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Madam Speaker Purick took the Chair at 10 am.

### VISITORS

#### Multicultural Council of the Northern Territory and Sattler Christian College

**Madam SPEAKER:** Honourable members, I draw your attention to the presence in the gallery of members of our Multicultural Council of the Northern Territory and members of various communities who have made the Northern Territory their home. Welcome one and all.

**Members:** Hear, hear!

**Madam SPEAKER:** Honourable members, I also advise of the presence in the gallery of very smart and attractive Year 5 and 6 students from Sattler Christian College in the rural area, accompanied by their teacher, Shelley Collis. On behalf of honourable members, welcome to Parliament House.

**Members:** Hear, hear!

### SPEAKER'S STATEMENT Christchurch Terrorist Attacks

**Madam SPEAKER:** Honourable members, it is with deep regret that I draw the attention of honourable members to the terror attacks that occurred last Friday, 15 March 2019, in Christchurch New Zealand.

I table the letter I sent last Friday to the Rt Hon Trevor Mallard, the Speaker of the New Zealand House of Representatives and the members of that house expressing sympathy to the people of New Zealand, particularly those in Christchurch.

I remind honourable members that on completion of debate I will ask members to stand in silence for one minute as a mark of respect.

Also, I advise honourable members and people in the gallery that the flags at Parliament House and the Northern Territory are at half mast as a sign of respect, including the New Zealand Flag, for our cousins and fellow people across the ocean.

### CONDOLENCE MOTION Christchurch Terrorist Attacks

**Mr GUNNER (Chief Minister):** Madam Speaker, I move that this Assembly expresses its deep sympathy and sorrow to the victims and families of the victims of the Christchurch terrorist attack.

On behalf of the people of the Northern Territory, we stand in solidarity with the people of Christchurch and our Islamic community in the Territory, and we condemn all crimes of hatred. During this time of sorrow we appeal to faith, love, peace and humanity.

*Assalamu Alaikum*—peace be upon you.

*Allahu Akbar*—God is most great. I bear witness that there is no god but Allah. I bear witness that Muhammad is the messenger of Allah.

The call to prayer is heard every day. On Friday, the *Jumu'ah* is held just after noon. Friday prayer is an occasion, an opportunity to meet and solve problems, a demonstration of Islamic equality, one of the most exalted Islamic rituals and a confirmed obligatory act. It is a day—a time—when our Islamic family will be at prayer, when they should be safe in prayer. There is peace in prayer, the ritual and the meditation.

That peace was stolen on Friday at 1.45 pm, in Christchurch. It has been said that at Al Noor mosque it was so quiet you could hear a pin drop during Friday prayers—until the bullets rang out. Forty-two people were killed at Al Noor mosque. Seven more were killed at Linwood mosque. In total, 50 people were murdered and 12 are in critical care.

We now know it was an Australian who wielded that gun. This is our national shame. He may have carried an Australian passport, but this was not an Australian act.

The person who can carry honour is Abdul Aziz, an Australian. He is a refugee from Afghanistan, and he chased the gunman out of Linwood mosque in a selfless act of bravery—lifesaving.

While lives were saved, too many lives were lost.

How can we not feel haunted by the photo of the trusting eyes of three-year-old Mucad Ibrahim, the youngest victim of the terrorist attacks? How can we not feel that we let down Khaled Mustafa and his 16-year-old son, Syrian refugees who had survived the atrocities of civil war and came to New Zealand seeking a safe place?

Beloved community leader Haji-Daoud Nabi jumped in front of other worshippers, sacrificing his own life.

The Quran reads:

*And when the Prayer is finished, then may ye disperse through the land, and seek the Bounty of Allah: and celebrate the Praises of Allah often ...*

On Sunday, on the scared land of the Larrakia and the blessed land of our Islamic brothers and sisters, we gathered in our hundreds to pay respects to those who never finished prayer, never dispersed, and will never celebrate again. We gathered so our brothers and sisters of Islamic faith know that we stand with them—a simple act but an important act. A powerful act.

The President of the Islamic Council in the Northern Territory, Chowdhury Sadaruddin, spoke on Sunday of how he will still pray, but he cannot deny that there is now a fear that his peace will be stolen.

There are a lot of emotions churning through us all right now: sadness; anger; fear; guilt—a sickness in the gut that we cannot describe. These feelings are real; they are legitimate. But Territorians have proven that there is one spirit that rises above all of this: our community spirit. We stand together.

In the Territory we can proudly say that one-third of us are Aboriginal and one-third of us were born overseas. We are the most diverse part of our wonderful multicultural nation.

*... for those who've come across the seas, we've boundless plains to share ...*

The Territory is blessed by you, all of you. Our tapestry is woven tighter and coloured richer by our different threads, by a community where people sing a different hymn, speak a different tongue, praise a different power.

Our heritage can be found in people of Islamic faith—from the Muslim Macassans who have traded with us for hundreds of years. In our very own Alice Springs a debt is owed to the Muslim cameleers who connected us to the world and for whom our train, the Ghan, is named. They built a mosque; they planted their dates; they toiled and helped build a town.

Generations of Territorians have forged our diversity into our strength, from helping after a natural disaster to helping someone broken down on the side of a road, or welcoming a visitor. That person next to you is not a stranger, but a Territorian.

When things get tough we reach out. We say to our Islamic family, 'You are not apart; you are a part of us'. We are Territorians, united in a sense of grief and in a desire for peace. For all of us struggling to know what we can do, who feel a sense of powerlessness, there is a call to action.

Little acts can lead to large, awful acts. We cannot abide the language of hate. Hate begets hate. Love begets love. We must call it out. It starts here, with us as community leaders. We must be honest with each other. There has been too much language of hate spoken in Australia.

We must have courage in public debate to say, 'No more', to not embolden or empower anyone with loose language, to provide no platform for people who preach hate. We must say, 'No more'. We cannot and should not ever have to walk in these dark shadows again.

Jacinda Ardern, Prime Minister of New Zealand, said:

*... we grieve together. We are one. They are us. Tātau Tātau.*

I add, 'When love unites us hate cannot divide us. You are our brothers and sisters. Your pain, our pain. Your sadness, our sadness. And when it returns, your joy, our joy.'

The Prophet said:

*On every Friday the angels take their stand at every gate of the mosque to write the names of the people ... and when the Imam sits they fold up their scrolls and get ready to listen to the sermon.*

Fifty names have been recorded on those holy scrolls. We pray no more names are etched.

May those same angels carry them to peace.

*Wassalam.*

**Mrs FINOCCHIARO (Spillett):** Madam Speaker, what happened in Christchurch last Friday 15 March 2019 was an unspeakable act of hate. In less than an hour, the violent, callous, inhumane actions of an evil man incited by hatred robbed 50 men, women and children—50 innocents at their place of worship—of their lives. Fifty people whose loving family and friends are left to come to terms with their tragic loss—a community in grief, a country in agony and a world reeling in horror and aching with their pain.

The youngest victim, according to reports, was just three years old. These were ordinary people going about their day when they were brutally murdered. As well as those killed, we cannot forget the many people injured during the sieges, including 11 who remain in intensive care. Our thoughts and prayers are with the victims, their families and friends during this unimaginable time of sadness.

Atrocities like the Christchurch attacks leave an indelible mark for all the wrong reasons on those who live to tell of the terror experienced in the moments before, during and after the shootings. What is important now is how we as a global community, cousins across the Tasman Sea, unite to support those who survived, those suffering the loss of loved ones and those reeling from the savagery of otherwise peaceful shores.

It must be made very clear that acts of extremism, terrorism and intimidation will do nothing more than strengthen our resolve to live in a tolerant and peace-loving world that is motivated by the fundamental principles of respect, cooperation, compassion, unity and freedom.

We must all stand together, shoulder to shoulder, and stare down the darkness that, from time to time, aims to threaten our peaceful desire to enjoy all the freedoms we hold so dear.

Our condemnation of brutality must be loud and clear.

Terrorists and extremists cannot win as long as we have the courage to stand up against them, look them in the eye and say, 'We are not afraid'. We must exercise our freedoms and continue to pray in our places of worship and gather at events of significance. Terror, like hate, only wins if we let it.

As a community there are more things that unite us today than yesterday, and tomorrow more still. Those who seek to divide us through hateful words, violent acts and terror only bring us closer. Each blow, like tempered steel, makes us stronger and more resolved.

Such acts of hate bring out the best in humanity. The focus on solidarity and unity has been strong and deep. Territorians have showed their respect and commitment to unity by supporting those who are acutely feeling the aftermath, making thoughtful gestures and sending flowers, cards and gifts to our Territory's mosques.

In Christchurch, tributes laid at the memorial site have been simple and incredibly powerful:

*You deserve to feel safe in this city.*

*Hate and terror will never divide us*

*This hatred and ignorance is not welcome here.*

*We are one.*

*We love you, kids and adults.*

Over the days, weeks and months to come there will be more tributes and words of condolence. Sadly, there will be more sorrow, but there will also be more hope and unity. We will hear more stories about the incredible bravery of the first responders, victims and bystanders, like Adeeb Sami, who covered his two sons as the attack began and was shot twice in the back. Thankfully he survived and is recovering in Christchurch Hospital.

Abdul Aziz threw an EFTPOS machine at the terrorist and tried to distract him and lead him outside. When the murderer got to his car, Mr Aziz smashed his windshield and the terrorist drove off.

Ambulance technician Paul Bennett told the media that the scene was about hatred and, along with his colleagues, bravely carried out their duties, working to save as many of the injured as possible while facing the horror of the aftermath.

These brave souls exemplify the best of humanity.

We extend our deepest, sincerest and most heartfelt condolences to the Islamic and New Zealand communities, here and overseas. We mourn with you and for you.

*Kia Kaha.*

**Ms MANISON (Treasurer):** Madam Speaker, I also express my condolences following the appalling act of hatred which occurred in Christchurch last Friday.

The images from Christchurch since Friday's shooting are devastating. It is impossible to fathom how a human being could do something like this and set out to shatter so many lives. Everything about this act of violence is terrible. It was calculated. It was an act of hate, and it occurred in a sacred place. It occurred in a place where people expect to go to worship their God in safety.

To gun down men, women and children at prayer is cowardly in the extreme. It does not get much more cowardly. The gunman set out to divide, and he has failed. Rather, this tragedy has brought us all closer together. In fact, people of many races and faiths who make up New Zealand and Australia have reached out to their Muslim brothers and sisters.

Support for the people of Christchurch and New Zealand has come from around the world, highlighting how senseless and pointless this, and all forms of extremist violence, is. The extremists will not and cannot succeed because humanity will prevail over savagery.

My first reaction on learning the extent of the shootings was to make sure our local Islamic community understood that the people of the Territory stood with them and supported them. There is no doubt this was a particularly worrying time for all Muslims in Australia and New Zealand. It is important for our Muslim brothers and sisters to know the community was thinking of them.

I had the fortune of representing the Darwin Islamic centre, which is in my electorate, in the suburb of Wanguri. On Saturday I visited the centre to leave flowers. It was heartening to see how many people had also made their feelings known. They are by your side to support you. It was fitting, given that one of the great privileges I have in this job is to be embraced and get to know so many people of different faiths. As someone who was raised Catholic, and going to our Muslim communities to learn about their faith, it is wonderful to have the opportunity to become friends with so many.

To see the heart you have, the kindness you have—the Islamic communities always open their doors to others. They are always keen to educate, embrace and share. That is why it has hit people around the Territory so hard. To see this act of hate and violence targeted at people of faith is unacceptable, particularly when they are people of such kindness and generosity.

On Saturday night I attended the Muslim Student Society event at CDU, where understandably the conversation turned toward Christchurch. Imam Konda was at that event. He is the former Darwin Imam, although he is now based in Canberra. He frequently returns to Darwin, which is wonderful. He is a man of great compassion and wisdom with a great capacity for words of inspiration. It was comforting to be in his presence that evening.

The Imam reminded us all that people need to embrace love and peace and remain united in this cause. It is a simple message and a powerful one. It is one we should all reflect upon more often.

On Sunday I attended the Darwin Islamic centre where there was an overwhelming response by the community. Every seat was taken. There were people standing. I was so proud to see the people of Darwin showing their love, support and condolences to our local Islamic community.

I thank our hard-working local committees from the Islamic community. This is a time we need great leadership, and they have all stood up and helped everybody else who might not necessarily be from the Islamic community. They were able to join to show their condolences and stand side by side to say we will not accept what happened in Christchurch. Our response will be love, kindness and generosity.

We have some wonderful organisations. I acknowledge the work of the Islamic Council of the Northern Territory; the Islamic Society of Darwin; the Islamic Society of Palmerston; the Alice Springs Islamic Society; the Imam of Darwin; the CDU Muslim Student Society; and, of course, the Australian Makassan College, which does some very important work in our community.

The event on Sunday reminded us that love and unity will prevail over hate. It highlighted how this horror has served to strengthen communities across Australia and New Zealand rather than divide us, and despite our differences, threads of common decency and humanity always bind us together.

People, particularly those in positions of prominence who chose to highlight ethnic and religious difference, must share in the responsibility for this tragedy. There are individuals who perpetrate extremist violence. These people also help fan the false ideologies that empower extremists of all persuasions. Sadly, even now, there are people who, for incomprehensible reasons, continue to find excuses for the actions of the coward who wrought so much misery in Christchurch.

Even more despicable are people like Senator Fraser Anning, who seeks to make political profit from the pain of Friday. His behaviour has been loathsome and contemptible. People expect common sense and compassion from politicians at these times because that is the attitude reflected by the community.

The vast majority of Australians and Territorians were horrified and disgusted by the events on Friday. We want a united society, not a divided one. When tragedies like Friday occur, regardless of the background of victims, our natural response must be one of compassion and humanity every time.

Today I applaud my colleagues in this parliament for also standing united to say that we do not accept what happened in Christchurch and we believe in a world of peace and unity. In times like this, our best response is to demonstrate that peace, love and kindness is the way.

Madam Speaker, my sincerest condolences to the victims of Christchurch.

**Mr MILLS (Blain):** Madam Speaker, I support the motion that has been presented by the Chief Minister.

This is an extremely difficult time for all of us if we think deeply about the issues that come to the surface when an act like this is committed. We immediately feel for the families and how incomprehensible it must be to them—gathering in peace and being assaulted and confronted with such violence is inexplicable.

We stand with those families. We may shed a tear, but it only adds to the volume of tears they must be crying now and will continue to cry for years. We stand with them.

There are some deep questions that must be asked across our country, when you consider the perpetrator—the shame of it all—being an Australian. Then, when we dig a little deeper we find the story of that person. My apologies to the Member for Araluen—the person who committed this offence comes from a small country town in New South Wales, Grafton. He went to school there. In many ways, he is representative of each of us in responding to what may be observed around us. How did this start? Look how it finished. What role could we have played in intervening at some point along the way? That is a question for each of us to respond to on a personal level.

I feel for the people of Grafton at this moment, those who taught that young lad, were friends at some point, who could have spoken up but did not. I feel for them because they must feel the shame of it now. How the family may be feeling—not realising that this was emerging in their family. It may be emerging across our country at different places and points. Each of us is responsible, in some way, for responding. That is why it is important for us to speak up, and to hold and defend that line of moderation

We need to speak up when it is harder to speak than not to speak. We need to encourage sports coaches or friends of young men or women who start to go down the wrong path—I feel for those people at the moment.

I put the challenge to all of us that we must be watchful. I am mindful of our place in the Northern Territory and our proximity to Indonesia. This conversation and reflection on our own nation—we are rallying to censure Senator Anning for his totally inappropriate response. Quite rightly, there is such anger channelled in his direction. The call should not be for him to be removed from parliament by an act of parliament, but for the people of the country to rise up and make sure there is adequate representation in our parliament.

Our democratic processes need to be strengthened. We need to step up to defend freedom and the right for religious freedom across our country. We need to support the voice of moderation, making sure the voices of calm drown out other voices and that we do not polarise them. That response is required at a time like this.

Our friends in our neighbouring country, Indonesia, are watching our conversation and how we respond as a nation. Peace be upon Indonesia: a great country which has demonstrated the capacity for people of different faiths to work together. I have had opportunities to personally explain to my friends in Indonesia what actually happened. We need to speak to and understand each other more, making sure we work together in the middle to provide a strong sense of moderation and calm during this difficult period.

**Ms WAKEFIELD (Territory Families):** Madam Speaker, I acknowledge the friends and families of those who have died.

I am proud to come from Central Australia, where the Muslim community has a strong and proud history. From the mid-1800s the presence of Afghan cameleers, as well as those from India and what is now Pakistan, has meant that we have the privilege of the presence of Islam in our community.

There are stories in our history books of mosques set up on the sides of roads right along the Ghan railway track. These were humble places of worship, but no doubt as important as the places of worship in Christchurch. The Afghan mosque is a strong and vibrant part of our community. History shows that there is no they, there is us.

We must take this opportunity to reflect; we cannot let it pass. The person responsible for this atrocity is an Australian. We must look at our part as a community in that. We must listen to the voices of those who are fearful, angry and grief-stricken in our community. We need to strengthen our community. We cannot look away from the causes of this tragedy.

We must honour the bravery of the people who responded on the day. We must find the same bravery within ourselves to always fight the things that divide us and feed hate. We stand with the people of New Zealand. We remind ourselves today of what it is to be a Territorian.

We honour the victims of the tragedy by recommitting, as I have said many times before, to a strong, inclusive and safe Northern Territory. Peace be upon you.

**Mr McCONNELL (Stuart):** Madam Speaker, I rise to speak on the unspeakable atrocities in New Zealand. I reach out to the community of New Zealand and to the Islamic community in New Zealand and across the world.

What happened a few days ago is a callout to all reasonably-minded people. I would like to think that every person in this Chamber is one of those reasonably-minded people. I commend the Chief Minister and others who have spoken on this motion.

This is an opportunity for us to recognise that we are all mainly the same. If we recognise that we are mainly the same in that we love our children, recreation, homeland, and our systems of belief and recognise that those things are similar amongst us all, we are able to celebrate our differences and not to fear them in a way that causes a despicable act like the one we witnessed recently.

There have been many despicable acts in humanity's past. There undoubtedly will be many more. What we need to do together in the Chamber, and in the community that chose us to play a role in leading, is lead that community. We need to lead it and understand that we are mainly the same. We share most of those values. We love our children, our places and our systems of belief.

The systems of other beliefs are as important to me as my own systems of belief. The systems of belief of our First Nations people in the Northern Territory those of First Nations people in countries around the world; and the systems of belief of Muslim, Sikh and Christian communities are the beliefs that make us human.

The act we witnessed recently was a wholly inhuman one. All of us who are leaders—and everyone in our community—please take notice of this. Please lead our community, representing that we are mainly the same. We do not need to fear difference; we need to celebrate difference because we are mainly the same.

**Ms LAWLER (Drysdale):** Madam Speaker, I offer my condolences to the Islamic community of the Northern Territory. It is wonderful to look up and see a large number of that community represented here today.

I will talk about the Islamic community in Palmerston. The mosque and community hall in Palmerston is in my electorate of Drysdale. I am very proud to be part of that community.

I acknowledge Mr Usman Anayet, the president; Mr Iqbal Faruque, the secretary; and the committee of the Islamic Society of Palmerston. They are working hard to make sure that it is a growing community and that their facilities continue to grow. I am pleased and proud to be a part of that community. I acknowledge the hurt they have been feeling since Friday.

I acknowledge the Islamic people in New Zealand. It is unfathomable to think of the pain and grief their families are experiencing, particularly those in the Islamic community in Christchurch. While we cannot take away that pain, we stand united. We embrace all New Zealanders, and those in Islamic communities around the world, who are questioning how this happened.

Like the people who have spoken today, I am here for you. I am here to help you in any way—to be a listener as well.

The Territory community—and many others around the world—has come together since Friday to show its support for the people of Christchurch and the Muslim community around the world. On Sunday evening I joined some of my colleagues, many members of the Islamic community, and members of the broader Darwin and Palmerston community at the vigil held at the Islam community hall for those who lost their lives, and those whose lives have been changed forever by the tragic events of Friday.

Those events will continue in the memories of the people of Christchurch, more than the earthquake, long into the future. If there was a clear message from people at the gathering and right around the world, it is that hate does not belong in our society.

The most important part of being a human is our humanity: our capacity to love; care for others; and to provide compassion. We are all one. We should strive in our lives to have respect, kindness and compassion for each other. We all have a responsibility to stand up against hate speech and those who incite hate or commit hateful crimes against others. To do this we need to consider our own words and actions, and what we teach our children.

I spoke at the mosque on Sunday and since then I have met with people who have talked to me about the fact that for so long in Australia, and across the world, we have focused on teaching our children literacy, numeracy, science and the arts. While these are crucial for getting a job and engaging with the world, it is equally important to teach respect, compassion and tolerance and create an acceptance for teaching peace.

It is timely that in Australia we weigh the amount of time we spend on the curriculum teaching literacy and numeracy. We need to make sure that in our schools we take the time to gain an understanding and teach acceptance of other cultures.

I acknowledge Feroz Ibrahim, who has worked with the Australian Makassan College and the Islamic community for a considerable amount of time. It is about working both ways. It is about teaching young Islamic children in our community and supporting them on their path to a successful education in our schooling system. It also runs the other way, with making sure we ingrain an understanding of the Islamic community in Australian and Territory children. I thank Feroz for the work he has led to do that.

For too long many in our community have learned to hate those who are different from them, whether that be based on the colour of their skin, their faith, or their sexual orientation. There seems to be many aspects of difference which people learn to hate. We need to change that by looking at our similarities and how we are the same. We each have something different to offer this world, but we are all one.

It is not just schooling. As parents it is our responsibility to teach our children respect and tolerance through our own words and actions. It is my hope that as a community we will all embrace diversity and that we can share our experiences and the experiences that bring us together.

This week is the 20<sup>th</sup> Anniversary of the celebration of Harmony Day. I am sure that many in this House will have the opportunity to attend schools where there will be Harmony Day celebrations. It is the time when we celebrate our cultural diversity and focus on inclusiveness, respect and belonging for all Australians. It is a great opportunity for us all to learn about other cultures and to embrace them, because we are all one, we are connected, and we all belong. But it needs to be more than just a day or a week. It needs to be embedded in our teachings and classrooms throughout the year.

To the people of Christchurch I say, stay strong. To the Islamic community of Palmerston in particular, I support you—stay strong. Reach out, because there are people in our community who are hurting and who want to have a voice to have their messages heard too.

We stand with you in peace during these difficult times. We will continue to stand with you as your hearts and minds heal.

**Mr WOOD (Nelson):** Madam Speaker, I support all of the other speakers on this condolence motion. My sympathy goes out to the people of Christchurch and to our local Muslim communities in Darwin, Palmerston and the Northern Territory.

A couple of things stood out for me in the last couple of days. Most people know Territorians are mad sporting people and on Saturday the finals were held at Marrara. Every team that played in the competitions, from the under 14s through to the A grade team, stood in silence for one minute to remember the tragedy in New Zealand.

That was fantastic because it was a great example of how people in the Northern Territory feel, from the young to the old, and how they have been affected by this tragedy. A strange thing happened—people would know Charlie King's NO MORE violence campaign—at the premiership game: all the players and umpires wrapped arms around each other as the recording 'no more violence' was played.

What an appropriate time to play it. It is the message we need to tell people. We need a society where no more violence is the key to a harmonious society. What a great way for Territorians to send a message. That day left a great impression on me. The flags were at half-mast and it was done with respect. It is something we should be proud of.

Another thing that stood out for me in this tragedy was what I read in today's paper about the family member of a victim, who said that he still loves and forgives the person who shot and killed the people. Looking at the tragedy and horror of what this person has done—in a society that takes revenge—if you believe in no more violence, it shows incredible courage for someone in the Muslim society in Christchurch to forgive that person for the horrible things they did.

It is something we can learn. No matter how horrible things are that happen in our society, if we do not live with the notion of love and forgiveness, we will never turn things around. Those are two things which will stay with me for the rest of my life in remembering this terrible event.

I give my condolences to all people and families who have suffered from this event. May they rest in peace.

**Mr McCARTHY (Barkly):** Madam Speaker, I support the Chief Minister's motion in this House. I will share some stories with our distinguished guests, visitors and community leaders from the Islamic community of the Northern Territory.

In my formative years growing up in Sydney I attended a Catholic school. We met the first of the Middle Eastern immigrants. This reflected, in my case, young men who were coming from conflicts and the trauma of war. They were accepted into our school. The De La Salle Brothers used sport—rugby league—as a platform to bring us together. That has strong consequences. Likewise the girls' school also used sport to bring us together as Australians.

I walked home from school most days and had lots of friends. People note that the Lakemba Mosque is the largest Mosque in the Sydney metropolitan area—it was the first major mosque. As young men we would often stop at the building site to understand what was taking place in the community. We met the builders and understood that most of the early work was done by volunteers. We had great times learning from the

builders, climbing scaffolding and jumping into the sandpits. Whilst enjoying their company, we got an understanding of the new faith that was emerging within our community.

My mother, who was a great leader in my family, welcomed new Islamic families in our neighbourhood and made connections with the children. We often had children visiting our house who played together with my siblings. My mother would communicate and work with the Islamic women. Naturally this understanding of the Islamic faith was taking place in a Catholic family. This was duplicated across the district. It is an important part of Australian history.

I remember that, as teachers' college student, I came home to work in the holidays to make money to continue my studies. A friend of mine was a plumber with a small plumbing business. He often gave me part-time work. We were working in the home of an Islamic family. There was some drainage work occurring and I was on the shovel trenching in hot sun.

In discussions with the family, who I felt very confident with because of my formative years, I let it be known that I was a student at a teachers' college. It was not long before I was sitting on the second floor enjoying beautiful coffee and biscuits, looking down at the boss, who was a good friend of mine, still on the shovel in the hot sun. The family appreciated not so much my ambition to be a teacher, but what I would bring to the community in the opportunities I would create as a teacher.

The story about rugby league has progressed considerably in Western Sydney. From the early days of school using sport as a platform, it became the method across the greater Western Sydney area, particularly the district of Canterbury-Bankstown. You can now see the Canterbury-Bankstown rugby league club underpinned by a significant group of people of the Islamic faith.

Over the years we have had superb players. In our formative years we were very much pioneers. We copped racism and religious bigotry in our competitions across Western Sydney, but my sons, who follow Canterbury-Bankstown in the rugby league and go to games, report regularly, 'Dad, you did a good job because the Canterbury-Bankstown rugby league club and their supporters give a positive experience when you see them play with a resounding level of support'. This comes from a combination of faiths, from people who have grown together, lived together and shared experiences.

In this time of grief we look to hope. My message today in simple stories about my life is one of understanding, awareness and education. We must teach our children well. My understanding of the Islamic faith came through a natural process of caring, sharing and understanding. As Territorians we regularly visit Indonesia. When my family travels to Bali and Jakarta, we are able to share a common story about my formative years, my learnings and how the Islamic faith is among us.

Stay strong, live our faith—do not just speak it—and teach our children well.

**Mr COLLINS (Fong Lim):** Madam Speaker, I add my support to the Chief Minister's motion and my voice to the condolences to the Islamic community in the Northern Territory and, importantly, to the Islamic community in New Zealand and across the world. This is a sad and dark time. A number of speakers have mentioned that this is an issue that has arisen out of hate.

Like the Member for Barkly I add some stories about my experience with the Islamic community across time. I am not a religious person and I never have been. But I have had quite a lot to do with the Islamic community, particularly in Sydney.

In the 1990s, I was an electorate officer and Chief of Staff to the government Whip. His electorate was Fowler, which was based around Cabramatta and Liverpool. It was an incredibly diverse electorate. There was something like 120 different languages spoken at home in the electorate. It was by far the most ethnically diverse federal electorate in the country. It had a huge Islamic population.

One of the great joys I had in that job was dealing with those people. I am not religious and they knew that, but they embraced me all the same with respect, tolerance and compassion. That is how I try to lead my life. They accepted me in that way. I had so many good meetings with coffee and dates, and lots of discussion around tables.

This sort of action against a community in their place of worship is gut-wrenching. It underlines our responsibility as members of parliament and representatives of our community to ensure that we call out the sort of behaviour and speech that led to the action of that individual.

I say to the Islamic community that, through my experience, I love you and your community. My heart bleeds for you and it breaks for each and every one of you. Peace be with you.

**Madam SPEAKER:** I give my condolences to the people of Christchurch and New Zealand and to the families who have lost loved ones. It is a tragedy that all of us have difficulty comprehending.

I know many people in New Zealand, a few of whom are in Christchurch. They are literally reeling from what has happened in their country. We are pretty close to New Zealand. Throughout the decades we have fought battles side by side. We also have lots of rivalry in sport. It is almost like an extra state of Australia, though they will not like us saying that.

It is a beautiful country. Many of us have been there. That beauty will continue. This will not dampen or take away from the spirit of the New Zealand people, whoever they are or wherever they have come from.

On behalf of the Northern Territory Legislative Assembly I sincerely say that we are very sorry.

I thank honourable members for their contributions to the condolence motion. There will be a morning tea in the Main Hall if guests wish to join members and the Chief Minister.

Motion agreed to.

Members stood for one minute's silence as a sign of respect.

### **SUSPENSION OF STANDING ORDERS** **Pass Bill through all Stages – Criminal Code Further Amendment Bill (Serial 87)**

**Ms FYLES (Attorney-General and Justice):** Madam Speaker, we pay our respects and thank those who came to the gallery today. Some members will join guests for morning tea in the Main Hall. Our heartfelt thoughts are with them in this difficult time.

Madam Speaker, I move that so much of the standing and sessional orders be suspended that would prevent:

1. the immediate presentation of the Criminal Code Further Amendment Bill 2019
2. passage through all stages this week.

I do not introduce this motion lightly. I ask the Assembly to agree to suspend standing orders to allow this important bill to be introduced to the House today. I have spoken to the members opposite and thank them for their time. I hope that we can count on them for their support to ensure we are able to introduce the bill today.

The bill is an important piece of legislation that is required to ensure that Territorians who are victims of crime have access to justice. The bill will ensure that the Supreme Court has the jurisdiction to hear historical matters on indictment. It is important that the justice system works effectively, with the ability to hear all matters that would ordinarily be within the court's jurisdiction.

The need for this amendment was discovered once the Northern Territory Supreme Court handed down the decision in *The Queen v Andrew Walker* [2019]. Once the decision was handed down the advice of the Solicitor-General for the Northern Territory was sought. Inquiries were made of the Director of Public Prosecutions as to whether the issue identified in Walker was likely to affect any future matters.

The DPP advised that there is at least one future trial that would potentially be beyond the Supreme Court's jurisdiction unless procedural rules are amended during this parliamentary sittings. This is a serious matter where the alleged victim was aged between six and 10 at the time of the alleged offending, which was in the late 1970s. The charges relate to a variety of serious sexual acts, some of which would be charged as indecent assault under section 66 of the Criminal Law Consolidation Act and Ordinance 1876.

The bill fixes a loophole in the law that prevents the prosecution of some historical sexual assault matters in the Supreme Court. The loophole was only identified recently in the Supreme Court case of Walker. The loophole was completely unexpected. In short, it is the cumulative result of amendments to criminal law and procedure that have been made over the past 35 years.

If not fixed the loophole will interfere with this upcoming case and potentially invalidate some past proceedings where people have been convicted of certain historical sexual assault charges in the Supreme Court. When we first became aware of this in January we anticipated that we would have the ability to introduce a piece of legislation and pass it ahead of any other cases, but the first future case that it is anticipated that this would impact upon is listed for 4 April.

This is why I ask for the support of the House to introduce the bill today, to provide further briefings to those opposite, as well as government members, if they so wish, and then debate the bill on Thursday. When we became aware of the urgency, I sought the advice of the Solicitor-General for the Northern Territory as well as that of departmental staff. Cabinet made the decision to introduce the bill late last week.

I spoke with the Leader and Deputy Leader of the Opposition and some Independent members yesterday. I thank them for making themselves available on a busy parliamentary day for briefings this morning. I understand that the Independent members were briefed, then the Opposition members. The briefing was provided by departmental staff and the Solicitor-General for the Northern Territory.

This will not impact on the right to a fair trial. It does not change the law about what was an offence nor does it affect the rights of the accused to a fair trial. The issue relates to whether the Supreme Court or the Local Court has jurisdiction to hear cases. Over some time some of the criminal processes for less serious matters have been shifted to the Local Court to deal with.

However, insufficient consideration was given to defining the jurisdiction for offences that were committed prior to 1984. As a result some historical offences that were heard in the Supreme Court should be, by today's standard, still heard in the Supreme Court, but the jurisdiction of that court was inadvertently removed by statutory definition. They did not take into account the language of old offences.

The bill is a procedural one. The motion before us now is to allow for the first reading speech and the bill to pass on urgency. I have provided significant reasons as to why it needs to be debated on urgency, as it will allow the provision of clear jurisdiction. I seek the support of members on the urgency of the bill. We will debate the bill later in the week.

Delaying the passage of this legislation will potentially impact on justice. That is why we have brought this into the House today.

As explained, all members have had briefings with the Solicitor-General for the Northern Territory and were provided a copy of the bill although it is unusual to provide a copy ahead of the introduction. I understand the tight time frame.

I reiterate the offer to every member of this parliament for further briefings tomorrow. I can provide the policy and legal expertise of the Department of the Attorney-General and Justice, and I am sure the Solicitor-General will be available if there are further questions.

I commend the motion to the House and seek the support of my colleagues.

**Mr COLLINS (Fong Lim):** Mr Deputy Speaker, I would like to speak against the urgency motion.

I am not convinced that the urgency, in the circumstances, is necessary. It is a matter of the administration of justice; it is not a matter of the actual justice of the offence. I have looked at the bill and I do not think there is a problem with the bill passing in its normal course. I am not convinced at this point, having had the briefing, that it is a matter that requires urgency on the part of the Assembly.

There is a matter that is up for arraignment on 4 April, but the reality is, if this matter proceeds in its normal course it would be passed and made law by May, or at the latest, June. There is one matter that may need to be heard in the Local Court, but the offence and the maximum sentence remains the same. The Local Court and the judges are capable legal practitioners and are able to deal with the matter appropriately, if it came to that.

For those reasons, I do not see the necessity for pushing this legislation through on urgency. That should be left for matters which are of absolute urgency, not matters which are effectively playing with how we administer justice, changing the way we administer it, the length of sentences or the seriousness of crimes.

I do not support the urgency motion.

**Mr WOOD (Nelson):** Mr Deputy Speaker, I am always concerned about urgency motions. We had a briefing before parliament sat. I know the government has the numbers and whether we speak for or against it will not make much difference.

I have some understanding of what the government is trying to do, but it is a technical piece of legislation that needs to be not only understood from the words in the draft but also the reasoning behind it being rushed through.

The question I need to ask the government is, will the world come to an end—if can put it that way; maybe that is a bit harsh—if this legislation is not passed on urgency. The normal process is—I will not put the 30-day process in, because I do not agree with it—for it to go to a scrutiny committee or, as we are doing today, move things under urgency. I regard those as the two options we have.

Unfortunately for me—and I am not saying the briefing was not a good one—it is difficult for me to say that this legislation should be pushed through on urgency without more time to understand what is being put forward. I do not think I had that time in this morning's briefing. I understand we can get a briefing today and tomorrow, but the debate about urgency is this very minute. The reasoning for the debate was put forward to us, as a group of people, at 9 am. Normally you would have a bit more time to get an understanding of the technical reasons this legislation is being put through on urgency.

If it does not go through on urgency, is there a major problem? Will justice not be carried out if this legislation is not passed in these sittings? That is a case the government has to put back to the people on this side of the House who have some concerns about a bill that will be put through on urgency. The government needs to make its case and explain very carefully why this legislation cannot go through a scrutiny committee and be put forward at the next sittings of parliament and debated through the normal processes.

I am reluctant, at the very least, to give this urgency motion my support. I feel I would be giving support for this legislation to be rushed through—that is what urgency means—yet I do not feel that I have an in-depth knowledge, even after the briefing—which was a good briefing; I am not criticising the people who gave the briefing—of whether the arguments that were put forward have been tested. Are these arguments based on a criminal case that is occurring, the possible ramifications of this legislation not being passed on other cases or the complications that may occur if a person is charged under an old law rather than a new law?

Those are the sorts of things about which I need a second opinion, which is not a bad idea in many cases, such as going to the doctor or buying a car. I feel that I have not had the time to be fully confident that this requires a motion of urgency or to support what the Attorney-General has put forward ...

**Mr DEPUTY SPEAKER:** Member for Nelson, unfortunately, your time has expired.

**Mr Wood:** I forgot those new rules, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER:** Members will have five minutes. A reminder to all members: do not obstruct the Speaker when a member is talking to them.

**Mrs LAMBLEY (Araluen):** Mr Deputy Speaker, as a member of parliament, I am here to represent my constituents' section of the population of Alice Springs. In order for me to do that, I need time to comprehend what is being proposed in this bill.

This is a very difficult bill to understand for someone like me. I do not come from a legal background. It is highly technical. We had a 35-minute briefing this morning, and I thank the departmental officials and the staff who attended our meeting today to try to enlighten us as to what this legislation means.

It is not easy to comprehend, and it will not be easy for the average person to comprehend. Putting it through on urgency means that I, as a member of parliament without a legal background, am forced to debate a bill I do not comprehend fully, and then I have to explain to my constituents why this was put through on urgency and what that means to them.

I can understand why the government feels that it needs to put it through on urgency. I think it is an emotional reaction that it needs to drive it through. The example of why these amendments have to be made on urgency is sensitive. The case these amendments pertain to is an historical sexual assault or rape case—something of that nature, we were not given specifics.

I can understand why the Attorney-General wants to make sure this case is put through the legal system in the most effective way. But we, as a parliament, have to do things properly. We do not do business like this in the Northern Territory parliament. We need to understand and comprehend what the amendments mean and what the implications are.

I am not convinced this needs to go through on urgency and I do not support the motion.

The Assembly divided.

Ayes 17	Noes 5
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Lambley
Mrs Finocchiaro	Mr McConnell
Ms Fyles	Mr Mills
Mr Gunner	Mr Wood
Mr Kirby	
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Mr Vowles	
Ms Wakefield	
Mrs Worden	

Motion agreed to.

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**VISITORS**  
**St Mary's Catholic Primary School**

**Mr DEPUTY SPEAKER:** Honourable members, I advise of the presence in the gallery of Year 4 and 5 students from St Mary's Catholic Primary School, accompanied by their teachers. On behalf of all honourable members I extend a warm welcome to you all. Welcome to Parliament House.

**Members:** Hear, hear!

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**CRIMINAL CODE FURTHER AMENDMENT BILL**  
**(Serial 87)**

**Ms FYLES (Attorney-General and Justice):** Mr Deputy Speaker, I present a bill entitled Criminal Code Further Amendment Bill 2019 and table the explanatory statement and human rights compatibility statement.

I move that the bill be now read a first time.

As I have explained in the motion just voted on about urgency, the purpose of this bill is to fix a procedural difficulty that has been identified in relation to cases involving offences that were committed before the *Criminal Code Act 1983* commenced.

I thank those who took the time to speak against the motion for urgency and as there is no right of reply, I will provide an explanation for those opposite. I note the opposition's support of the urgency and I thank them for that.

If we do not fix this we are making a massive policy change without consideration. All we are doing by passing this bill this week on urgency is maintaining the status quo. It is not difficult to understand this bill. The Supreme Court does not have the jurisdiction to hear this matter, and it is possible the local court will not hear it.

We have a gap in our legislation from 1978 to 1984. Since 1984 the matters would have been dealt with in a way where the Assembly has taken the time to consider them and has passed bills in this House. All we are doing as an Assembly today is closing the loophole on that gap between 1978 and 1984. We are essentially maintaining a policy status quo.

We are not making significant changes without consideration. In fact, if we did not maintain the status quo we should be questioned.

Questions were asked about representing constituents and having time to take the bills out to our constituents. We are not actually changing anything; we are just allowing that status quo to continue for that period of time. The ramifications of not passing this bill would be more than passing it.

I was asked a question about the time frames and whether the world would come to an end. As I explained in asking for urgency, the loophole was identified in the Supreme Court in a case in January. Once everyone became aware of that loophole, which goes back many decades, work began on closing it. We were of the understanding that there would be no cases until later in the year, but there is a case in April.

There is a serious reason to pass the bill this week. If we leave this there is a chance the case would not be heard, and a recent conviction could be quashed. It is not that we are asking members to change the law, or the policy setting that we have had for the last three decades. We are asking them to enact the policy setting where there is an identified gap in the legislation.

As we spoke about in the urgency debate all members of the House were offered a briefing from the Solicitor-General and the Department of the Attorney-General's staff about the technicality in nature of the matter. Some of those opposite do not want to take my word for it, but we sought the advice of the Solicitor-General on this. We undertook a robust process and asked a lot of questions, but we need to address this issue due to the court case in April.

The difficulty was identified in the recent Supreme Court case *The Queen v Andrew Walker* [2019] NTSC 6, which was a trial involving an historical sexual abuse case that occurred between 1980 and 1983. The accused was charged with a number of offences, including indecent assault and attempted carnal knowledge of a child. For complicated and technical reasons, the court ruled that it did not have the jurisdiction to hear the charges of indecent assault.

This result, which was totally unanticipated, appears to be a side effect of procedural amendments to the Criminal Code that were made in 2014 combined with further procedural amendments made in 2016.

I immediately obtained the Solicitor-General's advice on this issue. My understanding of the situation is that the Supreme Court does not have the jurisdiction to hear certain historical offences that occurred prior to 1978. Further, it is not certain whether it has the jurisdiction to hear certain historical offences that occurred between 1978 and 1984.

In practical terms, the historical offences that are likely to be most affected by this issue are sexual assaults, particularly indecent assaults contrary to what was section 66 of the now repealed Criminal Law Consolidation Act and Ordinance 1876. As was made clear by the Royal Commission into Institutional Responses to Child Sexual Abuse, it can take many years—decades even—for survivors of child sexual abuse to feel they are in a position to speak about what occurred.

It is not uncommon for child sexual abuse cases to be prosecuted many years after the events took place. This is one of the reasons the issue primarily affects historical sexual assault cases, particularly child sexual abuse matters. Another reason is that the penalty for indecent assault including children was, in the past—and we would all agree—regrettably quite low.

Prior to the instructions of the Criminal Code, indecent assault that did not involve carnal knowledge only carried a maximum penalty of two years' imprisonment. Other serious offences from that period, which we still consider to be serious today, such as murder or robbery, have much higher penalties and are not caught by the same procedural loophole. The two-year point is very important.

As a government and a parliament we take the recommendations of the royal commission seriously, and we consider that those recommendations will be frustrated by laws that effectively prevent the Supreme Court from hearing allegations of serious historical offences. Our Supreme Court should have the ability to hear cases involving serious offences that occurred before 1984, and the objective of the bill is to ensure that it does. Since 1984 the court has had the jurisdiction to hear them. We still need to close the loophole.

I will provide a technical explanation of the legal issue that arose in the matter of Walker and explain how the bill will remedy it in future trials. When the Criminal Code was introduced in 1984 it was anticipated that there would still be offences that would need to be prosecuted under laws that existed before that time. For this reason, section 14 of the Criminal Code allows for the prosecution of like-for-like offences.

For example, it was an offence to murder someone under the old law before 1984 and it is still an offence to murder someone under the Criminal Code today. Both the old and the current law view murder as an offence, and section 14 says that the Director of Public Prosecutions can prosecute someone for a murder that happened under the old law, for example in 1982. It does not matter if the name of the offence changed as long as the behaviour in question was an offence at the time and is still one today.

If the penalties are different then section 14 operates in favour of the accused, making the offence punishable by the lower penalty. However, section 14 does not deal with the procedure that should be used to hear an offence. Other sections of the Criminal Code and other acts set out two basic kinds of criminal procedures.

One set of procedures features a trial by jury in the Supreme Court. This set of procedures is used for offences called indictable offences, which are more serious. There is an alternative set of procedures for summary offences, which typically involve a hearing by a judge of the Local Court. Section 3 of the Criminal Code, as introduced in 1984 and amended in 2016, says that an offence is an indictable offence if it carries a penalty of more than two years' imprisonment or if it is explicitly called an indictable offence.

Prior to 1984 a law called the Criminal Law and Procedure Ordinance 1978 said that an indictable offence was any offence with a penalty of more than six months' imprisonment. After 1984, old offences that were indictable under the old law continued to be heard by the Supreme Court on indictment. The basis for this could have been that the Supreme Court's jurisdiction to hear common law crimes had not been expressly removed.

I am advised that the Department of the Attorney-General and Justice is not aware of a case before Walker where the issue was tested.

In 2014 this Assembly passed the *Justice and Other Legislation Amendment Act 2014*. The purpose of this act was to give the Supreme Court jurisdiction to hear and determine summary offences at the same time it was dealing with charges against the same person on indictment, provided the alleged offender agreed to this process. This was a sensible change in the law designed to avoid unnecessary duplicate proceedings, which wasted the court's time and caused additional distress to both alleged offenders and to victims.

The wording of the amendment effectively stops the Supreme Court from hearing and determining the charge of a summary offence other than in compliance with the process. At the time this amendment was made, it may or may not have affected the Supreme Court's jurisdiction to hear indictable offences that were crimes.

Then in 2016 the *Local Court (Repeals and Related Amendments) Act 2016* made further amendments to the Criminal Code, re-allocating primary responsibility for offences punishable by two years' imprisonment to the Local Court, and classifying such offences as 'summary offences'.

Unfortunately, consideration does not appear to have been given to pre-Code offences that had penalties of two years and which had been, until this point, most likely indictable. The serious offence of indecent assault at section 66 of the Criminal Law Consolidation Act and Ordinance 1876 would likely have been excluded from re-classification as a summary offence.

Under the old law it was a crime and under current law it is an indictable offence, so it would be illogical to reclassify it as a summary offence at this point.

Read in conjunction with the definition of a summary offence, this amendment arguably removes the Supreme Court's jurisdiction to hear any offence that does not meet the current definition of an indictable offence. This is ironic given the intention of the 2014 amendments was to increase the Supreme Court's jurisdiction, not to limit it.

This means that if an offence from before 1984 carries a penalty of two years' imprisonment or less and does not otherwise say it is an indictable offence, it would appear under current definitions to be a summary offence, even though at the time it was an offence it could have been heard on indictment.

As the Supreme Court's jurisdiction to hear any offence that meets the present definition of a summary offence has been limited, the court in Walker found that it could no longer hear such historical offences. The

purpose of this bill is to remove any doubt as to the Supreme Court's jurisdiction to hear such historical matters on indictment.

A practical approach has been taken to the amendment. It imposes a simple test that overwhelmingly equates to practices of criminal procedure prior to 1984 and, indeed, to the procedure that was codified between 1978 and 1984.

The procedure was that offences punishable by more than six months' imprisonment could typically be prosecuted on indictment. The amendment refers to this six months as the benchmark because it was specified by section 20 of the Criminal Law and Procedure Ordinance 1978 during the last six years of the operation of the Criminal Law Consolidation Act and Ordinance 1876.

Further, it is consistent with the penalties and processes referred to in the Criminal Law Consolidation Act and Ordinance 1876 prior to its repeal. The act has many references to penalties for offences disposed of summarily, and those penalties do not involve more than six months' imprisonment.

There are some difficulties in drawing clear parallels between the old and current laws because the criminal law was an amalgamation of statute and the common law, rather than being codified in statute. The old act defined penalties for common law offences depending on the procedure followed at common law, rather than today's approach, which defines all offences, penalties and the applicable criminal procedure by reference to the statutory penalty.

Between 1978 and 1984 what existed was something of a hybrid model between the two approaches. This is probably not of great interest to anyone but lawyers; however, it is important to note because the convoluted history explains why we have chosen a simple test in the bill.

The test for whether an historical offence committed before 1984 can be heard by the Supreme Court involves two steps. Step 1: was the offence committed before 1984? Step 2: did the offence have a penalty of more than six months' imprisonment at the time it was committed?

If the answer to both of those questions is yes, then it is an indictable offence and the Supreme Court can hear it on indictment.

It is theoretically possible that this test captures an offence that had a penalty of more than six months and which the law before 1978 said was a summary offence, but we have not been able to identify any. In the event that such offences exist, the chance of one arising for prosecution seems extremely unlikely. However, even if this were to occur, this bill standardises the contemporary criminal procedure. It is entirely unremarkable for criminal procedure to be updated and for cases to proceed using procedures that did not exist at the time the offence occurred.

Section 14 of the Criminal Code ensures that an alleged offender cannot be disadvantaged by this law. It does not increase the penalty nor create an offence that did not exist at the time, which is an important consideration.

The bill functions retrospectively to ensure there is no doubt the Supreme Court had jurisdiction to deal with matters it had dealt with in the past. If the bill did not operate retrospectively there would be a risk that persons who have pleaded guilty or been found guilty by a jury could have their convictions quashed, even though they had committed an offence and were convicted through an entirely fair and appropriate process.

I should stress this amendment does not affect an accused person's right to a fair trial. It does not mean that an accused person can be tried for an offence that was not an offence at the time. It also does not make an accused person liable to a more serious penalty. All it does is fix a procedural loophole which would prevent the Supreme Court from hearing a matter. This is a loophole that will continue to frustrate the administration of justice in the Northern Territory if it is not fixed. I am confident that we are not making a policy change; we are insuring we do not inadvertently make one.

I provided the reasons this bill needs to be debated on urgency. It is because we have a matter in April which would be heard before the Assembly gathers again to pass a bill.

I thank the parliament for its support this morning to debate the bill on urgency on Thursday. I am happy to provide the resources of the Department of the Attorney-General and Justice, my office and, I am sure, the Solicitor-General, for more briefings to members. They had a number of questions in the debate on urgency

motion, which I hope I have answered. They asked what would happen if it does not go through and that they need to talk to their constituents. I feel I have answered those questions.

I sincerely thank the Department of the Attorney-General and Justice, the Office of the Parliamentary Counsel and the Solicitor-General for the Northern Territory.

As I said, we became aware of this in January when the Walker matter was handed down. A lot of hard work has been done, particularly over the last few weeks, by those people and I acknowledge that.

Mr Deputy Speaker, I am pleased to commend the bill to honourable members.

Motion agreed to; bill read a first time.

**Ms FYLES (Attorney-General and Justice):** Mr Deputy Speaker, I move that the bill be now read a second time.

Debate adjourned.

### **SUSPENSION OF STANDING ORDERS Pass Bill through all Stages – Youth Justice Amendment Bill (Serial 84)**

**Ms WAKEFIELD (Territory Families):** Mr Deputy Speaker, I move that so much of the standing and sessional orders be suspended that would prevent:

1. the immediate presentation of the Youth Justice Amendment Bill 2019
2. passage through all stages this week.

We are seeking to pass these amendments to the *Youth Justice Act 2005* on urgency, laying aside the standard 30 days that a bill is required to sit on the Table before its passage. This is not something that the government does lightly. I fully respect the due processes of this parliament and I understand the importance of consultation and letting people have the opportunity to discuss and provide feedback. I will explain why seeking a suspension of standing orders is necessary in this instance.

Last year we introduced changes to youth detention operations through the *Youth Justice Legislation Amendment Act 2018* to implement recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. These were good changes. They were amendments which introduced greater transparency and accountability within our youth justice system. They were amendments that reflected the evidence that was uncovered by the royal commission.

Prior to last year's amendments, young people in detention had minimal safeguards to protect their wellbeing. The amendments ensure that force, restraints and isolation cannot be used for the purposes of disciplining a young person in detention. However, laws, including youth justice laws, often need adjustment to reflect operational realities once they are implemented.

We recently became aware that some of those amendments have been open to misinterpretation. It has been suggested that there remains some confusion around the operation and scope of key provisions relating to the use of force, restraints and separation within a youth justice facility.

The bill addresses those concerns about ambiguity, so that we can continue to progress the improvements to the operation of youth justice.

Awareness of these ambiguities has arisen through a number of circumstances. They have primarily been raised by workers in the youth detention centres who, as part of their workforce feedback, say they are uncertain about the right course of action to take in some circumstances. They have been raised:

- during training sessions with new staff, where the complexities of explaining the technically correct course of action in certain circumstances are explored
- in court, where lawyers have explored possible alternative views to what was intended when these clauses were developed

- by the Northern Territory Solicitor-General and the Territory Families' senior counsel in response to questions posed by lawyers.

For the safety of workers and youth in our detention centres, it is critical that these ambiguities are addressed as a matter of urgency.

We are aware that incidents within the detention centres have put the safety and protection of staff and young people at risk and caused serious damage to infrastructure. We need these amendments to remove any ambiguity in their scope and ensure that staff have certainty about the appropriateness of their responses to incidents in the future.

We need these amendments to apply retrospectively to ensure that any ambiguities which allow lawyers to pursue technical arguments about breaches of laws are addressed so that departmental resources can be used to get young people back on track rather than for legal processes.

We must ensure that staff in detention centres can operate with certainty, secure in the knowledge that if they do their job well the law will back their actions. Good practice is supported by clear legislation.

I do not want to play politics with these important policy areas as we are talking about safety. I do not think the members opposite will have any concerns with the proposed amendments once we have the opportunity to debate them. They are good, sound amendments that are keeping faith with the original amendments and upholding good practice with young people in detention.

However, they are necessary in order to make the *Youth Justice Legislation Amendment Act 2018* precise and not open to interpretation or misinterpretation. They will avoid debates between lawyers about technical issues and will enable us to focus on rehabilitating young people.

If we do not amend them—if we wait until the May sittings to debate this bill—we are potentially letting a risky situation remain when it is in our power as a parliament to rectify it.

These amendments on urgency will be complemented by further amendments to the *Youth Justice Act 2005*, which I will be introducing tomorrow. It will introduce substantial amendments to address many of the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. As is right and proper, this second amendment bill will sit on the table for more than 30 days and will go through the scrutiny committee.

However, today I am requesting that the Assembly debates a suite of amendments that are not substantial, changing or reforming government policy. They are simply amending parts of the act to provide clarity and ensure that a superintendent of a detention centre can maintain a safe and secure environment for young people and staff. They are seeking, retrospectively to the date of the original amendments, to confirm the actions of staff who for the past 10 months have done their jobs with care and sound judgment and want the certainty that the law will back them up.

Madam Speaker, I welcome the debate ahead and I seek the support of the Chamber to pass this bill later this week on urgency.

**Mr WOOD (Nelson):** Madam Speaker, I will not support this on urgency, not because it may or may not be good legislation that the government is putting through, but I do not have the legislation to start with, nor have I had a briefing.

I wonder why this legislation—and probably some of the other legislation—has been brought forward today, considering we are sitting for six days this fortnight. Why could this legislation not have been brought forward on Tuesday last week? In that short period between then and now it could have even gone to a scrutiny committee. That committee might have asked for some legal advice not just from the government, but perhaps from some other perspectives. It might have asked members of the Department of Territory Families, the people who work in juvenile detention, for an understanding of the issues that have brought this matter forward on urgency.

It does not seem right to me. What the minister was talking about was one of the most controversial areas before the royal commission commenced. It was one of the leading reasons we had a royal commission. That was to do with the so-called powers of the people in charge of youths in youth detention centres and how that power was abused or not abused.

It seems that we are putting forward legislation that may have some faults. I feel very uncomfortable dealing with this issue because I do not know enough about it. This may be a dumb idea, but if there were issues in regard to how members of the department were operating within juvenile detention then there could have been guidelines put out by the department which said, 'These are the guidelines you must work under, knowing there have been issues raised by lawyers about the legislation'.

You could have some internal rules to give workers some guidelines of the intention of the government in relation to these matters, even if the legislation was a bit wonky.

How can one support something on urgency if one does not have the bill? I have no idea what is in it and we have not had a briefing. Would it not have made more sense, if the government was sincere, to have brought this forward last Tuesday? Perhaps they could have said they would send it to a scrutiny committee. I have no problem, if the issue is urgency, with the committee scrutinising whether it should be urgent. In those days, between then and now, we could have had a report back that would have allowed us to make an educated decision on something that sounds very important.

I am not putting down what the minister has said; this is an important matter. The issue is not its importance, it is whether it is urgent. I do not think the government has put a case forward that can support this being a matter of urgency.

**Mrs FINOCCHIARO (Spillett):** Madam Speaker, I too rise to speak to the motion on urgency. The opposition is not convinced the government has made its case for urgency. Urgency has a threshold. It is about detriment to Territorians and something that must be dealt with as something extremely undesirable or dangerous might happen if it is not passed.

The Member for Nelson raised good points, including that it could have been brought last week. We then might have had more time and could have sent it to the scrutiny committee.

We cannot support the urgency—and the government has not done itself any favours with this—because we do not have a copy of the bill. We do not really understand what the government is proposing. The original amendments were made in May after a long and expensive royal commission delving squarely into the issues.

The government did not send the bill to the scrutiny committee. It moved the bill through the ordinary process and spoke to how the changes would bring our system in line with the royal commission and were the right things for the Territory. The changes have been law since May last year and a significant period of time has elapsed since then. Only now at the eleventh hour is the government appealing to move the bill on urgency when they have not made a case for it.

The Member for Nelson also said that this does not reflect what our ultimate position may be on the amendments. The reality is that we have not seen them. The minister has not made a case for urgency. In this parliament we need the opportunity to properly look at laws. This area of law and the amendments, which deal with force and emergency situations, were a fundamental part of the royal commission.

This smacks of policy on the run. It is something we need to step through slowly. Unless there is some grievous issue that the minister can tell us of, she has not made her point on why we need urgency.

It highlights the fact that Territory Families continues to struggle with youth justice. The youth justice officers at our correctional facilities do an exceptional job in a tough situation. I have been to Don Dale a couple of times and I have always enjoyed speaking with the staff, hearing how they have been grappling with the challenges of the youth justice system.

We have significant questions on the content of the bill. I do not know why we do not have it and I imagine we will get it soon, though it is ten minutes until lunchtime. We do not support policy on the run, a government tinkering around the edges or not having the opportunity to even have a cursory glance. We were provided with notes and a briefing, which is more than what the Independents have had the opportunity to receive.

We do not support the urgency of the matter, but that is no reflection on what the ultimate outcome of the bill may be. We will need to take the time to look at it carefully. In such an important area of the law in the Territory, which the government is struggling to come to terms with, it is very important that we take a measured approach and carefully look and think through the detail. We would hate to see the bill back in parliament in another couple of months because tinkering around the edges created some other flow-on, unforeseen consequence.

We do not support the urgency on the Youth Justice Amendment Bill.

The Assembly divided.

Ayes 15	Noes 5
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Finocchiaro
Ms Fyles	Mr McConnell
Mr Gunner	Mr Mills
Mr Kirby	Mr Wood
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uibo	
Ms Wakefield	
Mrs Worden	

Motion agreed to.

#### **YOUTH JUSTICE AMENDMENT BILL (Serial 84)**

**Ms WAKEFIELD (Territory Families):** Madam Speaker, I present a bill entitled the Youth Justice Amendment Bill 2019 and table a copy of the explanatory statement of compatibility with human rights.

I move that the bill be now read a first time.

This bill aims to address ambiguity about key provisions of the *Youth Justice Act 2005* to create a safer and more secure environment for young people and staff in youth detention centres.

Since coming to office we have embarked on a journey to fix our youth justice system and reduce crime to make our community safer. We have been clear that we have a long-term plan that will deliver generational change whilst making improvements to the system we inherited. We are committed to a future youth justice facility that is safe, secure and rehabilitates young people to help them change their behaviours and create generational change.

As we continue to use current facilities in the medium term, we must ensure those facilities are both safe and secure. We must ensure that young people and the staff operating those facilities are protected by the legal system and that everyone in the facility has a clear understanding about how the facility operates. This operational clarity is critical in times of high stress when staff are working to protect and manage young people with complex needs.

Youth detention centres are high-pressure environments. Serious incidents have occurred in youth detention centres which have threatened the safety and security of staff and detainees and caused serious damage to infrastructure. We need to make sure our laws are clear so that the powers and functions of staff are understood and effective in managing safety and security risks. We have an obligation to prevent, in so far as we can, the escalation and occurrence of future incidents.

This government has committed to a reform journey where incremental stages of legislative amendments are introduced to create a more robust legal framework that improves our practices on the ground. We know that there is a strong relationship between law and practice and that reforming laws can drive effective practice change so long as the law is clear and can be practically implemented.

Last year we introduced changes to youth detention operations through the *Youth Justice Legislation Amendment Act 2018* to implement recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. These were good changes. They were amendments that introduced greater transparency and accountability within our youth justice system, which reflected the evidence that was uncovered by the royal commission.

Recently we became aware that some of those amendments have been open to misinterpretation. In particular it has been suggested there remains some confusion around the operation and scope of key provisions relating to the use of force, restraints and separation within a youth detention facility.

The bill I present today addresses those newly-raised concerns about ambiguity, so that we can continue to progress improvements to the operation of the youth justice system.

The bill before you today aims to remove any doubt about the meaning of key provisions regarding the use of force, approved restraints, separation, searches and creates an express power to transfer young people between youth detention centres.

The amendments in this bill directly impact on the day-to-day operations of the centres by clarifying the manner and circumstances in which some of the key mechanisms for ensuring safety and security can be used. The amendments provide greater certainty to frontline staff to make clear and confident decisions and exercise their powers effectively and appropriately where necessary.

The bill clarifies the circumstances in which force and restraints may be used to account for situations where detainees may act in a way that threatens the safety of the detention centre, but not in a way that presents an imminent risk.

The powers around the use of force and restraint are being amended to enable them to be used in circumstances to prevent a person engaging in conduct that would endanger the safety of any person in the detention centre.

Debate adjourned.

The Assembly suspended.

#### **LEAVE OF ABSENCE Member for Daly**

**Mrs FINOCCHIARO (Spillett):** Madam Speaker, pursuant to Standing Order 224, I move that a leave of absence be granted to the Member for Daly for medical reasons.

Leave granted.

#### **PETITION Petition No 33 – Aboriginal Flag at the Bagot Road Overpass**

**Mr GUNNER (Chief Minister):** Madam Speaker, I present a petition from 483 petitioners praying that the Northern Territory Government fly the Aboriginal and Torres Strait Islander flags at the Bagot Road overpass, raised at the same height as the Australian flag and on both sides. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

*The petitioners pray that the NT government fly the Aboriginal and Torres Strait Islander flags at the Bagot Road overpass, raised at the same height as the Australian flag and on both sides.*

*And your petitioners, as in duty bound, will pray.*

**Mr GUNNER:** Madam Speaker, I move that the petition be referred to the Social Policy Scrutiny Committee to consider whether the petition should be debated.

Motion agreed to.

## QUESTION TIME

### Productivity Commission Study into Children and Family Services Funding

#### Mrs FINOCCHIARO to CHIEF MINISTER

Last week, on 14 March, the federal Treasurer signed terms of reference requesting that the Productivity Commission undertake a study into Commonwealth and Northern Territory Government expenditure in the area of children and family services relevant to the prevention of harm to children, as recommended by the royal commission. Under the terms of reference, the Productivity Commission will examine the funding arrangements and services delivered to determine where the monies are appropriately distributed and directed.

In February last year you said that you would not provide a single document and would not be playing those games. Do you now stand behind the necessity for this audit, and will you commit the full cooperation of the Northern Territory Government in this review?

#### ANSWER

Madam Speaker, it is correct and we stand by it still. We are pleased these terms of reference accommodated the position that we should not waste time looking at things that have already been investigated.

We said clearly, for the decisions of the tripartite committee, which is new and being trialled through the decision-making of the royal commission, that we should know what money we have and where it is going. It is a study mapping exercise to be able to direct the traffic of money. That is important and we have agreed to it.

It is completely different to what Senator Scullion was trying on at one stage—a deliberate and blatant misread of the royal commission. I thought it was incredibly shoddy politics. It was meant to distract from the fact that the royal commission had found that Senator Scullion and the department could not explain where Commonwealth money was going in the Northern Territory, or why and against which strategic paper. It is an extraordinary outcome of the royal commission that has been missed in all the work: that the Australian government, under this CLP Senator, the federal Indigenous Affairs minister, could not explain where the money was going in the NT and why. This is direct expenditure from the Commonwealth.

The Senator played a clever game in mixing it up with GST and all sorts of things. It was a very direct and deliberate finding against the Australian Government, specifically that minister, when you dig into it. The bulk of the money that was referenced was the IAS money, which was an extraordinary finding of the royal commission.

There is still no response from the Commonwealth on that. The CLP minister continues to play games regarding funding for people who live remote—quite extraordinary circumstances, not to spend a single dollar on remote Territorians when it comes to housing. This is a deep and abiding shame on the federal CLP Minister for Indigenous Affairs.

We want to see that tripartite committee work and funding be directed. We are comfortable that the terms of reference accommodated everything we asked for. We appreciate the cooperation we had initially from Minister Tehan and now from different Commonwealth ministers—they have had a number of changes within their ranks on recorded historical instances with changes of Prime Ministers.

We have had a good relationship with the ministers about how we direct traffic in the royal commission and the tripartite funding. It is a tragedy that the federal CLP Minister for Indigenous Affairs still has not addressed the royal commission finding and today plays games on housing funding for remote Territorians, missing the fact that we simply want houses built and repaired in the NT.

They made a promise for money to flow from 1 July last year, it still has not flowed. These are terrible, crazy, mad, dumb political games and the only people suffering are some of the most vulnerable in the Northern Territory and this country. The games should end.

Do something, give the money to us or build houses yourself, just do something.

### **Westin Hotel Project – Darwin Waterfront**

#### **Mr SIEVERS to CHIEF MINISTER**

I usually ask a question on Palmerston, but today I have another important question. How will your government's support of the new Westin Hotel project at the Darwin Waterfront leverage private investment and create jobs?

#### **ANSWER**

Madam Speaker, I appreciate the question from the Member for Brennan. He has a deep and abiding love for Palmerston but he has enough in his heart to share it with others.

We want to create jobs in the Northern Territory. We have gone through unprecedented times, following the wind down of the INPEX construction phase—10 000 workers, over 10% of the workforce at peak, an incredible amount of people. This is the highest of the sugar highs we have had in the NT when it comes to economic booms. We have had three in the last 20 years. INPEX has easily been the largest of those, and it hurts coming out the other side. We feel for the Territorians who are doing it tough, particularly businesses.

There are signs of confidence in what is coming. Westin Hotels has said they have confidence in Darwin and the Northern Territory and they are making a significant investment here. This is good news for locals and there is a bright future in the NT. We have more good days ahead of us than bad.

As a government we have an economic plan that includes working with the private sector to leverage investment. We are seeing that with the Westin Darwin hotel at the Waterfront, a \$200m project that reached a milestone this week with the commencement of roadworks at the Waterfront site. There is a lot of work that goes into projects, not all visible. When people physically see the work happening, they believe that hotel is real and this will happen.

As part of the first stage, Anchorage Court will be widened to ensure the cruise ship terminal continues to operate safely through the construction period. Other elements include a seawall and foreshore access, footpath diversions, relocation of services, a new head wall and associated drainage.

Darwin-based contractor McMahon Services Australia is delivering the first stage of construction, which will employ a workforce of approximately 35 people. McMahon will work in conjunction with sister company Intract Australia, an Indigenous-owned civil construction company that boasts a 92% Indigenous employment rate. Incredibly good news.

In total the Westin Hotel project will deliver approximately 500 jobs during construction and 150 ongoing positions. Importantly, this is an offering that adds to tourism in the NT. This is a product above and beyond what we currently offer when it comes to hotels. It will help us grow the market in the NT. We are proud supporters of this project and we are working to make it happen. It includes a skywalk, as it is important we have connections from the bottom to the top of the cliff.

The Member for Port Darwin has a strong interest in making sure we have a vibrant and active CBD. Part of that is making sure the activities occurring in the CBD and the Waterfront are linked, we have good movement of people and it is vibrant.

### **Bail Accommodation and Subsequent Offences**

#### **Mrs FINOCCHIARO to MINISTER for TERRITORY FAMILIES**

In written questions I posed it was revealed that Territory Families does not hold data on how many youths being housed at bail accommodation have committed a subsequent offence or otherwise breached their bail while under the supervision of Territory Families.

How do you know whether the more-than \$20m you spend each year on bail support and youth offender services is having any effect if you do not hold data on how many of the youth you are supervising breach their bail or go on to commit subsequent offences?

## **ANSWER**

Madam Speaker, this is a very important question. Young people are placed in bail accommodation for a range of reasons, by the court, to ensure there is proper supervision for them rather than them being in the community if they do not have the right family support. The important thing that bail accommodation provides is 24-hour support for young people to make sure they meet the conditions of bail.

We have clear evidence from across the country that this program helps young people to stop reoffending. We have matters in train that will be looking at those issues as we evaluate the program. However, that data is held by the department of Justice not by the Department of Territory Families. At this point in time it will be part of the evaluation when we pull the data from the police data set, the department of Justice and Territory Families.

As a government there has not been enough investment into data, including under your government, where we now have separate data systems that are all coming to end of life. This government is investing to ensure that we have the data capability to make the evidence based decisions that Territorians expect.

We are investing in the police database with a new PROMIS system. We are investing in Territory Families with a significant investment into our youth data system, ensuring we have a system that supports our staff. The reality is we have a system that was put in place before smartphones, and that is clearly unacceptable. You cannot expect people to be making very difficult decisions with infrastructure that does not work.

As we move on in 2019 it is becoming clear that IT infrastructure is as important as physical infrastructure. As we move into a digital age we are investing in that and we will be doing the evaluation. It is more onerous than it needs to be and if investments had been placed at the right times—say in your terms of government—we would be able to do that more easily than we can now. But we will be evaluating those bail houses by pulling together the data from across government.

This government is working together. We have a whole-of-government approach and strong working relationships so we are able to achieve it—unlike the inability to achieve under the CLP, where there was constant bickering or change of minister.

A strong, stable government provides the ability to get good results and measure what we are doing.

### **SUPPLEMENTARY QUESTION Bail Accommodation and Subsequent Offences**

#### **Mrs FINOCCHIARO to MINISTER for TERRITORY FAMILIES**

What is the current Territory Families' policy for reporting breaches of bail or court supervision orders to police? Is reporting discretionary or automatic when a breach occurs?

## **ANSWER**

Madam Speaker, this is clearly a very important part of our policy moving forward. The process of working with breaches of bail has not changed since we came into government. It is important that we are very clear that the same things that were in place under your government, through the department of Corrections, are in place with Territory Families.

We continue to work through those issues and ensure those systems are as effective as possible. We report breaches of bail as soon as possible. There is an ability for case workers to work with young people where there is no crime committed, and we will continue working with young people in that way, making sure we have the wrong people.

This government is very clear that there has to be consequences. When a young person commits a crime there must be clear consequences for their actions. That means we will be working with the courts and the police to ensure we have a safe Northern Territory.

### **Turbocharging Tourism – Creating Jobs**

#### **Mr PAECH to MINISTER for TOURISM, SPORT and CULTURE**

How is Turbocharging Tourism creating jobs and drawing visitors to the Northern Territory?

## ANSWER

Madam Speaker, we know the tourism industry is critical to our economy in the Territory, including our regional areas. It is an industry that supports almost 2000 small to medium businesses and around 16 000 jobs across the Territory. It is vital that we continue to support this industry for our economic growth.

The Tourism Research Australia figures were released yesterday, and I was pleased to see them indicate, for a second consecutive quarter, that international visitor numbers are on the rise. That is international visitor numbers for all-purpose visitation, which are up by about 10% for the December 2018 quarter compared to the same quarter in 2017.

The whole-of-year figure and all-purpose visitation figures are positive, led by a 4.8% increase in holiday visitors. That was approximately 259 000 international tourists coming to the Territory in 2018. Holiday visitation is what we are targeting through our Turbocharging Tourism initiatives. Our tourism industry is doing it tough. The departure of many workers on major projects in the Territory is having a significant knock-on effect, particularly in the Top End, for retail and accommodation providers. These figures are welcome news.

International expenditure increased by 2.6% to \$359m of new money into the Territory economy. Once again, our top source market is the US, which demonstrates that the strategic investment we are making into the US market on the back of the Crocodile Dundee campaign is well targeted. We will continue to see the US well represented in our visitor stats across the Territory.

Interestingly, tourist numbers from Japan grew by 56% and greater China by 55%. We are coming off smaller markets, but as you can see these are visitor markets that are growing rapidly for the Territory.

We are well on our way to achieving our Turbocharging Tourism target of 53 000 additional holiday visitors by mid-year. I am proud of the team, which is working hard to roll out these initiatives across the Territory. I recognise the importance of the tourism industry to the Territory economy.

### **Banned Drinker Register – Monthly Report Stats**

#### **Mrs FINOCCHIARO to ATTORNEY-GENERAL and MINISTER for JUSTICE**

I am reading from the Department of Health's Banned Drinker Register monthly report for February 2019:

*Of the 4001 persons on the BDR as of 28 February 2019, 577 (14%) had breached one or more bans during the month.*

This shows how little impact the BDR and a floor price are having on persons with a serious drinking problem, yet it is impacting all Territorians. To highlight to Territorians how people on the BDR can still access alcohol can you, for the month of February, tell the parliament how many people on the Banned Drinker Register were taken to a sobering-up shelter by police or another service provider?

## ANSWER

Madam Speaker, Territorians have had enough of alcohol-fuelled crime and antisocial behaviour in our community. They have had enough of alcohol-related presentations filling our emergency departments.

Last week this government was acknowledged for its comprehensive policies on tackling alcohol abuse across the spectrum with the National Alliance for Action on Alcohol presenting us with recognition that our policies, legislation and work being undertaken in the Northern Territory is leading the nation.

I encourage those opposite to come on board and have a bipartisan approach to this. Other jurisdictions are looking at the work we are doing. The floor price is a simple, effective tool stopping the supply of alcohol to those who cause harm.

We know what those opposite would do if they got back into government; they would scrap the Banned Drinker Register overnight. They scrapped it within days of coming into government last time and left no measure in place. We do not support the alcohol mandatory treatment program. We do not believe in criminalising a health-based, addictive behaviour.

We said before the election that we would scrap that plan, but we left it in place until our measures were ready. Those opposite scrapped the BDR, allowing thousands of Territorians to access alcohol and cause

crime and antisocial behaviour in our community. They turned the tap of grog back on for those who abuse it, causing crime and antisocial behaviour and ...

**Mrs Finocchiaro:** Fourteen per cent of people on the Banned Drinker Register breached their ban ...

**Ms FYLES:** If those opposite do not want to listen to me, perhaps they will look at the cost and the impact: \$1.38bn Territory-wide is spent on alcohol-related harm.

Since the Banned Drinker Register has been in place, over 8000 people have been placed on it. People come onto the Banned Drinker Register and, as the Deputy Leader of the Opposition knows, they can go off it. It stops people accessing alcohol who then go on to cause crime and antisocial behaviour in our community.

In February there were over 385 000 takeaway sales of alcohol in the Northern Territory, 550 of which were declined. People are banned and that stops them from purchasing alcohol. But even when people are banned they still try to access alcohol. The BDR stops them from getting a supply of alcohol.

Those opposite had one measure that was failed and costly—alcohol mandatory treatment. As a government we have a comprehensive range of measures. There is therapeutic rehabilitation and the Banned Drinker Register. We are implementing the most comprehensive policies and legislation as we shift towards a complete rewrite of the *Liquor Act 1978*.

I encourage those opposite to come on board, to have a briefing and back measures that will keep the Territory community safer. But they do not want to listen. We will ...

**Madam SPEAKER:** Attorney-General, your time has expired.

### **Underground Power Project**

**Mrs WORDEN to TREASURER**

Treasurer, as you know I am hugely supportive of underground power. How is our government delivering on our commitment to restart the undergrounding of power in Darwin? Are you aware of any alternative approaches?

**ANSWER**

Madam Speaker, yesterday we made an announcement on the recommencement of the undergrounding power program. It is important to get the best value for money when it comes to the Territory taxpayers' dollars. Unlike the CLP, which scrapped the undergrounding power program, we have brought it back. But we are doing it in a way that will get the best bang for the buck for Territorians.

We will be recommencing undergrounding power this Dry Season. It will be a great program. We will start with nine schools getting underground power to help build resilience in the community. When we have a cyclone and we are in a post-disaster recovery situation, the number one thing you want to do is get things back to normal as quickly as possible. Those schools will be up and running.

We will start in July and the nine schools will be: Wagaman Primary School; Alawa Primary School; Jingili Primary School; Parap Primary School; Larrakeyah Primary School; Moil Primary School; Namarluk School; St John's College; and Stuart Park Primary School. Our plan is to remove power lines, get them underground and create and support local jobs. Most importantly, in the recovery after cyclones or major weather events, we will be getting kids back into school as quickly as possible.

This part of the program will take about two years. It is important to get it up and running as people have told us loud and clear what they want to see: to ensure we get more reliable power, we get those power lines underground and that we do it in a cost-effective way. We are considering the roll-out of the rest of the program. We want to ensure we get the best value for money for Territorians and that we build maximum resilience into the system.

**Mr Wood:** How much will it cost?

**Ms MANISON:** It is not a cheap exercise. It could be about \$30m a suburb. To do the entire program will cost approximately \$300m. It is a big investment and we want to get it right. It is about building more resilient communities and this is why we are starting with schools.

It is an investment that has been welcomed. When people experience weather events they want to get back to normal as quickly as possible. Having schools up and running is an important part of that.

Madam Speaker, we are recommencing the undergrounding of power, something that the CLP scrapped. We will ensure we get that power underground, unlike the CLP, which never got one powerline down and just put the power prices up.

### **Mandatory Reporting – Child Protection and Domestic Violence**

#### **Mrs FINOCCHIARO to MINISTER for HEALTH**

We know how difficult it is to source medical staff in the Territory and that we want to keep them here. I note the government has a lot of information online through the Department of Health website for health professionals. However, there does not appear to be any information about mandatory child protection or domestic violence reporting. What measures are in place to inform new medical staff about the mandatory reporting requirements in the Northern Territory? Why is this information not part of induction for medical staff new to the Northern Territory?

#### **ANSWER**

Madam Speaker, we have a responsibility to ensure that our children are safe, and if we suspect that there is any child neglect or abuse occurring we report that. That is why this parliament, more than a decade ago, passed legislation for mandatory reporting.

The detail the member has asked for is a fairly operational question. I am certain that staff are inducted on that when they join the Department of Health in any capacity. In ensuring that my response is accurate, I will take that on notice and ask the Department of Health's Top End and Central Australian Health Services to provide me with information about the induction. I know there are a number of induction programs and they vary greatly depending on whether a staff member is going into an urban setting, it is a casual position, they are permanent or they are going to a remote community.

We acknowledge the hard work of our Health staff across the Northern Territory. That is why we are putting in place measures we know work and why the figure of \$1.38bn it costs the Territory community in alcohol-related harm includes child protection. It includes the cost of alcohol on families and young people—FASD, for example.

That is why, as a government, we are putting in place policies and legislation to ensure that our young people are protected from the harms of alcohol and have the best start in life in the health space. Through working with women when they are pregnant, through nurses and communities we are engaging and working with parents in the early days. We know that if you invest in the early years, it pays off in the long-term social and economic costs.

Madam Speaker, it was a very specific question about ensuring our staff have access to information about their responsibilities. I know from meeting with staff across the Northern Territory that they put children first. They go above and beyond, whether it is on the hospital ward, in clinics or coordinating remote outreach programs. Our nurses and clinical staff in remote communities invest in those children like they are their own.

I will get those specific details for the member of exactly where they undertake that training.

### **Cancer Treatment Services**

#### **Ms AH KIT to MINISTER for HEALTH**

How is this government improving cancer services? How are those services supporting Territorians and their families?

## **ANSWER**

Madam Speaker, I acknowledge the member's commitment to the health services of Territorians. The work she undertakes as the assistant minister in this portfolio should be acknowledged in the House.

As a government, we are delivering enhancements and major projects for health across the Northern Territory, particularly for cancer services. We have delivered the Territory's first PET scanner, and I acknowledge the federal government in that partnership. But it took our government to get the federal government to commit those funds to the Territory.

Since officially opening in early December 2018, more than 110 patients have had their scans locally. This has exceeded expectations. We had figures of the number of people who used to travel interstate for PET scans. But some people were either too ill to travel or chose not to, or clinicians decided not to request that scan because they felt it would impact on the patient too much.

That diagnostic tool ensures that people have earlier access to information and more detailed information, which means they can receive the best care possible.

Last month I officially opened the expansion to the Alan Walker Cancer Care Centre, a project that delivered jobs in the infrastructure space, stimulating the local economy with over 60 jobs while it was being built.

It increased the capacity of the chemotherapy chairs and is a far nicer space. When people are receiving chemotherapy they have to sit for many hours. They now have privacy in their own cubicle areas. The improvements benefit the staff as well.

It was exciting to announce that the Northern Territory Government has joined the National Genomic Cancer Medical Program along with other centres of excellence from around Australia. This means that Territorians can have access to cutting-edge trials without having to move interstate. Previously people would be uprooted to participate in a clinical trial. This is with the Garvan Institute of Medical Research and the Peter McCallum Cancer Centre. It is fantastic and something the Northern Territory Government has partnered with the federal government on.

We are getting on with the job of delivering cancer services for Territorians and working with the federal government to ensure we get the best.

Thanks to the hard work of our local community, through the Run with Dad event and the It's a Bloke Thing luncheon, we have a dedicated prostate cancer specialist nurse. Ruby has started in that position full time.

This is some of the work we are doing in the Top End and Territory-wide, as well as the first hospice at the Alice Springs Hospital.

I can assure Territorians that the cyclotron project is being delivered and we are on track in delivering services.

### **National Indigenous Art Gallery Site**

#### **Mrs LAMBLEY to CHIEF MINISTER**

The federal government has just given the Adelaide national Indigenous art gallery \$85m. Understandably, Alice Springs people are now very worried about the future of our national Indigenous art gallery in Central Australia.

Chief Minister, you need to get on with the job and make it happen. After two-and-a-half years, please tell us where you will build the Alice Springs national Indigenous art gallery?

## **ANSWER**

Alice Springs is the heart of this country. It is the perfect place for the national Aboriginal art gallery. This goes to the work that is being done and led by the minister, with the reference group behind her that is talking to art galleries around this country and the world, which all recognise Alice Springs as the natural place for this art gallery.

That is the important work being done now, parallel to the work that goes to a physical site selection, design and construction process in Alice Springs. While that building is important, the work being done by the minister, and led by the reference group, across this country is critical to the success of this gallery.

I am extremely confident and positive that there is a way forward in Alice Springs. We have to do this with the people of Alice, with the Alice Springs Town Council—a huge stakeholder in Alice Springs with the land they have—and the traditional owners of Alice Springs.

As a government we have clearly been trying to sell this in Alice for two-and-a-half years. There are parties we have to engage with in a positive way who have the ability to make this happen in Alice Springs. I remain confident, as Chief Minister, that we can do that. This will be built in Alice Springs and it will be magnificent. We believe in a national Aboriginal art gallery for Alice Springs.

There are people in positions of influence in Alice Springs who constantly run interference, people who find it easy to identify problems rather than solutions.

The Member for Araluen is one of these leaders, and I call upon her to be part of the solution and not constantly part of the problem in finding a way through for issues like this in Alice Springs.

**Mrs LAMBLEY:** A point of order, Madam Speaker! Standing Order 110: relevance. My question was very specific. Where will you build the Alice Springs national Indigenous art gallery?

**Madam SPEAKER:** Thank you, Member for Araluen. Chief Minister, if you can get to the point.

**Mr GUNNER:** We will build it in Alice Springs. It will be magnificent. We are in positive competition with South Australia. I formally met with Premier Marshall under our strategic relationships document. We agreed to have a good relationship between the two galleries we are building in order to direct traffic. Importantly for us, not so good for Premier Marshall, is the national recognition that Alice Springs is the natural place for this art gallery.

It is a beautiful, spiritual and cultural place. It is the heart of this country and the natural place for the art gallery.

**Mrs LAMBLEY:** A point of order, Madam Speaker! With 15 seconds left, where in Alice Springs will you build the gallery?

**Madam SPEAKER:** The Chief Minister can answer the question in his own time.

**Mr GUNNER:** We are confident in the positive partnership with town council; it is clear that in Alice Springs the town council is integral to this solution. We are happy to work with them. We are keen to build the art gallery in Alice and we will do it.

### **Remote Housing – Generational Change**

#### **Mr PAECH to MINISTER for LOCAL GOVERNMENT, HOUSING and COMMUNITY DEVELOPMENT**

How is the Labor government working on remote housing with local Aboriginal people across the Northern Territory to achieve generational change? Are you aware of any other good policies in the housing space?

#### **ANSWER**

Madam Speaker, we understand that adequate, improved and well-maintained housing for remote Indigenous Territorians is about closing the gap in disadvantage and about generational change, which is the policy that underpins this government.

In two years' time we will put a score card out under this government: 1320 new, fully-upgraded or replacement homes. We have improved the lives of Indigenous Territorians significantly, two years into the program. In comparison, the CLP, in the last two years of its governance, delivered only 488. That is something to tell the Commonwealth and Territorians, and to have confidence in.

It is important to acknowledge that we have been managing the Commonwealth's program, the last of the 10-year national partnership agreement with SIHIP, NPARIH and the Remote Australia Strategies, with great

confidence from the Commonwealth in extending the time frames and rolling over the monies. That is acknowledgement by the Commonwealth of what a Northern Territory Labor Government is doing.

As the Member for Namatjira said, what are we doing about local decision-making? It is the essence of this policy. This is what sets Labor's policy apart from any other attempt to improve and provide adequate housing and maintain Indigenous housing in remote areas. This takes time and trust, but it is rolling out. The positive comment from people on the ground is that we have a government that is listening.

It is important to note the elements of what has been 220 community engagement activities regarding local decision-making on housing. The Land Tenure Unit and land servicing essential services also attended 34 community engagements.

This is work with people on the ground, which talks about the design, scope and orientation of housing, the availability of land and land options, and cultural elements of good decision-making. It is using Aboriginal interpreters to ensure we show respect and get the cultural conversation right.

This policy is working and members should be proud because Territorians are backing us. It is disappointing that we have some silent members. We need the Commonwealth to add that additional funding, we need the end of political games and the proactive bipartisan work on improving the lives of remote Indigenous Territorians based on proper local decision-making.

### **Timber Creek Native Title Compensation Claim – NT Fiscal Impact**

#### **Mr MILLS to TREASURER referred to ATTORNEY-GENERAL and MINISTER for JUSTICE**

What advice has Treasury received regarding the recent High Court decision that exposes the Territory to compensation claims? How will this decision impact the NT fiscal imbalance? Is this potential cost being factored into planning for budget repair now and into the future?

#### **ANSWER**

Thank you Member for Blain. With regard to the High Court case in government's consideration, I will refer it to the Attorney-General. We get advice from the department of the Attorney-General where there could be financial liabilities and look at how we can factor them in.

**Ms FYLES:** Madam Speaker, it is important to note that the department of the Attorney-General, through the Solicitor for the Northern Territory, provided the legal representation in this case. We are working closely with the Minister for Aboriginal Affairs and will continue to.

The full bench of the High Court handed down its decision last week. The Timber Creek native title compensation case was an important test case between the Northern Territory, the Commonwealth and the Northern Land Council, which represented the native title group. The Northern Territory Government welcomed the decision, which provides finality and certainty in the matter. It will also guide how future compensation claims are dealt with.

We will work through it in detail as it has an impact here and across Australia. We are not yet in a position to provide a formal response to the judgment. It is a complex area of the law. We need to analyse the decision and its implications. To put that into context, I have been privileged to be the Attorney-General for over two years now and this was one of the first matters I was briefed on by the Solicitor for the Northern Territory and the Department of the Attorney-General and Justice.

It is a complex matter that has taken much time and there has been back and forth. This is in part due to the fact that it is a test case that will set a precedent across the nation.

Member for Blain, we are not trying to avoid answering your question, but we need to work through it in detail to get a true understanding of the impact on the Northern Territory. We need to respect the rights of native title owners.

As this is a complex test case for the Territory and Australia we need to get the details right. The Minister for Aboriginal Affairs and I would be happy to provide you with a briefing. We are also happy to answer future questions for the House. But as the judgment was only handed down last week it is early days.

### **Families as First Teachers Program**

#### **Ms AH KIT to MINISTER for EDUCATION**

Minister, how is the Families as First Teachers program ensuring Territorians have a great start in life? How is it contributing to generational change across the Northern Territory?

#### **ANSWER**

Madam Speaker, as you heard, there are some very positive supporters of FaFT, the Families as First Teachers Program, which operates in the Northern Territory. Our Labor government is fully invested in the future of the Territory by investing in our children. The 0 to 5 years are critical in getting kids on the right start for a bright future.

The Families as First Teachers program started under the previous Labor government in 2009. There were 21 sites. I am proud to say that our government has created a further 12 FaFT sites across the Territory. There are now 39 FaFT sites from the Tiwi Islands—the Member for Arafura is very supportive—all the way to Central Australia. Of those 39 sites, there are 34 in remote communities and there are now five urban FaFT sites, which is fantastic news for our urban and rural areas.

It is a successful program with great outcomes. We have spoken about FaFT many times in the Chamber. As the minister responsible for the program I am proud to say that we are growing the number of FaFT sites further. Another seven sites will come online by the end of the calendar year and we will be looking to grow a further seven. That is 14 new sites across the Northern Territory over the next 18 months.

It is exciting to be part of this process to further the journey of our learning—not just for our children, but for our families and caregivers. There have been some great stories across the FaFT sites in the Territory, like the early years rewarding careers initiative. I will give two examples. The Member for Karama, in her assistant minister role, will be interested to hear them.

One young FaFT educator from Galiwinku on Elcho Island, Verity, came along as a parent looking after her child. She was given the opportunity to take on a fully-paid position as a FaFT playgroup leader in her community. She has gone on to study her Certificate III in education. This is fantastic.

In my electorate of Lake Evella, Alvin Wunungmurra, who is a proud father of two, is now doing his FaFT program and his early years career initiative through FaFT.

It is a critical area of education, which the Labor government is very proud to support and continue. We look forward to having 14 new FaFT sites by December 2020.

### **Climate Change Strategy – Greenhouse Gas Omissions**

#### **Mr McCONNELL to MINISTER for CLIMATE CHANGE**

Some estimates have placed the cost of offsetting emissions under the full-production fracking scenario at \$4.3bn per year by 2030. Do these projected emissions from the fracking industry make a farce of the Northern Territory Government's commitment to emission reduction targets and jeopardise opportunities in the Northern Territory in carbon management and other initiatives that are used as viable offsets in other countries?

#### **ANSWER**

Madam Speaker, we are a proud Labor government that supports climate change. We have not seen such loud commitments coming from the federal Minister for the Environment or the federal Liberal Party.

We are aware of the monetary cost of climate change as well as the impact in the Territory. A discussion paper was released in October last year and I do not remember you putting in a submission or having conversations on the issue at the time, Member for Stuart, and it is important.

The climate change discussion paper was released, information was gathered and a climate change strategy will be released later this year. The discussion paper talks about the cost of climate change and the impact. Our target is 50% renewables by 2030.

As a government, we are well aware that with our small population we cannot do this on our own. We wrote a letter to the previous Prime Minister, Malcolm Turnbull, and we were very clear that this problem needs to be solved by all Australians. We need the federal government, Labor or Liberal—all Australians will benefit from the LNG onshore oil and gas industry—to work to address the issues regarding greenhouse gases.

With a small population in the Northern Territory and difficult financial issues, there will never be the required amount of greenhouse gases—the majority of greenhouse gases prior to 2016 were from the cattle industry and bushfires—and even working hard on offsets we would struggle. We cannot do this as a Territory; we need to work with the federal government. The federal government needs to help us with that.

We will continue to do what is needed. A strategic plan will be coming out very soon, in the middle of this year, which will work to address greenhouse gases in the Territory.

### **Renewables Project – 50% by 2030**

#### **Ms NELSON to MINISTER for RENEWABLES, ENERGY and ESSENTIAL SERVICES**

In 2018 our government approved the 25 megawatt solar plant to be developed in Katherine. The project supports our government's target of 50% renewables by 2030. How is this target progressing and creating local jobs?

#### **ANSWER**

Madam Speaker, this follows on from the previous question by the Member for Stuart regarding climate change and what we are delivering after too long of this problem being ignored by the conservative side of government.

Territory Labor has a target of delivering 50% renewables by 2030. It is a clear target and we are moving forward because, unlike the CLP, we have a plan and we know the right policy settings to deliver private sector investment into the Territory. The reality is the market is speaking with private investment going into renewables. We know that is the way forward.

Over the last six months we have seen the private sector commit to invest in more than \$80m across three plants in the Northern Territory. This equates to 170 jobs in the construction phase. As you mentioned, Member for Katherine—and I am sure the people of Katherine are very pleased about this—construction will start next month on the Katherine solar farm. Forty-five megawatts of renewables and some supporting batteries will be built in the next 12 months. We have already seen jobs advertised, with key roles including construction manager, civil supervisor and electric supervisor—real jobs by real private investment.

It is important to focus not just on large projects because this is about significant private investment into the Northern Territory. We also have smaller projects that are delivering jobs as well. These are, let us face it, the jobs of the future. Renewables are the way forward. The market is speaking through private investment and this government is supporting it.

We have invested \$5m into Desert Knowledge over three years for Australia's Centre of Excellence in Renewable Energy in the Intyalheme Centre of Future Energy. I am very proud to be the minister delivering this project. This is about providing practical engineering solutions to the problems that face us in the Northern Territory in delivering reliable power, in particular ensuring that remote communities have access to renewable technology. We need to ensure this is not just about the urban centres and that there is social justice and access to renewable power moving forward.

We have also invested \$1.5m over three years into research projects conducted by Charles Darwin University and the Centre for Appropriate Technology. We have supported more than 260 local businesses with 4000 installation jobs through the Smart Energy Grants. This is important work for small businesses. Businesses in my electorate are very busy at the moment. This is about supporting the future and jobs.

**Madam SPEAKER:** Minister, your time has expired.

### **Youth Detention – Handing Responsibility to Non-Government Sector**

#### **Mr WOOD to CHIEF MINISTER referred to MINISTER for TERRITORY FAMILIES**

The Diagrama Foundation is a growing international non-government organisation which is the largest provider of youth educational centres in Spain, which are akin to youth detention facilities in the Australian context. Recently the Jesuit Social Services visited Diagrama in Spain and said what they hear and witness repeatedly at the heart of Diagrama's model is love and boundaries.

Last November, David McGuire, the CEO of Diagrama, visited Darwin and met Olga Havnen from Danila Dilba, who is also impressed by the work they do, am I.

Has the government considered handing responsibility of youth detention to an NGO such as the Diagrama Foundation, sometimes called the Spanish Alternative, and getting responsibility for youth out of the politics of government and trying a new, fresh approach?

#### **ANSWER**

Madam Speaker, this is an area of active interest and there have been a range of meetings. We know there were some really good conversations in Darwin late last year and the work has been ongoing since then. It is something we are interested in. The Minister for Territory Families has been handling it on a more day-to-day basis and I have had conversations about it with the minister and others. We are genuinely interested in it.

We have taken a different approach to youth justice this term, based on a lot of work. We have the Back on Track process out at the moment, which is about how we can work with the non-government sector, recognising that there are solutions outside government to help break the cycle and ensure we are not repeating those errors we have agreed in the Chamber we want to get away from, which is essentially kids being trained through the youth justice system to become adult offenders. We do not want that. We agree we have to change the way we are doing it.

There has been a significant body of work led by the minister. She is asked a lot of questions in this place so it is good for her to answer one on which she has been doing a significant amount of positive work. I give the minister an opportunity to talk about it.

**Ms WAKEFIELD:** Thank you, Member for Nelson. I too was briefed by David, who came from Spain to talk about the very impressive program. I know Danila Dilba and its executive have also visited that site and are very keen about the ways that approach can be taken.

There are some similarities of that program with things we are already doing in the Northern Territory. The WYDAK example out of Yuendumu would be a similar model where you have local communities leading the response.

We have encouraged all proponents you have mentioned to be part of our tendering process, which we are going through at the moment. We are in a probity process that I do not want to—that is happening at the department level but we are hoping to see some very innovative solutions.

We broadly support the move forward. We need to ensure, in moving to a private provider—which is what you are proposing—that there would be significant checks and balances.

The royal commission gave fairly direct advice in saying that governments need to take responsibility for child protection and youth justice systems. There is a balance there but we also know that the NGO sector can deliver these services very effectively as Danila Dilba, Jesuit Social Services and a range of other providers are providing very good services.

We will continue to work through it. We are very open to the model and we are invested in reform.

### **Territory Farmers – Support**

#### **Ms NELSON to MINISTER for PRIMARY INDUSTRY and RESOURCES**

Katherine has a very diverse agricultural and horticultural industry—mangoes, melons, asparagus—and it says significantly contributes to our local economy. How is the government working with our great Territory farmers to diversify and grow food production in the Northern Territory?

**Mr Wood:** A field day coming up.

**Ms NELSON:** Yes, at the research station, Member for Nelson.

#### **ANSWER**

Madam Speaker, our government's number one priority is jobs, and the agriculture sector is certainly a very interesting and diverse sector that we very much support. The Member for Katherine is a very strong advocate for the Katherine area.

The agriculture sector has always been central to the Territory's history and our economy. It contributes over \$700m in sales per annum throughout the Territory. Our pastoral industry is a big part of that, at the moment around 45%. But I will focus on the horticulture sector, which is valued at approximately \$245m per annum.

We proudly support farms across the Territory and are working with the NT Farmers Association to support growth and development of its industries. We are already producing approximately \$110m annually in the mango trade. More than half of the Australian production of mangoes comes from the Territory, and an interesting statistic is that half of that production comes from the Katherine region. It is a very strong producer in this industry.

Grape production alone provides nearly \$9m of annual sales from just 200 hectares of land. We are also really pleased to see our small but innovative bush foods are a continuing growth sector.

In this building you can taste the delights of Maningrida red bush apple crumble from the café next door, much to the delight of those who have enjoyed it.

With important activities under way, I am especially keen to support the NT Farmers Association with their goal to grow the industry at double the rate of agribusiness nationally. We are helping them in that goal by supporting the industry capability with over \$1.5m in funding to employ a workforce development officer, a plant industry development officer in support of the Katherine agribusiness hub and a development officer to support our mango industry.

We have a great track record in supporting our industry in developing new plant varieties, such as mangoes and passionfruit, to boost productivity and diversify the market and opportunities. Diversifying our economy is key and a big ticket item in how we will progress.

There are a host of other things that I would love to talk about, and I will at some stage when I have longer than three minutes, including our department and how well they have overcome some of the citrus canker and banana freckle issues.

The Labor government is working hard to support our agricultural industries and will keep supporting farmers into the future and creating new business opportunities.

**Ms FYLES (Leader of Government Business):** Madam Speaker, I ask that further questions be placed on the Written Question Paper.

#### **YOUTH JUSTICE AMENDMENT BILL (Serial 84)**

Continued from earlier this day.

**Ms WAKEFIELD (Territory Families):** Madam Speaker, in presenting the changes to the youth justice bill, this does not represent a change in policy, but a strengthening of our reform process.

However, the changes are necessary to make the *Youth Justice Legislation Amendment Act 2018* precise and not open to interpretation or misinterpretation. They will avoid debates between lawyers about technical issues and will enable us to focus on rehabilitating young people.

If we do not amend them—if we wait until the May sittings to debate this bill—we are potentially letting a risky situation remain when it is in our power as a parliament to rectify it.

These amendments on urgency will be complemented by further amendments to the *Youth Justice Act 2005*, which I will be introducing tomorrow. The bill will introduce substantial amendments to address many of the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. As is right and proper, this second amendment bill will sit on the table for more than 30 days and will go through the scrutiny committee.

However, today I am requesting that the Assembly debates a suite of amendments that are not substantial, that are not changing or reforming government policy. They are simply amending some parts of the act to provide clarity and ensure that a superintendent of a detention centre can maintain a safe and secure environment for young people and staff. They are seeking retrospectivity to the date of the original amendments to confirm the actions of staff who for the past 10 months have done their jobs with sound care and judgment and want certainty.

The powers around the use of force and restraint are being amended to enable them to be used in circumstances to prevent a person engaging in conduct that could endanger the safety of any person in the detention centre. These powers would still be subject to strict controls in the current act. Strict controls that require that force and restraints can only be used if there is no other reasonable alternative available and that only the minimum force necessary is used.

‘Separation’ is not defined in the *Youth Justice Act 2005*. Within youth detention centres, and as a necessary adjunct to the Superintendent’s obligation to maintain order and safety in a detention centre, there are situations in which a detainee may be separated from one or more other detainees in circumstances where the formal provisions around separation were never intended to apply.

The bill makes it clear that separation does not apply when detainees are securely accommodated in their rooms overnight, during reasonable and necessary lockdown periods or during an emergency situation. The bill also makes it clear that separation does not apply to situations where there are concerns about the interaction between detainees based on the difference between age or gender, and allows for further definitions about separation to be prescribed under regulations.

This bill clarifies the powers of staff in detention centres to conduct pat-down searches on detainees in addition to relying on screening searches. We want to ensure that staff have the appropriate powers to respond to real, everyday risks and to empower them to be able to prevent serious harm to themselves and other young people. Staff must be able to direct detainees to submit to pat-down searches to ensure the safety of any person in detention centres and maintain security in the facilities.

There is no express power in the *Youth Justice Act 2005* for a detainee to be transferred from one detention centre to another. Transfers between the Alice Springs Youth Detention Centre and the Don Dale Youth Detention Centre occur regularly and when necessary. The bill inserts a clear power to transfer a detainee between detention centres, to place the matter beyond doubt. This will remove any uncertainty about the ability to move detainees. It is a clear power to enable those responsible for youth detention to perform their role.

These provisions clarifying youth detention operations and commence on assent and be applied retrospectively to the date the *Youth Justice Legislation Amendment Act 2018* commenced on 24 May 2018. This clarifies these important powers and functions of the superintendent beyond any doubt. This bill provides a sturdier foundation for a safer environment for our young people and the community as a whole.

Madam Speaker, the opposition members were provided with briefings this morning as well as written information ...

**Mrs Lambley:** Not the Independents.

**Ms WAKEFIELD:** ... including a summary of the act. The Independents are being provided with a briefing tomorrow. We will be working through those issues, and I look forward to the debate on Thursday.

Madam Speaker, I commend the bill to the honourable members and table the explanatory statement and a statement on compatibility with human rights to accompany the bill.

Motion agreed to; bill read a first time.

**Ms WAKEFIELD (Territory Families):** Madam Speaker, I move that the bill be now read a second time.

Debate adjourned.

### **PETROLEUM LEGISLATION AMENDMENT BILL (Serial 76)**

Continued from 29 November 2018.

**Ms FYLES (Leader of Government Business):** Madam Speaker, I move that the bill be now read a second time.

**Mr Mills:** This is disgraceful.

**Mrs Lambley:** Absolutely disgraceful!

**Ms Fyles:** Someone opposite usually speaks now.

**Mrs Lambley:** Well, where is the opposition you are all backing?

**Ms Fyles:** I do not know; I am not the opposition.

**Ms MANISON (Treasurer):** Madam Speaker, I speak to the Petroleum Legislation Amendment Bill 2018 ...

**Members** interjecting.

**Madam SPEAKER:** Members, please pause. The Treasurer has the call. Treasurer, to the bill, thank you.

**Ms MANISON:** The Northern Territory Government is working to ensure we get the balance right when it comes to looking at the environment, as well as the really important industry of onshore gas. We are working to ensure we restore trust by undertaking a review of environmental protection legislation in response to the scientific inquiry into hydraulic fracturing in the Northern Territory. The amendments made in the Petroleum Legislation Amendment Bill 2018 are part of a larger review set out in the government's implementation plan, which focuses on the following key actions and reforms:

- strengthening regulation
- ensuring accountable industry practice
- safeguarding water and the environment
- respecting community and culture
- maximising regional benefits and local opportunities
- planning for industry.

The specific purpose of the Petroleum Legislation Amendment Bill 2018 is to make amendments to the *Petroleum Act 1984* to give effect to a number of recommendations made by the hydraulic fracturing inquiry. These include:

- providing open standing for the review of decisions and determinations through judicial review
- consideration of whether a person or entity is deemed appropriate to hold a permit or licence under the act
- empowering petroleum and environmental regulations

- ensuring enforceability of codes of practice.

As a government we support the oil and gas industry. It has been a huge part of the economy and a big contributor to local jobs for many years. The Territory government has been clear regarding its support for the onshore gas industry, and this bill is important in being able to deliver this new industry in an environmentally responsible and sustainable way by meeting the recommendations of the hydraulic fracturing inquiry.

The government made the big, scientifically informed decision last year to lift the moratorium on fracking. We accepted the key finding of Justice Pepper's report that if all 135 recommendations are implemented the risk from onshore gas can be mitigated to an acceptable level. The bill will help us do that.

Lifting the moratorium on hydraulic fracturing was the right decision for the Northern Territory and unlike the CLP, which wanted to allow fracking without the 135 recommendations, we will ensure it is delivered in the right and responsible way.

The onshore gas industry is new for the Territory. It has the potential to create thousands of jobs, particularly in remote and regional areas. It will deliver direct benefits to hundreds, if not thousands, of Territory businesses, just as we saw strong economic growth and benefits through the INPEX construction phase. We are not talking about benefits occurring in 10 years' time. It is expected that exploration will start this Dry Season. This activity will ramp up quickly and considerably next year and in the years after that.

When exploration starts this year, as expected, it will be worth hundreds of millions of dollars to the local economy. The onshore gas industry has huge economic potential for the Territory. The Territory has already demonstrated that it is a world-class gas destination for exploration and production. It has demonstrated this with the Darwin LNG project and offshore gas—the INPEX project, a \$37bn world-class, game-changing project—and we have shown that we can produce onshore gas from Palm Valley. It has a track record of success.

We have demonstrated that we can get the infrastructure built to get the gas to market and we can get this done right. This has been done with the Blacktip pipeline and Jemena looking to build the north-east gas pipeline to connect the Territory to Queensland and start a vital east coast connection. We have also seen in small scale, but no less important project, the Tanami Gas Pipeline built for Newmont.

We have the expertise in the Territory and a government that is open for business and to working with industry and the community to get the balance right. We see this as an industry with immense potential. There is a gas task force in place doing important work on and further development of offshore and onshore opportunities. There is a huge amount of work to do in this space.

Last year we released our Northern Territory gas strategy, which has a vision that by 2030 the Territory will be a world-class gas production, manufacturing and services hub. The five-point plan shows where we are investing our time and energy and is pushing further development into the gas industry. The five-point plan includes:

- expanding the world-scale Darwin LNG export hub
- growing the Northern Territory service and supply industry
- establishing gas-based processing and manufacturing
- growing local research, innovation and training capacity
- contributing to Australia's energy sector.

The investment opportunities include a range of areas. For example, when you look at development of offshore gas fields you can see there is 30 TcF in undeveloped offshore gas reserves, and there is considerable work happening on the important backfill of the Darwin LNG project.

When you look at the expansion of Darwin's LNG export hub, quoting from the plan:

*Gas to expand the LNG hub could be sourced from offshore reserves, onshore gas developments or both.*

*Land is secured for five additional trains - one at Darwin LNG and four at Ichthys LNG*

We have seen the impact of what two LNG trains has on an economy the size of the Northern Territory. The potential of another five says the future of the Northern Territory is very bright.

Gas is an important part of our economy. The Territory is a world-class destination when it comes to this industry; we have shown that we can do it.

Last year I had the Infrastructure ministers from around the country in Darwin. I took them around the harbour to look at the port, INPEX and Darwin LNG, the marine industry base, where we want to build the shiplift and so forth. They were so impressed that a world-class project the size, scope and scale of INPEX could be delivered in the time frame it was done. They said it would be difficult for them to pull off down south.

What I find exciting about the gas task force work and the potential of the onshore gas industry is the development of onshore gas fields. When you see this figure and talk to visitors to this country, businesses with interests in energy on the east coast and parliamentary colleagues from Canberra about the prospectivity mapping of the onshore gas fields and the Beetaloo Basin, you see that excitement.

The report says:

*Existing wells drilled by Origin, Santos and Pangea in associated discoveries reports indicate that a P50 gas-in-place resource of at least 500 TcF for the Beetaloo Sub-Basin in the Velkerri B shale alone. There are further prospective layers in the Beetaloo Sub-Basin and other basins yet to be assessed.*

That speaks volumes when you look at the gas demand. When we talk about 500 TcF, the INPEX Ichthys project is 12 TcF, and the Australian gas markets use about 1.4 TcF each year. We could supply the gas needs of this country for hundreds of years, and that is why it is so important to pursue the development of this industry and ensure we do it in the right way, get the balance right, in an environmentally sustainable way. It is important to ensure we have the support of people in communities when doing this work and seeing as much local benefit to communities as possible.

The work looks at the development of gas-based manufacturing and service and supply of the gas industry. I think about the years I have visited the Darwin Port and looked at the business and activity there, particularly the supply of offshore gas, and it is a busy hive of activity that presents great opportunities.

If we have world-class deposits and are rich in this resource, then as well as a world-class industry we should lead the charge when it comes to innovation, research and being at the forefront of training.

The potential for onshore gas is immense. From the numbers, it can be seen why it is important we make the most of every opportunity to develop this industry in a sustainable way.

From a Treasurer's perspective, it helps us build our own-source revenue base and be less reliant on the severe and crippling swings of the GST, which we have seen in the last few years. Onshore gas provides this opportunity to further diversify our economy, build more of our own-source revenue, create thousands of jobs and make opportunities for people in remote, regional and urban centres. What I like is that royalties from onshore gas go to the Territory unlike the offshore industry where the Commonwealth enjoys those funds.

We will see those benefits but if we get the development of this industry right, it is not just about those royalties, it is about payroll tax, stamp duties, business growth and more jobs. It is about economic benefits that will flow through to the Territory. We have an exciting opportunity to deliver cheaper energy to assist manufacturing in the Northern Territory, creating opportunities for growth in jobs and businesses in our economy.

I had the opportunity to attend the Hellenic Initiative where the guest speaker was one of Darwin's greatest success stories, Mr Andrew Liveris. He spoke about the opportunities for onshore gas and what it presents, not just for the Northern Territory, but for the nation. He said one of the greatest failures we have seen in this nation has been the loss of manufacturing. He said cheap energy is the key to the development of more manufacturing in this country and it is something we should be actively pursuing.

We have an opportunity to grow and develop an industry that drives not only economic growth for the Northern Territory but for our nation. We cannot underestimate the importance of this work, which this

legislation supports. It will enable the development of an industry in a way that gives people confidence that it will not be at the cost of the environment or other industry.

While onshore gas will deliver jobs and business opportunities, it must be done in an environmentally sustainable way. This is extremely important to this government and the Petroleum Legislation Amendment Bill makes it clear that we are open for business, regarding onshore gas, but we will be strict by ensuring it is done in a responsible way and does not result in unacceptable impacts on the environment.

The Petroleum Legislation Amendment Bill is not only there to protect the interests of Territorians but also to protect legitimate projects and to welcome more companies to explore the Territory as a viable investment opportunity. This legislation is targeted at ensuring the right companies, which are fit to hold exploration permits or production licences, set up operations in the Northern Territory.

The legislation also allows for an avenue to open judicial review processes for decisions under the *Petroleum Act 1984* and Petroleum (Environment) Regulations to increase transparency and accountability for decisions. These proposed amendments will strengthen regulation and increase the transparency of the decision-making process for matters relating to the onshore gas industry in the Territory.

We want to encourage investments in oil and gas but we want operations that are legitimate and will not have lasting negative impacts on the Territory socially, environmentally and economically.

People will question the time taken for this legislation, but it is in the interests of Territorians that we get it right. Opening the door to onshore gas will open more opportunities for Territorians and local businesses to benefit from new money in the economy.

The aim is to enforce legislation that is clear and comprehensive. There has been some uncertainty about whether there would be an onshore gas industry while our moratorium was in place but now it has been lifted, and with this legislation amendment we can seriously progress it.

The changes brought before the parliament today are assurance for the industry that they have government support and to stakeholders that we will get the balance right. As Treasurer, particularly through a challenging period economically, this is important to me.

The government believes in and supports the mining and gas industries. This is why we have the Petroleum Legislation Amendment Bill. We have learned about balance in the resources industry, and we need to get the balance right when it comes to community support and environmental protections, ensuring we have a can-do attitude, to make it welcoming and inviting to industry and supporting local jobs.

We have shown a can-do attitude when it comes to the resources sector and have a proven track record. That is why we are investing \$26m in resources exploration over four years, particularly through the Resourcing the Territory program, which is the biggest investment by a Territory government.

It is important that we show those who want to develop industry in new projects in the Northern Territory—whether they be onshore or offshore gas or in the resources sector—that we are working with them and getting them the information they need to back their investments.

We aim to have a policy for environment, petroleum and mining where investors are positive towards exploration and have long-term major projects in the pipeline. We support the resources sector. We are working with the petroleum sector on the onshore gas industry. We have learned a lot of lessons about making sure that we get the balance right. We are seeing a lot of progress in both of these areas.

The petroleum industry will bring millions of dollars and new private sector investment into the Territory over the next couple of years. We are talking to the onshore gas industry as we need it to support local jobs and build business for decades to come. Exploration kicks off this Dry Season and we will get a good understanding of the full potential of how this industry can be developed.

We are a government which wants to work with industry to develop this as we must diversify our economy. We need to make sure we get the balance right, which is exactly what the legislation is about. We put in place a comprehensive process with the Pepper inquiry into onshore gas and hydraulic fracturing in the Northern Territory. It was not an easy process, but it was an important one.

We believed that if we were to lift the moratorium on fracking we had to make sure it was not at the cost of other well-established industries in the Northern Territory, such as pastoral, tourism and agriculture. It was important to get that balance right, so we took the time through a comprehensive body of work.

Colleagues in other jurisdictions have said how impressed they were with how that body of work came to be and that it delivered a comprehensive plan to demonstrate to Territorians that you can have it all. You can develop the industry, diversify the economy and put the right safeguards in place to ensure you have the right protections. That is what we are aiming to do.

A huge amount of work went into the Pepper inquiry, as well as within the public sector, to move this important legislation along and to ensure that we get it right. If we will have a sustainable onshore gas industry for the future it is important to get these bodies of work right the first time to invest in the industry with confidence.

**Mrs FINOCCHIARO (Spillett):** Mr Deputy Speaker, I am pleased that the bill is finally before us. The opposition welcomes the introduction of the bill to parliament and supports its speedy passage.

While we support the bill, we maintain that the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory was completely unnecessary. However, in opposition that was a matter for you to take to the last election. When you came to government you proceeded with it despite the lengthy delays it caused to the development of an all-important industry at a time when our economy could not afford handbrakes on development.

Under previous CLP governments we had four inquiries into the practice of using fracturing techniques to extract petroleum, and they are just the ones conducted in the Northern Territory. Across Australia and the world the use of hydraulic stimulation to release deep-set petroleum resources has been comprehensively demonstrated to be safe, efficient and effective.

We have spoken about the unnecessary waste, particularly in time, brought about by the government's inquiry, and acknowledged the three-year delay from the announcement of this policy to the eventual lifting of the moratorium. We now need to be squarely focused on how we get business back out in the field and ensure that exploration is happening this Dry Season and not a minute later.

The answer is in table 16.1 of the Pepper inquiry. There are 31 recommendations that need to be actioned before exploration can begin. The 2019 Dry Season is rapidly approaching and we are concerned about the government's 'she'll be right' approach when it comes to dropping the ball on the biggest opportunity our economy has seen in a long time.

This bill is one of the 31 recommendations that need to be in place before companies can get back out in the field. Reading from a letter by the independent oversite hydraulic fracturing implementation Chair, Dr David Ritchie, to the Chief Minister dated 15 February 2019:

*... recommendations that comprise Stage 2 (i.e. that must be implemented before further exploration is approved) ...*

...

*... it is now apparent that not all of the Stage 2 recommendations were fully implemented by the target date of 31 December 2018.*

The Chief Minister promised to deliver 14 000 jobs per year but all the Labor government has delivered us is more debt and fewer working Territorians.

This bill embodies the future aspirations of Territorians to have an industry to sink its teeth into but we also—and you see the issues from this government when it comes to delay and not seizing the opportunities—need to ensure that we have strong economic growth, a strong economic future, jobs growth and, of course, all-important population growth.

This bill deals with a number of important issues that will have a material impact on the industry and its future development. This includes well integrity standards, methane emissions, open standing for judicial review and legislating for operational codes of practice.

The industry wants this bill to pass, but the opposition's interpretation is it does so through gritted teeth because so much valuable time has already been wasted by this government in getting to this point. There is tremendous risk posed by the anti-fracking lobby that the Territory's resources may never be explored.

At this stage of the fracking inquiry implementation schedule, it would be useful to know what is coming in stage three. There will be further amendments to the *Petroleum Act 1984* in stage three but information and timing in relation to these amendments would be useful and appreciated by stakeholders.

The opposition has no issue with changing the wording of the act from gas and oil to petroleum.

Referring to the final report of the Pepper inquiry, the opposition continues to have issues with recommendation 9.4, that base line and ongoing monitoring be the responsibility of the regulator and funded by the gas industry, and recommendation 9.5, that all monitoring results must be made publicly available online on a continuous basis in real time. The opposition also has an issue with open standing for judicial review, and the amendments in this bill provide for such.

In the consideration in detail stage I will move amendments to omit clauses 8, 12, 15 and 18 from this bill. These clauses insert sections which provide for open standing for judicial review. This considers whether a decision-maker followed correct legal procedure and had authority to make decisions. It does not consider whether the decision was the preferred decision.

Under these amendments a person wishing to challenge the legality of a decision does not need an interest in or be affected by the decision. Any person can apply to the Supreme Court for judicial review.

Clause 8 of the bill amends the *Petroleum Act 1984* to allow any person or entity to apply to the Supreme Court for judicial review of a decision or determination listed in Schedule 2 of the act.

There is no good reason to create open standing for decisions and determinations made under the *Petroleum Act 1984*. The schedule of eligible decisions is very comprehensive and broad in the judicial review section. We learned through the Economic Policy Scrutiny Committee that the merits review process in stage 3 will update the schedule of eligible decisions.

The clear focus of government must be to get all 31 recommendations, required to be complete prior to exploration, to happen as quickly as possible. Let us not waste more time getting the onshore gas industry going in the Territory.

It is useful to consider what stakeholders are saying about this bill. According to the Australian Petroleum Production and Exploration Association Ltd (APPEA), they are:

*... concerned for potential disruptions to approvals that may occur as a result of the introduction of full standing for judicial review.*

APPEA goes on to say that full standing for judicial review will create:

*... a new level of risk to the development in the NT by allowing any party, regardless of interest, to bring full and legal proceedings on an approval.*

This concern is also backed by AMEC when they say that open standing for judicial review:

*... eases the path for vexatious third-party appeals by groups opposed to any development in the Northern Territory.*

I further draw members' attention to what real business people in Katherine Mining Services Association are saying about this bill:

*The new industry provided these businesses with sound opportunities that underpin their survival and growth. The suspension of the industry over the last two years has negatively impacted on our members' businesses, revenue and stalled growth. Like other NT businesses, our members are presently experiencing one of the most stressful periods in history.*

This is important legislation that builds opportunity for the Territory and Territorians. Growing the Territory means growing opportunity. The focus and determination to complete all 135 recommendations in an expeditious manner must not dim. The future of the Territory is depending upon it.

**Mr WOOD (Nelson):** Mr Deputy Speaker, I will read the purpose of this bill. It is:

*... to make amendments to the Petroleum Act to give effect to a number of recommendations made by the Inquiry into Hydraulic Fracturing in the Northern Territory by providing for open standing for the review of decisions and determinations through judicial review; the consideration of whether a person or entity is deemed appropriate to hold a permit or licence under this Act; to empower the Petroleum (Environmental) Regulations; and to ensure enforceability of codes of practice.*

The Economic Policy Scrutiny Committee looked at this bill. It is a little bit sad that we had 11 recommendations, and I am not saying that all these recommendations have not been accepted, but it would have been nice for the government to say which of the recommendations they accept, which they do not, and the reasons why, as a point of clarification for anyone trying to use the scrutiny report—which was only released last week—and to try to put a submission to this bill, which I am trying to do today.

It was interesting to note, when I first went through this, the definition of ‘hydraulic fracturing’. The scrutiny report said:

*The committee sought clarification from the Department of Primary Industry and Resources regarding the effect of amending the definition as requested, and was advised that it would not adversely affect the operation of the bill. The department proposed an amended definition as follows ...*

Hydraulic fracturing means the underground petroleum extraction process. It involves the injection of fluids at high pressure into a geological formation to induce fractures that conducts petroleum for extraction.

It said it had no problem with that. The hassle was, under the definition of ‘petroleum’ it happened to mention:

*It does not include a substance which, in its naturally occurring state, is not recoverable from a well by conventional means.*

We now have an amendment to the act which clarifies that because hydraulic fracturing would not fit into the definition unless the *Petroleum Act 1984* definition was amended. That is what one of the amendments is today. It is good to see that clarification because if it went through as the recommendation said, it would not have made any sense.

I have some concerns and perhaps I ought to put this in context. Having the inquiry was good. The only problem is it went for such a long time and it has held back production of onshore gas, and we had two inquiries before into onshore gas. They were not done by silly people. They were done by fairly professional and experienced people.

When governments make statements that they accept all recommendations, I think ‘woo’. There are a lot of recommendations here and I think the classic recommendation is that onshore gas people will pay for water. That opens up a can of worms. Onshore gas people might ask why they are paying for water and what about the gold industry, the bauxite industry or the watermelon growers? They are all commercial people using water to produce a product. Why is onshore gas being picked on?

It would have made a lot more sense to say we accept these recommendations in principle. I say that because, as you would have read in the submissions to this bill, APPEA said:

*While APPEA supports the passage of these amendments in order to provide certainty for companies looking to recommence exploration, we wish to reiterate our concern for potential disruptions to approvals that may occur as a result of the introduction of full standing for judicial review. This introduces a new level of risk to development in the NT by allowing any party, regardless of interest, to bring forward legal proceedings on an approval.*

*APPEA recommends that broad standing categories be implemented consistent with the proposed changes to the Northern Territory Environment Protection Act. This will improve consistency and certainty across legislation while allowing a broad range of relevant people to seek review, including proponents, those directly affected, and those who made a genuine and valid submission in the process.*

There is a little note under this section of judicial review and it states that order 23 of the Supreme Court rules apply in relation to judicial review. I know the Leader of the Opposition mentioned it. The Supreme Court Rules 1987, stay or judgement in proceeding, say:

*23.01 Stay or judgment in proceeding*

(1) *Where a proceeding generally or a claim in a proceeding –*

- (a) *does not disclose a cause of action;*
- (b) *is scandalous, frivolous or vexatious; or*
- (c) *is an abuse of the process of the Court,*

*the Court may stay the proceeding generally or in relation to a claim or give judgement in the proceeding generally or in relation to a claim.*

(2) *Where the defence to a claim in a proceeding –*

- (a) *does not disclose an answer;*
- (b) *is scandalous, frivolous or vexatious; or*
- (c) *is an abuse of the process of the Court,*

*the Court may give judgment in the proceeding generally or in relation to the claim.*

I am not a lawyer but I would imagine that could hold up works considerably if you are going through a process. Correct me if I am wrong here, minister, but my understanding is that a person, any person, under this amendment can object to any of the matters in schedule 12.

There are a lot of things in schedule 12. There are four-and-a-half pages of matters on things such as a decision on which application has the greatest merit; a decision to give or refuse consent to negotiations; a decision to add blocks to an area of a licence; a decision to release information; a decision to do prescribed petroleum act; and a decision to direct parties to attend a meeting.

Some of those may be irrelevant to this, but there are a lot of things which leave it wide open. What concerns me, and I heard the Treasurer talk about it, is the importance of onshore gas to our economy.

Whilst I support onshore gas, I do not support it as if nothing else should occur. We should have strong environmental controls on how onshore gas is developed in the Northern Territory. In the United States I looked at the controls over onshore gas in British Columbia and—this was not the only place I went to, I also went to Wyoming and Ohio—they have tight controls over what happens to the environment.

Mistakes have been made. Hopefully we can learn from those mistakes to make sure our onshore gas industry is done in the right way. It is not the only industry. Sometimes people think that this will be the lifesaver for the Northern Territory. There are other industries that we should develop; this is only one of them.

If there are people who are simply anti-gas, like those in Lock the Gate, will you let them use this section of the act to hold up the industry as much as possible? Or will the industry have to go down the path of taking them to the Supreme Court to see if their claims are vexatious? Should there be limitations?

I am sure, though the Planning minister may pull me up here, that you can have third-party appeals in development applications in parts of Darwin, Palmerston and the rural area. But you need a connection to be allowed to make that appeal. It is the same with the Liquor Commission. I was at the hearing for Dan Murphy's the other day and there are limitations on who can appeal against that licence.

If you let it be open slather then you can have people just wanting to hold up the process. I am interested to see how the government will support Justice Pepper's statement in 3.4 of the scrutiny committee report:

*In response to this concern ...*

That is, the concern I raised in the quote from APPEA. The report continues:

*... the Department advised that the Government has committed to implementing the recommendations from the Scientific Inquiry and that the Inquiry explicitly stated that 'the Petroleum Act and Petroleum (Environment) Regulations be amended to allow open standing for judicial review'.*

This is obviously what you are putting forward today. My argument is that by the government saying it accepts all the recommendations, you do not have much movement in adjusting the recommendations to be practical. I have no doubt, in listening to some of the comments that were made after the government said it would lift the moratorium on fracking, there are people who will do their darndest to make sure fracking never occurs. Judicial review is one process they will use.

People like those in Lock the Gate have big money behind them. They are not just a little group of people in the Northern Territory. They are backed by fairly wealthy people who enable them to do all the work they did previously. I do not object to people like those in Lock the Gate putting forward their viewpoints. But there is a difference between putting a viewpoint forward and deliberately setting up a process which is meant to make sure the onshore gas industry never gets off the ground, or in the ground for that matter. I do have some concerns.

The minister could mention schedule 12. It is four-and-a-half pages. I quote from the fracking report, section 14.3.3.3 under the heading, 'The Schedule'. Perhaps I am reading it wrong and the minister might be able to correct me. It says:

*The Schedule operates alongside the Petroleum Environment Regulations and the Petroleum Act to regulate certain petroleum activities, such as seismic surveys used in exploration, the design construction and drilling of wells; and well integrity. The Schedule, by itself, is not enforceable. It is given legal effect by the Minister for Resources, who issues each interest holder (gas company) with a direction under s 71 of the Petroleum Act requiring the interest holder to comply with the terms of the Schedule.*

*The Schedule has been described as an ineffective regulatory tool. In its current form, it is highly prescriptive, which means that it focusses more on what gas companies must do rather than whether or not they have achieved specified environmental outcomes for a particular activity. While the panel's view is that there is a role for some prescriptive regulation in the NT context, a purely prescriptive regulatory framework will not promote best practice, will not facilitate the development and adoption of new and effective technologies and methodologies to mitigate environmental risks. In addition, the Schedule is not subject to any type of regulatory assessment. While this type of regulation gives the Government significant flexibility ... it is problematic, in the Panel's view, for the reasons set out in Section 14.7.3.2.*

I do not know if there is another Schedule—this one is under the *Petroleum Act 1984*, and it may be just dealing with the matter of design, exploration, construction et cetera—or whether this is the same one we have in the back of the act. If so, on one hand Justice Pepper is saying:

*The phasing out of the Schedule was recommended. DPIR has publicly committed to phasing out the Schedule and replacing it with exploration and production regulations ...*

I am asking for a point of clarification. I am relying on the scrutiny committee report for the basis of my comments. If we had more time we could have had a briefing, but I had to use the scrutiny committee's report as my briefing.

I accept that these changes have to occur. If we accept the government's statement that it accepts all the recommendations of the Pepper inquiry, we have to accept that there will be open judicial review. Is that reasonable and fair, if we believe we should have an industry that is viable and important for the Northern Territory? Or should we limit judicial review to people who have a serious and valid objection?

Do we apply this to other forms of mining? If someone has a gold mine in Pine Creek, do they have to go through the same process as for onshore gas? Does the *Mining Act 2007* require the same judicial review as onshore gas? If not, why not? People have different views on onshore gas, which they have the right to. If we are dealing with legislation to regulate an industry you would hope there is consistency in what is done, and not only because it is onshore gas. Why is there a recommendation to charge for water? What ramifications does that have on other industries in the Northern Territory, especially primary industry? That has never been answered.

It highlights the fact that the government should have agreed to the recommendations in principle to give themselves a bit of movement to look at the practicalities.

I am interested to hear discussion on the amendments the opposition has put forward. The amendments to the bill came in today, and now the amendments to the amendments have come in. It makes it hard if you want to work your way through this legislation. It is a very important piece of legislation, there is no doubt about that.

I am interested to hear arguments from both sides as to whether a judicial review is a good thing or whether there should be some room to move to make sure the industry does not stagnate and get bogged down in legal matters. This may be the aim of certain people to make sure the onshore gas industry never gets off the ground in the Northern Territory.

**Mr GUYULA (Nhulunbuy):** Mr Deputy Speaker, I am pleased that the Economic Policy Scrutiny Committee has put forward several recommendations for amendments to this bill. There is concern about the way in which the legislation regulating the regulation of fracking is being introduced.

I will quote from the Northern Land Council and Central Land Council joint submission. While they were generally supportive of legislative changes, their submission states that they are:

*... troubled by the piecemeal approach being undertaken in relation to the regulatory reform. The Bill only partially implements three of the Recommendations and the Explanatory Statement does not provide any reason as to why a staged approach to the reforms is preferred. It does also not explain why amendments to the Petroleum Regulations that came into force at 19 December 2018 were not the subject of this Bill. There is a risk that substantive reform won't be achieved and the Government's ability to deliver the Implementation Plan in full may be compromised if legislative amendments and other critical reforms continue to be made on an ad hoc basis.*

Others in the community also feel concerned about this staged process. They believe it would be far better for government to draft legislation so that the community can look at all of the pieces and how they fit together, and then open it up for proper community consultation. People have many questions, such as how do the water bill and the petroleum bill go together?

This legislation is extremely important. While I do not support fracking, I know that if it is coming then we need the best protections in place and community consultation should be sought at every step. Because this legislation is so important it would be best to bring changes forward at the one time, to create a clear and transparent process to ensure that the community has feedback and so the Chamber can see the legislative changes in full. This should include the codes of practice that have been drafted so that community can understand what will be required on fracking sites.

I am also hearing concerns from communities that the government is rushing through these changes so that fracking can start this Dry Season. Communities are feeling overwhelmed and concerned. There is concern from people on country about the lack of rain this Wet Season and the large amount of water that is required for fracking. The government needs to make space for communities to continue to be involved in this process, with genuine consultation.

**Ms LAWLER (Environment and Natural Resources):** Mr Deputy Speaker, I support the Petroleum Legislation Amendment Bill 2018.

The purpose is to make amendments to the *Petroleum Act 1984* to give effect to a number of the recommendations from the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, including:

- open standing for judicial review of administrative decisions prior to the granting of any further exploration
- amending legislation to include a fit and proper person test for those considered appropriate to hold an exploration or production permit in the Northern Territory, which will include that the applicant has an appropriate history of environmental and work health and safety compliance, evidence of which need to be provided by the applicant
- the development of various codes of practice to ensure that industry is held to a high standard that is consistent and transparent to the Territory community.

As already highlighted today and over the last few months, the lifting of the moratorium on hydraulic fracturing came with the government's decision to fully implement the 135 recommendations of the final report.

The inquiry report was based on 18 months of scientific research and consultation with Territorians and other jurisdictions by a panel of national experts. The inquiry found that the relevant risks associated with the industry could be avoided where possible and mitigated to an acceptable level, provided all of the recommendations were implemented in full. As such we take seriously our commitment to faithfully implement all of the recommendations.

Amendments proposed through the bill will provide further safeguards for Territorians and the environment, as well as greater certainty for investors in the petroleum and onshore oil and gas industries.

I have heard people speaking today about their understanding of where the implementation is or that things are moving too quickly. I recommend the NT Government website on onshore oil and gas, through the Department of the Chief Minister. It has the full implementation plan, the work that has been done and fact sheets. It is a comprehensive website. I encourage people who do not have a full picture or who have concerns to look at it to get an understanding.

We are a government that is working through this in a comprehensive, clear, careful and sensible way. The work that has been led by the Department of the Chief Minister, along with the Department of Primary Industry and Resources and the Department of Environment and Natural Resources, has been some of the most outstanding work in the history of the public service. It is complex and difficult work which agencies are working through carefully.

There are 135 recommendations. This is complex legislation that has to be timed in the right order. We have already brought in changes to the *Water Act 1992*. We are bringing in environmental reforms. The minister is bringing in this legislation. All of these things need to carefully fit together and be worked through in the correct order.

A range of legislative amendments has been introduced to parliament to address the various recommendations of the inquiry. Last month I introduced the Water Amendment Bill 2019, the purpose of which is also to implement a number of key recommendations from the inquiry in relation to our precious water resources.

Key amongst those were recommendations for the prohibition of surface water being taken for hydraulic fracturing, imposing a one kilometre buffer around land owners' water bores and the prohibition of waste water release to surface water and aquifers. That bill was debated during the last sittings and there was considerable discussion.

Amendments to the *Water Act 1992* will ensure that there is no way for decisions to be made that do not align with the recommendations and will prevent future challenges to the decisions of the controller or those made under the Petroleum (Environment) Regulations.

Not only are we future proofing the integrity of the inquiry report in ensuring that these recommendations cannot be watered down, we are also removing any opportunity for legal challenges to decisions required to implement these recommendations. Those were some of the issues that the Member for Nelson was concerned about.

Further to those legislative changes discussed so far, recommendation 14.3.4 of the inquiry report has also recently come in to effect.

Under the Petroleum (Environment) Regulations, a person must have an approved environment management plan to conduct onshore oil and gas activities which may impact the environment. Responsibility for approving such environment management plans under the Petroleum (Environment) Regulations has now been transferred from the Minister for Primary Industry and Resources to me as Minister for Environment and Natural Resources. This has been accommodated in a recent amendment to the Administrative Arrangements Order.

I will seek the advice of the independent Northern Territory Environmental Protection Authority, NTEPA, prior to making a decision on whether to approve the environment management plans of those seeking to carry out onshore petroleum activities.

This model appropriately separates the industry development from the environmental assessment and environmental approval responsibilities for onshore gas activities. This was a key recommendation of the scientific inquiry. It is a model of separating the industry development from the environmental assessment and environmental approval responsibilities.

There are other legislative reforms taking place that also complement the bill being debated today. These include extensive environmental regulatory reform of the Territory's environmental laws.

We are restoring trust and certainty through the implementation of a robust, clear and transparent set of rules and guidelines on how the environment must be protected and a comprehensive environmental regulatory reform program. The Northern Territory Government is delivering its healthy environment, strong economic policy starting with the release of the first stage of the environmental regulatory reform last year for community consultation.

The draft legislation builds a modern, streamlined and rigorous environmental impact assessment and approval system that is focused on risk and ensuring that development occurs in an ecologically sustainable way. It is critical to ensure we have laws that help protect our natural environment whilst allowing economic development across the Territory.

The draft environmental legislation, which deals with the impact assessment and approval system, will contain multiple mechanisms for community engagement, transparency and accountability through the process—a key process of our Labor government.

This government is getting on with the work needed to have the best protections in place for the environment and to support Territory jobs. This is why I commend the bill to the House.

**Ms NELSON (Katherine):** Mr Deputy Speaker, this bill is an important step in ensuring the safe and controlled introduction of unconventional hydraulic fracturing. It is also in line with the recommendations of the inquiry into hydraulic fracturing in the Northern Territory.

Each time I stand in this parliament and speak on petroleum legislation and anything to do with the environment, I stand with my constituents in their opposition to fracking. I have held and will continue to hold my government accountable for the implementation of all 135 recommendations of the Pepper inquiry.

This bill deals with recommendation 14.23, allowing for judicial review of decisions made under the *Petroleum Act 1984*. This review can be sought by any person, whether they have an interest in the decision or not. I strongly support this safety net, as allowing decisions to be checked is a good way to ensure accountability and transparency in decision-making. A good decision made properly will always stand up to scrutiny.

Another important change brought about by this bill is the fit and proper person test, which has been spoken about by other speakers. It is based on recommendation 14.20 of the Pepper inquiry. That recommendation, in summary, states:

*That the minister must be satisfied that an applicant is a fit and proper person to hold a production licence, taking into account, among other things, the applicant's environmental history and history of compliance with the Petroleum Act and any other relevant legislation, both domestically and overseas.*

*That failure to disclose a matter relevant to the determination of whether an applicant is a fit and proper person upon request will result in civil and/or criminal sanctions under the Petroleum Act.*

*That the minister's reasons for determining whether or not the applicant is a fit and proper person be published online.*

There is no requirement for companies wishing to operate in the Northern Territory, through an exploration permit, approval of an environmental management plan or production licence, to provide any background on how they have previously complied with regulations.

Companies will now need to demonstrate that they are fit and proper to hold the licence they are seeking. A company's regulatory compliance history, in Australia and overseas, will now be taken into account. This includes their history of complying with environmental management plans and legislation, work health and safety legislation and obligations and taxation legislation.

This is particularly important in the area of environmental compliance. We have some of the most important ecosystems in the world right here in the Northern Territory. Frankly we cannot afford to have companies operating here that have a history of ignoring or fudging their regulatory compliance requirements.

Doing that not only risks our environment but also threatens our budget when the Northern Territory taxpayers get left with the huge and ongoing costs of rehabilitating a site. We have seen that so many times in the Northern Territory.

The final change made by this bill is the legislative enforcement of codes of practice. These codes of practice relate to recommendations 5.1, 5.3, 5.5, 7.12 and 9.2 and cover the integrity and decommissioning of wells, methane monitoring and wastewater management.

Where a code of practice is enforceable, government may penalise any company that fails to abide by it. This is vital to the protection of the environment, as is swift action when issues are identified. I look forward to seeing more details on how these codes of practice will be monitored and enforced.

While I sincerely wish unconventional hydraulic fracturing was not an issue for the Territory, I continue to assure all Territorians, especially my constituents in Katherine, that I will continue to monitor developments in this area to make sure we get it right.

We made a promise that we would implement the recommendations of the Pepper inquiry, and I am pleased to see this bill working towards that. Our environment is at stake; it is incredibly sensitive. In Katherine, we are acutely aware of how our vulnerable our water sources are. We have been dealing with the PFAS issue now for a long time. It is truly important that we get this right.

On 16 July 2018 our government released our detailed implementation plan on how we will implement the recommendations. This includes key actions and reforms in six areas:

1. strengthening regulation
2. ensuring accountable industry practice
3. safeguarding water and the environment
4. respecting community and culture
5. maximising regional benefits and local opportunities
6. planning for industry.

A large body of work has been done to implement these recommendations, with much more to come.

While I understand that the resource sector stakeholders want reassurances and certainty, and we want industry confidence, it is important that I put this on the public record. I am not doing this to be controversial but to reassure my constituents and reaffirm my own values and my position that I support my government in the very considered and thorough approach to reviewing and amending existing legislation. The wheels are turning. It is happening.

I commend and support my government, everyone in the government, for not bowing to pressure for political expediency, industry expediency and corporate profit to take priority over our air quality, water quality and food security.

Madam Acting Deputy Speaker, I commend the bill to the House.

**Mr PAECH (Namatjira):** I follow on from the Member for Katherine and acknowledge that this bill is an important step in ensuring the future of a safe and controlled environment for onshore gas.

The introduction of hydraulic fracturing is in line with the recommendations of the independent inquiry into hydraulic fracturing in the Northern Territory. I am sure many members of the Assembly and my community understand the complexity within this environment and know and understand my position on a number of these things.

I commit to making sure we continue the great work of implementing all 135 recommendations of the Pepper inquiry and ensuring they are introduced and are as strong and rigorous as they can be to not only ensure we protect our pristine and iconic natural environments, but also provide the resources industry with a clear understanding of the processes required when working in the Northern Territory.

This bill deals with recommendation 14.23, allowing judicial review of decisions made under the *Petroleum Act 1984*. The review can be sought by any person, whether they have an interest in the decision or not.

I cannot begin to say how supportive of this process I am. I support judicial review processes and believe they should be incorporated into other pieces of legislation. Judicial reviews are a safety net and a measure to provide confidence to the public. Allowing decisions to be checked is a good way to ensure accountability and transparency in decision-making. A good decision made properly will always stand up to scrutiny and will provide the public with confidence.

Another important change brought about by this bill is the fit and proper person test, based on recommendation 14.20 of the Pepper inquiry. That recommendation, in summary, stated:

*That the Minister must be satisfied that an applicant is a fit and proper person to hold a production licence, taking into account, among other things, the applicant's environmental history and history of compliance with the Petroleum Act and any other relevant legislation, both domestically and overseas.*

*That failure to disclose a matter relevant to the determination of whether an applicant is a fit and proper person upon request, will result in civil and/or criminal sanctions under the Petroleum Act.*

*That the Minister's reasons for determining whether or not the applicant is a fit and proper person be published online.*

Many other members have mentioned this today. There is no requirement for companies wishing to operate in the Northern Territory, through an exploration permit, approval of an environmental management plan or a production licence, to provide any background on how they have previously complied with regulations.

Companies will now need to demonstrate that they are fit and proper to hold the licence they are seeking, which is a great measure to be introduced. A company's regulatory compliance history in Australia and overseas will now be taken into account. This includes their history of complying with environmental management plans and legislation, work health and safety legislation and obligations under taxation legislation.

This is important in the area of environmental compliance. We have some of the most important ecosystems in the Northern Territory. A number of my parliamentary colleagues, throughout many debates in this Chamber, have spoken about these unique ecosystems and the importance of safeguarding them.

The minister for the Environment has often talked about the process for strong environmental protection legislation, such as water legislation, and all the things to provide certainty for industry and preservation of our natural environment. We cannot afford to ignore or allow companies not to meet those compliance regulations and requirements here.

There is not a person in the Chamber who has not heard of the devastating impacts on our global environment when these major projects hit catastrophe. That is why it is important to have environmental protection legislation like this before the Assembly, to ensure it is strong, rigorous and addresses all compliance issues that need to be discussed.

When left unaddressed, environmental risk will also put huge pressure not only on Northern Territory ecosystems and funding arrangements, but as a place greatly recognised for its beautiful and iconic landscapes. We need to make sure these organisations meet compliance regulations for the required environmental rehabilitation for sites.

The final change made by the bill is the legislative enforcement of codes of practice. The codes of practice relate to recommendations 5.1, 5.3, 5.5, 7.12 and 9.2. They cover the integrity and decommissioning of wells, methane monitoring and waste water management: all practices that we acknowledge require strong and rigorous regulation to provide certainty and protection.

Where a code of practice is enforceable, the government may penalise any company that fails to abide by it. This is vital to the protection of the environment, as is swift action when identified. I look forward to seeing the detail of how the codes of practice will be monitored and enforced in the future.

We made a promise that we would implement the recommendations of the Pepper inquiry. This is one of those important recommendations to ensure there are protections in place and provide certainty for business.

I acknowledge the hard work, time and commitment of organisations that put submissions to the Economic Policy Scrutiny Committee: the Lock the Gate Alliance; the Arid Lands Environment Centre; Protect NT; the Aboriginal Areas Protection Authority; the Central and Northern Land Councils, which put in a joint submission that was generally in support but raised a few issues; and the Environmental Defenders Office NT.

It is important to allow people the opportunity to put forward their views, concerns and in some instances their support. This is an important step in the right direction towards ensuring strong regulation to protect the environment.

There have been comments on the royalty system. I continue to be supportive of a royalty system that makes sure we are looking after remote communities across the Northern Territory. At every opportunity I will continue to lobby for and support those mechanisms.

This is an important step in the right direction. As someone who is passionate about the environment I see having strong compliance as an important step for the Northern Territory's future, not only for industry but to safeguard for future generations.

**Mr VOWLES (Johnston):** Mr Deputy Speaker, it is great to rise to speak on something positive for the Northern Territory.

I am pleased to support the bill and the changes to petroleum legislation that will complete the pre-exploration stage of the implementation of the recommendations of a significant and long inquiry that came to the conclusion that industry knew it would. It gave everybody in the Northern Territory and beyond the opportunity to have their say on the future of the Northern Territory and this industry.

I will give a short history to the Chamber. I was part of an eight-member opposition from 2012 to 2016 that made this commitment under then Opposition Leader Delia Lawrie. My learned colleague, the Member for Barkly, was the deputy at the time. We made an election commitment that if we were elected in 2016 we would have a scientific inquiry and a moratorium.

At the same time we made a commitment that, with what was going on in the last government, there was legislative change we would bring in, which has happened now. The Mines and Energy minister at the time—now called Resources—was the selector and umpire regarding environmental approvals in the *Petroleum Act 1984*. We made a commitment in opposition that if we were elected, and we were in 2016, we would get those environmental approvals out of the *Petroleum Act 1984* and into the Environment portfolio for transparency reasons.

I am proud to say that we have done that. It is a monumental body of work. It is part of delivering for Territorians, which we said we would do under a Labor government. We have done three things from opposition to government: we had a moratorium, a scientific inquiry and moved the environment approvals from the *Petroleum Act 1984*, which is an instrument of government, to the Environment minister.

We seem to skip over things like legislative change because it is not a great topic to talk about. I want to highlight that we are delivering to Territorians what the Labor government said it would do from opposition to government. We should take time to acknowledge that, and I acknowledge my colleagues for doing that. It is something we should be proud of.

Transparency is talked about a lot, especially from our government's point of view, because it is very important. Over the time of the inquiry we have learned that transparency in the resources sector, especially in oil and gas, is very important. We have to be open and transparent. We have done that throughout the scientific inquiry.

What we have seen through the scientific inquiry, and I will not touch much on this because it has been discussed, is there is a reason there were three water experts on the panel in that inquiry. It is because we

understand, as all Territorians do, the importance of water and what it means to the future of the Territory and the beautiful country we live in. It is one of the greatest places in the world.

I have been consistent in my support of the industry. It has not been wavered by environmental groups that I have met with. We have differences of opinion and that is what makes our society so great, that we can have those differences.

At the end of the day, I was born and raised here. I have raised a family here and have Aboriginal family throughout the Northern Territory who are connected to their land, country, lore and culture. I understand the importance of looking after the land.

In my previous role as the minister, it was something I struggled with a bit. When I was sitting opposite environmental groups having a go at me about not understanding the significance—an interstate person was telling me I did not understand the importance of connection to country. As the minister for Resources, I really struggled to sit there and say, 'I have my minister's hat on, but I am a born and bred Territorian with Aboriginal links who is connected to land, lore and culture, being told by an interstate person that I do not understand what that means for me'.

That was something I learned on the job, as a person, and we never stop learning in the jobs we do and in life. One thing I will say is I think people need to do some research before they meet with other people.

We have led the way in this inquiry. Fracking has been happening in the Northern Territory since the 1960s. As a minister I fielded a lot of criticism of government on the moratorium and the delay it caused the industry, as well as criticism from the environmental groups.

It is like a double whammy, and I wish the current minister good luck. Keep working on that. People do not see that side of it. Everybody thinks that the environment groups just fill your agenda and your diary with all these meetings but it is also the industry that we have held off for nearly three years now, continually knocking on our doors asking what is going on and asking for updates, offering to assist and asking what they need to do. We were saying that we have an inquiry going and to let it take its course.

That is the other side of government that people do not see and do not understand. It is a day-to-day thing that ministers have to deal with. At the end of the day, as I already said, I knew the science would prevail, the right decision for the industry was made and it will benefit Territorians.

Although I did not agree with all the recommendations—I do not think anybody ever agrees with all of them. My heart skipped a beat when I saw there were 135 of them. It was 134 plus recommendation 135, which was the recommendation to fulfil 134. At the end of the day, science prevailed and the right decision was made.

But we have an important job to do as a government in implementing this because how we implement it will affect and benefit Territorians for decades. We have to get it right and we are.

I just want to remind people that we are at an infant stage. It is not like there are wells all over the Beetaloo sub-basin. There is so much going on, and I heard the Treasurer this afternoon mention the 500 TcF that is there. The reality is that in the Beetaloo Basin that is only one shale.

At the APPEA conference, Origin presented a paper that said they had five plays in the Beetaloo Basin. So there is a lot of future there not only for our children and our children's children, but there are more opportunities. These are the early stages of exploration. This is why, when we get this approved, the companies will understand more about what is actually in the ground. You have the Velkerri shale and the Kyalla shale, and there are three other plays just for Origin in the Beetaloo Basin.

I like to talk about the opportunities for Aboriginal people and traditional owners in this situation because they have been spoken to and about a lot, and people have spoken on their behalf in different formats, forums, media and social media. I had Aboriginal people from New South Wales, Sydney, meet with me in my former role and tell me that what we are doing is a disgrace.

What really, not upset but more annoyed me was when I had interstate people meet with me and say 'How dare you make decisions for Aboriginal people. You should give them the right to veto any exploration on their land.' I said, 'Do you understand what the *Aboriginal Land Rights Act 1976* is?' That community is under the *Aboriginal Land Rights Act 1976* so it can make the decision to say no but it can also make the decision to say yes.

I remember having an argument, well, not an argument, because I do not have arguments, a discussion with a group about needing to learn more about the Northern Territory before you come up here and interfere, especially with the *Aboriginal Land Rights Act 1976*.

I see huge economic opportunities for Aboriginal people and traditional owners in remote regions of the Northern Territory to make the decision to allow mining, resources, fracking and exploration on their land or not. It does not diminish their roles and responsibilities as caretakers of that land and environment. That is their decision, not the government's decision.

I will always fight for the rights of Aboriginal people and the rights of Territorians, but I will also fight even harder for people to know more about the subject they are trying to tell others about.

Every time I have spoken to the industry—two-and-a-half years as a minister, and I am sure Kirbs is sick of it as well—the words 'social licence' get thrown around in every sentence. 'You have to have a social licence.'

The mining companies work hard on social licence. We have it. The mining companies know what they need to do, which is to adhere to the recommendations that we are putting through in the inquiry and the *Petroleum Act 1984*. These will be some of the most stringent conditions in the world. One thing I know about industry is that it will adapt and do its figures and sums like any business to work out if it is worth exploring further in the Beetaloo sub-Basin. Of course they will. As I said, Origin alone has five plays in there.

When I talked about delivering and acknowledging—we have heard over the last couple of years about the Jemena pipeline, which is 622 kilometres, Tennant Creek to Mount Isa. It was a CLP initiative.

I stood with the federal minister Matt Canavan when we opened it and said, 'This has been started and delivered under a Labor government in the Northern Territory. We started it and we delivered it.' We have a track record in delivering and now we have started and delivered the Tanami gas pipeline.

We have runs on the board. We can do the environmental processes and procedures that need to be done to ensure that we are focused on looking after the environment for future generations of Territorians. We can also advance our economic opportunities and the opportunities of all Territorians through this industry. I am a continual advocate for it because you can have both.

I mentioned the Jemena pipeline because eventually it will link to the east coast market. They have a gas shortage, regardless of the rhetoric you hear about the east coast market that the shortfalls have been created by government, or by getting gas offshore, out of Gladstone, overseas or selling it cheaper.

I do not care about that stuff. I care about the Northern Territory advancing and having opportunities. We have a huge opportunity in the Beetaloo sub-Basin.

The Jemena pipeline was and is still pivotal in the development of this industry. It all has to link up. This is one dot in this whole story for the Northern Territory. Environmental legislation has come out of the *Petroleum Act 1984*. We are improving the act and exploration will be happening. There is so much more work to be done.

I thank all the departmental people who have done an enormous body of work on this: Alister Trier; Rod Applegate; and James Pratt and his staff. There have been late nights and weekends and I can imagine there has been last-minute tuning. Any legislation takes an enormous amount of work. But when you have so many moving parts, including cross-agency meetings, committees and cross-agency legislation—you have literally re-written the *Petroleum Act 1984* and you should be commended. I thank you.

**Mr KIRBY (Primary Industry and Resources):** Mr Deputy Speaker, I thank everyone for their contributions on the Petroleum Legislation Amendment Bill 2018. It is my first piece of legislation as Minister for Primary Industry and Resources.

Our government has a clear plan to protect our environment and create local jobs through supporting the development of a highly regulated and transparent onshore gas industry. The purpose of the bill is to make amendments to the *Petroleum Act 1984* to give effect to a number of recommendations made by the Independent Scientific Inquiry into Hydraulic Fracturing in the Northern Territory.

The legislation is a significant step forward in delivering stronger regulation for Territorians, as recommended by the inquiry. Passing this legislation is also an important step forward in getting exploration on the ground this year. Our government is following a detailed roadmap laid out by the recommendations of the panel.

I thank all who were involved, attended or contributed to the inquiry. Not just department staff—thanks and much respect to those people—but let me concentrate on the inquiry panel. That eminent group of experts led by the Honourable Justice Rachel Pepper delivered the most thorough, detailed and wide-ranging inquiry into hydraulic fracturing held anywhere in Australia, and perhaps internationally. I thank Justice Pepper and her expert panel for their help.

It is worth reflecting for a moment on the way the inquiry was conducted. It was an extraordinary exercise in openness and transparency involving the community and respecting the sides. I have been involved with a few consultative processes in the Northern Territory—there were 151 public hearings conducted; more than 1250 public submissions received and considered; 52 community forums held, talking with thousands of Territorians; and four reports published.

Our government promised an independent scientific inquiry after which we would do one of two things, either ban fracking altogether or allow it in highly regulated circumstances in tightly prescribed areas. We kept that promise. Our government has accepted all 135 recommendations from the Pepper report. In particular, our government accepted the central finding of the inquiry, that the risks from onshore gas would be reduced to acceptable levels if the recommendations from the inquiry are implemented.

This is an important point of difference between our government and the CLP. Our government is putting strict new laws and regulations in place to ensure that when fracking takes place we will protect the environment, the cultures and lifestyles that rely on that environment, our tourism, pastoral and fishing industries and agricultural jobs. We talk a lot about the jobs that will be created through this industry, but our government has been mindful from the get-go about the jobs we must protect in other industries across the Territory. The former CLP government did not put strict laws in place to protect our environment, communities, industries and Territory workers. As the inquiry showed, it left an inadequate regulatory system in place, and we are going about fixing it.

The CLP would have had fracking well and truly under way by now, without any of these critical safeguards recommended by the inquiry being implemented. It was the Territory Labor government which listened to Territorians and held the inquiry. The Territory is now better off for it. We have 135 recommendations to implement, and we will implement them.

The CLP still do not get it. In the media yesterday the Leader of the Opposition was critical of the fact that we took time to get the safeguards right by holding this inquiry. He called for fewer hurdles in the way for the gas industry. To me that drives home the key point, that the CLP cannot be trusted with these serious matters.

If the CLP was in government, it would not be implementing any of these recommendations from the inquiry. I take the opportunity to step back through comments from today, and I appreciate them. We heard today from the CLP that the inquiry was completely unnecessary. To restore some faith in ourselves as politicians and parliamentarians and restore some faith in this House, it had to happen.

We will see some amendments moved today on removing judicial review, which is from the Pepper report and is a massive part of the protection people need. The amendments oppose a couple of other recommendations, such as 9.5, which also enhance protections for Territorians.

I will speak about the effect of a motion to remove the amendments we were given today. We will step through these recommendations as we need to. The Pepper inquiry was crystal clear. That is why we agreed to all the recommendations from the inquiry.

The Pepper inquiry clearly states that prior to the grant of any further exploration approvals, the *Petroleum Act 1984* and Petroleum Environment Regulations should be amended to allow open standing to challenge administrative decisions made under these enactments. The inquiry report said this was needed. We have accepted all 135 recommendations. That is exactly what this government will be implementing with these changes.

The CLP has been irresponsible and reckless by trying to remove recommendations from the implementation plan. Territorians know those safeguards need to be in place for them to trust the industry. As we have heard people talk about today, in the Northern Territory this is an industry for generations to come. Implementing all 135 of those recommendations is the best and safest way to go for future generations.

I thank everybody for their contributions. The Treasurer explained the diversification of our economy, the seriousness of the issue, why it needed to be stepped through in the manner it was and how much faith people have gained from the report.

The Member for Nelson spoke about the scrutiny committee report, paying for water and any person being able to seek judicial review. That is a recommendation from the Pepper report. In other jurisdictions where Justice Pepper has worked, judicial review has not resulted in the flood gates opening. The costs and effort associated with people seeking those reviews, and getting them accepted, is an impediment to them going forward. We are confident there will not be any vexatious claims regarding that issue.

The Member for Nhulunbuy spoke about putting the best protections in place. He alluded to trying to make all the legislative change in one group. We understand his concerns about that. He lives in a stunning part of the Northern Territory.

We have a clear plan laid out and we are stepping through it. The plan is publicly available. This legislation is stepping through what we need to do in the immediate future for industry to progress in the time frame it needs and to have the right regulation for it to progress. Territorians can be safe and be assured that the regulation is in place before we get to the next level. That means security for industry going forward—while considering the safety of our sacred lands. That is an important point for us on this side of the Chamber.

The Member for Drysdale's involvement and hard work as Environment minister—she has already spoken about changes to water bills. It was great to hear of her passion, advocacy and the body of work her department is doing in conjunction with my department to ensure all those improvements are being stepped through as they need to be.

The Members for Namatjira and Katherine are passionate advocates for their electorates, which is always refreshing to see. They explained the importance of regulatory compliance and the balance it takes to ensure we get that public satisfaction and are stepping through it in appropriate time frames to ensure everything is completed in a reasonable space of time, but with the correct regulatory compliance in place.

I thank the Member for Johnston for his contribution. As the previous minister, he has an inside understanding. He has been involved right from the start and understands how hard people are working. I thank him for all his input. He made some points that are worth reminding people of: the water expertise on the panel; the fact that we have a clear and open plan over the coming weeks, months and years to get through this in a systematic way; the importance of connection with our traditional owners—it was sad to hear the Member for Johnston's stories about the way he has been treated in some of those circumstances—and the social licence that big entities and bodies will be expected to maintain when they are operating in the Northern Territory. Some of our recent major projects are good examples of that.

Some people have concerns about people coming to the Territory and not respecting our lands or working hard enough to be good corporate or social citizens. Some people who come to the Territory for work know they have to invest here in the long term—in the terminology that has been spoken about today—for future generations of Territorians. It is something we will keep at the forefront of our minds.

Our government has listened to Territorians. As part of the reforms we created scrutiny committees to examine legislation like this bill. I acknowledge the hard work of the departmental people, the people on the expert panels and the late nights they had. The people on the scrutiny committees had a lot of late nights as well. They had a big job to do and we thank them for scrutinising what is brought to the House. We thank the Chair; the Members for Brennan, Sanderson, Arafura, Nhulunbuy; and the Leader of the Opposition for their time and effort in reviewing this bill.

I also acknowledge and thank the organisations and Territorians who made submissions to the scrutiny committee, including the Association of Mining and Exploration Companies; Aboriginal Areas Protection Authority; Katherine Mining Services Association; the Lock the Gate Alliance; Protect NT Incorporated; Australian Petroleum Production and Exploration Association; the Environmental Defenders Office; the Arid Lands Environment Centre; the Central Land Council; the Northern Land Council; and individual members of the public. They had hundreds of opportunities to be involved and there were thousands of conversations and documents put forward.

The committee's detailed consideration of the bill and its assessment of the submissions received is important work that assists parliament in its legislative duties. The scrutiny committee tabled its report to parliament on 12 March 2019 and made 11 recommendations, 10 of which were accepted.

Recommendation 1 was simply to pass the bill with appropriate amendments, and I thank the scrutiny committee again for its hard work. Recommendation 2 was to amend the definition of 'hydraulic fracturing' to include, amongst other things, the defined term of 'petroleum'. These systematic approaches ensure we have the definitions right so that common wording and definitions make everybody's job easier. Our government

accepts these recommendations. It is proposed that the defined term of 'petroleum' is also amended to be consistent with this bill.

Recommendation 3 sought for the fit and proper person test to also include consideration of an associated entity. The department and everybody involved worked extremely hard to get the wording exactly right. This change will be implemented through amending the proposed section 15A(1), replicating the policy position taken elsewhere in the bill. Recommendation 4 amends 15A(1)(a) so that the minister cannot disregard certain matters. This change is accepted and will be implemented through the amendments proposed today. Recommendation 5 seeks to ensure compliance with the prescribed legislation. As part of the amendments proposed today, this change will also be implemented in the redraft of section 15A(1).

Recommendation 6 notes some further legislation should be included in the prescribed list of legislation. The legislation recommended by the scrutiny committee is to be included in the prescribed list of legislation and prescribed environment legislation respectively.

Recommendation 7 notes that certain additional decisions should be included in the list of decisions available for judicial review. That recommendation is accepted and will be implemented.

Recommendation 8 is the only recommendation that will not be implemented. Advice received by government has indicated that updating the schedule through legislation would not be appropriate. There are several points behind this decision. Firstly, to change an act requires parliamentary approval, which is more transparent, whereas changing regulations requires no formal method of public consultation. It enforces those regulations a little stronger. Secondly, the *Petroleum Act 1984* is the parent piece of legislation and the Petroleum Environment Regulations are subordinate. Therefore the parent act has the decision-making powers. They should remain together and not be diminished into subordinate legislations.

Finally, the Administrative Arrangements Order changes that we spoke about recently, in accordance with the inquiry recommendations, have resulted in the Minister for Environment and Natural Resources taking authority of the Petroleum Environment Regulations, while I retain most of the functions and powers within the *Petroleum Act*.

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## VISITORS

### Northern Land Council, Roper Gulf Regional Council and NAAJA

**Mr DEPUTY SPEAKER:** Minister, I ask for the honourable members' indulgence, we have some special guests with us this evening.

Welcome to Mr Samuel Bush-Blanasi, the Chairman of the Northern Land Council; Ms Helen Lee, the Deputy Mayor of Roper Gulf Regional Council; and Ms Sherry Assam from NAAJA. On behalf of all honourable members, welcome to parliament house and enjoy your time here.

**Members:** Hear, hear!

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**Mr KIRBY:** It would not be appropriate that decisions I make within the act that are eligible for review, sit within the regulations administered by another minister. A few people spoke today about the importance of removing the environmental regulations from this act.

The government accepts recommendation 9; the correction is made in the tabled amendments. Recommendation 10 has also been implemented, but on the advice of the Parliamentary Counsel has been drafted in a slightly different style.

Recommendation 11 has some detail. Our government is implementing this recommendation with amendments to capture the obligation to disclose and to create the ability for the minister to request further information. The scrutiny committee noted there should also be sufficient penalties for breaching the obligations.

As noted in the public hearing, the department has advised that existing offences could apply in such a scenario, particularly section 106, failure to comply with the act, and section 109, making a false statement. Nonetheless, offences in the *Petroleum Act* will be reviewed as part of stage three of the implementation plan of the inquiry's recommendations. That review will look at offence provisions holistically and may implement new provisions in the future.

The implementation plan has a clear, deliberate and staged approach to implement the inquiry's recommendations. It was published in July 2018 and its supporting documents detail which government agency will be implementing each recommendation, how it will be implemented and the timing of when it will be completed.

A significant amount of work has been undertaken in the Department of Primary Industry and Resources in completing recommendations, and the Departments of Environment and Natural Resources and the Chief Minister. Those three departments meet regularly. We are assured that progress is at a steady but maintainable pace to make sure all of these recommendations will be completed during this Dry Season.

Minister Lawler and the Chief Minister have been working hard to ensure delivery from their respective agencies. The work to get exploration on the ground this year is critical to the implementation plan. Our government is working hard to put in place the regulation required to see petroleum companies commence the on-ground exploration activities this year.

The inquiry detailed that 31 recommendations should be implemented prior to the government's approval of any exploration activities for drilling of petroleum wells and hydraulic fracturing. Government has almost completed the implementation of these 31 recommendations and the passing of this bill will complete three more inquiry recommendations.

In addition to this bill, our government implemented the inquiry recommendations to increase transparency and improve decision-making by:

- requiring that the environment management plans for the drilling of petroleum wells and hydraulic fracturing must be published and available for public comment for a period of 28 days prior to ministerial consideration of the activities
- requiring disclosure and publication of chemical use of hydraulic fracturing flowback water and composition, ensuring that cumulative impacts are given consideration when assessing companies' environment management plans
- requiring all notices and reports of environmental and reportable incidents are published online
- passing the Water Legislation Amendment Bill in 2018, which ensures the requirement for water licensing and permits to access water resources apply to mining and petroleum activities, and updating offences and penalties
- passing the Northern Territory Environment Protection Authority Amendment Bill 2018 to provide the Northern Territory Environment Protection Authority with two additional members with specialist skills and experience in the assessment and management of the environmental impacts of onshore gas development, who will be in a position to deliver independent expert advice to the Minister for Environment and Natural Resources to inform decision-making
- amending the Administrative Arrangements Order earlier this year to empower the Minister for Environment and Natural Resources to be the decision-maker for the environment management plans and the Petroleum (Environment) Regulations.

That is a strong record of progress, which is giving industry the certainty they need.

Companies such as Origin and Santos are preparing to lodge environment management plans for expert consideration. That is a major step forward for their exploration activities and permits in the Beetaloo Sub-Basin. Gaining environmental approvals and mobilising to commence exploration activities are a significant investment for these companies and good news for the Northern Territory.

Exploration activities are crucial for the small businesses in the Northern Territory that provide services to the petroleum industry and employment opportunities for Territorians. There are many companies that have been in discussions with government about their immediate desire to commence exploration, invest in the Territory and employ Territorians. Our government welcomes this investment in accordance with our enhanced regulatory regime for petroleum-related activities.

I thank the Department of Primary Industry and Resources staff who worked on this bill as part of the implementation efforts to fulfil the recommendations handed down by Justice Pepper and the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory in 2018. James Pratt and Catherine Tilmouth

deserve a special mention for their efforts with the bill and I thank them. I also thank the Office of the Parliamentary Counsel for its work. It has been under a lot of pressure this week, particularly with the amount of amendments and a tight turnaround.

This bill is a significant step forward in strengthening the laws surrounding the development of the onshore gas industry in the Northern Territory and enhancing transparency regarding decision-making under the *Petroleum Act*. It is also a significant step forward in getting exploration to commence later this year.

Our government is doing what we said we would do by implementing the recommendations of the inquiry. Our government is making sure the Territory's onshore gas industry emerges, our unique natural environment is protected and Territory jobs are at the fore.

Mr Deputy Speaker, I commend this bill to the House.

Motion agreed to; bill read a second time.

### Consideration in detail

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4:

**Mr KIRBY:** Mr Deputy Speaker, I move amendment 1, that clause 4 be amended to omit the proposed clause 4 and inserting in its place new wording set out in the amendment schedule. This amendment addresses recommendation 2 made by the Economic Policy Scrutiny Committee, which requests the definition of 'hydraulic fracturing' be amended to include the defined term, 'petroleum'. Subsequently, the defined term 'petroleum' has been amended to modernise the language and ensure consistency with this bill.

**Mr WOOD:** From a layperson's point of view, why is the word petroleum used? We are dealing with onshore gas. Petroleum is what I use to run a vehicle. Why is the distinction not made between gas and petroleum?

**Mr KIRBY:** Petroleum is a defined term in the act and it includes naturally occurring hydrocarbons, gaseous, liquid or solid state. It covers everything we are talking about. It is already a defined term so that is, I believe, why they sought to change it that way.

**Mr WOOD:** If the average person was asked what petroleum is, they would say that it was a fuel developed from oil that runs a motor car, whereas gas is something I use to light the barbecue. I do not use petroleum to light the barbecue, I tell you now. I just want to know why, when we come to definitions, they are not defined as two different products even though they have the same source?

**Mr KIRBY:** It is because the *Petroleum Act* covers oil and gas and that petroleum has always been defined in that manner.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

**Mr KIRBY:** I move amendment 2, that clause 5 be amended by first omitting proposed section 15A(1) and inserting in its place new wording set out in the amendment schedule. The revised section 15A(1) provides that the minister is to be satisfied that the applicant and any associated entity, is an appropriate person to hold a permit or a licence under the *Petroleum Act*, consistent with the effect of the proposed section 16(3)(ea) and section 45(1)(ea).

The revised section also addresses the Economic Policy Scrutiny Committee's concern with regards to the scope of the minister's discretion. This amendment therefore addresses recommendations 3, 4 and 5 made by the Economic Policy Scrutiny Committee.

**Mr WOOD:** Just a technical question, minister. Is there a definition of applicant? A lot of these changes in that section relate to adding the words 'or entity'. What was wrong with having the word 'applicant' on its own? Could that not apply to both a person and a company? Why did you have to add in the words 'or entity'?

**Mr KIRBY:** The ‘applicant’ only covers somebody who already has the permit. The ‘entity’ gives it the ability to cover more prospective proponents as well.

Amendment agreed to.

**Mr KIRBY:** I move amendment 3, that clause 5 be amended to first omit the word ‘person’ and replace it with the words ‘applicant or entity’ in the proposed section 15A(2). This amendment is made to ensure consistency with the amendment requiring the examination of both the applicant and associated entities. Amendment 3 assists in implementing recommendation 3 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

**Mr KIRBY:** I move amendment 4, that clause 5 be amended by first omitting proposed section 15A(4) and inserting in its place new wording set out in the amendment schedule. This amendment provides that the minister may require an applicant to provide more information in order for the minister to determine whether the applicant, or any associated entity, is an appropriate person to hold a permit or licence under the *Petroleum Act*.

Amendment 4 addresses recommendation 11, made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

**Mr KIRBY:** I move amendment 5, that clause 5 be amended by omitting the words ‘parent company’ from section 15A(5). This amendment is a technical amendment, providing consistency of language so that the proposed section will read, ‘an applicant or associated entity’.

Amendment agreed to.

**Mr KIRBY:** I move amendment 6, that clause 5 be amended to insert the *Water Act 1992* as prescribed environmental legislation in section 15A(6). The effect of this amendment is to provide for the minister to consider any contraventions by an applicant or associated entity, to the *Water Act 1992* when making a determination as to whether they are an appropriate person to hold a permit or license under the *Petroleum Act*.

Amendment 6 addresses recommendation 6 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

**Mr KIRBY:** I move amendment 7, that clause 5 be amended to insert the Northern Territory *Aboriginal Sacred Sites Act 1989*, and the *Taxation Administration Act 2007*, as prescribed legislation in section 15A(6). The effect of this amendment is to provide for the minister to consider any contraventions by an applicant or associated entity, to the Northern Territory *Aboriginal Sacred Sites Act 1989*, and the *Taxation Administration Act 2007* when making a determination as to whether they are an appropriate person to hold a permit or licence under the *Petroleum Act*.

Amendment 7 addresses recommendation 6 made by the Economic Policy Scrutiny Committee.

**Mr WOOD:** I want to ask a technical question. These new additions to the prescribed legislation are called AB and AC. I wonder why they did not go down the rest of the alphabet and put V W Y. Why have they stuck them in a clause of their own?

**Mr KIRBY:** I understand it is just a technicality in the drafting of the amendment.

**Mr WOOD:** Under that heading of section 15A(6) where the heading says ‘prescribed legislation means the following’ it says ‘prescribed environmental legislation’. We already have a section on prescribed environmental legislation. Why does the term ‘prescribed environment legislation’ then come under the description of ‘prescribed legislation’?

**Mr KIRBY:** My understanding is that for it to comply, it needs to be written in that way and with all the detail underneath so it complies and captures all of that information. It is correct that it is written that way.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

**Mr KIRBY:** I move amendment 8 that clause 6 be amended to first omit the words 'applicant, and any parent company' and replace them with the word 'applicant' in proposed section 16(3)(ea). This amendment is a technical amendment providing consistency of language, so that the proposed section will read 'applicant or associated entity'.

Amendment agreed to.

**Mr KIRBY:** I move amendment 9 that clause 6 be amended to insert after proposed section (16)(3)(ea) the wording set out in the amendment schedule. This amendment provides for a requirement that an application for the grant of an exploration permit is to contain details of any matters which the minister must have regard to when determining whether a person is an appropriate person to hold an exploration permit.

Amendment 9 addresses recommendation 11 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

**Mr KIRBY:** I move amendment 10 that clause 7 be amended to first omit the words 'applicant, and any parent company' and replace them with the word 'applicant' after proposed section 45(1)(ea). This amendment is a technical amendment providing consistency of language, so that the proposed section will read 'applicant or associated entity'.

Amendment agreed to.

**Mr KIRBY:** I move amendment 11 that clause 7(2) be amended to insert, after proposed 45(1)(ea), the wording set out in the amendment schedule. This amendment provides for a requirement that an application for the grant of a production licence is to contain details of any matters which the minister must have regard to when determining whether a person is an appropriate person to hold a production licence.

Amendment 11 addresses recommendation 11 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

**Mrs FINOCCHIARO:** Mr Deputy Speaker, I move amendments to omit clause 8 from the bill. This clause inserts sections which provide for open standing for judicial review. The legal principle of *locus standi* or standing is well settled in Australia. As the High Court of Australia stated in *Australian Conservation Foundation v Commonwealth*, the test is that an applicant has a special interest in the subject matter or action.

There is no good reason for creating open standing for decisions and determinations made under the *Petroleum Act 1984*. There is no demonstrated reason from the government that anyone in the world should be able to bring an action for judicial review, regardless of whether or not they are aggrieved.

It is possible for aggrieved persons to apply for a merits review of a decision under the existing legislation. To expand this out to make judicial review available to anyone is far too broad and unnecessary. As APPEA submitted to the scrutiny committee, this would increase the level of risk to the development in the NT by allowing any party, regardless of interest, to bring forward legal proceedings on an approval.

I will provide one example which illustrates why the opposition thinks these clauses should be omitted. As drafted, any activist in Melbourne or New York, or anywhere in the world, can apply to the Northern Territory

Supreme Court for an interlocutory application for relief pursuant to order 56 of the Supreme Court Rules in the nature of *certiorari*, *mandamus*, prohibition or *quo warranto* on a decision to direct parties to attend a meeting under section 57K of the act. In plain English this means that any person, including legal persons, can apply for routine decisions under the act to be quashed, for an order that the decision-maker takes an action, cannot take an action or to show that they have authority.

To open these remedies to all seems nonsensical. Further, the opportunity for any person to seek relief from the judiciary creates an unacceptable amount of uncertainty for the industry, which the opposition believes is key to the revival of our economy. We want to make regulatory conditions certain for industry and Territorians. Allowing open standing does the opposite.

Petroleum and hydraulic fracturing is not a special case which needs explicit statutory alteration of the common law principle of *locus standi*. The existing merits review provisions and conventional actions for judicial review of administration action by aggrieved persons are sufficient.

**Mr KIRBY:** As I mentioned during the closing speech, the Pepper inquiry is crystal clear. Recommendation 14.23 says:

*That prior to the grant of any further exploration approvals, the Petroleum Act and Petroleum Environmental Regulations be amended to allow open standing to challenge administrative decisions made under these enactments.*

The inquiry stated in its final report, on page 419, that:

*To improve decision-making and to maintain accountability and integrity in any onshore shale gas industry, review and appeal processes must exist to enable those directly and indirectly affected by a decision to challenge that decision (for example, the granting of an exploration permit).*

Further, the inquiry stated that:

*The greater the access to justice by the public, the more accountable, transparent and improved the decision-making will be.*

The inquiry also stated that:

*Access to justice is an aspect of the rule of law and is, on any view, a necessary component of an SLO insofar as it promotes transparency and accountability and has a tendency to engender trust in the Government and the gas industry*

Recommendation 14.23 states:

*That prior to the grant of any further exploration approvals, the Petroleum Act and Petroleum Environmental Regulations be amended to allow open standing to challenge administrative decisions made under these enactments.*

A person or entity withstanding usually has interests that have been affected by a decision. The inquiry has made a recommendation to provide for open standing, meaning standing will not be limited to a person who has interests that have been affected by a decision. The inquiry was clear in its recommendation that changes to the *Petroleum Act* be made to allow for open standing, and the government accepts that recommendation.

**Mr WOOD:** I go back to one of the problems I have with government having blanket approval of all the recommendations. It does not give itself any room to move. Does this judicial review of decisions apply to other aspects of mining or only to onshore gas?

**Mr KIRBY:** I understand that, at this stage, it only applies to the *Petroleum Act*.

**Mr WOOD:** Is that not, under law, a little discriminatory? You have one industry drilling a hole in the ground, another probably digging a big hole in the ground, but one comes under a lower threshold when it comes to environmental safeguards than the other. How does that fit in the processes?

**Mr KIRBY:** I reiterate what I mentioned earlier about other jurisdictions having a judicial review and the surety of Justice Pepper in this openness and transparency being the best way to effect these changes. This is the only act it will apply to at this stage. There will be other legislation reviewed in the future.

**Mrs FINOCCHIARO:** Did the government independently assess that recommendation, and therefore the legislation, or is it just implementing it because it was a recommendation of the report?

**Mr KIRBY:** It was an independent inquiry of subject matter experts. These recommendations are not being taken on an individual basis, they are being taken collectively. This is part of accepting all the recommendations.

**Mrs FINOCCHIARO:** That is fine, and the Member for Nelson touched on this. There is a political will to say we will accept them all, but the practical reality is you have now created a bill with open standing which is not replicated in any other legislation in the Northern Territory relating to mining or extraction. Why have we felt the need to go so far with judicial review, particularly where the bill provides for merits review? Why is that not sufficient?

**Mr KIRBY:** Our government is confident in the recommendations from the independent inquiry. We commissioned them to give us that independent expert advice, this is what they came back with and we are happy to accept all recommendations.

**Mr WOOD:** Minister, you said that this happens in other jurisdictions, and I presume that it happens in New South Wales because Justice Pepper was involved there. Again, this is one of the difficulties with bringing a report through a few days before. How do I know this way of doing it in New South Wales has not interrupted mining processes to a point where development has been brought down by vexatious claims?

**Mr KIRBY:** Perhaps as a final point of clarification I can read straight from the Pepper report where it clearly states:

*The Land and Environment Court of NSW has open standing in respect of many of the statutes governing its jurisdiction.<sup>277</sup> The floodgates have not opened, the Court lists are not full of spurious claims and developments are not delayed as a consequence.*

*Costs sanctions against the unsuccessful party usually prevent vexatious claims being brought in jurisdictions that have open or extended standing, and there is no cogent evidence to suggest that more cases are brought in legal systems that entertain broader standing provisions than in those that have more restrictive standing provisions.*

**Mrs FINOCCHIARO:** With all due respect minister, it sounds like you are outsourcing your legislative responsibility to a third party, which is not the role of the inquiry, to draft and prepare legislation. It still remains a concern, and I need to understand the government's justification.

Why does the government feel that it is okay for someone completely, entirely, remotely removed with no nexus or connection, suffrage or impediment—or any other description you want to have other than the philosophical disbelief in fracking—be allowed to simply bring a claim when they have no connection other than an objection to the broader concept? How can they be allowed to bring this type of action when there is merits review provided in the legislation?

**Mr KIRBY:** I have read out a number of clauses from the expert inquiry. The recommendations explain why this will not create the issues that you are concerned about. I do not feel I can answer the question any better.

**Mrs FINOCCHIARO:** Did you consult with industry about it? If you feel that the report answers the questions, what did industry say about this provision?

**Mr DEPUTY SPEAKER:** Minister, just before you answer that, I will remind honourable members that during the second reading and the conclusion of that, the policy intent was passed by the Assembly. This is now an opportunity to look at the operations of that particular piece of legislation.

**Mr KIRBY:** Our department is constantly and regularly in consultation with industry and it would be naive to think that it is not happening. As I read in my closing speech, the amount of consultation that went into the report itself—any suggestion that we have not been discussing this with industry is not true.

**Mr WOOD:** I should take note of the scrutiny committee's report on this issue. The Australian Petroleum Production & Exploration Association expressed concerns that the introduction of open standing for judicial review would increase the:

*... level of risks to development in the NT by allowing any party, regardless of interests, to bring forward legal proceedings on an approval.*

In response to this concern the department advised that the government has committed to implementing the recommendations from the scientific inquiry. The inquiry explicitly stated the *Petroleum Act 1984* and Petroleum Environment regulations be amended to allow open standing for juridical review.

This issue was not answered except by the government saying it has just simply accepted the Pepper report recommendations. There is no discussion here about whether this particular open standing will have negative effects on development. I am not against people objecting to mining applications but we now seem to have one law for onshore gas and another for mining. That says two things: that the government is happy for this type of judicial review, which Justice Pepper is saying should apply to onshore gas; and it should not necessarily apply to ordinary mining.

If it is good enough for ordinary mining, why is it not good enough for onshore gas applications?

**Mr KIRBY:** The Justice Pepper review specifically looked at the onshore gas industry and has made a number of recommendations. I have read clauses which are straight from her recommendations and we are enacting all of them. But her report was specifically about the onshore gas industry. We have already mentioned that there will legislative changes for other pieces in the future. I am not sure that I can answer the question any further than that.

**Mr WOOD:** What worries me is that I understand what you are saying but this section of the act is important. I am not able to hear what the government itself, as an independent body—not the inquiry—thinks because you have just made one statement that ‘we accept all the recommendations’, as if you are robots.

As the Minister for Primary Industry and Resources, it would be nice to hear what you think of that recommendation in practical terms for the industry. The problem is that we get the robotic answer and, do not take it in the wrong way, minister, but it is just the same answer. There does not seem to be a chance to hear what the government’s personal view of that recommendation is. It is ‘We have accepted it all, end of argument and sit down on this side because we are going to pass it’.

I am trying to squeeze a bit of other information out of the government about whether they think there are issues about people. As the Leader of the Opposition said, if someone from New York who has lots of money hears about this development, does not like onshore gas, puts in an application to the Supreme Court and they have enough money—the presumption is that because it will cost a lot of money to go to the Supreme Court it will stop people. But will it stop people if they have financial backing that allows them to do?

**Mr KIRBY:** I will not give personal—or the government’s position ...

**Mr DEPUTY SPEAKER:** Member for Nelson, I will rule that question out of order, but I will allow you to re-ask. I will not allow you to ask a question seeking a personal view of a minister.

**Mr WOOD:** Thank you, Mr Deputy Speaker. When I said personal, I meant a ministerial point of view as the Minister for Primary Industry and Resources, not a minister taking all the recommendations as accepted. I would be interested to know what a minister for mining would think about this particular clause that we are putting through. Does he think that it could be ...

**Mr McCarthy:** World’s best practice.

**Mr WOOD:** Well it could be.

**Mr McCarthy:** It is.

**Mr McCarthy:** Have you read the report?

**Mr WOOD:** I have read the report. It is a question of whether you apply it to mining in Tennant Creek.

**Mr McCarthy:** World’s best practice, I do.

**Mr WOOD:** No you do not. You do not have the open—I bet you do not have this particular clause; that is all I am saying. I will put it in perspective: I am willing to support this legislation and see how it goes but I am

also here to test the government on whether it has just picked up these recommendations and said 'well, too bad, this is what we do'.

I am here to question and test whether you think there could be problems with this clause. I am happy and have said to the Leader of the Opposition that I will not support the removal of it. What I will do is see if it does happen. You have said it will not happen, because of the process, but I am concerned that it will happen.

I give the government the benefit of the doubt, I understand where it is coming from. But I will be watching to see if this has an effect on the process of allowing onshore gas to develop and whether the government will look at applying it to other parts of the mining industry and seeing what effect that will have and what reaction you get from the mining industry if that happens.

I am not trying to be anti ...

**Mr DEPUTY SPEAKER:** Member for Nelson, you have eight minutes, but I suggest that you summarise the question.

**Mr WOOD:** You have to remember that this is a very important part of the process. Sorry, I am not preaching to you Mr Deputy Speaker, otherwise I will end up in the Speaker's newsletter again. It is the only time sometimes that I can—even the scrutiny committee does not talk to the minister—say what I think to the government so that things are put in perspective.

I am happy for the government to go down this path. Obviously it is able to because of the numbers, but I think there needs to be a review if things do not go according to how the government thinks it will. If this piece of legislation is stuck in concrete simply because of the Pepper report, then we will never be able to review it with any hope that it could ever be changed. That would worry me as well.

**Mrs FINOCCHIARO:** It beggars belief that the government has not put any independent thought into a provision of legislation that takes a completely different direction to any other piece of legislation in our jurisdiction, when there are other ways for dealing with merits and judicial review.

The fact that the government has not had an independent thought about this law, simply because it was a recommendation of the Pepper inquiry, rings huge alarm bells and should ring huge alarm bells for Territorians and industries. The Member for Nelson touched on it. Does this mean that the mining industry can expect that a provision like this might find its way into mining regulation, if you are happy to just throw caution to the wind and let us 'see how she goes' in doing it for onshore gas?

**Mr DEPUTY SPEAKER:** Deputy Leader of the Opposition, please summarise your question in relation to the operations of the bill. We are on clause 8.

**Mrs FINOCCHIARO:** Has the government had an independent thought in its head regarding this section of law? You are a lawmaker, not a robot here to implement a policy position by an independent committee. You are here to make law for the Territory.

**Mr KIRBY:** Perhaps if I deal with the Member for Nelson's first. I can guarantee that these recommendations are prosecuted internally on a daily basis. We do not take these things lightly. They are with the experts in the department who have constant contact with people in the industry. They are prosecuted on a daily basis. Whether they will be prosecuted in the court of law once they are in place—we have no say in that.

We have the expert opinions. We have guaranteed that we will accept all the recommendations and I understand that it sounds like we are accepting them all because it is a fait accompli. But it has been investigated and prosecuted.

I have full faith in Justice Pepper. She is able to explain about other jurisdictions where this happens and the sky has not fallen. That gives me a great deal of faith. If I had the ability to intricately prosecute it, the first question I would ask is, 'Is this available in other jurisdictions?' She has clarified that there is not currently a world of problems with the legislation that they oversee down there. I feel that I have answered this question as fully as I can.

**Mr WOOD:** Thank you, minister, I accept that. I would feel a lot happier if I knew that what you are saying could be reviewed, and if a review showed that this legislation has some issues, that we as a parliament would have the ability to change that legislation if it needed an amendment. If the legislation caused the problems that APPEA speaks about and the government felt that it was inhibiting development in a way that

was not the intent, is there any ability for it to be amended? Once this recommendation from Justice Pepper is set in place, is that it and no change is possible?

**Mrs FINOCCHIARO:** I know you went over it, minister. Can you please confirm—I thought Justice Pepper's comments were in relation to other pieces of legislation unrelated to the same thing that occurs in other jurisdictions. Could you please give examples of what other jurisdictions have open standing for onshore gas—not for other environmental regulations, but specifically let us compare apples to apples.

**Mr KIRBY:** My previous comments were in regard to the open standing. That is what those comments were attributed to, not to any particular portion. I feel that I have answered the judicial review question to the fullest extent I can. Justice Pepper has explained that she has confidence in the process. We have accepted those recommendations.

**Mrs FINOCCHIARO:** Perhaps you misunderstood my question. I wanted to know what other Australian jurisdictions have open standing for judicial review for onshore gas.

**Ms FYLES:** A point of order, Mr Deputy Speaker! We are talking about robotics. The question has been answered.

**Mr DEPUTY SPEAKER:** I am aware of that. I will remind honourable members:

*When the question before the Chair is that a particular clause be agreed to, the limits of discussion may be narrow. When a bill is considered, by leave, as a whole, the debate is widened to include any part of the bill. However, discussion must relate to the clauses of the bill, and it is not in order to make a general second reading speech.*

That is from the House of Representatives Practice. I will remind honourable members again, if we go down the avenue of repetitive questions they will be ruled out of order. They must be regarding the operations of the bill.

**Mrs FINOCCHIARO:** Mr Deputy Speaker, my question was specifically related to the clause. There either are other Australian jurisdictions, in which case the minister could list them; or there are not, in which case the answer is no. I am not sure that the minister understood my question or answered it. What other jurisdictions have open standing for traditional review for onshore gas?

**Mr KIRBY:** As I have explained, the Pepper report discusses and is clear regarding the preference for judicial review. We are installing the world's best practice. We are setting benchmarks to protect the Territory. I am not sure I can answer the question in any more detail than I already have, a number of times.

The Assembly divided.

Ayes 6	Noes 16
Mr Collins	Ms Ah Kit
Mr Guyula	Mr Costa
Mrs Finocchiaro	Ms Fyles
Mrs Lambley	Mr Gunner
Mr McConnell	Mr Kirby
Mr Mills	Ms Lawler
	Mr McCarthy
	Ms Manison
	Ms Moss
	Ms Nelson
	Mr Paech
	Mr Sievers
	Ms Uibo
	Ms Wakefield
	Mr Wood
	Mrs Worden

Amendment not agreed to.

**Mr DEPUTY SPEAKER:** The question is that clause 8, as printed, stands.

The Assembly divided.

Ayes 16	Noes 5
Ms Ah Kit	Mr Collins
Mr Costa	Mrs Finocchiaro
Ms Fyles	Mrs Lambley
Mr Gunner	Mr McConnell
Mr Kirby	Mr Mills
Ms Lawler	
Mr McCarthy	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Mr Sievers	
Ms Uiho	
Ms Wakefield	
Mr Wood	
Mrs Worden	

Clause 8 agreed to.

Clause 9:

**Mr KIRBY:** I move amendment 12, that clause 9(2) be amended to first omit the word ‘conduct’ and insert in its place the word ‘practice’ in proposed section 58(ab). The effect of this amendment is to ensure that the code of practice is used consistently through the *Petroleum Act*.

Amendment 12 addresses recommendation 9 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

**Mr KIRBY:** I move amendment 13, that clause 10(2) be amended to omit the wording of the clause and insert the new wording as set out in the amendment schedule. The effect of this amendment is to strengthen section 93 to ensure the minister is satisfied that a transferee or any associated entity is an appropriate person to hold a permit or licence under the *Petroleum Act*.

Amendment 13 addresses recommendation 10 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11:

**Mr KIRBY:** I move amendment 14, that clause 11(2) be amended to omit the words ‘or standard’ in proposed section 118(2)(ra). The effect of this amendment is to ensure the code of practice is used consistently through the *Petroleum Act*.

Amendment 14 addresses recommendation 9 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

**Mrs FINOCCHIARO:** Mr Deputy Speaker, this clause is the associated schedule to clause 8 which I moved the amendment on and was defeated. I will not speak any more to it. I move the amendment, noting my dissent.

I move amendment 2 from my amendment schedule to clause 12.

Amendment not agreed to.

**Mr KIRBY:** Mr Chair, I move amendment 15, that clause 12 be amended to insert the schedule after the item for section 13(8)(b), section 15A, determination that applicant or associated entity is appropriate person to hold the permit or licence.

The effect of this amendment is to provide for the determination under the proposed section 15A, that the applicant or associated entity is the appropriate person to hold a permit or licence, be available for application for judicial review.

Amendment 15 addresses recommendation 7 made by the Economic Policy Scrutiny Committee.

**Mr WOOD:** Are we talking about clause 12 of the schedule? That is what I thought we voted on. I thought you were going to comment on the same clause. Clause 12 of the amendment bill, not clause 12 of the amendments to the amendment bill.

**Mr DEPUTY SPEAKER:** Member for Nelson, page five of the amendment schedule, number 15, is where we are at—clause 12 schedule, after item 4, section 13B(8)(b).

**Mr WOOD:** Clause 15, is that correct?

**Mr DEPUTY SPEAKER:** No, it is amendment 15 to clause 12. Do you wish to ask any further questions in relation to that, Member for Nelson?

**Mr WOOD:** I was going to ask, in general, about the schedule. In the bill, it is clause 12 and it says, 'schedule inserted'. Have we gone past that?

**Mr DEPUTY SPEAKER:** Member for Nelson, you may continue.

**Mr WOOD:** Minister, I raised during the response to the second reading, the section I took out of Justice Pepper's inquiry, which was 14.3.3.3, which was headed 'The schedule'. I did not get a response.

I want to know if this is the same schedule we are talking about. This one says, 'The schedule operates alongside the petroleum environment regulations and the *Petroleum Act* to regulate certain petroleum activities such as seismic surveys used in exploration, the design and construction of drilling wells, and well integrity.' Is the schedule that Justice Pepper is referring to the same as this schedule here?

**Mr KIRBY:** The schedule list that we are discussing today is regarding the judicial review and the decisions within it. The Pepper inquiry lists that you mention are regarding exploration and production and are very technical lists. They are two separate things and that is why there is a difference.

Amendment agreed to.

**Mr KIRBY:** I move amendment 16 that clause 12 be amended to insert into the schedule after item for section 93(4) section 93(10) determine application by approving or refusing to approve it.

The effect of this amendment is to provide for the determination under section 93(10) of the *Petroleum Act* that the determination of approval of an application to transfer interest be available for application for judicial review. Amendment 16 addresses recommendation 7 made by the Economic Policy Scrutiny Committee.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 to 14, by leave, taken together and agreed to.

Clause 15:

**Mrs FINOCCHIARO:** I move amendment three from my amendment schedule to clause 15. My reasons for clause 15 are the same as outlined in clause 6. I note the government will not be accepting this amendment and note the opposition's dissent. I move my amendment be put.

Amendment not agreed to.

Clause 15 agreed to.

Clauses 16 and 17, by leave, taken together and agreed to.

Clause 18:

**Mrs FINOCCHIARO:** Mr Deputy Speaker, clause 18 is the schedule to clause 15, which has been defeated by the government. I put on record the opposition's dissent on this provision and move amendment 4 from my amendment schedule to clause 18.

Amendment not agreed to.

Clause 18 agreed to.

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

**Mr KIRBY (Primary Industry and Resources):** Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

#### **CONSIDERATION OF COMMITTEE REPORTS, AUDITOR-GENERAL'S REPORTS AND GOVERNMENT RESPONSES**

**Mr DEPUTY SPEAKER:** Honourable members, pursuant to the routine of business the Assembly will now consider committee and Auditor-General's reports and government responses. I invite members if they wish to proceed with any item.

Consideration deferred.

#### **RESPONSE TO PETITION Petition No 27 – Youth Justice Facility Pinelands**

**The CLERK:** Honourable members, pursuant to Standing Order 123, I inform members that a response from the Minister for Territory Families to Petition No 27 has been received and circulated to members.

*Petition Number 27*

*Youth Justice Facility in Pinelands*

*Date presented: 25 October 2018*

*Presented by: Mrs Lia Finocchiaro (Member for Spillett)*

*Referred to: Minister for Territory Families and to the Social Policy Scrutiny Committee for consideration to debate*

*Date referred: 26 October 2018*

*Date response due: 14 March 2019*

*Date response received: 15 March 2019*

*Date response presented: 19 March 2019*

*The Northern Territory Government is committed to decommissioning the Don Dale Youth Detention Centre. Through a partnered approach between Territory Families and the Department of Infrastructure, Planning and Logistics, the NT Government is working to deliver a purposefully designed, contemporary and secure Youth Justice Centre.*

*The findings of the Royal Commission into the Protection and Detention of Children in the NT made it clear that changes were needed to the existing Youth Justice Centres. The existing Centres currently operate from within repurposed facilities that are at the end of their useable building lifecycle. This*

*restricts capacity to deliver successful offender and support programs, and impacts on operational flexibility.*

*Construction of a new purposefully designed facility will deliver on the objectives for youth justice reform set out in the Safe, Thriving and Connected implementation plan. Programs that support rehabilitation in a secure, therapeutic care environment is at the core of a contemporary Youth Justice Centre design.*

*To facilitate the commitment to a new Centre, the NT Government undertook a comprehensive analysis of potential site options for a Youth Justice Centre in Darwin, including both Crown and privately-owned sites. The Pinelands site was the preferred site as it best met the brief and requirements for a Youth Justice Centre in the Greater Darwin area. Having a preferred site gave effect to a statutory process to confirm whether there was merit to re zone the site for community purpose and therefore an appropriate site for the Darwin Youth Justice Centre. The process provided the public with an opportunity to raise issues, concerns and to provide through an open and proper process.*

*The outcome of the statutory planning processes was announced jointly by my colleague the Hon Eva Lawler MLA, Minister for Infrastructure, Planning and Logistics, and myself on 12 March 2019. The Planning Minister has carefully considered the findings of the Northern Territory Planning Commission regarding the rezoning application for a new Youth Justice Centre and Rehabilitation Precinct, and has declined the application. The new Youth Justice Centre will not be built at Lot 67, McKinnon Road, Pinelands.*

*Now that the statutory process is complete, and the Pinelands site is no longer being considered, a new preferred site will be identified and the planning process undertaken again, as is appropriate. The planning and design work will continue and the design consultancy will be managed by the Department of Infrastructure, Planning and Logistics to ensure that milestones in the design process are realigned with the site selection.*

*I thank you for the opportunity to respond to Petition No. 27 and to reinforce the importance of the project for better youth justice outcomes.*

#### **MATTER OF PUBLIC IMPORTANCE New Fiscal Strategy**

**Madam SPEAKER:** Honourable members, I have received correspondence from the Member for Stuart as follows:

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

*In mid-December 2018 the Government released its Interim Report Briefing entitled 'A Plan for Budget Repair' which, among other things, noted the Territory was headed towards a deficit of \$35billion in 2029-30 unless a 'new fiscal strategy' was adopted.*

*By any definition, this is a crisis.*

The letter is signed by the Member for Stuart. Is the discussion supported? It is supported.

**Mr McCONNELL (Stuart):** Madam Speaker, as it is often said in regard to alcoholism, you cannot fix a problem until you admit you have one. Until such time as the Chief Minister and the government can take this fundamental step, they will remain ill-equipped to deal with the enormity of the problems facing the Northern Territory.

It has been reported that the Cabinet is currently conducting its meetings to determine the 2019–20 budget. Given that the new fiscal strategy remains unknown and is fundamentally irresponsible, it is a matter of public importance that we discuss these things.

There are significant issues facing the Territory. The opposition and the Independents debated a number of these issues in a no confidence motion last week. The response from the government was underwhelming. There was a lot of spin but no conversation, avoiding the issues, making reference to problems of previous governments and what will not be done, but no actual substantive conversation. We heard announcements

about water parks, museums, underground car parks and underground power but none of this deals with the structural problems. We have a structural debt and it is growing.

For a small jurisdiction, our debt is enormous and growing by \$4m a day. This is unsustainable and requires major reform to correct it. The government appears to continue to make budget decisions and enter into budget Cabinet decisions without having its final fiscal report for budget repair—at least publicly releasing it, anyway.

Without making hard decisions or having the hard conversations about what changes must be made, how will we resolve this financial crisis? The Chief Minister and the Treasurer did not even bother to defend the government during the no confidence motion last week. We do not know what solutions they are proposing. This is not an honest and transparent government.

The Chief Minister will not acknowledge that the Northern Territory is in financial crisis. The Treasurer did, but the Chief Minister will not back her up. This is not an honest and transparent government.

We know the Caucus is compromised because members who raised their concerns about the budget and wanted to discuss solutions were immediately excluded. There was no discussion or natural justice involved. What is the likelihood of the remaining Caucus members speaking up about this financial crisis? This is not an honest and transparent government.

Government is supposed to be about coming up with the best ideas and solutions through discussion and debate. The Labor Party is supposed to be about diversity of discussion, unity and action. This government has compromised the basic underlying principles of democracy and the members do not seem to care. I care, which is why I call for a Commonwealth royal commission into the Northern Territory focusing on economic sustainability and structural integrity.

I seek leave to table an explanatory statement and the letters patent.

Leave granted.

**Mr McCONNELL:** With assistance from many others who are concerned, I have drafted an explanatory statement and letters patent for a royal commission. I table these papers today and call on support from the Territory and Commonwealth governments for a royal commission. I note that the letters patent are draft and I am sure further refinement would be necessary.

Letters patent are fundamental to the success of a royal commission. From the review of the *Royal Commission Act*, paper 35, if the scope or jurisdiction is too wide, it can result in unnecessary cost and complexities and delay, and it can lead to an inquiry floundering in the wilderness and losing possible avenues of investigation. If the scope is too narrow it may limit the opportunities of a wide-ranging investigation without the safe guards associated with investigations by a traditional law enforcement agency. That can undermine the effectiveness of an inquiry and prevent it adequately discovering and examining.

There are four pillars to be examined to resolve the Northern Territory's financial and structural crisis. The first is most obviously the recently revealed budget crisis that has us heading towards a projected debt of \$35.7bn by 2029–30, which is a debt growing at \$4m per day.

The second pillar is Indigenous economic participation. Indigenous land and labour in the Northern Territory must participate in the productive economy and developments must occur in a sustainable way, not through exploitation. Without Indigenous economic participation we will not make the gains we need in the areas of health, social inclusion and education. A direct link can be established between budgetary overspends, welfare dependency and a significant proportion of Indigenous people who are not engaged in the economy, particularly in remote areas.

A third pillar is the productivity of targeted funding. We are all aware that the reason the Territory receives a higher portion of GST relativity and Commonwealth grants is because of the remarkable levels of socioeconomic disadvantage for a high percentage of our population, but expert analysis of the Commonwealth Grants Commission returns and other official data demonstrates an underspend by the Northern Territory Government on targeted initiatives to reduce Indigenous disadvantage. The resources are too often redirected to mainstream initiatives and projects, usually in larger population centres.

The fourth pillar is public sector influence over government. There is an overly large public sector in the Northern Territory and it is recognised as a voting bloc—dominating electorates in Darwin and surrounds and

impeding structural reform of public service. These are things we need to hear and are what you get elected to parliament to talk about. I respect our public servants but we should have this discussion. This results in a widely accepted belief that successive governments have focused their investment above the Berrimah line. Of note, the Treasury is currently borrowing money to pay public sector payroll.

The effect of the four pillars is to obstruct the ability of successive Northern Territory Governments to address the need for structural reform to the foundational elements of our economy. I stress that we must achieve greater socioeconomic inclusion for Indigenous people, particularly in remote areas, to achieve sustainability of the Northern Territory as a self-governing jurisdiction. You cannot continue to run the budget deficits or continue to deliver the lack of economic activity. You cannot continue in that direction.

If you continue in that direction the very instrument of self-government is at risk. When I spoke widely about preparing this document, numerous parties expressed that concern to me. This is a very real concern, not something that needs to be dismissed by, 'Scotty's a raving lunatic from the central desert'. I know what I am talking about, people have had open discussions with me about their level of concern. These are very real concerns that you cannot fix with a strategy of police in front of bottle shops, which effectively results in break-and-enters in regional towns like Alice Springs and Katherine. These things do not work. You cannot two-hand juggle with one hand. It is more complicated than that.

I am not calling for a royal commission for myself, my own agenda or to waste time talking about myself as the Attorney-General may assert. Sorry, I had to put that in there. I am calling for a royal commission because I care about where the Northern Territory is headed. I do not want Indigenous people, particularly remote Indigenous people, to continue to be left behind.

There is a withdrawal of remote services and this is being felt in remote areas. Without real structural change remote areas will continue to bear the brunt of this financial crisis. I do not want the Northern Territory to continue to be open to exploitation or unsustainable industries because we are going cap-in-hand begging for any development. We end up on the wrong end of a bad deal.

I want to avoid the federal government interventions and royal commissions that deal with the issues at the bottom of the cliff but never tackle the structural inequities that are the cause of the problems. Many royal commissions in the Northern Territory and other inquiries—even The Intervention—were a result of systemic failure of successive Northern Territory and federal governments.

Children are in child protection institutions because their families do not have the tools to adequately care for them by not being participatory in the economy. Many Aboriginal people, particularly men, are incarcerated because they do not have the tools to engage in the economy. I have experienced and was brought up with these things. I was elected to this place to voice these things.

I was elected to deal with structural problems that exist, work on the diversification of industry and to help develop a sustainable and inclusive economy. That is what I got into politics to do. I am passionate about the idea of a sustainable pastoral industry, especially during climate change. We can do that by adaptation of new technology. We can sustain the environment while increasing pastoral production. I know how that can be done but I do not get an opportunity to discuss it.

There is no discussion about these things and that is why we are continuing to head where we are heading. I am disappointed this government has not been willing to tackle these issues and has shut down debate. I have lost confidence in this government to provide the changes that we require.

I do not think this government will do anything different than the previous governments. Our structural problems are affecting our capacity and ability to resolve the crisis we are now in. Those structural problems, the four pillars are why we must ask the federal government and the opposition to commit to a royal commission before there is no road back for us as a Territory.

We just celebrated 40 years of self-government in the Northern Territory. I have a vision of the second 40, which is the Northern Territory with a diversified and inclusive economy, and thriving tourism and small business sectors; a community that enjoys and respects the environment, sustainability and cultural inclusion, where we do not require the government to dominate our workforce and control so many aspects of our lives, particularly if you are an Indigenous person living remotely.

Indigenous people want to own their homes on their own land and do not want to see the same housing delivery methodology that has been modified by successive governments and called 'new'. It is not new. If anyone wants to have a discussion about remote housing and how to deliver it, underpinned by a sustainable

financial framework, come and talk to me. I do not have all the solutions, I do not know all the steps, but I know the need for change and I know a lot of the steps. I have a lot of experience. Come and talk to me.

You know what is not the solution? To give a further \$550m—these are extraordinary sums of money—to Territory Housing, an instrument of the Territory government that cannot even collect rent and is being sued because they cannot deliver services.

The minister came to this Chamber and told me that the Commonwealth Government has contributed nothing to the housing program, and then listed the number of housing initiatives since Labor has been in government that are funded by the Commonwealth.

I am not a fool. My constituents are not fools. Your colleagues in this Chamber are not fools; tell them the truth. Work collaboratively and cooperatively to tell us the truth. We share the values of the Territory. I have never, for one minute, questioned your values for the Territory. Let us get on with this and have some real discussions about these things. I do not have all the solutions and, I remember saying this to the Treasurer in my office some time ago, I am not always right, but I am not always wrong.

It may seem idealistic, but it is not out of reach to have Aboriginal people able to own their own home on Indigenous-held land. It is not unrealistic to realise we can have collective ownership of the underlying land through the *Land Rights Act* and still have a funded, tradable housing economy above that. We can do this. We need to do this because we need these remote communities to be attractive places to live. We want people to be able to live in their houses and have options, not just a public housing model.

It is 2019 and the government is telling us the only option you should have when you live in a remote community is to live in public housing. Is that really where we are at this time? We do not afford those opportunities to Indigenous people in remote communities, even though we get an incredible amount of money to subsidise better outcomes in remote and regional areas.

There are difficult decisions to be made. Not tomorrow or the next day—now. There is a capable group of people in this parliament to work on them, but I have lost faith in the ability of the political class to deal with the systemic matters in the Territory.

That is why I am calling on a well-focused royal commission. It is time to look at the things going wrong at the top of the cliff before we clean up the mess at the bottom of the cliff with police at bottle shops, more yellow signs and amending child protection legislation again. To do all the other things we need to do, let us look at the things going wrong at the top of the cliff.

If there was a royal commission it would cost money but we are wasting a fortune now. We are developing projects we never deliver, doing all these other things and wasting money now. This is the time for a royal commission. The Chief Minister is wrong when he says we should not have any further inquiry, especially as this Chief Minister has probably commissioned more inquiries than any other Chief Minister.

We need a federal inquiry. I am reaching out to the Opposition Leader, Bill Shorten, and the Prime Minister, Scott Morrison. Please help us in the Northern Territory. Our government is currently unsustainable and has demonstrated it does not have the capacity to deal with the systemic issues. We have too many things that are valuable in the Northern Territory: Indigenous people; law; language; culture; a great place to live. I love my Territory and I am seeking help.

**Ms MANISON (Treasurer):** Madam Speaker, I rise to speak on this matter of public importance brought before the parliament by the Member for Stuart. We are talking about a very serious issue regarding the finances of the Northern Territory, which are under considerable strain. This has been driven off the back of the biggest changes to revenue collections coming into the Northern Territory in its history. There is \$500m less per year coming in through the GST.

For the Member for Stuart to say we need to hold a royal commission into this issue is frankly ridiculous. Calling for a royal commission to look into the finances is effectively pushing out responsibility and decision-making to Canberra. Do not forget that the Territory's last royal commission came at a considerable cost. About \$50m of resources went into the Royal Commission into the Protection and Detention of Children in the Northern Territory.

In addition, considerable expenditure of about \$20m was put into government to prepare for that royal commission, in lawyers, staff time and so forth. Ultimately you are pushing decision-making for the Northern Territory to Canberra. You are effectively calling for a financial intervention from Canberra. You are pushing

decision-making for the Northern Territory to the politicians in Canberra rather than making decisions here, where they should be made.

Again, I do not think the Member for Stuart has been listening when it comes to the work government is embarking on. He keeps calling for reform across the public sector to look at expenditure and make tough decisions. That is exactly what this body of work, which we are embarking on through the fiscal strategy, is about. It is about looking at that medium- and long-term structural reform of expenditure in the Northern Territory, which must be made.

Off the back of the GST, we have seen that our revenue has changed forever. That money has been legislated. We have to live within our means and do business differently in the Northern Territory. For a very long time we have not seen the work required to reshape and reform the public sector to drive the efficiencies we need to see. That will come with many tough decisions. There is no doubt about that. That is an extensive body of work, which we are doing.

We also have a root-and-branch review going through all government agencies looking for savings across the board. That is also a very challenging body of work. It will come with many tough decisions, but nonetheless they must be made. You cannot avoid the figures; they are what they are. Revenue coming through the GST has changed forever. We have to live within our means, which comes with a lot of heavy lifting. This government is doing that.

In the past these processes would happen behind closed doors. We are doing things differently. I take the point where the Member for Stuart said we need to be more transparent about this work. Frankly, I do not think we could be more transparent in how we go about this. To put out the interim fiscal report and embark on a process such as the fiscal review is very open and transparent. We are very openly having a very difficult discussion with Territorians and showing them some very challenging figures.

As you can see, some people will run with those and use them for their political games and messaging. We have a very serious issue. If we did not deal with it, we would not be a responsible government. It would not matter who was in this chair at this point in time; they would have to deal with this serious issue too. That GST issue has changed. It would have impacted any government of any political persuasion. We have a big job and we are dealing with it, but we are doing it in a responsible and measured way. We recognise that we have to make savings for the short term, medium term and long term. We have to find efficiencies and that is what we are doing.

To go forward and have a royal commission is ridiculous. We are doing the heavy lifting and hard work ourselves and having conversations with the Treasurer and Shadow Treasurer and building strong relationships with our counterparts in Canberra, which is what they want jurisdictions to do. They want to work with you, but make sure that you are doing the heavy lifting yourself. That is exactly the commitment we have given them.

Nonetheless we work on building those positive relationships because they are very important to the future of the Northern Territory. They still bring in 70% of the revenue to the Northern Territory; 50% from the GST, and 20% from tied funding agreements. That is why you need strong relationships with Canberra.

We are working on budget repair and structural reforms. We are managing a very delicate economy right now. We are coming off the back of the INPEX project, the biggest project in the history of the Northern Territory. We are feeling the full effects of that transition.

We are working to diversify the economy. We had a very important debate in this Chamber just before this matter of public importance regarding petroleum legislation, to allow for the onshore gas industry to be developed in the Northern Territory. This is another important opportunity to diversify our economy, create more jobs and ensure that we increase our own-source revenue base.

We are working to attract more private investment to the Northern Territory through new industry and major projects. I believe we have a very bright future but the challenge from the GST changes is huge. We have to make some pretty big changes and that is exactly what we are doing. We are doing the heavy lifting and making those changes.

It is important to make sure we create a fair Northern Territory with the expenditure that we have and to make sure that all Territorians get a fair go. We know that when the Northern Territory was awarded self-government, it came with historic infrastructure deficits. That has been a great challenge.

We have a remote, vast body of land and a small population of about 245 000 people in the Northern Territory. We have some of the most disadvantaged Australians living in the Northern Territory. We do the best we can with the funds that we have. We prioritise important service delivery and prioritise investments in areas that we think will expand the economy and create more opportunities for Territorians.

There is no doubt that the Northern Territory could always do with more funding. We have those conversations and put up the fight to get the best deal for the Northern Territory. I am proud of that. It is important that we have a strong working relationship with our federal counterparts in Canberra, no matter their political persuasion.

We make sure the funding that comes into the Northern Territory goes where it is needed. Clearly it is not enough, but we only get so much and we do the best we can. When you look at the remote expenditure and what we spend, particularly on Aboriginal Territorians—it is an important amount of expenditure.

In its 2017 Indigenous expenditure report, which covers expenditure from the 2015–16 financial year, the productivity commission looked at the headline outcomes from the Northern Territory. It found that the total Northern Territory Government expenditure on Aboriginal people was estimated to be \$3.1bn, an increase of \$0.4bn or 16.2% compared to the 2012–13 year. It was the highest total quantum of expenditure of the jurisdictions, behind only New South Wales and Queensland. Expenditure in the Territory on the Aboriginal population is 16.6% of the total expenditure on Aboriginal population despite the Territory only representing 1% of the Australian population.

The proportion of total Territory government general expenditure on Aboriginal-related services is 52.8%. This compares with 52.2% in 2012–13. Aboriginal and Torres Strait Islander Australians made up 30.44% of the Northern Territory population as of 30 June 2016.

In per capita terms, expenditure related to Territory Aboriginal people was \$41 899 compared to \$37 786 in 2012–13, the highest of all states and Territories. We make sure that money flows through to the people who are the most disadvantaged—and it gets out there.

Direct Indigenous-related welfare expenditure in the Territory was \$250m, comprising 73.5% of the Territory's total welfare spend in 2015–16. The ratio of Aboriginal to non-Aboriginal spending on a per capita basis in the Territory was 2.56:1. For every dollar spent on a non-Indigenous Territorian, \$2.56 was spent on an Indigenous Territorian.

This is important because it is where the most disadvantage is, and the most need. We must make sure those dollars flow, because if our most disadvantaged Territorians have a better life it grows the economy and creates a better Northern Territory for all. It is important to make sure that investment flows through.

It is also important to remember the challenges we are facing right now in the Northern Territory and what we inherited when we came to government. We knew we would have a big challenge. We had a deficit position in place of approximately \$867m and there had been significant asset sales, such as TIO and the port. We had huge power, water and sewage increases of 30%, 40% and 25%. We knew there were big challenges to take on with the transitioning economy and making sure we stimulated the economy and supported jobs was our highest priority.

What we did not see, and was unprecedented, were the drastic changes to the GST we are now dealing with. We looked at how to go about this. We could either tackle the issue head on, or bury our head in the sand. We are tackling these challenges head on. That is why we have the fiscal strategy and budget repair. It is a significant body of work that will inform many future decisions about budgets and reform across the public sector. There is a lot of heavy lifting and we will be doing it.

We are also managing some of the challenges arising from the changes we have seen in economic conditions, particularly here in the Top End. They are really being felt in the Darwin region. The construction phase of the INPEX project was a \$37bn project in a \$26bn economy that contributed to about \$4bn per year in private investment from that project alone.

To put the size of that project into perspective, the Territory's next largest major project was the \$3.1bn Alcan refinery G3 expansion in the mid-2000s. It is huge when you look at that comparison of \$37bn to \$3.1bn. It shows you the size of the project and the transition we are managing at the moment.

The interim report provided an assessment into the Northern Territory's budget outlook and the need for high level reform. We are embarking on it at the moment. It is important to take into account that the interim report

showed the budget can be put on a sustainable footing. It will take a lot of hard work and hard decisions, but ultimately it is about doing it in a responsible way. You can achieve it by restraint, and looking at whole of government reform to keep budget pressure under control.

That was illustrated in that report in two scenarios. The first one was a business as usual expenditure growth without taking into account the government's current fiscal strategy and budget targets. It showed that if you do not change how things are done, it will be unsustainable. Scenario two reflects on government budget targets and what can be done to rein in government expenditure. That is 3% per annum rather than the historical growth of approximately 6%.

It showed that you can achieve budget sustainability by taking sensible and measured decisions going forward. They will be hard. There is no doubt that any changes you make to expenditure, particularly if you are reining in expenditure and finding savings, or driving change and reform, are challenging. We have seen that it can be achieved. We have the root-and-branch review happening as well.

It is good to keep in mind that there is an exciting and bright future ahead of the Northern Territory. We have wonderful opportunities on the horizon. Those projects will help grow the economy, provide jobs and get people to come to the Northern Territory and invest here. Today the Chief Minister was looking at the construction starting for the Westin Hotel, the luxury hotel at the Waterfront. It is a tourism product we need in the market and will be a game changer. It will create more jobs and bring more tourist dollars into the Territory.

Project Sea Dragon has immense potential to be the world's largest aquaculture operation with tiger prawns, here in the Territory. The potential of that project is huge. There have been some very promising figures for the resources sector. In the financial year just gone, 2017–18, we saw record breaking mineral production of \$4.49bn which was up 24% from the year before. It was also the first time a mineral production value was more than \$4bn. If you are looking for confidence and signs of future investment, the data released from the Australian Bureau of Statistics last week showed that NT mineral exploration expenditure in the 2018 calendar year was \$123.2m and up 35% on 2017. These are promising signs.

We have just debated petroleum legislation in the House to look at the onshore gas industry; there is exciting potential. There will be millions of dollars of investment this Dry Season in exploration and we will start sizing up how big that gas potential could be. That will be fantastic for regional and remote jobs as well as in Darwin.

There are promising signs in tourism. We have made a significant investment in tourism but ultimately that is about what comes back as a result. We are very committed to making sure we target the right product to get people to the Northern Territory.

I stress that this is a government that has been very open and transparent about the financial challenges, from the moment we knew the GST had changed. We are doing a significant body of work to make changes and bring the budget into a sustainable position.

The call for a royal commission is ridiculous. That is basically sending decision-making to Canberra and getting a bunch of southern bureaucrats to come here to look at the Northern Territory, rather than local decision-making and doing the hard and heavy lifting ourselves.

The Commonwealth has form—\$50m for a royal commission. When that royal commission was delivered they did not deliver anything with it. We are already doing the heavy lifting when it comes to budget sustainability. A royal commission would be a waste of time and not what the Territory needs right now. The Territory needs the hard decisions to be made in the best interest of the Northern Territory to return the budget to a sustainable position.

**Mr GUYULA (Nhulunbuy):** Madam Speaker, I rise to speak on this matter of public importance. Last week I spoke on the motion of no confidence. As I stated then, I have concerns about the ability of the Northern Territory Government to rebuild our economy and that their focus will not include remote communities. This has been a problem for a long time. It is not a problem held by this government alone.

I won my seat because in the bush we are sick of the promises that come from major parties. Once elected, the government does not have any intention of building our remote economies and recognising our law. Governments remain focused in Darwin. There is no meaningful representation on behalf of remote communities. We see no improvements in health, imprisonment, education or the economy because we see no improvement in their understanding of our law and authority.

Many people are also asking where the Commonwealth funding provided for Aboriginal disadvantage has gone. Our communities are not seeing it and I will use the example I mentioned last week. I have asked this question about schools: the Commonwealth Government pays for enrolled students, but the NT Government pays schools per attending student.

The My School website's figures are wrong. They say that the total gross income of Shepherdson College in 2016 was over \$11m, but this was not the school budget. It was less than half of this amount, because the Commonwealth money was paid to Darwin and does not go in full to our communities. Community-led schools should be receiving all of that money. Communities can decide how to allocate the budget if they are truly part of the community-led schools system.

Another area of concern for communities is that we have experienced the intervention and Stronger Futures extension of the intervention. The current and previous Commonwealth governments do not have diplomatic understanding for sovereign nations. The contribution to issues of remote Aboriginal Australians from both major parties has been extremely damaging. Land councils want to support self-determination through economic development, but in practice many communities do not have this experience.

The *Aboriginal Land Rights (Northern Territory) Act 1976* makes provision for this to happen through section 23(1)(h). This clearly states that land council functions include assisting Aboriginal people to carry out commercial activity. While many communities and elders want to be supported to create local businesses, we have mostly seen foreign business projects lease our land and leave us with very little for future generations.

We want to build businesses that are integrated with our culture and give our children the opportunity to benefit from the ancestral land. This is not happening. There must be a better way of allowing Aboriginal people in the remote parts of the NT to benefit from Aboriginal resources and be included in the process. There are a few small businesses doing this, but we want to see more and see the whole clan and families involved in industry development and service provision. We want to see a process of education, training and industry development on our terms that does not compromise our identity and culture. We do not want assimilation.

I support the Member for Stuart's push for a royal commission into the economic sustainability and elimination of the structural social inequality of the Northern Territory. While I have some fear for this process I also know that the Member for Stuart understands Aboriginal law. I have travelled with him through his electorate. The frustrations of the people of his electorate are the same as my people.

There needs to be an independent investigation that sits above all of this. There needs to be a different way of doing business in the Northern Territory. I feel like I have hit a brick wall but I am not the only one. We are all hitting a brick wall because very little is changing.

This is not a decision to make lightly. As an Aboriginal person it is hard to place trust in the situations and systems that have continued to undermine my culture. My hope is that a royal commission will be able to investigate the systemic issues of the Northern Territory, and that this will happen with the testimony and knowledge of people living all over the Northern Territory, especially elders of our Aboriginal communities who have always been excluded by government from creating a solution for our people. My hope is that this inquiry will open new pathways for the whole of the Northern Territory.

**Mr COLLINS (Fong Lim):** Madam Speaker, I support the Member for Stuart's matter of public importance. I truly think it is an issue that needs to be discussed in this place. I note the Member for Nhulunbuy's support as well.

These two members represent remote communities that are the antithesis of my electorate, being a city electorate. I take my lead from them with regard to issues relating to remote Aboriginal communities—the problems that they have with housing, health, police and all of those things that are not problems in my electorate.

I can clearly see, from the discussions I have with them, the passion and understanding they have for their local communities. I find it amazing that they are excluded from decision-making processes in this place, which is where we are elected to come to do exactly that for the people of the Territory. I have listened to them talk about that exclusion and it must be incredibly frustrating and difficult. Unfortunately the response from the Treasurer was typically dismissive. There is no engagement, it seems they know everything there is to know about everything that needs to be done and they resent anyone offering any ideas, to hell with the consequences.

If they had listened to the Member for Stuart, if they had read his explanatory statement and draft letters patent, they would understand this is an opportunity to look at the future of the Territory. This is not a matter of handing responsibility for the Territory to the federal government, it is the exact opposite. It is the fear that if we continue down the path we are on, the federal government will come in, repeal the *Northern Territory Self-Government Act 1978* and appoint an administrator.

We want this Territory parliament to continue to make laws and govern for the Territory and for all Territorians. It may be an issue about funding and the proposal is about looking at those problems right back to the GST. When the GST was implemented the Commonwealth Grants Commission was set up and they indicated they could not underwrite the Territory for the institutional disadvantage that remote Indigenous communities have. That was a wrong decision and they should have made a better effort.

We know the GST relativity is based on trying to address some of that disadvantage. We get more money per capital, per dollar, than the other states do to try to address the issue. But is it enough? That is a question we need to ask.

The Treasurer likes to point out almost every time she speaks that our GST funding was apparently cut by \$500m a year, and is quite happy to complain about that but then complained about the figure of potentially \$50m for a royal commission that would look into how we are governed, how we are funded and how the federal government funds the Northern Territory.

When it comes down to it we are a very small population and we cover an extraordinarily large amount of land. We have communities that are so remote that people in other states and territories have no concept—other than people who live in Far North Queensland and north of Western Australia—of what it is like living in the Territory, what the challenges are and the challenges for a budget. We have a small budget even with our own income—only \$6bn to \$6.5bn a year. Think about that, what needs to be done, and the disadvantage that needs to be addressed.

This is an opportunity to put that case front and centre to the rest of Australia and to the Commonwealth Government. It is not to allow them to walk in. It is to put our case for a different funding model so we have the money to encourage our own investment. Something I am passionate about is a vision for the Territory for developing our own industries that provide for our economic future. Realistically we do not have the money, when the amount provided by the federal government does not allow us the luxury of looking at the types of investments we need to provide jobs and income and to develop the industries.

I have an abiding passion—and I know the Member for Barkly and a number of members also do—for developing hydrogen and solar industries in the Territory. These are expensive things to do, but we need to move forward with them for the economic future of the Territory so we can:

- be independent
- be able to provide the sealed roads to remote communities
- provide the necessary schooling, health care and police resources
- provide the employment opportunities the Member for Stuart and Member for Nhulunbuy talk about passionately
- include Indigenous people in the economy.

These are important things we fundamentally have to get right and address if we are going to have a future as an independent governing body as part of the Australian Commonwealth.

The Member for Stuart identified four pillars in his explanatory statement, and I encourage all members to run a critical eye over them and make comment. This is a proposal he would like to see move forward, and I wholeheartedly support him in that approach.

We have a debt crisis and a problem to address in the coming years. If we do not, it will not be a matter of talking about a royal commission. The reality is the federal government will come in and take over the operations of the Territory.

I encourage everybody to read the explanatory statement and the four pillars identified. Let us work together for the future of the Territory. As the Member for Stuart said, everybody comes here to do the best they can

for the Territory. This is our opportunity to look at how we can best do that. I recommend the Member for Stuart's suggestions and I support this matter of public importance.

**Mrs LAMBLEY (Araluen):** Madam Speaker, the Gunner government has taken the Northern Territory to the brink of insolvency. I support the proposition of the Member for Stuart in this matter of public importance, that parliament should call for a royal commission into the fiscal incompetency of this government.

The structural deficit of the Northern Territory has been an issue for many years, and today we are also faced with a fiscal crisis. The complete and utter mismanagement of the Territory's finances over the past two-and-a-half years by the current Labor government is unprecedented. The government has demonstrated no sense of responsibility or comprehension of prudent fiscal management.

So incompetent and dysfunctional is this government, we saw three members of the Labor Caucus, including one minister, thrown out because they dared to express their concerns about the state of the finances of the Northern Territory Government. They were thrown out for suggesting how to fix it. How dysfunctional is that, and how incompetent of the Labor Caucus to ignore these three people, who had some good ideas?

They had some thoughts. They got it. These three Labor members, two of whom are now Independent members, understood that something dramatic had to change regarding how this government was managing the finances of the Northern Territory. They understood that the Northern Territory has become unsustainable and their government has been totally irresponsible over the last two-and-a-half years.

The structural problems in the Northern Territory commenced under the former Martin and Henderson Labor governments. I remember in 2012, as the Treasurer for a very short period, I was handed a projected \$5.5bn deficit, which was outrageous at the time, only to be gazumped in 2017 by this government, which handed a projected \$7.5bn deficit in its first budget. It made fast work of heading down the miserable track of a spiralling deficit. Like this Labor government, the Martin and Henderson Labor governments did not have the skills to keep the finances under control. The fiscal position was marginally improved by the Giles CLP government, but it has deteriorated markedly under this hopeless Gunner government.

In 2012 the structural problems were very clear; there was an explosive growth in the public service. Between 2003 and 2012, under the Martin and Henderson governments, we saw the public service increase from 14 400 to 19 900, an increase of 5500 positions. Today we are sitting at well over 20 000. Under this government, which claims to be making the hard decisions and finding savings, we saw an increase in the last financial year in the public service.

In 2012 we identified very quickly, with the help of some esteemed professionals in this area—experts we employed to help us—that Power and Water was draining the Territory coffers. It was inefficient, unviable and something had to be done. We made fast work of trying to correct that situation. We made some tough decisions. It is funny listening to the Treasurer talk about the heavy lifting, difficult decisions and the high level of reform. What are they? We are still waiting for them.

The savings we made, and did so quite decisively, in 2012 are what you call hard hitting. We were punished for that. To this day we bear the fact that we made those decisions. I always wonder about the hypocrisy of people who tend to raise that time and again. No one has ever reversed the increases to water, electricity and sewerage we made in 2012. No one has reversed those decisions. I can only read in this, that it was required at the time. People had to pay more for those services.

We do not hear from this government that they cannot afford something, or that we cannot afford underground electricity. In 2012 we could not afford underground electricity. I daresay in 2019 the Northern Territory Government still cannot afford underground electricity. That does not come into the vernacular or narrative of this government.

We cannot afford another museum in Darwin. We cannot afford a \$35m underground car park out the back of Parliament House. You do not hear this government say they cannot afford to do something. That is probably where you need to begin—thinking differently about the finances of the Northern Territory. Territorians cannot afford your judgement or to continue like this. We are on the precipice. We are hanging over the edge of the cliff and we will fall to the bottom in a heap very soon if something dramatic does not happen.

The Chief Minister and the Treasurer have demonstrated that they are only good at one thing and that is spending money. I have never heard them say we cannot afford a waterpark or a new university building. It does not come into the narrative of this government.

An understanding of financial management and what it is to be prudent when you are managing the money of Territorian taxpayers is a foreign concept to this government. I think this government has been and continues to be in breach of the *Fiscal Integrity and Transparency Act 2001*.

Late last year, on 18 December, I wrote to the Auditor-General expressing my concerns. I will table this letter but I would like to read it because it is pertinent to this matter of public importance. It says:

*Dear Miss Crisp,*

*The release of the report 'A Plan for Budget Repair – An Independent Assessment of the Territory's fiscal position and median outlook' on Friday 14 December 2018 has raised community concerns about the very bleak state of the Territory's finances.*

*The Northern Territory Treasurer, Nicole Manison, also tabled her 2018–19 NT Treasurer's Mid-Year Report in parliament on 28 November 2018. This report was certified by the Northern Territory Under Treasurer, Mr Craig Graham, on 19 November 2018.*

*The dire state of the Territory's finances specifically raises concerns over the government's compliance with the Fiscal Integrity and Transparency Act. The endorsement by the Under Treasurer is also questionable given the apparent mismanagement of the Territory's finances over the last 12–18 months.*

*It is my view from reading these reports that the government could be in breach of the Fiscal Integrity and Transparency Act. I consider the government may be in breach of part three – Principles of Sound Management of the FITA.*

*The report 'A Plan for Budget Repair' states a culmination of these events: low economic growth, a reduction in GST revenue, growth of operating expenses, a flat population growth and unexpected expenditure demands has placed the Territory budget on a debt and deficit trajectory which is unsustainable.*

*The Fiscal Integrity and Transparency Act explicitly requires that the government mitigates against financial risk arising from excessive debt, erosion of the Territory revenue base and the management of assets and liabilities. The government's current fiscal strategy would suggest no clear plan of how to manage these current risks with a projected debt rising to unprecedented and unsustainable levels.*

*This is not meeting the FITA requirement that governments manage the Territory's finances prudently and I quote 'part 3, section 5, 1d – the government must manage financial risk faced by the Territory prudently having regard to economic circumstances including by maintaining debt at prudent levels.'*

*Despite the fiscal risks that have emerged over the past 18 months, most clearly being the downturn in the economy and the reduction of GST, the government has spent recklessly to the extent that we are now dependent on borrowing to the tune of \$4m per day, according to this independent report.*

*In your capacity as Auditor-General, I ask that you provide Territorians with an independent assessment of whether the Northern Territory Government is compliant with the Fiscal Integrity and Transparency Act.*

I seek leave to table that letter.

Leave granted.

In response to that letter that I sent to the Auditor-General on 18 December, she responded by saying:

*Please be advised that in response to your referral, I have included an additional audit in the audit program for the period January to June 2019. I have scheduled a performance management system audit to be taken at the Department of Treasury and Finance which will assess the systems and processes the agency has in place to ensure compliance with the Fiscal Integrity and Transparency Act 2001.*

*The full program for the six-month period can be found at the NT AGO website.*

*Kind regards*

*Julie Crisp*

All Northern Territory governments must adhere to the *Fiscal Integrity and Transparency Act 2001*. At the moment there does not seem to be any other body or person in the Northern Territory, apart from the Auditor-General, who can ensure compliance or assess whether there is a breach.

One of the considerations we were looking at in 2012 was a fiscal transparency commission comprising of an independent chairman, technical expert, the Under Treasurer and the Auditor-General of the Northern Territory, to preside over the situation we are talking about where you have an incompetent government that has taken us to a fiscal crisis, overspent, does not know how to manage the Territory finances and has put us into a dire fiscal position.

We need an independent body to tell the government to pull their socks up. In lieu of the fact that we do not have that in place, we have the parliament. We have this Chamber in which to debate these issues, and people like the Member for Stuart, who bring matters of public importance and different motions to the table for us to try and sort out these serious issues. All Territorians are concerned about the fiscal crisis and the state of our finances.

I am constantly stopped by people expressing their concerns about the state of our finances. We have to do something. Perhaps referring this matter to a royal commission is the solution, an independent look at how we proceed. This debacle has not come about overnight; it has taken many years. With such an incompetent Labor government at the moment the end has come a lot sooner than we anticipated.

We need help. Territorians are expressing a need for intervention of some sort. We can see where it is going and it is grim and diabolical. I applaud the Member for Stuart for bringing this matter to our attention and support any extreme measure taken to try to address this serious matter.

**Mr MILLS (Blain):** I rise to support this motion and I thank the Member for Stuart for bringing it before us.

Last week we had a 'want of confidence' motion before this Chamber. That means we want confidence in the government, but the government had no confidence in itself even to defend itself against a very serious charge. We are facing a predicament that has been foretold by many before who could see the structural imbalance occurring in our balance sheet. If we do not get it under control it will manage us. It is time for telling the truth.

I acknowledge former treasurer Mr Barry Coulter in the gallery. To have you, sir, watching these proceedings is a reminder that there is a bigger story and it is about the future of the Northern Territory. It is astonishing that we have a Labor government that does not care enough or have confidence enough in itself to stand up for the Territory, defend its position and give an account for itself.

But they are revealing that there is a serious want of confidence because we need confidence at this time. If there is a remaining want of confidence it will be supplied elsewhere. It will not be supplied by the Chief Minister who has not defended any serious charge, has not stood to fight the good fight and give us a sense that they actually believe in something other than August 2020, the next election.

This is not good enough. I have used the analogy before but I will be more explicit. You have Michael and his offside fiddling upstairs, planning some little tactical move ...

**Madam SPEAKER:** Please refer to members by their electorate name.

**Mr MILLS:** The Chief Minister, the Member for Fannie Bay, and his mastermind assisting him upstairs, are fiddling while Darwin is collapsing. They are focused on a small, private, personal and selfish agenda, which is ignoring what is happening in the streets of Darwin and Palmerston and more so, hidden from view in the bush.

What causes me greater concern than this political fight they respond to so inadequately, is that I have this sense they do not even care. They will come and go, but the problem will remain. There are Territorians whose future is dependent upon a responsive government. I am hoping Territorians will respond to this and acknowledge there is actually a crisis.

I could not believe the Chief Minister's slick presentation on the ABC interview with Jano Gibson. It was a good interview, and I guess on the fifth floor there they would have thought you did really well. The lines were slickly delivered, but there was a denial that there is a crisis.

The former Treasurer, in 2012, and myself as then Chief Minister, knew there was a crisis. We knew we were required to step up, there was a need for truth-telling and some genuinely tough decisions. We did that, not because of any bravado, but because it was required of us. It appeals to a question of self-government. Ultimately the question still sits out there. Do we have the capacity to govern ourselves?

If tough measures are actually going to be taken, if real heavy lifting is going to occur, will the consequences be supported and will the media understand and recognise we have a crisis? There is no more game playing here. Do we have a government with the strength of character and resolve to be able to stare this down? If we do not, make no mistake—do not be seduced by the quiet on the southern front with the federal election—when that dust settles eyes will fall upon the Northern Territory and questions will be asked. Make no mistake about it.

Only today I was listening to a report concerning the dispute between the Chief Minister and the federal government over expenditure for remote housing. Most of us are perplexed by this. Many are not even distracted by the fact we are talking about housing for those in remote communities. They seem to be lost in this weird fight that is hard for us to understand, between a Chief Minister unconvincingly posturing in the Chamber, and the federal government. The question arises, who is telling the truth?

**Ms Lawler:** The Chief Minister.

**Mr MILLS:** So you say. What we need is an independent assessment. We need clarity.

**Ms Lawler:** Not we, you.

**Mr MILLS:** No, the Territory. We are representing the people of the Northern Territory. If the people of Drysdale hold that view exclusively, good on you, but I do not think that is the case. It is a fantasy.

The truth needs to be told, and we need an independent assessment of the reality of the fiscal position of the Northern Territory; a royal commission. At the very least, it is an admirable and eminently supportable position that we should have a fiscal transparency commission. If we do not do that, at least make the tough decisions that signal to the Territory we are taking these matters seriously and are prepared to be honest and explain ourselves and demonstrate courage. If we do not do that, what do you think the response of the Commonwealth will be if we continue to play games and develop some kind of thought bubble, live in that thought bubble and think that it will be okay because it does not really matter?

The next election will come and you may go. You will sail on and think it was some little exercise you went through that will look good on your CV. Meanwhile the Territory and its people's interests need to be truly advanced, as we say, at the beginning of every parliament.

Where do we go now? We are not going away; this matter remains. The voices are increasing in strength. There is in fact a crisis, and whether the Chief Minister honestly believes this is irrelevant. We knew there was a problem in 2012 and that it did not just appear. It had a long lead. When you read the plan for budget repair that was produced and presented in December 2018, it brought back a flood of memories for the Member for Araluen and me. We went through an exercise such as this in preparation to lead a new government to address the structural imbalance in the Territory's financial position. It was not a new thing.

The truth had to be told. It was the right thing to do. Believe it or not, and I am sure you will believe it, we are revisiting that period. The Territory now recognises that it is time for a different approach. It is time for the truth to be told and to answer the question of whether we have the capacity to self-govern or not. That question needs to be answered by every citizen, and those in the media, because there is a lot more at stake than a small and narrow game focused around political and ideological interests.

If anyone opposite who continues to bleat this incoherent—frankly, it is a line that does you no favours whatsoever when you constantly remind us of what happened between 2012 and 2016. I have told you many times that it does not help you at all to make a big thing about this. I will remind you again why it does not do you any favours. What you are saying is that the last government before us was so bad and people were so angry at them that we got elected. On whose merits? You just happened to fall into the position. Therefore, you needed to quickly redevelop your position to start to develop your own credentials. Two-and-a-half years

later we are still hearing the same story, which is re-enforcing that you have no established credentials of your own. That is causing the government to be weakened day by day.

On top of that, 'A plan for budget repair' is almost tragic. 'A plan'—it sounds wistful. It sounds like you have an idea that a plan needs to be put together. Two-and-a-half years later you have a plan, but cannot tell us what it is. You re-assure us, unconvincingly—one person from government—that you are making tough decisions, which we see no evidence of; you will do some heavy lifting, which we have never seen; and that you will deal with the problem. You have made some reference to having talks with CEOs to make sure they do the right thing, which is further re-enforcing the question of 'what were you talking to them about before that.'

If you look at the graph, you will see the heavy lifting that was undertaken in 2012 had a result. The graphs demonstrate that by making the tough decisions we began to deal with the structural deficit and began to make a difference.

We knew there would be difficult times ahead and increasingly so, but we needed to get the debt under control. You have never talked about the fact that in 2000 the GST arrived and the Martin Labor government were the beneficiaries of that. When that came in the door, the government began to grow. They got so used to it that the government increased in size, became out of control and was dependent upon the GST just to keep the size of the public service fed.

You got yourselves into a terrible position because, as the Member for Stuart identified, it is a voting bloc and you are beholden to them. You do not have the courage to make the necessary tough decisions and therefore exclude any thinking about ones that are bigger than the public service, your own political interests and your ideology. It is the Northern Territory and its future.

The question we need clarity on is the truth about this fake fight set up by the Chief Minister regarding the funding from the Commonwealth. We need the truth told on that. A constitutional question has now been brought into it. I listened to Sir George Williams saying that it is possibly the case and he reminded us of something we should be mindful of: that at the end of the day the Northern Territory is in an inferior constitutional position and the federal government could close the Territory down.

The Chief Minister wants to pick that fight in the lead up to a federal election to score some absurd point at the expense of our credibility and those living remote. It is a shameful thing and if we had some confidence, maybe we would have a tendency to think differently. We can only make the conclusion that we have a Chief Minister who does not defend, explain, convince, makes no attempt at persuading because he does not believe it himself and is playing an abstract game which is only focused on the next Territory election.

I support this motion.

**Mrs FINOCCHIARO (Spillett):** On behalf of the opposition, I rise to support the Member for Stuart's matter of public importance. We will not go as far as the Member for Stuart and do not support the royal commission, but the original matter of public importance that says this government needs to recognise a financial and economic crisis is something we back.

It is interesting that the Member for Stuart brought this matter of public importance to the Chamber. He was a member of the Labor Party and was banished for raising these concerns within your Caucus. Much like the Member for Fong Lim, you did not like what they had to say and got rid of them overnight, as if they were completely dispensable.

It is little wonder that they stand in this Chamber and call for such dramatic action as a royal commission because we have a government who shouts down, blocks out and banishes anyone who raises any objection against them. Whilst we do not support the royal commission, we are pleased to see that last week the federal government provided terms of reference to the Productivity Commission which will start on 1 April this year and report within 12 months on expenditure of Territory and public monies in the area of children and families services. We recognise the federal government in that regard, which comes some way to the Member for Stuart's concerns.

Taking everyone back to mid-December last year, we had a government that just dropped the interim budget repair measures report out there—just lobbed it out there like it was nothing. They had nothing to say to Territorians to provide them with confidence, comfort or to show a plan forward to say, 'It is okay, this is what is forecast to happen and we are going to do XYZ to change it'. Nothing.

A lot of people put it down to being before Christmas and after the New Year that they would come out and maybe say something. Here we are today, 19 March, and we have nothing. It is inconceivable that in three months, or over three months, this government can launch something catastrophic, and tell Territorians here is the catastrophic, devastating information and PS we will not do anything about it.

'Wait, I am sorry, we will do our root-and-branch review', which I am sure is some fictional proposal the government has come up with and is running with. We have seen nothing come of it. Honestly, if we have to listen to the Treasurer say one more time that they are doing the heavy lifting or they have made the tough decisions, I will start bringing ear muffs into this Chamber because it is farcical.

I do not think there is one Territorian out there—not one in 245 000—who thinks this government is doing the heavy lifting. The only heavy thing they are doing is hitting the credit card. It is disgraceful. We have tried to get this government to face the fact that we have a financial and economic crisis.

In February, the first sittings of the year, the opposition and the cross bench got together and signed a position that said that we recognise that we have a financial crisis and it must be the most important thing that we look at. It must be the focus of the parliament. We must concert our energy into dealing with this because a projected debt of \$35.7bn in just 10 years' time cannot happen. It literally threatens self-government, the viability of the Northern Territory and future generations. We just cannot let that happen.

We rallied together and said let us talk about this, it is too important not to deal with. What did the government do? It continued to bury its head in the sand, pretend this is not happening, talk about other things and move the cards around the deck, but it not actually do anything.

Last week we brought a motion of no confidence into the parliament again, the most serious message we could send to the government by saying Territorians are not with you on this one, you need to be showing some leadership. I do not know what else we could have done to appeal to them to say that you are the government, you must show leadership and the future of the Territory relies on you to come to grips with and deal with this economic crisis, to show Territorians that you have what it takes to do what is needed to ensure that our debt and deficit levels do not continue on this terrifying trajectory.

Instead of dealing with that issue—as the Member for Blain mentioned along with others—you did not even defend your own government. Instead you played some political cheap shots about it being a waste of time, which quite frankly was the most arrogant and undemocratic display I have ever seen in this Chamber. Some of us have been around for a long time, but certainly since 2012 we have seen a range of behaviours. That behaviour from the government last week on the no confidence motion was the most disgraceful I have seen in this Chamber.

To call something as critical as raising the concerns of Territorians, our constituents, right up and down the track, a waste of time is outrageous. If there is one thing this government loves to do in this Chamber it is pat themselves on the back, puff up with ministerial statements and waste inordinate amounts of time giving each other high fives and cuddles after you do something. But what you cannot do is face up to the reality that what you are doing is destroying this place we love so much and everything that generations of Territorians have fought so hard to build.

Over two-and-a-half-years you had this incredible capability to crumble the foundations around you and it is because you do not care, you cannot recognise there is a problem—you will not because your ideology blinds you. Your arrogance blinds you and you are out of touch. That is what blinds you because I do not believe for one second that your constituents are not saying this is a huge problem. I just do not believe it. Therefore your constituents must be saying it and you cannot hear them because you are so grossly out of touch.

This is a shame on you and an indictment on your government. It is exactly the way you behaved, it is everything you told Territorians you would not be and you sit here comfortable in your numbers, which are diminishing, and you fail to face up to the real problems facing the Territory. It is an absolute shame.

You currently borrow \$4m a day just to keep the lights on. When the CLP came into office in 2012, Territorians and our government was terrified by a projected \$5.5bn debt and drastic measures were taken. Whether you like them or hate them, that is what happened. We are now staring down the barrel of a \$35.7bn debt and cannot even get the government to agree that we have a financial crisis. We see this government continuing to spend.

There was \$354m, in the info on page eight, on policy changes, just like that; a \$35m carpark right out the front, and not just a carpark but \$65 000 worth of fence wrap to promote your own initiative, which has no

KPIs; a \$1.8bn Boundless Possible campaign—\$1.8bn recurring—to promote something that you have no KPIs for, so you do not even know if the policy is working. Then you spend \$65 000 painting it on the fence out the front around the \$35m carpark.

You spend \$40 000 to stick the same purple logo on a rocket and send it up into the air. I do not know who is looking out for the rocket, maybe the UFOs in the Member for Nelson's electorate. Then you spend \$400 000 on one TV ad during the AFL grand final, at a time when everyone was going to buy a pie and duck out to the toilet. It is absolutely unbelievable.

I have never seen anybody spend money like you guys are able to—without KPIs, measuring its success or understanding whether it is working or not; not even flinching or even blinking that you might be needing to take a different path. The \$800 000 on the Myilly Point museum exercise and the \$500 000 on the MyFuel flop are classic examples of government waste. The list just goes on and on and on; it is disgraceful.

I do not know what we can do to make you see it. You were all high-fiving each other earlier, you finally passed the petroleum bill, which is fantastic to see but let's not forget that you are the same government that put a two-and-a-half year halt on onshore gas. That is two-and-a-half years, at a time when our economy was in massive decline. We have the hybrid mining tax, which is putting our uncertainty out there amongst the mining industry, a very important industry for own source revenue in the Territory.

We have the derelict vacant levy or whatever you call that ridiculous tax, which you claim, 'Oh we do not want to raise any \$1 of revenue from'. What kind of messages are you sending to the private sector by these policies and taxation regime, and yet you cannot even look in your own back pocket?

What is so unpalatable for Territorians is that things are tough out there in the real world, outside this building, where I do not know if you guys actually spend any time. Territorians are looking at their budgets, tightening their belts, making decisions and telling the kids, 'Sorry you can't have that this week, maybe next week'. They are making those decisions and paying down their mortgages, car loans, paying for holidays, or whatever it might be. They are trying to live their lives and follow their aspirations.

What is this government doing? It is not modelling any behaviours that anyone in the real world has to deal with. It goes back to being out of touch. That is exactly what you are; you have no plan. We cannot wait to see this ridiculous root-and-branch review. You are already in budget Cabinet preparations but do not even have your final report on budget repair. I am not sure how you are able to inform budget Cabinet when you have not even addressed those issues.

You ignore the fact that we are in a recession. We had two consecutive periods of negative growth. Our retail sales figures are shocking, with eight consecutive months of decline. The Fraser Institute mining investment report came out in February, showing we are ranked 23<sup>rd</sup> out of 83 for investment attractiveness. These issues are huge, yet all we see are puff pieces, spin, more spending and zero substance.

We will continue to fight in this Chamber and raise these issues because that is what Territorians expect of us. We fully expect you will continue to bury your head in the sand, pretend this is not happening and hope we go away, which is essentially what you told us to do last week. But we will stand here and continue to raise the concerns of Territorians because that is our job and we love and care about this place too much to let you, with your wrecking ball, destroy it.

**Mr WOOD (Nelson):** Madam Speaker, I have been listening to the debate and thank the Member for Stuart for raising a number of issues in relation to this motion. Most people have been talking about the budget, which is pretty important, but what worries me is that when we are talking about Indigenous economic participation, if we are spending \$4m a day we do not have money to spend where we should be spending it.

We need to spend it out in the bush because 35% of our population is Indigenous and a fair percentage of them are remote. Unless those people are part of our economy, we will have problems in the future. We need to do something definite about that.

We are going to put the powerlines underground for some of the schools, and I wonder when we are going to finish the road to Port Keats, the road to Nhulunbuy or some of the others like the Tanami Road? If you are to improve the economic life of people, especially in rural and remote areas, the one thing that can start to do that is improvements to infrastructure. One of the key things is the ability to be able to get there and back, not only because people need access to other parts of the Territory and Australia, but also to promote

the opportunity to develop the economies of those communities, especially through tourism. We talk about the arts trail but it is no good having an arts trail if you cannot get to it.

We need to make sure there is emphasis on not worrying about the powerlines in Darwin—I know there are votes in it—or about some green thing that goes over Cavenagh Street which, to me, is a waste of money. You have a better chance of greening Cavenagh Street by what the Darwin City Council is doing at the moment, digging up and putting some trees in that area.

The difference it has made shows further down Cavenagh Street. Unfortunately planning—and I blame the Labor government for some of the planning mistakes—did not allow open space between buildings. You look at the Darwin plan and see that buildings are allowed up against one another, whereas we should have allowed high rise buildings to be separated to allow for more trees to be grown. We did not do that.

There are things we did not need right at this time, but people out in the communities could have done with some of the money. I lived on the Daly River for a long time, and I know how long it took to get a piece of bitumen on that road. It was painful.

You would come to Darwin and see money spent on something that was obviously good for the people of the northern suburbs and go home on a road that, in the Dry Season, would be corrugated and dusty, and in the Wet Season you were not sure if you would get home or sit by the side of Alligator River and wait a few hours for the creek to go down. It took many years for that road to be completed. People in the bush put up with it, but at times they felt like they were forgotten because the votes are not out there; the votes are in the suburbs.

If you look at Indigenous Economic Participation the other area is education. The minister was talking about Families as First Teachers. That is fine, but the real question I was asking is how many kids go to school? When they go to school how many hours do they spend there and how many of them are sitting down listening to the teacher?

At the prostate dinner the other day I was told that the school attendance at Groote Eylandt is 8%. I said, 'You mean it has gone up by 8%?' The person said to me, 'No, the attendance is 8%'. I am interested to know if that is correct. If it is, that is terrible. I have been looking at these figures since I have been in parliament as they were always put in the annual report. They showed remote and very remote attendances at school.

**Ms Lawler:** You can have a look online.

**Mr WOOD:** I do not mind you criticising what I am saying ...

**Ms Lawler:** I am just saying they are online. I am not criticising.

**Mr WOOD:** I did not catch your interjection, minister. The point is that if we do not do something about this, if kids are coming out of school with practically a grade 3 education and can hardly write their names on their lunches, how will we get full Indigenous participation?

My old friend, Attorney-General John Elferink, and I believe that in many ways welfare has been the biggest impediment to Indigenous participation—getting people to work and giving them a reason to be educated. If you know you will receive money through royalties or welfare, you say, 'Well, I can go fishing, I do not need an education'.

That is the short term. The long term is that we need Indigenous people to be part of a growing economy, a real economy that makes jobs. Unfortunately, if only 8% of kids are going to one school, or 30%—I am never sure exactly what those percentages mean because I think attendances are done four days out of five. I am not sure how many hours at school that includes. I have heard the Department of Education say that for every day you miss at school, it is like missing half a year's education.

Those are important issues that we have not focused on enough to change things. Yet we are able to spend lots of money in town on nice things that will get votes, will help us get through the traffic in the morning—which is only about half an hour, by the way—and spend millions of dollars to overcome the problem that is not really a great problem.

We have issues in the bush that we need to look at. The Member for Stuart mentioned housing. I have said before that we need private housing. If there was a way for the government to try it out—I know there are

issues about leasing—in two of the communities in my area, which are not on Aboriginal land, they are on perpetual lease land. If there is a possibility that people in those places could own their own house, it would be a good starting point to see how it works.

We do not do enough work in having Aboriginal people build their own houses. I know the government has put money into housing; I am not knocking that at all. I worked at Daly River and they made their own bricks. We have people in Nhulunbuy making their own timber. Why are we not looking at using Aboriginal people in the total process of housing, not just bringing a couple of truckloads of blocks, cement and trusses to build a house? Why are we not doing that on the ground so that people have more ownership of what they are doing?

We should be looking at investing money in that area. The other side of that is if people are sitting down—I will give you an example that I have given before and to the previous government, which is Emu Point. Because it is an outstation—I do not know how many people are there, probably a couple of hundred, it is regarded as an outstation—it does not have any houses. There would be plenty of outstations like it.

Why do we have people sitting in those communities who have work under CDEP but at other times are getting up to mischief and not doing anything productive? If we could give them the equipment, some capital equipment and expertise, I am sure that they could start to build houses. There is already overcrowding in those communities because they have not had houses for years. There are opportunities for us to do something innovative, spend some money to get those programs going and give people something to do.

We know most people in our prisons are Indigenous; it is about 80% or it might be higher. We only built two work camps and the last one when Labor was in was in Tennant Creek. We should be trying to invest more money, get people out of that big prison and put them in the communities where they can be useful, where communities can recognise they are trying to give something back and contribute and hopefully gain skills while they are there.

We only built one work camp at Tennant Creek and we have one in Nhulunbuy. I do not know why we have not invested more money into that, because that is an area that we could. I would rather see that happen than worry about putting the powerlines underground in the northern suburbs. We have powerlines all over the place and it would be great to have them all underground but in reality, can we afford that? If we are going to spend that money, there are better areas to do it.

The other area we need to look at is local government. We had a look at local government last year. We debated it. Basically, our large regional councils are totally reliant on Territory government and federal government funding. In places like Jabiru there are some rates but generally speaking, rates would be lucky to make up 1% of the total revenue those councils can produce.

We have this concept of local government that is completely dependent on funding from outside sources. We need to see whether we can find ways where there is less burden on the government and local government can develop its own income from rating.

Traditional owners have land they earn money from. There is a theory that we should be able to hit the pastoral industry. I do not believe you should be hitting anyone to subsidise local government. You should be charging rates that are fair for all people who use local government facilities regardless of whether they are on pastoral property, Aboriginal land or freehold land. It is an area that needs to be looked at.

If we are to get Indigenous participation in the economy, we should be spending some of the money we are spending in town. You should be spending when days are good and when you have a surplus, whenever that will be. According to the Treasurer, in a press release from 2016 'The government is on track to return to a surplus in 2019–20'. Obviously that will not happen, but if there is a surplus you spend some money on those luxury items but do not waste it on things when there are other higher priorities.

The higher priority for the future is to make sure that our Indigenous people are part of our economy. We are talking about onshore gas today, they need to be part of that economy. When talking about Turbocharging Tourism or an arts trail, they need to be a part of that and the infrastructure is there. Spend that money to make sure in the long term that a large percentage of our population is not left behind, so we do not have the 'haves' and the 'have nots'.

That can create social problems in the future, which we would regret because we have not made the effort to put money into making sure children are going to school. Infrastructure relies on public housing and private and Aboriginal people can be involved in the construction as well as other opportunities for Aboriginal people to participate in our economy, as the Member for Stuart said. That will be a great achievement.

I accept that we are in financial difficulty at the moment. Some of those luxury items should be put away for another time. We need to make sure we invest in the most important things at this time and not waste money.

Debate adjourned.

### ADJOURNMENT

**Ms FYLES (Leader of Government Business):** Madam Speaker, I move that the Assembly do now adjourn.

**Mrs FINOCCHIARO (Spillett):** I am proud to rise this evening on behalf of Gary Higgins, the Leader of the Opposition, and me to pay tribute to a man who contributed a huge amount to development of the Northern Territory, Mr Graeme Lewis.

He has often been disparaged in this House, but I would like to recall the positive way many of us remember and admire him. I acknowledge Nora, and his family and friends, who are in the gallery this evening. In the presence of Graeme's family and friends I set the record straight and give members an insight into the wonderful and courageous facets of a man who did so much more than hold elected positions in the administrative wing of the Country Liberal Party.

Graeme was born in Mildura in 1941. The son of a church minister, he spend the first few years of his life moving from town to town where his father was posted in Dandenong, Mildura, Albury, Shepparton and Oakleigh in Victoria.

Finally the family moved to South Australia. Graeme won a scholarship to Haileybury college in Melbourne where he excelled in English and maths. On graduating, he commenced working in Melbourne in 1959 as an intern with Peat Marwick Mitchell accountancy. He gained his accountancy qualifications by attending night school, becoming a member of the Institute of Chartered Accounts.

After moving to Adelaide with the firm he was asked to travel to the Northern Territory to set up a branch in Darwin, and spent two years establishing Peat Marwick. With a rapidly growing clientele and partnership status, Graeme regarded Darwin as home. He soon found local issues to support and groups to join. He was a member of the Nightcliff Lions Club during the 70s and became its treasurer.

In 1974, Graeme made his political passions known by becoming a founding member of the Country Liberal Party. Through this he saw an opportunity to contribute to the development of the Territory. He was living in Fannie Bay with his partner Pamela and her baby Michael when Cyclone Tracy struck, blowing away their house and everything in it except a fridge full of Christmas food, and his violin.

Graeme moved into his office block in town, with no power for weeks. He set about rebuilding his life, starting with the house at Fannie Bay, a fortress against cyclones. Samantha was born in 1976 and Graeme always referred to her as his princess. He threw himself into civic activities to reconstruct the social and political fabric of the city by raising money through the Lions, planting trees, manning sausages sizzles and advising young building teams.

Graeme held the position of treasurer of the CLP from 1976 to 1980 and was its president from 1982 to 1986. He met Nora in 1984 and they married in November 1986, with two sons arriving in 1988 and 1990. In 1982, Graeme joined the board of the NT conservation commission, now the Parks and Wildlife Commission of the Northern Territory. He worked with them for 10 years.

Together with the rambunctious Harry Butler CBE he walked around Barrow Island, Gosses Bluff and Gagadu country before it became Kakadu National Park, learning about the Territory's unique ecology and wildlife—which would need protecting—and exploring ways of making it a tourist asset. Graeme was also an active member of the Darwin Turf Club in the 1980s and 90s, serving on the committee and as executive treasurer from 1992–1997. He spent many voluntary hours building and promoting the life the club.

Graeme was one of the founding fathers of the Essington school, which opened in 1990, espousing a Montessori educational approach. Working closely with Dr Grahame Webb and other hard-working parents, Graeme established a secure financial and educational foundation for that school.

In 1990 Graeme was appointed CEO of the Darwin Private Hospital and held that position until 1994, overseeing progress in all aspects of the hospital and improvement of its accreditation status. The following year, with encouragement from the chair of NT Rugby League, Michael Martin OAM, Graeme took on the position of CEO of NTRL when its headquarters was at Richardson Park, Ludmilla. Graeme occupied this

position until 1997. That year also marked the beginning of his association with The Lord's Taverners, where he served on the committee for 15 years. Graeme ran the bar at quiz nights and was on the barbeque at most golf days for all of those years.

In the late 1990s Graeme saw an opportunity to contribute to the development of Cullen Bay by taking over the proprietorship of Portofino Bay restaurant. Intending a managerial role for himself, he soon found himself acting maître d' and waiting tables every night for two years. When the restaurant was about to re-open for the Dry Season in 1999, Cullen Bay suffered the black-striped mussel infestation, an insurmountable hurdle.

By that time, Graeme's loyalty to the community led to his membership of the Cullen Bay management board, on which he served for 12 years. After a few years of relative background involvement with the CLP, Graeme returned to the Office of the Treasurer in 2006, a position he held for eight years. Graeme also knew the promotion of tourism in the NT was vital to building the Territory's economy and demonstrated this through Tourism Top End, which he joined in 2002, becoming treasurer of the board of management.

As a tribute to his work, he was made a life member in 2008. Former Chief Executive, Trevor Cox, said that Graeme would be remembered as a passionate campaigner for the association and the Northern Territory tourism industry.

In the last few years Graeme held positions with boards in other areas of the Territory's development. In 2013 he became the chairman of the Land Development Corporation. The following year he was appointed to the Top End Health and Hospital Services management board, and more recently joined the Darwin Waterfront Corporation board, making a significant contribution to shaping that precinct.

During these years Graeme was accounted to many, and in 2010 joined forces with the firm, Lowrys. Eventually in semiretirement, Graeme had time to enjoy some travel with Nora, discovering historical marvels in Europe and natural wonders in the Kimberly. I take this opportunity to share the story of Graeme from one of his best friends, Mr Chris Moyle:

*I first met Graeme in January 1970.*

*I had travelled with my wife and young family from Alice Springs to Darwin by road in our old EJ Holden.*

*We had put the car on the Ghan while we were in Adelaide, where I had been working as a trainee accountant, and had caught the Ghan to Alice. For some reason some mischief had occurred en route and the EJ had been offloaded in Maree and had been used by some of the Maree locals for joyriding around the area for a couple of days. The car arrived in Alice about a week after we did, and when it arrived it had a cracked head and needed major repairs.*

*The trip up the highway was long and arduous. We got to Tennant Creek the first night, then on to Katherine for the second and we finally arrived in Darwin on the third day, hot and tired. The EJ had no airconditioning and it had been a very wearing adventure to both of my young children and my wife and myself.*

*I will never forget driving up Smith Street (now the Mall) and being met on the corner of Smith and Bennett Streets in front of the old Bank of New South Wales building (now Westpac) by Graeme, wearing the biggest welcome smile I have ever seen.*

*Graeme had arranged accommodation for us in a unit Barossa Street, which was owned by Tony Thiel, who I found out later was a client of Pete Marwick Mitchell & Co (now KPMG) and a good friend of Graeme. From the moment I met Graeme, I knew I had a friend. He was to be my new boss, but little did I know at that time, how much of an important part he was to play and the impact he was to have on my life and on my career.*

...

*My family and I left Darwin just prior to Cyclone Tracy and moved to Albury in New South Wales. Tracey struck on Christmas Eve in 1974, and I was due to start my new job with Coopers & Lybrand in Albury on 5<sup>th</sup> January, 1975. I tried desperately to get on a Semi Trailer back to Darwin between Christmas and New Year, but it soon became apparent that I would not have been allowed to get back in any event.*

*So for the next three years I worked in New South Wales and yearned for the opportunity to come back to Darwin. I missed Darwin and all my old friends and really had no way of finding out where anyone was after the disaster of Tracey.*

*I finally came back in 1977 and quickly settled back into the Darwin lifestyle even though the impact of Tracy was still very evident. Graeme had moved on from the profession somewhat, and we did not catch up for some short time after I returned. When we did re-connect, it was as if I had never been away. Here was this man who I had no contact with for over three years, quickly re-establishing our friendship and it was as if nothing had ever changed. That was the consistency and generosity of Graeme Lewis. He was passionate about the things and the people he believed in.*

*After qualifying as a Chartered Accountant in 1978, I soon began my own accounting practice. Graeme came to work with me after a while and brought with him the many talents that he had to offer my clients and staff. It gave me great confidence to have Graeme back working alongside me and the experience, advice and wisdom he shared with me was invaluable. It never bothered either of us that the roles had changed and the “Boss” became the employee and the employee became the “Boss”. It was the humility, grace and wisdom of Graeme that allowed this process to work, and I feel so privileged to have been the recipient of each of those ideals.*

*Graeme now had the love of his life, Nora, with him and over the years to follow and my departure from the profession, my wife and I found more time to spend socially with Nora and Graeme. We went overseas with them and had an amazing holiday in Bali, and experienced more wonderful times when they would stay over in our little house at Batchelor.*

*I look back on our relationship, and miss the many, many hours when we would just sit and talk together on the balcony.*

**Madam SPEAKER:** I seek leave to allow the member to continue her remarks.

Leave granted.

**Mrs FINOCCHIARO:** Thank you, members. The story continues:

*I cannot remember a cross word ever passing between Lewey and me. We would laugh a lot and, over a few beers, we would resolve all the problems, (political and otherwise), that the world confronted us with. We cared for each other like brothers, and the day he left, I will always remember as the day I lost my dearest friend. I still miss him as much today, I miss his sense of humour, I miss his perception, I miss his intelligence, I miss his wisdom, his opinion, his integrity, his compassion and his companionship, but most of all I miss the man.*

I now turn to share some thoughts from his good friend and colleague Suzanne Cavanagh:

*Graeme was very clear and focused on the advancement of CLP philosophy and direction and articulated this very clearly at Central Council and annual conference meetings.*

*As party President, he was a standout. I used to be in awe of him. He was firm but considered. He allowed people the opportunity to have their say. He used to have the stare down pat and you knew when you had said enough.*

*Graeme built relationships with the Liberal and National parties that still exist today. Members would flock around him at breaks, hoping to have a word and he always obliged.*

*He related very well with new members and encouraged full participation and advancement of younger members. Graeme was a powerhouse as a campaign director, always well-organised and creative. His analytical skills when preparing the redistribution of electoral boundaries was second to none. Iain Loganathan, the NT Electoral Commissioner, told me that they learnt so much from Graeme during our discussions with them.*

*On a personal note, I really liked and admired him right from the start. Over the past 15 years, we had become good friends. Maturity does that to you, you see the good in people rather than the negatives. Our coffees over CLP Gifts and Legacies financial matters and at other times had cemented that friendship.*

*I am so sad to see him go. His heart was lock, stock and barrel for our party.*

I would like to share some words from Shane Stone, former CLP President and Chief Minister of the Northern Territory:

*Graeme was my friend, colleague and at times, adviser and mentor. We spent a good deal of time sitting around talking and drinking. We spent even more time drinking and talking. We had fun. A weekend at Channel Point was not about the fishing and the crabbing but about fixing the Territory's and Australia's problems. Like Statler and Waldorf of the Muppets, we shared cantankerous opinions and a penchant for heckling. Whether it was at a CLP meeting, at the local coffee shop, my balcony at Myilly or sitting on the boat in the Daly River, we had plenty to talk about.*

*Graeme was my friend, colleague, at times advisor, and mentor. We did not always agree but what was clear was that Graeme had a great and enduring passion for the Territory and everything that makes up this unique place we Territorians call home. His passion for the Territory was matched by his concern and regard for the individuals that mattered to him.*

I would like to read some of the outpouring of support Nora received after Graeme's passing. These comments come from condolence cards sent to Nora and the family:

*He contributed to my life in so many valued ways. Graeme was a giver. He willingly gave his wise advice to so many fortunate people. I consider myself lucky to have been one of those individuals.*

*I am very glad to have known Graeme. He was warm, friendly and so kind to my family. He was genuinely thoughtful of others, even when a long way away.*

*Graeme was a great man. When he spoke, we listened, and we feel honoured to have shared in his life.*

*Graeme was a gentleman, and incredibly kind. I will be forever grateful to him for his friendship, especially during stressful times.*

*Graeme was an exceptional man who made a significant input into making the Territory what it is.*

*Graeme was a founding father and life member of the Essington School and we proudly display his photo in our main office building at Rapid Creek and in the boardroom at the Essington International Senior College.*

*Graeme always made himself available to me, to provide the sound guidance and encouragement that was needed. Graeme was the one I turned to for solutions and the straight story.*

Lots of people know of Graeme's political achievements, but will not know the huge impact his kindness had on the life of one leftie down on her luck. You were our angel, Graeme. I was so glad you were my boss and my business mentor.

One of the things few people know about Graeme was his love of, and skill at playing the violin. I understand his arthritis was a challenge towards the end, but his tenacious character did not, as with many things, deter him. Throughout his life Graeme was sustained and inspired by his love of family, delighting in his children and grandchildren, of whom he was immensely proud.

To Nora, Samantha, Nathan and Andrew, thank you for sharing Graeme with us, for he was such a good man. He gave so much to the Territory. He worked with passion and dedication, and you should be so proud of the contribution he made.

As we approach the one-year anniversary of his death, please again accept Gary's and my condolences. While this is a sad memory, we were both very happy to have known Graeme. He touched the lives of so many, and we will remember him and thank him for the very positive contributions he made to our Northern Territory. May he rest in peace.

**Ms FYLES (Nightcliff):** Madam Speaker, I thank Deputy Leader of the Opposition for sharing the story of Graeme Lewis this evening. I knew Graeme and, although we sat on different sides of the political fence, he was a member of my community and made a contribution to the Essington school.

I will reflect on the achievements of Essington in 2019 in my adjournment speech this evening, and he played a part in that. On behalf of the government I pay our condolences to Nora and his family. Thank you for leading that adjournment speech this evening, Deputy Leader of the Opposition.

I will start with the Essington International School this evening; a vibrant school. I am lucky to represent four wonderful schools and I acknowledge the school leaders for 2019.

At the Essington School the junior school captains are Isabella Theodosiou, Sohan Mahajani and Owen Houben. The sports captains, representing the Flynn Geckos are Harrison Schultz, Cobie Lee, and Jasper Manning. Representing the Gunn Frillnecks are Edward Pringle, Oliver Walker, and Izabella Demasi-Chapman.

The music captains at Essington school—a wonderful strong music program at that school—are Jayden Wong and Koharu Kiryu.

The middle school sports captains, the Wickham Skinks, are Rachele Van Den Herik, Christian Swanepoel, Ashleigh Nobbs Carcuro and Mackenzie Wyatt. The Flynn Geckos are Aila Heron, Deanne Kobelt, Lefika Kgosiemang, and Thevini Abeywardana. The Gunn Frillnecks are Joey Selvey, Alexandra Lukashuk, Lucy ter Bogt and Lillian Spethman.

The middle school SRCs for Essington are Lincoln Pratt, Stephanie Waugh, Alexander Fordham-Ilic, Methuli Kulasekara, Pia Cowan, Benji Engels, Enhao Li, Georgina Walsh, Sanjana Bathala, Shanum Khan, Jasper Mules, Tumi Kgosiemang, Lochart Pringle, Hayley Messenger, Samson Bament, Hamzah AbouJalalah, Lachlan O'Brien, Thomas Menzies, Simonn Strofeldt, Carmen Dales, Emily Horder, Adam Van Wessel, Brendan Hall, Darcy Tomkinson, Ethan Coleman, Isabel Richards, Jed Salmon, Matthew Brownscombe, Michelle Pham, Lucy ter Bogt, Christian Swanepoel, Ashleigh Nobbs Carcuro, Chloe Westaway, Mika Freund, Mariam Rkein, David Jang and Lefika Kgosiemang.

The Year 9 leadership team at Essington includes, Agatha Sabamba, Risini Abeywardana, Isabelle Rawsthorne, Martin Lin, Sidni Finch, Angela Yna Paras, Kobe Schopfer, Medha Tayal, Piper Mules, Clarissa Blum, Lefika Kgosiemang, Matthew Brownscombe and Lucy Hanna.

The music captains for Year 9 are Harry Cass and Angela Paras. I would also like to welcome Brian Kennelly, the new principal at the Essington School. I acknowledge in the House, David Cannon, who was their principal for a considerable period of time. He has recently retired and Brian has taken over the school. I have visited the school to meet with Brian and dropped off cakes to welcome them.

Last Friday I attended the St Paul's Catholic Primary School's swimming carnival and they have also welcomed a new principal this year, Megan Evans who was formerly at St Mary's. The school captains are Gabi Resigner and Kaveen Somanath. The vice captains are Jed Macdonald and Yam Nakpomchin. The sports captains for Hartzler—the school names for the sports teams is a new thing. Green house is Hartzler and they were chanting at the swimming carnival the other day. The captains for Hartzler are Charlie Knight and Yam Nakpomchin. The captains for Henshke, which is red house, are Dorcas Pineda and Joseph Chihyoka. The captains for Chevalier, the blue house, are Wesley Kazamias and Jed Macdonald. The captains for Hargreaves, the gold house, are Mikayla Berto and Alaina Kmon.

The SRC representatives for the St Paul's Catholic Primary School are Catie Elliott, Beatriz Tagufa, Lewis O'Keefe, Lily Travers, Patrick Crowe, Austin Caruana, Kaeden Young, Lili Hanrahan, Alaina Kmon and Joseph Chihyoka.

I had the privilege of attending the Nightcliff Primary School's assembly and presented some of these awards in leadership positions. The school captains are Poppy Goat and Edward Niblock. The school vice captains are Maya Niscioli, Harriet Cox and Gabriel Perry.

For Flinders, the green team, the house captains are Maliya Loveard and Gus Mullany, and vice captains are Glenn Croker and Claudia Wyles. The house captains for Tasman, the purple team, Allyna Batnag and Rhys McIntyre, and the vice captains are Bailey Young and Hanna Hebblethwaite. For Stuart, the red team, the house captains are Lily Chadwick and Will Innes, and the vice captains are Theo Bradbury and Esther Matthiesson. For Gregory, the blue team, the house captains are Andreas Karanikolas and Luca Spalding, and the vice captains are Clancy Pritchard and Khloe Chirizzi.

The SRC members for Nightcliff Primary school are Kheexia Labay, Mandalay Stitfold, Maili Ansell, Riki Kypreos, Asha, Anelia Lavelle, Ella Corbett, Miko Baird, Peggy Rock, Delight Benjamin, Zara Smith, Ella

Smirk, Joshua Cooper, Leon Zammit, Amani Kwana, Maxie Nainrrka, Thomas Gunther Oliver, Morgan Carven, Titus Haerewa, Maximillian Tavu, Evan Jacobson, Brooklyn Wake, Luka Ryan and Ishan Vishnu.

There is a strong environmental program at Nightcliff Primary School and it was great to have the Keep Australia Beautiful council present to the eco warriors program. They are the children who participate in sustainability and environment as well as looking after the gardens and Finches Forest. The Year 6 participants are Sophie Kuswadi, Chesca Metica, Billy Braam-Kerr, Jeht Adams, Rocky-Joe Summerhill, Petroula Skillas, Lily Grant, Melody Mohudin, Mohammad Faruk and Brighton Alley.

In Year 5—Alice Cotter, Flora Gbekou, Jessica McGuinness, Rory Dingle, Steiger Grant, Lilliah Hauser, Dylan Gonzales, Angus Packwood, Molly Milne, and Charlie Hohnen.

In Year 4—Anouk Stitfold, Summer Bury-McCallum, Roy Pugh, Vasili Tsoulfas, Jarrod Rowston, Hanna Argoon and Daniel James.

It was fantastic to be at Nightcliff Middle School just a week or so ago with the Chief Minister announcing that the school, amongst others, will participate in the Dolly's Dream Foundation, with the Alana and Madeleine Foundation work, teaching our young people to be internet and cyber safe, particularly as last Friday was Bullying No Way Day.

Nightcliff Middle School has gone from strength to strength. It has elected their SRC representatives for 2019. In Year 7 it is Cassandra Nolan, Anaa Fatima Sarmast, Angelina Pascoe, Kurt Tapalla, Mayu Toyama, Sienna Rolfe and Zachary Giles.

In Year 8—Charlie Lin, Jed Denniss, Danielle Azarcon, who is also the secretary, and Martina Oliver.

In Year 9—Amity Partridge, Anna Tsougkronis, Grace Highman, Josiah Sheridan, Shynarrah Senge, Nicholas Oliver, who is also the Chairperson, Kynan Edwards, Pari Patel, who is the Treasurer, and Morgan Lockhart.

We have seen numerous schools come through Parliament House. I know that Nightcliff Primary School will be here tomorrow and I look forward to hosting them. I know the members have been reading in the leadership positions for all their schools. It is really important for these young people to be acknowledged.

I look forward to working with the schools. There are a number of projects, including the Walk and Wheel project across the Nightcliff and Rapid Creek community. There is another meeting planned to continue working on that project. It is seeing lots of children walking and riding their bikes to school. Graham Chadwick is the Principal at Nightcliff Primary School and Marty Isaacson at the Middle school and I acknowledge them, the staff and the students.

It is already week eight of the school term so it is well under way. I wish them all the best and look forward to working with them through the rest of the year.

**Mr MILLS (Blain):** Madam Speaker, I rise to honour the memory of Graeme John Lewis. I thank the Deputy Leader of the Opposition for the fulsome contribution which outlined a remarkable story. It is only upon his passing that the full story of Graeme Lewis starts to emerge. That is what I find so impressive. He is a man that I cared for deeply, who provided me with encouragement. I felt special as a result of that.

I have discovered that there were so many people in so many quarters who experienced the same and told the same story; I find that remarkable. He was a man of extraordinary courage. To see him hold his position and argue with such precision, you really needed to respond accordingly and he raised a certain standard. He had the courage of his convictions; that was inspirational.

Glimpses of his deep loyalty for his friends was also inspiring, I saw that through his love for his family and Nora. It was wonderful, through Graeme, to spend time getting to know Nora as well. His family was precious to him, and that deep loyalty to his children was his own his private matter as it was to all the friends that he had.

When I sat at the commemorative service I was astonished. I was there because I honoured that man, but my admiration grew when I saw his loyalty to the Northern Territory and the quality of his deep service, all the things he was involved in, and not just involved but deeply involved and committed to for years—a whole range of activities that I did not know.

What I find most significant about that is it points to the quality of his service and the depth of his loyalty to serve and to commit to things that are good and right and to make that sacrifice. It is because he did not talk about it, he did not promote it, because that was not the objective; it was simply to serve. Even to keep hidden the violin—I love music, people might know that I play a little bit, I do not make a fuss about it but at least I have let it leak. Graeme never ever made it known to me that he played the violin. It was his own private business and that blew me away, his love for music.

I keep this on my desk. The reason is that I am back in parliament after a challenging period prior to my departure, but one of the things that helped me return was learning of that sense of loyalty for the Territory and its people, the desire for service and having some amount of courage. I received that because in one of my particularly challenging periods Graeme used to sit up there, right up at the top, and I would be over there giving a speech, I was not sure how it went but I always got warm feedback and encouragement from Graeme.

He was loyal and committed and he spent the time there, which was special. I remember that, and when I had a very difficult period of writing a letter to say that I was coming back, but I felt that my return might be challenging to our friendship, I made a point of indicating my admiration for Graeme in my resignation letter. In that letter I said there are many loyal workers in the party who have endeavoured to do the right thing for the Territory. There are names that I could have mentioned, and I will quote from my letter, but when I wrote that letter, three weeks before the last election, I said there are four names that I will mention at this time: Suzanne Cavanagh; Barry Coulter; Shane Stone; and Graeme Lewis.

I said that their service to the Territory and the CLP had been conducted honourably and was motivated by a love for the Territory. I think that is what made the difference. That is why their legacy will remain and I am very pleased that tonight we have the opportunity to honour the memory of Graeme Lewis and to have in the record now, what he concealed from all of us, the depth and the breadth of his contribution, sustained over so many years.

It was only last week that someone asked me to have coffee with them because they have some grand plan about doing something exciting in the CBD. It is a bit out there and it is someone who I did not really know. This person talked about their scheme. In the middle of it they just stopped and said 'You know Graeme Lewis', and this person is so left and so green I would have never expected it. The deep admiration for Graeme and the support that he gave her in difficult periods of her life—she regarded him as a dad and a mentor.

He kept these things hidden from view and that makes his contribution all the more precious. Without going through the list of great achievements that already stand on the record, which I support and I point to, I will just read in to the record a quote which was written in the 1100s and attributed to John of Salisbury. We have probably heard this before but when we consider now in the light of the memory of Graeme I would say this:

*The challenge is for all of us who have admired this man, the quality of his service, his courage, his loyalty so we see more and see further than our predecessors not because we have got better vision or greater height but be are lifted up and carried on their gigantic stature.*

Graeme's stature is gigantic because it was hidden from view, it was not seen. That makes it all the more great.

With those few words and considering that, as I read through this again this evening, the concluding song was *Bridge Over Troubled Water*—we played that at the end of the service. Whenever I saw Graeme at work he was endeavouring to build a bridge over troubled waters. He was always trying to serve the best interests of the Territory to take us to a better place.

He was a man who believed in something; therefore, others believed differently and there was always a challenge, but he held his ground and argued very well. Just an aside, I must say his writing—if anyone has had an opportunity to read what Graeme wrote, you will know he wrote beautifully. No wonder he won a scholarship to go to Haileybury.

As we finished the service and reflected on *Bridge Over Troubled Waters*—which described his work in all of those different committees, building and rebuilding the Territory after the cyclone—and that now he has crossed over the bridge and now may he rest; rest in peace.

**Mrs LAMBLEY (Araluen):** Mr Deputy Speaker, it is my great honour to talk about Graeme Lewis. Like so many people in your life you learn a whole lot more about them when they pass away than what you know

about them when they are alive. There was a lot I never knew about Graeme's life and his personal circumstances. I would never profess to know him well. Rather, he and I connected through a small chapter of his rich and fascinating life.

I really liked Graeme; I thought he was a good bloke. He listened and had a quiet and kind disposition. He smiled and gave frank and fearless advice. Graeme had lovely blue eyes and I suspect he was a bit of a looker in his day. He was focused on making the Northern Territory great and on good governance. He loved Darwin; he loved his wife, Nora. He loved his friends and his considerable network of lifelong friends in Darwin.

Graeme was controversial, which is something I also loved about him. He was fearless and courageous. He was passionate and dedicated to the very end. He was sensible, rational, logical and wise.

I knew Graeme almost exclusively through his loyalty and commitment to the Country Liberal Party. He was a stalwart of the party, a true believer. He was a true Territorian and was committed to the development of the Northern Territory.

I liked talking to Graeme. He was one of those people who, when you talked to him it felt as though you had his complete attention.

My relationship with Graeme began when I became the Treasurer of the Northern Territory. He helped me, advised me, informed me and supported me. For that I am eternally grateful. That period of my life was rather challenging for a range of reasons: coming from Alice Springs; being away from my children and husband for weeks at a time; having two elderly sick parents; and loaded with ministerial responsibilities. It was great to have Graeme on the sideline to talk to.

He was wise, knowledgeable and available to talk to when I needed him. He knew the struggles of government, the internal machinations of the CLP and the personalities and the people involved. He knew that I was struggling on several fronts and he made himself available to me to talk to. He was a kind, considerate and generous person who I grew to love and respect as a friend and confidant.

I know that Graeme is missed by many people. His family, of course, must still be stricken with grief because of his sudden passing. I truly feel for you. What a shock for Graeme to go so quickly.

A friend of Graeme's, who misses him deeply, has asked me to say a few words on her behalf. These words are from Rhianna Harker:

*There are very few words to describe how much I miss Graeme and how often I think of him, wishing for his counsel and wondering, 'What would Graeme do?' I miss the chats over coffee, passionately fighting for what we believed in: our party; our Territory; and our home.*

*I am honoured that I got to know Graeme on a level that most didn't get to see, not just political operative and a businessman, but a kind and loyal man who cherished his family above all else. I will forever remember the times he pushed my kids on the swings and played trains on the floor, while we discussed politics of course. He treated me and my family like an extension of his own, and those memories will never fade. 'Go gently,' he would say. Go gently, I will.*

There are some people who enter your life for a relatively brief period of time and in a very limited way, but make a profound and indelible imprint on your soul. For me, Graeme is one of those people. Thank you Nora, for sharing your husband with the likes of people like me. I am sure at times it was at a cost to the time he spent with you and your family. But people like Graeme need to be shared. Their insight, wisdom, courage, leadership, kindness and love. God bless you Graeme Lewis, you are truly missed. Thank you.

**Ms UIBO (Arnhem):** Mr Deputy Speaker, I rise tonight, similarly, in respect for the passing of a very important leader in the Arnhem electorate. First I would like to acknowledge my fiancé, who is here in the gallery, Corey Charleson. He often watches our adjournments on the online stream because he is so keenly into parliament now, which is great. Now he gets to watch it live, in person, so welcome back to the Chamber, Corey Charleson.

I rise tonight to inform the House about the recent passing of a very important community leader of the Northern Territory who hailed from the community of Ngukurr in the Arnhem electorate.

On Saturday 23 February this year, Ms Cherry Mulumirr Daniels sadly passed away. I cannot say her name out of respect, but I would like to seek leave to have her name entered into the *Parliamentary Record* by way of Hansard.

Leave granted.

**Ms UIBO:** Mr Deputy Speaker, I would like to remember Ms Daniels for the courageous, inspiring, strong and often cheeky woman that her family and friends, and those who had the fortune to meet her, will undoubtedly remember her by. I could never do Ms Daniels justice in capturing her lifetime of achievements; however, I would like to highlight some of these accomplishments, which are best summed up by her investiture for the Medal of the Order of Australia which she was awarded in Ngukurr community on Wednesday 26 October, 2016. I was fortunate to attend alongside the federal member for Lingiari, the Honourable Warren Snowden MP.

The previous Administrator of the Northern Territory, His Honour the Honourable John Hardy OAM, presented the medal to Ms Daniels in front of hundreds of family, friends and community members on 26 October 2016 at an event held at Ngukurr School.

I would like to share with the House the reasons for the OAM investiture as stated by His Honour at the time:

*Appointed the Medal of the Order of Australia in the General Division on the Queen's Birthday 2016, Cherry Wulumirr Daniels OAM, for service to the Indigenous communities of the Northern Territory. Ms Cherry Wulumirr Daniels is an Elder of the Ngandi people of the Northern Territory.*

*For over 70 years, Ms Daniels has tirelessly worked to promote Aboriginal culture, development and cross-cultural interaction at the local, Territory, national and international levels. Ms Daniels is a highly regarded cultural ambassador, local leader, keeper of deep customary knowledge, advocate of women's, Indigenous and family rights, and as a community educator with incredible generosity and dedication to Indigenous people and her community.*

*In 1999, Ms Daniels founded the Yugul Mangi Women's Rangers, and later co-founded the group that is now known as the Yugul Mangi Rangers and the Yugul Mangi Land and Sea Management Corporation in Ngukurr. Under Ms Daniels' leadership, these organisations have grown from strength to strength.*

*Ms Daniels taught at the Ngukurr community school and Ngukurr Language Centre and provided advice to community members based on her experience and formal studies. Ms Daniels has also been instrumental in working to establish the proposed 20 000 square kilometres South East Arnhem Land Indigenous Protected Area.*

I felt honoured and privileged to be able to attend the award ceremony for Ms Daniels in 2016, not only as the local member to celebrate this milestone achievement of one of my constituents, but also as a proud relative. In our kinship ways I called Ms Daniels my mum. To have a family member of such calibre gives me a great sense of pride and inspiration. People like Ms Daniels have trail blazed for decades so that generations after her, like myself, have had access to the reality of opportunities, such as representing our own people in parliament.

The funeral for Ms Daniels will be held next month at the end of April and I will be attending to show my love, gratitude, respect and admiration of this amazingly strong and determined woman. To all my family at Ngukurr, Urapunga and Numbulwar, I send my sincere condolences for the loss of this great leader.

She was one of the last speakers of the Nandi language and she worked very hard to preserve that language through her work at the Ngukurr Language Centre. Rest in peace, old lady. You will be forever missed by us all. Love from daughter, Selena.

**Ms NELSON (Katherine):** Mr Deputy Speaker, this past Sunday my first son would have turned 20. He was born at 9.17 am on 17 March 1999 at Fort Lewis Army Hospital in Tacoma, Washington. I have been waiting for two-and-a-half years to put my son's story on Parliament record. I had this speech sitting in my drawer. It just so happened that this year his birthday fell just before sittings and here we are.

My first son died when he was six months old, from complications attributed to open heart surgery. It should have been a simple procedure to replace his mitral valve, but as always there are risks and nothing is ever simple or absolute. His father regrets the decision to proceed with the surgery. I have no regrets. John

Michael had multiple health problems and his heart was the worst of all. Without surgery, death was inevitable. With surgery, I felt that we at least had a 50% chance that he would have lived more comfortably. It was a risk that I felt had to be taken.

On 23 September 1999, my beautiful boy John Michael was admitted to Seattle Children's Hospital for open heart surgery to replace that valve. I remember getting him ready, putting the hospital gown on him and calming him down. The surgery nurse came in, took him from me and carried him away. I remember him looking at Mark and me over her shoulder as they walked away.

John Michael died on 28 September 1999, and it continues to be the darkest and saddest day of my life. I remember every minute detail of that day. It was a sunny autumn day and my mother was with Mark, my ex-husband, and me in the paediatrics ICU. The baby that was two beds away from John Michael was being prepared to be discharged that day. The family was happy.

I asked the nurses and doctors if they could clear the room. Not because I did not want to hear that family's happiness, but because I did not want to take it away or distract them with our sadness. I remember I was wearing jeans and a grey jumper. Mark was wearing jeans, a polo shirt and his favourite New York Mets jacket.

John Michael's paediatric cardiologist travelled from Madigan Army Medical Center to be with us. It was a two hour drive for him. It only seemed right that he be there with us. The priest was not available that day so the deacon of the church came to do prayers and blessings.

I have very few regrets; I have maybe two or three. This one particular incident is one of the regrets I have. I remember the Deacon walked up to us. The Member for Barkly will appreciate this story. The Deacon walked up to us and said, 'Good morning' and I yelled at him. I said 'No it is not, it is not a good morning at all' and I burst into tears. I remember he said 'I am so sorry', and Mark said, 'Just say your prayers and then go'. I said to the Deacon, 'You have failed me. Your god has failed me.' Anyway, we all prayed, he gave the blessings and then he left. The doctors came in, explained what they would be doing and what would happen. I remember asking Corey, John-Michael's paediatric cardiologist, 'If he was your baby, would you do the same?' He said, 'Yes, because I love him.'

At 8.45 am the doctors turned off the life support machine that had kept John-Michael alive for five days. He was six-and-a-half months old. We sat there for 15 minutes while the nurses took the IVs off him, removed all the tubes and wires and wrapped him in a blanket. Then they handed him to me and we walked to a private room for one last cuddle in the rocking chair. The nurse bathed him, dressed him in his pyjamas and took him away. Mark, my mother and I left the hospital and we drove home, without my son.

There are no words to describe the unbearable pain and profound sadness you feel when your child dies. A few weeks after he died, his paediatrician called me. He said, 'Sandra, I know you are still grieving, but we have just had another heart baby die. His mother is not doing well. Can you speak to her? She needs support. She is here on her own.' I did. I went to the hospital. I met with her and I said, 'I cannot even begin to feel what you are feeling right now, but I understand'. I sat with her for a few hours. She cried; I listened. Together we packed her son's things. I drove her to her apartment and stayed with her until a friend of hers came to be with her.

A week after that I got another call about another mother whose child had also just died, another heart baby. Then another call, another and another. For five years I sat, cried with and listened to many parents whose children had died. Throughout those five years I also spoke to interns and medical students at Madigan Army Hospital about my experience and what they could do, as doctors, to help their patients deal with death.

Every time I speak of John-Michael I am thankful that one more person has heard his name and knows his story. That person will remember him long after I have died. I am reminded often of what a fortunate life I have had and continue to have, to have loved and been loved so profoundly and unconditionally by another human being.

Life is made of days of sadness and happiness. Sometimes there are days in which those two emotions are intertwined. Sunday was definitely one of those days, with sadness and happiness competing which each other for attention. Other parents who have experienced the sadness and trauma of their child's death will understand how important and cathartic it is to speak about their child. Grief stays with you. It never leaves. What ends up happening is that you learn to incorporate it into your day to day life.

It is incredibly poignant for me today, not only because it was John-Michael's birthday on Sunday, but because of what happened in Christchurch on Friday and the news that broke out about the little three-year-old boy who died. I understand that in other people's cultures it is not appropriate to say the name of the person who has died, though they will not be watching this. Nobody will really be paying attention to this, but I want to put on record that I will remember that child's name and that story.

I thank the Assembly for allowing me to place on record my son's name and the story of his life and the legacy he has left behind—such a tremendous blessing for six-and-a-half months of age.

**Ms AH KIT (Karama):** Mr Deputy Speaker, I take the opportunity to talk about my recent experience attending the COAG Health Council meeting on behalf of the Minister for Health, in Adelaide, South Australia.

By way of background, the COAG Health Council comprises all Australian Government, state and territory ministers with direct responsibility for health matters. The COAG Health Council's scope of responsibility is stated in the terms of reference as being:

*The Commonwealth, State and Territory governments have a shared intention to work in partnership to improve health outcomes for all Australians and ensure the sustainability of the Australian health system.*

*To provide a forum for continued cooperation on health issues, especially primary and secondary care, and consider increasing cost pressures.*

On 8 March, I joined the federal Minister for Health, the honourable Greg Hunt MP; and the federal Minister for Senior Australians and Aged Care, the honourable Ken Wyatt AM MP; as well as the responsible ministers for health matters from Victoria, Queensland, Western Australia, South Australia, Tasmania and the ACT in Adelaide; to discuss a comprehensive range of health matters and contribute to discussion on behalf of the Northern Territory.

The major health issues discussed by the COAG Health Council were released in a communique and I will summarise some of those points. We spoke about:

- a national medical workforce strategy, which is necessary to guide long-term, collaborative medical workforce planning across Australia
- options for a nationally consistent approach to the regulation of spinal manipulation on children, noting community concerns about the unsafe spinal manipulation on children performed by chiropractors, and agreed that public protection was paramount in resolving this issue
- the progress of a national Aboriginal and Torres Strait Islander health and medical workforce plan that is being developed to provide a career path, national scope of practice and help to attract more Indigenous people into health professions
- roadmaps to address high priority health issues for Aboriginal and Torres Strait Islander people in the areas of rheumatic heart disease, renal health and avoidable blindness and deafness
- diseases of housing overcrowding and poverty in remote Aboriginal and Torres Strait Islander communities, and a lot of those issues are prevalent right here in our own backyard
- the National Health Reform Agreement, which sets out to resolve reconciliation and backcasting issues associated with the activity based funding model for Commonwealth funding to states and territories
- the development of an Australian national breastfeeding strategy for 2019 and beyond that seeks to achieve the World Health Organisation target of 50% of babies exclusively breastfed to around six months by 2025
- professional indemnity insurance for privately practising midwives was a really interesting one for me, to learn more about the requirements for insurance under the *Health Practitioner Regulation National Law Act 2009* to cover privately practising midwives for homebirth, even though there has been exhaustive national and international investigations, no available or affordable commercial cover exists in Australia so the exemption that currently exists has been extended to December 2021

- an update on aged care matters including the Royal Commission into Aged Care Quality and Safety
- national missions under the Medical Research Future Fund, which are large-scale programs that are funded to address complex and sizeable health issues—I believe the Minister for Health mentioned one earlier today about the Australian Brain Cancer Mission and the Genomics Health Futures Mission, there is also the Million Minds Mental Health Research Mission; the Dementia, Ageing and Aged Care Research Mission; and the Mission for Cardiovascular Health.

I also note that under the Medical Research Future Fund, \$160m has been provided for the Indigenous Health Futures project with research being conducted over a ten-year period with the aim to improve the health of Aboriginal and Torres Strait Islander people.

There was discussion from ministers responsible for NDIS implementation. This related to the interface between the NDIS and health systems, and I am sure they are being experienced in the Northern Territory.

There was also discussion of a national approach to the prohibition of smoke-free e-cigarette and related sponsorship and advertising in sport based on existing tobacco control principals and legislation. It was a full and comprehensive agenda and the meeting was chaired well by Roger Cook, the Minister for Mental Health in Western Australia. It was fantastic to witness the COAG Health meeting and I appreciate the opportunity, and I thank the Minister for Health for allowing me to attend in her absence.

It has given me a new appreciation for the amount of work the Minister for Health undertakes and I acknowledge everything she has achieved in less than three years since being appointed to the role. It has been a privilege to be able to support you in those endeavours and I look forward to achieving more with you in the future.

**Mr McCARTHY (Barkly):** The annual Chief Minister's Anzac Spirit Study Tour promotes the importance of Anzac Day, commemorating and remembering Australia's involvement in wartime conflicts throughout history and across the world. All Year 9 and 10 students enrolled in Northern Territory schools are encouraged to submit an entry creating an original creative piece of work in either essay format of 1000 words or non-essay format including a poem, song, video presentation, PowerPoint, website or artwork accompanied by an essay or AV presentation.

The 2019 study tour explored the role of Australian women during World War I posing the question: how did the role of Australian women help to shape the Anzac spirit during World War I? Three successful Northern Territory Year 9 and 10 students were announced last November to join the 2019 Anzac Spirit Study Tour, accompanied by two chaperones to visit battlefields of significance to Australia and the Anzacs. The three Northern Territory Anzac Spirit Study Tour winners will take part in the 2019 Anzac Day commemorations in Villers-Bretonneux France. While on tour they are expected to adhere to appropriate behaviour, dress codes and protocol; provide a travel journal of experiences on tour; act as an ambassador by participating in media and community events; and share experiences on social media.

Hannah McCarthy-Morgan of Casuarina Secondary College Darwin, one of the three Northern Territory winners, composed a poem called Silent Partners, with the focus on the role of Australian women in the forming of the Anzac spirit. Hannah McCarthy-Morgan is my niece. She is the daughter of Tim and Judith Morgan and loving older sister to Daniel McCarthy-Morgan and Ella McCarthy-Morgan.

It reads:

*Silent Partners*

*In the early years a century ago, conflict would take hold across a world stage  
The Spirit of the Anzac would be conceived and come of age  
An army of eager volunteers and nervous conscripts would be assembled  
As tears would flow from mothers' eyes, humbled*

*To foreign lands this great army would travel with messages wired  
In times of extreme hardship a folklore, legend inspired  
Shattering experiences endured and embedded in the minds of the young  
All the while maternal comfort and healing offered with a kind word sung*

*In a country left behind, time was not to stand still  
An enthusiastic workforce would emerge, a steel will*

*Occupations diverse from weaponry to services for the community  
The labour of proud women, working in unity*

*To bridge the tyranny of distance, virtually communicative free  
Ingenuity and defined strategies would have to be  
Biscuits and knitted socks were sent with messages of hope  
Initiated by all those dedicated women folk*

*For them, those silent partners, home and abroad  
The foundations of change and respect would be ensured  
Democratic rights, recognition, equality in time a guarantee  
Another aspect of the Spirit of Anzac a 'fait accompli'*

*Today, post many conflicts and years combined  
Women and their roles have been clearly identified  
To all those grandmothers, mothers, daughters, wives and sisters  
Lest we forget*

Hannah's creative prose painting a thousand vivid images of the Anzac spirit is accompanied by significant annotations and references, completing and complementing the literary work.

Hannah McCarthy-Morgan demonstrates a creative insight well beyond her years, into a global event described through history as the war to end all wars. Hannah annotates that, throughout the First World War, thousands of Australian women and men in service, including a contingent of nurses numbering 2200 from the Australian Army Nurses Service, went to war.

She speaks of the jobs at home vacated that needed to be filled in order to keep the country and economy stable. There were manual labouring jobs, which Australian women had not previously been exposed to, including civil services, heavy machinery operators, engineering, and dangerous specialist factory jobs dedicated to the war effort.

The fourth verse of Hannah's poem introduces an intrinsic harmonising chord for the McCarthy family, where her literary brush strokes are personalised, yet modest in beautiful language:

*To bridge the tyranny of distance, virtually communicative free  
Ingenuity and divine strategies would have to be  
Biscuits and knitted socks were sent with messages of hope  
Initiated by all those dedicated women folk ...*

Through annotation, reflecting an academic conformity to the writing task, Hannah depicts the circa of limited communications between the soldiers and their families at home and how Australian women turned resilience and hope to ingenuity, finding different ways to communicate with our troops on the battlefields.

Hannah clinically and historically annotates the care packages of knitted socks, letters and Anzac biscuits, yet brings me to tears again through literary references to her legendary great grandmother Cecilia Margaret McCarthy and her best friend, hand knitting socks for the troops.

However, Cecilia's best friend dared her to leave her name and address in a pair of socks, and the rest is history. Hannah's great grandfather, Francis Geelan, received Cecilia's package and they continued to send letters until he returned from the war. They met for the first time in Sydney, and later got married.

The Australian Imperial Force attestation paper of persons enlisted for service abroad documents number 382 Private Francis John Geelan, 14<sup>th</sup> Light Horse Regiment, as a natural-born originating near the town of Braidwood New South Wales, and aged 21 years when he voluntarily agreed to serve in the military forces of the Commonwealth of Australia, within or beyond the limits of the Commonwealth, on 15 April 1915. As stated in his war records, Frank proceeded to join MEF at Gallipoli on 16 August 1915.

Throughout her work, Hannah regularly fuses history and emotion; however, none more striking than annotating the death of her great uncle, Private Robert Michael Geelan, of the 18<sup>th</sup> Battalion AIF, killed in action on 20 September 1917 in Belgium; and memorialised at the Blenheim Gate, Frank's brother.

In stark reference to hope with the care packages, Hannah shares a deep sorrow for Robert Geelan's mother and family, only becoming aware of his death through a blunt official letter accompanied by his belongings:

a bible and a pocketbook. In her annotation, Hannah concludes, reiterating an historical reality of the Anzac spirit—an unbreakable spirit shaped by women stepping up and doing what needed to be done to keep the country from falling apart while the men were at war: Australian women demonstrating and enacting the fine characteristics of the Anzac spirit in friendship, courage, ingenuity, good humour and endurance, shared among all citizens at war and at home, yet nevertheless serving their country.

God speed Hannah, and lest we forget.

**Mrs WORDEN (Sanderson):** Madam Acting Deputy Speaker, tonight I put on the record my sincere condolences to the people of not just Christchurch, but also of New Zealand and our local Islamic community.

I frequently travel to New Zealand, as many of the members of this House know my eldest daughter Tarrisie has lived there for quite some time and is raising three of my beautiful granddaughters, Amalii, Hinatore and Aoranghi.

They choose to live there for many reasons and on each visit we agree that the peaceful nature of New Zealand and the beauty of the people who live there are good for the soul. However, last Friday that peacefulness was shattered in the worst possible way. As a nation, the cold blooded murder of 50 of their peace-loving citizens brought terrorism into each and every lounge room across not only their country, but across the globe.

It has been a profoundly painful and saddening event that was clearly intended to divide people but in fact has had completely the opposite effect. From division has come unity, from cruelty has come kindness, from savagery has come humanity, from darkness has come light, from fear has come bravery and from hate has come a deep love.

It is important to note, but not give notoriety to it, that this act came from somewhere and that is why it is important that when it starts, either publicly or privately, hate speech and any act of division should not and will not be tolerated. Collectively we have a responsibility not to provide the environment for individuals to thrive on hate.

I was born into a family that felt strongly that each of us should make up our own minds about our own faith. In fact, as I said to our Islamic brothers and sisters last Saturday at Charles Darwin University, it would have been much easier if my family had provided me with a particular faith, as it has led me to a lifetime of looking and questioning faith, including examining the very need for religious ideology and questioning what the overall contribution of religion is to modern society.

However over the last few years, for the first time, I have come across a group of people in Darwin that genuinely do nothing but practice what they preach and that is our local Islamic Society. I must admit, my first venture into the local mosque made me very uncertain as to what lay ahead but those few steps inside were a revelation.

In meeting local community leaders and then local Territorians of the Islamic faith, I asked myself some questions. Surely people cannot be this kind? Surely people are not this genuine in accepting and welcoming outsiders in? But my questions were all answered. I need not have questioned, as they are that kind. They are welcoming and accepting so, by extension, the effect of last Friday is more profound. An attack on people who only demonstrate such love and peace was simply evil.

My daughter, a proud Indigenous Gurindji woman, and her, as she describes them, 'girl gang' live in New Zealand. I spoke to her over the weekend and asked how she and others were feeling and she could only say the word, 'sad'.

She is by nature a reflective person and following our discussion she wrote the following words which I would like to share with the house this evening. It says:

*I have said for a long time that Aotearoa (New Zealand) is safer than Australia. That it is far less racist than Australia. That it's 50 years ahead when it comes to the indigenous peoples of this country in being united.*

*I feel so torn at the moment. I feel on high alert. How could I be so naive? How could I feel so safe? This is life. It isn't fair. No one saw this coming, or maybe they did. How could people feel so much hate that they could just kill so many other innocent humans because of something they believed in?*

*All these thoughts going through my mind. I want to stay positive, I want to stay optimistic. I want to keep spreading love. I want to feel like my children are going to be safe.*

*All these questions and feelings will never be met with answers or resolve because our lives are out of our control. Going forward I will still be giving. I will still be accepting and be as a non-judgmental as I can be. I will treat people how I want to be treated. I will continue to raise my daughters to be free thinking, loving and accepting of the fact that we are all different.*

*Because in this life you are only in charge of how you react to situations. Be empathetic, be kind, be understanding, try to see others perspectives. Do things with good intentions and be as non-judgmental as I can. I will treat people how I want to be treated. I will continue to raise my daughters to be free-thinking, loving and accepting of the fact that we are all different, because in this life you are only in charge of how you react to situations. Be empathetic, be kind, be understanding, try to see others perspectives. Do things with good intentions.*

She went on to say:

*If there is anything I have been shown by the Māori since living here in Aotearoa, it's this. Inclusion. Inclusivity. Encompassing, without exception. I see you all. I feel the Aroha just flowing. To my fellow indigenous peoples of Aotearoa, I see you. Even generations down, both our peoples know this pain too well. Our ancestors felt this. My respect will never waiver for the tangata whenua ...*

*... Which is 'homelands people' ...*

*... of this land. The Kotahitanga ...*

*... 'Oneness' or 'together as one' is real and we will show the rest of the world how we will rise from this devastation.*

These words gave me great hope and I know that Territorians stand with the people of New Zealand and our Islamic brothers and sisters and their whanau, which is 'family', across the globe in saying 'this is not humanity'. We mourn with them in these dark days and embrace them.

Before I finish I wish to put on the record my position on guns, because I feel that this is often used as a political football that I never wish to play a part in. We often hear it said that guns do not kill people; people kill people. However there is a second piece missing from this point of view and that is that if those people with terrible intentions do not have access to guns, then this would never have happened. I will leave my comments there.

To New Zealand, I offer my deepest condolences. May all those who lost their lives rest in peace and may their families find comfort in humanity. In the words of my esteemed colleague, the Member for Braitling—thank you for your words today—we honour the victims of this tragedy by re-committing to a strong and inclusive Territory.

**Mr PAECH (Namatjira):** Madam Acting Deputy Speaker, it is always great to talk about important issues facing the people of the Northern Territory and the world more broadly.

On 22 March it is World Water Day, a United Nations initiative. It is focused on educating society on the preciousness of water and taking action on tackling water crises across the globe. The day focuses attention on the importance of fresh water and advocates for sustainable management of fresh water resources. World Water Day is also used to highlight improvements for access to water, sanitation and hygiene facilities in developing countries. Every year, the awareness campaign targets a particular theme.

The world is not just for us, it is for our future generations. It is important that we recognise that not only do we live here, but we must protect our environment for future generations. Let us encourage water conservation techniques like rainwater harvesting and recycling water for sanitations and gardens. Let us be vigilant about water pollution. Let us not allow our fresh water bodies to be used as dumping or waste yards. It is an important responsibility for everyone to make sure we are conservative regarding our water use.

I am excited about the future with my colleagues in the Chamber, regarding the important initiatives we can develop regarding water conservation and recycling water. When we talk about renewables it is more than just solar panels. We need to see water as a valuable commodity, both as a precious resource in the ground

or our river system, but also turn our eyes to the recycling water options which are all around us. They are in our towns and remote communities. They are everywhere.

Let us not see that as a waste product. Let us see it as a valuable commodity for economic development opportunities for communities to have green spaces, trees, lawns and vibrant spaces they can use and sporting facilities that use recycled water. From conversations I have had with my parliamentary colleagues, the Members for Barkly and Braiiting in their capacities with their ministerial portfolios, it is an exciting time to be discussing these options.

Recycling water is not only important to provide an economic opportunity for people living in remote and regional parts of the country, it is also about providing security for people in these areas. If we can invest in recycling water, we are able to provide communities with a range of options for how they might use that water.

They may use it for irrigation, horticulture, agriculture, community gardens, dust suppression, health initiatives and green spaces for communities to come together. Quite often when you are in our larger towns, visiting and catching up, you see a lot of people who make the trip in from the bush. They are always on the lush lawns in our town centres. I want them to have that in remote communities. I look forward to working with my parliamentary colleagues on those options.

We have communities that are stretched with their water security. That is an issue that comes up in this Chamber. The Minister for Renewable, Energy and Essential Services and I are always talking about it and looking at ways in which we can provide communities with vibrant and sustainable hope that they can stay on country for the long haul.

This is about reminding everyone this Friday, when you are about to hose down your driveway or unnecessarily flush your toilet, to stop for a moment and think about how precious this resource is. In my home town of Alice Springs, the water we drink from the tap is thousands of years old. It is a precious and beautiful resource and we need to be more conservative when we are talking about it.

The government has a range of plans—the water allocation plans—for tackling this and making sure that people are conscious of it. But on 22 March, it is World Water Day. Please be considerate and think about what you are using your water for. Let us make sure we can start those broader conversations about providing access to water for everybody.

Motion agreed to; the Assembly adjourned.