

harm were intended, but the harm that did occur was serious environmental harm.

A level 3 offence relates to a situation where there is no intent and the harm is material environmental harm. A level 4 offence, the least serious, is where we would hope most prosecutions would arise. We do not want any offences, but one hopes that any that occur will be minor offences where there is no intent and the harm is a nuisance harm.

The levels of offence enable the use of the *Mine Management Act* to enact what was intended in the *Environmental Offences and Penalties Act*. As the minister said in his second-reading speech, this is consistent with the *Waste Management and Pollution Control Bill* that will be passed at these sittings. I am surprised that they were not brought on for debate together today. I do not mean that they should be read together, but I am surprised that they are not being passed together because it would make sense to do that. They are essentially the same, except that one applies purely to mining mineral leases and the other applies to other areas. The member for Fannie Bay will be responding in relation to that other piece of legislation.

We support the intent of the bill and I look forward to further amendments to the *Mine Management Act*. Obviously, we are moving to a regime under which miners are acting far more responsibly than has been noted in the past and are, in fact, keen to participate in a regime where, in conjunction with the Department of Mines and Energy, they can develop their own environmental management programs, have them ticked off by the government and have them monitored by themselves and by the government. This legislation is for people who contravene environmental standards, either wittingly or unwittingly. Clearly, that is needed in the legislation. Sticks are needed as well as carrots, and these are the sticks in the legislation. We will see more of the fundamentals, the underpinnings, of a regime where miners can determine the types of controls they want to undertake in conjunction with the department.

Mr POOLE (Resource Development): Madam Speaker, I thank the Leader of the Opposition for her comments. As she correctly states, this is the first phase of a comprehensive review of Northern Territory mining legislation. The amendments as listed - and I think she ran through them all - are fairly basic and fairly obvious.

At the Leader of the Opposition's briefing today, a query was raised about 'state of mind' in reference

to corporate bodies. I am advised that, in common law, the need to determine the state of mind of an individual is often required to determine the intent of that individual. In the case of a corporate body, a state of mind cannot be determined. Instead, the state of mind of individual directors, managers or employees can be ascertained and this can be interpreted to be the state of mind of the corporate body. The directors and managers of a company ultimately dictate the actions of the company.

As the Leader of the Opposition pointed out, there is a very minor amendment. I thank the Leader of the Opposition.

Motion agreed to; bill read a second time.

See Minutes for amendment agreed to in committee without debate.

Bill passed remaining stages without debate.

ADJOURNMENT

Mr REED (Katherine): Madam Speaker, I move that the Assembly do now adjourn.

In doing so, I take this opportunity to pay my respects to a company that today has provided some assistance to the victims of the Katherine flood. It is one of the many examples of assistance that have come forward since 26 January when the town experienced the flood and many individuals, organisations and businesses lost so much of their property. The YMCA in Katherine is very active in providing services to the community, from the very young to the very old and across a wide range of activities. It offers after-school care, school holiday programs, aerobics, gymnastics and programs for those who want to keep fit. The YMCA is also a venue for the Katherine senior citizens group. It can be seen that the whole community in Katherine is the beneficiary of YMCA activities.

In the course of the flood, the YMCA lost both of the vehicles that it had used to transport clients to various venues in the town, or to travel to Darwin for sporting and recreational activities. The beneficiaries of the 2 small Toyota buses that the YMCA had until the flood ranged from the very young to the senior citizens of the town. The YMCA had just finished paying off one of the buses, a Coaster which was purchased a few years ago, when it was totally submerged and lost to the organisation. It had a smaller bus which was similarly damaged and is now out of commission.

A few weeks ago, I was approached by