



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Legal and Constitutional Affairs Committee

performing the functions of the

Subordinate legislation and Publications Committee

Associated Minutes of Proceedings

Report on the Ports Management Regulations

Subordinate Legislation No. 13 of 2015

February 2016



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
12th Assembly

Legal and Constitutional Affairs Committee

Minutes of Proceedings

Meeting No. 21

12 noon, Thursday, 17 September 2015
Litchfield Room, Level 3, Parliament House

Present: Mr Nathan Barrett, MLA, Chair, Member for Blain
Mrs Lia Finocchiaro, MLA, Member for Drysdale
Mr Gerry McCarthy, MLA, Member for Barkly

Apologies: Hon Kezia Purick, MLA, Member for Goyder
Ms Lynne Walker, MLA, Member for Nhulunbuy

In attendance: Julia Knight, Committee Secretary
Russell Keith, First Clerk Assistant
Lauren Orrock, Administration/Research Officer

1. MINUTES OF PREVIOUS MEETING

Mrs Finocchiaro moved and Mr McCarthy seconded that:

The Minutes of Meeting No 20 of 27 August 2015 as amended be confirmed.

2. MATTERS ARISING FROM MINUTES

Mr Barrett moved and Mrs Finocchiaro seconded that:

The Committee write to the Chief Minister regarding the outcome of his meeting with the leader of the Opposition on Statehood and whether the role of the LCAC in progressing Statehood has been discussed.

Question – put and passed

3. TABLED PAPERS

Tabled papers were noted

4. CORRESPONDENCE

Correspondence was noted

5. PORTS MANAGEMENT REGULATIONS [No. 13 of 2015]

Mr Barrett moved and Mrs Finocchiaro seconded that:

The Committee forward the legal advice to the Minister for Transport for consideration and comment by Friday 16 October 2015.

Question – put and passed

6. FISHERIES AMENDMENT (COASTAL LINE FISHERY AND OTHER MATTERS) REGULATIONS [No. 19 of 2015]

Mr Barrett moved and Mrs Finocchiaro seconded that:

The Committee forward the legal advice to the Minister for Primary Industry and Fisheries for consideration and comment.

Question – put and passed

7. NEXT MEETING

12 noon, Thursday 19 November 2015

Meeting closed at 12.20 pm

A handwritten signature in black ink, appearing to read 'N Barrett', written in a cursive style.

**Mr Nathan Barrett, MLA
Chair**



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
12th Assembly

Legal and Constitutional Affairs Committee

Minutes of Proceedings

Meeting No. 22

1.00 pm, Thursday, 19 November 2015
Litchfield Room, Level 3, Parliament House

Present: Mr Nathan Barrett, MLA, Chair, Member for Blain
Mrs Lia Finocchiaro, MLA, Member for Drysdale
Mr Gerry McCarthy, MLA, Member for Barkly
Ms Lynne Walker, MLA, Member for Nhulunbuy

Apologies: Hon Kezia Purick, MLA, Member for Goyder

In attendance: Julia Knight, Committee Secretary
Russell Keith, First Clerk Assistant
Lauren Orrock, Administration/Research Officer

1. **MINUTES OF PREVIOUS MEETING**

Mrs Finocchiaro moved and Mr McCarthy seconded that:

The Minutes of Meeting No 21 of 17 September 2015 be confirmed.

Question put and passed

2. **MATTERS ARISING FROM MINUTES**

3. **TABLED PAPERS**

Tabled papers were noted

4. **CORRESPONDENCE**

Correspondence was noted

5. **PORTS MANAGEMENT REGULATIONS [No. 13 of 2015]**

The Committee considered the additional advice from Professor Aughterson and the correspondence from the Solicitor-General. The Committee agreed that the doubts about the validity of the regulation and, most particularly, the use of a general regulation making power to impose penalties, warrant a recommendation that the Regulation be disallowed. With a view to avoiding an unwanted gap in the regulatory regime for the Port, the Committee asked the Chair to refer this advice to the Minister and seek his advice on what action he will take to bring the legislative regime for ports within appropriate legislative standards before the committee reports to the Assembly on the regulation.

6. **STATEHOOD**

- As per the Chief Minister's letter of 10 November 2015, the Committee agreed that Ms Sibylle Brautigam: Executive Director Strategic and Federal Policy, Department of the Chief Minister be invited to brief the Committee on the work the department has completed to date regarding Statehood at the Committee's next meeting scheduled for Thursday 3 December 2015.
- Ms Walker tabled a letter from the Leader of the Opposition, Mr Michael Gunner MLA, regarding the Labor Party's support for progressing Statehood and the importance of ensuring that the process is driven by the community rather than

- It was further agreed that Statehood be included as a standing item on future meeting agendas.

7. DRAFT REPORT ON MINISTERIAL CORRESPONDENCE

Ms Finocchiaro moved and Mr McCarthy seconded that:

The Committee adopt the *Report of Ministerial Correspondence on Subordinate Legislation and Publications: November 2014 – November 2015*.

Question put and passed.

8. NEXT MEETING

12 noon, Thursday 3 December 2015

Meeting closed at 1.40 pm



Mr Nathan Barrett, MLA
Chair



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
12th Assembly

Legal and Constitutional Affairs Committee

Minutes of Proceedings

Meeting No. 23

12.00 pm, Wednesday, 2 December 2015
Litchfield Room, Level 3, Parliament House

Present: Mr Nathan Barrett, MLA, Chair, Member for Blain
Hon Kezia Purick, MLA, Member for Goyder
Mrs Lia Finocchiaro, MLA, Member for Drysdale
Mr Gerry McCarthy, MLA, Member for Barkly
Ms Lynne Walker, MLA, Member for Nhulunbuy

In attendance: Julia Knight, Committee Secretary
Russell Keith, First Clerk Assistant
Lauren Orrock, Administration/Research Officer

1. **STATEHOOD BRIEFING – Department of the Chief Minister**

- Rachel Bacon: Deputy Chief Executive
- Sibylle Brautigam: Executive Director Strategic and Federal Policy
- Rowan Reilly: Senior Policy Officer, Strategic and Federal Policy

Tabled Paper

Background Briefing on Statehood

2. **MINUTES OF PREVIOUS MEETING**

Mrs Finocchiaro moved and Ms Walker seconded that:

The Minutes of Meeting No 22 of 19 November 2015 be confirmed.

Question put and passed

3. **TABLED PAPERS**

Tabled papers were noted

4. **CORRESPONDENCE**

Correspondence was noted

5. **PORTS MANAGEMENT REGULATIONS [No. 13 of 2015]**

Ms Purick moved and Mr McCarthy seconded that:

The Committee write to the Minister for Transport to clarify timeframe for amendment of the *Ports Management Act* and to advise of the Committee's intention to report on the matter to the Assembly and give notice of a motion to disallow Regulation 10 on Tuesday 9 February 2016.

Question put and passed

6. **NEXT MEETING**

2.00 pm, Monday 8 February 2016

Meeting closed at 1.55 pm


Mr Nathan Barrett, MLA
Chair