
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 91

Tuesday 16 June 2015

1. MEETING

The Assembly met at 10am. The Speaker, the Honourable Kezia Purick took the Chair.

2. PRAYERS

3. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of students from the St Francis of Assisi Catholic Primary School in Humpty Doo.

On behalf of all Members the Speaker extended a warm welcome to the visitors.

4. SENTENCING LEGISLATION AMENDMENT BILL 2015 (SERIAL 124) – BILL AGREED TO

Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

Question - put and passed.

Bill read a second time.

On the motion of Mr Elferink (Attorney-General), by leave, the Bill was read a third time and was passed to be a proposed law.

5. JUSTICE LEGISLATION AMENDMENT (SUMMARY PROCEDURE) BILL 2015 (SERIAL 122) – BILL AGREED TO

Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of students from Jingili Primary School.

On behalf of all Members the Speaker extended a warm welcome to the visitors.

Debate resumed.

Question - put and passed.

Bill read a second time.

The Assembly resolved itself into Committee of the Whole for consideration of the Bill in detail.

In Committee

Mr Conlan (Chair of Committees) took the Chair.

The Committee considered the Justice Legislation Amendment (Summary Procedure) Bill 2015 (Serial 122).

Clause 1 to 4 taken together and agreed to.

Clause 5 read.

Mr Elferink (Attorney-General) moved the following amendment to clause 5 –

Clause 5, proposed section 60AI

After proposed section 60AI(5)

insert

(5A) The Court may appoint a date and time for a directions hearing that is earlier than 4 weeks after the first mention:

- (a) on an application under subsection (5) or on the Court's own initiative; and
- (b) only if the Court is satisfied that there is good reason to do so.

Amendment agreed to.

Mr Elferink moved the following amendment to clause 5 –

Clause 5, proposed section 60AQ(2)

omit, insert

(2) On the resumption of a hearing adjourned under subsection (1), the Court may permit the prosecution to adduce further evidence, whether or not obtained as a result of the disclosure.

Amendment agreed to.

Mr Elferink moved the following amendment to clause 5 –

Clause 5, proposed section 60AT(2)

omit, insert

(2) The Court may indicate that, if the defendant pleads guilty to a charge at the time of the application, the Court would be likely to impose on the defendant:

- (a) if sections 78DG and 78DH of the *Sentencing Act* do not apply – a sentence of actual imprisonment to commence at a specified time; or
- (b) a sentence of another specified type; or
- (c) if section 78DG of the *Sentencing Act* applies to the offence – a sentence of actual imprisonment as required by that section; or
- (d) if section 78DH of the *Sentencing Act* applies to the offence:
 - (i) a sentence that is the minimum sentence of actual imprisonment that the Court is required to impose for the offence; or

- (ii) a sentence that takes into account exceptional circumstances under section 78DI of the *Sentencing Act*, if the Court is satisfied that, if the Court were imposing a sentence on the defendant, the circumstances of the case would be exceptional.

Amendment agreed to.

Mr Elferink moved the following amendment to clause 5 –

Clause 5, proposed section 60AU

omit, insert

60AU Court to have regard to material for sentence indication

- (1) Before giving a sentence indication to a defendant, the Court must have regard to the following:
 - (a) a statement of the agreed facts on which the charge is based;
 - (b) the defendant's criminal record.
- (2) The Court must also have regard to a victim impact statement or victim report if the statement or report is available at the time of the sentence indication.
- (3) However, the Court is not required to have regard to a victim impact statement or victim report that is available at the time of the sentence indication if:
 - (a) section 78DH of the *Sentencing Act* applies to the offence; and
 - (b) the Court would not have regard to the victim impact statement or victim report if the Court were:
 - (i) imposing the sentence on the defendant; and
 - (ii) deciding whether the Court was satisfied that the circumstances of the case were exceptional under section 78DI of the *Sentencing Act*.
- (4) The Court may have regard to any other material that is relevant to the offence and available at the time of the sentence indication.
- (5) In this section:

victim impact statement, see section 106A of the *Sentencing Act*.

victim report, see section 106A of the *Sentencing Act*.

Amendment agreed to.

Clause 5 as amended agreed to.

Clause 6 to 11 taken together and agreed to.

Clause 12 read.

Mr Elferink moved the following amendment to clause 12 –

Clause 12, proposed section 123A(1)(b)

omit, insert

(b) the offence is listed for a trial in the Court of Summary Jurisdiction; and

Amendment agreed to.

Clause 12 as amended agreed to.

Remainder of the bill taken together and agreed to.

Bill to be reported with amendments.

The Assembly resumed; Deputy Speaker took the Chair; Mr Conlan reported that the Committee had agreed to the Bill with amendments.

The Deputy Speaker put the question - That the Report be adopted.

Motion agreed to.

On the motion of Mr Elferink the Bill was read a third time and was passed to be a proposed law.

6. ROUTINE OF BUSINESS – MOTION AGREED TO

Mr Elferink (Leader of Government Business), moved – pursuant to Standing Order 89, the Order of Business be reordered to allow the Minister for Education to make a Ministerial Statement following Question Time.

Question – put and passed.

Suspension of sittings: The sitting of the Assembly was suspended between 12 noon and 2.00pm.

7. NOTICES

The following notices were given:

1. Mr Chandler (Minister for Transport) will present on the next sitting day a bill entitled – Motor Vehicles (Private Car Parking) Amendment Bill 2015 (Serial 131).
2. Mr Chandler (Minister for Transport) will move on the next sitting day – The Motor Vehicles (Private Car Parking) Amendment Bill 2015 (Serial 131) be considered on urgency and pass through all stages this sitting.
3. Mr Vowles (Member for Johnston) will present on the next General Business day a bill entitled – Motor Vehicles Legislation Amendment Bill 2015 (Serial 130).
4. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Domestic and Family Violence Amendment Bill 2015 (Serial 126).
5. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Fines and Penalties (Recovery) Amendment Bill 2015 (Serial 129).
6. Mr Gunner (Member for Fannie Bay) will move on the next General Business day - That this Assembly:
 - (a) Notes the findings and recommendations of the Ombudsman's Report into matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer;

- (b) Supports the creation of an Anti-Corruption Commission in the Northern Territory;
 - (c) Commends the Commissioner for Police on steps taken to establish a special references unit to investigate corruption, matters with potential sensitivities, serious conflicts of interest and other complex internal measures; and
 - (d) Notes the response of the Commissioner of Police to the Ombudsman's report.
7. Mr Wood (Member for Nelson) will move on the next General Business day - That the Assembly calls on the Government to report on:
- any plans it has to increase the participation rate of Cash for Containers program;
 - any plans it has to expand the number of Cash for Container Depots in the Northern Territory;
 - any negotiations it has had with the SA Government to expand the type of container covered by the scheme;
 - any negotiations it has had with the NSW Government who intend to introduce a Cash for container Scheme in 2017;
 - any negotiations with the Queensland Government who promised to introduce a Cash for Containers Scheme during the recent election; and
 - any possible plans to widen the scope of the scheme to cover other items such as chemical containers.

8. PETITIONS

Ms Purick (Member for Goyder), presented Petition No. 47 from 519 petitioners, conforming with Standing Orders praying that the eradication program is stopped and banana plants saved (Paper 1379).

Petition read.

9. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 100A, laid upon the Table Response to Petition Number 44 (Paper 1380).

10. QUESTIONS

- 14.03 Mr Gunner to Chief Minister
- 14.07 Mrs Finocchiaro to Chief Minister
- 14.10 Ms Fyles to Chief Minister
- 14.14 Mr Barrett to Chief Minister
- 14.17 Mr Gunner to Chief Minister
- 14.20 Mrs Finocchiaro to Minister for Police, Fire and Emergency Services
- 14.24 Mr Wood to Minister for Lands and Planning
- 14.27 Mr Kurrupuwu to Chief Minister
- 14.31 Ms Manison to Minister for Education
- 14.34 Mr Conlan to Minister for Police, Fire and Emergency Services
- 14.37 Ms Manison to Minister for Education
- 14.41 Mr Barrett to Minister for Housing
- 14.44 Ms Anderson to Chief Minister
- 14.48 Mrs Finocchiaro to Minister for Correctional Services
- 14.52 Ms Walker to Minister for Education (supplementary question)
- 14.57 Mr Conlan to Minister for Correctional Services

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

11. MINISTERIAL STATEMENT – INDIGENOUS EDUCATION REVIEW IMPLEMENTATION – STATEMENT NOTED

Mr Chandler (Minister for Education) made a statement regarding Indigenous Education in the Northern Territory.

Mr Chandler moved – That the Assembly take note of the Statement.

Debate ensued.

Extension of Time: On the motion of Mr McCarthy (Member for Barkly), Ms Walker (Member for Nhulunbuy) was granted an extension of time.

Debate continued.

Question – put and passed.

12. MINISTERIAL STATEMENT – DEFENCE AND THE NORTHERN TERRITORY – STATEMENT NOTED

Resumption of debate on the question - That the Assembly take note of the Statement.

Debate resumed.

Question – put and passed.

13. PAPERS

The Acting Deputy Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu travel to Darwin to attend Sittings and additional day work in my Parliament House Office on 27th February 2015, pursuant to clause 4.12, dated 30 April 2015 (Paper 1382); and
2. Legislative Assembly Division of Blain By-Election Saturday 12 April 2014, Election Report (Paper 1383).

14. MATTER OF PUBLIC IMPORTANCE – LICENCE ALLOCATIONS UNDER THE WATER ACT

The Acting Deputy Speaker advised the Assembly that Mr McCarthy (Member for Barkly) had proposed a definite Matter of Public Importance – The mismanagement of licence allocations under the *Water Act* by the Minister for Land Resource Management and the implication of the Supreme Court's decision stating the Minister erred in conducting a merits based review of the Water Controller's decisions.

Having received the necessary support - Discussion ensued.

Discussion concluded.

15. ADJOURNMENT

Mr Tollner (Treasurer) moved - That the Assembly do now adjourn.

The Assembly adjourned at 9.08pm until Wednesday 17 June 2015 at 10.00am.

PAPERS

The following paper was deemed to have been Tabled on 16 June 2015 -

Joint Management Plan:

Mary River National Park, March 2015 (Paper 1381)

ATTENDANCE

All Members attended the sittings, except Mrs Lambley.

MICHAEL TATHAM
Clerk of the Legislative Assembly