



Northern Territory Jurisdiction Report

50th Presiding Officers and Clerks Conference

This report looks mainly at innovations and changes in the past twelve months rather than listing statistics of sitting days (31), number of bills passed in the Assembly (40) and number of questions asked (plenty). That information will be in the Annual Report.

Change in Balance of Numbers in the Assembly

The Legislative Assembly has 25 Members. At the 2016 General Election the results were:

- Labor (Government) 18
- Country Liberals (Opposition) 2
- Independents 5

As at December 2018 the numbers changed to:

- Labor (Government) 15
- Country Liberals (Opposition) 2
- Independents 7
- Labor Member (Not in the Caucus) 1

The matter of the disputed status of 'Opposition' is covered in detail in the paper presented at this conference by the Speaker, the Hon Kezia Purick MLA. This was a matter of considerable interest to some Members and some in the media during January and February 2019.

The changes to the makeup of the Assembly occurred when three Members of the Labor Government criticised the Chief Minister for the handling of an announcement about the state of the Northern Territory Budget made while he was embarking upon annual leave.

All three Members (the Members for Fong Lim, Johnston and Stuart) were expelled from the Labor Caucus and two subsequently resigned from the Labor Party and now sit as independents.

The third (Member for Johnston) declined to resign from the ALP and, while expelled from caucus, does not identify as an independent Member and continues to either vote with the Government or to abstain.

The two new independents have voted against the Government on occasion, notably both voted to support a No Confidence in the Government motion during March 2019. (Defeated 15/8 - Members for Goyder and Johnston abstained. The Speaker is Member for Goyder)

Censure Motions

The number of Censure motions has declined markedly in the 13th Assembly. During the 12th Assembly up to ten such motions a year were being proposed.

On 23 October 2018 the Opposition Leader moved a censure of the Government about crime and economic management matters. It was defeated on party lines with the two Opposition and only two independents voting for it, 16 Members voting against it (the 15 Labor Members and the one non caucus Labor Member) with five abstentions.

On 29 November 2018 the Deputy Leader of the Opposition moved a censure of the Chief Minister for his minister's various alleged failures in the children and families portfolios. Unusually for a Censure Motion there was no division called and so the Government prevailed on the voices.

Motions of No Confidence

As indicated above, there has been one motion of no confidence in the Government proposed so far in the 13th Assembly (12 March 2019) compared to the three moved during the 12th Assembly.

Committees

Scrutiny

During the past year the Assembly has been more active in scrutiny of bills which are now almost routinely referred to one of two scrutiny committees after new Sessional Orders were implemented in March 2018. 41 Scrutiny Committee Reports have been tabled since the introduction of the procedure.

It remains a matter of contention that the Assembly soon after deciding to refer all bills, amended the Sessional Orders so as to allow for some bills to not be referred and can be debated after the elapse of 30 days, which was the previous 'status quo' procedure. The Government now refers to this as 'routine passage'.

Independent Members and the Opposition have objected to what they see as a 'watering down' of the recommendations from the Select Committee which established the basis for the Scrutiny Committees.

Standing Orders

The Standing Orders Committee approved the tabling of a report which recommended the deletion of Standing Order 23A which was introduced into the previous Assembly.

Standing Order 23A prescribed a procedure for speaking in the Assembly in languages other than English. And while it was proposed by a Member of Aboriginal heritage in the 12th Assembly it was objected to by a new Member of Aboriginal heritage elected to the 13th (existing) Assembly who argued it was as too prescriptive.

The Assembly agreed to its deletion in March this year and has adopted an Order of Continuing Effect which allows for an interpreter to be made available for the Member requiring it and this procedure has been used once in the Chamber since the change was made. The Assembly is well aware of arrangements in other parliaments for simultaneous translating. The expertise for this for the many and various Aboriginal languages is not yet available in the Northern Territory.

The Standing Orders Committee continues its review of the Standing Orders which will be reported on to the Assembly in early 2020 ahead of the General Election. It is envisaged the new Standing Orders will be in place for the 14th Assembly.

Privileges

The Committee of Privileges has not met in the past twelve months. In February 2018 it found the first contempt of the Assembly in more than 20 years when interference with a Committee witness was uncovered.

Estimates

The Estimates Committee met as usual for six days of hearings during June 2019 to finalise the 2019-2020 Budget.

'Remonstrance' Motion

During August 2018 the Assembly agreed to a motion seeking the Australian Parliament repeal s.50A of the *Northern Territory (Self Government) Act 1978*, the section inserted in 1996 to prohibit euthanasia laws being assented to in the Northern Territory.

The terms of the motion was presented along with a remonstrance from the ACT Assembly in similar terms by delegations from the two territories to the Speaker of the House and the President of the Senate.

Matters of Public Importance and Ministerial Reports

Both of these are in marked decline compared to past use.

In the past year there have been only four Ministerial Statements introduced and two have been concluded on the question they be noted.

Only three MPIs have been discussed.

1. Motor Accident Compensation Act regime ambiguity matters (independent) on 23 August 2018.
2. Opposition Status (independent) on 12 February 2019.
3. New Fiscal Strategy (independent) on 19 March 2019

Debates on Petitions

Since 2018 short debates on petitions have become a routine inclusion in the business of the Assembly through a procedure where after presentation of the petition they may be referred by the presenting Member, moving without notice, that the petition be considered by a Scrutiny Committee to report to the Assembly whether they recommend it should be debated.

This has resulted in 10 petition debates in the past year.

The debates are short. The Sessional Orders allow for two Members to speak for five minutes each followed by a further two for three minutes each. The total time taken for each petition is therefore no more than 16 minutes of debate.

Michael Tatham

Clerk
28 June 2019