

# MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 48

Wednesday 19 February 2014

---

## 1. MEETING

The Assembly met at 2pm. The Speaker, the Honourable Kezia Purick took the Chair.

## 2. QUESTIONS

2.01 Ms Fyles to Minister for Education

**Paper Tabled:** Ms Fyles (Member for Nightcliff) laid upon the Table - Department of Education and Training and Department of Education and Children's Services – Documents released under the *Information Act*, School and Staff Sheets 2012, 2013 & 2014 (11,455 pages) (Paper 736).

**Paper Tabled:** Mr Chandler (Minister for Education) laid upon the Table - Email, from Mr Gary Nairn, Chairman, Northern Territory Planning Commission to Ms Natasha Fyles, Member for Nightcliff, re Nightcliff Island Community Meeting, dated 10 February 2014 (Paper 737).

2.06 Mr Kurrupuwu to Chief Minister

2.09 Ms Lawrie to Chief Minister

2.13 Ms Lee to Minister for Multicultural Affairs

2.16 Mr Vowles to Minister for Community Services

2.19 Ms Finocchiaro to Minister for Tourism

2.23 Ms Walker to Minister for Land Resource Management

**Paper Tabled:** Ms Walker (Member for Nhulunbuy) laid upon the Table - Ministerial Briefing, Department of Land Resource Management, Application for Review of Decision or Action pursuant to section 30 of the *Water Act*, dated 28 May 2013 (Paper 738).

2.27 Ms Anderson to Minister for Health

2.30 Mr Wood to Minister for Police, Fire and Emergency Services

2.34 Ms Walker to Minister for Land Resource Management

2.37 Mr Higgins to Minister for Alcohol Rehabilitation

2.41 Mr Gunner to Chief Minister

2.46 Ms Anderson to Minister for Disability Services

2.49 Ms Fyles to Minister for Education

2.53 Mr Kurrupuwu to Minister for Health

2.56 Mr Wood to Minister for Transport

Mr Giles (Chief Minister) answered a question taken on notice asked on 18 February 2014.

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

## 3. NOTICE

Mr Elferink (Attorney-General and Minister for Justice) gave notice to present a bill entitled – Justice and Other Legislation Amendment Bill 2014 (Serial 69).

## 4. CRIMINAL CODE AMENDMENT (IDENTITY CRIME) BILL 2014 (SERIAL 68)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code* and to make related amendments to other legislation.

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 Statement (Paper 739).

On the motion of Mr Gunner (Member for Fannie Bay) debate was adjourned.

5. **MEDICINES, POISONS AND THERAPEUTIC GOODS AMENDMENT BILL 2014 (SERIAL 66)**  
Mrs Lambley (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Medicines, Poisons and Therapeutic Goods Act*.

Bill read a first time.

Mrs Lambley moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mrs Lambley laid upon the Table the Explanatory Statement (Paper 740).

On the motion of Ms Manison (Member for Wanguri) debate was adjourned.

6. **HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) AMENDMENT BILL 2014 (SERIAL 67)**  
Mrs Lambley (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Health Practitioner Regulation (National Uniform Legislation) Act*.

Bill read a first time.

Mrs Lambley moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mrs Lambley laid upon the Table the Explanatory Statement (Paper 741).

On the motion of Ms Manison (Member for Wanguri) debate was adjourned.

7. **MENTAL HEALTH AND RELATED SERVICES AMENDMENT BILL 2013 (SERIAL 46)**  
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 and Minister for Justice) by leave, the Bill was read a third time and was passed to be a proposed law.

8. **MINISTERIAL STATEMENT – DISABILITY SERVICES IN THE NORTHERN TERRITORY– MOTION TO NOTE**  
Mrs Lambley (Minister for Disability Services) made a statement regarding disability services in the Northern Territory.

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

Debate ensued.

Debate suspended.

\_\_\_\_\_

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

\_\_\_\_\_

**9. NORTHERN TERRITORY ENVIRONMENTAL PROTECTION ACT AMENDMENTS**

Mr Wood (Member for Nelson) pursuant to notice, moved –

1. That Section 24 (Limitation on challenge to decision of member) of the *Northern Territory Environmental Protection Act* and Sections 81W (Limitation on challenge to decision of member) of the *NT Planning Act* be deleted.
2. That the Government introduce a Code of Conduct for both the EPA and the NT Planning Commission which states the following:

**Conflicts of Interest**

From time to time, a member's personal interests may give rise to a conflict with their public duty as a member of the NT EPA and the Planning Commission.

The following principles for managing conflicts of interest are:

- Serving the public interest;
- Supporting transparency and scrutiny;
- Promoting individual responsibility and personal example; and
- Engendering an organisational culture which is intolerant of conflicts of interest.

**Conflicts of interest in a matter that is before a meeting of the NT EPA or Planning Commission**

To ensure the integrity and independent functioning of the NT EPA and the Planning Commission, members are to disclose to the NT EPA and/or the Planning Commission conflicts of interest, and the nature of those conflicts, in matters that are before the meeting of the NT EPA or Planning Commission.

Conflicts of interest may arise in the following circumstances:

- (a) A member has a direct or indirect pecuniary interest in a matter that is before a meeting of the NT EPA or Planning Commission.

This Code of Conduct requires that a member who has a direct or indirect pecuniary interest in a matter that is before a meeting of the NT EPA or the NT Planning Commission shall, as soon as the member has knowledge of or is aware of the relevant facts, disclose to the NT EPA or Planning Commission members present at the meeting, the nature of the interest and this disclosure is to be recorded in the minutes. A member who discloses an interest shall not partake, as a member, in the consideration or discussion or vote on the matter.

A member's interest will constitute a direct pecuniary interest in a matter, where it is reasonable to expect that the matter, if dealt with by the NT EPA or the Planning Commission in a particular way, will result in a financial gain, loss, benefit or detriment to the member; for example, the holding of shares in a proponent company.

An indirect pecuniary interest in a matter includes a reference to a financial relationship between the member and another person for whom an NT EPA or Planning Commission decision in relation to the matter will result in a financial gain, loss, benefit or detriment.

- (b) A member may have a non-pecuniary interest in a matter which will preclude the member from all discussion and voting on the matter if this non-pecuniary personal interest is considered to conflict with the member's ability to perform his/her official duty in an independent and impartial manner. If a member has such an interest, for example, an apprehension of bias arising from association or former relationships with a proponent on a matter before the NT EPA or Planning Commission, the member is to disclose the nature of the interest to the NT EPA or Planning Commission and in the event that the member does not decide to preclude themselves from discussion and voting on the matter, the NT EPA or Planning Commission Chairman or presiding member may so decide.

EPA members will:

- Comply with s.22 of the NT EPA Act and s.81U of the *Planning Act* by disclosing to the members present at the meeting any direct or indirect pecuniary interest in a matter that is before the meeting and providing the Chairman or presiding member with a signed 'Disclosure of Personal Interest Form'
- Comply with this Code by disclosing to the members present at the meeting any non-pecuniary personal interest in a matter that is before the meeting and providing the Chairman or presiding member with a signed 'Disclosure of Personal Interest Form'.

The disclosure of any interest, the nature of the interest disclosed and any determination by the Chairman or presiding member are to be recorded in the minutes of the meeting.

Debate ensued.

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

Debate resumed.

**Extension of Time:** On the motion of Mr Wood, Mr Chandler was granted an extension of time.

Debate resumed.

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 - 15**

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  
Mr Westra van Holthe

Motion negatived.

**10. PROPOSED POWER WATER CORPORATION LEGISLATION COMMITTEE**

Ms Lawrie (Member for Karama) pursuant to notice, moved – That the Legislative Assembly immediately refer the Power Water Corporation Bill 2014 (Serial 63); the Power Generation Corporation Bill 2014 (Serial 64) and the Power Retail Corporation Bill 2014 (Serial 65) to a committee of this Parliament;

That the committee investigate the Northern Territory Government's legislative and policy agenda to split Power Water Corporation into three separate entities;

That the committee call witnesses to provide evidence as to the fiscal and economic impact or Power Water Corporation being split into three separate entities;

That the committee hold public hearings throughout the Territory to consult the community and affected stakeholders on the proposal to split Power Water Corporation into three separate entities;

That the powers of the Legislative Assembly committees pertain fully to this investigation including the receipt of submissions; and

That the committee report back to Parliament at the earliest opportunity prior to any further consideration of the three Bills.

Debate ensued.

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

Debate resumed.

**Extension of Time:** On the motion of Mr Chandler (Member for Brennan), Mr Elferink (Member for Port Darwin) was granted an extension of time.

Debate resumed.

**Paper Tabled:** Mr Tollner (Member for Fong Lim) laid upon the Table - National Electricity Market, a Case study in successful microeconomic reform (Paper 742).

Debate resumed.

Mr Tollner, by leave, continued his remarks beyond 9.00 pm.

Debate resumed.

**Paper Tabled:** Mr Tollner (Treasurer) laid upon the Table – Chart, Power and Water Corporation – Net Profit Before Tax (Paper 743).

Debate suspended.

---

**Government Business:** The time being 9.10pm, General Business concluded.

---

**11. PERMISSION TO INCLUDE SPEECH IN HANSARD – MOTION AGREED TO**

Mr Elferink (Attorney-General and Minister for Justice) by leave, included in Hansard a page omitted from the Second Reading Speech of the Criminal Code Amendment (Identity Crime) Bill 2014 (Serial 68).

**12. PAPERS**

The Speaker Tabled the following Travel Report – Remuneration Tribunal Determination, Travel Report, Member for Namatjira, Ms Alison Anderson, travel to Darwin to set up the new office space and attend meetings 26<sup>th</sup> September – 2<sup>nd</sup> October 2013, pursuant to paragraph 4:12, dated 13 February 2014 (Paper 744).

**13. ADJOURNMENT**

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

Debate ensued.

And the Assembly adjourned at 9.51pm until Thursday 20 February 2014 at 10.00am.

---

**PAPERS**

There were no papers that were deemed to have been Tabled on 19 February 2014.

---

**ATTENDANCE**

All Members attended the sittings.

MICHAEL TATHAM  
Clerk of the Legislative Assembly