

Serial 149

Penalties Amendment (Children and Families, Health and Primary Industry,
Fisheries and Resources) Bill 2011

Ms Lawrie

A Bill for 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

NORTHERN TERRITORY OF AUSTRALIA

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

Act No. [] of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2011

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 [] 2011]
[Second reading [] 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.

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> |
| <i>Adoption of Children Act</i> | | |
| 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. |
| <i>Adoption of Children Regulations</i> | | |
| regulation 15, penalty provision | whole penalty provision | Maximum penalty: 40 penalty units. |
| <i>Youth Justice Act</i> | | |
| 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> |
| <i>Adult Guardianship Act</i> | | |
| section 26(3), penalty provision | Penalty: \$2,000 \$500 | Maximum penalty: 17 penalty units 4 penalty units |
| <i>Food Act</i> | | |
| 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): |
| <i>Medical Services Act</i> | | |
| section 18(n) | \$1,000 | 8 penalty units |
| <i>Notifiable Diseases Act</i> | | |
| 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

| | | |
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| 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): |

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

section 5

| Provision | Amendment | |
|---|---------------------------------|--|
| | <i>omit</i> | <i>insert</i> |
| <i>Agricultural and Veterinary Chemicals (Control of Use) Act</i> | | |
| 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 |
| <i>Biological Control Act</i> | | |
| 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 \$10,000 | Maximum penalty: 17 penalty units 85 penalty units |

Energy Pipelines Act

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| 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

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| 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

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| 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 |
| <i>Fisheries Regulations</i> | | |
| 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 |
| <i>Meat Industries Act</i> | | |
| 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 |
| <i>Meat Industries Regulations</i> | | |
| 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 |

| Schedule 2 | (\$) | (Penalty units) |
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| | 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

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| 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

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

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| 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

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

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| 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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