

Ms FYLES (Attorney-General and Justice): Madam Speaker. I would like to thank all the members for their contribution and the Member for Spillett for her contribution and support and recognising the importance of this bill.

We debate many bills in this House and some are very lengthy and some people talk quite broadly. I know that this bill may seem less interesting at times but it is particularly important and I acknowledge the contribution the members.

The Member for Nelson has raised two questions which I wish to address. In relation to the public place, a good example of this is a shopping centre, for example Casuarina Square where there is an outside area that contains a road.

In relation to the member's other query, it is not my place to comment on the Standing Orders. I do note that members have the opportunity to comment on the legislation and the Member for Nelson can always provide reference into the Standing Orders committee. I thank him for his indication of support of the bill.

I also thank the Member for Karama for her support and on-going work as the chair of the Social Policy Scrutiny Committee in looking at bills.

This is a government that is ensuring the justice system matches the expectations of Territorians, a fair and just system. We recognise the importance of bills such as this in supporting and maintaining that justice system. It is a technical bill that is probably of more interest to lawyers than most people in the Territory but it is important. Even though the *Interpretation Act* is one of those laws that sits quietly in the background, its job is to provide the building blocks for drafting our laws in a way that is clear and easy to understand.

The bill can be thought of as a tune-up for the *Interpretation Act*. Madam Speaker, I know you tune your tractors on the weekend, we are tuning up the *Interpretation Act*. It addresses the meaning of commonly used words and ensures the definitions are fit for purpose. It is important that these bills pass through our Assembly so that our laws can continue to operate in a modern-day setting.

The Interpretation Legislation Amendment Bill 2018 was developed as a result of recommendations from the Office of Parliamentary Council to improve the workability of the existing act. I would like to acknowledge the Office of Parliamentary Council and thank them for their work.

Given the technical nature of the legislation, the Department of Attorney-General and Justice liaised closely with them in developing the bill and I would like to thank the Department of Attorney-General and Justice staff for their hard work.

The bill was referred to the Social Policy Scrutiny Committee—as I mentioned, the chair Member for Karama has just spoken. The committee made two recommendations:

- that the Legislative Assembly pass the Interpretation Legislation Amendment Bill 2018 with the proposed amendments set out in recommendation 2.
- that the definition of business day be amended to clarify its operation in instances where public holidays do not occur on the same day across the Northern Territory.

I propose to make a committee stage amendment in line with the recommendation from the committee. I hope that has been circulated to members. There will also be one other minor amendment proposed.

All other jurisdictions have legislation equivalent to the *Interpretation Act*, however this bill and its issues are largely specific to the Northern Territory. While other jurisdictions have similar provisions, many of the provisions have been considered as placements during the drafting process.

In terms of details of the bill—other members have provided comment—it is very technical in nature and it provides a range of amendments to legislation. Of interest, honourable members, the bill amends the materials that can be used by the courts to determine the intent of this House when interpreting legislation.

Clause 22 of the bill amends section 62B of the *Interpretation Act* to refer to any documents laid before the Legislative Assembly by a member of this Chamber during consideration of the bill.

Currently only the documents laid by a minister can be considered. This broadens relevant documents that can be considered. It will allow for the courts to take into account documents like the reports of the Scrutiny Committee. The Amendment Bill also fixes what is now an out-dated reference to second reading speeches, although some in this House still like to refer to them.

To remain aligned with current procedures and to better future-proof the bill, it will allow consideration of any explanatory speech or statement given by a minister or member of the Legislative Assembly on introducing the bill.

Amendments to section 8 of the *Interpretation Act* ensure that certain actions can be taken under legislation that has been passed and assented to, but not yet commenced. It might be necessary, for example, to appoint a statutory officer to get ready the forms, develop fees and to generally start planning for a role in preparation for the legislation to commence. The amendments to section 8 can provide clarity that this can be done.

There are provisions in the bill to recognise the legislation has been repealed and replaced in other jurisdictions, which will make it considerably easier to keep legislation up-to-date when it cross-references legislation in other jurisdictions.

Additions have been made to section 17 of the *Interpretation Act*. Section 17 provides a list of definitions that are used a number of different acts where it is important to keep a consistent definition of a term for every act, saving where an act overrides this with a specific exception.

The bill introduces consistent definitions of the following terms:

- appropriation, which aligns the meaning of this term into the *Financial Management Act*
- business day, which is used in many acts when a timeframe is expressed in business days
- the Chief Health Officer, so there is a consistent definition across acts
- NTCAT, referring to the Northern Territory Civil and Administrative Tribunal, which is a term used across many acts
- public place, which is a useful term for defining where different standards or behaviours are expected in public as opposed to private locations
- revenue unit, to allow reference in a similar way to penalty units
- Under Treasurer, so there is a consistent definition across acts
- year, which simplifies the existing references to periods of 12 months

With respect to the meaning of the term 'business day' I recognise and am grateful for the recommendation of the Social Policy Scrutiny Committee to improve this provision so its application is clear in relation to public holidays that only occur in part of the Northern Territory. For example, the show days which are specific to each region.

As I have mentioned, I will be moving in Consideration in Detail an amendment to remove the ambiguity in line with the committee's recommendation.

Section 38 of the *Interpretation Act* deals with interpreting time periods. The current provision states that the first day of the time period is not to be counted when reckoning a period of time from a particular day. However, it does not say if the last day is to be counted when reckoning a period that extends into the past from a particular day or event.

For example, it would be clear how to count the period from Christmas Day. However, if the legislation said the time period ended on Christmas, it would not be clear if the action were to be taken on Christmas Day or the day before.

This amendment provides that the final day—in the example above Christmas Day—is to be considered the last day if the legislation states that the time period ends on a particular day.

Historically it was the practice of legislation to refer to laws that applied to all persons using male pronouns. To ensure that these laws apply equally to women, section 24 of the *Interpretation Act* provided that any word indicating a gender include the other gender.

However, it is now recognised this causes ambiguities to the application of law when a person does not have sex characteristics, differences or does not identify as being either male or female. I am now advised a new provision has been agreed nationally the Parliamentary Counsels' Committee. This ensures that the issues recognised by the High Court in the 2014 case *NSW Registrar of Births, Deaths and Marriages v Norrie* are dealt with.

Clause 13 of the bill repeals sections 38D, 38D(a) and 38D(b) of the *Interpretation Act*. These clauses all concerned rules, fines and other penalties imposed during sentencing. It is therefore more appropriate that they be enacted in the Sentencing Act. The bill provides for this in clauses 28 to 30.

The re-enacted provisions also deal with the doubt recently raised by the Northern Territory Court of Appeal case *Ostojic v Threlfo* and ensures that where the penalty for an offense is only expressed in terms of imprisonment, a fine may be imposed.

This ensures the penalty of a fine is available to a court when the offense is not serious enough to warrant a term of imprisonment or in addition to any term of imprisonment.

The bill also provides a range of technical amendments. It provides technologically neutral terms, since holding meetings by fax is no longer a current practice. It makes the conventions for referring to acts consistent with other jurisdictions.

The act also ensures that the Northern Territory Civil and Administrative Tribunal can recover monies due under an act. This is a power that was inadvertently limited to the courts.

Although not yet determined, the bill will commence upon day fixed by the Administrator. It is expected to commence in the near future, hopefully once it passes this assembly today.

This bill is highly technical and only clarifies ambiguities in legislation rather than introducing legislation around new policy. As a result, the rules are not expected to have a significant effect on Territorians.

In closing, I would again like to acknowledge the hardworking staff at the Department of the Attorney-General and Justice who have led the development of this bill. The Office of Parliamentary Counsel also deserve our thanks.

Finally the Social Policy Scrutiny Committee and its members, who put in a great deal of time in this important work and I thank them for it.

I commend the bill to the house.

Motion agreed to; bill read a second time.