NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 67
Wednesday 24 October 2018

1. MEETING

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

2. PRAYERS

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) AND OTHER LEGISLATION AMENDMENT BILL 2018 (SERIAL 64)

Ms Fyles (Minister for Health), pursuant to notice, presented a Bill for an Act to amend various laws as a consequence of changes to the Health Practitioner Regulation National Law by the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 (Qld)* and tabled the Explanatory Statement (Paper 865) and the Human Rights Compatibility Statement (Paper 866).

Ms Fyles moved that 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 12 February 2019.

Question put and passed.

5. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Year 11 Legal Studies students from Good Shepherd Lutheran College accompanied by their teacher Ngaire Watt.

On behalf of all Members the Speaker welcomed the visitors.

6. LOCAL COURT AMENDMENT (JUDICIAL APPOINTMENTS) BILL 2018 (SERIAL 67)

Ms Fyles (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Local Court Act* and tabled the Explanatory Statement (Paper 867) and the Human Rights Compatibility Statement (Paper 868).

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

Bill read a first time.

Ms Fyles moved that the Bill be declared urgent.

Mr Wood, Ms Fyles.

Question put and passed.

7. **VISITORS**

The Speaker advised Honourable Members of the presence in the gallery of students studying with the Adult Migrant English Program at STEPS Group, accompanied by their lecturers Anne Lutton, Ben Price and Rafidah American.

On behalf of all Members the Speaker welcomed the visitors.

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

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

Ms Manison.

Mr Wood, pursuant to Standing Order 39, moved that the debate be adjourned.

Ms Fyles.

Question put.

The Assembly divided:

Noes 16	**Ayes 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	
Mr McConnell	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	

Motion not agreed to.

Mr Wood, Mr McCarthy, Mr Sievers.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of students studying with the Adult Migrant English Program at STEPS Group, accompanied by their lecturers Julie Chapman and Ben Price.

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

Ms Lawler, Mr Higgins, Ms Uibo.

Debate suspended.

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

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9. 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 Licensed Surveyors Amendment Bill 2018 (Serial 66).
2. Ms Manison (Treasurer) will present on the next Meeting Day a Bill entitled Superannuation Legislation Amendment Bill 2018 (Serial 65).

10. MINISTERIAL ARRANGEMENTS: QUESTION TIME

Ms Fyles (Leader of Government Business) informed the Assembly that questions for Ms Moss will be directed to Ms Fyles.

11. QUESTIONS

14:03 Mr Higgins to Mr Gunner
14:06 Mrs Finocchiaro to Ms Lawler

Paper Tabled: Mrs Finocchiaro, by leave, tabled: Youth Justice Centre Facility Plan, Victoria State Government (Paper 876).

14:10 Mr Higgins to Mr Gunner
14:14 Mr Higgins to Mr Gunner – Supplementary

Papers Tabled: Mr Higgins, by leave, tabled:

1. Letter, to Hon. Adam Giles re: streamline how we work with Aboriginal communities to reduce alcohol misuse and alcohol related harm, from Nigel Scullion, Minister for Indigenous Affairs, dated 14 January 2015 (Paper 877).
2. Letter, to Hon. Nigel Scullion, Minister for Indigenous Affairs, re: proposed changes to streamline how the Australian and Territory Governments work together with Aboriginal Communities to reduce alcohol-harms and misuse, from Adam Giles, dated 11 March 2015 (Paper 878).
3. Letter, to Hon. Michael Gunner, re: Commonwealth Government is withholding support for social clubs in Indigenous communities in the Northern Territory, from Nigel Scullion, Minister for Indigenous Affairs, dated 23 October 2018 (Paper 879).

14:17 Mrs Finocchiaro to Ms Wakefield
14:20 Mr Guyula to Ms Fyles
14:24 Mr Higgins to Mr Vowles
14:27 Mrs Lambley to Mr Gunner
14:31 Mrs Finocchiaro to Ms Wakefield
14:34 Mr Wood to Mr Gunner
14:38 Mr Mills to Ms Manison
14:41 Mrs Lambley to Mr Gunner
14:46 Mr Higgins to Ms Wakefield
14:50 Mr Wood to Mr Vowles
14:54 Mrs Finocchiaro to Ms Fyles
14:56 Mr Higgins to Ms Uibo

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

Mr Vowles, pursuant to Standing Order 115, gave an answer to a question asked earlier during question time from Mr Higgins.

12. AMENDMENT TO NOTICE BY LEAVE

Mr Guyula, by leave, amended the Notice in his name, General Business Notice Number 2, Territorians right to Natural Justice, deleting all words after 'that' and replacing with the following:

as a matter of urgency, the Northern Territory Government petition the Federal Government to repeal sec 16AA of the Federal *Crimes Act* (1914) because it imposes an assimilationist and discriminatory approach on all First Nations people which impinges on every Territorian's right to natural justice.

And that the NT Government reviews relevant legislation and works to incorporate in sentencing practices the principles of Aboriginal Law that look to heal and restore communities when harm is done.

13. MOTION: NORTHERN TERRITORY LIFESTYLE NOT AGREED TO

Mr Higgins (Leader of the Opposition), pursuant to notice, moved:

That this Assembly:

- notes with concern the eroding freedoms that underpin the Territory lifestyle; and
- calls on the Government to reduce both the size and reach of government insofar as it adversely affects the lifestyles of Territorians.

Ms Manison, Mr Wood, Mr McConnell, Mr Paech, Mrs Finocchiaro, Mr Higgins.

Question put.

The Assembly divided:

Noes 15	**Ayes 5**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Mr Higgins
Ms Fyles	Mrs Lambley
Mr Gunner	Mr Mills
Mr Kirby	Mr Guyula
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	

Motion not agreed to.

14. MOTION: TERRITORIANS' RIGHT TO NATURAL JUSTICE

Mr Guyula, pursuant to notice, moved:

That, as a matter of urgency, the Northern Territory Government petition the Federal Government to repeal sec 16AA of the Federal *Crimes Act* (1914) because it imposes

an assimilationist and discriminatory approach on all First Nations people which impinges on every Territorian's right to natural justice.

And that the NT Government reviews relevant legislation and works to incorporate in sentencing practices the principles of Aboriginal Law that look to heal and restore communities when harm is done.

Ms Fyles.

Ms Fyles moved the following amendment:

To remove all the words after 'that' and replace with:

as a matter of urgency, The Northern Territory Government petition the Federal Government to review section 16AA of the Federal *Crimes Act* (1914) in line with the findings from the Australian Law Reform Committee Report 'Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples' and that the Northern Territory Government refer the matter to the Northern Territory Law Reform Committee to undertake a comprehensive review and consult Territory wide with Aboriginal and Torres Strait Islander people in the Territory.

Mr Mills, Mr Paech, Mr Wood.

Debate suspended.

15. DOMESTIC AND FAMILY VIOLENCE AMENDMENT (INFORMATION SHARING) BILL 2017 (SERIAL 40): AGREED TO

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

Ms Uibo, Mr Vowles.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of Dr Edwin Joseph and colleagues of the Malayalee community.

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

Mr Costa, Ms Ah Kit, Ms Wakefield, Ms Fyles.

Question put.

The Assembly divided:

Ayes 15	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Mr Higgins
Ms Fyles	Mr Mills
Mr Gunner	Mr Wood
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	

Motion agreed to.

Bill read a second time.

The Assembly considered the Bill in detail.

Ms Fyles moved the following amendment:

Before clause 1

insert

Part 1 Preliminary matters

Amendment agreed to.

Clause as amended stands.

Ms Fyles moved the following amendment:

After clause 2

insert

Part 2 Amendment of Domestic and Family Violence Act

Amendment agreed to.

Clause as amended stands.

Ms Fyles moved the following amendment:

Clause 3

omit

This Act

insert

This Part

Amendment agreed to.

Clause as amended stands.

Clause 4 stands as printed.

Ms Fyles moved the following amendment:

Clause 5

insert (in alphabetical order)

Information Commissioner means the person appointed under section 85 of the *Information Act*.

information sharing guidelines, for Chapter 5A, see section 124B.

Amendment agreed to.

Clause as amended stands.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124B

insert (in alphabetical order)

information sharing guidelines means the guidelines made under section 124N.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124B, definition *information sharing entity*, paragraph (b)(iv)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124B, definition *information sharing entity*, paragraph (c)

omit

service to any of the following:

insert

service;

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124B, definition *information sharing entity*, paragraph (c)(i), (ii) and (iii)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124B, definition *information sharing entity*, after paragraph (e)

insert

(ea) a court or tribunal;

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124C(2)

omit

make reasonable efforts to

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124C(2), after "the person"

insert

unless it is not safe, possible or practical to do so

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 124C(4)

insert

(4A) An information sharing entity should only collect, use or disclose information to the extent that it is necessary to assess and manage risk to a person's safety because of domestic violence.

(4B) An information sharing entity that collects, uses or discloses the information of an Aboriginal person should do so in a manner that:

(a) promotes cultural safety; and

(b) is culturally sensitive; and

(c) considers the person's familial and community connections.

(4C) An information sharing entity should have regard to a person's:

(a) cultural, sexual and gender identity; and

(b) religious faith (if any).

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124E(b)(ii)

omit

violence; or

insert

violence, including by providing or arranging a domestic violence related service to or for a person.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124E(b)(iii)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124F(1)(a)

omit

of the

insert

of

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124H, heading

omit

family

insert

domestic

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124H(b)

omit

violence; or

insert

violence.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124H(c)

omit

Question put.

The Assembly divided:

Ayes 15	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Mr Higgins
Ms Fyles	Mr Mills
Mr Gunner	Mr Wood
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124J(b) and (c)

omit, insert

(b) lessen or prevent a serious threat to a person's life, health, safety or welfare because of domestic violence, including by:

(i) contacting, or attempting to contact, the person or another person; or

(ii) providing assistance or a domestic violence related service to a person.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124K(a)(ii)

omit

violence; or

insert

violence, including by providing or arranging a domestic violence related service to or for a person.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124K(a)(iii)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124L(1)(a), "this" (second reference)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124L(3)

omit, insert

(3) However, a person does not commit an offence against subsection (1) by:

(a) disclosing or using the information as required or authorised by this Chapter; or

(b) disclosing or using the information for any of the following purposes authorised by the Minister:

(i) research relating to the purpose of this Chapter;

(ii) an inquiry or investigation conducted by a coroner, the police force or another law enforcement agency;

(iii) any other purpose prescribed by regulation; or

(c) disclosing the information to a court or tribunal; or

(d) disclosing or using the information in compliance with the Information Privacy Principles or the National Privacy Principles, whether or not the person, or the entity that employs or engages the person, is bound by those Principles; or

(e) making a disclosure or use that is otherwise required or authorised by law.

(3A) A failure to comply with the information sharing guidelines does not of itself constitute an offence against subsection (1).

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N, heading

omit

CEO

insert

Minister

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N(1)

omit

CEO

insert

Minister

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N(2)

omit, insert

(2) Before making or amending the guidelines, the Minister must consult with the following:

(a) the Information Commissioner;

(b) information sharing entities;

(c) any other Agency affected by the guidelines.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N(3)(c)

omit

that person.

insert

that person;

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 124N(3)(c)

insert

(d) processes for ensuring that confidential information shared is accurate and complete.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N(4)(b)

omit

CEO

insert

Minister

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, proposed section 124N(5)

omit

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 124N, in Part 5A.4

insert

124NA Information sharing entities to comply with guidelines

An information sharing entity must comply with the information sharing guidelines.

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 6, after proposed section 124S

insert

Part 5A. 7 Review

124T Reviews of operation of Chapter

(1) The Information Commissioner must review:

(a) the first 2 years of operation of this Chapter; and

(b) the 3rd to 5th years of operation of this Chapter.

(2) In conducting the reviews, the Information Commissioner must consult with:

(a) the Minister; and

(b) information sharing entities.

(3) The reviews must include consideration of any adverse effects of this Chapter.

(4) The report of the reviews may include any recommendations on any matter addressed in the reviews.

(5) The Information Commissioner must give a copy of the report to the Minister within 6 months after the end of each period of operation being reviewed.

(6) The Minister must table a copy of the report in the Legislative Assembly within 7 sitting days after the Minister receives the copy.

Amendment agreed to.

Clause as amended stands.

Ms Fyles moved the following amendment:

Clause 7, proposed section 127(2)(c)(ii)

omit

it.

insert

it;

Amendment agreed to.

Ms Fyles moved the following amendment:

Clause 7, after proposed section 127(2)(c)

insert

(d) record keeping requirements for Chapter 5A.

(3) Before a regulation is made prescribing a person or body to be an information sharing entity under paragraph (f)(ii) of the definition of ***information sharing entity***, the Minister must:

(a) consult with the person or body; and

(b) be satisfied that the person or body would comply with the information sharing guidelines.

Amendment agreed to.

Ms Fyles moved the following amendment:

After clause 7

insert

Part 3 Amendment of Information Act

7A Act amended

This Part amends the *Information Act*.

7B Section 104 amended (Complaint about interference with privacy)

Section 104(1)(a)

omit, insert

(a) that the organisation has collected or handled the person's personal information in a manner that contravenes:

(i) an IPP; or

(ii) a code of practice; or

(iii) an authorisation; or

(iv) Chapter 5A of the *Domestic and Family Violence Act*;

7C Section 106 amended (Commissioner to accept, reject or refer complaint)

Section 106(3)(b) and (d)

omit

or an authorisation

insert

, an authorisation or Chapter 5A of the *Domestic and Family Violence Act*

7D Schedule 2 amended (Information Privacy Principles)

Schedule 2, Information Privacy Principle 2.1(d)(i)

omit

and

insert

or

Part 4 Repeal of Act

Amendment agreed to.

Remainder of the Bill taken as a whole.

Question put.

The Assembly divided:

Ayes 15	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Mr Costa	Mr Higgins
Ms Fyles	Mr Mills
Mr Gunner	Mr Wood
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	

The remainder of the Bill, other than its title, stands as printed.

Ms Fyles moved the following amendment:

Long title, after "*Violence Act*"

insert

and the *Information Act*

Amendment 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.

16. ADJOURNMENT

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

Ms Nelson, Ms Uibo.

The Assembly adjourned at 22.41 until Thursday 25 October 2018 at 10.00.

DEEMED PAPERS

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

Annual Reports 2017-2018:
Northern Territory Auditor-General's Office, 2017-2018 (Paper 870)
Northern Territory Consumer Affairs, 2017-2018 (Paper 871)
Northern Territory Liquor Commission, 2017-2018 (Paper 872)
Professional Standards Councils, 2017-2018 (Paper 873)

Financial Statement – Auditor- General:
Independent Auditor's Report, Northern Territory Auditor-General's Office, Financial Statements for the year ended 30 June 2018 (Paper 875)

***Professional Standards Act 1994* (NSW):**
The Law Society of New South Wales Professional Standards Scheme (Paper 874)

Report:
Employment Report for the Department of the Legislative Assembly 2017-2018 (Paper 869)

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

MICHAEL TATHAM
Clerk of the Legislative Assembly