LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Public Accounts Committee

Report of Ministerial Correspondence on Subordinate Legislation

July 2019 – March 2020

March 2020

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Committee Members

	**Mrs Kate Worden MLA:** Member for Sanderson	
	Party:	Territory Labor
	Committee Membership	
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	**Mr Terry Mills MLA:** Member for Blain	
	Party:	Territory Alliance
	Committee Membership	
	Deputy Chair	Public Accounts Committee
	**Mr Gary Higgins MLA:** Member for Daly	
	Party:	Country Liberals
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		Public Accounts Committee Standing Orders Committee House Committee Members' Interests Committee
	**Mr Lawrence Costa MLA:** Member for Arafura	
	Party:	Territory Labor
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	**Mr Tony Sievers MLA:** Member for Brennan	
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	Chair	Public Accounts Committee Legislation Scrutiny Committee House Committee
	**Mr Gerry Wood MLA:** Member for Nelson	
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Terms of Reference

Sessional Order 14

Public Accounts Committee

(1) Standing Order 177 is suspended and the Public Accounts Committee appointed under that Standing Order shall continue with following terms of reference.

(2) The Public Accounts Committee has the following duties:

(a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report tabled in the Legislative Assembly, pursuant to the *Financial Management Act* and the *Audit Act*

(b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the moneys to which they relate, to which the committee is of the opinion that the attention of Parliament should be drawn

(c) to report to the Legislative Assembly any alteration which the committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public moneys

(d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Northern territory

(i) which is referred to it by a resolution of the Assembly or

(ii) which is referred to it by the Administrator or a Minister

(e) to inquire into and report to the Legislative Assembly on any matters within the executive authority of Ministers of the Territory to which the committee is of the opinion that the attention of the Assembly should be drawn

(f) the reports by statutory bodies tabled in the Assembly, including the recommendations of the Electoral Commissioner tabled under section 313 of the *Electoral Act*

(g) in relation to any instruments of a legislative or administrative character which the Assembly may disallow or disapprove:

(i) whether that instrument has sufficient regard to the rights and liberties of individuals, including whether the instrument:

(A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and

(B) is consistent with principles of natural justice; and

(C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and

(D) does not reverse the onus of proof in criminal proceedings without adequate justification; and

(E) confers powers to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and

(F) provides appropriate protection against self-incrimination; and

(G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and

(H) does not confer immunity from proceeding or prosecution without adequate justification; and

(I) provides for the compulsory acquisition of property only with fair compensation; and

(J) has sufficient regard to Aboriginal tradition; and

(K) is unambiguous and drafted in a sufficiently clear and precise way.

(ii) whether that instrument has sufficient regard to the institution of Parliament, including whether an instrument:

(A) is within the authorising law which allows the instrument to be made: and

(B) is consistent with the policy objectives of the authorising law; and

(C) contains only matter appropriate to subordinate legislation; and

(D) amends statutory instruments only; and

(E) allows the subdelegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act.

(3) The Committee will consist of six Members.

(4) The Committee will elect a Government Member as Chair.

(5) The Committee will provide an annual report of its activities to the Assembly.

(6) This resolution does not change the Chair, membership or existing inquiries of the Committee.

(7) Standing Order 176 is suspended and the Subordinate Legislation and Publications Committee is dissolved.

(8) The Public Accounts Committee will have access to the records of the former Subordinate Legislation and Publications Committee and may continue the consideration of any matter commenced by that Committee.

Adopted 24 August 2017

1 Introduction

Committee's Duties Regarding Subordinate Legislation

1.1 Under Sessional Order 14, the Public Accounts Committee has been given the duties of the former Subordinate Legislation and Publications Committee to examine and report on all instruments of a legislative or administrative character that the Assembly may disallow or disapprove to advise the Assembly whether the instrument has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

1.2 Committees to examine subordinate legislation against such terms is common in Westminster style Parliaments. This scrutiny is to assist the Parliament ensure other bodies use its delegated power to make laws according to certain principles. Those principles are detailed in Sessional Order 14(2)(g).

1.3 Under section 63 of the *Interpretation Act 1978*, the Assembly may disallow subordinate legislation by motion, notice of which must be given within 12 sitting days of the tabling of the subordinate legislation. The Committee's role is to bring to the Assembly's attention any issues arising under Sessional Order 14(2)(g) to inform it on whether the power to disallow should be exercised.

1.4 The Committee obtains independent legal advice on whether an instrument raises any issues. It will then refer issues raised to the Minister for response. If issues arise warranting the Assembly's immediate attention, the Committee reports that subordinate legislation to the Assembly. It also provides periodic reports such as this to the Assembly of its correspondence with Ministers to account to the Assembly for the work it has done and place on the public record the issues noted and the explanations given.

2 Ministerial Correspondence on Subordinate Legislation

Petroleum (Environment) Amendment Regulations No. 7 of 2019

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.61

Hon Eva Lawler MLA
Minister for Environment and Natural Resources
GPO Box 3146
Darwin NT 0801

Dear Minister Eva

Re: Petroleum (Environment) Amendment Regulations (No .7 of 2019)

The Public Accounts Committee is considering the Petroleum (Environment) Amendment Regulations (No. 7 of 2019) in accordance with Sessional Order 14(2)(g).

The Committee has received the attached comments on the regulations from its independent legal counsel and seeks your advice on the issues raised, particularly regarding whether regulation 11(1), which requires the Minister to make a decision within 90 days, should be made subject to the new regulations 11(2A) and 11(B), which gives the Minister a discretion to make a decision outside the 90 day period.

To enable the Committee to complete its consideration of the regulations before the end of their disallowance period, the Committee requests this advice by 7 October 2019.

Thank you for your assistance.

Yours sincerely

Kate

Kate Worden MLA
Chair

20 September 2019

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Ms Kate Worden MLA
Chair, Public Accounts Committee
GPO Box 3721
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Via email: pac@nt.gov.au

Dear Kate Worden

Thank you for your letter dated 20 September 2019 regarding the independent legal counsel comments regarding the recent amendments to the Petroleum (Environment) Amendment Regulations (No. 7 of 2019).

I understand the issue of concern relates to the requirement under regulation 11(1) for the Minister to make a statutory decision within 90 days, and the amendments which inserted regulations 11(2A) and 11(2B) that provide for an extension of that timeframe, without there also being a cross-reference to regulation 11(1).

The purpose of the amendments are to provide a mandatory prerequisite for an Environment Management Plan approval to include evidence of an Authority Certificate issued by the Aboriginal Areas Protection Authority (AAPA) under the *Northern Territory Aboriginal Sacred Sites Act 1989*. As part of these amendments, it was desirable to also provide that if an authority certificate has not been provided within the 90 days, a revised decision timeframe of 14 days after the authority certificate has been provided applies to avoid unnecessary administrative processes.

It is important to note that the overall structure of regulation 11 was not changed by the introduction of regulations 11(2A) or 11(2B). Prior to these amendments, an ability for the Minister to extend the 90 day timeframe was already provided in previous regulation 11(1)(c). These amendments redrafted this power as regulation 11(2A) and inserted new regulation 11(2B) to allow for the authority certificate scenario. Both 11(2A) and 11(2B) were drafted in the same style as the existing regulation 11(1)(c) which stated:

> if satisfied that more than 90 days will be required to make a decision for paragraph (a) or (b) – give the interest holder a notice setting out a proposed timetable for consideration of the plan.

NORTHERN TERRITORY GOVERNMENT

Advice from the Office of Parliamentary Counsel (OPC) is that the provisions in regulation 11(1) should not be cross-referenced to the new sub-regulations. Further, any disallowance of these amendments would not resolve any potential issues as they would have already existed pre-amendment in regulation 11(1)(c).

I have however instructed the Department of Environment and Natural Resources to consider this matter further with OPC and the Solicitor for the Northern Territory to ensure clarity. Should further amendments be identified as required, they will be included in the next round of amendments to the Regulations, which are scheduled to commence drafting later this year.

I would be happy to advise the Public Accounts Committee of the outcome of these considerations.

Yours sincerely

EVA LAWLER

07 OCT 2019

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

13th Assembly

Public Accounts Committee

REF: COMM2019/00002.81

Hon Eva Lawler MLA
Minister for Environment and Natural Resources
GPO Box 3146
Darwin NT 0801

Dear Minister

Re: Petroleum (Environment) Amendment Regulations (No. 7 of 2019)

Thank you for your correspondence dated 7 October 2019 providing advice to the Public Accounts Committee on the Petroleum (Environment) Amendment Regulations (No. 7 of 2019). The Committee appreciates your offer to advise it of the outcome of the considerations in respect to the regulations and looks forward to your advice in due course.

Thank you for your assistance.

Yours sincerely

Kate Worden MLA
Chair

28 November 2019

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Transport Legislation Amendment Regulations No. 11 of 2019

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.62

Hon Eva Lawler MLA
Minister for Infrastructure, Planning and Logistics
GPO Box 3146
Darwin NT 0801

Dear Minister

Re: Transport Legislation Amendment Regulations (No. 11 of 2019)

The Public Accounts Committee is considering the Transport Legislation Amendment Regulations (No. 11 of 2019) in accordance with Sessional Order 14(2)(g).

The Committee has received the attached comments on the regulations from its independent legal counsel and seeks your advice on the issues raised, particularly regarding the lack of a defence of reasonable excuse for some strict liability offences, and whether more clarity of the meaning of 'harass' for the offence of a passenger harassing a person on a vessel is required.

To enable the Committee to complete its consideration of the regulations before the end of their disallowance period, the Committee requests this advice by 7 October 2019.

Thank you for your assistance.

Yours sincerely

Kate

Kate Worden MLA
Chair

17 September 2019

GPO Box 3721, DARWIN NT 0801
Telephone: 08 8946 1485 e-mail: pac@nt.gov.au

Advice from Prof Ned Aughterson to the Public Accounts Committee

Transport Legislation Amendment Regulations (No 11 of 2019)
Amendment of *Marine Regulations* (Air-Cushioned Vehicles), (General) and (Passenger): in relation to the offences of strict liability, in some instances there is a defence of reasonable excuse, while in other instances that defence is not available. The defence of reasonable excuse is available at regs 14(6) and 26(4) for the indicated offences under the *Marine (General) Regulations* and at reg 9(7) for the indicated offences under the *Marine (Passenger) Regulations.* The one that is perhaps anomalous is reg 15(2) of the *Marine (General) Regulations*, where strict liability arises for allowing children below a specified age to operate a hire-and-drive vessel (under 12 years for operation of the vessel and under 16 years for operation of the vessel without adult supervision). The defence of reasonable excuse is not available. However, it is to be imagined that in an emergency situation, for example where the adult has been injured, it may well be reasonable to allow a minor to operate the vessel.

Reg 9(3) *Marine (Passenger) Regulations*: creates an offence where a passenger, after being warned by the master of the vessel, harasses a person on the vessel. There may be questions as to what is meant by 'harass' in the context of travelers on a vessel. The regulation provides no measure. Compare, for example, s 471.12 of the NSW *Criminal Code*, which creates an offence where a person uses a postal service in a way 'that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive'. In other NT legislation where the term 'harass' is used it is either defined (s 22 *Anti-Discrimination Act*) or the context of the provision gives some insight into the meaning of the term: see, for example, *Information Act* s 42; *Public Sector Employment Management Act* s 49.

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Ms Kate Worden MLA
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Dear Ms Kate Worden

Re: Transport Legislation Amendment Regulations (No. 11 of 2019)

Thank you for your letter of 17 September 2019, seeking advice on the issues raised by Professor Ned Aughterson, independent legal counsel, regarding the *Transport Legislation Amendment Regulations 2019* which commenced on 1 August 2019.

Please find attached a response to each of the queries raised. For your information, the Office of Parliamentary Counsel was consulted in drafting the response.

Should the Committee need any further clarification, please don't hesitate to contact Mrs Paula Timson, Director Legislation and Reform, Department of Infrastructure, Planning and Logistics on Ph: 8924 7018 or email paula.timson@nt.gov.au.

Yours sincerely

EVA LAWLER
1 OCT 2019

NORTHERN TERRITORY GOVERNMENT

Advice

Reg 9(3) Marine (Passenger) Regulations: creates an offence where a passenger, after being warned by the master of the vessel, harasses a person on the vessel. There may be questions as to what is meant by 'harass' in the context of travelers on a vessel. The regulation provides no measure. Compare, for example, s 471.12 of the NSW Criminal Code, which creates an offence where a person uses a postal service in a way 'that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive'. In other NT legislation where the term 'harass' is used it is either defined (s 22 Anti-Discrimination Act) or the context of the provision gives some insight into the meaning of the term: see, for example, Information Act s 42; Public Sector Employment Management Act s 49.

Department Response

In regard to the independent legal counsel's concern that there may be questions as to what is meant by 'harass' in the context of travellers on a vessel, the Office of Parliamentary Counsel has advised that in the absence of a definition, the court will give a term used in legislation its ordinary meaning. In the case of 'harass' that means to trouble or annoy repeatedly, which aligns with the intent of the *Marine (Passenger) Regulations 1982* r 9(3) which was amended to make it compatible with Part IIAA of the Criminal Code.

Similar to the NSW example mentioned above by the independent legal counsel, which does not provide a definition but leaves it up to what a reasonable person would regard as harassment, we expect a court would adopt an objective "reasonable person" test when considering whether conduct amounted to harassment, particularly as the NT offence is one of strict liability and has a fine, not imprisonment as a penalty.

With regard to the NT examples provided above by the independent legal counsel, it is agreed that there is good cause to provide a definition to explain the types of conduct that amounts to sexual harassment (Section 22 of the *Anti-Discrimination Act 1992).* In the other two examples, *Information Act 2002* s 42, and *Public Sector Employment and Management Act 1993* s 49, 'harass' is used as one of a number of examples of a vexatious applicant or of a breach of discipline and with this context doesn't require its own definition. None of the above legislation examples provide a definition of 'harass' that could be used in r 9(3).

Whilst the Department is of the view that the ordinary meaning of 'harass' aligns with the intended meaning of r 9(3), should the Public Accounts Committee decide that r 9(3) requires further amendment to clarify what is meant by 'harass', it is suggested that rather than disallow regulation 17 of the *Transport Legislation Amendment Regulations 2019,* which would revive regulations 8 (which is redundant) and 9 of the *Marine (Passenger) Regulations 1982* as they were prior to 1 August 2019, the Public Accounts Committee may decide to agree the current amended provision proceed, but recommend the Department further amend r 9(3) in the next tranche of transport amendments.

Response to Advice from Prof Ned Aughterson to the Public Accounts Committee

Transport Legislation Amendment Regulations (No 11 of 2019)

Advice

Amendment of Marine Regulations (Air-Cushioned Vehicles), (General) and (Passenger): in relation to the offences of strict liability, in some instances there is a defence of reasonable excuse, while in other instances that defence is not available. The defence of reasonable excuse is available at regs 14(6) and 26(4) for the indicated offences under the Marine (General) Regulations and at reg 9(7) for the indicated offences under the Marine (Passenger) Regulations. The one that is perhaps anomalous is reg 1 5(2) of the Marine (General) Regulations, where strict liability arises for allowing children below a specified age to operate a hire-and-drive vessel (under 12 years for operation of the vessel and under 16 years for operation of the vessel without adult supervision). The defence of reasonable excuse is not available. However, it is to be imagined that in an emergency situation, for example where the adult has been injured, it may well be reasonable to allow a minor to operate the vessel.

Department Response

The omission of a reasonable excuse defence for the offence in regulation 15(1) of the *Marine (General) Regulations 2013* was intentional. None of the offences referred to above previously had reasonable excuse defences, but because the offences were being redrafted as strict liability offences, consideration was given to the possible circumstances in which a person could be liable for an offence without any real fault on their part. For that reason, reasonable excuse defences were provided where conceivably there could be some intervening act that was beyond the control of a person, which would not amount to a sudden and extraordinary emergency, but which could make the person liable for the offence.

The original offence that was replaced by regulation 15 of the *Transport Legislation Amendment Regulations 2019* was knowingly permitting:

- a child under the age of 12 to operate; or
- a child 12 or older to operate without adult supervision,

a hire and drive vessel capable of travelling faster than 12 knots.

Knowledge of the child's age and the vessel's speed capability were the key ingredients of the offence. The reasonable mistake of fact defence available under section 43AX of the Criminal Code covers that aspect, and the sudden and extraordinary emergency defence available under section 43BC of the Criminal Code covers the scenario of an urgent need for a child passenger to take over the operation of the vessel.

Based on the reasons given above, the Department does not believe that a reasonable excuse defence is necessary for this offence.

Police Administration Amendment Regulations No. 17 of 2019

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.63

Hon Nicole Manison MLA
Minister for Police, Fire and Emergency Services
GPO Box 3146
Darwin NT 0801

Dear Minister

Re: Police Administration Amendment Regulations (No. 17 of 2019)

The Public Accounts Committee is considering the Police Administration Amendment Regulations (No. 17 of 2019) in accordance with Sessional Order 14(2)(g).

The Committee has received the attached comments on the regulations from its independent legal counsel and seeks your advice on the issues raised in relation to the provisions for a Custody Notification Service, particularly:

- Why does the service not extend to Torres Strait Islander people?
- Why does the service not extend to taking intoxicated persons into custody or for short periods of custody?
- As the provision only applies if the person responds to the question of whether they are Aboriginal, what happens if the person does not or cannot respond?
- Why is no detail provided as to what information should be given to the service provider?
- Why is there no exemption to the notification requirement when the person has arranged for a legal practitioner to be present?

To enable the Committee to complete its consideration of the regulations before the end of their disallowance period, the Committee requests this advice by 7 October 2019.

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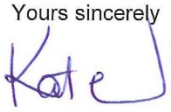
Thank you for your assistance.

Yours sincerely



Kate Worden MLA
Chair

17 September 2019

Advice from Prof Ned Aughterson to the Public Accounts Committee

Police Administration Amendment Regulations (No 17 of 2019)

Reg 19B:[1] this relates to the introduction of a Custody Notification Service (NCS), which was a recommendation of the Royal Commission into Aboriginal Deaths in Custody. It requires notification to a 'custody notification service provider' (NAAJA in the NT) where am Aboriginal person is detained in custody. A CNS has been operating in NSW for 18 years and is to be implemented in other jurisdictions. Several observations are made in relation to the NT provision:

(i) There is a question of why the regulation relates to Aboriginal people only, rather than to Aboriginal and Torres Strait Islander people. The Tabling Note refers to an agreement with the Commonwealth to introduce a CNS and states that the CNS will be a service of referrals 'whenever an Aboriginal or Torres Strait Islander person is placed into custody for an offence'.[2] The word 'Aboriginal' is not defined in the Act or the Interpretation Act to enable it to be given a more expansive meaning.

(ii) There is a question as to when a person is in custody, so as to invoke the operation of the provision. Regulation 19B(4) specifically excludes from the service circumstance where a person is held in custody under s 128 or 133AB of the Act.

Section 128 deals with taking intoxicated persons into custody. The NSW provision relating to the taking of intoxicated persons into custody is also excluded from the operation of the CNS: reg 37 of the Law Enforcement (Powers and Responsibilities) Regulation (NSW). There is a question of whether that exclusion is appropriate, given the inquest into the death of Terence Daniel Briscoe [2012] NTMC 032. Mr Briscoe was apprehended pursuant to s 128 and was in custody for less than 5 hours before his death. See also the current Victorian coronial hearing into the death of Tanya Day, which again arose following her detention for intoxication. It is further noted that the only death in custody in NSW, following implementation of the scheme some 18 years ago, was the death in custody of Indigenous woman Rebecca Lyn Maher on 19 July 2016. She was being held in protective custody because of intoxication. The coroner recommended that the CNS service be extended to persons detained because of intoxication: findings published 5 July 2019.

Section 133AB deals with taking persons into custody, whether intoxicated or not, for an infringement notice offence and holding them for a maximum of 4 hours. It seems that it is the underlying assumption of the exclusion of s 133AB that there would be no relevant risk to a person within a 4-hour timeframe. It is not clear why that would be so. It is noted that the NSW regulation extends the service to a detained person or 'protected suspect'. The latter term is defined in s 110 of the Law Enforcement (Powers and Responsibilities) Act (NSW) to mean 'a person who is in the company of a police

[1] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i) generally.
[2] See also Public Accounts Committee terms of reference 14(2)(g)(ii)(B).

officer for the purpose of participating in an investigative procedure in connection with an offence if:

(a) the person has been informed that he or she is entitled to leave at will, and

(b) the police officer believes that there is sufficient evidence that the person has committed the offence'.[3]

That indicates a perceived need in NSW for the service even in those limited circumstances.

(iii) Regulation 19B(1) requires the officer to immediately 'ask' any person in custody 'if the person is an Aboriginal person'. By 19B(2), 'if the response' to that question indicates that the person is Aboriginal then the notification requirement arises. By framing the provision in that way, it is not clear what happens where, for whatever reason, the person does not respond to the question. By way of comparison, the NSW provision simply provides that 'if' the person is an Aboriginal person or Torres Strait Islander, then the obligation to notify arises; evidently leaving it to the introduction of appropriate protocols to enable that assessment to me be made. In other words, the regulation evidently imposes an obligation on the officer to establish whether or not the person is an Aboriginal or Torres Strait Islander.

(iv) No detail is provided as to what information should be given to the service provider. Nor is it indicated under the NSW provision. This might be a matter for police protocols, but it is imagined that details as to the condition and circumstances of the person would inform the response of the service provider.

(v) The NSW provision provides an exception to the requirement of notification where 'the custody manager for the person is aware that the person has arranged for a legal practitioner to be present during questioning of the person'. Presumably it has been determined not to make that exception in relation to the NT provision.

[3] By reg 3, the term 'protected suspect' has the same meaning as in s 110 of the Act.

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Ms Kate Worden MLA
Chair
Legislative Assembly of the Northern Territory
Public Accounts Committee
GPO Box 3721
DARWIN NT 0801

Dear Ms Worden

Thank you for letter dated 17 September 2019 regarding the Police Administration Amendment Regulations (No. 17 of 2019).

Please find below responses to your questions regarding the custodial notification scheme (CNS).

Why does the scheme not extend to Torres Strait Islander people?

The scheme does extend to Torres Strait Islander people. The Aboriginal Affairs Sub Committee of Cabinet passed a direction in that the term 'Aboriginal' was to be used in preference of 'Indigenous' and that the term was inclusive of Torres Strait Islander people. The Memorandum of Understanding (MOU) makes this clear by using the terminology 'ATSI'.

Why does the scheme not extend to persons taken into custody under sections 128 and 133AB of the *Police Administration Act 1978*?

Persons arrested under sections128 and 133AB of the *Police Administration Act 1978* are not charged by police upon arrest and are excluded from the CNS by agreement between the stakeholders. This is because these custody episodes are of a short known finite period and specifically because persons taken into custody pursuant to the provisions of section 128 are often not capable of having a meaningful conversation with a support service.

NORTHERN TERRITORY GOVERNMENT

What happens if the person in custody does not or cannot respond?

Under the MOU between NAAJA and the Northern Territory Police Force (NTPF), police officers will make reasonable enquiries to determine if a person is Aboriginal including but not limited to speaking to them.

Why is no detail provided as to what information should be given to the service provider?

That detail is contained within the MOU between NAAJA and the NTPF (includes name, date of birth, reason for custody, bail opposition status, if youth, details of a responsible adult, time and location of arrest, location of detained person, any other appropriate information e.g. bail considerations or estimated period of custody).

Why is there no exemption to the notification requirement when a person has arranged for a legal practitioner to be present?

The CNS exists to place Aboriginal people in contact with NAAJA to provide legal advice, reassurance and wellbeing support. It is not solely designed to provide access to legal advice and there is no requirement for an exemption if a person in custody has a legal representative.

Yours sincerely

NICOLE MANISON

- 7 OCT 2019

Liquor Regulations No. 25 of 2019

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.82

Hon Natasha Fyles MLA
Attorney-General and Minister for Justice
GPO Box 3146
Darwin NT 0801

Dear Minister

Re: Liquor Regulations (No. 25 of 2019)

The Public Accounts Committee is considering the Liquor Regulations (No. 25 of 2019) in accordance with Sessional Order 14(2)(g).

The Committee has received the attached comments on the regulations from its independent legal counsel and seeks your advice on the issues raised.

To enable the Committee to complete its consideration of the regulations before the end of their disallowance period, the Committee requests this advice by 1 February 2020.

Thank you for your assistance.

Yours sincerely

Kate Worden MLA
Chair

28 November 2019

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Advice from Prof Ned Aughterson to the Public Accounts Committee

Liquor Regulations (No 25 of 2019)

Reg. 5:[1] either there is a drafting error in regulation 5(2) (in which event the sub-regulation would, in any event, appear to be superfluous), or, if it does purport to amend the Act, it would seem to be beyond power. The regulation provides that a licence is required for sale etc. of flavour extract in containers of 50ml or more. Reference is made in the note below the regulation to s 43(2)(e) of the Act. That section provides that a licence is not required in relation to the sale etc. 'of flavour extract in containers not exceeding 50 ml'. There does not appear to be anything in the Act to allow an amendment to s 43(2)(e) (compare s 43(2)(f) – that does not seem to allow amendments to (a) to (e), but rather provides for additional matters). While the Act provides that a licence is not required where the container is 50ml or less, the regulation provides that a licence is required where the container is 50ml (or more). In any event, it seems odd to have containers of 49ml (which would be the maximum under the regulation), suggesting that it is a drafting error.

Reg.7(2):[2] the first 'be' on line 3 should be deleted.

Reg. 21(1) and 36(1):[3] there are questions as to the operation of reg. 21 and the relationship between regs. 21 and 36. Reg. 21(1) (Division 1, standard operating conditions) provides that a licensee 'may' (suggestive of a discretion) give the Director written notice of any voluntary reduction in hours of operation. By reg. 21(3), the notice is not revocable and the new hours of operation become conditions of the authority issued by the Director. One question goes to use of the word 'may' rather than 'must'. Does that mean that if hours are reduced and notice is not given, the licensee can revert to the original hours?

As to the interrelationship between regs. 21 and 36, as noted reg. 21(1) uses the term 'may' (give notice), while reg. 36(1) (Division 5, catering authority conditions) provides that a licensee with a catering authority 'must' give notice of any reduction in operating hours. There is no reference in reg. 36 to the notice being irrevocable. The general provision relating to non-revocability in reg. 21(3) refers to a notice given under reg. 21(1) and presumably does not apply to notice given under the differently expressed provision in reg. 36(1)

Reg. 27(2), 38(3), 75(3), 79(3), 82(3), 85(2):[4] these regulations refer to opening hours on New Year's Day. For clarity, it might be helpful to expressly make clear that the given hours (from 00:00 to 02:00) are in addition to and not in substitution for the standard hours referred to in the regulations. In reg. 85(2), in particular, it appears that

[1] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K) or ii(A).
[2] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).
[3] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).
[4] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).

the 2 early morning hours are in substitution rather than in addition. See also reg. 38(4) in relation to hours of opening on ANZAC day.

Reg. 27(1) and 38(1):[5] reg. 27 relates to BYO authority conditions, while reg. 38 relates to club authority conditions – both deal with hours of operation 'except Good Friday and Christmas Day'. However, while reg. 38(2) provides alternative hours for those days, no alternative hours are provided under reg 27. Is that intended?

Reg. 39 and 43:[6] these regulations are under the Division dealing with clubs. Reg.39(1) provides that liquor must not be sold to persons other than those listed in that sub-regulation, while reg. 43 provides that in advertising it must be made clear that liquor is available only to persons listed in that sub-regulation. The difficulty is that the lists are different. While, reg. 39(1)(b) refers to 'a member of another club with reciprocal rights granted by the club', that does not appear in the reg. 43 list. On the other hand, reg. 43 refers to 'visitors to the club who sign the visitors book'. That does not appear in the reg. 39 list.

Reg 54(1):[7] one 'in' should be deleted.

Reg 75(2):[8] the regulation relates to hours of operation for public bars on Good Friday and Christmas Day. It provides that the hours are from 11:00 to 21:00 'if the liquor is served, sold or supplied to patrons purchasing full meals during those hours'. That suggests that liquor can be sold only to those purchasing full meals (and does it mean only at the time of purchase of the meal?). Is that intended? That is different from a provision that provides, for example, that it may be open for those hours providing full meals are available for purchase.

Reg 100(2): provides that the hours of operation for a wayside inn authority 'may' extend from 00:00 to 07:00 in specified circumstances. Use of the term 'may' suggests some precondition or the need for some additional authority. Compare reg. 75(2), where the equivalent provision does not use the term 'may'.

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[5] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).
[6] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).
[7] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).
[8] Public Accounts Committee, Terms of Reference, Sessional Order 14(2)(g)(i)(K).

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Ms Kate Worden MLA
Chair
Public Accounts Committee
GPO Box 3721
DARWIN NT 0801

Via email: pac@nt.gov.au

Dear Ms Worden

Thank you for your letter dated 28 November 2019 where the Public Accounts Committee (PAC) has forwarded the written advice of its independent legal counsel in relation to the *Liquor Regulations 2019*.

The Department of the Attorney-General and Justice has prepared the enclosed (*) response to each item identified in the advice. I trust that the response deals with the issues of the PAC.

I thank you and Professor Aughterson for undertaking the work of reviewing the *Liquor Regulations 2019*.

Kind regards

Natasha

NATASHA FYLES

Encl (*)

24 DEC 2019

NORTHERN TERRITORY GOVERNMENT

Response to concerns raised by the Independent Legal Counsel of the Public Accounts Committee in relation the *Liquor Regulations 2019*

The concerns of the Independent Legal Counsel have been paraphrased into the list below. Licensing NT have been consulted in preparing the responses. If the Public Accounts Committee have any questions regarding the responses listed, please contact Ms Candice Maclean on 8935 7869.

Regulation	Concern	Response
5(2)	The regulation is superfluous or is inconsistent with the *Liquor Act 2019*.	The policy intent is that a licence is required for the sale, supply or service of flavour extract in containers of over 50ml. The reason for the inclusion of the regulation is to provide a complete statement regarding the exemptions of products from licensing. This issue will be considered and clarified at the 12 month technical review of the legislation.
7(2)	That the regulation contains a grammatical error with the repetition of the word "be".	This grammatical error will be corrected as part of the 12 month technical review of the legislation.
21(1), 21(3), 36(1)	Does the wording difference between regulation 21(1) and 36(1) require a person holding a catering authority to always inform the Director of a reduction of hours, and is that notice then non-revocable?	No. A notice given under regulation 21 is distinct from information provided under regulation 36. It is not intended that those two regulations operate together. The issue of whether regulation 36(1) should be clarified has been raised with Licensing NT. The policy intent behind regulation 21 is to allow licensees to reduce their hours of operation including for the purposes of the hours of operation multiplier component of the annual fee under Part 3 of the Regulations. Once they have reduced their hours of operations, this is not revocable and the hours of their authority would be reduced. The policy intent behind regulation 36 is very different as it is to prescribe the information that the regulator, Licensing NT, considered was required for a catering authority having regard to the existing conditions of these types of licences. Regulation 36(1) is just one of the number of pieces of information that is required. The policy intent behind regulation 36(1) is that, as caterers have inconsistent and variable hours, differing locations and additional crowd control requirements, they are to report their hours through a separate process that is distinct from regulation 21. It is

		important to note that these notices sent by caterers are not irrevocable but rather reflect the varied nature of these business operations.
21(1), 36(1)	If a licensee reduces their hours and notice is not given, does that mean that the licensee can revert to their original hours?	A licensee (with the exception of caterers) may only reduce their hours of operation for the purposes of calculating fees under Part 3 of the Regulations by way of a regulation 21 notice. A licensee (except for caterers) may choose to trade for less hours than those that they are entitled to under their licence and relevant conditions. However, for the purposes of calculating the hours multiplier component of the annual fee, the hours of operation are those that the licensee is entitled to, not those that the licensee in fact trades for. AGD will review whether hours of operation under regulation 21 can be clarified, and whether the operation of regulation 36(1) with regulation 21 can be clarified as well.
27(2), 38(3), 75(3), 79(3), 82(3), 85(2)	The additional opening hours on New Year's Day could be clarified to make it clear that the given hours are in addition to and not in substitution.	The policy intent is that the hours specified for New Year's Day are additional hours. Consideration will be given to clarifying this as part of the 12 month technical review of the legislation. This is in contrast to the hours specified for Good Friday and Christmas Day. For these days, the hours specified in the regulations are substitutions, with the reduced hours arising from consultation to permit trade outside days where licensees are to offer and require the purchase of full meals for service of liquor.
27(1), 38(1)	Is it intended that BYO authorities are not able to open for Good Friday and Christmas Day, or for any alternative hours?	Yes. The position in regulation 27 is based on the fact that currently no BYO holder opens on Christmas Day and Good Friday. Additionally, the restaurant authority allows for hours of operation on Christmas Day and Good Friday and comes with it restrictions on the service of alcohol.
39, 43	That while clubs may advertise to visitors to the club who sign the visitors book, clubs are not permitted to serve such visitors unless they are guests of members of the club.	It is intended that licensees holding a club authority are able to sell liquor to visitors who sign the visitors book. It is also intended that members who are reciprocal members of a club are able to be advertised to. Consistency between regulations 39 and 43 will be considered at the 12 month technical review of the legislation.
54(1)	The word "in" is repeated.	This is a minor grammatical error and will be corrected as part of the 12 month technical review.

75(2)	Does the wording mean that only patrons purchasing full meals are able to purchase alcohol? And is that purchase of alcohol limited to when patrons are purchasing a meal?	The intention of this sub-regulation is that patrons must purchase a full meal to also purchase alcohol on Christmas Day and Good Friday, however, those patrons do not need to purchase a meal with every purchase of alcohol. This regulation expands the hours of operation of licensees, and arose out of consultation with licensees who wanted to offer a Christmas buffet type package. The policy intent is that licensees only serve patrons liquor who have purchased a full meal, but then those patrons may remain on the premises and continue to be served liquor for the remainder of the day.
100(2)	The use of the word may suggests preconditions to the extension of hours for wayside inns as provided for under regulation 100(2).	The structure of regulation 100(2) is to allow wayside inns to operate for the extended hours specified if they also have fuel, meals and accommodation available. No other preconditions are intended. The policy basis for this position is for historical reasons, where these types of businesses have supported road travellers, tourists and shift workers with fuel, meals and accommodation.

Wagait Shire Council (Dog Management) By-Laws (No 27. of 2019)

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.113

Hon Gerry McCarthy MLA
Minister for Local Government, Housing and Community Development
GPO Box 3146
Darwin NT 0801

Dear Minister

Re: Wagait Shire Council (Dog Management) By-Laws (No. 27 of 2019)

The Public Accounts Committee is considering the Wagait Shire Council (Dog Management) By-Laws (No. 27 of 2019) in accordance with Sessional Order 14(2)(g).

The Committee has received the attached comments on the regulations from its independent legal counsel and seeks your advice on the issues raised including:

- Penalties for offences under the by-laws to reflect the seriousness of the offence
- Requesting a time frame for owners to abide by-law 23
- Re-wording by-law 33(4)

To enable the Committee to complete its consideration of the regulations before the end of their disallowance period, the Committee requests this advice by 18 March 2020.

Thank you for your assistance.

Yours sincerely

Kate Worden MLA
Chair

11 February 2020

GPO Box 3721, DARWIN NT 0801
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Advice from Prof Ned Aughterson to the Public Accounts Committee

Wagait Shire Council (Dog Management) By-Laws (No 27 of 2019)

Penalties:[1] it is noted that the penalty for all offences under the by-laws is 20 penalty units, regardless of the seriousness of the offence. For example, the failure of an owner of a registered owner of a dog to notify a change of address (by-law 14) carries the same penalty as the offence under by-law 34 of an owner failing to ensure that their dog does not bite a person or an animal or failing to ensure proper containment of a dangerous dog: see by-laws 23(1) and 27(1). As a general principle, a penalty should reflect the seriousness of the offence in the relevant legislative scheme.[2]

By-Laws 21 to 24:[3] By-law 21 allows an authorised person to declare a dog to be a dangerous dog, while by by-law 22 allows the owner of the dog to apply to Council to revoke the declaration. While by-law 22(4) provides when any revocation takes effect (the date of notification of the revocation – that is, not when the decision was made), there is no indication as to when the initial decision (declaring the dog to be dangerous) takes effect. That is important because by-law 23 imposes certain duties on the owner of the dog, contravention of which can lead to cancellation of the registration of the dog (by-law 24) or penalties: see by-laws 23(1) and 27(1). It follows that if the revocation takes effect immediately the decision is made, liability would arise prior to notification. It is clear the revocation does not take effect only after any application to revoke under by-law 22 has been considered. That is because there may be no application to revoke and no time limit is placed on any such application. Relevant to the question of when the declaration should commence, there is a question of how much time needs to be allowed to enable the owner to take all steps required under by-law 23.

It is noted that the by-laws do not require the giving of a right to be heard in relation to the proposed declaration prior to the making of the decision – that arises only in relation to any revocation application. While it is imagined that it may be necessary to act with some urgency in ensuring that the dog is contained, one difficulty is that in giving notice of the declaration there is no requirement on the part of the Council to give reasons for the decision. Any non-disclosure of reasons would make difficult the framing of any argument by the owner against the decision.

By-Law 33(4)(c):[4] By-law 33 creates an offence where there is failure on the part of an owner of a dog to ensure that their dog does not menace a person or an animal (see by-law 3 as to the meaning of 'menace'). By-law 33(4) creates defences, including at 33(4)(1):

> If a person was menaced – the person created a reasonable apprehension that the person was trespassing on premises owned or occupied by the defendant

The question is in whom does the reasonable apprehension need to arise. Presumably it is not the apprehension of a reasonable dog. The owner might not be present. Is it the apprehension of a reasonable person? Would it be appropriate to reframe the defence so that it arises where there is an actual trespass? See also by-law 34(6)(c).

[1] See Public Accounts Committee Terms of Reference, Sessional Order 14, (2)(g)(ii)(B), and in that context s 189(2)€ of the *Local Government Act*.

[2] See, for example, Australian Government Attorney-Generals Department, 'A guide to framing Commonwealth offences, Civil Penalties and Enforcement Powers' (2007), 38.

[3] See Public Accounts Committee Terms of Reference, Sessional Order 14, (2)(g)(i)(A), (B), (K).

[4] See Public Accounts Committee Terms of Reference, Sessional Order 14, (2)(g)(i)(K).

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Mrs Kate Worden MLA
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Dear Mrs Worden

Thank you for your correspondence dated 11 February 2020, on behalf of the Public Accounts Committee, regarding the Wagait Shire Council (Dog Management) by-laws 2019.

Please find responses to your queries, including responses from the Office of the Parliamentary Counsel, the Wagait Shire Council (the Council) and the Department of Local Government, Housing and Community Development, as applicable, below.

Penalties: It is noted that the penalty for all offences under the by-laws is 20 penalty units, regardless of the seriousness of the offence. For example, the failure of an owner of a registered owner of a dog to notify a change of address (by-law 14) carries the same penalty as the offence under by-law 34 of an owner failing to ensure that their dog does not bite a person or an animal or failing to ensure proper containment of a dangerous dog: see by-laws 23(1) and 27(1). As a general principle, a penalty should reflect the seriousness of the offence in the relevant legislative scheme.

The Office of the Parliamentary Counsel advised that the custom has been to keep a single maximum penalty for animal management by-law offences in each council. Variations occur in infringement notices. This approach and the amounts of the maximum is a policy decision by the council. For example, the Alice Springs Town Council has 30 penalty units maximum for all offences, the City of Darwin has 100 penalty units maximum for all offences and the Coomalie Community Government Council has $3000 maximum for all offences.

NORTHERN TERRITORY GOVERNMENT

The Department notes that these by-laws are modelled largely on the Litchfield Council (Dog Management) by-laws 2017 (the Litchfield by-laws) with minor variations to suit the specific circumstances for the Wagait Shire Council area.

The Litchfield by-laws have a maximum penalty of 20 penalty units for all offences except for a failure to notify the Council of the acquisition of ownership of a registered dog within 14 days after acquiring the dog and a failure by a registered owner to notify the Council of a change in address within 14 days of the change. These two offences have a penalty of 10 penalty units.

It is also worth noting that the schedule to the by-laws prescribe a different amount of penalty units for infringement notice offences depending on what the council deems to be the seriousness of the relevant offence. Using the examples provided by the Public Accounts Committee, in the by-laws, the prescribed amount for an infringement notice for a failure to notify a change of address (by-law 14(2)) is one penalty unit, that for a failure to properly contain a dog (by-law 27(2)) is two penalty units and that for an owner failing to ensure that their dog does not bite a person or an animal (by-law 34(2) is six penalty units.

By-Laws 21 to 24:

By-law 21 allows an authorised person to declare a dog to be a dangerous dog, while by by-law 22 allows the owner of the dog to apply to Council to revoke the declaration. While by-law 22(4) provides when any revocation takes effect (the date of notification of the revocation – that is, not when the decision was made), there is no indication as to when the initial decision (declaring the dog to be dangerous) takes effect. That is important because by-law 23 imposes certain duties on the owner of the dog, contravention of which can lead to cancellation of the registration of the dog (by-law 24) or penalties: see by-laws 23(1) and 27(1). It follows that if the revocation takes effect immediately the decision is made, liability would arise prior to notification. It is clear the revocation does not take effect only after any application to revoke under by-law 22 has been considered. That is because there may be no application to revoke and no time limit is placed on any such application. Relevant to the question of when the declaration should commence, there is a question of how much time needs to be allowed to enable the owner to take all steps required under by-law 23.

It is noted that the by-laws do not require the giving of a right to be heard in relation to the proposed declaration prior to the making of the decision – that arises only in relation to any revocation application. While it is imagined that it may be necessary to act with some urgency in ensuring that the dog is contained, one difficulty is that in giving notice of the declaration there is no requirement on the part of the Council to give reasons for the decision. Any non-disclosure of reasons would make difficult the framing of any argument by the owner against the decision.

The Office of the Parliamentary Counsel notes that the reasons for making a declaration are clearly set out in by-law 21(1). There is no show cause hearing before the declaration decision is made, but there is an opportunity to apply for its revocation. There is no time limit to apply for revocation.

The Office of the Parliamentary Counsel states that the commencement of the declaration is not specified but the duties of the owner of a dangerous dog would only begin on receiving notice of the declaration. Those duties are conditions of the dog's registration, they are not offences. In addition, there is a show cause hearing under by-law 24, before anything adverse happens because of a breach of the dangerous dog conditions. This gives the owner an opportunity to explain the owner's failure to comply with the owner's obligations.

The Office of the Parliamentary Counsel concedes that the Public Accounts Committee is correct in saying that the by-laws do not obligate the Council to give detailed reasons. While there were no instructions to do so in these by-laws, this could be considered for when the by-laws are next amended as well as for other future dog management by-laws.

The Council advised, that as a matter of policy, it will provide the reason for the declaration as a dangerous dog to the dog owner in the written notice required under by-law 21.

By-Law 33(4)(c):

By-law 33 creates an offence where there is failure on the part of an owner of a dog to ensure that their dog does not menace a person or an animal (see by-law 3 as to the meaning of 'menace'). By-law 33(4) creates defences, including at 33(4)(1):

> *If a person was menaced – the person created a reasonable apprehension that the person was trespassing on premises owned or occupied by the defendant*

The question is in whom does the reasonable apprehension need to arise. Presumably, it is not the apprehension of a reasonable dog. The owner might not be present. Is it the apprehension of a reasonable person? Would it be appropriate to reframe the defence so that it arises where there is an actual trespass? See also by-law 34(6)(c).

The Office of the Parliamentary Counsel advises that the "reasonable apprehension" could arise in the owner if, for example, the owner allowed a dog to menace an attempted trespasser. However, if the dog were alone in a backyard and menaced a person attempting to trespass, the owner could rely on that behaviour to justify the dog's menacing the intruder. But, in any event, the assessment is by the court and is an objective assessment of the behaviour of the person menaced. The question asked is "would a reasonable person think the person was trespassing?" People who reasonably appear to be trespassing cannot complain if a dog menaces them.

I thank the Committee for its interest in local government matters.

Yours sincerely

GERRY MCCARTHY
9/3/2020

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Public Accounts Committee

REF: COMM2019/00002.133

Hon Gerry McCarthy MLA
Minister for Local Government, Housing and Community Development
GPO Box 3146
Darwin NT 0801

Dear Minister

RE: Wagait Shire Council (Dog Management) By-Laws (No 27 of 2019)

Thank you for your letter dated 9 March 2020 responding to the questions raised about the Wagait Shire Council (Dog Management) By-Laws.

The Committee remains concerned that by-laws 33(4)(c) and 34(6)(c) create defences which require the creation of an apprehension without identifying in whom that apprehension needs to have been created, and would be expected to apply in circumstances where no other person was present. The defences do not merely require behaviour that could hypothetically create an apprehension if observed.

The Committee therefore recommends that the defences be amended to be applicable regardless of whether the behaviour was observed by another person.

Yours sincerely

Kate Worden MLA
Chair

24 March 2020

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Appendix A: List of Ministerial Correspondence on Subordinate Legislation

No.	Title of Regulation/By-law	Minister	Letter to Minister	Minister's Response
20 of 2017	Termination of Pregnancy Law Reform Regulations	Hon. Natasha Fyles	01/11/17	N/A
12 of 2018	Public and Environmental Health Amendment Regulations 2018	Hon. Natasha Fyles	14/08/18	28/08/18
17 of 2018	Termination of Pregnancy Law Reform Amendment Regulations 2018	Hon. Natasha Fyles	31/10/18	29/11/18
246 of 2018	Education and Care Services National Amendment Regulations 2018	Hon. Selena Uibo	31/10/18	12/11/18
18 of 2018	Fisheries Amendment (Priority Species and Swim Bladder) Regulations 2018	Hon. Ken Vowles	31/10/18	20/11/18
15 of 2018	Gaming Machine Amendment Regulations 2018	Hon. Natasha Fyles	31/10/18	15/11/18
24 of 2018	Pastoral Land Amendment Regulations 2018	Hon. Eva Lawler	19/03/19	16/04/19
24 of 2018	Pastoral Land Amendment Regulations 2018	Hon. Eva Lawler	02/05/19	07/05/19
27 of 2018	Petroleum (Environment) Amendment Regulations 2018	Hon. Paul Kirby	19/03/19	18/04/19
27 of 2018	Petroleum (Environment) Amendment Regulations 2018	Hon. Paul Kirby	02/05/19	10/5/2019
28 of 2018	Petroleum (Environment) Further Amendment Regulations 2018	Hon. Paul Kirby	19/03/19	18/04/19
28 of 2018	Petroleum (Environment) Further Amendment Regulations 2018	Hon. Paul Kirby	02/05/19	10/5/2019
29 of 2018	Plant Health (Fees) Amendment Regulations 2018	Hon. Paul Kirby	20/03/19	15/04/19
2 of 2019	Education (Infringement Notice) Regulations 2018	Hon. Selena Uibo	09/04/19	03/05/19
7 of 2019	Petroleum (Environment) Amendment Regulations 2019	Hon Eva Lawler	20/09/19	07/10/19
7 of 2019	Petroleum (Environment) Amendment Regulations 2019	Hon Eva Lawler	28/11/19	N/A
11 of 2019	Transport Legislation Amendment Regulations 2019	Hon Eva Lawler	17/09/19	07/10/19
17 of 2019	Police Administration Amendment Regulations 2019	Hon Nicole Manison	17/09/19	07/10/19
25 of 2019	Liquor Regulations 2019	Hon Natasha Fyles	28/11/19	24/12/19
27 of 2019	Wagait Shire Council (Dog Management) By-Laws (No. 27 of 2019)	Hon Gerry McCarthy	11/02/20 24/03/20	09/03/20

Appendix B: Subordinate Legislation commented on in 13th Assembly

Report	No.	Title of Regulation/By-Law	Minister	Date
August 2019 - March 2020	27 of 2019	Wagait Shire Council (Dog Management) By-Laws 2019	Hon Gerry McCarthy	11/02/20
	25 of 2019	Liquor Regulations 2019	Hon Natasha Fyles	28/11/19
	17 of 2019	Police Administration Amendment Regulations 2019	Hon Nicole Manison	17/09/19
	11 of 2019	Transport Legislation Amendment Regulations 2019	Hon Eva Lawler	17/09/19
	7 of 2019	Petroleum (Environment) Amendment Regulations 2019	Hon Eva Lawler	20/09/19
July 2018 – May 2019	2 of 2019	Education (Infringement Notice) Regulations 2019	Hon. Selena Uibo	09/04/19
	29 of 2018	Plant Health (Fees) Amendment Regulations 2018	Hon. Paul Kirby	20/03/19
	28 of 2018	Petroleum (Environment) Further Amendment Regulations 2018	Hon. Paul Kirby	19/03/19
	27 of 2018	Petroleum (Environment) Amendment Regulations 2018	Hon. Paul Kirby	19/03/19
	24 of 2018	Pastoral Land Amendment Regulations 2018	Hon. Eva Lawler	19/03/19
	15 of 2018	Gaming Machine Amendment Regulations 2018	Hon. Natasha Fyles	31/10/18
	18 of 2018	Fisheries Amendment (Priority Species and Swim Bladder) Regulations 2018	Hon. Ken Vowles	31/10/18
	246 of 2018	Education and Care Services National Amendment Regulations 2018	Hon. Selena Uibo	31/10/18
	17 of 2018	Termination of Pregnancy Law Reform Amendment Regulations 2018	Hon. Natasha Fyles	31/10/18
	12 of 2018	Public and Environmental Health Amendment Regulations 2018	Hon. Natasha Fyles	14/08/18
	20 of 2017	Termination of Pregnancy Law Reform Regulations	Hon. Natasha Fyles	01/11/17
June 2017 – July 2018	36 of 2017	Racing and Betting Amendment Regulations 2017	Hon. Natasha Fyles	13/03/18
	20 of 2017	Termination of Pregnancy Law Reform Regulations	Hon. Natasha Fyles	11/10/17
	12 of 2017	Litchfield Council (Dog Management) By-Laws	Hon. Gerry McCarthy	11/10/17
	11 of 2017	Bushfires Management (General) Regulations	Hon. Lauren Moss	17/08/17
	3 of 2017	Barramundi Fishery Management Plan Amendment 2017	Hon. Ken Vowles	17/08/17

October 2016 – May 2017	36 of 2016	Guardianship of Adults Regulations	Hon. Natasha Fyles	23/11/16
	32 of 2016	Petroleum (Environment) Regulations	Hon. Ken Vowles	23/11/16
	21 of 2016	Local Court (General) Rules	Hon. Natasha Fyles	27/10/16
	12 of 2016	Medical Services (Royal Darwin Hospital Parking) Regulations	Hon. Natasha Fyles	27/10/16
	11 of 2016	NT Civil and Administrative Tribunal Rules	Hon. Natasha Fyles	27/10/16
	N/A	NT Public Sector Employment and Management By-Laws 2016	Hon. Gerry McCarthy	27/10/16