

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 96

Thursday 27 August 2015

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**1. MEETING**

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

**2. PRAYERS**

**3. SPEAKER'S STATEMENT**

The Speaker made a statement regarding Daffodil Day.

**4. VISITORS**

The Speaker advised Honourable Members of the presence in the gallery of students from Wagaman Primary School.

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

**5. AGENTS LICENSING AMENDMENT BILL 2015 (SERIAL 134)**

Mr Styles (Minister for Business), pursuant to notice, presented a Bill for an Act to amend the *Agents Licensing Act*.

Bill read a first time.

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

Debate ensued.

**Paper Tabled:** Mr Styles laid upon the Table the Explanatory Statement (Paper 1433).

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

**6. RETURN TO WORK LEGISLATION AMENDMENT BILL 2015 (SERIAL 127)**

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

Debate resumed.

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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**7. VISITORS**

The Speaker advised Honourable Members of the presence in the gallery of Year 12 Legal Studies students from Kormilda College.

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

**8. NOTICES**

The following notice was given:

1. Mrs Lambley (Member for Araluen) will move on the next General Business day - That the government reverse the changes they made to the guidelines for the First Home Owners Grant on 1<sup>st</sup> January 2015 pertaining to Alice Springs and include both existing and new homes as eligible to receive the First Home Owners Grant.

**9. QUESTIONS**

2.01 Mr Gunner to Chief Minister

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**Visitors:** The Speaker advised Honourable Members of the presence in the gallery of the Hon Syd Stirling the former Deputy Chief Minister of the Northern Territory.

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

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2.06 Mrs Finocchiaro to Chief Minister

2.09 Ms Manison to Chief Minister

2.13 Mr Barrett to Minister for Police, Fire and Emergency Services

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**Visitors:** The Speaker advised Honourable Members of the presence in the gallery of Mrs Dee Elferink, the partner of the Attorney-General.

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

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2.17 Ms Moss to Minister for Children and Families

2.20 Mr Kurrupuwu to Minister for Asian Engagement and Trade

2.24 Mrs Lambley to Minister for Housing

2.29 Mr Conlan to Attorney-General and Minister for Justice

2.33 Ms Moss to Minister for Mental Health Services

2.35 Mr Conlan to Attorney-General and Minister for Justice

**Paper Tabled:** Mr Elferink (Attorney-General) laid upon the Table – Letter, Mr Alan Wilson, Chief Executive Officer, Department of Health and Families, re Audit of Northern Territory Pensioner and Carers Concession Scheme, from F McGuinness, Auditor-General for the Northern Territory, dated 2 June 2010 – (Schedule 1 – 5) (Paper 1441).

2.39 Ms Manison to Minister for Education

2.42 Mrs Finocchiaro to Minister for Women's Policy

2.46 Ms Lee to Minister for Housing

2.49 Mr Kurrupuwu to Minister for Police, Fire and Emergency Services

2.52 Ms Fyles to Minister for Sport and Recreation

2.54 Mr Wood to Minister for Infrastructure

2.58 Mr Barrett to Chief Minister

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

Mr Tollner (Treasurer) provided an answer to a question asked on 26 August 2015.

**Paper Tabled:** Mr Tollner (Treasurer) laid upon the Table – Mrs Lambley to Treasurer, 26 August 2015 – How many first home owners have received grants in Alice Springs? – Answer received 27 August 2015 (Paper 1442).

**10. RETURN TO WORK LEGISLATION AMENDMENT BILL 2015 (SERIAL 127) – 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 Mr Giles (Member for Braitling), Mr Styles (Member for Sanderson) was granted an extension of time.

Debate continued.

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.

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**In Committee**

Mr Conlan (Chair of Committees) took the Chair.

The Committee considered the Return to Work Legislation Amendment Bill 2015 (Serial 127).

Clause 1 to 3 taken together and agreed to.

Clause 4 read.

Mr Styles (Minister for Business) moved the following amendment to clause 4 –

**Clause 4(2), definition *management action***

*omit*

includes

*insert*

means any action taken by the employer in the management of the worker's employment or behaviour at the workplace, including

Amendment agreed to.

Clause 4 as amended agreed to.

Clauses 5 to 10 taken together and agreed to.

Mr Styles moved the following amendment –

**After clause 10**

*insert*

**10A Section 61A amended**

(1) Section 61A(2)(a)(ii) and (b)(ii)

*omit*

Division

*insert*

Part

(2) After section 61A(2)

*insert*

(2A) In this section, a reference to a week, in relation to payment, or eligibility for payment, of compensation is to be construed as including a week during which

compensation is paid or payable, even if the compensation is paid or payable only in respect of part of the week.

Amendment agreed to.

Clauses 11 to 12 taken together and agreed to.

Mr Styles moved the following amendment –

**After clause 12**

*insert*

**12A Section 64 amended**

After section 64(5)

*insert*

(5A) A reference in subsection (5) to a week, in relation to payment, or eligibility for payment, of compensation is to be construed as including a week during which compensation is paid or payable, even if the compensation is paid or payable only in respect of part of the week.

**12B Section 65 amended**

After section 65(13A)

*insert*

(13B) In this section, a reference to a week, in relation to payment, or eligibility for payment, of compensation is to be construed as including a week during which compensation is paid or payable, even if the compensation is paid or payable only in respect of part of the week.

Amendment agreed to.

Clauses 13 to 16 taken together and agreed to.

Clause 17 read.

Mr Styles moved the following amendment to clause 17 –

**Clause 17, proposed section 75A(1)(c)**

*omit*

detailed

Amendment agreed to.

Clause 17 as amended agreed to.

Remainder of the Bill taken together and agreed to.

Bill to be reported with amendments.

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The Assembly resumed; the Speaker took the Chair; Mr Conlan 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 Styles, the Bill was read a third time and was passed to be a proposed law.

**11. PROPOSED AMENDMENTS - STANDING ORDER 128**

Mrs Finocchiaro (Member for Drysdale), by leave, withdrew Government Business Order Number 13 pursuant to Standing Order 128.

**12. LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE - REPORT ON THE MOTOR ACCIDENTS (COMPENSATION) AMENDMENT REGULATIONS 2014, SUBORDINATE LEGISLATION NO. 19 OF 2014, NOVEMBER 2014 - STANDING ORDER 128**

Mrs Finocchiaro (Member for Drysdale), by leave, withdrew Government Business Order Number 16 pursuant to Standing Order 128.

**13. MINISTERIAL STATEMENT - CONSERVATION OF THE TERRITORY'S UNIQUE NATIVE FLORA AND FAUNA – STATEMENT NOTED**

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

Debate ensued.

Question – put and passed.

**14. MINISTERIAL STATEMENT - LAND RELEASE ACROSS THE TERRITORY – STATEMENT NOTED**

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

Debate ensued.

**Extension of Time:** On the motion of Mr Elferink (Member for Port Darwin), Mr Wood (Member for Nelson) was granted an extension of time.

Debate continued.

Question – put and passed.

**15. PAPER TABLED - AUDITOR-GENERAL'S AUGUST 2015 REPORT TO THE LEGISLATIVE ASSEMBLY**

The Deputy Speaker and laid on the Table – Auditor-General for the Northern Territory, Report to the Legislative Assembly, August 2015 (Paper 1443).

Mr Elferink (Leader of Government Business) moved – That the paper be printed.

Question – put and passed.

Mr Elferink moved – That the Assembly take note of the report.

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

**16. PAPERS**

The Deputy Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Johnston, Mr Ken Vowles attended the APPEA conference and exhibition in Melbourne between 16<sup>th</sup> - 22<sup>nd</sup> May 2015, pursuant to clause 4.12, dated 21 August 2015 (Paper 1444).

2. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss travelled to Alice Springs for meetings with Tangentyere Council, Central Australian Affordable Housing Company and People's Alcohol Action Coalition, on 19<sup>th</sup> May 2015, pursuant to clause 4.12, not dated (Paper 1445).

3. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss travelled to Tennant Creek and Alice Springs on 9<sup>th</sup> -11<sup>th</sup> July 2015 to attend caucus and meetings, pursuant to clause 4.12, not dated (Paper 1446).

4. Remuneration Tribunal Determination, Travel Report, Member for Nightcliff, Ms Natasha Fyles travel to Canberra between 22<sup>nd</sup> – 25<sup>th</sup> July 2015 to meet with Federal Minister for Solomon, Darwin to Maningrida to meet with local communities between 7<sup>th</sup> – 18<sup>th</sup> July 2015, pursuant to clause 4.12, not dated (Paper 1447).

#### 17. **ADJOURNMENT**

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

The Assembly adjourned at 6.06pm until Tuesday 15 September 2015 at 10.00am.

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#### **PAPERS**

The following papers were deemed to have been Tabled on 27 August 2015 -

##### **Annual Report 2014:**

Batchelor Institute of Indigenous Tertiary Education 2014, Volume 1 (Paper 1434)

Batchelor Institute of Indigenous Tertiary Education 2014, Volume 2 (Paper 1435)

##### **Financial Management Act:**

Authorisation – Issue of Increased Funds available from Commonwealth, pursuant to section 19A(1)(2) dated 30 June 2015 (Paper 1436)

Direction – Transfer of Excess Appropriations, pursuant to section 20(1), dated 30 June 2015 (Paper 1437)

##### **Regulations 2015:**

Co-operatives National Regulations under the *Co-operatives (Adoption of National Law) Act* 2012 (Paper 1438)

No. 317 of 2015, Rail Safety National Law National Regulations (Fees) Variation Regulations 2015 (South Australia) (Paper 1439)

No. 318 of 2015, Rail Safety National Law National Regulations Variation Regulations 2015 (South Australia) (Paper 1440)

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#### **ATTENDANCE**

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly