

Serial 27

Northern Territory Aboriginal Sacred Sites Amendment Bill 2005

Mr McAdam

**A BILL
for
AN ACT**

to amend the *Northern Territory Aboriginal Sacred Sites Act*

NORTHERN TERRITORY OF AUSTRALIA
NORTHERN TERRITORY ABORIGINAL SACRED SITES AMENDMENT
ACT 2005

Act No. [] of 2005

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2005

AN ACT

to amend the *Northern Territory Aboriginal Sacred Sites Act*

[Assented to [] 2005]
[Second reading [] 2005]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Northern Territory Aboriginal Sacred Sites Amendment Act 2005*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act amended

This Act amends the *Northern Territory Aboriginal Sacred Sites Act*.

4. Repeal and substitution of section 4

Section 4 –

repeal, substitute

4. Act binds Crown

(1) This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

(2) If the Crown in any of its capacities commits an offence against this Act, the Crown is liable in that capacity to be prosecuted for the offence as if it were a body corporate.

(3) This section does not affect any liability of an officer, employee or agent of the Crown to be prosecuted for an offence.

(4) In this section –

"Crown" includes –

(a) an Agency; and

(b) an authority or instrumentality of the Crown.

5. Amendment of section 38 (Secrecy)

(1) Section 38 –

omit

A person

substitute

(1) A person

(2) Section 38, at the end –

insert

(2) In subsection (1) –

"person" includes a court or tribunal.

6. New section 39A

After section 39 in Part IV –

insert

39A. Time for commencing prosecution

- (1) A prosecution under this Act must be commenced –
- (a) within 2 years after the day on which the Authority becomes aware of the commission of the alleged offence; or
 - (b) within any further time the court allows.
- (2) The court may allow further time if it considers the delay was justified in all the circumstances, including the following:
- (a) the remoteness of the location where the offence is alleged to have occurred;
 - (b) the infrequency or irregularity of visits to that location;
 - (c) any inability to visit that location because of Aboriginal tradition;
 - (d) any difficulties in identifying or locating the alleged offender and any witnesses to the alleged offence.
