NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 81
Tuesday 19 March 2019

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

2. PRAYERS

3. ACKNOWLEDGEMENT OF COUNTRY
Mr Gunner delivered the acknowledgement of country on behalf of the Assembly.

4. VISITORS
The Speaker advised Honourable Members of the presence in the gallery of members of the Multicultural Council of the Northern Territory and Year 5 and 6 students from Sattler Christian College accompanied by their teacher Shelley Collis.

On behalf of all Members the Speaker welcomed the visitors.

5. CONDOLENCE MOTION AGREED TO: CHRISTCHURCH TERROR ATTACKS
The Speaker informed the Assembly of the terror attacks on Friday, 15 March 2019 in Christchurch New Zealand.

The Speaker tabled a letter sent to the Rt Hon Trevor Mallard, the Speaker of the New Zealand House of Representatives and the Members of that House expressing sympathy to the people of New Zealand and particularly those in Christchurch (Paper 1123).

Mr Gunner (Chief Minister) moved that this Assembly express its condolences to the people of New Zealand and extend deepest sympathy to the families of the victims.

Mr Gunner, Mrs Finocchiaro, Ms Manison, Mr Mills, Ms Wakefield, Mr McConnell, Ms Lawler, Mr Wood, Mr McCarthy, Mr Collins, Ms Purick.

Question put and passed.

As a mark of respect Members stood in their places in silence for one minute.

6. MOTION: SUSPENSION OF STANDING AND SESSIONAL ORDERS AGREED TO
Ms Fyles moved that so much of the Standing and Sessional Orders be suspended that would prevent:

1. the immediate presentation of the Criminal Code Further Amendment Bill 2019; and
2. passage through all stages this week.

Mr Collins, Mr Wood, Mrs Lambley.

Question put.

The Assembly divided:

Ayes 17	**Noes 5**
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Lambley
Mrs Finocchiaro	Mr McConnell
Ms Fyles	Mr Mills
Mr Gunner	Mr Wood
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	
Mrs Worden	

Question agreed to.

7. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Year 4 and 5 students from St. Mary's Catholic Primary School accompanied by their teachers.

On behalf of all Members the Speaker welcomed the visitors.

8. CRIMINAL CODE FURTHER AMENDMENT BILL 2019 (SERIAL 87)

Ms Fyles (Attorney-General and Minister for Justice), presented a Bill for an Act to amend the *Criminal Code Act 1983* and tabled the Explanatory Statement (Paper 1124) and the Human Rights Compatibility Statement (Paper 1125).

Ms Fyles moved that the Bill be read a first time and delivered an explanatory speech.

Bill read a first time.

Ms Fyles moved the Bill be read a second time.

Mrs Finocchiaro moved the debate be adjourned.

Question put and passed.

9. MOTION: SUSPENSION OF STANDING AND SESSIONAL ORDERS AGREED TO

Ms Wakefield moved that so much of the Standing and Sessional Orders be suspended that would prevent:

1. the immediate presentation of the Youth Justice Amendment Bill 2019; and
2. passage through all stages this week.

Mr Wood, Mrs Finocchiaro.

Question put.

The Assembly divided:

Ayes 15	**Noes 5**
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Finocchiaro

Ms Fyles	Mr McConnell
Mr Gunner	Mr Mills
Mr Kirby	Mr Wood
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Question agreed to.

10. YOUTH JUSTICE AMENDMENT BILL 2019 (SERIAL 84)

Ms Wakefield (Minister for Territory Families), presented a Bill for an Act to amend the *Youth Justice Act 2005* and tabled the Explanatory Statement (Paper 1126) and the Human Rights Compatibility Statement (Paper 1127).

Ms Wakefield moved that the Bill be read a first time and delivered an explanatory speech.

Debate suspended.

Suspension of Meeting: The meeting of the Assembly was suspended between 11.58 and 14.00.

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11. NOTICES

The following notices were given:

1. Ms Fyles (Minister for Health) will present on the next Meeting Day a Bill entitled National Disability Insurance Scheme (Authorisations) Bill 2019 (Serial 83).
2. Mr Gunner (Chief Minister) will present on the next Meeting Day a Bill entitled Integrity and Accountability Legislation Amendment Bill 2019 (Serial 86).
3. Ms Wakefield (Minister for Territory Families) will present on the next Meeting Day a Bill entitled Care and Protection of Children Amendment Bill 2019 (Serial 82).
4. Ms Wakefield (Minister for Territory Families) will present on the next Meeting Day a Bill entitled Youth Justice and Related Legislation Amendment Bill 2019 (Serial 85).

12. MOTION: LEAVE OF ABSENCE AGREED TO

Mrs Finocchiaro moved that a leave of absence for today be granted to Mr Higgins due to personal reasons.

Question put and passed.

13. PETITION

Mr Gunner presented Petition Number 33 from 483 petitioners praying that the Northern Territory Government fly the Aboriginal and Torres Strait Island flags at the Bagot Road overpass, raised at the same height as the Australian flag, and on both sides (Paper 1130).

Petition read.

14. MOTION: PETITION REFERRED TO SCRUTINY COMMITTEE AGREED TO

Mr Gunner moved that Petition Number 33 be referred to the Social Policy Scrutiny Committee.

Question put and passed.

15. QUESTIONS

14:02 Mrs Finocchiaro to Mr Gunner
14:06 Mr Sievers to Mr Gunner
14:10 Mrs Finocchiaro to Ms Wakefield
14:13 Mrs Finocchiaro to Ms Wakefield – Supplementary
14:14 Mr Paech to Ms Moss
14:18 Mrs Finocchiaro to Ms Fyles
14:22 Mrs Worden to Ms Manison
14:25 Mrs Finocchiaro to Ms Fyles
14:28 Ms Ah Kit to Ms Fyles
14:31 Mrs Lambley to Mr Gunner
14:35 Mr Paech to Mr McCarthy
14:39 Mr Mills to Ms Manison
14:42 Ms Ah Kit to Ms Uibo
14:45 Mr McConnell to Ms Wakefield
14:49 Ms Nelson to Ms Lawler
14:52 Mr Wood to Mr Gunner
14:56 Ms Nelson to Mr Kirby

Ms Fyles (Leader of Government Business) asked that further questions be placed on the Written Question Paper.

16. YOUTH JUSTICE AMENDMENT BILL 2019 (SERIAL 84)

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

Ms Wakefield.

Bill read a first time.

Ms Wakefield moved the Bill be read a second time.

Ms Fyles moved the debate be adjourned.

Question put and passed.

17. PETROLEUM LEGISLATION AMENDMENT BILL 2018 (SERIAL 76): BILL AGREED TO

Pursuant to Standing Order 81 at the request of Mr Kirby, Ms Fyles moved the Bill be read a second time.

Ms Manison, Mrs Finocchiaro, Mr Wood, Mr Guyula, Ms Lawler, Ms Nelson, Mr Paech, Mr Vowles, Mr Kirby.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of Mr Samuel Bush-Blanasi, the Chairman of the Northern Land Council, Ms Helen Lee, the Deputy Mayor of Roper Gulf Regional Council, and Ms Sherry Assam from NAAJA.

On behalf of all Members the Deputy Speaker welcomed the visitors.

Question put and passed.

Bill read a second time.

The Assembly considered the Bill in detail.

Clauses 1 to 3 considered together.

Clauses 1 to 3 stand as printed.

Clause 4 considered.

Mr Kirby moved the following amendment:

Clause 4

omit, insert

4 Section 5 amended (Interpretation)

(1) Section 5(1)

insert

appropriate person, to hold a permit or licence under this Act, see section 15A.

associated entity, see section 50AAA of the Corporations Act 2001.

hydraulic fracturing means the underground petroleum extraction process involving the injection of fluids at high pressure into a geological formation to induce fractures that conduct petroleum for extraction.

(2) Section 5(1), definition ***petroleum***

omit

all words from "reservoir," to "conventional means."

insert

reservoir.

Amendment agreed to.

Clause 4 as amended stands.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(1)

omit, insert

(1) In determining whether to grant a permit or licence, the Minister must be satisfied that the applicant, and any associated entity of the applicant, is an appropriate person to hold a permit or licence under this Act, having regard to the following matters:

(a) the applicant or entity's record of compliance with the prescribed legislation, including:

(i) whether the applicant or entity has contravened any of the prescribed legislation; and

(ii) the seriousness of any contraventions; and

(iii) the length of time since the contraventions (if any) occurred; and

(iv) any other matter the Minister considers relevant;

(b) whether the applicant or entity has held a licence or other authority under the prescribed legislation where that licence or authority has been suspended or revoked;

(c) whether in the opinion of the Minister, the action or thing to be authorised by the permit or licence is or will be under the control of a technically competent person;

(d) whether in the opinion of the Minister, the applicant or entity is of good repute, having regard to character, honesty and integrity;

(e) whether the applicant or entity has, within the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;

(f) whether the applicant or entity, within the previous 3 years:

(i) was an undischarged bankrupt; or

(ii) applied to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

(iii) entered into an arrangement with the applicant or entity's creditors or made an assignment of the applicant or entity's remuneration for their benefit;

(g) whether the applicant or entity is or was a director of a body corporate that is the subject of a winding-up order or for which a controller or administrator has been appointed within the previous 3 years;

(h) whether the applicant has demonstrated to the Minister the financial capacity to comply with the applicant's obligations under the permit or licence;

(i) whether the applicant or entity is in partnership, in connection with the action that is the subject of the permit or licence, with a person whom the Minister does not consider to be an appropriate person having regard to the matters listed in this subsection and subsection (2);

(j) any other matters the Minister considers relevant in determining whether a person is an appropriate person to hold a permit or licence.

Amendment agreed to.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(2)

omit

person

insert

applicant or entity

Amendment agreed to.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(4)

omit, insert

(4) The Minister may require an applicant or associated entity to provide more information in relation to any matter in order for the Minister to determine whether the applicant or entity is an appropriate person to hold a permit or licence under this Act.

Amendment agreed to.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(5)

omit

parent company or

Amendment agreed to.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(6), definition *prescribed environmental legislation*, after paragraph (b)

insert

(ba) the *Water Act 1992*;

Amendment agreed to.

Clause 5 considered.

Mr Kirby moved the following amendment:

Clause 5, proposed section 15A(6), definition *prescribed legislation*, after paragraph (a)

insert

(ab) the *Northern Territory Aboriginal Sacred Sites Act 1989*;

(ac) the *Taxation Administration Act 2007*;

Amendment agreed to.

Clause 5 as amended stands.

Clause 6 considered.

Mr Kirby moved the following amendment:

Clause 6, proposed section 16(3)(ea)

omit

applicant, and any parent company

insert

applicant

Amendment agreed to.

Clause 6 considered.

Mr Kirby moved the following amendment:

Clause 6, after proposed section 16(3)(ea)

insert

(eb) details of any matter relevant to the matters listed in section 15A(1) and (2) to which the Minister must have regard in determining whether a person is an appropriate person to hold an exploration permit; and

Amendment agreed to.

Clause 6 as amended stands.

Clause 7 considered.

Mr Kirby moved the following amendment:

Clause 7(2), proposed section 45(1)(ea)

omit

applicant, and any parent company

insert

applicant

Amendment agreed to.

Clause 7 considered.

Mr Kirby moved the following amendment:

Clause 7(2), after proposed section 45(1)(ea)

insert

(eb) details of any matter relevant to the matters listed in section 15A(1) and (2) to which the Minister must have regard in determining whether a person is an appropriate person to hold a production licence;

Amendment agreed to.

Clause 7 as amended stands.

Clause 8 considered.

Mrs Finocchiaro moved the following amendment:

Clause 8

to be opposed

Question put.

The Assembly divided:

Ayes 6	**Noes 16**
Mr Collins	Ms Ah Kit
Mr Guyula	Mr Costa
Mrs Finocchiaro	Ms Fyles
Mrs Lambley	Mr Gunner
Mr McConnell	Mr Kirby
Mr Mills	Ms Lawler
	Mr McCarthy

Ms Manison
Ms Moss
Ms Nelson
Mr Paech
Mr Sievers
Ms Uibo
Ms Wakefield
Mr Wood
Mrs Worden

Question not agreed to.

Question is that the Clause 8 stands as printed.

The Assembly divided:

Ayes 16	**Noes 5**
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Finocchiaro
Ms Fyles	Mrs Lambley
Mr Gunner	Mr McConnell
Mr Kirby	Mr Mills
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mr Wood	
Mrs Worden	

Question agreed to.

Clause 8 stands as printed.

Clause 9 considered.

Mr Kirby moved the following amendment:

Clause 9(2), proposed section 58(ab)

omit

conduct

insert

practice

Amendment agreed to.

Clause 9 as amended stands.

Clause 10 considered.

Mr Kirby moved the following amendment:

Clause 10(2)

omit, insert

(2) After section 93(9)

insert

(9A) If the transferee is not already a registered holder of an interest in the exploration permit or licence, the Minister must be satisfied that the transferee and any associated entity is an appropriate person to hold the permit or licence.

Amendment agreed to.

Clause 10 as amended stands.

Clause 11 considered.

Mr Kirby moved the following amendment:

Clause 11(2), proposed section 118(2)(ra)

omit

or standard

Amendment agreed to.

Clause 11 as amended stands.

Clause 12 considered.

Mrs Finocchiaro moved to oppose the Clause.

Question not agreed to.

Clause 12 considered.

Mr Kirby moved the following amendment:

Clause 12, Schedule, after item for section 13(8)(b)

insert

section 15A Determination that applicant or associated entity is appropriate person to hold permit or licence

Amendment agreed to.

Clause 12 considered.

Mr Kirby moved the following amendment:

Clause 12, Schedule, after item for section 93(4)

insert

section 93(10) Determine application by approving or refusing to approve it

Amendment agreed to.

Clause 12 as amended stands.

Clauses 13 and 14 considered together.

Clauses 13 and 14 stand as printed.

Clause 15 considered.

Mrs Finocchiaro moved to oppose the Clause.

Question not agreed to.

Clause 15 stands as printed.

Clauses 16 and 17 considered together.

Clauses 16 and 17 stand as printed.

Clause 18 considered.

Mrs Finocchiaro moved to oppose the Clause.

Question not agreed to.

Clause 18 stands as printed.

Remainder of the Bill taken together.

Remainder of the Bill stands as printed.

Bill as amended agreed to.

On the motion of Mr Kirby (Minister for Primary Industry and Resources), the Bill was read a third time and passed to be a proposed law.

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

The Assembly deferred consideration of the following reports:

1. *Public Accounts Committee Inquiry into Taxi Licensing and Subleasing Report* (Paper 554).
2. *Auditor-General for the Northern Territory, November 2017, Report to the Legislative Assembly (Paper 580).*
3. *Auditor-General for the Northern Territory, March 2018, Report to the Legislative Assembly* (Paper 677).
4. *Auditor-General for the Northern Territory, November 2018, Report to the Legislative Assembly* (Paper 1017).
5. *Select Committee on a Northern Territory Harm Reduction Strategy for Addictive Behaviours Interim Report* (Paper 1099).

19. RESPONSE TO PETITION

The Clerk, pursuant to Standing Order 123, tabled a response to Petition Number 27, youth justice facility be located in a different location to Pinelands, (Paper 1132).

20. MATTER OF PUBLIC IMPORTANCE: NEW FISCAL STRATEGY

The Speaker advised the Assembly that Mr McConnell had proposed a Matter of Public Importance.

In mid-December 2018 the Government released its Interim Report Briefing entitled "A Plan for Budget Repair" which, among other things, noted the Territory was headed towards a deficit of $35 billion in 2029-30 unless a "new fiscal strategy" was adopted.

By any definition, this is a crisis.

Having received the necessary support, discussion ensued.

Mr McConnell, Ms Manison, Mr Guyula, Mr Collins, Mrs Lambley, Mr Mills, Mrs Finocchiaro, Mr Wood.

Discussion concluded.

21. ADJOURNMENT

Ms Fyles (Leader of Government Business) moved that the Assembly adjourn.

Mrs Finocchiaro, Ms Fyles, Mr Mills, Mrs Lambley, Ms Uibo, Ms Nelson, Ms Ah Kit, Mr McCarthy, Mrs Worden, Mr Paech.

The Assembly adjourned at 21.38 until Wednesday 20 March 2019 Date at 10.00.

ATTENDANCE
All Members attended the meeting, except Mr Higgins on leave.

DEEMED PAPERS
Pursuant to Standing Order 239 the following papers were deemed tabled:

Coroners Act 1993
Report, Coroner's Findings and Recommendations regarding the death of Sabrina Di Lembo, 2019 (Paper 1128)
Report, Coroner's Findings and Recommendations regarding the death of Wilfried and Gisela Thor, 2019 (Paper 1129)

MICHAEL TATHAM
Clerk of the Legislative Assembly