
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 78

Tuesday 17 February 2015

1. MEETING

The Assembly met at 10.15am. The Speaker, the Honourable Kezia Purick took the Chair.

2. PRAYERS

3. DEPUTY SPEAKER AND CHAIR OF COMMITTEES APPOINTMENT

The Speaker advised Members that the Member for Daly had resigned his position as Deputy Speaker and Chair of Committees and it was necessary for the Assembly to appoint a Member to be its Deputy Speaker and Chair of Committees.

Mr Giles (Chief Minister) proposed to the Assembly for its Deputy Speaker and Chair of Committees Mr Conlan (Member for Greatorex) and moved – That the Member for Greatorex be appointed Mr Conlan and Chair of Committees.

Mr Westra van Holthe (Deputy Chief Minister) seconded the Motion.

Mr Conlan (Member for Greatorex) accepted the nomination.

There being no further nominations, the question was put and passed.

The Speaker declared Mr Conlan to be appointed Deputy Speaker and Chair of Committees.

4. LEAVE OF ABSENCE – AGREED TO

Mr Wood (Member for Nelson) moved – That a leave of absence for today, tomorrow and Thursday be granted to Ms Anderson (Member for Namatjira) on account of illness.

Motion agreed to.

5. NOTICES

Ms Lawrie (Leader of the Opposition) sought leave to give notice of a motion of No Confidence in the Government.

Leave not granted.

Suspension of Standing Orders

Ms Lawrie (Leader of the Opposition) moved — That so much of Standing Orders be suspended which would prevent me from immediately giving notice of a motion of No Confidence in the Government to be moved in the Assembly pursuant to s.24 (1) (a) of the Electoral Act.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Senator Nova Peris OAM and former Members of the Assembly Mr Syd Stirling, Ms Margaret Hickey, Mr Kon Vatskalis. Noel Padgham and past Speaker Jane Agaard.

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

Mr Elferink (Leader of Government Business) moved – That the question now be put.

Question – put

The Assembly divided:

Ayes - 13

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

Noes - 9

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

Motion agreed to.

Question that Standing Orders be suspended - put

The Assembly divided:

Ayes - 9

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

Noes - 13

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

Motion not agreed to.

6. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of receipt of the following Message from His Honour the Administrator (Paper 1192):

Message No. 23

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:

28 November 2014

Territory Insurance Office (Sale) Act 2014 (**Act No 41 of 2014**)

Motor Accidents (Compensation) Commission Act 2014 (**Act No 42 of 2014**)

5 December 2014

Licensing (Director-General) Act 2014 (**Act No 43 of 2014**)

Licensing (Repeals and Consequential Amendments) Act 2014 (**Act No 44 of 2014**)

Police Administration Amendment Act 2014 (**Act No 45 of 2014**)

8 December 2014

Alcohol Mandatory Treatment Amendment Act 2014 (**Act No 46 of 2014**)

Darwin Rates Amendment Act 2014 (**Act No of 47 2014**)

Termination of Units Plans and Unit Title Schemes Act 2014 (**Act No 48 of 2014**)

Dated 2 February 2015

JOHN HARDY OAM

Administrator

7. REORDER OF ROUTINE OF BUSINESS – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved – That on Thursday, 19 February 2015:

- The Assembly meets at 2 pm, and

- That the Routine of Business be as follows:

(1) Notices

(2) Petitions

(3) Questions

(4) Government Business – Notices and Orders of the Day;

(5) Ministerial Statements; and

(6) Papers.

Question – put and passed.

8. ADMINISTRATIVE ARRANGEMENT ORDER

Mr Elferink (Leader of Government Business), laid upon the Table – Administrative Arrangement Order, *Gazette S12*, dated 11 February 2015 (Paper 1193).

9. QUESTIONS

10.37 Mr McCarthy to Minister for Children and Families (supplementary question)

10.42 Mr Barrett to Chief Minister

10.45 Mr McCarthy to Chief Minister

Paper Tabled: Mr McCarthy (Member for Barkly), by leave, laid upon the Table – Media Release, Mr Adam Giles, Chief Minister, Refreshed Ministerial Team, dated 9 September 2013 (Paper 1194).

10.50 Mr Kurrupuwu to Chief Minister

10.53 Mr McCarthy to Chief Minister

10.55 Mr Barrett to Chief Minister

10.58 Ms Lawrie to Chief Minister

Visitors: The Speaker advised Honourable Members of the presence in the gallery of students from years 4 to 6 from Belyuen School accompanied by Tim Webb.

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

11.02 Mr Kurrupuwu to Chief Minister
11.05 Mr Wood to Chief Minister
11.08 Mr Conlan to Minister for Sport and Recreation
11.12 Ms Walker to Chief Minister
11.15 Mr Barrett to Minister for Business
11.18 Ms Walker to Chief Minister

Paper Tabled: Ms Walker (Member for Nhulunbuy), by leave, laid upon the Table – Letter, to Hon. Adam Giles, reaffirms your undertaking to commission an independent judicial inquiry into allegations of fraud in the Pensioner and Carer Concession Scheme and related matters, Member for Nhulunbuy, Ms Lynne Walker, dated 13 February 2015 (Paper 1195).

11.21 Mrs Finocchiaro to Minister for Senior Territorians

Visitors: The Speaker advised Honourable Members of the presence in the gallery of students from Years 6 to 7 from Sattler Christian School accompanied by Brenton Bartsch. .

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

11.24 Ms Lee to Chief Minister
11.27 Mr Kurrupuwu to Minister for Primary Industry and Fisheries

Suspension of Standing Orders

Ms Lawrie (Member for Karama) moved — That so much of Standing Orders be suspended as would prevent this house from censuring the Government.

Mr Elferink (Leader of Government Business) informed the Assembly that the Government would not accept the censure motion, pursuant to Standing Order 95.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Ms Nicolle Corpus and Mr Kurt Liddy from the Northern Territory Parks and Wildlife Commission.

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

Mr Elferink (Leader of Government Business) moved – That the question now be put.

Question – put

The Assembly divided:

Ayes - 13	Noes - 9
Mr Barrett	Ms Fyles
Mr Chandler	Mr Gunner
Mr Conlan	Ms Lawrie
Mr Elferink	Mr McCarthy

Mrs Finocchiaro	Ms Manison
Mr Giles	Ms Moss
Mr Higgins	Mr Vowles
Mr Kurrupuwu	Ms Walker
Mrs Lambley	Ms Lee
Mrs Price	
Mr Styles	
Mr Tollner	
Mr Westra van Holthe	

Motion agreed to.

Question that so much of Standing Orders be suspended as would prevent this house from censuring the Government - put

The Assembly divided:

Ayes - 9	Noes - 13
Ms Fyles	Mr Barrett
Mr Gunner	Mr Chandler
Ms Lawrie	Mr Conlan
Mr McCarthy	Mr Elferink
Ms Manison	Mrs Finocchiaro
Ms Moss	Mr Giles
Mr Vowles	Mr Higgins
Ms Walker	Mr Kurrupuwu
Ms Lee	Mrs Lambley
	Mrs Price
	Mr Styles
	Mr Tollner
	Mr Westra van Holthe

Motion not agreed to.

10. DISALLOWANCE OF REGULATION 4N OF THE *MOTOR ACCIDENTS (COMPENSATION) AMENDMENT REGULATIONS 2014* – MOTION WITHDRAWN

Mr Barrett (Chair of the Legal and Constitutional Affairs Committee) withdrew the Notice of Motion and by leave, laid upon the Table - Letter, to Mr Nathan Barrett, Member for Blain, regarding the proposal to repeal Regulation 4N of the *Motor Accidents (Compensation) Regulations 2014* at the Executive Council meeting of 16 December 2014, from Mr Adam Giles, Chief Minister dated 27 January 2015 (Paper 1196).

11. REPORT ON THE ENTITLEMENTS OF ASSEMBLY MEMBERS AND DETERMINATION NO. 1 OF 2014 - TABLED PAPER

Mr Giles (Chief Minister) resumed a statement regarding the Report on the Entitlements of Assembly Members and Determination No. 1 of 2014.

Mr Giles moved – That the Assembly take note of the report.

Debate ensued.

Question – put and passed.

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

12. CHIEF MINISTER'S STATEMENT

Mr Giles (Chief Minister), by leave, made a statement regarding Tropical Cyclone Lam.

13. NOTICES

The following notices were given:

1. Ms Lawrie (Leader of the Opposition) will move - I give notice that, subject to precedence being granted by a Minister pursuant to Standing Order 95 and pursuant to the requirements of section 24(1) (a) of the Electoral Act I will move on Tuesday 24 February that this Assembly express 'that the government no longer possesses the confidence of the Assembly'.

Mr Elferink (Leader of Government Business) granted precedence.

2. Mr Elferink (Leader of Government Business) will move on the next sitting day - that during the present session the Assembly shall proceed each day with its ordinary business in the following routine:

- (1) Tuesday and Thursday

Prayers
Business of the Assembly
Government Business – Notices and Orders of the Day

at 2.00 pm

Notices
Petitions
Questions
Government Business – Notices and Orders of the Day
Ministerial Statements
Papers
Committee Reports Consideration
Matters of Public Importance

- (2) Wednesday

Prayers
Business of the Assembly
Government Business – Notices and Orders of the Day

at 2.00 pm

Notices
Petitions
Questions
Government Business – Notices and Orders of the Day
Ministerial Statements
Papers
Committee Reports Consideration
Matters of Public Importance

from 5.30 to 9.00 pm

General Business – Notices and Orders of the Day

3. Mr Elferink (Leader of Government Business) will move on the next sitting day - to disallow Remuneration Tribunal Determination No 1 of 2014.
4. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Bill 2015 (Serial 115).

5. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Ports Management (Repeals and Related and Consequential Amendments) Bill 2015 (Serial 113).

14. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 100A, laid upon the Table Responses to Petition Numbers 39, 40 and 41 (Paper 1197).

15. SPEAKER'S STATEMENT

The Speaker made a statement regarding the distribution of the *Ruling and Precedents* of the 12th Assembly.

16. MINISTERIAL STATEMENT – SETTING THE AGENDA FOR THE YEAR AHEAD – MOTION TO NOTE

Mr Giles (Chief Minister) made a statement regarding the direction of the Government for 2015-2016.

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

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of a group from the Future Cattlemen's Association – Leadership Development Program.

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

Debate continued.

Extension of Time: On the motion of Ms Walker (Member for Nhulunbuy), Mr McCarthy (Member for Barkly) was granted an extension of time.

Debate continued.

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

Debate continued.

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

Debate continued.

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

Debate continued.

On the motion of Mr Elferink (Member for Port Darwin) debate was adjourned.

17. PAPERS

The Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Namatjira, Ms Alison Anderson, travel to Darwin to attend Northern Land Councils 109th Full Council Meeting, 8th -11th December 2014, pursuant to paragraph 4.12, dated 18 December 2014 (Paper 1220).

2. Remuneration Tribunal Determination, Travel Report, Member for Nelson, Mr Gerry Wood travel to Alice Springs, October 2014, pursuant to paragraph 4.12, dated 15 January 2015 (Paper 1221).
3. Remuneration Tribunal Determination, Travel Report, Member for Stuart, Ms Bess Price, travel to New Zealand Study Tour, 27th December 2014 – 19th January 2015, pursuant to paragraph 4.12 dated 9 January 2015 (Paper 1222).
4. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, travel to Cox Peninsula Volunteer Bush Fire Brigade, 8th - 18^h August 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1223).
5. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, travel to Darwin to attend meeting with Northern Land Council and Adjumarllarl Aboriginal Corporation, 19th - 22nd September 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1224).
6. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, travel to Darwin to attend a planning session with Electorate Officer on 7th October 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1225).
7. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, travel to Katherine to attend a smoking ceremony 11th -12th October 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1226).
8. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, to attend planning session with Electorate Office on 24th - 25th October 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1227).
9. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, to attend meetings with new appointed staff members, including new Electorate Office and Regional Liaison Officers between 2nd - 7th November 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1228).
10. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, to travel to Darwin to attend a meeting with West Arnhem Regional Council on 11th – 12th November 2014, pursuant to paragraph 4.12, dated 22 December 2014 (Paper 1229).
11. Members of the Legislative Assembly Quarterly Fuel Transaction Report, February 2015 (Paper 1230).
12. Auditor-General for the Northern Territory, February 2015, Report to the Legislative Assembly (Paper 1231).

18. COMMITTEE MEMBERSHIP – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved – That the following Committee membership changes, be adopted:

The Member for Daly is discharged, and the Member for Greatorex be appointed to the Public Accounts Committee, and

The Member for Daly is discharged, and the Member for Greatorex be appointed to the Committee on the Northern Territory's Energy Future, and

The Member for Daly is discharged, and the Member for Drysdale be appointed to the Fuel Price Disclosure Bill Scrutiny Committee.

Question – put and passed.

19. NOTICES

Mr Giles (Chief Minister) gave notice by leave, that he will move on the next sitting day -

1. A Select Committee on the Port of Darwin be appointed.
2. The Committee shall inquire into and report on the Port of Darwin lease model proposed in the Port of Darwin Bill 2014 (serial 111) and recommend options to enhance the model to ensure that the chosen partner:
 - a. has a vision for growth and development of the port which is aligned to that of the NT Government;
 - b. is required to charge realistic and competitive pricing that promotes business and economic development; and
 - c. has work practices and processes which represent international best practice in the areas of safety, environmental and operational efficiency.
3. In consideration of these matters, the Committee should:
 - a. consider best practice models for maintaining positive government/private sector partnering in lease arrangements;
 - b. consider existing Northern Territory public/private partnerships;
 - c. balance the commercial drivers for a private operator against NT Government objectives from a long term lease to the private sector;
 - d. consider the structure, duration and timing of proposed lease agreements, including how the lease terms can be structured to provide the necessary certainty to any potential operator while retaining the Government's ability consider the operator's performance; and
 - e. consider mechanisms for the NT Government to receive ongoing financial returns over the duration of the lease while continuing to motivate the private sector partner to continue to invest in and grow business through the Port.
4. The Committee's membership shall comprise Mr Barrett, Mrs Finocchiaro, Mr Gunner and Mr Wood, and Mr Barrett 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 two members of the Committee.
7. The committee is to report by 20 March 2015.
8. The provisions of this resolution, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

20. ADJOURNMENT

Mr Giles (Chief Minister) moved - That the Assembly do now adjourn.

The Assembly adjourned at 6.10 p m until Wednesday 18 February 2015 at 10.00 am.

PAPERS

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

Annual Reports 2013/2014:

Jabiru town Development Authority, 2013/2014 (Paper 1202)

Coroners Act:

In the matter of the Coroner's Findings and recommendations into the death of Mr Joshua Stephen Walsh, pursuant to Section 46B, dated 18 January 2015 (Paper 1198)

In the matter of the Coroner's Findings and recommendations into the death of Mr Braden (aka Braydon) (Kwementyaye) Brown, pursuant to Section 46B, dated 20 January 2015 (Paper 1199)

In the matter of the Coroner's Findings and recommendations into the death of Mr Benjamin Leigh Wilton, pursuant to Section 46B, dated 26 November 2014 (Paper 1200)

Financial Management Act:

Authorisation - Issue of Increased Funds available from Commonwealth, pursuant to section 19A(1), dated 19 December 2014 (Paper 1203)

Direction – Transfer of excess appropriations, pursuant to section 20(1), dated 19 December 2014 (Paper 1232)

Government Owned Corporations Act:

Power Generation Corporation Constitution - Amendments, pursuant to section 11, dated 4 February 2015 (Paper 1205)

Power Retail Corporation Constitution – Amendments, pursuant to section 11, dated 4 February 2015 (Paper 1206)

Motor Accidents (Compensation) Commission Act:

Ministerial Direction No. 1 of 2014, pursuant to section 20, dated 19 December 2014 (Paper 1204)

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*, First Report 2015 (Paper 1201)

Subordinate Legislation 2014:

No. 39 of 2014, Motor Accidents (Compensation) Amendment Regulations (No. 2) 2014 (Paper 1207)

No. 40 of 2014, Work Health and Safety (National Uniform Legislation) Amendment Regulations (No. 2) 2014 (Paper 1208)

No. 41 of 2014, Gaming Machine Amendment (Aggregate Number of Gaming Machines) Regulations 2014 (Paper 1209)

No. 42 of 2014, Gaming Machine Amendment (Maximum Number of Gaming Machines) Regulations 2014 (Paper 1210)

No. 43 of 2014, Gaming Control (Reviewable Decisions) Regulations (Paper 1211)

No. 44 of 2014, Gaming Machine Amendment (Levies) Regulations 2014 (Paper 1212)

No. 45 of 2014, Work Health and Safety (National Uniform Legislation) Amendment Regulations (No. 3) 2014 (Paper 1213)

No. 46 of 2014, Food Regulations (Paper 1214)

No. 47 of 2014, Unit Title Schemes (Management Modules) Amendment Regulations 2014 (Paper 1215)

No. 48 of 2014, Land Title Amendment Regulations 2014 (Paper 1216)

No. 49 of 2014, Termination of Units Plans and Unit Title Schemes Regulations (Paper 1217)

No. 50 of 2014, Registration Amendment Regulations (No. 3) 2014 (Paper 1218)

No. 51 of 2014, Alice Springs (Animal Management) Amendment By-laws 2014 (Paper 1219)

ATTENDANCE

All Members attended the sittings, except Ms Anderson on leave.

MICHAEL TATHAM
Clerk of the Legislative Assembly