

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 111

Thursday 17 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 5 classes from Essington Primary School, accompanied by their teachers, Mr Darren Beattie and Mr John Knight.

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

4. LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE MEMBERSHIP – MOTION AGREED TO

Mr Elferink (Leader of Government Business) pursuant to notice, moved 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.

Question – put and passed.

5. RED TAPE REDUCTION (MISCELLANEOUS AMENDMENTS) BILL 2016 (SERIAL 157)

Mr Styles (Minister for Business), pursuant to notice, presented a Bill for an Act to amend various laws for red tape reduction, and for related purposes.

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 1720).

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

6. LOCAL COURT (RELATED AMENDMENTS) BILL 2016 (SERIAL 154) – BILL AGREED TO

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

Debate resumed.

Visitors: The Deputy Speaker advised Honourable Members of the presence in the gallery of a year 4/5/6 class from Middle Point School accompanied by Narelle Dahl.

The Deputy Speaker also welcomed two Year 5 classes from Leanyer Primary School accompanied by their teachers.

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

Debate continued.

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 (Related Amendments) Bill 2016 (Serial 154)

Clauses 1 to 17 taken together and agreed to.

Clause 18 read.

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

Clause 18(3)

omit

Section 4(5)(a) to (g)

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 26 taken together and agreed to.

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

New Division 6A

After clause 26

insert

Division 6A Justices Act

26A Act amended

 This Division amends the *Justices Act*.

26B Section 177 amended

(1) Section 177(2)(e), before “make”

insert

 subject to subsections (2A) and (2B)

(2) After section 177(2)

insert

(2A) For subsection (2)(e), the Supreme Court, when making an order for costs in relation to proceedings in the Local Court must apply the prescribed scale as mentioned in section 77C.

(2B) However, if the Supreme Court considers the circumstances of the case, or the legal issues, are of an exceptional nature, the court may order costs exceeding the prescribed scale.

26C Part IX, Division 5 inserted

At the end of the Act

insert

Division 5 Transitional matters for Local Court (Related Amendments) Act 2016

207 Appeal already commenced

(1) This section applies in relation to an appeal mentioned in section 177 that was lodged before the commencement of this section.

(2) Section 177, as in force immediately before the commencement of this section, continues to apply to the appeal.

Amendment agreed to.

New Division 6A agreed to.

Clauses 27 to 28 taken together and agreed to.

Clause 29 read.

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

Clause 29 (2)

omit, insert

(2) Schedule 2, item for section 263, third column

omit

Magistrate

insert

Local Court Judge

(3) Schedule 2, item for section 265, third column

omit

magistrate

insert

Local Court Judge

Amendment agreed to.

Clause 29, as amended, agreed to.

Clauses 30 to 43 taken together and agreed to.

Schedule read.

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

Schedule

omit

Australasia Railway (Third Party Access) Act

section 47(1)(b) a crime an indictable offence

insert

AustralAsia Railway (Third Party Access) Act

Schedule,
Clause 47(1)(b) a crime an indictable offence

Amendment agreed to.

Schedule, *Liquor Act*

omit

sections 101ZC(1) and
120S(3) and (4) court of summary
jurisdiction Local Court

insert

Amendment agreed to.

Schedule, *Sexual Offences (Evidence and Procedure) Act*

omit

section 5(1)(b) all words from “justice”
to “other” person constituting the
court or another person
approved by the court,
and that

section 11(1) Justice of the

Amendment agreed to.

Schedule

insert (in alphabetical order)

Youth Justice Act

section 134, heading or recognizance

section 137(1) or monetary recognizance

Amendment agreed to.

Schedule, 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.

7. BUILDING AMENDMENT (OCCUPANCY CERTIFICATION) BILL 2016 (SERIAL 152) –
Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of two Year 5 classes from Essington School accompanied by Ms Kate Kain and Ms Marie Noonan.

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.

8. NOTICES

The following notices were given:

1. Mr Wood (Member for Nelson) will move on the next General Business day - That the government immediately put on hold an application by Intrapac to the Water Controller as advertised on Tuesday this week that would allow Intrapac to extract 571ML of water or half of the estimated sustainable yield of 1057ML/YR from the Wildman Siltstone Formation aquifer (Sections 05827, 05758, 05761 and 00507 Hundred of Strangways) known as Noonamah Ridge, until the EPA has completed and released its report on the Noonamah Ridge development Environmental Impact Statement.

9. QUESTIONS

- | | |
|------|---|
| 2.00 | Mr Gunner to Chief Minister |
| 2.04 | Mrs Finocchiaro to Chief Minister |
| 2.08 | Mr Gunner to Chief Minister |
| 2.12 | Mr Conlan to Treasurer |
| 2.16 | Ms Lawrie to Treasurer |
| 2.18 | Mr Kurrupuwu to Minister Assisting the Treasurer |
| 2.22 | Mr Gunner to Chief Minister |
| 2.26 | Mr Westra van Holthe to Minister for Business |
| 2.30 | Mr McCarthy to Minister for Housing |
| 2.34 | Mr McCarthy to Minister for Housing – supplementary |
| 2.36 | Mr Conlan to Chief Minister |
| 2.39 | Mr Wood to Minister for Housing |
| 2.43 | Mrs Finocchiaro to Treasurer |

10. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Mr Tollner (Treasurer) moved – That so much of Standing Orders be suspended that would prevent this House from censuring the Leader of the Opposition for his reckless and indifferent support for the corrupt activities of the Union Movement in the Northern Territory.

Debate ensued.

Question – put

The Assembly divided:

Ayes - 12

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

Noes – 8

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

Motion agreed to.

11. CENSURE OF OPPOSITION LEADER – MOTION AGREED TO

Mr Tollner (Treasurer) moved – That this House censures the Leader of the Opposition for his reckless and indifferent support for the corrupt activities of the Union Movement in the Northern Territory.

Debate ensued.

Withdrawal from Chamber: The Deputy Speaker ordered Ms Walker (Member for Nhulunbuy) to withdraw from the Assembly for one hour pursuant to Standing Order 49.

Debate continued.

Question put

The Assembly divided:

Ayes - 12

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

Noes – 7

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

Motion agreed to.

12. BUILDING AMENDMENT (OCCUPANCY CERTIFICATION) BILL 2016 (SERIAL 152) – 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 Building Amendment (Occupancy Certification) Bill 2016.

Clauses 1 to 8 taken together and agreed to.

Clause 9 read.

Mr Tollner (Member for Fong Lim) proposed the following amendment:

Clause 9(2)

omit, insert

(2) Section 65(1)

omit, insert

(1) A person must not occupy a building unless:

(a) occupancy certification has been granted for the building; or

(b) a declaration under subsection (1A) is in force for the building;

(1A) The Minister may, by *Gazette* notice, declare, in relation to a building or building work:

(a) that occupancy certification is not required; or

(b) that occupancy certification is not required and a provision of the Regulations applies to the building or building work.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 21 taken together and agreed to.

Clause 22 read.

Mr Tollner (Member for Fong Lim) proposed the following amendments:

Clause 22, proposed section 195(4)

omit, insert

(4) For the purposes of determining an application mentioned in subsection (2) or (3);

- (a) a reference in Part 8 to a building permit granted for building work is taken to be a reference to a building approval given under Part III of the repealed act; and
- (b) a reference to a requirement under the Act or the Regulations (however expressed) in that Part, except as set out in the Table to this section, is taken to be a reference to such a requirement:
 - (i) under the repealed Act, or the regulations made under the repealed Act; and
 - (ii) that was in force when the building work was approved or commenced.

Table of exceptions

	Provision	Reference
1	70(2)(c)(ii)	criteria prescribed by regulation
2	72B(1)(a)	building of a class prescribed by regulation
3	72B(1)(e)	further criteria prescribed by regulation
4	72C(c)	criteria mentioned in section 72B(1)(e)
5	Division 3	any requirements
6	76C	Schedule 3

Amendment agreed to.

Clause 22, proposed section 197

omit, insert

197 Application in relation to building work approved or commenced before commencement.

- (1) This section applies in relation to building work:
 - (a) that commenced after 31 August 1993 but before the commencement; or
 - (b) for which a building permit was granted after 31 August 1993 but before the commencement.
- (2) An application for an occupancy permit in relation to building work made but not determined before the commencement:
 - (a) is taken to be an application for occupancy certification; and
 - (b) must be determined under Part 8 of this Act as in force after the commencement.
- (3) Part 8 (as in force after the commencement) applies, as if a reference to a requirement under the Act or the Regulations (however expressed) in that Part, except as set out in the Table to section 195, where a reference to such a requirement that was in force when the building work commenced or the building permit was granted, to:
 - (a) an application mentioned in subsection (2); or
 - (b) an application for occupancy certification made after the commencement.

Amendment agreed to.

Clause 22 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 Tollner (Minister for Lands and Planning), the Bill was read a third time and was passed to be a proposed law.

13. PAPERS

The Deputy Speaker tabled the following Papers –

1. Annual Report of Member travel and telephone expenses 2015, pursuant to Clauses 6.3 and 8.9 of the Remuneration Tribunal Determination No. 1 of 2013 (Paper 1724).
2. Quarterly Report on the Use of Fuel Cards by Members, final quarter 2015, pursuant to Auditor-General's recommendations (Paper 1725).

14. PAPER TABLED – MEMBERS INTERESTS' COMMITTEE REPORT TO THE ASSEMBLY ON A PROPOSAL TO TABLE MEMBERS' INTERESTS RETURNS AND UPLOAD THE TABLED DOCUMENTS ON THE ASSEMBLY WEBSITE EACH YEAR – ADOPT REPORT

Mr Elferink (Chair of the Committee of Members Interests) made a statement and laid on the Table – Report to the Assembly on a Proposal to Table Members' Interests Returns and Upload the Tabled Documents on the Assembly Website Each Year (Paper 1723).

Mr Elferink moved – That pursuant to Standing Order 242(1) the report be made available in an accessible format.

Question – put and passed.

Mr Elferink moved – That the Assembly adopt the report.

On the motion of Mrs Finocchiaro (Member for Drysdale) debate was adjourned.

15. PAPER TABLED – STANDING ORDERS COMMITTEE REPORT TO THE LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY ON MATTERS OF QUESTION TIME REFORM, INFANT CARE AND RIGHT OF REPLY

Mr Elferink (Chair of the Standing Orders Committee) made a statement and laid on the Table – Standing Orders Committee Report to the Legislative Assembly of the Northern Territory on Matters of Question Time Reform, Infant Care and Right of Reply (Paper 1726).

Mr Elferink moved – That pursuant to Standing Order 242(1) the report be made available in an accessible format.

Question – put and passed.

Mr Elferink moved – That the Assembly adopt the report.

Debate ensued.

On the motion of Mrs Finocchiaro (Member for Drysdale) debate was adjourned.

16. PAPER TABLED – HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSION FINAL INVESTIGATION REPORT, INVESTIGATION INTO THE PRISON HEALTH SERVICE AT DARWIN CORRECTIONAL CENTRE – DE-IDENTIFIED, 26 FEBRUARY 2016

Mr Elferink (Attorney-General) made a statement and laid on the Table – Health and Community Services Complaints Commission, Final Investigation Report, Investigation into the Prison Health Service at Darwin Correctional Centre – De-identified, 26 February 2016 (Paper 1727).

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

Question – put and passed.

17. 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**

18. ADJOURNMENT

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

The Assembly adjourned at 6.28pm until Tuesday 19 April 2016 at 10.00am.

PAPERS

The following papers were deemed to have been tabled on 17 March 2016 –

Reports:

1. OmbudsmanNT, Compliance by Northern Territory Police Force with *Surveillance Devices Act*, January 2016 (Paper 1722).
2. *Local Government Act*, Regional Councils and Local Authorities, Guideline 8, pursuant to ss 53E(2) and 258(1) 29 January 2016 (Paper 1721).

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly