

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 110

Wednesday 16 March 2016

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 4 classes from Larrakeyah Primary school accompanied by Sue Folley and Kiteni Holt.

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

4. SPEAKER'S STATEMENT

The Speaker made a statement regarding Commonwealth Day.

5. APPROPRIATION ACTS REPEAL BILL 2016 (SERIAL 158)

Mr Tollner (Treasurer), pursuant to notice, presented a Bill for an Act to repeal the Acts that authorised the issuing of expenditure of public moneys of the Territory for the financial years from 1978-1979 to 2011-2012.

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 1707).

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

6. MOTION TO CONDEMN TERRITORY LABOR

Mr Styles (Deputy Chief Minister) pursuant to notice, moved –

That this House condemns Territory Labor and its leader for creating a crisis in confidence by its anti-jobs stance for short-term political expediency that has resulted in companies laying off Territory workers; and in so doing so it has sent a serious message internationally that the Northern Territory under a potential Labor government is too high a risk for investment.

Debate ensued.

Withdrawal from Chamber: The Speaker ordered Mr Elferink (Member for Port Darwin) to withdraw from the Assembly for one hour pursuant to Standing Order 49.

Debate continued.

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy, Infrastructure to Enable Growth - Building a Stronger Territory (Paper 1708).

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy, The Northern Territory Jobs Plan - Productivity, Participation, Population (Paper 1709).

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy, Territory Labor’s Innovation Strategy - unlocking creativity – backing local innovators – jobs and prosperity, November 2015 (Paper 1710).

Debate continued.

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy Paper, Recreational Fishing (Paper 1711).

Debate continued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of a Year 3/4 class from St Paul’s Catholic Primary School accompanied by Carol Carey.

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

Debate continued.

Extension of Time: On the motion of Ms Manison (Member for Wanguri), Mr Gunner (Member for Fannie Bay) was granted an extension of time.

Debate continued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Year 4 class from Larrakeyah Primary School, accompanied by their teacher, Leisa Beynon.

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

Debate continued.

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor’s Remote Housing Policy, Tackling the Housing Deficit in Remote Communities (Paper 1712).

Debate continued.

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy, Changing Our Future – Early Childhood Development Discussion Paper (Paper 1713).

Paper Tabled: Mr Gunner (Member for Fannie Bay), by leave, laid upon the Table – Territory Labor Policy, Restoring Integrity to Government Trust and Integrity Reform Discussion Paper (Paper 1714).

Debate continued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of two Year 3/4 classes from St Paul’s Catholic Primary school accompanied by Tessa Browett and Lauren Penny.

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

Debate continued.

Debate suspended.

Suspension of sittings: The sitting of the Assembly was suspended between 12.00pm and 2.00pm.

7. NOTICES

The following notices were given:

1. Mr Elferink (Leader of Government Business) will move on the next sitting day that:
 1. Mr Barrett be discharged from the Legal and Constitutional Affairs Committee and Mr Westra van Holthe be appointed in his place.
 2. Mr Westra van Holthe be appointed the Chair of the Legal and Constitutional Affairs Committee.
2. Mr Styles (Minister for Business) will present on the next sitting day a bill entitled – Red Tape Reduction (Miscellaneous Amendments) Bill 2016 (Serial 157).

8. QUESTIONS

- 2.01 Mr Gunner to Minister for Police, Fire and Emergency Services
- 2.04 Mrs Finocchiaro to Chief Minister
- 2.07 Mr Gunner to Minister for Police, Fire and Emergency Services
- 2.11 Mrs Finocchiaro to Chief Minister
- 2.15 Ms Manison to Minister for Police, Fire and Emergency Services
- 2.19 Mr Kurrupuwu to Treasurer
- 2.22 Ms Lawrie to Minister for Housing
- 2.27 Mr Conlan to Treasurer
- 2.30 Ms Fyles to Minister for Police, Fire and Emergency Services
- 2.35 Mr Westra van Holthe to Minister Assisting the Treasurer

Paper Tabled: Mr Barrett (Minister Assisting the Treasurer) laid upon the Table – List of Unions NT Executive Committee 2012-14 (Paper 1716).

- 2.39 Mrs Lambley to Chief Minister

Withdrawal from Chamber: The Speaker ordered Mr Elferink (Member for Port Darwin) to withdraw from the Assembly for one hour pursuant to Standing Order 49.

- 2.44 Mr Conlan to Minister for Business

Visitors: The Speaker advised Honourable Members of the presence in the gallery of interpreters from the Interpreting and Translating Service NT.

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

- 2.48 Ms Moss to Minister for Police, Fire and Emergency Services
- 2.51 Mrs Finocchiaro to Chief Minister
- 2.54 Ms Walker to Minister for Police, Fire and Emergency Services
- 2.57 Mr Wood to Chief Minister

Mr Giles (Chief Minister) asked that further questions be placed on the Written Question Paper.

Mr Tollner (Minister for Lands and Planning) provided a response to Mr Wood regarding a question taken on notice on 15 March 2016.

9. PERSONAL EXPLANATION - MEMBER FOR ARALUEN

Pursuant to Standing Order 26, having obtained leave from the Chair, Mrs Lambley (Member for Araluen) explained matters of a personal nature.

10. MOTION - CONDEMN TERRITORY LABOR – MOTION AGREED TO

Resumption of debate on the question – That this House condemns Territory Labor and its leader for creating a crisis in confidence by its anti-jobs stance for short-term political expediency that has resulted in companies laying off Territory workers; and in so doing so it has sent a serious message internationally that the Northern Territory under a potential Labor government is too high a risk for investment.

Debate resumed.

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

Debate continued.

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

Debate continued.

Question - put and passed.

11. LOCAL COURT (REPEALS AND RELATED AMENDMENTS) BILL 2015 (SERIAL 148) – 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 to consider the Bill in detail.

Consideration in Detail

The Assembly considered the Local Court (Repeals and Related Amendments) Bill 2015 (Serial 148).

Clauses 1 to 13 taken together and agreed to.

Clause 14 read.

Mr Elferink (Member for Port Darwin) moved the following amendment:

Clause 14, proposed section 120

omit, insert

120 Property offences that may be dealt with summarily

- (1) Subject to section 122A, the Court may hear and determine summarily one or more charges of one or more indictable offences in relation to a defendant, at the same time, if:
 - (a) each offence is against section 210, 219, 221, 224, 227 or 229 of the Criminal code, or is an attempt to commit such an offence; and
 - (b) the value of the property involved for all of the offences ;being heard and determined does not exceed \$50,000.
- (2) The jurisdiction conferred by subsection (1) may be exercised whether or not the defendant consents to its exercise.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15 read.

Mr Elferink (Member for Port Darwin) moved the following amendment:

Clause 15, proposed section 124

omit

120 or 120A

insert

120, 121A or 131A

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 read.

Mr Elferink (Member for Port Darwin) moved the following amendment:

Clause 16(1)

omit, insert

- (1) Section 125(1)

omit

When a Magistrate proceeds to dispose of any case under section 120 or 121A

insert

If the Court decides to hear and determine a charge summarily under section 120, 121A or 131A

Amendment agreed to.

Clause 16, as amended, agreed to.

Clauses 17 to 163 taken together and agreed to.

Schedule 1 read.

Mr Elferink (Member for Port Darwin) moved the following amendments:

Schedule 1

Insert (in numerical order)

section 57A, heading	inform of Schedule 3	issued
section 60AC(1)(b) and (2)	201A	49 of the Local Court Act
section 105D(1)(c)	201A	48 of the Local Court Act

Amendment agreed to.

Schedule 1

omit

section 57A(1)	in the form in Schedule 3	
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insert

section 57A(1)	in the form in Schedule 3	issued under section 57(2)
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Amendment agreed to.

Schedule 1

Omit

section 106(1)	all words from “before” to “defendant at”	before the Court on a charge that may be heard and determined summarily under section 120 or 121A, if the Court is constituted by a judge the defendant may at
	the Magistrate	the Court

insert

section 106A(1)	all the words from “before” to “defendant at”	before the Court on a charge that may be heard and determined summarily under section 120, 121A or 131A, if the Court is constituted by a Judge the defendant may at
	the Magistrate	the Court

Amendment agreed to.

Schedule 1

omit

section 116(2)	all the words from “shall cause” to “thereof”	must deliver these documents to the proper office of the Supreme Court, before or at the opening of the Supreme Court, on the first day of the sitting
	Judge in the court	Supreme court Judge

insert

section 116(2)	all words from “shall cause” to “thereof”	must deliver these documents to the proper officer of the Supreme Court, before or at the Opening of the Supreme Court, on the first day of sitting
	Judge in the Court	Supreme Court Judge

Amendment agreed to.

Schedule 1

omit

section 122A(1)	an offence being dealt with pursuant to	a charge being heard summarily under
	Court:	Court, the Court:

insert

section 122A(1)	an offence being dealt with pursuant to section 120 or 121A	a charge being heard summarily under section 120, 121A or 131A
	Court:	Court, the Court:

Amendment agreed to.

Schedule 1

omit

section 139	Justice shall forthwith writing under the hand of the clerk for the relevant district requires,	relevant registrar must the relevant registrar and
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	and the recognisances recognisance (if any),	
	Court at which the Defendant is to appear for Sentence	Supreme Court
	Judge who is to preside In the	Supreme
<i>insert</i>		
section 139	Justice shall forthwith	relevant registrar must
	writing under the hand of the clerk for the relevant district	the relevant registrar
	, as the case requires,	and
	and the recognisances recognisance (if any),	
	Court at which the defendant is to appear for sentence	Supreme Court
	Judge who is to preside In the	Supreme
Amendment agreed to.		
Schedule 1		
<i>omit</i>		
section 141(1)	he (<i>all references</i>)	the defendant
	Court at	Supreme Court at
	his	the defendant
	any Judge presiding over the	the Supreme
<i>insert</i>		
section 141(1)	he may	the defendant may
	Court at which he	Supreme Court at which the defendant
	his	the defendant's
	any Judge presiding over the	the Supreme
	he thinks	the Court

Amendment agreed to.

Schedule 1, as amended, agreed to.

The remainder of the Bill was taken as a whole and agreed to.

The Bill as amended was agreed to.

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

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

12. MOTION - PROPOSED NEW STANDING ORDER - MOTION AS AMENDED AGREED TO

Mrs Price, (Member for Stuart) pursuant to notice, moved –

That the Standing Orders of this Assembly be so amended as to allow the use of language other than English in this chamber, provided that for the purposes of Hansard, a translation of the words spoken by a Member must be provided directly following the speaking of language, or provided by way of tabling a copy of the Member's remarks immediately upon the conclusion of the contribution.

That this motion introduces a new Standing Order 23A that states:

"A Member may rise to speak in any language other than English so long as an oral translation is provided in the English language by the same Member immediately subsequent to the words spoken in the language other than English, or a written translation is tabled (without the need to seek leave) immediately at the conclusion of the contribution by the Member in the language other than English."

Debate ensued.

Paper Tabled: Ms Purick (Member for Goyder), by leave, laid upon the Table – Letter from Hon. Bess Nungarrayi Price, MLA, re use of language other than English in the Chamber, dated 12 February 2016 (Paper 1717).

Paper Tabled: Ms Purick (Member for Goyder), by leave, laid upon the Table – Letter to Hon. Bess Nungarrayi Price, MLA, re use of the English language in the Legislative Assembly of the Northern Territory, dated 13 February 2016 (Paper 1718).

Debate continued.

Ms Purick, (Member for Goyder) moved the following amendment:

Delete all words after "that" and insert the following words:

The Standing Orders Committee is requested to inquire into and report to the Assembly with recommendations about the best procedure to allow Members to speak during debate in any language other than English and that the Standing Orders Committee reports back to the Assembly no later than the sitting week commencing Tuesday 24 May 2016.

Debate ensued.

Mr Elferink, (Member for Port Darwin) moved the following amendment:

That the Standing Orders Committee report back no later than the sitting week commencing Tuesday 19 April 2016.

Question – That the amendment to the amendment be agreed to, put and passed.

Question – That the amendment as amended be agreed to, put and passed.

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

13. REFERRAL TO COMMITTEE OF PRIVILEGES – MOTION NOT AGREED TO

Resumption of debate on the motion –

1. That the Assembly refers to the Committee of Privileges the publication of two advertisements appearing in the Northern Territory News dated Friday 18 September and Monday 21 September which alleged that named Members of this Assembly prevented the passage of legislation which still remains on the Notice Paper
2. The Committee investigates whether the creation and publication of the advertisements may constitute a contempt of the Legislative Assembly
3. The Committee considers whether the Chief Minister or another identifiable person is responsible for the publication of the advertisements and
4. The Committee reports back to the Assembly on its findings with recommendations the Committee Considers appropriate by or before the 17 March 2016.

Debate resumed.

Paper Tabled: Ms Manison (Member for Wanguri), by leave, laid upon the Table – emails from the Department of Chief Minister relating to the publication of the two advertisements in the NT News (Paper 1719).

Debate continued.

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

Debate continued.

Question – put

The Assembly divided:

Ayes - 12

Ms Anderson
Ms Fyles
Mr Gunner
Mrs Lambley
Ms Lawrie
Mr McCarthy
Ms Manison
Ms Moss
Ms Purick
Mr Vowles
Ms Walker
Mr Wood

Noes - 13

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

Motion not agreed to.

14. MEDICAL SERVICES AMENDMENT BILL 2015 (SERIAL 150)

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

Debate resumed.

Debate suspended.

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

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Dr Belton and those who have been here today to observe the debate of this bill.

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

15. REPORTS

1. Public Accounts Committee Report – Public Private Partnership Arrangements for the Darwin Correctional Precinct – **Consideration Adjourned**
2. Public Accounts Committee Report – Inquiry into Structural Separation of the Power and Water Corporation – **Consideration Adjourned**
3. Committee on the Northern Territory’s Energy Future Report – Key Challenges and Opportunities: Issues Paper – **Consideration Adjourned**
4. Auditor-General for the Northern Territory – Report to the Legislative Assembly, August 2015 – **Consideration Adjourned**
5. Auditor-General for the Northern Territory – Report to the Legislative Assembly, February 2016 – **Consideration Adjourned**

16. ADJOURNMENT

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

The Assembly adjourned at 9.15 pm until Thursday 17 March 2016 at 10.00am.

PAPERS

The following paper were deemed to have been tabled on 16 March 2016 -

Regulation 2015:

No. 804 of 2015, (New South Wales) Education and Care Services National Amendment Regulation 2015 (Paper 1715).

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly