
NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 23

Tuesday 28 April 2009

1. MEETING:

The Assembly met at 10am, pursuant to resolution of the Assembly, dated Thursday 19 February 2009. The Speaker, the Honourable J. L. Aagaard, took the Chair.

2. PRAYERS.

3. STATEMENT BY SPEAKER:

The Speaker advised the Assembly of the death on 24 February 2009 of Mr Tony Fitzgerald, a long term Territorian and a strong advocate for human rights.

Distinguished visitors: The Speaker extended a warm welcome to the family and friends of Mr Fitzgerald who were in the Speaker's Gallery to witness the condolence motion:

- Mr Fitzgerald's children, Mr Gus Fitzgerald and Ms Nina Fitzgerald and his sister Ms Shane Fitzgerald;
- Friends and including Chief Magistrate Ms Jenny Blockland; and
- Staff and colleagues from the Anti-Discrimination Commission.

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

4. CONDOLENCE - MR TONY FITZGERALD:

The Chief Minister (Mr Henderson), by leave, moved - That this Assembly -

- (a) express its deep regret at the death of Mr Tony Fitzgerald, a leading advocate for human rights in the Northern Territory; and
- (b) tender it's profound sympathy to his family and friends.

The Chief Minister (Mr Henderson) thereupon addressed the Assembly.

The Leader of the Opposition (Mr Mills) addressed the Assembly.

Debate ensued.

Question - put and passed.

Motion agreed to.

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

5. MESSAGE FROM ADMINISTRATOR:

The Speaker laid on the Table the following Message from the Administrator:

Message No. 6 - Assent to Proposed Laws

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

12 March 2009

Territory Parks and Wildlife Conservation Amendment Act 2009 (**Act No. 6 of 2009**)
Cross-Border Justice Act 2009 (**Act No. 1**)
Domestic and Family Violence Amendment Act 2009 (**Act No. 2 of 2009**)
Electoral Amendment Act 2009 (**Act No. 3 of 2009**)
Evidence Legislation (Authorised Persons) Amendment Act 2009 (**Act No. 4 of 2009**)
Ombudsman Act 2009 (**Act No. 5 of 2009**)

Dated 30th day of March 2009.

THOMAS IAN PAULING, AO QC

Administrator (Paper 260)

6. LEAVE OF ABSENCE - MS SCRYMGOUR:

The Leader of Government Business (Dr Burns) moved - That leave of absence be granted to the Member for Arafura (Ms Scrymgour) for this sittings due to ill health. Debate ensued.

Question - put and passed.

7. LEAVE OF ABSENCE - MR CONLAN:

The Leader of the Opposition (Mr Mills) moved - That the Member for Greatorex (Mr Conlan) have leave of absence for this sittings to attend to his family duties.

Question - put and passed.

8. PAIRS:

The Speaker laid on the Table the Pair arrangements for this sittings period:

The Member for Arafura (Ms Scrymgour) and the Member for Greatorex (Mr Conlan) being paired for 28, 29 and 30 April 2009; and 5, 6 and 7 May 2009 (Paper 279).

9. PETITIONS:

The Member for Nelson (Mr Wood), by leave, presented Petition No. 09 from 245 petitioners, not conforming with Standing Orders, requesting the construction of a merging lane on the Stuart Highway inbound, at the Virginia Road intersection (Paper 261).

Petition read.

The Member for Nelson (Mr Wood) presented Petition No. 12 from 1275 petitioners requesting the Territory Insurance Office retain the Coolalinga Branch (Paper 264).

Petition read.

The Member for Nhulunbuy (Ms Walker), by leave, presented Petition No. 11 from 120 petitioners, not conforming with Standing Orders, request by Indigenous women of East Arnhem Land to prevent closure of the Gove District Hospital, Ward 2 birthing service at the end of March 2009 (Paper 262).

Petition read.

The Member for Nhulunbuy (Ms Walker), by leave, presented Petition No. 10 from 1140 petitioners, not conforming with Standing Orders, relating to the closure of the Gove District Hospital, Ward 2 birthing service at the end of March 2009 (Paper 263).

Petition read.

10. MINISTERIAL REPORTS:

Australian of the Year 2009 Visit to Territory Schools: The Chief Minister (Mr Henderson) reported on Professor Mick Dodson's assistance in the Education Roadshow in Territory schools.

Mr Mills responded.

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Mr Wood responded.
Mr Henderson replied.

Building Certification Compliance: The Minister for Planning and Lands (Ms Lawrie) reported on a Review of Building Certification and compliance system in the Northern Territory.

Paper tabled: Ms Lawrie laid on the Table the following Paper -

- Review of the NT's Building Certification System (Paper 265).

Ms Purick responded.
Mr Wood responded.

Point of order: The Member for Port Darwin (Mr Elferink) raised a point of Order and having obtained the call proceeded to move a motion relating to the building certification in the Territory -

Decision by Speaker: The Member was informed that he was out of order and that he needed to suspend Standing Orders to move a motion without notice.

Suspension of Standing Orders - Negatived: The Member for Port Darwin (Mr Elferink) having the call thereupon moved - That so much of Standing Orders be suspended as would allow him to move -

That this debate on building certification be continued under the same rules of debate as applies for a motion to note Ministerial Statements.

Debate ensued.

Closure: The Leader of Government Business (Dr Burns) moved - That the question be now put.

Question - That the question be now put - put.

The Assembly divided (the Speaker, Hon. J. L. Aagaard, in the Chair) -

AYES, 12

Mrs Aagaard
Ms Anderson
Dr Burns
Mr Gunner
Mr Hampton
Mr Henderson
Mr Knight
Ms Lawrie
Mr McCarthy
Ms McCarthy
Mr Vatskalis
Ms Walker

NOES, 11

Mr Bohlin
Ms Carney
Mr Chandler
Mr Elferink
Mr Giles
Mr Mills
Ms Purick
Mr Styles
Mr Tollner
Mr Westra van Holthe
Mr Wood

Pairs: The Member for Arafura (Ms Scrymgour) and the Member for Greatorex (Mr Conlan) being paired together for the 28, 29 and 30 April and 5, 6 and 7 May sittings 2009.

Tellers: Mr Elferink and Mr Gunner.

And so it was resolved in the affirmative.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, Hon. J. L. Aagaard, in the Chair) -

AYES, 11

Mr Bohlin
Ms Carney
Mr Chandler

NOES, 12

Mrs Aagaard
Ms Anderson
Dr Burns

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Mr Elferink
Mr Giles
Mr Mills
Ms Purick
Mr Styles
Mr Tollner
Mr Westra van Holthe
Mr Wood

Mr Gunner
Mr Hampton
Mr Henderson
Mr Knight
Ms Lawrie
Mr McCarthy
Ms McCarthy
Mr Vatskalis
Ms Walker

Pairs: The Member for Arafura (Ms Scrymgour) and the Member for Greatorex (Mr Conlan) being paired together for the 28, 29 and 30 April and 5, 6 and 7 May sittings 2009.

Tellers: Mr Elferink and Mr Gunner.

Motion negatived accordingly.

Ministerial Reports noted, pursuant to Standing Orders.

11. JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2009 (Serial 34):

The Order of the Day having been read for the resumption of debate on the question - That the Bill be now read a second time -

Debate resumed.

Debate suspended.

Suspension of sittings: The sittings of the Assembly was suspended between 12.02pm and 2pm.

12. NOTICES:

The following Notices were given:

Mr Giles: To present the Traffic Amendment Bill 2009 (Serial 38).

13. QUESTIONS:

2.02pm Mr Mills to Mr Henderson.

2.11pm Mr Gunner to Mr Vatskalis.

2.14pm Mr Elferink to Mr Knight.

2.20pm Mr Gunner to Mr Henderson.

2.25pm Mr Mills to Mr Henderson.

2.27pm Ms Walker to Mr Henderson.

2.30pm Mr Mills to Mr Henderson.

2.36pm Ms Walker to Ms Lawrie.

2.41pm Mr Styles to Mr Henderson and referred to Ms Lawrie.

2.44pm Mr Gunner to Mr Vatskalis.

2.48pm Ms Purick to Mr Henderson.

2.52pm Mr Gunner to Dr Burns.

2.57pm Mr Wood to Ms Anderson.

2.59pm Ms Walker to Mr Knight.

The Leader of Government Business (Dr Burns) asked that further questions be placed on the Written Question Paper.

14. JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2009 (Serial 34):

The Order of the Day having been read for the resumption of debate on the question, suspended earlier this day - That the Bill be now read a second time -

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Minister for Justice and Attorney-General (Ms Lawrie) the Bill was read a third time and passed to be a proposed law.

15. **TRANSPORT LEGISLATION (HOON BEHAVIOUR) AMENDMENT BILL 2009
(Serial 28):**

The Order of the Day having been read for the 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.

The Assembly resolved itself into Committee of the Whole for consideration of the Bill.

In Committee

(Deputy Speaker and Chair of Committees - Ms Walker in the Chair)

Bill, by leave, taken as a whole.

The Member for Braitling (Mr Giles), by leave, moved the following amendments together to Clause 5 and the Long Title of the Bill -

9.1 Proposed Part VA, heading

omit, substitute

Part VA Vehicle impounding and forfeiture

9.2 Proposed section 29AA

omit

all words after "is to"

substitute

provide for impounding and forfeiture of vehicles in relation to certain offences under this Act

9.3 Proposed section 29AB

insert (in alphabetical order)

Class A prescribed driving offence, see definition ***prescribed driving offence*** in this section.

Class B prescribed driving offence means:

(a) a Class B1 prescribed driving offence; or

(b) a Class B2 prescribed driving offence.

Class B1 prescribed driving offence, see definition ***prescribed driving offence*** in this section.

Class B2 prescribed driving offence, see definition ***prescribed driving offence*** in this section.

subsequent offence means:

(a) a Class A subsequent offence; or

(b) a Class B subsequent offence.

9.4 Proposed section 29AB, definition *prescribed driving offence*

omit, substitute

prescribed driving offence means an offence by the driver of a motor vehicle against a provision of this Act prescribed by the Regulations as any of the following:

- (a) a Class A prescribed driving offence;
- (b) a Class B1 prescribed driving offence;
- (c) a Class B2 prescribed driving offence.

**9.16 LONG TITLE
Long title**

omit

all words after "legislation"

substitute

to provide for impounding and forfeiture of vehicles in relation to certain offences involving vehicles

Debate ensued.

Question - put and negatived.

The Member for Braintree (Mr Giles), by leave, moved the following amendments to Clause 5, together -

9.5 Proposed section 29AD(1)

omit

prescribed driving offence

substitute

Class A prescribed driving offence

9.6 Proposed section 29AD(4)(d)

omit

prescribed driving offences

substitute

Class A prescribed driving offences

9.8 Proposed section 29AH, heading

omit

second offence

substitute

second Class A offence

9.9 Proposed section 29AH(1) to (3), (5) and (8)

omit (all references)

second offence

substitute

second Class A offence

9.10 Proposed section 29AT(1), (2) and (4)

omit (all references)

prescribed

substitute

Class A prescribed

Debate ensued.

Pair: The Deputy Speaker (Ms Walker) advised that a pair was in place for Ms Carney and Ms McCarthy from 5pm today until close of business.

Question - That the amendments be agreed to - put.

The Committee divided (the Deputy Speaker and Chair of Committees (Ms Walker) in the Chair -

AYES, 10

NOES, 11

Mr Bohlin
Mr Chandler
Mr Elferink
Mr Giles
Mr Mills
Ms Purick
Mr Styles
Mr Tollner
Mr Westra van Holthe
Mr Wood

Mrs Aagaard
Ms Anderson
Dr Burns
Mr Gunner
Mr Hampton
Mr Henderson
Mr Knight
Ms Lawrie
Mr McCarthy
Mr Vatskalis
Ms Walker

Pairs: The Member for Arafura (Ms Scrymgour) and the Member for Greatorex (Mr Conlan); and from 5 pm to close of business this day the Member for Araluen (Ms Carney) and the Member for Arnhem (Ms McCarthy).

Tellers: Mr Elferink and Mr Gunner.

Amendments negatived accordingly.

Bill as printed, agreed to.

Bill to be reported without amendment.

The Assembly resumed; the Speaker took the Chair; the Deputy Speaker and Chairman of Committees (Ms Walker) reported to the Assembly that the Committee had agreed to the Bill without amendment.

On the motion of the Minister for Transport (Mr McCarthy) the Bill was read a third time and passed to be a proposed law.

16. TERRITORY 2030 FRESH IDEAS REAL RESULTS - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Chief Minister (Mr Henderson) made a statement relating to the longer look forward of planning and directions for the Territory in 2030.

Mr Henderson moved - That the Assembly take note of the Statement.

Debate ensued.

Extension of time: On the motion of the Minister for Business (Dr Burns) the Minister for Local Government (Mr Knight) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

Extension of time: On the motion of the Member for Port Darwin (Mr Elferink) the Member for Braiiling (Mr Giles) was granted an extension of time, pursuant to Standing Order 77.

Debate continued.

It being 9pm and pursuant to Standing Orders the Assembly was to adjourn -

Speaker's statement: The Speaker advised Members her discretion would be used to extend debate of a speaker addressing the Assembly: when the motion for the

adjournment of the Assembly would be put, pursuant to Standing Order 41A; by ten minutes and the adjournment speaking time limit would be extended accordingly.

Debate resumed.

Debate adjourned.

17. **ADJOURNMENT, Automatic:**

The Speaker, pursuant to Standing Order 41A, at 9.10pm proposed the question - That the Assembly do now adjourn.

Debate ensued.

Paper tabled: The Member for Braitling (Mr Giles), by leave, laid on the Table the following Paper -

- Communities missing out on broadband connection (Paper 280).

Debate continued.

Question - put and passed.

The Assembly adjourned at 10.04pm until tomorrow at 10am.

PAPERS:

The following Papers were deemed to be presented on Tuesday 28 April 2009 -

Speaker

Guidelines and Procedures for Conduct of Divisions in the Assembly (Paper 330)

Annual Report

National Trust of Australia (NT), 2006/2007 (Paper 266)

By-Laws 2009

No. 1, Alice Springs (Public Library) (Paper 270)

Coroners Act

In the matter of Deputy Coroner's Findings and Recommendation into the Death of the baby of Maria Michelle Bernabe-Salazar (the deceased), pursuant to Section 46B, dated 21 April 2009 (Paper 267)

Local Government Act

Conditionally Rateable Land - Guidelines dated 23 February 2009 (Paper 268)

Employees Disqualified from Council Membership – Guidelines, dated 26 April 2009 (Paper 269)

Regulations 2009

No. 2, Weapons Control Amendment (Paper 271)

No. 3, Police Administration (Fees) Amendment (Paper 272)

No. 4, Mental Health and Related Services (Paper 273)

No. 5, Trade Measurement (Pre-packed Articles) Amendment (Paper 274)

No. 6, Fisheries Amendment (Noxious Fish and Aquatic Pests) (Paper 275)

No. 7, Procurement Amendment (Quotes for Supplies) (Paper 276)

No. 8, Ombudsman (Paper 277)

No. 9, Transport Legislation Amendment (Alcohol Ignition Locks) (Paper 278)

ATTENDANCE:

All Members attended the sittings except:

- Mr Conlan and Ms Scrymgour, on leave for 28, 29 and 30 April 2009 and 5, 6 and 7 May 2009.

Mr Ian McNeill

Clerk of the Legislative Assembly