



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Social Policy Scrutiny Committee

Annual Report

2017 – 2018

August 2018

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Chair's Preface

This report details the activities of the Social Policy Scrutiny Committee during its first year of operation. During the reporting period, the Assembly referred nine Bills to the Committee for inquiry and report.

With the exception of the Domestic Family Violence Amendment (Information Sharing) Bill, the Committee recommended that the Assembly pass all of the Bills referred to the Committee. However, as detailed in this report, in many 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.

That 69% of the Committee's proposed amendments and recommendations considered by the Government were accepted is a clear indication of the value of the Bill scrutiny process. Feedback from those organisations and individuals that made submissions and appeared before the Committee has also 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.

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. The Committee also thanks Professor Aughterson for his advice and the Chief Executives of agencies 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 |
| | Committee Membership | |
| | Standing: | Standing Orders and Members' Interests |
| | Sessional: | Social Policy Scrutiny |
| | 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: | Public Accounts, Privileges |
| | Sessional: | Social Policy Scrutiny |
|  | Ms Sandra Nelson MLA Member for Katherine | |
| | Party: | Territory Labor |
| | Committee Membership | |
| | Standing: | House |
| | Sessional: | Social Policy Scrutiny |
| | Select: | Estimates, Northern Territory Harm Reduction Strategy for Addictive Behaviours |
|  | Mr Chansey Paech MLA Member for Namatjira | |
| | Party: | Territory Labor |
| | Parliamentary Position: | Deputy Speaker |
| | Committee Membership | |
| | Standing: | House |
| | Sessional: | Social Policy Scrutiny |

Committee Secretariat

Committee Secretary: Julia Knight

Administration/Research Officer: Annie McCall

Administration Assistant: Kim Cowcher

Contact Details: GPO Box 3721 DARWIN NT 0801

Tel: +61 08 8946 1485

Email: SPSC@nt.gov.au

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.

Report Structure

- 1.5 Chapter 2 provides a summary of Bills referred to and considered by the Committee during the reporting period.
- 1.6 Chapter 3 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.

2 Bill Referrals

Introduction

2.1 Over the reporting period the Assembly referred nine 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).

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

Independent Commissioner Against Corruption Bill 2017

2.3 On Thursday, 24 August 2017 the Assembly referred the Independent Commissioner Against Corruption (ICAC) Bill 2017 (Serial 30) to the Committee for inquiry and report by Tuesday, 21 November 2017.

2.4 As noted in the *Explanatory Statement*, the Bill sought to create:

an Independent Commissioner Against Corruption ('ICAC'), a new anti-corruption watchdog for the Northern Territory. The ICAC has a wide remit, but is focussed on addressing the most serious corruption in the Northern Territory public sector. The Bill is a step towards delivering on the Government's commitment to implement in principle 50 of the 52 recommendations of the Report by Commissioner Martin AO QC as a result of his Anti-Corruption, Integrity and Misconduct Inquiry.¹

2.5 The Committee received 12 submissions to its inquiry, all of which were generally very supportive of the Bill. On Monday, 9 October, the Committee held a public hearing in Darwin with 11 witnesses appearing.

2.6 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with a number of proposed amendments. In accordance with clauses 4c(iii) and 4(c)(iv) of the Committee's terms of reference, the Committee proposed amendments and recommendations which sought to ensure that the Bill:

- conferred 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;

¹ Explanatory Statement, *Independent Commissioner Against Corruption Bill 2017 (Serial No. 30)*, <https://parliament.nt.gov.au/committees/spsc/ICAC> p.1

- provided appropriate protection against self- incrimination; and
 - was unambiguous and drafted in a sufficiently clear and precise way.
- 2.7 Pursuant to Standing Order 200(4), the Committee presented its report to the Speaker on 15 November 2017 and tabled the report in the Assembly on 21 November 2017. Following tabling, the Attorney-General and Minister for Justice, the Hon Natasha Fyles MLA, responded to the Committee's report noting that the Government accepted 10 of the 14 legislative amendments proposed by the Committee.²
- 2.8 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, tabled papers and transcripts are available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/ICAC>.

Misuse of Drugs Amendment Bill 2017

- 2.9 On Thursday, 12 October 2017 the Assembly referred the Misuse of Drugs Amendment Bill 2017 (Serial 31) to the Committee for inquiry and report by Tuesday, 6 February 2018.
- 2.10 The Misuse of Drugs Amendment Bill 2017 sought to amend the *Misuse of Drugs Act* to ensure consistency with the Australia New Zealand Food Standards Code and enable Territorians to legally supply and possess, as an additional food source, low THC cannabis seeds; beverages derived from seeds of low THC cannabis sativa; and any other food product extracted or derived from seeds of low THC cannabis sativa.³
- 2.11 No submissions were received and since the Committee had no matters to bring to the attention of the Assembly, a *No Issues Report* recommending that the Bill be passed was tabled in the Assembly on 22 November 2017 which is available on the Committee's website at <https://parliament.nt.gov.au/committees/spsc/mod>.

Parks and Wildlife Commission Amendment Bill 2017

- 2.12 On Wednesday, 18 October 2017 the Assembly referred the Parks and Wildlife Commission Amendment Bill 2017 (Serial 32) to the Committee for inquiry and report by Tuesday, 6 February 2018.
- 2.13 As noted in the *Explanatory Statement*, this Bill made legislative amendments to:
- permit the Minister to establish an advisory council for the Commission, rather than mandating that the Minister must establish an advisory council;
 - replace the offence at section 36 of the *Parks and Wildlife Commission Act* with a new offence for the unauthorised disclosure of confidential information;

² Government Response, *Independent Commissioner Against Corruption Bill 2017*, 21 November 2017, <https://parliament.nt.gov.au/committees/spsc/ICAC#Report>, p.1

³ Explanatory Statement, *Misuse of Drugs Amendment Bill 2017 (Serial 31)*, <https://parliament.nt.gov.au/committees/spsc/mod> p.1

- replace the offence at section 37 of the *Parks and Wildlife Commission Act* with a requirement for members of the Conservation Land Corporation to disclose personal interests in matters being considered, or about to be considered by that Corporation, and to prescribe the effect of a member disclosing a personal interest;
- apply the principles of criminal responsibility in Part IIAA of the *Criminal Code* to offences in the Act; and
- modernise the language and terminology used in the Act.⁴

2.14 No submissions were received and since the Committee had no matters to bring to the attention of the Assembly, a *No Issues Report* recommending that the Bill be passed was tabled in the Assembly on 23 November 2017 which is available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/PWC>.

Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017

2.15 On Thursday, 19 October 2017 the Assembly referred the Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 (Serial 35) to the Committee for inquiry and report by Tuesday, 6 February 2018.

2.16 In addition to repealing the *Public Interest Disclosures Act*, the Bill proposed amendments to a number of Acts to enable the effective operation of the Independent Commissioner Against Corruption.⁵

2.17 While the Committee did not receive any submissions to its inquiry, Professor Aughterson's review of the Bill regarding fundamental legislative principles raised concerns with the proposed amendments to sections 75C and 79 of the *Criminal Code*. Following consideration of Professor Aughterson's advice and subsequent response from the Department of the Attorney-General and Justice, the Committee determined that, while the Assembly should pass the Bill, section 75C should be amended.

2.18 The Committee tabled its report in the Assembly on Tuesday, 6 February 2018. In responding to the report, the Attorney-General and Minister for Justice, noted that the Government accepted the Committee's recommendations.⁶

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

⁴ Explanatory Statement, *Parks and Wildlife Commission Amendment Bill (Serial 32)*, <https://parliament.nt.gov.au/committees/spsc/PWC>

⁵ Explanatory Statement, *Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 (Serial 35)*, <https://parliament.nt.gov.au/committees/spsc/CRA>

⁶ Government Response, *Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017*, 6 February 2018, <https://parliament.nt.gov.au/committees/spsc/CRA#Report>, p.1

Criminal Code Amendment (Intimate Images) Bill 2017

- 2.20 On Thursday, 23 November 2017 the Assembly referred the Criminal Code Amendment (Intimate Images) Bill 2017 (Serial 38) to the Committee for inquiry and report by Tuesday, 13 March 2018.
- 2.21 This Bill proposed amendments to the *Criminal Code Act* to address the non-consensual sharing of intimate images. In response to growing community concern regarding the sharing of intimate images without a person's consent, the Bill introduced new offences of non-consensual sharing of an intimate image and threatening to share an intimate image, each with a maximum penalty of 3 years imprisonment. The Bill also introduced an ancillary power for a court to order rectification where a person is found guilty of one of the new offences. Breach of the court order carries a maximum penalty of 2 years imprisonment.⁷
- 2.22 The Committee received five submissions to its inquiry. On 31 January 2018 the Committee held a public briefing with the Department of the Attorney-General and Justice. A public hearing was held in Darwin on 14 February with eight witnesses appearing.
- 2.23 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with four amendments. The Committee also recommended that introduction of the legislation be accompanied by a comprehensive public education and awareness campaign and that the Government give prompt consideration to the introduction of an offence of 'recording of intimate image without consent.'
- 2.24 The Committee tabled its report in the Assembly on Tuesday, 13 March 2018. Of the four proposed legislative amendments put forward by the Committee, one was accepted by the Government. The Government also accepted the Committee's recommendation regarding the need for the introduction of the legislation to be accompanied by a comprehensive public education and awareness campaign.
- 2.25 While pointing out that recording of an intimate image is an issue related to but distinct from the issue of distribution, which was the subject of the Bill, the Attorney-General and Minister for Justice noted the Committee's recommendation and advised that the Government would seek advice from the Department of the Attorney-General and Justice regarding the introduction of such an offence.⁸
- 2.26 The Committee's report, associated minutes of proceedings, subsequent response from the Government, submissions, tabled papers, and transcripts from the public briefing and hearing are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/CCA>.

⁷ Explanatory Statement, *Criminal Code Amendment (Intimate Images) Bill 2017 (Serial 38)*, <https://parliament.nt.gov.au/committees/spsc/CCA>

⁸ Government Response, *Criminal Code Amendment (Intimate Images) Bill 2017*, 22 March 2018, <https://parliament.nt.gov.au/committees/spsc/CCA#Report>

Adoption of Children Legislation Amendment (Equality) Bill 2017

- 2.27 On Thursday, 23 November 2017 the Assembly referred the Adoption of Children Legislation Amendment (Equality) Bill 2017 (Serial 39) to the Committee for inquiry and report by Tuesday, 13 March 2018.
- 2.28 This Bill sought to amend the *Adoption of Children Act* and associated regulations to ensure consistency with the Commonwealth anti-discrimination legislation and to enable de facto couples, including same sex couples, to apply to adopt children in the Northern Territory. As such, the Bill removed biological sex and gender references and replaced them with gender neutral terms.⁹
- 2.29 On 31 January 2018, the Committee held a public briefing with the Department of Territory Families. The Committee received five submissions to its inquiry. While not all of the submissions agreed with the proposed amendments to the *Adoption of Children Act*, following its examination of the Bill and consideration of the evidence received, the Committee formed the view that the proposed amendments reflected current social values that recognise the diversity of relationships and people in the Northern Territory and were in the best interests of children.
- 2.30 The Committee tabled its report, recommending that the Bill should be passed, in the Assembly on Monday 13 March 2018. The Committee's report, associated minutes of proceedings, submissions and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/ACL>.

Domestic and Family Violence Amendment (Information Sharing) Bill 2017

- 2.31 On Thursday, 23 November 2017 the Assembly referred the Domestic and Family Violence Amendment (Information Sharing) Bill 2017 (Serial 40) to the Committee for inquiry and report by Tuesday, 13 March 2018.
- 2.32 This Bill provided for a new domestic and family violence information sharing regime based on equivalent provisions in the Territory's *Care and Protection of Children Act*, Part 5A of the *Domestic and Family Violence Protection Act 2012* (QLD) and the *Family Violence Protection Amendment (Information Sharing) Act 2017* (VIC).¹⁰
- 2.33 The Bill proposed designating certain government and non-government agencies to share information for the purposes of assessing whether there is a serious threat to a person because of domestic violence, responding to threats and making referrals to specialist domestic violence services. In doing so, the Bill sought to simplify decision making by creating a permissive regime in a domestic and family violence context; protect persons acting in good faith from liability; reduce the need for victims to constantly re-tell their stories; and facilitate coordinated and timely responses.¹¹

⁹ Explanatory Statement, *Adoption of Children Legislation Amendment (Equality) Bill 2017 (Serial 39)*, <https://parliament.nt.gov.au/committees/spsc/ACL>

¹⁰ Explanatory Statement, *Domestic and Family Violence Amendment (Information Sharing) Bill 2017 (Serial 40)*, <https://parliament.nt.gov.au/committees/spsc/DFV>

¹¹ Explanatory Statement, *Domestic and Family Violence Amendment (Information Sharing) Bill 2017 (Serial 40)*, <https://parliament.nt.gov.au/committees/spsc/DFV>

- 2.34 The Committee received eight submissions to its inquiry. On 31 January 2018, the Committee held a public briefing with the Department of the Attorney-General and Justice and held a public hearing in Darwin on Wednesday, 14 February 2018 with seven witnesses.
- 2.35 Although witnesses supported the intent of the Bill, significant concerns were raised regarding a number of key elements in the Bill. In particular, the circumstances under which consent may be overridden and the mandating of information sharing. The Committee was also concerned to learn of the lack of consultation with frontline workers during the development of the Bill, noting that meaningful and accessible consultation with those that will ultimately be charged with implementing the proposed legislation is critical to ensure that it is fit for purpose.
- 2.36 In light of the above, the Committee determined that the Assembly should not pass the Bill and recommended that the Government undertake further consultation with the domestic and family violence sector to consider and address the issues raised in its report. The Committee subsequently tabled its report in the Assembly on Monday, 13 March 2018. At the time of writing, the Government had not yet responded to the Committee's report.
- 2.37 The Committee's report, associated minutes of proceedings, submissions, tabled papers and transcripts are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/DFV>.

Animal Protection Bill 2018

- 2.38 On Thursday, 8 February 2018 the Assembly referred the Animal Protection Bill 2018 (Serial 44) to the Committee for inquiry and report by Tuesday, 1 May 2018.
- 2.39 In repealing the *Animal Welfare Act* the Bill aimed to strengthen existing polices and make the governance of animal welfare more effective. Aligning with and building on the existing regulatory framework, the Bill sought to provide clearly defined rights, roles and responsibilities for government, industry and the community with respect to animal welfare.¹²
- 2.40 The Committee received 34 submissions to its inquiry. On Wednesday, 14 February 2018 the Committee held a public briefing with the Department of Primary Industry and Resources. A public hearing was subsequently held in Darwin on Monday, 9 April with 16 witnesses appearing.
- 2.41 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with 15 proposed legislative amendments. In accordance with clauses 4(c)(iii) and 4(c)(iv) of the Committee's terms of reference, the proposed amendments sought to ensure that the Bill:

¹² Explanatory Statement, *Animal Protection Bill 2018 (Serial No. 44)*, <https://parliament.nt.gov.au/committees/spsc/44-2018>, p.1

- made rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review;
 - was consistent with principles of natural justice;
 - had sufficient regard to Aboriginal tradition;
 - was unambiguous and drafted in a sufficiently clear and precise way;
 - allowed the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - sufficiently subjected the exercise of delegated legislative power to the scrutiny of the Legislative Assembly.
- 2.42 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.
- 2.43 The Committee tabled its report in the Assembly on Tuesday, 1 May 2018. At the time of writing, the Government had not yet responded to the Committee's report.
- 2.44 The Committee's report, associated minutes of proceedings, submissions, tabled papers 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

- 2.45 On Thursday, 10 May 2018 the Assembly referred the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 (Serial 53) to the Committee for inquiry and report by Tuesday, 14 August 2018.
- 2.46 In December 2017, Australia ratified the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the Optional Protocol) adopted by the United Nations in 2002.¹³ As a consequence, this Bill sought to establish the necessary legislative arrangements to allow the United Nations Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to conduct periodic inspections of places of detention in the Northern Territory in accordance with Article 11(a) of the Optional Protocol.¹⁴
- 2.47 On Monday, 28 May 2018 the Committee held a public briefing with the Department of the Attorney-General and Justice. The Committee received four submissions to its inquiry, all of which supported the Bill and commended the Government for bringing the legislation forward.

¹³ Statement of Compatibility with Human Rights, *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 (Serial 53)*, <https://parliament.nt.gov.au/committees/spsc/53-2018>, p.1

¹⁴ Explanatory Statement, *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 (Serial 53)*, <https://parliament.nt.gov.au/committees/spsc/53-2018>, p.1

- 2.48 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill. However, 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, 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 of places of detention.
- 2.49 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.
- 2.50 The Committee's report, associated minutes of proceedings, copies of submissions, and the transcript from the public briefing are available on the Committee's website at: <https://parliament.nt.gov.au/committees/spsc/53-2018>.

3 Committee Statistics

Introduction

3.1 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.”

3.2 As highlighted in Table 1 below, of the 24 Bills introduced during the reporting period 15 were referred to scrutiny committees, three were dealt with on urgency and six 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 |
|----------|---|--------------------|--------|---------|
| 30 | Independent Commissioner Against Corruption Bill 2017 | Social | | |
| 31 | Misuse of Drugs Amendment Bill 2017 | Social | | |
| 32 | Parks and Wildlife Commission Amendment Bill 2017 | Social | | |
| 33 | Biological Control Amendment Bill 2017 | Economic | | |
| 34 | Pastoral Land Legislation Amendment Bill 2017 | Economic | | |
| 35 | Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 | Social | | |
| 36 | Liquor Amendment Bill 2017 | | ✓ | |
| 37 | Evidence (National Uniform Legislation) Amendment (Journalist Privilege) Bill 2017 | Economic | | |
| 38 | Criminal Code Amendment (Intimate Images) Bill 2017 | Social | | |
| 39 | Adoption of Children Legislation Amendment (Equality) Bill 2017 | Social | | |
| 40 | Domestic and Family Violence Amendment (Information Sharing) Bill 2017 | Social | | |
| 41 | Liquor Commission Bill 2018 | | ✓ | |
| 42 | Liquor Legislation Amendment (Licensing) Bill 2018 | | ✓ | |
| 43 | Residential Tenancies Amendment Bill 2018 | Economic | | |
| 44 | Animal Protection Bill 2018 | Social | | |
| 45 | Expungement of Historical Homosexual Offence Records Bill 2018 | | | ✓ |
| 46 | Statute Law Revision Bill 2017 | | | ✓ |
| 47 | Liquor Amendment (Point of Sale Intervention) Bill 2018 | | | ✓ |
| 48 | Youth Justice Legislation Amendment Bill 2018 | | | ✓ |
| 51 | Monetary Units Bill 2018 | | | ✓ |
| 52 | Gaming Control Amendment Bill 2018 | Economic | | |
| 53 | Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 | Social | | |
| 54 | Northern Territory Civil and Administrative Tribunal Amendment Bill 2018 | Economic | | |
| 55 | Liquor Amendment (Minimum Pricing) Bill 2018 | | | ✓ |

Committee Inquiries

- 3.3 As highlighted in Table 1 above, nine Bills were referred to the Social Policy Scrutiny. During the reporting period the Committee held a total of 22 meetings which included:
- 5 public briefings with Government Agencies; and
 - 4 public hearings with a total of 42 witnesses appearing before the Committee.
- 3.4 As noted 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 |
|----------|---|-----------------------------|
| 30 | Independent Commissioner Against Corruption Bill 2017 | 12 |
| 31 | Misuse of Drugs Amendment Bill 2017 | 0 |
| 32 | Parks and Wildlife Commission Amendment Bill 2017 | 0 |
| 35 | Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 | 0 |
| 38 | Criminal Code Amendment (Intimate Images) Bill 2017 | 5 |
| 39 | Adoption of Children Legislation Amendment (Equality) Bill 2017 | 5 |
| 40 | Domestic and Family Violence Amendment (Information Sharing) Bill 2017 | 8 |
| 44 | Animal Protection Bill 2018 | 34 |
| 53 | Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 | 4 |

Reports and Recommendations

- 3.5 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).¹⁵

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

¹⁵ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 201 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>

Table 3: Inquiry Timeframes

| Serial # | Title | Date Referred | Report Due | Report Tabled |
|----------|---|---------------|------------|---------------|
| 30 | Independent Commissioner Against Corruption Bill 2017 | 23/08/17 | 21/11/17 | 15/11/17 |
| 31 | Misuse of Drugs Amendment Bill 2017 (Serial 31) | 12/10/17 | 06/02/18 | 22/11/17 |
| 32 | Parks and Wildlife Commission Amendment Bill 2017 | 18/10/17 | 06/02/18 | 23/11/17 |
| 35 | Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 | 19/10/17 | 06/02/18 | 06/02/18 |
| 38 | Criminal Code Amendment (Intimate Images) Bill 2017 | 23/11/17 | 13/03/18 | 13/03/18 |
| 39 | Adoption of Children Legislation Amendment (Equality) Bill 2017 | 23/11/17 | 13/03/18 | 13/03/18 |
| 40 | Domestic and Family Violence Amendment (Information Sharing) Bill 2017 | 23/11/17 | 13/03/18 | 13/03/18 |
| 44 | Animal Protection Bill 2018 | 08/02/18 | 01/05/18 | 01/05/18 |
| 53 | Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 | 10/05/18 | 14/08/18 | 25/06/18 |

3.1 With the exception of the Domestic Family Violence Amendment (Information Sharing) Bill, the Committee recommended that the Assembly pass all of the Bills referred to the Committee. However, as detailed in Chapter 2, in many 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.

3.2 At the time of writing, the Government had responded to six of the nine reports tabled. As summarised in Table 4, of the 26 proposed amendments and recommendations put forward by the Committee and considered by the Government, 69% were accepted.

Table 4: Proposed Amendments and Recommendations

| Serial # | Title | No. of Recommendations Proposed | No. of Recommendations Accepted |
|----------|---|---------------------------------|---------------------------------|
| 30 | Independent Commissioner Against Corruption Bill 2017 | 14 | 10 |
| 31 | Misuse of Drugs Amendment Bill 2017 | 1 | 1 |
| 32 | Parks and Wildlife Commission Amendment Bill 2017 | 1 | 1 |
| 35 | Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 | 2 | 2 |
| 38 | Criminal Code Amendment (Intimate Images) Bill 2017 | 7 | 3 |
| 39 | Domestic and Family Violence Amendment (Information Sharing) Bill 2017 | 2 | Awaiting Response |
| 40 | Adoption of Children Legislation Amendment (Equality) Bill 2017 | 1 | 1 |
| 44 | Animal Protection Bill 2018 | 17 | Awaiting Response |
| 53 | Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 | 2 | Awaiting Response |

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.

Bibliography

Explanatory Statement, *Adoption of Children Legislation Amendment (Equality) Bill 2017 (Serial 39)*, <https://parliament.nt.gov.au/committees/spsc/ACL>

[Explanatory Statement, *Animal Protection Bill 2018 \(Serial No. 44\)*, <https://parliament.nt.gov.au/committees/spsc/44-2018>](https://parliament.nt.gov.au/committees/spsc/ACL)

Explanatory Statement, *Criminal Code Amendment (Intimate Images) Bill 2017 (Serial 38)*, <https://parliament.nt.gov.au/committees/spsc/CCA>

Explanatory Statement, *Domestic and Family violence Amendment (Information Sharing) Bill 2017 (Serial 40)*, <https://parliament.nt.gov.au/committees/spsc/DFV>

Explanatory Statement, *Independent Commissioner Against Corruption Bill 2017 (Serial No. 30)*, <https://parliament.nt.gov.au/committees/spsc/ICAC>

Explanatory Statement, *Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill 2017 (Serial 35)*, <https://parliament.nt.gov.au/committees/spsc/CRA>

Explanatory Statement, *Misuse of Drugs Amendment Bill 2017 (Serial No. 31)*, <https://parliament.nt.gov.au/committees/spsc/mod>

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Government Response, *Criminal Code Amendment (Intimate Images) Bill 2017*, 22 March 2018, <https://parliament.nt.gov.au/committees/spsc/CCA#Report>

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Statement of Compatibility with Human Rights, *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018 (Serial 53)*, <https://parliament.nt.gov.au/committees/spsc/53-2018>