

NORTHERN TERRITORY OF AUSTRALIA

PARKS AND WILDLIFE COMMISSION AMENDMENT ACT 2018

Act No. 19 of 2018

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 19 of 2018

An Act to amend the *Parks and Wildlife Commission Act*

[Assented to 6 September 2018]
[Second reading 18 October 2017]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Parks and Wildlife Commission Amendment Act 2018*.

2 Commencement

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

3 Act amended

This Act amends the *Parks and Wildlife Commission Act*.

4 Section 3A inserted

After section 3, in Part I

insert

3A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 3A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

5 Section 32 amended

(1) Section 32(2)(b)

omit (all references)

his

insert

the member's

(2) Section 32(2)(c)

omit

37,

insert

37;

(3) Section 32(2)

omit

shall

insert

must

6 Sections 36 and 37 replaced

Sections 36 and 37

repeal, insert

36 Unauthorised disclosure of confidential information

(1) A member commits an offence if:

- (a) the member obtains information in the course of performing duties as a member; and
- (b) the member intentionally engages in conduct; and
- (c) the conduct results in the disclosure of the information and the member is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) Strict liability applies to subsection (1)(a).

(3) Subsection (1) does not apply if:

- (a) the member discloses the information:
 - (i) in the course of the member's duties as a member; or
 - (ii) with the consent of the person to whom the information relates; or
 - (iii) for legal proceedings arising out of the operation of this Act; or
- (b) the information is otherwise available to the public.

Note for subsection (3)

In addition to the circumstances mentioned in subsection (3), a person who discloses confidential information will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

37 Disclosure of personal interest by member

- (1) If a member has a personal interest in a matter being considered or about to be considered by the Corporation, the member must disclose the following at a meeting of the Corporation as soon as practicable after the relevant facts come to the member's knowledge:

-
- (a) the nature and extent of the personal interest;
 - (b) how the interest relates to the matter being considered or about to be considered by the Corporation.
 - (2) The disclosure must be recorded in the minutes of the meeting.
 - (3) For this section, a member has a personal interest in a matter if the member:
 - (a) has a direct or indirect financial interest in the matter; or
 - (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.

37A Effect of personal interest

- (1) If a member has a personal interest in a matter that is required to be disclosed under section 37:
 - (a) the member must not take part in any deliberation or decision of the Corporation about the matter; and
 - (b) the member must be disregarded for the purpose of constituting the quorum of the Corporation for the deliberation or decision; and
 - (c) the quorum for the deliberation or decision is a majority of persons entitled to participate in the deliberation or decision.
- (2) However, a failure by the member to disclose the interest in the matter does not, on its own, invalidate any decision of the Corporation about the matter.

7 Section 41 amended

Section 41(1)

omit

must

insert

may

8 Part VI inserted

After section 42

insert

Part VI Transitional matters for Parks and Wildlife Commission Amendment Act 2018

43 Offence provisions – before and after commencement

- (1) The offence provisions, as amended by the *Parks and Wildlife Commission Amendment Act 2018*, apply only in relation to offences committed after the commencement of that Act (the **commencement**).
- (2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (4) In this section:

offence provisions means the provisions of this Act that create or relate to offences committed against this Act (including in relation to criminal responsibility, defences and penalties).

9 Act further amended

The Schedule has effect.

10 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Act further amended

section 9

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 3, definition Aboriginal	whole definition	
section 3, at the end		<i>Note for section 3</i> <i>The Interpretation Act contains definitions and other provisions that may be relevant to this Act.</i>
section 4(5)	his or her (all references)	the Director's
section 5(c)	him	the Director
section 6	his	the Director's
section 7(2)	shall be	is
section 9(2)(b)	shall have	has
section 9(3)	shall (all references)	are to
section 19(b)	land,	land;
section 21	shall	must
section 23(2)	shall be	is
section 28	shall (all references)	are to
section 30(1)	shall consist	consists
section 30(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 31	his	the member's
	him	the member
section 33, heading	Chairman	Chairperson

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 33	notice in the <i>Gazette</i> Chairman	<i>Gazette</i> notice Chairperson
section 34	shall take	takes
section 35(b)	person,	person;
section 39(4)	shall (<i>first reference</i>) shall be a	must is
section 39(5)	shall be	is