

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 28

Thursday 22 August 2013

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 Year 6 students from St Joseph's College in Katherine and of Year 10 students from Casuarina College.

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

4. SPEAKER'S STATEMENT

The Speaker made the following statements:

1. On 21 August 2013, a number of visitors watching the sittings from the gallery commented about the tone, manner and behaviour of Members in the Assembly. The Speaker asked that Members familiarise themselves with standing orders and reflect upon their performances.
2. The Speaker expressed her concern about a Media Statement issued by the Leader of the Opposition on 21 August 2013, which called into question the integrity of the Chair. The Speaker called on the Leader of the Opposition to apologise by 5.00pm on 22 August 2013.

5. QUESTIONS

- 10.04 Mr Vatskalis to Minister for Health
- 10.08 Mr Higgins to Chief Minister
- 10.12 Ms Walker to Minister for Local Government
- 10.15 Ms Finocchiaro to Minister for Housing
- 10.17 Ms Walker to Chief Minister
- 10.17 Mr Kurrupuwu to Minister for Housing
- 10.21 Ms Fyles to Minister for Land Resource Management
- 10.24 Ms Lee to Minister for Mines and Energy
- 10.28 Mr Wood to Minister for Land Resource Management
- 10.32 Ms Fyles to Chief Minister

Paper Tabled: Ms Fyles (Member for Nightcliff) laid upon the Table - Email, from Lyn Guelfi on behalf of Rod Applegate, Chief Executive, Department of Land Resource Management to Willem Westra van Holthe, Water Extraction Licence TLAM05 to L & B MacFarlane dated 18 March 2013 (Paper 457).

Paper Tabled: Mr Giles (Member for Braitling) laid upon the Table - Email, from Terri Layman, Department of Transport, to Graham Bell, re PPR for the Tiger Brennan Drive Duplication – Darwin CBD to Berrimah Road project, dated 3 July 2013 (Paper 458).

Paper Tabled: Mr Giles (Member for Braitling) laid upon the Table - Project Proposal Report to Department of Infrastructure and Transport, Tiger Brennan Drive Duplication – Darwin CBD to Berrimah Road (Nation Building Program 2014/15 - 2018/19), July 2013 (Paper 459).

- 10.37 Ms Finocchiaro to Minister for Infrastructure
- 10.41 Mr McCarthy to Minister for Land Resource Management

Paper Tabled: Mr McCarthy (Member for Barkly) laid upon the Table - Memorandum to Water Advisory & Regulatory Officer, Katherine, from Water Resources Planner, Darwin,

Groundwater Extraction Licence TLAM05 Increase, Lindsay and Bettina MacFarlane, NT Portion 6403, Mataranka, dated 8 February 2013 (Paper 460).

10.45 Mrs Price to Minister for Central Australia

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 and the CLP.

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

6. CENSURE OF CHIEF MINISTER — MOTION

Ms Fyles (Member for Nightcliff) moved — That the Assembly censure the Chief Minister and CLP for:

- gifting the CLP Candidate for Lingiari Tina MacFarlane water rights worth millions;
- stripping Indigenous Territorians of their water rights to hand them instead to their candidate;
- threatening the supply of water to the Ngukurr Community;
- saying that Cabinet and Minister's had no involvement in the decision but then refusing to release correspondence between the CLP and the Water Controller;
- basing their decision to change the science on a phone call;
- ignoring science and modelling that expose the risk of environmental and ecological damage to Elsey National Park and its water systems;
- ignoring the rights of other water users of the Tindal Limestone Aquifer including recreational fishers, traditional owners and other pastoralists;
- giving the Federal Coalition Candidate water rights against the policy of the Federal Coalition; and
- refusing to revoke the water allocation grant until a proper and transparent process can be put in place that involves detailed community consultation.

Paper Tabled: Ms Fyles (Member for Nightcliff) laid upon the Table - Memorandum to Water Advisory & Regulatory Officer, Katherine, from Water Resources Planner, Darwin, Groundwater Extraction Licence TLAM05 Increase, Lindsay and Bettina MacFarlane, NT Portion 6403, Mataranka, dated 8 February 2013 (Paper 461).

Paper Tabled: Ms Fyles (Member for Nightcliff) laid upon the Table - Ministerial Briefing, to Minister for Land Resource Management, from Chief Executive, Mr Rod Applegate, to Willem Westra van Holthe, Application for Groundwater Extraction Licence in the Mataranka Area by Mr and Mrs MacFarlane, dated 14 December 2013 (Paper 462).

Debate ensued.

Paper Tabled: Mr Westra van Holthe (Member for Katherine) laid upon the Table - Email, Climate Change Workshop held by the Bureau of Meteorological (Paper 463).

Debate continued.

Debate suspended.

Suspension of sittings: The sitting of the Assembly was suspended between 12.00 noon and 2.00pm.

7. CENSURE OF CHIEF MINISTER — MOTION NOT AGREED TO

Resumption of debate, suspended earlier this day, on the question - That the Assembly censure the Chief Minister and the CLP.

Debate ensued

Question put -

The Assembly divided:

Ayes 8

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

Noes 15

Ms Anderson
Mr Chandler
Mr Conlan
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. REORDER OF ROUTINE OF BUSINESS — MOTION AGREED TO

Mr Elferink (Leader of Government Business), moved - pursuant to Standing Order 89, that the Routine of Business is reordered so that Ministerial Statements be called on at the conclusion of Government Business Notices and before consideration of Government Business Orders of the Day.

Question — put and passed.

9. MONITORING OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE) (NATIONAL UNIFORM LEGISLATION) BILL 2013 (SERIAL 36)

Mr Elferink (Attorney General), pursuant to notice, presented a Bill for an Act to enable the Operational Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to be given effect within the Territory.

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 467).

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

10. PASTORAL LAND AMENDMENT BILL 2013 (SERIAL 40)

Mr Westra van Holthe (Minister for Land Resource Management), pursuant to notice, presented a Bill for an Act to amend the *Pastoral Land Act*.

Bill read a first time.

Mr Westra van Holthe moved — That the Bill be now read a second time.

Debate ensued.

Paper Tabled: Mr Westra van Holthe laid upon the Table the Explanatory Statement (Paper 468).

On the motion of Mr Vatskalis (Member for Casuarina) debate was adjourned.

11. MINISTERIAL STATEMENT – AN INTEGRATED APPROACH TO HOUSING AFFORDABILITY — MOTION TO NOTE AGREED TO

Mr Chandler (Minister for Housing) made a statement updating the Assembly on the Government's Approach to housing.

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

Debate ensued.

Extension of Time: On the motion of Mr Gunner, Mr Wood was granted an extension of time.

Debate continued.

Extension of Time: On the motion of Ms Finocchiaro, Mr Styles was granted an extension of time.

Debate continued.

Extension of Time: On the motion of Ms Walker, Mr McCarthy was granted an extension of time.

Debate continued.

Question – put and passed.

12. PERSONAL EXPLANATION:

The Member for Karama (Ms Lawrie) made a personal explanation relating to a media release and matters in the Assembly on 21 August 2013.

13. PAPERS

Mr Westra van Holthe (Minister for Land Resource Management) laid upon the Table the following:

1. Annual Report 2010/2011, Pastoral Land Board (Paper 469).
2. Annual Report 2011/2012, Pastoral Land Board (Paper 470).

Leave granted to Mr Westra van Holthe to continue his remarks at a later hour.

The Speaker (Ms Purick) laid upon the Table the following Travel Reports:

1. Remuneration Tribunal Determination, Travel Report, Member for Daly, Mr Gary Higgins, Attend Meeting of the Daly River Management Advisory Committee held at Douglas Daly on 23rd and 24th May 2013, pursuant to the clause 4.12, not dated (Paper 471).

2. Remuneration Tribunal Determination, Travel Report, Member for Daly, Mr Gary Higgins, My Attendance at the 62nd Parliamentary Seminar on practice and procedures held in London on 17th - 21st June 2013, pursuant to the clause 4.12, dated 20 August 2013. (Paper 472).

14. ADJOURNMENT

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

Debate ensued

Question — put and passed.

And the Assembly adjourned at 6.39pm until Tuesday 27 August at 10am.

PAPERS

The following papers were deemed to have been Tabled on 22 August 2013 —

Coroners Act:

In the matter of the Coroner's Findings and recommendations into the Death of Mr Clifford Norman and Ms Kwementyaye Taylor, pursuant to section 46B, dated 8 August 2013 (Paper 464).

Regulations 2013:

No. 417 of 2013, Education and Care Services and National Amendment Regulation 2013 (New South Wales) (Paper 465).

No. 362 of 2013, Rail Safety National Law National Regulations (Fees) Variation Regulations 2013 (South Australia) (Paper 466).

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM

Clerk of the Legislative Assembly