

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 89

Thursday 30 April 2015

1. MEETING

The Assembly met at 10am. The Deputy Speaker, Mr Conlan took the Chair pursuant to Standing Order 9.

2. PRAYERS

3. VISITORS

The Deputy Speaker advised Honourable Members of the presence in the gallery of students from Darwin High School.

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

4. DISALLOWANCE OF SUBORDINATE LEGISLATION – MOTION NOT AGREED TO

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

1. Subordinate Legislation No. 41 of 2014, *Gaming Machine Amendment (Aggregate Number of Gaming Machines) Regulations 2014*; and

2. Subordinate Legislation No. 42 of 2014, *Gaming Machine Amendment (Maximum Number of Gaming Machines) Regulations 2014*.

Debate ensued.

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

Debate continued.

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

Debate continued.

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

Debate continued.

Question – put

The Assembly divided:

Ayes - 8

Ms Fyles
Mr Gunner
Mr McCarthy
Ms Manison
Ms Moss
Mr Vowles
Ms Walker
Mr Wood

Noes - 12

Mr Barrett
Mr Chandler
Mr Conlan
Mr Elferink
Mr Giles
Mrs Finocchiaro
Mr Higgins
Mr Kurrupuwu
Mrs Price
Mr Styles

Mr Tollner
Mr Westra van Holthe

Pairs: Ms Purick and Ms Lawrie

Motion not agreed to.

5. ESTABLISHMENT OF AN ESTIMATES COMMITTEE AND GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE – MOTION AGREED TO

Mr Elferink (Leader of Government Business) pursuant to notice, moved – that this Assembly appoint an Estimates Committee for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation (2015-2016) Bill and related budget documents, and to appoint a Government Owned Corporations Committee for the purpose of examining and reporting on the activities, performance, practices and financial management of the Power and Water Corporation, Jacana Energy, and Territory Generation, with reference to those corporations' Statements of Corporate Intent for 2015-16.

Debate ensued.

Question – put and passed.

6. DEPUTY SPEAKER'S STATEMENT

The Deputy Speaker made a statement regarding Road Safety Week.

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

7. QUESTIONS

14.03 Mr Gunner to Chief Minister (supplementary question)

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of Year 11 Legal Studies students from the Essington School.

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

14.07 Mr Barrett to Chief Minister
14.10 Mr Gunner to Chief Minister
14.14 Mr Kurrupuwu to Minister for Local Government and Community Services
14.18 Ms Fyles to Chief Minister
14.22 Mr Barrett to Minister for Primary Industry and Fisheries
14.26 Ms Manison to Minister for Education

Papers Tabled: Ms Manison (Member for Wanguri), by leave, laid upon the Table –

1. NAPLAN results Summary: NT – Aust Comparison, Department of Education (Paper 1325);
2. Achievement Trends - Numeracy (Paper 1326); and
3. Achievement Trends - Writing (Paper 1327); and

14.30 Mr Wood to Minister for the Environment
14.34 Mrs Finocchiaro to Minister for Education
14.37 Ms Walker to Minister for Health
14.41 Mr McCarthy to Attorney-General and Minister for Justice

Paper Tabled: Mr McCarthy (Member for Barkly), by leave, laid upon the Table – Question from McCarthy to Elferink (Q6) (Paper 1328).

14.46 Mr Barrett to Minister for Racing, Gaming and Licensing

14.49 Ms Lee to Minister for Essential Services (referred to Minister for Corporate and Information Services)

14.54 Mrs Finocchiaro to Minister for Disability Services

14.58 Ms Walker to Minister for Women's Policy (taken on notice)

Papers Tabled: Ms Walker (Member for Nhulunbuy), by leave, laid upon the Table –

1. NT News article, 'Price adviser took son', dated Wednesday 29 April 2015 (Paper 1329); and

2. NT Government TRIPS Movement Requisition Acquittal – Official Travel – Archive Environment – Paul Mossman travel in March 2015 (Paper 1330).

14.59 Mrs Finocchiaro to Chief Minister

15.02 Ms Moss to Minister for Housing

15.07 Mrs Finocchiaro to Treasurer

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

Mr Giles (Chief Minister) gave a supplementary answer.

Mr Chandler (Minister for Education) gave a supplementary answer.

Mrs Price (Minister for Housing) answered a question taken on notice.

Paper Tabled: Mrs Price (Minister for Housing) laid upon the Table – Letter, from Qantas Customer Care regarding travel between 7 March 2015 and 17 March 2015 of Paul Mossman (Paper 1331).

8. INQUIRY INTO THE DRAFT FUEL PRICE DISCLOSURE BILL – TABLED PAPER

Mr Wood (Chair of the Draft Fuel Price Disclosure Bill Scrutiny Committee) made a statement and laid on the Table – Fuel Price Disclosure Bill Scrutiny Committee – Inquiry into the Draft Fuel Price Disclosure Bill, April 2015 (Paper 1338).

Mr Wood moved – That the paper be printed.

Question – put and passed.

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

Question – put and passed.

9. JUSTICE LEGISLATION AMENDMENT (SUMMARY PROCEDURE) BILL 2015 (SERIAL 122)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act a Bill for an Act to amend Acts administered by the Attorney-General and Minister for Justice to provide for procedures for offences in the Court of Summary Jurisdiction.

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 1332).

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

10. SENTENCING LEGISLATION AMENDMENT BILL 2015 (SERIAL 124)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act a Bill for an Act to amend the *Sentencing Act* and *Youth Justice Act*.

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 1333).

On the motion of Ms Walker (Member for Nhulunbuy) debate was adjourned.

11. REFERRAL OF THE MEMBERS FOR KARAMA AND BARKLY TO THE COMMITTEE OF PRIVILEGES

Mr Elferink (Leader of Government Business) pursuant to notice, moved – That the Members for Karama and Barkly together, be referred to the Committee of Privileges pursuant to Standing Order 83, for the following reason:

- Upon the recommendation of Mr John Lawler who conducted the Inquiry into Stella Maris authorised by this house so empowered to conduct an inquiry into the attempted transfer of the Stella Maris building to Unions NT applying to the Members for Karama and Barkly together; and

That the Member for Karama be further referred to the Committee of Privileges pursuant to Standing Order 83 by reason of:

- The findings of the Supreme Court of the Northern Territory into the deliberate and wilful attempt to have the Supreme Court to make a wrongful finding based on a deliberate attempt to discredit the Lawler inquiry.

This reference to the Committee of Privileges may also attend to the matter of affidavits that were lodged in support of the statement of issues and contentions which are currently the subject of a criminal investigation.

And further: This motion be held over in its entirety from further debate until the criminal matter is either completed or discharged by way of investigation or subsequently dealt with by a court.

Debate ensued.

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

12. NATIONAL ELECTRICITY (NORTHERN TERRITORY) (NATIONAL UNIFORM LEGISLATION) BILL 2015 (SERIAL 118) – 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 Tollner (Treasurer), by leave, the Bill was read a third time and was passed to be a proposed law.

13. PORTS MANAGEMENT BILL 2014 (SERIAL 110), PORT OF DARWIN BILL 2014 (SERIAL 111) AND PORTS MANAGEMENT (REPEALS AND RELATED AND CONSEQUENTIAL AMENDMENTS) BILL 2015 (SERIAL 113) – BILLS AGREED TO

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

Debate resumed.

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

Debate continued.

Question - put and passed.

Bills read a second time.

The Assembly resolved itself into Committee of the Whole for consideration of the Ports Management Bill 2014 in detail.

In Committee

Mr Conlan (Chair of Committees) took the Chair.

The Committee considered the Ports Management Bill 2014 (Serial 110).

Clause 1 to 40 taken together and agreed to.

Clause 41 read.

Mr Giles (Chief Minister) moved the following amendment to clause 41 -

Clause 41, heading

omit, insert

41 Port operator's directions: wrecks likely to cause damage etc. to commercial vessels

Amendment agreed to.

Clause 41 as amended agreed to.

Clause 42 read.

Mr Giles moved the following amendment to clause 42 -

Clause 42, heading

omit, insert

42 Regional harbourmaster's directions: wrecks likely to cause damage etc. to non-commercial vessels

Amendment agreed to.

Clause 42 as amended agreed to.

Clause 43 to 53 taken together and agreed to.

Clause 54 read.

Mr Giles moved the following amendment to clause 54 -

After clause 54(5)(c)

insert

- (ca) whether the grant or renewal would lessen effective competition in upstream or downstream markets, either within or outside the designated port; and

Amendment agreed to.

Clause 54 as amended agreed to.

Clause 55 to 120 taken together and agreed to.

Mr Giles moved the following amendment -

After clause 120

insert

120A Annual report to Minister on material non-compliance

- (1) The Regulator must make an annual report to the Minister, by 1 December in each year, on each of the following:
- (a) if the Regulator has received a report under section 129 from a private port operator on any material instance of non-compliance with the operator's access policy that occurred during the immediately preceding financial year – the contents of the report;
 - (b) if the Regulator is satisfied that there were one or more material instances, during the immediately preceding financial year, of non-compliance by a private port operator with a determination of the Regulator mentioned in section 131 that applied to the operator at the time of the non-compliance – the instance or instances.
- (2) The Minister must table a copy of the report in the Legislative Assembly within 7 sitting days after receiving it.

Amendment agreed to.

Clause 123 to 125 taken together and agreed to.

Clause 126 read.

Mr Giles moved the following amendment to clause 126 -

Clause 126(1)(a) and (b)

omit, insert

- (a) the operator fails to prepare a draft access policy in accordance with this section;
or
- (b) the operator fails to give the draft to the Regulator by the date specified in, or calculated in accordance with, the regulations.

Amendment agreed to.

Mr Giles moved the following amendment to clause 126 -

Clause 126(2)(a)

omit

Amendment agreed to.

Mr Giles moved the following amendment to clause 126 -

Clause 126(3) and (4)

omit, insert

- (3) Within 60 days after receiving a draft access policy, the Regulator must give the private port operator written notice of one of the following:
 - (a) that the Regulator approves the draft policy;
 - (b) that the Regulator does not approve the draft policy because it does not meet the requirements of subsection (2) and that the private port operator must amend the draft policy, as directed by the Regulator, so it meets those requirements.
- (4) The Regulator must approve a draft access policy that meets the requirements of subsection (2).
- (4A) A private port operator who receives a notice mentioned in subsection (3)(b) must, within 30 days after the date of the notice, resubmit the draft access policy, amended as directed, to the Regulator, for approval under this section.

Amendment agreed to.

Mr Giles moved the following amendment to clause 126 -

Clause 126(6)

omit

(3) and (4)

insert

(3), (4) and (4A)

Amendment agreed to.

Mr Giles moved the following amendment to clause 126 -

After clause 126(8)

insert

- (8A) If the private port operator wishes to amend its access policy after it has been approved, the port operator must:
 - (a) prepare a proposal for an amended access policy; and

- (b) engage in consultations to ensure that port users are informed of the proposal; and
 - (c) prepare a new draft access policy that reflects the proposal.
- (8B) This section applies to the approval of the new draft access policy mentioned in subsection (8A)(c) in the same way as it does to any other draft access policy, except:
- (a) the private port operator must, when giving the new draft access policy to the Regulator, also give to the Regulator a written explanation of the reasons for the amendments in the proposal and a written summary of the comments received during the consultations on the proposal; and
 - (b) the Regulator must, when deciding whether to approve the new draft access policy, consider whether it is necessary for the operator to make the proposed amendments.

Amendment agreed to.

Mr Giles moved the following amendment to clause 126 -

After clause 126(9)

insert

- (10) To avoid doubt, if a private port operator gives a new draft access policy mentioned in subsection (8A)(c) to the Regulator for approval, the operator must continue to comply with its existing access policy until an amended access policy is approved under subsection (3)(a).

Amendment agreed to.

Clause 126 as amended agreed to.

Clause 127 read.

Mr Giles moved the following amendment to clause 127 -

Clause 127(1)

omit

access policies and reports relating to them

insert

reports relating to access policies

Amendment agreed to.

Clause 127 as amended agreed to.

Clause 128 agreed to.

Clause 129 read.

Mr Giles moved the following amendment to clause 129 -

Clause 129(1)

omit, insert

(1) A private port operator must, no later than 30 September in each year, make an annual report to the Regulator on any material instance of non-compliance with the operator's access policy that occurred during the immediately preceding financial year.

(1A) In addition, a private port operator must make any other report on a material instance of non-compliance with its access policy that is required by regulation.

Amendment agreed to.

Mr Giles moved the following amendment to clause 129 -

Clause 129(2), after "(1)"

insert

or (1A)

Amendment agreed to.

Clause 129 as amended agreed to.

Clause 130 read.

Mr Giles moved the following amendment to clause 130 -

Clause 130(1)(a), after "129(1)"

insert

or (1A)

Amendment agreed to.

Clause 130 as amended agreed to.

Remainder of the bill taken together and agreed to.

Bill to be reported with amendments.

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

The Deputy Speaker put the question - that the Report be adopted.

Motion agreed to.

By leave, Mr Giles moved – that the bill entitled Ports Management (Repeals and Related and Consequential Amendments) Bill 2015 (Serial 113) be taken cognate together with the Port Management Bill 2014 (Serial 110) and Port of Darwin Bill 2014 (Serial 111).

Question - put and passed

By leave, Mr Giles moved – that the bills be read a third time.

Question – put

The Assembly divided:

Ayes - 13

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

Noes - 7

Ms Fyles
Mr Gunner
Mr McCarthy
Ms Manison
Ms Moss
Mr Vowles
Mr Vowles

Pairs: Ms Purick and Ms Lawrie

Motion agreed to and the Bills were read a third time and were passed to be a proposed laws.

14. REORDER OF BUSINESS – MOTION AGREED TO

Mr Elferink (Leader of Government Business), moved – pursuant to Standing Order 89, that the Assembly meets on 4 June 2015 at 2pm, and the order of business will be as follows:

1. Prayers;
2. Notices;
3. Petitions;
4. Government Business; and
5. Adjournment

Question – put and passed.

15. PAPERS

The Deputy Speaker tabled the following Paper –

1. Members of the Legislative Assembly Fuel Transaction Report, dated 30 April 2015 (Paper 1339).

16. ADJOURNMENT

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

Papers Tabled: Mr Conlan (Member for Greatorex), by leave, laid upon the Table –

1. Email, Leah Hudson, Business Manager, Tourism NT to Angela Collard, Corporate Services, Tourism NT, re: Mr Conlan Repayments for Hospitality, dated 5 February 2015 (Paper 1340);
2. Letter, Hon. Matt Conlan, Minister for Tourism to Mr Tony Mayell, CEO, Tourism NT, re: Mr Conlan Repayments for Hospitality, dated January 2014 (Paper 1341);
3. Letter, Hon. Matt Conlan, Minister for Tourism to Mr Tony Mayell, CEO, Tourism NT, re: Mr Conlan Repayments for Hospitality, dated November 2013 (Paper 1342); and

4. Invoices for Hon. Matt Conlan hospitality bill, Three invoices for \$1599.86; \$1386.54; \$2133.14 totalling \$5119.54 (Paper 1343).

The Assembly adjourned at 8.00pm until Thursday 4 June 2015 at 2.00pm.

PAPERS

The following papers were deemed to have been Tabled on 30 April 2015 -

Coroner's Act:

In the matter of the Coroner's Findings and recommendations into the death of Marlene Ann Wilson, pursuant to Section 46B, dated 5 January 2015 (Paper 1334)

Power and Water Corporation:

Power and Water Corporation 2015-16 Statement of Corporate Intent (Paper 1335)

Territory Generation Power Generation Corporation:

Territory Generation Power Generation Corporation (Trading as Territory Generation) 2015-16 Statement of Corporate Intent April 2015 (Paper 1336)

Jacana Energy:

Jacana Energy – Power Retail Corporation trading as Jacana Energy Statement of Corporate Intent 2015-16 (Paper 1337)

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly