

NORTHERN TERRITORY OF AUSTRALIA

PENALTIES AMENDMENT (CHILDREN AND FAMILIES, HEALTH AND  
PRIMARY INDUSTRY, FISHERIES AND RESOURCES) ACT 2011

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Act No. 28 of 2011

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and Families**

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Industry, Fisheries and Resources**



# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 28 of 2011

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An Act to amend penalties in various Acts and subordinate legislation administered by the Minister for Children and Families, Minister for Health and Minister for Primary Industry, Fisheries and Resources

[Assented to 31 August 2011]  
[Second reading 22 February 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

## **1 Short title**

This Act may be cited as the *Penalties Amendment (Children and Families, Health and Primary Industry, Fisheries and Resources) Act 2011*.

## **2 Commencement**

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## **3 Laws administered by the Minister for Children and Families amended**

Schedule 1 amends the laws mentioned in it.

*Note for section 3*

*The Youth Justice Act is administered by the Minister for Children and Families and other Ministers.*

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#### **4      Laws administered by the Minister for Health amended**

Schedule 2 amends the laws mentioned in it.

*Note for section 4*

*The Mental Health and Related Services Act is administered by the Minister for Health and another Minister.*

#### **5      Laws administered by the Minister for Primary Industry, Fisheries and Resources amended**

Schedule 3 amends the laws mentioned in it.

*Note for section 5*

*Several Acts mentioned in Schedule 3 are administered by the Minister for Primary Industry, Fisheries and Resources and other Ministers.*

#### **6      Expiry**

This Act expires the day after it commences.

## Schedule 1      Laws administered by Minister for Children and Families

section 3

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Adoption of Children Act</i></b>		
sections 68, 69(1), 70(1), 71(1), 72(1), 73(1), 74(1), 75, 76 and 77, penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
<b><i>Adoption of Children Regulations</i></b>		
regulation 15, penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
<b><i>Youth Justice Act</i></b>		
sections 43(3), 49(4), 50(2), 168(4), 195 to 199, 200(1) and (2), 201(1) and 214(3), penalty provision	Penalty:	Maximum penalty:

## Schedule 2      Laws administered by Minister for Health

section 4

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Adult Guardianship Act</i></b>		
section 26(3), penalty provision	Penalty: \$2,000 \$500	Maximum penalty: 17 penalty units 4 penalty units
<b><i>Food Act</i></b>		
sections 12, 13, 14(1) and (2), 15(1) and (2), 16(1) and (2), 17(1) to (3), 18(1), 19(1) to (3), 20(1) to (4), 46, 52(1), 53, 54, 55(1) to (3), 70, 71(1), 73(3), 75(5), 82, 83, 96(1) and (2), 102, 106, 107, 129(3), 131 and 132(1), penalty provision	Penalty:	Maximum penalty:
section 32(4), penalty provision	Penalty:	Maximum penalty for an offence against subsection (4):
section 79(7), penalty provision	Penalty:	Maximum penalty for an offence against subsection (7):
<b><i>Medical Services Act</i></b>		
section 18(n)	\$1,000	8 penalty units
<b><i>Notifiable Diseases Act</i></b>		
section 23(1), penalty provision	Penalty:	Maximum penalty:
section 26E(1), penalty provision	Penalty: \$10,000	Maximum penalty: 85 penalty units

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section 29(1), penalty provision	Penalty:	Maximum penalty:
section 34, penalty provision	Penalty: \$1,000	Maximum penalty: 8 penalty units
section 35, penalty provision	Penalty:	Maximum penalty:
section 38(2)	of \$1,000	not exceeding 8 penalty units
section 39(1)	\$1,000	8 penalty units

***Radiation Protection Act***

sections 10(4), 11(1), 12(1), 13(2) and (3), 14(2), 15(2), 16 to 18, 19(1) and (2), 23, 24, 34(2), 40, 42(3), 45, 47, 52, 57(2), 65(3), 68(5), 69(4), 70(1), 71(1), 72(1) and 73, penalty provision	Penalty:	Maximum penalty:
section 64(6), penalty provision	Penalty:	Maximum penalty for an offence against subsection (6):

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## Schedule 3      Laws administered by Minister for Primary Industry, Fisheries and Resources

section 5

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Agricultural and Veterinary Chemicals (Control of Use) Act</i></b>		
sections 13, 14(2), 17(1), 18(1) and (3), 19(1), 20(1), 21, 22(1), 23, 24(2), 25(1), 26(1), 27(1), 28(2), 29(1), 30(1), 31(1), 33(1) and (2), 34, 35(1) to (3), 36(1), 37, 38(1) and (3), 39(1), 40, 41(1), 42(1), 43(1), 44(1), 45(1), 46, 47(1), 48(1) and (3), 49(1) and (3), 50(1) and (2), 51(1), 52(1), 53(4), 54(2), 55(5), 56(1), 57, 58(1), 59, 60, 71, 72(1) and (2), 73(2), 76, 79(3), 87(2), 92(3), 96(3), 100(4), 101, 102, 120, 121 and 122(2), penalty provision	Penalty	Maximum penalty
<b><i>Biological Control Act</i></b>		
sections 41 and 43, penalty provision	Penalty: \$1,000	Maximum penalty: 8 penalty units
section 45, penalty provision	Penalty: \$5,000	Maximum penalty: 40 penalty units
sections 46 and 49(1), penalty provision	Penalty: \$2,000	Maximum penalty: 17 penalty units
section 49(2), penalty provision	Penalty: \$2,000	Maximum penalty: 17 penalty units
	\$10,000	85 penalty units

***Energy Pipelines Act***

sections 12(1) and (2), 15A(6), 26(2), 28(4), 36, 37(1), 37A(1) and (3), 38(3), 39, 40(3), 43(10), 50, 52(2), 53(2), 58, 63(3), 64(2) and (3), 64A(2), 65 and 66(1) to (3) and (5), penalty provision	Penalty:	Maximum penalty:
section 42(6), penalty provision	Penalty:	Maximum penalty for an offence against subsection (6):

***Energy Pipelines Regulations***

regulations 10, 14, 15(1), 16, 20(1), 21, 22(1) and (2), 43(1), 44 to 46 and 49, penalty provision	Penalty:	Maximum penalty:
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***Fisheries Act***

section 10(1), penalty provision	Penalty: \$20,000 \$10,000	Maximum penalty: 170 penalty units 85 penalty units
section 12A(7), penalty provision	whole penalty provision	Maximum penalty: 170 penalty units.
sections 13A(1), 13B(1), 13C(1) and 13D(1), penalty provision	Penalty: \$20,000 \$5,000	Maximum penalty: 170 penalty units 40 penalty units
section 14(5), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 14(7), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 14A(2), penalty provision	whole penalty provision	Maximum penalty: 17 penalty units.



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section 15(1), penalty provision	Penalty: \$20,000 \$5,000 <i>(all references)</i> \$10,000 \$50,000	Maximum penalty: 170 penalty units 40 penalty units 85 penalty units 430 penalty units
section 18(1), penalty provision	Penalty: \$100,000 \$20,000	Maximum penalty: 860 penalty units 170 penalty units
section 36(1), penalty provision	Penalty: \$5,000	Maximum penalty: 40 penalty units
section 37(2)	\$20 000 \$500	170 penalty units 4 penalty units
section 40, penalty provision	Penalty: \$10,000	Maximum penalty: 85 penalty units
section 41, penalty provision	Penalty: \$5,000 \$10,000 \$20,000	Maximum penalty: 40 penalty units 85 penalty units 170 penalty units
section 47(2)(y)	\$20 000 \$500	170 penalty units 4 penalty units
Schedule 2, item 2(g)(i)	\$20 000	170 penalty units
Schedule 2, item 2(g)(iii)	\$500	4 penalty units
<b><i>Fisheries Regulations</i></b>		
regulation 39(1) and (2), penalty provision	\$5 000	40 penalty units
regulation 39A(1), penalty provision	\$1 000	8 penalty units
regulation 39A(2) and (3), penalty provision	\$5 000	40 penalty units

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regulation 46AA(1) to (2A), penalty provision	\$1 000 \$10 000	8 penalty units 85 penalty units
regulation 46AA(3), penalty provision	\$10 000	85 penalty units
regulation 46AB(1), (2) and (4), penalty provision	\$1 000 \$10 000	8 penalty units 85 penalty units
regulation 46AB(5), penalty provision	\$1 000	8 penalty units
regulation 46A(1), penalty provision	Penalty: \$1 000 \$10 000	Maximum penalty: 8 penalty units 85 penalty units
regulation 46B(3), penalty provision	Penalty: \$2 000 \$10 000	Maximum penalty: 17 penalty units 85 penalty units
regulation 46B(6) and (11), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
regulations 46BA(1), 96CB(7) and 96D(2A), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
regulation 141JC(2), penalty provision	\$10 000	85 penalty units
regulations 141JD(1) and (2) and 141JE(1) and (2), penalty provision	\$20 000	170 penalty units
regulation 141JF, penalty provision	\$10 000	85 penalty units
regulations 141JG, 141JH and 141JI(1), penalty provision	\$20 000	170 penalty units

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regulations 141JJ(1), 141JK(1), 141JL(2), 141JM, 141JN(1) and (3) and 141JO(1), penalty provision	\$10 000	85 penalty units
regulations 141JP(2) and 141JQ(4), penalty provision	\$20 000	170 penalty units
regulation 141JR(2), penalty provision	\$10 000	85 penalty units
regulation 141QA, penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
regulation 158A, penalty provision	\$10 000	85 penalty units
Schedule 6	\$500 <i>(all references)</i>	4 penalty units
	\$200 <i>(all references)</i>	1.7 penalty units
	\$1 000	8 penalty units

***Meat Industries Act***

section 10(4), penalty provision	Penalty:	Maximum penalty for an offence against subsection (4):
sections 33, 34(1) and (2), 36(1) and (2), 37(1) to (3), 38, 39, 40A(1) and (2), 40B(1) to (3), 40C, 40(1), 41(1) and (2) and 42(1) and (2), penalty provision	Penalty:	Maximum penalty:
section 43, penalty provision	whole penalty provision	
after section 43(1)		Maximum penalty: 170 penalty units.

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sections 44, 45(2) and (3), 46(1) and (2), 47(2) and (3), 48(1) to (3), 50, 51(1), 52, 53(1) and (2) and 54, penalty provision	Penalty:	Maximum penalty:
section 74(2)(z)(i)	\$5,000	40 penalty units
section 74(2)(z)(ii)	\$500	4 penalty units
<b><i>Meat Industries Regulations</i></b>		
regulations 4 to 7, penalty provision	\$500	4 penalty units
regulation 8(1) and (2), penalty provision	\$250	2 penalty units
regulation 9, penalty provision	whole penalty provision	
after regulation 9(1)		Infringement Notice Penalty: 4 penalty units.
regulation 10, penalty provision	\$500	4 penalty units
regulation 11, penalty provision	\$250	2 penalty units
regulation 12, penalty provision	whole penalty provision	
after regulation 12(1)		Infringement Notice Penalty: 4 penalty units.
regulation 13, penalty provision	\$500	4 penalty units
regulation 14, penalty provision	\$250	2 penalty units:
regulations 15 to 17, penalty provision	\$500	4 penalty units
regulation 18, penalty provision	whole penalty provision	

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after regulation 18(1)		Infringement Notice Penalty: 4 penalty units.
regulation 19, penalty provision	\$500	4 penalty units
regulation 20, penalty provision	\$250	2 penalty units
regulation 21, penalty provision	\$100	0.8 penalty unit
regulation 22, penalty provision	\$500	4 penalty units
regulation 23, penalty provision	\$250	2 penalty units
regulations 24 and 25, penalty provision	\$500	4 penalty units
regulation 26, penalty provision	whole penalty provision	
after regulation 26(1)		Infringement Notice Penalty: 4 penalty units.
regulation 27, penalty provision	\$250	2 penalty units
regulation 28, penalty provision	\$500	4 penalty units
regulation 29, penalty provision	\$250	2 penalty units
regulation 30, penalty provision	\$100	0.8 penalty unit
regulations 31 to 34, penalty provision	\$250	2 penalty units
regulation 35, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
regulation 36, penalty provision	\$500	4 penalty units

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regulations 37 and 38, penalty provision	\$250	2 penalty units
regulation 39, penalty provision	whole penalty provision	
after regulation 39(1)		Infringement Notice Penalty: 2 penalty units.
regulations 40 to 42, penalty provision	\$500	4 penalty units
regulation 43(1) to (3), penalty provision	\$250	2 penalty units
regulation 44(3), penalty provisions	Penalty: \$2,500.	Maximum penalty: 20 penalty units.
	\$100	0.8 penalty units
regulation 46, penalty provision	\$250	2 penalty units
regulation 47, penalty provision	\$500	4 penalty units
regulation 52(a), (b), (c)(i) to (vi) and (d), penalty provision	\$250	2 penalty units
regulation 52(c)(vii) and (viii) and (e) to (g), penalty provision	\$100	0.8 penalty unit
regulation 54	\$500	4 penalty units
regulation 58, penalty provision	\$100	0.8 penalty unit
regulation 59, penalty provisions	Penalty: \$1,000.	Maximum penalty: 8 penalty units.
	\$250	2 penalty units.
regulation 60, penalty provisions	Penalty: \$1,000.	Maximum penalty: 8 penalty units.
	\$100	0.8 penalty unit.
regulation 61, penalty provision	\$250	2 penalty units

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Schedule 2	<b>(\$)</b>	<b>(Penalty units)</b>
	1,000 <i>(all references)</i>	8 penalty units
	100 <i>(all references)</i>	0.8 penalty unit
	200	1.7 penalty units
	250 <i>(all references)</i>	2 penalty units

***Merlin Project Agreement Ratification Act***

section 7(1), penalty provision	Penalty: \$20,000	Maximum penalty: 170 penalty units
section 8(1), penalty provision	Penalty: \$10,000	Maximum penalty: 85 penalty units
section 8(4), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 8(10), penalty provision	Penalty: \$10,000	Maximum penalty: 85 penalty units
section 9(3), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 11(16), penalty provision	Penalty: \$20,000	Maximum penalty: 170 penalty units
section 15(2)(j)	\$10,000	85 penalty units

***Minerals (Acquisition) Act***

section 5(2), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
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***Mining Management Act***

sections 9(2), 10(4), (6) and (7), 11(3), 29(1) and (2), 31(1), 32(1), 35(1), 39, 42(1), 45(2), 60(3), 63, 64(1) and (2), 85(1) and 90, penalty provision	Penalty:	Maximum penalty:
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***Mining Management Regulations***

regulations 3(1) and 4(1), penalty provision	Penalty:	Maximum penalty:
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***Veterinarians Act***

sections 18(3), 21(2) and (6), 22(1) and (2), 24(1) and (2), 25(1) to (4), 32(2) and (4), 41(1), (2) and (4), 42, 43(1), 44, 45 and 49, penalty provision	Penalty	Maximum penalty
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section 39(3), penalty provision	Penalty	Maximum penalty for an offence against subsection (3)
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