

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 70

Wednesday 22 October 2014

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:

1. Ionian Club of Darwin; and
2. Year 7 class from Taminmin College.

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

4. QUESTIONS

- 10.03 Ms Lawrie to Chief Minister
10.04 Mrs Finocchiaro to Chief Minister

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 1050).

- 10.08 Mr Vowles to Chief Minister
10.13 Mr Higgins to Chief Minister
10.16 Mr Vowles to Chief Minister
10.19 Mr Kurrupuwu to Minister for Education
10.22 Ms Lee to Minister for Infrastructure

Paper Tabled: Ms Lee (Member for Arnhem), by leave, laid upon the Table – Photographs, Roads in community (Arnhem Electorate) (Paper 1051).

- 10.27 Mr Barrett to Chief Minister
10.30 Mr Vowles to Chief Minister
10.32 Mr Higgins to Minister for Primary Industry and Fisheries
10.34 Mr Vowles to Chief Minister
10.37 Mr Barrett to Minister for Infrastructure
10.40 Mr Wood to Minister for Lands, Planning and the Environment
10.44 Mr Higgins to Minister for Essential Services

Visitors: The Speaker advised Honourable Members of the presence in the gallery of a year 7 class from Taminmin College.

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

- 10.47 Mr Vowles to Chief Minister
10.52 Mrs Finocchiaro to Chief Minister
10.56 Mr Gunner to Chief Minister

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Letter, to Mr Adam Giles, Chief Minister, re email between Foundation 51, Director, Graeme Lewis and from CLP executive member Braedon Earley to the Commissioner of Police or the Director of Public Prosecutions (DPP), from Delia Lawrie, Email and ABC stories reporting the email and other Foundation 51 related stories, dated 22 October 2014 (Paper 1052).

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

Mrs Price (Minister for Community Services), pursuant to Standing Order 119A, gave a supplementary answer to a question asked on a previous day.

5. ESTABLISHMENT OF THE FUEL PRICE DISCLOSURE BILL SCRUTINY COMMITTEE – MOTION AGREED TO

Mr Elferink (Leader of Government Business) pursuant to notice, moved –

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 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 a price motivator exemption to be gazetted under 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.

Mr Elferink notified the Assembly that pursuant to Standing Order 103, paragraph 3 of the Notice of Motion had been amended.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of two year 7 classes from Taminmin College.

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

Debate ensued.

Question – put and passed.

6. FUEL PRICE DISCLOSURE BILL SCRUTINY COMMITTEE - COMMITTEE MEMBERSHIP

Ms Lawrie (Leader of the Opposition) nominated Ms Fyles (Member for Nightcliff) and the Member for Johnston for membership of the Fuel Price Disclosure Bill Scrutiny Committee.

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

7. NOTICES

The following notices were given:

1. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Termination of Units Plans and Unit Title Schemes Bill 2014 (Serial 104).
2. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Police (Special Investigative and other Powers) Bill 2014 (Serial 100).
3. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Licensing (Director-General) Bill 2014 (Serial 102).
4. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Licensing (Repeals and Consequential Amendments) Bill 2014 (Serial 103).
5. Mr Giles (Chief Minister) will move on the next sitting day - That the two bills titled Licensing (Director-General) Bill 2014 (Serial 102) and Licensing (Repeals and Consequential Amendments) Bill 2014 (Serial 103):
 1. together be debated, and in one motion be put in regard to the second readings, the committee report stages and the third readings of the bills; and
 2. be considered separately in the Committee of the Whole.

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

Mr Elferink (Leader of Government Business) moved – That Mrs Finochiaro Member for Drysdale be discharged and the Member for Arafura be appointed to the Committee on the Northern Territory's Energy Future.

Motion agreed to.

Suspension of Standing Orders

Mr Elferink (Leader of Government Business) moved — That this Parliament suspends Standing Orders pursuant to Standing Order 306 so as to allow a motion which:

1. rescinds the motion of Mr Wood of 20 August 2014 under the *Inquiries Act* relating to political donations; and
2. replaces this motion with an alternative means of independently investigating political donations.

Debate ensued.

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

Noes - 11

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

Mrs Price
Mr Styles
Mr Tollner
Mr Westra van Holthe

Ms Anderson
Ms Lee

Motion agreed to.

9. RESCISSION OF MOTION AND SUBSTITUTE MOTION – INQUIRY INTO POLITICAL DONATION – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved – That

1. Parliament rescinds the motion of Mr Wood of 20 August 2014 under *the Inquiries Act* relating to political donations; and
2. That the following motion be agreed to:

That the Government establishes an investigation administered by the Department of the Chief Minister, to investigate the process of political donations in the NT.

That the Parliament notes that the Chief will appoint an independent investigator who will report with particular reference to:

1. existing legislation and any relevant legislation relating to political donations;
2. other jurisdictions and their practices in relation to political donations; and
3. the administration of public election funding models in other jurisdictions, and their potential applications in the NT.

The appointed investigator will report back to the Chief Executive of the Department of the Chief Minister in February 2015 with recommendations considered appropriate to improve the transparency and accountability of any matters relating to political donations in the Northern Territory.

The Chief Minister will report back to the Assembly the findings of the report in the first quarter of 2015.

Debate ensued.

Extension of Time: On the motion of Mr Conlan (Member for Greatorex), Mr Tollner (Member for Fong Lim) was granted an extension of time.

Debate continued.

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	Mr Wood
Mrs Price	

Mr Styles
Mr Tollner
Mr Westra van Holthe

Motion agreed to.

Question – put and passed

10. POLICE ADMINISTRATION AMENDMENT BILL 2014 (SERIAL 98)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Police Administration Act*, 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 upon the Table the Explanatory Statement (Paper 1053).

On the motion of Ms Fyles (Member for Nightcliff) debate was adjourned.

11. CRIMINAL CODE AMENDMENT (REMISSION FOR RESENTENCING) BILL 2014 (SERIAL 99)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the Criminal Code.

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 1054).

On the motion of Ms Fyles (Member for Nightcliff) debate was adjourned.

12. LAND DEVELOPMENT CORPORATION AMENDMENT BILL 2014 (SERIAL 90)

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

Debate resumed.

Debate suspended.

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

13. REORDER OF BUSINESS – MOTION AGREED TO

Ms Walker (Member for Nhulunbuy), at the request of the Member for Nelson, moved – pursuant to Standing Order 153, that General Business, Order of the Day Number 1, be postponed until the next General Business Day.

Debate ensued.

Question – put and passed.

14. WORKERS REHABILITATION AND COMPENSATION AMENDMENT (FIRE-FIGHTERS) BILL 2014 (SERIAL 87) – BILL NOT AGREED TO

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

Debate resumed.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of upper primary students from Maningrida College.

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

Debate continued.

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Letter, to Chief Minister, Refer to the NT News article of 28 September in relation to the presumptive cancer legislation for our Fire fighter members, from Matthew Gardiner, Branch Secretary NT, NT Fire Fighters Union, United Voice NT Branch, dated 20 October 2014 (Paper 1055).

Question – put

The Assembly divided:

Ayes - 8

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

Noes - 12

Mr Barrett
Mr Chandler
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.

15. ANTI-DISCRIMINATION AMENDMENT BILL 2014 (SERIAL 97) – BILL NOT AGREED TO
Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

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
Mrs Lambley
Mrs Price
Ms Purick
Mr Styles
Mr Westra van Holthe

Motion not agreed to.

16. ATTACKS ON TERRITORY WORKERS – MOTION NOT AGREED TO

Resumption of debate on the motion – That this Assembly condemns the CLP for its continual attacks on Territory workers.

The CLP promised that frontline workers would be safe and then went about sacking hundreds of Public Servants on contracts.

The CLP are so out of touch with the spiralling cost-of-living with inflation running at 4.4% they are offering a pay cut in real terms to teachers, fire fighters and paramedics who have voted to take industrial action against their appalling treatment.

The CLP are in dispute with bus drivers – who have an uncertain future because they are selling Darwin Bus Service. The CLP are in dispute with port workers over job losses and there are very real shudders of concern running through prison officers and PowerWater staff.

When the fire fighters spoke out about their plight the Attorney General shamefully accuses them of trading on their good name to line their own pockets.

The Attorney General should apologise immediately and move to ensure the pay offer is a fair one, not less than CPI.

Workers are not surprised the Government is now trying to scrap the May Day public holiday where internationally workers embrace the successful campaign for the 8-hour working day. This CLP has done nothing but attack workers since it won Government on false promises.

Stop the bullying and start working with Territorians who are just trying to earn a decent pay for a decent effort and support their families to live here under an increasing cost of living.

Debate resumed.

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
Mrs Lambley
Mrs Price
Ms Purick
Mr Styles
Mr Westra van Holthe

Motion not agreed to.

17. PROPOSED POWER WATER CORPORATION LEGISLATION COMMITTEE – MOTION NOT AGREED TO

Resumption of debate on the motion – That the Legislative Assembly immediately refer the Power and 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 PowerWater Corporation into three separate entities;

That the committee call witnesses to provide evidence as to the fiscal and economic impact of PowerWater 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 PowerWater 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.

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
Mrs Lambley
Mrs Price
Ms Purick
Mr Styles
Mr Westra van Holthe

Motion not agreed to.

18. NIGHTCLIFF ISLAND – MOTION NOT AGREED TO

Resumption of debate on the motion – That this Assembly condemns the Minister for Lands, Planning and the Environment for:

- Granting a five-year Crown Lease for 98 hectares of Darwin Harbour without going to community consultation about the concept of a man-made residential island;
- Failing to undertake community consultation or preparing a social and environmental impact analysis on the proposed Nightcliff island before issuing a lease and allowing geotechnical drilling to take place; and
- We call on the Minister to stop moves to develop a residential island in our pristine harbour and accept our community values that Darwin is a city built around a uniquely beautiful harbour.

Debate resumed.

Question – put

The Assembly divided:

Ayes - 8

Noes - 12

Ms Fyles	Mr Barrett
Mr Gunner	Mr Chandler
Ms Lawrie	Mr Elferink
Mr McCarthy	Mrs Finocchiaro
Ms Manison	Mr Giles
Ms Moss	Mr Higgins
Mr Vowles	Mr Kurrupuwu
Ms Walker	Mrs Lambley
	Mrs Price
	Mr Styles
	Mr Tollner
	Mr Westra van Holthe

Motion not agreed to.

The time being 9.00 pm, General Business was completed.

19. LAND DEVELOPMENT CORPORATION AMENDMENT BILL 2014 (SERIAL 90) – 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.

On the motion of Mr Giles (Chief Minister), by leave, the Bill was read a third time and was passed to be a proposed law.

20. MINISTERIAL STATEMENT – CONSERVATION OF THE TERRITORY'S UNIQUE NATIVE FLORA AND FAUNA – MOTION TO NOTE

Mr Westra van Holthe (Minister for Land Resource Management) made a statement regarding biodiversity and to highlight the work undertaken to ensure the long term survival of plants and animals.

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

Debate ensued.

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

Debate continued.

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

Debate continued.

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

Debate continued.

Extension of Time: On the motion of Mr McCarthy, Mr Higgins was granted an extension of time.

Debate continued.

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

21. ADJOURNMENT

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

Paper Tabled: Mr McCarthy (Member for Barkly), by leave, laid upon the Table – Letter, from McArthur River Region Traditional Owners to the Federal and Northern Territory Governments, we are deeply concerned about the cultural, health and environmental impacts of the McArthur River lead and zinc mine, and legacy mine contamination in the Gulf Region, petition signed by Traditional Owners, dated 13 October 2014 (Paper 1056).

And the Assembly adjourned at 12.08am, until 10.00 am on Thursday 23 October 2014.

PAPERS

No papers were deemed to have been Tabled on 22 October 2014.

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly