NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 104
Wednesday 27 November 2019

1. ABSENCE OF SPEAKER

Pursuant to Standing Order 216, the Clerk informed the Assembly of the absence of the Speaker.

2. MEETING

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

3. PRAYERS

4. ACKNOWLEDGEMENT OF COUNTRY

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

5. VISITORS

The Deputy Speaker advised Honourable Members of the presence in the gallery of Year 11 students from Good Shepherd Lutheran School accompanied by their teacher.

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

6. MOTION: APPOINTMENT OF A SELECT COMMITTEE ON REMOTE POLICING NOT AGREED TO

Mr Guyula pursuant to notice, moved:

- 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.

Ms Manison, Mr Higgins, Mr McConnell, Mr Mills, Mrs Lambley.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of visitors participating in a public tour of Parliament House.

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

Mr Wood.

By leave, Mr Guyula gave his reply in Yolngu Matha.

Question put.

The Assembly divided:

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

Motion not agreed to.

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

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7. NOTICES

The following notices were given:

1. Ms Fyles (Attorney-General and Minister for Justice) will present on the next Meeting Day a Bill entitled Justice Legislation Amendment (Domestic and Family Violence) Bill 2019 (Serial 113).
2. Ms Fyles (Attorney-General and Minister for Justice) will present on the next Meeting Day a Bill entitled Licensing (Director-General) Repeal Bill 2019 (Serial 115).

3. Ms Fyles (Attorney-General and Minister for Justice) will present on the next Meeting Day a Bill entitled Sexual Offences (Evidence and Procedure) Amendment Bill 2019 (Serial 117).
4. Ms Lawler (Minister for Infrastructure, Planning and Logistics) will present on the next Meeting Day a Bill entitled Ports Legislation Amendment Bill 2019 (Serial 114).
5. Mr Kirby (Minister for Primary Industry and Resources) will present on the next Meeting Day a Bill entitled Petroleum Legislation Miscellaneous Amendments Bill 2019 (Serial 116).

8. PETITION

Mr Guyula presented Petition Number 43 from 6410 petitioners relating to banning all unconventional oil and gas activities in the Northern Territory (Paper 1487) and moved the petition be read.

Question put and passed.

9. MOTION: PETITION REFERRED TO SCRUTINY COMMITTEE AGREED TO

Mr Guyula moved that Petition Number 43 be referred to the Economic Policy Scrutiny Committee.

Question put and passed.

10. PETITION

Mrs Finocchiaro presented Petition Number 44 from 46 petitioners relating to the proposed change of service provider for outside school hours care at Woodroffe Primary School (Paper 1488) and moved the petition be read.

Question put and passed.

11. MOTION: PETITION REFERRED TO SCRUTINY COMMITTEE AGREED TO

Mrs Finocchiaro moved that Petition Number 44 be referred to the Social Policy Scrutiny Committee.

Question put and passed.

12. QUESTIONS

14.03 Mr Higgins to Mr Gunner

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of Electorate Officers from the electorates of Stuart, Araluen and Fong Lim.

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

14.07 Mr Higgins to Ms Lawler
14.10 Mr Higgins to Ms Lawler - Supplementary
14.13 Mrs Finocchiaro to Ms Uibo
14.16 Mrs Finocchiaro to Ms Wakefield
14.19 Mr Higgins to Ms Lawler
14.23 Mr Higgins to Mr Gunner
14.27 Mr Wood to Mr Kirby
14.30 Mr Wood to Ms Moss
14.34 Mr McConnell to Ms Manison
14.38 Mr McConnell to Ms Lawler
14.42 Mr Mills to Mr Gunner
14.46 Mr Mills to Ms Fyles

14.49 Mrs Lambley to Mr Gunner
14.53 Mrs Lambley to Ms Lawler
14.55 Mr Higgins to Mr Kirby

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

13. MOTION: ALICE SPRINGS YOUTH CURFEW NOT AGREED TO

Mrs Lambley, pursuant to notice, moved:

> That the NT Legislative 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. That an independent review be conducted at the end of the 2 years with particular reference to child safety, child health, community safety, crime reduction and school attendance.

Mr McConnell, Ms Wakefield, Mr Mills, Ms Nelson, Mr Higgins, Mr Wood, Mrs Lambley.

Paper Tabled: Mrs Lambley, by leave, tabled: Extract, Office of Children and Families, 2012 Mini Budget (Paper 1490).

Question put.

The Assembly divided:

Ayes 5	**Noes 14**
Mrs Finocchiaro	Ms Ah Kit
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
	Mr Sievers
	Ms Uibo
	Ms Wakefield
	Mrs Worden

Motion not agreed to.

14. MOTION: SINGLE USE PLASTICS LAPSED

Pursuant to Standing Order 81, the motion was withdrawn from the notice paper.

15. MOTION: COMMUNITY-LED SCHOOLS AS AMENDED AGREED TO

Resumption of debate on the motion:

That this Assembly:

- Urge Government to discontinue its policy of using truancy officers to fine parents in communities where children have not attended school; and
- Urge the Government to implement its policy of community-led schools and work with community members to identify what barriers exist for children in attending

school - and implement changes identified by communities to remove barriers to education for all children.

Ms Uibo moved the following amendment on 8 May 2019:

Omit the words "discontinue its policy of"

and

insert in their place the following words:

"consider alternatives to its policy of"

Mr Guyula.

Question, that the amendment be agreed to, put and passed.

Question, that the motion as amended be agreed to, put and passed.

16. MOTION: FISCAL CRISIS AS AMENDED AGREED TO

Resumption of debate on the motion:

That this Assembly:

1. recognises that the Northern Territory is in a fiscal crisis based on its 'Plan for Budget Repair' dated 14 December 2018;
2. acknowledges that this crisis transcends the party divide;
3. takes responsibility as a whole to address the dire state of the Northern Territory finances.

Ms Manison moved the following amendment on 13 February 2019:

Remove all words after 'That this Assembly' and replace with:

1. recognise that the Northern Territory has budget challenges due to a number of factors - including an annual Commonwealth GST reduction of $500 million and a $867 million deficit identified in the 2016 PEFO - and is addressing this through its "Plan for Budget Repair' dated 14 December 2018;
2. acknowledges that this Assembly must work together to create jobs and deliver generational change because this is crucial to budget repair;
3. continues to take responsibility to address budget challenges through the Plan for Budget Repair final report and the root and branch review of programs that will be incorporated in Budget 2019.

Mr Higgins.

Question, that the amendment be agreed to, put.

The Assembly divided:

Ayes 14	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Ms Fyles	Mr Higgins
Mr Gunner	Mrs Lambley
Mr Kirby	Mr Mills
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	

Ms Uibo
Ms Wakefield
Mrs Worden

Amendment agreed to.

Question, that the motion as amended be agreed to, put,

The Assembly divided:

Ayes 14	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Ms Fyles	Mr Higgins
Mr Gunner	Mrs Lambley
Mr Kirby	Mr Mills
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Motion as amended agreed to.

17. MOTION: YOUTH SKILLS CENTRE HOWARD SPRINGS AGREED TO

Resumption of debate on the motion:

That this Assembly:

Acknowledges that the government has proposed a new Youth Skills Centre at Howard Springs, and calls on the government to:

- explain, in detail, the associated costs, consultations and project management, of this proposal;
- state the reasons and establish the need for this proposal; and
- consult widely with the populations of Palmerston and the Rural Area. .

Mr Higgins, Ms Ah Kit, Mr Wood.

Question put and passed.

18. WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) AMENDMENT BILL 2019 (SERIAL 103): BILL AGREED TO

Ms Fyles moved the Bill be read a second time.

Mr Higgins, Mr Gunner, Mr Kirby, Mr Wood, Mr Paech, Mr Sievers, Ms Fyles.

Question put and passed.

Bill read a second time.

The Assembly considered the Bill in detail.

Clauses 1 to 5 considered together.

Clauses 1 to 5 stand as printed.

Clause 6 considered.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 34B(1)(a)

insert

(ab) the person is a person conducting a business or undertaking or an officer of a person conducting a business or undertaking; and

Amendment agreed to.

Clause 6 considered.

Ms Fyles moved the following amendment:

Clause 6, proposed section 34B(2), after "(1)(a)"

insert

and (ab)

Amendment agreed to.

Clause 6 considered.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 34B(3)

insert

(4) For this section, a person's conduct causes death if it substantially contributes to the death.

Amendment agreed to.

Clause 6 considered.

Ms Fyles moved the following amendment:

Clause 6, proposed section 34D

omit

Amendment agreed to.

Clause 6 as amended stands.

Clause 7 considered.

Clause 7 stands as printed.

Clause 8 considered.

Ms Fyles moved the following amendment:

Clause 8, proposed section 231(1)(a)(i) to (iii)

omit, insert

(i) a Category 1, Category 2 or Category 3 offence; or

(ii) industrial manslaughter; and

Amendment agreed to.

Clause 8 considered.

Ms Fyles moved the following amendment:

Clause 8, proposed section 231A

omit, insert

231A Referral to Director of Public Prosecutions

(1) The regulator must seek the views of the Director of Public Prosecutions on the merits of a prosecution if:

(a) the regulator is considering bringing proceedings in respect of a death for:

(i) a Category 1, Category 2 or Category 3 offence; or

(ii) industrial manslaughter; or

(b) the regulator receives a request under section 231 for the prosecution of an offence in respect of a death.

(2) In seeking the views of the Director of Public Prosecutions, the regulator must give the Director of Public Prosecutions a copy of any relevant information and evidence the regulator may have, including a copy of any request.

(3) Within 25 business days after receiving the material under subsection (2), the Director of Public Prosecutions must give the regulator the Director's views on the following:

(a) the merits of a prosecution for the offence referred or for any other offence in respect of the death;

(b) whether the Director consents to a prosecution under section 231B.

(4) Despite subsection (1), the regulator need not seek the views of the Director of Public Prosecutions on the merits of a prosecution in respect a death that was previously referred under this section, unless there are new facts or new evidence to justify the referral.

231B Consent to prosecution

The regulator requires the consent of the Director of Public Prosecutions to bring proceedings for:

(a) a Category 1, Category 2 or Category 3 offence in respect of a death; or

(b) industrial manslaughter.

Amendment agreed to.

Clause 8 as amended stands.

Remainder of Bill taken together.

Remainder of Bill stands as printed.

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. MOTION: ASSEMBLY TO CONSIDER ROUTINE OF BUSINESS NUMBER 7 AGREED TO

Ms Fyles (Leader of Government Business), pursuant to Standing Order 59, moved that the Assembly now consider Routine of Business Number 7.

Question put and passed.

20. MOTION: REPORT TO THE LEGISLATIVE ASSEMBLY ON THE REVIEW OF SESSIONAL ORDERS, SEPTEMBER 2019 AGREED TO

Resumption of debate on the question that the Assembly adopt the report.

Ms Fyles, Mr Wood, Mr Mills.

Question put.

The Assembly divided:

Ayes 14	**Noes 4**
Ms Ah Kit	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	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Motion agreed to.

21. PAPER TABLED: STANDING ORDERS COMMITTEE'S REPORT ON A PROPOSAL CONCERNING REFORM TO THE ASSEMBLY SCRUTINY COMMITTEES

Ms Fyles (Chair of Standing Orders Committee) tabled the Committee's report on A Proposal Concerning Reform to the Assembly Scrutiny Committees (Paper 1491) and made a statement.

Ms Fyles moved that the Assembly adopt the report.

Mrs Lambley, Mr Wood, Mr Mills.

Question put

The Assembly divided:

Ayes 15	**Noes 3**
Ms Ah Kit	Mrs Lambley
Ms Fyles	Mr Mills
Mr Higgins	Mr Wood
Mr Gunner	
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Motion agreed to.

22. MOTION: REFERRAL OF MATTERS TO THE LEGISLATION SCRUTINY COMMITTEE AGREED TO

Ms Fyles (Leader of Government Business), by leave, moved:

That any matter which has been referred to the former Economic Policy Scrutiny Committee and Social Policy Scrutiny Committee is referred to the Legislation Scrutiny Committee.

Question put and passed.

23. MOTION: MEMBERSHIP OF THE LEGISLATION SCRUTINY COMMITTEE AGREED TO

Ms Fyles (Leader of Government Business), by leave, moved:

That Ms Nelson, Ms Ah Kit, Mr Sievers, Mrs Finocchiaro and Mrs Lambley be appointed to the Legislation Scrutiny Committee.

Question put and passed.

24. PAPER TABLED: MID-YEAR ECONOMIC AND FISCAL OUTLOOK REPORT 2019-2020

Ms Manison (Treasurer) tabled: Mid-year Economic and Fiscal Outlook Report 2019-2020 (Paper 1492) and made a statement.

Ms Manison moved that the Assembly take note of the report and leave was granted for her to continue her remarks at a later date.

25. WITHDRAWAL OF THE BURIAL AND CREMATION BILL 2019

Mr McCarthy (Minister for Local Government, Housing and Community Development), by leave, withdrew the Burial and Cremation Bill 2019 (Serial 97).

26. ADJOURNMENT

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

Mr Gunner, Ms Manison, Ms Ah Kit, Mr Kirby, Ms Uibo, Ms Nelson.

Paper Tabled: Ms Nelson, by leave, tabled: Extract of Social Media Comments (Paper 1493).

Ms Lawler, Mr McCarthy.

The Assembly adjourned at 22.32 until Thursday 28 November 2019 at 10.00.

DEEMED PAPERS

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

Annual Report 2018

Parole Board of the Northern Territory (Paper 1468)

Annual Reports 2018-2019

Administrator National Health Funding Pool (Paper 1476)
Australian Health Practitioner Regulatory Agency (Paper 1474)
Desert Knowledge Australia (Paper 1477)
Essential Services Commission of South Australia (Paper 1481)
National Health Practitioner Ombudsman and Privacy Commissioner (Paper 1475)
Northern Territory Architects Board (Paper 1471)
Northern Territory Auditor-General (Paper 1489)
Northern Territory Consumer Affairs (Paper 1470)
Northern Territory Environment Protection Authority (Paper 1482)
Northern Territory Grants Commission (Paper 1480)
Northern Territory Legal Aid Commission (Paper 1473)
NT Build (Paper 1478)

Northern Territory Office of the Public Guardian (Paper 1472)
Youth Justice Advisory Committee (Paper 1479)

Financial Management Act 1995

Authorisation, Issue of Increased Funds Available from Commonwealth, section 19A(1), dated 26 November 2019 (Paper 1483)

Direction, Transfer of Excess Appropriations, section 20(1), dated 26 November 2019 (Paper 1484)

Determination, Proportions of Appropriations to be Transferred after Redistribution of Business, section 21(1), dated 26 November 2019 (Paper 1485)

Report

Office of the Children's Commissioner Northern Territory, Residential Care in the Northern Territory Monitoring Report, 21 November 2019 (Paper 1486)

Serious Crime Control Act 2009

Letter, to Hon. Natasha Fyles, re Appointment under section 85(1) to conduct a review for the year ending 30 June 2019, from Sally Thomas, dated 28 October 2019 (Paper 1469)

ATTENDANCE

All Members attended the meeting, except Ms Purick and Mr Collins.

MICHAEL TATHAM
Clerk of the Legislative Assembly