

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Standing Committee on Legal and Constitutional Affairs

Annual Report

1 July 2009 — 30 June 2010

Report deemed as
a Tabled Paper in
the Legislative
Assembly, on
October 2010

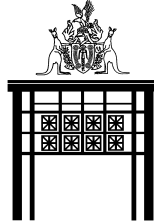
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LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
11th Assembly

Standing Committee on Legal and Constitutional Affairs

Transmission of Report to Assembly

On behalf of the Standing Committee on Legal and Constitutional Affairs, in accordance with section 21B of the Standing Orders of the Legislative Assembly of the Northern Territory and section 6 of the Standing Committee on Legal and Constitutional Affairs additional Terms of Reference, I submit this Annual Report on the activities, staffing and operations of the Committee for the financial year ending 30 June 2010.

I ask that this report be deemed as a Tabled Paper in the Legislative Assembly.

THE HONOURABLE JANE AAGAARD MLA

Speaker and Chair of the Standing Committee on Legal and Constitutional Affairs

Chair's Overview

This annual report advises the Legislative Assembly of the Northern Territory of the activities, staffing and operations of the Standing Committee on Legal and Constitutional Affairs for the period 1 July 2009 to 30 June 2010.

The Committee worked on three inquiry references during the reporting period. The first inquiry, which is still continuing, considered issues associated with a grant of Statehood for the NT. Central to the conduct of this reference is the important work of the NT Statehood Steering Committee which the Legal and Constitutional Affairs Committee oversees. During the financial year, the Statehood Steering Committee commenced community forums as part of its Information Roadshow. Community forums have been held throughout the Northern Territory including Elliot, Tennant Creek, Alice Springs, Utopia, Yulara, Mutijulu, Papunya, Darwin and Palmerston. These forums will continue throughout 2010 in various locations in the NT from the remote (e.g. Minjilang) to the rural (e.g. Coolalinga) and regional (e.g. Alice Springs), leading up to a Constitutional Convention in 2011.

The second Committee inquiry in the financial year considered issues associated with a possible Bill of Rights for the Northern Territory. The third Committee inquiry was into Customary Law. Both inquiries were considered within the context of Statehood. Both inquiries concluded on 25 February 2010 and were tabled in one volume titled 'Towards Northern Territory Statehood: Issues for Consideration'.

The programme for a proposed inquiry into the form of parliament the NT could have once Statehood is achieved has not had formal Committee consideration or endorsement.

True bi-partisanship was shown throughout all Committee activities. On behalf of the Committee, I commend this Annual Report to the House.

[Insert Chair's signature]

The Honourable Jane Aagaard MLA

Committee Members



The Honourable Jane AAGAARD, MLA

Member for Nightcliff

Party: Australian Labor Party

Parliamentary Position: Speaker

Committee Membership:

Standing: House; Standing Orders; Members' Interests; Legal and Constitutional Affairs

Chair: House, Legal and Constitutional Affairs, Statehood Steering Committee



Ms. Marion SCRYMGOUR, MLA

Member for Arafura

Party: Australian Labor Party

Committee Membership:

Standing: Legal and Constitutional Affairs; House; Public Accounts; Subordinate Legislation and Publications

Sessional: Environment and Sustainable Development; Council of Territory Co-operation

Chair: Environment and Sustainable Development



Mr. Michael GUNNER, MLA

Member for Fannie Bay

Party: Australian Labor Party

Parliamentary Position: Government Whip

Committee Membership:

Standing: Legal and Constitutional Affairs; Public Accounts; Standing Orders; Subordinate Legislation and Publications; Members' Interests

Sessional: Environment and Sustainable Development;

Other: Statehood Steering Committee

Chair: Public Accounts; Estimates, Subordinate Legislation and Publications



Ms. Kezia PURICK, MLA

Member for Goyder

Party: Country Liberals

Parliamentary Position: Deputy Leader of the Opposition; Shadow Minister for Major Projects, Trade and Economic Development; Planning and Lands; Housing; Statehood; Women's Policy

Committee Membership:

Standing: Legal and Constitutional Affairs Committee

Other: Statehood Steering Committee



Mr. Peter CHANDLER, MLA

Member for Brennan

Party: Country Liberals

Parliamentary Position: Shadow Minister for Natural Resources, Environment and Heritage; Parks and Wildlife; Assisting the Leader of the Opposition on Education

Committee Membership:

Standing: Legal and Constitutional Affairs

Sessional: Environment and Sustainable Development

Committee Secretariat

Committee Secretary: Ms Patricia Hancock (until 6 April 2010)
Mr Ian McNeill PSM

Research/ Administrative Officer: Mrs Kay Parsons (until 31 March 2010)
Ms Jane Gunner

Committee Support Assistant: Ms Kim Cowcher
Ms Maria Viegas (until 6 April 2010)

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1. INTRODUCTION

Establishment of Committee

The Standing Committee on Legal and Constitutional Affairs (LCAC) is established by Standing Order 21B of the Legislative Assembly of the Northern Territory (at Appendix A).

Additional Terms of Reference

On 29 June 2005 the Legislative Assembly resolved to enhance the Standing Committee's role and function in providing the following additional Terms of Reference:

The Standing Committee on Legal and Constitutional Affairs shall:

1. 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 intergovernmental relations;
 - b) the legal or constitutional relationship between the Northern Territory and 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. Meets with any other state or Commonwealth parliamentary committees to inquire into matters of mutual concern; and
4. The Northern Territory Statehood Steering Committee continues in existence with the same membership and terms of reference adopted by the 9th Assembly on 17 August 2004 and as amended on 24 March 2005.

5. Resolutions or business transacted by the previous Legal and Constitutional Affairs Committee are taken to be the resolutions of this committee unless otherwise amended; and
6. The Committee shall report to the Assembly as soon as possible after 30 June each year on its activities during the preceding financial year.

Functions of the Committee

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

Under its Terms of Reference, the LCAC can inquire into and report to the Legislative Assembly on any matter referred to it by the Attorney-General for the NT or the Legislative Assembly as well as any issue in connection with a legal or constitutional matter affecting the NT as the Committee deems necessary.

Powers of the Committee

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.

No sub Committees were established during the reporting period.

2. COMMITTEE PROGRAMME

Deliberative Meetings

During the reporting period the Committee met five times. All meetings were held in Darwin. The meetings were held on the following days:

10 September 2009;
1 October 2009;
22 October 2009;
17 February 2010; and
28 April 2010.

A summary of the key issues discussed during those deliberative meetings follows in Table 1.

Table 1: Summary of Deliberative Meetings, LCAC

Meeting No.	Date	Key Agenda Items
7.	10 September 2009	<ul style="list-style-type: none">• Customary Law inquiry, consideration of evidence received from the Solicitor-General and Crown Counsel for the NT• Bill of Rights inquiry consideration of evidence received from the Solicitor-General and Crown Counsel for the NT• Statehood Steering Committee matters
8.	1 October 2009	<ul style="list-style-type: none">• Customary Law inquiry draft final report• Bill of Rights inquiry draft final report
9.	22 October 2009	<ul style="list-style-type: none">• Customary Law inquiry draft final report• Bill of Rights inquiry draft final report• Proposed Statehood Constitutional Convention in 2011
10.	17 February 2010	<ul style="list-style-type: none">• Approval given to print Customary Law inquiry and Bill of Rights inquiry final reports in one volume titled: 'Towards Northern Territory Statehood: Issues for Consideration'.
11.	28 April 2010	<ul style="list-style-type: none">• Cessation of the Statehood Steering Committee in 2011• Proposed Statehood Constitutional Convention in 2011

Briefings

The Committee received one official briefing during the reporting year. The briefing was received from the Solicitor-General and Crown Counsel for the NT on the 10

September 2009. The briefing provided the Committee with advice and information towards the Committee inquiries into Customary Law and Bill of Rights.

Inquiry References

The Committee inquired into three matters during the reporting period:

1. Issues surrounding a grant of Statehood for the NT;
2. Customary Law; and
3. Bill of Rights for the NT.

Although separate references, the inquiries into Customary Law and Bill of Rights were considered by the Committee within the context of a grant of Statehood for the NT. Consequently both inquiries were reported in one volume titled 'Towards Northern Territory Statehood: Issues for Consideration', Part 1 being the Bill of Rights inquiry final report and Part 2 the Customary Law inquiry final report.

Grant of Statehood for the NT Reference

On 18 June 2003 the then Chief Minister referred to the LCAC the Northern Territory Government's recommitment to the achievement of Statehood under certain conditions, including that the process would be community driven. In February 2004 the LCAC resolved that a committee be established consisting of members of the Standing Committee as well as representatives of major stakeholders and others from around the Northern Territory, to advise and assist the Standing Committee in the achievement of a grant of Statehood. In August 2004 the Legislative Assembly endorsed the Terms of Reference developed by the Standing Committee for such a body and authorised that the LCAC to appoint members to the body.

NT Statehood Steering Committee

The Northern Territory Statehood Steering Committee (SSC) was established on 17 August 2004 by a resolution of the Legislative Assembly of the Northern Territory. Extracts of the Terms of Reference of the Statehood Steering Committee are at Appendix B.

The Chair of LCAC is also the Chair of the SSC. The Co-Chair of the SSC is appointed by the LCAC from the non parliamentary membership of the SSC. Three members of the LCAC, including the Chair serve as part of the SSC Executive Group along with the Co-Chair and two other non parliamentary members of the SSC. The two key roles of the Executive Group are to oversee the administration and conduct

of the SSC and examine and consider all proposals to be included in the SSC programme.

Although the Statehood Steering Committee operates as an independent body to the Standing Committee, it also serves as an advisory body to the LCAC on constitutional development and related matters, as well as promoting awareness and knowledge of Statehood in the community. As such the work of the LCAC during the financial year has been closely linked to the programme of the Statehood Steering Committee and in overseeing the operations of that body.

In 2010, the Statehood Steering Committee has been engaged in holding community forums as part of its Information Roadshow. In the reporting period community forums were held in the following locations:

February 2010:	Elliott, Tennant Creek, Alice Springs and Utopia
March 2010:	Yulara, Mutijulu, Papunya, Darwin and Palmerston
April 2010:	Yuendumu , Ti-Tree, Harts Range and Alice Springs
May 2010:	Borrooloola, Mataranka, Barunga, Pine Creek and Katherine
June 2010:	Adelaide River, Belyuen and Wagait

Reports from each community forum have been produced. Attendance at the community forums held so far indicate a strong level of community interest in the Northern Territory becoming a State. Final evaluations will need to be made when all the community forums have been conducted.

Bill of Rights for the Northern Territory

In September 2008 the LCAC received a letter from the Statehood Steering Committee (SSC) seeking clarification on whether the issue of a possible Bill of Rights for the NT should be considered separately to the Statehood consultation undertaken by the SSC. Consequently the LCAC agreed that it would consider the matter with a view to determining whether the issues surrounding both matters, a possible Bill of Rights and a grant of Statehood, were interdependent and warranted community consideration within the same campaign.

The LCAC concluded its inquiry into a Bill of Rights for the NT with the tabling of the inquiry final report on 25 February 2010. The Committee unanimously agreed that the two topics were not mutually dependent and that consideration of a Bill of Rights for the NT should be considered separately to the current campaign towards Statehood to give each matter the dedicated community focus required.

Customary Law Reference

The reference was given to the LCAC by the (then) Attorney-General in 2004 to inquire into whether Aboriginal customary law should be recognised as a source of law. The matter arose from a recommendation by the 2003 Northern Territory Law Reform Committee's inquiry into Aboriginal Customary Law.¹

The Committee continued its inquiry into Customary Law in the first part of the financial year with further research and the drafting of the inquiry final report. The inquiry final report was tabled in the Legislative Assembly on 25 February 2010.

Proposed Inquiry into the Form of Parliament at Statehood

At Meeting No. 6 of the Committee on 6 May 2009, the LCAC resolved to undertake an inquiry into the possible form of parliament the NT could have in the event that Statehood is achieved. Notional inquiry scope, Terms of Reference and programme of work, have been drafted as well as some preliminary research conducted. Due to time constraints and Committee focus on concluding the Bill of Rights and Customary Law inquiries, the draft documents were not formally endorsed by the Committee during the reporting period.

Future Programme

The Committee will continue to monitor the progress of the Statehood Steering Committee community forums in the latter part of 2010. The Committee will also work towards laying the foundations for a Constitutional Convention to be held in 2011.

¹ Northern Territory Law Reform Committee (NTLRC), 'Report of the Committee of Inquiry into Aboriginal Customary Law', 2003, Recommendation 11: 'NT Statehood Conference resolution that Aboriginal Law be recognised as a source of law should be implemented.'

3. COMMITTEE SECRETARIAT

Administration and Staffing

Each Parliamentary Committee is provided with a support team from the Parliamentary Committee Secretariat within the Department of the Legislative Assembly. At the commencement of the reporting period the LCAC Secretariat consisted of:

Dedicated Staff

- 1 x Secretary (AO8) – permanent full-time
- 1 x Administrative Assistant (AO4) – short term contract

Shared Committee Support Staff

- 1 x Inquiry Secretary/ Research Officer (AO7) - permanent full-time
- 1 x Committee Support Assistant (AO2) – permanent full-time

As a result of the extended absence of the Committee Secretary on leave, the LCAC has been supported by the Office of the Clerk.

Secretariat Objective

The objective of the LCAC Secretariat is to support the Standing Committee on Legal and Constitutional Affairs by providing the necessary expertise to enable the Committee to carry out its functions.

Administrative Expenditure 2009 - 2010

The operational expenditure in Table 2 below is directly attributable to the LCAC. All other operational expenditure of the Committee for example salaries and the majority of information technology charges, library services or document production are largely attributable to the Parliamentary Committee Secretariat as a whole.

Table 2: Administrative Expenditure 2009 - 2010

EXPENSES	\$
Expenses - General	
Bank Charges	36
Communications	37
Consumables / General Exp	116
Document Production	87
Entertainment / Hospitality	504

Information Technology Charges	501
IT Hardware And Software Exp	50
Library Services	86
Office Requisites & Stationery	102
Other Equipment Expenses	352
Training and Study Expenses	380
TOTAL EXPENSES - GENERAL	2,251

APPENDICES

Appendix A: Standing Committee on Legal and Constitutional Affairs Terms of Reference

(Section 21B of the Standing Orders)

21B¹⁰ LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

- (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.
- (2) ¹¹The committee shall consist of 5 members.
- (3) Any appointed alternate opposition member may participate in a meeting of the committee or sub-committee as if they were a full member provided only that two opposition alternate members shall vote at a deliberative meeting of a committee or sub-committee.
- (4) Any appointed alternate government member may participate in a meeting of the committee or sub-committee as if they were a full member provided only that three government members shall vote at a deliberative meeting of a committee or sub-committee.
- (5) In the event of an equality of voting, the Chair shall have a casting vote.
- (6) The committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
- (7) Three members of the committee constitute a quorum of the committee and three members of a subcommittee constitute a quorum of the subcommittee.
- (8) 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.
- (9) 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.
- (10) 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.

- (11) 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.
- (12) 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.
- (13) The committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate.
- (14) 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
- (15) The committee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees established in previous Assemblies.
- (16) The foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the Standing Orders.

¹⁰ SO21B New Standing Order, adopted 20 August 1998, (Minutes page 210).

¹¹ SO21B Amended and adopted new membership to 7 on 14 October 1998, (Minutes page 244).

Appendix B: Extracts from the NT Statehood Steering Committee Terms of Reference

Establishment of a Northern Territory Statehood Steering Committee

- (2) Pursuant to the resolution of the Standing Committee of 25 June 2004, an advisory committee to the Standing Committee called the Northern Territory Statehood Steering Committee (the Statehood Steering Committee) is hereby established.

Purpose of the Northern Territory Statehood Steering Committee

- (3) The purpose of the Northern Territory Statehood Steering Committee is to provide advice and assistance to the Standing Committee on matters concerning the Northern Territory's ongoing constitutional development that may also be tied to a future grant of Statehood and in particular:
- (a) provide advice to the Standing Committee in reviewing the process of constitution-making in the Northern Territory to date, for the purpose of developing recommendations on a Constitution for the new State and the principles upon which it should be drawn and the method to be adopted to have a draft new state Constitution approved by or on behalf of the people of the Northern Territory;
 - (b) in reviewing the process of constitution-making in the Northern Territory to date, the Statehood Steering Committee may, as it considers appropriate, have regard to:
 - (i) the form and content of the draft constitution in the Report that was prepared by the former Parliamentary Committee on Constitutional Development and was tabled in the Legislative Assembly on 27 November 1996 and the draft constitution that was the outcome of the Constitutional Convention held during the period 26 March to 9 April 1998 that was tabled in the Legislative Assembly on 13 August 1998;
 - (ii) such reports and papers that have been tabled in the Legislative Assembly (including those from the former Parliamentary Committee on Constitutional Development) from time to time relating to the matter of Northern Territory Statehood, and the debates in the Assembly on those reports and papers; and

- (iii) any other reports, submissions, papers and documents relating to the matter of Northern Territory Statehood and constitutional development, whether or not they have been tabled in the Legislative Assembly;
- (c) provide advice to the Standing Committee in identifying and developing strategies and programs in educating the Northern Territory community on Statehood and constitutional development; and
- (d) provide assistance to the Standing Committee in undertaking a role in promoting the awareness of Statehood and constitutional development to the Northern Territory community.

Life of the Northern Territory Statehood Steering Committee

- (4) The Statehood Steering Committee shall come into existence on the day that these Terms of Reference are endorsed by resolution of the Standing Committee and shall continue to exist until:
 - (a) the Administrator prorogues the Legislative Assembly, pursuant to section 22(1) of the Northern Territory (Self-Government) Act 1978; or
 - (b) the Standing Committee and the Statehood Steering Committee have mutually agreed to dissolve the Statehood Steering Committee, which will take effect upon the date fixed by resolution of the Standing Committee.
- (5) If the Statehood Steering Committee ceases to exist under clause 4 (a) and upon the Administrator giving notice of the holding of a session of the Legislative Assembly, pursuant to section 22 (2) of the Northern Territory (Self-Government) Act 1978 and subject to the Standing Orders and Sessional Orders of the Legislative Assembly, the Standing Committee may resolve to re-establish the Statehood Steering Committee on such terms and conditions as it thinks fit.

5A. CONTINUANCE OF ADMINISTRATIVE FUNCTION

Despite clauses 4 and 5, members of the Statehood Steering Committee who are not members of the Legislative Assembly continue in office until the Assembly first meets following prorogation of the Assembly.

The Members who continue in office under sub-clause (1) may carry out the administrative functions of the Statehood Steering Committee and any other activities of the Statehood Steering Committee previously authorised by the

Legal and Constitutional Affairs Committee but must not carry out any other functions or activities.

Composition of the Statehood Steering Committee

- (6) The Statehood Steering Committee shall comprise the following membership:
- (a) the Member of the Legislative Assembly of the Northern Territory, appointed for the time being to the Standing Committee and who has been elected as Chairman of the Standing Committee, pursuant to the Standing and Sessional Orders, to hold the office of Chairman;
 - (b) a person residing in the Northern Territory who, in the Standing Committee's opinion, has a strong commitment in the matters concerning the Northern Territory's ongoing constitutional development that is tied to a future grant of Statehood, being a person not being a member of the Statehood Steering Committee under clauses 6 (a) or (c), appointed by the Standing Committee to hold the office of Co-Chair;
 - (c) 2 Members of the Legislative Assembly of the Northern Territory appointed for the time being to the Standing Committee and chosen from time to time by the Standing Committee;
 - (d) such other persons, not being Members of the Legislative Assembly, the number to be determined by the Standing Committee, residing in the Northern Territory who have a strong commitment in the matters concerning the Northern Territory's ongoing constitutional development that is tied to a future grant of Statehood, being a person appointed by the Standing Committee from among applicants following public advertisement in the media as the Standing Committee thinks fit;
 - (e) the Standing Committee, when considering appointments to the Statehood Steering Committee under the preceding clause may take into account the following stake-holder groups:
 - (i) Northern Territory Indigenous groups/organisations;
 - (ii) Northern Territory municipal, local and community governments;
 - (iii) Business and pastoral groups/organisations;
 - (iv) Trade Unions and Industry groups/organisations;
 - (v) Ethnic community groups/organisations;
 - (vi) Educational or marketing institutions, groups or organisations;
 - (vii) Women's organisations;

- (viii) Northern Territory Council of Churches and the Ministers Fraternal and other religious groups;
 - (ix) Specific pressure, lobby or interest groups, that have a commitment to the achievement of Statehood for the Northern Territory;
 - (xii) Young Territorians; and
 - (xiii) Senior Territorians.
- (f) notwithstanding clause 6 (e) the Standing Committee may also appoint other persons residing in the Northern Territory who, in its opinion, have a strong commitment in the matters concerning the Northern Territory's ongoing constitutional development that is tied to a future grant of Statehood; and
- (g) Statehood Steering Committee members, other than members of the Standing Committee, are appointed for the life of the Statehood Steering Committee, but in any case may be discharged from office at any time by the Standing Committee.
- (h) The total number of Statehood Steering Committee members is not to exceed 25.

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Steering Committee Executive Group

- (20) There shall be a Steering Committee Executive Group of the Statehood Steering Committee (the Executive Group) which shall comprise:
- (a) the Chairman and the Co-Chair;
 - (b) 2 members of the Standing Committee chosen by the Standing Committee under clause 6 (c); and
 - (c) 2 members of the Statehood Steering Committee (other than a member of the Standing Committee) who have been members of the Statehood Steering Committee for a period of at least 12 months, elected annually by the members of the Statehood Steering Committee at its first meeting following this condition coming into effect and subsequently at its first meeting of each calendar year. Such members will hold office for one year but are able to nominate for re-election.
- (21) Vacancies in respect of the membership of the Executive Group shall be filled in the same manner as required by these Terms of Reference for the appointment in respect of which there is a vacancy.

-
- (22) The Chairman shall be Chair of the Executive Group.
 - (23) In the temporary absence of the Chairman to preside over a meeting of the Executive Group, or in event of his or her temporary inability to preside, his or her powers and duties shall be exercised and performed by a member of the Standing Committee who is a member of Executive Group and who has been elected by the Standing Committee members of the Executive Group to act as Chair for that meeting.
 - (24) Meetings of the Executive Group shall not be open to the public unless otherwise ordered by the Executive Group.
 - (25) The Executive Group shall have the following duties and functions, in addition to any other duties and functions in these Terms of Reference:
 - (a) to consider and report to the Standing Committee upon such changes to the Terms of Reference of the Statehood Steering Committee and changes in organisation of the Statehood Steering Committee as shall be referred to it by the Statehood Steering Committee;
 - (b) to oversee the administration and conduct of the Statehood Steering Committee, including the planning for finances, personnel, printing and physical arrangements of the Statehood Steering Committee and its officers and staff, and related matters, including the scheduling of dates and times for meetings of the Statehood Steering Committee and the designation of locations for any meetings, including any of its Select Working Committees and other committees;
 - (c) to examine and consider all proposals for inclusion or otherwise to the Statehood Steering Committee Program;
 - (d) to meet on such dates and at such times and at such places as the Chairman determines from time to time;
 - (e) to assist the Statehood Steering Committee in determining the matter, membership, powers and procedures of committees established by the Statehood Steering Committee;
 - (f) to assist the Statehood Steering Committee in examining and considering all proposals and all other matters not germane to the work of committees established by the Statehood Steering Committee and make recommendations to the Statehood Steering Committee for action thereon;
 - (g) to organise the call for and receive submissions from the public on any matter relevant to the work of the Statehood Steering Committee;
 - (h) to organise the holding of public sessions of the Statehood Steering Committee;
 - (i) to consider and report to the Statehood Steering Committee upon any other matters referred to it by the Standing Committee; and

- (j) to report from time to time to the Standing Committee on the matters undertaken by the Executive Group in pursuance of these Terms of Reference.