
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 100

Tuesday 17 November 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 two Year 6 classes from Parap Primary School.

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

4. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of receipt of the following Message from His Honour the Administrator (Paper 1494):

Message Number 29

Assent to Proposed Laws

I, JOHN HARDY OAM, 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:

18 September 2015

Domestic and Family Violence Amendment Act 2015 (**Act No 23 of 2015**)
Fines and Penalties (Recovery) Amendment Act 2015 (**Act No 24 of 2015**)
Return to Work Legislation Amendment Act 2015 (**Act No 25 of 2015**)
Statute Law Amendment (Directors' Liability) Act 2015 (**Act No 26 of 2015**)

Dated 5 October 2015

JOHN HARDY OAM
Administrator

5. PAPER TABLED - WARRANT FOR DEPUTY CHAIR OF COMMITTEES

The Speaker laid on the Table – Warrant, Appointing Mr Gerry Wood, Mr Nathan Barrett, Ms Delia Lawrie, Mrs Robyn Lambley, as Deputy Chair of Committees, dated 17 November 2015 (Paper 1495).

6. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Hon Joan Viliamu, Hon Dion Taufitu and Crossley Tatui from the Parliament of Niue.

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

7. SPEAKER'S STATEMENT

The Speaker made a statement giving her reasons for granting precedence to the Member for Goyder to immediately move a motion concerning privilege.

8. REFERRAL TO COMMITTEE OF PRIVILEGES

Ms Purick (Member for Goyder) pursuant to precedence, moved –

1. That the Assembly refers to the Committee of Privileges the publication of two advertisements appearing in the Northern Territory News dated Friday 18 September 2015 and Monday 21 September 2015 which alleged that named Members of this Assembly prevented the passage of legislation which still remains on the Notice Paper,

2. The Committee investigates whether the creation and publication of the advertisements may constitute a contempt of the Legislative Assembly,

3. The Committee considers whether the Chief Minister or another identifiable person is responsible for the publication of the advertisements,

4. The Committee reports back to the Assembly on its findings with recommendations the Committee considers appropriate by or before the 17 March 2016.

Mr Elferink (Leader of Government Business) moved – That the debate be adjourned.

Question – put

The Assembly divided:

Ayes - 13

Mr Barrett
Mr Conlan
Mr Chandler
Mr Elferink
Mrs Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Ms Lee
Mrs Price
Mr Styles
Mr Tollner
Mr Westra van Holthe

Noes - 12

Ms Anderson
Ms Fyles
Mr Gunner
Mrs Lambley
Ms Lawrie
Ms Manison
Mr McCarthy
Ms Moss
Ms Purick
Mr Vowles
Ms Walker
Mr Wood

Motion agreed to.

Debate adjourned.

9. PAPER TABLED – PUBLIC ACCOUNTS COMMITTEE, REPORT ON FUNDING OF RUGBY LEAGUE FACILITIES IN DARWIN, NOVEMBER 2015

Mrs Lambley (Chair of the Public Accounts Committee) made a statement and laid on the Table – Public Accounts Committee, Report on Funding of Rugby League Facilities in Darwin, November 2015 (Paper 1496).

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

Debate ensued.

Mr Elferink (Leader of Government Business) moved – That the debate be adjourned.

Question – put and not agreed to.

Debate resumed.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of a Year 6 class from Parap Primary School.

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

Debate continued.

Debate suspended.

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

10. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Ms Zoe Marcham and her husband, Mr Richard Wallace, and Ms Laura Taille-Bois the President of Alliance Francaise de Darwin and her husband Mr Lionel David and a delegation from the Parliament of Niue.

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

11. CONDOLENCE MOTION – PARIS ATTACKS - MOTION AGREED TO

The Speaker informed the Assembly of attacks in Paris on 13 November 2014.

Mr Giles (Chief Minister) by leave, moved - That this Assembly expresses its condolences for the recent events in France.

Debate ensued.

Question – put and passed.

12. NOTICES

The following notices were given:

1. Mr Tollner (Treasurer) will present on the next sitting day a bill entitled – Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Legislation Amendment Bill 2015 (Serial 141).
2. Mr Tollner (Treasurer) will move on the next sitting day - That so much of standing orders be suspended as would prevent the Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Legislation Amendment Bill 2015 passing through all stages during the December sittings.
3. Mr Chandler (Minister for Education) will present on the next sitting day a bill entitled – Education Bill 2015 (Serial 142).
4. Mr Chandler (Minister for Education) will move on the next sitting day - That so much of standing orders be suspended as would prevent the Education Bill 2015 (Serial 142) passing through all stages during the December sittings.
5. Ms Manison (Member for Wanguri) will move on the next General Business day - That this parliament, pursuant to section 4A of the Inquiries Act, appoints a person qualified to be a judge in the Supreme Court of the Northern Territory, to inquire into and report to the Administrator regarding the operation and activities of Foundation 51 Pty Ltd; and

The qualified person referred to above be selected for recommendation to the Administrator of the Northern Territory based on the process outlined for the appointment of a Supreme Court Judge in Appendix A of the Review of The Processes for the Appointment of Judicial Officers in the Northern Territory, with the exception that the panel outlined in the process recommend one name instead of two for consideration.

The Terms of Reference for the Inquiry are:

1. The extent of the relationship between Foundation 51, the Country Liberal Party and the Northern Territory Government;
 2. Whether Foundation 51 Pty Ltd has complied with the provisions of the Northern Territory Electoral (the Act);
 3. The extent of any conflicts of interest between the Directors of Foundation 51 and their public duties under Government appointed positions;
 4. The scope and method of the investigations conducted by the Northern Territory Electoral Commission and NT Police into Foundation 51 and the outcome that prima facie breaches of the electoral Act and a reasonable chance of conviction existed; and
 5. Any other matters the inquiry thinks fit.
 6. The Inquiry will report back to the Legislative Assembly no later than 31 May 2016.
6. Mr Wood (Member for Nelson) will move on the next General Business day - That the Assembly suspends chapter twelve of the Standing Orders in relation to Questions Seeking Information and replaces the content of chapter twelve with the following Sessional Orders for the remainder of the duration of the 12th Assembly or until otherwise determined by the Assembly:

1 Ministerial Reports

- (1) On each sitting day at 2pm ministers will be permitted to provide three minute oral reports.
- (2) No more than eight such ministerial reports may be given on any one sitting day

2 Question Time

- (1) At the conclusion of Ministerial Reports, any member who is not a member of the government may ask oral questions without notice to a Minister during question time.
- (2) Question time will last until 12 questions and any supplementary questions (which if asked must be directly relevant to the answer given) have been answered by ministers and any further questions have been asked of members or the Speaker and been answered
- (3) The opposition party will be allocated a total of eight questions and members not aligned with a political party will be allocated a total of four questions. A non party aligned member may defer their opportunity to ask a question to another member who is not a member of the government.

3 Questions to Ministers

- (1) Questions may be asked of ministers on matters relating to their portfolio responsibilities or related to public affairs by any member who is not a government member.

(2) Questions may be no longer than one minute each in duration; answers may be no longer than three minutes each. Supplementary questions may be no longer than 30 seconds each and answers to supplementary questions may be no longer than 60 seconds each.

4 Questions to other Members

At the conclusion of questions to Ministers any member may rise and ask another member a question relating to a bill, motion, or other public matter connected with the business of the House in which that member is concerned.

5 Questions to the Speaker

At the conclusion of all other questions being asked during Question Time any member may rise and ask the Speaker a question relating to any matter for which the Speaker is responsible.

6 Questions on Notice

(1) A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper.

(2) The question must be in writing and signed by the member.

(3) The reply to a question on notice must be given by delivering it to the Clerk within 30 days of receipt by the Minister. A copy must be given to the member who asked the question, and both the question and the answer must be printed in Hansard.

7 Language of Questions

The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the Standing Orders or conventions of the Assembly.

8 Content of Questions

(1) A member asking a question must not:

- (a) offer argument or an opinion on the matter;
- (b) give facts or names of persons, except when strictly necessary to explain the question;
- (c) be critical of the character of a member or allege misconduct by that member

(2) All questions must be direct, succinct and seek factual information.

9 Content of Answers

(1) All answers to questions must:

- (a) be direct, factual and succinct;
- (b) not introduce matter extraneous to the question nor debate the matter to which the question relates.

And

The Sessional Orders outlined in this motion be referred to the Standing Orders Committee for further consideration by the Committee to then report to the Assembly on best practice for Question Time with a view to adoption of new Standing Orders

And

The Standing Orders Committee must report to the Assembly by no later than the last scheduled sitting day of the second sitting week of 2016.

13. PETITIONS

Ms Purick (Member for Goyder), presented Petition No. 54 from 180 petitioners, conforming with Standing Orders praying that mining activity at Darwin River Ridge is stopped and the area rezoned as an environmental management area (Paper 1511).

Petition read.

Ms Purick (Member for Goyder), presented Petition No. 55 from 177 petitioners, conforming with Standing Orders praying that the Fred's Pass Road is upgraded to provide a safe environment (Paper 1512).

Petition read.

14. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 100A, laid upon the Table Responses to Petition Number 49, 50, 52 and 53 (Paper 1513).

15. QUESTIONS

- 3.06 Mr Gunner to Chief Minister
- 3.10 Mr Kurrupuwu to Chief Minister
- 3.13 Ms Fyles to Minister for Correctional Services

Paper Tabled: Mr Elferink (Minister for Correctional Services) laid upon the Table – Photograph, Mr Horrell, Prisoner Work Camp, February 2012 (Paper 1514).

- 3.17 Mr Barrett to Chief Minister
- 3.20 Ms Fyles to Minister for Correctional Services (supplementary)
- 3.24 Mr Wood to Chief Minister
- 3.28 Mr Barrett to Chief Minister
- 3.31 Ms Walker to Minister for Correctional Services
- 3.34 Mrs Lambley to Minister for Housing
- 3.38 Mr Conlan to Chief Minister
- 3.41 Ms Walker to Minister for Correctional Services
- 3.43 Mr Kurrupuwu to Minister for Asian Engagement and Trade

Suspension of Standing Orders

Ms Walker (Member for Nhulunbuy) moved — That so much of Standing Orders be suspended as would prevent this house from censuring the Attorney General, Minister for Justice and Minister for Corrections.

Mr Elferink (Leader of Government Business) informed the Assembly that the Government would accept the censure motion, pursuant to Standing Order 95.

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

16. CENSURE OF THE ATTORNEY-GENERAL – MOTION NOT AGREED TO

Ms Walker (Member for Nhulunbuy) moved – That this House censures:

The Attorney-General, Minister for Justice and Minister for Corrections for his gross incompetence in handling the corrections and justice system of Northern Territory.

This incompetence has led to the Territory public being placed at risk from escaping prisoners and created a sense of loss of personal confidence by Territorians in their safety and security.

Further his incompetence has resulted in ongoing disorder in the juvenile justice system.

This House calls on the Minister to resign his portfolios.

Debate ensued.

Paper Tabled: Mr Elferink (Attorney-General and Minister for Justice) laid upon the Table – Magistrates, Permanent appointment, Expressions of Interest are invited for appointment as a Stipendiary Magistrate in the Northern Territory, Closing date Friday 26 June 2015, Director of Courts and Tribunals, Court Support and Independent Offices (Paper 1515).

Debate continued.

Question – put

The Assembly divided:

Ayes - 8

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

Noes - 13

Mr Barrett
Mr Chandler
Mr Conlan
Mr Elferink
Mrs Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Ms Lee
Mrs Price
Mr Styles
Mr Tollner
Mr Westra van Holthe

Motion not agreed to.

17. PAPER TABLED – PUBLIC ACCOUNTS COMMITTEE REPORT ON FUNDING OF RUGBY LEAGUE FACILITIES IN DARWIN – REPORT NOTED

Resumption of debate on the question – That the Assembly take note of the report.

Debate resumed.

Question – put and passed.

18. MISUSE OF DRUGS AMENDMENT BILL 2015 (SERIAL 136) – 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 Conlan (Chair of Committees) took the Chair.

The Committee considered the Misuse of Drugs Amendment Bill 2015 (Serial 136).

Clauses 1 to 7 taken together and agreed to.

Clause 8 read.

Ms Lawrie (Member for Karama) moved the following amendment to clause 8 –

Clause 8(2)

omit

Amendment not agreed to.

Clause 8 as printed agreed to.

Remainder of the Bill taken together and agreed to.

Bill to be reported as printed.

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

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

Motion agreed to.

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

19. MATTER OF PUBLIC IMPORTANCE – SALE OF PUBLIC ASSETS

The Speaker advised the Assembly that Ms Fyles (Member for Nightcliff) had proposed a definite Matter of Public Importance – The failure of the Northern Territory Government to consult with or act in the interests of Territorians by selling the Port of Darwin, selling the Territory Insurance Office, selling public buses and threatening the public ownership of the Territory's power and water system.

Having received the necessary support - discussion ensued.

Discussion concluded.

20. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved – That so much of Standing Orders be suspended that would allow me to move the following Motion and subsequently have the question determined:

1. That the Speaker is removed from office by the Legislative Assembly in accordance with section 24(2)(d) of the *Northern Territory (Self-Government) Act 1978 (Cth)*; and
2. That a new speaker be elected pursuant to Standing Order 7.

Debate ensued.

Question – put

The Assembly divided:

Ayes - 13	Noes - 12
Mr Barrett	Ms Anderson
Mr Conlan	Ms Fyles
Mr Chandler	Mr Gunner
Mr Elferink	Mrs Lambley
Mrs Finocchiaro	Ms Lawrie
Mr Giles	Ms Manison
Mr Higgins	Mr McCarthy
Mr Kurrupuwu	Ms Moss
Ms Lee	Ms Purick
Mrs Price	Mr Vowles
Mr Styles	Ms Walker
Mr Tollner	Mr Wood
Mr Westra van Holthe	

Motion agreed to.

21. REMOVAL OF THE SPEAKER – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved –

1. That the Speaker is removed from office by the Legislative Assembly in accordance with section 24(2)(d) of the *Northern Territory (Self-Government) Act 1978 (Cth)*; and
2. That a new speaker be elected pursuant to Standing Order 7.

Debate ensued.

Mr Wood (Member for Nelson) moved the amendment –

Paragraph 1, after 'That'

insert

'A secret ballot is conducted to determine whether'

Question – That the amendment be agreed to - put

The Assembly divided:

Ayes - 12	Noes - 13
Ms Anderson	Mr Barrett
Ms Fyles	Mr Chandler
Mr Gunner	Mr Conlan
Mrs Lambley	Mr Elferink
Ms Lawrie	Mrs Finocchiaro
Ms Manison	Mr Giles
Mr McCarthy	Mr Higgins
Ms Moss	Mr Kurrupuwu
Ms Purick	Ms Lee
Mr Vowles	Mrs Price
Ms Walker	Mr Styles
Mr Wood	Mr Tollner
	Mr Westra van Holthe

Amendment not agreed to.

Question – That the motion be agreed to - put

The Assembly divided:

Ayes - 13	Noes - 12
Mr Barrett	Ms Anderson
Mr Conlan	Ms Fyles
Mr Chandler	Mr Gunner
Mr Elferink	Mrs Lambley
Mrs Finocchiaro	Ms Lawrie
Mr Giles	Ms Manison
Mr Higgins	Mr McCarthy
Mr Kurrupuwu	Ms Moss
Ms Lee	Ms Purick
Mrs Price	Mr Vowles
Mr Styles	Ms Walker
Mr Tollner	Mr Wood
Mr Westra van Holthe	

Motion agreed to.

22. ELECTION OF SPEAKER

The office of the Speaker being vacant, the Clerk took the Chair of the Assembly pursuant to Standing Orders.

Mr Elferink (Leader of Government Business) moved – That the Member for Greatorex take the chair of this Assembly as Speaker.

Mr Giles (Chief Minister) seconded the motion; the Mr Conlan (Member for Greatorex) accepted the nomination.

Mr Gunner (Opposition Leader) moved – That the Member for Goyder take the chair of this Assembly as Speaker.

Ms Lawrie (Member for Karama) seconded the motion; Ms Purick (Member for Goyder) accepted the nomination.

Debate ensued.

There being two nominations, the Assembly balloted:

Member of Goyder - 13 votes.

Member for Greatorex – 12 votes.

The Clerk accordingly declared that Ms Purick was elected as Speaker in accordance with Standing Orders.

The Speaker was conducted to the Chair by her sponsors, Mr Gunner and Ms Lawrie.

The Speaker thanked the Assembly for the high honour it had conferred, and thereupon took the Chair.

23. ADJOURNMENT

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

The Assembly adjourned on Wednesday 18 November at 2.50am until Wednesday 18 November 2015 at 10.00am.

PAPERS

The following papers were deemed to have been Tabled on 17 November 2015 -

Annual Reports 2014/2015:

Darwin Waterfront Corporation, 2014/2015 (Paper 1497)

Department of Infrastructure, 2014/2015 (Paper 1498)

Department of Lands, Planning and the Environment, 2014/2015 (Paper 1499)

Australian Health Practitioner Regulation Agency, 2014/2015 (Paper 1500)

National Health Practitioner Ombudsman and Privacy Commissioner, 2014/2015 (Paper 1501)

Northern Territory Police, Fire & Emergency Services, 2014/2015 (Paper 1502)

Child Protection (Offender Reporting and Registration) Act:

Annual Reporting Requirements 2014/2015, pursuant to section 93(2)-(3) (Paper 1503)

Terrorism (Emergency Powers) Act:

Annual Reporting Requirements 2014/2015, pursuant to section 21ZS(1)-(2), Exercise of Special Powers and Provisions (Paper 1504)

Subordinate Legislation 2015:

No. 22 of 2015, Ports Management Amendment Regulations 2015 (Paper 1505)

No. 23 of 2015, Planning Amendment Regulations 2015 (Paper 1506)

No. 24 of 2015, Traffic Amendment Regulations 2015 (Paper 1507)

No. 25 of 2015, Marine (General) Amendment Regulations (No. 2) 2015 (Paper 1508)

No. 26 of 2015, Legal Profession Admission Amendment Rules 2015 (Paper 1509)

No. 27 of 2015, Building Amendment (Fees) Regulations 2015 (Paper 1510)

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly