

Madam Speaker Aagaard took the Chair at 10 am.

**TABLED PAPER**  
**Sitting Dates for 2010**

**Madam SPEAKER:** Honourable members, I table the sitting dates for 2010. I note there are no Monday sitting days. All sittings are for two weeks.

**SERIOUS CRIME CONTROL BILL**  
**(Serial 48)**

Continued from 11 June 2009.

**Ms CARNEY (Araluen):** Madam Speaker, the intention of this bill is to disrupt and restrict the activities of individuals engaged in organised criminal activities, which is why the bill is supported. The bill is similar to the South Australian *Serious and Organised Crime (Control) Act 2008*, and New South Wales' *Crimes (Criminal Organisations Control) Act 2009*. There are some differences, which is somewhat ironic given Attorneys-General wanted uniform legislation. However, we will not dwell on that.

Those interested will know the South Australian bill was successfully challenged in recent times. There were several grounds, as I understand it, for the appeal, but one valid challenge was in relation to removing discretion from the courts when making a control order. The South Australian legislation included the word 'must', and I understand it will subsequently be amended to include the word 'may'. There are amendments which will pass this morning, and an amendment to the current bill takes into account that difficulty. The government has, in anticipation of what happened in South Australia, amended the bill accordingly, which we also support.

I will turn to some of the details in the bill because it is important legislation, unprecedented in so many ways and, given its ramifications, its purpose and some of its detail, my view was it was appropriate for the opposition to outline some parts of the bill.

An eligible judge is a judge of the Supreme Court who has given consent for the Administrator to give them powers under the act, clause 12; the judge can revoke consent at any time. There are currently six full-time Supreme Court judges in the Territory, two additional Supreme Court judges and three acting Supreme Court judges. There is no indication in the initial bill tabled that any full-time Supreme Court judge can become an ineligible judge, or if the additional or acting judges are able to act as an eligible judge. Perhaps I could have expressed that better, but there are further amendments which clarify that

aspect, and we are very happy to see those amendments.

The Police Commissioner can make an application to an eligible judge to have an organisation sanctioned as a declared organisation under clause 18. The eligible judge can make the declaration against the organisation, dismiss the application, or hold a hearing to determine the merits of it. If the application is successful, notification must be published in the Northern Territory *Gazette*, and a Territory-wide circulated newspaper within seven days of the decision. This is also the procedure if an eligible judge decides to hold a hearing into the application.

As part of the application, the Police Commissioner must specify the name of any person who is reasonably believed to be a member, or former member, of the organisation. Each of the specified persons must be notified in the event of a hearing into the application, and notified when the organisation is listed as a declared organisation.

The declaration order for the organisation takes effect on the day the notification is published in the *Gazette*, or on a date specified by the *Gazette*. The declaration will remain in place against the organisation for a period of 10 years, or a lesser period as specified by the judge making the declaration. The declaration can be reversed only by the judge who made the declaration pursuant to clause 22 and, if that judge has passed away, retired, is absent from the Territory, or otherwise incapacitated, another eligible judge can act on their behalf under the section.

Revocation can be requested in writing by the Police Commissioner or on application of a member of the declared organisation. If a person is a member or past member of a declared organisation, there are no automatic restrictions on their activities or movements until they are subject to a control order. The Police Commissioner or a senior police officer can make an application to the Supreme Court to have a control order imposed on the person, pursuant to clause 23; such person does not have to be a member or former member of a declared organisation.

Grounds for making a control order are the person is a member or former member of a declared organisation engaged in criminal activity, and regularly associates with members of the declared organisation engaged in criminal activity, and regularly associates with persons who engage or have engaged in criminal activity. At a hearing of the application of the control order, the Supreme Court may hear further information from

the Police Commissioner. At the hearing, the Supreme Court can determine in favour of a control order, dismiss the application, or adjourn the hearing so the person named in the control order can be notified of the application.

The control order can prevent the person subject to the order from associating with specified persons, attending specified premises, possessing a specified article, and associating with the person who is a member of a declared organisation. The control order can also prevent the person from engaging in prescribed activities such as working as a security guard, working in a premises licensed under the *Gaming Control Act*, and as a tow-truck operator - to name but a few. These are prescribed, in any event, in clause 6 of the Definitions. A control order takes effect when it is served on a person named in the order, and it remains in force until it is revoked. The person subject to the order has the right to object to the application, or appeal the decision of the Supreme Court which subjects them to a control order.

If a person breaches a condition of the control order, the maximum penalty is five years imprisonment, with the exception of applying for an authority to carry out a prescribed activity, which invites a maximum of 50 penalty units or six months imprisonment.

Another aspect of the bill, namely Part 5, gives a senior police officer the ability to make a public safety order against a specified person or class of persons. This order will be effective for a specified time or until revoked; however, the restriction period of a public safety order cannot exceed 72 hours. A police officer must apply to the Court of Summary Jurisdiction for approval to issue a public control order, pursuant to clause 49. When making a public safety order, the police officer must be satisfied the person or class of person in the order would pose a serious risk to public safety or security – clause 42(1), defining clause 42(4) and (5). The officer must have regard to a series of provisions under section 42(2), including whether that person or class of persons are associated with a declared organisation, are subject to a control order, any previous activity which has posed a risk to public security, previous criminal activity, and whether preventing that person or class of person attending a premises would mitigate any serious risk to public safety or security.

A public safety order cannot be made against a person if the issuing officer reasonably believes the likely reason for attendance at the premises is for non-violent advocacy protest, dissent, or industrial action, pursuant to clause 43. The penalty for breaching the conditions of a public safety order is a maximum of five years imprisonment.

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### Visitors

**Madam SPEAKER:** Honourable members, I draw your attention to the presence in the gallery of Year 7 Dripstone Middle School students, accompanied by Ms Kelly Nottle, and Ms Jan McCarthy ...

**Mr Henderson:** It is not Dripstone.

**Madam SPEAKER:** It is not Dripstone? Is it Year 7, Darwin Middle School?

**Mr Henderson:** Yes.

**Madam SPEAKER:** My apologies. On behalf of honourable members, I extend to you a very warm welcome.

**Members:** Hear, hear!

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**Madam SPEAKER:** Thank you, member for Araluen.

**Ms CARNEY:** Madam Speaker, orders for the removal of fortifications on premises that are, have been, or could be involved in the commission, cover up, or proceeds of a serious criminal offence, or if the fortified premises are owned, occupied or habitually used as a place of resort by members of a declared organisation, are detailed in part 6 of the bill. If a person hinders or attempts to remove fortifications, the maximum penalty is ...

**Ms LAWRIE:** A point of order, Madam Speaker! I am having difficulty hearing the shadow and I am very keen to hear what she is saying. It might be the acoustics this morning.

**Mr Elferink:** All the people talking on your side is the problem.

**Ms LAWRIE:** There is ...

**Madam SPEAKER:** Order! Member for Port Darwin, there have not been interjections. Member for Araluen, would you mind ...

**Ms CARNEY:** Madam Speaker, it would be impolite for me to say I am not averse to raising my voice towards the member for Karama.

If a person hinders attempts to remove fortifications, the penalty is a maximum of 500 penalty units or three years imprisonment.

Other provisions of the bill require the Attorney-General to be notified of any application under Parts 3 and 4 of the act - that is, declared

organisations and control orders - and the Attorney-General may request a copy of the application and be present at hearings related to those applications. The Police Commissioner must keep a register of organisations and persons either declared under section 18, or subject to a control order at any premises subject to a fortification removal order. Information contained on this register may be provided to members of the public upon request, and the information may be published in a newspaper circulating within the Northern Territory.

The legislation is to be reviewed annually by a retired judicial officer appointed by the Attorney-General in clause 85. This is to determine if the powers of the act have been exercised appropriately, and a report is to be provided to the Attorney-General on or before 31 December for the previous financial year. The Attorney-General must table the report within eight sitting days of receiving it. The legislation is to be reviewed as soon as practicable after the fourth anniversary of the commencement of this act.

There are a number of consequential amendments. The first one is in relation to the *Bail Act*. Section 7A of that act will be amended by this bill to remove the presumption of bail for a person under a control order who either associates with another controlled person - section 36; recruits or attempts to recruit a person to become a member of a declared organisation - section 37; applies for an authority to carry out a prescribed activity as set out under definitions or prescribed regulation - section 38; or contravenes a public safety order - section 55, if those activities and details are prohibited on a control order.

A person who commits an offence against new section 103A of the *Criminal Code* which prevents threats or reprisals against persons involved in criminal investigations or judicial proceedings will also have their presumption of bail reversed under section 7A of the *Bail Act*.

In relation to the *Criminal Code*, section 103A, Intimidation of witnesses, will be repealed by this bill and substituted with a new section 103A. This new section will make it an offence, punishable by up to seven years imprisonment, to make threats or reprisals against persons, to influence the outcome of an investigation or a proceeding; in response to what is said in the conduct of an investigation or proceeding; to influence the official duties or functions of a public officer as part of an investigation or a proceeding; and in reaction to something said or done by a public officer in the official duties or functions of an investigation or proceeding.

The *Information Act* is also amended. The bill introduces a new section into the *Information Act*.

The proposed section 49AA will make information classified as criminal intelligence by the Commissioner of Police as exempt from information under section 44 of the act. Criminal intelligence is described in the Serious Crimes Control Bill under clause 73.

The government has previously introduced legislation to control group criminal activities. The Justice Legislation (Group Criminal Activities) Bill 2006 was passed in September 2006, and it amended the *Sentencing Act*, the *Bail Act*, the *Summary Offences Act* and the *Criminal Code*. The previous legislation was designed to provide a measured and evidence-based response to emerging gang behaviour, from youth gangs to organised and well-funded criminal networks.

The provisions introduced by the 2006 amendments function differently from the Serious Crime Control Bill 2009 insofar as the 2006 amendments came into force as a result of criminal or violent action or behaviour of a person, rather than simply for belonging to, or consorting with, a designated group of people. It is an important distinction.

The *Sentencing Act* and *Bail Act* were amended so judges in their sentencing, or when setting bail conditions, could impose restrictions on who the convicted or accused person could consort with.

Section 47AA of the *Summary Offences Act* was amended to deal with low- to mid-level violent offenders consorting with other known offenders, and this was only punishable by a maximum 12 months imprisonment, and would only apply as a result of a violent act. In the Attorney-General's second reading speech, the example given was of family feud-related violence activity in Yuendumu, and is more to do with deterring people from participating in further violence of that kind.

Another amendment of the act was to insert section 55A, which was designed to stop persons involved in high-level criminal behaviour from consorting. The effectiveness of this section is limited, and only applies in circumstances where both persons are known criminals previously convicted of an offence with a penalty of 10 or more years imprisonment. A breach of a consorting order under this section results in the maximum penalty of two years.

I could have spent the time allocated to me going through the bill and, in some respects, quoting some of the Attorney-General's second reading speech. However, as I said at the outset, I thought it was important to provide an overview - some of it detailed, some of it more general - of the changes this bill introduces to the Northern Territory.

There are some criticisms of this bill and I will deal with those shortly. In essence, the point is worth making the government's intention under this bill is to prevent the Territory becoming a haven for criminal organisations evading specialised legislation in place in other states. As I said at the outset, the Territory's bill is not the same as South Australia or New South Wales. Given the South Australian legislation, I think that is a good thing, but I do note the irony, as I understood it, there was meant to be uniform legislation throughout the country.

Before turning to some of those concerns, in the same way the bill has attracted some significant and learned criticism, the police - and I am happy to see Colleen Gwynne here today - very much favour this legislation. Briefings have been provided to our office and we are grateful for that, and we well understand why the police so strongly favour this legislation.

On the other side of the ledger we have the Law Society. I propose to simply quote from a letter from the Law Society to the Leader of the Opposition dated 30 July 2009. In the same way I outlined in summary parts of this bill and its ramifications, it is appropriate to record some of the concerns on the other side of the ledger.

In the letter to which I have referred the Law Society says:

*The Law Society is opposed to the Serious Organised Crime Bill 2009. The laws proposed by the bill override fundamental legal protections, and they are open to potential abuse.*

The Law Society goes on to say the proposed laws are not necessary or desirable. They go on in their letter to say:

*The proposed laws are too wide and as indicated are open to potential abuse. This is reflected in the definitions in the bill and in the lowering of the standard of proof. The definitions of serious criminal offence, and of a member, are both extraordinarily wide. They put the threshold too low and the definition of serious criminal offence will capture many common behaviours which are not in any way indicative of a tendency towards organised crime.*

Elsewhere in the letter the Law Society says:

*Under the bill, people will be subjected to severe restrictions on liberty based only on who they know. The Society objects to any laws which criminalise mere association rather than conduct or intention, and is concerned that these wide laws are the*

*next step in the incremental expansion of the terrorism association offences to the new groups and subcultures within Australian society.*

Elsewhere, the Law Society notes:

*The laws also pose a real risk of misuse and of error because they allow orders to be made based on secret information and intelligence.*

Further in the letter, the Law Society states:

*The proposed laws should be rejected because they provide that facts need only be proved to the civil standard.*

Further in their letter, in respect of clause 82, Protection from Proceedings, the society notes it:

*Removes the avenues for judicial review from decisions made under the bill; judicial review is an important accountability measure and is the only mechanism in our legal system which can remedy the misuse of decision-making powers granted under enactment.*

Again, the Law Society repeats:

*We are of the opinion that these harsh new laws are not necessary.*

The Law Society concludes, in its letter of 30 July:

*The Society considers that the bill is unnecessary and undesirable because it removes many important fundamental protections, and provides too much opportunity for abuse and error. The scope of the bill is excessive and it lacks adequate accountability measures.*

As a lawyer, this bill creates a level of unease within me; it creates a level of discomfort. As a member of parliament I, and my colleagues, support the bill because it is designed to disrupt and restrict the activities of individuals engaged in organised criminal activities. However, I well understand the concerns outlined by the Law Society.

Legislation like this is enormously significant because it does impinge on people's civil liberties, and no legislator can lightly brush that aside. It requires a search of one's conscience, a deep analysis, and an assessment as to the best course of action. Having said parts of the bill create a level of unease within me and, I am sure, other members, I feel confident in saying all of us

are exercising extreme caution with a bill such as this.

I am sure members of government debated it with some vigour and some detail. The opposition debated it at some length. As legislators we must always be careful when legislating on matters which limit legal rights that have been central to the operation of the common law for hundreds of years.

The bill is far from perfect, and problems are likely to be identified. There may even be challenges to its legitimacy, or appeals in relation to particular provisions. I note the legislation is to be reviewed as soon as practicable after the fourth anniversary of the commencement of the act. I believe it is too long for such serious legislation. It is critical we get the balance right.

If no amendments are brought within four years, or no court challenge within four years, I would be very surprised. I believe we both know it, Attorney-General. If those things did arise the matter would come back before the parliament. However, I believe a review four years after commencement of this bill is too far away. I note it is to be reviewed annually by a retired judicial officer appointed by the Attorney-General. That is sensible but, nevertheless, I make the point government should not put it on the backburner for four years.

Madam Speaker, I have given voice to both sides of the debate, both intellectual and political. I have been keen to demonstrate the difficulties legislation like this should cause parliamentarians as they wrestle with getting through it all and reaching the best outcome in all circumstances. I have wrestled with some parts of this bill. However, on balance, I and my colleagues are supportive of the bill, and trust government members, others listening, and those who will read the *Parliamentary Record*, particularly members of the legal profession, will understand supporting this legislation has not just been ticking the box. It has not been an instant decision; we have considered the proposed legislation very carefully, as I am sure members of government have.

Having said the bill is far from perfect; it is a difficult issue but, on balance, we support - as good governments do and should - disrupting and restricting the activities of individuals engaged in organised criminal activities. There may well be some problems identified in due course. We, nevertheless, support the bill. We wish the police, in particular, the best of luck, and we hope this provides the police with the vehicle they deem necessary to attack the sorts of gangs in relation to whom the bill is applied.

With those comments, Madam Speaker, I conclude.

**Mr WOOD (Nelson):** Madam Speaker, when you study this bill, without the prerequisites accompanying it, an association of people could be anyone belonging to a group, such as a football club. Not only could that football club not exist, people could not play with the club and, if people wanted to visit the club, there could also be restrictions.

Normally, we would say that is terrible, that is not the way Australia works; we believe freedom of association is a very fundamental part of our democracy. When a bill is presented it says:

*A Bill for an Act to provide for the making of orders for disrupting and restricting the activities of persons who engage or have engaged in serious criminal activity and members and former members of particular organisations, and for related purposes.*

That is what we are saying, but we are using the reasoning that if an association is involved in serious criminal activity, then we will make an exception to the law, or an exception to rights that everybody in Australia is entitled to.

This particular legislation needs intense scrutiny because it takes away some fundamental rights you would normally expect people to have when associating with each other.

I have gone through this bill a number of times, and I thank the government for its briefings in relation to how the legislation will work. I am generally satisfied its purpose is good, but I need to be sure it is not used in a manner in which it was never intended; in other words, the law is not abused outside its original intentions.

The intention is to prevent or disrupt serious criminal activity. I note in the last paragraph of the second reading speech the minister said:

*We are making sure that these officers have the capacity to deal with organised crime, including the seeds of organised crime, in a comprehensive manner.*

Organised crime and serious criminal activity could be regarded as two different things. The bill does not say organised crime, it says serious criminal activity. Whether organised crime is presumed to be part of that activity, I am not sure. There was something in the member for Araluen's speech regarding why this legislation is being brought into play, and whether there is any difference in what is said in the second reading speech and what the intent of the bill is.

Be that as it may, I support the bill. I have concern regarding the three options of an eligible judge when declaring an organisation as a declared organisation. He can simply make a declaration, he can dismiss the declaration, or he or she can have a hearing. In some ways, I feel a hearing is the more appropriate way. It may not be perfect, but does keep some control over a freedom we would normally be allowed to have. It does give the opportunity for those declared organisations to be heard in relation to whether their organisation should be dismissed.

I am not saying that because I support organisations involved in serious criminal activity. We have this fine line between the rights of people to associate, the declaration by a judge to say that organisation is now *persona non grata* – ‘You cannot associate any more; your organisation has been dissolved’. You have to base that on whether people have the right to defend that challenge. When a judge makes a declaration that tends to wipe out the opportunity for the organisation to defend itself.

I was concerned about the section on criminal intelligence. As such, it is not normally the sort of information which could be aired in public. I hope there is some mechanism which ensures the criminal intelligence used to make a declaration against an organisation is checked for accuracy. This is not putting any slight on the police; we have to be aware sometimes evidence can be fabricated, for whatever reason. We need checks and balances in our society to ensure criminal intelligence is accurate and reasonable.

I presume the former judicial officer will review the act annually. Again, in relation to criminal intelligence, and I quote from the second reading speech:

*... the bill will amend the Information Act to ensure that information classified as criminal intelligence by the Commissioner of Police under the bill is exempt from disclosure under section 44 of that act. The bill will require an annual review by a retired judicial officer of the powers exercised under the bill to ensure these powers are exercised in an appropriate manner, having regard to the objects of the bill.*

It does not say the judicial officer will check the contents of the intelligence. He might say it was declared exempt from the *Freedom of Information Act*, but will he check to ensure the criminal intelligence is accurate and fair.

I agree with the member for Araluen regarding the review of the act after four years. I would have thought, at least in the initial stages, it could be reviewed in the first or second year of its

operation. That will be the time any hiccups in the system could be looked at. Four years seems a long time to wait.

The other thing concerning me is it has come out as ‘bikie law’. Although we know that is what it is aimed at, it is about any association engaging in serious criminal activity. The problem I had putting the ‘bikie law’ label on is in the Darwin area there are several bikie clubs. I believe they have clubs throughout the Territory.

I occasionally go to the local Christmas barbecue with the Patriots. They all wear leathers, they all have a Chapter, and they all get together and ride bikes. I feel for them because, when a southern motorcycle gang visited Darwin, the Patriots were told they had to leave the pub. All of a sudden, they are associated, in people’s minds, with bikies. They are not really bikies; they are bikers. People who do not know them would say they must be bikies. They ride for charity days, social days, they go down the highway in convey on their Harleys or, in the case of the Patriots, on a Vespa. To be a Patriot you have to be a member, or ex-member, of the Defence Forces.

If someone saw the website of the Patriots and read the names of the people - Blue, Bob, Bronco, Buffalo, Carny, Dogz, Dugong, Hang, Harry, Mac, Macca, Rowie, Russell, Southo, Tangles, Wazza, Weiry, Digby, Huey, Kas, Roo, Scruffy - you would say it was a wild bunch of people. You get to know them and they are the most fantastic group of people you would ever meet. They are really great fun to be with. They do charity rides, they work in the community; they are just like anyone else in our community. They are a great bunch of people to be with. They have some concerns because they have this bikie law or bikie legislation, they somehow will get tarnished. We need to make it clear this legislation is not aimed at them; there are legitimate people who ride bikes for the fun of it, enjoy wearing leather jackets, and are not associated with crime.

Of course, the other famous one around the Darwin area, and Australia, is the Ulysses Club. Their website says:

*All activities are conducted in the true Ulysses spirit with ‘Ride Safe and Ride Far’ being the motto. Most of all just ‘Riding’ is what we are all about.*

We know they get involved with a lot of charitable functions; in fact, when I looked up the webpage I found the Treasurer had been in *Guys and Dolls* with me. One of the committee members, Grants, runs the Howard Springs Transfer Station. They are ordinary, everyday people who like to get out on their bikes on the

weekend to socialise, to enjoy going down the track, enjoy raising money for charitable organisations - but they also wear leathers.

As this has been publicised as 'bikie laws'; it would be good if the government ensures these groups who do a great job, who are just ordinary folk in our society, do not get tarnished with an approach by government to wipe out serious criminal activity. We know this is generally related to bikie gangs throughout Australia, and that is exactly what this particular legislation is saying.

I understand why we need this legislation. I believe we have to be careful with it. I am not saying it lightly, but we are adjusting a fundamental right of most Australians; that is, freedom of association to join a union, a church, an environmental group, and have the freedom to talk amongst ourselves - that is one of the great things about our country.

To some extent, this legislation has taken some of that freedom. Whilst I fully understand the reason, and it is a very important one, we need to be cautious with any changes which might cause an erosion of rights, for whatever reason. That erosion may then continue, and for good reason.

As politicians, we pass these laws, and we need to ensure the proper control, the proper reviews of this type of legislation are undertaken regularly to ensure these changes are not abused. There may be good reasons for enactment; however, we need to uphold what is a fundamental right in this country - to associate with one another - and we need to protect that right.

Yes, I support the bill because I know the reason we are introducing it. I also believe we should keep a vigilant eye on this type of legislation so we do not erode those rights we very much believe in and enjoy in this country.

**Mr HENDERSON (Chief Minister):** Madam Speaker, I support this legislation presented by the Attorney-General. I pick up on some of the comments from the members for Nelson and Araluen. This is about balance, and finding the balance in dealing with serious, organised, brutal criminal activity, and the protection of citizens of the Northern Territory from that activity, with individual rights and rights to association. And it is a balance - it is an absolute balance because there is a fundamental right to association. However, there is also a fundamental obligation on all citizens to obey the law of the land.

As organisations evolve and their activities and networks evolve, the rights of individual citizens need to be balanced with the rights of members of

society to go about their lives in peace, and not be disrupted or affected by serious criminal activity, and the consequences of that activity, on the broader society. This is about balance, and is also about putting the checks and balances in place to ensure the legislation is not abused.

As Police minister in the Northern Territory for about six of the nearly nine years we have been in government, I have every confidence in our police force not abusing the powers they will be afforded under this legislation. Not only do I have confidence these laws will not be abused, because of my knowledge of the integrity of the organisation, but at the end of the day, it is only an eligible Supreme Court judge who can declare an organisation, and that judge will see all the associated intelligence, and will have to be convinced the organisation should be declared.

Unlike South Australia, where the Attorney-General has the power to issue the control orders, our Attorney-General, quite rightly, said it was inappropriate for the Attorney-General to be making those decisions, and the power should rest with a judge who has a broader consideration and expertise.

Having a former judicial officer review this legislation on an annual basis gives further comfort. However, as the member for Nelson said, this should be checked on a regular basis to offer added comfort it will not be abused. There will be a full review after four years. I remind honourable members, if there are individuals who believe the police are being overindulgent in their scrutiny, we have given the Ombudsman additional powers to look into the activities of police as it relates to individuals. Are there other checks and balances to ensure the police do not overstep the mark? I believe the bill does that. The debate then goes to why we need this level of legislation.

The object of this legislation is to protect members of the public from the violence associated with serious criminal activity. There is serious violence meted out by members of organised criminal activity which is serial, serious violence. It is brutal violence and, quite often, innocent members of the public are on the receiving end of that violence. This protection is to be achieved primarily by making control orders to disrupt and restrict the activities of persons who engage, or have engaged, in serious criminal activity or are, or have been, members of declared organisations.

They are the objects of the act. Fundamentally, the pretext of this is to protect members of the public. I will go into detail in my speech. However, the tentacles and the networks these organised criminal gangs have throughout

our community are very dangerous tentacles which affect many people.

The bill also allows senior police officers to make public safety orders, and courts to make fortification removal orders.

As minister for Police, I am a member of the Ministerial Council on Police and Emergency Management. At its meeting on 22 November 2007, the council agreed each jurisdiction should review its legislation pertaining to the destruction and dismantling of outlaw motorcycle gangs and serious and organised crime. The tentacles of these outlaw motorcycle gangs are both national and international. We are talking about huge amounts of money transferred and laundered through various business activities. The capacity of these serious criminal gangs, with the money they have behind them to engage the best QCs money can buy to frustrate attempts to disrupt their activities and secure convictions and, given their powers, their wealth, the way these organisations evolve, sometimes legislation has to catch up.

The bill is similar to, but does not mirror, legislation in other states, and aims to prevent the Northern Territory becoming a safe haven for those seeking to relocate here to escape legislation enacted in other states. This is in response to credible criminal intelligence already indicating outlaw motorcycle gang members from South Australia have, or are intending to, relocate to the Northern Territory. That intelligence is provided by our police. The Northern Territory Police believe members and associates of these gangs are involved in numerous and continuing criminal offences, including drug manufacture and distribution, fraud, blackmail, extortion, firearms offences, and money laundering. We are talking about serious organised criminal activity. That belief is based upon information gained during investigations into these offences and credible, reliable, and contemporary intelligence compiled from the analysis of all collected information.

Current threats to the Northern Territory from these groups include: importation, manufacture and distribution of dangerous drugs; threatened violence and intimidation used to infiltrate legitimate industry and businesses; and, increased sophistication and resourcefulness. These are current threats on advice from police. Other areas of concern are expansion into the greater criminal community; tracking and use of firearms and other weapons; increased illegal trade in native fauna; and, acquisition of crime-derived property and other assets. The impact upon the Northern Territory by these organised crime entities relocating here would see them exploit whatever opportunities they could to

further their criminal enterprise, while continuing to oversee their criminal enterprises interstate.

Our geography and our good roads, rail and air transport routes linking the Northern Territory to the rest of the country and places to our north, makes us vulnerable with respect to illicit trades, including the trade in drugs and in firearms. It is also highly probable once established here, these entities would attempt to take over and control activities such as licensed premises, security services and escort agencies to further their criminal activities. If a number of groups relocated to the Northern Territory, turf wars and the type of violent behaviour between these groups we have seen elsewhere, could also impact heavily on the safety of our community.

The Northern Territory Police strongly believe the membership of serious and organised crime groups forms the basis for all subsequent offending, with meetings and associations between members and associates used, not only to commit further criminal activity, but to recruit potential members. It is a major factor in the current criminal environment that organised crime operates within a less identifiable and less structured manner. Criminal groups are more entrepreneurial, flexible, and associate in a far more fluid manner. These networks behave in this manner as it offers the most resistance to law enforcement in terms of law enforcement's ability to dismantle the network. Individuals involved in serious crime go to great lengths to insulate their criminal activity from law enforcement and the criminal justice system.

They rely on their networks of associates to commit offences or engage in any high risk aspects of criminal activity. These individuals actively recruit the services of less known or lower-level street gangs, to commit violent offences against others, to carry weapons, and to engage in activities involved in the distribution and manufacture of dangerous drugs.

I pause now to say the main objective of this legislation, the principle and objective policy in passing this law today, is to protect members of the public.

I still recall, with absolute horror, when elected to this parliament back in 1999, one of the first constituent issues I had to deal with was a woman who came to see me absolutely distraught because her 16-year-old brother was addicted to speed. He had been recruited by one of our well known serious criminal outlaw motorcycle gangs to sell speed into his network, to find more people to take speed for the first time, and to get them hooked on speed. When he started using he dabbled in it as a 15-year-old. He was deliberately supplied with more and more of the

drug to get him addicted. He was living with a group of similar aged kids, 16-years old, in a unit in the northern suburbs of Darwin, and they owed huge personal debts to this organised criminal group. To repay those debts they had to recruit more people, get them addicted to this drug, and there was no way out. There was absolutely no way out for this 16-year-old kid.

His sister came to see me; I obviously contacted police. I will not talk about the activity which took place there. Essentially, the only way out for this boy was to relocate interstate. To do that, assistance was provided - such was the amount of money he owed to this group. I do not know where he is today; I hope he is fully recovered. Not only was his life destroyed, his family were absolutely distraught. They were living in fear of reprisals and standover tactics. It was an appalling taste of coming into public life and seeing some of the things which happen in the substrata of our society, the evilness of trade these groups ply, the violence associated with it, and the huge amounts of money to be made from it.

All members of this House would agree we need to do almost whatever it takes to ensure these people cannot ruin people's lives in the same way this boy's life was potentially ruined. He had been seriously bashed and assaulted, and was in fear of his life and in an awful mess. When we talk about engaging activities involving the distribution and manufacture of dangerous drugs, this is the type of stuff these people get up to, and it is absolutely evil.

For this reason, law enforcement needs legislation which targets organised criminal groups, as well as anyone operating in concert with a group, whether they are a member or not. The Serious Crime Control Bill is strongly supported by the Northern Territory Police. They consider these provisions will be an affective way to deal with organised crime, especially in terms of outlaw motor cycle gangs, as it will target the focal point of the problem, which is the organisation itself. The Northern Territory Police assess members and associates of outlaw motorcycle gangs continue to commit serious drug and personal violence offences in the Northern Territory. Threats, intimidation, overt and covert use of violence by members of outlaw motorcycle gangs, are used as a means to control the commercialisation of their illicit activities, especially the drug trade. These persons use threats and intimidation to ensure witnesses, accomplices and victims maintain a strict code of silence in relation to their activities.

This particular young fellow was absolutely mortified the reports had come to me and, ultimately, to police. He was in fear of his life.

Violence employed by these groups ranges from physical acts of violence and shootings, to more insidious offences, such as stalking. These offences reduce the risk of criminal convictions for members of the network because victims and witnesses are less inclined to become involved in any prosecution. It should be acknowledged outlaw motorcycle gangs, in particular, possess what is termed 'reputational violence'. That is, they have a criminal reputation as a group who will use intimidation, threats, and acts of violence to further their business and protect themselves and their organisation. That reputation is an asset to the group in much the same way as goodwill is an asset to a legitimate business.

Legislation such as the Serious Crime Control Bill targets serious and organised crime groups by seeking to diminish this effect. Legislation which targets the actual association people have with those groups will give police increased opportunities to not only disrupt these groups, but to break the cycle of recruitment of people into these groups; this will have the effect of actually preventing the problem from escalating. Police enforcement of the criminal law may be seen as treating the cause of the problem, which is the criminal association, rather than the traditional approach of treating the symptoms of the problem, which are the individual crimes themselves.

Again, a personal reflection, and I am not using names here, I am aware of a long-term Territory family with a good reputation who have run businesses in the Northern Territory. Their son got caught up with one of these gangs and it was absolute and everlasting dismay and grief of the parents seeing their son spend time in prison. Talking to the parents, they continually ask themselves: where did we go wrong? What did we do? How did this happen to our family?

Organised crime groups are involved in a myriad of criminal and legitimate enterprises. These groups often use drug manufacturing and distribution to create the wealth which enables them to purchase and maintain these enterprises. It is important to recognise one of the greatest motivations for individuals or groups becoming involved in organised crime, is the ability to quickly create vast amounts of wealth. The Northern Territory has taken a lead role in introducing legislation which assists in the identification, prosecution and dismantling of organised criminal groups. Legislation such as the *Criminal Property Forfeiture Act* integrates civil and criminal law principles in targeting assets acquired as a result of criminal activity.

This act has provisions for the forfeiture of unexplained wealth and assets belonging to declared drug traffickers who repeat and are major convicted offenders. To date, there have

been two declared drug traffickers and several successful unexplained wealth matters completed. Whilst traditional methods of illicit drug interventions are still employed, legislation which targets the entire criminal enterprise is extremely effective. In this respect, assets forfeiture legislation allows police to seize the wealth created by these criminal enterprises without the need for an associated conviction. In some circumstances it puts the onus back on the respondent to explain how, and by what means, assets were acquired. In this way police can remove one of the greatest motivations for becoming involved and continuing to be involved in organised crime.

Police advise to date they have seized over \$13m in criminal property forfeiture cases, with approximately \$5m forfeited to the Crown at this time. The Northern Territory has also introduced a number of amendments to the *Misuse of Drugs Act* which has enabled police to more effectively target those organised criminal elements that produce and distribute dangerous drugs. These amendments have made it an offence to possess chemical precursors, or have in possession documents containing instructions for the manufacture of dangerous drugs. This has been an extremely effective tool in prosecuting members and associates of organised crime groups, without the need for the manufacture of the drugs to have taken place.

Places used for drug dealing have also been the subject of legislative improvement. The introduction of the drug premises legislation has been highly successful in the targeting, and subsequent closing down, of premises where drugs are dealt. For those who have lived in the Territory for any period of time, who can forget the drug houses operating with almost absolute impunity around the Northern Territory. Every taxi driver knew where to go and where to score. The drug house legislation has been very effective. This initiative puts a greater onus on the owner of the private premises or commercial premises to assist police in the move to eradicate drug activity from those locations, and offers increased powers to search declared drug premises without a warrant.

The Northern Territory has taken a lead role in introducing legislation which assists in the disruption and dismantling of organised criminal groups. Legislation such as the *Criminal Property Forfeiture Act*, the amendments to the *Misuse of Drugs Act*, and other legislative reforms, have all laid a solid foundation in the fight against organised crime in the Territory. The Territory police assess legislation which targets the association people have with those groups will give police increased opportunities to not only disrupt these groups, but to break the cycle of

recruitment of people into these groups. This will have the effect of preventing the problem from escalating and, in police enforcement of the criminal law, may be seen as treating the cause of the problem - the criminal association - rather than the traditional approach of treating the symptoms of the problem; the individual crimes themselves. If we can prevent these groups from operating in the Northern Territory that is a lot of crime and a lot of personal grief to individuals and families which will be prevented, as opposed to the traditional method of just treating the crime itself after the grief and the harm has been caused.

Reforms including the Serious Crime Control Bill will, undoubtedly, assist in addressing this issue, and increase the ability of police to dismantle and disrupt those enterprises. As my colleague has stated in her second reading speech, this bill does not impinge upon this basic freedom of right of society but, rather, it is intended to restrict and disrupt the activities of persons and organisations engaged in serious criminal activity.

In conclusion, Madam Speaker, I pay tribute to our police force which undertakes a very dangerous job, every day, and those officers who are focused on targeting and disrupting serious organised criminal activity in the Northern Territory. They are not dealing with decent people with the same values members of this House have; they are dealing with some very nasty individuals who will stop at nothing in the pursuit of their activities. To those officers who deal in that environment every day, they have the full support of the government, and the full support of this House.

Madam Speaker, I commend the bill.

**Mr ELFERINK (Port Darwin):** Madam Speaker, whilst other members of this House have made some of the observations I am about to make, I believe it is necessary, as a legislator, to put my opinions on the record.

I believe the member for Araluen, the shadow Attorney-General, hit the nail directly on the head when she said, 'on balance'. History is full of examples of parliament giving power to the executive arm of government which, ultimately, shows the executive arm gets to a place where it abuses that power. Indeed, both sides of this House have given quite extraordinary powers to the Northern Territory Police Force, not least of which is a power of arrest, which means people are not brought to a court at the next available opportunity. In fact a power of arrest which has no requirement the police bring a person to court, and that is the power of arrest captured in section 128 of the *Police Administration Act*. Quite a unique power! I am not aware of any other

jurisdiction which has such a power. When you consider that power is used 30 000 times per annum, it is something you should be mindful of as a legislator. I am also aware why that legislative power exists. I have had the fortune or misfortune to exert that power more times than I can remember over the years. I am mindful of the fact over the years the power has been treated with great respect by the police, and has not been a source of profound abuse when dealing with community issues.

Whilst I still harbour concerns with the use of the power, and occasionally the power being used to become a convenient vehicle to deal with a public order issue, I am unaware, in many years as a member of the police force, of any instance where the power had been excessively abused to the point I thought it should not be happening.

With great trepidation one moves forward when supporting a law which essentially attacks some of the fundamental principles of freedom under common law developed since the signing of the Magna Carta. The right of association is something I am mindful of. People should have a right to associate for whatever lawful reason they see fit.

In common law, as well as criminal law, there is no shortage of examples where association is challenged. Under the *Criminal Code*, for example, if 12 people collect together with a riotous intention, the police have the right to break up the group. There are other forms of association in common law with a similar flavour which enable the state to break up those groups of people.

The law is not full of absolute principles. Most of the general principles we live by are, in some way, limited or restrained. The argument we have when dealing with issues before the law is not whether we are dealing with an absolute, but to what degree do we allow restraint to occur. That is the question before this House today.

The government is asking for powers for our police force which would be described as extraordinary. I harbour concerns about the lack of capacity for a judicial review, particularly when you consider, under the constructs of administrative law, judicial review is essentially limited to *ultra vires*, which means if the legislature says it may be so, and there is no fault in the compliance by the executive with the legislative instrument, then it is lawful because the legislature has said so.

Whilst administrative appeals tribunals have a greater scope to turn their mind to what is a reasonable exercise of administrative power, we do not have an administrative appeals tribunal in

the Northern Territory. Consequently, judicial review would be essentially limited to whether the activity by the police was lawful or not. This bill seeks to deprive that essential element.

I do not believe we can comfortably say, 'Well, we trust our public servants'. I have said before in this House, public servants, like legislators, like judges, are fallible. Whilst we would like to live in a perfect world where everyone was infallible and everything happened automatically, that is not the case. That is the reason we normally have some form of juridical review, based either in the common law or in legislative instruments, for particular decisions. We, however, have sprinkled through our legislation, limitations on those forms of juridical review.

For example, in no small number of legislative instruments you will find the capacity for juridical review, by way of a consideration and action against a public servant to be liable in certain circumstances, actually renders that public servant not liable unless a *mala fides* can be proved. That means there is a much lower level of proof for a public servant to demonstrate they have acted either *bona fides* or *mala fides*. If they can demonstrate they acted in a *bona fide* fashion, no action lies against them.

Similarly, whilst the *bona fides* and *mala fides* of the police acting in this instance are not reviewable, I suspect there are limitations placed on that. Courts have a habit of dealing with ouster clauses in a very dismissive fashion. This, as I understand it, operates somewhat as an ouster clause. We will see how that proceeds.

Nevertheless, I am mindful of my other experience as a police officer dealing with people whom this legislation targets. These people are not only people who will act in a criminal fashion, but will form into groups with an intent and purpose to engage in a criminal activity.

I heard with some interest what the member for Nelson said in relation to the Patriots. I was for many years a member of The HOGs, the Harley Owners Group. We had leather, and little badges and back patches and all that. It was not an organisation formed with criminal intent; it was an organisation which formed itself simply for the passion and joy of driving a particular brand of motorcycle. I suspect the police hardly have the Harley Owners Group in their cross-hairs when it comes to the intent of this legislation.

We also have to trust our police with a certain amount of juridical discretion, in the sense they have in their possession, established well in the common law, a discretionary power to do things, and more importantly not to do things. We rely on their judgment, and the business of police officers

acting juridically is something which occurs on an almost daily basis. An officer will apply discretion all the time. An officer, I hope, will apply the spirit of the law rather than the letter of the law, which is what is expected of them by the courts. The courts will become tired of black letter law police officers presenting people charged under offences to them when there is no need, and the juridical outcome required by the legislative instrument could easily be dealt with simply because the police officer shows some judgment, or common sense, as some people call it.

Consequently, I hope when the police receive this powers they do use common sense. In fact, I expect them to use common sense. Whilst juridical review is absent from this legislative instrument, there is a court of appeal which can oversee the operation of this legislation; and we are standing in it right now. If this legislative instrument becomes a vehicle which is abused in a way the objects of the legislation are being exceeded, then I will probably, even as an ex-police officer, be the first person to come into this Chamber and say it needs to be wound back.

We will be watching what the police do with these instruments. I will be anxious to ensure the police treat these instruments with the care we are entrusting to them, as we have done so in the past with other extraordinary powers, such as the power of arrest without warrant and without charge.

Having said that, I am aware of the type of people this legislation is aimed at. These are the people who will place a little 1% on their leathers, and that 1% is a descriptor of themselves as the true outlaw bikies. These are people who describe themselves as beyond the law, and I am not so timid as to suggest if they think they can place themselves outside of the law, we should not try to rein them in. I am always mindful of the fact with most crimes there is a victim. There is no doubt these organisations see themselves as indifferent to the consequences of their activities. We should rightly challenge their indifference, and we have a mechanism available through our own police force to be brought to bear against these people.

Fortunately, we have a sense of propriety, which is expected of us by our community. I believe our police force has a sense of propriety in how they conduct themselves, which is why I am prepared to support a legislative instrument which, at an instinctive level, I have some reservations about.

The police force I have been part of, the modern police force, is an organisation which has demonstrated itself worthy of this House's trust. I urge us to continue to trust our police force; they

have, by and large, demonstrated themselves to be professional, judicious and sober in the way they approach their job. I understand what the thrust of this legislation is trying to achieve. The assembly of people for an unlawful purpose needs to be challenged and questioned, but on the other side of the ledger, of course, the issue of liberty will always be at the forefront of my mind.

As I said at the outset, this is an issue of balance and getting the balance right, as it is in most aspects of the law. The law is not chock-a-block with absolutes. This is a shift in the pendulum in a particular direction, and it is a cautious shift. If it turns out the shift is abused, then I urge it to be returned to another place in the pendulum's range. I know the types of people this bill targets; they are the lowest of the low in terms of their sense of personal responsibility. They are indifferent to their actions and, as far as I am concerned, they should be challenged. I am, at this stage, happy to give my support to an instrument which will give the power to police to challenge them.

**Ms LAWRIE (Justice and Attorney-General):**

Madam Speaker, I thank the members for Araluen and Nelson, the Chief Minister, and the member for Port Darwin for participating in this debate.

We have heard bipartisan support for this legislation. We have also heard legitimate issues and concerns raised in relation to getting the balance right because these are significant powers being provided to the police to seek declaration control orders, the public safety orders have significant powers, and the removal of fortification are significant powers contained within this legislation. The debate this morning has focused on the need for this legislation to strike at the heart of serious organised crime. We also need the checks and balances to ensure it is carried out in a fair way which does not have unintended consequences or actions which would affect people who reasonably would not be picked up by the intent of this legislation. I will go to that.

Whilst this legislation is similar to South Australia and New South Wales, it is legislation which reflects, I believe, the serious consideration the Northern Territory government has given this matter. It is not a body of legislation brought before the parliament lightly. We have given it extensive consideration.

The incident at Sydney Airport, with bikies fighting in a very public realm, became the focus of the Standing Committee of Attorneys-General, which I attended. There was no decision at SCAG for us to have uniform legislation. What all Attorneys-General agreed to was each jurisdiction would have legislation to combat serious and organised crime. Victoria and the ACT are on the

public record saying they will not go down the path South Australia, New South Wales, and, after today, ourselves, have chosen, which is to have a specific body of legislation to tackle it. I want to put that on record for the shadow Attorney-General; there was no decision at SCAG to have uniform legislation.

It was decided each jurisdiction would attend to its own affairs and take its own approach, but all have legislation which goes to the heart of tackling serious and organised crime. Victoria was very up-front in saying they have a range of legislation they believe satisfies this. They had been developing it over years following what is commonly referred to as the 'underbelly' scenarios Victoria had to endure.

Having said that, I went into the process articulating the position of the Territory government, which is we would enact legislation for serious and organised crime. I was very acutely tuned into the discussion and debate on South Australia's legislation versus New South Wales' legislation because, as happens at SCAG, each Attorney-General likes to think they have the right solution.

I came back very clear there were elements of the South Australian legislation which were good and we would want; there were elements of the New South Wales' legislation which were good and we would use. This meant some fundamental changes in where we had been tracking, which was very much along the South Australian model line. Then, we saw the New South Wales' legislation and had the opportunity, in a policy setting, to pick up the better aspects of that. A fundamental aspect which provides improved checks and balances is the removal of the Attorney-General from the declaration.

I believe this is a fundamental difference between our legislation and that of South Australia. It ensures people with the appropriate qualifications and skills genuinely test the criminal intelligence provided and led by police. Applications by the Police Commissioner, Deputy or Assistant, would not be taken lightly in the first place. We heard the Police minister talk about the confidence this government has in the force. We also heard the member for Port Darwin echo that sentiment.

This is significant legislation. I am pleased there have been robust debates and discussions from both the government and opposition. I sincerely thank the member for Nelson because, as an Independent, he has gone to great lengths to scrutinise this legislation. He has undertaken briefings. I pick up on the objectionable sound the shadow made then. The only member of the opposition who sought and went through a briefing

was the Leader of the Opposition, and I thank him for that. I guess it is a reflection on the arrogance of the shadow she chose not to avail herself of a briefing.

**Ms Carney:** That law degree I have must not count for much in this. We are not all stupid like you, Delia.

**Madam SPEAKER:** Order!

**Ms Carney:** You get a briefing when you need one.

**Madam SPEAKER:** Order! Attorney-General, please pause while I acknowledge these students.

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### Visitors

**Madam SPEAKER:** Honourable members, I draw your attention to the presence in the gallery of Year 7 Dripstone Middle School students, accompanied by Ms Kelly Nottle and Ms Jan McCarthy. On behalf of honourable members, I extend to you a very warm welcome.

**Members:** Hear, hear!

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**Ms LAWRIE:** Madam Speaker, the legislation we have before us, as well as the amendments, has evolved out of a very considered process by government, bearing in mind the fundamentals underpinning this are to ensure we do not become a safe haven for serious and organised crime in the Territory and, we give our police the powers to deal with incidents which occur in the Territory.

The bill provides for the making of declarations and orders for the purpose of disrupting and restricting the activities of persons to engage in, or have engaged in, serious criminal activity, and members of particular organisations, and for related purposes. The Patriots, the HOGs, the Ulysses Club members are not in this picture. They are lawful and law abiding and go about their business. They happen to have a passion for motorbikes. I share that passion. They are not undertaking, or are engaged in, serious criminal activity.

Madam Speaker, something which was quite appropriately raised by the member for Nelson, I draw members' attention to Part 4 of the legislation, specifically in terms of control orders, and to section 23, the grounds for making a control order. Each of the following is a ground for making a control order in relation to a person:

- (a) the person is a member of a declared organisation;

- (b) the person is a former member of an organisation that is a declared organisation;
- (c) the person –
  - (i) engages or has engaged in serious criminal activity, and
  - (ii) regularly associates with members of a declared organisation;
- (d) the person –
  - (i) engages in or has engaged in serious criminal activity; and
  - (ii) regularly associates with other persons who engage or have engaged in criminal activity.

The 'regularly associates with' captures the difference between serious organised activity, or the description the member for Nelson raised, which is serial criminal activity. The difference is between a person who undertakes criminal activity versus someone who regularly associates with persons engaging in criminal activity. Very clearly, we have drawn a distinction within the legislation, under section 23, within the control orders. That is ensuring we are not capturing criminals who should be captured under other offences. It relates to the 'regularly associating' or the 'consorting', but putting the requirement of serious criminal activity there to ensure we have put the bar pretty high in terms of who this is intended to capture.

After the enactment of this bill, police will have a tool to prevent serious crime through the use of declarations, control orders, public safety orders, and fortification removal orders, rather than simply responding to crimes after they have been committed.

The member for Araluen raised the issue of gang legislation; therein lays the fundamental difference between that legislation and this. Gang legislation gives the police the tools to respond after the crime has been committed. This is proactive; this is preventative. This gives them the powers to prevent serious crimes being committed. I will give an example because it is useful to realise this is not a theoretical debate about serious organised crime; it is real. It has happened in the Territory, and we want to prevent it from happening in the future. This is why the legislation is before us. Here is something which occurred.

On 9 March 2001, members of The Finks outlaw motorcycle gang rode their motorcycles to

Alice Springs. During the night they attended a number of licensed premises in Alice Springs. Around midnight, four of the members went inside Bojangles Saloon Bar. They targeted a patron by pushing him. They then struck him a number of times in the head with a glass. When he fell to the ground they punched and kicked him. As a result, the patron lost sight in his right eye. This was a vicious assault by two members on an innocent member of the community. At the same time, other members of The Finks were acting as security guards at the front of the bar, and others were across the road on the lawns. This was intended to intimidate patrons, potential witnesses and police.

There were difficulties for police at the time as the chaos caused by The Finks supporters make it difficult to ascertain what had occurred, and how to prevent further assaults or behaviour occurring within the Alice Springs community. Police were forced to call in large numbers to control the group, and to prevent any further serious crimes occurring. The group then moved to the casino and had to be monitored overnight while initial investigations were conducted.

If police had the benefit of extra powers to deal with organised groups such as The Finks, as the public safety order provides in this legislation, police would have been able to prevent The Finks from attending Bojangles, and any other place in Alice Springs at that time, as they posed a serious risk to public safety.

Madam Speaker, I thank the police for providing me with a real life example of what this legislation is intended to do, and giving the police the tools and powers to prevent such occurrences.

Declarations, control orders, public safety orders and fortification removal orders are civil law tools rather than criminal law sanctions. Similar legislation, as we have heard, has been enacted in other jurisdictions. This bill is similar to but does not mirror the South Australian *Serious and Organised Crime (Control) Act* of 2008 and the New South Wales *Crimes (Criminal Organisations Control) Act* of 2009.

The South Australian legislation was recently challenged in the South Australian Supreme Court in the matter of *Totani v South Australia*. There have been concerns raised the ruling of the Full Court in Totani, in which a provision of the legislation was found to be invalid, would similarly affect the Territory bill. I have sought advice from the Solicitor-General of the Northern Territory. The Solicitor-General's view is the Territory bill, if enacted in its present form, would not be invalid on the grounds identified in *Totani v South Australia*.

The relevant provision is section 14(1) of the South Australian legislation, which provided the Supreme Court must make a control order against a person if satisfied the person is a member of a declared organisation. Section 10 of the South Australian legislation provides a declaration may be made in relation to an organisation by the Attorney-General.

There are significant differences between the Territory bill and the South Australian legislation. First, declarations are made by an eligible judge rather than by the Attorney-General. An eligible judge can hear the application, but also – and I think this is important to matters raised by the member for Nelson – has power to order a hearing to afford affected parties the opportunity to be heard, and to review the appropriateness of the commissioner's classification in relation to criminal intelligence.

We have in our bill the ability for the eligible judge to order a hearing to test the affidavit, and the criminal intelligence within that, brought by police. That is an important check and balance.

Second, in considering an application for a control order, the Supreme Court has the power to make an order, if satisfied the person is a member or former member of a declared organisation, and it is appropriate to do so. In allowing this overriding requirement of appropriateness, the relevant part of the Territory bill has similar operation to section 14(2) of the South Australian legislation. No challenge was made to this provision and, therefore, no declaration of invalidity was sought or made. The role of the Supreme Court, in terms of the control orders, is important to understand. I will go to some further advice received on that, because it goes to the issue of checks and balances which has been raised consistently in debate this morning.

The member for Port Darwin raised the issue of judicial review, and his unease it is not in there. I recognising his support for the legislation, but I also recognise there was some unease. There is no appeal from a declaration, however, section 22 provides for revocation of an eligible judge's decision to make a declaration, and this mirrors a like provision in the New South Wales legislation. There is no such provision in the South Australian legislation. In other words, there can be no review of the Attorney-General's decision to make a declaration. We recognise there could be issues with an eligible judge reviewing their own decision, and the bill has provision for annual review by a former judicial officer under section 85. An amendment I have before the Chamber is also ensuring a former judicial officer undertaking an annual review cannot be an eligible judge. That will put some clear distinctions and checks and balances in there.

Another test is at the stage of obtaining a control order. The Supreme Court can assess the decision to declare an organisation; they can go behind the decision of the eligible judge to assess the making of a declaration. Whilst there is no judicial review in the declaration part of this legislation, within the control orders part of the legislation the Supreme Court has the ability to go behind the decision of the eligible judge to assess the making of the declaration. An eligible judge acts as *persona designata*, rather than as a court. Whilst it might be expected in making such a determination an eligible judge would act judicially, he or she does not constitute a court with all the procedural safeguards that entails. It is open to the court to go behind the declaration if a respondent discloses some good reason for doing so, which might include a denial of procedural fairness at the time the declaration was made.

The Supreme Court also has the power to review the appropriateness of the Commissioner's classification in relation to criminal intelligence; an all important test in terms of intelligence. I pick up on the issues raised by the member for Nelson and others in this debate, and I provide that as an explanation of the approach the government has taken towards those all important checks and balances in the legislation.

There is no fetter or restriction on the courts' power to determine when it will be appropriate, beyond the general requirement that it must act judicially in making a determination. It is open to the Supreme Court to go behind the declaration of an eligible judge if a respondent discloses some good reason for doing so, which might include a denial of procedural fairness at the time the declaration was made. The Supreme Court also has the power to review the appropriateness of the Commissioner's classification in relation to criminal intelligence.

Having regard to those distinctions, it cannot be said the Territory bill requires the Supreme Court to act on the declaration of an eligible judge. It should be noted South Australia has sought leave to challenge the decision of the South Australian Full Court in the High Court. However, the Solicitor-General has advised the only way of removing the risk of a finding of invalidity, if the bill were to be challenged, is to ensure it is clear the Supreme Court has discretion to make a control order and change the word 'must', in clause 25(2) to 'may'. I will be moving a committee stage amendment to this effect, and a consequential amendment to clause 26.

We sought advice and the decision in South Australia does not make our legislation invalid. I have moved an amendment before the House today to ensure we are fire-walling by changing

'must' to 'may' to put discretion to the court, our legislation, in matters which arose during *Totani v South Australia*.

I sought advice from the Solicitor-General regarding the specific issue raised by Mr Ken Parish. He advised they would likely not make the bill constitutionally invalid. Ken Parish raised very good issues in public debate on this legislation. I have tested and questioned this matter, and I will be introducing a committee stage amendment to remove clause 12(5).

Provisions for eligible judges appointed by a minister for the Administrator are not new. For example section 21C of the *Terrorism (Emergency Powers) Act* states the Administrator can appoint an eligible judge. That legislation, however, does not have a power to revoke the appointment. Removing clause 12(5) of the bill, through the amendment, will be consistent with the appointment of eligible judges in the *Terrorism (Emergency Powers) Act*. I will be removing my powers to revoke an eligible judge, as provided for in the amendment we have before us.

I will also be proposing several additional amendments, including an amendment based on a suggestion made by the Leader of the Opposition during a briefing. That is to include 'a control order can prohibit controlled persons from being present at specified events'. I thank the Leader of Opposition for that suggestion.

Further, I will be expanding the definition of 'eligible judge' to include former judicial officers and current Supreme Court judges of other states or territories and, following from the new definition of 'eligible judge', provide definitions of 'judicial officer and former judicial officer' and other consequential amendments. In relation to amending the definition of 'eligible judge', as the member of Araluen quite rightly pointed out, we only have six judges in the Territory and there are limits on who may be declared an 'eligible judge'. This problem was not an issue in New South Wales, where there are 48 Supreme Court judges and four Associate judges.

The key features of the bill: eligible judges make declarations an organisation is declared an organisation for the purposes of the act; the Supreme Court may make the control orders in relation to members of declared organisations, or persons who engage or have engaged in serious criminal activity. The consequences of the orders is the controlled member will commit an offence if he or she associates with another controlled member of the particular declared organisation, and any authorisation to carry on certain specified activities can, on the making of a control order, be suspended. A control order can also impose specific restrictions on a person which, if

breached, will constitute an offence. Public safety orders are to be made by senior police officers, and fortification removal orders are to be made by the Court of Summary Jurisdiction.

The bill has been developed in consultation with the Northern Territory Police, Fire and Emergency Services. Submissions were also sought from the courts and relevant stakeholders. Submissions were received from the Chief Magistrate, and the Law Society of the Northern Territory. I note the member for Araluen has succinctly put the Law Society's concerns on the table. The Chief Magistrate noted some operational concerns, and the Law Society certainly detailed its opposition to the bill. Advice has been obtained from the Solicitor-General regarding its constitutionality.

The key difference between the current law, which exists in a raft of legislation the Territory currently has, and this law after enactment of this bill, is this bill focuses on the prevention - of serious crime by the use of declarations, control orders, public safety orders, and fortification removal orders, rather than responding to crimes after they have been committed. The bill is absolutely necessary to give the executive and judicial arms of government sufficient power to combat organised crime.

Members of criminal groups and networks associate for the purpose of criminal activity. Membership forms a basis of their offending and, often, includes fear and intimidation tactics. It is the act of meeting and associating which facilitates the means of promoting criminal activity. Therefore, legislation targeting the actual association people have with those groups will give police increased opportunity to not only disrupt the groups, but to break the cycle of recruitment of people into the groups. This, in turn, will have the effect of actually preventing organised crime from escalating.

Organised crime operates within a less identifiable and less structured manner than in the past. Criminal groups are entrepreneurial, flexible, and associate in a more fluid manner. The networks behave in this manner as it offers the most resistance to law enforcement, and the ability of law enforcement to dismantle the network. Individuals involved in serious crime go to great lengths to insulate their criminal activity from law enforcement and the criminal justice system. They rely on their networks of associates to commit offences or engage in any high risk aspects of criminal activity. The services of lesser known or lower level street gangs are actively recruited to commit violent offences against others, to carry weapons, and to engage in activities involved in the distribution and

manufacture of dangerous drugs. It is for this reason law enforcement needs legislation which targets organised criminal groups, as well as anyone operating together with a group, whether they are a member or not.

The police have been integral to the development of this legislation. They have certainly sought these powers. It was the subject of the Police, Fire and Emergency Services Ministerial Council at its meeting on 22 November 2007. That council agreed each jurisdiction would review its legislation relating to the disruption and dismantling of outlaw motorcycle gangs and serious and organised crime. It was agreed each jurisdiction would consider enacting complementary legislation to achieve this outcome. The Sydney Airport incident I referred to earlier only reinforced the dangers outlaw motorcycle gangs pose to our community.

At the recent SCAG meeting in August this year, ministers agreed to a number of measures designed to support a national response to organised crime. This legislation complements the national approach; states and territories have a primary role in disrupting, investigating, and prosecuting the activities of organised crime groups. This bill provides a tool aimed at the disruption of organised crime to ensure the Northern Territory is not a safe haven for organised crime groups.

Madam Speaker, it is my intention to move to committee to consider amendments I have brought before the House.

Motion agreed to; bill read a second time.

Debate suspended.

**TABLED PAPER**  
**Sitting Dates for 2010 - Addendum**

**Madam SPEAKER:** Honourable members, I table a revised version of the sitting dates for 2010. It appears the second week in the October sittings had been incorrectly entered. My apologies.

**MOTION**  
**Proposed Censure of Minister for Essential Services and shareholding minister**

**Mr ELFERINK (Port Darwin):** Madam Speaker, I move - That this Assembly censures the Minister for Essential Services, and the shareholding minister, for lying to Territorians about the extent to which Power and Water's contract with ENI provides for damages for non-delivery of gas, for its effect on electricity prices,

and his failure to perform his responsibilities as a Minister of the Crown.

Last night I read in this House a candid comment I found of deep concern in the Director's report from the Power and Water Authority's Annual Report for the year 2008-09. I gave the minister an opportunity, on that occasion, to explain what it meant. I have had no satisfactory response from the minister in relation to the issues I raised last night.

Why, Madam Speaker? This government does not want to answer to or deal with the issues arising out of the debacle which is the ENI pipeline. The thing which alarmed me most is on page 57, and I read it out during Question Time, but it is worth visiting again:

*Delays in gas delivery required the corporation to use higher cost alternate energy sources, including distillate, which has a detrimental impact on cash flow to the extent that higher costs are not covered by damages received from ENI.*

To put that into some sort of context, it is worth examining the history of why we have had to build the ENI pipeline in the first place.

Honourable members would be well aware for many years, for decades, we have been drawing our gas from the Mereenie field in Central Australia. It has been piped up to Darwin running the power station in Darwin. Just prior to the change of government, the former government made advances to various gas suppliers, not least of which was ConocoPhillips, which were eventually allowed to build a gas supply in Darwin Harbour not 2 km from our power station.

At the time there was an expectation by the government of the day the gas from ConocoPhillips would, in a very small part, supply gas to the power station of the Northern Territory. This never eventuated because after the change of government something happened, and ConocoPhillips were in a contractual position where they no longer felt obliged to supply gas to the people of the Northern Territory. All the gas they were receiving from their gas fields offshore, every single cigarette lighter worth of gas, was being sent offshore, leaving the new government with a problem. The problem was the dwindling supplies of gas from the Mereenie Field.

As time passed, it became clear the dwindling supplies from the Mereenie Field were causing the government some headaches because they were dwindling rapidly, and the pressure in the pipe was falling. During peak low periods there was not sufficient gas in the pipe. The government had to turn to another supply of gas, namely

diesel fuel. We see in the annual report, in the last financial year alone the government spent \$63m on diesel running the gas turbines; they were a hybrid system, so they could run on both, but running the gas turbines in the power station.

As the situation got worse the periods of shutting down the pipe got longer to allow sufficient gas to build up in the pipe, and every time those pipes were shut down there was a longer gap during which diesel was relied upon. This became an issue about a year ago, and there is nothing new in any of this. However, I am somewhat concerned in the annual report we have this confession of the full amount of money spent, namely \$53m, which only deals with the financial year 2008-09; it does not deal with the financial year 2009-10.

We have heard from the ministers today they were both aware gas was not flowing in the pipe from ENI until September this year. And ministers have been coy to say how much money they had spent on diesel in the current financial year, on top of the \$53m. So, we have this situation where we are now organising the pipeline to bring gas, in conjunction with another pipeline, some 500 km to Darwin. This is at a cost of hundreds of millions of dollars to the taxpayer; a project that is nine months overdue, when the gas fired power station all of this is supplying is 2 km from one of the largest gas suppliers in the southern hemisphere - a monument to very poor decision-making, poor negotiating skills, and poor management. Now we get nothing but obfuscation from this government, particularly the two ministers responsible, to the very two issues which rest at the core of what is happening with the Northern Territory's power supply at the moment.

We have heard the Treasurer say several times today they are responsible; they have the Reeves review available for all to know what has happened. Is the Reeves review a public document? This is the document they rely on to defend their position, and what has the public of the Northern Territory being given? The public of the Northern Territory has been given the Executive Summary only.

We have spent \$53m in the last financial year on diesel; we have an unknown amount of money spent in the current financial year on diesel; we have the government saying: 'It is all in the report, but we are not going to show it to you'. Then the government say we are scaremongering because we are starting to get curious and harbour some serious reservations about what is happening and why power prices are going to go up, effectively, 25% in the current financial year and the next financial year.

This is why we are censuring this government, because I suspect they have it wrong. The reason can be found in answers I received from the government-owned corporation's Mr Andrew Macrides, during the last estimates process, during which I raised concerns about the caps on the liabilities ENI had. Without having the document in front of me the answer was: 'Yes, there are caps on liability in place, but those caps are much higher than we will ever be claiming from ENI, so you can have great comfort'. I took away from that exchange comfort for the Northern Territory would not be exposed to a cost levied as a result of the nine months' worth of delays in the delivery of gas in Darwin. We all know that gas turned out to be nine months late, and we were burning diesel long before the original date of supply.

Now we are asking some questions, because it is in this period the government decided to review the problems with our power and water industry. Our government-owned Power and Water Corporation has had no shortage of problems. I direct honourable members to the results in the key performance indicators in the annual report, to get a clear idea of how problematic the Power and Water Corporation's position is. I draw members' attention to page 16 to give you an idea of the performance of this government-owned corporation.

The key performance indicator target for electricity supply reliability is as follows, and the measure was average minutes off supply per customer. For Darwin, they projected less than 200 average minutes off supply. The result last financial year was 386 minutes. In Katherine, less than 200 minutes off supply per customer; the result was 300 minutes. The Tennant Creek off supply was less than 100 minutes; the result was 245 minutes. Alice Springs also intended to have average minutes off supply per customer of less than 100 minutes. The result for the citizens of Alice Springs was 593 minutes.

One wonders why this government continues attempting to sell itself as the great managers of our power and water supplies when, clearly, they are struggling to be able to maintain even the best possible results. For their key performance indicator in relation to customer service improvement, they aimed for a customer satisfaction rate of 80% or greater. The result for domestic customers in the last financial year was 60%, and the result for commercial customers was 48%; fewer than 50% of commercial customers are happy with what is coming out of the Power and Water Corporation for Territorians.

To come into this House and ask a few simple questions about supply of gas for our power supply, and be stonewalled and told, 'We are not

going to go down that path, we are going to try to deal with these issues as commercial-in-confidence', can give Territorians no comfort in why they are paying so much more for their power and water. Bear in mind, if you allow for the compounding effect, our water costs will go up nearly 70% over the next three years.

We are concerned; Territorians are concerned. This government is making Territorians pay a whole lot more for their power and water, and their argument is: 'Oh, we had to build some new infrastructure because the old infrastructure was run down'. We know it was run down; they were drip feeding the repairs and maintenance at \$40m a year, and making no allowances even for CPI in that drip feed during the period of their government. Whilst they like to blame the previous government for all sorts of things, they must become responsible at some stage or another. They have steadfastly refused to become responsible, even when the Minister for Essential Services said: 'No, I am responsible but it is the CLP's fault'. It is not convincing. It is not convincing, and Territorians are not convinced.

I find it curious we find ourselves in a situation where we can extract no evidence and, based on the answers I have heard from the shareholding minister, the Treasurer, I suspect ENI is saying they are not going to fulfil their role under the penalty clause. Because I cannot see that penalty clause, I can only infer the penalty clause they are relying on gives them some comfort to say: 'We are not going to pay'.

If that is the case, there might be a legal fight brewing, thus driving my question, and the essence of the question I asked during Question Time: 'Will you give us comfort this is not going to end up in court?' No such comfort was given. That is specifically why I asked whether they were going to court, and what I did hear from the shareholding Treasurer is her already positioning herself to demonstrate Power and Water carries no liability whatsoever.

The only reason the Treasurer would be using such language is not because she is engaging in a conciliatory environment with ENI and they are talking about resolving this issue ...

**Ms Lawrie:** Not true.

**Mr ELFERINK:** ... no, Madam Speaker, because she is drawing the battle lines for a court case. I will pick up on that interjection, I urge the minister to stand up in this House and give comfort to Territorians that you are not going to court. If you are unable to do so, then there is a court fight brewing, which will be a further expense for Territory taxpayers, as well as for those people who pay the Power and Water bills.

We hear the government say it is because of the failure of infrastructure Mr Reeves has decided to put power and water costs up. I suspect, in the report we have not seen, the decision to raise the cost of power and water is, in part, because of this fight starting to brew between ENI and the Northern Territory government. There are no words I am hearing from members opposite which give me any comfort whatsoever that there is anything but a fight brewing.

They claim to have extracted \$13m, but that still leaves \$40m with a big question mark over it for the financial year 2008-09 alone. I do not know, and Territorians do not know, how much more it will be in the current financial year. We know it is about three months worth of diesel. If they spent \$53m last year, one could guesstimate about a quarter of that would be the cost for diesel in the current financial year. You would be looking at about \$15m on top of that. I am guessing and, of course, you are using greater amounts of diesel as the gas runs out, so who knows how high that amount of money really is.

Is it the case the gas had run out to a degree the majority of electricity being generated by the time the gas started running was actually driven by diesel, in which case we would expect the figure to be much higher. Why does the government not stand up and say how much that is? Why do they not? The reason they do not is because they think they are going to court, and they do not want to signal any component of their argument whatsoever. They will call us names, and they will say, 'you are scaremongering', and they will say, 'you are weird', they will say all sorts of other things, but, why on earth would the government think Territorians would simply accept what they say without so much as a critical examination of their motives?

I find it curious we get an answer. I am sure the minister had an answer ready, because I raised this issue in the House last night. The Utilities Commission estimated projected gas requirements would marginally exceed the contract quantities available under the Blacktip agreement, under both the high and low growth scenarios.

All of a sudden the minister has a prepared answer which says they are much lower. Why is there such a great level of disagreement between the Utilities Commissioner and the - well who is the Utilities Commissioner?

**Ms Lawrie:** Andrew Reeves. There are three of them actually.

**Mr ELFERINK:** My point exactly, and I pick up on the Treasurer's injection. The very person who conducted the inquiry in relation to what was

needed for power supply in the Northern Territory is now the Utilities Commissioner of the Northern Territory. I am curious to know why there is such a yawning chasm between the Utilities Commissioner, the very same man who provided this government with its projected needs, and the government's position on how much gas they will need into the future. This is the person, according to the Treasurer, who says: 'I know what is going on'. The government says: 'Yes, you have to trust Mr Reeves. He has given us this confidential report you cannot look at, but he knows what is going on'. Now there is a yawning chasm between the very same person and the government's position in relation to the gas contracts.

That is easy; fix it! Fix it by coming into this House and explaining why there is such a yawning chasm between the Utilities Commissioner, who is wrong, and Mr Reeves who is infallibly right.

This is another component of this whole messy scenario which requires an answer. That is what we are after. We are after answers. We want people to come into this House and explain carefully what is going on so Territorians can understand it. We believe, once this reaches the light of day, Territorians will realise a substantial component of their extra power bill they are paying every quarter is not because of the failure of the Casuarina substation, or the requirement to build the Weddell Power Station, it is because the government does not deep down believe they are going to recover the extra money they had to spend on the purchase of distillate fuel because of the shortfalls in the ENI arrangements.

**Ms Lawrie:** You simply do not understand.

**Mr ELFERINK:** I hear wrong, wrong, wrong, wrong, from members opposite; then prove it! We have given them the opportunity in Question Time to prove it wrong. We asked them again and again during Question Time to prove it, and the answer is you cannot see the report, it is commercial-in-confidence.

There is no proof in that answer. That is a 'trust me, we know what we are doing'. 'Trust me, I am a politician', is the answer the government gives in relation to this matter. They then wonder why we move to censure. We move to censure because we simply do not believe them; and they have not given us any cause to think otherwise!

I asked them to table some proof, and I have not seen so much as a skerrick of proof. This raises other issues of concern, not least of which are the squibby answers we got from the Essential Services minister, and the shareholding minister, regarding this and the squibby answers in relation

to the supply of gas between September, when it started running, to date.

I asked if the full contractual amount was being supplied, and what I did not get, despite the fact I asked the question twice, was 'yes'. 'Yes, the full contractual amount is being supplied'. I do not believe it is, and that is the reason he avoided answering those questions. He avoided answering those questions because the answer was no.

That brings me to the next question: how much more are we spending on diesel and other sources of fuel since ENI started supplying gas to supplement short falls in the pipeline? Once again, you put this to government, and you will not get an answer. We do not get an answer. Territorians do not get an answer; how much more are we spending.

The Treasurer tried to indicate it is fully flowing now. I have to go back to *Hansard* and read her answer carefully, because she is very crafty with what she does, but if it is fully flowing now, was it fully flowing when the taps were turned on in September? If not, why not? Was it because the gas was too wet for the pipeline? Was it because there were problems with delivery through the plant at Wadeye? What was the hold-up with the supply of gas between September and now? Is the full contracted amount now being supplied?

All they have to do is come in here, table the Reeves report, promise they are not going to go to court because it is all sorted out; ENI has said they are going to deliver all the gas. All they have to do is give us comfort the gas in the pipeline now is the full contracted amount, and has been the full contracted amount since the time the taps were turned on, and we will be satisfied.

What you will hear is a history of how awful the infrastructure was, how the CLP intended to sell it, how the infrastructure was rundown over years and years, how when they came to power they were left with this lemon, how they have been trying to fix it since that time; but you will not hear a single utterance regarding the questions we put today. What you will get is a conglomeration of history.

I finish on one thought for people listening to this broadcast and people in the galleries. When you hear the ministers speak, listen carefully when they say the CLP knew this was an issue 10 years ago, because this was not an issue 10 years ago. This came to light in 2004 during EBA negotiations. This was confirmed by Andrew Macrides during estimates this year. The staff of Power and Water said: 'As part of our enterprise bargaining agreement, we want you guys to do a review of the infrastructure of Power and Water'.

How extraordinarily unusual that an EBA negotiation is used as a vehicle to get Power and Water management to look at their own infrastructure.

It was only after that time the endemic problems with our power and water infrastructure were identified. They were not identified because the government of the day did not know, because Power and Water management did not know. That is when the balloon went up on this issue. This was a concern I raised last night. There is such a profound disconnection between the government and senior management of Power and Water and its own staff, they had to use their enterprise bargaining negotiations to simply draw attention to the quality of the infrastructure. That is not a good situation, at all. Not good, at all.

It was discovered in 2004. By blaming the former government, they are saying the former government should have known what was not known. That as an aside, the fact is the former government should have known, and this government should have known from day one. There is such a profound disconnection, such profound problems in this organisation they are just not delivering services. The key performance indicators are a clear message of some of the shortcomings of this organisation. This ENI debacle demonstrates how inept, how difficult, and how floundering this government has been in relation to their pursuit of this gas.

There is no comfort for Territorians today whatsoever. There is nothing they can take away today to reassure them they have a government looking after their interests. You ask any number of Territorians, Darwinites, or others whether they are happy, delighted and overjoyed with their government in how power and water is supplied to the people of the Northern Territory, and you wait for the tirade of abuse which comes your way.

I am hoping by doing this, not only have we censured the minister and successfully had him fired, but I suspect that will not happen because along party lines they will give him a vote of confidence. I hope this type of pressure will galvanise the minister to finally get honest with Territorians and tell them the real reasons why they are paying such exorbitant prices for their power bills.

**Members:** Hear, hear!

**Mr KNIGHT (Essential Services):** Madam Speaker, I thank the Leader of the Opposition for his question. There were two main parts to the assertion provided by the CLP in and around the management of Power and Water and, more particularly, this contract, and also the effect on tariffs.

Clearly, the CLP does not want to talk about the past. They do not want to talk about how Power and Water was virtually on the brink, financially and at an operational level. They do not want to talk about it but it came from their years in government; their neglect in government. How can a government take more money out of an organisation than you put in? The CLP did that for three consecutive years. They took more money out of Power and Water than they put in.

This government has put more money into Power and Water. It is a simple situation. When you have a business and you want a good product, you invest in it. It is this government which has been continually investing in Power and Water. In our first six years in government, we contributed nearly \$400m - a significant amount of money. A comparison of the CLP ...

**Mr Elferink:** Building a pipeline that was a year late ...

**Mr KNIGHT:** No, no. I know you are squirming and squealing over there, member for Port Darwin, because you do not want to hear the genesis of this problem we have with Power and Water. It comes from the neglect and the mismanagement of the CLP government.

This Labor government, in its first six years, contributed \$400m to Power and Water. In a comparable period, the CLP only contributed about \$92m - a massive difference. How can you fail to invest? How can you take money out of an organisation? How can you strip it out ...

**Mr Tollner:** You have had eight years.

**Mr KNIGHT:** Member for Fong Lim, we put in \$400m in our first six years. Then we hit the Blanch report - the member for Port Darwin has alluded to it. He did not know what it was called. It was called the Blanch report, and was done in 2004. That highlighted a desperate need for capital investment. The organisation had been run into the ground by the CLP.

The CLP talks about disclosure of reports, but the Merrill Lynch report produced in 1998 was never made public. It was a report the CLP government commissioned and the recommendations were to slash staff and, basically, get it ready to sell off - sell off a public owned utility. The view of the CLP government was to strip it back and sell it off. That is what they were moving to. They slashed over 150 staff. These were technical people, professional people, and linies. These are vital people in the organisation and they stripped out 150 people.

The minister was not a bad person, but that was the culture within the CLP government at the time. He was proud of the fact they only slashed

half the recommendation. However, it was in preparation to be sold off. That was the genesis. They criticise many people. Mervyn Davies, a very highly credentialed person in the energy sector, made those observations. Sometimes it takes a while for problems to occur in the energy sector. He highlighted it with the infrastructure, but he also highlighted it with the culture of the organisation. It came from those decades before when the CLP ripped money out of the organisation, sacking people, getting rid of them. That is where it came from.

We have invested \$400m, four times the amount the CLP ever invested in Power and Water. Then, we get the Blanch report which said: 'You need to invest even more because it has been run into the ground, and it is basically about to fall over, you need to invest money'. It has been this government which has invested \$1.4bn into the organisation for capital expenditure. The running down of the organisation, the stripping out, the milking of assets, came from the CLP's time. It came from the CLP's time, and it extends through the regions, member for Katherine, a run down ...

**Members** interjecting

**Madam SPEAKER:** Order!

**Mr KNIGHT:** ... a power station, a whole range of power stations right across the Northern Territory, your government ran into the ground. It required \$1.5bn to get it back on track and change the culture. It was a disgusting period of time. This government has increased the repairs and maintenance into Power and Water. As alluded to by Mervyn Davies, there was a culture within the organisation which had come about because of the near death experience of staff being unsure if they had their jobs in an organisation that was about to be sold off. That is where it all came from.

We have put more money into this organisation than any government in the history of the Northern Territory. The member for Port Darwin talks about a few million dollars, well how about \$1.4bn this government is putting in to Power and Water. You talk about a few million dollars with respect to Blacktip gas, well talk about the investment put into Power and Water by this government.

If the CLP had their way Power and Water would have gone, jobs would have gone, and I suspect our tariffs across the Northern Territory would be well above what they are now. If you look across the jurisdictions, the Northern Territory compares very well; it is well inside the pack for the tariffs. The water tariffs are probably the lowest in the country. The members on the other

side talk about those increases, but we are the lowest in the country.

Electricity tariffs, the national average is 18.94¢ per kilowatt hour, our charge is 17.75¢ per kilowatt hour; below the national average with electricity.

With respect to residential water, the national average is 177¢ per kilolitre; in the Territory the tariff is 117¢ per kilolitre. That is the lowest in the country. I will hold it up for you, member for Brainting, lowest in the country. You talk about tariffs; we are the lowest in the country. I will say that again, we are the lowest in the country for our tariffs. That just shows this scaremongering, this whipping up of fear within the community, and it is something conservative governments do. Conservative governments, at the federal level, we have seen in the last few years ...

**Members** interjecting.

**Mr ELFERINK:** A point of order, Madam Speaker! Whilst I accept the prophetic nature of the comment, we are actually the opposition.

**Mr KNIGHT:** ... I was talking about a federal conservative government ...

**Mr ELFERINK:** A point of order, Madam Speaker! I refer you ...

**Madam SPEAKER:** Minister, please pause.

**Mr ELFERINK:** The federal government is also a Labor government.

**Madam DEPUTY SPEAKER:** Member for Port Darwin, there clearly is no point of order.

**Members** interjecting.

**Mr KNIGHT:** ... the Howard years of fear and intimidation and scaremongering. We see that with the opposition now, fear and scaremongering.

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order! Minister, please pause. I have allowed a number of interjections, but they are currently rising to a level which is unacceptable. I cannot hear, and I am sure others listening to this debate cannot hear. I remind you of Standing Order 51, please.

**Mr Conlan:** What is it, Madam Deputy Speaker?

**Madam DEPUTY SPEAKER:** For your benefit, member for Grotorex:

*No Member may converse aloud or make any noise or disturbance which in the opinion of the Speaker, is designed to interrupt or has the effect of interrupting a Member speaking.*

**Mr Conlan:** Thank you.

**Madam DEPUTY SPEAKER:** I am sure that sounds familiar to you. Thank you, minister.

**Mr KNIGHT:** Madam Deputy Speaker, there are a few UFO spotters over there, there are a few Loch Ness Monster spotters over there, there are a few Big Foot spotters over there. They love the rumour ...

**Members** interjecting.

**Mr KNIGHT:** There have been substantial achievements within Power and Water. As people would have heard this week, the Weddell Power Station has come online. Owen Springs is coming online very soon.

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** That is the investment this government is making in the Power and Water Corporation. The member for Port Darwin talks a few million dollars; we are talking about billions of dollars this government is putting into Power and Water. We have new transmission lines at Palmerston, the Archer zone substation, and new water mains going into Palmerston. The raising of the Darwin River Dam - a substantial amount of money is going in there to increase capacity to meet demand for the growth of the Darwin and Palmerston area.

This government has believed in Power and Water. Whilst the CLP commissioned reports to look at how they could sell the organisation, this government commissioned reports to look at how they could make Power and Water survive, both in a financial sustainable sense, and also in an operational sense. It has been the Labor government which has believed in Power and Water; it has been the CLP government which has sought, at every opportunity, to sell it off, and to run it into the ground.

**Members** interjecting.

**Mr KNIGHT:** It is a bit rich for the CLP to claim some sort of high moral ground with respect to this particular situation.

**Mr Chandler:** How is that pipeline between ConocoPhillips and the power station?

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** This will not affect the tariffs. Again, scaremongering from the other side of the House!

**Mr Elferink:** So you say.

**Mr KNIGHT:** It will not affect those tariffs. They have already been set for the next three years and ...

**Mr Mills:** Show us the report. We do not trust you.

**Mr KNIGHT:** I do not know why you would want to put fear into people's minds, with respect, because you know in your hearts we have set those prices for the next three years. You know we have a capital investment into this organisation to supplement its growth, and you know we make greater contributions. The CSO payments were put into Power and Water to provide a universal tariff across the Northern Territory, so whether you are in Borroloola or in Darwin you are paying the same rate. These CSO payments will protect carers, pensioners and seniors.

I have alluded to upgrades in sewerage and water right across the Territory. There is substantial growth and belief in our staff. Last financial year we had 13 new apprentices. These are people we want to grow in the Territory and into the organisation. Ten new graduates have commenced with Power and Water. We have built the staff numbers within Power and Water.

The CLP started to slash jobs in the technical, professional, and the service areas, and it has taken us quite some time to rebuild those numbers. We are now up around the 900, which is well above the 1998 figure. They started to slash jobs after receiving the Merrill Lynch report. It has taken us some time to get back above that 1998 figure, but we are because we believe in the organisation. Nearly 50 000 training hours have been provided to Power and Water staff over the last 12 months. That is a belief in the workforce. It is about investing in getting better services to Territorians. I acknowledge those KPIs need to be improved, and that is what they are working towards. They are very focused.

I find Power and Water staff to be professional; they are very proud of what they do; they are proud of the equipment they use. They are people who live in the community, their friends and relatives in the Territory obviously use power, water and sewerage services, so they do not want power outages, they do not want problems with the water and sewerage supplies, and that is why they take a great deal of pride.

There is innuendo towards Power and Water staff which has come across over the last few days, from the CLP ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** ... digging in and digging in ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** ... little shots at Power and Water staff. I think it is a bit low. These people do a great job ...

**Mr Giles:** Absolutely ridiculous. We did not speak about the staff. It is the minister who is incompetent.

**Madam DEPUTY SPEAKER:** Order! Order!  
Member for Brainting, order!

**Mr KNIGHT:** ... and they have little shots at them, they dig it in, and rest assured, there are many Power and Water employees out there who know what you say about them in this House, and they do have long memories about what you are saying ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** The member for Port Darwin was talking about money; the world is going to end because of this money. Well, he is not telling the truth, he is trying to scare people ...

**Mr Elferink:** I am trying to find out what the truth is.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** Member for Port Darwin, you need to show some maturity. You know we are investing more money in Power and Water than any other government before. You know that ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** You know that we have a contract in place with ENI and you seem to be criticising ENI as well. You seem to be saying ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr KNIGHT:** ... this company which 12 months ago had a market valuation of US\$138bn, operates in 70 countries. They took on this contract to deliver gas from the Blacktip field onshore, and then build a gas plant; that is our agreement with them. We also went into partnership with the Australian Pipeline Trust to build the pipeline. Now, the opposition seems to be critical of the failure of ENI to build this on time. This is an internationally respected company.

They did not want to be late because they would incur costs; they obviously want to meet their contractual obligations. We entered in good faith with a delivery date of 1 January. We had a liquidated damages clause within the agreement, which was a reasonable thing to do, and we all signed up. Now, you are criticising it for being late and blaming the government, but you are criticising ENI for not delivering on time, and you need to take that up with ENI. You need to be publicly giving them a good old slap, because that is what you are trying to do.

Neither party wanted this to be late, but circumstances did result in delays beyond their control. We had contractual obligations, but any costs incurred by Power and Water will not affect tariffs. How can they? The member for Port Darwin, with his broken calculator, cannot make that link. When you look at the amount of money the Northern Territory Labor government invests in this organisation, it is substantially more than the money the member for Port Darwin is alluding to.

I reject this censure motion. You just want to scare people. I say to Territorians listening the CLP ran this organisation into the ground. If you want to talk about the efficiencies of Power and Water and the need for capital improvement, you need to realise it happened because the CLP ran it into the ground and were prepared to sell off a public-owned utility. That is where the genesis of the problems with Power and Water occurred, and this government has been trying to rebuild it.

We have gas supplies for the next 25 years and we will be looking for other gas sales agreements with other fields. I find it very strange that the member for Port Darwin can make this huge leap that any costs incurred with respect to the delays would affect tariffs, because it is clearly absurd.

**Mr TOLLNER (Fong Lim):** Madam Deputy Speaker, I have never heard a weaker defence than that put by the minister. To go back eight years, into pre-Labor government times, and blame the problems on previous administrations, to me, is not a defence at all. It would be a defence if this was a newly-elected government.

However, to say: let us go back eight or more years ...

**Mr Knight:** Decades.

**Mr TOLLNER:** Decades, is absolutely weak.

This government has had eight years. The lights were not going out under the previous conservative government. We did not lose power to 15 000 houses in the northern suburbs, every single generator at McArthur River Mine did not go down. That happened and, all of a sudden, it is the fault of the government from eight years ago. That is farcical. The minister has failed miserably to explain to this Chamber ...

**Dr BURNS:** A point of order, Madam Deputy Speaker! The member for Fong Lim should be aware the generators at McArthur River are not the responsibility of the Northern Territory government.

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Resume your seat, thank you.

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order! Order! Member for Fong Lim, you have the call.

**Mr TOLLNER:** It is an interesting tactic the Leader of Government Business employs. As soon as something starts to hurt, or someone starts to tell the truth, he feels it is his obligation to interject with silly points of order ...

**Mr Conlan:** And he gets away with it.

**Mr TOLLNER:** He seemingly gets away with running interference during a debate. That is what the Leader of Government Business is trying to do. I ask you, Madam Deputy Speaker, to caution the Leader of Government Business on any future pointless interjections he might make.

**Ms Lawrie** Interjecting.

**Mr TOLLNER:** Motor mouth sitting over there, the member for Karama, cannot seem to keep her mouth shut long enough to hear anything. She never seems to stop - the Belinda Neal of the Territory parliament.

It is a ridiculous situation, and this is how this government tries constantly to deflect criticism. We have seen it over and over again; most notably at the end of last week when my good friend, the member for Braitling, made an extraordinarily good speech, with some particularly good points in it, in relation to what this

failure of a minister was doing with housing. Immediately, the fifth floor picks out one word from the speech and runs interference through the media, and we fail to get any response at all from the government on the issues which really count, most notably housing Territorians.

That is how this government operates; do everything they possibly can to sweep the problems under the carpet. We heard today of the Reeves report. The Treasurer says: 'You have to get a briefing; we have given you the executive summary', but hides the report. Not up-front with Territorians, not honest with Territorians, not accountable or transparent, completely the opposite. I believe members have a right to see that report; the public has a right to see that report. We are talking about public money.

While we are on the subject, I am curious to know whether the member for Nelson has seen a copy of that report. It seems to me the member for Nelson is consulted and asked questions on every aspect of this government's workings! Has the member for Nelson been briefed on the details of the contract? Does the member for Nelson know of the cap on damages? If he has seen the report, is this not a breach of commercial-in-confidence, as the Treasurer says the tabling of this report would be? These are serious questions and the government fails, all the time, to answer them.

In Question Time, we were talking about the ENI pipeline debacle. We have seen the operators of Mereenie Gas question ENI's capability of developing that pipeline. They said there are significant unknowns with regard to Blacktip's capability, efficiency and national gas delivery. That is a pretty damning statement from an industry peer. Magellan, the operators, said they were prepared to continue supplying gas to Power and Water until April 2010; that is what they had to say about ENI.

Madam Deputy Speaker, we have heard, for four or five years, the generators in Alice Springs would be moved to Owen Springs Station, a place earmarked for industrial development in the centre of Australia. This government has been telling the people of Alice Springs they could not move them over Christmas, because of the power load required for Alice Springs over the Christmas period. We are about to go into another Christmas period, and there is no commitment to when these generators are going to be moved.

I understand for people living beside these generators it is equivalent to living next door to a 747 firing up, and people cannot sleep at night. It is driving them crazy. What is the government doing about it? Nothing! They are sitting on their

hands. They fail to answer questions Territorians want answers to.

I urge the minister to consider tabling the Reeves report. People have a right to see this. Taxpayer money has been used for that report; surely taxpayers have a right to see what is in it. That is common sense. That would be the open, transparent and accountable thing for any government to do.

This motion is not only about the minister's failure with Power and Water. It is about his failure to perform his responsibilities as a minister of the Crown. This minister is a failure in everything he seems to touch. As Minister for Local Government, see how badly shire reform was managed. It was an excuse to bring their Labor mates from Victoria and give them jobs. The result is we have shires and councils poorly managed and poorly run. No consideration is given to the fact there is an inefficient rate base to fund their activities. Many councils have not submitted financial accounts. Why? A software program called CouncilBiz. I understand there is some Labor connection with that program. That is the mandated software program all councils have to use, and CouncilBiz is not yet producing any reports. Councils cannot produce reports if they want to!

Without financial accounts, no one knows if those councils are insolvent. If they are, CEOs and elected shire representatives may well be personally responsible and liable for any decisions they make. You have elected members who may well be gambling with their own homes. Makes you laugh! I see the minister himself is having a laugh. He is thinking they do not have any homes. Why do they not have homes, minister? Because you failed! You have been sitting on \$700m for two years and you have not built a single house; an absolute failure of a minister!

We see shire councillors, officials, and CEOs personally liable for their decisions. The Territory and federal governments still fund them, despite them being in breach of their reporting requirements.

We saw the letter last week, the summary dismissal of the member for Daly from the council, because of his failure to lead, delegate and make decisions. Nothing has changed; a leopard does not change its spots. He is still doing the same thing now as when he received that summary dismissal notice. He is failing to lead; he is failing to delegate; he is failing to make decisions.

This minister is a failure. He has failed on power; we have seen the lights go out, we have seen dud contracts, we have seen our power station being run on diesel for a long period of

time. We have seen greenhouse gas emissions massively increase, something very close to the heart of the member for Daly, who has no compunction about seeing those emissions rise because of his failure to deliver gas.

We have seen failures in housing, and failures in local government. The failures in housing have been amazing. I cannot believe any minister would not resign. He has been sitting on \$700m for two years and failed to build a house. How can he not resign! That would be the honourable thing to do. Come into this House and say: 'I failed!' Put your hand up, say: 'I failed'.

**Dr Burns:** Bit like you and the oncology unit.

**Madam Deputy SPEAKER:** Order.

**Mr TOLLNER:** We have Bungles from Johnston chiming in. He lost his position as Health minister because of his failures and the problems in Health; now he has the audacity to talk about the oncology unit, something this government promised in 2001. Here we are in 2009, where is the oncology unit? What a joke! This is a demonstration of your failure. Why would you interject with something like that? Goodness me, you are an absolute failure.

**Madam DEPUTY SPEAKER:** Order! Order! Member for Fong Lim, if I could remind you to address your comments through the Chair, please.

**Mr TOLLNER:** Absolutely Madam Deputy Speaker. I am glad you addressed the Leader of Government Business for his rude interjections, yet again. That is great to see, Madam Deputy Speaker.

This minister is a complete failure. We think it is a joke this minister is so incompetent. When you visit communities and see the conditions people are living in, it is no joke to them. We see a benevolent federal government send 80 demountables to Alice Springs more than three years ago to assist with the housing crisis; all the Territory government had to do was find somewhere to put them, and they dithered around, and now what is happening with them? We have the worst housing crisis in the history of the Northern Territory. We have 80 demountables sitting idle in Alice Springs to the point where the federal government says: obviously you guys do not need them, they have been sitting there for three years collecting dust; we will take them to Christmas Island to deal with our soft border protection policies.

That is the sort of incompetence we are dealing with. Absolute incompetence! They cannot find land in the middle of Central Australia

to put 80 demountables. You see the minister laughing, grinning and carrying on as if it were some joke. This man has to go; he is an embarrassment to this parliament. He has brought the Northern Territory into national disgrace. What appalling behaviour! He has sat there for two years and not considered building a house. Now, because it has hit the media, he is behaving like a mad man trying to get a house built. He just has to have one house - just show one house! I do not know how many building companies we have in the Northern Territory, but they seem to be building houses every day. This government gets \$700m, employ their mates, get the left involved, but they cannot build one single house.

They have paid the bank; they have to pay their Labor mates from interstate ...

**Ms LAWRIE:** A point of order, Madam Deputy Speaker! The member for Fong Lim is alleging corruption. Whilst there is a great deal of latitude in a censure motion, there is nothing in this censure motion before the House ...

**Mr Tollner:** There is no point of order! Sit down.

**Madam DEPUTY SPEAKER:** Excuse me; I am listening to the point of order, member for Fong Lim. You are the one who needs to resume their seat. Thank you.

**Ms LAWRIE:** ... that alleges corruption. I ask he withdraw those allegations of corruption. They are wrong and they are offensive to standing orders.

**Madam DEPUTY SPEAKER:** Thank you, Deputy Chief Minister. I am inclined ...

**Mr Conlan:** That is one minute ...

**Madam DEPUTY SPEAKER:** Excuse me, member for Greatorex. I am inclined to agree with your comments around assertions of corruption. I ask you to withdraw that statement, please, member for Fong Lim.

**Mr TOLLNER:** I withdraw, Madam Deputy Speaker. It is no surprise to me that the member for Karama would do something like that, because they do not want to hear these things. They try to deflect attention from themselves. Someone comes to this House with the truth and: 'Oh, let us find a way to shut him up quickly before he says something. He might expose us'. It is disgusting the way this government acts - absolutely disgusting.

Our public servants are people who work hard and do the right thing. We are constantly told by

the government we have a hatred for public servants, but they going to cap their wages at 2.5%. Let us a look at the reality of things. Who hates public servants?

**Members:** Labor!

**Mr TOLLNER:** The bloody member for Karama, who is prepared to blow out the budget to the point where she has nothing to spend on the public servants ...

**Dr BURNS:** Two points of order, Madam Deputy Speaker!

**Madam DEPUTY SPEAKER:** Order! Member for Fong Lim, order!

**Mr Conlan:** Stop the clock; here we go!

**Madam DEPUTY SPEAKER:** Order, member for Greatorex! Please resume your seat while I listen to the point of order from the Leader of Government Business.

**Dr BURNS:** Two points of order. First, he should be directing his comments through the Chair and, second, I thought I heard him refer to the member for Karama as 'grubby' and I ask him to withdraw that.

**Mr Tollner:** No, I did not say that.

**Mr CONLAN:** A point of order, Madam Deputy Speaker! The clock is still ticking. During these points of order we have lost two or three minutes with the frivolous points of order from the government.

**Madam DEPUTY SPEAKER:** Thank you, the clock is paused.

On the first point of order, yes, you are required, of course, to address your comments through the Chair. If, indeed, you did describe the Deputy Chief Minister in that manner, I ask you to withdraw that, thank you, member for Fong Lim.

**Mr TOLLNER:** I withdraw.

Madam Deputy Speaker, as I say, this government is dodgy; they are shambolic, and this minister is the biggest failure we have seen in this government. He is worse than the member for Johnston who was removed from office by the Chief Minister when things got far too hot. I have to tell the Chief Minister things are much worse with this minister than they were with the member for Johnston - and he was pretty damn bad.

**Madam SPEAKER:** Member for Fong Lim, your time has expired.

**Ms LAWRIE (Treasurer):** Madam Speaker, the censure motion, as distributed, has some typed words and some handwritten words, which I believe I saw the member for Port Darwin quickly writing in towards the end of Question Time.

**Mr Elferink:** That is right; that is correct.

**Ms LAWRIE:** He has confirmed that is correct. He has confirmed this is simply a stunt.

**Mr Elferink:** No, it is that you accepted half the responsibility.

**Madam SPEAKER:** Order!

**Ms LAWRIE:** A Question Time stunt. They are playing in the theatre of parliament and it is a stunt. They are censuring on the extent to which Power and Water's contract with ENI provides for damages for non-delivery of gas. That should be me as shareholder minister. They are censuring on its effect on electricity prices - again that should be me, I am shareholder minister. They designed the entire stunt incorrectly.

**Mr Elferink:** Wrong.

**Mr Tollner:** Are you going to address any of the problems raised in this?

**Madam SPEAKER:** Order, order!

**Ms LAWRIE:** The member for Fong Lim cannot help himself. If you are going to censure the responsible minister, get it right. No, they went in with a stunt let us have a go at the Minister for Essential Services ...

**Mr Elferink:** Is this all you have? I thought you would be better than this.

**Madam SPEAKER:** Order!

**Ms LAWRIE:** 'What can we choose today? We have had a go at him on Housing, had a go on Local Government, so let us try Essential Services. Let us have a go at that'. Not grounded in any reality whatsoever, and in fact, entirely wrong. If they are going to the financials, they should have chosen the right minister, which is the shareholding minister, me, as Treasurer.

No, no, quickly try to make sense of it, and handwrite at the end of Question Time 'we are also going to censure the shareholding minister'. There has been nothing but empty rhetoric from the opposition in this censure. I believe Territorians deserve a better quality of debate than we have heard in this Chamber this afternoon. Talk about wasted oxygen in this Chamber! Where is the opposition's leadership on this matter? Where is the Leader of the

Opposition? Missing in action! He has allowed his shadow to run this? He has let the second running come from the would-be Leader of the Opposition, the member for Fong Lim. He has allowed the two leadership contenders play to the audience of their own opposition. This is about the posturing from the member for Port Darwin and the member for Fong Lim to contend for leadership. The truth hurts, Madam Speaker. They are getting a little uneasy about that. They have to interject on that because the truth hurts.

The Leader of the Opposition has been missing in action. If this matter was so critical to the opposition, where was the Leader of the Opposition? Not one question, not participating in the censure, hands off, let the two contenders play it out in front of each other so the opposition can work out who will get the numbers to roll the member for Blain.

It has to be one of the worst censures I have seen in the years I have been in this parliament. I have seen many censures, and this is probably the second or third against me. All ministers get a go, we take turns. The opposition have a go at us, it comes with the job. Put some substance in there and get it right. First, choose the right minister rather than hurriedly handwriting it in at the end of Question Time. It has been pointed out that you got it wrong. Then go through and prosecute the issue of Power and Water's contract with ENI providing for damages for non-delivery of gas, and prosecute the effect on electricity prices.

Let us look at those two matters. It was explained in Question Time by the Minister for Essential Services and myself, the contract between Power and Water and ENI does provide for liquidated damages if gas was not delivered on time, as per the specifications of the contract, which was 1 January this year. The Power and Water Annual Report, which has been tabled in this parliament and is available on the public record, talks about the \$6.4m as of 30 June, which Power and Water have recovered in damages.

Further, the Minister for Essential Services, in his response to the first question, indicated to date about \$13m has been recovered by Power and Water for damages from ENI under the contract. Further, as shareholding minister, I explained to this House in Question Time, and to Territorians listening, that Power and Water would pursue to the fullest extent liquidated damages for the delay in the supply of gas from ENI from the Blacktip gas plant, because we had a contract for 1 January, and supply commenced in September. I explained also that was not the doing of Power and Water. ENI had met delays in delivering plant equipment to Wadeye which ultimately delayed construction. That is not the fault of Power and Water or this government; that is what occurred.

It is the subject of significant discussions between Power and Water and ENI in relation to their contract.

I also explained I will not go into further detail because of the nature of commercial-in-confidence, because of the legal, complex issues associated with it. I will not jeopardise Power and Water's position by going where commercial-in-confidence exists. I will undertake my duties as a minister responsibly, despite the political football the member for Port Darwin would like to create. It is reckless behaviour from the opposition.

I have listened carefully to the comments by both the member for Port Darwin and the member for Fong Lim about ENI, and I have to say, I was disgusted. I have been disgusted by them dragging the reputation of a very fine company through the gutter with their gutter politics. It serves the Territory and Territorians no good. There is no benefit from it, and it makes the corporate world very wary about how they may be treated in the Territory.

I caution you for your reckless behaviour in the comments you have made in this Chamber about ENI, both your comments, member for Port Darwin and, particularly, the disgusting comments from the member for Fong Lim. I caution you. We are a government in a small jurisdiction which significantly relies on major projects, and corporate investment feeling confident about the Territory. It is reckless in the extreme for the opposition to behave in such a manner towards a highly reputable corporate gas player such as ENI. They are a very fine company. Yes, there have been delays in meeting their contractual obligations but I said in Question Time, I have been impressed with the approach they have been taking to that.

That is the censure motion for the Power and Water contract. As to the issue of its effect on electricity prices, this is where the opposition scaremonger and ignore reality. The reality is in the Power and Water Annual Report. It identifies there were two impacts on its 2008-09 financials which went to the significant failure of the Casuarina Zone substation, and the requirement to burn distillate because of the delay on the Blacktip project; two impacts.

This censure motion does not contain two impacts. It simply talks about the ENI project, because they wanted to run a good company through the gutter, foolishly and recklessly. If they were doing the censure properly, they could have used the failure of the Casuarina Zone substation. They missed that point in the Power and Water Annual Report; completely missed it. They talk about its effect on electricity prices. Why would you censure the government when there is no

effect on electricity prices? No effect! It defies belief they would concoct this strange stunt, handwrite the shareholding minister in at the end of Question Time, and expect us to take what they are scaremongering as having any validity whatsoever.

No one wants to increase tariffs for power, water or sewerage. That is a no-go zone for most governments because no one wants tariffs increased. Governments do not want to enter an unpopular space. What we saw in two decades of successive governments - and I dealt with in March this year when dealing with the Reeves report. I said CLP and ALP governments share the blame on this one, because no governments before went to the financial sustainability of Power and Water and, indeed, the impact that ultimately had on tariffs.

As Treasurer, as the responsible minister, as the shareholding minister, I am responsible for ensuring the financial sustainability of Power and Water. I carry that responsibility on behalf of taxpayers, because it is a government-owned utility not a private sector utility. As a result of the catastrophic failure of the Casuarina Zone substation and the Mervyn Davies inquiry into the Casuarina Zone substation failure, understanding the Blanch report, which showed the need for greater capital investment in Power and Water, which Cabinet had approved and were implementing; putting those two together, I really wanted an independent expert in the field, and Andrew Reeves is that. He was not working for our government; we have subsequently made him Utilities Commissioner, for a reason. He now fully understands the circumstances of Power and Water, and understands the challenges ahead after having undertaken this important body of work.

He was commissioned by me, as Treasurer, to review the financial and commercial sustainability of Power and Water Corporation in the context of the Power and Water Corporation's Statement of Corporate Intent, that is the \$1bn capital program over five years, and the Mervyn Davies inquiry into the Casuarina zone substation failures.

He needed to report on the underlying financial position of Power and Water Corporation based on current projections, revenues required for Power and Water Corporation to achieve financial and commercial sustainability, and appropriate time frames to reach financial and commercial sustainability. He did this; he did it thoroughly. He produced the report with recommendations to government and, as I said in Question Time, he did not do this without being aware of the financials of Power and Water. They say: 'Table the report, table the report'. I do not know if they remember the extent of the information we made

public. As I said, we were not hiding the ugly truth from Territorians. We are fully open and accountable about the financials of Power and Water. Page 8, a presentation this government provided to the media, to the opposition, takes you through the Power and Water situation from 2008-09 through to 2012-13 and 2014. It takes you through their total revenue, through their total expenses, it looks at the nett profit after tax, it takes you through the capital investment, through their new borrowings required, and through their debt position.

It explains the debt-to-equity ratio, and explains the interest cover types. It is all here.

**Mr Giles:** Where is the Reeves report?

**Ms LAWRIE:** I am referring to the Reeves report ...

**Mr Giles:** Table it, table the whole report.

**Ms LAWRIE:** I will table this. It is the Review of Power and Water Corporation Finances, Andrew Reeves, March 2009; it is the information that is already public and available.

He looks at the sustainability, he makes recommendations about it. In the work Andrew Reeves undertook he went through their capital program, which was in excess of \$1.1bn over the next five years; he looked at Power and Water Corporation's book value of assets of \$960m, he looked at the capital program which included essential and prudent projects, and any additional which may be required.

He went through the major capital program and projects, electricity, which is the Weddell Power Station for \$139m; the Owen Springs Power Station, a \$130m investment, and we heard the members opposite, joking about it: 'Oh, why do they not just shift it?' \$130m investment in Alice Springs for the Owen Springs Power Station.

New substations and upgrades - \$118m in capital; raising the Darwin River Dam wall - \$26m; recommissioning Manton Dam was scoped into the study, and closing the Larrakeyah outfall to divert the flow to the upgraded Ludmilla treatment plan. He looked at the drivers of the capital program, and these are the core issues Power and Water is confronting in terms of their sustainability. The need to replace ageing assets; he explained at the time major electricity assets of that nature last about 30 years. He also explained the extreme weather conditions we experience, both in the Top End and Central Australia, shorten the life span of those assets.

I know the opposition hate it when the Minister for Essential Services talks about past inaction of

the opposition when they were in government, what they did with their maintenance. They failed to have an asset replacement management program so we inherited and are dealing with replacing assets beyond their normal life span.

I was listening to the debate last night; it is not just a case of doing some repairs and maintenance. Asset replacement is essential to ensure reliable power supply. Not just repairs and maintenance, which is critically important, but asset replacement as well.

Mr Reeves also looked at the need to add to our capacity to meet growth and demand. He looked at additional security to improve the backup if systems fail - what we call 'redundancy'. If Casuarina Zone substation goes down, is Lee Point Zone substation able to kick in and provide that redundant capacity in the system?

This was done, this was made public. We took the hard, tough decision to increase tariffs - not as high as Andrew Reeves recommended - because we knew it was tough to do.

He also looked at the delays. The Amadeus Basin gas supply is now in rapid decline, even though we heard from the member for Fong Lim they were fine - Mereenie could supply all the gas we need. What a fool! It is on the record. It has been poured over by experts. The Amadeus Basin gas supplies were in rapid decline; they were not meeting our gas needs from Mereenie, which is why we had to burn distillate. During the transition from Amadeus Basin to Blacktip, they looked at the need to burn more expensive diesel fuel, and the best case for Blacktip gas to arrive. They looked at the construction of the interconnect for Darwin LNG for emergency gas supply, which is done. Blacktip was within the work done by Reeves.

Madam Speaker, to let you know how ridiculous they are, the member for Fong Lim said: 'The power never went out under the CLP'. Well, '\$1m damage bill as fault cuts power'; 'Store owner in bid for blackout compo', 1998 ...

**Dr BURNS:** A point of order, Madam Speaker! I move an extension of time pursuant to Standing Order 77.

**Mr ELFERINK:** Speaking to the point of order, Madam Speaker! This is a censure motion; we do not usually do extensions of time. Is this a new rule?

**Madam SPEAKER:** No, but there have always been extensions. In an MPI there are no extensions, member for Port Darwin.

**Mr ELFERINK:** Madam Speaker, that is not a tradition that ...

**Madam SPEAKER:** Was someone refused an extension earlier on?

**Mr ELFERINK:** No, Madam Speaker, but they have been in the past, if my memory serves me correctly.

**Madam SPEAKER:** Not if I was in the Chair.

**Mr ELFERINK:** Well, Madam Speaker, there you go.

**Madam SPEAKER:** Have you nearly finished, Treasurer? The question is the minister's time be extended by 10 minutes.

Motion negatived.

**Ms LAWRIE:** I have 15 seconds. The power did go out under the CLP, and a report has been tabled in parliament saying they failed in their maintenance of the equipment. We have \$400m into Power and Water, part of the \$1.4bn program. You stripped it out ...

**Madam SPEAKER:** Minister, your time has expired. The question is the censure motion as moved by the member for Port Darwin be agreed to.

The Assembly divided:

Ayes 11

Noes 12

Mr Bohlin	Mrs Aagaard
Ms Carney	Dr Burns
Mr Chandler	Mr Gunner
Mr Conlan	Mr Hampton
Mr Elferink	Mr Henderson
Mr Giles	Mr Knight
Mr Mills	Ms Lawrie
Ms Purick	Mr McCarthy
Mr Styles	Ms McCarthy
Mr Tollner	Ms Scrymgour
Mr Westra van Holthe	Mr Vatskalis
	Ms Walker

Motion negatived.

### **SERIOUS CRIME CONTROL BILL (Serial 48)**

Continued from earlier this day.

**In committee:**

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6:

**Ms LAWRIE:** Madam Chair, I move amendments 15.1 and 15.2. They amend clause 6 of the Serious Crime Control Bill to expand the definition of 'eligible judge' to include former judicial officers and current Supreme Court judges of other states or territories and, following on from the new definition of 'eligible judge', to provide definitions of 'judicial officer' and 'former judicial officer'.

The reason for these amendments is with only six Supreme Court Judges in the NT, there is the possibility none of the judges may consent to be an eligible judge. Without such consent, most of the bill would have no effect. The amendments widen the scope of who may be declared as an eligible judge. This problem was not an issue in New South Wales where there are 48 Supreme Court Judges and four Associate Judges.

Clause 6, as amended, agreed to.

Clauses 7 to 11, by leave, taken together and agreed to.

Clause 12:

**Ms LAWRIE:** Madam Chair, I move amendment 15.3. The amendments are merely consequential to the amendments to clause 6 to ensure consistency of terminology throughout the bill.

Amendment agreed to.

**Ms LAWRIE:** Madam Chair, I move amendment 15.4. The next amendment is to revoke clause 12(5) to remove the power of the Attorney-General to amend or cancel the appointment of an eligible judge. This is to ensure the impartiality of the eligible judge. I picked up on the comments made by Ken Parish and sought advice from the Solicitor-General, and whilst it did not go to the invalidity or otherwise, I thought the comments from Ken Parish were useful, and hence we have the amendment before us.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 24, by leave, taken together and agreed to.

Clauses 25 and 26, by leave, taken together.

**Ms LAWRIE:** Madam Chair, I move amendments 15.5 and 15.6. It is proposed to amend clauses 25 and 26 by changing the word 'must' to 'may' to clarify it is within the discretion of the court to make a control order.

Amendments agreed to.

Clauses 25 and 26, as amended, agreed to.

Clause 27:

**Ms LAWRIE:** Madam Chair, I move amendment 15.7. This amendment has arisen in response to a suggestion made by the Leader of the Opposition during a briefing he received on the bill. He pointed out that in addition to providing that a control order can prohibit control persons being present at specified premises, they should also be able to prohibit such persons being present at specified events. I thank the Leader of the Opposition for his suggestion, and it appears before us in this amendment.

Amendment agreed to.

Clause 27, as amended, agreed to.

**Mr WOOD:** Could I, Madam Chair, discuss clause 42(1)(a) please? My question to the minister is because clause 27(2) was changed in relation to the wording 'being present at a specified event', perhaps section 42(1)(a) should also have the same amendment because it runs very similar to clause 27?

**Ms LAWRIE:** I am being advised whilst you make a good point, it makes no difference to the powers contained here to ensure someone is not attending an event, which is the change we made on the suggestion of the Leader of the Opposition, and the period at which they can be somewhere. If they have been prevented from being at the event, then it does not matter one way or the other is the advice I am getting.

**Mr WOOD:** My only concern would be the person who may be having a public safety order placed against them may not be the same person getting a control order placed against them.

**Ms LAWRIE:** Good point, member for Nelson. The amendment was not done. It does not change the powers that they can prohibit someone, through these powers, being at an event. You are right in relation to making, varying and revoking a public safety order. It could have been picked up in here, it was not. The advice is it does not make any difference.

Clauses 28 to 79, by leave, taken together and agreed to.

Clause 80:

**Ms LAWRIE:** Madam Chair, I move amendment 15.8. This amendment picks up a typographical error in the note to clause 80.

Amendment agreed to.

Clause 80, as amended, agreed to.

Clauses 81 to 84, by leave, taken together and agreed to.

Clause 85:

**Ms LAWRIE:** Madam Chair, I move amendments 15.10 and 15.11. These amendments are also consequential to the amendment to clause 6 to ensure consistency of terminology throughout the bill. The amendment to clause 85(1) also clarifies the review will be conducted by a former judicial officer who is not an eligible judge.

Amendments agreed to.

Clause 85, as amended, agreed to.

Remainder of the bill, by leave, taken as a whole and agreed to.

Bill to be reported with amendments; report adopted.

**Ms LAWRIE (Justice and Attorney-General):** Madam Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

### HOSPITAL BOARDS BILL (Serial 57)

Continued from 19 October 2009.

**In committee:**

**Madam CHAIR:** Honourable members, the committee has before it the Hospital Boards Bill 2009 (Serial 57) together with Schedule of Amendments No 24 circulated by the Minister for Health, Mr Vatskalis.

**Mr VATSKALIS (by leave):** Madam Chair, following the introduction of the Hospital Boards Bill in the August 2009 sittings, further consultation with key stakeholders has resulted in 10 committee stage amendments to provide further clarity and accountability for the boards. I appreciate the attention given to the bill for the purpose of assisting boards to operate effectively for our five Northern Territory public hospitals, and giving our communities a real voice and responsibility on how their hospital works.

The proposed amendment to clause 3 for the definition of 'management group' provides additional flexibility. It allows specific senior management positions in each hospital to be

defined and contribute to the board's operation. For example, in Royal Darwin Hospital, this would allow the important position of the Executive Director of the National Critical Care and Trauma Centre to be included in the definition of the management group.

The proposed amendment to clause 6(1)(h) - and thank you very much to the member for Grotorex for that - under the function of the board, allows the minister to enable the board to undertake specific projects or activities relevant to a particular hospital.

The proposed addition to clause 6(3), 6(4) and 6(5) incorporates the original clause 9 detail and amalgamates all issues relating to the functions and power of the hospital boards into one clause. In clause 6(3) - and thanks very much member for Nelson for that - the wording has been changed slightly from 'must' to 'may have regard to objectives and strategies of the Territory government'. This reflects the autonomy of the board as community representatives.

The proposed new clause 9 provides for a code of conduct to be adopted by the board of the hospital for each financial year. The purpose of this clause is to ensure each board member has a clear understanding of how powers and functions are to be exercised on an individual level. A code of conduct may include detail as to how a board member is to deal with confidential information, disseminate information to the public arena, and requests to give evidence. Core requirements for each hospital board's code of conduct will include management of confidential information, what constitutes inappropriate behaviour, and distribution of information. Each hospital board will have the capacity to include additional requirements in its code of conduct specific to the needs of that hospital board.

The proposed amendment to clause 12 requires the board to report on the hospital's operation, and is consistent with the previous legislation. The intent of the amendments to clauses 13 and 14 demonstrates government's commitment to ensure effort is made to maintain an operational board for each hospital, ensures the transparency process, and keeps the local community informed of the closure of the board.

Additional wording has been added to clause 13(1) - again, I thank the member for Grotorex for this - to ensure opportunity is given to the local board for a 30-day period for the members to be increased to the minimum level and, thereby, avoid the need to enter into a suspension phase.

Clause 13(3) deals with informing the community when a board has been suspended.

This addition is to ensure transparency of process and, where a board is suspended due to insufficient member numbers, the community is advised of the situation. Within three months of suspending members, the new clause 13(4) and 13(5) - thanks to the member for Nelson - provides for the advertisement of the board vacancy within the local community with the intent to recruit new members.

Similarly, new clauses 14(4A), 14(4B) and 14(4C) is the mechanism to facilitate the return of the board to the local hospital should an amalgamation of boards have occurred previously. Where a hospital board has been consistently unable to maintain adequate member numbers, the minister can amalgamate it with another board and declare a new board. This amendment gives capacity to encompass community views for the purpose of re-establishing a local board every six months - thanks to the member for Nelson for this amendment.

This will ensure efforts to constitute boards specific to its individual hospital occurs at least on a twice-a-year basis, and will ensure opportunities to engage with the community to ensure a hospital provided service will not be lost.

The question was also raised as to whether or not the clause should describe the manner in which a board should deal with each of the hospitals represented by an amalgamated board. It is considered any direction or advice for instruction which may be required in the formation of the amalgamated board with regard to the manner in which it deals with its own hospital it represents, will be able to be dealt with, with either clauses 6 and 9. Therefore, further amendment to clause 14 is not required.

The removal of clause 17(3) is proposed so there is no limit of terms of appointment to the board. This provides maximum opportunity for a board to maintain adequate numbers of community members.

The amendment to clause 23 is proposed, as it was noted the board meeting schedule should be in line with reporting requirements which are based on financial years, not calendar years. The words 'calendar year' have been replaced with 'financial year' where applicable.

The removal of clause 35(4) is proposed as this clause raised questions as to why members of the hospital board should be excluded from giving evidence. A review of this clause determined it should be removed as an unnecessary clause, and an environment of accountability and transparency of process was an incongruous conclusion.

I have said many times that health should not be about politics, and I sincerely would like to thank both the member for Greatorex, and the member for Nelson, for showing such an interest in receiving a briefing, and coming up with some feasible issues. I am very happy to incorporate them in the amendments. After all, health is a matter for every Territorian; tomorrow it might be me, might be you, it might be someone else needing to be hospitalised. Getting this bill right, I believe, is a credit to all sides of this parliament.

**Mr CONLAN (by leave):** Madam Chair, I seek leave to sit in the member for Port Darwin's chair for this. Thank you, Madam Chair.

First of all, I seek leave to withdraw Schedule of Amendments No 22 previously circulated.

Leave granted.

**Mr CONLAN:** Thank you, Madam Chair. To follow on from you, minister, I am glad we finally got to this. I understand it has been quite complex for Parliamentary Counsel to get these amendments circulated so we could have this debate, but it is very important. With the amendments we have incorporated, with the help of the member for Nelson, and the help of the department and yourself, minister, I believe we have strengthened the boards.

I was concerned this bill allowed a far too easy mechanism to abolish boards. It might not be the intention of the current Minister for Health; it may be the intention of future Health Ministers or the CEO of the department of Health to dispense with the headache boards can cause by virtue of what they do. I believe head office needs to win the argument, as I said in my second reading speech, and not just roll over at the whim of government policy or strategy.

What we have done is a reflection of strengthening that by way of making the suspension of boards, the amalgamation of boards or, indeed, the abolition of boards, known more widely to the general community, particularly those in the smaller towns such as Gove, Tennant Creek and Katherine. I thank the department and the Opposition Leader's office for help with this.

**Mr VATSKALIS:** Madam Chair, I seek leave to withdraw Schedule of Amendments No 23 previously circulated.

Leave granted.

**Mr WOOD (by leave):** Madam Chair, I would also like to thank the effort all sides of parliament put into a really sensible group of amendments. I thank the member for Greatorex who, some weeks ago, raised some important issues which

led me to ask for a briefing from the government, which then led me to look at some amendments of my own. The good thing about this is it is amazing what people can do without screaming across this hallowed Chamber. What we have done is shown you can sit down and work through issues in a calm and rational way, and come up with a good conclusion to those discussions.

What we have is something which has strengthened the boards. It has put a different emphasis on certain areas regarding the functions of the board. It has ensured there is no risk, if the board is either suspended or abolished, that the government can simply say goodbye. It is reminded, through this act, it must attempt to resurrect the board, whether it is been suspended or abolished. That is very important, especially in view of the statements made in this parliament about the importance of these boards. The original bill states: this bill is for an act to provide for boards in relation to hospitals, for community engagement in relation to hospitals, and for related matters.

The key to that is for community engagement. The amendments put together certainly strengthen community engagement, certainly strengthen the bill; it puts responsibility back on to the minister to keep trying, when some of these boards are in trouble, so that community engagement, even for a short time, if lost, can be retained or can be returned to the community. I believe these boards are essential to some of our smaller communities, and we should ensure those boards continue as best they can.

I thank Colin McDonald, the chair of the Royal Darwin Hospital Board. He put forward some recommendations. Some of those are not specifically taken up in this bill, but they are taken up in other places.

Legislation is not a static piece of writing; it is something dynamic, and if we need to adjust it because it is not working, I certainly encourage people on these boards to let us know so we can make further amendments if necessary.

I thank the member for Greatorex, the minister and his advisor, and the department for all their hard work. The advisors worked late at night, as did Parliamentary Counsel, to bring this forward. It shows when we get together, when we really believe we are doing something good for the Territory, all sides can achieve something. It might not be the biggest thing in history, but it shows you can do things if you try together.

Clauses 1 and 2, by leave, taken together and agreed to.

Clause 3:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.1 as per the schedule.

**Mr CONLAN:** This amendment allows the minister to appoint, by *Gazette*, any other person in addition to the manager and senior doctor, or the senior nurse to the management group of each hospital. It does allow for flexibility. Minister, could you give us an example of who might make up that management group, apart from the senior clinical people at the hospital.

**Mr VATSKALIS:** There are different management positions in each hospital. For example, the positions which exist at Royal Darwin Hospital do not exist in the other hospitals. The Director of Critical Trauma exists only at Royal Darwin Hospital; it does not exist at Tennant Creek or Alice Springs. This gives flexibility to appoint people to the management group irrespective of their position existing in one hospital and not in the other. It can give flexibility to the minister to appoint one, or every one, to the management group.

**Mr CONLAN:** Minister, is it your intention to encourage the trauma care centre manager to form part of that management group?

**Mr VATSKALIS:** It is my intention. Dr Len Notaras is a valuable member of the Royal Darwin Hospital. We have to have Dr Notaras as a conduit in this position because it is very important. He has to work very closely with the Royal Darwin Hospital.

**Mr CONLAN:** With the smaller hospitals, who do you envisage will form part of that management group?

**Mr VATSKALIS:** Once again, I will seek advice from the board. If the board believes I should appoint a particular person to a particular position, I am prepared to do so.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5, by leave, taken together.

**Mr CONLAN:** Minister, I notice there is no provision in act to be remunerated. Given the difficulty we have had in the past, particularly over the last few years, in finding people to be appointed to the current boards and achieve regular board meetings, are the current hospital management board members remunerated for time and travel expenses?

**Mr VATSKALIS:** Yes, they are. As a statutory board it comes under the *Assembly Members and Statutory Officers (Remuneration*

*and Other Entitlements) Act*. I believe the members' remuneration can be increased. I have asked the department to provide me with a brief in view of increasing remuneration or the classification of members of the board.

**Mr CONLAN:** Can you tell us how much each board member currently receives?

**Mr VATSKALIS:** My advice is \$240 a day for the Chair of the board, and \$180 for a member.

**Mr CONLAN:** It is \$240 for a Chair?

**Mr VATSKALIS:** And \$180 for a member.

**Mr CONLAN:** Is that a daily amount or is it per annum?

**Mr VATSKALIS:** Yes, a daily amount.

**Mr CONLAN:** Is the remuneration determined by you or by the act?

**Mr VATSKALIS:** By the Administrator under the provision of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

**Mr CONLAN:** Can you tell us under what category a hospital management board is classified?

**Mr VATSKALIS:** It is a C3 classification; Advisory and Review Bodies.

**Mr CONLAN:** It is the same for all hospital boards, minister?

**Mr VATSKALIS:** Yes.

**Mr CONLAN:** Can you tell us what is covered in this remuneration? Is it travel, car expenses, telephones?

**Mr VATSKALIS:** There is quite a significant amount of information provided in several pages. I am happy to provide you with a copy after we discuss it. It will cover this kind of expense – preparation time, travel time.

**Mr CONLAN:** Can you provide some detail on that - meetings, travel?

**Mr VATSKALIS:** These are included: time spent by the member for conducting the business, any travelling time approved by the chairperson, any preparation time approved by the chairperson. This is included in a list of what is covered in the determination. If you want a copy of the determination, I am happy to provide it.

**Mr CONLAN:** Yes, thank you, minister. You said C3 is the current board members classification?

**Mr VATSKALIS:** Yes.

**Mr CONLAN:** Can you tell us what your reference for that is?

**Mr VATSKALIS:** It is described in the variations of this act.

**Mr CONLAN:** There are quite a few in there. I am just wondering how the boards are referred to C3?

**Mr VATSKALIS:** Alice Springs Hospital Management Board, Animal Welfare Advisory Committee, Bushfires Council, Consumer Affairs Council, Gove District Hospital Management Board, Katherine Hospital Management Board, Territory Advisory Council, Northern Territory Board of Studies, Northern Territory Grants Commission, Tennant Creek Hospital Management Board, the Royal Darwin Hospital, Road Safety Council of the Northern Territory, and Work Health Advisory Council.

**Mr CONLAN:** Do board members receive any remuneration if they are doing board work on their own time?

**Mr VATSKALIS:** Yes, for any preparation time, other than normal preparation time, approved by the chairperson having regard to the unusual circumstances of the case. There are provisions for that in the act.

**Mr CONLAN:** Will these arrangements remain the same for the hospital boards after the passing of this bill?

**Mr VATSKALIS:** The bill does not have any reflection on this; this is a separate act, so it will remain in place. Everyone will be remunerated in accordance with the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

**Mr CONLAN:** So, the classification will stay the same?

**Mr VATSKALIS:** Yes. I have asked the department to provide me with a brief on possibly upgrading the classification. The proposal is to upgrade to C1, and then, of course, it has to be approved by Cabinet. It is my intention to bring it up.

**Mr CONLAN:** It is?

**Mr VATSKALIS:** I have advised the current Chairman of the Royal Darwin Hospital Board of my intention. He was quite happy with that.

**Mr CONLAN:** Is that the only notification you have made? Will it be published further, gazetted, or ...

**Mr VATSKALIS:** It has to be gazetted and go to the Administrator, however I have to receive the brief from the department, and go through the process with Cabinet, and then to the Administrator.

**Mr CONLAN:** Minister, if we have two boards being amalgamated, how will the determination for those hospital board members be decided? For example, if someone is travelling from Tennant Creek to Katherine, will there be a higher classification or further remuneration for them to cover expenses?

**Mr VATSKALIS:** The official travel costs will be reimbursed to the member.

**Mr CONLAN:** Does travel costs include accommodation?

**Mr VATSKALIS:** For any additional costs suitably required to travel from point A to B, especially with amalgamated boards, each member will be reimbursed.

**Mr CONLAN:** Thank you, minister. Is it correct if you are a public servant you cannot be remunerated for sitting on a hospital board?

**Mr VATSKALIS:** My understanding is they can be appointed ex officio. My understanding is public servants are not entitled to remuneration.

**Mr CONLAN:** Not entitled. Minister, what if a public servant is a board member in their own time - are they entitled to any remuneration?

**Mr VATSKALIS:** My understanding is, as I read in the current act, the specified rate is not payable if a member is a public sector employee. It does not specify if it is in their own time.

**Mr CONLAN:** To clarify, minister, someone who is not a public servant would be remunerated, but someone who is a public servant, albeit, performing their duties as a hospital board member on their own time, will not be?

**Mr VATSKALIS:** According to the act they cannot be. Member for Grotorex, I would like to clarify this because my understanding is the situation with public servants has been reviewed. I will refer that to the responsible minister and come back to you.

**Mr CONLAN:** About the public servants?

**Mr VATSKALIS:** Yes, because it is not under the *Hospital Management Boards Act*.

**Mr CONLAN:** Thank you, minister, I think it is important to ensure public servants are not out of pocket.

**Mr VATSKALIS:** I will come back to you on that.

**Mr CONLAN:** Minister, you said board members are classified under C3. I have the Northern Territory of Australia Remuneration Tribunal, recommendation 2 of 2004. It says they fall into category A. I am wondering where is category A? Where has Alice Springs Hospital, Royal Darwin Hospital management board been reclassified.

**Mr VATSKALIS:** Do you say that is a recommendation?

**Mr CONLAN:** The report and recommendation 2004 statutory bodies.

**Mr VATSKALIS:** The Remuneration Tribunal Report recommendation No 1 of 2009, and that clearly specifies Class C3; advisory review bodies.

**Mr CONLAN:** If it is C3, minister, where does it say that applies to the Royal Darwin Hospital and Alice Springs Hospital, and the other boards?

**Mr VATSKALIS:** That is the schedule in Part C, Table C3 of the Northern Territory of Australia Remuneration of Statutory Bodies Act.

**Mr CONLAN:** Recommends Class C for our board members.

**Mr VATSKALIS:** It is not clearly stated in C3.

**Mr CONLAN:** Minister, this is important. The issue is surrounding board members, and finding board members, and filling those positions. Much of that would be as a result of remuneration. There is not much financial incentive to be part of it, particularly the time needed, especially at our larger hospitals. I know the chairman at the Royal Darwin Hospital, and our board members, put much time in. I am trying to be very clear about the remuneration. Could you clarify for me why the 2004 recommendation was Class A, and now they are being paid at Class C3?

**Mr VATSKALIS:** We have debated the Hospital Boards bill. This is a different act, under a different minister, and I have to go according to the act. I can clarify it and come back to you, but I have to go with what is listed in this act. That has not been administered by me, it was administered

by another minister. I will come back to you and provide more information. I do not have the information in front of me.

**Mr CONLAN:** Minister, it says in the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2009*, clause 10:

*Responsible Minister's power*

(1) *The responsible minister for a statutory body must, in accordance with the classification determination, decide:*

(a) *the class of statutory bodies to which the body belongs; ...*

**Mr VATSKALIS:** More information has come to hand. I have the review which was done by the Northern Territory Remuneration Tribunal dated June 2009. I have been advised when this review was done, the hospital boards did not put in a submission. That is why I am asking the department to come back with a new classification for the boards, which I will put to Cabinet for upgrading.

**Mr CONLAN:** Minister, because they did not put in a submission does not absolve you of any responsibility. You still are ...

**Mr VATSKALIS:** Hold on ...

**Mr CONLAN:** ... required to fill these boards.

**Mr VATSKALIS:** We do. The problem we have here is ...

**Mr CONLAN:** The problem is remuneration obviously.

**Mr VATSKALIS:** It is not the minister who puts submissions to the Remuneration Tribunal; it is the relevant people, the interested parties. The boards did not put in a submission. I understand what you say that we have to attract good people. That is the reason I have asked the department for a submission to elevate the board from C3 to a different category so we can better remunerate members. It was not the minister's fault. The minister does not make submissions to the remuneration review; it is boards such as the Optometrists Board who put in a submission. Unfortunately, the hospital boards did not.

**Mr CONLAN:** Minister, it is still an active board, you are still the minister, and you are still having trouble filling boards. You can make a recommendation, but you have not.

**Mr VATSKALIS:** Madam Chair, we are debating the Hospital Boards Bill. I understand

what the member for Greatorex says, and I have said repeatedly this is my intention; I have asked the department to come back to me with a proposal for a new classification. I intend to use that review process to re-evaluate where the board sits.

We are getting bogged down on the remuneration of the board and yes, it is important, but under a totally different act. We are not going through the very important Hospital Boards Bill.

**Mr CONLAN:** The two acts relate to each other. Will you give an undertaking now the classification will be upgraded under the new act?

**Mr VATSKALIS:** I have said before and I will say it again, I have asked the department to provide me with a brief so I can start the due process to upgrade the boards. What more do you want? I have asked the department and the process is in place; it is happening and we can start the process of upgrading boards.

**Mr CONLAN:** Do you support upgrading the classification?

**Mr VATSKALIS:** If I did not support it I would not have asked the department to provide me with a brief to upgrade the board, would I?

**Mr CONLAN:** No, they are two different things, minister. Do you support an upgrade of the classification? Asking the department to undertake a review is one thing; you do not have to take that on board, they are offering you advice. Do you support an upgrade of classification for remuneration for the boards?

**Mr VATSKALIS:** I would not have the department waste their time if I was not taking their view into consideration. I specifically asked the department for a brief so I can upgrade the board. I cannot give any stronger comment.

**Mr CONLAN:** You can. You can actually say yes or no. Do you ...

**Mr VATSKALIS:** It has to go through due process, and I ...

**Mr CONLAN:** Do you support it?

**Mr VATSKALIS:** Absolutely! That is why I asked the department to do it. I would not waste the department's time if I did not support it.

**Mr CONLAN:** All right. Do you support the upgrade of a classification for our hospital board members?

**Mr VATSKALIS:** I have already answered that. I said absolutely! I would not waste the department's time if I did not support it.

**Madam CHAIR:** Any further questions, Member for Greatorex, on clauses 4 and 5?

**Mr CONLAN:** No, thank you, Madam Chair.

Amendment agreed to.

Clauses 4 and 5, as amended, agreed to.

Clause 6:

**Mr VATSKALIS:** Madam Speaker, I move amendment 24.2.

**Mr CONLAN:** Madam Chair, this was circulated by the opposition and I welcome the minister's acceptance. It is common sense to enable the minister to broaden the terms of reference and provide flexibility and operate effectively. We thank the minister for taking up the amendment.

Amendment agreed to.

**Mr VATSKALIS:** Madam Chair, I move amendment 24.3.

**Mr CONLAN:** Madam Chair, I would have preferred this, particularly clauses 9(1) and 9(2), which have now become clause 6(2), to have been omitted, particularly 'must have regard to objectives and strategies of the Territory government'. I stated in the second reading speech, the explanatory memorandum talked about policy of the Northern Territory government. That was a limitation of functions of the board.

However, I accept the member for Nelson's recommendation this be moved to a function of the board. It is a positive move. I am prepared to accept that although I would have preferred not to see it there, especially considering in Clause 6(1)(i) we have: 'under this Act, or by the Minister'. The minister is already allowed to direct the board, and the minister can direct the board to Territory government strategies and policies. I felt this was doubling up, but I am happy to support it as a function rather than a limitation. There is a positive spin on it.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.4. I invite defeat of clause 9.

Amendment agreed to.

Clause negated.

New clause 9:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.5, as stated in the schedule of amendments.

**Mr CONLAN:** Minister, can I ask you the purpose of this new section?

**Mr VATSKALIS:** Clause 9 was removed and replaced with a new clause to provide for a code of conduct to be adopted by the board of the hospital for its financial year. The purpose of this clause is to ensure each board member has a clear understanding of how powers and functions are to be exercised on an individual level.

That code of conduct has to be developed by the board itself. It is not directed by the minister or the department. A role of the board is to develop their own code of conduct, so it leaves a framework for their own members as to what the dos and do nots are.

**Mr CONLAN:** Minister, could you please explain to me why the boards need a code of conduct when there are provisions set out in the bill under section 32(1) or (2) which allow the minister to terminate an appointment of a board member for various reasons such as bankruptcy, or unsound mind, absent from three consecutive meetings without leave, commenced a professional relationship with the hospital, prevented under section 17(2), is incompetent or guilty of an offence. There are already provisions there.

**Mr VATSKALIS:** They provide clear guidance and protection to the board members. If there is a code of conduct developed by the board, everyone knows where they stand. If they breach the code of conduct the minister can justifiably remove them, or reprimand them, but if they do not, and the minister tries to step in, they have a very clear defence why they should not be removed or suspended.

**Mr CONLAN:** Minister, will the code of conduct be published anywhere?

**Mr VATSKALIS:** That is a decision for the board. The board will develop their own code of conduct, but what is the purpose of a code of conduct if no one else knows about it? It has to be published and, if the board is reluctant to publish, I will make sure the board publish it so

everyone in the community is aware of the code of conduct.

**Mr CONLAN:** In that case, would you recommend the code of conduct be placed in the annual report?

**Mr VATSKALIS:** That is what I was intending to do. You need to make people aware of the code of conduct, and the best place to do that is in your annual report. However, the annual report is printed at the end of the year; the code of conduct has to be in place and made public when the board first meets. You cannot wait a year to publish it. When it is developed, it should be become a public document.

**Mr CONLAN:** Once this bill becomes an act, when will the code of conduct become part of it? Will we have a situation where the board will be operating without a code of conduct?

**Mr VATSKALIS:** I think the code of conduct should be one of the first things to be considered by the board, so people will have, from the very beginning, a framework of how to act, what to do, what not to do. It is my intention to meet with the new boards, and I will tell them to develop, as a matter of urgency, a code of conduct. There will be a gap whilst the code is being developed. Then, if necessary, people can revisit it, amend it, add, delete; but my instruction to every board in every hospital will be that the code of conduct is a matter of priority.

**Mr CONLAN:** I want to be clear, when the boards are operating under this act without a code of conduct, clause 9, and someone has breached what might be in forthcoming code of conduct, what happens to that person?

**Mr VATSKALIS:** You cannot breach something if there is nothing to measure it against. We already have boards at Alice Springs and Royal Darwin Hospitals. These boards know this is going to be enacted as a law of the Territory. They can commence work on a code of conduct, and my suspicion is, the smaller hospitals will adopt a code similar to the bigger hospitals. I cannot see why the code of conduct for Alice Springs will be different to Tennant Creek or Katherine. My preference is to have a code of conduct which applies to all five hospitals in the Territory.

New clause 9 agreed to.

Clauses 10 and 11, by leave, taken together and agreed.

Clause 12:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.6 as per the amendment schedule.

**Mr CONLAN:** Thank you, Madam Chair. It is important to include the operations of the hospital. It was omitted in the original draft of the bill. It really is one of the only places the public can see figures for the hospital. I thank the department for the briefing, and thank the minister for taking up this recommendation put forward by the opposition.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.7 as per the amendment schedule.

**Mr CONLAN:** This was a recommendation by the opposition. I thank the department and the minister for taking this up. It is important to have a cooling-off period. As I said in my second reading speech, if a board ceases to exist on a Monday, under the old act the minister could suspend it on Tuesday. People might cease to be on the board but there are other community-minded people who would jump at the chance to be part of a board and play a vital role in the community.

I thank the minister, and the department, for taking up this recommendation. It does not mean you have to wait 30 days; if you can fill the position in a shorter time then great.

Amendment agreed to.

Clause 13, as agreed to, amended.

**Mr VATSKALIS:** Madam Chair, I move amendment 24.8 as per the amendment schedule.

**Mr CONLAN:** Clause 13(2): this was part of the opposition's recommendations to ensure the boards do not disappear off the radar, and try to provide some mechanism to encourage community participation. If it is the policy of the Northern Territory government to abolish some of these smaller boards because they have been troublesome, the community needs to know these boards may be suspended, amalgamated, or abolished, and run from a distance. It is important the community be notified. It does say: 'in a newspaper circulated in the Territory'. If I was the Health minister, I would ensure it is advertised in the local newspaper, whether it is the *Centralian Advocate*, the *Tennant Creek Times* or the *Katherine Times*. In some of those towns the *NT News* does not get there the same day.

I would like some assurance from the minister that that is your intention, to ensure the community is informed through their local newspaper. I would prefer it to be more specific. I understand Parliamentary Counsel, and the precedents before us. If the minister can give some assurance the intention is to inform the community the best way possible. In towns such as Alice Springs the paper comes out twice a week; the first thing you do is read the paper.

**Mr VATSKALIS:** In my other capacity as minister for Resources, I have ensured all mining licensing applications are not published only in the *NT News*, that they are published in the area the exploration or the mining will take place. If it is in Central Australia, it will be in the *Centralian Advocate*. If it is in Tennant Creek, it will be the *Tennant Creek Times*.

I would like to have a board constituted of members of the local community. There is not much point in wanting a Tennant Creek Hospital board and advertising in the *Katherine Times*. It is my intention to advertise in the local newspaper, and in the *NT News*, which is the Territory newspaper.

**Mr CONLAN:** Thank you, minister. Essentially the last thing we want is a constituent saying they had no idea the board was suspended.

It does protect the Health minister into the future from the community saying: 'I did not know there was a suspended board, no one informed me'. It is covering all bases and making sure the Health minister is doing everything possible to inform the community, for the minister's sake, and the community's sake.

**Mr WOOD:** Madam Chair, I thank the government for including section 4, which the Independents put forward as a reasonable proposal to ensure the government encouraged membership to these boards. Although we would expect the government to do the advertising, by putting it in the act it reminds the government they need to encourage people to join the board, rather than deal with the issue of not enough people on the board. That is a good amendment to the bill.

In relation to newspaper circulation throughout the Territory, that took quite a bit of discussing. It is sometimes a battle between people in this House and Parliamentary Counsel. What we have makes more sense than the fairly broad and general original clause, because people would expect the government to advertise in the newspaper, and that is a fair thing to put into the legislation. I am also pleased it is shown in clauses 24(8)(iii) and 24(8)(v).

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.9 as per the schedule.

**Mr CONLAN:** I am pleased that the department and the minister have accepted this. I e-mailed the minister suggesting this be done every 12 months so it does not fall off the radar, particularly if it is the intention, strategy, or policy for that to happen; the act is strengthened to direct the minister to inform the community the boards need to be filled in the appropriate manner.

I suggested every 12 months; the member for Nelson was concerned it might be too long, and asked for it every six months. We are happy to see it has been strengthened even more, which is terrific. We accept those amendments and thank the department and the minister for taking those up.

**Mr WOOD:** I also thank the department for taking those amendments up. I chuckle when something you think is going to be simple, such as saying every six months, is turned into:

*...the minister exercises his or her power under subsection (1)(b) in relation to the amalgamated board, within 7 days of each anniversary date ...*

I feel as if I am talking about birthday parties. Lucky there is a definition here, minister:

*... anniversary date, in relation to amalgamated board ...*

Does this phrase only relate to the amalgamated board?

*... means a date that is 6, or a multiple of 6, calendar months after the date an invitation under subsection (5) first appears in a newspaper about the amalgamated board.*

Sometimes, I wish I was growing vegetables; it was much simpler! It is a very interesting phrase; I cannot see why we could not put that in simple language. One of the problems we have with legislation is getting lost in the legalese. No wonder people get mixed up when they read these things. I will leave this in the hands of the Parliamentary Counsel; they might be much wiser than me. It seems a complicated way to say something.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16, by leave, taken together and agreed to.

Clause 17:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.10, for clause 17(3) to be omitted.

**Mr CONLAN:** Madam Chair, this is another important amendment and I thank the minister and the department for taking up the opposition's recommendations. A term of nine years may be a long time, but there are people who are in the Territory for a long time. As a result of that, they want to engage in the community, and many find themselves wanting to be part of hospital boards. Let us hope we see more of those people.

If we were to limit it to only nine years, we might miss out on those community-minded people who might like to extend their tenure on the board. Why rule out someone who is community-minded, doing a great job on the hospital board, because they have been there for nine years? Minister, at your discretion in the act you can terminate an appointment, it goes far enough. If someone wants to be part of the board, and they want to stay on the board for 20 years, we should let them.

**Mr Vatskalis:** Let them be.

**Mr CONLAN:** Again, thanks for taking up the amendment. We are happy with it.

**Mr WOOD:** I agree with that; that clause was very limiting. In smaller communities, you might be struggling to get people anyway. It is better to hold on to them than lose them because of a clause in the act. Omitting it is an improvement, and I support the omission.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 22, by leave, taken together and agreed to.

Clause 23:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.11 as per the amendment schedule.

**Mr CONLAN:** Madam Chair, this was an amendment put forward by the opposition, picked up by some of our eagle-eyed staff. I am not sure whether this was deliberate, or an error in drafting, but the consequences of this, if allowed to go through, could have been serious. To direct

boards to six meetings in a calendar year but report in a financial year could lead to six meetings in the first half of the calendar year, and no meetings in that subsequent calendar year.

I need a graph to explain this, but I think you understand, minister. It has not allowed that mechanism for the department to say to the minister there have been no meetings this year the boards are not operating, when they have had meetings. As a result of this wording, that has now changed. I thank the department for taking up the recommendation to the amendment.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 34, by leave, taken together and agreed to.

Clause 35:

**Mr VATSKALIS:** Madam Chair, I move amendment 24.12 as per the amendment schedule.

**Mr CONLAN:** Madam Chair, I thank the department for taking up the opposition's recommendations. It is great to play such an active, and I would suggest, vital role in this very important piece of legislation, I, and of course, the member for Nelson.

This one was very curious, and I am not sure if there is any other legislation in the Territory which has a provision that exempts board members from criminal or civil liability and being called as a witness. Considering board members' core role under this new act will be to monitor and implement health care standards, if there was a breach of the health care standards and, as a result there was a death, surely the board member should be able to be questioned on that. That has been totally removed and I ...

**Ms Carney:** Why was it there in the first place?

**Mr CONLAN:** Well, that is very interesting. I did speak to the department. They thought it could have been an oversight in drafting. Perhaps the minister could shed some light on why it was there, but we are happy that it has been removed.

**Ms Carney:** For the record, get him to state it.

**Mr CONLAN:** My colleague has suggested, for the record, you might be able to state why it was there, minister?

**Mr VATSKALIS:** I am not familiar with why it was there. My guess is as good as yours.

**Ms CARNEY:** Minister, you introduced the bill. Like your colleague, the minister for Justice, you introduced a bill, the Justice Legislation (Penalties) Amendment Bill, and she, by implication, assured everyone she was across it, she had read it. Her final words, at the end of the second reading speech were: 'I commend the bill to the House'. I have not seen your second reading speech, but I suspect you commended the bill to the House. Did you know, and were you supportive of this provision at the time, or did you not know and subsequently find out?

**Mr VATSKALIS:** Madam Chair, the member for Araluen is quite right, I introduced the bill. This bill is a culmination of work; a number of people contributed to the bill and most of this is translated, by the Parliamentary Counsel, into legislation. Reading from the explanatory statement, Protection from Liability:

*Section 35 establishes protection of board members and persons acting on behalf of the board ... from civil or criminal liability resulting from their actions or omissions under this Act; prohibits these members and persons from being required to provide evidence in civil, criminal, disciplinary or administrative proceeding; clarifies that this protection applies only when actions or omissions are done in good faith.*

As I said to you before, I am not a lawyer. I rely on the advice I receive from the people who contributed to this bill.

My understanding and my advice is perhaps it was suggested at the time. Thank you to the opposition, in this sea of transparency subclause (4) is surplus, it should not be there, and I am happy to accept that advice.

**Ms CARNEY:** Minister, we are not talking about a drafting error or a slip. We are talking about a reasonably significant provision which excludes relevant people from giving evidence in any civil, criminal or disciplinary proceeding about any matter coming to the person's knowledge while exercising a power or performing a function under the act, as a member of the board or committee. It would appear we are not talking about a minor drafting issue; you were aware of this, and you sanctioned it. Why was that the case, when you introduced the bill?

**Mr VATSKALIS:** Madam Chair, this bill was introduced and was sitting in the House for 30 days; during those 30 days there was a review of the bill. We found out, during this period, acts such as the Criminal Code, overrides this bill and this clause, so there is no reason for this clause to be there. If other acts can override this clause, what is the point of having it, and I agree with that.

**Ms CARNEY:** Minister, did it not strike you as odd to see a provision like this in the bill?

**Mr VATSKALIS:** Madam Chair, I do not have the same qualifications as the member for Araluen; I am not a lawyer. I received this bill as drafted by the Parliamentary Counsel. When it is drafted by people with legal skills, I accept it as true and accurate. When it was reviewed it came to our attention this clause should not be there and it would be overridden by other acts. I accept that.

**Ms CARNEY:** Two things arise from your answer. You do not need to be a lawyer to be struck by a clause like this. The second point is nevertheless, you introduced the bill. The impression we increasingly have from government is ministers read pre-prepared speeches, and then commend the bill to the House. Could I respectfully suggest to you that you and your colleagues start to read the bills before you introduce them!

**Mr VATSKALIS:** Thank you for the patronising statement, member for Araluen. Before we present, we read the bill; I read that bill, and I read the old bill. That is why I was prepared to debate parts of this bill and go back to the old bill.

I did not have the privilege to attend legal school and pick up some of these strictly legal issues. This clause appears quite normal. If it is something Parliamentary Counsel has included without any comment about legalities, it appears to be normal because I trust Parliamentary Counsel. However, when it was pointed out this particular clause was in conflict with other acts of this parliament, thanks to the opposition, we agreed to remove it.

**Ms CARNEY:** Minister, I was not going to pursue this but in light of your answer, I am compelled. It is difficult for me not to smile because it is something of a joke. You have suggested it is patronising for the opposition to suggest to a minister of the Crown he read bills before they come into the Chamber. You cannot possibly be serious! You are the one taking the extra dollars being a minister of the Crown. Do you not accept it is your obligation to read the bills you introduce? Yes or no?

**Mr VATSKALIS:** Madam Chair, today we went through a number of amendments picked by us, a number of amendments picked by the opposition, and a number of amendments suggested by the member for Nelson. Quite rightly, the member for Nelson was confused with the translation of six months. It became a convoluted legalistic translation, to put it bluntly, and I would agree with him.

So, my patronising was the fact you expect me to understand legal issues. I say to you, as a member of the public, I accept what comes from Parliamentary Counsel. I am not going to continue the debate because I understand the reason behind this, I accepted it, and agreed to remove it. Now you might say I am the Minister for Health; as Minister for Health I do not have to know how to do an operation.

**Ms CARNEY:** You have to know the bills you introduce.

Amendment agreed to.

Clause 35, as amended, agreed to.

Remainder of the bill, by leave, taken as a whole and agreed to.

Bill reported with amendments; report adopted.

**Mr VATSKALIS (Health):** Madam Speaker, I move that the bill now be read a third time.

**Mr CONLAN (Greatorex):** Madam Speaker, I am pleased to see, with the help, guidance, and common sense of the opposition, we have strengthened this Hospital Boards Bill. Of course ...

**Mr Wood:** And the wisdom of the Independents.

**Mr CONLAN:** ... the Independent who has played a role in this. I know he is concerned about community involvement and community-minded people being part of our hospitals.

I need to take up from my colleague, the member for Araluen. Members opposite, during the second reading speech, supported this bill. The members for Barkly and Nhulunbuy said they supported the bill, it is a terrific bill, and it is going to go a long way towards strengthening our hospitals. I tried to make them aware this could have dire effects on their local hospitals and, indeed, other members whose hospitals are critical to people in their electorates, such as members for Stuart, Daly and Arnhem, who would utilise some of those smaller hospitals which, potentially, will be amalgamated or suspended.

Under the previous act, it would be very easy for the department, and the minister on advice from the department - which seems to be the way the Northern Territory government currently operates; the tail wagging the dog. If the department advises the minister this is all too hard, it would have been very easy for the minister to dispel with these hospital boards, with no real way of revisiting hospital boards. In fact, it could have fallen right off the radar - no strengthening in

advertising in the local newspapers to inform the local community the hospital board is suspended and the department and the minister are seeking expressions of interest to fill those positions.

We know hospital boards can be a thorn in the side of the department, by virtue of a community-minded hospital board, a local champion, they are there to provide advice to the department on best service health delivery for their community. One size does not fit all.

I agree with the member for Araluen; this bill was presented to the House at the August sittings. The second reading was on Monday, we had two members of the government support the bill as is. My question is: which bill were the members for Barkly and Nhulunbuy supporting? Clearly, they did not read the bill or, if they did, they supported a bill which has now been amended.

We put seven, eight, perhaps nine amendments in this bill which have strengthened it. I still remain nervous about the potential to abolish our hospital boards, particularly the smaller hospital boards. I said in my second reading speech, before we look at fundamental restructuring of the Health department, we need to strengthen out hospital boards through local community involvement. I am very pleased to see the work done by opposition members who had the wit to read the bill, and spend time reading the bill.

I am also grateful to the minister and his department for the briefings I have received, and pleased they have taken up our amendments. I am very pleased the member for Nelson has also been supportive of our amendments. The precarious position the government is in at the moment has helped. Not our cause, and not the member for Nelson's cause, but as a result of the minority government, the member for Nelson does wield more power, and I am pleased he has supported our amendments on this. I would hate to think if this was a majority government, where we might be with this bill. Perhaps nothing would have gone through. We have seen it before. We have seen very sensible amendments proposed to strengthen previous acts, only to be voted down, which can only be a sign of arrogance, or you are the opposition and we are the government, so we know better, or just stupidity.

I am glad to see a bill will be passed in the Northern Territory Legislative Assembly which the opposition has contributed to so significantly, with the help of the Independent, because I fear, and feel if it was left up to the government, this bill would have been passed in its original form. That would have been an absolute blight on our hospital boards. We would be heading towards seeing the end of the smaller hospital boards

particularly, and perhaps a bigger super board run from Royal Darwin Hospital.

The issue of remuneration is of great concern, and I am glad to hear the minister supports a reclassification for remuneration for our board members. We have had trouble over the last few years. I tabled the reports from the last 25 years, and it would appear there has not been a real stumbling block in filling board positions and, in fact, tabling annual reports. We know this situation has unfolded in the last few years, but I do think remuneration has to play a major part. Serious remuneration, almost to a full-time capacity, is something we are not at yet. Perhaps we can revisit this bill, and this act, and our hospital boards again, whether that is five or 10 years' time. At the moment, what we are paying our hospital board members who donate so much free time does not really even cover the phone bill, or their fuel bill.

I am pleased to see the minister is supportive of raising the classification for our hospital board members right across the Territory's five hospitals; that is positive.

I thank my colleagues and the department for the cooperation that has gone into this. I do have to stress, if it was not for the opposition's amendments, I fear we would have a bill passed through this House that is inadequate and inappropriate. Many parts of this bill were not good, but I think we have managed to strengthen those.

I say to those members who got on their feet on Monday and supported this bill, perhaps they need to read these bills first and have a look. You have had 30 days to read the bill; it was introduced in August. This relates directly to you and your constituency, indeed, your local community. I think it was remiss of you not to do so, and arrogant to simply support the bill.

I would also like to say the second sitting day in Alice Springs, minister, is when the 2008-09 hospital board report should be tabled. So I hope you will make sure it is.

Motion agreed to; bill read a third time.

#### **PERSONAL EXPLANATION Member for Katherine**

**Madam SPEAKER:** Honourable members, I have given my leave to the member for Katherine to make a personal explanation. As is customary, I ask members to listen to the explanation in silence.

**Mr WESTRA van HOLTHE (Katherine):** Madam Speaker, I wish to make a personal

explanation. During Question Time today the Chief Minister said I was: 'a climate change denier'. This is false and misleading in the extreme. I stand by the Country Liberals' Environment Policy, which very clearly acknowledges the presence of climate change, and importantly seeks to address the challenges of climate change in the Territory. The Chief Minister, and those opposite, would have you believe those who do not support Labor's current ETS bill are climate change sceptics. Thank you, Madam Speaker.

### MINISTERIAL STATEMENT Mining in the Northern Territory

**Mr VATSKALIS (Primary Industry, Fisheries and Resources):** Madam Speaker, today I provide an overview of the current state of our resource industry, and to report on our strategies to assist the industry through the current difficult global circumstances.

As members would be well aware, our mining industry continues to be the biggest contributor to the Territory's economy. It accounts for around a quarter of gross state product, and while we are not immune to the impacts of the global financial crisis, our exploration and mining sector is fairing better than all other jurisdictions. The past five years have seen increasing expenditure in exploration and mining in the Territory. Overall, the Territory has increased its share of Australian exploration, and has maintained its levels better than any other Australian jurisdiction during the downturn.

The most recently published ABS exploration expenditure figures show in the 2008-09 financial year, \$146.1m was spent on exploration. This is up 10% over 2007-08 previous record figure of \$132.7m. Significantly, the Northern Territory was the only jurisdiction to increase expenditure in 2008-09 relative to the previous year. The other jurisdictions showed decline in overall expenditure, with the next best performing state being Western Australia down 1%, followed by New South Wales down 8%, Queensland down by 12%, Victoria down by 34%, Tasmania down by 37%, and South Australia down by 37%.

The exploration and mining sector continues to experience a very challenging time. Companies are confronting economic challenges through lower commodity prices, difficulties in raising funds, and currency fluctuations. These difficulties are particularly impacting on mining operations for base metals and nickel. Small and medium sized exploration companies are most at risk. A number of exploration companies in the Territory have also been forced to either wind back or curtail their current exploration programs. The impact of a reduction in exploration will be felt

in both the short and medium term. Small and medium sized companies are unlikely to make discoveries that would see new mines develop in the future, particularly given the lag of many years between initially making a discovery, and then commissioning a new mine.

The Territory government remains committed to supporting exploration and mining development through our four year, \$14.4m exploration investment reduction strategy, *Bringing Forward Discovery*.

The key elements of *Bringing Forward Discovery* are:

- acquisition of high quality pre-competitive geoscientific data, increasingly being made available to industry free of charge via the Internet;
- ongoing promotion of the Territory as a preferred destination for exploration investment. We are assisting companies to secure direct investment in their exploration projects, particularly with China and Japan; and
- government-industry collaborations to stimulate new explorations geophysics and drilling in under-explored or greenfield regions.

Under the *Bringing Forward Discovery* initiative, we have invested \$2.4m in a geophysics and drilling collaboration program. In the competitive and global market for mineral exploration investment, one critical factor for companies in deciding where to invest is the quality and accessibility of geoscientific data and information. Analysis of this information can directly and significantly mitigate risks for explorers. It is for this reason we will continue to invest to ensure our geoscience data remains an incentive to invest here, ahead of other jurisdictions. The success of this approach is evidenced by the fact the Territory's share of Australian mineral exploration has risen from 5.3% to 6.6%, with the Territory being the only jurisdiction to maintain record levels of expenditure through the global financial crisis.

Regional gravity surveys, which allow an improved interpretation of undercover geology, remain a flagship component of new geoscience acquisition. This information allows explorers to better target exploration. The Central Arunta Gravity Survey is the largest gravity survey ever undertaken in the Territory. It covers 150 000 km<sup>2</sup> from the Queensland border to the Tanami track, and from Alice Springs north to Barrow Creek. This survey included over 12 000 new gravity readings, and it provides new information for

explorers in this previously under-explored region. This activity has made this region a significant 'greenfields' exploration province which now hosts active exploration for such commodities as nickel, vanadium, uranium and copper-gold.

Another major new gravity survey covers the Barkly Region, east and north-east of Tennant Creek, adding further to the Territory's world-class geoscientific data. This initiative has been well received by industry. I am also pleased to say the strategy of government in sending teams of geologists to undertake innovative geoscientific studies in under-explored areas is now producing excellent results. The vast Arunta Region in Central Australia is highly prospective and remains an under-explored region. Recent work in the area east of Alice Springs by government geologists has directly led to the discovery of new nickel and copper deposits. This area will soon be drilled by industry, and is now widely recognised as a major emerging mineral province. The Arunta Region is now seeing a significant exploration boom, with most of the area covered in exploration licences and applications.

The information provided by the Northern Territory government continues to be recognised by industry as producing high quality geoscience with a strong industry focus. We provide a level of service to industry which surpasses most, if not all, other Australian jurisdictions. In response to the global financial crisis, it is becoming increasingly important for companies to negotiate joint ventures to secure funds for exploration and development.

It is in this arena where our China and Japan Investment Strategies are paying considerable dividends. As I previously outlined to the House, a major joint venture agreement between Arafura Resources and the East China Exploration Development Bureau was finalised in April this year. The funds raised through this joint venture will allow Arafura Resources to continue its exploration program. It will also allow the Nolans Rare Earths project to continue to proceed with feasibility studies, and progress towards development in 2010.

Government had a key role in assisting Arafura Resources, and indeed, several other companies to attract Chinese investors, through our China Minerals Investment Attraction Strategy. The Territory remains the only jurisdiction in Australia with a dedicated China strategy, and has made significant progress in bringing Northern Territory and Chinese companies together. This builds on the excellent success of the Territory's other investment strategies under *Bringing Forward Discovery*. However, given our success, other jurisdictions are 'looking over the fence' at the

strategies and initiatives we have put in place to attract exploration to the Territory.

By way of background, the China Minerals Investment Attraction Strategy arose from growing inquiries and interest from Chinese companies in the Australian resource industry. In November 2006, an exploratory trip was undertaken to attend the China Mining Congress - one of the most popular international mining conventions. While it became quickly apparent there was a growing interest in Australia, it also highlighted the lack of knowledge of the Territory, its resources and mineral potential. The China Mineral Investment Attraction Strategy was implemented by the Henderson government in 2007. The strategy seeks to deliver sustained growth in exploration and mining in the Territory, supported by increased Chinese investment activity.

The China Mineral Investment Attraction Strategy is focused on five key principles:

1. to raise the profile of the Territory's mineral and investment opportunities in the China market. We promote the Territory as a competitive destination for exploration and mining investment;
2. to identify and target major Chinese companies and corporate groups with potential for investing in the Territory resources sector;
3. to identify and develop strategic partnerships for China promotional and business development activities;
4. to identify Territory companies interested in working with Chinese investors or interested in seeking Chinese investment in their companies or projects; and
5. to increase the department's capacity to service the China market.

Our China Investment Strategy is delivering real results. The most recent report cards in *Bringing Forward Discovery* shows there have been four major Chinese investment deals completed in Territory exploration and mining projects, including the recent \$32m Arafura and ECE deal. There have been a further four memorandum of understandings or heads of agreement signed to support preliminary investment proposals. There have also been several off-take agreements for the supply of mineral resources from Territory mining operations. These investment deals and off-take agreements cover a range of mineral commodities including iron ore, copper, lead, zinc, nickel, cobalt, molybdenum, tungsten, uranium and gold.

Several other exploration and mining investment deals are in advanced stages of negotiation. We are expecting a number of significant announcements over the coming months.

The Henderson government's China Mineral Investment Attraction Strategy has resulted in 67 visits to the Northern Territory by 37 companies. A number of Chinese companies have also undertaken multiple visits, which is a clear indication of the seriousness of Chinese investment. The success of our China strategy rests on identification and establishment of strategic partners in China. In November 2007, the Territory government signed strategic partnership agreements with the China Mining Association (CMA) and the China Chamber of Commerce of Metals Minerals and Chemicals (CCMC). These are two of the peak industry bodies in China, and represent over 4000 major Chinese resource supply and manufacturing companies. Through our ongoing strategic partnership with CMA and CCMC, we have now held four Northern Territory investment seminars in Beijing, and will be holding another in Beijing later this month.

In March this year, as part of our partnership agreement, CCMC led the largest-ever minerals focus delegation from China to the Territory to attend my department's AGES conference in Alice Springs. The delegation comprised a party of 28 members representing seven organisations. As an outcome of the visit, an agreement has been signed with a Territory exploration company, and contacts with two Territory service providers have been concluded. There were also 20 meetings held between Chinese companies and local explorers about potential investments and joint ventures.

Earlier this year, I led a delegation to China to target Shanghai, the site for next year's World Expo. Shanghai is the location of many privately-owned and independent-wealthy Chinese companies, and this delegation initiated the next phase of our Chinese investment strategy; to build contacts with these potentially agile investors. We have now established contact and commenced building long-term relationships with two of the most financially powerful and influential Chambers of Commerce in China - the Shanghai Jiangxi Chamber of Commerce, and the Shanghai Wenzhou Chamber of Commerce.

When it comes to our investment attraction strategy, the Northern Territory is already widely ready recognised throughout China - in only its second year. As I mentioned earlier, it is not only the Chinese who are well briefed on our investment attraction strategy. Other Australian jurisdictions are keen to follow our lead. Imitation, it is said, is the sincerest form of flattery. The

success of our Chinese investment strategy is further highlighted by a formal agreement we have in place with the Chinese Development Bank (CDB). CDB is one with only four policy banks in China which finance all Chinese investment in Australia and overseas.

A delegation from my department and industry is in China as we speak, setting up more meetings and investment seminars. I will be leaving tomorrow afternoon to join them, and anticipate, upon our return, we will have more good news regarding joint ventures between Territory explorers and Chinese investors.

In response to the considerable success of the China investment strategy, we will then set about developing a similar approach to explore opportunities for Japanese investment. The Japanese investment strategy seeks to develop and foster a business relationship with a key partner, the Japan Oil Gas and Metals National Corporation, or JOGMEC. JOGMEC is a government organisation charged with ensuring an ongoing and stable supply of oil, gas, and non-ferrous metals to Japan. JOGMEC comes under the umbrella of the Minister of Economy, Trade and Industry. Not only does this provide access to support in promoting our investment attraction activities in Japan but, importantly, gives us access to advice on how to best target our problems.

JOGMEC supported two Northern Territory investment seminars in Tokyo in May 2008 and 2009, and the first Northern Territory uranium investment seminar in Australia, held before the Australian uranium conference in Fremantle in July this year. The Northern Territory investment seminars held in Tokyo have been a great success. The seminars have seen over 80 Japanese executives in attendance, and have created a great deal of interest from potential Japanese investors. JOGMEC has also played a large role in promoting the mineral potential of the Northern Territory to Japanese companies. One of the key objectives of JOGMEC is to undertake joint ventures with overseas companies to conduct exploration and secure mineral resources for Japan. JOGMEC then transfers the rights and obligation to Japanese companies in the future.

I am pleased to report, during 2008, three joint venture were established that provide Japanese funding for greenfield exploration in the Territory. Two of these involved JOGMEC. The first was in June 2008, where JOGMEC invested \$4.5m over three years, to earn a 40% interest in Mincor's Georgina Basin base metals project. The partners in this joint venture have attributed their interest in exploration in the Georgina base to the detailed geological information and resource assessment

which is available and provided by the Northern Territory Geological Survey in my department.

The second joint venture was announced in December 2008, where JOGMEC invested \$3m over four years to earn a 51% interest in Bondi Mining's Murphy uranium project. This is an exciting exploration project targeting buried uranium mineralisation on the black soil plains of the northern Barkly region. Bondi's innovative exploration program, in joint venture with JOGMEC, is also being supported by the Northern Territory government, with a \$100 000 grant being awarded to Bondi for drilling under the Territory government's Geophysics and Drilling Collaborations Program. However, the most significant Japanese exploration joint venture in the Territory to date is a \$17m joint venture between Western Desert Resources and Itochu Corporation, to explore and develop the Roper Bar Iron Ore Project.

Madam Speaker, I am pleased to say this very significant joint venture is a direct result of my department's delegation to Tokyo in May last year, when Western Desert Resources accompanied the delegation and introduced its project to Itochu Corporation. This promising project has the potential, if successful, to open up the gulf country as Australia's next iron ore province.

The evidence shows our Chinese and Japanese investment attraction strategies are delivering real results. In these challenging times, it is vitally important to increase our efforts in this area, rather than to slow them down. It is in times of financial crisis that overseas investment is more important to local companies. Sustaining and growing this strategy, and bringing millions of dollars in further investment into our resources industry will bring positive results, not only to the Territory economy, but to all Territorians. It is also important to ensure we have a diversity of international investment in the Territory, and we remain open to other markets.

Another very important market for exploration and mining investment in the Territory's resources industry is North America, particularly Canada. Toronto continues to be one of the major mining finance capitals of the world. For this reason, it is critical the Territory attracts a percentage of the exploration capital raised on the Toronto Stock Exchange.

Canadian investment has been targeted through the Territory's annual promotional activities at the Prospectors and Developers Association of Canada Convention in Toronto, more commonly known as PDAC. PDAC is the world's largest mining and exploration convention and attracted around 18 000 delegates this year. The Territory's commitment to this event, and the

related relationship-building with senior Canadian decision-makers in the exploration industry, has raised the Territory's profile in the Canadian market.

I am pleased to say a number of joint ventures and purchases involving Canadian companies have recently been announced, including a \$28m investment by Ivanhoe Australia in exploration programs being undertaken by Emmerson Resources near Tennant Creek. This funding will underpin the exciting resurgence of mineral exploration around Tennant Creek, which promises to sustain and grow the region's economy into the future. Another Canadian company, Crocodile Gold, has recently purchased the assets of GBS Gold in the Pine Creek area for \$51m, a deal which may see gold mining recommenced in the Pine Creek area this year.

The Territory government is also assisting exploration in greenfield areas through the Geophysics and Drilling Collaborations Program, under *Bringing Forward Discovery*. Under this program, up to \$100 000 is available to assist companies to conduct exploration drilling or geophysics projects in greenfield areas. This program is designed to provide encouragement to industry to invest money in exploration programs. If successful, this exploration will provide considerable benefits to the Territory, by identifying mineralisation in areas which have not seen mining activity in the past. This is not a general subsidy for exploration; funding is only granted to high quality and innovative programs meet the Territory's needs.

In round one of the collaborations, 11 companies were successful and received funding assistance. Drilling has already achieved positive results, with Proto Resources intersecting mineralisation in the Lindemans Bore area near Kalkarindji. Results of a number of programs, including deep drill holes targeting untested geophysical anomalies, will be released over the coming months.

The program is critical in providing the stimulus to companies to test new exploration concepts in under-explored areas, and open up new areas for mineral exploration and development. Applications for round two of the collaborations closed in April, with a 42% increase in applications over the previous round. Forty applications were received from 28 companies. This reflects the high degree of enthusiasm in industry for this program, and a continuing commitment from industry to greenfield exploration in the Territory. I am pleased to say 14 innovative exploration projects have been awarded funding, targeting a diverse range of commodities across remote parts of the Territory.

Madam Speaker, the strategies I have outlined today are aimed at giving the Territory a competitive edge in attracting the relatively scarce funds available globally for exploration. Recent statistics from the Australian Bureau of Statistics suggest these strategies are proving effective. The most recent ABS exploration expenditure figures suggest the Territory's exploration industry performed more strongly than other jurisdictions during the early stages of the financial crisis.

The expenditure for the December 2008 quarter was a new quarterly record for the Territory of \$45.5m. This was a 19% increase over the same quarter the previous year, the highest increase of any state or territory. Year on year comparisons for mineral exploration shows the June 2009 value of \$39.2m, slightly higher than the \$38.2m in June 2008. The ABS figures also show the Territory continued to strongly increase its exploration expenditure in the second half of 2009.

A number of sectors in the Territory's exploration industry remain strong. An example is gold and copper exploration in the Tennant Creek area. The recent Emmerson-Ivanhoe joint venture is only one of a number of exciting exploration projects with innovative models for targeting undiscovered mineral systems. This search is now expanding, under extensive cover, to the east and west of Tennant Creek. The Territory government is supporting this by providing new graphic data to assist explorers in looking undercover, and also by assisting explorers in drilling deep, untested targets by providing funds through the Geophysics and Drilling Collaborations Program.

Other exploration sectors which are remaining healthy include uranium exploration across the Territory, and phosphate exploration development in the Barkly. Furthermore, although a number of mines have been placed into care and maintenance, there are a number of projects approaching mine development, along with significant expansion of some existing mines.

A number of scoping feasibility studies are under way across the Territory for projects planned to go into development within the next three years. An example of this is the Minemakers Limited Wonarah phosphate project in the Barkly region, which is planned to commence production next year. Recent resource definition by Minemakers has identified Australia's largest resource of rock phosphate, which is a critical ingredient for agricultural fertilisers. This proposed mine has the potential to continue for many decades.

In Central Australia, Arafura Resources' Nolans rare earths phosphate uranium deposit,

near Aileron, is also undergoing feasibility studies, underpinned by Chinese investment facilitated, in part, by my department. Should the deposit go into production, it will also be a long lived operation with a projected mine life of around 30 years, based on the current resource. This project, along with the Biglyi and Napperby uranium projects, has the potential to increase the role of mining in the economic and regional development of Central Australia.

An exploration licence was issued to Cameco-Paladin for the Angela and Pamela uranium deposit in Central Australia in 2008. The company has recently reported it has engaged an Alice Springs drilling firm, creating jobs for local people including traditional owners.

In the Top End, Energy Resources of Australia has identified significant new uranium resources at depth at Ranger, and is seeking approval to establish an exploration decline to investigate the possibility of expansion into an underground operation.

The open cut development of the giant McArthur River deposit, near Borroloola, is now under way, following the resolution of legal and procedural issues relating to development, providing a source of income and employment to the Gulf region for decades to come.

The current very high levels of international investment in the Territory's exploration and mining industry, particularly from China, Japan and Canada, is underpinning the sustained exploration of the Territory's resources during the current resources downturn. Much of this can be attributed to the government's investment and attraction strategies.

I am not going to suggest the exploration and mining industry in the Territory is somehow immune to the effects of the resource downturn. Given the difficult global conditions, it appears inevitable in 2009 we will see a decline in exploration expenditure relative to 2008, and a slowdown or delay of some mining development projects. However, current indicators suggest the Territory has entered the downturn in a strong position, with a booming exploration industry which was continuing to grow while other states were in decline.

By maintaining a healthy level of mineral exploration during the downturn, the Territory will be ideally placed to take maximum advantage of the next global upturn in the resource industry when it inevitably comes. This can only occur by making the Territory a preferred destination for the relatively limited funds currently available for exploration investment. This remains a priority for

the Territory government though the *Bringing Forward Discovery* strategy.

Madam Speaker, I move the Assembly take note of the statement.

**Mr WESTRA van HOLTHE (Katherine):** Madam Speaker, I feel special, I have to say, over the last two days, I have had the opportunity to ...

**Mr Vatskalis:** I am looking after you.

**Mr WESTRA van HOLTHE:** You are looking after me, thank you, member for Casuarina. I enjoy the opportunity to rise in parliament and reply to statements which come from the government. I have to admit every time I pick up a ministerial statement I learn more, and in every response I make I learn a little more. So it is good. Please keep them rolling on, member for Casuarina. I thoroughly enjoy them.

Madam Speaker, I thank the minister for bringing on this statement today and talking about the state of mining in the Northern Territory. This is a very important and significant matter for Territorians. Mining, as we all know, is a very large contributor to the economy of the Northern Territory. The state of mining in the Territory today is good, and it is looking positive toward the future. There is a great deal of positive sentiment amongst explorers and extractors in the mining, petroleum and gas sectors of the industry. That was particularly evident during the 2009 Australian Geological Exploration Seminar in Alice Springs earlier this year. I attended that event, and was very impressed by the genuinely positive sentiment ...

**Ms PURICK:** A point of order, Madam Speaker! I draw your attention to the state of the House.

**Madam SPEAKER:** Ring the bells. A quorum is called. A quorum is present.

**Mr WESTRA van HOLTHE:** Thank you. I attended that event and was impressed by the genuinely positive sentiment which came from the industry. The industry felt the period of suppressed commodity prices was an opportunity to do a number of things. One was to consolidate their position through some strategic rationalisation to their operations, and second, to change their strategic focus in some areas from extractive operations to exploratory operations.

Their focus changes in line with factors affecting mining on a local and global scale. Mining companies are used to the ups and downs of the economy, the volatility of commodity prices and currency fluctuations, and they have long-term strategies in place to deal with variables

within the sector. Mining companies must answer, ultimately, to their shareholders. They must tune and adjust their operations to maximise gains when things are good, and minimise losses when things are bad. Similarly, governments need to answer to their constituents and voters, and government should also be involved in a long-term strategic planning process, which I will come back to in a few moments.

Another event held this year was the APIA conference in Darwin. This conference conveyed much positive sentiment about the petroleum sector in Australia. I was pleased to be present at the conference, and get a feel for how petroleum explorers and producers see the Northern Territory in the global context. I acknowledge the support of the Northern Territory government for events such as these. These are important forums for bringing together the players which make up an industry in the Northern Territory which, as the minister points out, contributes one quarter of the gross state product of the Northern Territory.

I pay my respects to the hard-working members of the Resources department in the Department of Regional Development, Primary Industry, Fisheries and Resources. I have met several staff over the past 12 months, often at functions like AGES and APIA. I am impressed with the genuine enthusiasm they have for their jobs, and how they are contributing to growing the wealth of the Northern Territory through their work with the mining industry.

Another positive aspect of the government's overall strategy in the mining sector is the *Bringing Forward Discovery* project. It seems it is heading in the right direction. This should be one part of an overall long-term mining strategy for the Territory, and it seems the government has the right focus by making investments in geoscience and geophysics programs, as well as working on current and future overseas markets for investment in the Northern Territory.

**Mr Vatskalis:** Thank you, member for Katherine.

**Mr WESTRA van HOLTHE:** I accept your thanks. It is good to give the government a few accolades from time to time. Keep up that part of the good work, minister.

Those programs are showing positive results and I am sure the high quality information coming from them is assisting mining and exploration companies to determine where to focus their resources on the ground. The government's efforts in brokering and facilitating joint ventures and investment from both China and Japan are encouraging for the sector. I hope these countries

are not the only ones the government has plans for.

India, one of the largest economies in the world, does not rate a mention in the statement. Perhaps this is a country our government should be looking towards as a future trading partner for commodities, particularly, of course, those in abundance in the Northern Territory.

I genuinely believe the government's programs to assist the mining sector are well-founded and of enormous benefit to companies contemplating operations in the Northern Territory. That is one thing mining companies will consider in making decisions about future operations. Of course, there are other matters to which they must have regard.

Infrastructure would be very important for a company considering setting up operations in the Northern Territory. Until the issues surrounding the lack of poor infrastructure in the Northern Territory are resolved, this will remain an impediment to the development of our mining sector to its fullest potential. Infrastructure encompasses so many things: roads, rail, ports, even land - when it is released, of course.

A strategic plan is so vital. Developments of infrastructure cannot be ad hoc and this, or any subsequent administration, will need to plan. The Granites Gold Mine in the Western Desert region has been operating for approximately 25 years. I know the former CLP government had carriage of infrastructure matters prior to 2001, however the road to the Granites was built by the present government, so my question is: after eight years, why is the Granites Gold Mine still at the end of a dirt track? I do not know how much in royalties has been paid to this government, but I think mining companies expect some return.

The minister mentioned the joint venture between Western Desert Resources and the Itochu Corporation in the Roper Bar iron ore project. What, if anything, is the government doing to ensure the Roper Highway can cope with the increase in traffic? The highway is still single-lane bitumen until 40 km short of Roper Bar, where it turns into a dirt road. From there, it is dirt all the way to Ngukurr. It crosses both the Roper River and Wilton River, both of which are impassable for many months each year.

I am glad the department has brokered this arrangement with Itochu Corporation; however the infrastructure is not there to support the deal. Prior to the discovery of this significant iron ore deposit, was the Roper Highway in this government's strategic plan to service Ngukurr and beyond? Ngukurr is a community of 1500 people, and like Wadeye, there is no Wet Season

access to the community. The Indigenous people this government purports to assist are left incapable of travelling from their communities into town unless they have a boat and two cars. The same can be said for Numbulwar, which is further down the dirt road past Ngukurr, and subject to the whims of our Wet Season climate more so than Ngukurr.

I understand the Roper Bar project will move its ore via a newly-constructed port in the Gulf of Carpentaria. It will be akin to the port and loading facility at Bing Bong, which services the McArthur River Mine. My question is: who is going to build the port loading facility; the venture partners, the government, or both? Are there other mineral prospects in that region and, in a long-term strategic plan, is there provision for a rail line from the Roper area to Mataranka? If not, why not? Think of the benefits this would bring to the region. It would open up the Roper district to other development: cattle, mining, and not forgetting Ngukurr and Numbulwar are two of the government's growth towns under *A Working Future*. Think of the growth potential for a small town like Mataranka as the rail junction. The rail would provide jobs for Territorians for the long term, including our Indigenous Territorians. It would be a step in the right direction.

Let us look at the importance of rail in the development of the Territory. Now the north-south railway is operational, many mining operations have become viable in the Northern Territory. Bootu Creek uses rail, and may not be a viable operation without it. The Nolans Rare Earth project would not be viable without the railway line, and I am sure that was taken into consideration in their future planning. One only has to look at Olympic Dam in South Australia. They would not be bringing ore to the port if it was not for the railway line, something commenced under a CLP government. The Wonarah Phosphate project might be a better proposition with a railway line across the Barkly.

**A member:** Hear, hear!

**Mr WESTRA van HOLTHE:** It will not happen in the short term, however, I believe Minemakers would love to hear any forward plans this government, or the federal government, may have for infrastructure across the Barkly.

The Darwin port, Madam Speaker; goodness me, it is falling into the ocean as we speak! Is the \$50m from the federal government, through Infrastructure Australia, plus the \$100m promised by this government for port expansion, going to the expansion itself, and how much will be used on repairs which are required? What plans are there for our port? Does it remain where it is?

Are there alternative sites to cope with our expanding port needs into the future?

What of the unexpected mineral royalties received during the 2008-09 financial year? I believe the estimate for that year was \$80m, which was to go into consolidated revenue, yet the NT government pocketed \$224m. This is an indication of this government's attitude towards the regional parts of the NT, when you look at the appalling and minimalist approach it takes towards reinvesting in the infrastructure of the region.

I am looking forward to reading about the Transport minister's intermodal transport model, and how that will address the growing use of road trains in the Northern Territory; how he intends to deal with the increased pressure on our roads, particularly in the outer Darwin regions, where traffic condenses into long caravans rolling 60-tonne steel camels to the port. How many road trains travel through Coolalinga, and how many will there be in 20 year's time if this government fails to plan for alternative transport means?

I want to talk about land release. It might not seem too relevant to a discussion on mining in the Territory, but I want to illustrate the potential impacts of the lack of land release. Vista Gold has purchased the Mt Todd site north of Katherine. I have had briefings with Vista executives and the likelihood of reopening the mine looks very good. The indicated and preferred results look promising. The price of gold has well and truly eclipsed the \$1000 an ounce mark, and is probably on its way to \$1100 an ounce. That is in excess of the calculations made by Vista; I think they have looked at viable operations at around \$850 an ounce for gold.

If the mine becomes operational, it will employ 200 to 300 Territorians on a permanent basis. I am advised they will not be there on a fly in, fly out basis. Employees will be sourced locally, where possible, and will most definitely live locally. They will need to live in Pine Creek or Katherine. Along with other towns in the Territory, Katherine has a shortage of housing caused largely by the failure of this government to release land. A 39 block subdivision proposal is being worked on, but this will only serve to relieve current shortages in town. This leads me to wonder where the 200 to 300 people working with Vista at Mt Todd will be living. There is an old saying: build it and they will come. This, of course, refers to infrastructure. I am concerned potential employees of companies like Vista Gold will not have anywhere to live.

When I travel to Perth early next month I will be visiting Boddington. Boddington is an hour-and-a-half outside Perth, and is near the site of what is reputed to be the largest gold mine in

Australia. I am going to see what that small town had to do to cope with the influx of hundreds of mine workers. Katherine could well find itself in the same position, and someone needs to be forearmed to deal with this. I do not want to get too bogged down with that issue. It does illustrate how a lack of planning on the part of government might have serious impacts on mining activities in the Territory.

At present, the Northern Territory is basically a quarry. With a few exceptions, companies dig ore out of the ground and move it offshore for downstream processing. There are exceptions like the Rio Tinto Alcan mine at Gove, where it processes its bauxite down to alumina, and there are smaller concentrating processes also. The drive seems to have gone from the push for downstream processing of our mineral wealth here in the Northern Territory.

I understand there used to be a copper smelter in the Territory back in the 1970s, and I wonder the virtue of having some further downstream processing back in the Northern Territory, and this is something I will certainly consider. I was surprised to learn there had been some decade-old ideas discussed about an aluminium smelter near Katherine to take the alumina from Gove and value-add it inside the Territory. I have to admit I was surprised to hear that, and it shows there are many big ideas out there.

What is the government doing about growing our own people for mining in the Territory? I understand there is an NT government geological scholarship program, but what other incentives are being offered by the government to get our own people, Territorians, into traineeships and apprenticeships specifically within the mining sector. We need mechanics, engineers, and electricians. We need a whole raft of trades and skill sets for our mining sector, and it would be great to see more homegrown Territory professionals in the mining industry.

Is the government doing some high school poaching for people to take up relevant studies in the mining field once they leave school? Do we have representatives from the mines department going to schools, making presentations, and scoping out future potential mine professionals in the same way we should be looking to our senior high school students to form the basis of home-grown doctors and nurses; capturing these people and retaining them in the Territory before they are poached off to another state.

I am aware there are training companies that work within the mining sector; Skills DMC is one. They undertake a lead training role within the mining, drilling, quarrying and civil construction sector. I acknowledge the significant contribution

they make to the ongoing professional training in those sectors.

There was a rumour about a purpose built mining training facility and mock mining camp to be built in the vicinity of the Katherine campus of Charles Darwin University, 15 km north of Katherine. Perhaps the minister can advise the House on the status of that project. Is it a goer, is it no longer under consideration, and for what reason?

I take this opportunity to congratulate ERA, the Ranger project, for some really significant inroads into Indigenous employment. I have talked about poaching local people from schools; it is good to see ERA have been doing that. They have been poaching, in the nicest sense of the word, Indigenous people from the region to work at the ERA mine. I was fortunate to attend the celebration of the 100<sup>th</sup> Indigenous employee event several weeks ago. I was thoroughly impressed with what they are doing, and I urge ERA to keep up the good work. I urge all other mining companies coming to the Northern Territory to look hard and close at the enormous pool of workforce contained within our Indigenous population.

Mining companies need to look at progressive ideas for employing Indigenous people; job sharing and flexible hours. Anything outside a standard 12 hour day on a 24 hour rotation basis might be more difficult, more costly, an impost on mining companies, however mining companies nowadays have a far stronger social focus than before. I encourage them to look at ways of supporting and facilitating Indigenous people to enter their workforce.

The overall tenor of the minister's statement is positive and reflects the state of mining in the Northern Territory and the government should take credit for that. There are some issues the government needs to look at if we are to fulfil the enormous potential the mining sector has within the Northern Territory.

With my colleagues, I support the mining sector in the Northern Territory. One only has to look at the appalling situation Xstrata found itself in over the re-approval of the McArthur River diversion. I was fortunate enough to visit the site, with the member for Fong Lim, and we had the opportunity to speak to mining executives and people in Borroloola, including Indigenous people. Traditional owners were able to give us an understanding of how they felt about the situation as it was unfolding at the time. This shows the quality of work people sitting on this side of the House are prepared to invest in the mining sector of the Northern Territory.

Unlike the current government, we are prepared to support mining when the going gets tough and when times are good. We will not just appear at celebrations and events. When things are tough for miners, when they have issues, we will be there to support them any way we can. We will govern from the ground not the 5<sup>th</sup> floor of this building.

Things in the NT look rosy. I thank the miners and explorers who come to exploit our resources and build the wealth of the Northern Territory. Things could be much better however, and I am looking forward to the challenges and the highs involved in bringing the mining sector in the Northern Territory to its full potential.

I thank the minister for bringing this statement to the House, and I thank him for the opportunity to make a response.

**Mr McCARTHY (Transport):** Madam Speaker, I will start by congratulating the minister for bringing this statement to the House, and the number of times Tennant Creek and the Barkly featured in it. I share with the member for Katherine the really positive comment, the nature of working together, and all those questions - the what, the when, the where, the how - is what all goes to build good policy and deliver the deliverables. Why is the most important question; that is, for the benefit of Territorians, and particularly our future Territorians. That was and is a very positive space for the Northern Territory.

As the member for Barkly, the state of the mining and exploration industry in the Northern Territory and, in particular the Barkly region, is very exciting. Having lived through some of the boom days in the Barkly, I witnessed firsthand the prosperity mining can bring into our towns and communities, and the positive flow-on effects which come with it.

While experiencing the current global economic and resources downturn, I have, too often, seen the firsthand challenges shrinking demand for our precious resources can have. Today, we heard the Minister for Primary Industry, Fisheries and Resources say the mining industry is the biggest contributor to the Territory's economy, and accounts for around a quarter of gross state product, the second highest of any jurisdiction in Australia.

It would be easy to suggest the current global financial crisis should result in the Territory's mining industry, and the Territory economy in general, collapsing or, at the very least, showing must more severe signs of distress than we are seeing. There is no doubt the Henderson government's, and the federal Labor government's stimulus investment has assisted to shield the

Territory from the economic downturn we have seen globally.

The Henderson government has in place a range of strategies to support and stimulate our exploration and mining industries. We are now seeing the industry preparation for the global upturn the minister said, and I believe, will inevitably come. In the Barkly, the opportunities heading our way are exciting, and the industries and mining ventures looking to set up in the area will need Territorians' involvement to profit and feed the economic and social growth for the Northern Territory. I saw the exploration rigs parked in Tennant Creek as part of the financial crisis, and as the crisis deepened. Those same rigs are now nowhere to be seen in town because they are out again in the Barkly searching for more of the Territory's precious resources.

The major gravity survey occurring to the east and north-east of Tennant Creek is gathering more valuable information. I am very pleased to say exploration work on the legendary Rover field west of Tennant Creek is continuing. The \$17m joint venture between Western Desert Resources and the Japanese Itochu Corporation to explore and develop the Roper Bar iron ore project, has the potential to open up the Gulf Country as Australia's next iron ore province, as mentioned by the minister. That is truly great news for the Roper-Gulf area.

Emmerson Resources, working on a \$28m investment by Ivanhoe Australia, into exploration programs around Tennant Creek is also very welcome news to the Barkly, and is already providing the foundation for economic growth in the region. There are more exciting gold and copper explorations around Tennant Creek which are expanding to the east and west of the town, and targeting yet-to-be-discovered deposits. The Henderson government is assisting explorers in a number of ways, including provision of gravity data, and funding to look undercover and drill two yet-to-be-tested deep targets.

Phosphate exploration and development in the Territory is another exciting opportunity. The Minemakers Limited Wonarah phosphate project in the Barkly is planning to commence production next year. This project, identified as Australia's richest resource of rock phosphate, has potential to operate for decades and provide Territorians with employment opportunities into our future generations.

More good news for Territory jobs in the Barkly is the progress of the now open cut development of the McArthur River Mine. This mine has, for years - and will continue for many more years - provided income and employment to the Gulf region.

The township of Borroloola will continue to benefit from the ongoing activity in the region, as will the wider Northern Territory, with workers travelling to the mine from all over the Territory, including many from Darwin. The Territory's future is looking strong, and the Barkly is a great place to be living, with booming exploration activities which will place the Territory well when the global demand for our resources picks up.

As the Minister for Transport, the Northern Territory's unprecedented \$1.3bn 2009-10 budget for infrastructure, related capital works, minor new works, and repairs and maintenance is welcome news to the mining sector. Our mining industries welcome \$322m going towards Territory roads and national highways, up \$51m on the 2008-09 budget. Other welcome road expenditure commitments include a total of \$77m for repairs and maintenance, and \$19m joint capital works funding for community, beef, and mining roads. The expansion of the East Arm Port has \$150m being invested in the port expansion to assist with the provision of vital facilities in this important area. The port expansion will double the capacity, with new ship loading facilities which can accommodate larger ships more suited to the transportation of bulk resources and commodities, and will reduce costs and boost competitiveness of Australia's export gateways, and therefore, attract more investment to the Northern Territory.

We recognise, both nationally and locally, there are critical challenges for improving the supply chain, and we are working hard within the Territory, and with our interstate and federal colleagues, to improve infrastructure, reform regulations, and undertake effective long-term strategic planning. Our mining opportunities are opportunities for education, training and employment of Territorians, the creation and development of our future workers, employers and leaders. I have taught generations of children over the years in the Barkly, and I can tell you what it will mean to the schoolchildren of today and tomorrow to have clear opportunities awaiting them.

The Henderson government knows the mining industry has more boom days ahead. That is why we will be delivering a major strategy, a smart Territory in education. This plan will revolutionise Indigenous education plans to see students and young people of our regional areas move into jobs. This is about working with employers and industries, identifying skill shortages, and then working to ensure we provide the educational tools to our students to get them ready for these jobs. It will also bring parents into the loop, by showing them where we are heading and how they can help, and the light at the end of the tunnel. In the Barkly, the opportunities to come are exciting, and industries and mining ventures

looking to set up in the area will need even more of our children up and running, and then to continue to profit and feed the economic and social growth of the Northern Territory.

I am looking forward to seeing the Henderson government do everything that should be done to create local jobs for local people and to help local employers get the skilled workers they need. Mining is not just one job. Mining ventures provide jobs in administration and management, in land care, in associated services, in construction and, of course, in the mining operation itself. I also see the mining culture and its associated shift work patterns will suit Indigenous people.

I see the mining opportunities which are growing in the Northern Territory directly translate to the geographic locations of our growth towns. This new, big, bold policy will then feed off the economic opportunities and, as the member for Katherine challenged, we are starting to grow our own. These opportunities are good and, as I mentioned in the House recently with one of my ex-students, I am promoting to children in regional areas a shiftwork culture in work is a good thing and allows for flexibility. I also see it as supporting a cultural maintenance and balance, where it is two weeks hard work, and then the associated time off, and that can be to travel to homelands, to regional centres, or my dream of travelling around the world and developing a true world vision.

Members in this House know the social wellbeing and economic benefit to Indigenous communities and Indigenous people is a key focus of the Henderson government. As the local member Barkly, I am very excited about the future growth of our mining industries, and the benefits growth will bring to people right across the Barkly, and the Northern Territory.

**Ms PURICK (Goyder):** Madam Speaker, tonight I talk to this mining statement. I thank the minister for bringing a mining statement to the House because, like the statement last night on primary industries, both these industries are fundamental to the importance of the Northern Territory and its future.

I did expect more from the statement. It does not have very much new information. Given the minister's experience - this is the second time he has held the portfolio - it would be talking about the industry and its future direction. It does discuss the strong working relationship the Northern Territory has with China. This is commendable, and I know the minister, and industry, have put much work into this relationship, and encouraged companies to invest in the Northern Territory. I commend the work of the departmental officials who have gone to China

and the various provinces, to meet with the Chinese companies and government officials to get the investment into the Territory. We need to continue to work on this relationship to attract Chinese investment.

As my colleague, the member for Katherine, said, we have to keep our eyes open to opportunities in countries nearby, namely India, because there is enormous potential for Indian investment into Australia. We have to keep things in perspective regarding investment levels, because in South Australia recently two companies have locked in deals regarding exploration work with China worth \$0.5bn each. Whilst what we have been able to achieve is good, the states, and South Australia in particular, are getting a larger share of the Chinese investment.

South Australia and Western Australia are probably our main rivals regarding attracting investment into the states. Yes, the global financial crisis has impacted on the Territory as expected, perhaps to a lesser extent than elsewhere in Australia, or the world, but the mining industry was not going to be exempt from that. That was probably most notable in the exploration side of things, and particularly the junior, or the smaller exploration companies.

In the statement the minister discusses economic challenges through lower commodity prices; that is not exactly correct. Many of the commodity prices are strong at the moment, and some are improving. Some are not as positive as they could be, but they are getting better, and most industry experts expect them to continue to gain in strength.

I was surprised the minister did not make any reference to the Fraser Institute, so I thought I would give some information. Perhaps he did not mention it because whilst it did not really put the Territory down in any real way, the overall view from this Canadian economic think tank was of a vast majority of the companies surveyed across the world, including across Australia, 57% said exploration activity would decline a great deal in the short term, 85% of them said production will decrease across the world because of the financial situation.

The Fraser Institute is a very reputable organisation, and the documentation it produces is highly regarded by industry, government, and analysts of the industry. It has said there will be less exploration in the industry; there is a curtailing in production which will lead to a shortage of materials which, in the short, medium and long-term, will lead to an increase in commodity the prices. Long term, it will be viewed

as good for the commodities; the supply and demand situation again.

Mineral potential, we are pretty much on par with the states, but Western Australia and South Australia are ahead of us on most fronts. We come up well in mineral potential, so what we have on the ground is recognised as being good, although industry does not know exactly what is in the ground. Our regulatory regime came up as relatively positive, and the *Mining Act* and the *Mine Management Act* specifically. The environmental regulation did not rate as good as our other state counterparts, and the taxation regime did not rate as good. They do not go into specific details as to what taxation regime they are talking about, whether it is state taxes or federal, or perhaps a combination of both.

Where we do fall down, and have consistently fallen down in our rating is in area they call native title and Aboriginal land claims. We have a high strong deterrent, and we have a mild deterrent. In other words, companies view the Northern Territory as not a place to go to invest and work because of these issues. That has not gone away, and is one of the things government has to work on with the relevant stakeholders, land councils, Aboriginal associations or the people themselves to ensure it a more attractive place when it comes to investment.

When it came to parks, protected areas, we did better but still a long way from desirable. Infrastructure, access to roads, power availability, power infrastructure - a strong mild deterrent and a mild serious deterrent. We need to work to provide the right infrastructure to makes us more attractive than any other place in Australia, if not the world.

Political stability - you would expect that to be good, but then so is the rest of Australia. New South Wales did not rank as good with political stability; I am not sure what is going on down there.

A geological database and the provision of it, of all countries surveyed we came in about No 10 as being a good place to invest. Interestingly, New South Wales was fourth, and South Australia was third. At this point in time our biggest competitor is South Australia.

The exploration initiative, the minister referenced quite a bit. It is good this initiative is still here, but it was the Country Liberal government that brought this exploration initiative into being. I recall, at the Minerals Council, we had to work very hard to get the first Labor government to understand what it was about, and to keep the program running. All mineral competitive countries have these of programs.

Most of the states have them, and they are fundamental to making the Territory an attractive place. To provide geoscience data is pretty competitive because companies no longer do their own mapping. They rely on the work of government to provide information, then they bid for the land.

It is a very good program we have in the Territory. I commend the work of the geo-survey people; I know they work very hard at what they do. They face exactly the same issues on the ground as a company does, the climatic problems, they have to interpret the data, and they have to produce the data to industry. They are very much under the pump to produce quality products because industry will look at it and analyse it very carefully.

Each year this is presented at the Annual Geological Exploration Seminar, an excellent event which has been going for approximately 10 years. It is held in Alice Springs. It is a very credible event and attracts upwards of 200 people from industry. From memory, it was set up by Dennis Gee, who was the head of Geological Survey, Richard Brescianini went on to coordinate it, and Dr Ian Scrimgeour, who now coordinates it and all of his team. From memory, the minister always opens this event, which is good.

In his speech he talks about our share of Australian's mineral exploration increasing from 5.3% to 6.6% which is good, however, it should be much higher. We should have upwards of 18% of the country's exploration spend given the size of our landscape and the mineral potential. Yes, 6.6% is good, but it should be much higher and we should work hard to get it higher.

Something I was sad to see go was the Indigenous Mining Enterprise Taskforce, which was set up the Country Liberal government and worked very successfully for many years. From memory, the member for Stuart was involved with it and might have been chairman at one stage; the member for Nhulunbuy may have been involved also.

That operated well and had Aboriginal people, industry and many associations involved. Sadly, it did not have the support of this government. I urge the minister to get it going again because it brought industry, Aboriginal people and traditional owners together. It was not only in the Northern Territory; it went across to the top of WA and into Queensland.

The minister discussed the geological potential in the Territory, and specifically mentioned the Arunta region. Yes, it is highly prospective and under-explored and there is much data the geological survey people have produced.

However, I am not sure it is a major emerging mineral province. I am not playing it down, but more work needs to be done by industry, and we need more known occurrences which industry is working with to take them to production before we can claim it to be a major province. We need more work done on the ground to sure up deposits so we can claim it as a province, like we do at Jabiru.

The minister spoke about the China connection and the various investments government and quasi-government private companies have made. Arafura Resources is to be commended for the business deal they have done. Previously, Compass Resources had secured a business deal. If Arafura Resources, who have Nolans Bore, want to proceed to development, they will need to build their processing plant somewhere close to services and infrastructure. There has been talk of the facility being in the Darwin Harbour area, or adjacent to some of the existing industrial sites. That will be the test for government, as well as the company, given they will be processing not only these rare earths, but phosphate and uranium.

In thinking there should have been more in the statement, I was a little disappointed in the lack of reference to the great potential we have in the uranium industry in the Territory. Yes, it is a very healthy industry and, over the last four years, there has been a tremendous resurgence in the interest in uranium. It is also very good here in the Territory, we have bipartisan support taking the uranium industry forward. Several years ago the Labor Party dropped their stupid policy, which was always irrationally illogical and very ill-conceived. Now it is gone, we can work together and move forward. I have always welcomed that, and I welcome it now.

We should not overlook the three key things behind the growth of this industry: the demand for energy to support economic growth and prosperity, particularly in China; the need for energy security; and, of course, climate change. I should note in the Territory there are other connections with the Chinese. The Chinese Uranium Development Company recently purchased 70% of Energy Metals which has the Bigryli deposit just north-west of Alice Springs. Other good prospects in the Territory, in various stages of exploration or secondary exploration, or doing some scoping studies are Napperby, Nolans Bore, let us not forget the Jabiluka deposit, and we should never forget the Koongarra deposit, which is a smaller deposit but a very high grade. Angela, near Alice Springs, is a Cameco-Paladin joint venture, Mount Pitch near Batchelor, and the Chilling prospect near Pine Creek, which was with Crossland Uranium. Recently, Crossland, which is a Territory company, signed a joint venture with

a Canadian company Pancontinental Uranium Corporation. With investment from some of the Canadian connections, which the minister also referred to, we may be able to move forward with those prospects.

With regard to the uranium industry and its great potential, the national group, the Australian Uranium Association, commissioned a report to look into the economics of uranium in Australia, and model the economic impact of expanding uranium mining in the Northern Territory. Among other things, it showed under conservative assumptions on the growth of nuclear power overseas, expansion of uranium mining in the Territory would have the following economic impact on the Territory to 2030, compared to a base case; gross Territory product would be \$2.3bn higher; consumption in the Territory would be \$844m higher; investment would be \$450m higher, and government revenues, more importantly to some, would be \$330m higher. They are pretty staggering figures. If we could really maximise the potential of uranium, that could mean good things across the Northern Territory.

The minister does refer to phosphate, and he mentions the great potential of Minemakers' Wonarah prospect out of Tennant Creek, and they are moving into scoping studies and feasibility studies, which is very good news. It will be interesting to watch the project, because it is out of Tennant Creek, and moving the product into Tennant Creek is going to be a real challenge. However, there are other phosphate projects and prospects in the Territory.

There are other phosphate companies in the Northern Territory. One is Phosphate Australia, and I declare an interest, as I have a vested financial interest in this company to ensure it does well. They operate the Highlands Plains Project, which is on the border of Queensland. At the moment they have upgraded their resource, 56 million tonnes at about 16% phosphate rock, which is very good. They, too, are going towards scoping studies, including how to get the product out from the site, whether it is port, rail or road. West of Tennant Creek, we have another company further behind in their exploration, FSL World Holdings, which is a Korean company.

We have much interest in phosphate, because the Territory is abundant in phosphate potential. Arafura's Nolans Bore also has phosphate.

I was disappointed there was no mention of gold mining in the statement. We have a major gold mine in the Tanami, and we have huge prospects in the Pine Creek Geosyncline area. My colleague from Katherine mentioned Vista Gold moving towards development. Crocodile

Gold has taken up GBS's assets and tenements, and the strength of the gold price will encourage more gold exploration in the Territory. I am sure the figures have not really changed, and gold has always been the most sought after mineral because of the nature of the commodity.

I would like to have seen reference to the department, and how the department is going, the structure, the performance, acknowledging the work of the staff, given the pressure they are often under. All areas are always under pressure to perform and maintain outputs, whether it is titles, or the geological survey or the compliance people. There are possibly some areas which could be tidied up to make the department more efficient and effective, and would assist industry to go about its business.

One example I would like to give is most exploration companies do not do their own paperwork; they get tenement managers to do it. We have quite a few of those small operators in the Territory who look after the company's paperwork with the department. The department makes them sign a five page document to act as an agent. I believe this is a bit of overkill, and I ask the minister to look at making that more efficient. It does not need 13 sub-clauses, many signatures, and cedes and executors of deeds.

Also, there is a period of time for mine management plans to be approved for exploration activity. I have no issue with someone moving towards a mine, but when a company is trying to put some drill holes down and they get the runaround, I do not think it is fair to the company. They put answers in and get quizzed on the answers. If the minister could take that up it would be much appreciated.

I was disappointed that the minister did not refer to flow-through share schemes. Prior to the 2007 election, the Labor Party committed that they would look at some kind of flow-through share scheme. I know AUSIMM, the Australian Institute of Mining and Metallurgy, has been meeting with the federal minister, Martin Ferguson, regarding this. It is important our Northern Territory minister assists our exploration companies in supporting the explorers.

**Mr KNIGHT:** Madam Deputy Speaker, I move an extension of time for the member for Goyder to finish her remarks, pursuant to Standing Order 77.

Motion agreed to.

**Ms PURICK:** Thank you, member for Daly, much appreciated.

Madam Deputy Speaker, I will briefly explain the flow-through share schemes and why they are

important. It is to rectify a current anomaly in the taxation law which adversely affects junior explorers, or the exploration companies which are on the smaller end of the scale. Currently, the *Income Tax Assessment Act* provides for tax deduction for exploration expenditure, presumably on the basis it is a high risk activity, which brings recognised benefits to the economic good of the community. However, the small exploration companies, of which about 70% are in mineral exploration in Australia, do not generate enough taxable income to get the benefit. A flow-through share scheme would smooth out this anomaly by allowing companies which cannot use the deduction to pass it through to their shareholders. This will encourage them to spend more money, which maximises their chance of discovery. I urge the minister to talk to his federal colleagues to see if we cannot get something put into next year's federal budget.

It has long been an issue the industry in Australia wanted to take up. The Canadians have had it for years, and they have done very well out of it. In fact, several junior exploration companies from Australia have gone to Canada because of the flow-through share scheme.

The other area I would have liked in the statement, albeit a smaller part of the industry, is the extractive industries and the important role they play in our community. It is almost like they are the poor dirty cousin: we know you are there but we do not want to acknowledge you because you are all gravel and rocks and sand, and you make a mess. Sometimes they do; mostly they do not. They have their own industry association, and they work very hard at their reputation and performance. I know their contribution to the economy is only about \$15m, but I would have liked to have seen some acknowledgment of them, and what they mean. We only need to look at the Tiger Brennan extension. Extractive operators in the Sunday Creek region, the Koolpinyah region, are working overtime to meet the demands of the extension before the Wet Season. They employ many people; they consume many products and services. There are still issues with being close to residential lands which creates problems with dust and noise, but they work very hard to minimise that. It is important we acknowledge them and the important role they too play in the mining industry in the Territory.

The statement is fine, but there are many omissions and there should have been greater depth because there is much more out there. There are still many challenges. Whilst things are not as bad as they have been, we still need to support the exploration side of the industry strongly, and with good policy, given the lag time from successful exploration, expenditure, and

commitment to a project through to development. We still have issues obtaining money with the financial markets and we have lost exploration companies from the Territory. They have gone bankrupt, folded, or gone out of business. We need to ensure we keep encouraging the ones we have to stay, give them as much support as possible, and facilitate their development from exploration through to development.

**Mr KNIGHT (Housing):** Madam Deputy Speaker, I add my support to the statement, and congratulate the minister for making this statement on mining in the Northern Territory. Everyone in this House knows mining has been a key driver for our economy recently. The future of the mining industry has seen difficult times with the onset of the global financial crisis and, as the member for Goyder alluded to, the withdrawal of loan funds to finance those operations. The Northern Territory has a fairly robust economy, and we attempted to stave off the global economic crisis, however we are not immune. We have suffered some losses in our mining industry and the government recognised this. Therefore, we have done everything we can to stimulate growth in mining exploration.

I thank the minister for putting together the programs designed to continue the strength of the mining industry in the Territory. This includes \$14.4m dedicated to exploration investment, and attracting new mining companies. This work has been well worth the effort. We are starting to see results.

I know the minister for Primary Industry has made many trips overseas to entice companies to look at the Northern Territory as a credible option as opposed to other jurisdictions in Australia, or other countries. These trips have been very successful, and I commend the minister for taking the mining opportunities of the Territory to the world.

This has led to additional investment into the Territory. It has boosted our exports and led to opportunities which would otherwise have not existed. The Northern Territory government has put much focus into providing real investment strategies to attract mining companies to the Territory. In doing this, they have produced the *Bringing Forward Discovery* program. This is a comprehensive plan for attracting mining companies. Included within this program was the \$14m exploration investment and attraction strategy committed by this government. \$2.4m was also dedicated to the Geophysical and Drilling Collaboration Program. This is a significant investment by government, and highlights the commitment the government has in attracting and strengthening the mining sector.

*Bringing Forward Discovery* offers a plan for government to engage with the mining sector worldwide, and attract them to the Northern Territory.

This project has three main areas: the geoscience programs; the industry collaborations programs; and the project facilitation and promotion. This work will highlight to overseas-based mining companies the real investment opportunities in the Northern Territory. On top of this work have been the China investment strategy and the Japanese investment strategy. The China investment strategy is a bold plan to attract mining investment into the Northern Territory. In fact, the plan has a target of attracting five Chinese investments into the Northern Territory by 2011. It is good to see the department, and the minister, are setting these goals, and I hope we see success in those efforts.

In January 2008, the strategy extended to Japan. This will comprise annual visits to Japan to showcase what the Northern Territory offers in mining. We know many Japanese people come to the Northern Territory, and it is good to see we can show another part of what we have on offer.

These two strategies are bold and see the department specifically targeting investors in an attempt to attract them to the Northern Territory. This is an extremely proactive approach. We are not sitting back waiting for those businesses to come to us. We are endeavouring to attract them, and it should bring long-lasting economic development opportunities for the Northern Territory. Those relationships are important.

Many relations, especially with our Asian neighbours, are very much based on personality. The minister has a very big personality. When mining company executives come to the Northern Territory the government opens itself up. The Chief Minister meets the executives and shows our interest and our absolute commitment to providing almost every opportunity to do business in the Territory. I do not think there is any country in Asia which does not know the Northern Territory government is open for business, is looking at attracting investment here, and will look at ways to get business here and iron out any barriers which occur.

The member for Goyder talked about the land councils and how they may be obstructive. I certainly have not found that. They work on behalf of traditional owners and see the economic opportunities for those traditional owners. They are also protecting their financial and cultural interest. I know the land councils work very hard. They are the negotiating partner for the traditional owners, and it is very hard work to get the message across, get interpretation of the

proposal, and getting agreement. It is a difficult job, however I know the land councils see mining as a future, and as a foundation for prosperity for many of those bush communities.

In my own electorate, mining is a large part of the local economy. There is evidence of this in the Batchelor area. We had the temporary closure of the mine run by Compass Resources at Batchelor. Much work went into the project. Unfortunately there were issues with development of the project. Now it has been remodelled and shaped, and Hunan is playing a more significant role and it will be reopening. Initially, it is a copper/cobalt/nickel mine. There was an oxide phase; now they are moving on to a sulphide stage underground.

The member for Goyder highlighted Mt Finch and Area 53. They are uranium deposits also. We have to be very careful in that area as we are in close proximity to Darwin River Dam. I have been to those sites with a uranium conference delegation. Geologists are very interesting people - they never look up; they are always looking down, kicking things, and looking around. The area is rich in beautiful landscape, and rich in precious ore bodies. That will be the challenge in the future.

I also see this as an opportunity to do some remedial works at the old Rum Jungle mine. There are existing tailings which could be reprocessed to clean them up. The Batchelor community had a run on jobs and housing prices increased. I hope the new ownership and management structures work for them. It is, apparently, a very good deposit. Hopefully, we will see Batchelor in full production and jobs created there.

Another area is around Pine Creek, which used to be my electorate. I love that little town; they are some of the best people in the Northern Territory. They have been through the swings and roundabouts of a mining town. When GBS commenced they were a great corporate citizen and put much into the town. They looked at ways of employing local people, they spent money locally, and they really cranked up the operation. They got the Cosmo Howley camp going again, which is in my electorate, and the old pits going again. I still do not know exactly what happened; I think they overstretched themselves with the purchase of Rustlers Roost. Sadly, it went to the wall, but with Crocodile Gold buying them out recently, the mine will reopen. I wish them all the best.

The community at Pine Creek has been through the roundabouts of the mining industry, and many businesses in Pine Creek were burned,

not only with the recent events with GBS, but also with the Mt Todd mine.

Many businesses in Katherine were burned. It is interesting how the decline of the mine occurred. It was a very sad day for many Katherine businesses, people who worked at the mine, and many businesses in Pine Creek. Some businesses in Pine Creek invested large sums of money. I know Tommy Harbrow bought a \$1.5m crushing plant, and only a few weeks later GBS closed down. Loaders went to Pine Creek and were not used. It was a very sad day. Local businesses are putting money up and getting ready to invest. I hope Crocodile Gold do well. There are some very good deposits there. I am sure they will do the right thing, and confidence will grow, and those small businesses will reinvest.

There is much interest in mining in my electorate, and much exploration occurring. It is coming to more populated areas, unfortunately, in some cases, which is raising questions.

I should thank the department, certainly Alister Trier, who is here today, for help with the mining forums I had at Berry Springs and Batchelor. They were educating the local community about the *Mining Act* and options regarding exploration, and what rights people had. As commodities grow in value, explorers go a little further, or come closer to populated areas and it does start to worry people, so I found those forums very useful, and so did constituents in my electorate.

Another town I lived in where I spent time in the mining industry was Tennant Creek. I worked at Warrego in an assay lab, which is a pretty horrible job. I was either on an early shift or a late shift, running around pressing samples, doing a whole range of things; it was dirty work. I admire the work of miners. It is very tough work. The hours are long, the conditions are hard, but they certainly support our economy.

Many people spend their money locally, and that is a key part of it. I spent many years at Jabiru watching the town grow in the time I was there. It was a flourishing town. It did have some retrenchments. In the early 1990s there were some massive retrenchments, but it was great to see a mining company had built a whole town, and it had invested in and kept its staff local, and it would be great to see this happen right across the Territory. My understanding is that the taxation laws made it more attractive to fly people in and out. I believe it is a good opportunity to have local investment. I know many people living at Jabiru spent their money locally, or came into Darwin to shop.

I pick up on the comments from the member for Goyder, and her support for Koongarra Mine. I have been to Koongarra, and I have been to Nourlangie Rock. It is a very sensitive area. There are many issues to work through. The whole area from El Sharana up as far as Nabarlek, right the way down to the bottom end of the park, the ore bodies there, the uranium, it is just incredible. The mined uranium at Nabarlek for one year and built an airstrip and a whole town. The ore body was so rich they just packed up after the first year and left. It was incredibly rich, but obviously a very delicate and sensitive area.

I believe the minister needs to be commended. I guess I am jealous of him; he gets to go into a developing area and attract investment from overseas. He certainly does a great job, and he brings back the goods. We have much interest coming into the Territory. The aerial spatial mapping shows we are being innovative; we are committed to growing this sector. It is one of a range of sectors we are trying to support. We have a very small economy, but I do not think any business is under any illusions this government is committed to investment into growth, and that is exactly what we are seeing in the mining sector.

I congratulate the minister for his efforts. I also congratulate his staff for their efforts. I look forward to hearing about the China investment strategy and the Japan investment strategy, and the outcomes.

**Mr CHANDLER (Brennan):** Madam Speaker, given the late hour I will not speak for long. First, I applaud the minister for bringing on this statement. Mining is an important industry for the Northern Territory. What I have learned about the mining industry since being elected is quite interesting, and it is quite comforting to learn, after visiting several mines around the Territory, modern mining has changed. There have been mistakes in the past, and I am speaking from an environmental point of view at the moment. There have been some tragedies around the world with mistakes happening in mines. It is only when a very strong regulatory body is in place we can ensure mine practices are the best in the world.

What interested me in mines I visited was the attitude of the people themselves, the businesses. They certainly do not attempt to damage the environment. They are trying to do things as well as possible. From the miner's point of view, and the people I have spoken to, they say they do things in the best practice they can because of a number of issues. They talked about the environmentalists, they talked about the key stakeholders such as governments, they talked about shareholders, they talked about the green groups, and the media. All those people have a

place in this process, which is to ensure they are doing it correctly. We know, from time to time, things can go astray and that is where I am worried about the environment, particularly with this administration.

We know what has happened at the Montara wellhead, and while that is in north-western Australia, the Northern Territory is still a stakeholder. The Australian Maritime Safety Authority is managing the tragedy with the oil and condensate spewing into the ocean. It is an environmental disaster and yet there seems to be not much happening. I believe behind the scenes they are drilling and trying different methods. What concerns me is we have been drilling oil out of oceans around the world for many years, and to think there is not some kind of mechanism to deal with something like this quickly astounds me.

The Northern Territory is a stakeholder. We have, to our north, vast resources which, over the years, will certainly be tapped. In the future that may be something our own EPA could be tasked with reviewing. Perhaps they could be giving government advice on what we could do better and be better prepared to mitigate further disasters, and if they do happen, manage them better to ensure absolute minimum damage to our environment.

I worry because this government says it considers our environment and is trying to do things the right way, but the reality is quite different. We only have to look at recent times. Look at their track record; look at the diesel we use at the power station; look at all the national parks headquarters we have throughout the Northern Territory, all running on diesel power plants when we could be looking at alternative energies. This government certainly does not support an independent EPA.

This was made clear recently when the government voted down a rather simple amendment to the act which would have seen the EPA was a little more independent. The government said it wants an independent EPA; here was a perfect example. It is interesting to hear both sides are playing on the same song sheet, but there was not a very good demonstration of that during the debate.

This government comes up with token efforts when it comes to dealing with our environment. At the last election, the Country Liberals came up with some practical steps to mitigate our carbon output. They were practical; they were not huge steps, but they were practical. This government has still have not released their own climate change policy. While we are talking about this, because I did mention the Montara wellhead and our vast resources to the north, to give you a good

demonstration of how this government treats our environment, treats the ecosystem, I can go to media release after media release. This is from the then Natural Resources minister, Marion Scrymgour, regarding the NT Parks strategy and was released in March 2007. It talks about a 2005 election promise. We are four and-a-half years down the track, but according to this document it was a six month program, which would be the first step. It says it would be groundbreaking. I will read from it Madam Speaker:

*Today is a significant day as it signals the first meeting of this committee, set up to draft a strategy that will define the 'road map' for implementing a system of marine protected areas in the Territory.*

We are now four and-a-half years down the track and we still have not seen that strategy being released.

I have some understanding of how business works today in the mining industry. It is an industry we should be supporting in the Northern Territory. I believe in sustained development but it needs to be done properly. It needs to have strong regulatory powers in place to make sure it is done correctly, and our environment is protected.

Debate adjourned.

#### **PERSONAL EXPLANATION Member for Blain**

**Madam SPEAKER:** Honourable members, I have given my leave to the Leader of the Opposition to make a personal explanation.

**Mr MILLS (Opposition Leader):** Madam Speaker, I have just been tidying my desk and it has disappeared so ...

**Madam SPEAKER:** Well, I have given my leave also to the member for Sanderson; perhaps you can find it in the meantime. Member for Sanderson. The member for Sanderson has lost his as well? Member for Sanderson, what is going on? I have called you. Is it the same as you said before? Member for Sanderson, you have to go back there.

Leader of the Opposition, do you have yours?

**Mr MILLS:** Yes it has been found, Madam Speaker.

**Madam SPEAKER:** Leader of the Opposition, I call you after that strange interlude.

**Mr MILLS (Opposition Leader):** Madam Speaker, I wish to make a personal explanation.

During Question Time today, the Chief Minister said:

*The CLP and the Leader of the Opposition are climate change deniers.*

This statement is blatantly false. On 21 February 2008, in response to a ministerial statement on climate change, I said climate change is 'clearly measurable' - hardly the comments of a climate change denier.

In addition, during the 2008 election campaign, I released the Country Liberals' environment policy Meeting the Challenge of Climate Change, a comprehensive statement committing the Country Liberals to introduce a number of measures to address the impact of climate change in the Territory. Robust debate in this Chamber is, indeed, welcome; blatantly false statements are not.

#### **PERSONAL EXPLANATION Member for Sanderson**

**Madam SPEAKER:** I have given my leave to the member for Sanderson as well.

**Mr STYLES (Sanderson):** Madam Speaker, I also wish to make a personal explanation. During Question Time today, the Chief Minister said I was 'a climate change denier'. This statement is false. The Chief Minister sought to attribute my comments about federal Labor's emission trading scheme legislation during my response to the primary industries ministerial statement yesterday, as standing for climate change scepticism. No such conclusion can be drawn from my comments. I stand by the Country Liberals' environment policy which includes a very clear statement of intent on how this side of the Chamber would deal with the challenge of climate change.

#### **MATTER OF PUBLIC IMPORTANCE Rise in Cost of Living Through Government's Failure to Plan**

**Madam SPEAKER:** Honourable members, I have received the following letter from the member for Port Darwin.

*Madam Speaker,*

*I propose for discussion this day the following definite Matter of Public Importance:*

*The impact of the rising cost of living on Territorians and, specifically, on Territory public servants as a result of the Territory Labor government's failure to plan for the future.*

It is signed by the member for Port Darwin.

Is the proposed discussion supported? It is supported.

**Mr ELFERINK (Port Darwin):** Madam Speaker, I proposed this matter of public importance to raise matters which have already been raised in this House but, sadly, fallen on the deaf ears of an indifferent government. So absorbed are they with matters other than the future of the Northern Territory, they have, basically, lost the plot, and have developed cloth ears, essentially, to the plaintive cries of the people they claim to represent.

There is a thing called the working homeless. We are seeing more and more of them in Darwin, simply because they are being pushed out of having any opportunity to advance themselves and their families in really complicated ways such as having a roof over their heads and being able to afford a basket of goods.

The government is more interested in how it looks, the image it can portray, and how it can demonstrate how everyone else around them is wrong and they are always right. To that end, they will spend vast amounts of money - not least of which is a \$9m dedicated spin machine - to tell Territorians how good they are and how wrong everyone else is in relation to any criticism they receive.

We saw it again in the House today when it came to the simple matter of Power and Water. It was all dodge, it was all everybody else's fault - it was never their own fault. I have had the experience of sitting in this House and watching a minister say: 'I am responsible, but it was the CLP's fault'. Whilst they continue to believe this, from a purely political perspective, that is fine for the Country Liberals, but the problem is, it is not fine for those vast numbers of Territorians who are stuck in a situation where they are being squeezed out of a reasonable lifestyle - the lifestyle the government has always claimed to be champions of, is not accessible to so many Territorians, and is becoming less accessible to even less Territorians as time passes.

We have seen an Access Economics report which has clearly demonstrated the inflation rate for the Northern Territory, but for Darwin in particular, will be in excess of the 2.5% pay rate they are offering Territory public servants before they even enter into a negotiation. We hear from the government opposite, saying: 'Oh, my goodness gracious me, we are trying to save jobs by asking people to show a little restraint'. It is incongruous to me - and I imagine to many Territorians, particularly public servants - the government would be claiming to be trying to

protect their jobs when, in actual fact, it was government's decision to generate so many jobs. When they came to power, there were 14 000 public servants. They made the decision to continue to employ. About 12 months ago, give or take a few months, there were 17 000 public servants. Now, we hear the minister saying in this place there are 18 000 public servants and they have to tighten their belts because there is not enough money.

That is a planning issue, and it is a planning issue the government should be addressing for the benefit of those people who they have made certain promises to: come to the Territory, enjoy the lifestyle, but be prepared to receive wage increases of less than the CPI.

I have been watching the house prices in Darwin climbing up to the point where people cannot get into the marketplace. I understand it; I am currently in a single income family and, whilst I am on a handsome income, as a single income family with a fairly large mortgage and a car loan, I notice I have to be fairly careful with the household money, and so does my wife. If I find myself being careful on a \$124 000 a year, how on earth do other people manage it on a single income with three kids? I have two kids, but how do other people manage?

I am astonished when people tell me they are managing on a single income of \$70 000 or \$80 000, or less, with three kids, and they have a mortgage to repay, and they still somehow seem to just barely scrape the pennies together. But, with every passing month, that becomes less and less possible. With every passing month, the capacity for people to meet the rising rents, the pressures of an increasingly expensive basket of groceries, looking down the barrel of increasing interest rates, are all going to add pressure on domestic incomes. It is with astonishment I read in the newspaper, people saying: 'We would love to leave, but we cannot afford to. We are trapped here. We cannot save the money required to leave this jurisdiction'.

Madam Speaker, this is not an uncommon story; this is a common story. If you hear this once or twice, you think: 'Oh well, fair enough, there are a few people doing it tough out there'. However, this is not just a case of a few people doing it tough. This is a case of many thousands of people, and many thousands of Territory families, really struggling.

There is no planning on the part of government to release land, so, as a consequence, what small land releases are announced are way late. Bellamack is two-and-a-half years overdue, and still not completely released. We have promises of Weddell, Zuccoli and Johnston, but no clear

time lines as to when they are going to be produced. Even if the times lines are produced now, we do not believe them. The Bellamack time line was originally set for 2007 - we just do not believe them. Yet, we plead day in and day out in this place, with an insensitive, indifferent and deaf government, which is busy telling Territorians how great everything is when so many Territorians are doing it tough - they are doing it really hard. It is time for the government to take the cloth out of their ears and jam it in their mouth long enough to pay attention to what people are trying to say to them.

The number of people coming to my electorate office with various issues started as a trickle a year ago, and is quickly becoming more and more pronounced as time passes. The government's approach is to stand up in this House and say how great everything is, how wonderful everything is, how sweet and light everything is; and that we are doomsayers and we are talking down the Territory on this side of the House. My voice is just one of many thousands of voices talking down the Territory, if that is your measure of talking down the Territory. Many thousands of voices are saying this sort of thing.

The public service is now the next group of people who have to 'tighten their belts in the tough times' because this government's planning decisions are so poverty stricken you get these bizarre results.

I hear from the members opposite the South Australians, the Queenslanders, the Tasmanians have all decided to do the same thing. In those jurisdictions, the global financial crisis has truly bitten. Not only has it caused a shrinkage of the GST revenue, which is in most of those jurisdictions is under 50%, but their other sources of own source revenues have forced this situation. Each of those Labor jurisdictions have made the same mistake: they hired more and more public servants during the good times and now they find themselves overstretching the mark - and they are surprised. The defence of government is saying we are just following what the other jurisdictions are doing - bully for you. It is because the other jurisdictions have made exactly the same mistake.

I find it incongruous the Treasurer can say what a great job the economy is doing, and in the next breath say we have to tighten our belts. I know why it is, but it just does not ring true out there. The government said we had a surplus in the last budget. I know how that surplus was manufactured. Anyone who can read a budget knows how that surplus was being manufactured. I wonder how people with a less critical eye are responding to a government which says: 'We have this wonderful surplus, but we cannot afford to pay our public servants; it is time to tighten your

belt'. That question is being asked. I try to explain to these people how it is happening but, because the spin factory has become more important than the facts, people are now getting these extraordinarily mixed messages.

I know other members want to talk on this matter. I could speak at quite some length on this matter. I realise I have 10 minutes to go. I am not going to repeat myself over and over again. The government knows what the issues are. They know the inflation rate will exceed their projected public service employment wage rates. They know rate rises are going up, and up, and up. They know home ownership, in purchasing homes, is becoming increasingly difficult. They also know the arrival of INPEX - and I hope it does arrive - will have an effect on the home marketplace, and the rental marketplace. They know the basket of goods is going up; it has gone up by 5.5% if memory serves me. They know all this.

I now ask them, Madam Speaker, to finally stop telling us about all the things they have done, and all this extra money they have spent, and start pointing to the successes they are achieving right now - right now - in alleviating all of these problems in a substantial way. I suspect what we will hear is: 'We have spent all of this money here, we are going to release all of this land here, we are gunna do that, we are gunna do that - but we have heard the gunnas, gunnas, and gunnas. Even by their own estimation, their land releases will not keep up with their own statements. Their land releases will not keep up with their own required housing demands into the future. They are still not meeting their own benchmarks on their numbers.

What I would like to be able to hear from government is: 'Yes, we are at or exceeding the number of houses required to house our community, both in the private and public sphere'. But you will not hear that. What you hear is what they have spent, and all this great stuff they are doing. We are not going to hear people are actually happy with the results coming down the pipeline because they are doing things in a way that people expect; that rents and house prices are going to stabilise and people can start again to enjoy the Territory lifestyle because, once again, the Territory lifestyle has become affordable.

**Ms LAWRIE (Treasurer):** Madam Speaker, you cannot have this debate without understanding the economic environment. I listened to what the shadow had to say and I do not think he quite gets the impact of the global financial crisis - a crisis which is the worst we have seen in 75 years. How long and deep the impact will be in revenues is not known and, of all times around the nation, governments will have to

show restraint and climb out of the deficit positions they have knowingly gone into to prop up the economy and jobs as a result of the economic downturn.

We are proud of the fact we have shown strong economic management; we have delivered seven consecutive budget surpluses which has placed us well against the global financial crisis. Our strong economic management has meant we have increased services across our core services - across education, health, law and order, and justice including corrections - all work which was necessary to ensure Territorians get the services they need, regardless of where they are living in the Territory. At the same time, we have been very much an open-for-business government working across industry sectors, and with small, medium and big business to ensure the private sector is robust and growing in the Territory.

Our strong economic management means we have been able to fund initiatives to help families. We recognise families do it tough. There are cost imposts on families which mean, even though they have jobs, they are doing it tough in finding every bit to help the family grow in the great Territory. We have helped families through the Back to School payment, and tax breaks for businesses to support new jobs. The best thing we can do in the current economic climate for families, for Territorians, is to protect jobs.

Our wages target is absolutely in line with the largest states and territories, not the smaller states. They have a lower wages policy, 1% and 2%. We will keep Territory wages competitive. That has been our stated policy; we have seen that occur through various EBA negotiations. We will continue to be competitive because we want to continue to attract the skills we need and retain the skilled workers we have in the Territory. So yes, we will remain competitive through the EBA negotiations through 2010, but we are clearly marking the space in our wages policy saying we need to show restraint. The economic downturn will affect jobs.

The CLP completely seems to have missed the fact that the Henderson government, with our 18 000 public servants, saw wages increases just two months ago of a 3% pay rise in August, 4% last year and 4% the year before that. Wages across the Northern Territory Public Service are competitive and our wages policy will keep them competitive, while showing the restraint we need to undertake to protect jobs against dramatically falling revenues as a result of the global financial crisis.

This is not a wages freeze which the CLP would have people believe; it is wages growth. New South Wales, Victoria, Queensland, and

South Australia are all at 2.5% in their wages policy; Tasmania at 1%; and the ACT at 2%. To put these percentages in context, in what they mean to a Territory budget - a budget which has been hit with dramatic reductions in GST revenue - 2.5% increase will cost \$36.5m. For every 1% increase, you can add extra \$14.6m to that.

The shadow likes to refer to the Access Economics report, but he will cherry pick. He will go to CPI predictions, but he will not touch the strong growth predictions, the fact the Territory is predicted to lead the nation in growth across the next five years. They just wanted to bury their head in sand about that good news story.

Also, whilst we had the good news of economic growth, Access Economics also had some extremely sobering unemployment forecasts. We are not out of the woods yet. The forecast for unemployment is to average 5.1% over the next five years, and peak at 5.8% in 2011-12, as a result of the global financial crisis. If this eventuates - and we are working as hard as we can to try to ward this off; we have seen 4000 jobs created in the last year during the global financial crisis - it equates to thousands of Territorians losing their job. That is why we are focused on saving jobs and, importantly for growth, creating jobs. As I said, in the last year alone, 4000 jobs have been created where we have seen job losses elsewhere.

It is time to understand the government must show leadership in the public sector, sending a very strong message to the private sector in wages growth. The opposition needs to go out and listen to the business community about wages policy. The last thing they can afford, in this economic downturn, is for the government to have an unfettered wages growth agenda in the public sector - which the CLP seem to be running. It sends clear signals to the private sector. We are standing up and making the tough and responsible decision to save jobs and have restrained wages growth to help our economy, help the job sector, to try to ward off those predictions from Access Economics and others on unemployment.

The single greatest threat to jobs is this unrestrained wages growth idea the opposition is trying to run with at the moment. The single greatest threat to our Territory economy is an irresponsible wages policy which would lead to wages blowouts, putting pressure on budgets for government, equally sending the wrong signals to the private sector and putting pressure on them regarding wages.

The greatest threat to a Territory family's wellbeing is someone losing their job. As tough as people with a job do it, it is extremely tough

without the job. Tell someone who has a job - and we saw this occur post-global financial crisis. We saw workers in factories going part-time, reduced hours - whatever it took to keep the job - to keep some income coming in so they could support their family, rather than lose their job altogether because they were not prepared to do it tough when the times were tough.

We are not out of the woods. The tough years are absolutely 2009-10 and 2010-11. We are not alone in that. We are better placed than everywhere else in Australia in the picture. Access Economics recognises this. However, everyone knows, when you look at the figures, all of the data, 2009-10 and 2010-11 are going to be the toughest years as a result of the economic downturn. Now is not the time to be irresponsible. Now is the time to save jobs, create jobs, and give the opportunities to Territory families. Try doing it without a job. The CLP has been completely hypocritical in this debate, I have to say ...

**Mr Elferink:** She did have to say that.

**Ms LAWRIE:** Member for Port Darwin, the hypocrisy is incredible. We have witnessed them spending years attacking public servants. In this Chamber it got so bad the House had to be reminded of people who are being attacked in this Chamber not having the opportunity to respond. It continues; we heard more of it today. We saw it yesterday, with the member for Port Darwin attacking the management of Power and Water. It continues; we have seen it for years, and it is still going on. They are attacking public sector numbers and public sector wages, when they have been attacking public servants for years. They could not even make it through yesterday pretending they have changed.

The member for Port Darwin revealed what every public servant has been pretty well aware of for a while: the CLP want to slash the public sector. That is their answer: put them on the unemployment scrap heap. That is the answer. To quote the *NT News* today, in reference to the member for Port Darwin:

*He could not say how many public servants we should have, or how the government should pay more than the 2.5% wages cap. Mr Elferink also refused to say which public servants were a mistake to hire.*

Telling lack of responses, indeed. Running the line 2.5% - you heard him, public servants, because it is a wage freeze. We know that is wrong; it is a wage growth figure. Running the line, but saying, at the same time, 18 000 are too many public servants. Then, when actually pressed on what numbers of public servants we should have, he would not say. Pressed on how

the government should pay more than 2.5% wages cap, he would not say. He was asked and refused to say which public servants of those 18 000 it was a mistake to hire. Hypocrisy - dripping in hypocrisy. He does not know how many we should have, which ones we should have, or how much they should be paid. He simply does not have a policy, beyond sacking them. I call on the Leader of the Opposition to demand his shadow Treasurer develop a responsible wages policy, or remove him from the portfolio. Show some leadership. I suggest, either get a responsible wages policy, or sack him from the shadow portfolio.

Madam Speaker, we know and we recognise the cost of living is higher in the Territory than in southern capitals. Not news, it always has been so - historically has been so. The member for Blain is nodding his head in bewilderment, does not believe me. Well, he just needs to check the figures going back.

**Mr Mills:** Yes, okay.

**Ms LAWRIE:** We know why. The distance required to freight goods and services to the Territory has been described by some people as a tyranny of distance. The economies of scale do not lead to the level of competition in a small jurisdiction with a small population you enjoy in the larger populated states.

The Northern Territory Treasury survey shows the average cost of a basket of goods in Darwin over the past 12 months has risen by 5.5%, comparable to Cairns at 4.4%. The same survey showed a rise of 8.7% in Mount Isa over the same period. The price of a surveyed basket of goods in Darwin was \$10.27, or 5.8% higher than Cairns, which is a similar population to Darwin. The price disparity is due to the relative costs in the major grocery supplies, and the difference in transportation costs, including petrol.

ABS data shows Darwin's annual inflation rate is 3.4% year-on-year, the same as Canberra, and lower than Brisbane at 3.7%. The national average is 3.1%. The largest component of CPI is housing costs. Housing the Territory initiatives are designed to increase the housing stock and reduce the housing pressure. We have recognised, as government, there is housing stress, particularly in the rental market, which is why we have Buildstart to bring investors into the rental market, to build the stock.

We saw interest rates skyrocket under the Howard government. Now, we are in the environment where interest rates are lower. Yes, they went to emergency lows, and they are starting to climb again, if you listen to what the RBA is saying.

Petrol prices are lower. Prices have dropped by 18%, or 30¢ per litre in August this year, compared to August 2008, saving about \$20 per 60 litre tank.

In housing, our initiatives are designed to help more families own their own home. Homestart NT is a low deposit and equity scheme with income thresholds and price points, helping people access around 40% of the market, using 30% of their income. We provide tax-free thresholds for first homebuyers. We provide a \$2500 principle place of residence rebate to principle homebuyers. We provide a \$14 000 Buildstart grant to help with the cost of new house construction, that all-important investment market. More than 300 new homes have been approved for Buildstart grants helping families into a new home. We have the Housing the Territory Strategy, with fast-track land release and affordable housing packages. Johnston, for example, contains 15% of land release, 19 lots, set aside for affordable housing packages in Stage 1, with land prices set at \$140 000. Setting aside 15% of land release for affordable and social housing is critical to dealing with the issue of providing access to the housing market for the battlers. We recognise there are battlers who need the social housing, who need the affordable housing package, and it is this Henderson government which mandated the 15% policy. It has not been mandated before in the history of the Territory - no one went there.

Let us look at Terry's Action Timetable; the 32 dot points on the website – TAT ...

**Dr Burns:** Or Tatters.

**Ms LAWRIE:** Tatters, or in tatters? Anyway let us look at it. There are no economic plans, and no mention of jobs. They simply have no credibility on the economy. In stark contrast, we have a strong track record of strong economic management. The Territory, in economic growth, is leading the nation, and predicted to do so for the next five years. We have created 4000 jobs in the midst of a global financial crisis. These guys must live on some strange separate planet!

**Members** interjecting.

**Madam SPEAKER:** Order!

**Ms LAWRIE:** They do not seem to understand there would be massive job losses across our nation, and they are sitting on their own little planet where they are comfortable. There was not a global financial crisis - they probably deny that too. There is no economic downturn as a consequence; it has not been affecting the Territory. Of course it has. The party of sceptics and deniers.

When they do bother to talk about business; they have copied the Henderson Labor government. From Terry's Action Timetable for business they have: plan now for the future, build to the plan and on time, improve the procurement process and cut red tape for business. Well, here we go.

I am happy to remind the Leader of the Opposition we are planning for the future. Guess what 2030 is? It is visionary; it is absolutely visionary. It has been embedded in a community consultation process where we have brought in a committee of experts - very credible, very highly regarded community experts - and very highly regarded co-chairs, planning the vision of the Territory with the government and, importantly, with the community. They have held forums across the community and workshops. We have the draft out there. *Territory 2030*, planning now for the future.

Regarding the infrastructure plan on record spending, we have ensured infrastructure spending is at record levels, smashing through the records. \$911m was spent on infrastructure in 2008-09, \$41m higher than budgeted for. That is a record. The sceptics and deniers over there thought we could not do it. We announced we would spend \$870m. They thought we could not do it. We did; we smashed it. It went to \$911m.

Our product has delivered stimulus projects on time with a developers' one-stop shop. The ANZ has said the Territory is leading the nation. Access Economics has said the Territory is leading the nation. We have a responsible and sensible wages policy because we will protect jobs. Try telling someone who has been thrown on to the scrap heap of unemployment ...

**Mr GILES:** A point of order, Madam Speaker! I ask that you ask the Treasurer to please speak through the Chair rather than ...

**Madam SPEAKER:** You can continue, Treasurer.

**Ms LAWRIE:** ANZ has said we are leading the nation; Access Economics said we are leading the nation. We will not put people on the unemployment scrap heap with an unrestrained, unfettered risky wages policy. We recognise the tough years are ahead in 2009-10 and 2010-11. We are not out of the woods as a result of the global financial crisis. Economic ...

**Madam SPEAKER:** Treasurer, your time has expired.

**Mr MILLS (Opposition Leader):** Madam Speaker, this is a matter of public importance and what has been demonstrated is a complete

disregard of the nature of this serious situation. We have a tirade - a rant, in fact - which is so disconnected from a coherent theme which would satisfy any thinking Territorian, but we just have a firing of vitriol across the Chamber which does not hit any meaningful target, nor find any place to provide any hope for any Territorian that things are, in fact, to get better.

After eight years, the case has mounted. I believe the community, if given the opportunity, would make a clear decision. If you have studied chemistry, you know if you drop a certain element into water, you can stir it and it will dissolve; add some more, stir it and it will dissolve again. There is only a limit to what they can absorb. What has been fed to this community over eight years, I sense, as someone who listens to my community, they cannot absorb any more of this nonsense.

This sort of talk is largely pitched to the political, rather than addressing the serious issues. They find some jolly satisfaction with these nasty little jibes across the Chamber, and are happy to run nonsense, happy to be pulled up with a point of order, or the requirement of a personal explanation. They just smirk as though it is just a part of a tactic; to heck with the real issue. They are happy to play the little game and craft some kind of debating position that may win them some points here because they have one more member on their side. However, there is no relevance to people out there, in suburbs, who are struggling now.

I do not understand how it is the real call of people to the pressures they are currently facing has not penetrated the language, thinking, and actions, of this Territory government. When you approach negotiations - and we are talking about the public sector which is just the start point - this is just one place where these pressures are being felt, and felt acutely. I do not know what happens in your Caucus. Surely, there must be those who raise their voices and speak for those who need a sensible response to a serious issue - the serious issue affecting families right now - who have made a decision about what they are going to eat tonight, or tomorrow, or what they may or may not do on the weekend - real people. Do they bear an effect on your thinking, or are you happy to disconnect from that and run some kind of word game in this Chamber, to allow you to sustain a position for the sake of the exercise?

That is what concerns me. I can see, as plain as day, the issue of the approach to those negotiations with the public sector have commenced with a difficult start. A pre-emptive strike from the Territory government before the table has been joined by those who are going to enter negotiations, to say: 'That is it'. Where is the negotiation in good faith to allow to

appropriate understanding and development of a proper response to the issues on the other side of the table?

There may well be the space for these negotiations. I do not know where these negotiations will end. However, it is beholden on us to recognise the situation the people on the other side of the table are facing at the moment. They are facing a situation which has been the creation of the absence of planning, care and follow through by this Territory government. On one side, there is the approach to the table with the pre-emptive strike with regard to the 2.5% arbitrary figure. It is the way in which it was done. There are still teachers out there who have been hurt by the callous manner in which this government negotiated their arrangement. It was a terrible way in which those negotiations were conducted. You could have ended up at the same point, but you do not have to damage the relationship on the way through. That is what is happening here.

What you have ignored - and deliberately so; I am just gobsmacked to hear the member for Karama dare to lecture us when she is absolutely blind and dead ignorant to the contribution she made to the other side of the equation. There were statements made - breathy statements of how wonderful things are going to be under them and how they are going to respond absolutely to issues of land release. How often have these matters been raised in here? How often have they fallen on dead ears of those who will not respond - happy to live in the domain of a political construct and just win debating points?

What effect has the failure to release land had now, and will have, on these negotiations, and the people who sit on the other side of that table? That is the real issue. You can trot around the countryside and say to this jurisdiction, that jurisdiction and, one jurisdiction after the other: 'Hey we are all lined up here'. The capital city of this jurisdiction - and Palmerston - has the highest rents in the nation. The place which is land rich has a shortage of land, and we pay the highest rents in the nation. That is the point of this. How is it you can stand in here and squirm and wriggle around this, and ponce around the place and ignore the fact which is the issue?

You talk about families. I have heard these families; they are now making decisions - and very difficult decisions. The great Territory lifestyle is being eroded and put under immense pressure around the family table, as they are wondering what the future holds. Yes, they do not mind the fishing; they like the lifestyle in the Territory. However, it comes to a mother with a child having to find someone to care for the child so she can take the extra job at Woolies or Coles to make her

contribution to the running of the household. I am speaking of a real case here. The husband, who is working at a modest level in the public sector, then has to go out as well and work at a bottle shop so they can pay the rent. What holds them here is this idea of a Territory lifestyle, once a relaxed lifestyle. Now young families are under pressure. They may just survive, they may be able to gain a foothold, but they are just paying rent - not a mortgage.

One thing which comes to mind here is a school-age child in Early Childhood - and I hear no reference to this. Perhaps in the Caucus room it is heard, but we do not have it in this parliament. The amount of money which is being taken from the family budget and going into the rent - and they may just survive - also represents time taken from those children. It is money taken away from other activities of that family. This is an issue directly connected to the failure to release the land.

The supply/demand equation is completely out of kilter, and this Treasurer was happy to reap the reward of increased stamp duty - take it on, spend it on all sorts of things. When we get to the economic crisis which, according to the Treasurer, we do not understand - of course we understand, because that is one of the reasons we are promoted to speak now - it brings great pressure on these families. However, we are now left in a position, after those years of plenty, where the extra has been consumed and we are ill-prepared for what lies ahead. This is a government which is ill-prepared and, yet, they speak of grand plans, projects in the future - 2030, all these things over the horizon.

Right here and now, as we speak, there are families who are weighing up. I know of another family - \$76 500 per year. He came up here ahead of his family. He was born here; he wanted to come back and make a contribution to the Northern Territory. He brings with him skills, as does his wife. He wants his children to grow up in the Northern Territory. He will be working for a non-government agency, in a very important role as well, working with young people. He brings with him equity in a home. He brings with him some money. His wife is in Adelaide. He had to report the dream, which was backed by his wife, is slipping, because half of their whole income is going to go on their rent. The luck of the draw, the possibility of pulling out something from the ballot, was just a lottery. They even weighed up caravan parks and tents such as the support of his wife. He felt he had to explain to me what this means. Great credit to him and the others who have made their way to my office, to explain to me their own story - they have taken that extra step and explained what this actually means for the future of the Northern Territory.

You can speak of INPEX, and welcome that kind of development. We can speak of the other plans which may occur: agricultural, mining, a whole range of sectors where we will see growth. However, if those growth factors within our economy cannot be supported by people who live in our community, with the skills required, because they need to be able to pay the rent, we will have a distorted society and a community with challenges.

I know of someone with a unit who is not charging the full market rent, though it is \$550 week. There are three young people living in the unit - two of them public servants - and they have decided, whilst there is an opportunity here, to band together to rent one place. Why they decided to do it is because they separately cannot afford rent. However, the factor in all of this is, rather than 20 years back in the same situation, buying a block of dirt and planning a future in the Northern Territory, they are planning a short stay to experience the Territory because they certainly cannot experience a future here as they cannot afford the deposit to actually buy a place of their own and raise a family. So they get together, a young couple and a single person, in a unit, enjoy the lifestyle for a time, but they certainly cannot make long-term plans.

Those are just a couple of stories. That is what this matter of public importance is about - and it will not go away. This issue will remain and will increase, and it will place great demand upon governments, which does not seem to have any language, any attitude, which seems to reflect an understanding of how serious this matter is. Perhaps I judge unfairly, but I judge by what I see in the Chamber, and by the actions and by the words, in this case, in particular, of the member for Karama.

Perhaps I judge unfairly. Perhaps there are members on the other side who recognise this and think: what the heck are we going to do? As an Opposition Leader, this is an immense challenge, and if we are not up to this challenge we should quit and walk out of here and get people who can deal with this. It has some very significant social challenges. Think for a moment, as you approach the negotiating table, as you did with the teachers - and their backs are still up in the way they were handled in those negotiations. If you approach the same table with the same attitude, you will fail to recognise the pressures those families are under as a result of your failure to act and get ahead of the game, and live perpetually in the spin cycle.

Madam Speaker, this is, indeed, a matter of great importance.

**Mr KNIGHT (Housing):** Madam Speaker, I know I only have five minutes until 9 pm before we adjourn the House, so I will make my remarks sharp and to the point. I pick up on the comments of the Leader of the Opposition. The housing shortfall is actually a national phenomenon as well. We have 20-year highs in population growth, and we have five-year lows in housing construction right across the nation ...

**Mr Bohlin:** You restrained the land. Which part of that equation do you not understand?

**Madam SPEAKER:** Order! Member for Drysdale!

**Mr KNIGHT:** I guess our circumstances here in the Top End are related; yet we have an extremely strong economy. People are coming here for work. They are coming here for the jobs which have been created in our economy. We are a victim of our own success, but we do have a plan. We have released that plan; it is Housing the Territory. We have a comprehensive plan. The opposition have a dot point on a website. That is their plan: a dot point on a website. They have nothing else.

We have massive land release happening. You see it happening now; people only have to go to Palmerston to see the land release happening. The work has already started in Johnston. Advertisements are going out for tenders for that subdivision. Bellamack is progressively being released. We announced the affordable housing company, to bring rental affordability into the marketplace. It has not been there before in the Northern Territory. Also, 15% of those land releases are going to affordable and public housing - the first time ever we have mandated that. Also, there is more public housing. We are going to have more than 300 extra bedrooms in the next 12 to 18 months in the Northern Territory. That is our comprehensive plan. It will ease the strain on the market because of our strong economy in the Northern Territory.

I will also touch on the public service. We have a wages policy. We are the only body in this House which actually has a wages policy. The opposition does not have a wages policy. We have tempered our wages policy with the forecast for GST reductions, and also the global financial crisis we are in the midst of. In the good times, the public service did get significant wage rises. The Leader of the Opposition talked about the teachers. In the last 12 months - in August, I think - they received a 4% pay rise. Obviously CPI is not that high. Prior to that, they received a 4% pay rise. They have done very well out of the current EBA.

Going forward, we have been very honest with the unions, and very honest with the public service. This is a time for restraint to protect jobs. We have a massive wages bill for the public service - I think it is \$1.5bn - which is a significant proportion of the Northern Territory's budget. Any change within that budget has quite significant effects. The Treasurer highlighted a 1% change is worth approximately \$15m. What we are facing with our wages policy at 2.5%, is roughly \$40m ...

**Madam SPEAKER:** Minister, it now being 9 pm, did you wish to continue your remarks?

**Mr KNIGHT:** I will just wrap up, Madam Speaker. We respect the public service. They do a good job. We are being responsible and are going to protect those 18 000 jobs. The CLP will cut jobs to pay for any wages rises. That is their policy of getting rid of public service jobs.

Discussion concluded.

#### ADJOURNMENT

**Madam SPEAKER:** Members, it now being 9 pm, pursuant to Standing Order 41, the item of business before the Chair is complete. The Assembly will now adjourn.

**Ms LAWRIE (Karama):** Madam Speaker, over 1200 people attended the Tiger Brennan Drive open day. One hundred people worked on the site to deliver this unique event. It was the first time a working construction site has been open to the public. The open day gave the public a chance to see the scale of this project up close. There were many appreciative comments on the day and acknowledgements that this was a unique opportunity; that 'these types of things do not happen down south'.

I will touch on some of those comments. Of the key points people in the surveys wrote down about the open day, the bus trips were the most popular activity - people were impressed by the commentary and found it very informative. Another consistent point made was that 'the day was well organised and the staff were friendly'. Another point made consistently was: 'the children's activities were well received'. In detailed comments, another comment was: 'I felt like I was hosted from the moment I came in the gate to the moment I left'. Yet another comment: 'The staff from Macmahon and the Northern Territory government were friendly and helpful'. And another comment: 'The bus driver was fantastic, really informative, answered all the questions, everyone is super lovely, great atmosphere'.

I congratulate Robert Wilson of Macmahon Contractors who first raised the idea of an open

day and who superbly managed the event. The open day provided plenty of activities: bus tours along the extension corridor and past the interchange construction; machinery on display and in operation; displays of the interchange; a sandpit and jumping castle; lucky dips prizes of the mine dump truck rides and helicopter tours - the most popular element of the day with lots of cheering to be heard from kids and parents who won a ride. The mine dump trucks were provided by CDE Capital - my sincere thanks to the Ruscas. Jayrow provided their helicopter services on the day.

The displays were informative and included displays by:

- Macmahon Contractors and the Northern Territory government;
- the Larrakia Development Corporation, including Saltwater Construction and Larrakia Environmental Services; thanks to: Jacqui Treves, James Beasley, Allen Trindle, Craig Henderson, Leanne Allia and Paul Albano;
- SKM for the interchange design; thanks to: David Armstrong, Rod Page, Anthony Wright, Patrick Hart, Keith de Dios, George Curran and Darren Chee;
- CDE Capital, civil and mining contractors; thanks to: Stewart Collis, Derrick Yates, Brad Zillman, Robert Rusca and Steven Turner;
- Engineers Australia; thanks to: Karen Relph;
- Engineers Without Borders; thanks to: Rana and Conrad Everitt;
- Civil Contractors Federation of Australia, NT Branch; thanks to Kevin Williams and his team;
- Skills DMC; thanks to Marcia Kelly;
- Fyfe JMA; thanks to Warwick Bryant;
- Cardno Ullman and Nolan Geotechnical; thanks to Michael Large, Ben Parry and Matthew Dunkley; and
- the Northern Territory government; thanks also to First Class in Graphic Design, Trish Brick and Deanna Spicer for preparing the displays.

These displays highlighted the civil construction industry and gave the subcontractors an opportunity to highlight their contribution to this magnificent project. The interchange model, diagrams and the animated fly through detailed the bridges and traffic flow for interested commuters. The bus tours were fun and informative and well attended with the visitors getting an up-close look and understanding of the project.

I particularly acknowledge the fantastic organisation and effort that went into this open day project by a range of organisations. First and foremost, Macmahon Contractors - what a great idea, Robert Wilson, and thank you so much for all the effort you went to and to your great team, Ron Beekman and Chris Pick. Thanks also to the Palmerston Office of the Chief Minister; James Burke and Wayne Zerbe put enormous passion and effort into this open day; thank you sincerely. Michels Warren Munday, led by Jane Munday; thanks to you and your staff who worked tirelessly to organise the day and on the day, including Sue McLean, Dael Webster, Melanie Walker and Penny Baxter.

Thanks also go to site coordination - Tony Kruger and Robert Wilson; helicopter ride shuttle - Ron Beekman and Chris Wilson; Bus tour commentators - Chris Pick, George Skene, Dayne Tierney, Daniel Abbott-Wightman, Brent Offer, Jason O'Hara, Jennifer Beer, and Irma Gerridzen; bus tour coordinator and tickets - Brian Gallagher, Brendan Lamb and Jack Noble; the lucky dip, helicopter and dump truck rides - Corina Carrol and Tennile Wilkie; the dump truck shuttle and scissor lift coordinator - Darren Holloway, Vlado Ristevski, Andy Gordon, Clinton Mansell and Chris Rutene; the dump truck drivers - Simo, Allan Busbridge, Terriane Holden, and Gary Day; supervising sand pit - Nina Olesen - she was lovely; video room display - Shane Aberdeen; plant display - Darryl Blake, Katelyn Blake, Alex Hollow, Daniel Pethick, and Bryce Austin; safety - Darryl Shaw and Daryl Prunnell; site maintenance and compound gates - Craig Pollock, Bill Cull, Damion Tamiano, Robert Hale, Sabia Babia, and Zennas Que Noy; parking - Ian Hageman, Aron Payne, Jason Davern and Kyle Fulton; entry gates on Tivendale Road - John Ponter, Geoff Johnstone, Shane Brown and Phillip Tamiano; entry gates at the interchange - Charlie Watt, Carl Cartwright and Darren Elliott.

On the day, around 30 workers were on-site working on the interchange bridges and the road corridor. Robert Wilson wanted to keep it real. He wanted the site to be working while people were out there having a look, which I thought was a great aspect to the day: highlighting to the visitors the working machinery on the site.

The Department of Planning and Infrastructure, particularly the Construction Division, also put a lot of effort into making this day a great success. I sincerely thank the DPI team: our CEO, Richard Hancock and his head of the Construction Division, Mike Chiodo; the DPI Construction Division team led by Louise McCormick, Stephen Hoyne and Lou Cowan; and the communications and marketing team of Cassandra Buckley, Tarun Richards and Ryan Zerbe. Other staff who worked on the preparation and on the day included: Ben Toll, Brendan Joyce, Usman Siddique, Gayika Vasantha, Geoff Horni, Tom Noone; and our bus drivers - what a great job they did: Bob Small, Hari Susanto, Steve Connelly, Ivan Cooper, Ray Morrison, Tim Mu, Rolando Macaranas, Geoff Ryan, Rosina Couturaud, Dave Moore, Mark Chatfield, Reg Trevethan, and John East.

There were a number of community workers who worked on the catering stalls, including supporters of the Gray Childcare Centre, the Palmerston Crocs, Litchfield Soccer and the Swamp Dogs ...

**Mr Wood:** Go Litchfield Club. They are called Litchfield Football, by the way. You will be in trouble for that.

**Ms Purick:** Litchfield Football Club.

**Ms LAWRIE:** Litchfield Football Club. I also sincerely thank the St John Ambulance volunteers who were there on the day.

As members would appreciate from the long list of people I recognised and thanked for their contribution to the day, it was a massive team effort. Being out there on the day was a pretty exciting opportunity for people to see firsthand the historic road project occurring at the Tiger Brennan Drive extension. Many people were amazed by the sheer scale and dimension of the project. It is one of those things you hear about, and glimpse it from the highway going past but, until you are actually out there and seeing it, it is quite something else.

The Chief Minister and the Minister for Transport were there. I am sure we are all getting similar feedback; people were amazed at the sheer scale of the project and were impressed at the change it will make to their lives commuting in from the rural area or from Palmerston into Darwin. They had the opportunity to talk to people about the fact it is also significantly a freight route, having the trucks going down to the port, and why that is good for economic growth of the Territory.

It is a project this government is immensely proud of. It would not be happening if we had not gone in there and done the deal with the Labor

Commonwealth government to get the dollars for the \$110m project. All these people I have recognised and thanked today - many people own this project. It is owned by the sheer hard toil of the contractors, all of their staff, all of the subbies and all of their staff, all of the government workers involved in the project, and the designers, SKM.

Many Territorians are investing their hard work in this project and they love it. They are owning the Tiger Brennan Drive extension. What an amazing and incredible experience it will be to see the project completed in 2010. It is truly transformational. It will change the city tremendously. It will open up enormous growth corridors. It will open up the economic opportunities of our port. It will help our transport systems, and our transport providers.

I particularly want to single out and thank Robert Wilson. As I said, this was his idea. He said to me: 'How about we open up Tiger Brennan Drive? I know it is a construction project, but let us give people the chance to come in and have a look at what we are doing out there'. He shares my passion, drive and commitment for that project. I said: 'Robert, great idea, let us make it happen'. He and his staff, and all the people I have mentioned, have worked hard to make it happen.

I also thank Sonia Peters in my office. I know she told me not to thank her, but thank you, Sonia. You did an enormous amount of work. I saw you pulling together a whole number of teams of people to talk about the open day. Thank you.

**Mrs AAGAARD (Nightcliff):** Madam Deputy Speaker, tonight I wish to speak on the Portrait of a Senior Territorian Art Award.

Honourable members, I hope many of you had an opportunity to look at the 33 terrific portraits of senior Territorians currently on display in the Main Hall. On 9 October we had a very big celebration in Parliament House with hundreds of seniors, artists, people who sat for portraits, and art lovers coming to enjoy this exhibition and celebrate with the people who won the awards.

As part of that celebration we had some excellent entertainment. I thank those members who were part of this. In particular, I thank the Minister for Transport, the member for Barkly, who wrote a special song for NT seniors, and led the MLA choir. I was disappointed more members were not involved in that, however, the Minister for Transport led us in a very excellent song, *NT Seniors*, and some of us joined in - we had only one rehearsal so we were not exactly professional, but we did have our hearts in it. I also thank the member for Port Darwin, the Chief Minister, the member for Fannie Bay and the

member for Sanderson. We joined in with instruments loaned to us by Moil Primary School, and I did a tambourine number; someone suggested I was actually a member of the Salvation Army, and I would like to clarify that is not the case, although I am quite happy to, and perhaps that is something for another life.

I would like to also thank Mr Andy Myerson, who was on keyboard from the NT School of Music, and made our singing sound much better than it probably was.

Each person invited to this function was asked to come dressed with flair - and it was wonderful to see the variations in guests' expressions of flair. When Hon Austin Asche RSVPd, he said to my staff he was going to consult flair on what he should wear - and he came appropriately dressed. We also had a fashion parade, and his Honour, the Administrator, Mr Tom Pauling and Mrs Pauling, and *NT News* journalist, Daniel Bourchier, assisted with the fashions. Daniel also paraded in the fashions wearing a powder blue safari suit with appropriate shoes, and did a very good job. I thank them for being involved in this, as well.

But the main event is the artworks. The winner of the \$5000 Government House Acquisition Award went to Iain Campbell of Alice Springs with a beautiful painting of Mrs Jose Petrick OAM, who, I understand, is well known to the member for Araluen. Iain Campbell studied art in Glasgow, and completed further studies in education in Scotland and the Northern Territory. His work has been included in numerous exhibitions in Alice Springs and Darwin, including several solo exhibitions. Iain was also the winner of the 2002 Portrait of a Senior Territorian Art Award. It is a terrific painting.

The painting is entitled *Jose*, and I will tell you something about her. Jose Petrick OAM was born in Bournemouth, England, where she trained as a secretary and a nurse. Jose arrived in Australia in 1950 to work as a governess at MacDonald Downs Station. She soon married Martyn Petrick on neighbouring Mt Swan Station, and later moved to Neutral Junction Station at Barrow Creek. Following Martyn's death in 1974, Jose became a journalist with the *Centralian Advocate* writing features, which were subsequently published in book form. Jose was awarded an OAM in 2000 for service to recording the history of Alice Springs. She has a daughter, a son, and five grandchildren.

I have not met Jose, but she has a very beautiful face, and if you look at this painting in the Main Hall you will be very drawn to it.

We also gave two highly commended awards, one to Gerald Grady, who describes himself as a disability service worker by occupation, and an artist by vocation - I believe he is too humble there. The portrait is of Margaret Luta, who comes from a well-respected family of artists and musicians, and is an artist and writer herself. Margaret's work draws on her Torres Strait Islander background, and some of her published stories are held in the Northern Territory Library collection; and her prints are represented in the National Library of Australia Art Collection. This is also a very beautiful painting.

The third winner was Emily Rogers with a portrait of someone well-known to many people here, Dr Arun Mahajani. Emily Rogers began painting last year whilst completing Year 12 at Casuarina Senior College, and has focused on painting flowers and portraits; and Emily's collection titled *Emerging Cultures*, based on the Aborigines of Eastern Arnhem Land, was selected in the 2009 Exit Art exhibition. Emily's portrait of Arun Mahajani won the People's Choice award in this exhibition.

Arun Mahajani arrived in Darwin 1971, and he is one of two surgeons who operated non-stop after Cyclone Tracy. Arun went on to become Head of Surgery at Royal Darwin Hospital. A lifelong athlete, he still runs half marathons and wins at World Masters tournaments. He was the first army medical officer for NORFORCE, and is now one of three life members of the Northern Officers' Mess. He still operates, runs, and goes to the Mess and has taken up another job - looking after his grandchildren - Sara and Sohan. Arun is married to Sadhana

Honourable members, I hope you take the opportunity to look at these paintings, and also vote in the People's Choice Award. I thank the other judges, two people who know a great deal about art - lecturers from the School of Creative Arts and Humanities at Charles Darwin University - Dr Andrea Ash and Dr Carole Wilson - and I thank them for their assistance with the judging. It took us some hours to make the decision; it was a very hard choice to make.

I thank the Exhibition Coordinator, who worked with us for five weeks, Ms Karen Martin-Stone. She did an excellent job, and it looks really spectacular; a great deal of work goes into curating an expedition. Thanks to the Museum and Art Gallery of the Northern Territory for the loan of prints and sand, and also thanks to the Toga Group, which loaned us the display walls for this year's exhibition.

I thank our Master of Ceremonies, the Clerk of the Parliament, Mr Ian McNeill, who presented some very humorous jokes while we were judging

the fashion parade. I was not listening to them, but I did get some feedback, Mr McNeill, that you really entertained people during that time. I thank my staff as well, Vishal Mohan-Ram and Karen Philp, and Tony Hibberd for their work with this display as well. Thank you very much.

**Ms PURICK (Goyder):** Madam Deputy Speaker, it is my pleasure this evening to congratulate one of the primary schools in my electorate. Before I do that, I would like to pick up on some of the comments of the member for Karama with regard to the open day - yes, it is a terrific project. I also want to comment on the helicopter rides which were available through a competition; yes, there was a coordinator, but the helicopter and pilot were supplied by Jayrow Helicopters, one of our helicopter companies in Darwin, and Larry Tessman is the General Manager, and has been for some time. It is a solid, decent Territory business, and Larry has been here for many years servicing not only the industries which require helicopter work, but also fun and recreational activities such as the weekend. So congratulations, not only to the open day and to Robert Wilson and his team, but also to Larry Tessman and his helicopter business.

I would now like to talk about the Flame Awards. They are in their fourth year and are run by Music Play for Life, the Music Council of Australia's national campaign to encourage music-making in schools and communities, and ABC Classic FM. The Australian Society for Music Education helps set the entry criteria and conducts the short listing for the awards.

The awards are run against a backdrop of research which shows that despite proven benefits, music education is in decline in many schools in Australia; yet every child arrives at school each morning with a musical instrument - their voice. This year the awards had a pool of three finalists, each with an inspiring music program in which singing is front and foremost. It is open to all schools, both government and non-government, primary and secondary, and there is a \$15 000 prize pool supported by philanthropists, Robert and Elizabeth Albert. The national winner is chosen from eight state and territory winners; receives \$4500 in cash, and hosts a world-class concert with leading musicians which is broadcast live around Australia on ABC Classic FM. Then there are state and territory winners. There were three schools from the Northern Territory: Larapinta Primary School from Alice Springs, Jingili Primary School, and Bees Creek Primary School.

It is my great pleasure now to announce, and no doubt it will be in the media in the next few days, Bees Creek Primary School took out the

national competition. Sorry, Jingili Primary and Larapinta Primary; obviously Bees Creek Primary School students sing better than anyone else in the Northern Territory. My congratulations to Ken Brodie, Martha Tozer and John Tate, the Principal, and all the parents, students and teachers who contributed to helping this school take out the Territory award. Congratulations and well done!

**Mr WOOD (Nelson):** Madam Deputy Speaker, I would just like to comment on housing and its effect on the cost of living for all Territorians. There were some comments made today by the minister for NRETAS about energy saving, and he talked about energy-saving devices. To be honest with you, I believe we are only just scratching the surface.

The government, through planning rules, has allowed much of our housing, especially in the tropical areas, to be built in such a way they cannot be called energy-saving houses. They are built very close together with the house taking up about 90% of the land so natural breezes and natural cooling simply do not exist. In some suburbs today you will see a big fence at the back of a house, you see about 2 m of back yard, and then you see a house; the houses are so close together the water running off the roof of one house just about hits the water from the roof of another house.

We are living in a fantasy world if we believe a few hundred dollars worth of energy-saving devices in the form of light globes, or whatever, will do anything for the environment. If you go past City Valley along Tiger Brennan Drive going towards Palmerston and the rural area, and some of the suburbs around Lyons, and look at the number of air-conditioners attached to the houses, you have to ask: are we going down the right path?

Then look at some of the older suburbs where there are original Housing Commission houses; they may not be flash, but they were designed for the tropics. They use louvers to the maximum, which allow breezes into the house. They also had room to breathe; the houses are not built right up against the house next door and they have front yard and back yards so there is actually the ability for breezes, and the ability to have verandas, and a place to sit outside if you want to.

Today we have houses which look like carbon copies of houses you see in a suburb of Adelaide. It is very unfortunate we have taken a step backwards and not looked at the issue of how much energy we are using and, instead, built houses of high energy use. I am concerned about the five and six star ratings which have been promoted in the Territory by some people; I

believe we need a five star rating for the Territory, not a five star rating developed down south and attempting to adapt it to the Territory. We need our own ratings in regard to houses.

If we are looking at the cost of living in the Northern Territory, the more we build houses which require air-conditioning simply because we have not allowed good planning principles to occur, and with the extra cost of electricity - 17% rise this year - people are going to find it very hard to have a good night's sleep, (1) because they are worried about the electricity bill, and (2) if they turn the air-conditioners off they have Buckley's chance of getting a good sleep because they live in a very hot house.

Another area I have mentioned before to reduce the cost of living is professional housing. We need housing in the form of one or two-bedroom units or townhouses for nurses and teachers, and other professional people. We need to tap into some of these superannuation funds, and we need to talk to the unions which represent these professional groups, to see if we can build housing set aside for these professionals. They would still have to rent them, but it could be at much lower than market price, so income goes back into the system. But, we would be (1) reducing the cost of living, and (2) attracting people to stay in the Northern Territory. I really believe we have to go down that path.

It used to be the norm in Darwin, to provide accommodation for professionals, but we have moved away from doing that. Many public servants used to live at Kurringal Flats; that was the place public servants who came to the Territory lived until they established themselves elsewhere. If rents are a problem because they are too high, let us look at another alternative - build houses for professional people and reduce the rent market.

The other area I need to do more work and research on. A friend rang me the other day because they know the government is looking at an affordable housing company, and there are some issues in relation to the benefits for the government that. There is a concept in America called the Community Land Trust where, basically, a philanthropic group – it could be a government - purchases land and allows people to build on that land without selling the land to them. So, you build your house on a block owned by the land trust, and you sell only your house. You pay, perhaps, a monthly rent which might be \$50 or \$100 to the Community Land Trust to help with administration, repairs, or whatever.

You might think it is a strange idea, but you have to ask yourself: why do you have to own land? Land is there all the time - a house can

come and go - but land is there all the time. Why can we not have a system where you build a house, or you get someone to build a house for you, and all you pay for is the cost of that house. I am quoting from a document here by Shelter NSW which, I presume, deals with finding affordable housing in New South Wales. They quote some figures in relation to how much the gross land price would be for a house in Sydney in 2004, and that figure includes government charges, selling costs, taxes, external indirect authority requirements, etcetera, and the cost of the land itself.

The average component of a house/land package was \$275 677, which works out at 55% for the land, and the house price averaged at \$226 875, which is 45% for the land. If you take out the land component, you are now getting back into affordable housing. Prices of land in Darwin are around \$180 000 to \$240 000 just for a block of land ...

**Mr Styles:** \$320 000 in Lyons.

**Mr WOOD:** \$320 000 in Lyons. You take that cost out of the system and lease the land on a perpetual lease - and some of the figures I read from America, they have a 99-year lease. I believe there is a great opportunity here to look at something totally different. We do have communal type housing estates in Australia, but we do not have this type of community land trust. It would only be available to people who are on medium incomes; and it would also be available for people on low incomes. It would not be for people on high incomes. It could be a mixture of non-government organisations building the houses and selling them to people; it could be a mixture of private developers building the houses and selling them, or individual people could sell them as well.

It is more detailed, of course, than what I am saying in a few minutes. There are issues of how you pass that house on to the next person, and there are rules about that as well. Obviously, you do not make as much money if you were to sell the land and the house, but you would get an increase in the value of the house simply for improving it.

We need to think not exactly outside the square, because obviously people in America are doing it; as I said, there are about 220 community land trusts in the United States. There are also land trusts in the United Kingdom, and it is an option we should be looking at here, because it is an interesting concept. The land is not that important; the house is what is important. The land side of it is what has really made unaffordable housing a problem in Darwin and other parts of the Territory.

It is something we should look at, and I would like to go into it further at a later stage.

**Mr GUNNER (Fannie Bay):** Madam Deputy Speaker, I have a couple of great schools in the Fannie Bay electorate - Stuart Park Primary is one them, and it just got better with the investment by the National School Pride funding. Stuart Primary invested \$200 000 on a new veranda outside the early primary classrooms which has opened up hundreds of square metres of extra play and learning space, and will be a terrific asset to the school now and in the future. It has opened up the entire side of the school and will allow all-year round use. In my opinion, Stuart Park Primary has the best school grounds in the Territory; it is a beautiful outdoor space, and the new veranda has made those grounds more accessible for early primary students.

Stuart Park Primary held a competition to come up with a new name for the veranda. The first entry came from Principal Bernie Bree. He proposed the Bernie Bree Memorial Outdoor Educational Facility. The judges thought about that trying to work out how much the signage for so many words might cost. The final winner was a testament to Territory common sense - it came from the students themselves and is a commendation of the ability of future Territorians - the veranda has been officially named 'The Veranda'.

On 23 September, it was my pleasure to officially announce the new name and open The Veranda, and it was a top morning. The Stuart Park Primary School Choir, thanks to their teacher, Raz deJongh, performed some great songs, and the staff and parents organised a range of great activities for the kids to participate in and help them welcome their new space. There was slime and bubbles, hand painting, face painting, and an obstacle course; there was even a jumping castle; it really is great to see this money benefiting the kids. Sometimes it is hard to visualise what \$200 000 actually means to a school, but seeing the kids enjoying that new play and learning space puts it into perspective; they loved it and it is a great addition to the school.

I congratulate Paul McGrath Constructions, along with the engineers at Aurecon for building this great space. Thanks also to Stuart Park Primary School's Maintenance Officer, Walter Briant, who worked with the builders and finished the building by painting the walls. I congratulate Principal Bernie Bree and the Stuart Park Primary School Council for their vision; all the early childhood teachers for their input and assistance; federal member, Damian Hale, for the cash; as well as Swannie, Julia and Ruddle.

Other things have been happening in the electorate. We have many talented Territorians. Jessica Mauboy is pretty deadly at the moment on the national stage – four Deadlies and seven Aria nominations - and she is not the only talented Territorian we have. I saw a whole bunch of them at the *Darwin Middle School's Got Talent* – a top day, an end of term talent quest, and there was a lot of talent on show. It was back at the start of the month, 2 October; I was one of the judges, along with ABC's Laetitia Lemke. The talent on show was extraordinary, but even more extraordinary, in my opinion, was the sheer number of performers who took the stage.

'Shame job' was a big thing when I was at school, and it is hard to get on stage and to have a crack in front of our classmates - belt out a song or a dance move - but not only were these performers talented and positive, the crowd really got into the spirit of the day and had a lot of fun, which was great to see. It is tough being a judge, and it was really difficult to pick a winner. In the end, Laetitia and I awarded:

1<sup>st</sup> place - Josie Phillips for singing her own song *Thunderstruck*. She got up onstage with her guitar, just herself and a microphone, and sang the song she wrote herself. I thought that was pretty special.

2<sup>nd</sup> place went to Benjamin Masters, Kane Bishop and Daniel Hanlon for their 'beatboxing' performance. I certainly can not beatbox; it is beyond my talent; but I thought it was pretty impressive.

3<sup>rd</sup> place was a tie for Jeannie Florindo for singing Delta Goodrem's *Born to Try*, and Aaron Marbella for singing Bon Jovi's *Living on a Prayer*. Aaron was a huge crowd favourite. I saw him again this morning with the Darwin Middle School students who came into the public gallery, and he is still practicing his Bon Jovi.

It was a top morning, a top concert with really talented Territorians.

The students who had the talent and guts to have a go were:

Year 7 students: Tahnee Cvirn, Eliza Quinlan, Artia Ratahi, Jayde Hopkins, Komal Ahmad, Josie Phillips, Zoe Mitchell, Aaron Marbella, India Morgan and Shantal Sharpe.

Year 8 students: Anziela Soeriaatmadja; Michael Pilling; Brooke Wilson; Dominique Neaves; Jamie Tran; Noah Prescott; Tisha Tejaya; and Emma Davies.

Year 9 students: Aimee Bourke; Elijah Malibiran; Natassja Goodier; Anthony Nicholls;

Benjamin Masters; Kane Bishop; Joshua Keogh; Daniel Hanlon; and Ruben Aguiar.

A special mention should be made of Stephanie Cvirn, a School Council Member, who was the initiator and driving force behind the event. With thanks to her, the day was a huge success. A barbeque fundraiser was also organised by Stephanie, and held at lunchtime on the same day. Money raised went towards installing more shade and outdoor seating for students at Darwin Middle School.

With events like these there are always many people working tirelessly behind the scenes in preparation. Special thanks must go to the following Darwin Middle School staff without whose support and extra effort events like the Talent Show would not exist for our kids:

Principal, Marcus Dixon; Arts and Languages Coordinator, Nickolaos Miaris; School Counsellor, Andrew Pinnell; and teachers: Trudy Brown; Monica Jacobs; and Sue Neal.

Thanks also to dance teacher, Fansi Hitanaya, for running rehearsals; and Joshua Thomas, the Aboriginal and Islander Education Worker, for his great work on sound, the speakers and microphones at the event.

Thanks must also go to SRC School Captains Kathlyn Bartels, William Hetherington; and Alison Duguid, Student Committee Member of the SRC.

Student MCs: Rochelle Cabry and Isabel Guthridge did a great job on the day too, they were very composed and they handled everything in their stride, and did a great job as MCs.

Congratulations to all those kids who participated, and to the staff for giving these kids a chance to show their talents.

The Saturday before we returned to parliament for the October sittings, Total Recreation hosted their annual *Dancing with the Celebrities*. I know the member for Brennan was there and enjoyed the night. For those who do not know, Total Recreation is a not-for-profit organisation which creates opportunities for people with disabilities to be involved and included in sport and recreation activities in the community.

The *Dancing with the Celebrities* event is their main profile fundraising event, and a chance for Total Recreation members to learn to dance - and most of the fun is in the dance classes - and then put it all together on the night for the end of season ball.

This year I had the opportunity to put my hand up and be involved. I was very nervous about

accepting because I am not much of a dancer but, luckily, I was partnered with a great dancer, Margaret, who was amazing and she certainly knew her steps better than I did! She was an excellent partner and I was very lucky to have her. I know she had a lot of support from her parents, Helen and Alasdair, and her whole family were there on the night, which was great to see. Margaret made my night on the dance floor a pleasure.

Dancing along with Margaret and I were: Minister Malarndirri McCarthy and Joshua Compton; the Leader of the Opposition, Terry Mills, and Megan Halvorson; Deputy Mayor of the City of Palmerston, Natasha Griggs and William Joswig; NORCOM Commodore David Gwyther, and Amanda Mouthaan; Australia Post General Manager, John Marsh and Tammy Heap; Ray White Sales Professionals, Simon Watts and Kym Duggan; CMax Cinemas General Manager, Andrew Cripps and Karen Klose; SKYCITY Sales and Marketing Manager, Tanya Pederick and Richard Knuth; Jape Homemaker Village Manager, Pamela Jape and Joshua Kelly; Mix 104.9 breakfast announcer, Rick Knight and Jessica Lee; Southern Cross Television's 'The Scoop' Sarah Tucker, and David Vallely; Darwin socialite, Connie Jape with her partner, Raymond Roach; and owner of Darwin's The Good Guys, Andrew Barcroft and Jody Zammit.

Thanks to Bronwyn Graham and the Darwin Dance and Drama Academy we all had dancing lessons for a number of weeks leading up to the ball to learn the waltz, the tango, the salsa and the jive. I often remembered the steps, but could not remember which name went with what, but it was fun getting through it all. Bronwyn had a tough job with some of us - I know that for a fact - after many weeks of rehearsals, I have to confess to a private lesson in my office.

The *Dancing with the Celebrities Ball* was a huge success, and it was one of the best run and best organised functions I have been to. It was held at the Casino and the room was packed; you could not squeeze in another chair. The ball has an excellent reputation for a good reason - it is an absolutely top night. Everyone loves a good reason to dress up and there are not many better reasons than dancing at a celebrity ball. Everyone got into the spirit of the night - the dance floor was packed, which is a great way to know if the night is going well - the dance floor at the end of the night was overflowing.

Congratulations must go to the member for Arnhem and her partner, Joshua, for taking out the grand prize. They were awarded three sashes - Best Tango, Best Couple, and Overall Champions. She cannot get her mojo on in the Chamber, but if you had seen her on the dance

floor, you would agree wholeheartedly with the judges' decisions - they were amazing. Some have suggested the member for Blain and I had some work to do to do better than the member for Arnhem. I do not actually think that is possible - you are either born with it or you are not. I am pretty sure the member for Blain might agree with me - the member for Arnhem certainly had it.

Congratulations must also go to Deputy Mayor, Natasha Griggs and William Joswig for taking out Best Salsa and also Best Style and Rhythm - fantastic effort. Connie Jape and her partner, Raymond Roach, were awarded Best Technique. I borrowed Connie at a few dance classes to practice my steps; she knew what she was doing more than I did. Sarah Tucker and David Vally won Best Jive; and Rick Knight and Jessica Lee walked away with the title of Most Sparkle. Rick and Jess were colour coordinated - Rick found a pink bow tie, and I have to make a special mention of Jess's tiara - they certainly earned the award for Most Sparkle. Just between you and me and the public record, I know a few girls who would have liked Rick's number. Andrew Barcroft and Jody Zammit won Best Modern Waltz. Andrew, from the Good Guys, was one of the crowd favourites. The judges did indicate, though, they had been successfully bribed in this instance, but the judges made it clear at the start of the night that they were open to bribes or to anything to raise funds for Total Recreation.

Thanks to the judges on the evening: Deputy Chief Minister, Ms Delia Lawrie; member for Nelson, Mr Gerry Wood; and the President of Total Recreation, Mr John Cossons. As I mentioned, they managed to raise some extra funds for Total Recreation from a few celebrities happy to bribe some of the judges. Further thanks must also go to John Cossons for his contribution both on the night, and for many years as President of Total Recreation. This is his last year as President, and on behalf of many people I thank him for his hard work. Knowing the passion John showed on the night, and whenever you talk with him about Total Recreation, he will stay involved.

Also huge thanks must go to Rebecca Forrest from Forrest PR.

I will finish off the adjournment tomorrow night.

**Mr CHANDLER (Brennan):** Madam Deputy Speaker, I too enjoyed the *Dancing with the Celebrities*, although I certainly was not dancing. As the member for Fannie Bay said, some people have it and some people do not. It is certainly one of the most enjoyable parts of the job of being a local member to get involved in events like that. My own son, Jackson, has benefited from Total Recreation; he has enjoyed the days they have

taken out ten-pin bowling and to other events, such as cricket and football. They have played a number of sports and so forth, and he certainly enjoys it and gets a lot out of it, and I thank Total Recreation for that. It is great to support events like that.

I have a couple of things tonight - one I hope the government is going to look into, and I hope they know about. Parks Australia North has had a senior administrator based in Darwin for the past 20 years. The position, Assistant Secretary Parks Australia North, is currently held by Anne-Marie Delahunt. The job is based at the airport in the same complex as the Office of the Supervising Scientist. The position is being relocated to Canberra after 20 years in Darwin. Hopefully, the Northern Territory government knows about the move and is doing something to stop it. It now means that the most senior Australia Parks North position in the Northern Territory will be an Executive Level 2. My information says this will all happen in the next couple of months.

What I am asking is: what is the Northern Territory government doing to secure this position to ensure the focus remains on the Territory? I certainly hope the government is not happy that the senior bureaucracy for Parks Australia North will be based in Canberra. Does the Territory government think Parks Australia North will do a better job managing Uluru and Kakadu from Canberra? I hope the government is putting pressure on the federal government to keep the position here in Darwin where they can focus on local issues.

I used to call Canberra a plastic place. I visited there many times and, I must say, it was a strange environment, and I certainly enjoyed coming home. I did not enjoy hopping off those little planes in July when there was slush on the ground and on the tarmac in Canberra, after being in Darwin a few hours earlier at 30-plus degrees - so, bad memories. Perhaps it is more about the local conditions. Maybe Parks Australia has decided it is too tough here in Darwin; it is too expensive to live with the price of homes and so forth, so they have to relocate to Canberra. We have labourers, bakers, butchers, teachers, and nurses all leaving. The skilled workforce is walking as they cannot afford to live here.

We learned recently that the Central Land Council wants to ban alcohol in our national parks. It was brought home to me it was this government which handed back the parks to Indigenous people, and then leased them back. With any leasing arrangements there would be some expectation of the ability to use the product or the property you have leased; and this certainly is a change, you would think, to the existing lease conditions. This is not about one rule for one and

one rule for another because of the intervention. It should be said no one condones reckless drinking and drinking getting out of hand, but there are many people out there who certainly would and should be able to enjoy a chardonnay, a beer, or a champagne while they watch the sun setting over Uluru.

It is a very important issue; it is one of those lifestyle issues the government talks about - the Northern Territory offering such a lifestyle. Then we see a real risk part of that lifestyle could be damaged. I need to say no one condones excessive drinking and no one is suggesting that is what is wanted. However, the ability to have a glass of wine or a beer while watching a sunset in any of our parks is part of the experience of coming to the Northern Territory, and one I am hoping this government ensures will continue.

Today, the Country Liberals were accused of scaremongering about things such as the cost of living; it was the member for Karama who used the term 'scaremongering'. I wonder whether the government gets outside this building. We were talking about facts today. We were not talking about running a scaremongering campaign, and we are not making up stories here - these are facts. The cost of homes is the dearest in Australia. The cost of land, the cost of electricity, and the cost of water have all blown out substantially in the last few years - all under this Labor administration. That, of course, flows onto business, so it can have a direct effect on wages and further pressure on businesses because the costs to run a businesses increase.

I find it amazing the government can criticise this side of the House when, in fact, it is the opposition's job to hold the government to account - that is the Westminster system. They cannot expect us to come in here and say nothing when there are tragic events happening in our community. It is not made up; it is not about scaremongering - it is talking about the truth. I believe the government sometimes does not want to know the truth; it would rather see through rose coloured glasses. People do not continue to come to your office with tears in their eyes; grown men breaking down because of the pressures which have come to bear in recent times. It is not just a one-off; it can happen for so many reasons in life, it does not matter where you live. However, this is not a one-off; this is happening more and more because of this artificial bubble which has been created. We all know the majority of it comes down to one thing: how slow land has been released in the Northern Territory.

Today I issued a media release which suggested the Chief Minister was still driving around in a V8; I have now learned the vehicle is a V6. I commend the Chief Minister for making

that decision and to keep that commitment. I said on radio this evening: 'Is it running on gas?' Apparently it is. So, I thought the next best step was to say: 'Well, he could be driving a Prius'. Now I have come out with that, should the Country Liberals take government, there is probably an expectation one of our ministerial vehicles would be a Prius. There may be some people on this side who might have words about that. Vehicles are vehicles, and if they get you from A to B we should be happy.

Seriously, there are simple practical steps we can take in relation to reducing our carbon footprint. I mentioned it a little earlier tonight. I know when having to make a choice of a new vehicle to replace my electorate vehicle there was any number of vehicles we could have, and there are members who do need four-wheel drives in their electorates. I have an urban electorate, and I took over a vehicle from the previous member, which was a very big, fuel guzzling, six-cylinder four-wheel drive and, in an urban seat, I could not justify it. Also as shadow Environment minister, I made a conscious decision to replace it with a four-cylinder diesel, dropping the fuel consumption from about 16 or 17 litres per 100 km to about six to seven litres, I believe, Holden are quoting on that particular vehicle. This was a conscious decision, and it is a small step people can make; a conscious step which can make a big difference. Little steps can lead to big changes.

**Mr MILLS (Blain):** Madam Deputy Speaker, for those of us with friends who have a child with a handicap we know how difficult it is, the extra pressure that brings, the extra challenges that family faces, particularly those of us who have raised children. The member for Fannie Bay has described that wonderful event where we were involved with Total Recreation in providing some recreational activities for kids with handicaps; and it was a wonderful time. One of the benefits of that is it helps us to be involved in a very special way and to learn how special those children are; but those families carry an extraordinary load.

Having visited a number of schools, 21 schools, in recent times, I have come away very impressed at the tone in those schools, and how well equipped they are. I come from the non-government sector which was nowhere near as well equipped as any of the schools I saw - the camaraderie, the professionalism, the focus from the staff - particularly coming from Palmerston and seeing the northern suburbs and Darwin schools which have much more space, due to demographic shift over time. It was really quite an experience, as a former educator, comparing the experience in Palmerston with the experience of schools in the northern suburbs and Darwin.

Visiting Namarluk and Henbury Avenue told me quite a different story. Those schools are in need of real attention. I believe there is an obligation on us to recognise the additional burden which falls upon families who care for children with a handicap to make sure they have facilities that are, at the very least, in line or on a par with students at other schools. These families often do not have the time to mount campaigns and talk about their particular issues.

I have been involved with Woodroffe Primary School where parents were very concerned about the kids' safety crossing a road. Numbers of kids were crossing the road at a busy, major arterial road as a result of delay in building a school on the other side. Parents mobilised, they attended meetings and placed pressure on government, and there was a decision made. The families who have children at Namarluk or Henbury do not have that time; the extra time to care and provide support for their children does not allow them the time to organise. When they do organise and raise their voices of complaint, they are voices that must be listened to - they must be.

I would like to read, for the *Parliamentary Record*, some words written by the parents at Namarluk School Council:

*Dear Chief Minister Henderson,*

*Re: Namarluk School*

*Namarluk School has run out of room! It has reached its capacity and we are concerned that this government has not informed the school community of its long term plans with regard to providing our children with special needs a quality learning environment in the future.*

*In April 2009 the school council was informed that the Department of Education and Training (DET) presented you its proposals regarding the long term plans in providing a quality learning environment for our children. That was seven months ago, and our school council is still waiting on your decision regarding this matter.*

I place on record, I have requested, on a number of occasions, this very same report:

*Mr Henderson, you provided us with helpful but short-term bandaid solutions in 2006 and 2007 with your government building three extra classrooms to accommodate our children. Another building is presently being built with federal funding, but this is still not going to solve the school's sub-standard and overcrowded facilities.*

The truth is, if the standard of this school was in keeping with the standard of, say, Parap Primary School, the parents would be absolutely outraged. Water flows through this school - these are handicapped kids with families which have extra need of support from our community.

This is the letter and message to the Chief Minister:

*As a parent/carer of student/students attending Namarluk School I am extremely concerned about the following issues affecting my child: inadequate number and size of classrooms to cater for ongoing growth in student numbers. Namarluk School was originally built for 35 students. In 2010 we are expecting enrolment numbers to be 110 students. A growing number of students are accommodated in satellite classes in local primary schools but when they all attend Namarluk School for specialist programs and events there are not enough appropriate classrooms for these students.*

*Loss of specialised rooms for programs: the specialised therapy room and the art and craft rooms have been lost as these have been turned into classrooms. The multipurpose room currently under construction is likely to be needed as classroom space.*

*Lack of or absence of meeting rooms, staff and administration offices: the front reception area has been used for many purposes. It is the nominated waiting room for visitors, a sick room for students and an area in which staff members may need to work with students who are displaying challenging behaviours.*

I commend the staff of that school, and the leadership of that school, and the school council.

*This all takes place in an area of approximately 5 m by 2 m!*

*There is no designated area where confidential meetings with parents and staff can occur. For example, staff often have to search the school for a private area to have a discussion with concerned or distraught parents/carers, or to discuss students' individual education plans (IEP) with parents/carers.*

*Facility fails Australian Standards on Access and Mobility.*

For a school with students with special needs to fail that standard, is appalling:

*An audit conducted by the Department of Infrastructure, Planning and Environment (DIPE) in 2005 highlighted areas of the school which did not comply to the Australian Standards on Access and Mobility. There are also not enough toilets and change areas for students and staff as well as particular undercover areas. Walkways and play areas are subject to water and drainage problems.*

*The lack of facilities such as classrooms, toilets, change areas, specialised therapy rooms, an art and craft room, a sick room, along with meeting rooms and areas for staff and administration is taking its toll on our students' and staffs' health and wellbeing.*

*For the sake of my child's education and safety, I would appreciate being informed of your decision regarding solving the problems of our sub-standard and overcrowded school. Chief Minister Henderson, please let the school community know of your long term plans for providing a quality learning environment for our children with special needs as soon as possible.*

**Ms CARNEY (Araluen):** Madam Speaker, I wish to advise members of the Northern Territory parliament of the great success of a school student from a school in my electorate, Bradshaw Primary School. The student Tryphina Reu took out the runner-up award in a nationwide poetry competition. It was not just any poetry competition, but the Dorothea Mackellar Poetry Awards. It was an outstanding achievement. Tryphina was in the Lower Primary section of the Dorothea Mackellar Award and recently received her prize which included a trophy, a book pack, and a cheque for \$150.

There was an article in the local newspaper in Alice Springs last week about Tryphina's outstanding success and her award. I would like to quote from that newspaper some of what she said referring to her poem:

*Part of it was about how the water rushes down and how the ripples make the water turn from clear to murky.*

She was referring to the flow of the Todd River. She went on:

*I like watching it flow. It reminds me of the Murray River where my nan and pop live at Murray Bridge.*

When she was asked where her inspiration came from for her poem Tryphina, said that she was thinking of things around Alice Springs:

*I had lots of other ideas, like camping out bush, but then I decided on the Todd River.*

*I'd like to write more poetry, but not about stuff in Alice Springs.*

*Maybe I want to write about my cousins or my family next time.*

The poem, which I think is just terrific, I will read onto the parliamentary *Hansard* shortly. For those who do not know, the Dorothea Mackellar is the pre-eminent poetry award in this country and, of course, Dorothea Mackellar wrote the great Australian poem, *My Country*. From the Dorothea Mackellar website today I extracted some information which I would like to read onto the *Parliamentary Record* as follows:

*The Dorothea Mackellar Poetry Award is the oldest and largest poetry competition for school students in Australia.*

I know you will be interested in this, Madam Deputy Speaker, as a former school teacher; as will the Leader of the Opposition, because he was a former school teacher, as will the member for Barkly, also a former school teacher. It is great we have school teachers in the Chamber tonight, and I feel certain they will share their enthusiasm and pride in a Northern Territory school student receiving runner-up in the Dorothea Mackellar Awards.

Back to the information I extracted from the website:

*The poetry awards aim to capture the imagination of students, inspiring them to express their thoughts creatively through poetry; while celebrating the legendary work of Dorothea Mackellar, author of the famous poem, My Country.*

*It is a unique national event giving Australia's young people a voice and, importantly, an opportunity to strive for excellence in literature.*

I would like to mention some of the considerations the judges undertook when selecting the winners and runners-up. From the website, the judges are professional writers with extensive experience in children's literature and poetry; there are two judges each year, and they work as a team. Winning entries are chosen because they: stand out from the rest because the poet's approach to the subject matter is individual or 'different'; have a distinctive style; are

a personal response to a situation the poet cares deeply about; show the poet is attuned to his or her surroundings; touch deep emotions; contain powerfully understated last lines; resound with metaphors and similes that captivate the reader; contain lines which are a treasure of clear, detailed sensory images; are skilfully constructed, with memorable lines and poetic devices such as alliteration, rhythm and internal rhyme; and are thought-provoking.

High standards, indeed, and they are the qualities we would expect judges for this pre-eminent poetry award to consider.

I will now read Tryphina's poem on to the *Parliamentary Record*:

*Gushing, rushing water,  
Trickling in my ears.  
A stream of clear blue water turns muddy.  
Now I realise,  
The spangled grunters are rushing past me,  
in groups of ten.  
Mostly it's a dry, sandy place.  
I know deep down inside my heart,  
I'll remember the ice cold water,  
Running through my legs.  
As I dip,  
I feel the water,  
Running through my body,  
It's a cold icy feeling.  
The trees blow wildly,  
As the rain falls down.  
Thunder booms loudly,  
The sky darkens,  
I feel scare.  
But I wouldn't miss it.  
I love the sounds.  
I love the river.  
People shout:  
"The Todd's flowing!"  
And run to the river bank.  
It's our river, the mighty Todd.  
Lhere Mparntwe.*

Her poem, which is called *Lhere Mparntwe*, is truly remarkable and outstanding and we should all be particularly proud of this young Territorian - for my part, from Alice Springs and going to a school of which I am very fond, in the electorate Araluen. We should all be very proud of her, and I am sure members join with me in passing on this parliament's congratulations to Tryphina.

**Members:** Hear, hear!

**Mr McCARTHY (Barkly):** Madam Deputy Speaker, on 15 September 2009, I was delighted to attend the Palmerston campus of Charles Darwin University to watch the Fashion and Beauty School showcase *Imagination Unlimited*. It was fantastic to see the creativity of our young

Territorians. Those who did not attend can view a short video of the event on YouTube at [www.youtube.com/watch?=BPsywuJKDuE](http://www.youtube.com/watch?=BPsywuJKDuE).

I had a great time at the event, and I congratulate Bronwyn Hudson at CDU for organising it; it obviously took a great deal of organisation. Not only were the fashion and beauty students showcasing their talents on the night, so were some second-year and third-year apprentice chefs, who prepared the nibbles we enjoyed through the night; and the drinks service was presented by students as well. Mr Bharat Desai is head lecturer in the food area at the Palmerston campus and he showed me, and a number of other guests, around the kitchens, including the bakery section which is a state-of-the-art facility separate from the main kitchens.

I encourage all members to get a copy of Karawa Training Restaurant's opening times for this next semester, and go there for what would be a truly memorable evening. I know the Palmerston Regional Business Association is having its Annual General Meeting at the restaurant. This is a great way for local business to support our young people in training, and I commend the PRBA and its members for their support of the training restaurant.

As part of this year's fashion and beauty showcase event, students had to incorporate a piece of wire fencing into their creations; you will see the creative ways they did this in the video on YouTube. The event involved about 50 models, who are all students, and probably around the same number again were involved as makeup and hair artists. Then there were the kitchen and bar staff I previously mentioned. The audience was made up of family and friends, and I guess it numbered about 150 or more. In one fantastic event these students got to practice their skills, go wild with them, and show their families what they have learned.

Well done, Charles Darwin University, for putting on this event; and my congratulations to Bronwyn and Bharat and their teams. I look forward to attending next year's showcase.

Last Thursday night, I had pleasure in presenting Certificates of Participation to 17 of our community library officers who have just spent a week receiving support and training with staff from the Northern Territory Libraries and Knowledge Centre's program. The Northern Territory Library provides this residential training every year, in addition to library staff regularly visiting community libraries to provide additional support. It was great to see such a good turnout of both old hands, like Val Seib from Borroloola, and Gaye Lawrence from Pine Creek; as well as newly-appointed

community library officers Belinda and Sifora Durrurrnga from Ramingining.

I have a list of all participants and I seek leave to have their names incorporated into *Hansard*.

Leave granted.

*Jody Nish, Barkly Shire Council, Elliott.*  
*Sue Monroe, Coomalie Shire Council, Batchelor.*  
*Beryl Lalara, East Arnhem Shire Council, Angurugu.*  
*Judy Lalara, East Arnhem Shire Council, Angurugu.*  
*Rebecca Nunydjulu, East Arnhem Shire Council, Milingimbi.*  
*Belinda Durrurrnga, East Arnhem Shire Council, Ramingining.*  
*Sifora Durrurrnga, East Arnhem Shire Council, Ramingining.*  
*Val Seib, Roper Gulf Shire Council, Borroloola.*  
*Marg Minnett, Roper Gulf Shire Council, Mataranka.*  
*Eventhia Friday, Roper Gulf Shire Council, Barunga.*  
*Doreen Deditch, Victoria Daly Shire Council, Peppimenarti.*  
*Gaye Lawrence, Victoria Daly Shire Council, Pine Creek.*  
*Bernadine Kungal, Victoria Daly Shire Council, Wadeye.*  
*Donna Lantjin, Victoria Daly Shire Council, Wadeye.*  
*Samantha Russell, Victoria Daly Shire Council, Wadeye.*  
*Marina Uys, DET – Alyangula Area School, Alyangula.*

**Mr BOHLIN (Drysdale):** Madam Deputy Speaker, tonight I wish to talk of my football team at Palmerston, the Palmerston Magpies. A couple of weeks back ...

**Mr Mills:** They are doing very well.

**Mr BOHLIN:** They are doing very well - in fact, that is what I am going to talk about - I pick up the interjection by the Leader of the Opposition. You are very right; the Palmerston Magpies are doing very well.

Going back a couple of weeks, on a Saturday, we had the Palmerston Magpies' Black Tie Dinner - which was a fantastic event - it was on the same night as the dancing, which was talked about earlier in Adjournment. I went along, it was outside, and was put together by their organising committee of, predominately, four ladies, who did an amazing job. Essentially, they turned their outside car park into an open air, gala ball area. It

was beautiful, it was magical and, of course, all black and white, the Magpies' colours.

Why we say the Magpies are doing well is because we are lucky enough to claim they are number one on the Northern Territory AFL ladder. They are leading the runs, third match in; so, three rounds down, and we have three from three. The first match was on 3 October against Nightcliff, and Nightcliff was 11 goals, 8 points - 74 points in total, with Palmerston winning at 21 goals, 14 points - total of 140 points. Fantastic! A huge win! The second round was on 9 October against the Darwin Buffaloes. Darwin Buffaloes came through with 11 goals, 7 points - 73 points in total; against Palmerston's 23 goals, 15 points - a total of 153 points - even a better win than the week before, starting off on a very strong point. The third round, last weekend, 17 October, the Palmerston Magpies against St Mary's. St Mary's 11 goals, 9 points - a total of 75 points; against the Magpies 16 goals, 10 points - 106 points, with St Mary's putting up a much stronger fight than the first two.

We are lucky to have the former coach, Russell Jeffries back; and one could say that Russell brought back a new flare, or even maybe an old flare. He was coaching before when there were premierships. I spoke to him briefly at the Magpies Ball and he just has that persona about him; he carries himself in a way that would naturally lead to having a team pick up on that confidence - he is a very confident man. It was great talking to him for a very short time, and I can see why the team is doing well. He is also a firm believer that it is not the coach necessarily, but the players who have to believe in themselves. I believe that the Palmerston Magpies do believe in themselves, and they are going to have a great year this year. They have lots of great community support around them. Palmerston is a great suburb, a city, and I am very proud to have the Palmerston Magpies in my electorate. I thank them for their invitation to their dinner; it was fantastic.

Palmerston is a great place. Unfortunately, not everything is always rosy. The Deputy Chief Minister spoke about how they ran a tour of the Tiger Brennan extension. Great PR event, it was good to see Macmahons step up and have a go at putting on something different. But it was interesting to see the Chief Minister's office was running it - a pseudo-Labor force out there, putting out their name, putting out their brand. It is slightly disappointing to see the open flaunting of their position.

It still leaves me concerned, and the member for Nelson talked about it in his adjournment; housing still is not fixed. We still have reports coming out saying we are the most expensive

place to rent in Australia. That is shameful. I know it is not an easy task, I can understand that; but what I cannot understand is how the other side have a go at an opposition putting forward new ideas. We are leading from the front foot, and they are on the back guard. They are constantly saying: 'But you have to, but you have to.' Eight years in government, you are supposed to be setting the plans; eight years and you are trying to tell the public now you had the plan, you had the vision. Eight years, and you have delivered the worst housing situation possible in Australia without any reasonable expectation or understanding of why. It was orchestrated from their own side, and they have delivered it; unfortunately, it is the most catastrophic project they have delivered.

Our economy has done relatively well, backed by mining - not that they helped when the mining sector came under fire when the GST first came into play; we have interest rates going up, and they will go up; we have rent rising; we have crime still rising, and house prices still rising. We do not see an effective delivery of land. We have much talk but we still have builders and businesses telling us how impossible it is to get beyond the planning consent, to get projects out there.

It has been a stonewall. They come in with their spin, and the public understand where it is at the moment - they understand that Labor was the government at the time. You are the ones who are supposed to deliver the answers. You cannot go laying the blame and saying: 'But you have not done this, and you have not done that.' You are in government. You have been there for eight years, and you are responsible for the current state of affairs in the Northern Territory. You are quite happy to take the credit and say: 'We have done a great job, things are going well; the economy is going well.' But when we chastise you and point out your failings, or try to obtain the truth on such situations as the critical nature of the Power and Water Corporation, and why the public has not been given the full truth and the complete report, we get chastised.

You are to be held accountable; you will be held accountable; you are to blame for the housing crisis in the Northern Territory.

Motion agreed to; the Assembly adjourned.