



## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

14<sup>th</sup> Assembly

### Legal and Constitutional Affairs Committee

#### Terms of Reference

#### **Standing Order 178**

##### ***Legal and Constitutional Affairs Committee***

- (1) A Legal and Constitutional Affairs Committee will be appointed at the commencement of each Assembly to inquire into and report on such constitutional and legal matters as may be referred to it by:
  - (a) the Attorney-General, or
  - (b) a resolution of the Assembly.
- (2) The Committee will consist of 5 members.

#### **Sessional Order 10**

##### ***Subordinate Legislation and Publications Committee Duties Assigned to Legal and Constitutional Affairs Committee***

The Assembly suspends the requirement to appoint a separate Subordinate Legislation and Publications Committee as required under Standing Order 176 and assigns all of the duties under that Standing Order to be undertaken by the Legal and Constitutional Affairs Committee as established under Standing Order 178.

#### **Standing Order 176**

##### ***Subordinate Legislation and Publications Committee***

- (1) A Subordinate Legislation and Publications Committee must be appointed at the commencement of each Assembly to examine and report upon all instruments of a legislative or administrative character and other papers which are required by statute to be laid upon the Table.
- (2) The Committee must consist of five Members.
- (3) The Committee will, with respect to any instrument of a legislative or administrative character which the Legislative Assembly may disallow or disapprove, consider:
  - (a) whether the instrument is in accordance with the general objects of the law pursuant to which it is made,
  - (b) whether the instrument trespasses unduly on personal rights or liberties,
  - (c) whether the instrument unduly makes rights and liberties of citizens dependent upon administrative and not upon judicial decisions,
  - (d) whether the instrument contains matter which in the opinion of the Committee should properly be dealt with in an Act,

- (e) whether the instrument appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made,
  - (f) whether there appears to have been unjustifiable delay in the publication or laying of the instrument before the Assembly, and
  - (g) whether for any special reason the form or purport of the instrument calls for elucidation.
- (4) The Committee, if it is of the opinion that an instrument should be disallowed or disapproved:
- (a) will report that opinion and the grounds thereof to the Assembly before the end of the period during which any notice of the motion for disallowance of that instrument may be given to the Assembly, and
  - (b) if the Assembly is not meeting, may refer its opinion and the grounds thereof to the authority by which the instrument was made.
- (5) The Committee, if it is of the opinion that any matter relating to any paper which is laid upon the Table of the Assembly should be brought to the notice of the Assembly, may report that opinion and matter to the Assembly.
- (6) The Committee will inquire into and report, from time to time, on the printing, publication and distribution of publications or such matters as are referred to it by the Speaker or the Assembly.
- (7) For the purposes of this Standing Order, 'instrument of a legislative or administrative character' has the same meaning as that defined in the *Interpretation Act*.

Adopted 21 October 2020