
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 94

Tuesday 25 August 2015

1. MEETING

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

2. PRAYERS

3. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of receipt of the following Message from His Honour the Administrator (Paper 1401):

Message No. 28

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:

23 June 2015

Appropriation (2015-2016) Act 2015 (**Act No 17 of 2015**)

Revenue and Other Legislation Amendment Act 2015 (**Act No 18 of 2015**)

Gaming and Liquor Legislation Amendments) Act 2015 (**Act No 19 of 2015**)

6 July 2015

Justice Legislation Amendment (Summary Procedure) Act 2015 (**Act No 20 of 2015**)

Motor Vehicles (Private Car Parking) Amendment Act 2015 (**Act No 21 of 2015**)

Sentencing Legislation Amendment Act 2015 (**Act No 22 of 2015**)

Dated 15 July 2015

4. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of Year 5/6 students from Berry Springs Primary School.

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

5. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Mr Wood (Member for Nelson) moved – That so much of Standing Orders be suspended that would prevent me from immediately moving a motion in the following terms for debate and decision by the Assembly ahead of all other business today:

That the Assembly requires the Government to postpone any consideration of amendments to the planning scheme in urban/peri-urban highlighted in the Litchfield subregion of the Darwin Regional Land Use Plan until:

1. A proper consultation process is completed for that part of the Darwin Regional Land Use Plan;

2. A draft report is put out for public comment; and

3. A final report which includes a new Litchfield Land Use Objectives Plan is agreed to by this Assembly and is agreed to no later than the last day of the first sittings of the Assembly 2016.

Debate ensued.

Question – put and passed.

6. DARWIN REGIONAL LAND USE PLAN

Mr Wood (Member for Nelson) moved – That the Assembly requires the Government to postpone any consideration of amendments to the planning scheme in urban/peri-urban highlighted in the Litchfield subregion of the Darwin Regional Land Use Plan until:

1. A proper consultation process is completed for that part of the Darwin Regional Land Use Plan;

2. A draft report is put out for public comment; and

3. A final report which includes a new Litchfield Land Use Objectives Plan is agreed to by this Assembly and is agreed to no later than the last day of the first sittings of the Assembly 2016.

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of the Member for Nightcliff's family Paul, Oliver and Henry Archibald.

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

Debate resumed.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of participants in the Adult Migrant English Program.

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

Debate resumed.

Mr Wood, by leave, moved - after paragraph 3, insert:

4. The effect of this motion should not in any way prevent the advance of the Palmerston hospital, hospital precinct and associated works.

Debate ensued.

Debate suspended.

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

7. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 100A, laid upon the Table Responses to Petition Numbers 42, 47 and 48 (Paper 1414).

8. NOTICES

The following notices were given:

1. Mr Tollner (Treasurer) will present on the next sitting day a bill entitled – Legislative Assembly Members' Superannuation Contributions Amendment Bill 2015 (Serial 133).
2. Mr Tollner (Treasurer) will present on the next sitting day a bill entitled – Superannuation Legislation Amendment Bill 2015 (Serial 132).
3. Mr Elferink (Leader of Government Business) will move on the next sitting day - That the Northern Territory Legislative Assembly:
 1. Endorses the establishment of an independent anti-corruption body.
 2. Notes that an independent person will be appointed to provide advice and report back to the Parliament in December 2015 with a range of models for an independent anti-corruption and misconduct body, including but not limited to:
 - a. models from any other jurisdictions
 - b. the use of existing NT legislation or NT statutory authorities such as the *Public Interest Disclosure Act* and the Office of the Commissioner for Public Interests Disclosure, respectively.
 - c. the report will include indicative costs of establishing the various models they put forward.
 3. Note that in considering the use of existing NT legislation or NT statutory authorities the Independent Person has been asked by Government to consider and advise on the following principles:
 - That the Public Interest Disclosure Commissioner be appointed as an Officer of the Parliament to create an independent Commission.
 - That the office be renamed to support a greater understanding of the role and functions of the Office, for example the Independent Anti-Corruption and Integrity Commission.
 - That the powers of the new Commission be extended to provide for 'own motion' investigations.
 - That the existing definition of 'public officer' and 'public bodies' be extended to other categories of officers or bodies for example ministerial advisors who are not on special leave without pay from the public service.
 - That the existing powers under the Act be strengthened in relation to matters allegedly involving Members of the Legislative Assembly.
 - That whether a Special Prosecutor against Corruption and Misconduct (Special Prosecutor) should be added to the new Office.
 - That the penalties under the Act for failing to cooperate with the Commission are adequate.
 - What additional resourcing, if any, might be required for the new Independent Anti-corruption and Integrity Commission and the Special References Unit (SRU) of the

Northern Territory Police to enhance their capacity to investigate allegations of corruption and misconduct.

- Any other relevant matters.
4. Note that the independent person will consult with relevant stakeholders including but not limited to, the NT Police, the NT Law Society, and the Criminal Lawyers Association.
 5. Note that the introduction, public feedback and debate of legislative changes will occur in the first quarter of 2016 with the implementation of a new Independent Anti-corruption and Integrity Commission in the second quarter of 2016.
 4. Mr Gunner (Member for Fannie Bay) will move on the next General Business day - That this Assembly:
 1. Supports the establishment of a Northern Territory version of an independent anti-corruption and misconduct commission.
 2. Notes the widespread community support for an Independent Commission Against Corruption in the Northern Territory
 3. Notes that Independent Commissions Against Corruption or similar bodies have been established in six other Australian jurisdictions to investigate and deter corruption by public officials
 4. Supports creation of an adequately resourced ICAC or ICAC style entity in the Northern Territory which operates independently from the Government
 5. Recognises that the creation of this body must be informed by a careful analysis of events which have led the community to have serious concerns about the adequacy of anti-corruption measures and the Northern Territory's integrity framework
 6. That this parliament resolves pursuant to section 4A of the Inquiries Act, to appoint a person qualified to be a judge in the supreme court of the northern territory, to inquire into and report to the Administrator on the following matters:
 - a. The establishment of an independent anti-corruption body in the Northern Territory, including but not limited to the following considerations:
 - (1) The principles and provisions of ICAC and like legislation in other Australian jurisdictions and their applicability to the Northern Territory
 - (2) The appropriate powers such a body should have including but not limited to:
 - (a) the power to investigate allegations of corruption including against, Ministers, Members of the Legislative Assembly and other public officials
 - (b) the power to conduct investigations and inquiries into corrupt activities and system wide anti-corruption reforms as it sees fit
 - (c) the appropriate trigger for an NT ICAC's jurisdiction and the relationship between this body and other NT bodies such as the Ombudsman
 - b. The inquiry aim to report its findings to this assembly in December 2015 with the option for extension if requested by the independent officer.
 5. Mr Wood (Member for Nelson) will move on the next General Business day - That the PAC investigates all matters relating to the funding of rugby league facilities in Darwin. This would include but not be limited to:

- The original budget allocation for new facilities at Marrara, and
- the decision to spend \$20 million to upgrade Richardson Park.

The Object of the inquiry would be to ascertain what were the original plans for rugby league at Marrara and to investigate why there was a change to Richardson Park, who made that decision, who else had a say in that decision, what due diligence occurred before that decision was made and was cabinet involved in the decision.

The hearings would be public and if requested by the PAC would require any Ministers, departmental officers, departmental staff, rugby league officials or supporters who have been involved either directly or indirectly or anyone else, to give evidence in relation the above matters.

9. QUESTIONS

- 2.06 Ms Manison to Minister for Women's Policy
- 2.09 Mrs Finocchiaro to Chief Minister
- 2.12 Ms Fyles to Minister for Women's Policy
- 2.13 Mr Barrett to Minister for Primary Industry and Fisheries
- 2.16 Ms Manison to Attorney-General and Minister for Justice
- 2.20 Mr Conlan to Minister for Asian Engagement and Trade
- 2.24 Ms Anderson to Chief Minister
- 2.28 Mr Barrett to Treasurer
- 2.31 Ms Fyles to Minister for Police, Fire and Emergency Services (referred to Treasurer)
- 2.35 Mr Conlan to Chief Minister
- 2.39 Ms Walker to Attorney-General and Minister for Justice
- 2.43 Mr Kurrupuwu to Chief Minister
- 2.46 Mr Wood to Minister for Lands and Planning
- 2.50 Mr Kurrupuwu to Minister for Employment and Training
- 2.53 Mr Gunner to Chief Minister
- 2.57 Mrs Finocchiaro to Attorney-General and Minister for Justice

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

10. DARWIN REGIONAL LAND USE PLAN – MOTION AGREED TO

Resumption of debate on the question – That the amendment be agreed to.

Debate resumed.

Paper Tabled: Mr Tollner (Minister for Lands and Planning) laid upon the Table – Map, Holtze Area Plan (Paper 1415).

Question – put and passed.

Question – That the motion as amended be agreed to – put

The Assembly divided:

Ayes - 13

Ms Anderson
Ms Fyles
Mr Gunner
Mrs Lambley
Ms Lawrie
Ms Lee
Ms Manison
Mr McCarthy
Ms Moss

Noes - 12

Mr Barrett
Mr Conlan
Mr Chandler
Mr Elferink
Mrs Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Mrs Price

Ms Purick	Mr Styles
Mr Vowles	Mr Tollner
Ms Walker	Mr Westra van Holthe
Mr Wood	

Motion agreed to.

11. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Ms Fyles (Member for Nightcliff) moved – That so much of Standing Orders be suspended that would prevent me from immediately moving a motion in the following terms for debate and decision by the Assembly ahead of all other business today:

That the Assembly adopt a new Sessional Order which will:

1. Suspend the operation of Standing Order 258, and
2. Order that:

A Minister may make a statement on government policy, or on a government decision, or on government action or on proposed government action at any time when there is no question before the Assembly; provided that copies of the statement are distributed to Members by 5 pm the day before the statement is made.

Debate ensued.

Question – put

The Assembly divided:

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

Motion agreed to.

12. SESSIONAL ORDER: MINISTERIAL STATEMENTS – AMENDED MOTION AGREED TO

Ms Fyles (Member for Nightcliff) moved –That the Assembly adopt a new Sessional Order which will:

1. Suspend the operation of Standing Order 258, and
2. Order that:

A Minister may make a statement on government policy, or on a government decision, or on government action or on proposed government action at any time when there is no question before the Assembly; provided that copies of the statement are distributed to Members by 5 pm the day before the statement is made.

Debate ensued.

Mr Elferink (Member for Port Darwin) moved – after 'statement is made', insert:

Such statements when circulated are to be treated with absolute confidence and any circulation to be treated as a breach of Privilege.

Question - put and not agreed to.

Debate resumed.

Mr Elferink, by leave, moved – after 'statement is made', insert:

Such statements when circulated are to be treated with confidence and any reproduction in the media be considered a breach of the Code of Conduct.

Question – put and passed.

Debate resumed.

Question – That the motion as amended be agreed to - put and passed.

13. DOMESTIC AND FAMILY VIOLENCE AMENDMENT BILL 2015 (SERIAL 126) – 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 Elferink (Attorney-General and Minister for Justice), by leave, the Bill was read a third time and was passed to be a proposed law.

14. FINES AND PENALTIES (RECOVERY) AMENDMENT BILL 2015 (SERIAL 129) – BILL 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 - 13

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

Noes - 8

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

Motion agreed to.

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.

15. PAPERS

Mr Giles (Chief Minister) made a statement and laid on the Table – Northern Territory of Australia Remuneration Tribunal, Report on Salaries and other Entitlements of Assembly Members and Determination No. 1 of 2015 on Salaries and other Entitlements of Assembly Members (Paper 1416).

Leave was granted for Mr Giles to continue his remarks at a later time.

Mr Elferink (Leader of Government Business) made a statement and laid on the Table – Standing Orders Committee, Report of the Standing Orders Committee on a recommendation the Assembly adopt new Standing Orders, August 2015 (Paper 1417).

Mr Elferink moved – That the paper be printed.

Question – put and passed.

Mr Elferink moved – That the Assembly adopt the new Standing Orders.

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

The Deputy Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Brennan, Mr Peter Chandler on study tour, travelled to London, Scotland and New York, between 6th - 24th April 2015, pursuant to clause 4.12, dated 7 August 2015 (Paper 1418).

2. Remuneration Tribunal Determination, Travel Report, Member for Nelson, Mr Gerry Wood travelled to Canada between 25th May – 4th June 2015, to study of Consensus Government in Nunavut and Northwest Territories, Canada, pursuant to clause 4.12, dated 5 August 2015 (Paper 1419).

3. Remuneration Tribunal Determination, Travel Report, Member for Arnhem, Ms Larisa Lee to attend a meeting with Northern Land Council, CEO Joe Morrison, between 26th April – 1 May 2015, pursuant to clause 4.12, not dated (Paper 1420).

4. Remuneration Tribunal Determination, Travel Report, Member for Arnhem, Ms Larisa Lee to attend the Hermannsburg Festival, between 2nd - 5th May 2015, pursuant to clause 4.12, not dated (Paper 1421).

5. Remuneration Tribunal Determination, Travel Report, Member for Greatorex, Mr Matt Conlan to travel to Brisbane to meet with members of the Qld Parliament, between 13th - 18th May 2015, pursuant to clause 4.12, not dated (Paper 1422).

6. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss to travel to Katherine in relation to my shadow portfolio, Young Territorians from 9th - 10th April 2015, pursuant to clause 4.12, dated 3 July 2015 (Paper 1423).

7. Remuneration Tribunal Determination, Travel Report, Member for Nhulunbuy, Ms Lynne Walker to travel to Darwin, Wadeye and Alice Springs for various meetings from 8th May, 11th May and 19th May 2015, pursuant to clause 4.12, dated 18 June 2015 (Paper 1424).

8. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu to attend Annual Clontarf Territory Cup in Palmerston from 9th - 10th May 2015, pursuant to clause 4.12, dated 19 June 2015 (Paper 1426).

9. Remuneration Tribunal Determination, Travel Report, Member for Johnston, Mr Ken Vowles to travel to Launceston, Canberra and Adelaide to meet with stakeholders from Poppy Industry and Primary Industries and relevant portfolios from 13th – 23rd March 2015, pursuant to clause 4.12, dated 19 June 2015 (Paper 1425).

10. Discussion Paper on Assembly Committee Reform, February 2015 (Paper 1427).

16. ADJOURNMENT

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

The Assembly adjourned at 7.23pm until Wednesday 26 August 2015 at 10.00 am.

PAPERS

The following papers were deemed to have been Tabled on 25 August 2015-

Coroners Act:

In the matter of the Coroner's Findings and recommendations regarding the death of Mr Dion Daniels, pursuant to section 46B, dated 19 June 2015 (Paper 1403)

In the matter of Coroner's Findings and recommendations regarding the death of Mr Yanabilnga Dhubururr Li Gaykamangu (aka Francis Gaykamangu), pursuant to section 46B, dated 19 June 2015 (Paper 1404)

Regulations 2015:

No. 12, Construction Industry Long Service Leave and Benefits Amendment Determinations 2015 (Paper 1405)

No. 13, Ports Management Regulations (Paper 1406)

No. 14, Electricity Networks (Third Party Access) Regulations (Paper 1407)

No. 15, Electricity Reform (System Control and Market Operator Functions Code) Regulations (Paper 1408)

No. 16, Government Owned Corporations (Power Corporations Restructure) Regulations (Paper 1409)

No. 17, Motor Vehicles (Fees and Charges) Amendment Regulations 2015 (Paper 1410)

No. 18, Fisheries Amendment Regulations (No. 2) 2015 (Paper 1411)

No. 19, Fisheries Amendment (Coastal Line Fishery and Other Matters) Regulations 2015 (Paper 1412)

No. 20, Gaming Control (Taxes and Levies) Regulations (Paper 1413)

Surveillance Devices Act 2011 (NT):

Annual Reporting Requirements 2013/2014, pursuant to section 59, dated 17 June 2015 (Paper 1402)

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly