendment (Police Orders) Bill 2005 (Serial 17)

The main purpose of this Bill is to provide Police with the power to issue a restraining order to address domestic violence without the need to contact a Magistrate for urgent out of hours applications under the *Domestic Violence Act*. It also contains safeguards for defendants to ensure that they are not disadvantaged by the exercise of the Police power to issue a restraining order, as well as also reforming the law relating to out of hours applications to Magistrates and provides for the repeal of the *Domestic Violence Amendment Act 2001*.

Legislation Repeal Bill 2005 (Serial 18)

The purpose of this Bill is to repeal obsolete and redundant legislation that remains on the “statute book”, although its effect is either spent or it is no longer required. This includes consequential amendment Acts, and statute law revision Acts. These Acts make amendments to other Acts – either as a consequence of passage of another Act, or as a “housekeeping” exercise to correct errors such as typing or grammatical errors, or references to other Acts that may have been repealed or may have changed name.

Also included are a number of validation Acts. These Acts validate some action taken or decision made which may have been in doubt due to some administrative or other oversight. These Acts are spent as soon as they commence. In order to omit these Acts from the statute book, they must be formally repealed.

Also included for repeal are some old South Australian Acts still applying in the Northern Territory, even though they have long ago ceased to have any relevance or their subject matter has been overtaken by the Commonwealth. Most, if not all, have long since been repealed in South Australia. These Acts no longer have any practical effect in the Northern Territory.

**** denotes Private Members Bill**

The full text of Bills can be found at www.nt.gov.au/dcm/cabinet/register.shtml

August Ministerial Statements

The Hon Clare Martin MLA

- Darwin City Waterfront and Convention Centre Development

The Hon Syd Stirling MLA

- Indigenous Education

The Hon Dr Peter Toyne MLA

- Maternal and Child Care

The Hon Kon Vatskalis MLA

- Northern Territory Fisheries

Ms Marion Scrymgour MLA

- Management of the Daly River

Mr Elliot McAdam MLA

- HomeNorth Extra Scheme

The Hon Delia Lawrie MLA

- Mental Health Services Reform

August Ministerial Reports

The Hon Clare Martin MLA

- Visit to Indonesia – 60th Anniversary of Indonesian Independence

The Hon Syd Stirling MLA

- Improving Literacy Outcomes
- 2005 Darwin Cup Carnival
- Training and Apprenticeships
- Education Outcomes – Gillen Primary School, Alice Springs

The Hon Dr Peter Toyne MLA

- Oral Health Services
- Five Year Plan for Aboriginal Health

The Hon Paul Henderson MLA

- Supporting Investment in the Northern Territory

Dr Chris Burns MLA

- Rapid Creek Conservation Corridor

The Hon Kon Vatskalis MLA

- Multicultural Affairs Scholarship Program and the Charles See-Kee Award

Ms Marion Scrymgour MLA

- Seniors Month
- Arts and Cultural Festivals
- Telstra Aboriginal Arts Awards

Mr Elliot McAdam MLA

- Smoke alarms in Territory Housing properties
- Affordable Housing -- Report from Housing Ministers Council

The Hon Delia Lawrie MLA

- Petrol Sniffing Programs
- Sport and Recreation Activities in Alice Springs
- Recipients of the 2005-06 Institute of Sports Scholarship