

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 79

Wednesday 18 February 2015

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**1. MEETING**

The Assembly met at 10.00am. The Speaker, the Honourable Kezia Purick took the Chair.

**2. PRAYERS**

**3. SPEAKER'S STATEMENT**

The Speaker made a statement regarding Ovarian Cancer Awareness Month.

**4. VISITORS**

The Speaker advised Honourable Members of the presence in the gallery of students from two year 6 classes from Nakara Primary School accompanied by Mrs Vicki Manley and Mr Gaetano Gugliotta.

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

**5. CHIEF MINISTER'S STATEMENT**

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

**6. QUESTIONS**

10.09 Mr McCarthy to Chief Minister

**Paper Tabled:** Mr McCarthy (Member for Barkly), by leave, laid upon the Table –

1. Media Release, Mr Adam Giles Chief Minister, New Territory Commissioner to Indonesia and ASEAN, dated 17 April 2014 (Paper 1233), and
2. Written Question Number 204 – Northern Territory Government's Representative in Indonesia (Paper 1234).

10.10 Ms Lawrie to Chief Minister

10.14 Mr Barrett to Minister for Correctional Services

10.17 Ms Walker to Minister for Police, Fire and Emergency Services (referred to the Minister for Business)

10.22 Mrs Finocchiaro to Minister for Primary Industry and Fisheries

10.25 Mr Gunner to Chief Minister

10.28 Mr Conlan to Minister for Sport and Recreation

10.31 Mr McCarthy to Minister for Children and Families

10.34 Mr Kurrupuwu to Minister for Primary Industry and Fisheries

10.37 Ms Lee to Chief Minister

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**Withdrawal from Chamber:** The Speaker ordered Ms Fyles (Member for Nightcliff) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

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10.42 Mrs Finocchiaro to Minister for Education

10.45 Mr Vowles to Chief Minister

10.49 Mr Barrett to Minister for Business

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**Withdrawal from Chamber:** The Speaker ordered Ms Lawrie (Member for Karama) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

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10.53 Mr McCarthy to Chief Minister

- 10.55 Mr Kurrupuwu to Chief Minister  
10.58 Mr Wood to Minister for Infrastructure

**Paper Tabled:** Mr Wood (Member for Nelson), by leave, laid upon the Table – Photographs, Flooding in suburb of Herbert (Paper 1235).

- 11.02 Mrs Finocchiaro to Minister for Children and Families  
11.06 Mr McCarthy to Treasurer  
11.10 Mr Barrett to Minister for Mines and Energy

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

**7. DISALLOWANCE OF THE REMUNERATION TRIBUNAL DETERMINATION NO 1 OF 2014 – MOTION AGREED TO**

Mr Elferink (Leader of Government Business) pursuant to notice, moved – The disallowance of the Remuneration Tribunal Determination No 1 of 2014.

Debate ensued.

Question – put and passed.

**8. ESTABLISHMENT OF A SELECT COMMITTEE ON THE PORT OF DARWIN**

Mr Giles (Chief Minister) pursuant to notice, moved –

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.

Debate ensued.

**Paper Tabled:** Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Email, to Chief Minister, re Parliamentary Select Committee into your Government's proposed privatisation of the Port of Darwin, from Mr Michael Gunner, Member for Fannie Bay, dated 17 February 2015 (Paper 1236).

Debate continued.

Debate suspended.

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

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## 9. NOTICES

The following notice was given:

1. Mr Styles (Minister for Business) will present on the next sitting day a bill entitled – Construction Industry Long Service Leave and Benefits Amendment Bill 2015 (Serial 112).

Mr Wood (Member for Nelson) advised the Assembly pursuant to Standing Order 103 that the terms of General Business, Notices Number 1 – *Planning Act* Amendment by – omitting the words 'Schedule 2' and inserting in their place the words 'Part 4'.

## 10. COMMITTEE MEMBERSHIP – MOTION AGREED TO

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

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

Question – put and passed.

## 11. ESTABLISHMENT OF A SELECT COMMITTEE ON THE PORT OF DARWIN – AMENDED MOTION AGREED TO

Resumption of debate on the question that – a Select Committee on the Port of Darwin be appointed and related matters.

Debate resumed.

Mr Wood (Member for Nelson) moved – That the following words be inserted after the words '20 March 2015.' – 'The Committee may extend the Reporting Period if it feels that there is insufficient time to complete its Hearings, Inquiries and write its report before reporting back to Parliament.'

Debate ensued.

Mr Giles (Chief Minister) moved –

- (1) That the following words be inserted after the words 'In consideration of these matters, the Committee should:' – 'consider the case for bringing Private Sector Funding to develop the port,' and
- (2) That the words '20 March 2015' are omitted and in their place '27 April 2015 at the start of the day' inserted.

Debate ensued.

Mr Wood, by leave, withdrew his proposed amendment.

Question – That the amendments moved by Mr Giles be agreed to – put and passed.

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

**12. COMMITTEE MEMBERSHIP – MOTION AGREED TO**

Mr Elferink (Leader of Government Business) moved – That the Member for Daly be appointed to the Committee on the Northern Territory's Energy Future.

Question – put and passed.

**13. ASSEMBLY'S ROUTINE OF BUSINESS – MOTION AGREED TO**

Mr Elferink (Leader of Government Business) pursuant to notice, moved – 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 2.00pm

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

Debate ensued.

Question – put and passed.

**14. ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION AND OTHER ENTITLEMENTS) AMENDMENT BILL 2015 (SERIAL 115)**

Mr Giles (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

Bill read a first time.

Mr Giles moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mr Giles laid upon the Table the Explanatory Statement (Paper 1239).

On the motion of Ms Lawrie (Member for Karama) debate was adjourned.

**15. PORTS MANAGEMENT (REPEALS AND RELATED AND CONSEQUENTIAL AMENDMENTS) BILL 2015 (SERIAL 113)**

Mr Giles (Chief Minister), pursuant to notice, presented a Bill for an Act to repeal various regulations and amend other laws related to, or in consequence of the enactment of the *Ports Management Act*.

Bill read a first time.

Mr Giles moved - That the Bill be now read a second time.

Debate ensued.

**Paper Tabled:** Mr Giles laid upon the Table the Explanatory Statement (Paper 1240).

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

**16. CARE AND PROTECTION OF CHILDREN AMENDMENT BILL 2014 (SERIAL 106) – 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 (Minister for Children and Families), by leave, the Bill was read a third time and was passed to be a proposed law.

**17. CHIEF MINISTER'S STATEMENT**

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

**18. MINISTERIAL STATEMENT – LAND RELEASE ACROSS THE TERRITORY – MOTION TO NOTE**

Mr Tollner (Minister for Lands and Planning) made a statement regarding land release across the Territory.

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

On the motion of Mr Gunner (Member for Fannie Bay) debate was adjourned.

**19. REVIEW OF THE NORTHERN TERRITORY YOUTH DETENTION SYSTEM REPORT - TABLED PAPER**

Mr Elferink (Minister for Correctional Services) made a statement and laid on the Table – Review of the Northern Territory Youth Detention System Report, by Michael Vita, January 2015 (Paper 1241).

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

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**Suspension of Standing Orders**

Mr Elferink (Leader of Government Business) moved — That so much of Standing Orders be suspended as would prevent this house from commencing General Business at 5.15 pm until 8.45 pm.

Question - put and passed.

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**20. PLANNING ACT REGULATIONS AMENDMENT – MOTION AGREED TO**

Mr Wood (Member for Nelson) pursuant to notice, moved – That the RL1 and RL2 zones under the NT Planning Scheme be added to Part 4 of the *Planning Act Regulations* thereby allowing residents living in these areas the right to appeal against planning applications.

Debate ensued.

Question – put and passed.

**21. NEGOTIATION WITH BANANA GROWERS – MOTION AGREED TO**

Mr Wood (Member for Nelson) pursuant to notice, moved – That the Government:

- Negotiate with semi-commercial banana growers or hobby farmers who derive income from the sale of their bananas for some form of compensation for the loss of that income.

- Propagate and grow, in a quarantine area using tissue culture, varieties of bananas that would otherwise be destroyed and would not be available after the banana freckle crisis is over, so that those varieties can be regrown when the ban on growing bananas is lifted.

Debate ensued.

Question – put and passed.

**22. TERMS OF LOCAL GOVERNMENTS – MOTION NOT AGREED TO**

Mr Wood (Member for Nelson) pursuant to notice, moved – That the Government

- does not extend the terms of local government councils beyond their present four year term

- but instead reduces the next term of local governments to three and half years.

Debate ensued.

Question – put and not agreed to.

**23. INDEPENDENT LOCAL GOVERNMENT BOUNDARY COMMISSION – MOTION NOT AGREED TO**

Resumption of debate on the motion - That the NT Government sets up an Independent Local Government Boundary Commission to inquire into:

- How many local government areas there should be,
- What the external boundaries should be,
- What the internal boundaries for wards should be,
- Unincorporated areas,
- The development of a formula which clearly spells out the ownership of assets and liabilities if there are boundary changes, and
- What effect boundary changes will have on the sustainability and viability of existing and any proposed new councils taking into account the recommendations of the Deloitte Inquiry into Local Government.

That as part of the investigation the Commission will be required to make sure:

- All residents of the shire councils are informed of the inquiry, and
- All residents have the opportunity to have their say about the future of their council.

The Board should have between 5 and 7 members made up of:

- a representative of the NT Electoral Commission,
- a financial expert on Local Government in the NT,
- up to three persons who have a long standing knowledge and involvement in Local Government,
- the chair of the Local Government Grants Committee,
- one representative of the Department of Local Government, and
- a representative from the Local Government Association of the NT.

Debate resumed.

Question – put and not agreed to.

**24. SUSTAINABLE WATER RESOURCES – AMENDED MOTION AGREED TO**

Resumption of debate on the motion – That this Assembly:

- Recognises that the sustainable use of water resources is fundamental to the economic, social and cultural development of the Northern Territory.
- Acknowledges that potential impact of water allocations on the Territory's unique environment, bio-diversity and cultural values.
- Re-affirms that water allocations under the *Water Act* should be based on sound scientific analysis following proper consultation with all water users and stakeholders.

- Supports indigenous economic development and understands the importance of Strategic Indigenous Reserves.

Resolves that the *Water Act* be amended to incorporate provision for Strategic Indigenous Reserves.

And the following amendment:

*omit*

All words after 'development' in the fourth dot point

*insert*

through the strategic and appropriate allocation of the Territory's water resources.

Debate resumed.

Question – that the amendment be agreed to – put and passed

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

## 25. ADJOURNMENT

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

The Assembly adjourned at 9.31pm until Thursday 19 February 2015 at 2.00pm.

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## PAPERS

The following papers were deemed to have been Tabled on 18 February 2015 -

### **Annual Reports 2013/2014:**

Public Trustee of the Northern Territory, 2013/2014 (Paper 1237)

### **Professional Standards Act:**

Notification, Government Gazette, S121 dated 28 November 2014, Instrument Amending the CPA Australia Limited Professional Standards Scheme, pursuant to section 13(1), dated 24 November 2014 (Paper 1238)

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## ATTENDANCE

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

MICHAEL TATHAM

Clerk of the Legislative Assembly