NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 99
Thursday 19 September 2019

1. MEETING

The Assembly met at 10.00. The Speaker, the Honourable Kezia Purick, presided.

2. PRAYERS

3. ACKNOWLEDGEMENT OF COUNTRY

Mr McCarthy delivered the acknowledgement of country on behalf of the Assembly.

4. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Year 6 students from Stuart Park Primary School accompanied by their teachers.

On behalf of all Members the Speaker welcomed the visitors.

5. SPEAKER'S STATEMENT

The Speaker made a statement regarding International Talk Like a Pirate Day.

6. WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) AMENDMENT BILL 2019 (SERIAL 103)

Mr McCarthy (Acting Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Work Health and Safety (National Uniform Legislation) Act 2011* regarding industrial manslaughter and tabled the Explanatory Statement (Paper 1342) and the Human Rights Compatibility Statement (Paper 1343).

Mr McCarthy moved that the Bill be read a first time and delivered an explanatory speech.

Bill read a first time.

Mr McCarthy moved that the Bill be referred to the Economic Policy Scrutiny Committee for report by 26 November 2019.

Question put and passed.

7. EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL 2019 (SERIAL 102)

Mr McCarthy (Acting Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Bail Act 1982*, *Domestic and Family Violence Act 2007, Evidence Act 1939, Police Administration Act 1978, Sentencing Act 1995* and *Sexual Offences (Evidence and Procedure Act) 1983* and tabled the Explanatory Statement (Paper 1344) and the Human Rights Compatibility Statement (Paper 1345).

Mr McCarthy moved that the Bill be read a first time and delivered an explanatory speech.

Bill read a first time.

Mr McCarthy moved that the Bill be referred to the Social Policy Scrutiny Committee for report by 26 November 2019.

Question put and passed.

8. MOTION: SUSPENSION OF STANDING ORDERS NOT AGREED TO

Mr Wood moved to suspend so much of Standing and Sessional Orders which would prevent him from moving a motion to require the Assembly to defer consideration of the second reading debate of the Environment Protection Bill listed as Government Business Orders of the Day Number 1 on the Notice Paper today and to defer consideration of that debate until the October sittings.

Mrs Finocchiaro, Mr McCarthy, Ms Lawler.

Question put.

The Assembly divided:

Ayes 6	**Noes 14**
Mr Collins	Ms Ah Kit
Mrs Finocchiaro	Mr Costa
Mr Guyula	Mr Gunner
Mr Mills	Mr Kirby
Ms Purick	Ms Lawler
Mr Wood	Mr McCarthy
	Ms Manison
	Ms Moss
	Ms Nelson
	Mr Paech
	Mr Sievers
	Ms Uibo
	Ms Wakefield
	Mrs Worden

Question not agreed to.

9. ENVIRONMENT PROTECTION BILL 2019 (SERIAL 94)

Ms Lawler moved the Bill be read a second time.

Mrs Finocchiaro, Ms Nelson, Ms Uibo, Mr Kirby.

Debate suspended.

Suspension of Meeting: The meeting of the Assembly was suspended between 11.59 and 14.00.

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10. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of students from Nungalinya College accompanied by their lecturer Ms Annette Anderson.

On behalf of all Members the Speaker welcomed the visitors.

11. PETITION

Ms Nelson, by leave, presented Petition Number 41 from 4891 petitioners not conforming with Standing Orders relating to the Northern Territory Government negotiating a sustainable funding model to save the Katherine Museum (Paper 1346) and moved the petition be read.

Question put and passed.

12. QUESTIONS

14.01 Mrs Finocchiaro to Ms Lawler
14.04 Mrs Worden to Mr Gunner
14.08 Mrs Finocchiaro to Ms Lawler
14.11 Ms Nelson to Ms Manison
14.15 Mrs Finocchiaro to Ms Lawler
14.19 Mr Paech to Ms Lawler
14.23 Mrs Finocchiaro to Ms Uibo
14.26 Mrs Finocchiaro to Ms Uibo – Supplementary
14.27 Mr Sievers to Ms Moss
14.30 Mr Wood to Mr Gunner
14.34 Mr Sievers to Mr Kirby
13.37 Mr McConnell to Ms Lawler – Referred to Ms Wakefield
14.41 Ms Nelson to Ms Wakefield
14.45 Mr Mills to Mr Gunner
14.48 Mrs Worden to Ms Uibo
14.52 Mr Collins to Mr Gunner
14.56 Ms Ah Kit to Ms Wakefield
14.59 Mr Wood to Ms Lawler

Mr McCarthy (Acting Leader of Government Business) asked that further questions be placed on the Written Question Paper.

Mr Gunner, pursuant to Standing Order 115, gave an answer to a question asked earlier during question time from Mr Wood.

Mr Kirby, pursuant to Standing Order 115, gave an answer to a question asked on a previous day during question time from Mr Wood.

13. ENVIRONMENT PROTECTION BILL 2019 (SERIAL 94): BILL AGREED TO

Resumption of debate on the question that the Bill be read a second time.

Mr Kirby, Mr Wood, Ms Moss, Mr Paech, Mr Guyula, Ms Ah Kit, Ms Nelson, Ms Purick, Ms Lawler.

Question, that the Bill be read a second time, put.

The Assembly divided:

Ayes 13	**Noes 3**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Mr Mills
Mr Gunner	Ms Purick
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	

Ms Wakefield
Mrs Worden

Question put and passed.

Bill read a second time.

The Assembly resolved to consider the Bill in detail.

Clause 1 considered.

Clause 1 stands as printed.

Clause 2 considered.

Clause 2 stands as printed.

Clause 3 considered.

Clause 3 stands as printed.

Clause 4 considered.

Ms Lawler moved the following amendment:

Clause 4

insert

sacred site, see section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

Amendment agreed to.

Clause 4 as amended stands.

Clauses 5 to 16 considered together.

Clauses 5 to 16 stand as printed.

Clause 17 considered.

Clause 17 stands as printed.

Clause 18 considered.

Clause 18 stands as printed.

Clauses 19 and 20 considered together.

Clauses 19 and 20 stand as printed.

Clause 21 considered.

Clause 21 stands as printed.

Clauses 22 to 25 considered together.

Clauses 22 to 25 stand as printed.

Clause 26 considered.

Ms Lawler moved the following amendment:

Clause 26(1) and (2)

omit

should

insert

must

Amendment agreed to.

Clause 26 as amended stands.

Clause 27 considered.

Clause 27 stands as printed.

Clause 28 considered.

Ms Lawler moved the following amendment:

Clause 28(5), after "declaration"

insert

as soon as practicable after the declaration is made

Amendment agreed to.

Clause 28 as amended stands.

Clause 29 considered.

Clause 29 stands as printed.

Clause 30 considered.

Ms Lawler moved the following amendment:

Clause 30(4), after "declaration"

insert

as soon as practicable after the declaration is made

Amendment agreed to.

Clause 30 as amended stands.

Clause 31 considered.

Ms Lawler moved the following amendment:

Clause 31(4), after "subsection (3)"

insert

as soon as practicable after the decision is made

Amendment agreed to.

Clause 31 as amended stands.

Clause 32 considered.

Clause 32 stands as printed.

Clause 33 considered.

Ms Lawler moved the following amendment:

Clause 33(1), after "may"

insert

, by *Gazette* notice,

Amendment agreed to.

Clause 33 considered.

Ms Lawler moved the following amendment:

After clause 33(2)

insert

(3) The Minister must publish a statement of the reasons for the amendment or revocation as soon as practicable after the amendment is made or the environmental objective or referral trigger is revoked.

Amendment agreed to.

Clause 33 as amended stands.

Clause 34 considered.

Clause 34 stands as printed.

Clause 35 considered.

Ms Lawler moved the following amendment:

Clause 35(6), after "declaration"

insert

as soon as practicable after the declaration is made

Amendment agreed to.

Clause 35 as amended stands.

Clause 36 considered.

Ms Lawler moved the following amendment:

Clause 36(1)

omit (all references)

Administrator

insert

Minister

Amendment agreed to.

Clause 36 considered.

Ms Lawler moved the following amendment:

Clause 36(3)

omit, insert

(3) The Minister must publish a statement of the reasons for making the permanent declaration as soon as practicable after the declaration is made.

(3A) The Minister must table a copy of the permanent declaration in the Legislative Assembly within 6 sitting days after the declaration is made.

Amendment agreed to.

Clause 36 as amended stands.

Clause 37 considered.

Clause 37 stands as printed.

Clause 38 considered.

Ms Lawler moved the following amendment:

Clause 38(1)

omit (all references)

Administrator

insert

Minister

Amendment agreed to.

Clause 38 considered.

Ms Lawler moved the following amendment:

Clause 38(4)

omit, insert

(4) The Minister must publish a statement of the reasons for making the declaration as soon as practicable after the declaration is made.

(5) The Minister must table a copy of the declaration in the Legislative Assembly within 6 sitting days after the declaration is made.

Amendment agreed to.

Clause 38 as amended stands.

Clause 39 considered.

Ms Lawler moved the following amendment:

Clause 39(1)(a), (2)(a) and (3)(a)

omit (all references)

Territory:

insert

Territory;

Amendment agreed to.

Clause 39 considered.

Ms Lawler moved the following amendment:

Clause 39(2) and (3)

omit

Administrator

insert

Minister

Amendment agreed to.

Clause 39 considered.

Ms Lawler moved the following amendment:

After clause 39(4)

insert

(5) The Minister must publish a statement of the reasons for revoking a declaration under this Division as soon as practicable after the declaration is revoked.

(6) The Minister must table a copy of the revocation of a declaration under this Division in the Legislative Assembly within 6 sitting days after the declaration is revoked.

Amendment agreed to.

Clause 39 as amended stands.

Clauses 40 and 41 considered together.

Clauses 40 and 41 stand as printed.

Clause 42 considered.

Ms Lawler moved the following amendment:

After clause 42(b)(iv)

insert

(v) the impacts of a changing climate; and

Amendment agreed to.

Clause 42 as amended stands.

Clauses 43 to 61 considered together.

Clauses 43 to 61 stand as printed.

Clause 62 considered.

Ms Lawler moved the following amendment:

Clause 62(a)(i)

omit

environmental matters

insert

the physical or biological environment

Amendment agreed to.

Clause 62 considered.

Ms Lawler moved the following amendment:

After clause 62(a)(i)

insert

(ia) has contravened a law of the Territory or another jurisdiction that relates to heritage, health or cultural matters, including matters relating to sacred sites; or

Amendment agreed to.

Clause 62 as amended stands.

Clauses 63 to 68 considered together.

Clauses 63 to 68 stand as printed.

Clause 69 considered.

Ms Lawler moved the following amendment:

Clause 69 amended

(1) Clause 69, before "The"

insert

(1)

(2) Clause 69, at the end

insert

(2) If the Minister refuses under subsection (1)(c) to grant the environmental approval, the Minister must as soon as practicable after the decision is made:

(a) prepare and publish a statement of reasons for refusing to grant the approval; and

(b) give a copy of the decision and the statement of reasons for the decision to:

(i) the NT EPA; and

(ii) the proponent; and

(iii) any statutory decision-maker consulted under this Division in relation to the proposal to refuse to grant the environmental approval.

Amendment agreed to.

Clause 69 as amended stands.

Clause 70 considered.

Clause 70 stands as printed.

Clause 71 considered.

Clause 71 stands as printed.

Clause 72 considered.

Clause 72 stands as printed.

Clause 73 considered.

Clause 73 stands as printed.

Clause 74 considered.

Clause 74 stands as printed.

Clauses 75 to 78 considered together.

Clauses 75 to 78 stand as printed.

Clause 79 considered.

Clause 79 stands as printed.

Clause 80 considered.

Clause 80 stands as printed.

Clauses 81 to 98 considered together.

Clauses 81 to 98 stand as printed.

Clause 99 considered.

Clause 99 stands as printed.

Clause 100 considered.

Clause 100 stands as printed.

Clause 101 considered.

Clause 101 stands as printed.

Clauses 102 to 105 considered together.

Clauses 102 to 105 stand as printed.

Clause 106 considered.

Ms Lawler moved the following amendment:

After clause 106(2)

insert

(2A) The Minister must, in making a decision on a request from an approval holder:

(a) have regard to the following:

(i) the matters set out in Part 2;

(ii) the objects of this Act;

(iii) the assessment report on the action; and

(b) be satisfied that the amendment will not prevent:

(i) the significant impacts of the action from being appropriately avoided or mitigated or from being appropriately managed; and

(ii) any appropriate environmental offsets from being provided for significant residual adverse impacts on the environment that cannot be avoided or mitigated.

Amendment agreed to.

Clause 106 as amended stands.

Clauses 107 and 108 considered together.

Clauses 107 and 108 stand as printed.

Clause 109 considered.

Ms Lawler moved the following amendment:

Clause 109(c), after "Minister"

insert

, as a result of the monitoring of compliance with or enforcement of this Act or the approval or otherwise,

Amendment agreed to.

Clause 109 as amended stands.

Clauses 110 to 141 considered together.

Clauses 110 to 141 stand as printed.

Clause 142 considered.

Ms Lawler moved the following amendment:

Clause 142

omit, insert

142 Direction by CEO to carry out environmental audit

The CEO may direct an approval holder to cause an environmental audit to be carried out by a qualified person if the CEO believes or suspects on reasonable grounds that:

(a) the approval holder has contravened, or is likely to contravene, a condition of the environmental approval; or

(b) the environmental impacts that the action authorised by the environmental approval has, has had, or is likely to have are significantly greater than was indicated in the information that was available to the Minister when the environmental approval was granted.

Amendment agreed to.

Clause 142 as amended stands.

Clauses 143 to 158 considered together.

Clauses 143 to 158 stand as printed.

Clause 159 considered.

Ms Lawler moved the following amendment:

After clause 159(1)

insert

(1A) The CEO must not appoint or authorise a person as an environmental officer unless satisfied that the person has the skills, qualifications, training or experience to properly perform the functions of an environmental officer.

Amendment agreed to.

Clause 159 as amended stands.

Clauses 160 and 161 considered together.

Clauses 160 and 161 stand as printed.

Clause 162 considered.

Clause 162 stands as printed.

Clauses 163 to 169 considered together.

Clauses 163 to 169 stand as printed.

Clause 170 considered.

Ms Lawler moved the following amendment:

Clause 170(1) to (3), (4)(a), (b) and (c) and (6)

omit (all references)

justice of the peace

insert

judicial officer

Amendment agreed to.

Clause 170 considered.

Ms Lawler moved the following amendment:

Clause 170(2)

omit

justice may

insert

judicial officer may

Amendment agreed to.

Clause 170 considered.

Ms Lawler moved the following amendment:

Clause 170(3) and (6)

omit

justice must

insert

judicial officer must

Amendment agreed to.

Clause 170 considered.

Ms Lawler moved the following amendment:

After clause 170(6)

insert

(7) In this section:

judicial officer means any of the following:

(a) a Supreme Court Judge;

(b) an Associate Judge;

(c) a Local Court Judge.

Amendment agreed to.

Clause 170 as amended stands.

Clauses 171 to 186 considered together.

Clauses 171 to 186 stand as printed.

Clause 187 considered.

Ms Lawler moved the following amendment:

Clause 187(2) after "recorded,"

insert

take all reasonable steps to

Amendment agreed to.

Clause 187 considered.

Ms Lawler moved the following amendment:

Clause 187(4)

omit

A notice to an occupier under this section

insert

If all reasonable steps have been taken under subsection (2) to notify an occupier of land, the notice

Amendment agreed to.

Clause 187 as amended stands.

Clauses 188 to 203 considered together.

Clauses 188 to 203 stand as printed.

Clause 204 considered.

Ms Lawler moved the following amendment:

Clause 204(2), after "recorded,"

insert

take all reasonable steps to

Amendment agreed to.

Clause 204 considered.

Ms Lawler moved the following amendment:

Clause 204(4)

omit

A notice to an occupier under this section

insert

If all reasonable steps have been taken under subsection (2) to notify an occupier of land, the notice

Amendment agreed to.

Clause 204 as amended stands.

Clauses 205 to 287 considered together.

Clauses 205 to 287 stand as printed.

Clause 288 considered.

Ms Lawler moved the following amendment:

After clause 288(2)

insert

(2A) The Minister must refuse an application under subsection (1) unless the Minister is satisfied that granting the exemption will not undermine the objects of this Act.

Amendment agreed to.

Clause 288 considered.

Ms Lawler moved the following amendment:

Clause 288(3), after "the decision"

insert

as soon as practicable after the decision is made

Amendment agreed to.

Clause 288 as amended stands.

Clauses 289 to 292 considered together.

Clauses 289 to 292 stand as printed.

Clause 293 considered.

Ms Lawler moved the following amendment:

After clause 293(1)

insert

Note for subsection (1)

See section 65 of the Interpretation Act 1978.

Amendment agreed to.

Clause 293 considered.

Ms Lawler moved the following amendment:

Clause 293, note to clause

omit

Amendment agreed to.

Clause 293 as amended stands.

Clauses 294 and 295 considered together.

Clauses 294 and 295 stand as printed.

Clause 296 considered.

Clause 296 stands as printed.

Long title of the Bill considered.

Ms Lawler moved the following amendment to the long title:

Long title, after "environment"

insert

and for related purposes

Amendment agreed to.

Long title as amended agreed to.

Bill as amended agreed to.

On the motion of Ms Lawler (Minister for Environment and Natural Resources), the Bill was read a third time and passed to be a proposed law.

14. PAPER TABLED: STANDING ORDERS COMMITTEE REPORT TO THE LEGISLATIVE ASSEMBLY ON THE REVIEW OF SESSIONAL ORDERS

Mrs Worden (Member of the Standing Orders Committee) tabled: Report to the Legislative Assembly on the Review of Sessional Orders, September 2019 (Paper 1347).

Leave was granted for Mrs Worden to continue her remarks at a later time.

15. CONSIDERATION OF COMMITTEE AND AUDITOR-GENERAL'S REPORTS AND GOVERNMENT RESPONSES

1. *Auditor-General for the Northern Territory Report: Matters Referred to the Auditor-General Pursuant to Section 6 of the Public Information Act 2010* (Paper 1243). Deferred.
2. *Auditor-General for the Northern Territory, August 2019, Report to the Legislative Assembly* (Paper 1297). Deferred.

16. MOTION: DEBATE ON PETITION NOTED

Mrs Finocchiaro moved that the Assembly note Petition Number 38 Opposition to changes within the Youth Justice and Related Legislation Amendment Act 2019.

Ms Wakefield.

Question put and passed.

17. ADJOURNMENT

Mr McCarthy (Acting Leader of Government Business) moved that the Assembly adjourn.

Ms Nelson, Mrs Finocchiaro, Mr McConnell, Mr Sievers, Ms Ah Kit, Ms Manison, Mr Kirby, Mrs Worden.

The Assembly adjourned at 21.24 until Tuesday 15 October 2019 at 10.00.

ATTENDANCE

All Members attended the meeting, except Ms Fyles, Mr Higgins and Mr Vowles.

MICHAEL TATHAM
Clerk of the Legislative Assembly

