NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 97
Tuesday 17 September 2019

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1. MEETING

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

2. PRAYERS

3. ACKNOWLEDGEMENT OF COUNTRY

Ms Wakefield delivered the acknowledgement of country on behalf of the Assembly.

4. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of the following Message from Her Honour the Administrator (Paper 1301):

Message Number 26

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:

9 August 2019

Integrity and Accountability Legislation Amendment Act 2019 (Act No. 23 of 2019)

2 September 2019

Care and Protection of Children Amendment Act 2019 (Act No. 24 of 2019)
Hemp Industry Act 2019 (Act No. 25 of 2019)
Water Legislation Miscellaneous Amendments Act 2019 (Act No. 26 of 2019)

3 September 2019

Construction Contracts (Security of Payments) Legislation Amendment Act 2019 (Act No. 27 of 2019)
Education and Care Services (National Uniform Legislation) Amendment Act 2019 (Act No. 28 of 2019)
Liquor Act 2019 (Act No. 29 of 2019)

Dated 9 September 2019.

5. MOTION: LEAVE OF ABSENCE AGREED TO

Mr McCarthy moved that a leave of absence for this week be granted to Ms Fyles due to personal reasons.

Question put and passed.

6. **MOTION: LEAVE OF ABSENCE AGREED TO**
Mrs Finocchiaro moved that a leave of absence for this week be granted to Mr Higgins due to personal reasons.

Question put and passed.

7. **MOTION: LEAVE OF ABSENCE AGREED TO**
Mr Collins moved that a leave of absence for this week be granted to Mr Vowles due to personal reasons.

Question put and passed.

8. **SPEAKER'S STATEMENTS**
The Speaker made a statement regarding the passing of His Excellency Professor Bachruddin Jusuf Habibie, the 3rd Indonesian President.

The Speaker made a statement regarding the passing of Mrs Flora Jean Love.

9. **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.

10. **PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE**
Mr Paech (Member of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Environment Protection Bill 2019 (Serial 94) (Paper 1302) and Minutes of Proceedings (Paper 1303) and made a statement.

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

Mr Wood, Mrs Finocchiaro, Mrs Lambley, Mr Paech.

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 Electoral Legislation Further Amendment Bill 2019 (Serial 96) (Paper 1304) and Minutes of Proceedings (Paper 1305) and made a statement.

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

Mr Wood, Mrs Finocchiaro.

Question put and passed.

12. **PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE**
Mr Sievers (Chair of the Economic Policy Scrutiny Committee) tabled the Economic Policy Scrutiny Committee Annual Report 2018–2019 (Paper 1306) and Minutes of Proceedings (Paper 1307) and made a statement.

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

Mr Wood.

Question put and passed.

13. **PAPERS TABLED: REPORT FROM SCRUTINY COMMITTEE**
Mr Paech (Member of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Inquiry into the Territory Parks and Wildlife Conservation Amendment Bill

2019 (Serial 101) (Paper 1308) and Minutes of Proceedings (Paper 1309) and made a statement.

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

Question put and passed.

14. PETITION REPORTS FROM SCRUTINY COMMITTEES TABLED

The Speaker tabled responses from Scrutiny Committees regarding Petition Number 36 (Paper 1310), Petition Number 38 (Paper 1311) and Petition Number 39 (Paper 1312).

15. PETITION REPORT FROM SCRUTINY COMMITTEE ADOPTED

The Clerk advised receipt of a report from the Social Policy Scrutiny Committee regarding Petition Number 38 (Paper 1311) concerning opposition to changes within the Youth Justice and Related Legislation Amendment Act 2019 recommending the Assembly debate the petition.

Mrs Finocchiaro moved the report be adopted.

Question put and passed.

16. PETITION REPORT FROM SCRUTINY COMMITTEE

The Clerk advised receipt of a report from the Economic Policy Scrutiny Committee regarding Petition Number 36 (Paper 1310) concerning fixing the car parking problem at Alice Springs hospital recommending the Assembly debate the petition.

17. PETITION REPORT FROM SCRUTINY COMMITTEE

The Clerk advised receipt of a report from the Economic Policy Scrutiny Committee regarding Petition Number 39 (Paper 1312) concerning a request that a scrutiny committee investigate the transfer of the Darwin Waterfront Precinct back to the council recommending the Assembly debate the petition.

18. YOUTH JUSTICE AND RELATED LEGISLATION AMENDMENT BILL 2019 (SERIAL 85)

Ms Wakefield moved the Bill be read a second time.

Mrs Finocchiaro, Mr Wood.

Debate suspended.

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

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19. MINISTERIAL ARRANGEMENTS: QUESTION TIME

Mr McCarthy (Acting Leader of Government Business) informed the Assembly that questions for the Attorney-General and Minister for Justice be directed to Mr McCarthy, that questions for the Minister for Health be directed to Mr Gunner and that questions for the Minister for the Arafura Games be directed to Ms Moss.

20. LEAVE GRANTED TO PRESENT NOTICES ON BEHALF OF ANOTHER MINISTER

Mr McCarthy (Acting Leader of Government Business) sought leave to give notice of the Sex Industry Bill 2019 and the Mental Health and Related Services Amendment Bill

2019 on behalf of the Attorney-General and Minister for Justice which will stand in the name of Ms Fyles from the commencement of the second reading debate.

Leave granted.

21. NOTICES

The following notices were given:

1. Mr McCarthy (Acting Attorney-General and Minister for Justice) will present on the next Meeting Day a Bill entitled Sex Industry Bill 2019 (Serial 105).
2. Mrs Finocchiaro (Member for Spillett) will move on the next General Business Day:

   That this Assembly condemns the Chief Minister for:

   - his boundless incompetence and the Government's mismanagement of the Northern Territory for the last three years;
   - admitting he has no plans or vision as he lets the Territory slide into financial insolvency;
   - allowing property crime to spiral out of control;
   - allowing antisocial behaviour to cause untold physical and reputational damage to small businesses and individuals;
   - standing idle while Territorians pack up and leave, businesses close and jobs vanish;
   - treating all Territorians the same as problem drinkers with overreaching alcohol laws; and
   - causing stress and threatening hard-working public servants and teachers with pay freezes while throwing millions of dollars we do not have out the door on unjustifiable pet projects.
3. Ms Manison (Minister for Police, Fire and Emergency Services) will present on the next Meeting Day a Bill entitled Firearms Legislation Amendment Bill 2019 (Serial 106).
4. Mrs Lambley (Member for Araluen) will move on the next General Business Day:

   That this Assembly:

   - agree to implement a youth curfew in Alice Springs;
   - that this youth curfew or "Night time youth strategy" for children in Alice Springs, would involve unsupervised children, 16 years and under, found on the streets of Alice Springs at night between 10pm and 5am, being taken to a designated safe place by the Police or Territory Families Child Protection workers, where they will be assessed and detained until they can be placed in the care of a responsible adult; and
   - that an independent review be conducted at the end of the 2 year trial with particular reference to child safety, child health, community safety, crime reduction and school attendance.

22. QUESTIONS

14.03 Mrs Finocchiaro to Ms Wakefield
14.06 Mr Paech to Mr Gunner

Visitor: The Speaker advised Honourable Members of the presence in the gallery of Ms Marion Scrymgour, a former Deputy Chief Minister.

On behalf of all Members the Speaker welcomed the visitor.

14.10 Mrs Finocchiaro to Mr Gunner
14.14 Mr Sievers to Ms Manison
14.17 Mrs Finocchiaro to Mr Gunner
14.21 Mr Sievers to Ms Manison
14.25 Mrs Finocchiaro to Ms Wakefield
14.28 Mrs Worden to Mr Gunner
14.32 Mr Wood to Ms Lawler
14.35 Ms Ah Kit to Mr Kirby
14.39 Mr McConnell to Ms Moss
14.42 Mr Mills to Ms Uibo
14.46 Mr Sievers to Mr Kirby
14.49 Mrs Lambley to Mr Gunner
14.53 Mr Wood to Ms Manison
14.57 Ms Nelson to Ms Moss

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

Mrs Finocchiaro, pursuant to Standing Order 114, asked the Speaker to write to Ms Wakefield and Ms Manison seeking reasons for the delay in responding to written questions.

23. NOTICES

The following notices, by leave, were given:

1. Mr McCarthy (Acting Attorney-General and Minister for Justice) will present on the next Meeting Day a Bill entitled Mental Health and Related Services Amendment Bill 2019 (Serial 104).
2. Mr McCarthy (Minister for Local Government, Housing and Community Development) will present on the next Meeting Day a Bill entitled Local Government Bill 2019 (Serial 107).

24. YOUTH JUSTICE AND RELATED LEGISLATION AMENDMENT BILL 2019 (SERIAL 85): BILL AGREED TO

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

Mr Gunner, Ms Lawler, Ms Uibo, Mrs Lambley, Ms Manison, Mr Kirby, Mr Guyula, Mr Paech, Ms Purick, Mrs Worden, Mr Sievers, Mr McCarthy, Ms Ah Kit, Ms Wakefield.

Question put and passed, Mrs Finocchiaro dissenting.

Bill read a second time.

The Assembly resolved to consider the Bill in detail.

Clauses 1 to 4 considered together.

Clauses 1 to 4 stand as printed.

Clause 5 considered.

Clause 5 stands as printed.

Clause 6 considered.

Clause 6 stands as printed.

Clause 7 considered.

Clause 7 stands as printed.

Clause 8 considered.

Clause 8 stands as printed.

Clause 9 considered.

Ms Wakefield moved the following amendment:

Clause 9, proposed section 8A(1)

omit, insert

(1) This section applies to an offence except a prescribed offence.

(1A) A youth accused of an offence to which this section applies is entitled to be granted bail in accordance with this Act unless:

(a) an authorised member or a court is satisfied refusing bail is justified having considered the matters mentioned in sections 24 and 24A; or

(b) the youth stands convicted of the offence; or

(c) the requirement for bail is dispensed with under section 9.

Amendment agreed to.

Clause 9 considered.

Ms Wakefield moved the following amendment:

Clause 9, proposed section 8A(2)

omit

offence.

insert

offence or reason for which the youth is not entitled to be granted bail.

Amendment agreed to.

Clause 9 as amended stands.

Clause 10 considered.

Clause 10 stands as printed.

New Clause after Clause 10 considered.

Ms Wakefield moved the following amendment:

Clause 10A inserted

After clause 10

insert

10A Section 24 amended

Section 24(1)

omit

In

insert

Subject to section 24A, in

Amendment agreed to.

New Clause after Clause 10 inserted.

Clause 11 considered.

Ms Wakefield moved the following amendment:

Clause 11, proposed section 24A(2)

omit

, to the extent practicable, take into consideration the following:

insert

take into consideration, so far as they can reasonably be ascertained, the following matters:

Amendment agreed to.

Clause 11 as amended stands.

Clause 12 considered.

Clause 12 stands as printed.

Clause 13 considered.

Clause 13 stands as printed.

Clause 14 considered.

Clause 14 stands as printed.

Clauses 15 and 16 considered together.

Clauses 15 and 16 stand as printed.

Clause 17 considered.

Ms Wakefield moved the following amendment:

Clause 17, proposed regulation 2A(a)

omit

130(3B)

insert

130(3A) or (3B)

Amendment agreed to.

Clause 17 considered.

Ms Wakefield moved the following amendment:

Clause 17, proposed regulation 2A(c)

omit

(3).

insert

(3) of the Code;

Amendment agreed to.

Clause 17 considered.

Ms Wakefield moved the following amendment:

Clause 17, after proposed regulation 2A(c)

insert

(d) section 213(1) of the Criminal Code in the circumstances mentioned in section 213(6) of the Code.

Amendment agreed to.

Clause 17 as amended stands.

Clauses 18 to 20 considered together.

Clauses 18 to 20 stand as printed.

Clause 21 considered.

Ms Wakefield moved the following amendment:

Clause 21, proposed section 137(4)(b)

omit

at the expiry

insert

before the expiry

Amendment agreed to.

Clause 21 as amended stands.

Clauses 22 and 23 considered together.

Clauses 22 and 23 stand as printed.

Clause 24 considered.

Clause 24 stands as printed.

Clause 25 considered.

Ms Wakefield moved the following amendment:

Clause 25

to be opposed

Amendment agreed to.

Clause 25 omitted.

Clause 26 considered.

Clause 26 stands as printed.

Clause 27 considered.

Clause 27 stands as printed.

Clauses 28 to 30 considered together.

Clauses 28 to 30 stand as printed.

Clause 31 considered.

Clause 31 stands as printed.

Clause 32 considered.

Clause 32 stands as printed.

Clause 33 considered.

Ms Wakefield moved the following amendment:

Clause 33, after proposed section 49(2)(g)

insert

(ga) a genuine representative of the news media;

Amendment agreed to.

Clause 33 considered.

Ms Wakefield moved the following amendment:

Clause 33, after proposed section 49(4)

insert

(4A) In making an order under subsection (4), the Court must have regard to any prejudicial impact on the interests of the youth of the person's presence in the room or place in which the Court is being held, or within the hearing of the Court.

Amendment agreed to.

Clause 33 considered.

Ms Wakefield moved the following amendment:

Clause 33, proposed section 50(2)(b), after "consent of"

insert

the

Amendment agreed to.

Clause 33 considered.

Ms Wakefield moved the following amendment:

Clause 33, proposed section 50(7)

omit, insert

(7) In this section:

particulars likely to lead to the identification, in relation to a person, include the following particulars:

(a) the name of the person;

(b) the names of:

(i) any relative of the person; or

(ii) any other person having the care of the person; or

(iii) in addition to subparagraphs (i) and (ii), in the case of an Aboriginal person – a member of the person's community;

(c) the name or address of any place of residence of the person, or the locality in which the residence is situated;

(d) the name or address of any place of education, training or employment attended by the person, or the locality in which the place is situated.

Amendment agreed to.

Clause 33 as amended stands.

Clauses 34 to 39 considered together.

Clauses 34 to 39 stand as printed.

Clause 40 considered.

Ms Wakefield moved the following amendment:

Clause 40(1), before "insert"

insert

omit,

Amendment agreed to.

Clause 40 as amended stands.

Remainder of Bill considered together.

Remainder of Bill stands as printed.

Bill as amended agreed to.

Ms Wakefield (Minister for Territory Families) moved the Bill be read a third time.

Question put.

The Assembly divided:

Ayes 14	**Noes 2**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Ms Purick
Mr Gunner	
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Question put and passed.

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

25. 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.

26. RESPONSE TO PETITION

The Clerk, pursuant to Standing Order 123, tabled a response to Petition Number 36, regarding fixing the car parking problem at Alice Springs hospital (Paper 1323).

27. ADJOURNMENT

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

Ms Purick, Ms Manison, Mrs Finocchiaro, Mr Sievers, Ms Nelson, Mr McConnell, Ms Uibo.

The Assembly adjourned at 22.08 until Wednesday 18 September 2019 at 10.00.

DEEMED PAPERS

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

Annual Reports 2018-2019

Child Protection (Offender Reporting and Registration) Act 2004 (Paper 1313)
Department of the Legislative Assembly (Paper 1314)
Heritage Council Northern Territory (Paper 1315)
Liquor Act 1978 (Paper 1316)
Police (Special Investigative and Other Powers) Act 2015, Authorities for Assumed Identities (Paper 1317)
Police (Special Investigative and Other Powers) Act 2015, Witness Identity Protection Certificates (Paper 1318)
Terrorism (Emergency Powers) Act 2003 (Paper 1319)

Coroners Act 1993

Coroner's findings and recommendations regarding the death of Mr Sean Daniel Collins, dated 2 September 2019 (Paper 1320)

Gaming Control Act 1993

Agreement, Conduct of Internet Gaming Business between The Attorney-General for the Northern Territory of Australia and The Treasurer for the Northern Territory of Australia and Annexio Australia Pty Ltd, 12 September 2019 (Paper 1321)

NT Electoral Commission

2019 NT Electoral Boundary Redistribution, Report on the redistribution of the Northern Territory into divisions (Paper 1322)

ATTENDANCE

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

MICHAEL TATHAM
Clerk of the Legislative Assembly