

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 64

Wednesday 20 August 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 two Year 5/6 classes from Moil Primary School accompanied by Brenda Kellam and Nim Jayawardhana.

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

4. STATEMENT BY SPEAKER – FILMING IN THE CHAMBER

The Speaker advised Members that pursuant to Sessional Order, her permission had been granted to a photographer to take photographs in the Chamber.

5. LEAVE OF ABSENCE – AGREED TO

Ms Anderson (Member for Namatijira) moved – That a leave of absence for today be granted to Ms Larissa Lee (Member for Arnhem) on account of personal reasons.

Question – put and passed.

6. QUESTIONS

- 10.02 Ms Lawrie to Chief Minister
- 10.06 Mr Higgins to Chief Minister
- 10.09 Mr Gunner to Chief Minister (referred to the Attorney-General and Minister for Justice)
- 10.14 Mrs Finocchiaro to Minister for Correctional Services
- 10.17 Ms Lawrie to Chief Minister (referred to the Minister for Public Employment)
- 10.22 Ms Fyles to Chief Minister
- 10.25 Mr Barrett to Minister for Business
- 10.29 Mr Wood to Minister for Health
- 10.32 Mr Higgins to Minister for Community Services
- 10.36 Ms Manison to Chief Minister
- 10.40 Mr Higgins to Minister for Tourism
- 10.44 Ms Anderson to Chief Minister
- 10.46 Mrs Finocchiaro to Minister for Mines and Energy
- 10.50 Ms Walker to Minister for Lands, Planning and the Environment
- 10.54 Mr Barrett to Minister for Lands, Planning and the Environment

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

In response to a question from Mr Wood (Member for Nelson) on 19 August 2014, Mr Styles (Minister for Transport) provided an explanation pursuant to Standing Order 118.

7. POSTPONEMENT OF INTRODUCTION OF TOBACCO CONTROL LEGISLATION AMENDMENT BILL 2014 (SERIAL 89) – MOTION AGREED TO

Mrs Lambley (Minister for Health) moved – That pursuant to Standing Order 123, Notice Number 2, introduction of Tobacco Control Legislation Amendment Bill 2014 (Serial 89) be postponed until 26 August 2014.

Question – put and passed.

8. NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION AMENDMENTS) BILL 2014 (SERIAL 81)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various laws to confer jurisdiction on the Northern Territory Civil and Administrative Tribunal.

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 972).

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

9. SUPERANNUATION LEGISLATION AMENDMENT AND REPEAL BILL 2014 (SERIAL 89)

Mr Tollner (Treasurer), pursuant to notice, presented a Bill for an Act to repeal or amend various legislation relating to superannuation.

Bill read a first time.

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

Debate ensued.

Paper Tabled: Mr Tollner laid upon the Table the Explanatory Statement (Paper 973).

On the motion of Mr McCarthy (Member for Barkly) debate was adjourned.

10. CRIMINAL CODE AMENDMENT (DANGEROUS DRIVING DURING PURSUIT) BILL 2014 (SERIAL 84) – 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 Higgins (Chair of Committees) took the Chair.

Clauses 1 to 4 taken together and agreed to.

Clause 5 read.

Mr Elferink (Attorney-General) moved the following amendment to clause 5 -

Clause 5, proposed section 174FB(4)

omit, insert

(4) It is a defence to a prosecution for an offence against subsection (1) if the defendant believed, on reasonable grounds, that he or she was not given a direction to stop the vehicle by a police officer.

(4A) The defendant has a legal burden of proof in relation to the matter mentioned in subsection (4).

Amendment agreed to.

Clause 5 as amended agreed to.

Remainder of the Bill taken as a whole and agreed to.

Bill to be reported with amendments.

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

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

Motion agreed to.

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

11. DARWIN RATES AMENDMENT BILL 2014 (SERIAL 72)

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

Debate resumed.

Debate suspended.

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

12. NOTICES

The following notices were given:

1. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Land Development Corporation Amendment Bill 2014 (Serial 90).
2. Mr Giles (Chief Minister) will move on the next sitting day – That Parliament notes that:

2014 is the Centenary year of Red Cross in Australia, a significant milestone in the social history of the nation commemorating 100 years of humanitarian service to the people of Australia and the Northern Territory,

Most Australians have shared a personal connection with the Red Cross - from its humanitarian role during two World Wars, to preparing, responding to and recovering from natural disasters, or helping vulnerable people and communities overcome disadvantage, and through its world-class national Blood Service,

For 100 years Australian Red Cross has enjoyed a unique auxiliary status amongst the public authorities in the humanitarian field; working in partnership with governments of all political persuasions, in Australia and internationally, to alleviate suffering in a voluntary aid capacity whilst adhering to its principles of independence, neutrality and impartiality,

Australian Red Cross is part of the world's largest humanitarian movement, with tens of millions of volunteers working in 189 countries. They are united by the fundamental principle of preventing and alleviating human suffering, without discrimination, wherever it may be found in times of war, conflict, disaster or personal crisis.

- 13. DARWIN RATES AMENDMENT BILL 2014 (SERIAL 72) – 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 - 11	Noes - 10
Mr Barrett	Ms Anderson
Mr Chandler	Ms Fyles
Mr Conlan	Mr Kurrupuwu
Mr Elferink	Ms Lawrie
Mrs Finocchiaro	Mr McCarthy
Mr Giles	Ms Manison
Mr Higgins	Mr Vatskalis
Mrs Lambley	Mr Vowles
Mrs Price	Ms Walker
Mr Styles	Mr Wood
Mr Tollner	

Pairs – Mr Gunner and Mr Westra van Holthe

Motion agreed to.

Bill read a second time.

On the motion of Mr Tollner (Minister for Local Government and Regions), by leave, the Bill was read a third time and was passed to be a proposed law.

- 14. MINISTERIAL STATEMENT – MID-TERM STATEMENT – MOTION TO NOTE**
Mr Giles (Chief Minister) made a statement regarding the Government's achievements.

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

Debate suspended.

- 15. MESSAGE FROM THE ADMINISTRATOR**
The Speaker advised Members of receipt of the following Message from Her Honour the Administrator (Paper 985):

Message No 19 - Superannuation Legislation Amendment and Repeal Bill 2014

I, SALLY GORDAN THOMAS AC, the Administrator of the Northern Territory of Australia, under section 11 of the *Northern Territory (Self-Government) Act 1978* (Cth), recommend to the Legislative Assembly a Bill for an Act that will amend the *Superannuation Act* to insert provisions that provide for the payment out of the Consolidated Holding Authority of amounts currently held in respect of unclaimed superannuation benefits, which are to be paid to the Commonwealth to be held in accordance with the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (Cth).

Dated 20 August 2014

- 16. MINISTERIAL STATEMENT – MID-TERM STATEMENT – MOTION TO NOTE**
Resumption of debate on the question – That the Assembly take note of the Statement.

Debate resumed.

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

Debate continued.

Extension of Time: On the motion of Mrs Finocchiaro (Member for Drysdale), Mrs Price (Member for Stuart) was granted an extension of time.

Debate continued.

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

Debate continued.

Debate suspended.

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

17. INQUIRY INTO POLITICAL DONATIONS – MOTION AGREED TO

Mr Wood (Member for Nelson) pursuant to notice, moved – That the Northern Territory Legislative Assembly establishes an inquiry under Section 4A of the Inquiries Act to investigate all aspects of political donations in the NT in the interests of public transparency and accountability with particular reference to:

1. all existing NT legislation and any other relevant legislation relating to political donations;
2. all donations to political parties and independents in the NT over the last 20 years;
3. the role of politically allied companies such as the Harold Nelson Holdings and Foundation 51 and other third parties to see if they are being used as fronts to avoid the disclosure of political donations;
4. the transparency and accountability of the existing funding regimes;
5. other jurisdictions and their practices in relation to political donations; and
6. other matters that the Board of Inquiry may wish to pursue that would assist in improving the confidence of the public in relation to the transparency and full disclosure of political donations and possible effects on Government policies and approvals;

and that the Inquiry report back to the Administrator within 6 months or any other extended period it reasonably considers necessary with any recommendations it considers appropriate that would improve the transparency and accountability of any matters relating to political donations.

Debate ensued.

Paper Tabled: Mr Vowles (Member for Johnston), by leave, laid upon the Table – Emails, from Adam Giles to Graeme Lewis, dated 11th May, 22nd May, 25th May and 26th May 2014, re Foundation 51 (Paper 986).

Debate continued.

Question – put and passed.

18. WORKERS REHABILITATION AND COMPENSATION AMENDMENT (FIRE-FIGHTERS) BILL 2014 (SERIAL 87)

By leave, on behalf of the Member for Fannie Bay, Ms Lawrie (Member for Karama), pursuant to notice, presented a Bill for an Act to amend the *Workers Rehabilitation and Compensation Act*.

Bill read a first time.

Ms Lawrie moved - That the Bill be now read a second time.

Debate ensued.

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

19. SUSPENSION OF STANDING ORDERS – MOTION NOT AGREED TO

Mr Elferink (Leader of Government Business), moved – That so much of Standing Orders be suspended as would enable this House to reverse its decision in relation to the inquiry into political donations made earlier this day.

Debate ensued.

Question – put

The Assembly divided:

Ayes - 12	Noes - 10
Mr Barrett	Ms Anderson
Mr Chandler	Ms Fyles
Mr Conlan	Mr Kurrupuwu
Mr Elferink	Ms Lawrie
Mrs Finocchiaro	Mr McCarthy
Mr Giles	Ms Manison
Mr Higgins	Mr Vatskalis
Mrs Lambley	Mr Vowles
Mrs Price	Ms Walker
Mr Styles	Mr Wood
Mr Tollner	
Mr Westra van Holthe	

Pursuant to Standing Order 306, the motion was not carried by an absolute majority of the whole number of Members.

Motion not agreed to.

20. TEACHERS, HEALTH, POLICE AND ENTERPRISE BARGAINING AGREEMENT OUTCOMES

Ms Lawrie (Member for Karama) pursuant to notice, moved –

That this Legislative Assembly condemns the Chief Minister and the Government for the 125 teacher cuts in the Department of Education, the \$11 million cut to the health budget, failing to keep their promise of 120 new police and the failure to reach a satisfactory EBA outcome with paramedics, prison officers, firefighters and teachers; and

That the Legislative Assembly asserts that front line services must not be sacrificed while the Department of Chief Minister gets \$33 million increase simply to provide the Chief Minister with advice.

Debate ensued.

Extension of Time: On the motion of Ms Manison (Member for Wanguri), Ms Fyles (Member for Nightcliff) was granted an extension of time.

Debate continued.

The time being 9.00pm, debate was suspended at the completion of General Business.

21. MINISTERIAL STATEMENT – MID-TERM STATEMENT – MOTION TO NOTE

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

Debate resumed.

Extension of Time: On the motion of Mrs Finocchiaro (Member for Drysdale), Mrs Lambley (Member for Araluen) was granted an extension of time.

Debate continued.

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

Debate continued.

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

Debate continued.

Debate concluded.

22. ADJOURNMENT

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

And the Assembly adjourned at 11.28pm until Thursday 21 August 2014 at 10.00am.

PAPERS

The following papers were deemed to have been Tabled on 20 August 2014 -

Gaming Control Act

Conduct of Internet Gaming Business, Agreement between the Minister for Business for the Northern Territory of Australia and the Treasurer for the Northern Territory of Australia and Global Players Network Pty Ltd, pursuant to section 47A, dated 3 July 2014 (Paper 974)

Subordinate Legislation 2014

No. 17, Government Owned Corporations (Power and Water Corporation Electricity Businesses Restructure) Regulations (Paper 975)

No. 18, Procurement Amendment Regulations 2014 (Paper 976)

No. 19, Motor Accident (Compensation) Regulations 2014 (Paper 977)

No. 20, Work Health and Safety (National Uniform Legislation) Amendment Regulations 2014 (Paper 978)

No. 21, Penalty Units Amendment Regulations 2014 (Paper 979)

No. 22, Registration Amendment Regulations (No. 2) 2014 (Paper 980)

No. 23, Sentencing Amendment Regulations 2014 (Paper 981)

No. 24, Sentencing Amendment (Identity Crime) Regulations 2014 (Paper 982)

No. 25, Health Services Regulations (Paper 983)

No. 26, Local Court Amendment Rules 2014 (Paper 984)

ATTENDANCE

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

MICHAEL TATHAM
Clerk of the Legislative Assembly