

The following legislation will come before the House in the May sittings of Parliament.

ADMINISTRATION AND PROBATE AMENDMENT (Serial 216)

Practitioners will be pleased to hear that the Bill removes the automatic requirement on all Executors and Administrators of Estates to file accounts, except when required to do so by the Supreme Court or under the Supreme Court Rules.

AERODROMES BILL (Serial 212)

The current shake-up in civil aviation, together with the increasing use of Connellan Airport at Uluru, has resulted in this Bill.

The Bill recognises the existence of aerodromes (defined in a Schedule as Connellan, Batchelor, Timber Creek and Borroloola). The Bill provides for the appointment of a Director and Deputy Director of Aerodromes and empowers them to, inter alia, operate aerodromes, carry out commercial activities there, provide security and ensure the protection of the environment from the effects of planes.

CLASSIFICATION OF PUBLICATIONS AND FILMS AMENDMENT (Serial 209)

NB: this bill was presented as passed as a matter of urgency during the February sittings.

The Bill implements the Premier's Conference decision to create a new 'MA' classification and entrance to an 'MA' film, or the hiring of an 'MA' video, will only be on proof that the watcher is at least 15 years of age. To be classified 'MA' the Censor must feel that the film deals with "violence, coarse language or sex in such a manner as to make the film unsuitable for viewing by a person who has not attained the age of 15 years" [new section 29(1)(f)]. Cinema operators will be able to avail themselves of three defences on a charge of allowing an unaccompanied person under 15 years attend a screening.

The opportunity is also taken via this Bill to create a general defence for

NOTES FROM PARLIAMENT

by GREG ROCHE

exhibitors at R-rated movies that the exhibitor took reasonable precautions to ensure that persons between two and 18 years were not admitted.

CONFIRMATION OF TITLES TO LAND (REQUEST) BILL (Serial 223)

This is the 'Mabo' Bill about which there was much speculation last Sittings.

As the title indicates, the Bill is actually a request to the Commonwealth Parliament to legislate in the terms set out in Schedule to the Bill.

The Assembly delegates its further scrutiny of the legislation by giving the Administrator the power to approve amendments made by the Commonwealth.

The draft Bill in the Schedule validates all land titles granted in the Territory [clause 6(2)]. It also validates all Territory laws passed since 31 October 1975 (the proclamation date of the Commonwealth's *Racial Discrimination Act* [clause 6(3)].

Where the validation has made any customary title subject to it, the person entitled to customary title has the right to recover compensation from the Commonwealth [clause 6(6)(d)].

The Draft Bill states that the Commonwealth's *Racial Discrimination Act* has never had, or ever will have, the effect of "invalidating, impairing or otherwise adversely affecting any title" [clause 7].

Persons who will have a right of compensation under this Act will have 12 months in which to apply. Compensation can be agreed on or determined by action in the Territory Supreme Court [clause 8(1) and (2)] from which there is no appeal [clause 8(6)].

If the Administrator serves on a claimant for compensation a notice

stating that no further agreement can be reached on a claim, the claimant has one month to commence proceedings for compensation. The Administrator has to act on the advice of the Commonwealth [clause 8(3) and (8)].

CORONERS BILL (Serial 220)

A major Bill of the Sittings.

There has been a two-year review of the operation of the current Coroner's Act, which has picked up some, but not all, recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The Bill provides for the appointment by the Chief Magistrate of the Territory Coroner [clause 4(2)] and for the appointment of coroners, who shall be Magistrates [clause 4(3)]. Deputy coroners, who need have no qualifications, can be appointed for a limited duration and on terms and conditions [clause 5].

A coroner can investigate a 'reportable death,' defined as a death that was unexpected, unnatural or violent or to have resulted, directly or indirectly, from an accident or injury, or in custody or immediately after release from custody, or under anaesthetic, or where the deceased's identity is unknown [clause 12(1)], and where the death or cause of death was in the Territory, or the deceased lived in the Territory and their death elsewhere was not certified by a doctor.

The coroner has a discretion not to hold an Inquest, which decision must be recorded in writing and the senior next of kin notified [clause 16(1)]. This decision can be appealed to the Supreme Court within 14 days [clause 16(2)].

The coroner can order an autopsy [clause 20], and a person can request one. If the coroner refused to conduct

an autopsy, the person may appeal, within 48 hours, to the Supreme Court [clause 21(3)].

If the senior next of kin (defined, if the deceased is an Aborigine, as "a person who, according to the customs and tradition of the community or group to which the person belongs, is an appropriate person" [clause 3]) objects to the performance of an autopsy, the senior next of kin can apply to the Supreme Court for an order that the autopsy not be performed. This must occur within 48 hours. Of interest is that there is no obligation in the Bill to inform the senior next of kin of the death or of the intention to perform an autopsy.

There is a separate Division dealing with deaths in custody.

The coroner has wide powers to report on matters concerning a death in custody, including anything connected with public health or safety or the administration of justice [clause 25(1)(b)]. Unfavourable comments must be forwarded to the relevant Territory or Commonwealth Department.

The coroner's report to the Attorney-General shall be "sent without delay" [clause 26(1)] and a copy must be tabled in the Legislative Assembly within six sitting days of receipt.

A coroner has powers to investigate disasters and can limit access to a disaster site [clause 31(1)].

A person can apply to the Supreme Court to re-open an inquest [clause 43].

DARWIN PORT AUTHORITY AMENDMENT (Serial 201)

The Bill defines the DPA as the Chief Executive Officer, who is advised by a Darwin Port Advisory Council, to consist of five persons appointed by the Minister. The func-

tions of the DPA are broadened to include commercial and tourist activities (such as the Darwin Wharf). The boundaries of the Port can be amended by notice in the *Gazette*.

DISABILITY SERVICES (Serial 219)

Defines "disability" and lays down very broad criteria for funding criteria for disability services and research.

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT (Serial 205)

Auditor-General can come from the private sector.

HOSPITAL MANAGEMENT BOARDS AMENDMENT (Serial 211)

Abolishes the titles of Chief Executive Officer and Matron in charge of nursing.

JUSTICES AMENDMENT (Serial 214)

Warrants of commitment for unpaid fines that are more than 10 years old are extinguished.

LEGAL PRACTITIONERS AMENDMENT (serial 215)

No more QCs are to be created by government.

MINING AMENDMENT (Serial 216)

Number of important changes. Mortgagees can now exercise a power of sale of a mortgage over a mining lease. The holder of an exploration licence, an exploration reten-

tion licence or a mineral claim has to obtain the approval of the Secretary of DME before carrying out substantial disturbance of the surface [section 89(c)]. Miners may be able to lay claim to individual sub-divided leases of greater than 150 square kilometres. The Minister may now grant exploration retention licences, mineral leases or extractive mineral leases over Aboriginal land.

PASTORAL LAND AMENDMENT (Serial 210)

Fixes an ambiguity in the original Bill so that part of a pastoral lease could be sub-let, and to allow sub-leases to be granted for a 'prescribed purpose.'

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT (CONSEQUENTIAL) (Serial 195)

Self-explanatory. Amends other Acts as a result of passage of the *Public Sector Act*.

REAL PROPERTY AMENDMENT (Serial 207)

Sub-divisions can only be registered if they have been approved under *Planning Act*. Conveyancing agents can certify documents for the purposes of the *Real Property Act*.

SUPERANNUATION GUARANTEE (SAFETY NET) BILL (serial 217)

Brings NT super schemes into line with Commonwealth super requirements and provides that future shortfalls in NT super schemes as a result of Commonwealth super requirements will be funded from the Consolidated Fund.

TOBACCO AMENDMENT (Serial 213)

Makes police officers 'authorised officers' for the purpose of bringing charges under the Act and empowers authorised officers to demand name and address and proof of age.