

# MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

## No. 5

Wednesday 31 October 2012

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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 Members of the presence in the public gallery of Girraween Primary School Year 5/6 students accompanied by Miss Mel Hood, Ms Donna Dickinson, Mr Scott Dawson and Mr Jamie Cutler.

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

4. **QUESTIONS:**

10.01am Ms Lawrie to Mr Mills.  
10.05am Ms Lawrie to Mr Mills.  
10.08am Mr Kurrupuwu to Mr Conlan.  
10.12am Ms Lawrie to Mr Mills.  
10.15am Mr Styles to Mr Mills.  
10.18am Mr Vatskalis to Mr Tollner.  
10.21am Ms Finocchiaro to Mrs Lambley.

**Papers tabled:** Mrs Lambley laid on the Table the following Papers –

- Letter, Ms Judith King, Chair of PowerWater re date of employment termination, dated 26 October 2012 (Paper 67);
- Letter, Hon Delia Lawrie, Treasurer to Ms Judith King, Chair of PowerWater re Power Water Corporation Final 2012-2013 Statement of Corporate Intent, date 30 April 2012 (Paper 68);
- Letter, Ms Judith King, Chair of PowerWater to Hon Delia Lawrie, Treasurer re Power Water Corporation Final 2011-2012 Statement of Corporate Intent, dated 29 April 2012 (Paper 69);
- Letter, Hon Delia Lawrie, Treasurer to Ms Judith King, Chair of Power Water Corporation Board re Power Water Corporation - 2011/2012 Statement of Corporate Intent, dated 28 April 2011 (Paper 70);
- Letter, Ms Judith King, Chair of PowerWater to Hon Delia Lawrie, Treasurer re Power Water Corporation Final 2011/2012 Statement of Corporate Intent, dated 30 April 2012 (Paper 71);
- Letter, Ms Judith King, Chair of PowerWater to Hon Delia Lawrie, Treasurer re Power Water Corporation 2011/2012 Statement of Corporate Intent, dated 29 April 2012 (Paper 72);
- Letter, Hon Delia Lawrie, Treasurer to Mrs Judith King, Chair of Power Water Corporation Board re Power Water Corporation - 2011/2012 Statement of Corporate Intent, dated 28 April 2012 (Paper 73).

10.25am Mr Wood to Mr Mills.  
10.26am Ms Fyles to Mrs Lambley.  
10.28am Mrs Price to Mrs Lambley.  
10.32am Mr Vowles to Mr Conlan.  
10.35am Ms Lee to Mrs Lambley.  
10.38am Mr Gunner to Mrs Lambley.  
10.40am Mr Wood to Mrs Lambley.  
10.43am Ms Finocchiaro to Mr Elferink.  
10.47am Mr McCarthy to Mr Mills.  
10.51am Mr Vatskalis to Mr Mills.  
10.54am Mr Higgins to Mr Elferink.  
10.57am Ms Lawrie to Mrs Lambley

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

**Distinguished visitor:** The Speaker advised Members of the presence in the Speaker's Gallery of Mr Neville Perkins a former Deputy Leader of the Opposition of the Legislative Assembly.

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

**5. FREEDOM OF INFORMATION, PRIVACY PROTECTION AND PUBLIC INTEREST DISCLOSURES IN THE NORTHERN TERRITORY, ANNUAL REPORT 2011/2012 – MOTION TO NOTE REPORT:**

The Attorney-General and Minister for Justice (Mr Elferink) laid on the Table the following Paper –

- Freedom of Information, Privacy Protection and Public Interest Disclosures In the Northern Territory, Annual Report 2011-2012 (Paper 74).

Mr Elferink made a statement relating thereto.

Mr Elferink moved – That the Report be printed.

Question – put and passed.

Mr Elferink moved – That the Assembly take note of the Report and that leave be granted to continue his remarks at a later hour.

Leave granted, debate adjourned.

**6. CRIMINAL CODE AMENDMENT (VIOLENT ACT CAUSING DEATH) BILL 2012 (Serial 3):**

The Attorney-General and Minister for Justice (Mr Elferink), pursuant to notice, presented a Bill for an Act to amend the Criminal Code to include an offence of a violent act causing death, and for related purposes.

Bill read a first time.

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

Debate ensued.

**Paper tabled:** Mr Elferink laid on the Table the following Paper –

- Explanatory Statement, Criminal Code Amendment (Violent Act Causing Death) Bill 2012 (Paper 75).

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

**7. CRIMINAL CODE AMENDMENT (VIOLENT ACT CAUSING DEATH) BILL 2012 (Serial 3) – SUSPEND STANDING ORDERS – PASS BILL THROUGH ALL STAGES:**

The Attorney-General and Minister for Justice (Mr Elferink), pursuant to notice – moved – That so much of Standing Orders be suspended as would prevent the Criminal Code Amendment (Violent Act Causing Death) Bill 2012 (Serial 3) passing through all stages in the first week of the November/December 2012 parliamentary sittings period.

Debate ensued.

Question – put and passed.

**8. ANIMAL WELFARE AMENDMENT BILL (NO. 2) 2012 (Serial 9):**

The Minister for Local Government (Mr Giles), pursuant to notice, presented a Bill for an Act to amend the *Animal Welfare Act*.

Bill read a first time.

Mr Giles moved – That the Bill be now read a second time.

Debate ensued.

**Paper tabled:** Mr Giles laid on the Table the following Paper –

- Explanatory Statement, Animal Welfare Amendment Bill (No. 2) 2012 (Paper 76).

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

9. **ALCOHOL AND CRIME STATEMENT – MOTION TO NOTE STATEMENT:**  
The Minister for Justice and Attorney-General (Mr Elferink) made a statement relating to alcohol and crime among Territory citizens.  
Mr Elferink moved – That the Assembly take note of the Statement.  
Debate ensued.  
Debate suspended.

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**Suspension of sittings:** The sittings of the Assembly was suspended between 12.02pm and 2pm.

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10. **NOTICES:**  
The following notices were given –  
Mr Elferink: To present the Classification of Publications, Films and Computer Games Amendment Bill 2012 (Serial 2).  
  
Mr Elferink: To move – That so much of Standing Orders be suspended as would prevent the Classification of Publications, Films and Computer Games Amendment Bill 2012 (Serial 2) passing through all stages in the first week of the November/December 2012 parliamentary sittings period.

11. **PETITION:**  
The Member for Nelson (Mr Wood) presented Petition No. 2, not conforming with Standing Orders, from 2094 petitioners relating to a proposed closure of Chambers and Finke Bay to commercial fishing (Paper 104).  
**Petition read.**

12. **STATEMENT BY SPEAKER - TABLING OF DOCUMENTS:**  
The Speaker advised Members of the conditions for the Tabling of documents by Members in the Assembly.

13. **ALCOHOL AND CRIME STATEMENT – MOTION TO NOTE STATEMENT:**  
The Order of the Day having been read for the resumption of debate, suspended earlier this day, on the question – That the Assembly take note of the Statement –  
Debate resumed.  
**Extension of time:** On the motion of the Member for Barkly (Mr McCarthy) the Member for Nhulunbuy (Ms Walker) was granted an extension of time, pursuant to Standing Order 77.  
Debate continued.  
**Extension of time:** On the motion of the Member for Sanderson (Mr Styles) the Member for Arnhem (Ms Lee) was granted an extension of time, pursuant to Standing Order 77.  
Debate continued.  
**Extension of time:** On the motion of the Member for Barkly (Mr McCarthy) the Member for Nelson (Mr Wood) was granted an extension of time, pursuant to Standing Order 77.  
Debate continued.  
**Extension of time:** On the motion of the Member for Port Darwin (Mr Elferink) the Member for Barkly (Mr McCarthy) was granted an extension of time, pursuant to Standing Order 77.  
Debate continued.  
**Extension of time:** On the motion of the Member for Araluen (Mrs Lambley) the Member for Katherine (Mr Westra van Holthe) was granted an extension of time, pursuant to Standing Order 77.  
Debate continued.  
Debate suspended.

**14. MY NEW HOME SCHEME – MOTION NEGATIVED:**

The Member for Karama (Ms Lawrie), pursuant to notice, moved - That, this House calls on the government to end the confusion of the My New Home scheme being put on hold, and calls on the government to immediately reintroduce the scheme to allow thousands of Territorians to get off the rental roundabout. Any delay to the scheme's introduction will continue to dampen residential construction which is critical in this economic boom.

Debate ensued.

Question - put.

The Assembly divided (the Speaker, Hon. Kezia Purick, in the Chair) -

AYES, 6

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

NOES, 14

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

Motion negatived accordingly.

**15. CHILD PROTECTION FUNDING LEVELS – MOTION AS AMENDED, AGREED TO:**

The Member for Nightcliff (Ms Fyles), pursuant to notice, moved - That, the House call on the Government to commit to the full implementation of the Board of Inquiry recommendations into Child Protection, and furthermore that the Government guarantee that they commit to maintaining to the same level of funding for the Office of Children and Families with the Department of Education and Children Services.

Debate ensued.

The Minister for Children and Families (Mrs Lambley) moved the following amendment to the motion - Omit all words after "That" and insert the following words -

"the House:

- supports the Board of Inquiry recommendations into child protection;
- notes its appreciation for the Board of Inquiry's attempt to address the very real and significant issues in child protection in the Northern Territory through its recommendations;
- calls on Government to commit to improving service delivery from the Office of Children and Families within the Department of Education and Children's Services; and
- calls on the Minister to provide a Ministerial Statement on the implementation of the recommendations of the Board of Inquiry's Report to the House, at the next Sittings."

Debate ensued.

**Extension of time:** On the motion of the Member for Barkly (Mr McCarthy) the Member for Nelson (Mr Wood) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

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**Paper tabled:** The Member for Namatjira (Ms Anderson) laid on the Table the following Paper –

- Media Release, Senator Nigel Scullion re Clare Martin failed Indigenous children, dated 31 October 2012 (Paper 103).

Debate continued.

**Extension of time:** On the motion of the Member for Araluen (Mrs Lambley) the Member for Barkly (Mr McCarthy) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

Question – That the Amendment be agreed to – put and passed.

Question – That the motion as amended be agreed to - put.

The Assembly divided (the Speaker, Hon. K. Purick, in the Chair) -

AYES, 15

NOES, 8

Ms Anderson  
Mr Conlan  
Mr Elferink  
Ms Finocchiaro  
Mr Giles  
Mr Higgins  
Mr Kurrupuwu  
Mrs Lambley  
Ms Lee  
Mr Mills  
Mrs Price  
Ms Purick  
Mr Styles  
Mr Tollner  
Mr Westra van Holthe

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

And so it was resolved in the affirmative.

Motion, as amended, agreed to.

### 16. **TREASURER'S ANNUAL FINANCIAL REPORT 2011/2012 - PAPER TABLED - MOTION TO NOTE REPORT:**

The Treasurer (Mrs Lambley) laid on the Table the Treasurer's Annual Financial Report, 2011/2012 (Paper 102).

Mrs Lambley made a statement relating thereto.

Mrs Lambley moved – That the Report be Printed.

Question – put and passed.

Mrs Lambley moved – That the Assembly take note of the Report.

On the motion of the Treasurer (Mrs Lambley) leave was granted to continue her remarks at a later hour.

Leave granted, debate adjourned.

### 17. **FURTHER NOTICE:**

The following further Notice, by leave, was given –

Mr Elferink: To move - That this Assembly, pursuant to section 132 of the Ombudsman (Northern Territory) Act, recommend to Her Honour the Administrator that she appoint Mr Peter Shoyer to hold the Office of the Ombudsman for the Northern Territory.

### 18. **ALCOHOL AND CRIME STATEMENT – STATEMENT NOTED:**

The Order of the Day having been read for the resumption of debate, suspended earlier this day, on the question – That the Assembly take note of the Statement – Debate resumed.

**Extension of time:** On the motion of the Member for Port Darwin (Mr Elferink) the Member for Sanderson (Mr Styles) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

**Extension of time:** On the motion of the Member for Sanderson (Mr Styles) the Member for Port Darwin (Mr Elferink) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

Question – put and passed.

### 19. **ADJOURNMENT:**

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

Debate ensued.

Question - put and passed.

And the Assembly adjourned at 11.18pm, until Wednesday 1 November 2012 at 10am.

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### **PAPERS:**

The following Papers were deemed to have been presented on 31 October 2012 –

#### **Annual Reports**

Batchelor Institute of Indigenous Tertiary Education, 2011, Volume 1 (Paper 81)

Batchelor Institute of Indigenous Tertiary Education, 2011, Volume 2 (Paper 82)

Charles Darwin University, 2011 (Paper 79)

Department of Children and Families, 2011/2012 (Paper 83)

Department of Education and Training, 2011/2012 (Paper 78)

Department of Housing, Local Government and Regional Services, 2011/2012 (Paper 77)

Department of Natural Resources, Environment, The Arts and Sport, 2011/2012 (Paper 94)

Legislative Assembly Members' Superannuation Fund, 2011/2012 (Paper 87)

Northern Territory Electoral Commission, 2011/2012 (Paper 101)

Northern Territory Government and Public Authorities' Superannuation Scheme, 2011/2012 (Paper 86)

Northern Territory Treasury Corporation, 2011/2012 (Paper 85)

Northern Territory Treasury, 2011/2012 (Paper 84)

PowerWater, 2011/2012 (Paper 93)

Territory Insurance Office Motor Accidents Compensation Year in Review, 2011/2012 (Paper 88)

Territory Insurance Office, 2011/2012 (Paper 88)

Utilities Commission, 2011/2012 (Paper 92)

#### **Statement of Corporate Intent**

MAC Report, 1 July 2011 to 30 June 2012 (Paper 90)

Motor Accidents Compensation, 1 July 2012 to 30 June 2015 (Paper 91)

TIO Group, 1 July 2012 to 30 June 2015 (Paper 89)

#### **Financial Statements**

Charles Darwin University, 2011 (Paper 80)

#### **Financial Management Act**

Authorisation – Issue of increased funds available from the Commonwealth, pursuant to section 19A(1),(2), dated 28 June 2012 (Paper 96)

Authorisation – Issue of increased funds available from Commonwealth, pursuant to section 19A(1), (2) dated 5 June 2012 (Paper 97)

Direction – Transfer of Excess Appropriations, pursuant to section 20(1) dated 28 June 2012 (Paper 98)

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Direction – Transfer of Excess Appropriations, pursuant to section 20(1) dated 5 June 2012 (Paper 99)

Determination – Proportions of Appropriations to be transferred after redistribution of Business, pursuant to section 21(1) dated 5 June 2012 (Paper 100)

### **Reports**

Independent Auditor's Report - Government Printing Office – Financial Statement Overview for the year ended 30 June 2012 (Paper 95)

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### **ATTENDANCE:**

All Members attended the sittings except Mr Chandler, on leave.