

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 15

Thursday 14 February 2013

1. **MEETING:**

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

2. **PRAYERS.**

3. **VISITORS:**

The Speaker advised Members of the presence in the public gallery of residents of the Pearl Retirement Village undertaking a tour of Parliament House and staff from Berrimah Farm at the Department of Primary Industries and Fisheries.

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

4. **STATEMENT BY SPEAKER — ORDER:**

Pursuant to Standing Order 44 and prior to calling on Questions, the Speaker cautioned Members against raising frivolous points of order in contravention of Standing Orders 51 and 69 or using unparliamentary language in respect of parties, groups or individuals and further cautioned Members against using the word 'liar' or synonyms thereof contrary to Standing Order 62.

5. **QUESTIONS:**

- 10.03 Mr Gunner to Chief Minister
- 10.06 Ms Finocchiaro to Leader of Government Business
- 10.10 Mr Gunner to Chief Minister
- 10.14 Mr Styles to Chief Minister

Paper Tabled: Mr Mills laid upon the Table a list of events which failed to receive funding under the Labor Government (Paper 205).

- 10.17 Ms Lawrie to Chief Minister
- 10.21 Mrs Price to Treasurer
- 10.25 Mr McCarthy to Chief Minister
- 10.25 Ms Finocchiaro to Minister for Correctional Services
- 10.28 Mr Wood to Minister for Correctional Services
- 10.31 Mr Gunner to Chief Minister
- 10.35 Mr Kurrupuwu to Minister for Corporate and Information Services
- 10.38 Mr Gunner to Chief Minister
- 10.41 Mr Higgins to Minister for Primary Industry and Fisheries
- 10.44 Mr Vowles to Chief Minister

Suspension of Standing Orders: Ms Lawrie (Leader of the Opposition) moved — That so much of Standing Orders be suspended as would prevent her from moving a motion to censure the Chief Minister.

Mr Elferink (Leader of Government Business) informed the Assembly that the Government would accept the censure motion, pursuant to Standing Order 95.

Mr Elferink asked that further questions be placed on the Written Question paper.

6. **CENSURE OF CHIEF MINISTER – MOTION:**

Ms Lawrie moved — That the Assembly censures the Chief Minister for his broken promises, the pain he is causing and his arrogant dismissal of the very real concerns facing Territorians as a result of his mean-spirited decisions.

Debate ensued.

Debate suspended.

Suspension of sittings: The sitting of the Assembly was suspended between 11.55am and 2pm.

7. LEAVE OF ABSENCE – MEMBER FOR ARNHEM:

Mr Elferink (Leader of Government Business) moved — That leave of absence be granted to Ms Lee (Member for Arnhem) for today, 14 February, pursuant to Standing Order 25 on account of electorate business.

Leave granted.

8. CENSURE OF CHIEF MINISTER — MOTION AGREED TO:

Debate resumed.

Extension of time: On the motion of Mr Westra van Holthe, Mrs Lambley was granted an extension of time.

Debate continued.

Question — put and passed.

The Speaker having declared the question passed on the voices and a division having been called for by Mr Styles and not supported, Mr Styles, pursuant to Standing Order 157, informed the Speaker that he wished his dissent to be recorded.

9. SUSPENSION OF STANDING ORDERS – MOVE MOTION OF RESCISSION – MOTION AGREED TO:

Mr Elferink (Leader of Government Business), by leave, moved — That so much of Standing Orders be suspended as would prevent the moving of a motion rescinding the earlier resolution of censure.

Question — put and passed.

10. RESCISSION MOTION — CENSURE OF CHIEF MINISTER – MOTION AGREED TO:

Mr Elferink (Leader of Government Business) moved – That the resolution of the Assembly passed earlier this day relating to the censure of the Chief Minister be rescinded.

Question – put.

The Assembly divided:

Ayes 11

Mr Chandler
Mr Elferink
Ms Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Mrs Lambley
Mr Mills
Mr Styles
Mr Tollner

Noes 7

Ms Fyles
Mr Gunner
Ms Lawrie
Mr McCarthy
Mr Vatskalis
Mr Vowles
Ms Walker

Mr Westra van Holthe

And so it was resolved in the affirmative.

11. SERIOUS SEX OFFENDERS BILL 2013 (SERIAL 18):

Mr Elferink (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the Sentencing Act and to make consequential amendments to another 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 232).

On the motion of Ms Walker debate was adjourned.

12. SENTENCING AMENDMENT (MANDATORY MINIMUM SENTENCES) BILL 2012 (SERIAL 12):

The Order of the Day having been read for the resumption of debate on the question — That the Bill be now read a second time —

Debate resumed.

Paper Tabled: Ms Walker, by leave, laid upon the Table a Letter, North Australia Aboriginal Justice Agency Ltd, to the Hon. John Elferink, MLA, Proposed law reform — Sentencing Amendment (Mandatory Minimum Sentences) Bill 2012; Victims of Crime Assistance Amendment Bill 2012; Serious Offenders Bill 2012, Priscilla Collins CEO, NAAJA, dated 27 November 2012 (Paper 233).

Debate continued.

Paper Tabled: Ms Walker, by leave, laid upon the Table Law Society NT Publication, Balance, article It ain't broke so for goodness sake, don't fix it, by Russell Goldflam, President, Criminal Law Association of the NT, dated 3 December 2012 (Paper 234).

Debate continued.

Paper Tabled: Mr Elferink laid upon the Table a media release from Chief Minister Paul Henderson, New Laws Target Serious Violent Offenders, dated 11 September 2008 (Paper 235).

Debate continued.

Paper Tabled: Mr Elferink laid upon the Table a media release from Attorney-General Dr Chris Burns, Opposition's Credibility in Tatters, dated 30 June 2008 (Paper 236).

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.

In Committee

The Deputy Speaker and Chair of Committees (Mr Higgins) in the Chair

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6 read.

On the motion of Mr Elferink, the following amendment was agreed to after debate —

After clause 6, proposed section 78CA(1)(b), after 'against section'

insert

155A (if the offender assaulted the other person)

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8 read.

On the motion of Mr Elferink, the following amendment was agreed to after debate —

After clause 8, proposed Schedule 2

insert (in numerical order)

section 155A Assault, obstruction etc of persons providing rescue, medical treatment or other aid if the offender assaulted the other person.

Section 156 Murder.

Clause 8, as amended, agreed to.

Remainder of the Bill, by leave, taken as a whole and agreed to.

Bill to be reported with amendments.

The Assembly resumed; the Speaker took the Chair; the Deputy Speaker and Chair of Committees (Mr Higgins) reported that the Committee had agreed to the Bill with amendments.

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

13. BAIL AMENDMENT BILL 2012 (SERIAL 13) and DOMESTIC AND FAMILY VIOLENCE AMENDMENT BILL 2012 (SERIAL 14):

The Order of the Day having been read for the 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.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

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

14. CORRECTIONS: SENTENCED TO A JOB — MINISTERIAL STATEMENT — STATEMENT NOTED:

Mr Elferink (Minister for Correctional Services) made a statement relating to corrections in the Northern Territory.

Mr Elferink moved — That the Assembly take note of the Statement.

Debate ensued.

Question — put and passed.

15. ADJOURNMENT:

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

Debate ensued.

Question — put and passed.

And the Assembly adjourned at 9.56pm until Tuesday 19 February 2013 at 2pm.

PAPERS

The following papers were deemed to have been presented on 14 February 2013 –

Annual Reports 2011-12

Jabiru Town Development Authority, 2011-12 (Paper 206)

Nitmiluk National Park Board, year ended 30 June 2012 (Paper 207)

Aboriginal Health Workers Board of the Northern Territory, 2011-12 (Paper 208)

Occupational Therapists Board of the Northern Territory, 2011-12 (Paper 209)

Radiographers Board of the Northern Territory, 2011-12 (Paper 210)

By-laws 2012

No.56, Alice Springs (Aquatic and Leisure Centre) Amendment By-laws (Paper 230)

Financial Management Act

Authorisation — Issue of Increased funds available from Commonwealth, pursuant to section 19A(1), dated 6 December 2012 (Paper 211)

Direction — Transfer of Excess Appropriations, pursuant to section 20(1), dated 18 December 2012 (Paper 212)

Determination — Proportions of Appropriations to be transferred after redistribution of Business, pursuant to section 21(1), dated 6 December 2012 (Paper 213)

Rail Safety National Law (South Australia) Act 2012

No. 617 of 2012, Rail Safety National Law (South Australia) Act 2012 (Paper 214)

Subordinate Legislation 2012

No. 41, Electricity Reform (Administration) Amendment Regulations (No.2) 2012 (Paper 215)

No. 42, Building Amendment (Financial Assets and Residential Building Contracts) Regulations 2012 (Paper 216)

No. 43, Building (Resolution of Residential Building Work Disputes) Regulations 2012 (Paper 217)

No. 44, Building (RBI and Fidelity Fund Schemes) Regulations 2012 (Paper 218)

No. 45, Fees and Charges (Transport) Amendment Regulations 2012 (Paper 219)

No. 46, Evidence (National Uniform Legislation) Regulations 2012 (Paper 220)

No. 47, Evidence Regulations 2012 (Paper 221)

No. 48, Cross-border Justice Amendment Regulations 2012 (Paper 222)

- No. 49, Land Title Amendment Regulations 2012 (Paper 223)
- No. 50, Fisheries Amendment (Pearl Oyster Licence Levy) Regulations 2012 (Paper 224)
- No. 51, Plant Health (Fees) Regulations 2012 (Paper 225)
- No. 52, Barramundi Fishery Management Plan Amendment Regulations 2012 (Paper 226)
- No. 53, Work Health and Safety (National Uniform Legislation) Amendment Regulations 2012 (Paper 227)
- No. 54, Local Court Amendment (Evidence) Rules 2012 (Paper 228)
- No. 55, Work Health Court Amendment (Evidence) Rules 2012 (Paper 229)

Subordinate Legislation 2013

- No. 1, Rail Safety (National Uniform Legislation) Regulations 2013 (Paper 231)
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ATTENDANCE

All Members attended the sittings except Mr Conlan and Ms Lee, on leave.

Ian McNeill
Clerk of the Legislative Assembly