

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 77

Thursday 27 November 2014

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**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:

1. Year 5/6 and Year 6 classes from Nightcliff Primary School; and
2. Deannie Egan, Katelyn Nolan and Ms Monique Gorham from Kormilda College.

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

**4. QUESTIONS**

10.01 Ms Lawrie to Chief Minister

**Paper Tabled:** Ms Lawrie (Member for Karama), by leave, laid upon the Table – Article, Townsville Labor, Leases are a “dishonest, sneaky way” to undertake asset sales, Jeff Seeney, Queensland Parliament, March 23 2010 (Paper 1164).

10.05 Mr Higgins to Chief Minister

10.08 Ms Fyles to Chief Minister

10.13 Mr Kurrupuwu to Minister for Alcohol Rehabilitation

10.17 Ms Manison to Minister for Education

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**Withdrawal from Chamber:** The Speaker ordered the Members for Nightcliff and Wanguri to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

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10.22 Mrs Finocchiaro to Attorney-General and Minister for Justice

10.25 Mr Wood to Minister for Education

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**Visitors:** The Speaker advised Honourable Members of the presence in the gallery of a Year 6 class from Nightcliff Primary School.

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

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10.29 Mr Kurrupuwu to Minister for Transport

10.32 Ms Walker to Minister for Health

10.37 Mrs Finocchiaro to Minister for Education

10.40 Ms Moss to Minister for Children and Families

10.44 Mrs Finocchiaro to Chief Minister

10.48 Mr Vowles to Chief Minister

10.54 Mr Barrett to Minister for Lands, Planning and the Environment

10.57 Mr Wood to Minister for Correctional Services

10.58 Mr Barrett to Chief Minister

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

**5. AMENDMENT TO SELECT COMMITTEE ON ACTION TO PREVENT FOETAL ALCOHOL SPECTRUM DISORDER TERMS OF REFERENCE – MOTION AGREED TO**

Mr Elferink (Leader of Government Business) pursuant to notice, moved – that the Assembly amends its resolution of 26 March 2014 establishing the Select Committee on Action to Prevent Foetal Alcohol Spectrum Disorder by deleting “November” in paragraph 6 and inserting instead “February 2015”.

Debate ensued.

Question – put and passed.

**6. CARE AND PROTECTION OF CHILDREN AMENDMENT BILL 2014 (SERIAL 106)**

Mr Elferink (Minister for Children and Families), pursuant to notice, presented a Bill for an Act to amend the *Care and Protection of Children 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 1165).

On the motion of Ms Moss (Member for Casuarina) debate was adjourned.

**7. BAIL AMENDMENT BILL 2014 (SERIAL 105)**

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Bail 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 1166).

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

**8. SUSPENSION OF STANDING ORDERS TO COGNATE BILLS – MOTION AGREED TO**

Mr Giles (Chief Minister) pursuant to notice, moved – That the two bills titled Ports Management Bill 2014 (Serial 110) and Port of Darwin Bill 2014 (Serial 111):

1. together be debated, and in one motion be put in regard to the second readings, the committee report stages and the third readings of the bills; and
2. be considered separately in the Committee of the Whole.

Debate ensued.

Question – put and passed.

**9. PORTS MANAGEMENT BILL 2014 (SERIAL 110) AND PORT OF DARWIN BILL 2014 (SERIAL 111)**

Mr Giles (Chief Minister), pursuant to notice, presented a Bill for an Act to provide for the control, management and operation of ports, and for related purposes and a Bill for an Act to authorise and facilitate the transfer of assets, rights and liabilities relating to, or connected with, the Port of Darwin, and for related purposes.

Bills read a first time.

Mr Giles moved - That the Bills be now read a second time.

Debate ensued.

**Paper Tabled:** Mr Giles laid upon the Table –

1. Explanatory Statement, Ports Management Bill 2014 (Serial 110) (Paper 1167); and
2. Explanatory Statement, Port of Darwin Bill 2014 (Serial 111) (Paper 1168).

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

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

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**10. PETITION**

Mr Chandler (Member for Brennan), by leave, presented Petition No. 41 from 49 petitioners, not conforming with Standing Orders relating to secondary education at Mount Liebig (Paper 1189).

Petition read.

**11. ALCOHOL MANDATORY TREATMENT AMENDMENT BILL 2014 (SERIAL 107) – BILL AGREED TO**

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

Debate resumed.

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**Visitors:** The Speaker advised Honourable Members of the presence in the gallery of members of the Nepalese community, the East African community and the Italian community.

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**Debate resumed.**

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**Statement by Minister for Sport, Recreation and Racing:** Mr Conlan (Minister for Sport, Recreation and Racing), by leave, made a statement advising the Assembly of the death of Phillip Hughes.

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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 Higgins (Deputy Speaker) took the Chair.

The Committee considered the Alcohol Mandatory Treatment Amendment Bill 2014 (Serial 107).

Bill taken as a whole and agreed to.

Bill to be reported without amendments.

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The Assembly resumed; the Speaker took the Chair; Mr Higgins reported that the Committee had agreed to the Bill without amendments.

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

Motion agreed to.

On the motion of Mrs Lambley (Minister for Alcohol Rehabilitation), the Bill was read a third time and was passed to be a proposed law.

12. **LICENSING (DIRECTOR-GENERAL) BILL 2014 (SERIAL 102) AND LICENSING (REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2014 (SERIAL 103) – BILL AGREED TO**  
Resumption of debate on the question - That the Bills be now read a second time.

Debate resumed.

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 Higgins (Chair of Committees) took the Chair.

The Committee considered the Licensing (Repeals and Consequential Amendments) Bill 2014 (Serial 103).

Clause 1 to 7 taken together and agreed to.

Clause 8 read.

Mr Giles (Chief Minister) moved the following amendment to clause 8 –

**Clause 8, proposed section 68CC**

*omit*

An

*insert*

(1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 8 –

**Clause 8, proposed section 68CC, at the end**

*insert*

- (2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 8 as amended agreed to.

Clause 9 to 23 taken together and agreed to.

Clause 24 read.

Mr Giles moved the following amendment to clause 8 –

**Clause 24, proposed section 166C**

*omit*

An

*insert*

- (1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 8 –

**Clause 24, proposed section 166C**

*insert*

- (2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 24 as amended agreed to.

Clause 25 read.

Mr Giles moved the following amendment to clause 8 –

**Clause 25, heading**

*omit*

**replaced**

*insert*

**amended**

Amendment agreed to.

Clause 25 as amended agreed to.

Clause 26 to 37 taken together and agreed to.

Clause 38 read.

Mr Giles moved the following amendment to clause 38 –

**Clause 38, proposed section 80**

*omit*

An

*insert*

(1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 38 –

**Clause 38, proposed section 80, at the end**

*insert*

(2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 38 as amended agreed to.

Clause 39 to 81 taken together and agreed to.

Clause 82 read.

Mr Giles moved the following amendment to clause 82 –

**Clause 82, proposed section 120ZC**

*omit*

An

*insert*

(1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 82 –

**Clause 82, proposed section 120ZC, at the end**

*insert*

(2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 82 as amended agreed to.

Clause 83 to 98 taken together and agreed to.

Clause 99 read.

Mr Giles moved the following amendment to clause 99 –

**Clause 99, proposed section 53G**

*omit*

An

*insert*

(1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 99 –

**Clause 99, proposed section 53G, at the end**

*insert*

(2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 99 as amended agreed to.

Clause 100 to 115 taken together and agreed to.

Clause 116 read.

Mr Giles moved the following amendment to clause 116 –

**Clause 116, proposed section 47E**

*omit*

An

*insert*

(1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 116 –

**Clause 116, proposed section 47E, at the end**

*insert*

- (2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 116 as amended agreed to.

Clause 117 to 128 taken together and agreed to.

Clause 129 read.

Mr Giles moved the following amendment to clause 129 –

**Clause 129, proposed section 41B**

*omit*

An

*insert*

- (1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 129 –

**Clause 129, proposed section 41B, at the end**

*insert*

- (2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 129 as amended agreed to.

Clause 130 to 141 taken together and agreed to.

Clause 142 read.

Mr Giles moved the following amendment to clause 142 –

**Clause 142, proposed section 84**

*omit*

An

*insert*

- (1) An

Amendment agreed to.

Mr Giles moved the following amendment to clause 142 –



**Clause 142, proposed section 84, at the end**

*insert*

- (2) For a reviewable decision that was made under the *Licensing (Director-General) Act*, that Act and this Act are together taken to be the relevant Act for the *Northern Territory Civil and Administrative Tribunal Act*.

Amendment agreed to.

Clause 142 as amended agreed to.

Clause 143 to Schedule 1 taken together and agreed to.

Schedule 2 read.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

sections 43(8), 161(1)  
and 172(1) and (2)

Commission or  
Director (*all  
references*)

Director-General

*insert*

sections 43(8) and  
172(1) and (2)

Commission or  
Director (*all  
references*)

Director-General

Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

sections 59A(4), 161A,  
172(2)(a) and (b) and  
194(5)(a) and (b)

Commission or the  
Director

Director-General

*insert*

sections 59A(4), 161(1)  
and 172(2)(a) and (b)

Commission or the  
Director

Director-General

Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

section 25(1) and (7)(b)

Director

Director-General

*Insert*

section 25(1) and (7)(b)	Director ( <i>all references</i> )	Director-General
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Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

section 25(3), (5), (7), (8A) to (13)	Commission	Director-General
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*insert*

section 25(3), (3A), (5), (7) and (8A) to (13)	Commission ( <i>all references</i> )	Director-General
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Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

section 25(6)	Commission or Director	Director-General
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*insert*

section 25(6)	Commission or Director ( <i>all references</i> )	Director-General
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Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

section 38(2)(b)(i)	and	
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*insert*

section 38(2)(b)(i)	Commission and	Director-General
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Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2, after entry for section 81(b)**

*omit*

section 96(3)(b)

Director (*all references*)

Director-General

Amendment agreed to.

Mr Giles moved the following amendment to Schedule 2 –

**Schedule 2**

*omit*

section 118(2) and (3)

Director

Director-General

*insert*

section 118(2) and (3)

Director (*all references*)

Director-General

Amendment agreed to.

Schedule 2 as amended agreed to.

Schedule 3 read.

Mr Giles moved the following amendment to Schedule 3 –

**Schedule 3, after entry for section 71(1)**

*insert*

section 71(2) and (3)

Commission

Director-General

Amendment agreed to.

Mr Giles moved the following amendment to Schedule 3 –

**Schedule 3, after entry for section 72(2)(a)**

*Insert*

section 72(3) and (5)(b)

Commission

Director-General

Amendment agreed to.

Schedule 3 as amended agreed to.

Schedule 4 agreed to.

Schedule 5 read.

Mr Giles moved the following amendment to Schedule 5 –

**Schedule 5, after entry for section 50(1)**

*insert*

section 50(2)

licensing authority

Director-General

Amendment agreed to.

Schedule 5 as amended agreed to.

Schedule 6 to 7 taken together and agreed to.

Schedule 8 read.

Mr Giles moved the following amendment to Schedule 8 –

**Schedule 8, first entry**

*omit*

41(1) and (2),

Amendment agreed to.

Mr Giles moved the following amendment to Schedule 8 –

**Schedule 8, after entry for section 31(3)**

*insert*

section 41(1)	authority ( <i>all references</i> )	Director-General
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section 41(2)	authority	Territory
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Amendment agreed to.

Mr Giles moved the following amendment to Schedule 8 –

**Schedule 8**

*omit*

section 42(3)	it is
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*insert*

section 42(3)	its it is
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Amendment agreed to.

Schedule 8 as amended agreed to.

Remainder of bill taken together and agreed to.

Bill to be reported with amendments.

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The Assembly resumed; the Deputy Speaker took the Chair; Mr Higgins 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.

On the motion of Mr Giles, the Bills were read a third time and passed to be proposed laws.

**13. TREASURER'S MID-YEAR REPORT 2014/2015 – TABLED PAPER**

Mr Giles (Treasurer) laid on the Table – Treasurer's Mid-Year Report 2014/2015 (Paper 1190).

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

**14. ADJOURNMENT**

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

The Assembly adjourned at 7.24pm until Tuesday 17 February 2015 at 10.00am.

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**PAPERS**

The following papers were deemed to have been Tabled on 27 November 2014 -

**Annual Reports 2013/2014:**

Australian Health Practitioner Regulation Agency, 2013/2014 (Paper 1178)

Desert Knowledge Australia Financial Statements for the year ended 30 June 2014  
(Paper 1174)

Desert Knowledge Australia, 2013/2014 (Paper 1173)

Electrical Workers and Contracting Licensing Board, 2013/2014 (Paper 1175)

Health and Community Services Complaints Commission, 2013/2014 (Paper 1179)

Land Development Corporation, 2013/2014 (Paper 1180)

Northern Territory Architects Board, 2013/2014 (Paper 1169)

Northern Territory Environment Protection Authority, 2013/2014 (Paper 1176)

Northern Territory Grants Commission, 2013/2014 (Paper 1172)

Northern Territory Licensing Commission, 2013/2014 (Paper 1181)

Northern Territory Planning Commission, 2013/2014 (Paper 1182)

NT Build, 2013/2014 (Paper 1170)

NT Community Visitor Program for the period 1 July 2013 to 30 June 2014 (Paper 1171)

Plumbers and Drainers Licensing Board for the year ended 30 September 2014, (Paper 1183)

Power and Water Corporation, 2013/2014 (Paper 1184)

The Surveyors Board of the Northern Territory of Australia, 2013/2014 (Paper 1186)

Tourism NT, 2013/2014 (Paper 1185)

Work Health and Safety Advisory Council, 2013/2014 (Paper 1188)

Work Health Authority, 2013/2014 (Paper 1187)

**Health and Community Services Complaints Commission:**

Health and Community Services Complaints Commission, Investigation Report - Investigation into Claims made in brochures produced by Mr Colin Thompson, 6 October 2014  
(Paper 1177)

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**ATTENDANCE**

All Members attended the sittings, except Ms Lee and Ms Anderson.

MICHAEL TATHAM

Clerk of the Legislative Assembly