

Serial 100
Justice Legislation Amendment Bill 2010
Ms Lawrie

A Bill for an Act to amend various Acts administered by the Minister for
Justice and Attorney-General

NORTHERN TERRITORY OF AUSTRALIA

JUSTICE LEGISLATION AMENDMENT ACT 2010

Act No. [] of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2010

An Act to amend various Acts administered by the Minister for Justice and Attorney-General

[Assented to [] 2010]
[Second reading [] 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Justice Legislation Amendment Act 2010*.

2 Commencement

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

Part 2 Amendment of Criminal Code

3 Act amended

This Part amends the Criminal Code.

4 Amendment of section 177 (Acts intended to cause serious harm or prevent apprehension)**(1) Section 177(a)**

omit, substitute

- (a) causes any serious harm, or causes any other harm, by any means; or

(2) Section 177(b) to (e), at the end

insert

or

Part 3 Amendment of Land Title Act**5 Act amended**

This Part amends the *Land Title Act*.

6 Amendment of section 44 (Issuing of certificates as to title)**(1) Section 44(1) and (2)**

omit, substitute

- (1) If any of the following ask, in the prescribed form, for the Registrar-General to issue a certificate containing the indefeasible title for a lot, the Registrar-General must, subject to subsection (2), issue the certificate:
- (a) the registered owner of the lot;
 - (b) a legal practitioner acting for the registered owner of the lot;
 - (c) a conveyancing agent, within the meaning of section 5(2)(c) of the *Agents Licensing Act*, acting for the registered owner of the lot.
- (2) If the lot is subject to a registered mortgage, the Registrar-General may issue a certificate under subsection (1) only if:
- (a) for a lot subject to one registered mortgage – the mortgagee consents to the issue of the certificate; or
 - (b) for a lot subject to more than one registered mortgage – the first registered mortgagee consents to the issue of the certificate.

(2) Section 44(6)(a)

omit

owner's request

substitute

request

Part 4 Amendment of Public Interest Disclosure Act

7 Act amended

This Part amends the *Public Interest Disclosure Act*.

8 Amendment of section 5 (Improper conduct)

Section 5(1)(a)(iv)

omit

a public trust

substitute

public trust

9 Amendment of section 53 (Confidentiality of information)

(1) Section 53(2)(a)

omit

(other than identifying information)

(2) Section 53(2)(b)

omit

(other than identifying information)

substitute

necessary

10 New sections 53A and 53B

After section 53, in Part 5, Division 6

insert

53A Sudden or extraordinary emergency

- (1) A person (a ***prescribed person***) may disclose confidential information if the prescribed person reasonably believes each of the following:
 - (a) circumstances of sudden or extraordinary emergency exist;
 - (b) disclosing the information is the only reasonable way to deal with the emergency;
 - (c) the risk that the disclosure is made in response to significantly outweighs the risk to the discloser in disclosing the information.
- (2) The prescribed person must not reveal the identity of the discloser unless the prescribed person reasonably believes it is necessary in the circumstances.
- (3) The prescribed person must do the following:
 - (a) give to the Commissioner written notice about the disclosure within 48 hours after it happens;
 - (b) include in the notice his or her reasons for believing the disclosure was necessary in the circumstances.
- (4) This section has effect despite any other provision in this Act or another law of the Territory.

53B Direction not to disclose confidential or identifying information

- (1) The Commissioner may, in writing, direct a person not to disclose:
 - (a) information given to the person by the Commissioner; or
 - (b) that an investigation is being or has been conducted; or
 - (c) that the person has, under section 26, been requested or required to give information or a document or thing.

- (2) The person must not contravene the direction.

Fault elements:

The person:

- (a) intentionally engages in conduct; and
- (b) is reckless as to whether the conduct will result in a contravention of the direction.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (3) Subsection (2) does not apply if the disclosure is made in consulting a legal practitioner or, with the Commissioner's consent, someone else.

11 New section 54A

After section 54

insert

54A Delegation by responsible chief executive

A responsible chief executive may, in writing, delegate any of his or her powers or functions under this Act to a person named in the instrument of delegation.

Part 5 Amendment of Retirement Villages Act

12 Act amended

This Part amends the *Retirement Villages Act*.

13 New section 36A

After section 36

insert

36A Removal of notation from Register

- (1) This section applies if a record is made in the Register under section 36(1) about land and the land is not used, or is not to be used, as a retirement village.

- (2) The registered proprietor of the land may apply, in the prescribed form, to the Registrar-General for removal of the record from the Register.
- (3) The Registrar-General must give written notice about the application, and his or her intention to remove the record, to each person who holds a registered mortgage, registered charge or registered encumbrance over land to which the application relates.
- (4) A person given a notice under subsection (3) may object, in the prescribed form, to the application.
- (5) The objection must be given to the Registrar-General within 20 working days after the person is given the notice under subsection (3).
- (6) If an objection is made on the grounds that the land is used, or is to be used, as a retirement village, the Registrar-General must not remove the record from the Register unless the objection is withdrawn.
- (7) If satisfied the land is not used, or is not to be used, as a retirement village, the Registrar-General must remove the record from the Register.
- (8) The Registrar-General must give written notice to the owner of the land about the removal of the record within 5 working days after the removal.
- (9) In this section:

registered proprietor means a registered proprietor as defined in section 4 of the *Land Title Act*.

working day means a day that is not a Saturday, Sunday or public holiday as defined in section 4(1) of the *Public Holidays Act*.

Part 6 Amendment of Sale of Land (Rights and Duties of Parties) Act 2010

14 Act amended

This Part amends the *Sale of Land (Rights and Duties of Parties) Act 2010*.

15 Amendment of section 8 (Contracts excluded from application of Act)

Section 8(2)(a), after "spouses"

insert

or de facto partners

Part 7 Amendment of Unit Titles Act

16 Act amended

This Part amends the *Unit Titles Act*.

17 New section 116

After 115

insert

116 Limit on application of section 10

- (1) This section applies in relation to section 10 on and after the commencement of Part 7 of the *Justice Legislation Amendment Act 2010*.
- (2) An application cannot be made under section 10 unless it is made in respect of:
 - (a) a building lot; or
 - (b) a parcel of land or leasehold land for which, before the commencement, a development permit or exceptional development permit has been issued under the *Planning Act* indicating the matters mentioned in section 16(d).

Part 8 Amendment of other laws

18 Amendment of other laws

The Schedule amends the laws mentioned in it.

Part 9 Expiry of Act

19 Expiry

This Act expires on the day after it commences.

Schedule Amendment of other laws

section 18

| Provision | Amendment | |
|---|------------------------|--|
| | <i>omit</i> | <i>substitute</i> |
| <i>Retirement Villages Regulations</i> | | |
| Schedule 2, clause 19(1)(j) | <i>Unit Titles Act</i> | <i>Unit Titles Act or Unit Title Schemes Act</i> |
| Schedule 2, clause 42, definition VILLAGE RULES | <i>Unit Titles Act</i> | <i>Unit Titles Act or Unit Title Schemes Act</i> |
| <i>Sentencing Act</i> | | |
| Schedule 2, item 2 | offence | offence against |