

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 95

Wednesday 26 August 2015

1. MEETING

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

2. PRAYERS

3. ESTABLISHMENT OF AN INDEPENDENT ANTI-CORRUPTION BODY

Mr Eferink (Leader of Government Business) pursuant to notice, moved – 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 Interest Disclosures, 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 Disclosures 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.

Debate ensued.

Withdrawal from Chamber: The Speaker ordered Mr McCarthy (Member for Barkly) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

Debate continued.

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

Debate continued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of students from Kormilda College.

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

Debate continued.

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

Debate continued.

Debate suspended.

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

4. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of students from Year 11 at the Good Shepherd Lutheran School.

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

5. NOTICES

The following notices were given:

1. Mr Styles (Minister for Business) will present on the next sitting day a bill entitled – Agents Licensing Amendment Bill 2015 (Serial 134).
2. Mr Wood (Member for Nelson) will present on the next General Business day – That the Minister for Senior Territorians investigate the need for residential retirement facilities in the broader Darwin rural area and report back to the Parliament by the first quarter of 2016.

The investigation would involve but not be limited to –

1. The future and existing needs of residents in the rural area in relation to seniors' accommodation, retirement and aged care facilities.
2. Land, existing facilities and infrastructure that exist presently or would be needed to facilitate 1.
3. The views of Government or private companies in relation to 1 and 2.
4. The financial sustainability of any proposals.

That the Minister report back to Parliament in the first quarter of 2016.

6. QUESTIONS

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| 2.05 | Mr Gunner to Chief Minister |
| 2.08 | Mr Kurupuwu to Chief Minister |
| 2.12 | Mr Gunner to Minister for Police, Fire and Emergency Services |
| 2.15 | Mrs Finocchiaro to Minister for Education |
| 2.19 | Ms Manison to Minister for Education |
| 2.23 | Mr Conlan to Chief Minister |
| 2.27 | Mr Wood to Minister for Transport |
| 2.30 | Mr Kurupuwu to Minister for Mines and Energy |
| 2.33 | Ms Walker to Treasurer |
| 2.37 | Mr Barrett to Chief Minister |
| 2.41 | Ms Moss to Minister for Health |
| 2.44 | Mrs Finocchiaro to Minister for Primary Industry and Fisheries |
| 2.47 | Mrs Lambley to Treasurer |
| 2.51 | Mr Barrett to Attorney-General and Minister for Justice |
| 2.55 | Ms Moss to Minister for Housing |
| 2.57 | Mr Conlan to Minister for Asian Engagement and Trade |

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

7. 'ICE' SELECT COMMITTEE EXTENSION – MOTION AGREED TO

Mr Elferink (Leader of Government Business) moved – That the Assembly amends its resolution of 25 March 2015 establishing the 'Ice' Select Committee requiring a reporting date of 17 September by deleting the words '17 September' and inserting instead '19 November'.

Debate ensued.

Question – put and passed.

8. ESTABLISHMENT OF AN INDEPENDENT ANTI-CORRUPTION BODY

Resumption of debate on the question - That the motion be agreed to.

Debate resumed.

Mr Elferink, by leave, moved that the debate be adjourned.

9. ANTI-CORRUPTION INTEGRITY AND MISCONDUCT COMMISSION – MOTION AGREED TO

Mr Wood (Member for Nelson) by leave, moved – That this Assembly:

1. Supports the establishment of an Anti-Corruption Integrity and Misconduct Commission.

2. 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 matter:

The establishment of an independent anti-corruption body in the Northern Territory, including but not limited to the following considerations:

- a. The principles and provisions of ICAC and like legislation in other Australian jurisdictions and their applicability to the Northern Territory.
- b. The appropriate powers such a body should have including but not limited to:
 - 1) The power to investigate allegations of corruption including against, Ministers, Members of the Legislative Assembly and other public officials.
 - 2) The power to conduct investigations and inquiries into corrupt activities and system-wide anti-corruption reforms as it sees fit.
 - 3) The appropriate trigger for an NT ICAC's jurisdiction and the relationship between this body and other NT bodies such as the Ombudsman.
 - 4) Models for any other jurisdictions.
 - 5) The use of existing NT legislation or NT statutory authorities.
 - 6) The report will include indicative costs of establishing the various models they put forward.

3. That the qualified person referred to above be selected for recommendation to the Administrator of the Northern Territory based on the process outlined for the appointment of a Supreme Court Judges in Appendix A of the Review of the Processes for the appointment of Judicial Officers in the Northern Territory, with the exception that the panel outlined in the process recommends one instead of two for consideration.
4. Note that the qualified person appointed will consult with relevant stakeholders including but not limited to, the NT Police, the NT Law Society and the Criminal Lawyers Association.
5. The qualified person appointed provide advice and report back to the Parliament in a timely manner.

Debate ensued.

Question – put and passed

10. ESTABLISHMENT OF AN INDEPENDENT ANTI-CORRUPTION BODY

Mr Elferink (Leader of Government Business), by leave, withdrew Government Business Notice Number one pursuant to Standing Order 128.

11. LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION CONTRIBUTIONS AMENDMENT BILL 2015 (SERIAL 133)

Mr Tollner (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Legislative Assembly Members' Superannuation Contributions Act*.

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 1428).

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

12. SUPERANNUATION LEGISLATION AMENDMENT BILL 2015 (SERIAL 132)

Mr Tollner (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Superannuation Act* and rules made under that Act.

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 1429).

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

13. STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2015 (SERIAL 128) – BILL AGREED TO

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

Debate resumed.

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

Debate continued.

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. PAPER TABLED - PUBLIC ACCOUNTS COMMITTEE REPORT - ANNUAL REPORT 2014/2015 -

Mrs Finocchiaro (Chair of the Public Accounts Committee) made a statement and laid on the Table – Annual Report 2014/2015, Public Accounts Committee, August 2015 (Paper 1430).

Mrs Finocchiaro moved – That the paper be printed.

Question – put and passed.

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

15. ESTABLISHMENT OF AN INDEPENDENT COMMISSION AGAINST CORRUPTION – NOTICE WITHDRAWN

Mr Gunner (Member for Fannie Bay) informed the Assembly that he had withdrawn the Notice.

16. REFERRAL TO PUBLIC ACCOUNTS COMMITTEE – MOTION AGREED TO

Mr Wood (Member for Nelson) pursuant to notice, moved – That the Public Accounts Committee 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 to the above matters.

Debate ensued.

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

Debate continued.

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

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

Debate continued.

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

Debate continued.

Mr Wood, by leave, moved – that 'and was cabinet involved in the decision' be omitted.

Question – put and passed.

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

17. CHAOS IN THE TERRITORY GOVERNMENT – MOTION NOT AGREED TO

Resumption of debate on the motion - That this Assembly condemns the CLP for the deepening and ongoing chaos in the Territory Government – hurting families, and businesses and our lifestyle.

1. Inflicting PowerWater price hikes spiking the cost of living;
2. Ongoing turmoil in the NT Public Service with 5 Ministerial reshuffles and 2 Chiefs in 12 months;
3. Broken election promises across the Territory – from the city to the bush, including rising violent crime;
4. Cutting resources to our schools with less teachers and support staff;
5. Disputes with Public Servants – over pay and conditions and pay cuts; and
6. Dodgy deals and jobs for mates.

Debate resumed.

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

Debate continued.

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

Debate continued.

Question - put and not agreed to.

18. FUNDING AND RESOURCING TERRITORY SCHOOLS

Resumption of debate on the motion - That this Legislative Assembly condemns the CLP Government for failing to properly fund and resource Territory schools by:

- Slashing \$125 million from the education budgets
- Forcing global school budgets onto schools which is cost shifting resource burdens onto our schools

The Legislative Assembly calls on the government to reinstate teachers, teacher assistants and properly resource our Territory schools.

Debate resumed.

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

19. PAPERS

The Deputy Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Karama, Ms Delia Lawrie attended the Alice Springs Show and to meet with community stakeholders from 2nd - 4th July 2015, pursuant to clause 4.12, not dated (Paper 1431).
2. Quarterly Members Fuel Transaction Report, dated 26 August 2015 (Paper 1432) (Mr Conlan).

20. ADJOURNMENT

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

The Assembly adjourned at 10.32pm until Thursday 27 August 2015 at 10.00am.

PAPERS

No papers were deemed to have been Tabled on 26 August 2015.

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly