NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 103
Tuesday 26 November 2019

1. MEETING

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

2. PRAYERS

3. ACKNOWLEDGMENT OF COUNTRY

Mr Costa 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 7 students from Dripstone Middle School accompanied by their teachers.

On behalf of all Members the Speaker welcomed the visitors.

5. CONDOLENCE MOTION AGREED TO: DR BARBARA CUMMINGS

The Speaker informed the Assembly of the death of Dr Barbara Cummings.

The Speaker advised Members of the presence in the Speaker's Gallery of family, friends and distinguished visitors.

Mr Gunner (Chief Minister), moved that this Assembly express its condolences at the passing of Dr Barbara Cummings and extend deepest sympathy to her family and friends.

Mr Higgins, Ms Uibo, Mr Vowles, Ms Ah Kit, Mr Paech, Mr Mills.

Question put and passed.

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

6. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of the following Message from Her Honour the Administrator (Paper 1421):

Message Number 28

Assent to Proposed Laws

I, VICKI O'HALLORAN AO, the Administrator of the Northern Territory of Australia, advise the Legislative Assembly, pursuant to section 7 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, of the assent to the following proposed laws:

6 November 2019

Statute Law Revision and Repeals Act 2019 (Act No. 33 of 2019)
Territory Parks and Wildlife Conservation Amendment Act 2019 (Act No. 34 of 2019)
Transport Legislation Amendment Act 2019 (Act No. 35 of 2019)
Water Further Amendment Act 2019 (Act No. 36 of 2019)

Dated 19 November 2019.

7. SPEAKER'S STATEMENTS

The Speaker made a statement regarding the 2019 Members Satisfaction Survey Report.

Paper Tabled: The Speaker tabled: 2019 Members Satisfaction Survey Report (Paper 1439).

The Speaker made a statement regarding Chamber arrangements.

8. PAPER TABLED: RESPONSE TO QUESTION ON NOTICE FROM THE LEADER OF THE OPPOSITION

The Speaker tabled a response to a question on notice from the Leader of the Opposition (Paper 1422).

9. MOTION: LEAVE OF ABSENCE AGREED TO

Mrs Lambley moved that a leave of absence for Tuesday and Wednesday be granted to Mr Collins due to personal reasons.

Question put and passed.

10. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Mr Sievers (Chair of the Economic Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Firearms Legislation Amendment Bill 2019 (Serial 106) (Paper 1423) and Minutes of Proceedings (Paper 1424) and made a statement.

Mr Sievers moved that the Assembly take note of the report.

Question put and passed.

11. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Mr Sievers (Chair of the Economic Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Sex Industry Bill 2019 (Serial 105) (Paper 1425) and Minutes of Proceedings (Paper 1426) and made a statement.

Mr Sievers moved that the Assembly take note of the report.

Ms Fyles, Mr Higgins.

Paper Tabled: Mr Higgins, by leave, tabled: Dissenting Report to the Economic Policy Scrutiny Committee on the Sex Industry Bill 2019 (Paper 1427) and made a statement.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Year 7 students from Dripstone Middle School accompanied by their teachers.

On behalf of all Members the Speaker welcomed the visitors.

Mr Wood.

Question put and passed.

12. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Mr Sievers (Chair of the Economic Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Work Health and Safety (National Uniform Legislation) Amendment Bill 2019 (Serial 103) (Paper 1428) and Minutes of Proceedings (Paper 1429) and made a statement.

Mr Sievers moved that the Assembly take note of the report.

Question put and passed.

13. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Ms Ah Kit (Chair of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Evidence and Other Legislation Amendment Bill 2019 (Serial 102) (Paper 1430) and Minutes of Proceedings (Paper 1431) and made a statement.

Ms Ah Kit moved that the Assembly take note of the report.

Question put and passed.

14. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Ms Ah Kit (Chair of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Local Government Bill 2019 (Serial 107) (Paper 1432) and Minutes of Proceedings (Paper 1433) and made a statement.

Ms Ah Kit moved that the Assembly take note of the report.

Question put and passed.

15. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Ms Ah Kit (Chair of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Mental Health and Related Services Amendment Bill 2019 (Serial 104) (Paper 1434) and Minutes of Proceedings (Paper 1435) and made a statement.

Ms Ah Kit moved that the Assembly take note of the report.

Question put and passed.

16. PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE

Ms Ah Kit (Chair of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the National Disability Insurance Scheme (Worker Clearance) Bill 2019 (Serial 110) (Paper 1436) and Minutes of Proceedings (Paper 1437) and made a statement.

Ms Ah Kit moved that the Assembly take note of the report.

Question put and passed.

17. PETITION REPORT FROM SCRUTINY COMMITTEE TABLED

The Speaker tabled a response from the Social Policy Scrutiny Committee regarding Petition Number 42 (Paper 1438).

18. PETITION REPORT FROM SCRUTINY COMMITTEE ADOPTED

The Clerk advised receipt of a report from the Social Policy Scrutiny Committee regarding Petition Number 42 (Paper 1438) concerning vapers' rights, recommending the Assembly debate the petition.

Mr Mills moved the report be adopted.

Question put and passed.

19. SEX INDUSTRY BILL 2019 (SERIAL 105)

Ms Fyles moved the Bill be read a second time.

Mr Wood.

Debate suspended.

Suspension of Meeting: The meeting of the Assembly was suspended between 12.00 and 14.00.

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20. SPEAKER'S STATEMENT

The Speaker made a statement regarding Ms Emma Gaines, an intern from the Isle of Man.

21. NOTICES

The following notices were given:

1. Mr Guyula (Member for Nhulunbuy) will move on the next General Business Day that:
    - In accordance with Standing Order 180, the Assembly appoints a Select Committee on Remote Policing on Aboriginal Land.
    - The committee is to inquire into improving the effectiveness of remote policing on Aboriginal land in reducing crime and building stronger and safer communities, with particular reference to:
        - the jurisdiction of police and the use of police powers;
        - the carrying of weapons and firearms and;
        - the engagement of local elders and leaders in order to maintain peace.
    - The Committee must report to the Assembly by 7 May 2020.
    - The membership of the committee will be two Government Members and one Opposition Member nominated to the Speaker in writing by the respective Whip, and two non-party aligned Members.
    - The Chair of the Committee may not be a Government Member.
    - The Member for Nhulunbuy and the Member for Stuart be appointed to the Committee as the non-party aligned Members.
    - The Member for Nhulunbuy be appointed Chair of the Committee.

22. QUESTIONS

14.02 Mr Higgins to Mr Gunner
14.05 Mr Paech to Mr Gunner
14.08 Mrs Finocchiaro to Mr Gunner
14.11 Mrs Finocchiaro to Mr Gunner – Supplementary
14.13 Mr Sievers to Ms Manison
14.16 Mr Higgins to Mr Gunner
14.20 Mr Costa to Ms Fyles
14.23 Mrs Finocchiaro to Ms Manison
14.27 Mrs Worden to Ms Lawler
14.31 Mr Wood to Ms Lawler

14.34 Mr Sievers to Ms Wakefield
14.37 Mr Mills to Ms Fyles
14.41 Mr Costa to Ms Uibo
14.45 Mrs Lambley to Mr Gunner
14.49 Ms Ah Kit to Ms Moss
14.52 Mr Higgins to Ms Wakefield
14.57 Ms Nelson to Mr Kirby

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

23. PAPER TABLED: LETTER CONCERNING WRITTEN QUESTION 700

The Speaker tabled a letter from the Minister for Police, Fire and Emergency Services concerning Written Question Number 700 dated 21 October 2019 (Paper 1462).

24. SEX INDUSTRY BILL 2019 (SERIAL 105): BILL AGREED TO

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

Mr Wood, Mr Higgins, Ms Purick, Ms Nelson, Mr Mills, Ms Manison, Ms Wakefield, Mr Sievers, Mrs Worden, Mrs Lambley, Ms Fyles.

Question put and passed.

Bill read a second time.

The Assembly considered the Bill in detail.

Clauses 1 to 2 considered together.

Clauses 1 to 2 stand as printed.

Clause 3 considered.

Clause 3 stands as printed.

Clause 4 considered.

Ms Fyles moved the following amendment:

Clause 4

insert

Review Committee means the Review Committee established under section 24A

Amendment agreed to.

Clause 4 as amended stands.

Clause 5 considered.

Clause 5 stands as printed.

Clause 6 considered.

Clause 6 stands as printed.

Clauses 7 to 8 considered together.

Clauses 7 to 8 stand as printed.

Clause 9 considered.

Clause 9 stands as printed.

Clauses 10 to 11 considered together.

Clauses 10 to 11 stand as printed.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(1), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(1)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(1)(b)

omit

a child performing sex work, or working for or in a sex services business, and the person

insert

another person performing sex work, or working for or in a sex services business, and the defendant

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(1)(c)

omit

the child is

insert

the other person is

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(2), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(2)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(2)(b)

omit

a child performing sex work, or working for or in a sex services business, and the person

insert

another person performing sex work, or working for or in a sex services business, and the defendant

Amendment agreed to.

Clause 12 considered.

Ms Fyles moved the following amendment:

Clause 12(2)(c)

omit

the child is

insert

the other person is a child who is

Amendment agreed to.

Clause 12 as amended stands.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(1), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(1)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(1)(b)

omit

a child and the person

insert

another person and the defendant

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(1)(c)

omit

the child is

insert

the other person is

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(2), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(2)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(2)(b)

omit

a child and the person

insert

another person and the defendant

Amendment agreed to.

Clause 13 considered.

Ms Fyles moved the following amendment:

Clause 13(2)(c)

omit

the child is

insert

the other person is a child who is

Amendment agreed to.

Clause 13 as amended stands.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(1), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(1)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(1)(b)

omit

a child is to perform sex work, or work for or in a sex services business, under the agreement and the person

insert

another person is to perform sex work, or work for or in a sex services business, under the agreement and the defendant

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(1)(c)

omit

the child is

insert

the other person is

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(2), after "A person"

insert

(the ***defendant***)

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(2)(a)

omit

person

insert

defendant

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(2)(b)

omit

a child is to perform sex work, or work for or in a sex services business, under the agreement and the person

insert

another person is to perform sex work, or work for or in a sex services business, under the agreement and the defendant

Amendment agreed to.

Clause 14 considered.

Ms Fyles moved the following amendment:

Clause 14(2)(c)

omit

the child is

insert

the other person is a child who is

Amendment agreed to.

Clause 14 as amended stands.

Clauses 15 to 17 considered together.

Clauses 15 to 17 stand as printed.

Clause 18 considered.

Ms Fyles moved the following amendment:

Clause 18(1)

omit

more than 2

insert

3 or more

Amendment agreed to.

Clause 18 considered.

Ms Fyles moved the following amendment:

After clause 18(2)

insert

(3) If a person contravenes subsection (1) or (2), the Commissioner may, by written notice, require the person to pay a civil penalty to the Territory in the amount prescribed by the regulations.

(4) A notice given under subsection (3) must specify the amount and time for payment.

(5) An amount payable under subsection (3) is a debt due to the Territory by the person.

Note for section 18

A contravention of subsection (1) or (2) is not an offence.

Amendment agreed to.

Clause 18 as amended stands.

Clause 19 considered.

Clause 19 stands as printed.

Clause 20 considered.

Ms Fyles moved the following amendment:

Clause 20(a)

omit

there is a change to any of the certificate holders or persons required to hold the certificate

insert

the person holding the certificate is no longer required to hold it

Amendment agreed to.

Clause 20 as amended stands.

Clauses 21 to 24 considered together.

Clauses 21 to 24 stand as printed.

New Clause after Clause 24 considered.

Ms Fyles moved the following amendment:

After clause 24, in Part 5

insert

24A Establishment of Review Committee

(1) The Review Committee is established.

(2) The Review Committee consists of the following members appointed by the Minister:

(a) one person who represents the interests of the community;

(b) 2 persons who represent the interests of the sex industry;

(c) one person with expertise and experience in public health;

(d) one person with expertise and experience in occupational health and safety.

(3) The Minister must appoint one member of the Review Committee to be the chairperson of the Committee.

(4) The Minister may determine the terms of the reference for the Review Committee.

(5) The Review Committee must comply with the terms of reference determined by the Minister.

(6) An act or thing done by the Review Committee is not affected only by reason of a vacancy in the membership of the Committee or a defect in the appointment of a person as a member.

24B Review of Act

(1) The Review Committee must, as soon as possible after the commencement of this Act:

(a) assess the number of sex workers in the Territory and the nature of the environment in which they work; and

(b) report on its findings to the Minister.

(2) The Review Committee must do the following within 5 years after the commencement of this Act:

(a) review the operation of this Act since its commencement;

(b) assess the impact of this Act on the number of sex workers in the Territory and the nature of the environment in which they work;

(c) consider whether any amendments to this Act or any other law are necessary or desirable in relation to sex workers or sex work and, in particular:

(i) whether the suitability certificate requirements are effective or could be improved; and

(ii) whether any other Agency could or should administer the suitability certificate requirements; and

(iii) whether a system is needed for identifying the location of sex services businesses;

(d) consider whether any further review or assessment of the matters set out in this subsection is necessary or desirable;

(e) report on its findings to the Minister.

(3) The Minister must table a copy of the report in the Legislative Assembly within 18 sitting days after the Minister receives the report.

Amendment agreed to.

New Clause after Clause 24 inserted.

Remainder of Bill taken together.

Remainder of Bill stands as printed.

Bill as amended agreed to.

Ms Fyles (Attorney-General and Minister for Justice) moved that the Bill be read a third time.

The Assembly divided:

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

Motion agreed to.

The Bill was read a third time and passed to be a proposed law.

25. PAPER TABLED: QUARTER THREE 2019 MEMBERS' FUEL TRANSACTIONS REPORT

The Deputy Speaker tabled: Quarter Three 2019 Members' Fuel Transactions Report (Paper 1463).

26. PAPER TABLED: REMUNERATION TRIBUNAL DETERMINATION NO. 1 OF 2019 – ENTITLEMENTS OF ASSEMBLY MEMBERS

Mr Gunner (Chief Minister) tabled: Remuneration Tribunal Determination No. 1 of 2019 – Entitlements of Assembly Members (Paper 1464) and made a statement.

Mr Gunner moved that the Assembly take note of the report and sought leave to continue his remarks at a later time.

Leave granted.

27. PAPER TABLED: STORY OF OUR CHILDREN AND YOUNG PEOPLE – NORTHERN TERRITORY 2019 REPORT

Mr Gunner (Chief Minister) tabled: Story of Our Children and Young People – Northern Territory 2019 Report (Paper 1465) and made a statement.

Mr Gunner moved that the Assembly take note of the report and sought leave to continue his remarks at a later time.

Leave granted.

28. 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.
3. *Report to the Legislative Assembly on the Review of Sessional Orders, September 2019* (Paper 1347). Deferred.

29. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 123, tabled Responses to Petition Number 40, regarding the request to sell the public housing property located at 14 Cashew Court, Karama (Paper 1466) and Petition Number 42, regarding vapers' rights (Paper 1467).

30. ADJOURNMENT

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

Mr Higgins, Mrs Lambley, Mr Sievers, Ms Moss, Ms Uibo, Ms Nelson, Ms Wakefield, Ms Manison, Ms Lawler, Mr Kirby, Mr Paech.

The Assembly adjourned at 20.57 until Wednesday 27 November 2019 at 10.00.

DEEMED PAPERS

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

Annual Report 2018
National Trust Northern Territory (Paper 1450)

Annual Reports 2018-2019
Aboriginal Areas Protection Authority (Paper 1441)
Community Visitor Program (Paper 1442)
Darwin Waterfront Corporation (Paper 1443)
Department of Health (Paper 1444)
Department of Tourism, Sport and Culture (Paper 1445)
Director-General of Licensing (Paper 1446)
Land Development Corporation (Paper 1447)
Liquor Act 1978 (Paper 1448)
Northern Territory Motor Accidents (Compensation) Commission (Paper 1449)
Northern Territory Child Deaths Review and Prevention Committee (Paper 1452)
Northern Territory Electoral Commission (Paper 1453)
Northern Territory Planning Commission (Paper 1454)
Office of the National Rail Safety Regulator (Paper 1451)
Office of the Children's Commissioner Northern Territory (Paper 1455)

Safe, Thriving and Connected: Generational Change for Children and Families (Paper 1461)
The Surveyors Board of the Northern Territory of Australia (Paper 1456)
Tourism NT (Paper 1457)
Work Health Authority (Paper 1458)

Coroners Act 1993

Coroner's Findings and recommendations regarding the deaths of Mr Robin Riley, Mr Thomas Turpin, Mr Fabian Andrews and Ms Cassandra Martin, dated 16 October 2019 (Paper 1459)

Remuneration Tribunal Report

Report and Determination No. 2 of 2019 – Entitlements of Assembly Members – Nhulunbuy Housing (Paper 1460)

ATTENDANCE

All Members attended the meeting, except Mr Collins.

MICHAEL TATHAM
Clerk of the Legislative Assembly