

Serial 14
Medical Services Legislation Amendment Bill 2016
Ms Fyles

A Bill for an Act to amend the *Medical Services Act* and to repeal the
Medical Services (Royal Darwin Hospital Parking) Regulations

NORTHERN TERRITORY OF AUSTRALIA

MEDICAL SERVICES LEGISLATION AMENDMENT ACT 2016

Act No. [] of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2016

An Act to amend the *Medical Services Act* and to repeal the
Medical Services (Royal Darwin Hospital Parking) Regulations

[Assented to [] 2016]
[Second reading [] 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Medical Services Legislation Amendment Act 2016*.

2 Commencement

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

Part 2 Amendment of Medical Services Act

3 Act amended

This Part amends the *Medical Services Act*.

4 Section 5 amended

Section 5

insert (in alphabetical order)

acting in an official capacity, in relation to an authorised officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

authorised officer means a person appointed to be an authorised officer under section 15A(1).

5 Section 5A inserted

After section 5, in Part I

insert

5A Application of Criminal Code

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

Note for section 5A

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.

6 Section 8 amended

Section 8

omit

person.

insert

person, other than the power under section 19 to make by-laws.

7 Part IIIA inserted

After section 15

insert

Part IIIA Administrative matters**15A Authorised officers**

- (1) The CEO may appoint a person to be an authorised officer for this Act.
- (2) An authorised officer has the powers necessary to perform the officer's functions under this Act, the Regulations and By-laws.

15B Identity card

- (1) The CEO must give an authorised officer an identity card stating the person's name and that the person is an authorised officer.
- (2) The identity card must:
 - (a) show a recent photograph of the authorised officer; and
 - (b) show the card's date of issue; and
 - (c) be signed by the officer.
- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.

15C Return of identity card

- (1) A person who ceases to be an authorised officer must return the person's identity card to the CEO within 21 days after the cessation.

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the person has a reasonable excuse.

15D Obstruction of authorised officer

- (1) A person commits an offence if:
 - (a) the person intentionally obstructs another person; and

- (b) the other person is an authorised officer; and
- (c) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

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

(3) In this section:

obstruct includes hinder and resist.

15E Misleading information

(1) A person commits an offence if:

- (a) the person intentionally gives information to another person; and
- (b) the other person is an authorised officer; and
- (c) the information is misleading and the person has knowledge of that circumstance; and
- (d) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) A person commits an offence if:

- (a) the person intentionally gives a document to another person; and
- (b) the other person is an authorised officer; and
- (c) the document contains misleading information and the person has knowledge of that circumstance; and
- (d) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(3) Strict liability applies to subsections (1)(b) and (2)(b).

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- (4) Subsection (2) does not apply if the person, when giving the document:
- (a) draws the misleading aspect of the document to the authorised officer's attention; and
 - (b) to the extent to which the person can reasonably do so – gives the authorised officer the information necessary to remedy the misleading aspect of the document.
- (5) In this section:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

8 Section 19 inserted

After section 18

insert

19 By-laws

- (1) The CEO may make by-laws, not inconsistent with this Act or any other law of the Territory, for any of the following matters in relation to declared premises:
- (a) the regulation of traffic;
 - (b) the regulation of parking;
 - (c) general conduct of persons;
 - (d) prescribing a fine not exceeding 20 penalty units for an offence against the by-laws;
 - (e) providing for offences against the by-laws to be strict liability offences, but not with a penalty exceeding 10 penalty units.
- (2) In addition, by-laws may provide that, if an offence is committed in relation to a vehicle and the name of the person alleged to have committed the offence is not ascertained at the time the alleged offence occurs, the owner of the vehicle at the time the offence occurs is taken to have committed the offence, whether or not the owner in fact committed the offence.
- (3) The CEO may, by *Gazette* notice, declare that by-laws made under this section apply to, and in relation to, declared premises specified in the notice.

- (4) The by-laws apply to, and in relation to, the specified declared premises on and from the date specified in the notice.

Part 3 Repeal of Medical Services (Royal Darwin Hospital Parking) Regulations

9 Regulations repealed

The *Medical Services (Royal Darwin Hospital Parking) Regulations* (Subordinate Legislation No. 12 of 2016) are repealed.

Part 4 Expiry of Act

10 Expiry of Act

This Act expires on the day after it commences.