

Madam Speaker Aagaard took the Chair at 10 am.

**STATEMENT BY SPEAKER  
Absence of the Clerk**

**Madam SPEAKER:** Honourable members, I advise of the absence of the Clerk of the Legislative Assembly, Mr Ian McNeill. Pursuant to Standing Order 15, the duties of the Clerk will be performed by the Deputy Clerk. On behalf of all honourable members, I extend best wishes to the Clerk in his recovery from surgery.

**Members:** Hear, hear!

**MESSAGE FROM ADMINISTRATOR  
Message No 29**

**Madam SPEAKER:** Honourable members, I have received from His Honour the Administrator Message No 29 notifying assent to bills passed in the August 2011 sittings of the Assembly.

**WARRANT  
Deputy Chairs of Committees**

**Madam SPEAKER:** Honourable members, pursuant to the provision of Standing Order 12, I now lay on the table my warrant nominating members to be Deputy Chairs of Committees. The warrant is for Mr Michael Gunner, Ms Marion Scrymgour, Mr Ross Bohlin, Mr Peter Chandler, Mr Peter Styles, and Mrs Robyn Lambley.

I table my warrant.

**MOTION  
Disallowance Motion – Fire and Emergency  
Services Amendment Regulation, Item 2,  
Schedule 4**

**Mr MILLS (Opposition Leader):** Madam Speaker, members opposite should recall in responding to this that during this debate there was agreement on both sides of the House that the object of the exercise was to improve safety. Given there has been significant development in the Northern Territory, improved measures were required to strengthen safety in high-rises in particular. The opposition's concerns during the debate have now been substantiated by the concerns of those who have been impacted by the measures this Territory government has put in place.

I make it clear that our objective is the improvement of safety and I will argue that the manner in which this regulation is applied is threatening safety. Therefore, we argue a need to default to arguments conducted at the time where we argued for discretion, explicit discretion, and

recognition that there needs to be the capacity for a better response in the event of a call out.

This, in its application, under this administration with the oversight of the Chief Minister, has effectively become a mechanism to collect revenue from bodies corporate. That is the higher priority and safety is the secondary priority. We need to put it back in its right order, Madam Speaker, and let me explain.

The issue was false alarms. We are all concerned about false alarms. The concern should be that a mechanism put in place in a building to alert that there is a fire should work. It should be appropriately located, so if it does go off, and the fire service does attend, and it is found to be the result of negligence or carelessness, there should be a penalty - no problem whatsoever.

When this debate was first conducted we argued that there needed to be explicit discretion applied given the agreement on the need to improve safety. In the event of a false alarm, the government's default position has been to hit them with an increased fine of \$780. In order to have a response that improves the mechanism, we argued that explicit discretion needed to be applied. We now find that the system has been used to collect revenue and there has been a missed opportunity to improve the system, thereby increasing its integrity. There is now a risk that the system can be exposed to misuse as a revenue-raising exercise rather than attending to the objective of improving safety.

We were promised that there would be discretion. Trust us, said the government. The element of discretion would be made available so we could have that built into the legislation. We had an amendment at the time to provide that explicit capacity for discretion. On the word of the government, we withdrew that amendment, but we have found in the application that the fees have been increased, there is little flexibility being applied, and this is the concern. From those who have raised this with the opposition and, without doubt, have raised it with the Chief Minister, there is the likelihood and the expressed possibility and preparedness on some accounts - the frustration with the increased cost of false alarms - that some have considered disabling their systems because of the lack of flexibility.

I will go back to how this works with a false alarm. The alarm is put into a position – sited - through the approval gained from the Fire and Rescue Service. They have to have the site approved and there is a payment, a user-pays system, to have the siting of these mechanisms approved. Initially, if it was a genuine false alarm, we have no problem. If it was a negligent act, or

due to recklessness, or it was outright carelessness, and has been a terrible inconvenience to our firefighting capacities, fine. Initially, there were very few fines levied for a call out when it was about \$340. The legislation provided for an increase. We now have \$780 for a call out, and the levy, or the fee, is applied straight up and the capacity for discretion is a secondary matter. Government needs to focus on the capacity for discretion because, if you do not provide for discretion, you do not improve the system. If you do not improve the system, you have a system that is just a tax on bodies corporate.

The Chief Minister would be aware of the build-up and lightning strikes. One block of units has 10 to 12 lightning strikes per season, which result in the system going off. They cannot control the lightning strikes, but 10 or 12 at \$780 a go is going to be levied upon all those who are in the body corporate. The siting of the mechanisms has not provided them with any comfort because the siting has been agreed to by the fire service. There are cases where mechanisms have been sited with the approval of the fire service, which will come out if there is a fire alarm, where they are required to keep the louvres open and smoke comes in from a bushfire outside. It is out of their control – they cannot close the louvres because they are not permitted to do so - there is a false alarm and it turns out the building is not on fire; that is \$780. However, they were told to put it there, told to keep the louvres open; they cannot control the bushfire; it has nothing to do with their building – that is \$780. It appears those administering the system are using it to collect a tax, and the capacity for improvement of the system seems to be a secondary concern.

There is an opportunity here for the government to respond to calls which are obviously going to the Chief Minister. To respond to them by assessing the sensitivity and placement of these mechanisms, the type and location of the alarm systems, to provide some flexibility, so there is the capacity to strengthen the system, improve confidence in the system, and assure people that safety is your greater concern, rather than tax collection. If you are choosing not to go down this path, acknowledging that you were asked explicitly to go down this path - an amendment was put up by the opposition which we withdrew at your assurance, and now we find the problem we alluded to at that time has arisen. I expect you are going to continue with this, but you continue it paying heed to the issues raised by the opposition.

There are other jurisdictions with a system in place where there is a clear period of grace. If there has been a call out, there needs to be the capacity to have a genuine response.

This issue was raised and we had the assurances of government at the time that there needed to be a response around the area of discretion. They have come very slowly to the area of discretion, and I suspect the Chief Minister will argue discretion is in place. It is not in place to the degree that provides security around the system and improvements to the system. You are sending a clear message that you need the cash, and you are funding your initiative through making people pay for a call out with little and secondary regard to discretion.

We are left with no option. Given the concerns raised at the time, given we now have in operation a system people are losing confidence in, given there is a threat that some will disable their systems because bodies corporate can be hit with up to \$20 000 or more for false alarm call outs which are not reckless - but completely out of their control - and the systems are put in place with the approval of the fire service, I ask, at the very least, that government reconsider and put in place a system which builds in the integrity and confidence that issues around fire safety are going to be the highest priority and not revenue receipt.

Madam Speaker, I urge members to support the motion.

**Mr HENDERSON (Police, Fire and Emergency Services):** Madam Speaker, I will start off by saying: 'Oh dear, oh dear, oh dear, what a stunt'. I am offended at what is an outrageous attack on the professionalism of our firefighters to make decisions based on their professional training in regard to the placement of fire detection systems in corporate buildings and public buildings, and their advice on the operation of those systems. It is a direct attack on the professionalism and training of our firefighters across the Northern Territory. I will ensure they get a copy of the speech the Leader of the Opposition has just delivered.

If the Leader of the Opposition was serious about this issue, he would have contacted my office with details about bodies corporate where he believes discretion has not been applied ...

**Mr Mills:** They have written to you.

**Mr HENDERSON:** I have not received the letter ...

**Members** interjecting.

**Madam SPEAKER:** Order! Honourable members, order!

**Mr HENDERSON:** If he was serious about addressing this issue, he would have contacted my office in a genuine way. This should not be a

political issue. This is about fire safety. He should have contacted my office and said: 'The body corporate with this block of units in downtown Palmerston has been hit with three fines in the last three weeks on issues out of their control. What is going on here?' I would have willingly - absolutely willingly - said that does not sound very good; we will get to the bottom of it. I would have arranged a briefing for the Leader of the Opposition with our firefighters and personnel who administer this scheme and make the decisions about the placement of these systems, and given the Leader of the Opposition an opportunity to speak with professionals in the department about the information he was receiving on what was wrong with the scheme. If we decided there were issues, there would have been amendments, but this is just a political stunt.

I will dismantle the Leader of the Opposition's comments very clinically, because facts speak louder than the assertions the Leader of the Opposition has just made. If he had sought a briefing, if he had genuinely raised these concerns, which are not political - this has nothing to do with politics - this is about safety in buildings. Heaven forbid if the Leader of the Opposition was ever in my position as the Minister for Police, Fire and Emergency Services when the fire department comes with a proposal to reshape the scheme and increase fines, and the debate that goes on between the minister and the department about why we need to do this. Heaven help if he was in that position and not taking professional advice!

Let us dismantle his ridiculous assertions. What he is saying is there is no explicit discretion in this scheme. Well, there is explicit discretion in the act. They are provided for - section 54(2) states:

*The regulations may provide for the following:*

...

*(h) the service of notices on persons alleged to have infringed this act and particulars to be included in such notices;*

Then:

*(i) the withdrawal of a notice referred to in paragraph (h) ...*

There is explicit capacity for discretion and the withdrawal of notice in the regulations. To say there is not explicit discretion is wrong. It is in the act that there is the capacity for the withdrawal of a notice referred to in paragraph (h).

Let us go to the facts in this matter. The scheme came into place on 1 July this year with the increase in fines, which was, in part, trying to deal with the fact that 40% of all call outs each year in the Northern Territory were false alarms. Before the charges, 4000 calls, or 40%, were false alarms. Having to attend to 4000 false alarms is an enormous burden on the fire service where our fire service, our equipment, and personnel are distracted from responding to a potential real fire to attend to a false alarm. Those figures, provided during a briefing with experts, were way in advance of the average across the other states. So, there was an issue that needed to be addressed.

Since this scheme has been in place, many building owners have upgraded their systems to deal with these false alarms, and there has been a 25% reduction in false alarms since July. That means a safer Territory. That means that instead of that fire equipment and those crews being deployed to false alarms, they are ready to respond to a real emergency if required - as opposed to being distracted by a false alarm.

Let us go to the nonsense of no discretion being applied and that this is just a revenue raising exercise. The Leader of the Opposition could have saved himself the embarrassment of this statistic if he had sought a briefing and got to the bottom of the issue. The Leader of the Opposition foolishly attacked the professionalism and common sense of our Fire and Rescue Service. They do work with building issues ...

**Members** interjecting.

**Madam SPEAKER:** Order! Order!

**Mr HENDERSON:** ... they do work. An outrageous attack ...

**Members** interjecting.

**Madam SPEAKER:** Member for Greatorex! Member for Greatorex!

**Mr HENDERSON:** ... on our fire service. They work with building owners to address issues. Here is the statistic that totally dismantles the credibility of the Leader of the Opposition and an outrageous stunt in this parliament on an issue that should not be politicised. Only 30% of false alarms since 1 July have attracted any fine at all. On 70% of the occasions, discretion has been applied ...

**Members** interjecting.

**Mr HENDERSON:** On 70% of occasions, discretion has been applied and fines have not been levied. The Leader of the Opposition has

humiliated himself today, led with his chin, tried to politicise an issue for goodness knows what reason. I offer an olive branch to the Leader of the Opposition. If he can identify the particular bodies corporate that have raised these issues I will independently look at that and get back to him. If fines have been applied where they should not have been applied, I am sure there is capacity to refund those fines. But, to say there is no discretion in the scheme, that this is just a revenue raising exercise, the facts speak for themselves: a 25% reduction in false alarms since July, and only 30% of false alarms have attracted any fines at all. Discretion has been applied on 70% of the occasions, so I am amazed to see this is the first item of business for a very busy two-week session where there are many important things for this House to debate.

If the Leader of the Opposition was genuine about these concerns and not just playing a political stunt, he could have attempted to contact my office, got a briefing, and we would have got to the bottom of this. If there is an issue with a particular block of units in Palmerston, if that is where it has come from, that would have been dealt with professionally by our fire service personnel. It is quite extraordinary, because in my time in this parliament I cannot recall a disallowance motion to disallow a regulation that goes to the heart of protecting Territorians without any attempt at all to establish the facts from the departments concerned.

I do not sit in my office and design which fine is going to be levied or not. That power does not sit with the minister; it sits with the department and professionally trained people in the department. We would have provided a briefing and got to the bottom of the issue. It is outrageous that you would waste this parliament's time by coming in here with such a patently false allegation that no discretion is being applied and this is just a revenue raising exercise. This is about protecting property, protecting life, ensuring we have fire systems in place, and a fire service that can respond to genuine emergencies, using a range of methods to try to improve fire safety in commercial buildings and unit developments. I will be the first to admit that, from time to time, people in agencies make decisions that are not the correct decisions but we have ways of dealing with that through the Ombudsman or complaints to the department.

There has been one formal complaint since 1 July from Alice Springs and no formal complaints from Darwin. I have had discussions with building owners who had concerns about the level of increases. We are addressing those as they come through to the satisfaction of building owners. The proof is there in the statistic that only 30% of false alarms have attracted any fines and

70% have been waived with discretion as our fire department works with property owners to see an upgrade and improvements to their fire systems. Because of that work between commercial property owners, bodies corporate, and the fire service, since 1 July, there has been a 25% reduction.

Madam Speaker, we will not be supporting this disallowance motion. I urge the Leader of the Opposition: do not play politics with this stuff. Just get it right because you have got it wrong. If there is a specific issue with a body corporate in Palmerston, I am happy to look at it.

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**Tabled Paper  
Pairing Arrangement –  
Members for Arafura and Port Darwin**

**Madam SPEAKER:** Honourable members, I have before me a document relating to pairs for today from 10.45 am until the suspension for lunch between the member for Arafura and the member for Port Darwin. It is signed by both Whips.

I table that document.

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**Mr ELFERINK (Port Darwin):** Madam Speaker, I listened with interest to the Chief Minister's response and I start by making the first observation as he walks out of the room and does not listen to this debate ...

**Dr BURNS:** A point of order, Madam Speaker!

**Mr ELFERINK:** Well, he is. He is walking out of the room. He does not care.

**Dr BURNS:** The member for Port Darwin well knows he cannot refer to the presence ...

**Mr ELFERINK:** I withdraw that the Chief Minister is not in the room.

**Madam SPEAKER:** Thank you.

**Mr ELFERINK:** I will continue with the ...

**Madam SPEAKER:** Member for Port Darwin ...

**Mr ELFERINK:** Yes.

**Madam SPEAKER:** Courtesy is required, as you would remember. Thank you.

**Mr ELFERINK:** I courteously withdraw that the Chief Minister is not in the room, Madam Speaker.

**Madam SPEAKER:** No, the courtesy is towards the Speaker, member for Port Darwin. Thank you.

**Mr ELFERINK:** Madam Speaker, with all due courtesy to you, I withdraw the fact that the Chief Minister is not in the room.

**Dr BURNS:** He is persisting in a very underhand way to get his point across. Why does he not just drop it and get on with his speech.

**Mr ELFERINK:** I have made my point ...

**Madam SPEAKER:** Member for Port Darwin, simply withdraw the comment, thank you.

**Mr ELFERINK:** I withdraw the comment, Madam Speaker.

**Madam SPEAKER:** Thank you. Now just speak on the matter.

**Mr ELFERINK:** It is very interesting that the Chief Minister should walk into the place and say: 'No one has told me. No one has complained to me'. I seek leave to table a letter addressed to the Honourable Paul Henderson, Chief Minister of the Northern Territory, from the Lameroo Body Corporate ...

Leave granted.

**Mr ELFERINK:** ... re charging for unwanted fire alarms. This letter is dated 16 March 2011 which means it was addressed to the Chief Minister six months ago. Has he heard of it? No, because he is buried in this little ivory tower ...

**Dr Burns:** He was talking post-legislation and you know that very well.

**Madam SPEAKER:** Order!

**Mr ELFERINK:** He is buried in this little ivory tower ...

**Dr Burns:** Stop being mischievous.

**Madam SPEAKER:** Order! Leader of Government Business!

**Mr ELFERINK:** He is buried in this little ivory tower where no one can get to this Chief Minister and he continues to live in a fantasy land.

It is curious to hear that a minority government still sits there enveloped in its shroud of arrogance saying: 'Come and get a briefing'. The truth of the matter is this thing has been sitting on the Notice Paper since the last sittings, well over a month ago and, at any time during that period, the Northern Territory government could have

telephoned the Leader of the Opposition and asked: 'What is this about?'

**Mr Mills:** Fred phoned yesterday.

**Mr ELFERINK:** Okay, just by way of interjection, the Leader of the Opposition has told me that Fred from the Chief Minister's office rang him yesterday. This is how they run the government of the Northern Territory. 'By the way, can you tell us what this is about?' was Fred's question to the Leader of the Opposition. 'What is all this about?' Talk about a government with its eye off the ball. They want to blame the Leader of the Opposition who gave good and sensible notice many weeks in advance of this debate and this government has been completely unaware that this matter has been sitting on the Notice Paper. I find that a surprising condition to find ourselves in.

This comes to the actual issue that is before this House at the moment, which is the issue of false alarms attracting substantial fines; I note the Chief Minister refers to these things as 'fines'. When this idea was originally suggested - I believe Paul Herrick from the fire service explained to the House in the Estimates Committee what the intentions were a couple of years ago. Clearly, there were too many false alarms going off in the Darwin CBD and the department wanted to bring some pressure to bear on people who ran multistorey fire alarm systems so they were able to use that pressure to ensure they tidied up how those systems worked.

We have many more tall buildings in our CBD than we have ever had before. Part of the approval process for the construction of those tall buildings requires appropriate fire mitigation systems to be put in place, namely, hardwired smoke alarms run through a centralised switchboard for buildings over a particular size. That switchboard automatically notifies the Northern Territory fire service when there is a fire alarm activated somewhere in that building. There are times when toasters and small appliances of that nature, which are covered in Mr Smith's letter I tabled a moment ago, are the cause. However, there are other occasions, and we have heard from the Leader of the Opposition, where lightning strikes or weather events external to the building also cause these fire alarms to go off.

Whilst the Chief Minister quotes statistics saying only 30% of false alarms have received such a fine, we have not seen from the Chief Minister the tabling of the said statistics. I would not be at all surprised if large components of those so-called false alarms which are not followed up do not refer to false alarms generated by these tall buildings. I imagine they are false

alarms in other circumstances. In any instance, it appears the pressure sought by Commander Herrick, I think was his title, two years ago, was to bring pressure to bear and this was going to be the system.

What we were concerned about on this side of the House late last year when the fines were being increased was that discretion would not be exercised, so we sought to introduce an amendment. The government at the time, quite correctly, pointed out that discretionary power was something written into the common law and did not require an amendment to artificially create it, therefore the amendment was not needed and discretion would be used.

The letter has gone walkabout so I cannot refer to the figures; however, we now see bodies corporate being slugged with fees in the tens of thousands of dollars for acts of God. If lightning strikes a building, or an external weather event causes a fire alarm to go off, why on earth would we contemplate fining the building owners? That is what is occurring. This is a breach of the promise the Northern Territory government made to the opposition in October last year when this matter came to the House.

In the nature of a fine, which is a penalty, there is an important component missing when you do not start to use discretion in a sensible fashion. The component I refer to is when you want to fine someone for something they have done wrong. The first thing implicit in the suggestion of a fine is they have done something wrong. It is a normal process in the criminal law that if the state wants to make an allegation it has to stump up and prove it. However, that discretion implied in such circumstances does not appear to be used by the Northern Territory government. I point out, and I quote from a letter from Andy Smith, Secretary of the Lameroo Body Corporate as at March last year:

*NT Fire advise, based on historical records of alarm activations, that we can expect a bill from them of over \$17 000 a year and for this year, so far, if we were charged, the account would have been \$13 860!!*

Mr Smith points out that some of the things which have caused the alarms to go off are smoke blowing across the harbour from the Mandorah bushfires and weather events.

The fire service should assert, in some fashion or another, that there has been some carelessness, recklessness, or negligence on the part of the people who own the fire alarms before they issue the fine. One would hope this means that when the fire alarm is isolated when the fire tender attends a false alarm, an assessment is

done on the spot as to the cause of the alarm. If it was an external event such as weather or bushfire smoke, the fine is immediately waived and a report - it only has to be a couple of lines on a piece of paper - is filed so the fine is waived, not automatically issued, and there is a presumption in favour of the body corporate.

Moreover, if it is uncertain as to what set off the fire alarm then, similarly, that waiver and that presumption should apply. That waiver, and that assumption, has not been applied. I have spoken to numerous bodies corporate in my electorate which are all experiencing exactly the same thing. They are not happy with what is happening, and feel it is an arbitrary action rather than a well-considered approach. One of the comments made to me by a couple of body corporate members was the fire alarms are located in positions around the building which were recommended by the fire service, such as places not far from cooking tops and those sorts of things. Some architects, during the architectural phase, had a discussion with the fire service - as I understand it and have been informed. As a consequence, some of those architects were reluctant to put fire detectors in those places because they knew they would generate false alarms. It is clear, if the Lameroo Beach is any example to go by, that a bill of \$17 000 is a result of fire alarms which are going off very easily.

I am grateful to hear that a 25% reduction in calls to these buildings has been achieved. However, that means 75% of these alarms are still going off and the bills are going out. It is difficult for government to argue that someone should be fined for putting a fire alarm in a place where it is very likely to go off for reasons other than a fire, and then demand the people who have obeyed the law in building design pay fines for when that fire alarm does go off. It is not fair for a person - or a body corporate - who is living with a smoke detector in their kitchen and their toaster sets off the fire alarm - when the architect of the building said they should not put the fire alarm there because every time the toaster burns the toast it is going to set off the fire alarm - should then be fined when the government was warned this type of design would lead to an excessive number of false alarms.

Madam Speaker, this is not politics, it is not playing a silly game. It is representing the interests of bodies corporate, not only in my electorate, but in electorates throughout the Northern Territory where they have these systems in place. It is incumbent upon government to get it right and to do its administrative functions fairly and justly on behalf of all Territorians. The government has said it wants to increase fines to \$780 through the regulatory instrument under debate. It wants to see the regulatory instrument

continue to operate, and the bodies corporate are going to keep getting it in the neck for events beyond their control and for design faults which were identified to the government in the design processes of the building.

It is not fair, it is not just, and some sort of circuit breaker needs to be built into the system. A circuit breaker simply needs to be this: a system of review, on-site, by the fire officers and, if they cannot demonstrate or satisfy themselves of recklessness, carelessness, or negligence on the part of the body corporate when the fire alarm goes off, then they should not, and cannot, in all good conscience, issue the fine.

**Mr WOOD (Nelson):** Madam Speaker, this debate revolves around the motion to move:

That Item 2 (Attendance if no fire or other emergency) of the table to Schedule 4 of the Fire and Emergency Services Amendment Regulation 2011 (No 29/2011), be disallowed.

My reading of that was:

*The following fees are payable if one or more members, with or without equipment, attends a fire or other emergency:*

- (a) *the fee specified in Items 1.1 for each member who attends;*
- (b) *if a vehicle mentioned in Item 1.2 is taken to the emergency by a member - the fees specified in the item;*
- (c) *if an item of equipment mentioned in Item 1.3 is used at the emergency by a member - the fees specified in the item.*

The debate has been more about whether there is discretion in the application of the penalty. For that reason, I do not support this, but I do believe there is room for debate over the issue of discretion. If I was to support this motion as it is written, it would wipe out that section of the regulations, which would not achieve what we are trying to look at today.

The issue brought forward by the member for Blain is important. I have tried to deal with this issue fairly quickly this morning as the Leader of the Opposition spoke to me about it. The *Fire and Emergency Act* under section 54 - Regulations says:

*The regulations may provide for the following:*

...

- (i) *the withdrawal of a notice referred in paragraph (h), whether or not a prescribed amount has been paid under the notice, for the purpose of prosecuting a person for the alleged offence; ...*

Regulation 18A of the Fire and Emergency Regulations talks about withdrawal of an infringement notice:

- (1) *Any of the following persons may withdraw the infringement notice by written notice given to the person:*
  - (a) *the person who gave the notice;*
  - (b) *a police officer authorised for the purpose by the Commissioner of Police;*
  - (c) *a person authorised for the purpose by the Director.*
- (2) *The notice must be given:*
  - (a) *within 28 days after the infringement notice is given to the person; and*
  - (b) *before payment of the prescribed amount.*

I understand the government is saying there is a process for withdrawing an infringement notice. I might be incorrect here, but my understanding is that what is missing here is the ability for a fire officer who attends to immediately say they are not going to write out an infringement notice. In other words, they are not going to go down that path which would then require a withdrawal of that infringement notice or having to write a letter to the Commissioner of Police.

Perhaps this discussion needs more work because I do not know whether the existing rules, and I have not been able to find anything in the regulations, permits a fire officer to not write out an infringement notice. Is it the case that he must write one out because he has attended? Therefore you have to go through the process of getting it withdrawn. Or does a fire officer have the ability to simply not write out an infringement notice because he knows the reason for the false alarm was genuine - because of the weather or surrounding smoke - and could not be helped? They are some of the things I quickly looked up, some of the matters in Queensland in relation to the same thing, and they are the same sort of matters that provide an exemption from being given an infringement notice in Queensland.

There has been discussion about politics here but it would be unfair not to say that this bill, when it was introduced, had two sides to it. One was to reduce the number of false alarm call outs, which I support, but the other was - and I had to get the second reading - to help fund a number of things. For instance, in the second reading, the Chief Minister says:

*It is the government's intention to enhance public safety by increasing the resources and expertise within the Community Fire Safety Division. An additional 10 staff will enable the Community Fire Safety Division to deal with fire engineering applications, fire safety reports and licensing, and compliance inspectors throughout the Northern Territory. One of these positions will be permanently based in Alice Springs.*

*The increase in resources to the Community Fire Safety Division will be self-funded through an increase in the fees associated with false alarms and call-outs which result in the attendance of the fire service where there is no fire or other emergency.*

At the beginning of this debate, there was a connection between raising money for extra positions in the fire service and the possible danger that there could be pressure - and I am not saying there is - but the Chief Minister put in his second reading that there is a definite connection between the new laws about the fire alarms going off and the funding of 10 new positions within the department. It could be, and I do not know, that there is a bias towards giving people infringement notices simply because we need to self-fund, as the Chief Minister said. His words were: 'the increase in resources to the Community Fire Safety Division will be self-funded through an increase in the fees associated with false alarms'. So is there the danger that the fire brigade is more likely to not waive infringements or, if it is possible, not even give infringements simply because they know that money raised from the collection of fines for false alarms going off for no good reason will help fund 10 new members of the Fire Safety Division of the fire brigade.

I understand people have different views about whether something is political or not, but one could draw some connection between the raising of revenue and the requirement to self-fund these positions. At the moment, I feel I will not support the motion because I simply do not think it goes to the heart of what the ...

**Mr ELFERINK:** A point of order, Madam Speaker! Perhaps by way of offering some guidance to the member for Nelson, I could suggest to the House that we simply have this

matter adjourned now and brought back into the House in two days' time while the questions he has raised can be answered. That would be the reasonable way to proceed.

**Madam SPEAKER:** Member for Port Darwin, that is not a point of order.

**Mr ELFERINK:** Just move adjournment; we will back you.

**Madam SPEAKER:** The member for Nelson cannot move an adjournment as he is on his feet.

**Mr WOOD:** Madam Speaker, I would like to have some more time to talk to the Leader of the Opposition. We had limited time today. If it needs to come back to parliament - I do not want to rush it either because ...

**Mr Elferink:** If you do not do it now, Gerry, it becomes law.

**Madam SPEAKER:** Order!

**Members** interjecting.

**Dr BURNS:** A point of order, Madam Speaker! The member for Port Darwin has accused the Treasurer of lying. I would ask him to withdraw.

**Madam SPEAKER:** Member for Port Darwin, I ask you to withdraw that comment, please.

**Ms Lawrie:** Grub.

**Mr ELFERINK:** I withdraw that the Treasurer is a liar. A point of order, Madam Speaker! If they are going to be very titchy about the language in this place, I ask that the word just used by the Treasurer be also ruled unparliamentary as it has been in the past.

**Madam SPEAKER:** Treasurer, if you can withdraw. I did not hear what it was, but withdraw and we would like to hear from the member for Nelson.

**Ms LAWRIE:** I withdraw, Madam Speaker.

**Madam SPEAKER:** Thank you very much. Member for Nelson, you have the call.

**Mr WOOD:** Madam Speaker, the difficulty for me - and I understand where the member for Port Darwin is coming from - this is something that I quickly discussed with the Leader of the Opposition this morning. I do not think it is always good to get up here and all of a sudden in five minutes make a decision without giving it a bit more thought than that. There may be other ways to do what you are trying to do ...



**Members** interjecting.

**Madam SPEAKER:** Order!

**Ms LAWRIE:** A point of order, Madam Speaker! Standing Order 51: he continues to interject.

**Madam SPEAKER:** Indeed. Honourable members, I remind you of Standing Order 51:

*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.*

The member for Nelson has the call. Member for Nelson, if you can direct your comments through the Chair, thank you.

**Mr WOOD:** Thank you, Madam Speaker. I have basically said what I feel. I would prefer to look at this and make a decision on it another time ...

**Mr Elferink:** There is no chance.

**Mr WOOD:** If the opposition feel that is what I should do, there should have been more discussion before this came to parliament.

**Mr Elferink** interjecting.

**Madam SPEAKER:** Order! Member for Port Darwin!

**Mr WOOD:** I have tried to handle this fairly. I had some discussion with the Leader of the Opposition. I imagine if the government felt - maybe I need more advice - there could be some amendments - I have raised some questions about whether a fire officer, for instance, has the right not to write out an infringement notice; and that does not seem to be clear in the legislation. I would need to follow that up as well. The Opposition Leader has brought forward an important issue; however, the way the motion has been put does not attend to that particular issue.

As mentioned, I am not fully aware of the issues raised by the member for Port Darwin in relation to the technicalities of this particular motion. I am trying to deal with what I see. If I am not fully understanding the nuances in relation to the disallowance motion, so be it. I am trying to deal with the motion as I see it.

I say to the Leader of the Opposition, if the issue you are referring to can be looked at and worked through with the government to overcome what may be a real problem - that fire officers perhaps do not have the discretion not to write out

an infringement notice - then it is certainly an area I would be talking to the government about. I am happy to talk to the Leader of the Opposition afterwards and, if common sense prevails, perhaps there could be some changes, if necessary.

**Mr MILLS (Opposition Leader):** Madam Speaker, there has been the opportunity provided to sort this out. It is disappointing to see the government take such a defensive position by alleging this is all about politics. That is the only way it seems to assess issues of importance. Read the words; know why this was brought. It was brought because the purpose of these measures was, in the words of the government, 'designed to improve safety'.

Clearly, in view of all, particularly those affected, there was also the intent to collect revenue for the application of these new measures. The issue is that by dwelling more on the former, the need to collect revenue, you have discounted the primary objective which you say needs to be recognised - the provision of safety. If you are going to have safety, you need to have security that people believe the application of these measures does improve safety. It appears, from those affected by this measure, that they are clearly being sent the message that this is more about revenue receipt than the application of safety. The reason is there is the capacity, through a more thoughtful response to a fire alarm, which turns out not to be caused by an actual fire - there needs to be a more flexible response so we have greater strength and security around the system itself.

Madam Speaker, I seek leave to conclude my comments at a later stage.

Leave not granted.

Motion negated.

### **MOTION** **Cash for Containers Scheme**

**Mr HENDERSON (Chief Minister)(by leave):** Madam Speaker, I move - That the Northern Territory Assembly:

1. acknowledges that all members of this Assembly voted in support of the Cash for Containers scheme in February this year;
2. recognises that the Cash for Containers scheme is the best practice model for the promotion of container recycling;
3. calls on all industry to respect the views of Territorians and cooperate with the

Cash for Containers scheme as they do in South Australia; and

4. calls on industry, including Coca-Cola Amatil, to rule out a legal challenge against the Cash for Containers scheme.

This is a pretty simple motion for which I seek support from everyone in this House in debate, to send a very strong message to the manufacturers of products that will be subject to this scheme to accept the will of this parliament on behalf of the people of the Northern Territory. It is very simple.

It is responsible for all in this House today to, again, reassert this parliament's unanimous support for this scheme, calling on those manufacturers to respect the will of the parliament representing the will of the people of the Northern Territory, where there is overwhelming support for this scheme to come into play. As well, it is asserting to the manufacturers and producers of these products that it is their corporate responsibility to accept the will of the people of the Northern Territory - we do live in a democracy - to impose this scheme. I believe it will reflect very badly on those companies which would seek to take out a legal challenge in their responsibilities to a community, and accepting the will of the people to adopt a measure that will significantly enhance our environment.

The original legislation was passed unanimously, even though it was painful to watch the CLP squirming from one position to another. Right at the last minute, having looked as though they were going to do the bidding of the beverage industry and adopt their scheme, the penny dropped to the opposition that the majority of Territorians supported this. The penny dropped and the internal division in the opposition was settled on the side of listening to Territorians, as opposed to listening to the beverage industry. Even though the backflip and the contortions the opposition went through were painful to watch, it was passed unanimously. For me, I accept and thank the CLP opposition for supporting the legislation put forward by this side of the House, with the strong commitment and contribution by the member for Nelson in the construct of that legislation.

We are working hard to implement the scheme by 3 January next year. My colleague, the minister for the Environment, will provide more detail on the implementation process. I put on the public record my thanks to the minister and his staff, and those in the department, who have worked really hard to get this scheme in place. The minister has met with the beverage industry on several occasions interstate trying to cajole them to adopt this scheme. I have had several

meetings with the member for Nelson, the Chief Executive of the department, and senior officials who are working to implement this scheme. My thanks to those hard-working public servants who have really worked to get this scheme in place.

We know 80% of Territorians support this scheme. It works in South Australia, so why on earth would it not work here? I believe the Australian Beverages Council and the industry are not particularly concerned about this Northern Territory scheme in comparison to the volume of product they sell nationally and internationally. The cost imposition on those companies is minuscule in comparison to their turnover in Australia and internationally. It is the wing of a bee in terms of the impact on their costs and profit. What they are scared of is that if this comes into place in the little, old Northern Territory that other governments around Australia will adopt it and, very quickly, given the community support for it, this scheme will apply around Australia. Their profits would be impacted to a small degree if the scheme was adopted across the nation.

For the beverage council and industry, these are crocodile tears. This is not about the Northern Territory. The impact on Coca-Cola's cash flow and profits of this scheme operating in the Northern Territory is absolutely inconsequential to their profits and dividends to shareholders. This is about their concern that this scheme, having been embraced in the Territory after many years in South Australia, the pressure will be on through not only environment groups, but through the community from ordinary mums and dads in suburbs. Throughout our great nation, people are going to say: 'For heaven's sake, if this is operating in South Australia and the Northern Territory, why is it not operating in downtown Melbourne, Sydney, Brisbane, and Perth, giving our community groups the opportunity, not only to clean up our communities, but to also raise a bit of money for the local scout group or the local footy team'. That is what this is about. It is crocodile tears from the big end of town and this is inconsequential to them concerning the Northern Territory.

I accept it is an inconvenience factor and they have to change some systems, but they make enough money; it is inconsequential. They are running scared of a people's movement across the country that sees this is about time. It is about time we all work together. That is, industry that produces these products and the community that consumes these products all work together to clean up our nation and provide some community goodwill through community groups. All community groups are struggling for money. You name me one community group in the Northern Territory that is not always fundraising, always struggling to raise funds, reliant on a small

number of people. This is another path for good community groups to raise some money and make our lives a better place in our suburbs and communities across the Territory, across the nation.

It is very simple today for us to send a message to the beverage council and industry that we are serious about this. We do not want to go to court on these issues. I wrote to all the Premiers and the Chief Minister of the ACT a couple of months or so ago requesting they approve an exemption for us under the *Trans-Tasman Mutual Recognition Act*. I expected all Premiers would support an exemption for the Northern Territory. For the life of me, I cannot think why they would not, unless they are running scared of the beverage council. I pointed out to the Premiers, whether they are Liberal Premiers or Labor Premiers, that all we are asking them to do is accept the will of this parliament on behalf of the people of the Northern Territory and give us an exemption. It is pretty simple. We live in a democracy. People have elected everyone who is sitting in this parliament. There is unanimous support in this parliament for this legislation.

I hope the Leader of the Opposition, if we encounter any reluctance from Liberal Party Premiers to support our requests for an exemption, would get on the phone and ask the Liberal Party Premier to respect the will of their colleagues and the will of the parliament in the Territory. I would be on the blower to my Labor Premier colleagues if they were reluctant to do the same. If any of the Labor Premiers refuse to give us an exemption, I would let them have it with both barrels. I hope the Leader of the Opposition would do the same. I cannot begin to believe that any of the Premiers would seek to not support the wishes of the Northern Territory parliament to go down this path.

We will wait and see what comes back from that. We always knew we would potentially need an exemption under the scheme, but if you are going to run scared of the *Trans-Tasman Mutual Recognition Act*, what the heck are we here for in this parliament? If you were not going to do this because of some obscure provision in bilateral legislation with our colleagues across the ditch - who, very unfortunately, beat us in the semi-final the other night, but good luck to them in the grand final; after the tragedy of the earthquake this year, having beaten Australia, I hope they get up for their nation. I am sure our cousins across the ditch in Kiwi Land do not have any problems with the Northern Territory parliament wanting to clean up the Northern Territory and provide a few dollars for community groups.

For this parliament to say: 'Oh no, we will not do this because of the *Trans-Tasman Mutual Recognition Act* – well, goodness gracious, what are we all here for? I do not run scared of obscure bilateral legislation. If the Australian Beverages Council and Coca-Cola Amatil want to go down the path of a legal challenge to this parliament's authority to clean up our Territory and provide a few dollars to community groups in the process, and want to look to an obscure provision in legislation that supports free trade across the Tasman to mount a legal challenge – well, shame on them. Shame on them, I say. I am certain if they were to go down this path, we would be calling for a boycott of their products in the Northern Territory because it would be an outrageous attack on the sovereign will of this parliament and the people of the Northern Territory for the industry to try to exploit an obscure provision in legislation bilaterally agreed to with all the states to support free trade.

This has nothing to do with free trade and tariffs on products. This is about the big end of town - the Australian Beverages Council and industry - putting 10¢ on consumer products that will go back to the community if that product is recycled. It has nothing to do with free trade. We knew this could be an issue and it is time - given the community comment by certain of these industry groups and the Australian Beverages Council saying they may look at a legal challenge – for me to call on speakers to support this motion with the intent that it is offered, to put a clear message across the bows of the Australian Beverages Council and the big end of town that we are serious about this. We are serious about cleaning up our Territory and providing some funding to community groups which clean up our Territory. This is a bipartisan position, supported by the Independent member of this parliament, and supported by 80% of the people of the Northern Territory. Do the right thing, accept the will of this parliament, make a public comment, sooner rather than later, that we are not going to have a legal challenge, you accept our position. Do the right thing as big corporations and support the will of this parliament.

We certainly want cash for cans; we do not want cash for lawyers. I do not want to have to spend hundreds of thousands of dollars of taxpayers' money in the courts providing a revenue stream for lawyers on this issue. This is very simple: it is about cleaning up our Territory, supporting community groups, and about the Australian Beverages Council and the big end of town, multinational corporations, accepting that the Northern Territory wants to move forward, do the right thing.

I urge all members of this parliament to support this motion in the spirit in which it is put forward, in

recognition that, obviously, the big end of town will be looking at the transcripts of this debate and trying to sniff if there is any division amongst members of this House on this issue. If they sniff that division, they will seek to exploit it. I urge the opposition, having come to your senses last time after the incredible contortions you went through about whether you accept the wishes of the Australian Beverages Council and those juicy, dangling donations that might come from the top end of town to repeal this and put in a scheme that is going to support their profits. It is really tempting to go for those possible donations. They are dangling and the secretary of the CLP is having trouble raising money. Stand the heat of this, give them some hope you will repeal it and put the industry back. Give them some hope because you need cash for the election, not Cash for Containers. That is what the CLP is looking to ...

**Mr Mills:** That is enough, mate. You are wrecking it.

**Mr HENDERSON:** Put that thought and temptation aside and do the right thing. Say: 'Yes, Chief Minister, we are with you'. It is the will of this parliament to support this legislation and send a very clear message to the top end of town, the big multinationals; this is not going to make a dent in the dividends they return to their shareholders. They are not concerned about the Northern Territory; they are concerned that this is the thin end of the wedge and other governments, both conservative and Labor across Australia, are going to say that now the Territory has done it, it is time for us to do it as well. That is what the industry is running scared of. They are not running scared of the Northern Territory. It would be an outrage for them to seek a legal challenge on an obscure provision within the *Trans-Tasman Mutual Recognition Act*. For heaven's sake, exploiting that legislation to try to defy the will of Territorians would be absolutely outrageous.

Do the right thing, members opposite, support this motion with the intent it is delivered to send a very clear message that this is the will of the parliament and the people of the Northern Territory. We want to clean up our Territory and provide a few dollars to community groups that will do the right thing ...

**Mr Elferink** interjecting.

**Madam SPEAKER:** Order! Member for Port Darwin, you do not have the call.

**Mr MILLS (Opposition Leader):** Madam Speaker, this sad man leading a disappointing government needs the opposition. To run such an argument, pretending for three-quarters of the speech, which was scant on substance, could not

conceal the fact it has not done its homework, had not heeded the genuine warnings of the opposition, and now finds itself in a position. What a sad set of circumstances where the thinly veiled, weak position we can see quite plainly, which the nation can see quite plainly, is a government that has not done its homework and is totally caught up with politics. And you let it slip in the last quarter of your speech when out it came.

You are playing politics. You came into this playing politics, you are trying to play politics, and you are coming very close to stuffing the whole thing up. I can see behind the scenes. I do not know whether you have digested this properly, Chief Minister, but have you read the work done by the member for Brennan? He did a service to this parliament and the government to make it clear you understood there was much more to this; much more you had bitten off than you could chew. All you want to do is to play politics. Up on the fifth floor you have this group of smart people thinking: 'Here is a good opportunity, let us run this issue. It could be a wedge, you never know what could happen. We could play politics with this'. Mark my words, you read your own words and you will see that is exactly the way you came out of the blocks.

You came into this Chamber, took up your position, probably wearing the same coloured shirt you have on today, and launched into the opposition with the presumption we were opposing it. All the way through it was an embarrassing performance. You had your tactics, came in here cocked and loaded, the opposition is taking an opposite position, point of difference, and away you went. Read your own speech, it is an embarrassment. You took that position all the way through, completely deaf to opposition calls saying you had better slow down, mate - we are in the same position, but we have done our hard work. We have done our research, and great credit to the member for Brennan. He was doing a service to the Northern Territory in trying to assist you and you have found yourself in this mess. Once again, you have let it slip. You still want to play politics. We are going to listen carefully to see if there is any difference. The electorate knows what is going on; they have had it with you guys. They know what you are up to. You can be read like a book, and it is a trashy, little book too.

There are four points you have cleverly crafted with some group up there. People are probably leaving that circle now because they believe the game is up, because it is all over ...

**Mr Knight:** How many staff have left your office?

**Madam SPEAKER:** Order! Minister for Business, cease interjecting! Order!

**Mr MILLS:** Relax! I know one who has left your office, and you had better not talk about that, buddy! You had better not talk about that.

**Mr Knight** interjecting.

**Madam SPEAKER:** Order! Minister for Business, cease interjecting! Minister for Business!

**Mr MILLS:** There are four elements to this argument. Obviously, there is a draining of the talent pool up there, the smart folk who live in the world of politics only. Only a few are left and the best they can come up with is ...

**A member** interjecting.

**Madam SPEAKER:** Order!

**Mr MILLS:** Well, we can see what they are up to. Look, before you get too excited, we are going to support it. Okay? But not without us explaining a couple of things to you. You had better lift your game.

No 1: the embarrassment of a Chief Minister who came in here and thought he had us on the ropes when, in fact, we were boxing on the same side – stupid tactic – betrays how shallow and how silly this is. We have No 1. We have already had that; that is a given.

No 2: we are then forced to recognise that your grand plan is the best. Look, we will swallow it; we will go with that. You have some real problems with it. You have some serious problems which were pointed out to you, but you chose to – well, I do not believe you can hear it because you are operating only from the political realm all the way, not realising you actually have to think through schemes because you are going to leave a legacy when you make decisions as a government. Oh goodness, let us not go to the legacies that are left with ill-considered legislation where you have not properly thought it out. You find there are a few problems along the way, so you come up with a scheme such as this.

All right, we will let you have it; it is a great scheme. However, I will tell you we are not going to go light on you, because you have been warned. You have been reminded, and you will be reminded again when the member for Brennan goes through this again.

If you wanted to actually gain some credibility, you would put on the table the legal advice you received. Where is that legal advice? The Chief Minister is saying 'some obscure law'.

Parliaments make laws. Are you going to call laws this parliament passes, when it suits you, 'obscure'? That is a weak position to take as a Chief Minister and as a government. It sounds as if you have built into your defence a loser's limp already, saying 'some obscure thing'. You are going to try to run that across the radio. People expect better from a Chief Minister and from a government - to take the law seriously, do your work properly, and listen to the debates in here. It is not all politics. You seem to run if there is an opposing position: 'He is just playing politics with it. He is just playing politics'. Listen to the argument, and grow up!

No 3: yes, we call on the industry to respect the views of Territorians. Territorians have certain views and we would like those views to be respected. However, they need a respectable government that actually does the work; that is the other part of the equation. You have to lead them properly, think it through, and do your homework.

As a consequence, your fourth point calls on the industry to stop the legal challenge. What is the legal advice? You seem to be in a pretty weak position.

Acknowledging certain elements already about your poor performance to date, we give you the support you are pleading for, because you are in a very weak position.

I do not agree with - in that lovely turn of phrase of the Chief Minister's - he said the department and the minister, minister Hampton, worked really, really hard with this, and he commended them. Worked really, really hard, so it has been really, really good because they did really, really hard work. You did not do much really, really hard work because you did not even really, really listen to the messages delivered by the opposition. That man there, with limited resources - some of you might remember opposition but, sadly, you have become accustomed to the top floor and forgotten - off his own bat, with his own research - and your smart alec comments that you pass along the way trying to extract a political point: 'He is over there, he is trying to get donations' ...

**Members** interjecting.

**Madam SPEAKER:** Order!

**Mr MILLS:** Do you know what? You betray yourself with those types of tactics ...

**Ms Scrymgour:** Taxpayers paid for you to go to Canberra.

**Madam SPEAKER:** Order!

**Mr MILLS:** Thank you, Madam Speaker. There you go! You betray yourself with those types of tactics because when you say: 'The party is short of money and they are going to try to get some money from Coca-Cola and they are playing some little tactical game.' It is all nonsense because we do not operate like that. What you betray is that is actually how you think, that is how you do your business. We do not do our business like that because we did our work from opposition and, once again, credit to the member for Brennan who actually did his work. You did not. Politics 101 and you failed. There are so many schemes this government has turned its hand to, and there are problems with it. You are failing Politics 101. You think it through. You are here to serve the best interests of people, not the political process, and the polls that are coming up. People will make their judgement.

Chief Minister, lift your game. You are going to have to grow up and show some real leadership and, if you are going to get some substance to this, put out the legal advice so we can see whether you are fair dinkum about this or just playing some juvenile game. However, we give it support.

**Mr HAMPTON (Natural Resources, Environment and Heritage):** Madam Speaker, the government does not come from a weak position. We come from a very strong position because we know we have Territorians right behind us, as the Chief Minister said in his statement. Territorians want this scheme; they support it 100%. That is why this government is standing up for what Territorians want - not getting weak at the knees as soon as there is a bit of a challenge coming towards the government.

I support this important motion because, as the Chief Minister said, we need to send a clear and unambiguous signal to industry that this parliament is resolute in its commitment to implement the landmark Cash for Containers scheme. It is important that this signal comes loud and clear from the parliamentary representatives of the Northern Territory.

This Assembly passed the scheme unanimously only eight months ago and we need to send a clear signal to the beverage industry to not muck around, and get on with their responsibilities to put in place container deposit coordinators who can forge business relationships with the collection depots. We need to send a clear signal to the small businesses and local government enterprises throughout the Northern Territory that want to run these collection depots - and there are plenty of them - that this scheme is happening and they have a certain business environment in which they can invest, operate, and employ people. Most importantly, we need to

send a clear signal to the Territory community, most of whom are beverage consumers, that the Cash for Containers scheme they want will be delivered so we get a cleaner and greener Territory.

The Chief Minister touched on a number of issues I want to comment on. He talked about the work the Territory government has undertaken to deliver on its responsibilities under the legislation. Anyone listening to the Leader of the Opposition would think the shadow minister has done all the great work. He did not even want to be part of the working group when the member for Macdonnell was the former minister. We were very close to getting him on board and the Independent, the member for Nelson, wanted to get him on this working group. He came in and slammed the scheme, absolutely canned it, and there goes his opportunity. You talk about research - he had an opportunity to be part of the working group of the former minister ...

**Mr Chandler:** You took it away from me!

**Madam SPEAKER:** Order! Member for Brennan, cease interjecting!

**Mr HAMPTON:** ... and he threw that opportunity in the bin by slamming the scheme.

I acknowledge my department, which has had carriage of those responsibilities. I thank them very much for their hard work in achieving such significant progress with the scheme in such a short time.

In my second reading speech when introducing this legislation, I said that we have closely modelled Cash for Containers on a scheme operating successfully in South Australia. I have been there, talked to the scouts, talked to the industry in South Australia, and looked at the coordinators and the depots. I am not sure if the member for Brennan has gone to South Australia and done that because that is the model we are basing ours on. It would have been important for him to go there and not necessarily to New Zealand.

The beverage products covered under the scheme and the deposit are exactly the same. We have done this because it is more efficient, simpler, and manageable when starting a scheme from scratch. Alignment with South Australia is more efficient for the beverage industry and the close alignment of schemes allows us to deem the South Australian label on beverage containers as also meeting our requirements for a two-year transition period. This gives beverage companies some breathing space to change their labels over a longer period, reducing transaction costs. Cross-border issues between South Australia and

the Northern Territory also become more manageable when there is close alignment between the two schemes.

Since the passage of the bill, regulations setting out labelling requirements have been put in place. I also met with beverage industry executives at a forum in Sydney earlier this year. At the forum, I told the beverage industry that, notwithstanding some differences of opinion, we have common interests as we explore our respective responsibilities under the Cash for Containers scheme. The triple bottom line approach is something both businesses and government have embraced. For me, that means finding joined-up solutions that progress our economic, social, and environmental objectives. Most beverage companies have committed to sustainability objectives through their corporate charters on environment and social responsibility - and so have we - so we have shared interests.

If we can put aside the huff and puff on this issue, there are exciting opportunities by which industry, through Cash for Containers, can engage in important social challenges within the Northern Territory. Let me highlight one example - financial literacy. Financial literacy is now seen as a major weakness in preparing Indigenous kids for work. There are kids who otherwise have poor education and work prospects. The Territory government is introducing a much stronger approach to teaching financial literacy. Indigenous kids living in remote communities do not have the same exposure to money, savings, banking, and payments as urban kids. Online financial literacy programs are being developed for Indigenous kids in schools, but something practical is required to bring this learning to life and make it real. Cash for Containers presents the perfect opportunity. Students can make it relevant to their community; everyone understands the rubbish issues. Students can gain small banking and financial programs without relying on very poor parents to provide money. It can be comprehensive enough to cover all the banking, saving up, collecting, and earning elements of financial literacy. It will clean up communities rapidly as kids go scouring for cans and containers, and it will provide a strong social and educational outcome. This is just one reason why government is so committed to this scheme.

I also indicated in my discussions with the beverage industry that we have a shared interest in making the scheme as operationally simple and efficient as possible. I want an effective scheme that does the job for litter and recycling, but I also want an efficient container deposit scheme for industry. We need a functional collection network at the commencement. Technology such as the reverse vending machines can assist, but there also has to be low-tech solutions to collection.

I am also realistic. This is a scheme that will naturally evolve and improve over the years. Not everyone will have a collection depot just around the corner. That is not what these schemes are all about. Anywhere you go around the world, people are finding creative solutions to getting back deposits. This could be throwing them in the back of a ute when you are going into town for shopping, or getting together as a small community to pool resources and have empties go as backloading.

I am not looking for perfection from day one, but I am looking for a functional, operational scheme with the foundations in place. After all, it is the nature of all container deposit schemes that the private sector, responding to economic opportunities provided from putting 10¢ on empty containers, will shape the scheme in all kinds of creative ways. My job is to ensure there is a framework for this to happen; not to anticipate a solution to every problem. That, quite frankly, is for others to look at - particularly in the private sector and in the community - who are in a better position to solve some of these problems.

I travelled to South Australia some time ago and met with the South Australian Environment minister in Adelaide to discuss our Cash for Containers Scheme. He was very pleased and supportive of our initiative and leadership on this issue. We agreed to put in place a formal agreement on how the two schemes will operate efficiently and effectively side by side. That agreement is in an advanced stage and I expect it to be in place before the commencement of the Cash for Containers scheme in the Territory.

Madam Speaker, there has been considerable progress on implementation. Every effort has been made to engage the beverage industry. Forums have been held with other major participants. However, let us be clear: this motion would not be necessary if it was not for the opposition's half-hearted response since the bill was passed. It is disappointing that the opposition now seems to be trying to undermine the very scheme it voted for only eight months ago, and the Chief Minister is quite right in his comments on the mutual recognition requirements ...

**Mr GILES:** A point of order, Madam Speaker! I ask the minister to table the notes he is reading from. Can he table the notes so we do not have to hear him speak?

**Madam SPEAKER:** Minister, are you reading from a document?

**Mr HAMPTON:** I am reading from my personal notes, Madam Speaker.

**Madam SPEAKER:** Is it personal notes, it is not a ...

**Mr Giles:** Are they prepared notes from the department? Could you table those?

**Madam SPEAKER:** Member for Braitling, resume your seat, it is not a point of order. Minister, you have the call.

**Members** interjecting.

**Madam SPEAKER:** Order! Order! Minister, you have the call.

**Mr HAMPTON:** Thank you, Madam Speaker. All you have to do is look at transcripts of what the opposition has said over the past eight months. They are fairly pathetic responses. Did it condemn the beverage industry or Coca-Cola Amatil for their attacks on the Northern Territory? No, it did not. It is very disappointing what the opposition has not done over the past 18 months ...

**Mr ELFERINK:** A point of order, Madam Speaker! You cannot mislead this House. I am on the record saying I was disappointed in Coca-Cola Amatil. He should withdraw untruths.

**Madam SPEAKER:** Member for Port Darwin, that is not a point of order. Resume your seat! Minister, you have the call.

**Mr HAMPTON:** Dear, oh dear. The member for Port Darwin did not suddenly find this loophole, did he? He has known there has been a process in place for some time. He has known that. Why doesn't he stand up for the Territory - that is the real question - as well as the member for Brennan ...

**Mr GILES:** A point of order, Madam Speaker! I ask the minister to remove his deceitful comments about my colleague.

**Madam SPEAKER:** I ask you to withdraw that comment, member for Braitling.

**Mr GILES:** Which one?

**Madam SPEAKER:** Member for Braitling, withdraw please, thank you.

**Mr GILES:** I withdraw.

**Madam SPEAKER:** Thank you. Minister, could you please direct your comments through the Chair.

**Mr HAMPTON:** Thank you, Madam Speaker. They are obviously divided and touchy over there

in relation to the container deposit legislation and are a divided party; they do not talk to each other.

Look at the member for Braitling's blog. The member for Braitling knows how popular CDL is and his blog says:

*It is great to hear the news of the Northern Territory government agreeing to container deposit legislation.*

The member for Braitling went on to say:

*New CDL legislation cannot come quick enough.*

Later, in an adjournment, he said:

*I am a person who thinks CDL will go a long way to making some positive changes in the Territory, especially in terms of litter. ... I urge the Northern Territory government to bring on the CDL as fast as possible, recognising that there are impediments and I encourage the Environment minister to work as quickly as possible to get CDL to the Territory.*

**Members** interjecting.

**Madam SPEAKER:** Order! Order!

**Mr HAMPTON:** Great words from the member for Braitling. Another Centralian politician, the member for Greatorex, who knows how popular the scheme is locally, said in his media release ...

**Members** interjecting.

**Madam SPEAKER:** Member for Braitling! Member for Braitling! Order!

**Mr HAMPTON:** ... on 7 April 2009 and I quote:

*The Northern Territory government's announcement that it aims to introduce container deposit legislation across the Territory is a fairer and more practical litter reduction measure.*

Perhaps he should talk to his colleague, the member for Brennan, or the member for Port Darwin, who have been very silent against Coca-Cola. It is a truly divided and disjointed opposition. We have the member for Brennan peddling this nonsense that the beverage industry has a better scheme. He represents their views. He is not representing the views of Territorians or his party; he is representing the views of Coca-Cola. Either the member for Brennan is trying to perpetuate a cruel hoax on Territorians or he simply does not understand



the basics of the scheme. Perhaps, if he had joined the working group some time ago, he would understand the basics.

Here is an offer to the member for Brennan: have another briefing. I will even supply the pen and paper for you this time. You are so good at research, get another briefing and understand the basics of the scheme ...

**Mr MILLS:** A point of order, Madam Speaker!

**Madam SPEAKER:** Have you finished your speech?

**Mr HAMPTON:** Finished.

**Madam SPEAKER:** What is your point of order, Leader of the Opposition?

**Mr MILLS:** I was going to help him.

**Mr CHANDLER (Brennan):** Madam Speaker, again, I am absolutely gobsmacked at this government, and this minister in particular. I put to this House that we have a government that is really worried about what the opposition has uncovered. We all want a process, a program that can work ...

**Members** interjecting.

**Madam SPEAKER:** Order!

**Mr CHANDLER:** In fact, it is exactly what we were doing.

**Mr Giles** interjecting.

**Madam SPEAKER:** Order! Member for Braitling!

**Mr CHANDLER:** I am reminded of when I spoke about this legislation and, from the outset, expressed that the Country Liberals went to the last election with a promise of introducing CDL and were going to support this legislation. However, as oppositions should do, our position is to ensure the legislation being introduced is the right model, is the right legislation that is going to deliver what has been promised.

Again, gobsmacked, because I am reminded of the way the Chief Minister, after my speech in parliament when we were debating CDL ...

**Mr Elferink:** After we supported it.

**Mr CHANDLER:** Yes, after we supported CDL - stood here and said we were supporting CDL. Obviously, he had not heard what was said from this side, but came out with a prewritten speech,

which was a position of attack, just as we have seen here today from the minister ...

**Mr Mills:** It is embarrassing.

**Mr CHANDLER:** It is embarrassing ...

**Mr Hampton:** You guys are embarrassing. Stand up for Territorians.

**Mr CHANDLER:** We tried to point out there might be some legal challenges, some legal implications, to this legislation you were trying to introduce. It would be remiss of me not to have looked into this a little further. Last night, I read my speech in the parliament that day. It is full of information where I was simply asking the minister questions. I was simply asking whether he had covered things brought to my attention through the research I had undertaken. Yet, what we have seen from government – as we saw before when the member for Daly did an underhanded slider with his hand to indicate I had taken underhanded money from ...

**Mr Mills:** That is how you guys operate, not us.

**Mr CHANDLER:** I am quite willing to table my credit card statements for my trip to New Zealand if that will appease the member for Daly, instead of using his hand in an underhanded tactic to say I may have taken some money. My goodness, this is what they will stoop to!

We have a government and an opposition that agree on one thing; that is, we wanted to see Cash for Containers legislation brought into the Northern Territory - both agree on that. We found potential legal implications and rightfully raised them in the parliament. We were told this government had everything in hand, had legal advice to suggest that what we raised was not going to be a problem. What we raised was not going to be a problem because their legal advice was strong. 'We are on strong ground', is what we heard. Recently, we have had three media releases from the minister for Environment, Mr Hampton, calling on the beverage industry to lay down their guns, calling on the Country Liberals to get behind Territorians, get behind this government, and support the legislation.

We supported the legislation! Now, today in parliament, the first day of the October sittings, we are debating a motion on legislation that was supported by the opposition and already passed in the Chamber. I can only think of one reason why we have seen three recent media releases from the minister, and why we are here today debating a motion again. It is because that ground is not as solid as they might like us to think. I believe they

are extremely worried. I believe they have come in here and sold Territorians a lemon.

I raised a few concerns and I will tell you why I raised those concerns and why I am worried today. With this legislation, there is a protection for 12 months - we know that. I worry that if legislation is introduced and we have a program where both government - which is taxpayers' money, not your money - and industry spend potentially millions of dollars setting up a program that is legally challenged after the 12 months is up, whoever is in government after August next year, whether it is the Labor party, God help us all, or the Country Liberals, could have both a financial and legal mess to fix up. If it is challenged, and it costs Territorians - that is, taxpayers' money - to rectify it because you guys bugged it up, you got it wrong, you were not as solid as you said you were, then we all pay. Then we potentially put container deposit legislation, not only in the Northern Territory but also the entire country, back a decade or more.

We want this to work. How many times do we have to say this? This side of the House, just like you, wants this to work - but make sure it works, get it right! That is why we pinpointed this information, this legal information that spoke of a risk to your legislation and you promised us, minister, that you had legal advice that you were on solid ground. In fact, I think it was rock solid ground. So tell me why we are debating this motion in the House today? Tell me why you put out media release after media release calling on industry to lay its guns down, calling on the Country Liberals to get behind this. We have already got behind this. We have supported the legislation. Why are you doing this if you are on rock solid ground?

**Mr Hampton:** You are pathetic.

**Mr CHANDLER:** I am not pathetic, minister, I am just trying to do my job.

**Mr Hampton:** Stand up for Territorians then.

**Madam SPEAKER:** Order!

**Mr CHANDLER:** We have stood up for Territorians. We supported your legislation, and it would be remiss of me not to point out when there is a challenge or could be a challenge legally.

Madam Speaker, I want to read an e-mail I received recently:

*The recent passage by the federal government of the Product Stewardship Act 2011 provides for the first time a legislative framework for nationally uniform product stewardship regulation. At the time*

*Environment ministers through COAG have commissioned a regulatory impact statement to explore options for improving environmental outcomes related to packaging to deliver higher recycling rates and less litter.*

Did the minister attend that meeting? Did the minister not vote for this particular RIS? Did he introduce or demonstrate the legislation we have here in the Northern Territory? I want to know what happened at that meeting, minister? Did you agree like ...

**Members** interjecting.

**Mr CHANDLER:** ... it would suggest ...

**Ms Lawrie:** So your argument is do nothing.

**Madam SPEAKER:** Order!

**Mr CHANDLER:** Madam Speaker, you have a minister who wants to talk about a pen and paper. If you feel compelled that I must bring a pen and paper to every briefing when I sometimes leave briefings with less information than when I first went in and, in fact, I have a brain, minister, I do have a brain that I can actually listen. We have a minister who sits here and attacks a pen and paper as his defence about this legislation that could have a very high cost to Territorians in future, because you did not do your job! You did not do your job and, on this side of the Chamber, all we are trying to do is ensure this legislation is the right legislation and delivers what these guys promise it will.

I do not want to see a legal challenge. I want to see it work. I do not want to see us get 12 months down the track and face an expensive legal challenge ...

**Mr Elferink:** Which we will probably lose.

**Mr CHANDLER:** And if we do lose it, and there is compensation to be paid, who pays for it? Not the minister sitting over there thinking he has done everything right. It is Territorians who will pay and, if we are serious about protecting our environment, the rest of the country will pay because it has the potential to put back CDL around the country for many years to come.

I want to finish up, because I could reread this speech to clarify again if the government wishes our support for this concept. It does not seem to matter what we say from this side of the House, you do not seem to believe we are supporting this legislation. What we are

supporting, what we are backing here, what we have given our support to is something we hope you have got right. We truly hope you have done your homework and ensured this works because we do not want to be 12 months down the track and face a challenge.

Madam Speaker, we know when similar legislation was introduced in South Australia, the government of the day allowed about three years for the industry to get its act together, to change labelling, and all those things. This government introduced legislation this year and expects this to be up and running by 1 January 2012. I do not know how to do this, do I table \$5? Here is a \$5 bet to the minister that this will not be up and running successfully across the Northern Territory ...

**Mr HAMPTON:** A point of order, Madam Speaker! Is that your money or Coca-Cola's?

**Madam SPEAKER:** Minister, I would like you to withdraw that comment, thank you.

**Mr HAMPTON:** I withdraw.

**Dr BURNS (Leader of Government Business):** Madam Speaker, I will be brief. The member for Brennan posed an important question: why are we debating this motion? The reason we are debating this motion is the Janus face of the opposition; a Janus mask of the opposition. It is a two-sided story. Publicly, the opposition says, hand on heart, yes, we support CDL. Yet, through the passage of the legislation and since, we have seen it twisting and contorting behind the scenes ...

**Mr GILES:** A point of order, Madam Speaker! Is this like the Labor position on the shires? It supports them publicly but privately, in the electorates, does not?

**Madam SPEAKER:** Member for Brainting, resume your seat and do not raise any more frivolous points of order!

**Dr BURNS:** ... and doing the best it can to white-ant this legislation. That is what they are doing. It is obvious to any political observer exactly what is happening in the opposition. We know the power of the packaging industry and the beverage industry. They have put much pressure on the opposition on this issue and it shows. The opposition has suddenly come up with legal advice about the Trans-Tasman recognition ...

**Mr ELFERINK:** A point of order, Madam Speaker! That legal advice appeared suddenly, several months ago, in this House.

**Madam SPEAKER:** Member for Port Darwin, resume your seat! That is not a point of order!

**Mr ELFERINK:** A point of order, Madam Speaker. He is obliged to tell the truth in this House and he is not doing so.

**Madam SPEAKER:** Member for Port Darwin, that is not a point of order!

**Dr BURNS:** Madam Speaker, I did not put a chronology on the appearance of this legal advice. I am just asking about the source of it. The source, no doubt, was the beverage industry handing it to the opposition saying: 'Here is the dart, here is the dagger, throw this one here. We have legal advice about this'. This is what the beverage industry, vis-à-vis Coca-Cola Amatil, has been doing over the last couple of months. Why do we think the opposition is not supporting this, why has the minister put out media release after media release? Because the member for Port Darwin has been dancing in front of the media and raising the spectre of the Trans-Tasman mutual recognition treaty as a way of white-anting the container deposit legislation. That is what has been happening.

There are some very important questions. If the Trans-Tasman mutual recognition treaty was so vital, why has Coca-Cola Amatil not used it to stop the CDL in South Australia? That is an important question ...

**Mr ELFERINK:** A point of order, Madam Speaker! They have an exemption under Appendix 1.

**Madam SPEAKER:** That is not a point of order. Member for Port Darwin, resume your seat! It is not a point of order. Order! Member for Port Darwin, cease interjecting!

**Dr BURNS:** The beverage industry is quite inventive. It will find ways, and is trying to find ways, just like the tobacco industry with smoking and some of the public health measures occurring in that domain - they will use their legal muscle to intimidate governments, even the federal government. As Territorians, we need to stand up to that. We know the system in South Australia has worked for 30 years, even longer, so why would this government not model our scheme and legislation on South Australia? That is exactly what we have done.

The opposition is pointing at the minister and legal advice all the time - there is a Cabinet process, member for Brennan, and Cabinet is privy to that legal advice. We are not going to table it here because we know if we tabled that legal advice, it would go straight to the beverage industry, which would use it as part of its legal

campaign. I can assure you - not only the minister - that very solid legal advice was received by Cabinet on this issue. It was considered by Cabinet. We considered the legal advice and we know any legal advice is up for challenge. Once you get into a court, things can be challenged. I can tell you, it is very solid legal advice.

You asked questions about the stewardship provisions, the stewardship container initiatives, that have occurred at the ministerial council for Environment ministers. I can tell you, member for Brennan, it has been around for quite some time. It was in front of that council when I was the minister some time ago - this is, I suppose, the Clayton's CDL some jurisdictions prefer rather than taking on the beverage industry; however, we are not like that. We have taken the step forward. The member for Nelson led the charge and, during her time in government, the member for Macdonnell was at the forefront and the vanguard of this legislation advocating for container deposit legislation. It would be interesting to hear what the member for Macdonnell might say on this motion, given earlier this year she commended container deposit legislation within this House. Now that she has joined the CLP, does she share these legal reservations the CLP has on this scheme?

The issues raised by the member for Brennan are evidence of the way in which the opposition is squirming. The Janus face: 'Yes, we support it. We love it. We want it'. Behind the scenes, they are getting information from the beverage industry, being lobbied heavily by the beverage industry, and are wondering if they can backtrack on some technicality on this container deposit legislation, and that is exactly it. If ever I have seen working hand-in-glove, it is the member for Port Darwin talking about the mutual recognition treaty and the legal challenge by Coca-Cola Amatil. There is a game going on here. I can see it; any political observer can see it. That is why we are debating this motion today and the opposition should come clean and support it. They should not use legal twists and turns to oppose this legislation. They should come out and wholeheartedly support it.

Madam Speaker, we are on solid legal ground. The opposition should be standing with the government and saying to Coca-Cola Amatil: 'Respect the wishes of the Northern Territory people and the Northern Territory parliament'.

**Madam SPEAKER:** Are you speaking, member for Nelson? I remind you I will ask you to pause at 12 pm because there is a committee meeting.

**Mr WOOD (Nelson):** Madam Speaker, I support this motion. There has been interesting

discussion in the short time this debate has been going and I welcome the member for Brennan's contribution although I do not agree with some of what he said. I am concerned about the beverage industry's push for the stewardship covenant. It has been around for ages and is a cover for not introducing national container deposit legislation. It has been around for many years, even when the Territory Anti-litter Committee was operating, and has always been seen by supporters of container deposits, or Cash for Containers, as a front for trying to stop or delay any move by the states to introduce national container deposit legislation.

At the outset, we should look at some positives in relation to this. Alice Springs is a classic example - if you want more evidence that Cash for Containers is working, look at the mountains of cans Mayor Damien Ryan and his council have been able to collect with 5¢ per can. That council should be congratulated. Originally, without any government assistance, it started up a process to collect cans in the Alice Springs area. Thankfully, the government got on board and gave them some extra funding. Alice Springs is an example to put to the beverage industry that Cash for Containers works in a real practical sense. The Alice Springs Town Council - the Mayor and the councillors - and the people of Alice Springs should be congratulated. For a long time one of Alice Springs' downsides was litter - litter in the Todd River and in the parks. This move by the council has certainly reduced the amount of rubbish lying around Alice Springs. They have also introduced schemes which other councils should look at. Alice Springs recycles glass with a glass crusher. I believe they have already started some work putting glass into either pathways or roadways. That is a spin-off from the Cash for Containers system running in Alice Springs, and is great. Of course, the Alice Springs Council receives money for the aluminium cans it collects, so it gets an income to offset some of the cost of collecting cans in the Alice Springs area.

There are also the social benefits which are not promoted enough. Picking up rubbish for a reward is a real benefit of this deposit legislation, especially in small communities where you are teaching young people the benefits of doing work and receiving money in return for that work. That is one of the great attributes that is not given enough emphasis in this debate. It is not an area for which the beverage industry has an answer, and they do not seem to consider that benefit when they are trying to put down container deposit legislation or Cash for Containers.

The other issue for a council is the reduction in landfill. Anyone who has been on local government - and I look around and wonder if anyone has been; oh yes, the member for Araluen has been on local government - would know the

cost of landfill. Anything that can reduce the cost of landfill is a positive, especially for local government. We do not get anywhere near the amount of materials drawn out of our waste facilities, especially in Litchfield, although they are building a facility for recycling which still has not come to fruition. If you ever stand at a transfer station - if you want to do something in your spare time - look at the number of recyclable products being dumped. The main reasons they are dumped are: (1) there is not an easy place to recycle them, and (2) there is no incentive to retain those products and take them to a recycling depot.

Another benefit of the container deposit legislation is it starts up a new industry in the Northern Territory. It will create jobs because someone is going to have to be the collector. Someone is going to have to deliver these products and there will be increases in employment.

Of course, there will be debate about whether the scheme will be financial, but in the days of Keep Australia Beautiful when Lorna Woods was in charge, she used some figures from a long-time supporter of container deposit legislation, a gentleman called John Watson who lives in South Australia - a very sincere person who has been involved in recycling in South Australia, not in containers but in car parts. He did some figures for the Northern Territory some years ago which gives you an idea of the massive number of containers in the Northern Territory. When you put a value on that - whether it is 1¢, 2¢, 3¢, or 4¢ - the amount of money raised is enormous ...

**Madam SPEAKER:** Member for Nelson, it is 12 pm. I ask you to continue your remarks after Question Time.

Debate suspended.

#### VISITORS

**Madam SPEAKER:** Honourable members, I draw your attention to the presence in the gallery of a delegation of Hong Kong travel agents visiting Darwin: Ms So Hing Yu, Ms Cheuk Yan Hung, Ms An Li Shi, and Ms Yu Ting Wang, together with Tourism NT staff including the Chief Executive, Mr John Fitzgerald. On behalf of honourable members, I extend to you a very warm welcome.

**Members:** Hear, hear!

#### TABLED PAPER Pairing Arrangements – Members for Arafura and Araluen

**Madam SPEAKER:** Honourable members, I table a document relating to pairs. I believe this

replaces the earlier arrangement between the member for Arafura and the member for Araluen. It is signed by both Whips.

I table that document.

#### MOTION Cash for Containers Scheme

Continued from earlier this day.

**Mr WOOD (Nelson):** Madam Speaker, before lunch I was recognising the great work of the Alice Springs Town Council in showing us how Cash for Containers can work. I reiterate that if anyone has doubts about how Cash for Containers can work in the Northern Territory, Alice Springs leads the way and is doing a great job.

The motion before us deals with a couple of issues. It acknowledges that all members of the Assembly voted in support of the Cash for Containers scheme in February this year, which is what happened. It recognises the Cash for Containers scheme is the best practice model for promotion of container recycling. There is no doubt the system we have is not perfect. The reason it is not perfect is, because of the Constitution, the Territory government was not able to bring in its own taxation. In other words, it was not allowed to bring in its own scheme. It has modelled its scheme on an industry-based scheme in South Australia. That scheme has evolved over time and it has faults that I would love to see rectified, but you have to live with reality. The scheme we are copying from South Australia seems the only practical approach to ensuring we get this scheme up and running in the Northern Territory.

There are issues and, if you get onto the website for the container deposit scheme for South Australia, you will see areas which unfortunately are not covered: plain milk and wine in glass containers are outside the scope of the legislation. The joke is that non-alcoholic wine is included; same bottle, practically the same label, probably comes from the same manufacturer, yet you can get a 10¢ refund for glass containers that store non-alcoholic wine, but for wine, you cannot. Why would plain milk be different from anything else? There was a campaign in South Australia and the rumour is it was funded by the beverage and food industry to say to the South Australian government: 'How could you increase the price of milk? Families will be affected'. It was the same old argument in that they did not say the money would be refunded on the return of the containers. So, milk is not included, but flavoured milk is. A 600 ml plain milk container in South Australia has no deposit, but you can have a 600 ml iced coffee and you have a deposit. Also, with fruit juice - 100% fruit juice, no deposit; fruit juice drink has a

deposit - you can buy both products, they look the same, have the same container, and nearly the same label. It is disappointing to see that type of exemption is allowed in South Australia. Unfortunately, we have had to inherit that because we are continuing with the same system.

Be that as it may, those issues will be sorted out with time. When industry sees the Northern Territory government working for them, not against them, it will come around to changing those things. If you can harmonise which containers are included, you will reduce handling fees, and you can use the system to reduce separation fees. Many things can be done and changed to make the system far more efficient. The system is not perfect, but it is certainly a start.

Madam Speaker, within this motion is a move to call on industry to respect the views of all Territorians and cooperate with the Cash for Containers scheme as they do in South Australia; and calls on industry, including Coca-Cola Amatil, to rule out a legal challenge against the Cash for Containers scheme. There has been much discussion about this. The member for Port Darwin came out during the debate and highlighted the *Trans-Tasman Mutual Recognition Act* that has been put forward as the method by which Coca-Cola Amatil might challenge our legislation. My criticism of the member for Port Darwin is not so much that he does not support CDL but, when the media spoke to him, it sounded like he was reminding them of that legislation. They do not need reminding; they know very much about that legislation. My feeling is we should have come out more strongly to say to Coca-Cola: 'Please do not go down that path'. It is not the case, as the member for Brennan said, that we are particularly concerned about that legislation. Big companies will take on any legislation and my understanding is the Solicitor-General has said he believes this legislation will stand up to a challenge, although there is no way to guarantee 100% that any legislation will not be challenged.

My criticism was: that is Coca-Cola's business. Our business is to say to Coke: 'Do not go down that path; support something that will be good for the Territory; support something that will be good for the environment; support something that will be good for local government; support something that will be good for industry, and support something which will have great social benefits'. I want Coca-Cola to come on board and be a good corporate citizen. I have had to go without my daily dose of Diet Coke for a few weeks. I understand Coke may have changed its mind, so I can tell Coke I have slipped back with a few Diet Cokes lately and gone off Pepsi Max. All I am saying is: 'You are a big company in the Northern Territory'.

I was at Truck City recently when the Patriots were doing their motorbike ride. I was looking at the old store at Berrimah where the post office is, and the whole store is painted up by Coke. Coke paid for the store front to be painted. They put the big stickers on the front of stores and decorate stores, probably free. They are a big company; you find them all over the Territory. I bet you find them from Yuendumu to Kintore, to Alpururulam, to Gove, to Groote Eylandt – you will find Coke. Coke needs to recognise it takes a great deal out of the Northern Territory in the form of profits. It also needs to be showing it will put something back into the community, and what better way to show that than by supporting this legislation. I say to Coca-Cola: 'Come on board, do the right thing and you will be seen as a much better company for it'.

I would also mention the *Trans-Tasman Mutual Recognition Act*. I am slightly confused about whether Coke is challenging it because it sees we might be selling product differently to other states. It would be interesting to know if it applies to other things that happen in the Territory. For instance, I was at Borroloola a couple of weeks ago and, if you are not a local, you can only buy 30 cans of beer at the local supermarket - that is all you can buy. You are limited; you cannot buy as much as you like. I went to another store where they lowered the prices of fruit juice and fruit, and raised the price of Coca-Cola, so a relatively small bottle of Coke is worth \$4. Could you not say a product is being sold in the Northern Territory with rules that do not apply across Australia? If we took this to its n<sup>th</sup> degree, could a great deal of stuff that is limited in the Northern Territory be challenged under the *Trans-Tasman Mutual Recognition Act*? Could we say that unleaded petrol cannot be sold in some places, only Opal? Or could BP - and I do not believe BP would do that because they are a great supporter of Opal - challenge it under the *Trans-Tasman Mutual Recognition Act* that one state is stopping the sale of a product which can be sold in another state? I am interested to know where this mutual recognition begins and ends.

Be that as it may, this motion is worth supporting. It is an important part of helping to change the way we recycle, reduce litter, and reduce landfill. However, there is one aspect we need to consider and I would like to move an amendment to this motion. The motion is at the end of the existing ...

**Mr Elferink:** Did you know about this, Chris?

**Madam SPEAKER:** Order!

**Mr WOOD:** ... motion, I would like to add the following paragraph:

- (5) calls on the federal government, specifically the minister for Environment, Mr Tony Burke, and supported by the shadow minister, Mr Greg Hunt, to introduce legislation by the end of 2012 to enable a national Cash for Container system to operate across Australia.

**Madam SPEAKER:** Member for Nelson, do you have that written out and signed? Can you please give that to Mr Stokes who is just behind you, and we will have it circulated. We have it as an amendment here.

**Mr Elferink:** Chris, did you know about this? Are you aware of the amendment?

**Dr Burns:** I knew there was an amendment coming.

**Mr Elferink:** Did you tell anyone on our side?

**Madam SPEAKER:** Order! Member for Nelson, do you wish to speak to your amendment?

**Mr WOOD:** I apologise, member for Port Darwin. Do not get ...

**Mr Elferink:** You lecture us about how we conduct ourselves ...

**Madam SPEAKER:** Order! The member for Nelson has the call.

**Mr WOOD:** Madam Speaker, the amendment to this was simply that we need a national Cash for Containers system. I was told that I had to tell the Leader of the House I was putting forward an amendment. The amendment is a pretty straightforward amendment. It simply says it would be better for the whole of Australia if, instead of South Australia and Northern Territory having individual Cash for Container schemes, in the long run, we had a national container scheme across Australia.

I say that because you could then introduce a scheme which was not necessarily industry-based. You could bring in a legitimised scheme because the federal government has the power to put tax on product. You could then pick up many of those containers that are presently not covered in South Australia, and do it for other things such as some of our whitegoods, batteries, tyres, and insecticide containers. Some of them already have deposits, but they are not set up in a way so Northern Territory people can return those products to a recycling centre.

There are many products in the Northern Territory like batteries and tyres where you do pay

a so-called recycling fee, but I am not sure that necessarily makes much difference to the product in the end. Go to Humpty Doo and see tyres stacked a mile high, because it is difficult to get that product moved out of the Northern Territory with the cost of freight.

I have added that clause in, not to upset anyone, but simply because I thought it makes a better motion. Companies have always been scared of the Northern Territory introducing this legislation because they are scared that national legislation will come in.

The member for Brennan has spoken about stewardship covenants. They have been around a long time. As I said before, they are a smokescreen for doing nothing. I have been around so long and seen nothing happen out of those things. The rubbish on Whitewood Road and the Stuart Highway has not diminished because of a stewardship covenant. That side of it ...

**Dr BURNS:** A point of order, Madam Speaker! I request that the member be given an extension of time, pursuant to Standing Order 77.

Motion agreed to.

**Mr WOOD:** Thank you, minister. It would send a message to the federal government that the Territory parliament is fair dinkum. Both sides of this parliament, regardless of what you think, have said they support CDL. This extra clause on the Cash for Containers motion is something to hammer home to the federal government that we have waited too long for this scheme. The Territory has decided to go ahead, but that does not stop us from saying we should have a national program. Until we get a national program, you will not get the efficiencies required to make this scheme work as well as it should.

There has been discussion here - the member for Brennan discussed his reasons why he supports CDL and his reasons for questioning some of what the government was saying. Whether I agree with the member for Brennan or not, that is very much his role - he should question the government about whether the system will work. I believe the government will make it work. It certainly has a very tight time line. The member for Brennan was a bit stingy with only \$5. I thought you could have whacked up a few more dollars.

I am told the program is running smoothly; that it will come in on time. It would be good if government gave us an update on the details of where the scheme is at. I know there are politics in here, but it is time -if we all support CDL - let's update, not only the opposition, but also the

people of the Northern Territory where we are at in setting up this program to make it work by 1 January next year.

Have we selected tenders for the distribution of cans? How is it going to work out bush? We need an update on that. If people are storing up cans, what is going to happen with that? How many manufacturers will have 'Northern Territory' on their containers by 1 January? That is what people want to hear in this debate. This debate is relatively general, but the issues raised by the member for Brennan are proper matters that an opposition should raise, and the government should be up-front about where we are at with setting this scheme in place. It is not just about what we debate in here; people have expectations that this is going to work, and the government needs to be telling them, yes, it is going to work, and this is what is going to happen on this date, this date, and this date. If it cannot come forward by 1 January, it needs to be telling people that for this reason and that reason it might not be able to get it within those time lines.

Government needs to be more open about where this scheme is at. When it first started, there were many advertisements on television - bang, bang, bang, bang - plenty of ads. Now, it has dropped off and people forget about it to some extent. It is getting close to the time it will be introduced and it is worthy that the government gets out there and tells this House and the people of the Northern Territory how far this scheme has advanced, is it running on time, if there any problems with it, or if we have run into difficulties from the point of view of making it work.

I support container deposit legislation or Cash for Containers - I always have - but we have to ensure we do not cloud over issues for the sake of sounding good. If there are issues that might cause us a problem, better to tell people up-front, rather than gild the lily, because that will make people cynical about the whole thing.

Madam Speaker, I thank the government for this motion and thank the CLP for its support. I understand they must and should question aspects of this scheme, but I ask the government to come forward and give us, and the people of the Northern Territory, an update about where this scheme is at and whether it will come together on 1 January.

**Madam SPEAKER:** Honourable members, all further speakers are speaking to both the original motion and to the proposed amendment. Members who have already spoken are allowed to speak only to the amendment.

**Mr ELFERINK (Port Darwin):** Madam Speaker, I will deal with the amendment first. I

appreciate what the member for Nelson is attempting to do, but it was not long ago that he said to me - in fact, it was the last sittings - anything done on the floor of the House, unless it is properly negotiated behind the scenes first, is by nature some political stunt. I am not suggesting the member for Nelson is engaged in a political stunt, but it sets a benchmark for conduct and how we relate to each other in this place, and he is duty bound to meet that benchmark.

Having made that comment, the observation I wish to add is I do not have a major problem with the amendment he is proposing. I have spoken briefly with the shadow minister and we can live with this proposed amendment. Continuing with the same faith that the Country Liberals have dealt with this issue from day one, the member for Nelson and, I presume, the government will be pleased to know we continue to support CDL. We went to the last election supporting CDL. We stood in this place last time and supported CDL. So I find it a little galling to hear the government screeching from the rafters that, in some fashion or another, we are engaged in some clandestine conspiracy with the packaging industry to kill off CDL.

We asked some crucial questions at the last sittings, the results of which are starting to manifest themselves in a way which concerns us. I remind honourable members that we are talking about the operation of the mutual recognition act. I hear the minister referring to the trans-Tasman arrangements. The *Mutual Recognition (Northern Territory) Act* is part of the Territory's legislation database. The mutual recognition act exists in the Northern Territory. I invite members of this House to look it up. You will find it listed amongst all the other Territory acts under M. To say it is some sort of obscure treaty is not correct; it is an act passed by this parliament into law. It resulted from an arrangement negotiated between all jurisdictions in the late 1980s and early 1990s. The mutual recognition act was passed into law in the Northern Territory in about 1992. Since that time, it has remained unamended on our database.

I find it galling that the minister says: 'If you are not standing up for Territorians by agreeing with us 100%, then you are against us'. That is basic hysteria. The truth is I did something I rarely do with ministers at the last parliamentary sittings when we passed this legislation. I said this is an issue and I raised it on the floor of this House during the second reading and third reading debates. I then tapped the minister on the shoulder and we had a discussion in the Speaker's Gallery. I said: 'Are you sure you have this together?' I do support CDL, I have always supported the concept of CDL, and I am disappointed in the extreme that he said: 'Yes, it



is all mickey mouse and squeaky clean'. The point is that I have seen nothing to give me comfort.

This debate, as introduced by the Chief Minister today, was a reshuffling of position. The debate comes down to one issue and one issue alone: is the Northern Territory legislation we passed in this place lawful in relation to the mutual recognition act? The government says: 'The packaging industry must have been speaking to the opposition'. Of course they spoke to the opposition. Madam Speaker, I would lay London to a brick they did not only speak to the opposition, they also spoke to government, because the packaging industry does not want a court case. It would rather avoid a court case. As the Chief Minister quite rightly pointed out - and something I said when this legislation was passed - this has nothing to do with Northern Territory legislation. It has everything to do with tens of millions of dollars worth of CDL legislation operating in other jurisdictions. The counsel I gave the House and the minister, and pleaded the case, was made abundantly clear at the time: if you get this wrong, this will not only set back the cause of CDL in the Northern Territory, it will set back the cause of CDL in the rest of the country - perhaps by as much as 10 years.

I find it extremely nerve-racking that the Northern Territory government is now saying it is prepared to fight them in court when that was not necessarily needed in the first instance. What I also find nerve-racking is the Leader of Government Business standing in this place saying: 'The Solicitor-General for the Northern Territory has given us a rock solid piece of legal advice', and then refusing to show it or disseminate it amongst members because government will not signal what they are going to argue in a court. The question I have is: 'Why not?' It is clear that the packaging industry is prepared to signal what they are going to argue in a court. They have been circulating their legal advice far and wide. Prior to any case being advanced by the packing industry - or, in this case, Coca-Cola Amatil - the Northern Territory government will have to share, by nature of court proceedings, any information they have with Coca-Cola Amatil anyhow, before they walk into a courthouse. In a courthouse, you do not entrap each other; you argue the legal propositions that exist between the two parties. The courts expect - and quite rightly so - that the points of difference and the arguments be fleshed out as far possible between the parties before they walk into a court.

The argument that we are not going to show our hand is incongruous and inconsistent with the processes this government will go down should it find itself in court over this issue. The packaging industry has not run the argument that we are not

going to show our hand. They have completely laid their hand on the table. It is not going to make one jot of difference, come court day, whether or not you have shown your case to the public. That is why I am starting to believe the Solicitor-General for the Northern Territory has not provided legal advice, or that the legal advice has not been as comprehensive as it could have been. I do not know because we are not allowed to look at the legal advice. This has come down to a case of: 'Trust us, we are the government, we know what we are doing'.

I place on the record now, and have said publicly, I am disappointed that Coca-Cola Amatil has decided to go down this path. However, down this path it will go, and do not think for one second that if we, as a parliament, call upon Coca-Cola Amatil to cease and desist because this is our opinion, they will not give one flying yahoo as to whether or not we go down this path. They clearly know our opinion in this House and only have to read the *Hansard* to know our opinion. The problem is it will still go down this path because, as the Chief Minister quite rightly said, and as I said in the last parliament, this is not about Northern Territory legislation and never has been as far as Coca-Cola Amatil is concerned. This is about protecting an industry against a loss worth tens of millions of dollars. Moreover, I have now heard as much as \$100m is at stake and the consequence is Coca-Cola Amatil will fight this. I will be surprised if they do not.

Okay, there is now a year's hiatus because of the operation of the mutual recognition act. Once that year is gone, the first thing that will happen is there will be an exchange of letters and, after the exchange of letters fails, there will be an issue of a writ and immediately the seeking of an injunction to prevent the system from continuing to operate. It is not inconceivable, and I do not know whether they will go down this path, that it may commence an action prior to January next year when this is supposed to start operating, and will seek an injunction preventing the legislation being brought into force in any instance, notwithstanding the parameters of the mutual recognition act. It is still within contemplation that Coca-Cola Amatil will commence an action, fill out the appropriate paperwork, lodge it in either the Supreme Court or the Federal Court, whichever has jurisdiction over this issue, and then seek an injunction in December, for argument's sake, preventing the Northern Territory legislation from coming into force. It is not inconceivable, if that occurs, that such an injunction would be granted. I wonder if the minister has signed up or been told this is a possibility, or even asked the question of his senior public servants as to whether this is a possibility. If not, it is time to ask them.

I would also be pleased to know if the minister has spoken directly to Coca-Cola Amatil rather than simply talking about the positioning of the Territory government in relation to boycotting their products, rada, rada, rada, or doing anything of that nature. What has been the relationship between the minister and Coca-Cola Amatil? I would not be at all surprised if the minister has not had direct contact with Coca-Cola. If that is the case, I find it disappointing.

Also, has the minister signed up to the COAG agreement mentioned earlier by the member for Brennan in relation to the stewardship program? If the minister signed up to that arrangement, he should be telling this House because, if that is the case, he supports both the stewardship program and the CDL system passed by this House. If he is doing so, the amendment proposed by the member for Nelson presents the minister with a major problem, because the amendment calls on the federal minister to introduce CDL legislation by the end of 2012. That being the case, he is in breach of his arrangements and his agreement with the stewardship program.

If that is the case, it would be a poor outcome for this government to be signing up to the amendment proposed by the member for Nelson, because it would show an almost schizophrenic approach by the Northern Territory to product stewardship and CDL when perused by the federal government. To compound the problems with the mutual recognition act, we would be sending a signal about having multiple positions on this issue as we went to Canberra to argue the issues. Therefore, it is important that the minister advise this House whether he has signed up to the COAG agreement to which the member for Brennan referred earlier. If he has, he cannot support the proposed clause (5) by the member for Nelson.

These issues are all of concern. I have no problem supporting this motion. We have been over this several times, and I feel the Northern Territory government has nothing left in its lockers on this, as it realises it is heading towards an iceberg - other than to blame the CLP for saying we raise questions about the appropriateness of what the government is doing.

The government has chosen to engage in conduct which is deliberately contrary to existing legislation. To try to simply say: 'Oh, the legislation is some obscure section in the treaty, therefore, we can afford to ignore it', is to ignore the truth. It is not an obscure section in some treaty; it is a section in Northern Territory legislation resulting from national agreement. The failure of this government to realise, listen, or deal with that complicating factor finds it struggling and wrestling on this issue. The government is now

hoping it can argue that some technicality is causing a problem.

We now hear only passing reference to spending hundreds of thousands of dollars on fighting court cases against the packaging industry. When news broke that Coca-Cola Amatil was considering challenging the Northern Territory government on its breach of the mutual recognition act and arrangements nationally, the government was feeling much more belligerent about going to court. The comments I have heard today, almost ignoring the issue of court, and simply saying it calls on the CLP and everyone else to support a boycott of Coca-Cola Amatil products tells me the advice it has now received is not so strong. It finds itself in a weakened position and it is now positioning itself politically. That is of concern, and should be of concern to all Territorians.

If this government has mucked it up, it will have done enormous damage to the credibility of CDL. The member for Nelson, in his enthusiasm for CDL, has walked into the same trap despite the warnings flagged by members on this side of the House.

Madam Speaker, I so much support the concept of CDL that I did something, as I said before - I spoke to a minister and attempted to counsel him in relation to the trap that was being set. That minister chose to ignore that advice, possibly at the peril of the legislation that has been brought before this House. I am exceedingly disappointed with the approach government has taken to this legislative instrument. I continue to be disappointed with the approach government has taken to this set of arrangements because, in the process of trying to score a political point, it may have had the very opposite effect it was seeking to induce - that is, not only to kill CDL in the Northern Territory, but also to kill CDL nationally for the next decade.

**Mr HENDERSON (Chief Minister):** Madam Speaker, I thank all members for contributing to what is an important debate. Regarding the member for Port Darwin's convoluted contortions, I assure the member for Port Darwin that all through consideration of the construct of this legislation and the potential legal positions of both sides - being the beverage council and the Northern Territory government - we at all times had full advice from the Solicitor-General of the Northern Territory. That advice, as my colleague, the member for Johnston, said, has Cabinet privilege because if there was a future challenge by any company, obviously we will preserve the integrity and confidentiality of our position. I take the advice of our Solicitor-General, and I know the minister does.

In all things, legislation is open to challenge. We wanted to show the beverage council, through debate in this parliament, if an individual company wishes to challenge the legislation it does so in full knowledge that it is not only challenging the legislation, but also challenging the legitimacy of this parliament to deliver policies on behalf of the people of the Northern Territory. I say again, think very carefully about going down that particular path.

Concerning the amendment put forward by the member for Nelson, the government is happy to accept and support that amendment because, being consistent with government policy from day one in 2001, we have always supported on this side of the House a national Cash for Containers scheme. Regardless of interim steps taken through COAG in progressing to a potential national scheme, this motion does not compromise our position at all with possible COAG arrangements. What it does is support what we have always said, and it has always been our policy position to support a national scheme.

My colleague, the Environment minister, will be on the phone to the minister for Environment, Mr Tony Burke, to give him a heads-up that we supported this motion and urging him to consider a national scheme. I know my colleague will raise the issue again at the next Environment ministers' ministerial council that this is the position of the Northern Territory parliament. I trust the shadow minister for the Environment will put in a call to the Liberal shadow minister, Greg Hunt, and urge him to support a national position on Cash for Containers.

I thank everyone for their contribution to the debate. It is good to see, in spite of the twisting and turning of the opposition, that it supports the motion. I thank them for that. I thank the member for Nelson for his ongoing commitment, drive, and support for this legislation, and for the amendment.

Madam Deputy Speaker, I commend the motion to the House. It will be forwarded to the federal minister, the shadow minister, and the members of parliament representing the Northern Territory in the Commonwealth parliament of Australia.

**Madam DEPUTY SPEAKER:** Honourable members, we have two questions before the Chair. We have the motion as put by the Chief Minister and the amendment as put forward by the member for Nelson. We will deal with the amendment first.

Amendment agreed to.

Motion, as amended, agreed to.

## CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL (Serial 173)

Continued from 17 August 2011.

**Mr ELFERINK (Port Darwin):** Madam Speaker, I rise with the opposition's response to the Criminal Justice Legislation Amendment Bill. I note there are several amendments in the bill, and it has been a while since I looked at this. I can already indicate to the government that the bill has our support; however, I will make comments in relation to it.

This Criminal Justice Legislation Amendment Bill amends certain bills or other acts and comes in the form of an omnibus act, if you like. I was surprised during my reading of the legislative instrument that is before the House today that there were references to the *Criminal Law (Conditional Release of Offenders) Act* in the amendments. I was curious as to why we were removing presumptions about legislation that no longer exist. I thank department staff who, during the briefing, explained what was occurring. The reason they held over those references to the legislation is there were still enlivened orders on foot relating to that legislation during those periods, and it would have been improper, for lack of better words, to remove references from legislation and expect those orders to retain currency, so those orders were allowed to reach their expiration date. That has now occurred and the time has come to make amendments which reflect the expiration of those orders and the expiration of the act as a whole.

There are also amendments to the *Bail Act* that deal with the role of a magistrate in reviewing police bail. Once again, I cannot find any major problems with it. It is my understanding that the police and courts were spoken to in relation to the amendments. Essentially, it enables, or clears up, an inconsistency or an uncertainty, but it enables magistrates to review bail.

I believe, and certainly my political colleagues on this side of the House believe, that judicial review of administrative decisions of this nature should, as far as possible, be kept and allowed to remain intact. If this merely resolves an inconsistency or an uncertainty, we would support it. If it changed the law to enable a magistrate to review police bail, we would still support it. It is proper and right that there is judicial oversight when we are dealing with the liberty of individuals who are generally, whilst they are on bail, innocent of any crime. You have to remember, with certain exceptions, bail is generally aimed at people who are charged with offences and are yet to be found guilty. For that reason, I return to the

observation that it is worthwhile and necessary to have judicial oversight of such matters.

Police bail by its very nature is arbitrary and often considered by people who do not have a background in jurisprudence, but rather a background in policing. Bail is a matter that is essentially within the confines of jurisprudence with some extension into the administrative realm.

I also note there are changes for penalty provisions, two years to five years, omit two years to five years, in different sections. We have no concern with that.

I turn my attention to the omission from the *Criminal Code Act* which sees the repeal of section 42 as a defence under the excuse provisions. I presume this also occurs in the model criminal code which we are slowly and inexorably crafting our *Criminal Code Act* around. I note the defence offered by section 42 of the *Criminal Code Act* reads as follows:

*(42) Liability of husband or wife for offences committed by either with respect to the other's property*

*When a husband and wife are living together, each of them is excused from criminal responsibility for an act or omission done or made with the respect to, or for an event caused to, the property of the other, except in the case of an offence where an intention to injure or defraud some other person is an element and except when leaving or deserting, or when about to leave or desert, the other.*

The Attorney-General referred to this as an anachronistic section. I am less enthusiastic about labels; however, I understand the use of the term anachronistic and believe when you remove a defence of this nature, it warrants greater investigation than simply labelling something anachronistic. Members of this House may or may not be aware that the common law, which predated these legislative instruments over several hundred years, dealt with the structure of marriage substantially differently to marriage today. The common law, and subsequent codified defences such as this one, accepted the proposition - as a general idea - that the ecclesiastical concept that 'what God has joined together, let no man put asunder', was a proper concept. The nature of marriage in current times has changed substantially from that world view.

Of course, the principles embodied in the statement: 'What God has joined together, let no man cast asunder' is a reference to the omnipotence of God and, where God joined two people in matrimony they essentially became one

legal entity in many respects. Historically, that meant the property possessed within that marriage was essentially possessed by a single entity. The unfortunate manifestation, but probably culturally appropriate manifestation for the time, was the property would automatically settle in favour of the husband. The practical effect of that was where a husband and wife joined together in holy matrimony, the property of the wife automatically and entirely settled with the husband. That being the case, it essentially disempowered wives - and there is no shortage of criticism, particularly over the last 50 or 60 years, in fact, you can go back further - of attempts to change that, and also criticisms of that condition itself.

Certainly, in the last 40 years, both nationally and internationally in western countries at least, that proposition stands substantially challenged and changed. I would go so far as to say the legal construct that now surrounds marriage has long since abandoned its ecclesiastical roots and, moreover, adopted an arrangement which is not unlike a contract. In fact, some people even refer to the marriage contract. The existence of prenuptial agreements consolidate that attitude, and the existence of a massive amount of family law on how to break up marriages nowadays demonstrates that the nature of property within marriage is now seen in much more contractual like terms.

Even where those contractual terms cannot be found, the law of equity will create property rights such as constructive trusts. If memory serves me, the quintessential case on that was Baumgartner and Baumgartner - do not ask me for the citation. That being the case, a defence such as section 42 of the *Criminal Code Act* does stand out from the rest of the legislative instruments surrounding marriage because, essentially, if you are not abandoning, defrauding, or in some way engaging in some other injurious attempt against your spouse, then you have a defence against ruining that person's property. The contemplation of this defence is that if you are not engaged in a fraud, you are not engaged in injuring someone or deserting them, you are just living together with your spouse, be it a husband or wife, and you do something which, in other circumstances, would look like criminal damage; that is, the deliberate attempt, let us say, to damage another person's property with a view to defrauding that person, or taking away from that person - then there was an automatic defence.

The effect of the operation of that defence was that, whilst there may well have been civil remedies between the partners in a marriage, a complaint could not successfully be prosecuted because one spouse who was not engaged in any of those other activities I referred to earlier could

not be held responsible for criminal responsibility for an act or admission they had made as a result of the operation of this section. What that effectively did, in practical terms, is alleviated the courts from having to make decisions in relation to a person's guilt.

The parliament, essentially, says to the courts that if a person comes before that court charged with an offence, and that person is a spouse of another person, they will automatically be found not guilty by dint of the fact that the parliament has said we give you this outright defence.

This amendment will change that. The question I asked during the briefing is: 'What then are we doing for the courts in relation to making this change? Does this, effectively, give the courts a decision to make about a spouse making a complaint about another spouse during an attempt to defraud?' The answer I got was predictably: 'That is a matter of evidence for the court to hear'. I fully anticipated that answer. So, what we are essentially doing is getting rid of the outright defence by removing it from this legislation and saying to the courts: 'You figure it out. If you get a matter brought before you, you can determine whether or not a person is criminally responsible for damage or injury to property of the other based on the evidence'.

We, on this side of the House, have no major problem with that concept. The idea that the courts have a greater say as to whether a person is guilty or not guilty of an offence is not something that offends this side of the House. In short, the loss of this section does not mean where one spouse damages or causes harm to another spouse's property, they are automatically guilty of an offence. We are simply saying that a court can determine whether guilt should settle on one party or another, as a court is the vehicle that hears the evidence in a particular case at any given time. It is entirely appropriate that this should be done on a case-by-case matter. With reference to the nature of the change in marriage since earlier days, it is now acceptable that this outright defence be removed from the statute books.

Madam Speaker, that is about it from this side of the House in relation to these legislative amendments. There is nothing particularly controversial in them and, as far as we are concerned, it will make for a better or improved circumstance in our legislative instruments. The one thing I did forget – is it in this bill?

**A member:** *Juries Act*.

**Mr ELFERINK:** ... *Juries Act*, thank you. I cannot quite find it. There was a change that a juror may be selected for jury duty or may choose

currently to escape jury duty because they are 65-years old. That has been wound up to the age of 70. We cannot see a major problem with that. I would go so far as to say we could almost scrap the age altogether but I understand that someone over the age of 70 will still, if they want to be engaged in the jury process, be able to engage themselves in the jury process. So yes, we can live with that. As for the legislative changes, we have no major objection to them. Consequently, the opposition supports this bill.

**Ms LAWRIE (Justice and Attorney-General):** Madam Speaker, I welcome the support of the opposition to this legislation. It is an omnibus piece of legislation bringing together changes across criminal areas. I recognise the shadow availed himself of a comprehensive briefing and had queries about the repeal of the *Criminal Law (Conditional Release of Offenders) Act* and elements of that being removed from the *Parole of Prisoners Act* and why that was. The briefing cleared up that query. I acknowledge the support for recognising and removing ambiguity in the *Bail Act* and the judicial oversight of police bail decisions, and the matter that was the focus of attention by the shadow - section 42 of the *Criminal Code Act*, the previous existing automatic defence of the spouse in criminal property damage.

I thought it would be useful to look at the policy around that law. We do not believe there is any contemporary justification for laws that automatically protect people from criminal responsibility and prosecution based purely on marital status. We believe such an excuse has no place in our modern Northern Territory criminal law. We recognise that, tragically, it is the case that some women and men are in violent relationships where their spouse lashes out, does things such as burn down the house and, in those circumstances, they should have recourse to criminal law. Police should have the power to charge that person with arson and criminal property damage. The repeal of this section 42 means such property offences in the future can be dealt with on the same basis as if the victim and the offender were not married.

It will mean that married couples will not be excused from criminal liability in property offences against their spouse. It will bring our Territory law into line with all other jurisdictions, with the exception of Tasmania. If you look at the history of this, this marital excuse was repealed in Victoria in 1974. In fact, I am advised on some research that it was repealed in the United Kingdom as far back as 1968. The Australian Capital Territory repealed the spousal excuse, the immediate defence, in 1985; in New South Wales, 1996; in Queensland, 1997; and Western Australia, as recently as 2003.

I confess we are just ahead of Tasmania in playing catch-up with an outdated excuse, not reflective of contemporary practices. If you look at whether this is an ideological issue, I do not believe it is. If you look into the history of this, for example, in Queensland, the then National Party government sponsored and passed the bill repealing this provision in 1997. In Western Australia, the then conservative government introduced the bill to repeal its equivalent provision in 2000, went on to lose the election, and it was subsequently repealed by the ALP government in 2003. We can see this will be a very fair and appropriate opportunity for the courts to establish property rights of the victims and make a decision about the offence.

I am fairly confident that police, at an operational level, will be able to manage this, as they already manage various issues with violent relationships between spouses. Police will now have the power to charge a person with arson or a criminal property damage offence. Police already have operating responsibility to intervene and deal with property offences involving other family members, close friends, business associates, flatmates, and de facto couples, or are in an Aboriginal traditional marriage. This repeal simply extends that existing operational responsibility to married couples. I am very confident of the ability of both our police and our DPP to lay charges in the courts to deal with this matter appropriately.

I also recognise that we have moved to ensure, with our *Child Protection (Offender Reporting and Registration) Act*, we are introducing very significant penalties. Some jurisdictions have set their penalties for offences at a maximum of two years imprisonment; others have a combination of two-year and five-year maximums for various offences. We have gone a step further with this bill. The Northern Territory will have a consistent approach to penalties by putting the penalty at a maximum of five years imprisonment across the board. We believe it will now become a benchmark for other jurisdictions. We have essentially adopted a recommendation arising from a police ministerial council about sending a message that we find such crimes heinous, and we want to ensure that offender reporting and registration is taken very seriously in the Northern Territory.

Concerning the *Juries Act*, the Court Support and Independent Officers Division within the Department of Justice saw this as an effective tool in ensuring we remain at a sustainable level in providing jurors into our juries in the future, recognising that we have an ageing population in the Territory. We can now access a new pool of people in the Territory who will not be able to exempt themselves after this amendment raises the age from 65 to 70. We calculate that will

capture approximately 2000 additional Territorians. This proposal received the endorsement of the then Chief Justice of the Supreme Court, the Honourable Brian Martin QC, and is consistent with the approach in both New South Wales and Tasmania.

Madam Deputy Speaker, I have touched on a few of the more interesting aspects of this omnibus legislation, and I thank the opposition for its support of the legislation.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

#### MOTION

#### Note Paper – Northern Territory Government's Response to Fourth Report of the Council of Territory Cooperation – Recent Community Trips

Continued from 18 August 2011.

**Dr BURNS (Public and Affordable Housing):** Madam Deputy Speaker, I wish to speak to this Fourth Report by the CTC on Recent Community Trips

Before I detail my response, I commend the CTC for its hard work. Again, I encourage the opposition to re-engage with the CTC and the valuable work it does.

We have prepared a detailed response to the CTC report and, wherever possible, we will try to address the issues raised by the CTC. As I have said at other times, we are not going to satisfy all the member for Nelson's requests, but we will try to meet the requests of - not just the member for Nelson - the committee generally because it does valuable work. Often government members of the committee raise difficult issues for government and me as minister; however, I appreciate that and believe it is a robust process. Not only should this government take note of the CTC and its work and recommendations, but also the federal government.

This report was released in May 2011, and the trips reported on were 10 November 2010 to Maningrida to inspect SIHIP housing; 21 January 2011 to Galiwinku and Gunbalanya to follow up on SIHIP matters; 7 and 8 March 2011 to Milikapiti and Pirlangimpi on Melville Island to look at SIHIP housing; and on 18 April 2011 to Milikapiti and Pirlangimpi. I joined that trip to look at SIHIP housing concerns and we had meetings with various people. I was glad to personally inspect

the issues raised and we were able to address a number of issues on-site; however, there were other issues that needed further work. Like the CTC, I like to visit as many communities as possible regarding SIHIP, and will continue to do so. I am heartened there are changes for the better. There has been ongoing improvement of this program in both the mechanisms and the processes of how we deliver the program.

So, \$1.7bn is a massive and historic investment, and as I have said on the public record several times, the arrears in Indigenous housing require not only this investment over 10 years, but continued investment over coming decades. I have said publicly that it does not matter what political colour is in power in Canberra, there needs to be a bipartisan approach and commitment to address these issues. Also, we need to look at alternate models, together with what is essentially a public housing model, for the delivery of housing in remote Indigenous communities. Front and centre to that is home ownership. We have to look at ways to make Indigenous housing and the roll-out of future Indigenous housing programs sustainable.

It got off to a slow start; that is probably saying the least of it. I have said in this House several times that this program got off to a very poor start. There was much criticism of the program; some of it justified, some probably unjustified. There have been a number of reviews into this program. Currently, the Commonwealth National Audit Office is preparing a report, and I am advised it will be submitting that to the federal parliament in November. No doubt there will be further comment when that report is tabled in the federal parliament.

However, 2000 families are now living in new or improved housing and, to date, this program has delivered 345 new houses that are complete, 232 new houses that are under way, 1352 refurbishments that are complete, 20 refurbishments that are under way, 357 rebuilds complete and 27 rebuilds under way. I thank the alliance partners for their work and commitment, and all the workers on the remote communities who are putting in such a magnificent effort. As I look at the graph of completed houses, it has become - exponential would be a mathematical description of the number of houses being turned out. This is one advantage of the alliance contracting model in that it allows much work to occur concurrently. There are benefits in the number of houses that can be turned off in a short time, and I will talk a little more about that soon.

The first recommendation made by the CTC was that government and alliances review the consultation process they undertake as part of determining SIHIP scope of works and throughout

SIHIP's delivery on the communities. I will be interested to hear what the member for Nelson and others have to say but, basically, in each community where SIHIP is in place there is a housing reference group with as broad a representation as possible. This work by local people is very difficult work because there is much pressure on such groups by individuals and families for people to get houses. At a local level, people have allegiances - family allegiances, cultural allegiances, allegiances through marriage and other relationships - and much pressure is brought to bear on the housing reference groups.

In a limited number of cases, the department has to make decisions, and has made decisions, where there is an impasse with a housing reference group. I will relate a story I witnessed at Maningrida - I think it was last week - when we attended the community for the handing over of keys for about 14 houses in the new subdivision. The senior people in the housing reference group were handing over the keys to people who had been assessed on a range of criteria, including people with a disability, and people who are in paid employment and consistent in their employment and attendance at work. School attendance was also very important in the reference group's considerations about who should be allocated housing.

As I thought might happen, after the keys were handed out, a gentleman came to centre stage and complained publicly that he had not received a house. I really appreciated the way two senior members of the housing reference group, Indigenous people, handled this situation. They were quite conciliatory to this gentleman, but in no uncertain way they let him know the criteria that had been used to assess the people who had been given the houses. They also let him know that his application was still in the mix for future houses because, in total, there are over 100 new houses being built at Maningrida. I saw the housing reference group in action, dealing with a difficult situation. They did it with much dignity and courtesy. I commend the two senior members of that group, Helen Williams and Reggie Wurridjal, both senior traditional landowners in that area who have the support of many people.

We can always do better in our communications and consultations, so I am giving the member for Nelson the undertaking that we will review our processes. We are open to suggestions from the CTC, and others, about how we might improve some of those consultation processes. That is very important. Materials have been developed for each community, and in some cases, there are displays at the local shop, and conducted tours of dwellings, etcetera. There is

an effort in many communities regarding communication with the local community.

Recommendation 2 – this is very near to the heart of the committee - that maintenance requests for SIHIP houses are monitored for at least 12 months after the handover to track if and where there are problems with the housing component. We accept this recommendation. These houses are meant to have a life expectancy of 30 to 40 years, and we want to achieve value for money. Once houses are completed, the Territory Housing asset management officers inspect them. Houses are also inspected before the six-month defect liability period ends to ensure any defects are rectified under warranty. A condition inspection is also carried out at that stage. Our asset management officers will conduct six-monthly inspections to carry out further condition assessments. These inspections and assessments will feed into the asset history and assist with future maintenance.

Government agrees with the CTC that as maintenance requests come in during the first 12 months after completion of a house, we will be monitoring to see if there is a defect issue covered under warranty, or if there is tenant damage. Tenants must also take care of their property and damage caused by tenants will be dealt with accordingly. I hope that satisfies the committee.

The third recommendation is that government ensures all newly-installed components as part of SIHIP have adequate warranties through either manufacturers or the associated alliance. We agree with this recommendation; the newly-installed products used in SIHIP have warranties and guarantees. If defects are found with the products and components used, we will look at what can be pursued through the warranties. On the trip where I accompanied the member for Nelson and other members of the CTC to the Tiwi Islands, the issue of ceramic taps was raised, and we were advised that the manufacturers were being pursued over that issue. I probably need to get some feedback about whether we had a successful outcome with those taps. I am advised that we did, so I thank the member for Nelson for drawing our attention to that. It was under way, but there has been follow-up on that issue.

There has been much discussion about what taps and other hardware would be used in the houses. When we attended the Tiwi Islands, there was also discussion about further utilising the experience of our asset managers in larger centres such as Darwin and Alice Springs because more than a few of our houses in major centres also have quite a lot of pressure on their hardware, taps, and electrical appliances. It was a good outcome that we were able to engage with that experience, and that is very important.

The fourth recommendation was that tenants are trained in the use of all components of refurbished or rebuilt houses prior to occupying the house and this becomes part of the tenancy support program. Once again, member for Nelson, we agree with this recommendation. We know this program is more than just new and improved housing. It is about developing a sustainable tenancy management system in the bush. People who benefit from the new improved housing must take care of the investment and it was heartening that one of the houses handed over in Maningrida was to a Mr CJ - that was how he wanted to be publically known. This man works for the West Arnhem Shire. He is very diligent in sending his children to school every day but he was housed in one of the makeshift - well, they are not makeshift, they have been around for about 20 years - temporary accommodation for outstation people who come into the town during the Wet Season. He had many people staying in this cramped space and was overjoyed about having a new house for his family. I got a strong feeling from this individual that he would look after that house and value it. I will be interested to follow up as I return to Maningrida over the coming months and years to find out how things are going, but in that particular person, we have a tenant who might set a wonderful example to other tenants.

Tenants who receive the new, rebuilt, or refurbished houses sign a tenancy agreement and part of that process is intensive tenancy support when they move in. It is important to remember that many of these families have been living in properties where the essential components like bathrooms, laundries, kitchens, and electrical fittings do not work, so we want to ensure the benefits of safe, healthy, functional homes is long lasting.

To date, I am advised over 1400 households have undergone the intensive tenancy support program, which is delivered face-to-face by department staff. I know the member for Nelson has reservations. He feels the tenancy support program is not strong enough. We will listen to what the member for Nelson and the CTC say, but I make the point that we are dealing with a quantum step, a quantum change, across the Territory, in many diverse locations. We are dealing with big numbers, we are dealing with big changes and, of course, the need is great. We might not always fulfil or satisfy that need, but we are trying, we are endeavouring. We will take on board constructive suggestions and criticisms if they are put to us.

With tenancy support, it is a long journey for people who have not had access to things we all take for granted like bathrooms, laundries, kitchens, and electrical appliances. The tenancy



support program is delivered in three phases over a six- to 12-week period. Phase 1 is the pre-handover engagement; phase 2, handover, sign up tenancy agreement, including property condition report; and post-handover follow up support. The program covers six topic areas: understanding the tenancy agreement; transitional arrangements; managing money and resources; managing visitors and crowding; household orientation and functionality; and maintaining a safe, healthy, and hygienic home. In response to the CTC recommendations, the intensive tenancy support program and handover process is being reviewed to ensure the training appropriately covers the use of household components. The member for Nelson is also concerned that once people move into a fully-functioning house, their power bill will go through the roof and the use of power cards escalates, which is to be expected on one hand. On the other hand, you have a reasonable suggestion that we need to be talking to people about the efficient use of electricity and power and the environmental aspects of that. That is a very worthwhile suggestion.

Recommendation 5: the government provide information about the sustainability of SIHIP employment and training and about how government is measuring and reporting on the sustainability of SIHIP employment and training for Indigenous people. Of course we support this; employment and Indigenous employment were always, front and centre, a crucial part of this program. I am advised we have consistently achieved over 30% Indigenous employment, well above the target of 20%. We want to ensure people get real skills, do real work, so there are lasting employment opportunities for them. We are happy to provide information on the sustainability of the employment and training.

When Indigenous employees start with the alliances, they are assessed to ensure the training and employment outcomes are in line with their aspirations, literacy and numeracy levels, and any previous training qualifications. We must remember that for many this is a new opportunity and many have not been working for some time. In some cases, packages have been delivered in small communities in short time frames, so some people are reluctant to work elsewhere. We will continue providing quarterly employment data that includes staff who have remained employed beyond 13 and 26 weeks. Longer employment outcomes have generally been in larger communities where larger housing packages have been delivered.

We would like to see a greater number of Indigenous employees achieving longer outcomes and alliances have been willing to relocate workers when they have requested it; however, to date, few employees have taken this opportunity.

There are great examples where, for example, people on the Tiwi Islands have gone to Alice Springs and are working in Central Australia, which opens up another debate. The assertion has been made that SIHIP is not employing local Indigenous people. What is local? Is a person from Maningrida not local to Gunbalanya, or a person from West Arnhem not local in East Arnhem Land, or a person from the Tiwi Islands, obviously, not local to Central Australia? Certainly, they are all Territorians. Also, there has been talk about Indigenous people from Queensland coming here and jumping on the employment bandwagon and pushing the employment of locals to one side.

In my book, Indigenous employment is Indigenous employment. The priority should be local people, but if there is capacity and other Indigenous people want work, we should be supporting that. We should not be narrow in our application. I will be interested to hear what others have to say on that issue.

I place on the record, as I have before, that I am advocating strongly with the federal government and minister Macklin about sustainability in our housing programs. I have long advocated that some of these larger pieces of work, as this 10-year program rolls on, should be broken into smaller work that Indigenous organisations with the capacity – and there are some in Central Australia such as Ingkerreke which is delivering quality work, quality outcomes, and employment. In the Top End, you have Thamarrurr, and you have other organisations on the Tiwi Islands that are engaged, want to participate, and keep moving with repairs and maintenance and new packages. I will not stop advocating with the federal minister that that is the way I think. That is the next natural progression of this program in sustainability and I hope other members of this parliament join me in that advocacy. The Chief Minister is very supportive, and everyone on this side of the parliament is advocating for that, particularly bush members. We will certainly keep working on that and putting the case to the Commonwealth.

For employees who have reached over 26 weeks employment, DEEWR will work with them prior to the end of their employment with SIHIP to help them look for other employment opportunities. Through local service level agreements between Territory Housing and local government shires, there is a requirement for Indigenous employees to take up 50% of tenancy management and 40% of property repairs and maintenance jobs, and we will work with and support them to achieve those targets. Job Services Australia will also work with SIHIP's Indigenous employees prior to them exiting the

program to look at opportunities to secure employment.

The next recommendation relates to the *Local Government Act* and I have notes on this - bearing in mind this is not my portfolio area – and I will endeavour to address this recommendation. I thank the CEO of Housing and Local Government, Mr Ken Davies, for being in the box along with Mr Andrew Kirkman and I will defer to them if there are questions either on the housing side or the local government side that other members raise in the course of this debate and which I need to address.

Recommendation 6:

*The CTC is given an update on the progress of the review of the Local Government Act and of its recommendations for service fees to be re-introduced.*

I am advised government is committed to building a strong system of local government and better capacity for local councils to deliver local government services to Territorians, no matter where they live. This is what local government reform is all about but, of course, it is also about continual improvement. It is a challenge the CLP never followed up on while they were in government and there is no reason to believe they would follow up on it now, although I am always interested in such policy initiatives from the opposition. Now that the member for Macdonnell is sitting on that side of the House, I am sure she will have input into policy initiatives which we will hear about in this parliament, particularly in relation to local government.

We have never stopped discussing improvement with the local government sector, and this has included discussion about the *Local Government Act* and subordinate legislation to ensure provisions are appropriate and meet the needs of the local government sector. The Administration and Legislation Advisory Committee established for that purpose has put forward recommendations for change, including improvements to procurement provisions in the local government accounting regulation. These changes are aimed at making the procurement process less onerous for councils, and also maintaining transparency and accountability in procurement action.

Other aspects of the legislation under review include provisions relating to the local government elections in the *Local Government Act*, and the Local Government (Electoral) Regulations including the eligibility of council staff to be elected as members of their employing council, and the requirement for \$100 nomination deposit for

election candidates. We will be discussing these reforms during these sittings with legislation that will be introduced.

Provisions of the Local Government regulations relating to vote counting methods used for local government elections are also under review, including provision of expert technical evidence and two rounds of consultation and provision on that important issue. We will continue to work with the local government sector through the Administration and Legislation Advisory Committee and LGANT to review legislation to ensure it is assisting in building and maintaining strong and effective local government in the Northern Territory.

There has also been significant progress on the review of shire financial sustainability since the CTC site visit report was tabled. As noted in the government's response to the site visit report, that review will, amongst other things, look at the own-source revenue from rates and charges that councils can currently generate and the required delivery levels expected of each shire insofar as core services are concerned. The terms of reference for the review have been agreed in consultation with LGANT and the local government sector, and action is being taken to engage a suitable and independent consultant to oversee that work. The consultancy will be guided by a project steering committee that comprises representatives from LGANT, LGMA NT, and two shire representatives from the southern and northern regions. The steering committee has recently been established and is due to meet for the first time by the end of this month.

Rate revenue is a key issue for all councils across Australia. We know councils in the NT face different circumstances than their counterparts in other jurisdictions, and there are a number of restrictions on the amount of land available for councils to levy rates. In the Northern Territory, our shires are young, while shires in other parts of Australia are well-established ...

**Mr WOOD:** A point of order, Madam Deputy Speaker! I move that the minister's time be extended by 10 minutes, pursuant to Standing Order 77.

Motion agreed to.

**Dr BURNS:** Madam Deputy Speaker, I thank the member, and I will not be too long now.

Our shires are very young, while shires in other parts of Australia are well-established, have long histories, and a relatively large rate base. In the Northern Territory, service fees used to be charged in some areas by community government

councils and we understand the Tiwi Islands, in particular, found them to be a useful tool for raising revenue. We are listening to this type of feedback and we are open to refining and strengthening the local government sector, particularly in relation to the revenue sources for councils. The review of shire financial sustainability will look at these factors, working with local government professionals, and provide the basis for an informed and open discussion on how to address these important issues for our new shire councils.

In summary, Madam Deputy Speaker, I have spoken to the six recommendations. I will be interested to hear what other members have to say and I will try to address the issues raised in my closing remarks.

**Mr WOOD (Nelson):** Madam Deputy Speaker, I thank the minister for his response. I also understand the issue of housing in Aboriginal communities is not an easy issue by any means, and I do not believe SIHIP is the only way to achieve improvements in Aboriginal housing. You talked about private ownership, which is an excellent approach, but until we have sorted out leases on communities, and made it simpler and not overly expensive for people to own a house - that they are not charged an enormous amount for the lease payments - then that is a fair way down the track.

Home ownership could be in our backyard. I have two communities - one community in my electorate and another community that was in my electorate, which was taken out at the last election, and will now be back in my electorate, and that is the 15 Mile community. All have houses that are under very confusing ownership to some extent where the Aboriginal Development Foundation have the lease over the land. In the case of Knuckey Lagoon, people have Yilli Rreung maintaining some houses, and there has been, until recent times, Larrakia Nation with a couple of Harmony houses also having leases over them. The 15 Mile community has similar issues, yet, you would think being that close to Darwin there was an opportunity to see if we could make home ownership work. Those people are paying rent and, if that rent could be put forward to a mortgage, it would provide a good experimental area close to home to see if we could go down that path.

Some of our Aboriginal organisations should take the lead in this. There is no way governments are going to solve this problem on their own. I believe it the Indigenous Land Corporation paid \$300m for Yulara. I am not saying that necessarily is a bad idea, but what would have been achieved if it had put the \$300m into housing? In other words, it started up a

housing company, which then earned its money through renting those houses in the communities. Some of these big organisations that are quite happy to spend money on supermarkets and other investments should be looking at investments that go far closer to fixing some of the problems in their community, rather than buying a new supermarket - that is, buying and selling, and buying and renting houses to Indigenous people. The idea that everything goes back to the government, and I heard Rosie Kunoth-Monks discussing this issue last night, as if it is all about the government. It is not all about the government; it is about people taking some responsibility for where they live.

Another area that is not looked at as much as it should be is people building their own houses. Maningrida has mud houses and I have been to Johnson River where they had mud houses. Member for Nhulunbuy, I believe there are other areas in Arnhem Land where people have built their own houses. In days gone by, Daly River people built their own houses using sand from the Daly River. There needs to be incentives, which would create employment for people, to literally to build their own houses out of local materials.

It is an area I have not yet looked at, but Madam Deputy Speaker would know about Galarrwuy Yunupingu and a scheme he has working with Tasmanian Forestry, which has a timber mill in Arnhem Land for building their houses. I go way back to Parks and Wildlife, which I mentioned before - they produced some very simple designs for houses in the bush made out of treated timber and corrugated iron that were not just a shed but a shed designed for flow-through ventilation and a simple way of providing shelter for people. We are building super duper five-star efficiency houses at a very expensive cost but that does not mean we have to build all that type of accommodation to relieve the situation of overcrowding. If people want to live out bush in outstations, they cannot always expect the same sort of house they are going to get in a growth town. They may have to look at other alternatives and that is the path we should be looking at.

It is an enormous issue. The minister has tonight touched on some of the issues that relate to this housing program and I will respond to some of that. I hope the government takes the constructive criticism about what they are doing from the point of view that the CTC is trying to achieve best value for money and ensure money poured into houses in the Northern Territory is not wasted. Money can be wasted if houses are not maintained properly. If, as our trip showed, materials are not stored correctly, the lifespan of that house is reduced - something we do not want. We want these houses to last for a long period.

I will quickly go through the response from the government on some of the recommendations and, as the minister said, the first recommendation was:

*The CTC recommends that government and alliances review the consultation process they undertake as part of determining SIHIP's scope of works and throughout SIHIP's delivery in communities.*

There is no doubt the alliances, in many cases, have worked hard in consulting with people. To some extent, people might say they consulted too long in the beginning, which was part of the reason it never quite got off the ground. It is good to hear there are improvements in the system, but I do refer back to recommendation No 7 in our second report where we felt there were too many advisory groups and too many reference groups, and people were almost becoming permanently attached to bodies, committees, and all that type of thing.

I will give you an example where I think common sense should apply, such as the council board. If government supports the council board, maybe it should be the housing reference board as well, and maybe it should be the school board. Something I will mention a couple of times in this debate as I have just come back from Robinson River on the Gulf - a fantastic community - and I will talk more about that later - it has a committee which runs the community. The department of Education said: 'You have to have a school council', and they said: 'This one will do. 'No, you have to have a school council'. Here is a small community with 237 people who ask: 'Why do we need another committee?' I am not disagreeing that consultation might be improving - and I take the minister's point that housing reference groups run into issues about who should get the house, because 'he is my uncle', or 'he is a good fellow', or whatever reason.

The idea is they hand out those houses on a neutral basis, which is not as easy as it sounds, but the issue I was getting at is: should we be trying to reduce the number of committees because people get 'committeed' out of existence in some of these communities. If one group is doing some of that work, the others can do something else more meaningful. A recommendation of our earlier report was that there are too many bodies and too many committees and, where we can, we should double up on one committee. The local board - considering housing maintenance is done by the local government - you would think the local board would be a reasonable group to be a housing reference group.

In relation to the second recommendation:

*The CTC recommends that maintenance requests for SIHIP houses are monitored for at least 12 months after handover to track if and where there are problems with housing components.*

The government said it has agreed to that. The only issue is that when I read the dot points after that, it does not mention 12 months any more, it mentions six months. On one hand, you have said you agree with the 12 months, but the explanation notes do not say that. We were saying 12 months to try to stretch that liability further so the product was proved tough enough to stand the wear and tear in these communities.

The other issue in relation to the first dot point is you say that on completion of works under SIHIP, houses are inspected for work defects by Territory Housing asset management officers and a list of works, if minor in nature, is compiled for completion during the defect liability period. It says 'if minor in nature', so the question would be: what happens to major defects? I presume they are also listed.

Recommendation 3:

*The CTC recommends that government ensure that all newly installed components as part of SIHIP have adequate warranties through either manufacturers or the associated alliance.*

The government has agreed to that. The issue, for people who may not know, is ensuring warranties were not from the time the alliances bought the product, but from the time the product went into the house. Part of this alliance program, theoretically or otherwise, was if it was cheaper to buy 500 fridges than to buy five fridges, those 500 fridges were stored in a warehouse until they were ready to go into the house. So, does the warranty start when they buy them or when they go into the house? That is what the CTC was trying to clarify.

Recommendation 4 says:

*The CTC recommends that tenants are trained in use of all components of refurbished or rebuilt houses prior to occupying a house and that this become part of the tenancy support program.*

Minister, as you rightly say, the CTC has had a problem with the effectiveness of the tenancy support program and a couple of examples why - I mentioned people did not realise they did not have an electric hot water system; they have a solar pump system which uses less electricity. Perhaps they did not understand what they had. I did not understand that was what the alliances were putting in. A classic example was when we were

at Pirlangimpi they told us that to keep the hot water going they had to keep their finger on the button for 30 minutes. They thought that was how the water in their hot water system would be heated. They did not realise there was a solenoid in there, the water was hot, and that the button would switch off when the water was hot enough. There was not enough explanation for people about how that hot water system worked.

The CTC believes there needs to be hands-on demonstrations of how the new stoves, the new hot water system, and the new taps work, etcetera.

I do not have the photograph here but I went to a house at Engawala and the shire service manager took me into the laundry. It had a series of taps with two knobs on each tap; I think they are to do with running washing machines although they did not have a washing machine. I would not know what they were for unless I had seen them before; I have seen them before, but never had to use them. If people do not know what they are about, they are likely to get broken.

We need to ensure those simple things are shown to people before they come into a house - it may even be worth having a demonstration house for the time being. I know we cannot waste houses, but a demonstration house set up with a kitchen where people can walk in - and maybe that kitchen could be part of a program for cooking classes. You have all the bits and pieces you are putting in a new house - maybe in a more compact room - and you show people how these things work. That down-to-earth, practical stuff needs to be there to ensure people can use that equipment well.

I went to an awards night for some young people from Ngukurr at Roper Gulf Shire at Katherine Showgrounds, and the member for Katherine was there. We saw some fantastic DVDs put together by these kids. One was about their time at Mataranka Station and Katherine Rural College and some of the courses they did, and one was how to maintain a vehicle. They were council DVDs with a bit of hip-hop music, but it was a plain simple story telling how to maintain a council vehicle: log book, do not take food and drink in there, keep it clean, put it in the garage, that sort of thing. It was done in such a way that young people would be attracted to watch it because it was a good DVD.

I gather your department, minister, is looking at something similar using the same people from Ngukurr to put together a program to show how to look after your house. I am not sure when it is coming out but if you have an update on that it would be great because you can put in at home, shove in the recorder, or you can put in places like

the medical centre. If you have a medical centre on communities, it has a television. Many places put public notices over the television screen while mums and kids are waiting for the doctor. They are the places you could put these things. It shows you how to use the stove, how to use the taps, and how to save power.

One of the big issues at the moment is people running out of money because, as it has been said to me, when they move into a new house the electricity works for a change - every light works, every fan works, the hot water works, everything is going. In the old house there was probably only one light working and a few power points, and they were cooking outside instead of using the electric jug. Now, when they hit the big time with everything working, their power card is not going too well. That is where you need to explain to people that if you want to save power, you turn the switches off. I would not mind one of those DVDs for my grandkids when they come to my place - getting them to turn the lights off every now and then is an effort. That is what we have to promote: the best way to conserve energy, etcetera, and to save money - your money goes further - is turn your lights off.

I know you have this ITS system. It sounds good, but what you need is down-to-earth stuff - like what the Ngukurr kids are doing. It was not actually in language - and I am not saying it cannot be in language - it was in English and it was funny. They did a bit of their own language; they mixed it up a bit and it was terrific. They knew exactly how to attract people because they are show-offs a bit, so in front of the screen they do a bit of a dance or something. That type of DVD like these kids at Ngukurr did showing how to manage a house would be something. I am hoping the DVD will be out soon. You might be able to update us, minister, on how far away that is.

Recommendation 5:

*The CTC recommends government provide information about the sustainability of SIHIP employment and training and about how government is measuring and reporting on the sustainability of SIHIP employment and training for Indigenous people.*

Minister, it is an area I worry about, because I read all those dot points in this reply - the reality is we know jobs are difficult to get. We are trying to get people employed and get skills, and that is terrific. However, we do not really know whether there are any real jobs - my favourite word out there - after they leave. There will be some jobs in maintenance of houses, for sure, but I do not know whether we make too many promises to people that they will get jobs after they finish

training. When the new houses are finished, or when the refurbishments are finished, the reality is it is not that easy to get jobs, unless there is follow up, as you have written here.

There is a brokerage model for people who have worked more than 26 weeks and that is all nice, but if there is no work in the community, the reality is how many people have a job after the alliance has gone. That is what we really need to know. The problem I have, minister, is you said your percentages are correct, you are getting the required percentages, the Commonwealth is very happy with that, but the percentages do not mean anything when it comes to the actual number of people who are being employed.

Two examples - and I am using the June dates for employment and I gather, minister, your CE has the new figures on this issue but I have not been able to get them out of him today. I will have to give you the old figures for employment. The 30 June figures, for instance, for Wadeye: the total Indigenous employment since the commencement of the program was 148; currently there are 16 people. Then, if you look at the number of people who have worked more than 13 weeks, out of the 148 people, 22 people have worked for 13 weeks, and only three have worked for 26 weeks. You have 148 people who have worked on SIHIP in Wadeye, and only three have lasted 26 weeks. That is the problem I have; the percentages sound good, but the reality is we are not training people long enough to get the skills they will need to carry on.

The other one is the Alice Springs town camp. I have the list of the other places, but in the Alice Springs town camp presently there are 51 Indigenous people employed, and that is great. I am not knocking that at all. There are 62 people who have been employed since the program commenced. However, if I look at the number of people employed over 13 weeks, there were only 27 - so fewer than half the people who started work have worked for more than 13 weeks, and only 18 people out of 62 have lasted 26 weeks in the Aboriginal town camps in Katherine.

The agreed Indigenous employment percentage rates for Wadeye is 20%, and 29% is the actual figure that has occurred since the program started, and for the Alice Springs town camp, their Indigenous employment figure is 59%.

I congratulate the alliances for getting an award at the Northern Land Council's awards. You can say we had 59% of Aboriginal people employed in Alice Springs town camps, and we had 29% employed at Wadeye, and we know the target was 20% - what a great job we have done. When we look at the reality, only 18 people out of 62 in the Alice Springs town camp lasted more

than 26 weeks; and only three at Wadeye, out of 148, lasted for 26 weeks. That is the real issue; that is the nuts and bolts we have to work on. This is the reality: not enough people are staying in employment long enough to get the skills that will give them the chance to get a job, not only at Wadeye, but hopefully somewhere else as well.

I visited Robinson River a couple of weeks ago. It is a small community between Borrooloola and the Queensland border on the Robinson River, approximately 130 km southeast of Borrooloola. Nearly everyone is employed there. The corporation - I have not put the name down here and I will not try to pronounce it - employs three carpenters. One of those is a local Indigenous man who is a fully qualified carpenter. I met his trainer at the Roper Gulf Shire meeting when I was there and he said that is the man he had skilled up. They also have one plumber.

Minister, you support the idea of the refurbishment program being handed out to local communities and Robinson River is the classic example of where that money should be given to a community. This community built its own airstrip. It did not put the bitumen down as that had to be put down by experts, but it built this beautifully constructed airstrip which is needed because for a good part of the year it is cut off by rivers which flow into the gulf.

It built its own Building Education Revolution classrooms - and I gather the Chief Minister did intervene in this case - 30% bigger than what would have originally been built under that budget. It also built a fantastic store where all the rainwater comes off into tanks, and the tanks feed into little bubblers that cool it, so people walking past can have a drink of water from the rainwater stored next to the store. The store is fantastic. It sells food at Katherine and Darwin prices - fresh fruit and vegetables - by not charging freight, and it puts the costs on to other goods that are not so important. They now buy many of their electrical goods from Kmart because they find that much cheaper, and they are getting things like a jug for \$20, landed at Robinson River. They have done some marvellous things and shown they are a community that can achieve.

They send cattle to Queensland, so they are making money by selling off their cattle; yet what they have been told is: (1) the CDEP program, which helps employ most people there is to be eventually scrapped and go through a Centrelink type of program, and (2) the government wants to bring the alliances down to repair the houses there. What that community has shown is that you can employ more people and get better value for money using local corporations.

The CTC agreed to write to Mrs Macklin, and I have done that, asking her to do those things: allow the CDEP program to keep going, and allow that community the \$1.4m to repair those houses. I have suggested she visits Robinson River because as Bill South said to me - he is the CEO, and I have known him for a long time; he worked at Finke and made that a good place as well - if the government does not accept those conditions, then it supports unemployment. I agree with him, because here is a place that has nearly full employment; every kid goes to school; no kid is allowed to be wandering the streets - even if they are visiting, they must go to school.

Minister, I know you support the idea that the refurbishments, where possible, go to communities. This is the classic example of a community that is up and going and has a proven track record. It needs support from government and will go downhill fast if they are not given that money. It is looking for programs all the time. It is a clean community. It has old houses, mud brick houses, with thatched roofs, and those thatched roofs are falling down. The older houses are not in good condition, and I know what will happen when the alliance goes there: it will be 'too hard, too hard, not suitable, cannot touch them'. They will go to the block houses and fix them. The local people will fix those houses that are old and repairable. The white ants have got into the thatched roofs, but the mud brick houses are perfectly okay.

I say, let the people who have the track record, have the qualified people to work in that community, give them the money and you will get so much value for money, and you will get ownership of those repairs. Those people will know that they fixed the houses - not some big company from Darwin or from Queensland. They will have ownership of those repairs, and that is the core reason why communities have to repair their own houses. I cannot overemphasise that that is what we have to do. I hope both sides of parliament push that that is what we have to do with the refurbishment of houses. That has also been a recommendation of the CTC as well for quite a while.

Recommendation 6:

*The CTC is given an update on the progress of the review of the Local Government Act and of its recommendation for service fees to be re-introduced.*

I understand, minister, that the government is reviewing the *Local Government Act* and there are various matters under review. An urgent issue is rates. Roper Gulf Shire told us when we were there it collects 1.8% of its budget, \$500 000, for rates; three of their staff would just manage to be

paid for by the rates. They cannot rate Aboriginal land but they rate whatever land they can. They are tied to the act, and if we did not have agencies, and did not have some money from the Northern Territory government, and it does not get that much money from Canberra, it would be in a worse situation financially than some of them are at present. The issue the member for Arafura has been pushing for a long time; that is, the issue of service fees, which is in our recommendation, needs to be looked at because without that extra money, if money is not coming from Aboriginal communities to a local council, why should it provide services? That is what its job is, but you would expect it to get money in return.

Again, I go back to Robinson River. Here is a great good news story. Robinson River is not run by the council; it is a corporation. It charges every person who earns an income \$15, and it gives them toilet paper, soap, and some cleaning equipment for their house. They have no scabies in Robinson River. There is talk that scabies is one of the causes of renal failure. You have a community which, by using a bit of nous, is rating people, giving them something in return, reducing some health problems, and still getting some income for the corporation; not much, but some, and that type of thinking outside the square is great.

I heard some sad stories last night on Q&A - I would have loved to have been there and said: 'No, it is not all bad, it is not all sad. There are places out there doing the right thing ...'

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

Motion agreed to.

**Mr WOOD:** Thank you, Madam Speaker. I need to make a point that there has been, and will be, debate about the future of local government. There should be debate about local government and, to some extent, I agree with the CLP, I do not agree with some of the terminology being used. The word 'toxic' has been used and it has hurt local government, and I say clearly that I do not support that phrase.

My position about review of local government is that they are too big; they have lost some of their 'localness', if I can call it that. Some of them are struggling financially because of the rate issue and that is an area that should be reviewed.

We have to be very careful as those people in local government are our constituents as well, and they work hard under trying circumstances, and there are problems out there. We do not want to put those people down in this debate. We have to

be very careful because places like Robinson River and Daly River are good communities. So, whilst I agree there should be a review of local government and we should be looking at whether it is all working properly and whether there are changes needed, we should not rubbish the people who are in local government, working very hard. I am a strong supporter of local government because it is an essential part of the community. I just say that if it is too big, it will not work well, and you might as well have what I call regional councils.

When we are reviewing local government, and the government is obviously reviewing it, we need to look outside the square. One of those things which is not so much outside the square because we had it before is that Nguiu used to have service fees because if you do not rate the land the question to the government is, what does the local council do? Does it have its hands tied behind its back? Does it have to rely on agencies to have enough money to keep going? Nguiu cannot afford to run the football oval, the lights, or the cost of running the pool. I gather the reason the Tiwi Bombers are not playing at Nguiu, and I know that oval well; well, I knew it before it was transformed. Last time I umpired there at the beginning of this year I went in the wrong direction because the goal posts had been moved. The oval was put there courtesy of the government, a fine thing, but it forgot to work out who was going to pay for it and the council does not have much money. So, the CTC believes the issues of rates and service fees are a key factor.

I will probably talk about Robinson River again, just to give people an idea of the trip I did there. I went to look at the McArthur River Mine, but I would hate to go to a place and not talk to people in the community and find out what is happening. I will go back to Robinson River one day because it is an area that we should use as a model. As I said, last night on Q&A we heard about the bad side, but there are good sides as well and we should promote them.

The CTC wants the housing programs to succeed, whether they are new houses or refurbished houses, and it wants best value for money, and it wants an open and transparent system to see where the money is spent. It wants to ensure that equipment used - that is building materials used in the production of houses - is protected from the weather; it wants to ensure people are employed and employed after SIHIP is finished; it wants to ensure houses last for a long period and there are warranties on the work to ensure the work is done properly. It wants to ensure local government, which will have the job of maintaining most of these houses on behalf of NT Housing, has the capacity to survive and to

take on the job NT Housing wants it to take on, that is, to maintain these houses.

The government's biggest job in this debate is not the building of houses - it is pretty hard anyway - but to maintain these houses to a good standard for 40 years. That is the big challenge. What I put forward today through the CTC are a number of recommendations to try to ensure that is achieved in the future.

**Dr BURNS (Public and Affordable Housing):**

Madam Speaker, I thank the member for Nelson for his contribution and I think we are all in agreement. I would be interested to hear what the opposition says about this, but government is in agreement with the member for Nelson that the delivery of remote Indigenous housing through the SIHIP model is not the only way, or should not be the only way, of delivering houses in the bush. The issues of home ownership, leases, and land tenure are fundamental to that. I have had initial discussions with the Northern Land Council on these issues, and I know other members have had similar discussions with other entities in relation to this. We have to keep working away at this, and it has to be a way forward because \$1.7bn is a lot of money. There is no doubt, with the global financial crisis; there has been a downturn in GST revenue and whilst this money has been allocated over 10 years, the 10 years beyond that is something we and the federal government need to look at and find other ways of providing these houses.

The member for Nelson mentioned some very local housing projects. I can remember some communities had sawmills and used to mill cypress pine, which is a fantastic building material if you handle it properly and it is seasoned correctly. Believe it or not, member for Nelson, I have had just a small amount of experience building with cypress pine. It is a beautiful timber, but you need some skill in handling it. I often ended up with a few chips, cracks, and splits, but skilled hands can use it to great effect.

In Recommendation 1, you talked about the consultation process and that there are too many groups and subgroups, and people are 'committeed' out and 'grouped' out. I agree with you, but it has, unfortunately, been a feature of Indigenous affairs for many years. I am sure members here have seen different flowcharts of visitors who come to communities, and their expectation of meeting even people from the same department. It has been a long-standing problem, and is something that needs to be addressed. In those smaller communities, if there are alternatives, whether for education or housing, I am very interested in them.



I mentioned that the housing reference group at Maningrida has done a great job, and they handled the allocation of houses very well. They handled a difficult situation on the day of the handout of keys. It was good to see senior Indigenous people who are on the committee handling that in a very public, evenhanded, and courteous way, but a very firm way. I was relieved, as minister, that I did not have to jump into that particular affray. It was great that the local community was able to handle it themselves. It just shows what pressure there is on housing and people wanting houses.

You also mentioned - you were talking to Recommendation 1 - the issue of storage, but sometime during your speech you mentioned what you had seen with inadequate storage of materials, and asked a question about what that might do to the life of the house and the life of those materials. I understand those materials were not used in construction - at least the ones you had a picture of - they were returned. The department has worked with the alliances to ensure better, covered storage of materials. You had a win there, member for Nelson, and a very important one. You have eyes and ears everywhere, and that was a positive result, and the right result. These materials are worth good money and we want those houses to be lasting 40 years. Anything less is not good enough.

On that issue, you talked about defects. The advice I have had from Mr Kirkman sitting in the chair here - and you might want to pursue this with him through the CTC when next the department appears before the CTC; you may well have already asked the question - is the maximum period for defects is six months. That is why the focus is on six months. However, the department, through their regular inspections, will gather further data and feed that into the process of house design and the way contracts are formed. I am advised that six-month defect is it. With major defects, I am advised the department will not take possession - we are talking about new houses and rebuilds - of a house that has any major defects. To date, I am advised that there have been no major defects in houses that have already been handed over.

Nonetheless, there are minor defects. Some might say some are less minor than others, and the one you pointed to - quite rightly so - was some defective hot water systems on the Tiwi Islands and those defects were rectified, as I understand it, by the alliance, and that was taken on board. I am afraid, at this stage, because of the usual defect warranty on houses, six months is it, but you may want to pursue that further with the department in future hearings of the CTC.

On Recommendation 5 with employment, you are entirely right to point to the fact that in some locations there have been very few people, as a proportion of the total that had been employed, who have gone beyond 26 weeks. You cited the example of Wadeye and that is less than optimal - that is not the right word - in the longer term, I would be aiming for better results but, unfortunately, that is the outcome. I would like to see more people in permanent employment, but this comes back to the issue I mentioned before about trying to make the repairs and maintenance programs sustainable in the communities to allow employment and training opportunities for people who have been employed through SIHIP.

In some locations, statistics are better than others, and I understand that what I have is a draft at this stage, but the department is finalising and going through the results, and I understand that you will be given the final report next week. However, say, in a place like the Tiwi Islands there were 79 employees over 13 weeks and 41 employees over 26 weeks. In some locations, it has been a much better result than others, but we would be hoping for consistency in employment. Gunbalanya, 27 for 13 weeks, and 22 for 26 weeks, so that is positive, and I cannot help but feel that the dynamics of particular communities and happenings within those communities probably impact on these employment statistics. It is important, as you said, with Q&A, it is not just doom and gloom, there are bright spots in there and I am sure in future, with SIHIP, there will be some very positive stories of Indigenous people who are able to get training and employment and have a life changing experience - lifelong changing experience in their employment - and I know we all hope for that.

You mentioned tenant training and support and that you would like to see more, and you mentioned there is not enough explanation, or had not been enough explanation, of a range of things. You mentioned the solar pumps and other hardware within the house. We agree with that and we are trying to explain that better to more tenants. The DVDs you talked about have been produced through the Roper Gulf Shire and we will all be eagerly awaiting the production of those DVDs. I understand your message that we need to communicate through all available avenues the very important messages about tending to your house, looking after the asset, and also living in a hygienic environment.

I must get out to Robinson River, member for Nelson. It seems very positive. I will certainly be advocating, and I know the local member will be advocating also with minister Macklin about employment possibilities through giving some of those refurbishments to that particular community. I have said it publicly and I will say it here again

that I am advocating with the federal government for that to happen, so I am very keen to get out to Robinson River.

You raised a range of issues about the local government review and reforms, particularly about rates. As I have said, it is not my portfolio area. I have responded to you as best I can, not being the minister. In Question Time today, the minister flagged reviews of acts, and the issue of rates and a rating base for the councils is a very important one. I was heartened to hear you say you did not want to chuck the baby out with the bath water like the CLP want to do with shires; root and branch reform would probably be a kind term to put to what the CLP want to do. What you are saying is you want to look at the scale, the size of the shires, you want people to feel much more ownership of the shires at that local level, and that is the message we are getting too. I believe we have to ...

**Mr Tollner:** It has taken you a while, Burnsy!

**Dr BURNS:** Ah, the expert in shires ...

**Mr Tollner:** A couple of years ago you sat here banging on about how wonderful these new shires were. All of a sudden you have changed.

**Madam SPEAKER:** Order!

**Dr BURNS:** You are not going to call me a girl, are you?

**Mr Tollner:** You have changed your tune ...

**Ms Scrymgour:** He was in trouble last night.

**Madam SPEAKER:** Order!

**Dr BURNS:** Member for Fong Lim, you had a good time in Question Time today. You are a natural leader; I can see that.

**Mr Tollner:** Here we go!

**Madam SPEAKER:** Order! Please direct your comments through the Chair.

**Dr BURNS:** I am sorry, Madam Speaker. I digress.

**Madam SPEAKER:** Thank you.

**Dr BURNS:** There are important issues in there. Government took on the major reforms of local councils within the Northern Territory. I remember when Jack Ah Kit stood up in this place and talked about the basket cases and dysfunctional councils, and it made national headlines. He said what those of us who have been around the Territory for a while have known;

that there was much dysfunction out there. There were some shining examples of local government councils doing a fantastic job but, by and large, they were pretty hard to find.

It was this government and Elliot McAdam that undertook the reforms in the shires with good intentions. It is a major reform, as the minister has said, and there will always be improvements. This is a government that is prepared to take on board the constructive suggestions of people, particularly LGANT, and we will keep that journey going and it is very important. We will listen to your constructive suggestions also, member for Nelson.

I do not have anything to add, except to once again thank the committee and say I take these reports very seriously. We have the CEO of the department here, Mr Kirkman, and obviously, we do take it seriously. I hope I have been able to address some of the issues you have raised on your feet today. I thank Mr Davies and Mr Kirkman for being here today to brief me, so I can give further information to this House. I do commend the committee.

Once again, I say to the CLP, I believe you should be engaged. It is an opportunity to be engaged in a very real way with senior departmental people, to ask questions, to receive answers, and pry even further. It is a very good committee and I commend its work. Thank you for the opportunity to address the parliament today on this issue.

Motion agreed to; report noted.

#### **TABLED PAPERS**

**Remuneration Tribunal Determination - Travel Reports – Member for Katherine - Interstate Study Report; and Member for Nhulunbuy - Report on 57<sup>th</sup> CPA Plenary and 31<sup>st</sup> Small Branches Conference**

**Madam SPEAKER:** Honourable members, I table the member for Katherine's interstate study travel report pursuant to paragraph 3.15 of the Remuneration Tribunal Determination No 1 of 2010; and the member for Nhulunbuy's report on the 57<sup>th</sup> Commonwealth Parliamentary Association Plenary and 31<sup>st</sup> Small Branches Conference.

#### **MINISTERIAL STATEMENT Greenest Territory Government**

**Mr HENDERSON (Chief Minister):** Madam Speaker, I rise to report on the very important initiatives this government is putting in place to protect and conserve our wonderful environment. Sometimes it is easy to take our environment for granted and forget what a special place we live in. In the Top End, the World Heritage-listed Kakadu

Wetlands are on our doorstep. In Central Australia, the West MacDonnells provide one of the spectacular backdrops to any place in Australia. Hopefully, the West MacDonnells will also be World Heritage listed - a process this government initiated.

It is not just the iconic and the well-known; walk just 50 m outside this building and scratching around in the undergrowth are orange-footed scrub fowl. Elsewhere in Australia, their cousins, the mallee fowl, are rare and endangered. Bird watchers would consider themselves lucky to ever see one. Yet here we have such amazing wildlife in the middle of our capital city.

I mentioned these few examples because they are emblematic of the everydayness of our unique biodiversity. We live side by side and are surrounded by nature. If you live in town or out bush, the richness of our environmental experience is unmatched anywhere in Australia. Whether it is our unique wildlife, pristine rivers and oceans, or vast wild landscapes, we have an environment that Territorians love and visitors from Australia and the world come to see. It is for these reasons that the management of our environment must be of the highest standard, if we are to avoid the mistakes and environmental degradation that has occurred elsewhere in Australia and the world. We not only have a unique opportunity to get it right, we have a responsibility to get it right. We will only get it right if we recognise what the science tells us, put the right policies in place, and are willing to take the tough decisions when required.

I make no apologies that the government I lead is known for being pro-development. I, and all my Labor colleagues, stand proudly for the jobs this government has helped create for Territory families in the cities, in the regions, and in the bush. I am equally proud that, whilst we have secured those jobs, my government is also showing leadership and taking strong action to protect our environment. Only a Labor government will protect our environment from unsustainable development. Indeed, this is the greenest government in the Territory's history. Government is seriously engaging in the sustainable development agenda, not just talking about it, but also delivering it.

Two weeks ago, I said in response to the South East Asia Australasian Offshore Conference, that the Territory is not bogged down by the types of ongoing issues with environmentalists plaguing the west and the increasing battle farmers are taking to coal seam projects in Queensland. Some may see that as a somewhat provocative statement. In one sense, it is; but not for the reasons some may attribute. I was pointing out that we do not have the

community outrage and divisiveness on environmental issues that are besetting, for example, consideration of gas in the Kimberleys, and it is for one good reason; not because people are not concerned about the environment here - they are and I acknowledge those concerns - but because we manage our environmental issues properly. When we do that, and we talk the talk on sustainability and deliver within community expectations, we also deliver better investment certainty for business.

A central plank of sustainable development is good governance; having the right institutions in place with the right laws to ensure the checks and balances are in place. That is why this government established the Territory's first Environment Protection Authority - legislated, independent, and resourced. It is why my government has acted to strengthen the EPA with new powers, so it can effectively act as the watchdog of our overall environmental protection system. Getting these things right does not often grab headlines, but get them wrong and our environment suffers. I have been pleased to see the EPA enter the public conversation on difficult issues of community concern. Issues such as Darwin harbour, some of the recent pollution incidents, and a review of our environmental assessment process. The EPA and similar organisations do not always make life easy for government, but that is the point.

A government confident in its capacity to manage the environment properly has nothing to fear from independent scrutiny; it gives us a good sounding board and builds confidence in the community. Of course, the CLP never wanted an EPA. The Deputy Opposition Leader is on the public record saying she thinks that independence is 'overrated'. The EPA this government created has a legislated charter to advise government on sustainable development.

More than any other jurisdiction in Australia, perhaps the world, we have the opportunity to get the fundamentals of sustainability right as we create jobs for Territory families. In essence, sustainability means developing today in ways that do not close off the opportunities for the future of our kids and our grandkids. Delivering on sustainability means more than just improving the way we approach protecting our environment, developing social enterprise, and growing the economy. We can grow our economy, do good things socially, and have environmental programs, but still not deliver sustainability. Sustainability is about the efforts we make to join these components up to optimise all three. It is about gluing together our economic, social, and environmental efforts. It is a big challenge that will not happen by simply repeating sustainability as some sort of mantra.

Textbooks have been written on the stuff, but today I want to outline some of the very important, practical steps this government is taking to deliver sustainability. Any approach to sustainability needs to recognise that, sometimes, small decisions count. Added together, the many small decisions we take can lead to significant impacts over the longer term for future generations. That is why this government, for example, introduced land clearing laws over freehold lands covering about half the Territory.

Amazingly, you could clear anywhere you wanted on freehold lands under the CLP - no permit required. This government has changed that. We have backed that up by introducing land clearing guidelines that include buffers along our rivers that are best practice nationally. In the Daly, for example, we have established a 1 km buffer zone along the river, and 250 m around wetlands. You will not find those types of buffers along almost any other river in Australia. It is tough, but absolutely necessary to protect the special environmental, recreational, and cultural values of the Daly.

Over the coming months, we intend to build on those reforms, establishing vegetation retention safety nets and vegetation retention plans, so individual land clearing decisions are taken with a clear reference to maintain a healthy landscape.

Similarly, on water resources, this government is leading the way with cutting-edge water allocation plans, so each decision on water extraction is undertaken against a clear understanding of how much water the environment needs and how much water is available for us to use. The environment gets the water it needs first, and the sustainable yield is then available for consumptive use. Imagine if the same approach had been taken for the river Murray. To do all this, good science is required, and we are making those investments. Of course, when coming to government, we did not have much of a base to work from. There was one water allocation plan in 2001. Now, we have 10 allocations plans under way and approved.

While small decisions can add up, that is not to say the big decisions do not count as well. They certainly do. As the leader of the greenest government in the Territory's history, I stand proudly for our opposition to uranium mining at Angela Pamela and Koongarra, for banning a nuclear waste dump, and for shelving the Arafura Harbour developments. None of those developments were acceptable to the vast majority of Territorians. I do not want to see fence line to fence line clearing for cotton growing in the Territory, and I have been clear about disastrous ideas like damming the Daly or the Elizabeth Rivers - not on our watch!

For many Territorians, Darwin Harbour is the big issue, so I want to focus on the proposal for the Elizabeth River dam because it is an idea that the opposition keeps coming back to. They put this up in government over 10 years ago and were beaten back by community outrage. Let me be very clear: if you care about the Darwin Harbour, you have to oppose the CLP's dam across the Elizabeth River. As the minister for Environment has already pointed out in this House, damming the Elizabeth River would have a profound effect on our harbour: 800 ha of mangroves lost; breeding and feeding habitats for fish gone; soils potentially leeching sulphuric acid into the harbour; risks of algal bloom and toxic releases into the harbour; siltation problems; 9000 tonnes of sediments into the lake each year; two layers created in the water column of the lake - those layers will not mix so the bottom layer will become severely depleted in oxygen to the point where it will be toxic to marine life and nutrients and other accumulated pollutants will be released. On top of that, the loss of mangroves and paperbarks will release enormous amounts of greenhouse gases. It is a plan straight out of the 1960s, and we will not have a bar of it.

You have to take a stand on the big issues as well. Government will develop Weddell as a tropical, sustainable, liveable city. Sustainability means learning to live with our ecology, not trying to tame it with dams across rivers.

Government's vision for Darwin Harbour is set squarely on the 21<sup>st</sup> century. It is a vision of a clean, healthy harbour supporting our unique wildlife, great fishing, our fantastic lifestyle, while, at the same time, we develop clean industry such as LNG. Yes, we have a working harbour, but it must also be a healthy harbour. Tough action such as conserving 96% of the harbour's mangroves will ensure fish nurseries remain intact and our coastline is protected. Annual report cards on harbour health mean for the first time we have a publicly accessible means for tracking water quality over time.

Embracing sustainability also means building capacity in the community. A community that has the knowledge, motivation, and resources to take on environmental issues important to it is a community that is actively engaged and can do much to further our sustainability ideals. We know there are many in the community who strive to take this action but need a helping hand, which is why the government created the EnvironmeNT grants program. Over \$3.5m has been provided to grant recipients over the last seven years helping environmental groups, Indigenous ranger groups, Landcare groups, schools across the Territory, and wildlife organisations. It has been a great success story that continues to reap rewards. Government oversees record funding for

environmental groups and their efforts across the Territory because we believe in backing Territorians who put their hard work into helping our environment. There is an important sustainability principle which is all about promoting programs that properly value or price our environment and provide incentives to do the right thing. Get this right and we can create many of the green jobs of the future.

It is not an entirely new concept and I give credit to the former CLP government that did much to promote sustainable utilisation of wildlife, particularly crocodiles. Putting a direct economic value to crocodiles through egg harvest has driven conservation and provided jobs in towns and communities. We have one of the world's leading proponents of this approach here in the Northern Territory in Professor Grahame Webb who I am very pleased has taken up a recent appointment as Chair of the EPA.

The valuation principle does not stop there. What better way to clean up our streets and help recycling initiatives than making litter valuable. That is exactly what government is doing with our landmark Cash for Containers initiative. The 10¢ deposit will provide an incentive for bottles and cans to be returned for recycling, rather than littered or dumped. Community groups, kids, schools, and sporting organisations will have a valued opportunity for fundraising, and the collection depots will create green jobs as well as laying the foundation for other recycling initiatives such as the emerging issue of electronic waste. We consume well over 100 million beverage products each year. That is a huge amount and it gives us a sense of the recycling opportunity we have in front of us.

Government is also creating a cleaner, greener Territory by banning lightweight single-use plastic bags. After a four-month phase-out period developed in strong consultation with retailers, the ban came into effect on 1 September. Around 40 million lightweight plastic bags will now not end up as litter or in our rubbish dumps. Sustainability means changing our culture of consumption and the plastic bag ban does just that. By shifting to more environmentally-friendly options such as biodegradable bags or reusable bags, we consume less natural resources, reduce litter, and help meet the *Territory 2030* target of reducing waste to landfill by 50% in 2020. From a personal experience, changing old habits is not easy, but with some practice and planning, I, with many other Territorians, am getting the hang of taking those reusable bags with me when I shop.

Government's approach to sustainability is deeply ingrained in our Labor values of equity. This means sharing responsibility, acknowledging and valuing differences, and ensuring groups in

our society do not get left behind. The Growth Towns policy and our significant investments in education in the bush are just a couple of examples, but I want to briefly bring into focus a couple of the less apparent but just as important initiatives that go towards delivering sustainability and better environment outcomes. Wisely using our natural resources such as water and native vegetation requires clear, scientific limits to extraction and consumption. Of itself, this is absolutely necessary, but insufficient to deliver sustainability.

Issues of equity, particularly amongst Indigenous Territorians, must also be addressed. For example, as we set limits on the usage of water or determine the available areas for clearing native vegetation, it is important that it does not become first in, best dressed, where Indigenous Territorians with legitimate economic aspirations are subsequently shut out of enterprise development by those who get in first. This equity consideration forms a key guidepost to the Territory government's action on sustainability. It is why we have introduced an Indigenous strategic reserve in our water plans and similar proposals in our proposed new native vegetation management laws. These approaches build on the groundbreaking action and leadership government has taken on joint management of our parks.

In the Territory context, a western scientific perspective around the value of our environment will never be entirely sufficient. Enduring sustainable outcomes for all Territorians will only be achieved if decision-making also embraces the traditional knowledge systems of Indigenous people who own and manage approximately 50% of the Territory's land mass. Through the *Parks and Reserves (Framework for the Future) Act*, this government has brought a joint management approach to 27 parks and reserves across the Northern Territory. It is the most ambitious joint management approach anywhere in Australia, and it is the product of this government's determination to negotiate, not litigate. We have taken the opportunity to share decision-making and bring Indigenous ecological knowledge into the management of our parks. In doing so, we have fulfilled long-standing aspirations of traditional owners for a say in the management of their lands. Through this approach, Indigenous landowners have been willing to add new areas to the park estate, and our Indigenous partners are realising new employment opportunities, either by becoming rangers or through tourism enterprises.

The opposition had a history on this, but it is a very sad history. Yes, they pursued joint management, Nitmiluk, and Cobourg National Parks when in government, but only when boxed into a corner and only on their terms. They never reached out to Indigenous people across the

parks estate and they were absolutely hostile to Indigenous protected areas. Since then, the CLP has had an opportunity to show leadership on joint management, and an opportunity to show they had changed for the better. Their first opportunity was during debate on the joint management legislation, but did we see a change in direction? No, we did not. The Opposition Leader chimed in saying: 'The government has no mandate to hand over so much of the park estate that was, in effect, owned by all Territorians, to the ownership of small groups of Territorians'.

But then, a glimmer of hope. Here is what the CLP 2005 election policy said: 'The CLP will invite traditional owners and land councils to join with all Territorians in the joint management of all present parks and future parks in the Northern Territory ...' and it went on: 'The joint management arrangements will be on an equal footing basis with government, with an equal say in all decisions and equal participation in commercial arrangements'. Pretty positive stuff, but what have we seen over the last six years? Unfortunately, the CLP has used joint management as an opportunity to yet again fan fear in the community and promote divisiveness ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order! Member for Greatorex, cease interjecting please! Chief Minister, you have the call.

**Mr HENDERSON:** Time and time again they have mouthed the rhetoric that parks are being given away, which the member for Greatorex is still asserting is CLP government policy in direct contradiction to their policy platform in 2005, but you cannot trust anything they say. Time and time again, they have mouthed the rhetoric that parks are being given away, that the community's access to parks will be denied. They beat the racist drum. They continue to deny the rights of Indigenous Territorians to participate in joint management. They slide back into the dog-whistle politics of the past ...

**Members** interjecting.

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

**Mr HENDERSON:** The evidence is here tonight in the comments by the member for Greatorex. We had the former CLP member for Goyder make outrageous claims such as: 'In a worst-case scenario, this could mean houses being built beside Wangi Falls in Litchfield National Park'. The former member for Greatorex came into this House many times, tabling a petition with choice sentiments such as the

following: 'We the undersigned respectfully showeth our great sense of betrayal by the Northern Territory government in its plans to hand over 48 Territory-owned parks to a select group of people ...', and: 'Your petitioners do further observe that the handover is akin to asking New South Wales residents to hand over Bondi Beach or South Australian residents to hand over Glenelg Beach or, indeed, the waterways and beaches around Darwin, no questions asked'. You fan the flames of divisiveness with petitions and letter drops, and when your senator in Canberra, Senator Scullion, had the temerity to do the right thing in 2008 and vote in favour of joint management arrangements in the Senate, you rounded on him.

The Opposition Leader said, on 3 July 2008 in the *Alice Springs News*: 'He has stuffed up. He knows that'. The member for Greatorex said: 'It has been CLP policy for a long, long time to support the parks in the guise they are in and for Nigel to break ranks, as such, is disappointing' ...

**Mr CONLAN:** A point of order, Madam Deputy Speaker! I would like the Chief Minister to clarify for *Hansard* that that was the former member for Greatorex, not the current member for Greatorex.

**Madam DEPUTY SPEAKER:** There is no point of order.

**Mr Conlan:** It was not me who said it.

**Mr HENDERSON:** Well, if it was not you who said it, I apologise, but a member for Greatorex, whether it was you or the former - I thought they were both members of the CLP. I do believe, given the comments made by the current member for Greatorex in this House, that his position has not changed from that of the previous member for Greatorex who did not support the handover of the parks.

Later in 2008, the member for Brennan added to the CLP split on joint management for parks when he came into this House and supported amendments to the *Territory Parks and Wildlife Conservation Act* that were necessary to deliver joint management arrangements.

Then the member for Fong Lim found his dog whistle. In a cynical exchange with a very patient head of the Parks and Wildlife Service during Estimates 12 months ago, he laid bare the continued hostility the CLP has for joint management. The member for Fong Lim asked: 'So, we have handed over the parks, now we are going to pay rent for the parks that we handed over, is that right?' Followed by: 'Right, so what we are saying is that we have handed over a bunch of parks which we handed over for free, and we are now paying rent for those parks, but

we are also paying all of the financial requirements’.

The disunity in the CLP on this issue is not going away. Senator Scullion still thinks joint management is a good thing. Senator Scullion, in his media release of just last week said: ‘There are numerous examples where joint management and control, such as Kakadu in the Northern Territory, demonstrate how it should be done’.

In my contribution to the debate on joint management legislation eight years ago, I called on parliament to move away once and for all from the language of division, from the language of divide and rule, from the language of giving our parks away. I challenged the then Leader of the Opposition to step forward with the government in partnership with all Territorians to develop a world-class parks and reserves system which will massively benefit our economy and our tourism industry, ensure the conservation status of our unique biodiversity in the Northern Territory, and guarantee access to those parks for generations of Territorians. Clearly, the challenge remains. The opposition is divided and has not learned.

I talked earlier about sustainability being the glue between economic, social, and environmental outcomes. Connectivity, therefore, looms large in the way we approach this issue. For example, keeping the connections between wetlands and rivers, or the flow of rivers to the ocean, is critical to keeping ecological processes intact. That, in turn, provides us with clean water and healthy fish stocks. Keeping those connections is also important to provide our environment with the resilience it needs in the face of climate change and other pressures. Very few other places in the world have the opportunity to keep these critical ecological connections intact.

Realising this opportunity requires looking at the big picture and managing accordingly. Government has, therefore, put a healthy landscape at the centre of its policy and legislative development. For example, Territory EcoLink is creating a north-south conservation corridor that connects our parks. It is real and it is happening. Already the two Fish River blocks added to EcoLink combine to cover a conservation area twice the size of Litchfield Park.

Retaining connections is also important on a smaller scale. For example, government’s approach to managing our water resources has been to specifically identify and model the connections between the groundwater and river flows to avoid water extractions that double dip, as has occurred in many other places in Australia. Keeping a strong eye on the connections in our environment as we make decisions on

developments and use of our natural resources in turn enables better social and economic outcomes. The risk of enterprise failure is reduced, and the knock-on effect of other users of the same resource in the community are better understood, predicted, and managed.

Finally, the scientific understanding of our environment in the Territory is poor compared to many populous jurisdictions. While work is under way to fill critical knowledge gaps, frequently we will need to make important decisions without a large body of information. Sometimes, the prudent approach to sustainability will be to wait, invest in more science, and defer irreversible decisions on using our water or lands. Government took this cautious approach to protect the Daly catchment and its special environmental values. The moratorium on land clearing allowed additional investigations on water and the biology of the region to be understood before limited and controlled clearing resumed. However, even with a cautious approach, the information on which to base important decisions on our water and land will never be perfect.

The sustainability approach does not demand that decisions be put on hold forever, but it does demand an approach that deals with these uncertainties. Adaptive management bridges the need for decisions to be made with a reality of uncertainty. By taking small, careful steps, that are carefully monitored, in the uses of our natural resources, the results can then be fed back into future decision-making, thereby minimising the risk we will overreach sustainability limits.

Government’s proposed new vegetation management legislation, for example, embeds the adaptive management approach by establishing a safety net for vegetation retention in catchments, whilst providing a process by which the safety net can be adjusted up or down once further investments in science and community consultation have occurred.

These are just some of the examples of what this government - the greenest government in the Territory’s history - is doing to protect our precious environment. Government is introducing the landmark Cash for Containers Scheme. The CLP supported the scheme, but is now trying to whistle along with Coke in its efforts to derail it, contrary to their own climate change policy. Government banned plastic bags; the CLP want Territory families to pay a tax on plastic bags. Government took the time to get the science right on the Daly; the CLP allowed broad-scale clearing in the Daly and opposed the land clearing moratorium. Government has always opposed a dam on the Daly; for four days, the CLP said all options should be considered for a dam before belatedly backing down. Government has clearly said no to

damming the Elizabeth River; the CLP will dam the Elizabeth River if it ever gets its hands on the levers of government.

Government has said no to the Arafura Harbour development that will cut East Point in half; the CLP supports it. Government agrees with the Alice Springs community and does not support a uranium mine 20 km from the town; the CLP broke their election promise and now support the mine. Government opposes a uranium mine at Koongarra on the doorstep of Nourlangie Rock; the CLP supports a uranium mine on the doorstep of Nourlangie Rock, against the position of their federal colleagues. Government is expanding joint management of our parks with Indigenous Territorians; the CLP opposes park hand-backs and would go back to its divisive dog-whistling rhetoric of the past. Government has been resolute in its opposition to a nuclear waste dump; the CLP simply does not care. We are putting in place cutting-edge plans for water and native vegetation; the CLP has already flagged it will wind them back.

What a stark contrast, Madam Deputy Speaker. Make no mistake: it is a contrast we will be putting before Territorians because they need to know this green paint the opposition has recently found is very thin indeed.

In closing, this government is taking very significant action to protect our environment. In a large number of areas - whether it is Cash for Containers, joint management of our parks, or the way we manage our water resources - government is taking practical action that delivers on sustainability. Of course, sustainable development will always be a work in progress; there is no one point in time where it is achieved. This is exactly why our unique environment that supports our tourism, fishing, and fantastic lifestyle, needs a government that takes the hard decisions and has a long-term view.

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

**Mr CHANDLER (Brennan):** Madam Deputy Speaker, this is a hot document. I reckon if I tried to sell it, I would get done for selling stolen property. It is pretty good.

We have a government that talks tough, and talks about its green credentials. I believe Greening the Territory by the government standard should be renamed Browning the Territory, given the poor management of fires in recent times; the fact we have poo flowing into the harbour, and many other things.

In fact, I am just reading off the latest database. We have Rapid Creek beats Chapman

Road 3873. People know that when we get two consecutive readings above 200 - not 2000, but above 200 - the beach is closed. Here we are today – actually this is for 17 October, 3873. This is our green government; this is what they are actually doing to our Territory.

There is one other thing I want to point out - this is how this government really works. Today, it introduces a Cash for Containers motion it truly knows the Country Liberals support. We just had some questions about the legislation to ensure it gets the right model, the right legislation that is not in any way a threat. We talk about mutual recognition, we talk about many things, and yet we have a government that says it is open and honest, and we debated that Cash for Containers motion this morning.

This afternoon, we have tabled regulations, mutual recognition temporary exemption for prohibited plastic bags regulations. It was tabled this afternoon after we did the motion. Mutual recognition temporary exemptions for beverage containers regulations was tabled after the motion; Trans-Tasman mutual recognition temporary exemptions for prohibited plastic bags regulations tabled after the motion; and Trans-Tasman mutual recognition temporary exemptions for beverage containers regulations tabled after the motion. If we really did have an open, honest, and transparent government, why were these things not tabled this morning prior to this motion coming forward? It probably would not have changed our way of thinking, but it did exactly what we said was needed, and it demonstrates to me that you guys have not done your homework, and now you are clawing at straws to get yourself out of it. That is disgusting behaviour, and you know it.

Having received this statement last night and preparing my response late into the evening, a couple of things immediately come to mind. First, these are not the words of the Chief Minister. The document itself is very well-written by someone who has a very good understanding of a developing economy where supporting development is just as important as protecting our environment. I recall thinking that I like this statement and whoever wrote it could come and work for me any time. In fact, the following is taken directly from the statement:

*A central plank of sustainable development is good governance; having the right institutions in place with the right laws to ensure that the checks and balances are in place.*

That is a statement I wholeheartedly agree with. Here is another:



*Delivering on sustainability means more than just improving the way we approach protecting our environment, developing social enterprise, and growing the economy.*

Again, I agree. The next bit must have been put in as a bit of a joke, and that is:

*It is a big challenge that will not happen by simply repeating sustainability as some sort of mantra.*

Well, goodness me; not a truer thing has been said in this House except for the fact that this is exactly what is occurring here - another ministerial statement delivered in the social form of a mantra; talked about, gloated about, until we vomit. Alas, I kept reading the document last night and my earlier enlightenment was replaced as the document turned from a balanced and well-presented argument to bordering on the ridiculous, and finally becoming absolutely ridiculous to the point that it does nothing more than undermine the very good work presented at the front of the document. I would go as far as to suggest this document was not written by one person. I would go as far as suggesting that one or more spin doctors took a very good, sound, and well-presented argument and corrupted it with political rhetoric and spin.

So, what is the process upstairs? Do you have a number of people working on potential ministerial statements on a number of subjects that, according to the lay of the land, can be dragged out at any time, spun and polished, and presented by ministers in this House? Is that right? In some cases it looks very evident that a minister is reading a document for the first time. You sometimes show a little passion when you are reading something you have ownership of, and demonstrate an interest in the subject. That is, of course, if you are not a tired and worn out operation like this Labor government here in the Northern Territory.

The document reminds me of the August sittings where on a number of occasions government members came into this House to articulate the work, or to describe the position of former CLP members as a way, perhaps, to describe our side of politics. Interesting! It is as though they have paid government staffers trawling through old statements and speeches made in this House in a former Assembly to imply that the current Country Liberals Assembly members are to blame or are of the same mindset.

Well, if you are trying to describe a difference of opinion, you are right. We, on the conservative side of politics, are nothing like your socialist

approach to government. We care about our future. We care about a sustainable future, and we care about developing our Territory into a can-do place, how it once was, where we had a government that spent time, effort, and resources in funding or finding out how to do things, how to get things done, had a can-do approach. Not a government that either has its head in the sand or spends valuable time and resources in finding out how something cannot be done, or how not to do it, or having a general position of building bureaucracies at the expense of delivering services and getting on with supporting business.

If you were using old information just to make a point, my goodness, you have absolutely nothing. You have absolutely nothing left; an old, tired government, bereft of new ideas, and looking everywhere to deflect attention from your own deficiencies. With an election year coming up, this will no doubt continue.

Even after the recent embarrassing media release by the current member for Daly about our plan to dam the Daly River, they again mention the Daly in this document - perhaps to be a little mischievous. I felt sorry for the member for Daly, as he obviously signed off on a media release prior to even reading or understanding the objectives of the task force. Had the member for Daly taken the time to read the article, he would have seen rivers in Queensland were identified as potential future dams, not the Daly, not any river in the Northern Territory was mentioned for a possible dam - embarrassing for the member, and today perhaps just a little mischievous by mentioning a dam on the Daly again in this document.

Today's statement includes a brash statement about your opposition to Angela Pamela, but gives no mention of the fact it was your government which approved the licence to explore. It mentions your opposition to a nuclear waste facility. What it does not mention is how much money you spent on a process to oppose the site when we had a federal Coalition government, but we have had deafening silence since Labor came to power federally, absolutely deafening. Of course, we can expect the same, I am sure, to be spent in the lead-up to the next federal election can't we? Money to lambast the Gillard government. I will not hold my breath. As we all know, Labor is a load of announcements. They like to spruik about how good their environmental credentials are, but they are short on actually delivering on their promises, delivering results, delivering positive and measurable changes.

The statement mentions Weddell as a sustainable living city. I reckon, by Labor's standards, the cost of living and their incredible bureaucracy and red tape will see new Weddell

residents living in eskies on 250 m<sup>2</sup> blocks. Heaven help us all, but that is where we are going if we cannot get the price of land and housing under control in the Northern Territory.

I am concerned that Kakadu, which is a jewel in the crown, is being closed off from visitors and how that will affect our attractiveness. What is the point in protecting something that no one can ever see, no one can ever touch and experience? If anything, this lessens the value of an area. If we lock up too much area there will be no reason for someone to want to come to the Northern Territory, and perhaps no reason to protect it in the first place. How does this approach support employment, particularly for Indigenous people? You can balance tourism with protecting our environment and, in doing so, increase the value to the wider world; something you just do not get.

I am concerned about our streets and our parks, and the lack of community shown by people using those spaces. This has become particularly relevant in the last few years where there appears to be less investment in our parks and gardens. How does this promote our environment? For goodness sake, you only have to walk 50 m from this very spot and you will see people passed out in the garden beds. Apparently they have not heard about the Treasurer's Banned Drinker Register. Their rubbish and waste is just left behind.

I am worried about the Environment minister's inability to manage or convince his Cabinet to provide adequate resources to Central Australia to better prepare for what they knew would be a disastrous bushfire season. I worry about the effects of bushfires on the flora and fauna and the ecosystem, and how management of parks could have avoided this harm. They talk about protecting our environment, but do little about it. Again, all talk and no action. At least with this issue, bushfire management, they were fully aware of the potential risk. They had time to prepare, but failed to do so.

I heard the minister say he would come down hard on anyone who deliberately lit fires. I agree with that wholeheartedly but I know of at least one case where government workers lit a fire in the Davenport area, against the recommendations of local people, that went on to burn out two properties and, in doing so, wiped out valuable stock feed. In this case, land that had been rested for years and was about to be restocked because of the beautiful growth which had occurred due to the recent rains was destroyed, requiring landowners to agist their cattle, all because this government failed to heed the warnings and failed another family in the cattle industry at a time where they had borne just about everything they

possibly could to survive the political naivety of the federal Labor government.

If they truly cared for our environment, they would not have let this occur; they would have listened to the local advice and this tragic loss of valuable flora, stock feed, and income would not have been lost. What compensation has been offered for this mess?

Do not get me started on the carbon dioxide that was released in recent fires - that gas this government and their federal counterparts categorically state is killing our planet. Well, if they better managed the land, perhaps many of these fires would not have occurred. Do not get me started on many other things that happened in that area. Just because there is no development does not preclude us from making real decisions about the future land uses of places for agriculture and pastoral pursuits.

Unlike the Labor government which would prefer to lock up the place and throw the key away just to appease some environmental group, the Country Liberals have a vision to turn the Northern Territory into a place where things can and do happen, where people with dreams can succeed, all while protecting our environment. How? By value adding, while demonstrating to the world just how special this place is and why it deserves to be protected into the future.

We have water in abundance, more than our population can use. We should use our natural advantages and use that water, the land, and our climate; not just to improve sustainability for the 200 000 residents we have, but to help the rest of Australia, the other 22 million people in our country or the 6 billion around the world. This government is not pro-development, it is anti-development. It failed to plan for industrial land; it forced Arafura Resources out of the Northern Territory. It has not opened up enough land, and it has not delivered enough housing. It has failed the economy and it has choked development. This government is happy to see heavy industrial areas or heavy industrial businesses build things right on our harbour. They could have developed an area away from greater Darwin for heavy industry but, again, failure in that area.

The government attacks visions of development like what to do on the harbour, on what to provide for future Territorians and all the while, they pollute and discharge and destroy what is already there. That is environmental hypocrisy at its best.

The government is also trying to rewrite history, but it cannot fool people. It tries to verbal *Hansard*, it tries to verbal the opposition, but it just

fools itself. The Country Liberals went to the 2001 election with a plan to introduce an Environmental Protection Authority, but all we get from Labor today is spin and lies. From 2001, it was not a Country Liberal government we had, so to say we have not or did not want to introduce an EPA is just wrong; political rhetoric at best.

In October 2010, the member for Macdonnell asked some serious questions about being prepared for bushfires in Central Australia. Rather than sit on your backside, what did the Minister for Central Australia do? What did the Minister for Parks and Wildlife do? From all accounts, not enough, not nearly enough.

How could I not mention the poo shooter? We listen to a government spruik its environmental credentials when not too far from this very building we have raw macerated sewage spewing into our harbour. It is a tad hypocritical to be talking about this subject knowing that just over the way, crap is pouring into our harbour. Perhaps if this statement was brought into the House after the shooter is no longer pouring raw sewage into the harbour, you could all take a small bow but, of course, this is politics, and I am sure we will be talking, yet again, about another environmental ministerial statement just after the shooter has been closed off. I am sure we will.

While we are talking about the harbour, what about the blue-green algae and the sad and ongoing process to find out what the problem is? What about the preliminary results? We have all these promises: 'We will act quickly and decisively', 'We will work hard until we find a solution' and, all the while, promise to do this in an open and honest way. We know you have been given preliminary data. If you are an open and transparent government, perhaps you could salvage just an ounce of creditability by releasing this information and, if not, why not? Unless, of course, you have something to hide. Your action to hide this data, this information, from the general public, strengthens my argument about your talk and no action on our environment. You talk about a clean harbour, but you do not mention Buffalo Creek. You do not mention raw sewage into the harbour, and that there may be a question about how the testing is carried out leading to unreliable data, or misrepresented data, due to how water is tested.

I do not see anything in this document about the hard-talking minister. Let me just remind you of the call: 'I will come down like a tonne of bricks'. Do we all remember what we are referring to here? I am sure most do. We now know how heavy that tonne of bricks was, and the outcome of that court case when it comes to protecting our harbour from pollution. I tell you, it scared me. Minister, you certainly scared me into thinking

your action was going to send a very strong message to business, to government enterprises, and to the wider community. Alas, we were let down. Again, high expectations provided, low outcomes delivered. We might be on to a message here: strong words, weak as urine outcome, minister. It also sets a precedent of how you guys operate.

I do not see any mention in here of how pollution issues have been dealt with on mine sites. You like to mention how good you are but, again, have little weight behind you. It made me think about when you buy a new car, you receive a warranty. Maybe we should be advocating for a change within the constitution that, upon the election of a Labor government anywhere in this country, Australians should be provided with some sort of warranty.

I note the document refers to a reduction of 50% of waste or landfill, and that your plastic bags will ensure this target is achieved. I would like to know how you are going to measure this. Did you measure how many plastic bags were being purchased by retailers prior to the ban being introduced? Is this measurement on weight, number, or price of bags? Can you advise if there has been any new assessment taken since the introduction; that is, what is the reduction of plastic bags going into landfill? What reduction has there been in the weight of plastic bags going into landfill? Has there been a measured reduction of waste going into landfill across the Territory? Will there be further measurement that could be tabled here in parliament to measure the success of the program on a regular basis?

I ask these questions because anyone can come up with a pie-in-the-sky target and introduce programs with no real way of measuring results - that is too easy to come up with - a policy or a program that would win over every green voter in the nation, but have no real intent of ever meeting.

I recall speaking with the Environment Centre recently about policy ideas and stating how easy it would be - too easy - to release an environment policy so green even the most greenest of greenies would become moist in the mouth just to see - just to win a few votes, just to convince a group of people in the community that we have the strongest environmental credentials, or at least plans, but to have no real intent of ever reaching the targets or introducing programs that you state. That would be too easy, and one I could never be part of because I want an environmental policy that is achievable, supports development, and protects our environment - a policy that is practical and would have built-in, measurable points. It may not be sexy, it may not win many votes or appease the green groups, but it would be deliverable and practical - not just

green-speak that this government has a very good record with: all speak, all green-speak, while failing to deliver real improvements in our environment.

The statement goes on to spruik about the virtues of EcoLink, but the question has to be asked: when over 50% of the Territory is already owned by Aboriginal people who are part of the land, who care for, and have an unique partnership with the land, don't we already have an effective EcoLink running from the very north to the very south, the very east to the very west of the Northern Territory? In fact, there are few areas in the Northern Territory that would prevent most animals transiting from one part of the Territory to another. So, is the EcoLink another of those 'feel good' programs that really do not achieve any more than what has already been achieved before such a program existed?

The reality is that you want a corridor that animals can transverse from one part of the Territory to the next. We know most animals do not usually travel north-south; they travel east-west. The corridor is just a myth. It is not a road, it is not a track, it is not a fenced area. It is just there. It was there before and it is there after EcoLink has been introduced. If it is about signage, I am sorry, animals do not read signs. What is the measurable difference between the period before EcoLink was introduced and the period after EcoLink was introduced?

Let us think about it as like the Stuart Highway between Darwin and Alice Springs. It was there yesterday and it is going to be there tomorrow. EcoLink is just a name; it does not really achieve anything. The minister will stand here and spruik about all the wonderful things it will achieve but the reality is the land was there before, and the land will be there afterwards. Some of it will be national parks, some of it will be Aboriginal land, some of it will be freehold, but the land will still be there. It is not as though we have opened up this amazing corridor, put sign posts there in animal speak, so animals can traverse this secure corridor from north to south or east to west. It is one of those feel good programs. It probably cost a lot of money but has not delivered much more than was already there.

The joint management plan - and I have seen the Chief Minister having some fun with this. Yes, I did support legislation to enact the joint management plans but that was probably when I had a little more trust in this government. I went to briefings, and maybe I listened in the briefings and was sold on the idea. Perhaps I have learnt a few things. Perhaps I am starting to learn that you guys are not as honest as I had hoped you would be. At briefings, information is provided that is not as open and correct as it probably could be. I will

not go so far as saying there are lies, but there is misinformation provided and, today, one question must be asked in regard to the joint management plans.

If you guys think Aboriginal people have a responsibility and a need to find economic futures for themselves, why wasn't the land given to them freehold so they could develop it themselves and make some economic improvements and, therefore, create employment for themselves? It was because you do not trust them. You do not really trust Aboriginal people. You never have, you never will and, like your green credentials, it is all talk and no action.

Recently, we had the opportunity to support a company to build a multi-million dollar tidal power station project in the Top End. Government talks loudly about supporting green initiatives, but what support was offered to this company? We know Power and Water has invested in new turbine technology at Channel Island, and good on Power and Water for investing in new infrastructure. What worries me is the Northern Territory Labor government has already signed up and demonstrated that it is reckless with taxpayers' money by locking the Territory into renewable energy targets without any plan whatsoever other than to pay penalties incurred through their failure to meet their renewable energy target obligations.

This would be different if they had a plan. Power and Water currently pays between \$9m to \$15m per year to purchase renewable energy certificates sold on the open market. With no additional installed renewable capacity, a cumulative REC liability of between \$146m and \$226m to 2020 is likely. With Power and Water now removing any opportunity or, in fact, the need for renewable power generation for up to a decade, how can they spruik about their environmental credentials? How can this government expect Territorians and, of course, green groups, to believe that they are serious? The truth is, they cannot.

Again, the question needs to be asked: what plan do they have to invest in renewable energy? This talks about greening the Territory – do not talk about it, but actually deliver and, in doing so, save potentially millions of dollars in penalties. I have to ask the question: why did the Northern Territory government sign up in the first place when it had no plan to meet the requirements unless, of course, it was just political grandstanding and a reckless attitude to the hardworking taxpayers in the Northern Territory. Reckless because it is not their money, and clearly demonstrates again how a Labor government has no respect for money, particularly taxpayers' money.

I am aware of at least one company which says it could potentially generate enough electricity to supply 194 000 homes - more than exist in the entire Northern Territory. This electricity would be generated by tidal power, forever, but what support has this government given this company?

I recall reading an article by David Coady titled *Northern Territory on brink of 'heat rush'* on 2 December 2009, nearly two years ago, where he talks about geothermal opportunities and that the Northern Territory government had received 17 applications to explore geothermal opportunities just after the act was passed. There is not much in today's statement about any progress in this area. There are plenty of flowery words, but not many concrete examples of advances since 2009, just all talk and little action. We are now nearly two years down the track. What has this government done to secure or invest in geothermal activity? The article quotes Dr Stuart Blanch from the Environment Centre NT, who called on the government to include tens of millions of dollars worth of incentives, but we will be waiting a while before we see anything like that. The Greens will continue to make their bed with Labor governments around Australia.

The rest of the document refers to many untruths, and tries to rewrite history about the Country Liberals' members, its policies, and even former members, but I am not going to give you the pleasure of repeating this misinformation; to have it once in *Hansard* is enough. I would prefer to get on with fixing what is wrong and working for Territorians, not trying to protect your own positions.

Before I finish, I want to talk about a recent dinner I attended where the Mayor of Melbourne was the keynote speaker. It was quite an interesting talk about making cities liveable and affordable. The message was if you can do anything whatsoever to encourage people to come to your city, state, or territory, it is to make your area as affordable as possible, and they will come. What we have seen from this government over recent years is a lack of planning that has left many Territorians on the brink of disastrous financial affairs, bankruptcy, and, in many cases, people are packing up and leaving the Northern Territory.

**Mr BOHLIN:** A point of order, Madam Speaker! Pursuant to Standing Order 77, I move an extension of time for my colleague.

Motion agreed to.

**Mr CHANDLER:** Thank you, member for Drysdale, and thank you, Madam Speaker.

In his message, he spoke about how Melbourne had just been voted the most liveable city in the world. He said the importance of attracting business in particular areas; one area might be to attract banking to your particular region, which is all for nought unless you can make a place affordable.

Before I went away to that function interstate, the ABC interviewed me at the airport on the container deposit legislation, but they also asked a question about affordability. I mentioned we had ministers travelling to Ireland to try to secure people to come to the Territory to work. Apparently that ABC interview was broadcast on Gold Coast television and they rang my office in absolute disbelief that we had ministers travelling to Ireland to bring people to the Territory when we have around 14% unemployment on the Gold Coast. Why aren't they travelling to Queensland to get people to travel to the Territory instead of to Ireland?

That brings me back to the point about affordability and how this government has seriously dropped the ball. If we have good folk, good residents, good tradesmen, and good family people leaving the Territory because you guys have failed miserably, you can be as good as you want when it comes to protecting our environment, talk about it all you like, but if no one can afford to live here, it is all for nought. As I said before, we have to open up our places - protect our environment - but open up our assets so people around the world can see why we are so proud of the place where we live.

Open up places to the world so we can value-add to what we have here. If it is valued, it will be looked after. When people do not value something - a good example is a vacant building often attracts vandals, graffiti, smashed windows, and rubbish being left around. The same thing will happen if we decide to lock up parts of the Territory. We have an opportunity to develop and showcase it to the world and, in doing so, increase its value by creating opportunities and employment, particularly for our Indigenous people.

When we have poo pumping into the harbour; creeks such as Buffalo Creek green with slime; blue-green algae on our beaches; pollution occurring in the harbour from bad management in our port; and weak laws and weak ministers who talk tough but do not deliver, you can say all you like, but people know, Territorians know, it is all talk and you do not back it up with action.

We are creating a nanny state, and if we want to prosper on economic grounds and not end up a nanny state - one tied to the public purse forever - we have to develop the Northern Territory. We

are a place of 200 000 people in a part of Australia that is enormous. Yet, we talk about locking up places as if we have two or three million people here and we have no more room to develop, we need to lock up river systems, we need to lock up land because we have millions of people here and we are going to damage it and it will all be lost forever. What a load of crap! Look at the size of the Northern Territory! How many more people could we sustain in the Northern Territory with good economic development? It can all be done while still protecting our environment

Madam Deputy Speaker, this statement has absolutely nothing to do with the environment. It is another rhetoric spin by ministers. We are going to hear each of them stand up and give their spiel on how good they are, what they have done, and how they have delivered it. In reality, poo is still flowing into the harbour.

**Mr HAMPTON (Natural Resources, Environment and Heritage):** Madam Deputy Speaker, I thank the Chief Minister for the statement. It touches on a number of important environmental issues and puts into stark contrast the differences between this side of the House and the other side on how we manage our environment.

The Chief Minister talked about Darwin Harbour being the environment issue of concern for many Territorians. I share the Chief Minister's view and, through my Environment portfolio, have important initiatives under way to help keep Darwin Harbour healthy. Late last year, I announced additional funding of \$0.8m per annum for high-priority monitoring and research activities in Darwin Harbour. The funding will be used for additional water quality monitoring to detect pollutants in the food chain; monitoring of flood plumes and storm water flows into the harbour; improved modelling of water flows and currents into the harbour; and monitoring of dolphins, dugongs, fish, seagrasses, and coral reefs in the harbour. An additional \$0.5m has been committed over two years to complete comprehensive habitat maps for Darwin Harbour.

Many of the monitoring and research projects are now under way; for example, a comprehensive survey to map the depth of the Darwin Harbour sea floor has now been completed, and this is the first stage of a more comprehensive habitat map for the harbour. Additional sites have been added to the existing Darwin Harbour water quality monitoring program. Algal biomass mapping has commenced at four priority estuarine tidal creeks, representing the Dry Season snapshot of the condition of the food chain within the harbour, and seagrass monitoring commenced in Darwin Harbour last month. Fish

monitoring commenced at 14 sites in Darwin Harbour using underwater video cameras in collaboration with the Department of Resources' Fisheries Research Unit.

This month, INPEX will be joining in and expanding my department's dolphin monitoring program in Darwin Harbour, Bynoe Harbour, and Shoal Bay. INPEX will use the same methodology for monitoring dolphins as my department, and data collected will be shared to get a better picture of the health of dolphin populations. This additional monitoring and research will help improve the quality of the Darwin Harbour report cards - a great initiative of this government to publicly report on the health of the harbour. The extensive monitoring and research will also lay the foundation for the Darwin Harbour integrated monitoring and research plan, which was a key recommendation of the Darwin Harbour Advisory Committee. In addition, government is helping with the annual Darwin Harbour cleanup which occurred in July this year.

We have a working harbour and we are absolutely committed and determined that we will also have a healthy harbour. The recent incidents at the port highlighted the need to tighten compliance arrangements, which we are doing with additional resourcing for enforcement and doubling of pollution penalties. The government takes enforcement of our laws seriously and we recently saw the first successful prosecution under the *Waste Management and Pollution Control Act* - something the member for Brennan has obviously forgotten about in when his party was in government. How many prosecutions did they have? Nil.

Comprehensive beach monitoring is continuing, and an important collaborative project with Charles Darwin University is well under way to genetically fingerprint the sources of *E. coli* in the harbour. Monitoring results are placed on the government website as quickly as possible. Combined with the Darwin Harbour report cards, the programs put in place by this government means there is now an unprecedented level of public transparency on harbour issues.

The Chief Minister mentioned the important role the Environment Protection Authority plays in all this. This government created the Territory's first EPA, and I was pleased to put through amendments to strengthen this role substantially. It has also been a great pleasure to watch the organisation mature and evolve since its inception. I thank those board members who recently finished their term; the former chair, Dr Andrew Tupper; and the new chair, Professor Grahame Webb.

The Chief Minister made important remarks regarding joint management of our parks. I have had the pleasure of attending ceremonies across the Northern Territory where Indigenous landholders, park staff, and visiting dignitaries have come together to celebrate joint management, including at Judbarra/Gregory National Park in the VRD in my electorate. Also, visits to Finke River Gorge on a couple of occasions recently, the Watarrka National Park, and Uluru, just to name a few. Universally, these have been positive and emotional experiences for all involved, which makes me even sadder that the CLP continues to play the divisive politics of the past on this important initiative.

The Chief Minister was able to give several examples of the CLP's divisive politics on joint management of our parks. The member for Brennan had his say during his contribution, saying it is all in the past and they have turned a new leaf. Well, people just do not believe them. We thought there was a glimmer of hope that the CLP had turned a new leaf, but just look at the 2005 election policy. Again, I will quote what the Chief Minister quoted: the CLP will invite traditional owners and land councils to join with all Territorians in the joint management of all present parks and future parks in the Northern Territory', and it went on. More recently, in 2008, the member for Brennan acknowledged the CLP was split on joint management for parks when he came into this House and supported amendments to the *Territory Parks and Wildlife Conservation Act* necessary to deliver joint management arrangements. Obviously, he has changed his tack since then. He was told to toe the party line and it just goes to show that you cannot believe what the CLP says. They get out bush, talk and promise the world to Indigenous people, but Aboriginal people just do not believe them.

Another case is the member for Braitling. His speech to traditional owners at the Finke River Gorge Park the other week – I was there; he was not there, but he passed on his prepared speech. Did he acknowledge joint management of parks? No, he did not. He was quite happy to give a prepared speech to the traditional owners, but no acknowledgement of the importance of joint management, no acknowledgement of the CLP's policy on joint management of parks. He just slips in, slides out, promises traditional owners and Indigenous people the world, but can they deliver? Where is their policy? It is very typical of the CLP.

Twenty-seven parks and reserves are now managed by Parks and Wildlife and subject to joint management arrangements under this government's historic *Parks and Reserves (Framework for the Future) Act*. It is the most ambitious joint management initiative in Australia's history and it not only leads to our parks being

enriched by Indigenous land management perspectives, but also by negotiating, not litigating, we have been able to secure additions to those parks. In May this year, 15 810 ha of the Aboriginal Land Trust formerly known as the Davenport Ranges National Park, was declared a park and added to the addition of that large park. Procedures are almost complete to add 13 880 ha of the Wambardi Aboriginal Land Trust which will link the eastern and western sectors of Judbarra/Gregory National Park along the Jasper Creek escarpment. When the opposition continue to use the divisive rhetoric of handing over our parks, they should have a closer look because there is another story here.

I want to take time now to highlight some of the fantastic work Parks and Wildlife and Indigenous rangers are undertaking as part of joint management. The preparation of joint management plans has been one of the first tangible demonstrations of sharing knowledge and responsibility among joint management partners. Plans are complete and operational for the Chambers Pillar Historical Reserve, Rainbow Valley Conservation Reserve, and the Devil's Marbles Conservation Reserve. Plans are complete and ready to become operational once title is granted to traditional owners for Watarrka National Park and the West MacDonnells National Park, and a range of draft plans are under way for parks such as Judbarra/Gregory National Park, Giwining/Flora River Nature Park, Fogg Dam Conservation Reserve, and Corroboree Rock Conservation Reserve.

Getting jobs and better economic outcomes for Indigenous Territorians is a key objective of joint management. Employment is focused on direct employment as rangers and trainee rangers; flexible employment programs and casual contracts; commercial contracts to Aboriginal organisations, including Indigenous ranger groups; and supporting tourism enterprise development. Parks and Wildlife has a full-time, permanent Indigenous employment coordinator to implement Indigenous employment strategies, focusing on trainee development, Indigenous staff retention and progression, assisting in developing contract opportunities for Aboriginal organisations, and partnering with other Indigenous employment programs such as the Defence Indigenous Development program and the Australian government's Working on Country program.

Employment of Aboriginal people in parks is being supported through partnerships with various Aboriginal organisations. These include contracts with the traditional owners from Timber Creek providing management services to Gregory National Park, and the Ingerkerke Outstation Resource Centre in Alice Springs supporting the flexible employment programs in the West

MacDonnell National Park and other Central Australian parks. Also, the Tjuwanpa Ranger Group is providing services to the West MacDonnell and Finke Gorge National Parks, and Tennant Creek Indigenous Ranger Group is providing services to parks in the Barkly region.

The flexible employment programs enjoy high participation rates and last financial year it saw 99 different Aboriginal participants engaged in 975 project days. Currently, 22% of staff in the Parks and Wildlife Division are Aboriginal, so parks and land management is at the forefront of Indigenous employment in the public sector. Government is looking to increase this with new funding to provide dedicated support for career development of Indigenous staff and apprentices, expand flexible employment programs to more parks, and let more contracts to Indigenous ranger groups and organisations for enhanced conservation and visitor programs on parks. The expanded program will also increase the number of apprenticeships in the parks service, including non-ranger roles, and roles for women.

The nub of joint management is exactly that; it is joint, it is shared, which is why individual joint management committees are being established across these parks to bring people together in a spirit of partnership. This is two-way learning and I am pleased to see Parks and Wildlife investing in programs to ensure their staff are effective joint management partners. Programs include cultural competency; governance; mentoring and supporting Indigenous staff; and managing programs outsourced to Indigenous ranger groups.

By all accounts, the cultural programs run by the traditional owners at park level also enhance staff confidence and foster positive working relationships. All of this would be lost if we go back to the divisive, dog-whistling politics of the past. There are those on the other side who see value in this joint management approach, but they are divided on so many issues and I cannot see those positive sentiments will ever hold sway or be in their policy because they always get that dog whistle out when they sniff a political opportunity.

Finally, I want to touch on another area where government has taken a groundbreaking approach, and that is, of course, plastic bags and Cash for Containers. Like the Chief Minister, I want to thank the retailers for their cooperation on the plastic bag ban, and I call on the beverage industry to do the right thing and implement their obligations on Cash for Containers. Through both these programs, government is leading the way to a cleaner, greener Territory.

Quite frankly, I have been shocked at the member for Brennan's deceptive public comments

claiming he now supports a different model of container deposit based on the New Zealand approach. He comes into this House and rudely talks about spin. By my definition, spin is making out something to be what it is not, and that is exactly what you have been caught out doing, member for Brennan, by this sham that somehow industry's proposal to fund a few recycling bins amounts to a container deposit scheme ...

**Members** interjecting.

**Madam DEPUTY SPEAKER:** Order!

**Mr HAMPTON:** You were very clear in the media and that is exactly what you were saying: 'I like the container deposits, but I just differ on the model'. Does the CLP policy say: 'Implement a beverage industry-funded grant program to try to pass it off to the public as providing 10¢ on each container?' No, it does not. The CLP policy supports a proper container deposit scheme, but you need to come up ...

**Mr GILES:** A point of order, Madam Deputy Speaker! Is there any chance the minister could just table this so we can get on with it? It is taking up a lot of parliamentary time. It is obviously written by someone else, not him.

**Madam DEPUTY SPEAKER:** There is no point of order. Resume your seat please, member for Braiiling. Minister, you have the call.

**Mr HAMPTON:** Thank you, Madam Deputy Speaker.

**Mr GILES:** A point of order, Madam Deputy Speaker! I asked a question. Can he please table his notes instead of reading them out? It is a question.

**Madam DEPUTY SPEAKER:** It is not a point of order. It is not Question Time.

**Mr HAMPTON:** They are my notes.

**Madam DEPUTY SPEAKER:** Minister, you have the call.

**Mr HAMPTON:** Thank you, Madam Deputy Speaker.

The Chief Minister highlighted many environmental achievements by this government that demonstrate we are the greenest government in the Territory's history. There are many more - whether it is saving the Daly, pursuing World Heritage listing for the West MacDonnells, or the groundbreaking trans-continental EcoLink that will see a conservation corridor from the Arafura Sea to the head of the Spencer Gulf in South Australia.



**Mr WOOD (Nelson):** Madam Deputy Speaker, I get the feeling today is the beginning of a long election campaign, not only from what I read in this Greening Australia document, but also from the MPI and a few other matters currently in the political arena. This document, whilst it is about Greening Australia, is also very political. There is nothing wrong with that, but the document tone is more about electioneering than dealing with issues.

I say that because, if you go to the third last page and the second last page, you will see a series of dot points and statements about what the government is doing and the CLP is not doing. That is fine, but it detracts from the importance of this statement to some extent. The development of the Northern Territory is an important matter which should be discussed rationally and moving to election campaigning can derail the debate. Boasting becomes part of the process. They said, we said, becomes part of the debate and, to some extent, the truth gets muddled for the sake of political convenience. Having been in parliament for a while, I know it is something I have to endure. As you get closer to the election, there is much more of that type of debate, rather than the somewhat less political debate we are used to in parliament.

There are many issues in this statement. Some I agree with and some I do not. I have taken notes of the main areas about which the government has spoken. The establishment of the EPA was important. I was part of an EPA committee which visited Tasmania. From that visit to Tasmania, eventually we ended up with the EPA we have today. It was a long road and we have ended up with a model that is not overly bureaucratic, suits the size of the Territory, and is very important as a body which can give us an independent assessment of government's track record on the environment, as well as on large environment projects like INPEX and its effect on the region.

The minister spoke about Darwin Harbour and I could deal with that in the same breath as the Elizabeth River. Both are mentioned in this document. For a long time, a number of us fought very hard to stop the damming of the Elizabeth River and one of the options in the Weddell plans was to revisit that. It is also mentioned in the CLP's plan for the greater Darwin region and it is their right to put forward that proposal. The document they have out now as their Greater Darwin Region plan has the same authors as the plan which came out in about 1992; both were written by Graham Bailey and Hans Vos. They are both good planners and designers, but I know Hans Vos was one of the original people who pushed and promoted the idea of a dam on the

Elizabeth River. That is why you see it once again in the later documents published by the CLP.

We do not need to dam an entire river. That is not to say dams are not beneficial. We have reached a stage in our development where the word dam often means no, no! I would not dam the Daly River because even if you could dam it, the place where you would dam it would probably be a waste of money. It would be such a huge, wide surface area that most of it would evaporate in the Dry Season. There is the possibility of small dams in the upper reaches of the Daly River which could be used and combined to provide a water source in the Dry Season without major effects on the main part of the river.

You have to look at society and the world. We would not exist today if there were no dams. We would not have other supplies of water. So, we have to be careful we do not go off on a tangent and say 'never, never, never'. We have to be realistic and understand there may be opportunities for dams. The Ord River scheme would not exist without a dam. It stores a lot of water. Whether it has had any major environmental effects on the rest of the Ord River, I do not know, but it has brought agricultural prosperity to that part of the world.

In relation to other issues, the government talked about uranium mining, nuclear waste, and the Arafura Harbour. They are matters that should be discussed, but not in the manner in which they are being discussed here. They are being discussed in the context of: the opposition disagrees on these and, therefore, it is anti-environment. Uranium mining has occurred in the Northern Territory for many years. It occurs at Jabiru, which is probably one of the most monitored mines in the world. Every time a valve breaks or a drop of water goes over the edge of the dam, there is a big hullabaloo. People should look closer at Northern Territory gold mining where products are used which, if released into the environment, would cause much damage. Anyone who knows a little about the history of Mt Todd would understand that. To some extent, the uranium mines are policed and controlled far more than other mines which are perhaps more toxic to the environment if there were difficulties.

The Chief Minister has admitted uranium is a clean source of energy, especially in a world concerned about carbon. The strange thing about this debate in Australia is we mine uranium, but do not use it. Whilst I understand it, much of the political debate about the use of uranium as a source of energy in Australia has, for the time being, been put on the back burner. The issue about the use of uranium as a power source is not something that will go away.

In relation to nuclear waste, I am on the record as saying we should store nuclear waste. If it happens to be at Muckaty Station, so be it. There is too much immaturity in this country about where nuclear waste should be stored. I have visited Lucas Heights twice - once at the old establishment and once at the new establishment. I recommend to anyone in this parliament to visit Lucas Heights and see what it produces.

Last night in the Q&A discussion, Stuart Blanch, who, of course, is anti-uranium and opposes the Muckaty site spoke about how there is no need for isotopes to come from a nuclear facility. That has not been proven. He is talking about a cyclotron. Then he talked about getting it from other countries. We are happy to get it from other countries that have to find a way to get rid of their waste, but we are not happy to get it from our own country and store our waste. There are many myths in this discussion because if people who are opposed to the nuclear cycle in any shape or form can make it difficult for the nuclear reactor in Lucas Heights to exist by ensuring they find it difficult to store their nuclear waste, that will be part of the campaign to close such a facility down. People do not realise the Lucas Heights facility is extremely important for industrial, environmental, and medical uses, and for science. Lucas Heights is a molecular science research station.

They mentioned the Arafura Harbour and I am one of those who opposed it. There is perhaps a little spin on the opposition side because the land to be developed is not all Larrakia land. Much of it is Crown land and is currently zoned conservation. The government has every right to say it will not allow development on its own land. It does not need to go to planning because the government has the say over the use of the land. It would be different if it was all private land and the government said they did not want it to go ahead. Maybe then, the developer could simply take it to the planning authority on behalf of the owners of the land to see whether it would obtain approval. However, as the government owns a portion of this Arafura Harbour land, it has every right to say it does not believe it should be developed.

You get these extreme statements again. The Chief Minister talked about growing cotton from fence line to fence line; 20-year-old theories. Cotton is a big industry in northern New South Wales and central Queensland and vast areas of land have been set aside. You have to remember that many of those areas were black soil plains and were not heavily treed, but the point is, that happened many years ago.

We have done trials on cotton. We have shown it uses no more water than peanuts or mangoes, but is anyone going to make a statement that we should not be growing mangoes

or peanuts? The word cotton is meant to send fear into people's hearts that it would ruin a river and, of course, we have done trials on GM cotton in Katherine. The government spent quite a bit of money on seven years of trial work growing cotton which showed it was environmentally safe because there are only two sprays used, as far as I know, and that is Frontline, which is a dog spray. They showed you could grow it if you grew it in the correct manner using correct techniques, and it would be no worse than mangoes or peanuts. Yet it is in this statement as something to scare people because they know that in years gone by, it was a problem. But, do we ever move on? Technology has moved on, changes have moved on, I have been to see them myself and something like 92% of all cotton grown in Australia is GM cotton which has reduced the use of insecticides considerably and reduced the use of tractors, which has reduced carbon emissions and soil compaction.

When we talk about greening the Territory, we also need to talk about developing the Territory. Some environmentalists believe - and I am not sure whether government thinks the same - that we can make money out of carbon capture, that we do not need to develop the Northern Territory; we can leave it, more or less, as it is. My understanding is that most trees, once they have reached maturity, do not capture any more carbon. New growth is the only way to capture carbon. Once a tree has reached its mature height, it holds the carbon, but it is not in a state where it is capturing much carbon.

Even though the government has been involved in the Henbury Station in Central Australia where they are going to destock, and the federal government has put \$9m into that station to develop it as a carbon capture model, it might capture carbon for 20 years because of all the regrowth, maybe 30 years, but after that, it will not capture much carbon. There is much discussion about the benefits of the Northern Territory from that point of view, without taking into account that we still have to eat. As I have said before, we are not koalas, we do not eat gum leaves. We need to eat food and the world needs to eat food. The world's population is not going to decrease in the next 10 or 20 years. It is going to continue to grow, and we will be part of that economy of supplying food for those areas. As Luke Bowen said last night in Q&A, just to the north of us are millions of people. We are the closest area to them and it makes us think about what our role will be in the development of the Northern Territory as a supplier of food. We need to be thinking environment, but we also need - as the member for Brennan said - to find that balance between the environment and development.

Cash for Containers has been discussed today, and the issue of plastic bags. Getting rid of plastic bags is a good idea but it is a bit muddled for many people. The big companies decided not to supply free degradable plastic bags. That is amazing; they opposed having a levy on plastic bags when it was suggested some years ago, like the Irish did. The Irish could not supply free plastic bags; you had to pay 25¢ for plastic bags in Ireland. That was about five or six years ago, maybe longer. In Australia, the big companies told the Commonwealth government they did not want to be part of that yet, if you want a bag in Woolworths or Coles now, you will pay 15¢. They gave up the idea of free bags and I know the government was blamed for that, but the decision not to make free bags available was the decision of the companies. That left a little confusion over the government's policy because it was getting mixed up with the policies of the various supermarkets.

In regard to joint management of parks, I supported that. One of the reasons was because we could have lost parks, but also, under the joint management plan, we were able to enlarge our parks. The Gregory National Park, which has a new name that I do not know, was a park in two pieces, and the centre part has now become part of the park. It is important that traditional owners and people in that area are part of joint management because our parks are not just about trees and rocks; they are about a story Aboriginal people can tell. It is preservation not only of beautiful plants, animals, rocks, trees, and waterfalls, but also Indigenous culture; the Aboriginal culture that comes with those parks.

It is also meant to create jobs. I hope they are not just jobs for the sake of a statistic, but rather real jobs. If you are going to call people rangers, then train them to become fully-qualified rangers. Otherwise, we are being paternalistic. We are putting people up to fail, when we should be saying: 'You are an assistant ranger, but we will help you get the qualifications needed to become a full-time ranger'.

There are many other issues. An issue raised with me recently was the Environment grants. Organisations such as the Environment Centre and the Arid Lands Centre receive a reasonable amount of money from the government. I do not mind that so much, but if you read why operational grants are given to these bodies, and they do play an important part in providing significant ongoing environmental services as required in the Territory, sometimes they cross the line between providing an environmental service and becoming political. Why would the Environment Centre park itself outside Harvey Norman last week, talking about Harvey Norman's use of hardwoods and stuff? Is that getting into the political spectrum, or

is that doing what it is supposed to do? There is a fine line between politically active environmental groups, and groups that lobby, through government, to protect the environment. I am never sure whether we have bigger agendas from elsewhere taking over the debate, which makes some of those issues slightly biased, rather than balanced.

In relation to land clearing, I have told government that with its land clearing laws, I will not support its draft management plan. I have not finished working my way through the plan; I am still waiting on information from the Cattlemen's Association and the Northern Territory Agricultural Association. I have a major concern that, under the draft management plan, the CEO of NRETAS would have the final say about whether land could be cleared or not, and that would be perceived as biased. I am not saying that person is biased, but the decision could be perceived as biased, especially when there is another side to our economy - the agricultural side. When there are different points of view, to then have a CEO from one of these departments make the decision is not good.

I asked the government to look at some form of hybrid. Presently, in Litchfield Shire all land clearing approvals are done by the Development Consent Authority, which takes advice from NRETAS, the department of Planning, the Department of Resources, and other departments, as well as from the public, and a public meeting is held to discuss the proposal as a development. I do not see any reason why we cannot have something similar for the rest of the Territory. It may be that those committees are based on shire boundaries so you could include local people, plus you can include government-appointed experts on the area. It may be that you end up with a revamped Pastoral Lands Board. People want to know how the decision-making process got to where it is. They want to feel they have input, and they can do that through public meetings.

The draft plan in its current form is not good enough. Regarding purposes of land clearing, emphasis should be placed on agriculture as a reason for land clearing, just as much as the preservation of biodiversity, carbon capture, or greenhouse gas emissions. It is all very well to keep the country locked up but you cannot eat gum leaves. As our population grows, we need to develop an agricultural economy so we continue to create jobs and provide food, not only for ourselves, or the rest of Australia, but for the world as well. That is where the word sustainability comes in.

The Chief Minister mentioned sustainability. Sustainability is developing the Territory in such a way that we do not cause major problems for our

future generations, but that does not mean we do not develop. It means we develop in a sensible manner. We do not stand still; we do not lock up the place forever. We set aside areas that should be retained but, at the same time, we have to be practical and have enough common sense, use the science, use our knowledge, increase that knowledge, and be willing to develop the Northern Territory in a sensible manner while protecting the environment.

There is much more you could say on this issue. The green side of the Territory is important for the economy, especially from the point of view of tourism. People come to the Territory because of its greenness, especially in the Top End. The bottom end might not be so green now; it is probably more like the black end. But, people do come to see the Territory for its environment and that does not mean we lock up the whole place. Go to the Ord River and have a look at the development there. We still have beautiful areas around the Ord River but we have an agricultural economy developing. We can find the balance but, unfortunately, even though the Chief Minister has put this paper out - which is an important paper, I understand that - what I see now and what I will probably see in many statements from now on is they will start to get tinged with the party political argy-bargy. It comes when you start to head towards an election. I suppose I have to live with that.

Madam Speaker, in the meantime, I will try to take some of that stuff out of the debate and look at issues that concern the average person, the average Territorian, and develop some of those ideas, because I hope we are not going to mix up the future of the Territory in the next 10 months entirely on political argy-bargy. I hope we can really talk about some of these issues and let people know exactly what we think about them.

Debate adjourned.

**MATTER OF PUBLIC IMPORTANCE  
Carbon Tax Implications**

**Madam SPEAKER:** Honourable members, I have received the following letter from the member for Fong Lim:

*Madam Speaker,*

*I propose for discussion this day the following definite matter of public importance:*

*The implications of the Commonwealth government's carbon tax grab on the Northern Territory and the failure of the Henderson Labor government to support the will of the Legislative Assembly.*

It is signed by the member for Fong Lim, Mr Tollner.

Is the matter of public importance supported? It is supported.

**Madam SPEAKER:** I call the member for Fong Lim.

**Mr TOLLNER (Fong Lim):** Madam Speaker, I thank my colleagues for supporting me on this definite matter of public importance.

The last couple of months have been a shameful time for this Northern Territory parliament because we have a Chief Minister who does not represent the will of the parliament. He has demonstrated that time and time again over the last few weeks. The will of the parliament was made very clear when, without objection, without dissent, a motion was passed in this parliament calling on the Gillard government to grant the Northern Territory an exemption from the carbon tax for 50 years. A very clear, simple motion was put to the parliament and passed on the voices. There were no voices of dissent; the parliament did not rise, it did not divide. Ultimately, it was a motion that went straight through.

ABC news tonight spoke similarly about the Cash for Containers Scheme and the fact that motion today was passed unanimously. If the Chief Minister acted contrary to that motion there would be hell to pay. There would be absolute hell to pay if the Chief Minister acted contrary to the wishes of the parliament in relation to Cash for Containers.

For something so much bigger, a huge issue such as a brand-spanking-new, great big tax on everything, you would think the Northern Territory Chief Minister and the Labor government would take that seriously, stand up and represent the will of the parliament, and the will of the people of the Northern Territory, and start calling loudly from the rooftops that we demand a 50-year exemption to the carbon tax.

Alas, that did not happen. What happened instead was the Chief Minister said something along the lines of: 'We will not support anything that leaves Territorians worse off'. Admirable statement! If the guy was as good as his word, he would get out there and support the will of the parliament and oppose the introduction of this useless, jobs-destroying, jobs-exporting, industry-exporting tax; the brand new, great big carbon tax the federal Labor government has introduced. But, no, the Chief Minister did not do that. What he said was: 'We will not support anything that leaves the Territory worse off'.

Who is the judge of whether you are worse off or better off? A couple of simple questions: what would be the extra cost of a litre of milk under the new carbon tax system? You would think something as basic as milk - every day, people buy milk. You have it in your cup of tea, you have it with your Weet-Bix, you cook a cake with milk. It is a general, standard item you find in almost every house. We did not ask about low-fat soy milk, we just want to know how much the price will rise for a general litre of milk ...

**Ms Purick:** Normal milk.

**Mr TOLLNER:** Yes, normal milk. You would not think that would be a difficult question, but we saw the member for Barkly bumble, stumble, and fall over. He was very embarrassed. He could not answer the question; he had no idea. He could not tell us whether the price of a litre of milk would fall or rise under the new carbon tax arrangements - completely in no-man's-land. All right, so, they do not know whether the price of milk will go up or down.

A little while ago - during the debate just preceding this matter of public importance - we were talking about greening the Territory. The Chief Minister made the statement and in the statement bragged about how pro-development this government is. This is the most pro-development government in the Northern Territory's history. All right, I do not believe you, but you are spruiking it. You are saying you are pro-development. If you are pro-development that would mean, generally, you believe in developing things, getting things happening, building the Territory. If you believe in building the Territory, you have to believe in concrete and steel because they are the foundation products for most development across the board. If you want to do anything - if you want a new port, if you want to build houses, bridges, better roads - you would be hard-pressed to build those things without concrete and steel.

So we ask: 'Chief Minister, what will the price of structural steel rise by, per tonne, from Whyalla steelworks, trucked up here to the Northern Territory to use on a home in Palmerston? How much will it rise? You think, all right, pro-development government; these guys are out there, they are talking the talk. They would have looked at this area - the price of concrete and steel - but, lo and behold, they cannot give any indication as to whether the price of steel will rise or the price of steel will fall. We know damn well there is a very high likelihood the price of steel is going to rise because, for the last six to 12 months, the favourite son of the Labor Party, one Paul Howes, from the Australian Workers' Union, has been saying steel workers have to be protected because the price of steel and steel

industry jobs are at risk from the carbon tax. We know something is going to happen to steel; very unlikely the price will fall, but will it rise? Probably. You would think a pro-development government would have its eye on the price of steel if they want to build the Territory, but alas, again, no idea.

What about a cubic metre of concrete? As I say, it goes hand-in-glove with steel. What would the price of a cubic metre of concrete rise by? We know the cement industry is another industry under major pressure. There is major concern surrounding the cement industry in Australia because it is another industry renowned for high carbon emissions during production. You would think we would be particularly interested in that in the Northern Territory because we have, just down the track, a little township called Mataranka with one of Australia's great lime mines. You would think any government with an eye on development, an eye on existing industry, would be concerned about what was going to happen with cement. There is only a handful - two or three places from my information - where cement is made in Australia. Most of the clinker and other cement components are bought in from overseas. The very strong view - and I received briefings on this not so long ago - is those cement producers in Australia will close. Australia will become dependent on cement imports and we will be importing cement because our current cement producers will not be able to produce cement at the same price we can import it.

So the question is: what is going to happen to the price of cement? Again, you would think a pro-development government would have some clue. We asked the question in Question Time: 'What will happen to the price of a cubic metre of cement when the Labor carbon tax is introduced?' What is the answer? All at sea, no idea. This is a pro-development government that says it has no idea whether the price of concrete will rise or the price of concrete will fall; no idea whether the price of steel will rise or the price of steel will fall. You have to ask the question, how pro-development is it if it does not have its eye on those couple of commodity prices?

We live here in the Northern Territory. It is a beautiful place; we all love the Northern Territory. It is known around Australia as being a remote part of the country. We are one-sixth of Australia's land mass; we have 200 000-odd people living here, very sparsely populated across the Northern Territory. There is no place in Australia, not a single jurisdiction, which has the reliance on aircraft and air travel that the Northern Territory does. A huge number of people live remotely and can only travel into the urban centres on roads for limited times of the year. As for the other parts of the year, it is all cut off. We

have big Wet Seasons as everyone in this place knows, so we are heavily reliant, as a jurisdiction, on aviation fuel and the aviation industry.

You cannot run an aviation industry without aviation fuel and we know there are no exceptions for aviation fuel under Julia Gillard's carbon tax model - none at all. You would think a pro-development government that cares for its people across the Territory would have an idea of the impact the carbon tax will have on aviation fuel and therefore the cost of air travel throughout the Territory. You ask a nice, simple question: 'An airline ticket, on Airnorth, from Darwin to Maningrida, what do we expect that that will rise by?' Any guesses? Will it rise? Will it fall? No, we cannot get an answer on that.

This government does not know, but is quite prepared to say it supports a carbon tax that will not leave Territorians worse off. Well, they do not have a clue whether Territorians are worse off or better off. They make it up as they go along. It is just bizarre. You get all this nonsense from these guys. The minister for Business, or Essential Services, jumps up and you ask him what the price of electricity will go up by in Darwin. He starts waffling on about how we have clean, green gas. You get the same response from the Chief Minister. What will the price of electricity be? 'Oh, we have clean, green gas; it is never going to bother us. It is never going to bother us, we have gas'.

There are tens of thousands of houses across the Northern Territory relying on diesel for their electricity generation. It seems to me that these guys just ignore the rest of the Territory, which comes as no surprise to people on this side of the Chamber. It is one of the reasons the member for Macdonnell defected from the Labor Party and is now sitting on this side of the House. She recognises that people on that side of the House, the Labor Party members, have no regard whatsoever for people in the bush. They could not give a toss about them. They absolutely do not give a stuff. At the end of the day, you say: 'Oh, what about their power prices?' They cannot answer that, but it is averaged across the board, and you know, we have clean, green gas. Before you know it, you get the member for Casuarina standing up, speaking double Dutch, everyone goes to sleep, and we hope the problem goes away.

It is an appalling situation. We have a government that says: 'We are not going to do anything that leaves Territorians worse off', but we are not for a second going to support the will of the parliament which demands the government call on their Labor counterpart in Canberra, Julia Gillard, to grant a carbon tax exemption for

50 years for the Northern Territory. They will not do that.

They have no idea what a carbon tax will do to the cost of a litre of milk, a tonne of structural steel, a cubic metre of concrete, an airline ticket from Darwin to Maningrida, or the price of electricity in a place like Ramingining - and they expect to be taken seriously! They expect that when the Chief Minister stands up and says: 'We have the most pro-development government in Australia's history', people believe them. You have to be joking! They do not know whether the price of concrete is going to go up or down, the price of steel will go up or down, or how you get workers into the bush. They do not know whether airfares are going to increase or fall. What an absolute, utter joke of a government we have at the moment.

I said in Question Time that it is a government full of lap dogs for the federal Labor government in Canberra. They can do whatever they like and these guys will do whatever they can to apologise for them. They blow a heap of money in a bodge school hall program, but these guys will stand up and say: 'Oh no, it is marvellous'. Thousands of houses burn down because of the pink batt debacle, people die, businesses go bust, but these guys say: 'Oh no, no, nothing untoward there'. We toss out \$10bn in cheques all over Australia and this mob say that is fiscally responsible. Goodness me, how bizarre are these people up here?

One thing is for certain - this mob here - you will never see them stand up for the Territory, you will never see them stand up for Territorians; not when Julia Gillard is in the picture. They will always back Julia.

We saw today in Question Time the crocodile tears about the super clinic in Darwin. We all know the super clinic is a bit of a joke. We knew it was never going to work anyhow but these guys are saying: 'Oh no, no. This is terrible'. What have you actually done about it? Have you started putting advertisements in *The Australian* condemning Nicola Roxon and the federal Labor government? No.

I remember the time when McArthur River Mine facing certain closure waiting on that rock star, Midnight Oil man, Peter Garrett, Environment minister at the time, to make a decision on the future of the McArthur River Mine. What did we hear from the Northern Territory government? 'Give him time, give him time. Let him take his time'. Four hundred workers, direct workers for the mine out of work, put on standby. 'Oh, no. We will wait over the Christmas period. He will make a decision when he comes back from

holidays'. No, you would not stand up for Territorians then.

The nuclear waste facility was mentioned last night on Q&A. You spent \$1m of taxpayers' money campaigning against John Howard. Last election, did we see you spend \$1m campaigning against Julia Gillard? Will you spend \$1m next campaign campaigning against Julia Gillard? What a joke. Of course, you will not.

**A member:** Do you mean Kevin Rudd?

**Mr TOLLNER:** Yes, Kevin Rudd will probably be running the next one. You know, the mineral resource rent tax. You are quite happy to get up and brag about the rosy future the Northern Territory has as far as mining is concerned, even though we only have a handful of mines here and every other mine that has tried to get up, you have condemned. Look at Angela Pamela and these other mines up and down the track. Which is the one that has gone to Adelaide?

**A member:** Arafura.

**Mr TOLLNER:** Arafura Resources. That was an unbelievable project for the Northern Territory. What did this mob do? They sat on their hands and watched that work go interstate. What an absolute shame! What a joke of a government you are. What have you said about the mineral resource rent tax? Nothing. Not boo. Just appalling, absolutely appalling!

You will never see this mob stand up for the Territory. Never. No matter what harebrained scheme is cooked up federally, no matter how loony the idea, these guys will always back them, and they will always back them to the detriment of the Northern Territory. This last fortnight has been absolutely treacherous the way they have acted towards Territorians. You have a strong motion on the books from the whole parliament supporting a 50-year exemption from a carbon tax, and what do we hear? Mealy-mouthed excuses about why it is going to be good for us. You have to be joking! We are a developing part of Australia. We need concrete, we need steel, we need airline services, we need milk for God's sake, and you guys have no idea how the carbon tax is going to affect the price of any of it. What an absolute joke you all are.

This is a matter of definite public importance and I will be interested to see who responds to this MPI tonight and if we get any figures about whether the price of milk, concrete, and steel will go up. It would also be good to know what impact this is going to have on houses in remote communities. We talk about trying to get jobs and opportunities going in remote communities. How

can you do that with a jobs-destroying new tax that sees businesses go overseas?

We see in the paper today that BHP is offloading a third of its aluminium business because it is not globally competitive; it is not making enough profit on that industry in Australia. Goodness knows what a carbon tax would do to those industries. They call aluminium solid electricity because it uses a hell of a lot of electricity in its production, but you see the big Australian saying those things about its aluminium arm. It sends shivers up your spine when you think here we are in the Northern Territory and we have Alcan Gove only a few hundred kilometres away - a major employer. I am very interested in what the member for Nhulunbuy has to say on that topic; whether she is going to oppose this carbon tax or starts talking about the impact it is going to have on some of her constituents.

Madam Speaker, the way government treats the Territory population is wrong. I hope this matter of public importance is supported ...

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

**Mr HAMPTON (Natural Resources, Environment and Heritage):** Madam Speaker, I acknowledge the matter of public importance before us. It is an important issue, not only for the Territory, but also for this country. The issue has been long-debated. We heard the member for Fong Lim has many issues regarding the Northern Territory. Our Chief Minister has been very open and public on where the Northern Territory government stands on the price on carbon. Since the Prime Minister announced plans to introduce a price on carbon, our Chief Minister has consistently made the following comments regarding the Territory's position.

The Chief Minister has consistently stated the Northern Territory government's approach is we should not be penalised for using clean gas, unlike the southern states that rely on fossil fuels, particularly coal, for their power supplies. That is the first point, which has been very clearly put by our Chief Minister. We do not want to see Territorian's worse off under this, and the Chief Minister has been consistent about this position, member for Fong Lim.

The other issue is Territory families. The member for Fong Lim raised many issues, but I like to focus on the opportunities provided by the price on carbon. He talked about regional areas and the opportunities for jobs and that is where I like to focus, member for Fong Lim. As a Territory government, we have a responsibility not to walk away or see where we can block it, but to see where there are opportunities for all Territorians;

whether they are in Darwin and rely on gas to power their electricity, or whether they are in remote communities and need to look at renewable energy and the future for their energy supplies.

As a government, it would be neglectful not to seize on the carbon price opportunities that are now with us. I see many opportunities, both as a bush member and as a minister and the member for Fong Lim did not talk about this in his contribution to the MPI.

The member for Fong Lim also did not mention the position of the Coalition leader, Tony Abbott; his pledge that if he were to win government, he would abolish the carbon tax. What sort of uncertainty does this message send to the business community and the electricity industry? What uncertainty do we now have with the comments from the Leader of the Opposition in Canberra, Tony Abbott, and his pledge to abolish the carbon tax if he was elected Prime Minister at the next election?

This government and I are focusing on the opportunities. We know that nine out of 10 households will receive assistance. This is something the member for Fong Lim did not talk about, particularly in relation to our Territory perspective, through tax cuts, changes to family payments, and pension rises. It is important for government to send a clear message to the Territory community: we now have a price on carbon; it is with us. How do we now maximise those opportunities for Territorians, as all dutiful governments should be doing?

The many opportunities are the focus of my contribution tonight. In household assistance, around seven in every 10 families will receive tax cuts and increased family payments. Nine in every 10 households will receive a combination of tax cuts and direct payments. Household assistance in the form of tax cuts and other assistance payments of \$14.9bn will apply from 2011-12, and to 2014-15. In household assistance, the tax-free threshold will increase from \$6000 to \$18 200 from 1 July 2012, and to \$19 400 from 1 July 2015.

Also, from 1 July 2012, around 60% of taxpayers - those earning up to \$80 000 per annum - will receive a tax cut of at least \$300 per year, and after 1 July 2014, this will increase to at least \$380 per year. Further household assistance provided under the price on carbon is self-funded retirees and recipients of the pension, Family Tax Benefit, Youth Allowance, Austudy, and Abstudy will receive a 1.7% increase to their payments. This assistance is important to the Northern Territory and particularly to Territorians in those financial circumstances.

Regional assistance is also important and this government, with all our bush members, our strong bush team, has looked carefully at what assistance there is for the regions and their electorates. In addition to the generous compensation package for households, the Australian government will provide the following assistance to support regional Australia, something the previous Howard government did not do.

Agriculture and land sectors are excluded as a liable sector under the carbon pricing mechanism. Farmers, forestry, and fishery activities will not be exposed to a carbon price for off-road use of fuel or on-road use of light vehicles. \$420m over six years will be provided to increase participation in carbon farming initiatives. \$200m over seven years will be provided for regional structural assistance to strongly affected areas. Also, \$1bn over four years will be provided for land sector research, abatement, and biodiversity protection, and \$946m over six years will be provided to support farmers, community groups, and natural resource management of biodiversity.

This government's commitment, and with us not walking away from the opportunities that come with a carbon tax from a regional perspective, there are huge opportunities for the Northern Territory and for those living in remote and regional areas.

With Indigenous assistance and, of course, in the Northern Territory, our population of Indigenous people is growing. It is around 30% now, so this is an important area of opportunities for Indigenous Territorians. To support Indigenous Australians to implement carbon farming projects, the Commonwealth intends to provide \$22m over five years for the Indigenous Carbon Farming Fund. Also, \$40m over five years will be provided for the Remote Indigenous Energy program to provide financial support to assist Indigenous communities to access clean, affordable, and reliable power supply and manage energy efficiency in around 55 Indigenous communities across Australia.

The Northern Territory government will work closely with the Australian government to maximise the benefits to the Northern Territory. We will not be trying to block these opportunities to Territorians and, importantly, the benefits to Indigenous Territorians that flow from these programs. Small to medium businesses will benefit from an increase to the small business instant asset write-off threshold from \$5000 to \$6500 for depreciating assets to encourage investment in new energy-efficient assets. Also, a \$40m grant program is proposed to deliver energy efficiency information programs to small to medium businesses and community groups.



Compensation for targeted assistance to the emissions-intense, trade-exposed industries will be provided through the Jobs and Competitiveness program. These industries will receive assistance at a rate of 94.5% free permits to the aluminium, steel, glass, zinc, and paper industries. Also, 66% free permits to the plastics, chemicals, tissue, and ethanol industries, and assistance to the LNG projects at a rate of 50% free permits for the first year. With business assistance, and those emissions-intense, trade-exposed industries, these rates will reduce by 1.3% per annum as under the Carbon Pollution Reduction Scheme or CPRS, it is expected that 40 to 50 different activities will be covered. The program will provide \$9.2bn in assistance over 2011-12 to 2014-15.

I will continue with the opportunities. There are other significant investment streams. The Clean Energy Future package has a strong focus on transforming Australia's energy sector towards lower-emission intensity and renewable energy technologies. Also, renewable energy investments and programs under Clean Energy Future complement the existing national commitment to achieving a 20% renewable energy target in Australia's electricity market by 2020. Other significant investment streams include the Clean Energy Future. The program provides for the establishment of an Australian renewable energy agency to manage \$3.2bn over nine years for renewable energy projects. There is also \$800m over seven years for the Clean Technology Investment program providing competitive grants for manufacturing businesses to invest in energy-efficient capital equipment and low-emission technologies, processes, and products. Also, \$330m over six years for the Low Carbon Communities program, which will provide grants to local councils and communities to improve energy efficiency in councils and community-used buildings and facilities, providing many opportunities for municipal councils and shires. These new funding streams present significant opportunities, particularly to Territory shires and councils.

The compensation package under Clean Energy Future is a significant investment and provides a robust buffer to the Australian economy to protect Australia's growth and living standards, while harnessing green energy, land sector, and energy efficiency opportunities. There are four components to the Clean Energy Future package: a carbon price, renewable energy, energy efficiency, and better land use. The renewable energy components of the Clean Energy Future package will provide additional mechanisms to foster the development of technology, demonstration projects, and commercial investment in renewable energy in Australia.

The Power and Water Corporation, as the dominant wholesale electricity supplier in the Northern Territory, is required to meet with the Australian government's renewable energy targets of 20% by 2020. Activity towards meeting RETs include significant investments in solar power, including six operational stations and four on the way; landfill gas generation; rooftop solar PV, and solar hot water systems. The solar farm in Alice Springs, which is the largest tracking solar array in Australia, was commissioned in mid-2011. The solar farm will produce about 2300 MW hours per year, which is enough energy to supply about 288 average Alice Springs homes. The Power and Water Corporation developed the project as part of its contribution to the Alice Solar Cities and monitoring market developments in large-scale solar PV, solar-thermal, geothermal, tidal, and biofuels.

The Northern Territory's most prospective renewable energy resources are solar, geothermal, and tidal. These renewable energy resources coincide with most experimental and emerging technologies and the Australian government's renewable energy targets at-least-cost mechanism will profitably deliver the cheaper and more commercial technologies such as hydro, wind, and biomass. The Australian government modelling shows additional support is required for renewable energy investment to occur in the Northern Territory under the renewable energy targets.

Madam Speaker, the list goes on. It is important to acknowledge the opportunities that come with a price on carbon, and be part of that opportunity. In the Northern Territory context, we have launched our Northern Territory Climate Change policy. Those targets and actions are well under way, and it is all about embracing the green economy of the 21<sup>st</sup> Century. It is a comprehensive action plan to combat climate change, which again, is a very important thing to remember. Developed over a two-year period, our Climate Change policy with significant input from Territorians, particularly business and industry as well as environment and community groups, will ensure the Territory economy is strategically placed as a green resource base into the future.

The five headline actions in the policy are:

1. by 2018, the Territory government will be carbon neutral;
2. by 2020, at least four million tonnes of carbon per year will be removed from the atmosphere through better land management. Working with business, landholders, and the community, the Territory can become a major player in

the emerging carbon economy, assisted by the establishment of the new Carbon Fund arrangement;

3. the Territory will be will be a low land clearing jurisdiction, protecting the 'carbon bank' in our landscape. The rate of clearing will be contained. The government will introduce native vegetation legislation to protect Territory vegetation;
4. by 2020, the Territory will be a world-leading generator of renewable and low emissions power in remote communities; and
5. the Territory will be at the forefront of efforts to save the best of our priceless coastal wetlands, at risk from rising sea levels – through specific interventions aimed to reduce salt water intrusion, protect fishing, and save biodiversity.

In making this easy call for a moratorium on the biggest polluters to pay the carbon price, the member for Fong Lim is calling for Territory working families to miss out on a clean energy future and the opportunities and compensation package that go with it. What will make Territorians worse off is the sort of scare campaign the member for Fong Lim has come up with. By excluding Territorians from doing their fair share of work in making the world safe from climate change, the member for Fong Lim is also dropping Territorians out of the compensation package going to working families. So not only is the member for Fong Lim's proposal ridiculously impractical, as he always is, it will make Territorians worse off.

What will make Territorians worse off is not the price on carbon; it is the member for Fong Lim and the CLP's idea to cut us off from the compensation package.

Madam Speaker, we do not support the MPI on this side of the House. We support the opportunities that come with a price on carbon.

**Mr CHANDLER (Brennan):** Madam Speaker, if it looks like a duck, waddles like a duck, and smells like a duck, it usually is a duck, and we have been sold a duck. The carbon tax is nothing but a fraudulent way of getting more money from taxpayers in this country. You can yawn over there. You can yawn if you like, but the reality is a government has finally found a way to tax air. I did not think it was possible, but it found a way to tax air - this component of air we all need - because it goes into plants and is put out as oxygen. It is part of the natural environment. The carbon tax is environmentally useless and

economically damaging. We know it, you really know it, and it is going to do nothing because it has been sold as the thing to do to solve climate change, and that is so wrong.

I am going to quote Wayne Swan – ABC 7.30 *Report*. His words: 'The carbon tax is a long-term plan for the strength of the economy'. That is it! No mention of climate change, pollution reduction, or improving our environment; it does not even mention any investment in renewables, just a tax.

Let us look at our recent history. First, we had the ozone layer. Strangely, commentators do not seem to speak about that much anymore, although currently one of the Arctic areas is again at the fore. Then we had global warming. Again, it is not spoken about much anymore. That term is not used.

Why? Perhaps the evidence – what the Labor pundits would have you believe supports their notion that carbon dioxide is the single biggest threat, the biggest moral dilemma of our time - the evidence, in fact, shows that global temperatures have fallen over the last decade. So, there goes global warming. Where carbon dioxide has shown to increase in the atmosphere, the global temperature has actually fallen, and that is scientifically proven. Then we have anyone who dares to question the science. Even scientists who question anything are simply labelled as sceptics by these people.

The last time I checked we lived in a democracy. People's opinions do matter. Not any more, not to our Prime Minister who does not have a mandate to introduce a carbon tax. People should be listened to, but this government does not, and the Northern Territory Labor government has not stood up for Territorians. You cannot question the science of climate change. No doubt, you cannot. What annoys me more than anything else is if you dare to question information put forward by certain scientists, you are labelled a sceptic. Before you even get a chance to ask a question, you are a sceptic. If you are from the conservative side of politics, you are a sceptic.

You are trying to sell a carbon tax as a way to change something that is always going to change, has always changed, will continue to change in the future - and no climate change or carbon tax in the Northern Territory or anywhere else in Australia is going to make one iota of difference. If it could be measured, I will leave the room, because the difference we are going to make here in the Northern Territory, let alone Australia, will not be able to be measured and compared with the rest of the emissions in the world.

We have heard everything. We have heard Prime Ministers say: 'Salt water is going to inundate Kakadu'. It did once, many millions of years ago. There is evidence it was there and probably will be again millions of years from now. That is climate - not a year, not a decade, not even hundreds of years, but in thousands, if not millions, of years, the climate has changed.

Apparently today, if you question it, go directly to gaol; you are a denier. You are not allowed to question the science. What annoys me in this argument is we have scientists from both sides, and if you are a person like me - I am not a scientist - who do you believe? You have one group of scientists saying climate change is real. Of course it is real, it has always been real. However, it is the man-made carbon dioxide that is making us get to the edge; we are going to fall over the edge. If we get to the edge, we are not going to be able to bring it back; we are not going to be able to stop it. So, we need to introduce a carbon tax; put a price on carbon. It is going to make all the difference. It is going to save us from the world ending. What a load of crap! What an absolute load ...

**Madam SPEAKER:** Member for Brennan, I would like you to withdraw and reword please.

**Mr CHANDLER:** Well, it is not a nice thing, Madam Speaker. I will withdraw 'crap' but ...

**Madam SPEAKER:** Indeed, you will, member for Brennan.

**Mr CHANDLER:** It is not honest and open push this agenda which is just a political agenda suiting one set of scientists. I have had a look at this. I found it interesting that there is a set of scientists who are pushing human-made climate change, and there is another group of scientists who are saying the science does not actually tell us that; it tells us the climate has always changed, it will continue to change, and we do not have that much of an impact in the big scheme of things. A volcano can put out as much carbon dioxide into the atmosphere as we can do in decades. It is not quite right.

Those who are playing the climate change game are scientists who are making a dollar. They are the ones who are making a dollar out of governments and businesses around the world because they see a dollar in it. They finally have a government, the Australian government, which has taxed air. They finally got what they wanted. The scientists not making dollars are the ones standing up questioning the science on climate change, and the degree to which mankind has been contributing to our changing climate.

Just the other day on the ABC, I heard the term 'climate shift' mentioned. I wonder if this is the new term to be used in the debate - the next in a long line of terms dropped as science disproves or is found to be not as accurate as first thought.

I find it astounding that in December this year, we have the UN meeting in Durban as a follow-up to Copenhagen. The astounding part is Greg Combet, Bob Brown, Christine Milne, not even Tim Flannery or Professor Ross Garnaut, is going to attend. Too busy, it would appear, to speak on what former Prime Minister, Mr Kevin Rudd, called 'the greatest moral challenge of our time'. Too busy, each and every one of them. You might expect, perhaps, one or two would have more important issues than the greatest moral challenge of our time to deal with - but all of them?

I would certainly like to know what appointments Greg Combet, Bob Brown, Christine Milne, Tim Flannery, and Professor Ross Garnaut have in December this year that would preclude them from attending what, in their minds, is the forum discussing the most important thing they think exists today - the great moral challenge of our time. No, they must be too busy; perhaps dreaming up other dumb, stupid ideas without thinking for once about the community, the cost to the community, and what the ramifications may be to our economy.

I will read you an article from the *Daily Telegraph* I found interesting. It says :

*The Labor Party is heading for self-destruction if it keeps Julia Gillard at the helm and goes ahead with the carbon tax. The majority of Australians are not as gullible and ignorant as the government may think to be fooled by spin. This tax on big polluters which we will finish up paying, for which the government has no mandate, was not introduced to save the planet but because the wasteful, spendthrift government needs more revenue. If the government goes ahead with it, there will be a lot of very angry people across the nation who will vent their anger at the next election.*

I suggest that is going to turn out to be the truth. A political reporter, Alison Rehn, reports:

*The number of big polluters to be hit with the carbon tax fell yesterday - at least for a few hours - when a senior Commonwealth official claimed it would now apply to as few as 400. When Prime Minister Julia Gillard unveiled details of the tax last month, she said it would apply to Australia's 500 largest carbon polluters. Kevin Rudd's carbon pollution reduction scheme was to have hit*

*1000 companies. But, Department of Climate Change secretary, Blair Comley, told a sometimes hostile parliamentary committee yesterday: 'It's more likely to be around 400, 450'. However, last night Mr Comley was forced into an embarrassing backdown, claiming he misspoke. 'The department's best estimate is that the number of liable parties will be around 500', he said in a statement.*

So how many businesses will be affected? 1000? 500? 400? In this parliament, the Northern Territory government has no idea what the effect of the carbon tax is going to be on the Northern Territory, let alone the rest of the country. The carbon dioxide debate, climate change debate, puts us environmentalists - and I know that might sound funny from this side and you might not consider me an environmentalist, but I truly care about our environment - this argument, this climate change, climate tax, has put back environmental initiatives in this country for perhaps decades. The argument itself, save the pun, is a waste of oxygen. Regarding this carbon tax, because it has been sold to solve climate change and we know it will not, why is the government upset that some people think they are being ripped off?

The science is there for all to see, and if you look at models done in regard to temperatures that were taken thousands of years ago, taken from ice samples, they will clearly show there was a time when there was more than 15 times the carbon dioxide in the atmosphere than there is today. The world still exists. The world has moved on. Funnily enough, at about that time, organisms took over and we started to have trees, plants, and other things. And what happened? Carbon dioxide levels fell because nature took over. Nature will continue to take over. We put out relatively few carbon emissions compared with what this planet can do any single day and anything you think you are going to achieve by introducing a carbon tax to change our climate is absolutely ridiculous.

In any other life, people would just laugh and think you were joking. In fact, scientists are saying: 'If we do this, if we follow this letter to the rule, in 100 years from now, we may have saved half a degree'. That is going to make icecaps melt around the world half a degree. Most of the ice in Antarctica is probably minus 40 to 60 degrees. If the temperature goes up half a degree, guess what? It is still ice. It is still ice because minus 39.5 to 59.5 is still below freezing, so how is all this ice going to melt if in 100 years the temperature goes up half a degree? Useless ...

**Mr Knight:** You are an idiot.

**Mr CHANDLER:** Useless. That is what the science is telling us.

**Madam SPEAKER:** Minister for Business, I ask you to withdraw that, please.

**Mr Knight:** I withdraw, Madam Speaker.

**Mr Giles:** Does he have to withdraw?

**Madam SPEAKER:** He has already withdrawn. Thank you, member for Braitling.

**Mr CHANDLER:** I feel we should, if we can, find practical ways to improve our environmental footprint on the world, anyway. I am one of those people who think we should not wantonly pollute the environment, and most in this House would agree. We should do what we can to protect our environment, because if we did not have those types of regulations in place, we would have unwanted pollution from any site around the world going into our environment. We do not want that, but this carbon tax has nothing to do with it.

I worry about the practical things we could do. The other day, I was looking at one of these new fandangled light bulbs we use today that do not last anywhere near as long as they say on the side of the box. I am forever replacing the damn things. They are expensive, they are heavy, and they have to be transported. When you start to break down the real cost of these new globes, I wonder. The side of one box listed the toxins in these particular bulbs; of which lead was one. Where do they go? Into our landfills. We do not seem to be worried that we have lead in these new bulbs. I looked in the cupboard and found an old incandescent bulb. Do you know what is inside them? A vacuum. So, comparing an old bulb to a new bulb - admittedly, there is less energy used in a new bulb compared with an old bulb - but what about the toxins?

What about other things we are doing to our environment that, unfortunately, people on the other side obviously find funny. I hope everyone is listening to this. They are all laughing, they think this is funny; they think climate change is funny. They think this tax that is going to cause unwanted additional cost to Territorians is funny. You want to wake up to yourselves. If you really think you are going to change people's habits, how does compensating them change their habits? It is a ridiculous notion.

I would like to leave you with this: I cannot stand, as an Australian, being ripped off, and I get irked to the stomach when someone, whether it is a mechanic, or some other person has ripped me off; you get this sickening feeling in the stomach. Well, I feel I am being ripped off, and I believe most Territorians, most Australians, think they are

being ripped off by this Australian government. You guys suck because you have not stood up ...

**Madam SPEAKER:** Member for Brennan!

**Mr CHANDLER:** I withdraw that.

**Madam SPEAKER:** Thank you, and your time has expired.

**Mr GILES (Braitling):** Madam Speaker, I support this matter of public importance brought forward by my colleague, the member for Fong Lim. I will not be exhaustive in my comments, but I pick up on a comment made by the Minister for Business and Employment during Question Time today. He said: 'We in the Territory will actually be better off through this carbon price'. I would say most Territorians would disagree with the minister for Business' point of view. Shame on the member for Daly; shame on the Minister for Business and Employment.

Businesses in the Northern Territory are saying they do not want this carbon tax. In the Northern Territory, a jurisdiction of Australia, we have a minister for Business who is supporting a carbon tax and saying to all his business constituents throughout the Northern Territory how fantastic it is going to be. Businesses I speak to do not support this carbon tax. This government blindly supported the carbon tax in this parliament all those months ago, yet today is not able to respond to one question about the cost implications on anything - the price of milk, the price of concrete, the price of steel. Surely, Treasury has done modelling on the cost implications for the Northern Territory. The cost of living in the Northern Territory is one of the biggest issues whether it is housing, grocery prices, or electricity prices, which is run by the minister for Business who seems to be happy with the new carbon price and says how fantastic it is going to be for the Northern Territory.

Our questions today on the price of milk were real. How much will it go up, because mums and dads have to buy milk for their families? How much will the price of nappies go up? How much will the price of shampoo, makeup, or dare I ask, a carton of beer go up? It is important for all of us to know these answers. We seem to be blackmailed by the Greens, through Labor, which is going to have a negative impact on all our lives.

I would like to explain briefly what the carbon tax would mean to the transport industry. The Minister for Transport today tried to say the carbon tax is not going to affect the transport industry. We know it will affect the transport industry. The time line of when it comes out will be different from the immediate start up, and we do not know the exact amount of the carbon price

when the transport industry is affected, because it is based on market mechanisms. But we know that at a rate of \$23 a tonne, the price of petrol will go up by 5.41¢ per litre under the carbon tax. Mums and dads who are paying for petrol for their family car, driving their family around, need to know petrol will go up by 5.41¢ per litre. As if it is not already expensive enough in the Northern Territory. As if we are not already pinned in the backside by the cost of living pressures we feel.

The minister for Business stands in this Chamber and says he welcomes the carbon price. Mums and dads do not welcome paying 5.41¢ per litre extra for their petrol. People who drive diesel four-wheel-drives do not want to be paying 6.16¢ per litre extra under this carbon tax which Australians do not want, which Territorians do not want. It seems the only people who want this carbon tax are crazy Labor members and the Northern Territory minister for Business.

My colleague, the member for Fong Lim, made the point about the will of the parliament. The majority of members of this parliament passed a resolution that we would go to Canberra and demand a 50-year exemption from the carbon tax. It is on the shoulders of the Chief Minister to follow through on the will of the parliament. If the will of the parliament is we do not want a carbon tax, we fight for that.

There have been a couple of jibes and comments made here about the Q&A show last night. There was a question about Territory lifestyle and how the Territory is different. I sat there watching the show thinking much of this has to do with national regulation, COAG reforms, the streamlining of all the states and territories. The Territory used to be a place where they told Canberra to get lost. I understand many of the national regulations and the streamlining that comes through makes sense. But, there has to be a line in the sand when you say: 'Hey, we are different here'.

This is what is important in the carbon tax debate: we are a junior jurisdiction; we are still young. We are still developing. We heard tonight about the small number of mines we have. We know the Northern Territory economy is in a difficult place. We know tourism is currently in a very bad spot, particularly with the performance of the Tourism minister, but also because of things that impact on us like the Australian dollar. Yet we have a carbon tax, which is going to send the price of every single aeroplane ticket up. It will be dearer to get to the Northern Territory and it will be dearer to get out of the Northern Territory. Tourists coming here will have to pay more, and mums and dads will have to pay more to go out.

It already costs about \$350 one-way to get from Alice Springs to Darwin. That is crazy as it is, and now we are going to have an increase. If you look at the regional communities - Maningrida was used as an example today, with Airnorth tickets. How much extra are Maningrida residents going to have to pay to come to Darwin because of this carbon tax? The Chief Minister should have taken the will of the parliament and gone to Canberra and demanded that we are out for 50 years - 13 members out of 25 voted for it - that is what you have to do. To stand here and blindly follow Julia - I mean there are not many of you in the line, there is only 26% of you - but to stand there and blindly follow ...

**Madam SPEAKER:** Member for Braitling, I remind you that we refer to people, particularly from other parliaments, by their titles. Can you reword that, please?

**Mr Tollner:** The member for Lalor.

**Mr GILES:** Yes, no worries. No problem. The member for Lalor ...

**Madam SPEAKER:** No, member for Braitling, it is, in fact, the Prime Minister.

**Mr TOLLNER:** A point of order, Madam Speaker! She is also the member for Lalor.

**Madam SPEAKER:** Indeed, but in this context she is the Prime Minister, as you well know, member for Fong Lim. You will resume your seat!

**Mr GILES:** To see so few Australians blindly following the Prime Minister into her hour of darkness with this carbon tax, and to see the Chief Minister and his merry men and women standing beside them - the few numbers there are - parading the benefits of a carbon tax to the Northern Territory, a carbon tax which will drive petrol prices up by 5.41¢ a litre and diesel prices by 6.16¢ a litre; it beggars the question about who he is really standing up for.

The Chief Minister should be condemned for following and supporting the carbon tax but, more worryingly, not supporting the will of the parliament and fighting for the Territory. Canberra bashing is a prime opportunity to get political success for any Chief Minister but, as with the live cattle debate, he stands there and kowtows to the Prime Minister. 'Oh no, we support the live cattle debate, we think it is good for the Territory', said the Chief Minister. 'Oh, carbon tax, bring it on. Minerals resources rent tax - we will have some more. Shall I bend over and you can feed me a bit extra?' This is what is occurring in the Northern Territory. The Chief Minister has to stand up to his own people.

The member for Fong Lim was right when he spoke of the million dollar advertising campaign about the nuclear waste dump, but we see nothing now. We see nothing now we have our federal union buddies in Canberra. Bash them, no matter what colour they are in Canberra - Liberal or Labor. It is about standing up for the Territory and this carbon tax is going to hurt the Territory. Put your own fuel in your car, not government-paid fuel, and you will see how much it actually costs: 5.41¢ a litre extra in petrol is outstanding! With the distances we have to travel, we have to put so much fuel in our cars; the cost implications will be enormous.

There are families who will struggle under this despite what the minister for Business, who thoroughly supports this carbon price said, it is going to be good for Territorians, good for business. He seems to be out of touch. Despite what he says, it is going to be bad for the Territory - it is going to be bad. He said: 'Oh, no, every Territorian will be compensated'. Well, that is just - I know I cannot use the words 'lie', 'mistruth', or 'mislead', but it is downright factually wrong. He has not given correct information to this parliament, which is now in *Hansard*. Not every Territorian will be fully compensated; not every Territorian will be actually compensated.

Territorians will be paying the full impact of your power prices, minister for Power and Water. The power prices are going up by 22% a year - plus the carbon tax on top of that. You should hang your head in shame for the comments you made today ...

**Members** interjecting.

**Madam SPEAKER:** Order! Order!

**Mr GILES:** You should be hanging your head in shame, with the Chief Minister, for his support of the carbon tax and not standing up for this parliament and Territorians to oppose this carbon tax and the cost implications that are coming on the Territory.

I challenge you, minister for Business, do your homework with the Treasurer and find out what the actual cost is going to be on goods and services in the Northern Territory. We want to know how much extra it will cost to build a house in the Territory - if ever houses are built. We want to know how much extra concrete will cost, how much extra steel will cost and, most importantly, how much bread and milk will go up in the Northern Territory. Put in place all the cost implications of the carbon tax across the broad spectrum and come back here and tell us what it is going to cost.

If you tell me you have known about this carbon tax for many months and have not done any modelling, as a government, to say what the cost of living pressures are going to be, shame on you. Shame on you! We deserve to know. Territorians deserve to know what the cost price factors are going to be on all grocery items in the Northern Territory, because a carbon tax is going to hurt many families.

Madam Speaker, once again, this is Labor not standing up for the little people. They are feathering their pockets for political gain, kowtowing to The Greens, and hurting the Northern Territory.

Discussion concluded.

### ADJOURNMENT

**Dr BURNS (Leader of Government Business):** Madam Speaker, I move that the Assembly do now adjourn.

**Mr ELFERINK (Port Darwin):** Madam Speaker, tonight I raise an issue with which you will be familiar ...

**Members** interjecting.

**Madam SPEAKER:** Order! Order! The member for Port Darwin has the call. Cease interjecting.

**Mr Knight** interjecting.

**Madam SPEAKER:** Order! Minister for Business!

**Mr ELFERINK:** Thank you, Madam Speaker. An issue you would be familiar with relates to, of course, the portrait that has caused so much controversy in recent times, which is the portrait of Margaret Somerville, which was entered into the Portrait of a Senior Territorian competition. I have a copy of the portrait here in a photograph, and I seek leave to table that, Madam Speaker.

Leave granted.

**Mr ELFERINK:** Thank you, Madam Speaker. Also, I produce for honourable members something they would have seen in the newspaper, which is the newspaper article surrounding the submission of the portrait and ultimately its rejection by yourself, Madam Speaker, as an inappropriate portrait for the terms and conditions of the Portrait of a Senior Territorian.

The reason I rise today is that the artist in this case feels quite aggrieved by the determination and subsequent comments made by you in the

public domain, so much so, that she has written to me and sought to have the matter raised in parliament.

Whilst I am not familiar with all the fine details of the issues surrounding your decision in relation to the portrait's rejection from the competition, it is clear from my readings of the rules and conditions surrounding the submission of the said portrait there is a certain amount of uncertainty in the interpretation of those conditions. The artist expressed the desire to have some explanation and, more than that, an opportunity to comment on what she considered was unfair treatment.

I will make this observation before I go any further: I would hope the purpose of art and art awards in our community is to embrace latitude and to allow that latitude to be cast upon any art exhibition. The purpose of art is to make us think, to challenge us, challenge our ideas, and to hold up people as noble members of our community.

Whilst I understand that Margaret Somerville no longer lives in the Territory and has not done so for some time - I think the 1960s is when she left - her contribution to the Northern Territory was truly remarkable. While she may choose not to call herself a Territorian anymore what has become clear, from my perspective, is her contribution to the Northern Territory has been more than substantial. This person did much to save the lives of many Aboriginal children in our community in the 24 years or so that she lived in the Northern Territory, particularly in the remote islands off the north coast.

I do not in any way intend to bring the good name of Margaret Somerville into any form of disrepute or controversy. Margaret Somerville has made an enormous contribution, and that contribution stands on its own merits, and I would be very cautious about bringing her good name into controversy. Moreover, I would not seek to bring into controversy the organisation which is named after her here in Darwin and continues to do a terrific job for the people of Darwin and the broader Northern Territory.

**Members:** Hear, hear!

**Mr ELFERINK:** We in this parliament do have a responsibility to allow people aggrieved by the actions of members of parliament, whether those actions are justified or not, or whether or not those actions are right in the eyes of the members of parliament or not.

Catherine Paton, the artist in question, has a strong history in the Portrait of a Senior Territorian award and has written a five-page letter, which I could not possibly hope to read out in the 10 minutes allowed to me to raise this issue. I do

believe, however, that she should be allowed to have her voice in this place. As a consequence, I come into this place as her voice to enable her to have her side of the argument placed on the public record.

As I said, there is a five-page letter attached to this and, before I table it, I seek leave to have this letter incorporated into the *Hansard* ...

**Dr BURNS:** A point of order, Madam Speaker! I am not trying to inhibit the member for Port Darwin arguing on behalf of this particular person, but I think it would be bad practice for this parliament to accept, without knowing the contents, any letter that could contain any sort of defamatory material.

We do not know what it contains, and I urge the member for Port Darwin to find a way he can précis or take extracts of that letter and get his point across without tabling, box and dice, holus bolus, this letter the content of which is unknown to us.

**Madam SPEAKER:** Honourable members, and member for Port Darwin, you will recall that, in fact, incorporation during Adjournment is really only for lists of names, for example, of students or people who have won awards. We have never allowed the incorporation of full letters for the very reason the Leader of Government Business has alluded to, which is that we are not able to see the material.

**Mr ELFERINK:** Madam Speaker, I am disappointed. Can I say that, from my memory, and I would have to double check, we have incorporated material, and more than just listed names, in the past. I can say that I am disappointed that this House would move to try to deprive Ms Paton of her voice in this place. Clearly that is going to be the approach of government in relation to this matter and your ruling on this matter is going to be clear. In that case, Madam Speaker, I seek leave to table the letter.

Leave denied.

**Mr ELFERINK:** Madam Speaker, I find that astonishing. This is the first time that letters have been withheld in this House. We table documents on a regular basis and the government is saying that Ms Paton is going to be deprived of her voice in this place because it does not suit the government of the day - over an art prize for goodness sake. To deprive Territorians of a voice in this place is the height of arrogance.

I can tell you, Madam Speaker, we table dozens of documents in this place on a daily basis, and it is never challenged, other than in the most rare and extreme cases. This case is

neither rare nor extreme. This is a throttling of Ms Paton's voice.

It disgusts me that the government would engage in shutting down the rights of Territorians in this place; and the shabby treatment of Ms Paton by this government in relation to this matter is just shocking. I cannot begin to imagine why this government would not allow a letter to be tabled because it is something that we do on a daily basis. I can tell you, Madam Speaker, Ms Paton would have every right - Paton-Smith, I should say - to feel grossly aggrieved by what is going on here.

I ask that the question be put again and that the Leader of Government Business reconsider his refusal to accept this letter being placed on the table.

**Dr BURNS:** A point of order, Madam Speaker! In tabling letters such as this, or any other document ...

**Mr ELFERINK:** Could we have the clock stopped, Madam Speaker?

**Madam SPEAKER:** Your time has actually expired.

**Mr ELFERINK:** This is an outrage. This is an absolute outrage. This is a disgrace.

**Madam SPEAKER:** Member for Port Darwin, resume your seat.

**Ms WALKER (Nhulunbuy):** Madam Speaker, I extend my congratulations to Nhulunbuy BMX Club which hosted the NT Titles on 7 and 8 October. Planning and fundraising for the event had been under way for many months, and the club can be very proud of the first-class event they staged. It is not the first time Nhulunbuy has hosted the NT titles on their home track.

There were a total of 137 riders aged between three and 54, with most of the riders coming from outside Nhulunbuy from other Territory towns. This included the club at Satellite City from Jingili, and also the Red Centre; but there were also a few riders from Queensland and one from Victoria.

Nhulunbuy BMX extended a very warm welcome and top notch hospitality to those who had travelled considerable distances to participate. With family members accompanying those competitors who travelled into Nhulunbuy, total visitor numbers associated with the event were around 300, which was fantastic for our local business community.

Being the school holiday week, many who had travelled in for the event chose to come early and



enjoy a few days in Nhulunbuy. I know the surf club opened their gates to enable families to camp there and some visitors I spoke with said they could not believe their luck to be staying at one of the most beautiful spots in our region, camped on lovely rolling green lawns, looking out to Bremer Island and the Arafura Sea with million dollar views to die for.

The event received strong support from local businesses - and I will list those who provided sponsorship. I was very proud to be one of those sponsors and was honoured and delighted to do the opening and welcome on the Friday evening and then sat back to watch some terrific racing.

I thank the committee members who worked so hard to pull the event together. Like many volunteer groups in our community, they are all busy people who have work and family commitments, then on top of that they find the time to organise a major event.

Congratulations to Donna-Marie Grieve, the incredible President of Nhulunbuy BMX, who was well supported by Teresa Betts; Andrew and Jackie Wilmott; Gavin and Kellie Roos; Rhoda Shine, the incredible canteen lady; Jodie Jennings; Ken Donovan; Jodie White; and Ken and Donna Leahy. Congratulations to Donna who was named as Nhulunbuy BMX's volunteer of the year.

Importantly, I place on the record the results for the Nhulunbuy riders which include three who gained NT firsts. They were Chloe Grieve, Charli Leahy and Tim Baxter.

There were also four children from the Nhulunbuy BMX Club who were invited to represent the NT team at the Aussies next year in the Dynamite Series. They take three NT riders in the 10s, 11s and 12s. They include Chloe Grieve, the 12-year old champion who will lead the girls; Megan Donovan, the 11-year old runner-up in her division; Dean Pierce in third spot in the 10-year old boys; and Josh Leahy in second spot in the 11-year old boys.

I will also list the following Nhulunbuy children and adult riders and the positions they ended up in at the conclusion of the NT titles:

In the 8-year-old boys young Remi Grieve was placed fourth. Amongst the 9-year-old boys Laurence Tankard was placed second; Alex Donovan was placed third; Jarod Betts was placed fourth; Lachlan Willmott was placed fifth; Jack Jennings placed sixth; and Denzel Shine was placed eighth. In the 10-year-old boys Dean Pierce was placed fourth. In the 10-year-old girls Megan Donovan was placed second. In the 11-year-old boys Josh Leahy came second; Bailey

Roos came fifth; Cameron Stiff came ninth; Lincoln Teagle came tenth; Ziggy Lynch was in twelfth position; and Matthew Peart in thirteenth position. In the 12-year-old girls Chloe Grieve came first. In the 13-year-old girls Reagan Roath came second; and Jordina Grieve came third. In the 14-year-old boys Tim Baxter came first; and Sam Baulch came sixth. In the 8 to 9-year-old girls Charli Leahy came first; and Jordan-Lee Roos came sixth.

In the Open Men, James Miegel came third; and Mathew Kelly came fifth. In the 30+ Women Cruiser fourth place was Amber Roath - I know Amber very well, I used to teach her a long time ago – and Donna-Marie Grieve, President of the Nhulunbuy BMX Club, came fifth. In the 30+ Men's Cruiser group Ken Donovan came fifth.

Congratulations to all of those riders.

Congratulations also to all the Nhulunbuy Sprockets who received trophies. They were:

In the 5 and Under: Hunter Grieve, Koby Brine, Luke White and William McIlrie. In the 6-year old boys: Cooper North, Ethan Daley, Ryen Thomas, Zachary Betts, and Ethan Dowzard. In the 7-year old boys: Jake Weldon, Alex Rogers, Blake White and Jacob Brine. In the 6 to 7 age group girls: Lara Weldon and Kassidy Willmott.

I also list the sponsors of the NT BMX Titles held in Nhulunbuy. The major sponsor, which was very generous, was NT Elite Cycles from Darwin, along with East Arnhem IGA and Mitre 10, Nhulunbuy Rotary Club, Toll, Northern Territory government, the New Look Salon, BC Autos, BIG Carpentry, Deltareef, CJ Manfield, Giovenco, Spokes NT, and Gorrkbuy Industrial Supplies. As I said earlier, I was also very proud to be a sponsor.

Nhulunbuy will be lining up to host the titles once again in 2015 and, if they are as successful as they have been in 2011, then we will all be very happy.

I would like to talk about the NAIDOC awards. On Saturday, 8 October, I attended the NAIDOC dinner at Nhulunbuy Town Hall. It was a very special night with a spotlight on the many talents and achievements of Indigenous people in our region. Congratulations to all award recipients on their well deserved recognition.

Scholar of the Year went to Multhara Mununggur, who is the teacher at the beautiful community of Laynhapuy Homeland of Garthalala, where we will see a secondary boarding facility built over the next couple of years. There is an existing secondary boarding facility already there

with students flying in from other homelands, and it will be significantly upgraded with some federal government funds.

Also amongst the awards, Youth of the Year Award went to Burrkitj Ngruwuthun, better known as 'Boogie'. The Caring for Country Award went to Dhimurru Land Management Aboriginal Corporation. The Visual Artist of the Year Award went to Ralwurrandji Wanambi. The Performing Artist of the Year went to Rachael Wallace, the incredible principal dancer with the Arafura Dance School. Apprentice of the Year Award went to Steven Dhurrkay. Sportsperson of the Year Award went to Arian Pearson. The Life Time Achievement Award went posthumously to Mr Maymuru, who very sadly had passed away in late June.

The evening's entertainment was provided by up-and-coming band, East Journey, an incredibly talented group of musicians. With their album launch coming up very soon, I suspect this group of young Yolngu men will be going places - no doubt in the footsteps of Yothu Yindi.

I also add that one of the band members is Arian Pearson - a young man I used to teach a long time ago, when he was in Year 9. He was named as Sportsperson of the Year, as I said, no doubt in part for his successful bid, through Robert de Castella's Indigenous Marathon Project, to race in the New York Marathon next month. Arian was selected six months ago to be part of the squad. He has worked tirelessly and really hard, and it has paid off with this announcement a few weeks ago that he has made the final squad and is off to the Big Apple. I know part of his training includes running from Yirrkala into Nhulunbuy - a one-way trip of 17 km.

Another local athlete who I know is a very talented footballer, Jamie Wunungmurra, has also been part of the program with Robert de Castella. Jamie has been selected in the Boston Marathon team which will allow him a couple of extra months to train. That event, I understand, is to be held in April.

Finally, I would like to talk about Gayili Marika Yunupingu who received the National Suicide Prevention Australia Indigenous Life Award, which recognises her efforts to tackle head-on the issue of suicide in her community.

Gayili was unable to travel to Melbourne to receive her award in September on World Suicide Prevention Day, as Gayili and her team had organised a commemorative event in Nhulunbuy which included an alcohol free event at Nhulunbuy Town Hall, where the Chooky Dancers from Elcho Island performed, along with Saltwater Band, also from Elcho Island. Apparently, some 400 people

attended this town hall event, and it was a huge success. Her work has certainly been going on for more than 10 years, but the Marn Garr Gumatj Suicide Prevention Group was formed officially in 2005.

Our local newspaper quotes Gayili about the work that she has done. She said:

*As a community we need to walk hand in hand and we need to pay more attention to people other than ourselves. When we see something is not right we have to do something about it and make sure they get the help they need. It is all about caring for each other.*

Gayili is quick to point out that she does not undertake this work alone, and she acknowledges the support she receives from her family that includes Murphy and Sharon Yunupingu, Sally Gurruwiwi Yunupingu, Roslyn Yunupingu and Janet Gurruwiwi Yunupingu. I apologise if there are family members I have left out, but that is the core group of family who manage this suicide prevention group.

Talking openly about suicide and the things which impact on young people's lives and takes them to the depths of despair to attempt suicide is the part of a body of work that our newest parliamentary committee investigating youth suicide in the Territory will be looking at. I hope, as we organise the schedule of public hearings for the committee, we may travel to northeast Arnhem Land to meet with people at Nhulunbuy, Yirrkala, and Gunyangara, and possibly Elcho Island, to talk firsthand with people who deal with suicide all too often - though I have to say, less since Gayili has undertaken her work. That has to be the stark measure of the success of any suicide prevention program - a reduction in the number of suicides.

I congratulate Gayili and her family on the significant body of work they do, and they continue to do, in dealing with youth suicide.

**Mr CONLAN (Greator):** Madam Acting Deputy Speaker, congratulations and welcome to the role of Acting Speaker; I am sure you will do a wonderful job this evening and into the future.

I would like to speak on something that is pretty close to my heart - the lacklustre approach by this government to the Qantas crisis. Before I do, I will declare my hand - I have a conflict of interest. I am unashamed to say that my wife works for Qantas; she loves working there. I am a big fan of the airline and I have been my whole life. It is one of the great iconic companies of this country and it has served the Northern Territory for a long time. Unfortunately, I am not sure how

long they will continue to serve the interests of Territorians.

This is a crisis that is unfolding as we speak. It is very serious and is caused by the un-Australian, selfish, single-minded actions of a bunch of unionists who are hell-bent on bringing down one of the greatest airlines in the world, one of the great Australian companies, putting at risk not only 35 000 airline jobs across Australia - ground staff, airline pilots, air stewards and stewardesses and the like, all those check-in staff right across the country and also here in the Northern Territory, in Alice Springs, Gove, and Darwin – but also the tens of thousands of tourism jobs in Australia and the Northern Territory.

As we know, a large percentage of those people live and work in the Northern Territory, and I was going to single out Central Australia, of course. Central Australia plays an enormous role in tourism across the Northern Territory and tourism plays an enormous and very important and crucial role in the economy of Central Australia, Alice Springs, and the whole of the Northern Territory.

We have a huge contribution to the Northern Territory economy; 386 000 tourists visited Alice Springs in 2009 alone. Tourism to the Alice Springs economy is worth \$300m-plus each year. The government website says in 2009, visitors in Alice Springs spent \$1225 per visit in Central Australia, compared with about \$1149 in Darwin. People are spending money; tourism is very important to Central Australia and indeed the whole of the Northern Territory.

This is a pretty serious crisis, and I do not think people really appreciate the gravity of what possibly could unfold here. It has only been 10 years since we saw union action essentially bring down another great Australian airline icon, Ansett Airlines. I know we were probably dealt a raw deal by Air New Zealand, a largely government-owned airline in New Zealand, but it has only been 10 short years since that happened. It is not beyond the realms of possibility that we may see something like this unfold again.

In the last 12 months, we have had shocking press about the tsunami of crime in Central Australia; the government admitted it had dropped the ball; and the police admitted there were some gaps in some of their policies. That reverberated right across the country, and Alice Springs was dealt a pretty serious blow to its tourism.

We saw a big and successful push by Tourism Queensland after the devastating floods at the beginning of the year directing many Australians to re-engage with tourism, take a trip on the Great Barrier Reef. To Queensland's credit but

unfortunately for the Northern Territory, it has been very successful.

We saw the suspension of Tiger Airways for a number of months in the middle of the year and now we have this very serious industrial action facing Qantas; industrial action that cannot be underestimated. Again, I have to say, where is the government and where is the Minister for Tourism when it comes to this? Where is the voice? Where is the Chief Minister standing up for the Northern Territory?

Yesterday, I heard Martin Ferguson - and I believe the member for Fong Lim has a pretty good relationship with Martin Ferguson because he is one of the few fair dinkum blokes on the other side in federal parliament - yesterday, he had the courage to stand up against his Prime Minister, against the unions, the unions that put him and Kevin Rudd in power in 2007, and said what these unions are doing is downright unAustralian. Not only are they putting at risk 35 000 jobs with this particular airline, but they are, potentially, also bringing the tourism industry in Australia to its knees. Of course, all those hardworking small businesses, those small tourism operators are doing it tough. Tourism has been on a slide of 1% per annum for the last 10 years; for the last decade tourism has been on the decline.

We need this like an hole in the head, this selfish, single-minded, unAustralian action by these unions, not only putting at risk tens of thousands of airline jobs, people who work in the airline industry here in the Northern Territory, but the flow-on effects to those small tourism operators, small tourism businesses across the Territory and, in particular, in Central Australia which is only served at this time by one airline. The ramifications for Alice Springs and Central Australian tourism are very serious indeed.

So, where is the Tourism Minister? Where has she been? She was silent for a long time on the Tiger Airlines issue facing Central Australia. Where is she when it comes to this industrial action with regard to Qantas and the potential issues facing this potential strike action, which I believe now has been put off for another 30 days, which only brings us closer to Christmas, the busiest time of the year? This could potentially bring many businesses to their knees or, in fact, send them to the wall. I say, minister, where are you?

Chief Minister, will you stand up for the Territory? Tourism Minister, will you stand up for the Territory? Will you call these unions out? Will you try to put some plans in place, some contingencies, because this is more serious than I believe many people appreciate?

To the unions I say: wake up! Eighty-two per cent of international passengers fly other airlines anyway, so to what end? What is the point of this? It does not make any sense. It is logic on its head.

We have a government obsessed with the Country Liberal opposition, mentioning the Leader of the Opposition and the Country Liberals, the brand, the Country Liberals, and any member they can pluck out ad nauseum throughout the day. We turn to a propaganda puff piece. Alice Springs is facing some serious issues with bushfires, but all we do is spend the whole day talking about propaganda puff pieces such as the Greening the Territory statement.

We have a government obsessed with the Country Liberal opposition, and not the things that matter for Territorians. I do hope that, as a member of the opposition and a member of the Country Liberals, we get the opportunity in less than 12 months' time, in August next year, to show Territorians just how important they are to us.

**Mr HENDERSON (Wanguri):** Madam Acting Deputy Speaker, I acknowledge this evening Martyn Rudolph Finger, who passed away earlier this month in Canberra. Martyn played a significant role in early development of the Northern Territory immediately prior to self-government and in the years following.

Martyn Finger was born in 1922. He held qualifications in mechanical engineering and industrial management, and was a Fellow of the Australian Institute of Management. Later in his career, as part of the Queen's Birthday Honours List in 1980, he was awarded the prestigious Commander of the British Empire for his contribution to public service, a reflection of his years in the federal and the Territory Public Service.

The early years of Martyn's career included war service in Europe and the Middle East with the Royal Australian Air Force. In 1951, he joined the Civil Aviation Department and was responsible for building airfields in remote areas of Australia, including far North Queensland, and went on to become Assistant Commissioner Methods in the Commonwealth Public Service Board.

In 1968 he came to the Territory with his wife, Audrey, and took up the post of Assistant Administrator, responsible for economic and social affairs

Of particular note was Martyn's service to the Legislative Council as senior official member from December 1968 until September 1974, playing a part in early law making in the Territory in the

lead-up to the first fully elected Legislative Assembly in 1974.

After a short time as First Assistant Secretary in the Commonwealth Department of the Northern Territory, Cyclone Tracy struck and Martyn took on the role as acting General Manager of the Darwin Reconstruction Commission during part of 1975, helping put in place the groundwork for the enormous task of rebuilding the city.

In January 1977, Martyn took up appointment as Director-General of the Department of the Chief Secretary under the then Majority Leader in the Legislative Council, Dr Godfrey Alan (Goff) Letts. This led to his appointment on 1 July 1978 as the first Director-General of the newly formed Department of the Chief Minister, which carried with it the role of Secretary to Cabinet. Significantly, this made Martyn one of the first public servants to officially transfer to the Northern Territory Public Service. He continued in this role until his retirement from the Northern Territory Public Service in November 1984. Even then his contribution to governments of the Territory continued with his appointment as a member of the Remuneration Tribunal from 1988 to 1998.

I would like to go back to Martyn's time as Director-General of the Department of the Chief Minister and talk about some of his achievements in this role. As Director-General, Martyn Finger established the new department to meet the policy, research and support workloads that arose with the advent of the Territory government. To give some idea of the breadth of challenges facing the new departments in the Territory, you only need to look at the list of functions established in the department at that time:

- Office of Special Development Projects to coordinate the developments of uranium projects in the Alligator River region and the adjacent Kakadu National Park, and the construction of the Jabiru Township to service the mining industry;
- Office of Aboriginal Liaison;
- Office of Policy and Planning;
- Office of the Administrator;
- Office of the Coordinator-General;
- Office of Industrial Relations;
- Office of Operations;
- Executive Council;

- Administrative, Ministerial and Members Entitlements;
- Ceremonial and Hospitality and Library Units; and
- Office of Inter-Government Relations and Parliamentary Liaison

In the early years of self-government, Martyn Finger oversaw a range of initiatives within the Department of the Chief Minister, and across government generally, to meet the changing needs in a progressive and developing Territory.

Achievements of the departments under Martyn's leadership were many and varied, but I will highlight just a few:

- the department coordinated work on the proposed *Criminal Code* for the Territory;
- in June 1982, the Northern Territory government hosted a visit by Prime Minister Malcolm Fraser and federal Cabinet. The Prime Minister and his wife opened Connellan Airport at Ayers Rock, turned the first sod at Yulara Tourism Village, and opened Darwin Crocodile Farm;
- in January 1980, the second conference of Aboriginal Council Presidents and community advisers was held in Darwin to afford an opportunity for all Territory Cabinet ministers to meet with Aboriginal leaders and discuss significant issues;
- the buildings of the historic courthouse police station were reconstructed following their destruction by Cyclone Tracy;
- the Office of Women's Affairs was established in November 1983;
- the Northern Territory Information Service was established to promote and publicise the developments of the Territory;
- all members of the Legislative Assembly were established in electorate offices, and successful negotiations were achieved for members to employ electorate secretaries; and
- a review of long service leave, annual leave and public holiday legislation.

On behalf of the Northern Territory government I acknowledge this contribution.

There has only been time to briefly outline Martyn Finger's legacy to governments in the Northern Territory, but even this gives an insight into his commitment to putting in place many of the foundation stones of government and for building the Territory still evident today.

To Martyn's family, we record our thanks and appreciation for his contribution to the Northern Territory and our sincere condolences on his passing.

**Mr WOOD (Nelson):** Thank you, Madam Acting Deputy Speaker, and congratulations.

I would like to mention a couple of good news stories. I thank the government for the bicycle path we at last have from Palmerston to Howard Springs. I call it the North Australian Rail Trail. It has been one of those projects that has taken an awful long time to achieve but now that it has been built it is one of the great cycle paths in the Northern Territory. There are many people using it at the moment - someone said there were 30 using it on Saturday morning. It is a fantastic facility for the rural area and for people coming to the rural area from Palmerston and the city.

It follows the original North Australian Railway line which, in that area, was built around 1888-89, and the original cuttings, embankments, bridges, and culverts are still there. That is one reason why this bicycle path or rail trail is so important: it will preserve the heritage of a very important part of our Northern Territory history.

I thank the department - that is both Lands and Planning and Construction and Infrastructure, and also Heritage. I thank Trevor Horman, a strong supporter of retaining the heritage, and I thank all the people who turned up to the opening of the rail trail. The member for Fannie Bay, on behalf of the minister, helped open the path with me. I should say we did not really open it; what we did was hold the ribbon and about 50 cyclists rode through the ribbon to officially open it - and about the same number of walkers.

It is a fantastic ride. If you get a chance to go there, Madam Acting Deputy Speaker - I know you come from Alice Springs - you actually ride through a cutting that has a curve in it and you feel like you are a train. When the Wet Season comes it will be a wonderful spot. Mitchell Creek will be flowing, the ferns will be growing on the sides of the cuttings, and people will understand why it is so important to continue to preserve our heritage. In this case, it is useable heritage for people wanting to go to work.

Our local Post Office Manager, Tony, comes all the way from Lyons and gets out to Howard Springs in just over an hour. There are two teachers at the Good Shepherd Lutheran School who come from Nightcliff and now use the bicycle path; and there are people from the rural area going the other way. People visiting the Howard Springs area can go to the tavern, the bakery on a Sunday, and have a nice day out using that bicycle path.

I thank the government. It has been much hard work; it has been nearly 20 years of trying. We hope they will extend it next year to Coolalinga, and I hope they extend it further. One of Trevor Horman's great goals is to take the path all the way to Adelaide River as a mountain trail bike path, which would also be great.

I also thank the government for the opening of the first park/ride system at Coolalinga. It is a facility that has been set up for people in the rural area to leave their car or their bike at this bus station - which is a very modern bus station with one of those you-beaut toilets that plays music and makes sure you are out of there in 10 minutes. It has a water cooler, a place for you to lock up your bike, and it picks up the express bus that goes from Humpty Doo, Coolalinga, Palmerston, and into Darwin in under an hour for \$2. It is a fantastic idea and we need to promote it.

We started off on the first day with four cars; we are now up to 11 cars. I have written to the minister asking for a sign on Girraween Road, which is the busiest road in the Litchfield Shire - it takes well over 3000 to 4000 cars every day - and in the morning it is a peak hour traffic run. If a sign was put up on that road telling people that for \$2 a trip - or \$15 a week - you can go to town in an air-conditioned bus and leave your car behind, that is something worthwhile. It is a good thing for the pocket, it is a good thing for the planet, and we have to promote it. The government should push it because it spent a lot of money building this facility.

There is another one soon to be opened at Humpty Doo and I hope to go there for the opening of that as well. I say good on the government because that is an important, practical way of trying to change people's habits. Many people go to town and go back again - one person in the car, and they go to the same place every day. It is ideal for those people.

I hope they will also be able to connect it up with the express bus to Casuarina; it does not quite connect in the morning and it is a 20-minute wait at Palmerston. If we can get those two buses to connect, then people going to the university can go from the rural area in a similar time. I say great

work, government; credit where it is due. It is money well spent. Some people can be cynical about these things but, with time, it will become a great attribute for people in the rural area, and catching public transport from the rural area should be encouraged.

We need more buses; we still do not have enough in the rural area. You can go to Darwin and Palmerston in the morning, but you do not have a reverse route. In the afternoon, you can go to Humpty Doo and Noonamah, but you do not have a bus the other way. We have to change that around.

I went to the Northern Territory Smart School Awards the other night. It was a terrific night where schools from all over the Northern Territory were judged for a whole range of awards. I do not have time to through them all. Schools in the member for Nhulunbuy's area seem to be non-stop prize winners.

Taminmin College won Excellence in Senior Secondary Outcomes. It won that prize because it had a measurable increase in the number of Northern Territory Certificate of Education achievements, such as quality of results and the number of graduates who can be attributed to the school's actions, a measurable increase in Vocational Education and Training qualifications, and participation in Vocational Education and Training programs; effective use of resources building of school organisational capacity; effective performance of people in key roles, and a comprehensive evaluation of strategic planning to continue to sustain and improve outcomes.

It is a school which has grown very quickly. It has some issues, and I hope the Chief Minister realises this is the biggest high school in the Northern Territory. It is a middle school and senior school all together and it has grown rapidly. With that has come some major problems in the planning and the way it is designed. The government needs to see whether it can develop a master plan and whether we need another high school, perhaps at Weddell as this one is full. If kids cannot get in there now they have to go to Palmerston or elsewhere.

One of the things this award recognises is that it has done really well with helping kids at risk, especially with getting into mechanics; the kids who did not want to go to school. They have good programs to help kids get their hands dirty. They are not great academic people, but they are good at getting their hands dirty and learning how to fix an old Datsun 120Y, and they love doing that as well. They have great courses for stable hands and in horse management and cattle raising, in vegetables, in chickens - hooray! - and things like that. It is a great school. It is a big school so it is

not the easiest school for people to run, but it is a terrific school in the rural area. I congratulate the school on that award.

From that school came another winner at the Northern Territory Training Awards. This was the VET in Schools Student of the Year Award sponsored by the East Arnhem Shire Council. The winner was Kendall Nuske, who is doing Certificate III in Agriculture at Taminmin College. I am biased, she is the daughter of Michelle, who works for me, and both are terrific people. In this case Michelle did not win the prize, Kendall did. Kendall won because she is a fantastic young lady. I will read why she received the award:

*Not afraid of hard work, Kendall Nuske has always wanted to work in the horse and cattle industry. Kendall is currently studying a Certificate IV in Agriculture and is working at the Berrimah Export Yards, where she was recently promoted to a managerial role overseeing maintenance and management of cattle. The Taminmin College student has been described as an outstanding performer in the agricultural field and a natural leader, and now takes a lead role in preparing the school's cattle show team.*

If you are going past there someday and see this little girl, 5 foot, that is her, working amongst big Brahman, all covered in mud and dust and poo, that is her. She is a tough little lady.

Through her VET studies, Kendall has learnt how to break in and handle horses as well as the latest agricultural techniques in areas of animal husbandry, animal health and treatment, breeding programs and fire and weed management. She is involved in Top End regional shows in junior judging of stud and export cattle. Kendall is keen to promote the agricultural industry to the rest of Australia and increase awareness of the contribution young people can make to the industry.

Taminmin College was also the runner-up in collaboration with the Groote Eylandt College as one of the best VET schools.

Just returning to Kendall Nuske, Kendall is a chip off her mother's block, if I can say that; they are both terrific people and Kendall will go places. She is a tough little girl and whatever job she takes up in life, I am sure she will succeed. Well done, Kendall.

**Mr VATSKALIS (Casuarina):** Madam Acting Deputy Speaker, I would like to update on some of the wonderful happenings in the schools in my electorate.

Dripstone Middle School has enjoyed a great semester so far, and new Principal Brian Collins said he has been made to feel very welcome by the community.

The 2011 Dripstone Day was a huge success. This year Dripstone Middle School chose the Starlight Foundation to benefit from their fundraising. The students raised over \$4000 from their crop and colour activities, many food and craft stalls, and individual sponsorships. The day culminated with the extremely popular Dripstone Talent Quest in front of an audience of 700 students, parents and staff, who watched dancing, singing and comedy acts, all performed by the talented students, not forgetting the very talented Dripstone teachers who performed a musical to close the show. Dripstone Day has always been a very special and enjoyable day for everyone involved. It not only provides the opportunity to showcase the diverse skills and talents of the students at Dripstone Middle School but, most importantly, demonstrates the school's commitment to supporting our local charity organisations.

I was very pleased to host a visit at Parliament House of exchange students from the Kibi Cho Junior High in Japan together with the billeting Dripstone students and teachers. The students from Japan came at the end of the year on an exchange program. They come for a year and attend classes at Dripstone. The Dripstone kids can then go to Japan and attend classes in Japanese in Kibi Cho. The group received a very educational and enjoyable tour of Parliament House, which was topped off with a lovely morning tea.

Congratulations to Alawa Primary School and a big happy 40<sup>th</sup> birthday. I was happy to hear the birthday party was a great success with the whole school community coming together to celebrate and enjoy a great evening of entertainment with music from the Top End Folk Club Band, bush dancing and wonderful food. A huge thank you to Principal, Fathma, her dedicated staff and hard-working school council committee for the long hours spent on organising this special occasion and for all their efforts.

Alawa Primary's new preschool wing is now complete and looks fantastic. During my visit last week, I was amazed at the modern classrooms and state-of-the-art equipment, but best of all was the fantastic outdoor playground area and new play equipment. My favourite was the pirate ship and it was wonderful to watch the children enjoying their new classroom and the outdoor facilities.

Alawa is leading in reading: many thanks to Ms Deb, the Alawa CATS, and the many

enthusiastic volunteer readers for their hard work during Alawa Primary's successful school reading program recently. This highlights Alawa's dedication to improving literacy outcomes for students. I look forward to dropping in and reading a favourite book to the students soon.

Congratulations to Nakara Primary School students, George Kypreos, Andrew Northcote, Mitchell Northcote, Nisangi Wijesinghe and Finn Mitchell for winning the Maths/Engineering section at the NT regional finals recently. I was glad to help out with their fundraising efforts for their trip to Hobart in October to compete in the Australasian Pacific finals. All of the Nakara teams can be very proud of their efforts. A big thank you to teachers, Mrs Otway and Mrs Manley. They have just returned and I understand the students thoroughly enjoyed the trip and were an absolute delight to take away. They received compliments wherever they went for their great behaviour and good manners. Well done to Nakara Primary. You did the Territory proud.

Nakara's recently upgraded Assembly Hall and new canteen and stage area is getting good use. During my Nakara Primary after-school barbecue last Friday, I watched Mr G in the new Assembly Hall getting the Year 6's ready for their graduation dance performances. The cha-cha was my favourite.

In closing, I thank all my constituents who braved the humidity last weekend to attend my Tiwi community barbecue. Although it was a bit hot, it was great to see you and share the news of your community. It is great to be involved in the community and very important to be involved with the schools. It gives me great pleasure, in the past 10 years, to have been involved with the schools to help raise funds for the schools, not only the big funds that the government provides, but the small funds that the kids need to go on trips when they have competitions about reading.

It is my great pleasure to meet some of the kids. I met some of them at school in 2001, and at the next election they will be voting. It is very good if they can remember you after 10 years, it is very useful! The most important thing is to be at the shopping centre and for some of the kids from your local school to say good morning to you, with very good manners and displaying very good behaviour. That shows that the schools teach the kids not only literacy and numeracy, but also good manners, which is very important.

**Mr GILES (Braitling):** Madam Acting Deputy Speaker, I wish to talk about a couple of things tonight.

First, I remind the minister for Education that I have sent him a letter regarding the need for shade shelter at Braitling Primary School, and also at Larapinta Primary School. Particularly at Braitling Primary School, there is no shade shelter at the drop-off zone and where the bus picks up kids after school and drops them off before school.

As people would know, and the minister would know, some of the driving temperatures in Alice Springs for schoolkids at 3 pm are well over 40°C every day. I know in February last year, or maybe the year before, we had about 15 days of 40°C in a row. Those kids need the appropriate care and protection, and shade shelter, to ensure they are not in the harsh sun for long periods of time in the afternoon. I believe it is part of OH&S requirements, on a personal level, where you should be supporting those children.

Moving on to other issues - and while I am talking about the minister for Education I will also go on to his role as minister for Housing. It was very interesting listening to a debate on the Council of Territory Cooperation report today. I note that infamous failure, SIHIP, that acronym, came up in the debate. I was going to talk on it, but I thought I would leave it for an adjournment debate tonight.

I would like to show some photos and then seek leave to table them. They are photos of both Larapinta Valley and Hidden Valley town camps in Alice Springs. I want to show another example of the engineering excellence of the SIHIP program. The first picture I seek to table is of the Hidden Valley town camp where they have built the fence straight across the road so it makes it hard for cars to get around - that is a very important one.

I would like to illustrate a few more which are more about Power and Water, but infamous with the SIHIP program. You will see the technical brilliance here of putting a power pole in the middle of the road. I will table that one in a moment, too. Another illustration of the same power pole, but it is not just one power pole; they seem to have a cycle of them. Here is another power pole in the middle of the road and, for those who could not see that far, here is a closer illustration. It shows it right in the middle of the asphalt - SIHIP, once again, going to tremendous efforts. Here is a third pole, which I will show you, also in the road. It seems they could not find any dirt in Alice Springs to put the power poles in, so they had to put them all in the roads - maybe good foundations.

Mr Deputy Speaker, I seek leave to - no, I will not. I might use those another day.



While I am presenting some pictures here to show off SIHIP brilliance for the minister for Housing, I will also show this one. This was produced - and give credit where credit is due - by my colleague, the Senator for the Country Liberals in the Northern Territory, Senator Nigel Scullion, who is the federal shadow minister for Indigenous Affairs. Illustrated here, for the member of Daly, is a picture of the access road to the new subdivision at Maningrida. For those who have not seen this you will note that the access road actually dips to a low. On the second page you see that Senator Scullion, I think it is, has his car in the culvert, or what should be a culvert in the breach below, so when the floods come it is nicely built so you will not be able to access both sides of the community. Well done, again, to the minister for Housing in his administration of SIHIP. Those photos will come in handy once again.

These are photos of Hamilton Downs Station. This is early in the piece when fires were burning in Central Australia and these were some of the first fires, which is interesting as there has been a bit of talk about the bush fires in Central Australia today. Quite clearly the minister was warned late last year that there was impending fire danger in Central Australia. With the amount of rain we have had, and the fuel build-up, we were always going to be in a concerning position.

I remember when the member for Macdonnell, as the Independent member for Macdonnell, raised a number of questions with the minister for Natural Resources, the member for Stuart. He was put on notice at that point in time and I even have stories here. There is a story here from ABC news on 22 December 2010 where he made announcements that:

*Minister for Central Australia Karl Hampton says Bushfires NT has bought new equipment to make fire breaks.*

*'They've purchased new equipment including a new top end loader to make fire breaks,' he said.*

*'And I can say to people there that fire breaks have already been established and are being established in the Barkly region and through the Larapinta Drive area, west of Alice Springs.'*

*He says heavy rainfall in Central Australia this year has increased the risk of bushfire.*

*'The grass may still look green out there but at some stage that will stop and as you know it doesn't take long for it to dry off,' he said.*

So, he knew about those issues, but he did not do anything.

There was a report presented by the Bushfires Council of the Northern Territory to the minister and he was asked to provide more resources through such things as machinery to build fire breaks, firefighting equipment, and the upgrade of relay stations to ensure there are enough communication facilities for people to talk to one another so they can understand where the fires were and coordinate their efforts. Those resources were never provided, and Alice Springs burnt.

I thank the volunteers and the hard workers and firies who worked so tirelessly to put out those fires to ensure people's lives, and as much property as possible, was not burnt during that situation, which is still continuing today; also to all the volunteers who helped out; people who provided food and hydration for the people who were fighting the fires. I know a lot of effort went in, and we thank those people.

To all those children and seniors who had respiratory problems from the smoke in the atmosphere of Alice Springs and Central Australia, my thoughts go out to you. I know the Alice Springs Hospital has worked tirelessly and continues to treat people for respiratory problems as a result of the smoke. I was doorknocking in the area of Larapinta one day during the fires, and the smoke was so bad I could not see the MacDonnell Ranges – it was that thick - and the MacDonnell Ranges are pretty big. I thank all those people.

However, the fact remains that Karl Hampton should be condemned for his lack of response and preparedness with the fires in Central Australia. The Bushfires Council has been crying out for support - but nothing. I am even told that a report was made by a Bushfires Council member to a senior public servant in the minister's department under his leadership, and the response was: 'I am more interested in looking after the museums in Darwin than fighting fires in Central Australia'. That is the response that has come from a senior bureaucrat in the minister's department - he is more interested in looking after the museums than fighting fires in Central Australia.

The minister needs to go through his bureaucracy and find out exactly what is happening. Clearly, there has been a failure of leadership at the top, both at the ministerial and senior bureaucrat level, where the eye was taken off the ball, resources were not provided and, when the issue was raised that there were serious concerns, the museum in Darwin was more important than fighting fires. People could have lost their lives. Thankfully, they have not.

Belatedly, the minister sent a request to those fires in South Australia – and we are very grateful that they came to help. They came up to help and the minister sent them home a week early. What do we have? Yesterday, the solar car challenge had to stop because there were fires. We did not have enough resources to fight the fires. He has some serious questions to answer about his capacity to manage both his portfolios and respond to crisis management issues.

He was overseas, as I understand it, when the fires were going. You should try to look after the Territory; look after your growth patch. The seat of Stuart was burning out of control. His hands were off the wheel, and he should be condemned. He should be replaced, but we know the ranks in Labor over there are so thin he actually cannot be replaced.

Finally, Mr Acting Deputy Speaker, congratulations on your appointment. I did not congratulate you, unfortunately. Sorry, I forgot; I just got straight into it.

The residents who are angry about the bus service being scrapped out to Beswick, Barunga and Manyallaluk have every right to be disappointed. Out of the ABA, money was received by Nitmiluk Tours to provide a bus service from Katherine to those communities. They provided it for three years in anticipation that the Northern Territory government would take over the management and administration. The Minister for Transport, the member for Barkly, likes to talk about this Regional Transport Strategy. Quite clearly, they have dropped the ball when it comes to supporting this bus strategy to these communities. It will be the case where people have to go back to the old taxi service, paying \$150 to \$200 each way to get a taxi. When they had that bus service, the Northern Territory government said they had a strategy. They have let down those communities, so the people of Barunga, Beswick and Manyallaluk should take their anger out on the Northern Territory Labor government which failed them, after they supported them for three years.

**Mrs LAMBLEY (Araluen):** Mr Acting Deputy Speaker, tonight I wish to talk about the problem of crime in the suburb of Gillen in Alice Springs.

Over the past 12 months, since becoming the member for Araluen, I have received a constant flow of correspondence, letters, e-mails and telephone calls from residents of the suburb of Gillen in Alice Springs expressing their alarm and concern about the alcohol-fuelled antisocial behaviour of people, particularly in and around the Flynn Drive IGA Supermarket area of Gillen.

For those of you who are not familiar with this particular area of Alice Springs, this is a residential suburb; an area in which people live to relax and enjoy the peacefulness of their surrounds. Gillen is like any other residential suburb in the Northern Territory. It has many families with young children, families with older children, couples, singles, elderly people, long-term residents as well as short-term residents - people from all races and ethnicities, Aboriginal and non-Aboriginal people, many new African residents, as well as Indian residents. There are people from all different backgrounds and socio-economic groups within the suburb of Gillen. It is like most residential suburbs in the Northern Territory.

It is an area in which many newcomers to Alice Springs move because real estate in that area is a little more affordable than in other places in Alice Springs. In September this year, I sent a letter to residents throughout the area, adjacent to the Flynn Drive Supermarket and sporting oval area, acknowledging and identifying the problems of antisocial behaviour in the area, and explaining my intention to work out a stronger security strategy in this supermarket area with the police; Lhere Artepe, the traditional owners; the owners of the Supermarket; Tangentyere Council; night patrol; and the Alice Springs Town Council.

The response to my letter was overwhelming. I received letters from people who have been profoundly hurt, and even traumatised, by the crime and lawlessness of the people who frequent the area of Gillen. I have received letters from people from all walks of life who live in Gillen and have experienced trauma and damage as a result of drinkers, delinquents, and criminals who have no regard or respect for the good residents of Gillen.

The reason I raise this tonight is because I feel I need to highlight the suffering of people living within this suburb. As the member for Araluen, I have a responsibility to bring this terrible law and order issue to the attention of the Northern Territory parliament. These residents of Gillen seem to be at the mercy of a small group of alcoholics and criminals who think nothing of doing whatever they need to do to obtain alcohol, cigarettes, or just entertain themselves by making other people's lives miserable.

I will quote from several of the disturbing and horrific e-mails I have received in the last six weeks:

*My partner was chased and beaten by a group of drunken youths who were blatantly drinking next to the bus shelter in front of the shops. His phone was stolen and he suffered fractured hands, broken teeth,*

*lacerations, and severe bruising from being kicked after his head hit the kerb. We could hear his screams from home.*

*The emotional and financial impact to us has been enormous. The police advise that they had given up the search, despite having the first name, community, and temporary accommodation. We saw the group of youths on a number of occasions, but it was pointless calling the police due to the delayed response time.*

That e-mail was sent to me on 6 September 2011.

I quote:

*I was verbally abused and chased when returning from the shop with a bottle of milk because I didn't have a cigarette by a group of drunks leaning on our fence at 7 pm. The man who chased me was screaming: 'Stop so I can bash the bleep, bleep, bleep out of you'. I escaped as my partner heard me screaming and jumped on top of our fence and threatened him.*

*We reported it to the police. We asked why, if Flynn Drive was clearly a trouble spot, there was rarely a police presence; and we were told there were more serious issues that required urgent response. That is, the force is overwhelmed and can only be reactive. The feel was that this event was par for the course living in Alice.*

That e-mail was also sent to me on 6 September.

This e-mail was sent to me on 13 September 2011:

*The second incident occurred in May this year when my husband took our kids for a bike ride and an ice cream, which they ate on Flynn Drive Oval under the tree. On this occasion, an Aboriginal woman who was high on drugs attacked them. She had a bottle which she attempted numerous times to hit my husband with. She was screaming obscenities and telling them that she was going to bleep kill them. Even my husband was scared, but refrained from pushing her, only protecting himself by putting his arms up as a shield.*

*They could not get on the bikes and ride away quickly enough, but their retreat was successful. This incident was reported to the police.*

I have received numerous e-mails from residents describing feeling fearful being approached by drunks at the Flynn Drive Supermarket. I have received numerous e-mails from residents describing the litter, broken glass, and rubbish strewn around the grassed area in the supermarket. I have received numerous e-mails from residents describing having been harassed by drunks for cigarettes and money.

Do not forget that this is a shop in a residential suburb in Alice Springs. It is owned and operated by Lhere Artepe, the traditional owners of Alice Springs. It consists of a bottle shop and a supermarket. It is frequented by average people of all ages going about their business. This is a very serious law and order problem in Alice Springs. So what are we doing about this?

The alcohol restrictions have had no positive effect on the alcohol-fuelled antisocial behaviour around the Flynn Drive Supermarket area of Alice Springs. Like any bottle shop in Alice Springs at 2 pm, people flock to get their grog and proceed to spend the afternoon and evening drinking it.

People have told me they have openly watched drinkers sharing their basic cards and working out who will buy the alcohol, presumably based now on who is and who is not on the banned alcohol register list. How many people have the police caught providing alcohol to people who are on the Banned Drinker Register? We have heard today the government talk about how successful they have been in placing people on the Banned Drinker Register, but we have not heard about how many people they have caught who have been providing alcohol to people on the Banned Drinker Register. I believe the statistics presented to parliament today are misleading and inaccurate. People may be on the Banned Drinker Register, but from what I am hearing, from what people are seeing on the streets of Alice Springs, those people are still drinking.

Yes, Alice Springs people are very cynical when it comes to alcohol restrictions. We see no evidence to suggest that fewer people are drinking, or that people are drinking less. There is plenty of anecdotal evidence to suggest that the problem of alcohol consumption, and the associated social problems, is as bad as they have ever been in Alice Springs. Just ask the people who live in Gillen around the Flynn Drive Supermarket area. I have asked the police, Lhere Artepe, and the Alice Springs Town Council to come on board to provide tougher security and safety for people living around this area, to work harder and smarter to provide this added security, and they have said that they will do that.

The dry town legislation has never worked in Alice Springs. Touring around the town, the CBD

of Alice Springs on a daily basis, you will see people publicly drinking alcohol. It is not done in a discreet fashion; it is done plainly and in the open.

A bottle shop in the middle of a residential suburb in Alice Springs is not good for anyone; it is a recipe for trouble. This bottle shop has been located there for many years and it has been the source of major social disruption and problems for all that time. Aboriginal people have a right to drink, but the problem in Alice Springs is that many of them they do not have anywhere to drink. Their homes are alcohol free, their communities are alcohol free, and they cannot drink in the parks. This is a major problem in Alice Springs.

The solution is going to be provided by the Country Liberals. We are going to get tougher on crime, and we are going to get tougher on alcohol restrictions. We cannot continue to live with this loose pretence that the government puts forward in terms of alcohol restrictions.

Mr Acting Deputy Speaker, thank you for hearing me tonight.

Motion agreed to; the Assembly adjourned.