

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 37

Thursday 17 October 2013

1. MEETING

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

2. PRAYERS

3. LEAVE OF ABSENCE – GRANTED

By leave, Mr Elferink (Leader of Government Business) moved – That Leave of Absence for today be granted to Mrs Lambley (Member for Araluen) on account of family bereavement.

Leave granted.

4. QUESTIONS

10.01 Mr McCarthy to Chief Minister

Papers Tabled: Mr McCarthy (Member for Barkly) laid upon the Table —

1. Letter, to Mr John McRoberts, Commissioner of Police, re: Jawoyn Association Aboriginal Corporation – Fraud Allegations, from Mr Ray Whear, dated 30 August 2013 (Paper 564).

2. Letter, to Mr John McRoberts, Commissioner of Police, re: open letter to Commissioner McRoberts APM, re: Jawoyn Association Aboriginal Corporation – Fraud Allegations, from Mr Ray Whear, dated 16 October 2013 (Paper 565).

10.05 Ms Finocchiaro to Chief Minister

10.08 Ms Lawrie to Minister for Education

10.12 Ms Finocchiaro to Treasurer

Paper Tabled: Mr Tollner (Treasurer) laid upon the Table – The Top End to remain a Chart Topper: Deloitte report NT can continue its endless summer if it acts to catch coming growth waves (Paper 566).

10.16 Mr Gunner to Minister for Education

Papers Tabled: Mr Chandler (Minister for Education) laid upon the Table –

1. Table: Teaching Staffing Allocations Model for 2014 School Year (Paper 567).

2. Graph, DOE Staffing, Government Schools Enrolment Growth, Budget \$'000 (see Paper 534 tabled by Minister Chandler on 15 October 2013) (Paper 568).

10.19 Mr Higgins to Minister for Infrastructure

10.23 Mr Gunner to Minister for Education

10.27 Mr Wood to Minister for Primary Industry and Fisheries

10.30 Ms Anderson to Minister for Land Resource Management

10.33 Mr Vatskalis to Attorney-General

10.37 Ms Finocchiaro to Chief Minister

10.41 Mr McCarthy to Minister for Transport (referred to Minister for Public Employment)

10.44 Mr Wood to Minister for Infrastructure

10.48 Ms Lee to Minister for Mines and Energy

10.52 Ms Manison to Minister for Public Employment

Speaker's Statement: The Speaker ordered Members to cease interrupting other Members speaking pursuant to Standing Order 51.

10.56 Mr Kurrupuwu to Minister for Sport, Recreation and Racing.

Withdrawal from Chamber: The Speaker ordered Ms Walker (Member for Nhulunbuy) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

Withdrawal from Chamber: The Speaker ordered Ms Fyles (Member for Nightcliff) to withdraw from the Assembly at 11.00am for one hour pursuant to Standing Order 240A.

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

5. WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2013 (SERIAL 50)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Wills 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 569).

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

6. PAROLE OF PRISONERS AMENDMENT BILL 2013 (SERIAL 53)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Parole of Prisoners 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 570).

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

7. ADVANCE PERSONAL PLANNING (CONSEQUENTIAL AMENDMENTS) BILL 2013 (SERIAL 54)

Mr Elferink (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various laws in consequence of the enactment of the *Advance Personal Planning Act*.

Bill read a first time.

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

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Year 9 students from Darwin Middle School.

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

Debate continued.

Paper Tabled: Mr Elferink laid upon the Table the Explanatory Statement (Paper 571).

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

8. CRIMINAL CODE AMENDMENT (HIT AND RUN) BILL 2013 (SERIAL 57)

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

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 572).

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

9. PASTORAL LAND AMENDMENT BILL 2013 (SERIAL 40)

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

Debate resumed.

Debate suspended.

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

10. VISITORS

The Speaker advised Honourable Members of the presence in the Speakers' Gallery of Dr Chris Burns, former Member for Johnston.

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

11. 2012-13 COMMISSIONER FOR INFORMATION AND PUBLIC INTEREST DISCLOSURES ANNUAL REPORT - TABLED PAPER

Mr Elferink (Attorney-General) made a Statement and laid on the Table - Annual Report 2012/2013, Commissioner for Information and Public Interest Disclosure (Paper 573).

12. PETITIONS

Ms Fyles (Member for Nightcliff), presented Petition No. 24 from 276 petitioners, not conforming with Standing Orders, relating to birth choices in Darwin. (Paper 574).

Petition read.

13. PASTORAL LAND AMENDMENT BILL 2013 (SERIAL 40)

Resumption of debate, suspended earlier this day, 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 itself into Committee of the Whole for consideration of the Bill in detail.

In Committee

Mr Higgins (Chair of Committees) took the Chair.

Debate ensured.

Clauses 1 to 3 by leave, taken together and agreed to.

Clause 4 read.

Mr Wood moved the following amendment after clause 4 -

insert

4A Section 29 amended

After section 29(h)

insert

(ha) to consider and determine applications for permission to use pastoral land for a non-pastoral purpose in accordance with Part 7;

Debate ensured.

Amendment agreed to.

Clause 4 as amended agreed to.

Clauses 5 to 6 by leave, taken together and agreed to.

Clause 7 read.

Mr Wood moved the following amendment to clause 7, after proposed section 87(2)(c) -

insert

- (ca) must take into account submissions received by the Board under section 87A within the period specified in the notice given under section 87A(3)(c); and

Debate ensured.

Amendment agreed to.

Mr Wood moved the following amendment to clause 7, after proposed section 87(3) -

insert

(3A) The meeting of the Board at which the application is considered may be open to the public.

(3B) If the meeting is to be open to the public, the Board must:

- (a) invite the applicant and any person who made a submission under section 87A to attend the meeting; and
- (b) give any person attending the meeting a reasonable opportunity to address the Board.

Debate ensured.

Amendment agreed to.

Mr Wood moved the following amendment to clause 7, after proposed section 87 -

insert

87A Public notice of application

- (1) Before making a decision on an application the Board must give public notice of the application.
- (2) The notice must be published in a newspaper circulating in the area of the Territory where the pastoral lease is located and on the Board's website.
- (3) The notice must:
 - (a) give details of the application; and
 - (b) be in the form prescribed by regulation; and
 - (c) invite any person who is interested in doing so to make written submissions to the Board about the application within the time specified in the notice (which must be not less than 14 days after the date the notice is first published).

Debate ensured.

Amendment agreed to.

Clause 7 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; Mr Higgins reported that the Committee had agreed to the Bill with amendments.

Madam Speaker put the question - That the Report be adopted.

Motion agreed to.

Mr Westra van Holthe (Land Resource Management) moved - That the Bill be read a third time.

Question – put and passed to be a proposed law.

14. NORTHERN TERRITORY GOVERNMENT 2012-13 – TREASURER'S ANNUAL FINANCIAL REPORT - TABLED PAPER

Mr Tollner (Treasurer) made a Statement and laid on the Table - Northern Territory Government 2012/13, Treasurer's Annual Financial Report (Paper 600).

Question – That the Assembly take note of the report.

Motion agreed to.

15. MINISTERIAL STATEMENT – BUSINESS AND INDUSTRY - MOTION TO NOTE AGREED TO

Mr Tollner (Treasurer) made a statement providing the Assembly with a statement on business and industry in the Northern Territory.

Mr Tollner moved – That the Assembly take note of the statement.

Debate ensued.

Paper Tabled: Mr Gunner (Member for Fannie Bay) laid upon the table - Table, Labour Force Status (Aged 15 years & Over) – Northern Territory (Paper 601).

Debate resumed.

Question – put and passed

15. PAPERS

The Speaker laid on the Table - Letter, from Miguel Head Esq, Private Secretary to HRH, The Duke of Cambridge K.G., K.T. Thank you letter on the birth of our son, Prince George of Cambridge, dated 1 October 2013 (Paper 602).

16. ADJOURNMENT

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

And the Assembly adjourned at 4.41pm until Tuesday 26 November 2013 at 10am.

PAPERS

The following papers were deemed to have been Tabled on 17 October 2013:

Annual Reports 2012/2013:

Community Visitor Program, 2012/2013 (Paper 577)

Darwin Port Corporation, Australia's Northern Gateway of Choice, 2012/2013 (Paper 586)

Department of Corporate and Information Services, 2012/2013 (Paper 578)

Department of Health, 2012/2013 (Paper 585)

Department of Housing, 2012/2013 (Paper 575)

Department of Lands, Planning and the Environment, 2012/2013 (Paper 582)

Department of Local Government, 2012/2013 (Paper 583)
Department of Primary Industries and Fisheries, 2012/2013 (Paper 593)
Department of Regional Development and Women's Policy, 2012/2013 (Paper 588)
Department of Transport, 2012/2013 (Paper 589)
Department of Treasury and Finance, 2012/2013 (Paper 597)
Director of Public Prosecutions Northern Territory of Australia, 2012/2013 (Paper 581)
Electrical Safety Regulator, 2012/2013 (Paper 591)
Department of Lands, Planning and the Environment - Environment Protection
(Beverage Containers and Plastic Bags) Act 2011, 2012/2013 (Paper 584)
Health and Community Services Complaints Commission, 2012/2013 (Paper 579)
Heritage Council Northern Territory, 2012/2013 (Paper 576)
Legislative Assembly Members' Superannuation Fund, 2012/2013 (Paper 594)
Mental Health Review & Lands, Planning and Mining Tribunals Northern Territory,
2012/2013 (Paper 580)
Northern Territory Government and Public Authorities' Superannuation Scheme,
2012/2013 (Paper 595)
Northern Territory Treasury Corporation, 2012/2013 (Paper 596)
Power and Water Corporation, 2012/2013 (Paper 587)
Territory Insurance Office and Motor Accidents Compensation Year in Review,
2012/2013 (Paper 590)
Utilities Commission of the Northern Territory, 2012/2013 (Paper 598)
Workers' Rehabilitation and Compensation Advisory Council, Workers' Rehabilitation
and Compensation Act, 2012/2013 (Paper 592)

Report:

Report of the Third Review of the National Environment Protection Council Acts
(Commonwealth, State and Territory) December 2012, and National Environment
Protection Council Response to the Report of the Third Review of the National
Environment Protection Council Acts (Commonwealth, State and Territory) April 2013
(Paper 599).

ATTENDANCE

All Members attended the sittings, except Ms Lambley on leave.

MICHAEL TATHAM
Clerk of the Legislative Assembly