



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Social Policy Scrutiny Committee

Annual Report

2018 – 2019

August 2019

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Chair's Preface

This report details the activities of the Social Policy Scrutiny Committee for 2018-2019. Over the course of the year, the Assembly referred 15 Bills to the Committee for inquiry and report. The Assembly also referred six petitions to the Committee for consideration as to whether they should be debated.

As noted in the Committee's previous Annual Report, at the end of the 2017-2018 reporting period the Government had yet to respond to three of the Committee's reports. A summary of the subsequent outcome of these inquiries is provided in Chapter 2.

Of the 15 Bills referred during the current reporting period, the Committee completed 12 inquiries. As highlighted in Chapter 5, the Committee met its reporting due dates for all inquiries and in eight instances tabled its reports ahead of the due date. Pursuant to Standing Order 200(4), four reports were presented to the Speaker out of session and six were tabled in the first sittings following introduction of the Bill.

While the Committee recommended that the Assembly pass all of the Bills referred for inquiry and report, as detailed in Chapter 3, in most cases the Committee proposed amendments to ensure that the Bills had due regard to the rights and liberties of individuals and the institution of Parliament, were unambiguous and drafted in a sufficiently clear and precise manner. That 89% of the Committee's proposed amendments and recommendations were subsequently accepted by the Government attests to the value and importance of the Bill scrutiny process.

Although the level of public participation in the Committee's inquiries varied according to the nature of the Bill under consideration, feedback from those organisations and individuals that made submissions and appeared before the Committee has been extremely positive. A number of people commended the Government on its initiative to 'open Parliament to the people' and provide an opportunity for members of the public to participate in the legislative process.

Pursuant to Sessional Order 17, the Committee recommended that the Assembly debate all six petitions referred to it for consideration. During the reporting period four were debated in the Assembly with the remaining two set down to be debated in the August 2019 sitting period.

On behalf of the Committee I would like to thank all those who made submissions or appeared before the Committee. Their input has been invaluable and of great assistance to the Committee in its deliberations. The Committee also thanks the Chief Executives of agencies and their staff for their responsiveness in providing information to the Committee and appearing at public briefings and hearings. I would also like to thank my fellow Committee members for their bipartisan commitment to the legislative review process.



Ms Ngaree Ah Kit MLA
Chair

Committee Members

	Ms Ngaree Ah Kit MLA Member for Karama	
	Party:	Territory Labor
	Parliamentary Position:	Acting Deputy Speaker
	Committee Membership	
	Standing:	Standing Orders and Members' Interests, House
	Sessional:	Social Policy Scrutiny
	Select:	Estimates
	Chair:	Social Policy Scrutiny
	Mrs Robyn Lambley MLA Member for Araluen	
	Party:	Independent
	Parliamentary Position:	Acting Deputy Speaker
	Committee Membership	
	Standing:	Standing Orders and Members' Interests
	Sessional:	Social Policy Scrutiny
	Deputy Chair:	Social Policy Scrutiny
	Mrs Lia Finocchiaro MLA Member for Spillett	
	Party:	Country Liberals
	Parliamentary Position:	Deputy Leader of the Opposition, Opposition Whip
	Committee Membership	
	Standing:	Privileges
	Sessional:	Social Policy Scrutiny, Economic Policy Scrutiny
	Mr Chansey Paech MLA Member for Namatjira	
	Party:	Territory Labor
	Parliamentary Position:	Deputy Speaker
	Committee Membership	
	Standing:	House, Privileges
	Sessional:	Social Policy Scrutiny
	Mrs Kate Worden MLA Member for Sanderson	
	Party:	Territory Labor
	Parliamentary Position:	Government Whip
	Committee Membership	
	Standing:	Public Accounts, Standing Orders and Members Interest
	Sessional:	Social Policy Scrutiny, Economic Policy Scrutiny
	Select:	Estimates
Chair:	Estimates	
On 17 June 2019 Member for Katherine, Ms Sandra Nelson MLA, was discharged from the Committee and replaced by Member for Sanderson, Mrs Kate Worden MLA.		

Committee Secretariat

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Terms of Reference

Sessional Order 13

Establishment of Scrutiny Committees

- (1) Standing Order 178 is suspended.
- (2) The Assembly appoints the following scrutiny committees:
 - (a) The Social Policy Scrutiny Committee
 - (b) The Economic Policy Scrutiny Committee
- (3) The Membership of the scrutiny committees will be three Government Members and one Opposition Member nominated to the Speaker in writing by the respective Whip and one non-party aligned Member to be appointed by motion.
- (4) The functions of the scrutiny committees shall be to inquire and report on:
 - (a) any matter within its subject area referred to it:
 - (i) by the Assembly;
 - (ii) by a Minister; or
 - (iii) on its own motion.
 - (b) any bill referred to it by the Assembly;
 - (c) in relation to any bill referred by the Assembly:
 - (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
 - (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.
- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether the bill:
- (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act.
- (5) The Committee will elect a Government Member as Chair.
- (6) Each Committee will provide an annual report on its activities to the Assembly.

Adopted 24 August 2017

1 Introduction

Establishment and Functions of the Committee

- 1.1 The Northern Territory Social Policy Scrutiny Committee was established by the Assembly on Thursday, 24 August 2017 under Sessional Order 13.
- 1.2 The functions of the Social Policy Scrutiny Committee include to inquire into and report on any matter within its subject area referred to it by the Assembly, a Minister or on its own motion.
- 1.3 The Committee also has a duty to examine any Bill referred to it by the Assembly and determine whether the Assembly should pass the Bill or amend the Bill and whether the Bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament.
- 1.4 In accordance with clause 6 of its Terms of Reference, the Committee is required to provide an annual report on its activities.
- 1.5 Pursuant to Sessional Order 17, adopted on 20 March 2018, the Committee is also required to consider petitions referred by the Assembly, determine whether the petition should be debated and advise the Clerk accordingly.¹

Report Structure

- 1.6 Chapter 2 provides a summary of the outcomes of outstanding inquiries from the 2017-2018 reporting period.
- 1.7 Chapter 3 provides a summary of Bills referred to and considered by the Committee during the current reporting period.
- 1.8 Chapter 4 provides a summary of Petitions referred to and considered by the Committee during the current reporting period.
- 1.9 Chapter 5 provides an overview of statistics regarding the number of Bills referred to the Committee, submissions received, inquiry timeframes, reports tabled, and recommendations accepted by the Government. Information is also provided on Petitions referred to the Committee, the number recommended for debate and subsequently debated by the Assembly.

¹ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>, p.14

2 Outstanding Inquiries

Introduction

- 2.1 As noted in the Committee's previous Annual Report², at the end of the 2017-2018 reporting period the Government had yet to respond to three of the Committee's inquiry reports. Following is a summary of the outcome of those inquiries.

Domestic and Family Violence Amendment (Information Sharing) Bill 2017

- 2.2 The Committee tabled its report, *Inquiry into the Domestic and Family Violence Amendment (Information Sharing) Bill 2017*, in the Assembly on 13 March 2018. Based on its examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly should not pass the Bill. The Committee also recommended that the Government undertake further consultation with the domestic and family violence sector to consider and address the issues raised in its report.
- 2.3 Pursuant to Standing Order 201, where a report from a committee recommends that action be taken by the Government, the responsible Minister must, within six months of the report being tabled, report to the Assembly what action, if any, the Government proposes to take in relation to each recommendation of the Committee.³ The Government's response was subsequently received by the Office of the Clerk on 11 September 2018.
- 2.4 In response to the Committee's recommendation that the Assembly should not pass the Bill, the Government advised that it was preparing amendments to the Bill for introduction in the October 2018 sittings of the Legislative Assembly noting that:
- The Committee outlined a series of specific suggestions in relation to the Bill following advice from key stakeholders in domestic and family violence services and legal services. These suggestions are sensible and the Government amendments will address these key issues.⁴
- 2.5 With regards to the Committee's second recommendation that the Government undertake further consultation with key stakeholders, the Government advised that:
- amendments to the Bill requires consultation on the development and amendment of the information sharing guidelines and regulations. The new information sharing regime created by this Bill demonstrates the Government's commitment to tackling domestic violence and making women and children in the Territory safer.⁵

² Social Policy Scrutiny Committee, *Annual Report 2017-2018*, Legislative Assembly of the Northern Territory, Darwin NT, August 2018, <https://parliament.nt.gov.au/committees/spsc>

³ Legislative Assembly of the Northern Territory, *Standing Orders – In Force as of 21 April 2016*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>, p.59

⁴ Government Response, *Inquiry into the Domestic and Family Violence Amendment (Information Sharing) Bill 2017*, 12 September 2018, <https://parliament.nt.gov.au/committees/spsc/DFV>, p.1

⁵ Government Response, *Inquiry into the Domestic and Family Violence Amendment (Information Sharing) Bill 2017*, 12 September 2018, <https://parliament.nt.gov.au/committees/spsc/DFV>, p.1

- 2.6 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/DFV>.

Animal Protection Bill 2018

- 2.7 The Committee tabled its report, *Inquiry into the Animal Protection Bill 2018*, in the Assembly on 1 May 2018. While recommending that the Assembly should pass the Bill, the Committee proposed 15 legislative amendments. In addition, to compliment the Bill and enhance its capacity to address animal welfare issues and improve animal welfare outcomes in remote communities, the Committee also recommended that the Government give consideration to the development of companion animal management legislation.
- 2.8 The then Minister for Primary Industry and Resources, the Hon Ken Vowles MLA, responded to the Committee's report on 30 October 2018. Minister Vowles advised that the Government had accepted thirteen of the fifteen legislative amendments proposed by the Committee.⁶ With regards to the Committee's recommendation that consideration be given to the development of companion animal management legislation, Minister Vowles advised that it "is a matter the Government notes and will consider in the future."⁷
- 2.9 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/44-2018>.

Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018

- 2.10 Pursuant to Standing Order 200(4) the Committee presented its report to the Speaker on 25 June 2018 for subsequent tabling in the Assembly on 14 August 2018. While recommending that the Assembly should pass the Bill, the Committee also recommended that the Bill be amended to ensure that it was fully compliant with Article 14(1)(a) of the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, regarding the requirement to permit the United Nations Subcommittee to have unrestricted access to information on the number of places of detention and the location places of detention.⁸
- 2.11 The Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA, responded to the Committee's report on 23 August 2018 and noted that while information on the number and location of Northern Territory places of detention was publicly available, the Government accepted the Committee's proposed

⁶ Government Response, *Inquiry into the Animal Protection Bill 2018*, <https://parliament.nt.gov.au/committees/spsc/44-2018>

⁷ Government Response, *Inquiry into the Animal Protection Bill 2018*, <https://parliament.nt.gov.au/committees/spsc/44-2018>, p.47

⁸ Social Policy Scrutiny Committee, *Inquiry into the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018*, Legislative Assembly of the Northern Territory, Darwin NT, Jun 2018, <https://parliament.nt.gov.au/committees/spsc/53-2018>, pp.17-19

amendment.⁹ The Assembly subsequently amended clause 12(2) of the Bill to give effect to the Committee's recommendation.¹⁰

- 2.12 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, and transcripts are available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/53-2018>.

⁹ Government Response, *Inquiry into the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018*, 23 August 2018, <https://parliament.nt.gov.au/committees/spsc/53-2018>

¹⁰ Parliamentary Record, *Minutes of Proceedings for Meeting 65 on Thursday 23 August 2018*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/300782>, p.5

3 Bill Referrals

Introduction

3.1 During the 2018 -2019 reporting period the Assembly referred 15 Bills to the Social Policy Scrutiny Committee for inquiry and report. In accordance with clause 13(4)(c) of its Terms of Reference, following examination of a Bill the Committee is required to determine:

- (i) whether the Assembly should pass the bill;
- (ii) whether the Assembly should amend the bill;
- (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
- (iv) whether the bill has sufficient regard to the institution of Parliament.

To facilitate the Bill inquiry process, on 18 October 2017 the Committee adopted a *Standard Procedure for Bill Inquiries* (see Appendix A).

3.2 Following is an overview of Bills referred during the reporting period, the outcome of the Committee's considerations and subsequent responses by the Government.

Interpretation Legislation Amendment Bill 2018

3.3 On 15 August 2018 the Assembly referred the Interpretation Legislation Amendment Bill 2018 (Serial 58) to the Committee for inquiry and report by 27 November 2018.

3.4 In presenting the Bill, the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA, noted that "based on issues identified by the Office of the Parliamentary Counsel in the course of dealing with the practicalities of drafting, implementation and administration of legislation", the primary purpose of the Bill was to "clarify and simplify some of the underlying provisions in the *Interpretation Act 1978* relating to the operation of legislation in the Northern Territory."¹¹

3.5 The Committee received one submission to its inquiry from the Northern Territory Legal Aid Commission which supported passage of the Bill as drafted. On 10 September 2018 the Committee held a public briefing with representatives from the Department of the Attorney-General and Justice. During the briefing concern was raised regarding the proposed definition of 'business day'.

3.6 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with one amendment. This amendment sought to ensure that the definition of 'business day' was unambiguous and drafted in a sufficiently clear and precise way.

¹¹ Hon. Natasha Fyles MLA, Attorney-General and Minister for Justice, Parliamentary Record, *Debates Day 2 – 15 August 2018*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/300579>, p.3

- 3.7 The Committee tabled its report in the Assembly on 23 October 2018. In responding to the report, the Attorney-General and Minister for Justice noted that the Government accepted the Committee's recommendation.¹²
- 3.8 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submission, and transcript are available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/58-2018>.

Electoral Amendment Bill 2018

- 3.9 On 22 August 2018 the Assembly referred the Electoral Amendment Bill 2018 (Serial 61) to the Committee for inquiry and report by 27 November 2018.
- 3.10 This Bill sought to amend the *Electoral Act 2004* to provide a more open, accountable and transparent electoral boundary redistribution process by simplifying and strengthening the existing process in relation to:
- a) the eligibility criteria for the appointed member of the Redistribution Committee;
 - b) the establishment of a single Redistribution Committee;
 - c) strengthening the primary object of redistribution;
 - d) the timeframe and justification for calculation of the electoral quota;
 - e) an additional public objections period to the second proposed redistribution;
 - f) suspension of the redistribution process in the case of an extraordinary general election; and
 - g) strengthening the content of the redistribution report.¹³
- 3.11 The Committee received one submission to its inquiry from the Northern Territory Electoral Commission (NTEC). On 10 September the Committee held a public briefing with representatives from the Department of the Chief Minister. A public hearing was also held on 15 October with 4 witnesses appearing.
- 3.12 While NTEC noted that it was very supportive of the Bill, concerns were raised as to the practical application of proposed section 145B regarding the inclusion of an additional public objection period in the redistribution process. However, following examination of the Bill and consideration of advice from the Department of the Chief Minister, the Committee determined that the Assembly should pass the Bill with no amendments.
- 3.13 Pursuant to Standing Order 200(4), the Committee presented its report to the Speaker on 5 November 2018 for tabling in the Assembly on 27 November 2018. The Committee's report and associated documentation is available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/61-2018>.

¹² Government Response, *Inquiry into the Interpretation Legislation Amendment Bill 2018*, 25 October 2018, <https://parliament.nt.gov.au/committees/spsc/58-2018>, p.8

¹³ Statement of Compatibility with Human Rights, *Electoral Amendment Bill 2018 (Serial 61)*, <https://parliament.nt.gov.au/committees/spsc/61-2018>, p.1

Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018

- 3.14 On 23 August 2018 the Assembly referred the Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018 (Serial 62) to the Committee for inquiry and report by 27 November 2018.
- 3.15 This Bill sought to provide certainty to the offshore oil and gas industry about the application of the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004* in relation to nuclear waste that may be generated from offshore oil and gas activities and subsequently brought into the Territory, by clarifying that:
- nuclear waste deriving from pipelines and exploration and recovery activities in the offshore oil and gas industry is exempt from the Act, provided that the relevant project has a relationship with the Territory and is providing an economic benefit to the Territory.¹⁴
- 3.16 While the Committee received 12 submissions to its inquiry, many of them raised issues that went beyond the scope of the Bill. On 10 September the Committee held a public briefing with representatives from the Departments of Environment and Natural Resources, Trade Business and Innovation, and Health. An additional public briefing was held on Monday 15 October 2018 to provide the Departments an opportunity to further clarify the operation of the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004* and proposed amendments, and respond to concerns raised in submissions.
- 3.17 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with one amendment. This amendment sought to clarify the requirements for a ‘prescribed project’ as set out in proposed section 5(4)(b)(ii) of the Bill.
- 3.18 The Committee tabled its report in the Assembly on 23 October 2018. In responding to the report, the Minister for Environment and Natural Resources, the Hon Eva Lawler MLA, noted that the Government accepted the Committee’s recommendation.¹⁵
- 3.19 The Committee’s report, associated minutes of proceedings, subsequent response from the Government, submissions, and transcripts are available on the Committee’s website at <https://parliament.nt.gov.au/committees/spsc/62-2018>.

Northern Territory Environment Protection Authority Amendment Bill 2018

- 3.20 On 23 August 2018 the Assembly referred the Northern Territory Environment Protection Authority Amendment Bill 2018 (Serial 63) to the Committee for inquiry and report by 27 November 2018.

¹⁴ Explanatory Statement, *Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018 (Serial 62)*, <https://parliament.nt.gov.au/committees/spsc/62-2018>, p.1

¹⁵ Government Response, *Inquiry into the Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018*, 25 October 2018, <https://parliament.nt.gov.au/committees/spsc/62-2018>, p.6

- 3.21 As highlighted in the Explanatory Statement, the purpose of this Bill was to amend the *Northern Territory Environment Protection Authority Act 2012* to:
- support implementation of Government's environmental regulatory reform commitments by improving the governance of the NT EPA [Northern Territory Environment Protection Authority], providing greater flexibility in the membership of the NT EPA, and providing the NT EPA with new responsibilities to undertake systemic reviews of the environmental management system.¹⁶
- 3.22 The Committee received 11 submissions to its inquiry which were generally supportive of the proposed amendments in the Bill. On 10 September the Committee held a public briefing with representatives from the Department of Environment and Natural Resources.
- 3.23 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with one amendment. This amendment sought to provide that the NT EPA's 'Statements of Intent', a key component of the proposed amendments to improve the governance and public accountability of the authority, must be tabled in the Assembly by the Minister within six sitting days of receipt.
- 3.24 The Committee tabled its report in the Assembly on 23 October 2018. In responding to the report, the Minister for Environment and Natural Resources, the Hon Eva Lawler MLA, noted that the Government accepted the Committee's recommendation.¹⁷
- 3.25 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, and transcripts are available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/63-2018>.

Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018

- 3.26 On 24 October 2018 the Assembly referred the Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018 (Serial 64) to the Committee for inquiry and report by 12 February 2019.
- 3.27 This Bill made consequential amendments to Northern Territory legislation arising from the enactment of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (QLD). As noted in the Explanatory Statement:
- The consequential amendments, among other things, deal with provisions to end, shorten and amend prohibition orders made under the Health Practitioner Regulation National Law NT; definitions related to the nursing, midwifery and paramedicine professions; and authorisations granted to paramedics under the *Medicines, Poisons and Therapeutic Goods Act* and the *Mental Health and Related Services Act*.¹⁸

¹⁶ Explanatory Statement, *Northern Territory Environment Protection Authority Amendment Bill 2018* (Serial 63), <https://parliament.nt.gov.au/committees/spsc/63-2018>, p.1

¹⁷ Government Response, *Inquiry into the Northern Territory Environment Protection Authority Amendment Bill 2018*, 27 November 2018, <https://parliament.nt.gov.au/committees/spsc/63-2018>

¹⁸ Explanatory Statement, *Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018* (Serial 64), <https://parliament.nt.gov.au/committees/spsc/64-2018>, p.1

- 3.28 On 19 November 2018 the Committee held a public briefing with representatives from the Department of Health. As the Committee did not receive any submissions to its inquiry and had no matters to bring to the attention of the Assembly, the Committee tabled a 'No Issues' report recommending that the Assembly pass the Bill on 27 November 2018.
- 3.29 The Committee's report and associated documentation is available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/64-2018>.

Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018

- 3.30 On 30 October 2018 the Assembly referred the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018 (Serial 70) to the Committee for inquiry and report by 27 November 2018.
- 3.31 The purpose of this Bill was to amend the *Births, Deaths and Marriages Registration Act 1996* and other Northern Territory legislation as a consequence of the enactment of the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (Cth) and the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth).¹⁹
- 3.32 As noted in the Explanatory Statement, the Bill sought to make the following key amendments to the *Births, Deaths and Marriages Registration Act 1996*:
- Remove the requirement to be 'unmarried' in order to register a change of sex.
 - Allow for the registration of a change of sex or gender identity, rather than a change of sex only.
 - Allow a person to register their sex or gender identity as something other than 'male' or 'female' and include recognition of intersex persons.
 - Remove the requirement to have undergone sexual reassignment surgery to register a change of sex and replace this with a requirement to have received appropriate clinical treatment.
 - Provide additional safeguards in relation to applications for registering a change of sex/gender for a child.²⁰
- 3.33 The Committee received ten submissions to its inquiry, the majority of which supported the intent of the Bill. On 19 November the Committee held a public briefing with representatives from the Department of the Attorney-General and Justice. The Committee also held a public hearing on 21 November 2018 with six witnesses appearing before the Committee.
- 3.34 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with five legislative

¹⁹ Explanatory Statement, *Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018* (Serial 70), <https://parliament.nt.gov.au/committees/spsc/70-2018>, p.1

²⁰ Explanatory Statement, *Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018* (Serial 70), <https://parliament.nt.gov.au/committees/spsc/70-2018>, p.1

amendments which sought to ensure that the Bill had sufficient regard to the rights and liberties of individuals, was drafted in a sufficiently clear and precise manner, and had due regard to the institution of Parliament. The Committee also made two recommendations for action by the Government. The Committee tabled its report in the Assembly on 27 November 2018.

- 3.35 In responding to the Committee's report, the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA, noted that the Government accepted three of the five legislative amendments proposed by the Committee.²¹ These amendments sought to ensure the terminology used in the Bill was unambiguous and appropriate by replacing the term 'gender identity' with 'gender' and removing references to 'intersex' as a category of sex or gender in the Regulations. To ensure that the Bill had due regard to the institution of Parliament and did not inappropriately delegate legislative or administrative power, the Government also accepted the Committee's recommendation to delete section 28DA which sought to empower the Registrar to set a limit on the number of applications that an individual may make for a change of sex or gender.
- 3.36 However, the Government did not support the Committee's recommendation that the Bill incorporate a definition of the term 'gender' noting that, while this was considered during the drafting of the Bill, it was determined to be unnecessary as the term "is widely understood and the dictionary meaning is sufficient without providing a legal definition."²² The Government also noted that it would not be progressing the Committee's recommendation that the Registrar be required to give written notification of the reasons for adverse decisions to the person concerned at the time of notification of the decision. As noted by the Attorney-General and Minister for Justice:

A person aggrieved by a decision already has a general right in respect of written notification of decisions. This right is contained in the *Northern Territory Civil and Administrative Tribunal Act 2014*, and applies to the registrar of births, deaths and marriages.²³

- 3.37 In light of evidence received regarding the lack of public consultation on the Bill, the Committee further recommended that the Government:
- in consultation with the trans, gender diverse and intersex community, consider making additional categories of sex and gender available and amend the Regulations accordingly, and
 - ensure that there is adequate public consultation before the introduction of the second tranche of amendments foreshadowed for the Act.

²¹ Government Response, *Inquiry into the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018*, <https://parliament.nt.gov.au/committees/spsc/70-2018>, pp.57-72

²² Government Response, *Inquiry into the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018*, <https://parliament.nt.gov.au/committees/spsc/70-2018>, p.62

²³ Government Response, *Inquiry into the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018*, <https://parliament.nt.gov.au/committees/spsc/70-2018>, p.62

The Attorney-General and Minister for Justice noted that the Government accepted both of these recommendations.²⁴

- 3.38 The Committee's report, associated minutes of proceedings, subsequent response from the Government, copies of submissions and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/70-2018>.

Criminal Code Amendment Bill 2018

- 3.39 On 31 October 2018 the Assembly referred the Criminal Code Amendment Bill 2018 (Serial 69) to the Committee for inquiry and report by 12 February 2019.

- 3.40 The purpose of this Bill was to amend the *Criminal Code Act 1983* by:

expanding the operation of section 189A providing an offence of assaults on police to include emergency workers such as ambulance officers and firefighters, and to provide that section 161A (violent act causing death) is an alternative verdict to manslaughter in section 316(2).²⁵

- 3.41 The Committee received three submissions to its inquiry. On 19 November 2018 the Committee held a public briefing with representatives from the Department of the Attorney-General and Justice. The Committee also held a public hearing on 6 December 2018 with four witnesses appearing.

- 3.42 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with one amendment. As proposed by the Law Society NT and the Northern Territory Legal Aid Commission, and supported by the Department of the Attorney-General and Justice, this amendment sought to provide that pursuant to section 316(1) and (2), section 161A (violent act causing death) of the *Criminal Code Act 1983* should be included as an alternative verdict to both murder and manslaughter.

- 3.43 Pursuant to Standing Order 200(4) the Committee presented its report to the Speaker on 13 December 2018 for subsequent tabling in the Assembly on 12 February 2019. In responding to the Committee's report, the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA, noted that the Government accepted the Committee's recommendation.²⁶

- 3.44 The Committee's report, associated minutes of proceedings, subsequent response from the Government, copies of submissions, and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/69-2018>.

²⁴ Government Response, *Inquiry into the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018*, 29 November 2018, <https://parliament.nt.gov.au/committees/spsc/70-2018>, pp. 57-72; see also Government Response, *Inquiry into the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018 – Recommendations 5 and 6*, 20 December 2018, <https://parliament.nt.gov.au/committees/spsc/70-2018>

²⁵ Explanatory Statement, *Criminal Code Amendment Bill 2018 (Serial 69)*, <https://parliament.nt.gov.au/committees/spsc/69-2018>, p.1

²⁶ Government Response, *Inquiry into the Criminal Code Amendment Bill 2018*, 12 March 2019, <https://parliament.nt.gov.au/committees/spsc/69-2018>, pp.1-2

Health Services Amendment Bill 2018

- 3.45 On 28 November 2018 the Assembly referred the Health Services Amendment Bill 2018 (Serial 71) to the Committee for inquiry and report by 12 March 2019.
- 3.46 In presenting the Bill, the Minister for Health, the Hon Natasha Fyles MLA, stated that the primary purpose of the Bill was to:
- amend the *Health Services Act* to give effect to the new streamlined governance structure of the Northern Territory Health Services.²⁷
- 3.47 As a consequence, the Bill removed all references to the Health Service Boards and the Service Administrators in the Act and provided that the Chief Operating Officers of the Health Services report directly to the Chief Executive Officer of the Department of Health. As noted in the Explanatory Statement:
- The Bill otherwise largely retains the existing health system and governance arrangements between the CEO, the System Manager and the Health Services.²⁸
- 3.48 The Committee received one submissions to its inquiry from the Northern Territory Clinical Senate. On 3 December 2018 the Committee held a public briefing with representatives from the Department of Health. Following examination of the Bill and consideration of the evidence received, the Committee had no matters to bring to the attention of the Assembly.
- 3.49 Pursuant to Standing Order 200(4) the Committee presented its 'No Issues' report, recommending that the Assembly pass the Bill, to the Speaker on 15 February 2019 for subsequent tabling in the Assembly on 12 March 2019.
- 3.50 The Committee's report and associated documentation is available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/71-2018>.

Electoral Legislation Amendment Bill 2018

- 3.51 On 29 November 2018 the Assembly referred the Electoral Legislation Amendment Bill 2018 (Serial 72) to the Committee for inquiry and report by 12 March 2019.
- 3.52 The primary purpose of this Bill was to amend the *Electoral Act 2004* and associated Regulations to provide for a return to a full preferential voting system. In addition, the Bill proposed amendments to the 100 metre prohibition zone around pre-election and mobile voting centres and empowered the Electoral Commission to establish alternate prohibition zones, designated campaign areas, and issue a Code of Conduct for campaigners.²⁹
- 3.53 The Committee received two submissions to its inquiry. On 3 December 2018 the Committee held a public briefing with representatives from the Department of the

²⁷ Parliamentary Debates, *Debates Day 2 – Wednesday 28 November 2018*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/305254>, p.3

²⁸ Explanatory Statement, *Health Services Amendment Bill 2018 (Serial 71)*, <https://parliament.nt.gov.au/committees/spsc/71-2018>, p.1

²⁹ Explanatory Statement, *Electoral Legislation Amendment Bill 2018 (Serial 72)*, <https://parliament.nt.gov.au/committees/spsc/72-2018>, p.1

Chief Minister. The Committee also held a public hearing on 20 February 2019 with six witnesses appearing.

- 3.54 While both submissions supported the intent of the legislation, clarification was sought regarding the anticipated operation of prohibition zones and designated campaign areas as provided for in sections 275, 275A and 275B of the Bill. Following examination of the Bill and consideration of the evidence, the Committee recommended that the Assembly pass the Bill with two amendments as outlined below.
- 3.55 The Electoral Commissioner raised concerns regarding administration of the 100 metre prohibition zone where election-day voting centres are located in schools, given that the prohibition zone generally only covers part of the school grounds. Consistent with equivalent legislation in Victoria, South Australia, the ACT and the Commonwealth, the Committee proposed that section 275 be amended to provide for an exemption where voting centres are located in buildings situated on enclosed grounds.
- 3.56 It was also suggested that the proposed introduction of designated campaign areas effectively defeated the purpose of the prohibition zones. While acknowledging the value of ensuring voters have access to how-to-vote material, the Committee was not convinced that this should extend to canvassing and soliciting for votes. Taking into consideration practices elsewhere in the Australia, the Committee recommended that section 275B be deleted and replaced with a provision whereby the Commissioner may designate an area where how-to-vote cards may be made available for collection by voters should they choose to.
- 3.57 The Committee tabled its report in the Assembly on 12 March 2019. In responding to the report the Chief Minister, the Hon Michael Gunner MLA noted that the Government accepted the Committee's recommendation regarding the boundary of the 100 metre prohibition zone where an election-day voting centre is located within a building on enclosed grounds, such as a school. However, the Government did not support the Committee's recommendation regarding the inclusion of designated campaign areas within prohibition zones.³⁰
- 3.58 The Committee's report, associated minutes of proceedings, subsequent response from the Government, copies of submissions, tabled papers and transcripts from the public briefing and public hearing are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/72-2018>.

Public Information Legislation Amendment Bill 2018

- 3.59 On 29 November 2018 the Assembly referred the Public Information Legislation Amendment Bill 2018 (Serial 77) to the Committee for inquiry and report by 12 March 2019.

³⁰ Government Response, *Inquiry into the Electoral Legislation Amendment Bill 2018*, 20 March 2019, <https://parliament.nt.gov.au/committees/spsc/72-2018>

- 3.60 As noted in the Explanatory Statement, this Bill sought to amend the *Public Information Act 2010* and associated Regulations to:
- Provide for a strengthened, simplified and pragmatic approach to ensuring public funds are used appropriately when providing information to the public.³¹
- 3.61 The Committee received one submission to its inquiry from the Auditor-General for the Northern Territory. On 3 December 2018 the Committee held a public briefing with representatives from the Department of the Chief Minister. The Committee also held a public hearing on 20 February 2019 with six witnesses appearing.
- 3.62 While seeking clarification on the anticipated operation of the provisions of the Bill, the Auditor-General also questioned the extent to which the Bill was unambiguous and drafted in a sufficiently clear and precise manner. Given the impact of the proposed amendments on the role of the Auditor-General in the review of public information, the Committee was concerned to learn that the Auditor-General had not been consulted in the development of the Bill. This concern gave rise to dissenting views as to whether the Committee should recommend that the Assembly pass the Bill.
- 3.63 Following examination of the Bill and consideration of the evidence, the Committee recommended that the Assembly pass the Bill with four amendments. To avoid unintended technical breaches of the legislation, the Committee recommended that the definition of ‘advertisement’, which was cast very broadly, be amended to clarify that, in addition to traditional forms of advertising, it also included purchase of media placements on social media platforms, other digital communication channels and signage associated with Government funded construction projects.
- 3.64 The Committee also recommended that the Bill be amended to clarify the role of the Auditor-General in the review of public information, with particular reference to proposed section 6(2)(f). The Committee was particularly concerned that, as drafted, it was unclear whether it was the Auditor-General’s role to assess whether public information is factually accurate; to assess the adequacy of a source for the information; or simply to note that a source has been cited for any claim of fact and leave any qualitative assessment of its veracity to the public. In addition the Committee proposed amendments to section 6(2) and Regulation 3 to address grammatical errors in the drafting of these provisions.
- 3.65 The Committee tabled its report in the Assembly on 12 March 2019. In responding to the report the Chief Minister, the Hon Michael Gunner MLA, advised that while the Government accepted three of the legislative amendments proposed by the Committee, it did not consider that the role of the Auditor-General in the review of public information required further clarification.³²
- 3.66 The Committee’s report, associated minutes of proceedings, subsequent response from the Government, copies of submissions, tabled papers and transcripts from the

³¹ Explanatory Statement, *Public Information Legislation Amendment Bill 2018 (Serial 77)*, <https://parliament.nt.gov.au/committees/spsc/77-2018>, p.1

³² Government Response, *Inquiry into the Public Information Legislation Amendment Bill 2018*, 21 March 2019, <https://parliament.nt.gov.au/committees/spsc/77-2018>

public briefing and public hearing are available on the Committee’s website at: <https://parliament.nt.gov.au/committees/spsc/77-2018>.

Teacher Registration (Northern Territory) Legislation Amendment Bill 2019

- 3.67 On 14 February 2019 the Assembly referred the Teacher Registration (Northern Territory) Legislation Amendment Bill 2019 (Serial 79) to the Committee for inquiry and report by Tuesday 7 May 2019.
- 3.68 This Bill sought to amend the *Teacher Registration (Northern Territory) Act 2004* and associated Regulations to strengthen and contemporise regulation of the teaching profession in the Northern Territory including:
- strengthening the Board’s powers for disciplinary proceedings and decision making
 - increasing openness and transparency, and availability of information, regarding the Board’s operations and decision making
 - clarifying the information that the Board must be notified of by individuals, employers and other government agencies, and when information can be shared by the Board.³³
- 3.69 The Committee received one submission to its inquiry from the Batchelor Institute of Indigenous Tertiary Education which was generally supportive of the legislation. On 20 February 2019 the Committee held a public briefing with representatives from the Department of Education and the Teacher Registration Board of the Northern Territory.
- 3.70 Following examination of the Bill and consideration of the evidence received, the Committee had no matters to bring to the attention of the Assembly. Pursuant to Standing Order 200(4) the Committee presented its ‘No Issues’ report, recommending that the Assembly pass the Bill, to the Speaker on 22 March 2019 for subsequent tabling in the Assembly on 7 May 2019.
- 3.71 The Committee’s report and associated documentation is available on the Committee’s website at: <https://parliament.nt.gov.au/committees/spsc/77-2018>.

National Disability Insurance Scheme (Authorisations) Bill 2019

- 3.72 On 20 March 2019 the Assembly referred the National Disability Insurance Scheme (Authorisations) Bill 2019 (Serial 83) to the Committee for inquiry and report by 7 May 2019.
- 3.73 In accordance with the *National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Sector*, the *NDIS Quality and Safeguarding Framework*, and the National Disability Insurance Scheme (Restrictive Practices and

³³ Explanatory Statement, *Teacher Registration (Northern Territory) Legislation Amendment Bill 2019 (Serial 79)*, <https://parliament.nt.gov.au/committees/spsc/79-2019>, p.1

Behaviours Support) Rules 2018 (Cth), this Bill sought to establish the authorisation of restrictive practices for Northern Territory NDIS participants and provide the operational structure for the role of the Northern Territory NDIS Senior Practitioner.

3.74 As such, the primary purpose of the Bill was to:

- a) provide for the regulation of restrictive practices for participants of the National Disability Insurance Scheme;
- b) create the new role of the Senior Practitioner to:
 - a) authorise and disallow the use of restrictive practices;
 - b) produce and disseminate policies, standards and guidelines to promote best practice, lead sector capacity building and improve awareness to minimise the use of restrictive practices; and
 - c) capture and record the authorisation of restrictive practices that are deemed to be necessary.³⁴

3.75 The Committee received five submissions to its inquiry all of which supported the intent of the Bill and welcomed its introduction. On 1 April 2019 the Committee held a public briefing with representatives from the Office of Disability in the Department of Health. The Committee also held a public hearing on 12 April 2019 with seven witnesses appearing.

3.76 While acknowledging that the Bill would meet the NT's obligations to provide an authorisation process for the use of restrictive practices for NDIS participants, concerns were raised regarding the limited scope (NDIS provider and NDIS participant specific) of the proposed legislation. Clarification was also sought regarding the operation of various aspects of the Bill.

3.77 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly pass the Bill with one amendment. In addition, the Committee made three recommendations for action by the Government.

3.78 To summarise, the Committee recommended that the 'Principles' in the Bill be amended to include a participant's rights in relation to the regular review of services, and the pursuit of grievances in relation to those services, thereby ensuring consistency with the *Disability Services Act 1993* (NT), the National Standards for Disability Services, and the Disability Services (Principles and Objectives) Instrument 2018 (Cth).

3.79 Given the limited scope of the Bill (NDIS service provider and NDIS participant specific) submitters expressed concern that the protections in the Bill did not extend to NDIS participants in receipt of services from service sectors who are not NDIS providers. In these instances the use of restrictive practices is subject to the legislation, policies and procedures applicable to that service sector. The Committee was of the view that there should be a consistent approach across government departments, and recommended that the Government develop and implement a

³⁴ Explanatory Statement, National Disability Insurance Scheme (Authorisations) Bill 2019 (Serial 83), <https://parliament.nt.gov.au/committees/spsc/83-2019>, p.1

whole of government policy which aligns with the intent of the proposed legislation with regards to the use of restrictive practices.

- 3.80 The independence of the Senior Practitioner was also raised with the Committee. While the position will not sit within the Office of Disability, the Committee was advised that it would, at least initially, be located within the Department of Health. However, since the Department is, itself, a registered NDIS provider, the Committee was concerned that there was still potential for a conflict of interest to arise and recommended that the Government give further consideration to safeguarding the independence of the Senior Practitioner.
- 3.81 Given the nature of the Bill and the range of concerns raised in submissions, the Committee also recommended that the Government review the operation of the legislation and provide a report to the Assembly as soon as practicable after the end of the first year of operation.
- 3.82 The Committee tabled its report in the Assembly on 7 May 2019. In responding to the report the Minister for Disabilities, the Hon Natasha Fyles MLA, advised that the Government accepted all of the Committee's recommendations.³⁵
- 3.83 The Committee's report, associated minutes of proceedings, subsequent response from the Government, copies of submissions, tabled papers and transcripts from the public briefing and public hearing are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/83-2019>.

Youth Justice and Related Legislation Amendment Bill 2019

- 3.84 On 20 March 2019 the Assembly referred the Youth Justice and Related Legislation Amendment Bill 2019 (Serial 85) to the Committee for inquiry and report by 20 June 2019. On 9 May 2019 the Assembly agreed to an extension of the report date to 6 August 2019.
- 3.85 This Bill sought to amend the *Youth Justice Act 2005* and associated regulations, the *Bail Act 1982* and associated regulations, and the *Police Administration Act 1978*. As noted in the Explanatory Statement, the primary purpose of the Bill was to implement the intention and direction of a further 11 recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory relating to the youth justice system. Key changes to the legislation included:
- making youth diversion more accessible to young people by removing legislative barriers to its use, whilst maintaining police discretion to divert a youth in the case of serious offences;
 - confirming arrest as a measure of last resort to align with the government's reform direction of promoting therapeutic approaches;
 - reducing the time young people spend in custody;
 - ensuring earlier access to legal assistance for young people to safeguard their rights;

³⁵ Government Response, Inquiry into the National Disability Insurance Scheme (Authorisations) Bill 2019, <https://parliament.nt.gov.au/committees/spsc/83-2019>

- improving the application of bail for young people, ensuring appropriate youth-specific consideration are given to bail options and decriminalising breach of bail conditions as an offence;
- improving young people's understanding of their rights when in detention to enhance the Government's compliance with international obligations;
- protecting children and young people's right to privacy to avoid harm being caused to them by undue publicity or labelling;
- ensuring consistency for children and young people commencing legal proceedings.³⁶

3.86 The Committee received 26 submissions to its inquiry. All of the submissions received were generally supportive of the intent of the Bill in delivering key reforms as set out in the recommendations of the Royal Commission. However, a number of concerns were raised regarding the extent to which the proposed amendments fully implemented the Royal Commission's recommendations. On 1 April 2019 the Committee held a public briefing with representatives from Territory Families. The Committee also held a public hearing on 30 May 2019 with 21 witnesses appearing.

3.87 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report. Following tabling, the Committee's report and associated documentation will be available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/85-2019>.

Education and Care Services (National Uniform Legislation) Amendment Bill 2019

3.88 On 16 May 2019 the Assembly referred the Education and Care Services (National Uniform Legislation) Amendment Bill 2019 (Serial 93) to the Committee for inquiry and report by 6 August 2019.

3.89 This Bill sought to amend the *Education and Care Services (National Uniform Legislation) Act 2011* (NT) and the Education (Infringement Notice) Regulations 2019 to streamline the administration of the Act by amending the mechanism used to adopt the Education and Care Services National Law in the Northern Territory.³⁷

3.90 On 20 May 2019 the Committee held a public briefing with representatives from the Department of Education. Although the Committee did not receive any submissions, the inquiry was not finalised within the reporting period. The outcome of the inquiry will be included in the Committee's 2019-2020 Annual Report. Following tabling, the Committee's report and associated documentation will be available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/93-2019>.

³⁶ Explanatory Statement, *Youth Justice and Related Legislation Amendment Bill 2019 (Serial 85)*, <https://parliament.nt.gov.au/committees/spsc/85-2019>, p.1

³⁷ Explanatory Statement, *Education and Care Services (National Uniform Legislation) Amendment Bill 2019 (Serial 93)*, <https://parliament.nt.gov.au/committees/spsc/93-2019>, p.1

Environment Protection Bill 2019

- 3.91 On 16 May 2019 the Assembly referred the Environment Protection Bill 2019 (Serial 94) to the Committee for inquiry and report by Tuesday 6 August 2019. On 20 June 2019 the Assembly agreed to an extension of the report date to 17 September 2019.
- 3.92 This Bill sought to establish the *Environment Protection Act 2019*. Repealing the *Environmental Assessment Act 1982* and the *Environmental Assessment Amendment Act 1994*, the purpose of the Bill was to:
- support implementation of Government's environmental regulatory reform commitments by reforming the Territory's environmental impact assessment and approval process.³⁸
- 3.93 The Committee received 46 submissions to its inquiry which included 21 proforma submissions. On 20 May 2019 the Committee held a public briefing with representatives from the Department of Environment and Natural Resources. The Committee also scheduled a public hearing for 29 July 2019.
- 3.94 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report. Following tabling, the Committee's report and associated documentation will be available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/94-2019>.

³⁸ *Explanatory Statement, Environment Protection Bill 2019 (Serial 94)*, <https://parliament.nt.gov.au/committees/spsc/94-2019>, p.1

4 Petition Referrals

Introduction

- 4.1 Pursuant to Sessional Order 17, after a petition has been read in the Assembly, any Member may move that the petition be referred to a scrutiny committee for consideration as to whether the petition should be debated.³⁹ During the reporting period, six petitions were referred to the Committee.
- 4.2 Following is an overview of Petitions referred during the reporting period and the outcome of the Committee's considerations.

Petition No. 27

- 4.3 On 25 October 2018 the Assembly referred Petition No. 27 to the Committee for consideration as to whether it should be debated.
- 4.4 This petition registered the opposition of 1425 petitioners to the development of a youth justice facility in the locality of Pinelands and the rearrangement of the roads that service the industrial estate both within and to and from the Stuart Highway.⁴⁰
- 4.5 The Committee considered the petition at its meeting of 1 November 2018 and subsequently notified the Clerk that it was of the view that the Assembly should debate the petition. The petition was debated in the Assembly on 29 November 2018.⁴¹
- 4.6 In accordance with Standing Order 123, on 19 March 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Territory Families, the Hon Dale Wakefield MLA. As a consequence of the statutory planning processes, the Minister advised that the rezoning application had been declined and the Pinelands site was no longer being considered for the development of a youth justice facility. The Minister's response can be found at: <https://parliament.nt.gov.au/business/petitions-and-responses>.

Petition No. 28

- 4.7 On 30 October 2018 the Assembly referred Petition No. 28 to the Committee for consideration as to whether it should be debated.
- 4.8 On behalf of the Northlakes Estate neighbourhood, 17 petitioners raised concerns over excessive noise from the PINT club and requested that the responsible Minister take appropriate action.⁴² Following consideration at its meeting of 1 November 2018, the Committee agreed that the petition should be debated and notified the Clerk

³⁹ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>, p.14

⁴⁰ Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 27 – Youth Justice Facility Pinelands*, <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

⁴¹ Parliamentary Record, *Debates Day 3 – 29 November 2018*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/305255>, pp.72-75

⁴² Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 28 – Excessive Noise from the PINT Club*, <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

accordingly. The petition was subsequently debated on 29 November 2018.⁴³ Pursuant to Standing Order 123, on 29 November 2018 the Speaker advised the Assembly that a response to the petition had been received from the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA.

- 4.9 The Attorney-General advised that complaints relating to the operation of licensed premises in the Northern Territory are ordinarily dealt with pursuant to Part VII of the *Liquor Act 1978* (NT) and provided an overview of relevant provisions. In addition to the processes outlined in the Act, the Attorney-General advised that residents may also pursue complaints under the *Summary Offences Act 1923* (NT).
- 4.10 Noting that a number of complaints accepted pursuant to s68(3) of the *Liquor Act 1978* (NT) regarding operation of the PINT Club were currently under consideration by the Director-General of Licensing, the Attorney-General further noted that advice as to the progress or determination of such would be provided to affected persons in due course. A copy of the Attorney-General's response can be found at: <https://parliament.nt.gov.au/business/petitions-and-responses>.

Petition No. 32

- 4.11 On 12 February 2019 the Assembly referred Petition No. 32 to the Committee for consideration as to whether it should be debated.
- 4.12 This petition from 201 petitioners called for the liquor floor price to be repealed and to reintroduce and pass the *Liquor Amendment (Repeal of Minimum Pricing) Bill 2018* as introduced into the Legislative Assembly by the Northern Territory Opposition on 21 October 2018. The petition also called on the Government to work constructively and cooperatively with the community and the Opposition to ensure other legislation does not unfairly penalise responsible drinkers and retailers.⁴⁴
- 4.13 The Committee considered the petition at its meeting of 14 February 2019 and subsequently advised the Clerk that it was of the view the petition should be debated. The petition was debated in the Assembly on 14 March 2019.⁴⁵ Pursuant to Standing Order 123, on 7 May 2019 the Speaker advised the Assembly that a response to the petition had been received from the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA.
- 4.14 While acknowledging the views of petitioners, the Attorney-General advised that introduction of the floor price was recommended by a comprehensive, evidence-based review that involved extensive stakeholder consultation with Territorians and was one of a wide variety of measures that had been implemented to tackle alcohol-

⁴³ Parliamentary Record, *Debates Day 3 – 29 November 2018*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/305255>, pp.75-77

⁴⁴ Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 32 — Repeal Floor Price and Re-introduce Repeal Legislation* <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

⁴⁵ Daily Hansard, *Day 3 – Thursday 14 March 2019 Final*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/306550>, pp. 81-83

related related harm. The Attorney-General's response can be found at: <https://parliament.nt.gov.au/business/petitions-and-responses>.

Petition No. 33

- 4.15 On 19 March 2019 the Assembly referred Petition No. 33 to the Committee for consideration as to whether it should be debated.
- 4.16 This petition from 483 petitioners called on the Northern Territory Government to fly the Aboriginal and Torres Strait Islander flags at the Bagot Road overpass, raised at the same height as the Australian flag, and on both sides of the overpass.⁴⁶
- 4.17 The Committee considered the petition at its meeting of 21 March 2019. The Committee agreed that the petition should be debated and advised the Clerk accordingly. The petition was debated in the Assembly on 9 May 2019.⁴⁷ Pursuant to Standing Order 123, on 7 May 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Infrastructure, Planning and Logistics, the Hon Eva Lawler MLA.
- 4.18 Noting the cultural significance of flying the Aboriginal flag at the Bagot Road overpass in acknowledging the indigenous history of the Northern Territory and the Larrakia people as the traditional custodians of Darwin, the Minister advised that a third flag pole for the Aboriginal flag would be placed on the Stuart Highway (inbound) verge, opposite the Bagot Road flyover, with the project expected to be completed by the end of 2019. However, the Minister further noted that the location did not provide sufficient space to install a fourth flag pole for the Torres Strait Islander flag. The Minister's response can be found at: <https://parliament.nt.gov.au/business/petitions-and-responses>.

Petition No. 34

- 4.19 On 9 May 2019 the Assembly referred Petition No. 34 to the Committee for consideration as to whether it should be debated.
- 4.20 From 229 petitioners, this petition called on the Government not to locate the proposed new Maningrida Police Station on their cultural site. The petitioners noted that for the past five years they had been supporting the proposed extension of their Arts and Culture precinct and called on the Government to locate the Police Station on another site.⁴⁸
- 4.21 The Committee considered the petition at its meeting of 16 May 2019 and subsequently advised the Clerk that the Committee was of the view that it should be

⁴⁶ Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 33 – NT Government fly the Aboriginal and Torres Strait Island Flags at the Bagot Road Overpass*, <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

⁴⁷ Daily Hansard, *Day 3 – Thursday 9 May 2019 to end of day*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/307365>, pp.69-71

⁴⁸ Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 34 – Proposed New Maningrida Police Station Location*, <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

debated. On 20 June 2019, the Assembly agreed to debate the petition in the August sittings period.⁴⁹

Petition No. 35

- 4.22 On 16 May 2019 the Assembly referred Petition No. 35 to the Committee for consideration as to whether it should be debated.
- 4.23 This petition registered the opposition of 364 e-petitioners to proposed reforms to the Northern Territory's sex laws and recommended that the Government implement the 'Nordic Model' of prostitution. The petitioners expressed the view that the exploitation of sex workers through the legislation of brothels was unacceptable and demanded legislation that focuses on the welfare of sex workers and does not normalise exploitation as a cultural norm.⁵⁰
- 4.24 At its meeting of 6 June 2019 the Committee agreed that the petition should be debated and advised the Clerk accordingly. On 20 June 2019, the Assembly agreed to debate the petition in the August sittings period.⁵¹

⁴⁹ Daily Hansard, *Day 1 – Thursday 20 June 2019 to end of day*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/308154>, p.12

⁵⁰ Legislative Assembly of the Northern Territory, 13th Assembly Petitions, *Petition 35 – Reform to Sex Work Laws* <https://parliament.nt.gov.au/business/petitions-and-responses/13th-assembly>

⁵¹ Daily Hansard, *Day 1 – Thursday 20 June 2019 to end of day*, <http://www.territorystories.nt.gov.au/jspui/handle/10070/308154>, p.12

5 Committee Statistics

Introduction

- 5.1 In accordance with Sessional Order 12.5(1), following the first reading of a bill, other than an annual appropriation bill, the Member in charge of the Bill is to immediately move either:
- (a) a motion referring the Bill to a particular scrutiny committee for report by a particular date; or
 - (b) “that the Bill be declared urgent”.
 - (c) “that the seconding reading of the Bill be made an order of the day for the first Assembly meeting after 30 days have elapsed.”
- 5.2 As noted in Table 1 below, of the 40 Bills introduced during the reporting period 35 were referred to scrutiny committees, three were dealt with on urgency and two were made an order of the day for the first Assembly meeting after 30 days have elapsed following introduction.

Table 1: Bill Referrals

Serial # *	Title	Scrutiny Committee	Urgent	30 days
56	Tobacco Control Amendment Bill 2018	Economic		
57	Agents and land Legislation Amendment Bill 2018	Economic		
58	Interpretation Legislation Amendment Bill 2018	Social		
59	Training and Skills Development Amendment Bill 2018	Economic		
60	Water Legislation Amendment Bill 2018	Economic		
61	Electoral Amendment Bill 2018	Social		
62	Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018	Social		
63	Northern Territory Environment Protection Authority Amendment Bill 2018	Social		
64	Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018	Social		
65	Superannuation Legislation Amendment Bill	Economic		
66	Licensed Surveyors Amendment Bill 2018	Economic		
67	Local Court Amendment (Judicial Appointments) Bill 2018		✓	
69	Criminal Code Amendment Bill 2018	Social		
70	Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018	Social		
71	Health Services Act 2018	Social		
72	Electoral Legislation Amendment Bill 2018	Social		
73	Justice Legislation Amendment Bill 2018	Economic		
74	Liquor Amendment Bill 2018	Economic		
75	Medical Services Amendment Bill 2018	Economic		

Serial # *	Title	Scrutiny Committee	Urgent	30 days
76	Petroleum Legislation Amendment Bill 2018	Economic		
77	Public Information Legislation Amendment Bill 2018	Social		
78	Motor Accidents (Compensation) Amendment Bill 2019	Economic		
79	Teacher Registration (Northern Territory) Legislation Amendment Bill 2019	Social		
80	Water Amendment Bill 2019	Economic		
81	Water Legislation Miscellaneous Amendments Bill 2019	Economic		
82	Care and Protection of Children Amendment Bill 2019	Economic		
83	National Disability Insurance Scheme (Authorisations) Bill 2019	Social		
84	Youth Justice Amendment Bill 2019		✓	
85	Youth Justice and Related Legislation Amendment Bill 2019	Social		
86	Integrity and Accountability Legislation Amendment Bill 2019	Economic		
87	Criminal Code Further Amendment Bill 2019		✓	
88	Appropriation (2019-2020) Bill	Estimates		
89	Revenue Legislation Amendment Bill 2019			✓
90	Property Activation Bill 2019			✓
91	Hemp Industry Bill 2019	Economic		
92	Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	Economic		
93	Education and Care Services (National Uniform Legislation) Amendment Bill 2019	Social		
94	Environment Protection Bill 2019	Social		
95	Liquor Bill 2019	Economic		
96	Electoral Legislation Further Amendment Bill 2019	Economic		

* Serial 68 was a private Member's Bill that was not read a first time

Committee Inquiries

5.3 As highlighted in Table 1 above, 15 Bills were referred to the Social Policy Scrutiny. During the reporting period the Committee held a total of 27 meetings which included:

- 16 public briefings with Government Agencies with a total of 52 witnesses appearing before the Committee; and
- 7 public hearings with a total of 54 witnesses appearing before the Committee.

5.4 As indicated in Table 2 below, the level of public participation in the Committee's inquiries varied according to the nature of the Bill under consideration. However, the Committee notes that feedback from those organisations and individuals that made submissions and appeared before the Committee has been extremely positive with a number of people commending the Government on its initiative to 'open Parliament to the people' and provide an opportunity for members of the public to participate in the legislative process.

Table 2: Submissions Received

Serial #	Title	No. of Submissions Received
58	Interpretation Legislation Amendment Bill 2018	1
61	Electoral Amendment Bill 2018	1
62	Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018	12
63	Northern Territory Environmental Protection Authority Amendment Bill 2018	11
64	Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018	0
69	Criminal Code Amendment Bill 2018	3
70	Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018	10
71	Health Services Amendment Bill 2018	1
72	Electoral Legislation Amendment Bill 2018	2
77	Public Information Legislation Amendment Bill 2018	1
79	Teacher Registration (Northern Territory) Legislation Amendment Bill 2019	1
83	National Disability Insurance Scheme (Authorisations) Bill 2019	5
85	Youth Justice and Related Legislation Amendment Bill 2019	26
93	Education and Care Services (National Uniform Legislation) Amendment Bill 2019	0
94	Environment Protection Bill 2019	46

Reports and Recommendations

5.5 Pursuant to Sessional Order 12.5(2), Bill inquiries and associated reporting timeframes are subject to the following provision:

The date by which the committee must report must not be earlier than the first meeting day of the second set of meetings following the first reading (i.e. the second resumption of meetings after a period of at least two weeks when the Assembly has not met).⁵²

5.6 As summarised in Table 3 below, the Committee met its reporting due dates for all inquiries and in eight instances tabled its reports ahead of the due date. Pursuant to Standing Order 200(4), four reports were presented to the Speaker out of session and six were tabled in the first sittings following introduction of the Bill.

Table 3: Inquiry Timeframes

Serial #	Title	Date Referred	Report Due	Report Tabled
58	Interpretation Legislation Amendment Bill 2018	15/08/18	27/11/18	23/10/18
61	Electoral Amendment Bill 2018	22/08/18	27/11/18	05/11/18

⁵² Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>

Serial #	Title	Date Referred	Report Due	Report Tabled
62	Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018	23/08/18	27/11/18	23/10/18
63	Northern Territory Environmental Protection Authority Amendment Bill 2018	23/08/18	27/11/18	23/10/18
64	Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018	24/10/18	12/02/19	27/11/18
69	Criminal Code Amendment Bill 2018	31/10/18	12/02/19	13/12/18
70	Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018	30/10/18	27/11/18	27/11/18
71	Health Services Amendment Bill 2018	28/11/18	12/03/19	15/02/19
72	Electoral Legislation Amendment Bill 2018	28/11/18	12/03/19	12/03/19
77	Public Information Legislation Amendment Bill 2018	28/11/18	12/03/19	12/03/19
79	Teacher Registration (Northern Territory) Legislation Amendment Bill 2019	14/02/19	07/05/19	22/03/19
83	National Disability Insurance Scheme (Authorisations) Bill 2019	20/03/19	07/05/19	07/05/19
85	Youth Justice and Related Legislation Amendment Bill 2019	20/03/19	06/08/19	N/A*
93	Education and Care Services (National Uniform Legislation) Amendment Bill 2019	16/05/19	06/08/19	N/A*
94	Environment Protection Bill 2019	16/05/19	17/09/19	N/A*

* Reports not tabled within the reporting period.

5.1 While the Committee recommended that the Assembly pass all of the Bills referred to it, as detailed in Chapter 3, in most instances the Committee proposed amendments to the Bills to ensure that they had due regard to the rights and liberties of individuals and the institution of Parliament, were unambiguous and drafted in a sufficiently clear and precise manner.

5.2 At the time of writing, the Government had responded to all of the reports tabled during the reporting period. As summarised in Table 4, of the 54 proposed amendments and recommendations put forward by the Committee and considered by the Assembly and the Government, 89% were accepted.

Table 4: Proposed Amendments and Recommendations

Serial #	Title	No. of Recommendations Proposed	No. of Recommendations Accepted
39	Domestic and Family Violence Amendment (Information Sharing) Bill 2017*	2	2
44	Animal Protection Bill 2018*	17	15
53	Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018*	2	2
58	Interpretation Legislation Amendment Bill 2018	2	2

Serial #	Title	No. of Recommendations Proposed	No. of Recommendations Accepted
61	Electoral Amendment Bill 2018	1	1
62	Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018	2	2
63	Northern Territory Environmental Protection Authority Amendment Bill 2018	2	2
64	Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018	1	1
69	Criminal Code Amendment Bill 2018	2	2
70	Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018	8	6
71	Health Services Amendment Bill 2018	1	1
72	Electoral Legislation Amendment Bill 2018	3	2
77	Public Information Legislation Amendment Bill 2018	5	4
79	Teacher Registration (Northern Territory) Legislation Amendment Bill 2019	1	1
83	National Disability Insurance Scheme (Authorisations) Bill 2019	5	5
85	Youth Justice and Related Legislation Amendment Bill 2019	Inquiry not completed during reporting period	
93	Education and Care Services (National Uniform Legislation) Amendment Bill 2019	Inquiry not completed during reporting period	
94	Environment Protection Bill 2019	Inquiry not completed during reporting period	

* Outstanding inquiries from 2017-2018 reporting period.

5.3 Pursuant to Standing Order 201, where a report from a committee recommends that action be taken by the Government the Clerk is to refer the report to the relevant Minister(s). The Minister(s) is then required to report to the Assembly what action, if any, the Government proposes to take in relation to each recommendation of the Committee within six months of the report being tabled. In accordance with clause 201(4), if a Government response to a committee report has not been tabled within the six month timeframe, the relevant Minister must:

- (a) present to the Assembly at the next available opportunity a signed statement stating the reasons for the delay in presentation of the response, and
- (b) make themselves available to appear at the next reasonably available opportunity following a request by the relevant committee to answer its questions on that statement.⁵³

5.4 As detailed in Chapter 3, of the 12 reports tabled by the Committee during the reporting period, two included recommendations for action to be taken by the

⁵³ Legislative Assembly of the Northern Territory, *Standing Orders – In Force as of 21 April 2016*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>

Government as opposed to recommendations relating to legislative amendments. In both cases the Government responded within the required timeframe.

Petitions

5.5 During the reporting period the Assembly referred six petitions to the Committee for consideration as to whether they should be debated. As summarised in Table 5 below, the Committee recommended that all of the petitions referred should be debated. The Assembly adopted all of the Committee's recommendations with four petitions subsequently debated in the Assembly during the reporting period.

Table 5: Petition Referrals

No.	Title	Date Referred	Recommended Petition be Debated	Petition Debated	Date Response Presented
27	Youth Justice Facility in Pinelands	26/10/18	Yes	29/11/18	19/03/19
28	Excessive Noise at the PINT club	30/10/18	Yes	29/11/18	29/11/18
32	Repeal Floor Price and Re-introduce Repeal Legislation	12/02/19	Yes	14/03/19	07/05/19
33	NT Government to Fly Aboriginal and Torres Strait Island Flags at the Bagot Road Overpass	19/03/19	Yes	09/05/19	07/05/19
34	Proposed New Maningrida Police Station Location	09/05/19	Yes	To be debated August 2019	Due by 18/09/19
35	Reform of Sex Work Laws	16/05/19	Yes	To be debated August 2019	Due by 16/10/19

Appendix A: Standard Procedures for Bill Inquiries

1. The Committee will call for submissions on the Bill to be due by the Wednesday that falls two weeks before the next sittings of the Assembly or another date that has been approved by the Committee;
2. Following the end of a sittings period, the Chair of the Committee will issue a notice listing the bills on which the Committee is calling for submissions and the date by which submissions are due;
3. The Chair will invite Committee Members to provide her with the details of persons and organisations they would like to invite to provide a submission to the Bill;
4. Notices calling for submissions will be distributed on the Assembly's website, by email to subscribers of the committee email alert service, by Facebook and Twitter posts, by media release, and by email or letter to persons and organisations determined by the Chair following consultation with Committee Members;
5. The Chair will write to the Minister who introduced the Bill to request a Departmental briefing on the Bill from the responsible Department for Committee Members;
6. After the due date for submissions, the Chair will determine whether and when to hold public hearings and who shall be invited to appear at the hearings, following consultation with Committee Members;
7. Unless circumstances require otherwise, the public hearings will be held on Wednesday mornings of sittings weeks;
8. If any Member wishes to amend this standard procedure for a particular bill, they shall advise the Chair who will then convene a meeting to consider that Bill's inquiry process at the earliest convenient opportunity.

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