NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 56

Tuesday 6 May 2014

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 5/6 classes from St Paul's Catholic Primary School.

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

4. STATEMENT BY SPEAKER – FILMING IN THE CHAMBER

The Speaker advised Members that pursuant to Sessional Order, her permission had been granted to Sky News, Channel 9 and the ABC to film, with sound, and a private and government photographer to take photographs during the swearing in of the new Member for Blain.

5. RETURN OF WRIT- BLAIN DIVISION

The Clerk of the Legislative Assembly laid on the Table the Writ issued by Her Honour Sally Thomas, AC, Administrator of the Northern Territory of Australia on 28 March 2014 for the election of one Member of the Legislative Assembly of the Northern Territory for the Division of Blain to fill the vacancy caused by the resignation of Mr Terry Mills (Paper 796).

By endorsement on the Writ, dated 16 April 2014, it was certified that Nathan Barrett had been duly elected on 12 April 2014 as a Member of the Legislative Assembly for the Division of Blain.

6. MEMBER SWORN

The Member for Blain, Nathan Barrett, was admitted to the Chamber, made and subscribed the Oath of Allegiance and of Office and was conducted by his sponsors the Member for Braitling and the Member for Drysdale to his place in the Chamber (Paper 797).

7. MESSAGE FROM THE ADMINISTRATOR

The Speaker advised Members of receipt of the following Message from Her Honour the Administrator (Paper 798):

Message No 15 – Assent to Proposed Laws

I, SALLY THOMAS AC, the Administrator for the Northern Territory of Australia, advise the Legislative Assembly, pursuant to section 7 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, the assent to the following proposed laws:

18 April 2014

Criminal Code Amendment (Identity Crime) Act 2014 **(Act No 9 of 2014)**

Health Practitioner Regulation (National Uniform Legislation) Amendment Act 2014 **(Act No 10 of 2014)**

Justice and Other Legislation Amendment Act 2014 **(Act No 11 of 2014)**

Medicines, Poisons and Therapeutic Goods Amendment Act 2014 **(Act No 12 of 2014)**

SALLY THOMAS AC

Administrator

8. LEAVE OF ABSENCE – MOTION AGREED TO

Mr Gunner (Member for Fannie Bay) moved – That a leave of absence for today, tomorrow and Thursday be granted to Ms Fyles (Member for Nightcliff) on account of personal matters.

Motion agreed to.

9. QUESTIONS

10.04 Ms Lawrie to Chief Minister
10.08 Ms Lawrie to Chief Minister (supplementary question)
10.10 Mr Higgins to Chief Minister
10.13 Ms Lawrie to Chief Minister
10.15 Ms Finocchiaro to Treasurer
10.18 Ms Manison to Chief Minister
10.21 Mr Barrett to Chief Minister
10.25 Ms Lawrie to Chief Minister
10.29 Ms Anderson to Chief Minister
10.32 Mr Higgins to Minister for Primary Industry and Fisheries
10.36 Mr Wood to Chief Minister

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Visitors: The Speaker advised Honourable Members of the presence in the gallery of a Year 5/6 class from St Paul's Catholic Primary School.

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

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10.40 Mr McCarthy to Chief Minister
10.44 Ms Finocchiaro to Minister for Health
10.47 Ms Manison to Treasurer
10.51 Mr Higgins to Minister for Housing
10.54 Mr Gunner to Minister for Business (referred to Attorney-General and Justice)
10.58 Ms Finocchiaro to Chief Minister
11.01 Ms Manison to Treasurer
11.06 Mr Barrett to Treasurer

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

10. VISITORS

Madam Speaker advised Honourable members of the presence in the Speaker's Gallery Mrs Rebecca Barrett, the wife of the member for Blain, master Michael Barrett, master Amos Barrett, Miss Isobel Barrett - the children. David and Jessica Barrett, the parents of the member for Blain, Mr Ian Fleming and Mrs Kim Fleming.

11. FIRST SPEECH - MEMBER FOR BLAIN

By leave, Mr Barrett (Member for Blain) made his First Speech in the Assembly.

12. SUSPENSION OF STANDING ORDERS – LEAVE NOT GRANTED

Ms Lawrie (Leader of the Opposition) sought leave of the Assembly to suspend so much of Standing Orders as would prevent the Assembly debating the Public Accounts Committee Report on Power and Water Corporation Legislation.

Leave not granted.

13. POWER AND WATER CORPORATION LEGISLATION AMENDMENT BILL 2014 (SERIAL 63)

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.

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14. CONDOLENCE MOTION – MR RAYMOND CHIN, OAM - MOTION AGREED TO

The Speaker informed the Assembly of the death on 12 December 2013 of Mr Raymond Chin, OAM.

The Speaker advised Members of the presence in the Speaker's Gallery of family, friends and distinguished visitors.

Mr Giles (Chief Minister) by leave, moved - That this Assembly express its condolences at the passing of Mr Chin, and extend deepest sympathy to his family and friends.

Debate ensued.

Question – put and passed.

As a mark of respect Members stood in their places in silence for one minute.

15. NOTICES

The following notices were given:

1. Ms Lawrie (Leader of the Opposition) to move on the next General Business Day – That this Assembly:

   - Understands importance of Section 18C of the Commonwealth *Racial Discrimination Act 1975;*
   - Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national or ethnic origin;
   - Urges all levels of Government to combat bigotry at every opportunity;
   - Rejects the Commonwealth plans to remove existing vilification protections and calls on Senator Brandis to withdraw the planned amendments to the *Racial Discrimination Act*; and
   - Notes that the Northern Territory is the only jurisdiction which does not have anti-vilification provisions in legislation and welcomes the action by the Leader of the Opposition to bring forward a Private Member's Bill to provide protection for Territorians following the Federal Government's move to repeal section 18C of the federal *Racial Discrimination Act.*

2. Mr Westra van Holthe (Minister for Primary Industry and Fisheries) to present a bill entitled – Poppy Regulation Bill 2014 (Serial 78).

3. Mr Westra van Holthe (Minister for Primary Industry and Fisheries) to move on the next sitting day – That so much of standing orders be suspended as would prevent the Poppy Regulation Bill 2014 (Serial 78) passing through all stages this sitting.

16. RESPONSES TO PETITIONS

The Clerk, pursuant to Standing Order 100A, laid upon the Table Response to Petition Number 34 (Paper 801).

17. POWER AND WATER CORPORATION LEGISLATION AMENDMENT BILL 2014 (SERIAL 63) – BILL AGREED TO

Resumption of debate, suspended earlier this day, on the question - That the Bill be now read a second time.

Debate resumed.

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

Debate continued.

Withdrawal from Chamber: The Deputy Speaker ordered Mr Vowles (Member for Johnston) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

Debate continued.

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

Debate continued.

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

Debate continued.

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.

Clauses 1 to 11 taken together and agreed to.

Clause 12 read.

Mr Tollner (Treasurer) moved the following amendment to clause 12 -

Clause 12, proposed section 19A(2)(a) and (b)

omit

17(1)(a)

insert

17(1)(b)

Amendment agreed to.

Clause 12 as amended agreed to.

Clauses 13 to 19 taken together and agreed to.

Clause 20 read.

Mr Tollner moved the following amendment to clause 20 –

Clause 20, after proposed section 53B(4)

insert

(4A) If regulations provide for a Minister to identify things for a paragraph of subsection (2) by preparing a register, the regulations may also provide that any matter which that paragraph provides may be specified or set out in the regulations may be specified or set out in the register.

Amendment agreed to.

Clause 20 as amended agreed to.

Clause 21 agreed to.

Clause 22 read.

Mr Tollner moved the following amendment to clause 22 –

Clause 22, proposed section 57(2)

omit

17

insert

16

Amendment agreed to.

Mr Tollner moved the following amendment to clause 22 –

Clause 22, proposed section 57(3), definition commencement

omit

11 of the Power and Water Corporation

insert

10 of the Power and Water Corporation Legislation

Amendment agreed to.

Clause 22 as amended agreed to.

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

Bill to be reported with amendments.

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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 Tollner moved - That the Bill be read a third time.

Question – put

The Assembly divided:

Ayes - 12	**Noes - 11**
Mr Barrett	Ms Anderson
Mr Chandler	Mr Gunner
Mr Conlan	Mr Kurrupuwu
Mr Elferink	Ms Lawrie
Ms Finocchiaro	Ms Lee
Mr Giles	Mr McCarthy
Mr Higgins	Ms Manison
Mrs Lambley	Mr Vatskalis
Mrs Price	Mr Vowles
Mr Styles	Ms Walker
Mr Tollner	Mr Wood
Mr Westra van Holthe	

Motion agreed to.

On the motion of Mr Tollner (Treasurer) the Bill was read a third time and was passed to be a proposed law.

18. POWER GENERATION CORPORATION BILL 2014 (SERIAL 64) – BILL AGREED TO

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

Debate resumed.

Paper Tabled: Ms Manison (Member for Wanguri), by leave, laid upon the Table - Chart, Proposed Generation GOC Organisational Structure (Paper 802).

Debate continued.

Question - put and passed.

Bill read a second time.

On the motion of Mr Tollner (Treasurer) by leave, the Bill was read a third time and was passed to be a proposed law.

19. POWER RETAIL CORPORATION BILL 2014 (SERIAL 65) – BILL AGREED TO

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

Debate resumed.

Papers Tabled: Ms Manison (Member for Wanguri), by leave, laid upon the Table –

1. Chart, Proposed Residual Retail Monopoly Organisational Structure (803); and

2. Chart, Proposed Retail GOC Organisational Structure (Paper 804).

Debate continued.

Question - put and passed.

Bill read a second time.

On the motion of Mr Tollner (Treasurer) by leave, the Bill was read a third time and was passed to be a proposed law.

20. ADJOURNMENT

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

And the Assembly adjourned at 11.08pm until Wednesday 7 May 2014 at 10.00am.

PAPERS

The following papers were deemed to have been Tabled on 6 May 2014 -

Local Government Act:

Restructuring Order West Daly Regional Council, pursuant to section 10C(1), dated 23 April 2014 (Paper 800)

Ombudsman NT:

Report to: The Honourable John Elferink MLA, Attorney-General and Minister for Justice, Compliance by Northern Territory Police with *Surveillance Devices Act,* First Report 2014 (Paper 799)

ATTENDANCE

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

MICHAEL TATHAM
Clerk of the Legislative Assembly