NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 62
Thursday 16 August 2018

1. MEETING
The Assembly met at 10.00. The Speaker, the Honourable Kezia Purick, presided.

2. PRAYERS

3. ACKNOWLEGDEMENT OF COUNTRY
Mr Costa delivered the acknowledgement of country on behalf of the Assembly.

4. VISITORS
The Speaker advised Honourable Members of the presence in the gallery of Charles Darwin University Pre-Service Teachers accompanied by their lecturer, Janice Crerar visitors.

On behalf of all Members the Speaker welcomed the visitors.

5. ADMINISTRATIVE ARRANGEMENTS ORDER
Ms Fyles (Leader of Government Business) tabled a copy of the Administrative Arrangements Order published in the *Northern Territory Gazette No. S63* dated 13 August 2018 (Paper 798).

6. TRAINING AND SKILLS DEVELOPMENT AMENDMENT BILL 2018 (SERIAL 59)
Ms Uibo (Minister for Workforce Training), pursuant to notice, presented a Bill for an Act to amend the *Training and Skills Development Act* and tabled the Explanatory Statement (Paper 799) and the Human Rights Compatibility Statement (Paper 800).

Ms Uibo moved that the Bill be read a first time and delivered an explanatory speech.

Bill read a first time.

Ms Uibo moved that the Bill be referred to the Economic Policy Scrutiny Committee for report by 27 November 2018.

Question put and passed.

7. STATEMENT BY LEAVE
Ms Lawler, by leave, made a statement on the Pastoral Land Legislation Amendment Bill 2017.

8. PASTORAL LAND LEGISLATION AMENDMENT BILL 2017 (SERIAL 34): BILL AGREED TO
The Assembly considered the Bill in detail.

Clauses 1 to 3 taken together and agreed to.

Clause 4 read.

Clause 4(2), after "*Aboriginal*"

insert

person

Amendment agreed to.

Clause 4 as amended agreed to.

Clause 5 read.

Clause 5, proposed section 3A(1), after "support"

insert

, based on the unimproved native pasture of the land

Amendment agreed to.

Clause 5, after proposed section 3A(2)

insert

(3) In this section:

unimproved native pasture, in relation to pastoral land, means plants native to the District in which the pastoral land is situated.

Amendment agreed to.

Clause 5 as amended agreed to.

Clauses 6 to 7 taken together and agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 read.

Clause 10(6)

omit

Aboriginals

insert

Aboriginal persons

Amendment agreed to.

Clause 10(12), after "Aboriginal"

insert

person

Amendment agreed to.

Clause 10(15), proposed section 38(5)

omit, *insert*

(5) A person commits an offence if the person interferes with the full and free exercise by Aboriginal persons of rights reserved in favour of those persons under a pastoral lease.

Maximum penalty: 60 penalty units

Amendment agreed to.

Clause 10 as amended agreed to.

Clause 11 agreed to.

Clause 12 read.

Clause 12, proposed section 54

omit, insert

54 Determination of estimated carrying capacity

(1) The Agency must determine the estimated carrying capacity of all pastoral land that is the subject of a pastoral lease.

(2) For subsection (1), the determination must be made based on the unimproved native pasture on the land and ignoring any improved pasture on the land.

(3) The Agency must, as soon as practicable after making a determination of estimated carrying capacity, provide written notice of the determination to the lessee of the pastoral land.

54A Review of estimated carrying capacity

(1) The Agency may review the estimated carrying capacity of pastoral land at any time.

(2) A pastoral lessee may apply to the Agency to request a review of the estimated carrying capacity of the pastoral lessee's pastoral land at any time.

(3) As soon as practicable after receiving an application under subsection (2), the Agency must:

(a) review the determination of estimated carrying capacity; or

(b) refuse to review the determination.

(4) If, after a review, the Agency considers the existing determination is no longer accurate, the Agency must make a new determination under section 54.

(5) If the Agency refuses to conduct a review, the Agency must provide written notice of the refusal and the reasons for the refusal to the pastoral lessee.

Amendment agreed to.

Clause 12 as amended agreed to

Clauses 13 to 17 taken together and agreed to

Clause 18 read.

Before clause 18(1)

insert

(1AA) Section 66(1)

omit

his or her

insert

the lessee's

Amendment agreed to.

Clause 18 as amended agreed to.

Clause 19 read.

Clause 19, proposed section 68A

Omit

Question, that the amendment be agreed to, put.

The Assembly divided:

Ayes 19	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Mr Collins	Mr Higgins
Mr Costa	Mrs Lambley
Ms Fyles	Mr Mills
Mr Gunner	
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	
Mr Wood	
Mrs Worden	

Motion agreed to.

Question, that clause 19 as amended be agreed to, put.

The Assembly divided:

Ayes 19	**Noes 4**
Ms Ah Kit	Mrs Finocchiaro
Mr Collins	Mr Higgins
Mr Costa	Mrs Lambley
Ms Fyles	Mr Mills
Mr Gunner	
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Mr McConnell	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	
Mr Wood	
Mrs Worden	

Motion agreed to.

Clause 19 as amended agreed to.

Clause 20 read.

Clause 20(4)

omit

Aboriginals

insert

Aboriginal persons

Amendment agreed to.

Clause 20 as amended agreed to.

Clauses 21 to 26 taken together and agreed to.

Clause 27 read.

After clause 27(1)

insert

(1A) Section 83(2)

omit

notice in the *Gazette* and

insert

Gazette notice and notice

Amendment agreed to.

Clause 27 as amended agreed to.

Clause 28 agreed to.

Clause 29 read.

Clause 29(3), proposed section 119(1)(d)

omit

section 54(1) and (3)

insert

section 54

Amendment agreed to.

Clause 29 as amended agreed to.

Clause 30 read.

Clause 30, proposed section 136(2) and (3), before "before"

insert

immediately

Amendment agreed to.

Clause 30, after proposed section 136

insert

137 Rent methodology provisions

(1) The rent payable for a financial year that starts on or after 1 July 2019 in respect of a pastoral lease is to be calculated in accordance with the amendments made by the *Pastoral Land Legislation Amendment Act 2017*.

(2) The rent payable for a financial year that starts before 1 July 2019 in respect of a pastoral lease is to be calculated in accordance with this Act as it was immediately before the commencement of the *Pastoral Land Legislation Amendment Act 2017*.

Amendment agreed to.

Clause 30 as amended agreed to.

Clauses 31 to 33 taken together and agreed to.

Clause 34 read.

Clause 34, after "regulation 12"

insert

, in Part 3

Amendment agreed to.

Clause 34 as amended agreed to.

Clause 35 read.

Clause 35

Omit

Amendment agreed to.

Clause 35 as amended agreed to.

Schedule read.

Schedule

omit, *insert*

Provision	Amendment	
	omit	*insert*
section 4(c)	Aborigines	Aboriginal persons
section 92(1), definition ***applicant***, paragraphs (a) and (b)	Aborigine	Aboriginal person
section 100, heading	**Aborigine**	**Aboriginal person**
section 100(1) and (2)	Aborigine (*all references*)	Aboriginal person
section 101(1) and (4)	Aborigines (all references)	Aboriginal persons
section 101(2)	Aborigine	Aboriginal person

section 102(1)(a) to (e),		and
at the end		
sections 102(1)(b) and 108(1)	Aborigine or Aborigines	Aboriginal person or Aboriginal persons
section 109(1)(b)(i)	Aborigines (all references)	Aboriginal persons
	Aborigine	Aboriginal person
section 109(1)(b)(i) to (viii), at the end	and	
section 109(1)(b)(vi), (vii) and (ix)	Aborigines	Aboriginal persons
section 111(1)(d)	Aborigines	Aboriginal persons
	Aboriginal Councils and Associations Act 1976 of the Commonwealth	Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)
section 114(1) and (4)(c)	Aborigines	Aboriginal persons

Amendment agreed to.

Schedule as amended agreed to.

Bill as amended agreed to.

On the motion of Ms Lawler (Minister for Environment and Natural Resources), the Bill was read a third time and passed to be a proposed law.

9. PARKS AND WILDLIFE COMMISSION AMENDMENT BILL 2017 (SERIAL 32)

Ms Moss moved the Bill be read a second time.

Mr Wood, Mr Higgins, Ms Wakefield.

Debate suspended.

Suspension of Meeting: The meeting of the Assembly was suspended between 11.57 and 14.00.

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10. SPEAKER'S STATEMENT

The Speaker made a statement regarding a vote in the Senate regarding Territory laws and a motion in the Australian Capital Territory Legislative Assembly on the same matter.

11. QUESTIONS

14.02 Mr Higgins to Ms Moss

Visitors: The Speaker advised Honourable Members of the presence in the gallery of Stage 2 Legal Studies Students from Casuarina Senior College accompanied by their teacher Steve Hawkins.

The Speaker advised Honourable Members of the presence in the gallery of Chloe Rodricks.

On behalf of all Members the Speaker welcomed the visitors.

14.07 Mr Higgins to Ms Moss – Supplementary
14.08 Mr Kirby to Mr Gunner
14.11 Mr Higgins to Ms Moss
14.15 Ms Nelson to Ms Fyles

Paper Tabled: Ms Fyles (Attorney-General and Minister for Justice) tabled emails from Graeme Lewis to Braedon Earley, Daniel Davis, Ross Connolly, Tory Mencshelyi and Terry Mills re Presidents question regarding allegations about Foundation 51 (Paper 801).

14.17 Mr Collins to Ms Manison
14.21 Mrs Finocchiaro to Ms Moss
14.22 Mr McConnell to Ms Lawler
14.27 Mrs Lambley to Ms Fyles
14.30 Mr Costa to Mr McCarthy
14.33 Mr Higgins to Ms Manison – Referred to Mr Gunner
14.37 Mrs Finocchiaro to Ms Fyles
14.41 Ms Ah Kit to Ms Uibo
14.44 Mr Guyula to Ms Uibo
14.48 Mr Sievers to Mr Vowles
14.52 Mr Wood to Mr Gunner
14.55 Mr Paech to Ms Wakefield
14.58 Mr Higgins to Ms Wakefield

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

Ms Uibo, pursuant to Standing Order 115, gave an answer to a question asked earlier during question time from Mr Guyula.

12. PARKS AND WILDLIFE COMMISSION AMENDMENT BILL 2017 (SERIAL 32): BILL AGREED TO

Resumption of debate on the question that the Bill be read a second time.

Ms Wakefield, Ms Lawler, Ms Uibo, Mr Vowles, Mr Paech, Mr Sievers, Ms Moss.

Question put and passed.

Bill read a second time.

On the motion of Ms Moss (Minister for Tourism and Culture), by leave, the Bill was read a third time and passed to be a proposed law.

13. MINISTERIAL POLICY STATEMENT: HOUSING MOTION TO NOTE

Mr McCarthy (Minister for Housing and Community Development) made a statement regarding remote housing.

Mr McCarthy moved that the Assembly take note of the Policy Statement.

Mr Wood, Mr Higgins, Ms Wakefield, Ms Uibo.

On the motion of Ms Fyles debate was adjourned.

14. CONSIDERATION OF COMMITTEE AND AUDITOR-GENERAL'S REPORTS AND GOVERNMENT RESPONSES

1. *Public Accounts Committee Inquiry into Taxi Licensing and Subleasing Report* (Paper 554). Deferred.
2. *Auditor-General for the Northern Territory, November 2017* (Paper 580). Deferred.
3. *Auditor-General for the Northern Territory, March 2018* (Paper 677). Deferred.

15. ADJOURNMENT

Ms Fyles (Leader of Government Business) moved that the Assembly adjourn.

Ms Fyles, Mr Guyula, Ms Uibo.

Paper Tabled: Ms Uibo, by leave, tabled Keeping Indigenous Languages and Cultures Strong, A plan for the Teaching and Learning of Indigenous Languages and Cultures in Northern Territory Schools (Paper 802).

Ms Manison, Ms Moss, Ms Nelson, Ms Purick.

The Assembly adjourned at 19.18 until Tuesday 21 August 2018 at 10.00.

ATTENDANCE

All Members attended the meeting.

MICHAEL TATHAM
Clerk of the Legislative Assembly