
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 69

Tuesday 21 October 2014

1. MEETING

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

2. PRAYERS

3. SPEAKER'S STATEMENT – DEATH OF EDWARD GOUGH WHITLAM AC QC

The Speaker advised the Assembly of the death of Australia's 21st Prime Minister Edward Gough Whitlam AC QC.

The Speaker asked Members to stand and observe one minute's silence as a mark of respect for the passing of a former Prime Minister.

4. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of:

1. Hon. Jane Aagaard, Dr Christopher Burns and Mr Kon Vatskalis, former Members of the Legislative Assembly;
2. A year 5/6 class from Milkwood Steiner School; and
3. Mr Barry and Mrs Anita Jonsberg, the family of the new Member for Casuarina, and Mr Jake Lutz, her partner.

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

5. SPEAKER'S STATEMENT – FILMING IN THE CHAMBER

The Speaker advised Members that pursuant to Sessional Order, her permission had been granted to Channel 9 and the ABC to film, with sound, and the NT News and a photographer to take photographs during the swearing in of the new Member for Casuarina.

6. SPEAKER'S STATEMENT – RESIGNATION OF THE FORMER MEMBER FOR CASUARINA

The Speaker reported receipt of the letter of resignation of the former Member for Casuarina dated 18 September 2014 pursuant to section 18 of the *Northern Territory (Self-Government) Act 1978* (Paper 1022).

7. RETURN TO WRIT – CASUARINA DIVISION

The Clerk of the Legislative Assembly laid on the Table the Writ issued by Her Honour Sally Thomas, AC, Administrator of the Northern Territory of Australia on 29 September 2014 for the election of one Member of the Legislative Assembly of the Northern Territory for the Division of Casuarina to fill the vacancy caused by the resignation of Mr Kon Vatskalis (Paper 1019).

By endorsement on the Writ, dated 20 October 2014, it was certified that Lauren Jane Moss had been duly elected on 18 October 2014 as a Member of the Legislative Assembly for the Division of Casuarina.

8. MEMBER SWORN

The Member for Casuarina, Lauren Jane Moss, was admitted to the Chamber, made and subscribed the Affirmation of Allegiance and of Office and was conducted by her sponsors the Member for Karama and the Member for Barkly to her place in the Chamber (Paper 1020).

9. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of receipt of the following Message from Her Honour the Administrator (Paper 1021):

Message Number 20 - Assent to Proposed Laws

I, SALLY THOMAS AC, the Administrator of the Northern Territory of Australia, advise the Legislative Assembly of, pursuant to section 7 of the *Northern Territory (Self-Government Act) 1978* of the Commonwealth, the assent to the following proposed laws:

4 September 2014

Correctional Services Act 2014 (**Act No 26 of 2014**)

Correctional Services (Related and Consequential Amendments) Act 2014 (**Act No 27 of 2014**)

Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014 (**Act No 28 of 2014**)

18 September 2014

Criminal Code Amendment (Dangerous Driving During Pursuit) Act 2014 (**Act No 29 of 2014**)

Livestock Amendment Act 2014 (**Act No 30 2014**)

Dated 16 October 2014. (Paper 1021)

10. MEMBERSHIP OF THE COMMITTEE OF THE NORTHERN TERRITORY'S ENERGY FUTURE – AGREED TO

Ms Lawrie (Leader of the Opposition) moved – That Ms Manison (Member for Wanguri) be appointed to the Committee on the Northern Territory's Energy Future.

Motion agreed to.

11. QUESTIONS

10.07 Ms Lawrie to Chief Minister

Paper Tabled: Mr Giles (Chief Minister) laid upon the Table – Letter, Mr Chris Mitchell, Editor in Chief The Australian, re Article in the Australian on Friday 17 October 2014, "Questions put Rich Land Deal on Hold", John Coleman Chief Executive, Land Development Corporation (Paper 1023).

10.11 Ms Lawrie to Chief Minister (supplementary question)

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Mr Andrew Fyles, the father of the Member for Nightcliff.

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

10.13 Mr Barrett to Chief Minister

10.16 Mr Vowles to Chief Minister

Paper Tabled: Mr Vowles (Member for Johnston), by leave, laid upon the Table – Letter, CEO, Chairman and Land Trust, re the Australian Newspaper article, dated 31 August 2014 "NT Proposes Lease Deal to Help Develop Tiwi Islands" (Paper 1024).

10.21 Mr Barrett to Chief Minister

10.24 Mr Vowles to Chief Minister

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

1. Letter, Mr Charlie Phillips, re Application for review of Notice of Decision NTTIR2014/7, seeking review of the decision by the Department of Treasury and Finance dated 26 August 2014 that no information relating to your request was found pursuant to section 38(1)(a) of the *Information Act* (reference NTTIR2014/7) (Paper 1025); and).
 2. Letter, Ms Delia Lawrie, re email: Charlie Phillips, regarding application to access information under the *Information Act (NT)*, requesting information held by the Department of the Chief Minister in relation to payment of \$1 million to Tiwi Resources, an entity nominated by the Tiwi Land Council, Taya Petsheny, Manager, Management Accounting and Reporting, dated 28 August 2014 (Paper 1026).
- 10.27 Mr Barrett to Chief Minister
10.30 Mr Wood to Minister for Lands, Planning and the Environment
10.34 Mr Barrett to Minister for Lands, Planning and the Environment
10.38 Ms Lawrie to Chief Minister
10.43 Mr Higgins to Minister for Lands, Planning and the Environment
10.47 Mr Gunner to Chief Minister
10.53 Mr Kurrupuwu to Minister for Police, Fire and Emergency Services
10.56 Ms Lee to Minister for Community Services
10.59 Mrs Finocchiaro to Minister for Health
11.02 Ms Lawrie to Chief Minister
11.07 Mr Higgins to Minister for Sport, Recreation and Racing

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

12. **NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION AMENDMENTS) BILL 2014 (SERIAL 81) – 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.

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

In Committee

Mr Higgins (Chair of Committees) took the Chair.

The Committee considered the Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Bill 2014 (Serial 81).

Clause 1 agreed to.

Clause 2 read.

Mr Elferink (Attorney-General) invited defeat of clause 2.

Clause 2 defeated.

Mr Elferink moved the following amendment -

After clause 1

insert

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Amendment agreed to.

Remainder of the Bill taken as a whole and agreed to.

Bill to be reported with amendments.

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

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

Motion agreed to.

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

13. NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION FOR NATIVE TITLE MATTERS) BILL 2014 (SERIAL 93) AND NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION AMENDMENTS) (NO. 2) BILL 2014 (SERIAL 92)

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

Debate resumed.

Debate suspended.

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

14. NOTICES

The following notices were given:

1. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Police Administration Amendment Bill 2014 (Serial 98).
2. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Criminal Code Amendment (Remission for Resentencing) Bill 2014 (Serial 99).
3. Mr Elferink (Attorney-General) will move on the next sitting day – That
 1. This Parliament appoints a Select Committee named the Fuel Price Disclosure Bill Scrutiny Committee to scrutinise the Draft Fuel Price Disclosure Bill prepared by the Office of the Parliamentary Counsel dated 14 October 2014.
 2. The Committee will enquire into the the effect of the bill in meeting its aims of better informing motorists of the price structure of fuel and promoting price competition.
 3. The Committee will enquire into mechanisms for setting the price motivator exemption proposed by the bill.

4. The Committee's membership shall comprise three Government Members, who shall be the Members for Daly, Blain and Arafura; two Opposition Members and the Member for Nelson, who shall be the chair.
5. 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.
6. A quorum of the Committee shall be three members of the Committee.
7. The Committee is to report by the April 2015 Parliament sittings.
8. The provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

15. INAUGURAL SPEECH – MEMBER FOR CASUARINA

By leave, Ms Moss (Member for Casuarina) made her inaugural Speech in the Assembly.

16. NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION FOR NATIVE TITLE MATTERS) BILL 2014 (SERIAL 93) AND NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION AMENDMENTS) (NO. 2) BILL 2014 (SERIAL 92) – BILL AGREED TO)

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

In Committee

Mr Higgins (Chair of Committees) took the Chair.

The Committee considered the Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Bill 2014 (Serial 92).

Clause 1 to 24 taken together and agreed to.

Clause 25 read.

Mr Elferink (Attorney-General) moved the following amendment to clause 25 -

Clause 25(5)

omit

its

insert

the applicant's

Amendment agreed to.

Clause 25 as amended agreed to.

Clause 26 to 49 taken together and agreed to.

Clause 50 read.

Mr Elferink moved the following amendment to clause 50 -

Clause 50, proposed section 63(1)(a)

omit

legal practitioner

insert

lawyer with at least 5 years' experience as a legal practitioner

Amendment agreed to.

Clause 50 as amended agreed to.

Clause 51 to 107 taken together and agreed to.

Clause 108 read.

Mr Elferink moved the following amendment to clause 108 -

Clause 108

omit

Section 57H(5)

insert

Section 57H(5)(b)

Amendment agreed to.

Clause 108 as amended agreed to.

Clause 109 to 133 taken together and agreed to.

Clause 134 read.

Mr Elferink moved the following amendment to clause 134 -

Clause 134(2)

omit, insert

(2) Section 27(1)

omit

Commissioner to prepare

insert

Tribunal for

Amendment agreed to.

Mr Elferink moved the following amendment to clause 134 -

Clause 134(4)

omit, insert

(4) Section 27(3)

omit

by the Commissioner

insert

for the Tribunal

Amendment agreed to.

Clause 134 as amended agreed to.

Remainder of the Bill taken as a whole and agreed to.

Bill to be reported with amendments.

The Committee considered the Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Bill 2014 (Serial 81)

Clause 1 agreed to.

Clause 2 read.

Mr Elferink invited defeat of clause 2.

Clause 2 defeated.

Mr Elferink moved the following amendment -

After clause 1

insert

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Amendment agreed to.

Clause 3 to 6 taken together and agreed to.

The Schedule was read.

Mr Elferink moved the following amendment to the Schedule -

Schedule

omit

Remainder of the Bill taken as a whole and agreed to.

Bill to be reported with amendments.

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

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

Motion agreed to.

On the motion of Mr Elferink, the Bills were read a third time and were passed to be a proposed law.

17. MINISTERIAL STATEMENT – NURSE PRACTITIONERS IN THE NORTHERN TERRITORY – STATEMENT NOTED

Mrs Lambley (Minister for Health) made a statement regarding Nurse Practitioners in the Northern Territory.

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

Debate ensued.

Question – put and passed.

18. MINISTERIAL STATEMENT – BIOSECURITY MEASURES FOR BANANA FRECKLE AND CUCUMBER GREEN MOTTLE MOSAIC VIRUS – STATEMENT NOTED

Mr Westra van Holthe (Minister for Primary Industry and Fisheries) made a statement regarding the biosecurity incursions currently crippling two significant crops in the Northern Territory.

Mr Westra van Holthe moved – That the Assembly take note of the Statement.

Debate ensued.

Extension of Time: On the motion of Mr Westra van Holthe (Member for Katherine), Mr Wood (Member for Nelson) was granted an extension of time.

Debate continued.

Extension of Time: On the motion of Mr Barrett (Member for Blain), Mr Westra van Holthe was granted an extension of time.

Debate continued.

Question – put and passed.

19. MATTER OF PUBLIC IMPORTANCE – CONSULTATION ON THE SALE OF PUBLIC ASSETS

The Speaker advised the Assembly that Ms Lawrie (Member for Karama) had proposed a definite Matter of Public Importance – The failure of the Government to properly consult Territorians on the sale of their public assets – TIO, the Port and PowerWater assets.

Having received the necessary support - Discussion ensued.

Paper Tabled: Mr Giles (Chief Minister) laid upon the Table – Recommendations for the Northern Territory Government's Economic Development Strategy, Economic Development Advisory Panel, Doug McTaggart, Ian Smith, Paul Henderson – 2013 (Paper 1044).

Discussion concluded.

20. PAPERS

The Deputy Speaker Tabled the following Papers –

1. Remuneration Tribunal Report, Travel Report, Member for Greatorex, Mr Matt Conlan, to attend 2014 NT Sports Awards, Katherine, pursuant to clause 4.12, dated September 2014 (Paper 1046).
2. Remuneration Tribunal Report, Travel Report, Member for Greatorex, Mr Matt Conlan, attend the Yulara Community during the visit of the Duke and Duchess of Cambridge on their Australian tour, pursuant to clause 4.12, dated September 2014 (Paper 1047).
3. Remuneration Tribunal Report, Travel Report, Member for Johnston, Mr Ken Vowles, to attend Eddie Taylor's funeral, Alice Springs, and to attend meetings with Alice Springs Stakeholders including the Men's Group and Walter Shaw, from 9th-10th May 2014, pursuant to clause 4.12, dated 28 August 2014 (Paper 1045).
4. Remuneration Tribunal Report, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, to travel to Darwin on 29th- 30th May and 4th June to meet with Electorate Officer, pursuant to clause 4.12, dated September 2014 (Paper 1048).
5. Remuneration Tribunal Report, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, to travel to Darwin on 28th-30th September to attend a briefing with Minister Price to discuss work to be done in Maningrida, pursuant to clause 4.12, dated 26 September 2014 (Paper 1049).

21. ADJOURNMENT

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

And the Assembly adjourned at 11.08pm until Wednesday 22 October 2014 at 10.00am.

PAPERS

The following papers were deemed to have been Tabled on 21 October 2014 -

Annual Reports 2013/2014:

NT Police, Fire and Emergency Services, 2013/2014 (Paper 1028)

Darwin Port Corporation, Harbourmaster's Report, 2013/2014 (Paper 1029)

Department of the Legislative Assembly, 2013/2014 (Paper 1043)

Serious Crime Control Act:

Report on the Annual Review of the *Serious Crime Control Act*, By Justice David Angel QC (Paper 1031)

Auditor-General's Independent Report:

Independent Auditor's Report - Northern Territory Auditor-General's Office Financial Report, dated 2 September 2014 (Paper 1030)

Child Protection (Offender Reporting and Registration) Act:

Annual Reporting Requirements 2013/2014, pursuant to section 93(2)-(3), dated 14 September 2014 (Paper 1034)

Liquor Act:

Annual Reporting Requirements 2013/2014 - Banning Notices and Exclusion Orders in Designated Areas, pursuant to sections 120Z(3)(4), dated 3 September 2014 (Paper 1033)

Ombudsman NT:

Ombudsman NT, Report to The Honourable John Elferink MLA Attorney-General and Minister for Justice, Compliance by Northern Territory Police Force with *Surveillance Devices Act*, Second Report 2014 (Paper 1027)

Plans of Management:

Nitmiluk National Park, July 2014 (Paper 1042)

Professional Standards Act:

Notification, The Institute of Chartered Accountants in Australia pursuant to section 13(1), dated 1 September 2014 (Paper 1032)

Terrorism (Emergency Powers) Act:

Annual Reporting Requirements 2013/2014, Authorisation to enact special powers and provisions, pursuant to section 21Z(1)-(2), dated 29 September 2014 (Paper 1035)

Subordinate Legislation 2014:

No. 27, Building Amendment Regulations 2014 (Paper 1036)

No. 28, Correctional Services Regulations (Paper 1037)

No. 29, Prisons (Correctional Services) (Community Orders) Amendment Regulations 2014 (Paper 1038)

No. 30, Fisheries Amendment Regulations 2014 (Paper 1039)

No. 31, Flora River Local Management Committee Regulations Repeal Regulations (Paper 1040)

No. 32, Greyhound Racing Amendment Rules 2014 (Paper 1041)

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly