

Dr RAHMAN (Fong Lim): Madam Speaker, it is a pleasure to speak on an omnibus Bill. We have not had any in here for a while and, as is often the case, they are a bit of a mixed bag. There can often be little things snuck into them as red herrings, but I am pleased to report on this occasion that this is a sensible Bill covering things that need to be done to tighten up small parts of our legal edifice.

I am encouraged by the words of the Member for Daly and the sentiment that legislation should never be static or perhaps that it should not be immutable. Things change, things need to be adapted and we need to modernise with the times. That is what is reflected in this Bill: a recognition of the fact that in some instances our legislative and administrative frameworks have simply not kept pace with the modern day. On the advice of the public service, the Attorney-General's Department and practitioners in the field, this government seeks to tidy up a range of small matters which in totality have a cumulative effect of being able to improve the rigour within our legal systems.

As to the matter of legislative scrutiny committees, as I alluded to on Thursday of the last sittings, there is much to be said about how they can, should and do function. Later this week I expect to speak at some length about the Scrutiny of Legislation Conference that was held in Melbourne at the end of last year. Coincidentally, the Member for Daly and I both attended that, and we learned a lot about how we could move forward in that space.

What we have now, which is positive, is a legislative scrutiny committee. The preceding government saw fit to completely abandon the prospect of having one. This omnibus Bill was referred to the Legislative Scrutiny Committee. Sadly, or perhaps fortuitously, there was only one submission which was made by NAAJA. It was a considered submission that raised reasonable points for debate but were not profound enough to warrant any objection or substantive amendment to the Bill.

NAAJA does great work. I have known a lot of people who have worked there for a long time, and I will defend them to the hilt. However, I think it is fair to say that they err on the side of caution when it comes to protecting civil liberties and making sure that we do not accidentally run roughshod over rights, regulations and responsibilities. In that regard, I understand the concerns that NAAJA raised in their submission.

I presume everyone in this House has read the NAAJA submission to the Legislative Scrutiny Committee on this omnibus Bill, which I know you are all excited about. Having read it and having had plenty of experience with NTCAT, I do not necessarily think that we are messing with NTCAT in a way that will be deleterious to our legal system. For some time in this jurisdiction, NTCAT has been overwhelmed and swamped by people who have been putting in if not vexatious, then speculative, statements of claim. Something needs to be done in this space to clarify and codify that costs orders can be recovered and there is a minimum price of entry, as it were, to tango with NTCAT. I do not think this is a terribly bad thing; it will improve efficiency. I welcome a robust and accessible judiciary, but I do not want to set one up to fail by overwhelming it with vexatious claims.

I am encouraged by the support for the Bill that is evidenced in broad brushstrokes by the Labor opposition and the tone of the Member for Daly's statement which is constructive. Legislation should not be static and we need to be consultative, which the government was in this case. We provided an opportunity for people to make submissions to the Legislative Scrutiny Committee for consideration. Having read the report, the committee had no axe to grind with the Bill.

In some ways, we are doing the equivalent of clearing the weeds from the back of the garden. It is not sexy work, but it needs to be done. Periodically, the garden gets messy out the back. There is a raft of laws, regulations and rules that simply are not maintained. If these things are not maintained, the garden goes to pot and, as I am finding out at the moment, the reticulation system is busted because I did not weed. Therefore, it is important that we do this kind of work.

I commend the Attorney-General for having referred to the Legal and Constitutional Affairs Committee a review of all regulations in the Northern Territory statute book that predate 1990. It is important for us to do that work—to clear the back of the garden—to find out what is fit for purpose and which departments have processes in place to make sure that their statute book, regulations and procedures are still modern, fit for purpose and can serve the Northern Territory. That review is proceeding in earnest, but it still has a long way to go.

Without wanting to be too pointed, we are doing that review in no small part because nobody has done that weeding at the back of the garden for a while. A lot of these little fixes—I am sorry to say the last government did not do a good job of keeping the garden tidy out the back so that is why ...

Members interjecting.

Madam SPEAKER: Stop the interjections. Through the Speaker, please.

Dr RAHMAN: I cannot draw attention to members of the Assembly who are absent, but I am sure that all former Attorneys-General of the Northern Territory would speak to the fact that we could have done more to maintain the weeds at the back of the garden over the years that have passed.

In any case, this is part of the government's commitment to tidying up and modernising. If we are talking about action, certainty and all that good stuff, part of it is about making sure that we do not have superfluous things hanging around the statute book and our systems. That is why this omnibus Bill has a range of different items, all of which do something to improve administrative frameworks within the Northern Territory.

I turn to the substantive items on the agenda. First of all, it is encouraging that the healthcare decision-making delegation has the support of the government. It is a sensitive area intersecting with guardianship and the difficult decisions that need to be made by one senior practitioner at the moment who has delegated authority. These are important decisions. There is a reason someone is prescribed to take on these jobs and it is not just *carte blanche* for anyone to do it. What has been proposed will help us create efficiency within the healthcare system by providing the senior practitioner the opportunity to provide delegated authority to, as I understand it, a couple of people who are earmarked as being able to take off some of that pressure.

Remember that healthcare requires not only clinicians but also administrators, infrastructure and systems. This is about improving that systemic background and set up.

I am encouraged that we are not having an unnecessary debate about coercion, public guardianship, control, powers and that sort of thing. Currently, two people within the healthcare system have been deemed appropriate, as I understand, to whom this authority could be delegated. That will take a considerable amount of pressure off the system from one person who, if not operating as a bottleneck, is overwhelmed by their responsibilities in isolation.

Let us move on to the justices of the peace and commissioners for oaths. This government prides itself on reducing red tape and creating regulatory efficiency. It would seem counterintuitive that we might be prescribing that all people who are commissioners for oaths or justices of the peace should require police checks as a mandated provision, because this Bill locks in the requirement for a national police check for anyone applying for those roles. However, it is important to realise that not everyone applies for those roles. There is a range of people who have these roles *ex officio*, including all of you in this Chamber. The Member for Karama probably uses his commissioner for oaths stamp more than anyone I know. We would not want to slow down his hard work.

It is important that we have commissioners for oaths and justices of the peace on the books, and enough of them. We could probably do with more of them, but we also want to ensure that we have the right people doing those jobs, so at the moment this is codifying what is already the practice in the Attorney-General's Department, which is to check that fit and proper persons are doing these jobs. This will not be a new administrative burden; it will add integrity to ensuring the people who certify and witness documents are fit and proper persons to do so. I am encouraged that we have the tick of approval from the opposition in this regard.

Modern conveyancing, land titles and property transactions—anyone who has attempted to purchase property recently will know how nightmarish it is in this jurisdiction relative to anywhere else because of the fact that almost nothing is done electronically. Not nothing, but a lot of things that are done electronically elsewhere are done on an abacus and stone tablets in this jurisdiction. I jest.

It is a step forward for us to move towards a modern conveyancing framework where we use e-conveyancing more to do land title transactions online rather than paper titles. This is a genuine modernisation step, and it reduces the friction within the property market. It is a significant point. There are studies about how when you make it easier to buy stuff, people buy stuff, and when you make it harder to buy stuff a lot of the time they become frustrated by the process.

In the ordinary course of events, people do not abandon property purchases because it is a massive pain dealing with conveyancers and paper. It just means it takes a lot more time and cost, and it slows down the fluidity of the system. What we are doing is genuinely long overdue. I have been hearing about it happening in this place for a long time; I am surprised that no-one has taken the bull by the horns on this issue previously. Potentially, the former government was more concerned about the front lawn looking good than weeding the

back garden. The point is we are doing the gardening work now. This is an important part of the edifice for us to tackle.

A legitimate concern that is raised from time to time is that electronic titling enhances Torrens title systems by making it faster, cheaper and more integrated, and maintaining government-backed certainty of ownership. There are risks, and those are well identified. It is good to put them on the record. Whenever you introduce electronic systems, there is a transitional period when you have to think about cybersecurity, accessibility concerns, technical vulnerabilities that need to be carefully managed through robust digital infrastructure and legislation and maintaining public trust. I am convinced, based on my briefings with the Attorney-General's Department, that those things are all being accommodated.

We are shifting from a 'must' to a 'may' situation to provide flexibility in a transitional mechanism so we can incrementally move towards a digitised system. There is no necessity to impose that, so for the older property investor who is used to doing things by paper and who knows their way around the system inside out, there will still be transitional mechanisms. However, for the increasing number of newer people moving into our marketplace, we hope—in keeping with incentivising housing supply in this jurisdiction—this will make things easier. A lot of people want to DIY, and honestly, it is pretty much impossible without digital conveyancing systems in place to give effect to that mechanism, so I am encouraged with the fact that it is happening.

Older people are the ones to be mindful of in transitioning to new technologies, so we are trying to mitigate any of those things by ensuring that people in remote areas and older people understand the digital systems and the transition away from paper titles.

In any case, it is almost impossible to purchase a property without a conveyancer, but at least this now provides people the option to move in that direction with the passage of time. That is a positive development as well.

The *Legal Profession Act* is the next part of this omnibus Bill. The amendments to the *Legal Profession Act* are also fairly sensible, bringing us in line with Solicitors' Conduct Rules. I am all for things that bring us up to code and up to standard with the rest of the country. This is an area where the legal profession has pushed for some of these changes, and we recognise that they are sensible changes to be made. At the moment, we go through a long process to adopt national laws that already work pretty well elsewhere, and this will bring the NT into line with uniform rules, improve processes and push us towards a best-practice environment which is what I think we are seeking to do in this space. It is uncontroversial, and I greatly appreciate the support from the government on this issue.

Synthetic medicines are probably the headline item in this omnibus Bill, and rightly so because they are a significant issue. It is important to understand that this has been pretty well thought through.

I will not go into a long lecture series on the danger of fentanyl. Fentanyl has its place within modern medical systems, but it is a dangerous drug that is increasingly starting to infiltrate recreational drug use. The consequences are significant, severe and not to be messed with. That is precisely why we are seeking to make fentanyl a Schedule 1 item, with a situation where you will have trafficable and commercial quantities for prescribed drugs being commensurate with other Schedule 1 drugs. That makes perfect sense to pretty much everyone operating in this space.

Sometimes there can be confusion when talking about the misuse of drugs, particularly when we are worried about one kid at BASSINTHEGRASS being caught with a pill in their pocket and then ending up with a mandatory 25-year sentence. That will not happen here. This will let people who are trafficking drugs be on notice that they are now trafficking a prescribed Schedule 1 substance and taking a significant risk if they choose to do so. Therefore, it is sensible to add fentanyl to Schedule 1, take it from Schedule 2 and make trafficable and commercial quantities the same as they are for other Schedule 1 drugs.

The safeguard is that the police and prosecution would still need to establish intent of sale and supply and would need additional indicia, for example, if somebody was supplying multiple pills or if somebody was to be prosecuted for being at an event and having recreational drugs in their pockets. We are trying to prevent harm, and this is a sensible amendment. One imagines that it has the opposition's support for that reason.

Continuous improvement is the object of this exercise and of our legal and administrative systems. I will not be any more pointed in my critique of what Labor has or has not done in regard to legislative reform and maintaining regulations that are fit for purpose. I have said enough on that, and we will come back to it in due course in any case. As to the matters that are objected to, I note that they are not strong objections as much as they are legitimate inquiries—that is how I would put them.

On the issue pertaining to NTCAT, I do not think it is unreasonable for us to move to a situation where, at a time when we know NTCAT is extraordinarily stretched, that we would make it clear and definitive that costs are recoverable in that forum. It does not prohibit people from initiating action in NTCAT. The bar for entry is still comparatively very low in every regard, not just financially but in terms of even the paperwork required to be put into that forum.

I think the changes are fine. If they were not, I would suggest perhaps amending that space.

NAAJA fulfils a valuable role in the Northern Territory. It has for a long time, notwithstanding that it has had some complex governance problems over a period of time, unfortunately. I respect the submission it made but also recognise that, on the balance of probabilities, these are reasonable changes to codify in the NTCAT space.

We are trying to stop vexatious litigation, and everything we do to shut that down and every small signal we put in place improves certainty within this jurisdiction. I want for a robust judiciary, a strong separation of powers, checks on executive power and for people to be able to access the justice system on reasonable terms. In that regard, I think we are making the right call.

The final part is the *Residential Tenancies Act* amendments. It is probably here where I must defer most to the guidance and expertise of the Attorney-General because the decision to make the amendment in this area sits with the Cabinet, to which I am not entirely privy. On the face of it, it seems entirely sensible to me. It is probably the case that over a period of time, we have set the public housing system up to fail on a range of metrics and this is potentially another area where that might be the case by having them maintain compliance with an administrative regulation that is simply unreasonable. I imagine that the Attorney-General will speak on that matter having been asked to comment on it by the Member for Daly.

These Bills are not as sexy and exciting as many other Bills, but I think they are every bit as important. I commend the huge amount of work done by the people in the background, because every one of these small legal changes can have a knock-on effect. Small legal changes in one place can interact and intersect with small legal changes in another place to the point where you can create unintended consequences. On the balance of probabilities, I see no real reason why we will accidentally trigger some harm by passing this law with minimum fuss.

It is worth reflecting on just how many Acts are covered in this law. This has intersections with the *Anti-Discrimination Act 1992*, the *Domestic and Family Violence Act 2007*, the *Health Care Decision Making Act 2023*, the *Justices of the Peace Act 1991*, the *Oaths, Affidavits and Declarations Act 2010*, the *Local Court (Criminal Procedure) Act 1928*, the *Northern Territory Civil and Administrative Tribunal Act 2014*, the *Northern Territory Civil and Administrative Tribunal Regulations 2014*, the *Residential Tenancies Act 1999*, the *Sentencing Act 1995*, the *Victims of Crime Assistance Act 2006* and others.

I read that list out because I think it is important for everyone in the House to appreciate how much work has gone into this and how many people have had to look at this many laws to figure out how they intersect and how and when we can make these fixes. It is encouraging that the Attorney-General and her team have been able to pull together all these changes into an omnibus Bill. It is my hope that we will see more Bills like this in the future where we can engage in direct regulatory reform. One of the areas we talk about a lot but tangentially is alcohol reform. An area that comes up on a near-daily basis during sittings is domestic violence. There are things within the healthcare sector. There are enumerate areas where we could look at small fixes in legislation to improve regulatory efficiency without abrogating rights.

I encourage members of the Assembly to consider offering up those small fixes because an entire Bill is an enormous undertaking. We can identify specific problems. There is precedent around the world for parliaments filled with people of many different stripes being able to bring those forward to the government of the day and say, 'I have identified in this law this small thing that could be fixed with minimum fuss. Can you throw us a bone here?' Everybody gets a win out of it. Most importantly, the people of the Northern Territory get a win out of it when we improve regulatory efficiency.

If we are, in fact, to improve certainty, security and decision-making that people can rely upon, then we need to have robust systems in place. You need to do the remedial work of clearing things out from time to time as well. It is important that we do that.

I encourage especially the crossbenchers to think constructively about how they could offer to the government suggestions on small things that we might all collectively work on. Of course, the same offer is extended to the opposition.

There is not too much more I will say other than that there has been fairly extensive consultation on this Bill. I do not really think anyone can say that we did not ask for consultation on this Bill. Consultation occurred with the Attorney-General's Department, the Health department, NTCAT and some of the independent officers with the Office of the Parliamentary Counsel.

This is probably one of the best considered pieces of legislation I have seen come through for a while. I think it will do good in its totality, albeit in small but significant ways nonetheless.

For those reasons, I commend the Bill to the Assembly and look forward to this being passed—touch wood—on the voices.

Ms BOOTHBY (Attorney-General)(in reply): Madam Speaker, I thank all the members who contributed to this important debate.

Member for Daly, thank you for your contribution. It was good to hear that you are supportive of this important omnibus Bill, which touches on a number of Acts across our system. I will answer the questions you had that were of concern to you. Maybe those questions were not asked during the briefing or in the scrutiny process of this Bill.

I also thank the Member for Fong Lim, who so eloquently summed up the important parts of this omnibus Bill with real-life examples of how each section of these changes can contribute towards our year of action, certainty and security. I particularly liked his analogy of tidying up Bills to modernise what is needed in our justice system which we need to be strong but has not been strong under eight years of Labor. He said it was a bit like Labor made its front lawn look good, but out the back it was full of weeds. That is exactly how it felt over the last four years in opposition listening to the Labor ministers go through their days. Sometimes during sittings we would have lots of statements and reports but not a lot of legislation.

Ms Uibo interjecting.

Madam SPEAKER: Silence, please!

Ms BOOTHBY: I am pleased and proud, as the Attorney-General, to have brought this Bill to the Assembly and to have had the contributions from the speakers. I am also proud that it was referred to the Legislative Scrutiny Committee—which we know was scrapped under the former Labor government. We brought the committee back in this term of government, and we are proud of that.

The Bill went out far and wide to see who would like to have their views heard. We received one submission from NAAJA (North Australian Aboriginal Justice Agency). I thank Anthony Beven, the acting CEO at NAAJA, for the work he did to put forward that submission and I will address his concerns as well in part of this wrap-up.

The Bill makes a number of amendments to various legislation and deals with the variety of relatively discrete amendments to legislation that fall under my portfolio as Attorney-General. I will not read through them all because I did that in my introduction speech, but I will talk about a couple of the key features of the Bill which will hopefully answer the opposition's questions.

The amendments to the *Health Care Decision Making Act 2023* will ensure timely and appropriate care of people with impaired decision-making capacity. To do that, the Act will be amended to allow for the senior practitioner to delegate their functions and powers to a public sector employee who has the necessary qualifications and experience to carry out those functions. This is important because the senior practitioner is a statutory appointment of one person who cannot attend to all requests for restrictive practices. We think this is a commonsense and much-needed change to this legislation.

I turn to the *Justices of the Peace Act* and the *Oaths, Affidavits and Declarations Act*. My colleague, the Member for Fong Lim, touched on the fact that justices of the peace and commissioners for oaths have an important role in the community, and sometimes it feels like there are not enough of them. I can vouch for that because often there are people in my community who are looking for a justice of the peace. There is a list of people who you can go and find, but if they are unavailable for some reason, it is difficult. This amendment ensures that we have measures in place with those national police checks enshrined in legislation. We want to make sure that only people who are fit and proper are appointed to these important roles.