

# Explanatory Statement

## ATTORNEY-GENERAL LEGISLATION AMENDMENT (BOARDS, COMMITTEES AND STATUTORY OFFICES) BILL 2026

**SERIAL NO. 65**  
LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

ATTORNEY-GENERAL

### GENERAL OUTLINE

The purpose of this Bill is to streamline the operation, functions and processes of Boards and Committees across the Attorney-General's portfolio. It will also deliver amendments to improve processes and clarity for the Public Trustee.

The Bill does this through:

- Amending the *Care and Protection of Children Act 2007* to abolish the Child Deaths Review and Prevention Committee and transfer functions to relevant Government agencies.
- Amending the *Electrical Safety Act 2022* to abolish the Discipline Committee and merge its functions with the Electrical Safety Board.
- Amending the *Health and Community Services Complaints Act 1998* to abolish the Health and Community Services Complaints Review Committee.
- Amending the *Liquor Commission Act 2018* to allow for the Chairperson of the Northern Territory Liquor Commission to attend meetings remotely.
- Amending the *Public Trustee Act 1979* to increase efficiencies, clarify the calculation method of levees and fees, modernise language and clarify reporting timeframes.

### NOTES ON CLAUSES

#### **Part 1 Preliminary matters**

##### **Clause 1. Short Title**

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Attorney-General Legislation Amendment (Boards, Committees and Statutory Offices) Act 2026* (the Amendment Act).

##### **Clause 2. Commencement**

This clause sets out how the amendment Act will be commenced. In accordance with Clause 2, the Amendment Act will commence on the day after the day on which the Administrator's assent to the Act is declared.

## **Part 2      Amendment of the *Care and Protection of Children Act 2007***

### **Clause 3.    Act amended**

This is a formal clause to provide that this Part amends the *Care and Protection of Children Act 2007* (the CAPC Act).

### **Clause 4.    Section 5 amended (Overview)**

Clause 4 amends section 5(b) of the CAPC Act which sets out the objects of the Act to omit the reference to Part 3.3 of the CAPC Act which is to be repealed. Part 3.3 of the CAPC Act relates to the establishment, functions and powers of the Child Death Review and Prevention Committee (the CDRPC).

### **Clause 5.    Section 13 amended (Definitions)**

Clause 5 amends section 13 of the CAPC Act to omit the definitions of 'advisor', 'Child Deaths Register', 'child deaths', 'Committee', 'Convenor' and 'member'. These definitions are relevant to Part 3.3 of the CAPC Act, which is to be repealed.

### **Clause 6.    Chapter 3, Part 3.3 repealed (Prevention of child deaths)**

Clause 6 repeals Chapter 3, Part 3.3. Part 3.3 establishes the CDRPC which currently has a range of functions including maintaining a Child Deaths Register.

While this clause will repeal the statutory basis for the CDRPC, the intention is that the CDRPC's relevant statutory functions will be carried out by appropriate Government agencies and the Coroner's office. This approach will allow for functions to be undertaken and coordinated at a departmental level, while reducing any overlap and creating greater alignment with the coroner's functions.

## **Part 3      Amendment of the *Electrical Safety Act 2022***

### **Clause 7.    Act amended**

This is a formal clause to provide that this Part amends the *Electrical Safety Act 2022* (the ES Act).

### **Clause 8.    Section 104 Amended (Composition of Board)**

Clause 8 amends section 104(1)(b) of the ES Act to modify the composition of the board, to accommodate the abolition of the Discipline Committee (the Committee) and merge it with the Electrical Safety Board (the Board).

Clause 8(1) of the Bill replaces '6' with '7' to replace the Chairperson of the Committee with a legal member. This legal member will instead be a general member of the Board but will have the role of presiding over the Board when disciplinary matters are being considered.

Clause 8(2) of the Bill inserts a new section 104(1)(b)(vii) in the ES Act to provide that the legal member must be a legal practitioner who has practiced for at least three years in the NT. This is similar to the legal experience required of the Chairperson of the Committee; however, the requirement is being reduced from five years to three years' experience to increase flexibility in membership while still ensuring an appropriate level of legal experience.

Clause 8(3) of the Bill omits section 104(1)(c) in the ES Act which is currently the provision establishing the Chairperson of the Committee as a member of the Board, and which is being replaced by the legal member.

Clause 8(4) of the Bill makes a minor amendment to clarify that the legal member is, like the Chairperson of the Committee, the only member who is not required to have experience or competence in relation to electrical safety.

### **Clause 9. Section 107 Amended (Times of Board meetings)**

Clause 9 amends section 107 of the ES Act to replace 'Meetings' with 'Subject to section 109(1)(d), meetings' to reflect the changes to section 109, which provide for meetings relating to disciplinary matters to also be called by the legal member.

### **Clause 10. Section 108 amended (Conduct of proceedings)**

Clause 10 amends section 108 of the ES Act relating to the conduct of proceedings by the Board. These are consequential amendments to reflect the changes to section 109 and will ensure the conduct of Board proceedings relating to disciplinary action is subject to the new section 109.

Clause 10(2) amends section 108(3)(a) of the ES Act to ensure the quorum requirements for disciplinary actions align with the new section 109.

Clause 10(3) amends section 108(5) of the ES Act to clarify that new section 109(2) applies to resolutions of the Board relating to disciplinary action and made without a board meeting.

### **Clause 11. Part 5, Division 3 replaced**

Clause 11 repeals Part 5, Division 3 and replaces it with a new section 109 in the ES Act. This repeal effectively abolishes the Committee and transfers these functions to the existing Board, streamlining processes and increasing efficiencies.

The new section 109 sets out specific requirements for a Board decision relating to disciplinary actions.

New section 109(1)(a) of the ES Act requires the legal member to preside at a meeting relating to disciplinary action. New section 109(1)(b) requires that either (or both) the representative of electrical workers or the representative of the employers of electrical workers, must be present. New section 109(1)(c) states that, unlike a general board meeting, a board meeting (or that part of a Board meeting) relating to a disciplinary action requires only a quorum of three. Finally, new section 109(1)(d) allows for the legal member to call meetings relating to disciplinary actions.

New section 109(2) of the ES Act provides for how resolutions of the Board relating to disciplinary actions are made without a meeting. In this case, at least two of the members noted in section 109 must agree to resolution.

New section 109(3) of the ES Act provides that the legal member must be present for all other Board proceedings in relation to disciplinary actions (such as disciplinary hearings).

New section 109(4) of the ES Act clarifies that *legal member* is the member of the Board appointed under proposed new section 104(1)(b)(vii).

### **Clause 12. Act further amended**

Clause 12 establishes Schedule 1 which contains a number of other minor and consequential amendments to the ES Act to accommodate the abolition of the Committee.

**Part 4**                      **Amendment of the *Health and Community Services Complaints Act 1998***

**Clause 13.**                      **Act amended**

This is a formal clause to provide that this Part amends the *Health and Community Services Complaints Act 1998* (the HCSC Act).

**Clause 14.**                      **Section 4 amended (Interpretation)**

Clause 14 amends section 4 of the HCSC Act to omit the definition of *Committee* as Clause 15 of this Bill proposes to abolish the Health and Community Services Complaints Review Committee (Review Committee). This definition is therefore no longer relevant to the HCSC Act.

**Clause 15.**                      **Part 9 repealed (Health and Community Services Complaints Review Committee)**

Clause 15 repeals Part 9 of the HCSC Act which establishes the Review Committee.

The Review Committee has a very narrow function to review processes and procedures for complaints considered by the Health and Community Services Complaints Commission (the Commission) under the HCSC Act. The Commission has been operating since 1998 with the Review Committee having not found significant or ongoing procedural concerns. The Review Committee is therefore of little value, especially in circumstances where there are other complaints and review processes available, including through the Australian Health Practitioner Regulation Agency.

**Clause 16.**                      **Section 97 amended (Preservation of confidentiality)**

Clause 16 omits section 97(4)(e) of the HCSC Act as the obligations under this section relate to a member of the Review Committee which is to be abolished by clause 15.

**Part 5**                              **Amendment of the *Liquor Commission Act 2018***

**Clause 17.**                      **Act amended**

This is a formal clause to provide that this Part amends the *Liquor Commission Act 2018* (the LC Act).

**Clause 18.**                      **Section 8 amended (Chairperson and Deputy Chairperson)**

Clause 18 removes the words 'or the Territory' from section 8(3)(b)(i) of the LC Act.

Section 8(3) of the LC Act provides for circumstances where the Deputy Chairperson will act as Chairperson. This amendment will allow the Chairperson to attend meetings virtually if they are outside of the NT, for example, if they are travelling outside the NT for work purposes and still want to be available for meetings. This amendment is not aimed at providing for the Chairperson to be normally resident outside the Territory but is reflective of modern technological change and will assist in streamlining the Commission's processes and improving operational flexibility.



**Clause 24. Section 24C amended (Information for investors and prospective investors in common fund)**

Clause 24(1) omits and inserts new section 24C(1) of the PT Act to clarify the timing of the requirement to provide information relating to the audited financial statements to investors in the common funds. It removes the requirement for the public trustee to provide an extract of the annual report within four months of the end of each financial year, as compliance with the previous timeline was not sustainable or realistic or clear. The provision will now also provide that this information is to be provided as soon as practicable *after* the annual report is tabled in the Legislative Assembly, which was not clear previously.

Clause 24(2) amends section 24C(2) of the PT Act to replace '19(3)' with '18(2)(b)' to better reference the document that is to be provided to investors, being an extract of the Auditor-General's report on the audited financial statements.

**Clause 25. Section 28 amended (Levy against common fund)**

Clause 25 inserts '(inclusive of GST)' after the word 'levy' in section 28(1) of the PT Act to clarify that fees and levies are calculated to be inclusive of GST.

**Clause 26. Section 97 amended (Liabilities, indemnities and guarantees)**

Clause 26 updates the terminology of section 97(7)(a) of the PT Act for clarity by replacing the word 'capital' with 'funds under administration'.

**Clause 27. Act further amended**

Clause 27 establishes Schedule 2 which contains a number of other minor and consequential amendments to the PT Act to modernise the Act. Particularly it updates the old-fashioned roman numbering in the headings.

**Division 2 of the *Public Trustee Regulations 1979***

**Clause 28. Regulations amended**

This is a formal clause to provide that this Division amends the *Public Trustee Regulations 1979* (the PT Regulations).

**Clause 29. Regulation 4 amended (Guarantee of capital and rate of return (Common Fund 1) – section 97(7))**

Clause 29 amends Regulation 4 of the PT Regulations to reflect modern language and the amendments to terminology in section 97(7) of the PT Act.

**Part 7 Repeal of Act**

**Clause 30. Repeal of Act**

This is a standard clause for an amending act. It provides that the Attorney-General's Legislation Amendment (Boards, Committees and Statutory Offices) Act 2026 will be repealed on the day after it commences. This is to ensure a clean and tidy statute book.

## **Schedule**

### **Schedule 1                    *Electrical Safety Act 2022 further amended***

Schedule 1 of the Bill makes a series of minor consequential amendments to the ES Act to remove references to the Committee, which is being abolished, and other ad hoc Statutory Boards and Committees which will no longer be able to be established, due to the repeal of Part 5 Division 3 of the ES Act.

### **Schedule 2                    *Public Trustee Act 1979 further amended***

Schedule 2 makes a number of minor amendments to the PT Act to modernise the Act. Particularly it updates the old-fashioned roman numbering in the headings. It also changes references from 'Attorney-General' to 'Minister' in line with contemporary drafting practice. This clearly ties administrative responsibility for the Act to the Minister under the Administrative Arrangements Order.