



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**  
13<sup>th</sup> Assembly  
**LEGISLATION SCRUTINY COMMITTEE**  
**Public Briefing Transcript**

10.30 am, Monday 9 December 2019

Litchfield Room, Level 3 Parliament House

**Members:** Ms Ngaree Ah Kit MLA, Member for Karama (Chair)  
Mr Tony Sievers MLA, Member for Brennan  
Mrs Lia Finocchiaro MLA, Member for Spillett  
Ms Sandra Nelson MLA, Member for Katherine (Deputy Chair)  
Mrs Robyn Lambley MLA, Member for Araluen

**Witnesses:** **Department of the Attorney-General and Justice**  
Jenni Daniel-Yee: Director, Legal Policy  
Hannah Clee: Senior Policy Lawyer, Legal Policy

## LICENSING (DIRECTOR-GENERAL) REPEAL BILL 2019

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### Department of the Attorney-General and Justice

**Madam CHAIR:** Good morning, everyone and thank you for joining us. I am Ngaree Ah Kit, the Member for Karama and Chair of the Legislation Scrutiny Committee. On behalf of the committee, I welcome everyone to this public briefing on the Licensing (Director-General) Repeal Bill 2019.

I also acknowledge my fellow committee members in attendance today: Member for Brennan, Tony Sievers; Member for Katherine, Sandra Nelson, on the phone; the Member for Araluen, Mrs Robyn Lambley, also on the phone.

I welcome to the table to give evidence from the Department of the Attorney-General and Justice, Jenni Daniel-Yee, Director, Legal Policy; and Hannah Clee, Senior Policy Lawyer, Legal Policy. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing which is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If, at any time during the briefing, you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

I will invite each witness to state their name for the record, and the capacity in which you appear, before inviting you to make a brief opening statement, and then proceed to the committee's questions. Could you each please state your name and the capacity in which you are appearing.

**Ms DANIEL-YEE:** Jenni Daniel-Yee, Director, Legal Policy, Department of the Attorney-General and Justice.

**Ms CLEE:** Hannah Clee, Senior Policy Lawyer, Department of the Attorney-General and Justice.

**Madam CHAIR:** Thank you very much. Ms Daniel-Yee, would you like to make an opening statement?

**Ms DANIEL-YEE:** I will hand over to Hannah.

**Ms CLEE:** The purpose of this bill is to repeal the *Licensing Director-General Act 2014*. That Act established the position of Director-General, which replaced the former Director of Licensing and also took on functions that were previously under the Licensing Commission. The primary effect of the repeal is that the position of Director-General, which is established under the Act, will no longer exist.

The Bill is associated with the government's alcohol reform agenda, as Recommendation 2.2.6 in the final report of the alcohol policy and legislation reform—which is the Riley review—was to create the position of Director of Liquor Licensing. That position was established and created in the *Liquor Act 2019*. That completely replaced the role that the Director-General had in regulating liquor.

The Liquor Commission, which was established in 2018 through the *Liquor Commission Act* had already moved functions from the Director-General. As well as that, the Director-General had previously had functions that went to the Liquor Commission. The flow-on effect is to completely replace the position of Director-General and the restructure of Licensing NT.

Other than under the liquor legislation, the Director-General has powers and functions under other Acts and subordinate legislation where the Director-General is referred to or is the relevant office holder for the exercise of powers and functions under those Acts. These Acts include the *Associations Act 2003*, the *Co-operatives (National Uniform Legislation) Act 2015*, the *Gaming Control Act 1993*, the *Gaming Machine Act 1995*, the *Carbon Management Act 1998*, *Private Security Act 1995*, the *Racing and Betting Act 1983*, the *Tobacco Control Act 2002* and the *Totalisator Licensing and Regulation Act 2000*.

If the position of Director-General no longer exists and the statutory office holder needs to be established under the various Acts to undertake the powers and functions that are relevant to those Acts, this is done in the repeal Bill through establishing a Director position as statutory office holder where it is required. The

substantive functions of the statutory office holder remain the same, it is just that the new position of Director is created.

While each act has a separate position of Director established—for most of the Acts—in practice the various positions might be held by one or more people as required. For example, for the *Gaming Control Act 1993* a position of Director of Gaming Control is established and for the *Private Security Act 1995* a position of Director of Private Security is established. Whether or not they are held by the same person or two people, would be more an administrative process.

Amendments are also made to provide the power to delegate, which is currently held by the Director-General in those Acts. For the *Co-operatives (National Uniform Legislation) Act 2015*, the Commissioner of Consumer Affairs replaced the Director-General as the nominated representative for the Northern Territory under the uniform legislation. This is consistent with the administration of the *Associations Act*, which also sits under the Commissioner of Consumer Affairs within the structure of the Department of the Attorney-General and Justice.

Having a new office holder in the various Acts is intended to provide administrative flexibility for the operations of divisions and the administration of the Acts and to have a flow-on effect in improving work flow processes and facilitate the restructure that is happening at the moment with Licensing NT.

Where the Director-General had powers of review relating to delegate decisions under the various Acts, under the *Licensing (Director-General) Act*, they have all been transferred in to the various Acts that are being amended so the powers of review will still exist and having an internal review mechanism, and that is prior to any applications to NTCAT, so the power of NTCAT to consider and review decisions will still remain.

The provisions under the *Licensing (Director-General) Act* that provide for, as I said, the administrative decision-making, any protections from liability for the exercise of powers and functions, requirements to report to the minister and other administrative things like powers to approve forms, these have all been transferred in to the various Acts.

**Madam CHAIR:** Thank you. I will open up to the committee for any questions.

**Mr SIEVERS:** You commented on some of the benefits from the change, are there any other benefits that you see?

**Ms CLEE:** No. It is mostly administrative Bill but it is transferring all the powers that currently exist. There is no changes to those powers. It is just who actually will hold them so the statutory office holder will change but otherwise it is the same.

**Madam CHAIR:** Hannah, in that sense—I might have misheard you—but did you say it makes it operationally easier?

**Ms CLEE:** In terms of the Administrative Arrangement Orders and with the way the Acts and legislation sits under the administrative responsibility of agencies, currently all these Acts sit under the Attorney-General and Justice. Whether or not in the future changes are made to how things are set up that is something that may happen in future, but it will enable those changes to happen if necessary and if required.

Whereas at the moment they all sit under the Director-General and having that one position means that they all have to sit in the one area.

**Madam CHAIR:** At the director level under each Act there will still be the internal review mechanism and if people are not satisfied it can go to the NTCAT for a review following that.

**MS CLEE:** That is right.

**Madam CHAIR:** That is all I needed clarification on. Thank you very much for your time this morning.