

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 42

Wednesday 4 December 2013

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## 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 a Year 5/6 students from Sacred Heart Catholic Primary School.

The Speaker also advised Honourable Members of the presence in the Speaker's gallery of former Members of the Legislative Assembly Mr Marshall Perron, the Hon Stephen Hatton, Mr Barry Coulter, Hon Nick Dondas, AM, Hon Eric Poole and Mr Richard Setter.

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

## 4. QUESTIONS

- 10.01 Ms Lawrie to Chief Minister
- 10.06 Ms Lawrie to Chief Minister (Supplementary Question)
- 10.08 Mr Kurrupuwu to Chief Minister
- 10.11 Ms Walker to Chief Minister

**Paper Tabled:** Mr Giles (Chief Minister) laid upon the Table - Letter, Mr Pasquale Fiore, Director, Swiss Aluminium Australia Limited, re: regarding the continuation of approval to export bauxite from the Alcan Gove Operations, from Hon. Kon Vatskalis MLA, Minister for Primary Industry, Fisheries and Resources, dated 16 May 2011 (Paper 644).

- 10.16 Ms Finocchiaro to Chief Minister
- 10.20 Mr Gunner to Chief Minister
- 10.24 Mr Higgins to Chief Minister
- 10.28 Mr Wood to Minister for Primary Industry and Fisheries
- 10.32 Mr Vowles to Minister for Sports, Recreation and Racing
- 10.36 Ms Finocchiaro to Minister for Alcohol Rehabilitation
- 10.40 Ms Fyles to Minister for Education
- 10.45 Ms Lee to Minister for Corporate and Information Services
- 10.49 Mr Gunner to Police, Fire and Emergency Services (referred to Minister for Business)

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**Withdrawal from Chamber:** The Speaker ordered the Member for Nightcliff to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

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- 10.52 Ms Anderson to Minister for Corporate and Information Services
- 10.57 Mr Wood to Minister for Lands, Planning and the Environment

Mr Giles (Chief Minister) answered a question taken on notice earlier in the day.

**Paper Tabled:** Mr Giles (Chief Minister) laid upon the Table - Letter, Mr A. G. Powell, Managing Director, Swiss Aluminium Australia, & Mr F. T. Lovell, General Manager, Gove Aluminium Limited, re: letter of 9 August 1989 concerning the continued export of Bauxite from Gove, from Barry Coulter, Minister for Mines and Energy, dated 6 September 1990 (Paper 645).

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

**5. CARE AND PROTECTION OF CHILDREN AMENDMENT (CHARTER OF RIGHTS) BILL 2013 (SERIAL 62)**

Mr Elferink (Minister for Children and Families) pursuant to notice presented a Bill for an Act to amend the *Care and Protection of Children Act*.

Bill read a first time.

Mr Elferink moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mr Elferink laid upon the Table the Explanatory Memorandum (Paper 646).

On the motion of Ms Walker (Member for Nhulunbuy) debate was adjourned.

**6. VISITORS**

The Speaker advised Honourable Members of the presence in the gallery of Year 5/6 class from Sacred Heart Catholic Primary School.

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

**7. PLANNING AMENDMENT (CONCURRENT APPLICATIONS) BILL 2013 (SERIAL 59)**

Mr Chandler (Minister for Lands, Planning and the Environment) pursuant to notice presented a Bill for an Act to amend the *Planning Act*.

Bill read a first time.

Mr Chandler moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mr Chandler laid upon the Table the Explanatory Memorandum (Paper 647).

On the motion of Mr Vowles (Member for Johnston) debate was adjourned.

**8. CARE AND PROTECTION OF CHILDREN AMENDMENT (LEGAL REPRESENTATION AND OTHER MATTERS) BILL 2013 (SERIAL 51)**

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

Debate resumed.

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**Visitors:** The Speaker advised Honourable Members of the presence in the gallery of Year 8 and 9 students from Palmerston Senior College Special Education Centre.

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

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Debate resumed.

Debate suspended.

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

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**9. VISITORS**

The Speaker also advised Honourable Members of the presence in the Speaker's gallery of Noel Padgham, former Member of the Legislative Assembly, and family.

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

**10. NOTICES**

Mr Conlan (Minister for Arts and Museums) to present a bill entitled – Museum and Art Gallery of the Northern Territory Bill 2013 (Serial 61).

**11. CARE AND PROTECTION OF CHILDREN AMENDMENT (LEGAL REPRESENTATION AND OTHER MATTERS) BILL 2013 (SERIAL 51)**

Resumption of debate, suspended earlier this day, on the question - That the Bill be now read a second time.

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of Mr Elferink (Minister for Children and Families), the Bill was read a third time and was passed to be a proposed law.

**12. CHILDREN'S COMMISSIONER BILL 2013 (SERIAL 52)**

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

Debate resumed.

**Papers Tabled:** Mr Elferink (Minister for Children and Families) laid upon the Table – Annual Report 2012/2013, Children's Commissioner Northern Territory (Paper 649).

Question - put and passed.

Bill read a second time.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of Mr Eleferink (Minister for Children and Families), the Bill was read a third time and was passed to be a proposed law.

**13. LOCAL GOVERNMENT AMENDMENT (RESTRUCTURING) BILL 2013 (SERIAL 60)**

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

Debate resumed.

**Quorum:** Ms Walker (Member for Nhulunbuy) drew the attention of the Speaker to the state of the Assembly. Bells having been rung, a Quorum was obtained.

Debate resumed.

**Extension of Time:** On the motion of Mr McCarthy (Member for Barkly), Mr Wood (Member for Nelson) was granted an extension of time.

Debate resumed.

**Quorum:** Mr McCarthy drew the attention of the Speaker to the state of the Assembly. Bells having been rung, a Quorum was obtained.

Debate resumed.

Question - put and passed.

Bill read a second time.

Mr Wood moved – That:

1. The Bill be referred to a Select Committee to be called 'The Select Committee on the Local Government Amendment (Restructuring) Bill' for inquiry and report, including consideration of other possible models for achieving the objects of the Bill;
2. The Members of the Committee shall be two Members nominated to the Speaker in writing by the Government Whip, one Member nominated to the Speaker by the Opposition Whip, and Mr Wood;
3. The Committee shall report to the Assembly by the 18<sup>th</sup> February 2014;
4. The Committee may elect a Deputy Chair of the Committee, who may act as the Chair when the Chair is absent from a meeting or there is no Chair of the Committee;
5. A quorum of the Committee shall be two members of the Committee; and
6. This resolution shall have effect notwithstanding any contrary provision of the Standing Orders.

Debate ensued.

Debate suspended.

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**General Business:** The time being 5.30pm, General Business commenced.

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**14. EVICTION OF NT BADMINTON – MOTION NOT AGREED TO**

Mr Vowles (Member for Johnston) pursuant to notice, moved – That this Assembly condemns the Minister for Sport and the CLP Government for:

1. Evicting NT Badminton from Sports House without providing an alternative single venue accommodation solution that is acceptable to NT Badminton;
2. Disregarding the proposal from NT Badminton to allocate funds in the May 2014 Budget for construction of a multi-purpose facility for Badminton, Judo and Table Tennis at Marrara; and
3. Ignoring NT Badminton and the many thousands of Territorians that have signed a Petition supporting NT Badminton and their proposal.

Debate ensued.

**Papers Tabled:** Mr Gunner (Member for Fannie Bay) by leave, laid upon the Table –

1. Letter, to Hon. Peter Chandler MLA, Minister for Lands, Planning and the Environment, re The Northern Territory Government has expressed an interest in developing the Sports House site in Fannie Bay, Mr Michael Gunner, Member for Fannie Bay, undated (Paper 650).
2. Letter, to Hon. Peter Chandler MLA, Minister for Lands, Planning and the Environment, re: The Sports House site should be used for a community purpose such as an

expansion of services to our aging population, Mr Michael Gunner, Member for Fannie Bay, dated 15 November 2013 (Paper 651).

3. Letter, to Mr Gary Nairn, Chairman Northern Territory Planning Commission, re: residents in my electorate are concerned about the proposed rezoning and redevelopment of Sports House in Fannie Bay, Mr Michael Gunner, Member for Fannie Bay, dated 7 November 2013 (Paper 652).
4. Letter, to Director, Lands Planning, Department of Lands, Planning and the Environment, re: the CLP have said they want to sell the Sports House site in Fannie Bay for a commercial residential development, Mr Michael Gunner, Member for Fannie Bay, undated (Paper 653).
5. Letter, to Mr Michael Gunner, Member for Fannie Bay, re: Letter requesting Government to consider using the development of the Sports House site (Lots 3730, 3732 and 3731 Town of Darwin) specifically for the needs of senior Territorians and highlighting the developments of Southern Cross Care (SA &NT) Incorporated, Mr Peter Chandler, Minister for Lands, Planning and the Environment, dated 25 June 2013 (Paper 654).

Debate resumed.

Question – put

The Assembly divided:

**Ayes - 8**

Ms Fyles  
Mr Gunner  
Ms Lawrie  
Mr McCarthy  
Ms Manison  
Mr Vatskalis  
Mr Vowles  
Ms Walker

**Noes - 12**

Ms Anderson  
Mr Chandler  
Mr Conlan  
Mr Elferink  
Ms Finocchiaro  
Mr Giles  
Mr Higgins  
Ms Lee  
Mr Mills  
Mrs Price  
Mr Styles  
Mr Tollner

Motion negatived.

**15. LOCAL GOVERNMENT SHIRE RESTRUCTURING – MOTION NOT AGREED TO**

Mr Wood (Member for Nelson) pursuant to notice, moved – That before any Local government Shires are restructured, and notwithstanding the rejection by the Government of a Boundary Commission which is the preferred and most sensible option, there should be an independent inquiry similar to the Deloitte Inquiry to see what the viability of the new council would be and the viability of the remnant council would be. The results of that review should be made public. Any input from Treasury should be made public. If it shown that the new council is not viable without more NT operational funding to prop the council up then the de-amalgamation should not go ahead.

Secondly there should be public meetings or information sessions held at the main towns and outstations within the proposed new council organised by an independent facilitator to explain what is being proposed and the arguments for and against the proposals.

Thirdly there should be either a plebiscite or referendum within the proposed new council run by the NT Electoral Commission or LGANT to see if the residents agree to the proposal to break away from their existing council.

Fourthly, if there is agreement to go ahead with the proposed new council, there should be no changes by the Government to the existing council's elected members. Any changes will be

made by the people on the Election Day where residents of both councils will elect their representatives. The model provided in the document De-amalgamation Transfer Methodology could provide a useful model.

Debate ensued.

Question – put

The Assembly divided:

**Ayes - 9**

Ms Fyles  
Mr Gunner  
Ms Lawrie  
Mr McCarthy  
Ms Manison  
Mr Vatskalis  
Mr Vowles  
Ms Walker  
Mr Wood

**Noes - 14**

Ms Anderson  
Mr Chandler  
Mr Conlan  
Mr Elferink  
Ms Finocchiaro  
Mr Giles  
Mr Higgins  
Mr Kurrupuwu  
Mrs Lambley  
Ms Lee  
Mr Mills  
Mrs Price  
Mr Styles  
Mr Tollner

Motion negatived.

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**Government Business:** The time being 9.00pm, General Business concluded.

16. **LOCAL GOVERNMENT AMENDMENT (RESTRUCTURING) BILL 2013 (SERIAL 60)**

Resumption of debate on the question – The Bill be referred to a Select Committee.

Question put – and not agreed.

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

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**In Committee**

Mr Higgins (Chair of Committees) took the Chair.

Clause 1 agreed to.

Clause 2 read.

Mr Wood moved the following amendment to clause 2 -

**After clause 2**

*insert*

2A Section 3 amended

Section 3, definition "*general election*", after paragraph (b)

*insert*

- (c) a general election for a council held under a restructuring order made in relation to the council.

Amendment not agreed to.

Clause 2 as printed agreed to.

Clause 3 read.

Mr Wood moved the following amendment to clause 3 -

**Clause 3, proposed section 10C(1)(d) and (f)**

*omit*

Amendment not agreed to.

Clause 3 as printed agreed to.

Remainder of the Bill taken as a whole.

Remainder of the Bill agreed to.

Bill to be reported as printed.

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The Assembly resumed; the Speaker took the Chair; Mr Higgins reported that the Committee had agreed to the Bill.

Madam Speaker put the question - That the Report be adopted.

Motion agreed to.

Mr Tollner (Minister for Local Government and Regions) moved - That the Bill be read a third time.

Question – put

The Assembly divided:

**Ayes - 14**

Ms Anderson  
Mr Chandler  
Mr Conlan  
Mr Elferink  
Ms Finocchiaro  
Mr Giles  
Mr Higgins  
Mr Kurrupuwu  
Mrs Lambley  
Ms Lee  
Mr Mills  
Mrs Price  
Mr Styles  
Mr Tollner

**Noes - 9**

Ms Fyles  
Mr Gunner  
Ms Lawrie  
Mr McCarthy  
Ms Manison  
Mr Vatskalis  
Mr Vowles  
Ms Walker  
Mr Wood

Motion agreed to; the bills were read a third time and passed to be proposed laws.

**17. MINISTERIAL STATEMENT – ASSET MANAGEMENT SYSTEM - MOTION TO NOTE AGREED TO**

Mr Tollner (Minister for Corporate and Information Services) made a statement updating the Assembly on the Northern Territory Government's Asset Management System.

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

Debate ensued.

Question – put and passed.

**18. PAPERS**

The Speaker laid upon the Table – Remuneration Tribunal Determination, Travel Report, Member for Goyder, Ms Kezia Purick travel to Adelaide 14<sup>th</sup> – 19<sup>th</sup> November 2013 to attend the international three day four star event and to meet with key companies. Meeting held with the Speaker of the SA Parliament and Clerk and the Tourism Minister, not dated (Paper 655).

The Speaker also laid upon the Table - NT Council Elections, 24 March 2012 (Paper 656).

**19. ADJOURNMENT**

Mr Elferink (Leader of Government Business) moved - That the Assembly do now adjourn.

Debate ensued.

**Papers Tabled:** Mr Vowles (Member for Johnston) by leave, laid upon the Table –

1. The Northern Territory of Australia Oaths Act Statutory Declaration, from Ian McConnell of 380 Hendry Road, Katherine Northern Territory, Ranger Coordinator and Lands Officer for the Jawoyn Association Aboriginal Corporation (I.C.N. 373), dated 13 February 2013 (Paper 658).
2. Northern Territory Police Statutory Declaration, Raymond Leonard Whear, re Alleged Misappropriation of Funds and impropriety – Jawoyn Association Aboriginal Corporation, dated 17 January 2013 (Paper 657).

Debate resumed.

And the Assembly adjourned at 12.20am on 5 December 2013, until Thursday 5 December 2013 at 10am.

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**PAPERS**

The following papers were deemed to have been Tabled on 4 December 2013 –

**Annual Report 2012/2013:**

Northern Territory Grants Commission, 2012/2013 (Paper 648)

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**ATTENDANCE**

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly