

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 39

Wednesday 27 November 2013

1. MEETING

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

2. PRAYERS

4. LEAVE OF ABSENCE – GRANTED

Mr Elferink (Leader of Government Business) moved – That Leave of Absence for today be granted to Mr Conlan (Member for Greatorex) on account of ministerial business.

Leave granted.

3. STATEMENT BY SPEAKER

The Speaker made a statement regarding the conduct of Members in the Chamber and advised being placed on a Warning is not an accolade and should be taken seriously.

4. QUESTIONS

- 10.02 Ms Lawrie to Chief Minister
- 10.05 Ms Finocchiaro to Chief Minister
- 10.08 Ms Walker to Chief Minister
- 10.13 Ms Finocchiaro to Minister for Lands, Planning and the Environment
- 10.16 Ms Fyles to Minister for Education
- 10.20 Ms Lee to Minister for Public Employment
- 10.23 Mr Wood to Minister for Lands, Planning and the Environment
- 10.26 Ms Fyles to Minister for Education
- 10.30 Ms Finocchiaro to Minister for Public Employment
- 10.34 Ms Fyles to Minister for Education
- 10.39 Ms Anderson to Minister for Lands, Planning and the Environment

Paper Tabled: Mr Chandler (Minister for Lands, Planning and the Environment) laid upon the Table - Unions NT Strategic Plan 2012/13, Final Draft, September 2012 (Paper 617).

Suspension of Standing Orders

Ms Fyles (Member for Nightcliff) moved — That so much of Standing Orders be suspended as would prevent this House from censuring the Chief Minister, Treasurer and Minister for Education.

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

5. CENSURE OF CHIEF MINISTER, TREASURER AND MINISTER FOR EDUCATION — MOTION

Ms Fyles (Member for Nightcliff) moved — That this House censure the Chief Minister, Treasurer and Minister for Education for the disastrous cuts they are making to our education system. We condemn the Chief Minister, Treasurer and Minister for Education for:

- Failing Territorians in the most basic duty they have to deliver a sound education to Territorians through providing appropriate resources;
- Consistently lying about the sheer extent of the teacher and support staff cuts;

- For failing students with special needs by slashing grants and support staff;
- For failing indigenous students by slashing ESL positions and indigenous language and culture jobs;
- For scrapping GEMS at Dripstone Middle School, Sanderson Middle School, Nightcliff Middle School and Casuarina Senior College;
- For failing our best and brightest students by reducing one-on-one teacher/student time and cutting classroom support staff;
- For arbitrarily removing the School of Music from Nightcliff Middle School and relocating Sanderson Middle School without an explanation of costs or benefits;
- For causing upheaval at NTEOC with an interim move before permanent facilities are available; and
- For reducing our children's options for the future by cutting their subject choices in middle and primary school.

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of two Year 4/5 students from Sacred Heart Catholic Primary School.

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

Debate resumed.

Debate suspended.

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

6. PETITIONS

The following petitions were presented:

1. Ms Lawrie (Member for Karama) by leave, presented Petition No. 30 from 229 petitioners, not conforming with Standing Orders relating to the destruction of NT education by slashing teacher funding (Paper 622).

Petition read.

2. Ms Lawrie (Member for Karama) by leave, presented Petition No. 31 from 2157 petitioners, not conforming with Standing Orders relating to the destruction of NT education by slashing teacher funding (Paper 623).

Petition read.

3. Mr Higgins (Member for Daly) presented Petition No. 25 from 124 petitioners, conforming with Standing Orders praying that the historic town of Southport be provided with infrastructure (Paper 624).

Petition read.

7. CENSURE OF CHIEF MINISTER, TREASURER AND MINISTER FOR EDUCATION - MOTION NOT AGREED TO

Resumption of debate, suspended earlier this day, on the question – That the motion be agreed to.

Debate resumed.

Question – put

The Assembly divided:

Ayes - 8

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

Noes - 14

Ms Anderson
Mr Chandler
Mr Elferink
Ms Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Mrs Lambley
Ms Lee
Mr Mills
Mrs Price
Mr Styles
Mr Tollner
Mr Westra van Holthe

Motion negatived.

8. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Mr Tollner (Treasurer) pursuant to notice moved - That so much of Standing Orders be suspended as would prevent the Local Government Amendment (Restructuring) Bill 2013 (Serial 60) passing through all stages during this sitting.

Debate ensued.

Question – put

The Assembly divided:

Ayes - 13

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

Noes - 9

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

Motion agreed to.

9. LOCAL GOVERNMENT AMENDMENT (RESTRUCTURING) BILL 2013 (SERIAL 60)

Mr Tollner (Treasurer) pursuant to notice, presented a Bill for an Act to amend the *Local Government Act*.

Bill read a first time.

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

Debate ensued.

Paper Tabled: Mr Tollner laid upon the Table the Explanatory Statement (Paper 625).

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

10. COGNATE BILLS – MOTION AGREED TO

Mr Elferink (Leader of Government Business) by leave, moved – That two Bills titled *Advance Personal Planning Bill 2013* (Serial 41) and *Advance Personal Planning (Consequential Amendments) Bill* (Serial 54):

1. Together be debated and one motion be put in regard to the second readings, the committee's report stage and the third readings of the bills, and
2. Be considered separately in the Committee of the Whole.

Debate ensued.

Question – put and passed.

11. ADVANCE PERSONAL PLANNING BILL 2013 (SERIAL 41) AND ADVANCE PERSONAL PLANNING (CONSEQUENTIAL AMENDMENTS) BILL 2013 (SERIAL 54)

Pursuant to a motion agreed to earlier, resumption of debate on the question - That the Bills be now read a second time.

Debate resumed.

Question - put and passed.

Bills read a second time.

The Assembly resolved itself into Committee of the Whole for consideration of the Bills in detail.

In Committee

Mr Higgins (Chair of Committees) took the Chair.

The Committee considered the *Advance Personal Planning Bill 2013* (Serial 41).

Clauses 1 to 22 taken together and agreed to.

Clause 23 read.

Mr Elferink moved the following amendment to clause 23 -

Clause 23(1)(b)

omit

section 22(3)

insert

section 22(4)

Amendment agreed to.

Clause 23 as amended agreed to.

Remainder of the Bill taken as a whole.

Remainder of the Bill agreed to.

Bill to be reported with amendments.

The Committee considered the *Advance Personal Planning (Consequential Amendments) Bill 2013* (Serial 54).

Clauses 1 to 140 taken together and agreed to.

Schedule read.

Mr Elferink moved the following amendment to the Schedule -

Schedule

omit

Power of Attorney

insert

Powers of Attorney

Amendment agreed to.

Schedule as amended agreed to.

Remainder of the Bill taken as a whole.

Remainder of the Bill 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 Bills with amendments.

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

Motion agreed to.

On the motion of Mr Elferink (Attorney-General and Minister for Justice), the Bills were read a third time and were passed to be proposed laws.

12. REVOCATION OF PUBLIC INFORMATION GUIDELINES - TABLED PAPER

Mr Elferink (Leader of Government Business) on behalf of Mr Giles (Chief Minister) made a Statement and laid on the Table - *Public Information Act*, Revocation of Guidelines, pursuant to section 9(3)(a) and with reference to section 43 of the *Interpretation Act*, revoke the public information guideline, notice of the making of which was given on 14 July 2010 (Paper 627) and published in *Gazette No. G31* of 4 August 2010, dated 14 November 2013 (Paper 626).

Mr Giles was granted leave to continue his remarks later.

13. MINISTERIAL STATEMENT – CHALLENGING CONVENTION: SHAPING THE FUTURE OF EDUCATION IN THE NORTHERN TERRITORY - MOTION TO NOTE

Mr Chandler (Minister for Education) made a statement regarding the future of education in the Northern Territory.

Mr Chandler moved – That the Assembly take note of the Statement.

Debate suspended. Ms Fyles was granted leave to continue her remarks later.

General Business: The time being 5.30pm, General Business commenced.

14. ABORIGINAL TOWN COMMUNITIES – MOTION AGREED TO

Mr Wood (Member for Nelson) pursuant to notice, moved – That the Northern Territory Government makes no decision over the future of any of the Aboriginal Town Communities within the Darwin region including Adelaide River until the residents of those communities have been given sufficient opportunities to make informed and independent decisions about what they want including decisions about ownership of the leases.

Debate ensued.

Question – put and passed.

15. RAPID CREEK FLOOD MITIGATION – MOTION NOT AGREED TO

Mr Vowles (Member for Johnston) pursuant to notice, moved – That this Assembly condemns this Government for its failure to:

1. Implement the 2012 CLP election commitment to undertake flood mitigation at Rapid Creek;
2. Complete and release by 31 December 2012 the Flood Study promised by CLP Chief Minister Terry Mills;
3. Consult with local residents and land care groups about future plans or works for Rapid Creek;
4. Undertake any mitigation works to ensure the safety of local residents affected by localised flooding; and
5. For scrapping the Rapid Creek Catchment Advisory Group.

Debate ensued.

Question – put and negated.

16. GAS TO GOVE – MOTION NOT AGREED TO

Ms Walker (Member for Nhulunbuy) pursuant to notice, moved – That this Assembly:

1. Condemns the actions of Chief Minister Adam Giles in renegeing on the Gas to Gove Deal which has plunged Nhulunbuy and the North East Arnhem land region into a crisis that remains unresolved;
2. Calls on the Chief Minister to update this assembly on actions he has taken to repair the Territory's relationship with Rio Tinto and lobby for the refinery to stay operational; and
3. Calls on the Chief Minister to visit Nhulunbuy before the end of this year to explain to families and businesses what social and economic impact analysis has occurred and to fully disclose what it shows.

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of the Indian Cultural Society.

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

Debate resumed.

Extension of Time: On the motion of Mr McCarthy (Member for Barkly), Ms Walker was granted an extension of time.

Debate resumed.

Question – put

The Assembly divided:

Ayes - 9

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

Noes - 13

Ms Anderson
Mr Chandler
Mr Elferink
Mr Giles
Mr Higgins
Mr Kurrupuwu
Mrs Lambley
Ms Lee
Mr Mills
Mrs Price
Mr Styles
Mr Tollner
Mr Westra van Holthe

Motion negatived.

17. INDEPENDENT LOCAL GOVERNMENT BOUNDARY COMMISSION

Mr Wood (Member for Nelson) pursuant to notice, moved – That the NT Government sets up an Independent Local Government Boundary Commission to inquire into:

- How many local government areas there should be.
- What the external boundaries should be.

- What the internal boundaries for wards should be.
- Unincorporated areas.
- The development of a formula which clearly spells out the ownership of assets and liabilities if there are boundary changes.
- What effect boundary changes will have on the sustainability and viability of existing and any proposed new councils taking into account the recommendations of the Deloitte Inquiry into Local Government.

And that as part of the investigation the Commission will be required to make sure:

- All residents of the shire councils are informed of the inquiry.
- All residents have the opportunity to have their say about the future of their council.

The Board should have between 5 and 7 members made up of:

- a representative of the NT Electoral Commission;
- a financial expert on Local Government in the NT;
- up to three persons who have a long standing knowledge and involvement in Local Government;
- the chair of the Local Government Grants Committee;
- one representative of the Department of Local Government; and
- a representative from the Local Government Association of the NT.

Debate ensued.

Government Business: The time being 9.00 pm, General Business concluded.

18. PAPERS

The Speaker tabled the following Travel Reports –

1. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Mr Kon Vatskalis travel to Bali and visit the Sanglah Hospital in Denpasar on 16 October 2013, pursuant to paragraph 4:12, dated 17 October 2013 (Paper 628).
2. Remuneration Tribunal Determination, Travel Report, Member for Johnston, Mr Ken Vowles travel to Katherine for Katherine Show, 20 July 2013, pursuant to paragraph 4.11, dated 21 October 2013 (Paper 629).
3. Remuneration Tribunal Determination, Travel Report, Member for Goyder, Ms Kezia Purick, travel to Sydney, Hobart and Melbourne Parliaments and attend the seminar recognising 25 years of the Committee system in the New South Wales Parliament from 19 - 29 September 2013, pursuant to paragraph 4.12, dated 5 November 2013 (Paper 630).
4. Remuneration Tribunal Determination, Travel Report, Member for Goyder, Ms Kezia Purick travel to Perth to meet with stakeholders and associated parties

who could provide advice and information relevant to current electorate matters from 23 – 29 October 2013, pursuant to paragraph 4.12 not dated (Paper 631).

5. Remuneration Tribunal Determination, Travel Report, Member for Johnston, Mr Ken Vowles, travel to Alice Springs to attend industry forum as part of the preparation of the Tourism Recreation Master Plan for the Northern Territory Parks and Wildlife Commission, from 12 - 14 August 2013, pursuant to paragraph 4.12, dated 25 November 2013 (Paper 632).

The Speaker also laid on the Table - Annual Report 2012/2013, Northern Territory Electoral Commission (Paper 633).

19. ADJOURNMENT

Mr Styles (Minister for Transport) moved - That the Assembly do now adjourn.

Debate ensued.

And the Assembly adjourned at 9.35pm until Thursday 28 November 2013 at 10am.

PAPERS

The following papers were deemed to have been Tabled on 27 November 2013 -

Annual Report 2012/2013:

Australian Health Practitioners Regulation Agency, Regulating health practitioners in the public interest, 2012/2013 (Paper 620)

Education & Care Services Ombudsman, National Education & Care Services FOI & Privacy Commissioners, 1 July 2012 to 30 June 2013 (Paper 618)

National Health Practitioner Ombudsman & Privacy Commissioner, 1 July 2012 to 30 June 2013 (Paper 619)

Serious Crime Control Act:

Report for the purposes of section 85 of the *Serious Crime Control Act*, dated 2 September 2013 (Paper 621)

ATTENDANCE

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

MICHAEL TATHAM

Clerk of the Legislative Assembly