



**ORIGINAL PAPER**

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**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

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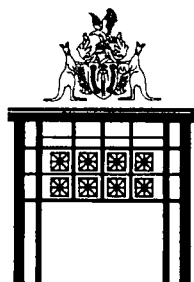
**Standing Committee on Legal and Constitutional Affairs**

**Annual Report**

**1 July 2003 — 30 June 2004**

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Report deemed as  
a Tabled Paper in  
the Legislative  
Assembly, on  
2 December 2004



## **LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

*Standing Committee on Legal and Constitutional Affairs*

### **Annual Report**

**1 July 2003 — 30 June 2004**

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## **Members of the Committee**

### **Membership of the Committee as at 30 June 2004**

Mr E McAdam, MLA (Chairman)

Mrs L M Braham, MLA

Mr M T Bonson, MLA

Mr J W Elferink MLA

Mr L F Kiely, MLA

Mr T K Mills, MLA

### **Committee Staff:**

Mr Rick Gray (Executive Officer)

Mrs Liz McFarlane (Administrative/Research Assistant)

Ms Kim Cowcher (Committee Support Assistant)

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## CHAIRPERSON'S STATEMENT

In accordance with Standing Order 21B of the Legislative Assembly's Standing Orders, I have the pleasure of reporting to the Assembly the activities of the Standing Committee on Legal and Constitutional Affairs for the financial year ended 30 June 2004.

Committee activity during this financial year has been quite active. The Committee continued with its Inquiry on Northern Territory Indigenous Affairs, examining the structural relationships in Indigenous affairs and governance within the Northern Territory.

In regard to the Inquiry on Northern Territory Indigenous Affairs, the Committee published Discussion Paper No. 1 *Northern Territory Indigenous Affairs: An Examination of Structural Relationships in Indigenous Affairs and Indigenous Governance within the Northern Territory*, which was sent to some 250 individuals and organisations throughout the Northern Territory. By the end of the financial year the Committee had received a total of 9 written submissions.

On 22 May 2003, the Chief Minister, the Hon Clare Martin, MLA, announced her Government's recommitment to Northern Territory Statehood and that the Committee would facilitate and provide resources to a community driven process that would achieve a grant of Statehood, possibly within the next 5 years. On 18 June 2003, the Chief Minister referred the matter to the Committee.

In this regard, the Committee has commenced dialogue with the Office of the Chief Minister and has been considering a series of options and alternatives that will provide for a community driven process to achieve a grant of statehood by 2008.

Finally, I wish to express my gratitude to the members and staff of the Committee for their support during this year.



A handwritten signature in dark ink, appearing to read 'Elliot McAdam', written over a horizontal line.

**Elliot McAdam**  
**Chairman**



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## **1. INTRODUCTION**

### **Establishment of Committee**

On 20 August 1998, the Legislative Assembly of the Northern Territory, by resolution established the Standing Committee of Legal and Constitutional Affairs to inquire, report and make recommendations upon such constitutional and legal matters as may be referred to it by the Attorney-General; or by resolution of the Assembly.

Following the general election held in August 2001, the Legislative Assembly reconstituted the Standing Committee on 16 October 2001.

### **Additional Terms of Reference**

On 25 October 2001, the Legislative Assembly resolved to enhance the Standing Committee's role and function in providing the following additional terms of reference:

1. The Committee shall inquire, consider, make recommendations and report to the Assembly from time to time on:
  - (a) any matter concerned with legal or constitutional issues, including law reform, parliamentary reform, administrative law, legislative review and inter-governmental relations;
  - (b) the legal or constitutional relationship between the Northern Territory and the Commonwealth;
  - (c) any proposed changes to that legal or constitutional relationship, including the admission of the Northern Territory as a new state of the Commonwealth; or
  - (d) any proposed changes to the Commonwealth Constitution that may affect the Northern Territory and/or its residents;
2. With the approval of the Attorney-General, any other matter concerning the relationship between the Northern Territory and the Commonwealth and/or the states in the Australian federation;
3. Meet with any other state or Commonwealth parliamentary committees to inquire into matters of mutual concern;
4. The Committee shall report to the Assembly as soon as possible after 30 June each year on its activities during the preceding financial year.

Apart from the Committee's primary terms of reference to inquire into and report on such constitutional and legal matters that are referred to it by the Legislative Assembly or the Attorney General, the additional terms of reference provides the Committee the power upon its own motion to address the three specific elements of that reference:

- A general reference power in respect of legal or constitutional issues, including law reform, parliamentary reform, administrative law, legislative review and inter-governmental relations.
- A general reference power on matters concerning the Northern Territory's ongoing constitutional development that may also be tied to a future grant of Statehood.
- Other specific inter-governmental relationships that the Attorney-General may wish the Committee to address or investigate.

## Membership of the Committee

Committee Membership as at 30 June 2004:



**Mr E McAdam, MLA (Chairperson)**

Australian Labor Party

Member for Barkly

First elected: 18 August 2001

**Parliamentary Position:** Deputy Chairman of Committees

**Committee Membership:**

Appointed: 27 June 2003

Appointed Chairman: 5 August 2003



**Mrs L M Braham, MLA**

Independent

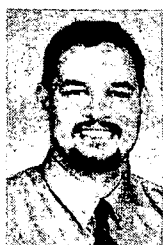
Member for Braitling

First Elected: 4 June 1994

**Parliamentary Position:** Speaker

**Committee Membership:**

Appointed: 18 June 2003



**Mr M T Bonson, MLA**

Australian Labor Party

Member for Milner

First elected: 18 August 2001

**Parliamentary Position:** Deputy Chairman of Committees

**Committee Membership:**

Appointed - 24 October 2001



**Mr J W Elferink, MLA**

Country Liberal Party

Member for Macdonnell

First Elected: 30 August 1997

**Parliamentary Position:** Nil

**Committee Membership:**

(20 August 1998 – 1 August 2001)

Reappointed: 18 October 2001



**Mr L F Kiely, MLA**

Australian Labor Party

Member for Sanderson

First elected: 18 August 2001

**Parliamentary Position:** Deputy Chairman of Committees

**Committee Membership:**

Appointed: 16 October 2001



**Mr T K Mills, MLA**

Country Liberal Party

Member for Blain

First Elected: 31 July 1999

**Parliamentary Position:** Deputy Chairman of Committees

**Committee Membership:**

(10 August 1999 – 1 August 2001)

Reappointed: 18 October 2001

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## Functions of the Committee

The Committee derives its authority from the *Northern Territory (Self Government) Act 1978* (Cth), the *Legislative Assembly (Powers and Privileges) Act* and the *Standing Orders* of the Legislative Assembly.

Under its terms of reference, the Committee has power to appoint sub-committees and to refer to any such sub-committee any matter that it is empowered to examine. Three members constitute a quorum of the Committee and three members constitute a quorum of a sub-committee.

The Committee or any sub-committee also has the power to:

- (a) send for persons, papers and records;
- (b) to adjourn from place to place;
- (c) to meet and transact business in public or private session;
- (d) to sit during any adjournment of the Assembly;
- (e) print from day to day such papers and evidence as may be ordered by it; and
- (f) unless otherwise ordered by the Committee, a daily *Hansard* shall be published of such proceedings of the Committee as they take place in public.

## Sub-Committees

The Committee has the power establish sub-committees.

Currently, the Committee is preparing draft terms of reference on a sub-committee consisting parliamentarians and non-parliamentarians to assist and advise the Committee on Statehood matters.

## Hearings and Meetings

Meetings of the Committee usually follow one of the following formats:

### Public Hearings

Hearings are open to the public, including the media. The media may report any public session of the Committee, unless otherwise ordered by the Committee. Submissions to the Committee can be in written form or presented orally.

The Committee may also authorise the televising of the hearings under such rules as the Speaker of the Legislative Assembly may consider. Transcripts of the proceedings are produced by *Hansard*.

### Deliberative Meetings

This format is used for private meetings of the Committee where "confidential" matters and the proceedings of the Committee may be discussed, together with general administrative business. Deliberative meetings are minuted but are not transcribed by *Hansard*.

### Briefings

Briefings are generally not open to the public and are usually of a confidential nature and may go before, during or after a public hearing or are used in gathering general information by the Committee.



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### Taking of Evidence

Like all parliamentary committees, the Committee's effectiveness is largely reliant on the type and content of information developed, gathered or submitted during its deliberations.

The source and content of information, in the written and oral submissions received by the Committee, can be of a professional and specialist nature on specific subjects, or the promotion and presentation of particular attitudes and trends and ideas.

### **Reports, Information and Discussion Papers**

The Committee, to date, has prepared the following reports and publications:

- Report: *Report into appropriate measures to facilitate Statehood*, (April 1999).
- Information Paper No. 1: *Northern Territory Constitutional Development and Statehood: A Chronology of Events* (June 2002).
- Discussion Paper No. 1 *Northern Territory Indigenous Affairs: An Examination of Structural Relationships in Indigenous Affairs and Indigenous Governance within the Northern Territory* (June 2002).
- Report *Committee Annual Report 2001-02* (August 2002).
- Report *Committee Annual Report 2002-03* (June 2004).

## **2. COMMITTEE PROGRAM AND ACTIVITY**

### **General Overview**

The Standing Committee, in taking into account the additional terms of reference, passed by the Legislative Assembly on 25 October 2001:

- on 28 November 2001, adopted a program of developing and publishing a series of discussion and information papers, utilising the recommendations from the *Report into appropriate measures to facilitate Statehood*, which was tabled in the Legislative Assembly in April 1999, as focal points; and
- on 22 May 2002, the Committee, approved the holding of an inquiry into matters relating to Indigenous governance in the Northern Territory, in particular, the examination of appropriate relationships that should exist between the Indigenous people/communities of the Northern Territory, the Northern Territory Government and the wider Territory community:
  - (a) under the present constitutional/legislative arrangements applying in the Northern Territory; and
  - (b) whether those arrangements might have influence upon a future grant of Statehood to the Northern Territory; including
  - (c) the question whether the Northern Territory Government should enter into a Framework Agreement or Agreements with the representatives of those Indigenous people/communities.

Both of these programs are still continuing in this financial year.

The Chief Minister of the Northern Territory, the Hon Clare Martin, MLA, announced on 22 May 2003, that Statehood for Northern Territory was now firmly placed on the Government's

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agenda and that an inclusive, transparent and democratic process would be put in place so as to achieve Statehood by 1 July 2008 and in doing so pledged:

- *that a majority of delegates to any future Constitutional Convention will be elected by the people, not imposed by political leaders;*
- *that decision making processes, such as constitutional conventions and a final referendum, shall be independent of the normal electoral cycle;*
- *the process will not be driven – as happened last time – by politicians thinking of their places in the history books; and*
- *to ensure that the Indigenous communities and their representatives are centrally involved at all stages.*

On 18 June 2003 the Chief Minister referred the matter to the Committee, which has commenced activity on this program in this financial year.

## **4. ADMINISTRATION AND STAFFING**

### **Staffing**

The Committee Secretariat is staffed by

- 1 x Executive Officer (AO8) – permanent - fulltime
- 1 x Research/Administrative Assistant (AO4) – full time
- 1 x Committee Support Assistant (AO1) – permanent part-time (shared resource with other committees)

Past practice has shown that a full time Committee can achieve its respective Terms of Reference with a staff profile namely, a Committee Secretary/Executive Officer and an Administrative Assistant Research Assistant, and where applicable on the Speaker's approval, the Committee would co-opt specialist expertise, such as external consultants or secondees within the NTPS.

## Employee and Administrative Expenditure 2003-04

STATEMENT OF FINANCIAL PERFORMANCE - LEGAL & CONSTITUTIONAL AFFAIRS														
Account Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Period 14	TOTAL
OPERATING REVENUE														
OPERATING EXPENSES														
EMPLOYEE EXPENSES														
SALARIES - PIPS	11 531	8 311	7 101	-7 648	5 303	4 519	6 159	7 752	10 025	9 695	6 338	6 640	0	75 727
RECREATION LEAVE - PIPS	1 253	791	816	816	753	753	753	755	755	755	755	-5 193	0	3 761
REC LEAVE LOADING - PIPS	219	79	82	82	75	75	75	75	75	876	75	-838	0	951
MEAL ALLOWANCE	15	0	60	15	105	45	0	0	31	61	-31	122	0	424
NT ALLOWANCE - PIPS	0	0	0	0	0	0	0	93	93	93	0	0	0	279
REC FARES PAID IN CASH - PIPS	0	0	0	0	3 121	0	0	0	0	0	0	0	0	3 121
PAYROLL TAX	976	716	467	472	-394	640	455	435	646	682	769	658	-1 765	4 758
PAYROLL TAX													1 672	1 672
COMPULSORY INTERNAL - PIPS	512	349	233	-219	494	741	494	494	781	494	494	741	0	5 606
COMPULSORY EXTERNAL - PIPS	637	378	336	-490	50	75	50	51	51	51	51	77	0	1 316
EMPLOYEE EXPENSES TOTAL	15 144	10 625	9 094	-6 972	9 507	6 848	7 987	9 655	12 456	12 705	8 451	2 207	-94	97 614
ADMINISTRATIVE EXPENSES														
GOODS AND SERVICES														
INTRA ACCOM PD AGENCY	0	0	0	0	0	0	0	0	0	0	382	0	0	382
INTERSTATE ACCOM PD AGENCY	0	0	0	0	0	0	0	582	0	0	0	700	0	1 282
CREDIT CARD ANNUAL FEES	0	0	5	0	0	0	0	6	5	0	0	5	0	21
DEPARTMENTAL TELEPHONES	0	147	442	147	0	465	246	169	147	213	0	296	0	2 274
MOBILES	0	31	98	20	0	44	19	22	35	14	37	62	0	381
FACSIMILES	0	67	201	67	0	134	67	67	67	67	0	117	0	854
CONSULTANTS FEES - NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CONSULTANTS FEES - OTHER	0	1 957	0	0	0	0	0	0	0	0	0	0	0	1 957
CONSUMABLES / GENERAL EXP	0	0	0	147	0	5	0	0	4	0	0	0	0	157
TEA FACILITIES	5	0	29	0	0	27	0	22	13	5	20	11	0	132
EMPLOYEE & ASSOC (FBT)	0	0	23	0	0	0	0	0	0	0	0	0	0	23
HOSPITALITY/ENT (NON-FBT)	47	0	0	55	0	0	0	64	0	48	28	73	0	313
FREIGHT INTRA TERRITORY	2	0	0	0	0	1	0	20	0	0	0	0	0	23
APPLICATIONS SUPPORT CHARGES	0	204	408	204	134	134	0	134	299	0	268	268	0	2 054
INTERNET SERVICE CHARGES	0	36	72	18	18	53	72	0	70	51	51	147	0	588
INTERNET TRAFFIC CHARGES	0	0	25	1	14	33	29	0	40	40	103	8	0	294
MONTHLY SEAT CHARGES	1 549	1 721	1 671	1 427	1 788	1 736	1 813	1 625	681	1 813	1 144	222	0	17 191
OUT OF SCOPE CHARGES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DESKTOP SERVICES CHRG - OTHER	0	0	0	99	0	0	0	0	0	0	0	0	0	99
DIRECTORY ENTRY CHARGES	0	38	115	33	38	22	33	33	33	33	43	69	0	490
MESSAGE CHARGES	0	0	126	31	31	26	22	26	33	42	32	40	0	410
ADDITIONAL EXCLUSIVE CHARGES	0	0	0	0	0	0	0	0	0	17	0	0	0	17
EMAG CHARGES - OTHER	0	24	72	24	24	36	53	30	30	184	30	25	0	532
DIAL UP SERVICES	0	40	80	0	40	57	80	0	40	120	40	-40	0	457
WAN ACCESS CHARGES	0	0	602	0	0	0	0	0	0	0	0	0	0	602
LOTUS PRODUCTS LICENSING	0	16	32	16	16	16	0	16	32	0	36	34	0	216
LICENSING CHARGES - OTHER	51	0	51	0	51	-154	0	0	0	0	0	897	0	897
MAINFRAME CONSULTANTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IT HARD/SOFTWARE EXP - OTHER	0	0	0	0	0	0	0	0	0	0	42	727	0	769
REFERENCE MATERIALS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MEMBERSHIP AND SUBSCRIPTIONS	0	0	0	0	0	185	0	0	0	25	0	0	0	210
HIRE CHARGES	0	0	117	0	52	0	0	0	117	0	0	0	0	286
FUEL	0	0	0	0	0	0	0	0	0	0	0	97	0	97
OFFICE REQUISITES & STATIONERY	179	3	0	36	6	66	0	104	225	463	19	0	0	1 100
TONER	0	0	0	127	34	85	0	0	123	0	0	0	0	369
PAPER (COPIER, FAX, PRINTER)	128	0	0	0	109	0	0	0	0	0	0	0	0	237
INTRA TERRITORY FARES DEPT/MLA	0	829	1 730	0	0	0	829	-829	0	0	0	0	0	2 558
INTERSTATE FARES DEPT/MLA	0	0	0	0	0	543	0	0	0	0	1 385	784	0	2 712
EQUIPMENT EXPENSES PURCHASES	0	0	0	0	0	0	0	0	399	0	0	0	0	399
EQUIPMENT EXPENSES - R & M	0	0	0	0	0	309	0	26	131	51	30	32	0	579
FURNITURE & FITTINGS PURCHASES	0	0	0	0	0	0	0	575	0	0	0	0	0	575
Advertising	0	0	0	0	0	0	0	0	0	0	0	152	0	152
REGISTRATION FEES	0	0	0	0	0	0	209	0	0	609	0	0	0	818
INTRA TERRITORY TA DEPT/MLA	1 015	1 595	0	0	0	0	0	0	0	0	0	0	0	2 610
INTERSTATE TA DEPT/MLA	0	0	0	0	0	0	296	0	0	267	280	195	0	1 039
GOODS and SERVICES TOTAL	2 976	6 709	5 899	2 452	2 356	3 822	3 767	2 693	2 525	4 062	3 970	4 923	0	46 155
ADMINISTRATIVE EXPENSES TOTAL	18 121	17 334	14 994	-4 520	11 863	10 670	11 754	12 347	14 981	16 768	12 421	7 130	-94	143 769

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## 5. UNIT BUSINESS PLAN

**Financial Year 2003 – 2004**

**Standing Committee on Legal and  
Constitutional Affairs**

**Budget Output Group:**

**Parliamentary Services**

**Output 1 — Assembly Services**

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### **PART 1 BUSINESS UNIT overview**

#### **Summary of Business Unit Functions**

Provide policy and procedural advice, administrative, financial and resource management support to the Committee to ensure the achievement of its terms of reference in an efficient, effective and timely manner.

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#### **Business Unit Resource Allocation**

##### **Staffing:**

- 1 x Executive Officer (AO8) – permanent fulltime (shared resource with Sessional Committee on Environment and Sustainable Development and the Standing Committee)
- 1 x Administrative/research Assistant (AO4) – contract – fulltime (shared resource with Sessional Committee on Environment and Sustainable Development and the Standing Committee)
- 1 x Committee Support Assistant (AO1) – permanent part-time (shared resource with other Committee's)

<b>Budget</b>	<b>July</b>	<b>November</b>	<b>February (reviewed)</b>	<b>April</b>
Personnel	43,000	43,000	63,000	63,000
Operational	25,000	25,000	25,000	25,000
<b>Total</b>	<b>68,000</b>	<b>68,000</b>	<b>88,000</b>	<b>88,000</b>

### **PART 2 LINKS TO STRATEGIC PLAN**

#### **Key Objectives and Outcomes and Outputs**

**Key Objective:** To provide parliamentary support to Members, Committees and other clients.

**Outcome:** Effective operation of the Committee to undertake inquiries report and make recommendations to the Parliament.

#### **Key Business Outputs:**

1. Procedural and Policy Advice
2. Administrative, Financial and Resource Management
3. Conduct of Inquiries
4. Achievement of terms of reference (Reports, Discussion Information papers etc)
5. Promoting community awareness and involvement

## PART 3 KEY BUSINESS OUTPUTS

KEY BUSINESS OUTPUT - 1: Procedural and Policy Advice	
<b>Business Unit Outcome</b>	<b>The provision of accurate, high quality and timely advice to the Chairperson and Members of the Committee on procedural and administrative matters.</b>
<b>Unit Outputs</b>	<b>Performance Indicators</b>
<ul style="list-style-type: none"> <li>Provide advice to Committee Chairperson and Members.</li> </ul>	<ul style="list-style-type: none"> <li>Acceptance by the Chairperson and Members that advice is accurate, impartial, timely and based on all relevant procedural sources.</li> </ul>
<ul style="list-style-type: none"> <li>Record decisions of the Committee.</li> </ul>	<ul style="list-style-type: none"> <li>Minutes accurately reflect intent of the Committee.</li> </ul>
<ul style="list-style-type: none"> <li>Enhance procedural knowledge of Committee staff.</li> </ul>	<ul style="list-style-type: none"> <li>Procedural seminars are conducted for committee staff.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that committee system is administered on a uniform basis.</li> </ul>	<ul style="list-style-type: none"> <li>Committee Executive Officers/Secretaries meet regularly with Clerk and the Speaker as required</li> </ul>
<ul style="list-style-type: none"> <li>Communicate policy and advice to Committee Executive Officers/Secretaries.</li> </ul>	<ul style="list-style-type: none"> <li>Regular meetings between the Clerk and Executive Officers/Secretaries.</li> </ul>
<ul style="list-style-type: none"> <li>Committee Administrative and Procedural documentation are kept up to date</li> </ul>	<ul style="list-style-type: none"> <li>Review and update on a regular basis all relevant documentation.</li> </ul>

### Public Hearings and Meetings

<i>Public Meetings and Hearings:</i>	Nil
<i>Deliberative Meetings:</i>	8
<i>Briefings:</i>	Nil

Appendix: 4 summarises the Committee's Deliberative Meetings for this financial year.

### Statements and Motions

Nil

<b>KEY BUSINESS OUTPUT - 2: Administrative, Financial and Resource Management</b>	
<b>Business Unit Outcome</b>	<b>To ensure the efficient and provision, co-ordination and management of the resources provided to the Committee to undertake its inquiries.</b>
<b>Unit Outputs</b>	<b>Performance Indicators</b>
<ul style="list-style-type: none"> <li>Provide the Committee with appropriate core and research staff.</li> </ul>	<ul style="list-style-type: none"> <li>Recruit competent, experienced and qualified staff.</li> </ul>
<ul style="list-style-type: none"> <li>Provide the Committee with adequate facilities and resources.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain the committee secretariat at a high standard together with relevant information management and technology systems.</li> </ul>
<ul style="list-style-type: none"> <li>Prepare Committee Business Plans and budget estimates.</li> </ul>	<ul style="list-style-type: none"> <li>Business Plans and core and inquiry budgets are prepared and updated to enable the Committee to conduct required level of activities.</li> </ul>
<ul style="list-style-type: none"> <li>Monitor Committee expenditure.</li> </ul>	<ul style="list-style-type: none"> <li>All committee expenditure within budget and in accordance with Northern Territory Government policy.</li> </ul>
<ul style="list-style-type: none"> <li>Provide Committee with administrative support.</li> </ul>	<ul style="list-style-type: none"> <li>Conduct regular reviews on administrative support requirements.</li> </ul>
<ul style="list-style-type: none"> <li>Manage Committee files and documents.</li> </ul>	<ul style="list-style-type: none"> <li>Committee files and documents are accurate, maintained on a regular basis on TRIM and are archived in accordance with requirements of the Parliament and the Northern Territory Government policy.</li> </ul>
<ul style="list-style-type: none"> <li>Efficiently process Committee accounts.</li> </ul>	<ul style="list-style-type: none"> <li>Accounts recorded and processed in accordance with the requirements of the <i>Financial Management Act</i>, Treasurer's Directions and Departmental policy.</li> </ul>

### Consultants

The Committee, on 28 November 2001, approved that expertise from officers and constitutional consultants through the Office Solicitor General and where appropriate the Department of Justice be sought as and when required to provide advice to the Committee on constitutional and legal matters; and endorse an indicative annual cost to reimburse reasonable travel, accommodation and general costs, of the consultant engaged by the Department of Justice, up to a limit of \$10,000.

During this financial year the Committee did not utilise the services the consultant.

### Business Plans and Programs

On 5 August 2003, the Committee reviewed its future programs and strategies for 2002-04 and endorsed the Committee's notional operational funding for 2003-04 and noting that the renewed Statehood campaign and the Indigenous Governance Inquiry program for 2003-04 would proceed.

### Notional Budget 2003-04

ITEM	2003-04
Personnel	105,000
Operational	63,000
<b>TOTAL:</b>	<b>\$168,000</b>



<b>KEY BUSINESS OUTPUT - 3: Conduct of Inquiries/Programs</b>	
<b>Business Unit Outcome</b>	<b>To provide the Committee with high quality research support for inquiries and programs including authoritative and well researched briefing papers.</b>
<b>Unit Outputs</b>	<b>Performance Indicators</b>
<ul style="list-style-type: none"> <li>• Provide the Committee with research plans and activity programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptance by Members that research plans and activity programs are timely, accurate and comprehensive.</li> </ul>
<ul style="list-style-type: none"> <li>• Provide the Committee with high quality briefing papers</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptance by Members to documentation presented for consideration.</li> </ul>
<ul style="list-style-type: none"> <li>• Undertake research for committee inquiries.</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct research using primary and secondary sources relevant to the Committee's term of reference.</li> </ul>
<ul style="list-style-type: none"> <li>• Collect and analyse evidence relevant to terms of reference.</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence, including submissions, analysed and summarised to Members' satisfaction.</li> </ul>
<ul style="list-style-type: none"> <li>• Engage and manage consultants where they of assistance to an inquiry</li> </ul>	<ul style="list-style-type: none"> <li>• Consultants' selection process is cost – effective and engagement approved by the Committee and is in accordance with Northern Territory Government procurement policy</li> </ul>
<ul style="list-style-type: none"> <li>• Make travel arrangements for Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposals for travel include detailed itinerary, list of proposed witnesses and full costing and are submitted are approved by the Committee before proposed visit(s).</li> </ul>
<ul style="list-style-type: none"> <li>• Conduct inquiries in accordance with terms of reference.</li> </ul>	<ul style="list-style-type: none"> <li>• All inquiries completed by due date and within budget.</li> </ul>

#### **Program of Activity**

**Renewed Statehood Campaign** program of activity 2003-04 – endorsed

**Indigenous Governance Inquiry** – reviewed program of activity 2003-04 – endorsed

#### **List of submissions received**

Submission No. 9. Northern Territory Government

<b>KEY BUSINESS OUTPUT - 4: Achievement of Terms of Reference (Reports/Discussion/Information Papers)</b>	
<b>Business Unit Outcome</b>	<b>To enable the Committee to produce high quality reports and papers.</b>
<b>Unit Outputs</b>	<b>Performance Indicators</b>
<ul style="list-style-type: none"> <li>Provide the Committee with report outline and/or draft recommendations or draft policy options</li> </ul>	<ul style="list-style-type: none"> <li>Report outline and possible findings and/or recommendations, which respond to all key aspects of the inquiry, are submitted to the Committee prior to drafting full report.</li> </ul>
<ul style="list-style-type: none"> <li>Prepare draft reports and discussion, information and briefing papers for consideration by the Committee.</li> </ul>	<ul style="list-style-type: none"> <li>Reports and papers cover all key aspects of the respective program/inquiry are fully documented.</li> </ul>
<ul style="list-style-type: none"> <li>Facilitate consideration of draft reports by the Committee.</li> </ul>	<ul style="list-style-type: none"> <li>The views of Committee Members taken into account when final drafts prepared and the report adopted in accordance with the requirements of the Standing and Sessional Orders.</li> </ul>
<ul style="list-style-type: none"> <li>Arrange tabling of committee reports/papers.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare reports and papers to a high standard of presentation and table in the Legislative Assembly in accordance with Standing and Sessional Orders.</li> </ul>

#### Discussion and Information Papers

Nil

#### Tabling of Committee Reports and Papers

Annual Report 1 July 2002 – 30 June 2003

<b>KEY BUSINESS OUTPUT - 5: Promoting community awareness and involvement</b>	
<b>Business Unit Outcome</b>	<b>To improve public and community involvement in the role of the Committee in the parliamentary process and to encourage public input in the activities of the Committee</b>
<b>Unit Outputs</b>	<b>Performance Indicators</b>
<ul style="list-style-type: none"> <li>Promote the business of the Committee within parliamentary environment including its Terms of Reference.</li> </ul>	<ul style="list-style-type: none"> <li>Develop marketing strategies, undertake promotional activities and education programs, and conduct public awareness programs.</li> <li>Sponsor and participate in relevant conferences, seminars and meetings.</li> <li>Liaise and collaborate with relevant Committees' of other Parliaments, academic institutions as well as government and Non – Government agencies.</li> </ul>
<ul style="list-style-type: none"> <li>Inform the public and the community of Committee activities.</li> </ul>	<ul style="list-style-type: none"> <li>Committees use the Internet, media, newsletters to publicise inquiries and presentation of brochures and other public relations information mechanisms.</li> </ul>
<ul style="list-style-type: none"> <li>Improve standard of Committee public relations material.</li> </ul>	<ul style="list-style-type: none"> <li>Conduct regular survey of all public relations information pertaining to the Committee.</li> </ul>
<ul style="list-style-type: none"> <li>Encourage public input in Committee process.</li> </ul>	<ul style="list-style-type: none"> <li>Advertise terms of reference calling for submissions and dates of public hearings in the media and on the Internet.</li> </ul>
<ul style="list-style-type: none"> <li>Make Committee reports and other documents available to the public.</li> </ul>	<ul style="list-style-type: none"> <li>Distribute printed copies to interested parties as soon as possible and place reports on the Internet at earliest opportunity.</li> </ul>

**Promoting the business of the Committee - Sponsor and participate in relevant conferences, seminars and meetings**

During year the Committee has promoted the issues associated with Northern Territory constitutional development and Statehood through the holding of a Schools Constitutional Conventions during the Celebrating Democracy Week in November 2003. Planning has commenced for the holding of another Schools Constitutional Convention possibly in the first half of next calendar year.

**Informing the public and the community**

The Committee has organised to place on its Internet homepage its latest publications at [www.nt.gov.au/lant/parliament/committees/lca/lca.shtml](http://www.nt.gov.au/lant/parliament/committees/lca/lca.shtml):

- Annual Report 2002-03

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## **APPENDICES**

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## **APPENDIX 1 - COMMITTEE'S TERMS OF REFERENCE**

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## Standing Committee on Legal and Constitutional Affairs

### TERMS OF REFERENCE

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- (1) A committee to be known as the Committee on Legal and Constitutional Affairs shall be appointed at the commencement of each Assembly to inquire, report and make recommendations upon such constitutional and legal matters as may be referred to it by:
- (a) the Attorney-General; or
  - (b) resolution of the Assembly.
- (1A)<sup>1</sup> The committee shall inquire, consider, make recommendations and report to the Assembly from time to time on:
- (a) any matter concerned with legal or constitutional issues, including law reform, parliamentary reform, administrative law, legislative review and inter-governmental relations;
  - (b) the legal or constitutional relationship between the Northern Territory and the Commonwealth;
  - (c) any proposed changes to that legal or constitutional relationship, including the admission of the Northern Territory as a new state of the Commonwealth; or
  - (d) any proposed changes to the Commonwealth Constitution that may affect the Northern Territory and/or its residents;
- (1B) With the approval of the Attorney-General, any other matter concerning the relationship between the Northern Territory and the Commonwealth and/or the states in the Australian federation;
- (1C) Meet with any other state or Commonwealth parliamentary committees to inquire into matters of mutual concern;
- (1D) The Committee shall report to the Assembly as soon as possible after 30 June each year on its activities during the preceding financial year.
- (2)<sup>2</sup> That, notwithstanding anything contained in Standing Orders, the following members be appointed to the committee: Ms M R Scrymgour, Mr L F Kiely, Mr M Bonson, two members to be nominated by the Leader of the Opposition, and one independent member, and that the Committee shall elect a government member as Chairman.
- (3) In the event of an equality of voting, the Chairman shall have a casting vote.
- (4) The committee have power to appoint subcommittees and to refer to any such subcommittee any matter, which the committee is empowered to examine.
- (5) Three members of the committee constitute a quorum of the committee and three members of a subcommittee constitute a quorum of the subcommittee.

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<sup>1</sup> Clauses (1A) to (1D) inserted by motion moved by Attorney General Mr Toyne dated 25 October 2001, adopted 25 October 2001

<sup>2</sup> Clauses 2(A) and 2(B) repealed by motion moved by Mr Stirling dated 16 October 2001, adopted 16 October 2001.



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- (6) The committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
  - (7) The committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public.
  - (8) The committee have leave to report from time to time and any member of the committee has power to add a protest or dissent to any report.
  - (9) Unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
  - (10) Members of the public and representatives of the news media may attend and report any public sessions of the committee, unless otherwise ordered by the committee.
  - (11) The committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate.
  - (12) The committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee
  - (13)<sup>3</sup> The committee or a subcommittee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees established in previous Assemblies.
  - (14) The foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the Standing Orders.

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<sup>3</sup> Clause 13 amended by motion moved by Mr Stirling dated 23 October 2001, adopted 23 October 2001

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## **APPENDIX 2 - FORMER AND CURRENT COMMITTEE MEMBERSHIP**

## FORMER AND CURRENT COMMITTEE MEMBERSHIP

Member		Eighth Assembly
Ah Kit, J L	(Alternate Member)	14.10.98 – 24.11.98
Bailey, J D		14.10.98 – 18.06.99
Balch, S J	(Alternate Member)	16.02.99 – 09.05.00
Carter, S J	(Alternate Member)	9.05.00 – 01.08.01
Elferink, J W		20.08.98 – 01.08.01
<b>Hatton, S P</b>	<b>(Chairman)</b>	20.08.98 – 01.08.01
Hickey, M A		20.08.98 – 14.10.98
		10.08.99 – 01.08.01
Lugg, C D		20.08.98 – 10.08.99
McCarthy, T R	(Alternate Member)	14.10.98 – 16.02.99
Martin, C M		20.08.98 – 14.10.98
Mills, T K		10.08.99 – 01.08.01
Stirling, S J	(Alternate Member)	24.11.98 – 01.08.01
Toyne, P H	(Alternate Member)	14.10.98 – 01.08.01
Member		Ninth Assembly
Bonson, M T		16.10.01 – *
Braham, L M		18.06.03 – *
Elferink, J W		18.10.01 - *
Kiely, L F		16.10.01 – *
Mills, T K		18.10.01 – *
<b>McAdam, E</b>	<b>(Chairman)</b>	27.06.03 – *
Scrymgour, M R		16.10.01 – 27.06.03

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**APPENDIX 4 - SUMMARY OF DELIBERATIVE MEETINGS, 2003-04**

## SUMMARY OF DELIBERATIVE MEETINGS

Meeting No.	Date	Key Agenda Items
12	5 August 2003	<ul style="list-style-type: none"> <li>Renewed Northern Territory Statehood Campaign</li> <li>Review of Committee program of activity 2002-04 and funding 2003-04</li> </ul>
13	20 August 2003	<ul style="list-style-type: none"> <li>Renewed Northern Territory Statehood Campaign</li> </ul>
14	16 October 2003	<ul style="list-style-type: none"> <li>Renewed Northern Territory Statehood Campaign                             <ul style="list-style-type: none"> <li>Options Paper – <i>Statehood – Community Engagement, Participation and Process</i></li> <li>Discussion Paper – <i>Conceptual Models on the Promotion and Awareness of Statehood and Constitutional Development</i></li> </ul> </li> </ul>
15	11 November 2003	<ul style="list-style-type: none"> <li>Renewed Northern Territory Statehood Campaign                             <ul style="list-style-type: none"> <li>Options Paper – <i>Statehood – Community Engagement, Participation and Process</i></li> <li>Discussion Paper – <i>Conceptual Models on the Promotion and Awareness of Statehood and Constitutional Development</i></li> </ul> </li> <li>Inquiry into Indigenous governance</li> <li>Mini Schools Convention</li> <li>Building Effective Indigenous governance Conference – Jabiru 4-7 November 2003</li> <li>Towards Mutual Benefit – Law Reform Committee Inquiry into aboriginal Customary Law</li> <li>Centre for Democratic Institutions – Pacific Parliamentary Retreat</li> </ul>
16	13 February 2004	<ul style="list-style-type: none"> <li>Renewed Northern Territory Statehood Campaign                             <ul style="list-style-type: none"> <li>Options Paper – <i>Statehood – Community Engagement, Participation and Process</i></li> <li>Discussion Paper – <i>Conceptual Models on the Promotion and Awareness of Statehood and Constitutional Development</i></li> </ul> </li> <li>Inquiry into Indigenous governance</li> <li>Review of Current Committee Activity 2003-04</li> <li>Towards Mutual Benefit – Law Reform Committee Inquiry into Aboriginal Customary Law</li> </ul>
17	2 April 2004	<ul style="list-style-type: none"> <li>Renewed commitment to Northern Territory Statehood</li> </ul>
18	6 May 2004	<ul style="list-style-type: none"> <li>Renewed commitment to Northern Territory Statehood – draft terms of reference – advisory task force</li> </ul>
19	25 June 2004	<ul style="list-style-type: none"> <li>Renewed commitment to Northern Territory Statehood – terms of reference – Statehood Steering Committee</li> </ul>
		<ul style="list-style-type: none"> <li>Committee Annual Report 2002-03</li> </ul>