MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 101

Wednesday 18 November 2015

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1. MEETING

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

2. PRAYERS

3. SPEAKER'S STATEMENT

The Speaker made a statement regarding:

1. 7th Commonwealth Youth Parliament held in the Legislative Assembly of the Northern Territory 1 – 5 November 2015;

2. The inaugural Build Up Ball held at Parliament House on 19 September 2015; and

3. The 2015 Commonwealth Parliamentary Association Australia and Pacific Regional Conference to be held at Parliament House 23 – 27 November 2015.

4. ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION AND OTHER ENTITLEMENTS) LEGISLATION AMENDMENT BILL 2015 (SERIAL 141)

Mr Tollner (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* and *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Regulations*.

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 1516).

On the motion of Ms Fyles (Member for Nightcliff) debate was adjourned.

5. SUSPENSION OF STANDING ORDERS TO PASS A BILL ON URGENCY – WITHDRAWN

Mr Tollner (Treasurer) pursuant to notice, moved – That so much of standing orders be suspended as would prevent the Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Legislation Amendment Bill 2015 passing through all stages during the December sittings.

Debate ensued.

By leave, Mr Tollner withdrew the motion.

6. EDUCATION BILL 2015 (SERIAL 142)

Mr Chandler (Minister for Education), pursuant to notice, presented a Bill for an Act to provide for the availability of education in the Northern Territory and in particular to provide for the access of all children and young persons to education programs appropriate to their individual needs and abilities, and for related purposes.

Bill read a first time.

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

Debate ensued.

Paper Tabled: Mr Chandler laid upon the Table the Explanatory Statement (Paper 1517).

On the motion of Ms Manison (Member for Wanguri) debate was adjourned.

7. SUSPENSION OF STANDING ORDERS TO A PASS BILL ON URGENCY – MOTION AGREED TO

Mr Chandler (Minister for Education) pursuant to notice, moved – That so much of standing orders be suspended as would prevent the Education Bill 2015 (Serial 142) passing through all stages during the December sittings.

Debate ensued.

Visitors: The Speaker advised Honourable Members of the presence in the gallery of gallery of Hon Joan Viliamu, Hon Dion Taufitu and Crossley Tatui from the Parliament of Niue.

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

Debate continued.

Question – put

The Assembly divided:

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

Pairs: Mrs Finocchiaro and Ms Moss

Motion agreed to.

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

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8. NOTICES

The following notices were given:

1. Mr Gunner (Member for Fannie Bay) will move on 1 December 2015 - That this Assembly express 'that the government no longer possesses the confidence of the Assembly'.

   Mr Elferink (Leader of Government Business) granted precedence for the motion pursuant to Standing Order 95.

2. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – North East Gas Interconnector Pipeline (Special Provisions) Bill 2015 (Serial 143).

3. Mr Giles (Chief Minister) will move on the next sitting day - That so much of Standing Orders be suspended as would prevent the North East Gas Interconnector Pipeline (Special Provisions) Bill 2015 (Serial 143) passing through all stages during the December sittings.

9. PETITION

Ms Purick (Member for Goyder), by leave, presented Petition No. 56 from 511 petitioners, not conforming with Standing Orders relating to conserving Berry Springs Waterhole (Paper 1520).

Petition read.

10. QUESTIONS

2.03 Mr Gunner to Chief Minister
2.06 Mr Kurrupuwu to Minister for Mines and Energy
2.10 Mr Gunner to Chief Minister
2.14 Ms Lawrie to Chief Minister (supplementary)
2.20 Mr Barrett to Chief Minister
2.22 Mr Gunner to Chief Minister
2.26 Mr Kurrupuwu to Minister for Business
2.30 Mr Gunner to Chief Minister

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Visitors: The Speaker advised Honourable Members of the presence in the gallery of Young Indigenous Leaders from the *Learning on Country Program* run in schools in Arnhem Land, accompanied by Mr Shane Bailey.

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

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2.35 Mr Barrett to Chief Minister
2.38 Mr Wood to Minister for Local Government and Community Services
2.41 Mr Vowles to Chief Minister
2.45 Mr Barrett to Minister for the Environment
2.48 Mrs Lambley to Minister for Sport and Recreation (referred to Chief Minister)
2.52 Mr Kurrupuwu to Minister for the Environment
2.55 Mr Vowles to Chief Minister
2.59 Mr Barrett to Treasurer

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

11. INFORMATION AMENDMENT BILL (NO. 2) 2015 (SERIAL 137) – BILL AGREED TO

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.

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

12. AGENTS LICENSING AMENDMENT BILL 2015 (SERIAL 134) – BILL AGREED TO

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.

On the motion of Mr Styles (Minister for Business), by leave, the Bill was read a third time and was passed to be a proposed law.

13. MINISTERIAL STATEMENT – REMOTE TELECOMMUNICATIONS IN THE TERRITORY – STATEMENT NOTED

Mr Styles (Minister for Infrastructure) made a statement regarding improvements in telecommunications in remote communities in the Northern Territory.

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

Debate ensued.

Question – put and passed.

14. PAPER TABLED – TREASURER'S ANNUAL FINANCIAL REPORT 2014-2015– REPORT NOTED

Mr Tollner (Treasurer) made a statement and laid on the Table – Treasurer's Annual Financial Report 2014-2015 (Paper 1522).

Mr Tollner moved – That the paper be noted.

Question – put and passed.

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

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15. INQUIRY INTO FOUNDATION 51 – MOTION NOT AGREED TO

Ms Manison (Member for Wanguri) pursuant to notice, moved – That this parliament, pursuant to section 4A of the Inquiries Act, appoints a person qualified to be a judge in the Supreme Court of the Northern Territory, to inquire into and report to the Administrator regarding the operation and activities of Foundation 51 Pty Ltd; and

The qualified person referred to above be selected for recommendation to the Administrator of the Northern Territory based on the process outlined for the appointment of a Supreme Court Judge in Appendix A of the Review of The Processes for the Appointment of Judicial Officers in the Northern Territory, with the exception that the panel outlined in the process recommend one name instead of two for consideration.

The Terms of Reference for the Inquiry are:

1. The extent of the relationship between Foundation 51, the Country Liberal Party and the Northern Territory Government;

2. Whether Foundation 51 Pty Ltd has complied with the provisions of the Northern Territory Electoral (the Act);

3. The extent of any conflicts of interest between the Directors of Foundation 51 and their public duties under Government appointed positions;

4. The scope and method of the investigations conducted by the Northern Territory Electoral Commission and NT Police into Foundation 51 and the outcome that prima facie breaches of the electoral Act and a reasonable chance of conviction existed; and

5. Any other matters the inquiry thinks fit.

6. The Inquiry will report back to the Legislative Assembly no later than 31 May 2016.

Debate ensued.

Paper Tabled: Ms Manison (Member for Wanguri), by leave, laid upon the Table – Email, Attachment A, to braedon, Daniel Davis, Ross Connolly, Tory Mencshelyi, Terry Mills, re Presidents Questions, allegations about Foundation 51, from Graeme Lewis, dated 26 November 2012 (Paper 1523).

Debate continued.

Mr Wood (Member for Nelson) moved the following amendments -

in the first paragraph, after Foundation 51 Pty Ltd -

insert

and Harold Nelson Holdings

after paragraph 1 -

insert

1.A. The extent of the relationship between Harold Nelson Holdings and the NT Branch of the Australian Labor Party.

in paragraph 2, after Foundation 51 Pty Ltd -

insert

and Harold Nelson Holdings

Debate continued.

Question – That the amendment be agreed to – put and not agreed to.

Question – That the motion be agreed to – put and not agreed.

16. SESSIONAL ORDER FOR QUESTION TIME – MOTION AGREED TO

Mr Wood (Member for Nelson) pursuant to notice, moved – that the Assembly suspends chapter twelve of the Standing Orders in relation to Questions Seeking Information and replaces the content of chapter twelve with the following Sessional Orders for the remainder of the duration of the 12th Assembly or until otherwise determined by the Assembly:

1 Ministerial Reports

(1) On each sitting day at 2pm Ministers will be permitted to provide three minute oral reports.

(2) No more than eight such Ministerial Reports may be given on any one sitting day

2 Question Time

(1) At the conclusion of Ministerial Reports, any Member who is not a Member of the government may ask oral questions without notice to a Minister during question time.

(2) Question time will last until 12 questions and any supplementary questions (which if asked must be directly relevant to the answer given) have been answered by Ministers and any further questions have been asked of Members or the Speaker and been answered

(3) The opposition party will be allocated a total of eight questions and Members not aligned with a political party will be allocated a total of four questions. A non-party aligned Member may

defer their opportunity to ask a question to another member who is not a member of the government.

3 Questions to Ministers

(1) Questions may be asked of Ministers on matters relating to their portfolio responsibilities or related to public affairs by any member who is not a Government Member.

(2) Questions may be no longer than one minute each in duration; answers may be no longer than three minutes each. Supplementary questions may be no longer than 30 seconds each and answers to supplementary questions may be no longer than 60 seconds each.

4 Questions to other Members

At the conclusion of questions to Ministers any member may rise and ask another Member a question relating to a bill, motion, or other public matter connected with the business of the House in which that member is concerned.

5 Questions to the Speaker

At the conclusion of all other questions being asked during Question Time any member may rise and ask the Speaker a question relating to any matter for which the Speaker is responsible.

6 Questions on Notice

(1) A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper.

(2) The question must be in writing and signed by the member.

(3) The reply to a question on notice must be given by delivering it to the Clerk within 30 days of receipt by the Minister. A copy must be given to the member who asked the question, and both the question and the answer must be printed in Hansard.

7 Language of Questions

The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the Standing Orders or conventions of the Assembly.

8 Content of Questions

(1) A Member asking a question must not:

(a) offer argument or an opinion on the matter;

(b) give facts or names of persons, except when strictly necessary to explain the question;

(c) be critical of the character of a member or allege misconduct by that member

(2) All questions must be direct, succinct and seek factual information.

9 Content of Answers

(1) All answers to questions must:

(a) be direct, factual and succinct;

(b) not introduce matter extraneous to the question nor debate the matter to which the question relates.

And I further move

The Sessional Orders outlined in this motion be referred to the Standing Orders Committee for further consideration by the Committee to then report to the Assembly on best practice for Question Time with a view to adoption of new Standing Orders

And

The Standing Orders Committee must report to the Assembly by no later than the last scheduled sitting day of the second sitting week of 2016.

Debate ensued.

Mr Wood, by leave, moved an amendment:

In the first paragraph -

omit

suspends chapter twelve of the Standing Orders in relation to Questions Seeking Information and replaces the content of chapter twelve with the following Sessional Orders for the remainder of the duration of the 12th Assembly or until otherwise determined by the Assembly

insert in its place

considers a new model of

Question – That the amendment be agreed to – put and passed.

Question – That the amended motion be agreed to - put and passed.

17. POSTPONEMENT OF AN ORDER OF THE DAY – MOTION AGREED TO

Ms Manison (Member for Wanguri) moved – Pursuant to Standing Order 153, that General Business, Orders of the Day Number 3 be postponed and made an order of the day for the next general business day.

Debate ensued.

Question – put and passed.

18. POLLING DAY CONSIDERATIONS – MOTION AGREED TO

Resumption of debate on the motion - That the NT Government considers that on polling day in local Government and Territory elections.

- not to permit a person to canvass for votes, solicit the vote or induce or attempt to induce an elector not to vote for a particular candidate or particular candidates within 100 metres of a polling place

- and/or not permit the distribution of any advertisement, how to vote card, handbill, pamphlet, poster or notice containing any electoral matter on polling day. This would also include advertising or comment in a newspaper on that day.

Debate resumed.

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Visitors: The Speaker advised Honourable Members of the presence in the gallery of an Adult Migrant English Program accompanied by Veronica Bagshaw.

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

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Debate continued.

Question – put and passed.

19. PAPERS

The Speaker tabled the following Papers –

1. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, travelled to Darwin to attend Tiwi Bombers Best and Fairest Awards at Michael Long Centre on 11th June 2015, pursuant to clause 4.12, dated 10 September 2015 (Paper 1524).

2. Remuneration Tribunal Determination, Travel Report, Member for Arafura, Mr Francis Kurrupuwu, Met with the Administrator, Tiwi Islands Regional Council between 22nd – 25th July 2015, pursuant to clause 4.12, dated 16 October 2015 (Paper 1525).

3. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss, travelled to Alice Springs to attend the "Housing and Homelessness" Forum from 24th - 25th June 2015, pursuant to clause 4.12, not dated (Paper 1526).

4. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss, travelled to Tennant Creek via Alice Springs to attend caucus and to engage with Territorians and stakeholders between 9th - 11th July 2015, pursuant to clause 4.12, not dated (Paper 1527).

5. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss, travelled to Hobart to attend National Suicide Prevention Conference from 26th – 29th July 2015, pursuant to clause 4.12, not dated (Paper 1528).

6. Remuneration Tribunal Determination, Travel Report, Member for Casuarina, Ms Lauren Moss, travelled to Gold Coast to attend International Mental Health Conference from 12th - 14th August 2015, pursuant to clause 4.12, not dated (Paper 1529).

7. Remuneration Tribunal Determination, Travel Report, Member for Johnston, Mr Ken Vowles, travelled to Melbourne to attend National Labor Party Conference and meet with relevant Shadow Ministers from 23rd - 27th July 2015, pursuant to clause 4.12, dated 11 November 2015 (Paper 1530).

8. Remuneration Tribunal Determination, Travel Report, Member for Arnhem, Ms Larisa Lee, to attend meetings with various Aboriginal Organisations relating to the Legal Justice System from 11th – 15th June 2015, pursuant to clause 4.12, not dated (Paper 1531).

9. Remuneration Tribunal Determination, Travel Report, Member for Greatorex, Mr Matt Conlan, to travel to USA promoting Australian Outback Experience from 6th – 17th July 2015, pursuant to clause 4.12, not dated (Paper 1532).

10. Remuneration Tribunal Determination, Study Report, Member for Drysdale, Ms Lia Finocchario, to undertake Australian Institute of Company Directors Course (AICD) in Darwin from 17th – 21st August 2015, pursuant to clause 4.12, dated 2 November 2015 (Paper 1533).

11. Casuarina By-Election, Election Report, Saturday 18 October 2014 (Paper 1534).

20. ADJOURNMENT

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

The Assembly adjourned at 9.34 pm until Thursday 19 November 2015 at 10.00am.

PAPERS
The following papers were deemed to have been Tabled on 18 November 2015 -

Annual Reports 2008/2013:
Northern Territory Fisheries Joint Authority, for the period 1 July 2008 – 30 June 2013 (Paper 1518)

Annual Reports 2013/2014:
Northern Territory Fisheries Joint Authority, for the period 1 July 2013– 30 June 2014 (Paper 1519)

Annual Reports 2014/2015:
Northern Territory Electoral Commission, 2014/2015 (Paper 1521)

ATTENDANCE
All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly