NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 43
Thursday 23 November 2017

1. MEETING
The Assembly met at 10.00. The Deputy Speaker, Mr Chanston Paech, presided.

2. PRAYERS

3. ACKNOWLEDGEMENT OF COUNTRY
Ms Manison delivered the acknowledgement of country on behalf of the Assembly.

4. VISITORS
The Deputy Speaker advised Honourable Members of the presence in the gallery of Year 9 students from Marrara Christian College accompanied by their teachers.

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

5. SPEAKER'S STATEMENT
The Deputy Speaker made a statement regarding 20th anniversary of the first female Speaker.

The Deputy Speaker made a statement regarding World Aids Day.

6. PAPER TABLED: REPORT FROM SCRUTINY COMMITTEE
Mr Sievers (Chair of the Economic Policy Scrutiny Committee) tabled the Committee's Report on the Biological Control Amendment Bill 2017 (Serial 33) (Paper 552) and Minutes of Proceedings (Paper 553) and made a statement.

7. PAPER TABLED: REPORT FROM SCRUTINY COMMITTEE
Ms Ah Kit (Chair of the Social Policy Scrutiny Committee) tabled the Committee's Report on the Parks and Wildlife Commission Amendment Bill 2017 (Serial 32) (Paper 550) and Minutes of Proceedings (551) and made a statement.

8. PAPER TABLED: PUBLIC ACCOUNTS COMMITTEE INQUIRY INTO TAXI LICENSING AND SUBLEASING REPORT
Mrs Worden (Chair of the Public Accounts Committee) tabled the Committee's Report into *Taxi Licensing and Subleasing* (Paper 554) and Minutes of Proceedings (Paper 555) and made a statement.

Mrs Worden moved that the Assembly take note of the report.

Mrs Lambley.

Debate adjourned.

9. CRIMINAL CODE AMENDMENT (INTIMATE IMAGES) BILL 2017 (SERIAL 38)

Ms Fyles (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the Criminal Code and tabled the Explanatory Statement (Paper 556) and the Human Rights Compatibility Statement (Paper 557).

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

Bill read a first time.

Ms Fyles moved that the Bill be referred to the Social Policy Scrutiny Committee for report by 13 March 2017.

Question put and passed.

10. DOMESTIC AND FAMILY VIOLENCE AMENDMENT (INFORMATION SHARING) BILL 2017 (SERIAL 40)

Ms Fyles (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Domestic and Family Violence Act* and tabled the Explanatory Statement (Paper 558) and the Human Rights Compatibility Statement (Paper 559).

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

Bill read a first time.

Ms Fyles moved that the Bill be referred to the Social Policy Scrutiny Committee for report by 13 March 2017.

Question put and passed.

11. EVIDENCE (NATIONAL UNIFORM LEGISLATION) AMENDMENT (JOURNALIST PRIVILEGE) BILL 2017 (SERIAL 37)

Ms Fyles (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Evidence (National Uniform Legislation) Act* in relation to journalist privilege and tabled the Explanatory Statement (Paper 560) and the Human Rights Compatibility Statement (Paper 561).

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

Bill read a first time.

Ms Fyles moved that the Bill be referred to the Economic Policy Scrutiny Committee for report by 13 March 2017.

Question put and passed.

12. ADOPTION OF CHILDREN LEGISLATION AMENDMENT (EQUALITY) BILL 2017 (SERIAL 39)

Ms Wakefield (Minister for Territory Families), pursuant to notice, presented a Bill for an Act to amend the *Adoption of Children Act* and *Adoption of Children Regulations* and tabled the Explanatory Statement (Paper 562) and the Human Rights Compatibility Statement (Paper 562A).

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

Bill read a first time.

Ms Wakefield moved that the Bill be referred to the Social Policy Scrutiny Committee for report by 13 March 2017.

Question put and passed.

13. INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL 2017 (SERIAL 30)
Resumption of debate on the question that the Bill be read a second time.

Ms Fyles.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of the Consul General of Portugal, Paulo Guedes Domingues and Oscar da Cruz Nunes the Honorary Consul in Darwin for Portugal.

On behalf of all Members the Speaker welcomed the visitors.

Question put and passed.

Bill read a second time.

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

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14. NOTICES
The following notice was given:

Mr Higgins (Leader of the Opposition) will move on the next General Business Day:

That this Assembly:

- notes with concern the release of the Government's Revenue Discussion Paper on 14 November 2017;
- implores the Government not to increase the tax burden and cost-of-living of Territorians and look to their expenditures instead;
- recognises that a land tax will adversely affect all Territorians, not just those who own property by driving up the cost of living and the cost of doing business in the Northern Territory;
- recognises that payroll tax is a direct tax on jobs and any increase will inhibit job creation in the Northern Territory; and
- recognises that a bank tax will result in higher bank fees and charges, less return for savers, and will cripple the fledgling finance sector in the Northern Territory.

15. MOTION: LEAVE OF ABSENCE AGREED TO
Ms Fyles moved that a leave of absence for today be granted to Mr Collins due to personal reasons.

Motion agreed to.

16. PETITIONS
Ms Purick presented Petition Number 14 from 775 petitioners praying that the Northern Territory Government takes heed of community outrage when animals are deliberately and maliciously harmed, injured or killed (Paper 563).

Petition read.

Ms Purick presented Petition Number 15 from 36,209 petitioners not conforming with Standing Orders relating to demanding justice for Pearl the Pony (Paper 564).

Petition read.

Mrs Finocchiaro presented Petition Number 17 from 634 petitioners praying that the Northern Territory Government immediately do a dry season count of the magpie goose population and if it shows the numbers have increased to over 1 million instigate a five goose bag limit this hunting season. From 2018 return to an adaptive management system of 17 week hunting seasons and a 10 goose bag limit for a minimum of five consecutive years to assess the harvest rate, sustainability of hunting and resilience of the magpie goose population in the Northern Territory (Paper 566).

Petition read.

Mr Higgins presented Petition Number 16 from 1174 petitioners praying that the Northern Territory Government will enter into meaningful discussions with the rugby league Community concerning the future of rugby league in the Territory (Paper 565).

Petition read.

17. QUESTIONS

14.05 Mr Higgins to Mr Gunner
14.09 Mr Sievers to Mr Gunner

Paper Tabled: Hon. Michael Gunner (Chief Minister) tabled his letter to the Hon. Malcolm Turnbull MP, regarding the introduction of voluntary euthanasia legislation in the States and Territories (Paper 575).

14.12 Mrs Finocchiaro to Ms Fyles
14.16 Mrs Worden to Mr Gunner
14.19 Mr Wood to Mr Vowles
14.23 Ms Uibo to Ms Manison
14.26 Mr Mills to Mr Vowles
14.31 Mr Kirby to Ms Manison

Papers Tabled: Ms Manison (Treasurer) tabled the following papers:

1. Budget 2017-2018, Federal Financial Relations Budget Paper No.3 (Paper 576).
2. Budget Overview (Paper 577).
3. Budget Strategy and Outlook 2017-2018, Budget Paper No.2 (Paper 578).
4. Department of Treasury and Finance, Pre-Election Fiscal Outlook Report, 18 August 2016 (Paper 579).

Visitor: The Speaker advised Honourable Members of the presence in the gallery of Adam Austin, the partner of the Ms Ah Kit.

On behalf of all Members the Speaker welcomed the visitor.

14.35 Mr Guyula to Mr Gunner

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Australian Defence Members of the Soldier Recovery Centre at Robertson Barracks.

On behalf of all Members the Speaker welcomed the visitors.

14.39 Ms Uibo to Mr McCarthy
14.42 Mr Higgins to Mr McCarthy

14.46 Ms Nelson to Mr Vowles
14.50 Mrs Lambley to Ms Moss
14.55 Mr Wood to Ms Manison
14.58 Mrs Finocchiaro to Ms Fyles
15.02 Mr Higgins to Ms Moss

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

18. INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL 2017 (SERIAL 30): BILL AGREED TO

The Assembly consider the Bill in detail.

Clauses 1 to 3 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 4

insert (in alphabetical order)

irrelevant criminal record, see section 4(1) of the *Anti-Discrimination Act*.

political opinion, affiliation or activity has the same meaning as in the *Anti-Discrimination Act*.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 to 17 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 18(1)(c)(iv), (3)(b) and (4)

omit

another

insert

a referral

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 18(3)(b)

omit

to deal with

insert

not to refer

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 45 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 46, before "For"

insert

4

(1)

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 46, note

omit

46

insert

subsection (1)

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 46, at the end

insert

(2) If the ICAC receives a request for a direction mentioned in subsection (1)(a), the ICAC must, in private, hear arguments about and determine the request, unless the ICAC has reason to believe the request is vexatious or without merit.

Amendment agreed to.

Clause 46, as amended, agreed to.

Ms Fyles moved the following amendment:

New clause 46A

After clause 46, in Part 3, Division 7

insert

46A Requirement to inform witness of certain matters

Before a witness is questioned at a public inquiry, the ICAC must inform the witness of the following:

(a) that a public inquiry, or part of it, may be held in private;

(b) that the witness may request a direction mentioned in section 46(1)(a) if the witness is being asked to give an answer or any other evidence:

(i) that the witness is not legally required to give; or

(ii) about a personal or sensitive matter; or

(iii) about an offence that the witness may have committed that is not directly related to the subject matter of the inquiry; or

(iv) that concerns the witness for any other reason;

(c) that the ICAC will hear and determine the request in private, unless the ICAC has reason to believe the request is vexatious or without merit.

Example for paragraph (b)(ii)

The witness is being asked to give an answer or any other evidence about a personal health matter.

New clause 46A agreed to.

Clauses 47 and 48 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 49

After clause 49(2)

insert

(2A) An investigation report may:

(a) contain as much information as the ICAC considers appropriate in relation to the subject matter of the investigation to which the inquiry relates; and

(b) include a finding as to whether a person has engaged in, is engaging in or is about to engage in, improper conduct; and

(c) include information as to whether an allegation of improper conduct has been referred to, or in the ICAC's opinion warrants referral to, a referral entity.

Note for subsection (2A)

An investigation report may contain recommendations – see section 55.

(2B) However, an investigation report must not include a finding:

(a) as to whether a person has committed, is committing or is about to commit, an offence or a breach of discipline; or

(b) as to the prospects of success of any current or future prosecution or disciplinary action.

(2C) For subsection (2B), a finding that a person has engaged, is engaging or is about to engage in improper conduct is not a finding that the person is guilty of or has committed, is committing or is about to commit an offence or a breach of discipline.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clauses 50 to 66 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 67

Clause 67(1) and (3)

omit

justice of the peace

insert

judicial officer

Amendment agreed to.

Clause 67, as amended, agreed to.

Ms Fyles moved the following amendment:

Clause 68

Clause 68(1), (2), (3)(b) and (c), (4) and (5)

omit (all references)

justice of the peace

insert

judicial officer

Amendment agreed to.

Clause 68, as amended, agreed to.

Clauses 69 to 79 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 80

Clause 80(2)

omit

, or facing criminal proceedings for,

Amendment agreed to.

Clause 80, as amended, agreed to.

Clause 81 to 111 taken together and agreed to.

Clause 112 read.

Debate ensued.

Question put.

The Assembly divided:

Ayes 16	**Noes 6**
Ms Ah Kit	Mrs Finocchiaro
Ms Fyles	Mr Guyula
Mr Gunner	Mr Higgins
Mr Kirby	Mrs Lambley
Ms Lawler	Mr Mills
Ms Manison	Mr Wood
Mr McCarthy	
Mr McConnell	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	
Mrs Worden	

Clause 112 agreed to.

113 to 124 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 125

Clause 125(6)

Omit

Amendment agreed to.

Clause 125, as amended, agreed to.

Clauses 126 to 128 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 129

Clause 129(1)(f) *(first occurring)*

omit, insert

(ea) guidelines issued under section 105;

Amendment agreed to.

Clause 129, as amended, agreed to.

Clauses 130 to 138 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 139

Clause 139, at the end

insert

(3) If the Inspector is of the opinion that a matter needs to be brought to the attention of the ICAC Minister sooner than the next report under section 136 is due, the Inspector may make a report to the ICAC Minister.

(4) The Inspector may specify to the ICAC Minister that the report is to be tabled in the Legislative Assembly.

(5) If the Inspector specifies that a report is to be tabled in the Legislative Assembly, the ICAC Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the ICAC Minister receives the report.

Amendment agreed to.

Clause 139, as amended, agreed to.

Ms Fyles moved the following amendment:

Clause 140

Clause 140(1)

omit

of an evaluation

insert

on an evaluation, a report made under section 139

Amendment agreed to.

Clause 140, as amended, agreed to.

Ms Fyles moved the following amendment:

New clauses 141A and 141B

After clause 141, in Part 7, Division 5

insert

141A Suitability checks

(1) This section applies when the Inspector determines whether a person is a suitable person to be, or remain as, a member of the Inspector's staff.

(2) The Inspector may request the person to do any of the following:

(a) provide or consent to a criminal history check and, if necessary, provide biometric data for that purpose;

(b) declare personal interests the Inspector considers relevant;
(c) undergo a police intelligence or integrity check;

(d) undergo a medical or psychological assessment;

(e) make a statutory declaration in relation to matters determined by the Inspector to be relevant to the person's suitability.

(3) The Inspector may take into account the person's past and present political opinion, affiliation or activity and the person's irrelevant criminal record, if:

(a) they appear relevant to the person's ability to be involved in a particular matter in a way that will be and appear to be impartial; or

(b) they may generally bring the Inspector's reputation for impartiality and integrity into disrepute; or

(c) they may affect the person's ability to carry out substantial parts of the person's role.

(4) The acts mentioned in subsections (2) and (3) are specifically authorised for section 53 of the *Anti-Discrimination Act.*

141B Handling information regarding suitability

(1) Subject to subsection (2), the Inspector must not disclose any information about a person obtained as a result of action taken under section 141A(2) to any person other than the person.

(2) The Inspector may disclose information mentioned in subsection (1) to the extent necessary for any proceeding relating to action taken in relation to the person to which the information is relevant.

(3) The Inspector must arrange for the secure storage of information mentioned in subsection (1) and for its destruction when it is no longer required.

New clauses 141A and 141B agreed to.

Clause 142 to 159 taken together and agreed to.

Ms Fyles moved the following amendment:

Clause 160A

After Clause 160

insert

160A Current investigations

(1) All information and records in the possession or control of the PID Commissioner immediately before the commencement, other than information covered by section 160, are to be transferred to the ICAC.

(2) Without limiting subsection (1), information and records which must be transferred include the following:

(a) any information relating to a disclosure or purported disclosure under section 10 of the repealed Act that does not relate to a current investigation, including information related to preliminary inquiries, informal referrals, formal referrals, past investigations and reports;

(b) any information that may disclose the identity of a discloser or purported disclosure, or that in any way relates to dealing with a discloser or purported discloser;

(c) any legal advice or information that relates to actual or potential legal proceedings;

(d) any confidential information obtained from a law enforcement agency.

New clause 160A agreed to.

Ms Fyles moved the following amendment:

Schedule 1

Schedule 1, item 4(g)

omit

another

insert

a referral

Independent

Amendment agreed to.

Schedule, as amended, agreed to.

Remainder of Bill taken as a whole.

Bill as amended agreed to.

On the motion of Ms Fyles (Attorney-General and Minister for Justice) the Bill was read a third time and passed to be a proposed law.

19. MISUSE OF DRUGS AMENDMENT BILL 2017 (SERIAL 31): BILL AGREED TO

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

Mrs Finocchiaro, Mr Wood, Ms Fyles.

Question put and passed.

Bill read a second time.

On the motion of Ms Fyles, by leave, the Bill was read a third time and passed to be a proposed law.

20. PAPERS TABLED:

The Deputy Speaker tabled the following papers:

1. *Auditor-General for the Northern Territory, November 2017* (Paper 580).

   Ms Manison made a statement and moved that the Assembly take note of the report.

On the motion of Ms Fyles debate was adjourned.

2. *Schedule of Government Responses to Committee Reports, November 2017* (Paper 581).
3. *Quarterly Members Fuel Transaction Reports, July - September 2017* (Paper 582).

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

1. *Auditor-General for the Northern Territory, August 2017* (Paper 395).

Resumption of debate on the question that the Assembly take note of the report

Ms Fyles.

On the motion of Ms Lawler debate was adjourned.

22. ADJOURNMENT

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

Ms Fyles.

Visitors: The Acting Deputy Speaker advised Honourable Members of the presence in the gallery of the family of Ms Fyles.

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

Mr Paech, Mr Gunner, Ms Uibo, Ms Manison.

Visitors: The Acting Deputy Speaker advised Honourable Members of the presence in the gallery of former Lord Mayor of Darwin, Katrina Fong Lim and Mr Gary Lambert.

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

Mrs Worden, Mr Wood, Ms Lawler, Mr McCarthy, Mr Guyula, Ms Nelson.

Papers Tabled: Ms Nelson, by leave, tabled the following papers:

1. Service Book, Celebration of Life, Elizabeth Anne Holmes (Paper 583).
2. Copy of a diary extract, Elizabeth Anne Holmes (Paper 584).

Ms Ah Kit, Mr Kirby, Ms Wakefield, Mr Sievers.

The Assembly adjourned at 19.00 until Tuesday 6 February 2018 at 10.00.

DEEMED PAPERS

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

Annual Reports 2016-2017:

Desert Knowledge Australia, 2016-2017 (Paper 567).
Environment Protection (Beverage Containers and Plastic Bags) Act, 2016-2017 (Paper 568).
National Education and Care Services Freedom of Information & Privacy Commissioners and Ombudsman, 2016-2017 (Paper 569).
Land Development Corporation, 2016-2017 (Paper 570).
Tourism NT, 2016-2017 (Paper 571).

Subordinate Legislation 2017:

No.30, Gaming Machine Amendment Rules 2017 (Paper 572).
No.31, Corporations Law Amendment (Associate Judges) Rules 2017 (Paper 573).
No.32, Supreme Court Amendment (Associate Judges) Rules 2017 (Paper 574).

ATTENDANCE
All Members attended the meeting, except Mr Collins and Mr Costa on leave.

MICHAEL TATHAM
Clerk of the Legislative Assembly