concerning caravans being drug premises under that act.

The government is keen to ensure this legislation commences on 1 May 2012. This is the reason I have introduced the bill during these sittings rather than waiting until February 2012. I want to ensure there is plenty of time for this bill to be commented on prior to its enactment. I look forward to further comments on the bill, particularly regarding changes to the bill arising out of the department's consultations during November 2011. If appropriate, amendments will be made to the bill during the February 2012 sittings. I also propose that the regulations and the default caravan parks agreement required for the operation of the legislation be made available to the public by mid-February 2012.

In closing, I note that one of the themes reported to me by departmental officials concerning the current operations of caravan parks in the Territory is that there are very few problems. Most operators and residents reported they had good relationships and they are capable of sorting out issues between themselves.

Whilst this is undoubtedly true, it is also the case that most legislation only seeks to resolve the difficult issues; that is, so that if relations are not so good, there is at least a fair playing field on which such issues can be resolved. Operators and residents only need to access the legislation to sort out problems. The legislation has been designed to minimise impact on the day-to-day relations.

Madam Acting Speaker, I commend the bill to honourable members and table a copy of the explanatory statement.

Mr ELFERINK (Port Darwin): Madam Acting Speaker, I thank the minister for making this second reading speech as exciting as he did; caravan parks being fairly boring.

Debate adjourned.

VISITORS

Madam ACTING SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Year 9 Kormilda College students, accompanied by Mr James Faraone. On behalf of honourable members, I extend a very warm welcome to our visitors.

Members: Hear, hear!

WORK HEALTH ADMINISTRATION BILL (Serial 184)
WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) IMPLEMENTATION BILL (Serial 185)
WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) BILL (Serial 186)

Continued from 30 November 2011.

Mr ELFERINK (Port Darwin): Madam Acting Speaker, I continue my comments in relation to this matter. Where I left off was dealing with offences of strict liability. The curious thing is when I raised this issue during the briefing my interpretation of strict liability I gave to the House yesterday was agreed with, although I had a little alarm bell ringing in the back of my head while I was on my feet yesterday in the House. So I did some more homework in relation to this matter. Under the Northern Territory *Criminal Code Act*, Subdivision 4, section 43AN(3):

> *(3) the existence of strict liability does not make any other defence unavailable.*

A legislative drafting nightmare with the double negatives, but it does raise the issue as to the operation of strict liability. In the committee stages of this bill, I will be asking questions as to whether or not this is intended to operate as a form of strict liability or more in the nature of absolute liability, which has different impact. Not too much necessarily turns on that issue and, whether I was wrong or right yesterday, it would not have affected the Country Liberals' opposition to this bill.

What does come out of this process of this act is, repeatedly through the legislative instruments, it creates a series of offences. Some of them are to be dealt with by way of a civil standard and others are to be dealt by way of normal standards. I will return to that issue shortly. It is the operation of how this legislative instrument works that gives me some concern at law. Bearing in mind that offences in terms of their physical elements are offences of strict liability, when you read the operation of many of the offences in the legislation - I think it occurs at least a dozen times or so in the legislation - where an offence is created. If you are talking about the physical element of the offence nominated in section 12B, then the offence's physical elements eliminate the false fault elements as described by the Criminal Code.

That means if evidence is taken by a court that facts were such, or the physical elements of an offence were such - let us be accurate about it; that they were found in a certain condition - then whether or not the person charged with a criminal