

IN YOUR PARLIAMENT – NT LEGISLATIVE ASSEMBLY

Legislation and Ministerial Statements and Reports

November 2006 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 November 2006 Sittings

Poisons and Dangerous Drugs Amendment Bill 2006 (Serial 74)

The purpose of this amendment to the *Poisons and Dangerous Drugs Act* is to remove the restriction from the Act so that it allows appropriately qualified optometrists to supply a restricted range of medication for the treatment of eye problems.

This amendment increases the range of health care practitioners who can manage ocular conditions, while putting systems in place to guarantee the safety and quality of care. Patients will be able to choose whom they consult about their eye disorder, a general practitioner, an ophthalmologist or optometrist.

Legal Profession Bill 2006 (Serial 75)*

The purpose of the Bill is to provide for the implementation in the Northern Territory of model national legal profession legislation. This model legislation was developed by the Standing Committees of Attorneys-General, (SCAG), to achieve nationally consistent regulation of legal practice. Every State and Territory has, or will in due course, enact similar legislation.

The new legislation will make it easier for lawyers to practice across state and Territory borders by removing current regulatory differences between jurisdictions. The legislation is also designed to reduce regulatory overlap. The result will be the elimination of inefficient business practices. This will serve the interests of lawyers, their clients, and regulatory bodies.

After they receive assent, 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 www.nt.gov.au/dcm/legislation/current.shtml

Summary Information on Bills Currently Before Parliament

Bail Amendment (Serious Sexual Offences) (Serial 72)

The purpose of this bill is to give effect to the government's commitment to create safer communities by removing the entitlement to bail for those people who have a history of serious repeat offending. Subject to certain limited exceptions, the *Bail Act* currently provides that a person is presumed to be entitled to be granted bail. This does not mean that bail must always automatically be granted. Rather, the act sets criteria for determining a grant of bail, including consideration of factors such as the likelihood of committing another offence while on bail. The court always retains discretion to deny bail to an offender. However, this bill specifically restricts the operation of the current presumptions in favour of bail for certain repeat offenders. It also introduces a provision to allow for a decision of a magistrate or justice to grant bail to be stayed for a maximum period of three business days for the purpose of review by the Supreme Court.

Business Names Bill (Serial 73)

The purpose of this bill is to repeal the current *Business Names Act* and replace it with more modern legislation. The bill is an example of the government's commitment to reducing red tape for businesses by abolishing the requirement that a business owner who resides interstate must appoint a resident agent in the Territory.

The objectives of the business names legislation in the 21st century are primarily that of consumer protection. It provides a means to identify the persons who use a name other than their own when conducting business in the Northern Territory. Reasons why the identify of such persons might be sought include: consumers seeking redress in relation to unsatisfactory goods and services; debt recovery by other traders; credit checks prior to goods being forwarded on consignment; and obtaining details for other legal proceedings. The act also provides a mechanism for ensuring that undesirable business names cannot be used; for example, names that might be offensive or mislead consumers about the nature of the business or the business operators.

Law of Property Amendment (Sales of Residential Property) Bill 2006 (Serial 78)

The bill aims to introduce vendor disclosure in the sale of residential land and property in the Northern Territory. This enhances consumer protection for buyers and sellers, and reduces the risk of gazumping.

The bill inserts a new provision in the *Law of Property Act*. The division starts with a range of definitions, including one for residential property which, basically, means any land on which residence has been or can be built no matter what is the size of the land.

Work Health Amendment Bill 2006 (Serial 85)

This Bill proposes amendments to the *Work Health Act*.

The purpose of this Bill is to amend the *Work Health Act* to enable the Northern Territory to comply with nationally agreed workers' compensation cross border provisions.

The new provisions mean that employers would need to obtain workers' compensation insurance to cover a particular worker in only one state or territory. Under the new provisions, the state or territory in which workers' compensation premiums relating to a particular worker are payable is referred to as the worker's 'state of connection.' The state of connection of a worker is determined by a series of 'tests' which are provided at Clause 53AA.

The benefits to which an injured worker is entitled to are also determined by their state of connection.

All Australian states and the Australian Capital Territory have now introduced cross border provisions for the purposes of workers' compensation.

Statute Law Revision Bill 2006 (Serial 86)

The main purpose of this bill is to make consequential amendments to various Northern Territory laws that follow on from the passage of the *Health Practitioners Act* in 2004. The bill also updates superseded references, corrects typing errors and omissions, and clarifies ambiguous terminologies in the affected acts and subordinate legislation. None of the amendments constitute substantive changes in government policy or programs.

The consequential amendments to affected acts and regulations that follow on from the enactment of the *Health Practitioners Act 2004* and the *Veterinarians Act 1994* remove the confusion surrounding references to persons in certain occupations and professions regulated by both of those acts.

In essence, the principle adopted is that, for consistency of approach, the amendments will ensure that cross-references in affected acts and regulations will now be worded so that they are cross-references to persons entitled to practice in the occupations and professions referred under the *Health Practitioners Act 2004* and the *Veterinarians Act 1994*. Thus, for example, a dentist will only be classified as a dentist for the purposes of the *Education Act* if the person has a current entitlement to practice as a dentist in terms of the *Health Practitioners Act 2004*.

The full text of Bills can be found at

www.nt.gov.au/dcm/legislation/register.

November Ministerial Reports

The Hon Clare Martin MLA

- Alcohol Management Plan – Alice Springs

The Hon Syd Stirling MLA

- Business Breakfast Program

Dr Chris Burns MLA

- Rebuilding the Police Force
- Road Trauma and Health

The Hon Kon Vatskalis MLA

- Masters Games 2006
- Biodiesel Facility - Opening

The Hon Delia Lawrie MLA

- Growing Our Strong Territory Economy
- Federal Government's Multicultural Policy

Ms Marion Scrymgour MLA

- Heritage Register Declarations
- Advisory Council On Ageing - Appointment

Mr Chris Natt MLA

- Sabah Meat Technology Centre