

Madam Speaker Aagaard took the Chair at 10 am.

VISITORS

Madam SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Year 5/6 Wagaman Primary School students accompanied by Mrs Lisa McLean and Ms Betty Topalov. On behalf of honourable members, I extend to you a very warm welcome.

Members: Hear, hear!

BUSINESS NAMES (NATIONAL UNIFORM LEGISLATION) REQUEST BILL (Serial 170)

Bill presented and read a first time.

Ms LAWRIE (Justice and Attorney-General): Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to provide for the parliament of the Northern Territory to formally request the Commonwealth to enact national legislation concerning the registration and use of business names. On 2 July 2009, the members of the Council of Australian Governments signed the intergovernmental agreement for business names. Under that agreement, each government agreed the Commonwealth would enact a national law for the registration and use of business names. The national law would be based, in part, on the referral of powers by the Australian states. When enacted, the law will be administered by the Australian Securities and Investments Commission. The national law would only be amended after following consultation and appropriate agreement as set out in the intergovernmental agreement as administered by the Ministerial Council on Corporations.

The Northern Territory's constitutional position means it has no powers to refer to the Commonwealth in order for the Commonwealth to enact the new law so that it operates in the Northern Territory. However, the Northern Territory strongly supports the need for national business names laws with appropriate constitutional foundations. The government also considers it is desirable that, as far as possible, the Northern Territory legislative structures regarding national schemes mirror those in place between the Commonwealth and the Australian states.

At the same time, the Northern Territory recognises it is necessary that the states and the Northern Territory, and also the Australian Capital Territory, continue to have a significant role in policy development concerning business names

matters. Accordingly, the Business Names (National Uniform Legislation) Request Bill 2011 contains a request to the Commonwealth that it enact laws based on the text of the legislation tabled in the parliament of Tasmania. This bill indicates the commitment of the Northern Territory to the new scheme.

Later on, most likely in early 2012, I will introduce legislation providing for the repeal of the *Business Names Act* and for consequential and transitional matters.

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

Debate adjourned.

PENALTIES AMENDMENT (CHILDREN AND FAMILIES, HEALTH AND PRIMARY INDUSTRY, FISHERIES AND RESOURCES) BILL (Serial 149)

Continued from 22 February 2011.

Mr ELFERINK (Port Darwin): Madam Speaker, this is part of the government's process of reviewing penalties in the Northern Territory. It follows the formula introduced until now, which is the increase of 15% since 2001 to accommodate for CPI, then applying the appropriate penalty units and rounding down to the nearest dollar. This is consistent with what the government has produced in this House recently, and was supported by the opposition. There is no reason this formulae change applied in this legislation requires any further comment than that. If anyone wants to know why we supported the bill I refer them to my last speech relating to exactly the same type of amendments.

Ms LAWRIE (Justice and Attorney-General): Madam Speaker, I thank the opposition for supporting this bill. It is sometimes useful to have the shadow Attorney-General as the shadow Treasurer; they see the sense in shifting from monetary to penalty, which means the penalties can keep pace in real terms as they are adjusted by CPI, which is a result of legislation I introduced and passed as Treasurer. It is a process I outlined at the outset of the policy decision made in the context of a budget two years ago, where we would move through the legislation across all the portfolios of government and take monetary penalties into the expression of penalty units. We have passed a series of like bills, as referred to by the shadow Attorney-General.

This one is sticking to the formula expressed by the government. It is not changing the structural intent of the penalties herein. There is a