

EXPLANATORY STATEMENT

INTERPRETATION LEGISLATION AMENDMENT BILL 2018

SERIAL NO. 58

2018

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

GENERAL OUTLINE

The Bill amends the *Interpretation Act*:

- (1) so as to clarify the operation of section 8 dealing with the exercise of powers prior to commencement;
- (2) to provide for the inclusion in sections 17 and 18A of new definitions or revision of the definitions of terms commonly used across the statute book (new definition of 'appropriation', 'business day', 'Chief Health Officer', 'Commonwealth Act', 'NTCAT', 'public place', 'revenue unit' and 'year');
- (3) clarify section 28 regarding when a period of time mentioned in legislation ends;
- (4) to repeal sections 38D, 38DA and 38DB (these sections are being re-enacted in the *Sentencing Act*);
- (5) to clarify the operation of sections 44 and 46;
- (6) so as to provide for technology neutral terms for the holding of meetings as dealt with in section 48A;
- (7) to provide for the continued use in the citation of Acts of the year of enactment of an Act following amendments;
- (8) so that section 69 applies to tribunals as well as courts. This is a technical amendment relating to the fact that Northern Territory Civil and Administrative Tribunal (NTCAT) can deal with the recovery of monies.

The Bill also amends the *Sentencing Act* to provide for:

- (1) the amendment of section 16 (power to impose fines); and

- (2) the enactment of new sections 27-30 dealing with fines in addition to or instead of imprisonment, body corporate penalties and alternative penalties.

The Bill repeals the *Amendments Incorporation Act*.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short title

This is a formal clause, which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Interpretation Legislation Amendment Act 2018*.

Clause 2. Commencement

This is a formal clause that provides that the commencement of the Bill will occur on a day or days fixed by the Administrator by way of a notice published in the Gazette.

Part 2 Repealed Acts

Clause 3. Acts repealed

This clause provides for the repeal of the *Amendments Incorporation Act* (as set out in the schedule to the Bill).

Part 3 Amendment of Interpretation Act

Clause 4. Act amended

This clause provides that Part 3 amends the *Interpretation Act*.

Clause 5. Section 8 replaced

This clause repeals section 8 (Exercise of powers before commencement) and replaces it with new section 8.

8 Exercise of powers before commencement

New section 8 seeks to express in clearer terms the kinds of actions and decisions that can be made under legislation before it commences operation.

Section 8(1) is a plain language version of current section 8(1). The purpose of the subsection is to ensure that powers to be provided in new legislation or in legislation as amended can be exercised after assent (as provided for in section 6 and under section 8 of the *Northern Territory (Self-Government) Act 1978*) before commencement for the operation of the legislation. These types of powers include the making of regulations, the appointment of persons to positions and the exercise by such persons of powers that provide for things that need to exist on commencement.

For example, if an Act provides for the establishment of a statutory officer with that officer having the power to make forms and set fees, the appointment can be made prior to commencement and, once appointed, the statutory officer could approve forms and set fees. The forms and the fees would become operational on the commencement of the legislation. New section 8(2) spells this out.

Clause 6. Section 15 replaced

This clause for the repeal and replacement of section 15 (References to repealed provisions).

15 References to repealed provisions

New section 15 provides that references in NT legislation to repealed NT, Commonwealth, New Zealand, State or other Territory Acts are to be read as references to any legislation that is enacted as replacements for the repealed provisions

The difference between current section 15 and new section 15 is the extension of the principle from references to NT and Commonwealth laws in section 15 to include repeals/enactments of State, Territory and New Zealand legislation.

The section mainly operates for national schemes laws under which specific Acts of other jurisdictions are listed – see, for example, *Medicines, Poisons and Therapeutic Goods Regulations* and the *Domestic and Family Violence Act*.

Clause 7. Section 17 amended (Definitions)

Clause 8(1) and (2) amends section 17 (Definitions) by removing the definition of ‘Appropriation’ and including definitions for a number of words, phrases or positions that are often used in other legislation:

- ‘appropriation’ (the new definition uses lower case for the letter ‘a’ for the purpose of lining up the definition with ‘appropriation’ as defined in section 3(1) of the *Financial Management Act*);
- ‘business day’. This is defined so that, for the ordinary uses of ‘business day’ the term does not include public holidays, Saturdays, Sundays and public holidays that only form part of a day;
- ‘Chief Health Officer’. This is defined by reference to the legislation that established the office of the Chief Health Officer;
- ‘NTCAT’. This is defined as the relevant abbreviation for ‘Northern Territory Civil and Administrative Tribunal’ as established under the *Northern Territory Civil and Administrative Tribunal Act*;

- ‘Public place’. This term is to be defined so as to facilitate uniformity across the statute book regarding the use of the term. It is a broad definition that seeks to ensure that there is no legal doubt as to when a place is or is not a ‘public place’. The definition is modelled on the definition of ‘public place’ contained in the *Summary Offences Act*. From commencement it will, as a general rule, apply to all uses in legislation of the term ‘public place’ except where the term is specially defined for the legislation. It will, for example, not supplant the definition of ‘public place’ in the *Traffic Act*;
- ‘Revenue unit’. This is defined by reference to the legislation that established the concept of a ‘revenue unit’;
- ‘Under Treasurer’. This is defined as being the Chief Executive Officer responsible for the Agency administering the *Financial Management Act*.
- ‘year’. This is defined so that it refers to a period of 12 months.

Clause 8(3) amends the definitions of “calendar year” and “financial year” by replacing “period of 12 months” with “year”.

Clause 8(4) replaces the word “Territory” with words referencing the legal identity of the Territory as set out in the *Northern Territory (Self-Government) Act 1978*.

Clause 8. Section 18A amended

This clause amends section 18A (References relating to an Agency) by repealing and replacing section 18A (1).

New section 18A(1) spells out that references to an Agency in legislation can be references to departments, units of Departments or other authorities and bodies identified as such in the Administrative Arrangements Order made under section 35 of the *Interpretation Act* or to such bodies that might be declared to be an Agency. See, for example:

- schedule 1 of the *Public Sector Employment and Management Act* which sets out the entities such as the Auditor-General’s Office and the Independent Commission Against Corruption’s Office are agencies; and
- section 6 of the *Power and Water Corporation Act* which sets out the circumstances in which the Power and Water Corporation is an agency.

Clause 9. Section 24 amended (Gender and number)

This clause omits and replaces section 24(1). New section 24 makes it clearer that a reference to a person by way of gender or sex include references to all persons regardless of sex or gender. This takes account of the findings of the High Court in *Registrar of Births, Deaths and Marriages (NSW) v Norrie [2014] HCA 11* to the effect that a person can have a status that is non-specific as to gender and sex. The amendment adopts a form of wording agreed on by the national Parliamentary Counsel Committee to be used in legislation across Australia.

Clause 10. Section 24A amended (Range of numbers, words or other things)

This clause omits note 3. This topic is now dealt with in section 28(1A) (see below, clause 11). Current note 3 has caused confusion in the past.

Clause 11. Section 28 amended (Reckoning of time)

Clause 11 makes drafting amendments to section 28A and inserts new section 28(1A).

New section 28(1A) makes it clearer that if a period of time is identified by reference to a day or an event, the period of time is taken to include that day or the day of the event.

Clause 12. Section 30 amended (Reckoning of age)

Clause 12 makes of amendments of a statute law revision nature. Respectively:

- the word 'shall' is replaced by 'must';
- the word 'his' is replaced by 'the person's'; and
- 'where' is replaced by 'if'.

These amendments all reflect current drafting practices of the Office of the Parliamentary Counsel.

Clause 13. Sections 38D to 38DB repealed

This clause repeals sections 38D (Alternate penalties), 38DA (Fine in addition to or instead of imprisonment) and 38DB (Body corporate fines under penalty provision).

These provisions are operational in the sense they should be applied by courts when determining sentences. Accordingly they are being moved to the *Sentencing Act* (see clause 30 of this Bill). The decision of the Supreme Court in *Ostojic v Threlfo [2016] NTCA 1* suggests that there may be some confusion regarding the application of these provisions.

Clause 14. Section 42 amended (How power may be exercised)

Section 42 sets out various amplifications of how powers in legislation may be exercised to make, grant or issue statutory instruments.

This amendment corrects technically incorrect drafting identified by Parliamentary Counsel. The current drafting suggests that the power given by section 42 is somehow subject to conditions, limitation or qualifications specified in the instrument. The new provision makes it clear that it is the statutory instrument issued under the relevant power that might contain the conditions, limitations or qualifications.

Clause 15. Section 44 amended (Power to appoint includes power to remove)

This clause amends section 44 by repealing section 44(2). The provisions currently in section 44(2) are now to be located in new section 44A.

Clause 16. Section 44 inserted

44A Acting appointment

New section 44A re-enacts current section 44(2) as a standalone provision as it deals with a different subject matter to that identified in the heading for current section 44.

Section 44A provides that a person who can appoint a person to a position or office can appoint one or more persons to act in the position if there is no substantive person in the position or if the substantive holder of the office or position is unable to perform the duties of the office or position.

Clause 17. Section 46 amended (Power to authorise another person to exercise power or perform function)

This clause amends section 46 (Power to authorise another person to exercise power or perform function) by amending section 46(1) and (5), omitting section 46(4) and replacing section 46(6) and (7).

New section 46(1) is a plain English version of current section 46(1). The current drafting is somewhat convoluted.

Section 46(4) deals with the revoking of instruments. It is preferable that revocations relate to the action of an instrument as provided for in section 43 of the *Interpretation Act* and accordingly this subsection has been omitted.

Section 46(5) is amended by removing the word 'written'. It is a tautology to refer to 'written' instruments. The other amendments to section 46(5) and to section 46(6) and (7) are drafting amendments designed to make the subsections clearer.

Clause 18. Section 48A amended (Participation in meetings by telephone etc.)

This clause amends section 48A (Participation in meetings by telephone etc.) by omitting section 48(2)(b) and (c) and inserting new section 48A(2)(b) and (c). The new amendments make it clear that meetings can occur by way of exchange of emails or by use of online facilities. The types of communications being removed ('closed-circuit television' and 'facsimile exchange' are considered to come within the catch-all provision of 'any other means of communication').

For the purpose of modernising language, section 48A(3) is to be amended so that the words 'shall be' are replaced by 'is'.

Clause 19. Sections 49 amended (Citation)

This clause provides for the amendment of section 49. The overall purpose of the amendments is to provide that NT Acts will now retain in their short title their year of enactment. This will bring NT citation rules into conformity with those in place elsewhere in Australia.

Sub-clauses 19(1)-(3) amend section 49 so as to provide that an Act can be cited by reference to either its short title (including its year of enactment) or by reference to its number and year when it received assent.

Clause 19(4) provides for the repeal of section 49(1)(c) and (d).

Section 49(1)(c) (which refers to legislation enacted before 1 July 1978 as Ordinances) is unnecessary and so has been omitted given that section 17 defines the word 'Act' so that it includes the various kinds of ordinances enacted before the time of Northern Territory self-government.

Section 49(1)(d) (which provides that Acts may be cited by any amendment to their citation by another Act) is not necessary and so has been omitted. It is clear that if a citation is amended then the amended citation is the appropriate one.

Clause 19(5) amends section 49(3) so that it is clearer that section 49(2) (dealing with reprints) is only dealing with copies of legislation formally printed by the Government Printer (with that office being defined in section 17 of the *Interpretation Act*).

Clause 20. Section 50 replaced

New section 50(1) provides that if an Act is referred to in another Act that reference is taken as being a reference to the Act as from time to time amended. The definition of 'Act' in section 17 means that this principle also applies to subordinate legislation.

However, section 50(2) provides that when an amending Act legislation makes an amendment the Act being amended is a reference to the Act as in force at the time of the amendment.

The current provisions in section 50 concerning citations have not been re-enacted because they are no longer necessary.

Clause 21. Section 57B inserted

This clause provides for new section 57B.

57B Definitions automatically inserted in alphabetical order

New section 57B sets out that if a new definition is inserted into a provision that contains other definitions, the new definition is deemed to be inserted in alphabetic order without the amending legislation having to state that that is the case. This provision simplifies drafting processes.

Clause 22. Section 62B amended (Use of extrinsic material in interpreting Act).

This clause amends section 62B.

Section 62B contains a list of materials that may be considered in the interpretation of legislation. The list has been amended by:

- including materials laid before parliament or provided to members by members other than Ministers before a Bill is enacted. This acknowledges that private Member's Bills can be enacted;
- including explanatory speeches and statements given by a Minister or other members on the first reading of the Bill. Again, this amendment reflects the fact that explanatory speeches and statements can be made or given by persons other than Ministers; and
- Including any other relevant material in Hansard/official record of debates.

Clause 23. Section 65E inserted

This clause inserts new section 65E.

65E Statutory instrument may require making of statutory declaration

New section 65E replaces current section 42(3). The provision is more logically located in the Part of the Act dealing with provisions of a kind that are deemed to come within the

standard regulation making power. Section 65E, as with its predecessor, makes it clear that any statutory instrument may require the making of a statutory declaration.

Section 65E is derived from legislation originally enacted in the Australian Capital Territory in 1999 and which is currently in section 54 of the *ACT Legislation Act 2001*.

Clause 24. Section 69 replaced

This clause repeals and re-enacts section 69 (Civil proceedings).

69 Civil proceedings

Current section 69 provides that where monies are due because of the operation of an Act, the moneys are recoverable in a court that has the appropriate civil jurisdiction (i.e. up to \$200 000 for the Local Court) or any amount for the Supreme Court.

New section 69 extends the operation of the principle so that it also applies to tribunals. The NTCAT has jurisdiction over small debts.

Clause 25. Part VIIA inserted

Clause 25 inserts new Part VIIA providing for the incorporation into reprints of legislation of amendments. This Part replaces provisions currently contained in the *Amendments Incorporation Act*. That Act is being repealed by clause 3 of this Bill.

Part VIIA Incorporation of amendments

72A Meaning of reprint

New section 72A contains definitions, for the purposes of Part VIIA of the following:

- ‘legislation’ – this is defined so that it includes Acts and subordinate legislation;
- ‘reprint’ means a consolidation of legislation published by the Government Printer.

72B Reprint of legislation in force at stated date

New section 72B imposes an obligation that reprints of legislation must show the legislation as in force on the date stated in the reprint but such a reprint does not include legislation that has not commenced operation. Uncommenced legislation can be identified in the reprint.

72C Omission of making words in reprint

New section 72C provides that reprints of legislation do not need to include details relevant to the making of the legislation. These are details such that relate to the processes of making,

the date of making or the signature of a person who was responsible for the making of the legislation. This section replaces section 6 of the *Amendments Incorporation Act*.

72D Inclusion of tables of amendments in reprints

New section 72D imposes a duty on the publisher of reprints to include a table showing the details of amendments. This section replaces section 5 of the *Amendments Incorporation Act*.

Clause 26. Part VIII heading replaced

This clause omits and replaces the heading for Part VIII. The purpose of the amendment is to identify that the provisions of current Part VIII are to become a Division of Part VIII.

The new heading is:

Part VIII Transitional matters

Division 1 Justice Legislation Amendment Act 2006

Clause 27. Part VIII, Division 2 inserted

This clause inserts new Division 2 for Part VIII.

Division 2 Interpretation Legislation Amendment Act 2018

75 Short titles and cross references taken to include year of enactment or making

Currently section 4 of the *Amendments Incorporation Act* operates so that Acts that are amended are referred to as if the short title does not include the year of enactment. With the repeal of that section (see clause 3 of this Bill) combined with the amendments to be made by this Bill to section 49 of the *Interpretation Act* the year of enactment will be retained in the Act made after the commencement of the relevant provisions of this Bill.

New section 75 provides that, for Acts made before the commencement of the amendments, the citation for those Acts and cross references to those Acts in other Acts will be deemed to include the year of enactment.

76 Disapplication of section 50(1) in certain circumstances

Under current section 50 of the *Interpretation Act* there may be some instances where a cross reference to legislation is meant to be a cross reference to that legislation as in force at a particular time.

New section 76 operates so as to preserve this operation noting that new section 50 does not provide for this kind of effect. New section 50 provides that all cross references to other legislation are read as references to the legislation as amended (and as in force).

Part 4 Amendment of Sentencing Act

Clause 28. Act amended

This clause provides that clauses 29 and 30 amend the *Sentencing Act*. These clauses along with clause 13 consolidate default provisions relating to fines as well as clarifying the relationships between them.

Clause 29. Section 16 replaced

This clause omits and replaces section 16 (Power to fine). Section 16 provides that if an offence does not provide for a maximum fine, the maximum fine that can be imposed is 20 penalty units.

This clause, together with clauses 13 and 30, deals with issues apparent from the decision of the Northern Territory Court of Appeal in *Ostojic v Threlfo* [2016] NTCA. In that case the court found that for offences where there is only an imprisonment penalty and no fine specified the maximum fines penalty is the fine specified in section 16 of the *Sentencing Act* – namely 20 penalty units.

The decision was made without any apparent reference to section 38DA (Fine in addition to or instead of imprisonment) of the *Interpretation Act*. That section provides that for most offences for which a period of imprisonment is the only stated penalty the court also has the option of imposing a fine in addition to, or instead of, imprisonment. Section 38D(2) contains a formula for working out what is the maximum fine. Northern Territory legislation is drafted on the basis that section 38DB provides a fine for all offences for which there is a penalty stated in terms of imprisonment.

Clause 30. Sections 27 to 30 inserted

This clause inserts new sections 27-30 into the *Sentencing Act*. The sections are reenactments of sections 38D, 38DA and 38DB of the *Interpretation Act*.

27 Alternative penalties

New section 27 re-enacts without any substantive change in wording current section 38D of the *Interpretation Act*. The section provides that, for offences for which there is a discretion about the penalty, the court may impose a fine or imprisonment or both a fine and imprisonment.

This applies regardless of the grammar that may be used in the penalty stated for the offence. Sometimes the grammar suggested that the penalty must be either a fine or imprisonment. This principle also applies for fines as provided for by new section 28 (see below).

28 Fine in addition to or instead of imprisonment

New section 28 re-enacts without any substantive change in policy or effect the wording current section 38DA of the *Interpretation Act*. The section provides that a court may impose a fine notwithstanding that the penalty is only expressed in terms of imprisonment. The fine can be addition to or instead of imprisonment. The maximum is 100 penalty units multiplied by each year of the maximum period of imprisonment. This, for example, if the maximum penalty is five years, the maximum fine is 500 penalty units. If the maximum penalty is less than one year, the maximum fine is 100 penalty units' times the maximum period divided by the period of one year. For example, if the maximum penalty is three months imprisonment, the maximum fine will be 25 penalty units.

This section does not apply if the penalty is imprisonment for life.

29 Body corporate fines under penalty provision

New section 29 re-enacts (but with different wording) the policy contained in current section 38DB of the *Interpretation Act*. The section deals with the penalty that applies to corporate offenders in the situation where the penalty for the offence does not differentiate between individuals and corporate offenders. When this occurs:

- the specified penalty is taken to be the penalty to be applied when an individual natural person commits the offence;
- The maximum penalty for a corporate offender is taken to be five times the amount specified for the offence.

Part 5 Consequential amendments

Division 1 Co-operatives (National Uniform Legislation) Act

Clause 31. Act amended

This clause provides that this Division amends the *Co-operatives (National Uniform Legislation) Act*.

Clause 32. Section 3 amended (Interpretation)

This clause also amends section 3 by adding a note about additional definitions contained in the *Interpretation Act*. This is a standard provision being added to all Northern Territory definitions sections when the opportunity arises.

Clause 33. Section 13 amended (Secrecy)

This clause amends the definition of 'Under Treasurer' in section 13 by omitting words defining that position. Those words are now unnecessary as that title is now to be defined in the *Interpretation Act*.

Division 2 Fiscal Integrity and Transparency Act 2001

Clause 34. Act amended

This clause provides that this Division amends the *Fiscal Integrity and Transparency Act 2001*.

Clause 35. Section 3 amended (Interpretation)

This clause omits the definition of 'Under Treasurer' as that title is now to be defined in the *Interpretation Act*.

This clause also amends section 3 by adding a note about additional definitions contained in the *Interpretation Act*. This is a standard provision being added to all definitions sections when the opportunity arises.

Division 3 Legislative Assembly Members' Superannuation Fund Act

Clause 36. Act amended

This clause provides that this Division amends the *Legislative Assembly Members' Superannuation Fund Act*.

Clause 37. Section 3 amended (Interpretation)

This clause omits the definition of 'Under Treasurer' as that title is now to be defined in the *Interpretation Act*.

This clause also amends section 3 by adding a note about additional definitions contained in the *Interpretation Act*. This is a standard provision being added to all definitions sections when the opportunity arises.

Division 4 Northern Territory Treasury Corporation Act

Clause 38. Act amended

This clause provides that this Division amends the *Northern Territory Treasury Corporation Act*.

Clause 39. Section 3 amended (Interpretation)

This clause omits the definition of 'Under Treasurer' as that title is now to be defined in the *Interpretation Act*.

This clause also amends section 3 by adding a note about additional definitions contained in the *Interpretation Act*. This is a standard provision being added to all definitions sections when the opportunity arises.

Division 5 Superannuation Act

Clause 40. Act amended

This clause provides that this Division amends the *Superannuation Act*.

Clause 41. Section 3 amended (Interpretation)

This clause omits the definition of 'Under Treasurer' as that title is now to be defined in the *Interpretation Act*.

The clause also makes statute law amendments so as to reflect current drafting styles.

This clause also amends section 3 by adding a note about additional definitions contained in the *Interpretation Act*. This is a standard provision being added to all definitions sections when the opportunity arises.

Clause 42. Repeal of Act

This is a standard clause for legislation which consists entirely of amendments to other legislation. It provides that the Bill ceases to have effect once it has performed its function of amending the other legislation.

Schedule Repealed Acts

The Schedule sets out that the various Ordinances that comprise the *Amendments Incorporation Act*. Clause 3 provides for the repeal of those Ordinances.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Interpretation Legislation Amendment Bill 2018

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) – namely:

- the International Convention on the Elimination of all Forms of Racial Discrimination done at New York on 21 December 1965;
- the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966;
- the International Covenant on Civil and Political Rights done at New York on 16 December 1966;
- the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979;
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984;
- the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4);
- the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006.

OVERVIEW OF THE BILL

The Interpretation Legislation Amendment 2018 (the Bill) amends the *Interpretation Act*, *Sentencing Act* and *Amendments Incorporation Act* as follows:

Amendments to the *Interpretation Act*

- 1) so as to clarify the operation of sections 6 and 8 dealing with commencement and the exercise of powers prior to commencement.
- See clause 5, repeal of sections 5, 6 and 6A and replaced with new sections 5 and 6. The amendments seek to improve clarity issues identified by the Office of the Parliamentary Counsel concerning the clarity of the operation of these provisions.

- 2) to provide for the inclusion in sections 17 and 18A of new definitions or revision of the definitions of terms commonly used across the statute book.
 - See clause 8 – new definition of ‘appropriation’, ‘business day’, ‘Chief Health Officer’, ‘Commonwealth Act’, ‘NTCAT’, ‘public place’, ‘revenue unit’ and ‘year’. These default definitions seek to ensure consistency of use of common terms across the statute to book.
- 3) clarify section 28 regarding when a period of time mentioned in legislation ends.
 - See clause 12, new section 28(1A). The amendment seeks to improve clarity issues identified by the Office of the Parliamentary Counsel concerning the operation of these provisions.
- 4) to repeal sections 38D, 38DA and 38DB.
 - See clause 14 which provides for the repeal. Clauses 29-30 provide for the re-enactment of these provisions in the *Sentencing Act*.
- 5) to clarify the operation of sections 44 and 46.
 - See clauses 17 and 18. New sections 44, 44A and amendments to section 46. The amendments seek to improve clarity issues identified by the Office of the Parliamentary Counsel concerning the clarity of the operation of these provisions.
- 6) so as to provide for technology neutral terms for the holding of meetings as dealt with in section 48A.
 - See clause 19, amendments to section 48A (2).
 - Statute law amendments to section 48A (3).
 - See clause 42A, new section 42A.
- 7) To provide for the continued use in the citation of Acts of the year of enactment of an Act following amendments.
 - See clauses 20, 21 and 28. Amended sections 49 and 50 and new sections 75 and 76. The aim of these amendments is to provide that NT legislation is cited in the same way as is the case elsewhere in the country. Currently, in popular parlance, academic articles and juridical judgments the legislation is inaccurately cited. For the future legislation should always include the year in which the legislation was enacted.

- 8) so that section 69 applies to tribunals as well as courts. This is a technical amendment relating to the fact that NTCAT can deal with the recovery of monies.
- See clause 25. New section 69.

Repeal of the *Amendments Incorporation Act*

- 9) Amendments to provide for the repeal of the *Amendments Incorporation Act* and the re-enactment of sections 3(1), 5 and 6 in the *Interpretation Act*.
- See clauses 3 and 26. Repeal of the *Amendments Incorporation Act* and new sections 72A, 72B, 72C and 72D of the *Interpretation Act*.

Amendments to the *Sentencing Act*

- 10) Amendments to the *Sentencing Act* so as to provide for the re-enactment of sections 38D, 38DA and 38DB of the *Interpretation Act*.
- See clauses 30 and 31. Repeal and replacement of section 16 and the inclusion of new sections 27-30.

HUMAN RIGHTS IMPLICATIONS

The Bill has no adverse human rights implications.

The provisions dealing with penalties for offences merely move the current provisions to another part of the statute book.

CONCLUSION

This Bill is compatible with human rights.