NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 63
Thursday 24 November 2022

1. MEETING

The Assembly met at 10.00. The Speaker, the Honourable Mark Monaghan, presided.

2. PRAYERS

Mr Bowden read the prayer.

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. VISITORS

On behalf of all Members, the Speaker welcomed students and teachers from the Secondary Intensive English Unit at Darwin High School present in the gallery.

5. POLICE LEGISLATION AMENDMENT BILL 2022 (SERIAL 72)

Mrs Worden (Minister for Police, Fire and Emergency Services), pursuant to notice, presented a Bill for an Act to amend the *Police Administration Act 1978*, the Police Administration Regulations 1994 and the *Police (Special Investigative and Other Powers) Act 2015*.

Bill read a first time.

Mrs Worden moved that the Bill be read a second time, delivered a second reading speech and tabled an Explanatory Statement (Paper 722).

Mrs Finocchiaro moved that the debate be adjourned.

Question put and passed.

6. SENTENCING AND OTHER LEGISLATION AMENDMENT BILL 2022 (SERIAL 69)

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

Mr Edgington, Mrs Manison, Mr Maley, Ms Moss, Ms Boothby, Ms Fyles.

Exclusion from Chamber: The Speaker ordered Mr Edgington to leave the Chamber for one hour pursuant to Standing Order 49.

Debate resumed.

Debate suspended.

MeB

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

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7. SPEAKER'S STATEMENTS

The Speaker made a statement that the Member for Mulka would be attending via videoconference.

8. QUESTIONS

14.03 Mr Burgoyne to Mrs Finocchiaro
14.09 Mr Potter to Ms Fyles

Exclusion from Chamber: The Speaker ordered Ms Boothby to leave the Chamber for one hour pursuant to Standing Order 49.

14.14 Mr Costa to Mrs Manison
14.17 Mrs Finocchiaro to Ms Fyles
14.22 Mr Costa to Ms Lawler
14.26 Ms Purick to Ms Lawler
14.29 Mr Maley to Ms Lawler
14.32 Mr Young to Ms Moss
14.36 Mr Yan to Ms Lawler
14.39 Mr Bowden to Ms Uibo
14.43 Mr Edgington to Ms Lawler
14.46 Mr Costa to Mr Kirby
14.49 Mrs Hersey to Ms Fyles

Visitors: On behalf of all Members, the Speaker welcomed visitors from the Women's Mimal Rangers present in the gallery.

14.54 Mr Young to Mrs Worden
14.58 Mrs Finocchiaro to Ms Lawler

Proposed censure

Pursuant to Standing Order 67, Mrs Finocchiaro (Leader of the Opposition) sought to move:

That this Assembly censures the Treasurer for her mismanagement of the Territory's finances and failure to be transparent with Territorians about the deplorable state of our books.

The Government did not accept the proposed motion.

14.58 Mr Potter to Mr Paech

MB

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

9. SENTENCING AND OTHER LEGISLATION AMENDMENT BILL 2022 (SERIAL 69)
Resumption of debate on the question that the Bill be read a second time.

Ms Fyles (continuation of remarks), Mr Guyula (via videoconference), Mrs Finocchiaro, Mrs Worden, Mrs Lambley, Mr Potter, Ms Ah Kit, Ms Uibo, Mr Paech (in reply).

Question put and passed.

Bill read a second time.

The Assembly considered the Bill in detail.

Clause 1 considered.

Clause 1 stands as printed.

Clause 2 considered.

Clause 2 stands as printed.

Clauses 3 and 4 considered.

Clauses 3 and 4 stand as printed.

Clause 5 considered.

Clause 5 stands as printed.

Clause 6 considered.

Clause 6 stands as printed.

Clauses 7 and 8 considered.

Clauses 7 and 8 stand as printed.

Clause 9 considered.

Clause 9 stands as printed.

Clauses 10 and 11 considered.

Clauses 10 and 11 stand as printed.

Clause 12 considered.

Clause 12 stands as printed.

Clauses 13 and 14 considered.

Clauses 13 and 14 stand as printed.

Clause 15 considered.

Mr Paech moved the following amendment:

Clause 15, after proposed section 45(4)

insert

(5) A sentence of imprisonment to be served by way of an intensive community correction order starts on the day the order commences and, despite section 51(1), the court must not direct otherwise.

Question put and passed.

Amendment agreed to.

Clause 15 as amended stands.

MCB

Clause 16 considered.

Clause 16 stands as printed.

Clause 17 considered.

Clause 17 stands as printed.

Clauses 18 to 20 considered.

Clauses 18 to 20 stand as printed.

New clause 20A.

Mr Paech moved the following amendment:

After clause 20

insert

20A Section 63 amended (Calculation of term of imprisonment)

Section 63(5)

omit

all words from "Where" to "her"

insert

Subject to section 45(5), if an offender has been in custody on account of the offender's

Question put and passed.

New clause 20A inserted.

Clauses 21 and 22 considered.

Clauses 21 and 22 stand as printed.

Clause 23 considered.

Mr Paech moved the following amendment:

Clause 23, proposed sections 78D to 78DE

omit, insert

78D Offence against section 155A of Criminal Code involving assault

(1) A court must sentence an offender in accordance with this section if the court finds the offender guilty of an offence against section 155A of the Criminal Code that was committed by assaulting a person.

(2) The court must impose a minimum sentence of 12 months actual imprisonment in relation to the offender if:

(a) the commission of the offence involved the actual or threatened use of an offensive weapon; and

(b) the victim suffered physical harm as a result of the offence; and

(c) the offender has previously been convicted of a violent offence (whenever committed).

(3) The court must impose a minimum sentence of 3 months actual imprisonment in relation to the offender if:

(a) the commission of the offence involved the actual or threatened use of an offensive weapon; and

MeB

(b) the victim suffered physical harm as a result of the offence; and

(c) the offender has not previously been convicted of a violent offence.

(4) The court must impose a term of actual imprisonment in relation to the offender if the offender has previously been convicted of a violent offence (whenever committed) but the court is not required to impose a minimum sentence under subsection (2).

78DA Offence against section 189A of Criminal Code

(1) A court must sentence an offender in accordance with this section if the court finds the offender guilty of an offence against section 189A of the Criminal Code.

(2) The court must impose a minimum sentence of 12 months actual imprisonment in relation to the offender if:

(a) the commission of the offence involved the actual or threatened use of an offensive weapon; and

(b) the victim suffered physical harm as a result of the offence; and

(c) the offender has previously been convicted of a violent offence (whenever committed).

(3) The court must impose a minimum sentence of 3 months actual imprisonment in relation to the offender if the victim suffered physical harm as a result of the offence but the court is not required to impose a minimum sentence under subsection (2).

(4) The court must impose a term of actual imprisonment in relation to the offender if the offender has previously been convicted of a violent offence (whenever committed) but the court is not required to impose a minimum sentence under subsection (2) or (3).

Question put and passed.

Amendment agreed to.

On the question that clause 23 as amended stands.

The Assembly divided.

Ayes 14	**Noes 8**
Ms Ah Kit	Ms Boothby
Mr Bowden	Mr Burgoyne
Mr Costa	Mr Edgington
Ms Fyles	Mrs Finocchiaro
Mr Kirby	Mrs Hersey
Ms Lawler	Mrs Lambley
Mrs Manison	Mr Maley
Mr Monaghan	Mr Yan
Ms Moss	
Mr Paech	
Mr Potter	
Ms Uibo	
Mrs Worden	
Mr Young	

Question agreed to.

Clause 23 as amended stands.

Clauses 24 to 43 considered.

Clauses 24 to 43 stand as printed.

Schedule considered.

Mr Paech moved the following amendment:

Schedule, before heading for *Correctional Services Act 2014*

insert

Bail Act 1982

section 6(f)	15 or 43	39A, 43 or 48F
section 6(g)	15(3B) or those provisions)	that provision)

Question put and passed.

Amendment agreed to.

Mr Paech moved the following amendment:

Schedule, entry for *Correctional Services Regulations 2014*, regulations 19K(1)(a), 19L(1)(a) and 19M(1)(a)

omit

19M(1)(a)

insert

19M(1)

Question put and passed.

Amendment agreed to.

Schedule as amended stands.

Remainder of the Bill taken together.

Remainder of the Bill stands as printed.

Bill agreed to.

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

The Assembly divided.

Ayes 14	**Noes 8**
Ms Ah Kit	Ms Boothby
Mr Bowden	Mr Burgoyne
Mr Costa	Mr Edgington
Ms Fyles	Mrs Finocchiaro
Mr Kirby	Mrs Hersey
Ms Lawler	Mrs Lambley
Mrs Manison	Mr Maley
Mr Monaghan	Mr Yan
Ms Moss	
Mr Paech	
Mr Potter	
Ms Uibo	

MuB

Mrs Worden
Mr Young

Motion agreed to.

Bill read a third time.

10. MATTER OF PUBLIC IMPORTANCE: NORTHERN TERRITORY HEALTH CARE SYSTEM

The Speaker advised the Assembly that Mr Yan had proposed a Matter of Public Importance in the following terms:

Territorians are increasingly concerned with the deteriorating state of our health care system, eight code yellows at Royal Darwin Hospital, one code yellow at Palmerston Regional Hospital, one code yellow at Katherine Hospital, Territory-wide cancellations of elective surgeries, staffing shortages, mass resignations, and the closure of remote clinics among many other issues over the past 18 months. It is a Matter of Public Importance for the Legislative Assembly to discuss how to make our health system more resilient and better suited to the needs of Territorians.

Having received the necessary support, discussion ensued.

Mr Yan, Ms Fyles, Ms Purick, Mrs Manison, Mrs Finocchiaro, Ms Moss, Mrs Hersey, Mr Paech.

Discussion concluded.

11. ADJOURNMENT

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

Question put and passed.

Ms Fyles, Mr Potter, Mr Kirby, Mrs Manison, Ms Ah Kit, Ms Moss, Ms Uibo, Mr Paech.

The Assembly adjourned at 22.09 until Tuesday 29 November 2022 at 10.00.

DEEMED PAPERS

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

Annual Report 2022–2022
Department of Industry, Tourism and Trade (Paper 725)
Northern Territory Liquor Commission (Paper 724)

Subordinate Legislation 2022
No. 18 of 2022, Unit Titles Legislation Amendment Regulations 2022 (Paper 723)
No. 19 of 2022, Burial and Cremation Regulations 2022 (Paper 726)
No. 20 of 2022, Local Government (General) Further Amendment Regulations 2022 (Paper 727)

ATTENDANCE

All Members attended the meeting, except Mr Turner.

Ms Purick attended via videoconference.

MATHEW BATES
Clerk of the Legislative Assembly