

Madam Speaker Aagaard took the Chair at 10 am.

#### MESSAGE FROM ADMINISTRATOR

**Madam SPEAKER:** Honourable members I have received from His Honour the Administrator message No 6 advising of his assent to proposed laws passed in the October 2005 sittings of the Assembly.

#### PETITIONS New School for Palmerston

**Mr MILLS (Blain):** Madam Speaker, I present a petition from 234 petitioners praying for that the Northern Territory government build a new primary school in Palmerston. The petition bears the Clerk's signature that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

*To the Speaker and Members of the Northern Territory Legislative Assembly:*

*We the undersigned citizens do respectfully call upon the Northern Territory government to build a new primary school in Palmerston to commence operation in first term 2007 or before, to relieve the pressure on existing schools.*

*Palmerston continues to be recognised as one of the fastest growing municipalities in Australia. This growth is reflected in the 10 schools in Palmerston. Some Palmerston schools have enrolments significantly beyond capacity. Classes are held in libraries, withdrawal areas and at time even the stage has had to be converted for classroom use.*

*New houses continue to be built in Rosebery, Gunn and Bakewell, yet no new school has been built in the area since 1998.*

*Secondly, we call upon the Northern Territory government to clarify for Palmerston families exactly when the additional secondary school will be built.*

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

#### Palmerston Skate Park – Provision of Shade Structure

**Mr MILLS (Blain):** Madam Speaker, I present a petition from 166 petitioners, praying that the Northern Territory government provide a shade

structure for Palmerston skate park. The petition bears the Clerk's signature that it conforms with the requirement of standing orders ....

**Mr Henderson:** Council job!

**Ms Martin:** It is the council; they put their rates up.

**Mr MILLS:** May the petitioners please be heard, with some respect, over there. Madam Speaker, I move that this petition be read.

Motion agreed to; petition read:

*To the Speaker and members of the Northern Territory Legislative Assembly*

*We the undersigned citizens do respectfully call upon the Northern Territory government to provide addition funding to construct a shade structure over the Palmerston skate park. Skin cancer develops from excessive exposure to the sun sustained at an early age. A shade structure will provide protection for users of the park while allowing greater use of this important recreational facility in Palmerston.*

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

#### VISITORS

**Madam SPEAKER:** Honourable members, I draw your attention to the presence in the gallery of students from Manyallaluk School, accompanied by Ms Yve Weinberg. On behalf of all honourable members, I extend to you a very warm welcome.

**Members:** Hear, hear!

#### MINISTERIAL REPORTS Establishment of the Natural Resource Management Board

**Ms SCRYMGOUR (Natural Resources, Environment and Heritage):** Madam Speaker, on 16 November, I was delighted to announce the formation of our new Natural Resources Management Board. This board is responsible for implementing the Northern Territory Integrated Natural Resource Management Plan and Regional Investment Strategy, under the framework agreed between the Northern Territory and the Commonwealth governments.

The natural resource management plan is a new approach to managing our water, land and biological resources in an integrated way. The plan was prepared following extensive community consultation and it is based on achieving

management and resource condition targets. Prior to the plan, investment was on a project-by-project basis.

The six-member board is a wonderfully talented body of individuals who each bring enormous skills and experience to the role. The Chairman of the board is Darwin's Susan van Cuylenberg. Sue is a certified financial planner with Godfrey Pembroke, who has lived in the Territory for 20 years. She previously worked for many years as a natural resource scientist with the then Conservation Commission of the Northern Territory. She retains a deep knowledge of, and passionate interest in, the natural environment and its management. This, combined with her business planning expertise, will be invaluable to the board. Sue is so committed to her new role that she has relinquished her position from the board of Godfrey Pembroke in order to be able to dedicate more time to these new responsibilities.

The other five members are Mike Clark, the Chief Executive of Greening Australia; Jim Forwood, a professional rural and pastoral consultant who is currently Chairman of our Pastoral Land Board; David Alexander, an indigenous land management specialist; Ian Munro, general manager of Bawinanga Aboriginal Corporation; and John Gilmour, from the Department of Natural Resources, Environment and The Arts.

One of the first tasks of the NRM Board is to make decisions about applications for funding under the Regional Investment Strategy which is essentially the business plan for the new Natural Resource Management Plan and will guide priorities for expenditure. The Regional Investment Strategy allocates about \$21m of Natural Heritage Trust and National Action Plan funding over three financial years. The Northern Territory government's matching contribution through in-kind support will be in the vicinity of \$36m.

Applications for projects to be funded under the Regional Investment Strategy were advertised, and closed on 10 November. The investment opportunities were widely advertised in the community, and extensive support was provided to community groups to complete their applications. One hundred and thirty-four project applications have been received. These applications, covering diverse natural resource issues such as managing our rivers, conserving our unique plants and animals, and ensuring our land remains productive, are now being assessed for technical merit by the Technical Assessment Panels. These panels will make recommendations on technical matters and priorities to the new NRM Board. The board will be making its decision on successful projects at its meeting on 12 and 13 December.

The Natural Resource Management Plan is a new approach. It is about governments and the community working together and building capacity at the local level, where it is most needed. It is a huge investment in the future of our natural environment.

I wish the new NRM Board well in their endeavours, and look forward to seeing some great projects come forward.

**Mrs MILLER (Katherine):** Madam Speaker, I thank the minister for her report. There is no doubt that natural resources in the Northern Territory do need careful attention. We are very lucky that we have so many natural resources at our fingertips. I will be seeking a briefing with the minister in relation to this report.

**Ms SCRYMGOUR (Natural Resources, Environment and Heritage):** Madam Speaker, I thank the member for Katherine for her response. I will be happy to provide a briefing.

#### **National Action Plan - Prime Minister's Summit with Muslim Leaders**

**Mr VATSKALIS (Multicultural Affairs):** Madam Speaker, I take this opportunity to focus the Assembly's attention on issues impacting on the Territory's Islamic community. Muslim Territorians have lived here for many years and, as a community, have contributed a great deal to the Territory. Members will be aware – and, I am sure – very proud of the successful example the Northern Territory provides to other jurisdictions of how people from diverse cultural, linguistic and religious backgrounds can live harmoniously in a community. However, we must never lose sight of the fact that community harmony can be very fragile and easily lost if we fail to reinforce our commitment and support to the cultural diversity in our community.

Our Muslim community in particular has been placed under a great deal of pressure and scrutiny as a result of terrorist attacks overseas and the recent counter-terrorism raids in New South Wales and Victoria. It is fair to say that in recent times there has been a heightened level of sensitivity and debate around the policy of multiculturalism in Australia. This has reached the point where some have publicly called for so called 'extreme Muslims', who are, in fact, Australian citizens, to be deported.

While 'terrorism' in any form must be condemned, there needs to be a greater sense of balance in how politicians, media, and the wider community deal with this issue. The 'hype' around these issues has serious negative implications for members of Muslim communities throughout Australia and, as a consequence, for us all.

We have been lucky that, to my knowledge, Muslim Territorians have not been subjected to outright attacks and retribution as in some other Australian jurisdictions. I have learned, however, that many Muslims in the Territory feel they are required constantly to defend themselves against negative perceptions of Islam. They no longer feel as safe as they once did in the Northern Territory and in Australia. There are approximately 1000 Muslims in the Northern Territory and, like other Territorians, they live ordinary lives, have everyday responsibilities and commitments, and strive for a better and peaceful future for themselves and their families.

It is not acceptable for an entire community to be targeted and subjected to pressure as a result of the acts of those few who distort the teachings of Islam. At times like these we must all find ways to offer support and understanding to people who are our friends and neighbours, and who share our love of the Territory, its diversity, and its special lifestyle.

Members may be aware that on 23 August, the Prime Minister met with invited Islamic community leaders. At this meeting a statement of principles was developed to guide Australia in confronting the challenge of terrorism. The Council of Australian Governments subsequently considered these principles and resolved that a National Action Plan should be developed building on these principles at a Commonwealth, state and territory level. The Northern Territory has submitted a number of initiatives for inclusion in the National Action Plan which I hope, when approved by COAG next year, can be implemented and be of benefit to the Muslim community in the Northern Territory.

Initiatives that have been proposed include: the facilitation of a Muslim youth forum focusing on issues affecting young Muslims in the Territory; establishing a reference group where government representatives and peak body representatives meet regularly with Muslim leaders; and supporting the development of various multi-faith dialogue forums. In addition to these and other initiatives, funding support will continue to be provided, under the Multicultural Affairs Sponsorship Program, for projects which promote religious tolerance and a better understanding not only of Islam, but all faiths.

In March next year, the Islamic Society is planning to hold an open day at the same time as the 35<sup>th</sup> anniversary of the Darwin Islamic Centre. I commend the Islamic Society on this initiative. It demonstrates the openness and willingness of the Muslim community to engage with people across cultural and religious backgrounds. It is that engagement that helps us protect and maintain community harmony and tolerance.

**Dr LIM (Greatorex):** Madam Speaker, I welcome the minister's statement on the support that we all give to our Islamic brothers in the Northern Territory and in Australia. Over the last few years, particularly increasingly, many of our Islamic Territorians are subjected to pressures that are most unfair and unnecessary.

However, I want to speak about the Islamic Society in Alice Springs. They are currently trying to secure a full-time, permanent Imam for them. The previous CLP government supported them and we were able to obtain a full-time Imam for them for some three or four years. He has since left and gone to live in Sydney. At the moment, they have an Imam from Malaysia who will be here for short-term but, once his term is over the Islamic group in Alice Springs will once more be without an Imam. From a practical point of view, if the government can strongly support the appointment of a permanent Imam in Alice Springs it would give the Islamic community in Alice Springs a strong focus.

The last thing I believe the government should be doing is to have a Muslim expo in Parliament House. The panels they have demonstrate the parallels between Christianity and Islamic religion which will be very good to have on public display. That would be a very positive and generous act of the government to show reconciliation at work.

**Mr VATSKALIS (Multicultural Affairs):** Madam Speaker, I thank the member for his support. I assure him that this government supports not only the Islamic community but any community in the Territory. We have already put in place plans for a multi-faith exhibition - subject to your approval, Madam Speaker - in our parliament. We cannot promote and should not promote only one faith. As part of Harmony Day next year we can promote Christianity, Islam, Buddhism, and all the religions in the Territory.

We should be very careful not to condemn the whole community because some members of its community are radical or preach extremism. I say that because I read that a Protestant priest in Germany after the collapse of the Nazis said:

*When they came and took the communists and the unionists, I did not protest. When they came and took the Jews, we did not protest either. When they took the mentally handicapped, nobody protested. When they took us, there was nobody left to protest.*

We have to safeguard our liberty and we have to safeguard our community harmony.

**Federal Government's Work Choices Bill –  
NT Government Submission**

**Dr BURNS (Public Employment):** Madam Speaker, I report to the House on the delegation I joined to make a joint submission to a Senate Committee on the federal government's proposed industrial relations legislation in Canberra on 14 November 2005. Along with other state and territory ministers with responsibility for industrial relations, I attended Parliament House in Canberra and presented a submission that strongly opposes the federal government's so-called Work Choices Bill. I table a copy of that submission.

As members can see when they examine it, it is a very comprehensive submission which was a feat in itself, given the minimal time frame for the inquiry allowed by the Senate. Apart from the profound effects it will have on all Australian workers, I intend to focus this morning on some of those specific elements of the submission that are most relevant to the Territory.

First, remote workers will be adversely affected. Many aspects of the proposed legislation will be, at worst, unworkable or simply inconvenient in remote areas. Individual contracts, for example, which are a centrepiece of the proposed federal legislation, will prove extremely difficult to negotiate for both employers and employees in remote areas. We all recognise there are often real difficulties in getting expert advice in remote parts of the Territory.

Another aspect of the report highlights that currently there is a very high proportion of Territory workers on award rates. The proposed reduction in allowable award matters will disproportionately affect Territory workers. For instance, the new section 93N gives employers the ability to require a medical certificate for any absence. Obviously, as a major employer, the government does not condone 'sickies' and recognises that the vast majority of workers are genuinely ill when they take sick leave. This new proposed standard will place a major inconvenience on workers without ready access to a medical practitioner as may be the case in some remote communities.

Page 53 of the submission focuses on the most vulnerable workers in the work force, indigenous Territorians, who clearly fall in this category.

It is also timely to remember whilst we are discussing industrial relations in general, that next year is the 40<sup>th</sup> anniversary of the Gurindji people walking off the Wave Hill Station in support of Aboriginal people earning wages instead of working for rations. Historically low levels of indigenous education, something this government recognises and is trying to fix, will place indigenous Territorians at a real disadvantage

when faced with many aspects of this complex 500-page bill.

This difficult situation will also be exacerbated for indigenous Territorians by the federal government's welfare-to-work reforms. The bill will also have an adverse effect on vulnerable workers resulting from the combination of removal of unfair dismissal rights, reductions or delays to increases in the minimum wage, and an emphasis on individual bargaining. The bargaining power between individuals in precarious situations and their employer will be so imbalanced that any suggestion of equity is actually laughable. In addition, those employers trying to do the right thing may face fines of \$33 000 for including prohibited clauses in their agreement.

It is significant that it is yet to be determined what Territory laws will be overridden by this legislation. Considering overriding Territory law now appears to be a current favoured Commonwealth government practice. The new laws will be carefully examined by the government to understand their effects. I am concerned that 80% of Northern Territory funds come directly from the Commonwealth. We have already seen demonstrated by the Commonwealth in other states in regard to agreements over TAFE funding, and also their try-on in roads funding, that they are willing to put funding issues on the line to get their ideology in place and force states and territories to comply.

Madam Speaker, I urge members to read the submission in order to gain an understanding of the extreme nature of the legislation being pushed by the federal government.

**Mr MILLS (Blain):** Madam Speaker, I acknowledge at the outset this statement comes in the context of a robust debate that has been conducted nationally, and there is a fair amount of heat in the debate and some of it unnecessary. The majority of our comments in the past two days have been on the economy. It is the economy that sits underneath this legislation, and the purpose of this legislation is to further strengthen the Australian economy. Those considerations need to be taken securely on board, bearing in mind that the legislation governing industrial relations is already out of the domain of the Northern Territory.

There is also a skerrick of grandstanding on behalf of the Australian Labor Party in the Northern Territory playing the game of their counterparts in other states and their other stakeholders. Debates we have had in this Chamber centre on the need for trust, and the need to recognise that it is about the economy. The primary cornerstone of this is that the best form of welfare is a real job.

**Mr WOOD (Nelson):** Madam Speaker, I believe any change to industrial relations, and the basis of its changes, has to be fairness to workers and their families. I agree that there has been a need for changes. However, as the minister said, this package is a huge package and there is no way I could find the time to go through that in detail. I believe there are some principles that need to be retained no matter what the changes are; for instance, the issue of unfair dismissal.

I cannot accept that someone who works in a business where there are only 99 people is not protected the same as someone who works in a business with 100 people. All workers should have the right to unfair dismissal agreements. Although unfair dismissals have caused problems with employers over the years, I am sure we can find a balance between dealing with both employees and employers fairly. All workers should be covered under the one principle; there should be no exemption based on the number of people who work in a business.

I also believe that families are the basis of our society. If we make the breadwinners of our families work long hours away from their families, are we doing our country any good? The economy, of course, is important but it is like economy without humanity. If we just have economy as the main focus in industrial changes and we do not respect the rights of families, then we are making a big mistake. I know many people who work on contracts do not work a 40-hour week. Some in the high echelons of government who might think they are signing up for a 40-hour week would, obviously, work much longer hours and are not home until late at night or on the weekends. Even though people say we are giving service to people by working on the weekends, we should realise that those people who work on weekends give up other time for us so that we can have the convenience of shopping etcetera, and they should be paid some extra benefit for doing that.

Madam Speaker, I agree there should be industrial reform, but there needs to be more balance in what has been put forward.

**Dr BURNS (Public Employment):** Madam Speaker, I welcome the reply by the member for Nelson, who raised some very important issues. Unfair dismissal and the balance between work and family are very important elements.

The member for Blain talked about strengthening the Australian economy. All the evidence I have seen shows that a move in the direction that the Howard government is proposing - it was done in New Zealand and there was a fall-off in productivity for the first time in a long time. This is not going to lead to productivity;

it is going to lead to the impoverishment of workers. This issue of the Australian economy having to compete with China and India shows just where the federal government is coming from.

The member for Blain said that the Northern Territory government does not have control of its IR laws. That is true; we come under the federal act. We were never consulted. We are the major users of this, together with Victoria. None of the states or territories, particularly the Northern Territory, were consulted. That smacks of arrogance, member for Blain.

Reports noted pursuant to Sessional Order.

### **NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT BILL (Serial 30)**

Bill presented and read a first time.

**Ms MARTIN (Chief Minister):** Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to amend the *Northern Territory Tourist Commission Act* to:

- (1) change the name of the Northern Territory Tourist Commission to Tourism Northern Territory;
- (2) establish the organisation as a statutory authority that is constituted by the Chief Executive of Tourism Northern Territory to operate as an autonomous entity under the same portfolio as the Department of Business, Economic and Regional Development, with the authority and responsibilities for performance, external accountability and corporate governance vested in the Chief Executive of Tourism Northern Territory; and
- (3) create a tourism advisory board that has a minimum membership of six.

The proposed name change from the Northern Territory Tourist Commission to Tourism Northern Territory, or Tourism NT, aligns with the contemporary approach taken across Australia by other tourist organisations - for example, Tourism Australia, Tourism Victoria and Tourism Western Australia - and reflects the commercial nature of the organisation's core business. The term 'commission' is synonymous with officialdom.

The primary charter of the renamed organisation will continue to be the marketing and development of the Northern Territory as a tourism

destination. Tourism NT will operate autonomously within the Department of Business, Economic and Regional Development. The Chief Executive of Tourism Northern Territory will report directly to the Minister for Tourism, and will liaise with the Chief Executive of the Department of Business, Economic and Regional Development on agreed joint initiatives and outcomes.

A cross-functional approach will be taken in order to progress priority projects such as indigenous economic development, regional development, investment attraction, economic and strategic analysis, aviation development, and business development.

A further amendment to the bill will see the Northern Territory Tourist Commission Board become a tourism advisory board which will provide advice to the Minister for Tourism on strategic issues impacting the tourism industry. The tourism advisory board will comprise a minimum of six ministerially appointed members including the Chief Executive of Tourism Northern Territory. The current commissioners of the Northern Territory Tourist Commission will be reappointed for four months to allow sufficient time for a new advisory board to be appointed prior to the amendments commencing. As soon as the amendments commence, the appointments of the commissioners of the Northern Territory Tourist Commission Board will automatically cease. The amendments are expected to commence before the end of that said four month period.

I am pleased to present this amended bill to the House. I am confident that these changes will demonstrate the commitment this government has to the tourism industry, and will allow Tourism Northern Territory to forge stronger alliances across the whole-of-government and partnerships with industry in order to meet the challenges ahead. Madam Speaker, I commend this bill to the House.

Debate adjourned.

### **SUSPENSION OF STANDING ORDERS Take Two Bills Together**

**Dr TOYNE (Justice and Attorney-General):** Madam Speaker, I move that so much of standing orders be suspended as would prevent bills entitled Alcohol Court Bill 2005 (Serial 33) and Antisocial Behaviour (Miscellaneous Amendments) Bill 2005 (Serial 34):

- (a) being presented and read a first time together, and one motion being put in regard to, respectively, the second readings, the committee's report stage, and the third readings of the bills together; and

- (b) the consideration of the bills separately in the Committee of the Whole.

Motion agreed to.

### **ALCOHOL COURT BILL (Serial 33) ANTISOCIAL BEHAVIOUR (MISCELLANEOUS AMENDMENTS) BILL (Serial 34)**

Bills presented and read a first time.

**Dr TOYNE (Justice and Attorney-General):** Madam Speaker, I move that the bills be now read a second time.

The purpose of these bills is to implement the government's election commitments regarding antisocial behaviour. In particular, the bills will provide for new strategies to deal with offenders who are alcohol-dependent; provide for a new category of dry or restricted premises suitable for urban areas; and improve mechanisms for dealing with tenants in relation to antisocial behaviour.

The legislative package consists of two cognate bills, the first of which deals specifically with the establishment of the new alcohol court and the powers of that court. The second bill makes a range of amendments to the *Liquor Act*, the *Housing Act*, and the *Residential Tenancies Act*, as well as providing consequential amendments in relation to the Alcohol Court Bill.

The legislative package underpins a coordinated whole-of-government approach to breaking the cycle of alcohol abuse, violence and antisocial behaviour in our community. These reforms are all about the government, the courts and the communities working together to achieve this aim.

First, the Alcohol Court Bill: this bill will establish a specialist court to deal with offenders who are dependent on alcohol. The new court will be constituted by a magistrate and will only deal with offences that would normally be dealt with by a magistrate. Serious offences, such as murder and manslaughter, sexual assault, and armed robbery will continue to be dealt with by the Northern Territory Supreme Court. Serious offenders will not avoid imprisonment as a result of this legislation.

The alcohol court builds on the experience and success of the CREDIT program operating in the magistrates court for people whose offending is connected to illicit drug use. However, while the CREDIT program is limited to providing treatment for offenders on bail prior to sentencing, the alcohol court will have a broader range of options

for dealing with offenders who are dependent on alcohol. Only people charged with a criminal offence can be dealt with by the alcohol court.

The aims of establishing an alcohol court are to: address alcohol dependency that leads to crime; facilitate a reduction in the commission of offences associated with alcohol dependency; facilitate the rehabilitation of offenders; and contribute to improvements in offenders' health and social functioning. The treatment process established by the alcohol court will also contribute to the safety and wellbeing of the broader community which is affected by antisocial behaviour associated with regular and excessive alcohol consumption. The alcohol court will operate in a different way to the conventional Magistrates Court by specifically seeking to address the underlying behaviour that leads to the commission of offences, as well as dealing with the immediate legal issues.

When offenders are referred to the alcohol court they will undergo assessment by a specialist court clinician. The role of the clinician is to provide the court with information and advice regarding whether a person is a suitable candidate for treatment and what kind of treatment would be appropriate. Through the system established by the Alcohol Court Bill, magistrates will be able to use their authority to play an important role in motivating offenders to deal with their dependence on alcohol and comply with orders to undergo treatment. Compelling people to undergo treatment, and providing support through that process, means a real opportunity to break the cycle of alcohol abuse. Intensive, targeted alcohol treatment programs do work and they can turn lives around.

The bill introduces alcohol intervention orders, a new form of intensive sentencing order for offenders who are facing a term of imprisonment. An alcohol intervention order will comprise a term of imprisonment that is fully or partially suspended on the person entering the treatment and supervision component of the order. The offender will be required, as part of the supervision and treatment component of the order, to undergo treatment for alcohol dependency. While an offender is subject to an alcohol intervention order they will be subject to strict conditions and supervised by Correctional Services. They must remain in the Territory, not commit another offence punishable by imprisonment, and must not consume alcohol. In addition, as part of the supervision by Correctional Services the offender must submit to breath and blood tests to ensure they are complying with the order.

The court will also have a broad discretion to impose additional conditions as part of the treatment and supervision component of the order.

These may include a requirement to reside at a particular place, imposition of a curfew, a requirement to undertake certain educational and employment activities, or a requirement to submit to other types of medical, psychiatric or psychological treatment.

Offenders are eligible for referral to the alcohol court for an alcohol intervention order when they plead guilty to an offence, or have indicated an intention to plead guilty to an offence; they are likely to be sentenced to a term of imprisonment; they appear to be dependent on alcohol; and they have agreed to be referred to the alcohol court. If an offender does not agree to be referred to the alcohol court then they will simply be sentenced to imprisonment in the normal manner.

Offenders are not eligible for referral to the alcohol court if they are subject to a parole order; subject to a community service order; serving a suspended term of imprisonment; or undertaking a home detention order. Likewise, juveniles will not be referred to the alcohol court as the new *Youth Justice Act* already provides for a comprehensive and flexible range of sentencing and diversion options for offenders under 18 years.

Once an offender is referred to the alcohol court they will be subject to an assessment by the court clinician who will be qualified to give advice and make recommendations in relation to the offender's dependency on alcohol and appropriate treatment. The court clinicians will provide written advice to the court regarding each offender which can include a case management plan and recommendations that might be appropriate for inclusion in the alcohol intervention order.

The alcohol court can be involved in ongoing supervision of the offenders subject to an alcohol intervention order either through a requirement for the offender to report to the court, or as part of a review process initiated by the offender, police officer, or prosecutor. When a court reviews an alcohol intervention order it may vary the treatment and supervision component to take into account the extent of the offender's compliance with the order. The court may also revoke the treatment and supervision component of an alcohol intervention order and require the offender to serve all, or part, of the term of imprisonment attached to the order. The court is, therefore, in a position to both encourage offenders as they progress through their treatment, and impose sanctions on offenders who commit minor breaches of the treatment and supervision component of their orders.

The alcohol court will also deal with offenders who contravene their alcohol intervention orders. A contravention occurs when the offender fails to comply with one of the conditions of the order.

Where the court is satisfied that the offender has committed a contravention it may commit the offender to imprisonment for a period of up to 14 days; revoke the treatment and supervision component of the order; and require the offender to serve all, or part, of the term of imprisonment attached to the order; or revoke the entire alcohol intervention order and sentence the person for the relevant offence. Where the court orders that the person may be imprisoned for a period of up to 14 days they will continue to be subject to the alcohol intervention order on release from prison.

The alcohol court will also have the power to make prohibition orders for offenders who are dependent on alcohol. Prohibition orders will be available for lower level offenders not facing a sentence of imprisonment and, therefore, not eligible for an alcohol intervention order. Unlike alcohol intervention orders, prohibition orders are not a sentence but, rather, are designed to complement any sentence that might be imposed on the offender.

The provisions in the bill regarding prohibition orders will replace existing *Liquor Act* provisions relating to prohibition orders. The final report of the alcohol framework supported the continuation of a form of compulsory treatment and recommended that the provisions in the *Liquor Act* be amended to provide for a more flexible form of order.

A person appearing before the Court of Summary Jurisdiction charged with a criminal offence can be referred to the alcohol court for a prohibition order where they have been found guilty of an offence, or plead guilty to an offence, or intend to plead guilty to an offence, and they appear to be dependent on alcohol. Unlike alcohol intervention orders, it is not a prerequisite for the offender to be facing a sentence of imprisonment. Any offender can be referred to the alcohol court for a prohibition order if they meet the other relevant criteria.

The purpose of a prohibition order is to facilitate rehabilitation, reduce the commission of offences and other harm associated with alcohol dependency, and to reduce the health risks associated with alcohol dependency. Before the court can make a prohibition order, the offender must be assessed by a court clinician. The court makes its decision in relation to whether a prohibition order should be made on the basis of the advice in the court clinician's report. A prohibition order may include orders that prohibit or restrict the consumption of alcohol by the offender; prohibit the offender from entering licensed premises; or restrict when an offender enters or remains at licensed premises. An order is made for a specified period of up to 12 months. In addition, the court may require the person to

undergo specified treatment as recommended in the assessment report. The alcohol court must also sentence the person subject to a prohibition order for the offence for which they have been found guilty.

In appropriate cases, the court may specifically require the offender to comply with a prohibition order as part of the conditions of the sentencing order imposed by the court for the relevant offence. This will depend largely on the nature and seriousness of the offence and the person's criminal history. When this occurs, the prohibition order may be enforced through the provision of the *Sentencing Act* for enforcement of sentencing orders. In addition, the court may adjourn the sentencing of an offender subject to a prohibition order for up to six months to monitor the progress of the offender during this time. The offender may be subject to bail during this period and the court will have the power to incorporate the terms of the prohibition order into the bail undertaking. Failure to comply with the terms of the bail undertaking can be enforced using the provisions of the *Bail Act*.

The general rules in relation to appeals from decisions of a magistrate will apply to decisions made by the alcohol court; that is, the parties will have the right to appeal against sentence, or on the grounds of an error of fact or law. In addition, the court will be able to refer questions of law to the Supreme Court for determination.

Government has allocated additional funding to establish an alcohol court with \$202 000 allocated for 2006-07, \$207 000 for 2007-08, and \$213 000 for 2008-09. These funds will be used to employ additional court clinicians to support the operation of the court. The Territory has a range of well established, high quality alcohol treatment programs provided by government and non-government organisations, and the government has allocated an additional \$560 000 of recurrent funding, increasing to \$640 000 in 2008-09, for additional alcohol treatment places to support the operation of the alcohol court.

I turn now to the Antisocial Behaviour (Miscellaneous Amendments) Bill. This bill proposes amendments to the *Liquor Act* to provide for a new category of restricted premises, and to the *Housing Act* and *Residential Tenancies Act* to introduce the use of acceptable behaviour agreements for public housing tenants, and to provide for applications by third parties for the eviction of tenants for unacceptable behaviour.

The proposed amendments to the *Liquor Act* will permit the Licensing Commission to make a declaration in relation to private premises that will prohibit the consumption or possession of alcohol at those premises. These provisions will

complement the existing provisions in Part VIII of the *Liquor Act* that allow the Licensing Commission to make a declaration regarding restricted areas. Under the proposed amendments, the Licensing Commission will be able to make a declaration in relation to private premises including homes, shopping centres, churches, schools, and hospitals. A declaration could also be made in relation to part of a premises to take account of licensed premises at shopping centres.

The purpose of introducing a new category of 'restricted premises' is to give the owners and occupiers of premises, and the people with a particular interest in the private premises, the ability to take some action and responsibility regarding the consumption and possession of alcohol at those premises. An application for a declaration can be made by the owner or occupier of the premises, a person or organisation representing the owner or occupier or, in the case of properties open to or used by the public, an interested person. 'Interested person' is defined to include people living or working in the neighbourhood, a community-based organisation connected with the area, or a police officer. When the commission receives an application for a restricted premises declaration, it will be required to consult with interested persons, the owners and occupiers of the premises, and the Commissioner of Police regarding the application. The extent of consultation required in relation to the application is confined to consulting with the parties immediately affected by the declaration.

By contrast, with an application for a restricted area declaration, under the existing provisions in Part VIII of the *Liquor Act*, the commission is required to consult more broadly. Where an application is made by an interested person, the Licensing Commission may make a restricted premises declaration if it is satisfied that doing so is in the public interest. In the case of an application by owners or occupiers for a declaration over their home, the decision of the commission will reflect the wishes of the majority of lawful occupiers. In relation to all applications, the commission must also be satisfied that a declaration would be practicable in all of the circumstances.

Where the commission makes a declaration, it would be obliged to arrange for a notice to be posted at the restricted premises that contains information about the declaration, the offence of failing to comply with the declaration, and the penalties that apply for the offence. A declaration lapses if a title of ownership is transferred, or the lease over the premises is terminated. In addition, the applicant may also request that the declaration be revoked, and the commission has a general discretion to revoke the declaration.

It will be an offence for a person to contravene a declaration of restricted premises by taking alcohol into restricted premises, or possessing, or consuming alcohol at restricted premises. The penalty for contravention of a declaration will be forfeiture of the alcohol found at the premises. In addition, the police will be able to issue a complaint or an infringement notice for the offence. The maximum penalty for the offence will be \$500. The police will have an additional power to enter restricted premises without a warrant where they believe a person is contravening a declaration, and to search the premises and the people at the premises. This is necessary to allow police to effectively enforce the new category of restricted premises.

While the main new provisions in relation to prohibition orders are located in the Alcohol Court Bill, this bill also contains some provision in relation to prohibition orders. The Director of Licensing will have the responsibility of notifying and informing licensees about the existence of prohibition orders against individuals. When the alcohol court makes a prohibition order, it must advise the Director of Licensing and the director must then give all relevant licensees information regarding the prohibition order, including the person's name and the period that the order is in operation. The director must also advise licensees to take all reasonable steps to ensure that the prohibited person is not permitted to enter or remain at licensed premises, and that alcohol is not be sold to them contrary to the terms of the order. Relevant licensees are those licensees the alcohol court has ordered must be notified and other licensees that the director considers will be affected by the order.

This bill also provides for amendments to the tenancy laws to introduce acceptable behaviour agreements for public housing tenants, and to permit applications by third parties for the termination of any residential tenancy for unacceptable behaviour. Under the proposed amendments, Territory Housing will be able to compel a tenant to enter into an agreement not to engage in antisocial behaviour at a relevant rental property. These agreements will be referred to as Acceptable Behaviour Agreements. If Territory Housing requests a tenant to enter into an Acceptable Behaviour Agreement, the tenant will have 28 days to comply with the request. If the tenant fails to enter into the agreement, or seriously or repeatedly breaches the terms of the agreement, Territory Housing may seek an eviction order from the court. The decision by Territory Housing to require a tenant to enter into an Acceptable Behaviour Agreement will be made on the basis of the tenant's behaviour in connection with the existing lease, or on the basis of any history of any previous tenancy agreement for public housing in the Northern Territory.

Once a tenant enters into an Acceptable Behaviour Agreement, the operation of the agreement extends to the behaviour of other people living or staying at the premises with the consent of the tenant. If a guest or other resident breaches the terms of an agreement, then the tenant is taken to have breached the terms of the agreement. However, when the court is considering an eviction application against a tenant for a breach of an order as a result of the behaviour of people at the premises other than the tenant, the court can take into account reasonable action taken by the tenant to prevent the behaviour. For example, the court can take into account whether the tenant called the police to deal with antisocial behaviour by other residents or guests, or has made an application for a declaration under the new category of restricted premises. When the court is satisfied that the tenant has taken all reasonable steps to prevent the breach of the terms of the agreement by other people, the court may decide not to make an eviction order.

The bill will also amend the *Residential Tenancies Act* to allow third parties to make an application for termination of a tenancy because of unacceptable behaviour of the tenant. Section 100 of the *Residential Tenancies Act* currently allows the court to terminate any tenancy agreement, whether it be in relation to public or private housing, when the tenant has used the premises for an illegal purpose, has repeatedly caused a nuisance or allowed someone to cause a nuisance, or has repeatedly caused or allowed an interference with the peace and privacy of a neighbour.

Under section 100, these applications can only be made to a court by a landlord. The amendment to the *Residential Tenancies Act* contained in this bill will allow other parties who are adversely affected by the conduct of the tenant to make an application to the court to terminate the tenancy. Under the proposed amendment, if a third party who can demonstrate that they have been adversely affected by antisocial behaviour of the tenant makes an application to the court, the landlord must be notified of the application. The court will hear from all parties, including the person seeking the order, the landlord and the tenant before deciding whether to make an eviction order. If the landlord objects to the eviction of the tenant, the court may only make an order for the eviction in exceptional circumstances. This last provision balances the interests of neighbours with the interests of landlords.

Madam Speaker, that concludes my explanation of the bills. I table the explanatory statements which accompany the bills. I commend the bills to honourable members.

Debate adjourned.

### COMMUNITY JUSTICE CENTRE BILL (Serial 20)

Continued from 19 October 2005.

**Ms CARNEY (Opposition Leader):** Madam Speaker, I can indicate that the opposition will support this bill. However, it is appropriate that we put on the *Parliamentary Record* a couple of concerns which I hope the minister can address in his reply.

First, we agree with the general objectives of mediation. As someone who was a lawyer in another life, I know that mediation is always the best outcome and certainly cheaper for clients. If you can mediate and resolve a problem it is much better than spending, potentially, hundreds of thousands of dollars in court. It is fairly evident that the matters that the Community Justice Centre deals with will generally be in the order of neighbourhood disputes and so on, although there are a number of other matters.

One concern, Attorney-General, is the perception that by formalising this process with this legislation it will create a bureaucracy. Your response may well be: well, that is inevitable. That concern was brought to us by a person with an interest in this area. I think it was a lawyer but I cannot remember. In any case, we put it to you: are you concerned about the creation of a bureaucracy?

Also, what is the level of resources that you will provide as a result of this bill? Furthermore, what time frame are you looking at as to the commencement? In particular, I say that in regard to the consultative council which you say you will establish. When do you expect that to be up and running? You also referred to a director of the centre and that person is to be a public servant. Again, what sort of time frame do you have for that person's appointment? It is nice to see that someone will get a job as a public servant as a result of this – unlike others who are staring down the barrel.

You also said in your second reading speech that there was a review of the Community Justice Centre undertaken by the Department of Justice. I ask if that was an internal review? If so, will you table that review? It would be interesting to see the findings. We have many documents tabled in this parliament in the nature of annual reports and so on. If you rely on a review that indicated – your word, not mine – that there was an overwhelming, positive response to the centre, I ask whether you would be prepared to table the review so that we can, on behalf of all Territorians, see the details of this so called indication.

We would also like to receive details of the nature, in terms of allocation, of type of matter, that the 600 inquiries to the centre have been in the last 12 months, I gather, although that was unclear from your second reading speech. With respect, Attorney-General, just a little concern - we do not put it any higher than that - that there was not a whole lot of information provided in your second reading speech.

Will it be the case - we assume it is but we would like your confirmation - that the Community Justice Centre will deliver annual reports? That report, of course, can be used by all Territorians as an indicator of the success or otherwise of this project. We look forward to receiving those reports if they are tabled.

I wonder whether you have set a time frame for the review of the centre. I would like to think that you would not just enact this legislation and leave it open-ended from there. I would like to think that there might be a review every two, three, five years. Community Justice Centres are very interesting and I am very supportive of them. It is important that we, as legislators, monitor the results to ensure that the Community Justice Centre achieves the objectives that all of us want. I will not be able to walk into a Community Justice Centre and ask for the figures. However, I am a member of parliament and I do have a constituency to represent. I would be grateful if you would indicate whether you would regularly review the service.

With those comments I conclude. Please note our support, and I would be grateful if you would reply to the specific points I raised.

**Dr TOYNE (Justice and Attorney-General):** Madam Speaker, I thank the opposition for their support. I would have to say, though, that to be asking for details of the type you are asking, it would have been nice to be able to provide those to you ahead of the debate. We are quite happy to fill you in on the details that you have requested, but it just seems a bit odd to be doing that after we have debated the bill, not before.

**Ms CARNEY:** A point of order, Madam Speaker! Is the Attorney-General suggesting that the parliament of the Northern Territory is not an appropriate place to ask for information arising from legislation that the Attorney-General brings in to the House? If he is, it is an outrage, it is anti-democratic. How dare you?

**Members** interjecting.

**Madam SPEAKER:** Order! Order! There is no point of order.

**Ms MARTIN:** Madam Speaker, I would just like to briefly respond. While the Opposition Leader is getting hot under the collar, I explain the process of this parliament. We bring the legislation in. It lays on the table of the parliament ...

**Ms Carney:** I have been patronised by experts. You are not even close.

**Madam SPEAKER:** Order! Leader of the Opposition!

**Ms Carney:** Don't you explain ...

**Madam SPEAKER:** Order! Leader of the Opposition!

**Ms Carney:** ... the parliament's mechanics. How dare you!

**Madam SPEAKER:** Order! Leader of the Opposition!

**Ms MARTIN:** Madam Speaker, I say with all genuineness that we put legislation through a second reading process and, after that time, it is up to members on all sides of the House to get briefings on what that legislation is about. This has been a discussion based on information, rather than the Opposition Leader simply asking: 'Can you answer this question and that question?'. That is what a briefing is about.

**Ms Carney:** Oh, forgive us!

**Madam SPEAKER:** Leader of the Opposition!

**Ms MARTIN:** Madam Speaker, the Opposition Leader can yell and scream, which is her right to do, but there is a process in here. To have the Opposition Leader simply come in ...

**Ms Carney:** And ask a question!

**Madam SPEAKER:** Order!

**Ms MARTIN:** ... and say: 'Answer all these questions', without a briefing, is not doing her job.

**Ms Carney:** Oh, rubbish. You have no idea what you are talking about.

**Madam SPEAKER:** Leader of the Opposition!

**Ms Carney:** Thank you, Madam Speaker.

**Dr TOYNE:** Madam Speaker, I will proceed now to deal with some of the issues that the Leader of the Opposition has raised. Are we creating bureaucracy? No, we are not. We are basically normalising the arrangements that already exists within the Community Justice

Centre by providing a statutory base for the future operation of the centre and establishing a proper committee to oversee its guidelines of its operation, and the details of its running in regard to matters that may be appealed at the centre. It is simply normalising what is already there. We are not creating something from scratch. The time line, therefore, is fairly swift. Assuming this legislation passes through the parliament, it would be our intention to enact the provisions that are called for in the legislation as quickly as possible.

In terms of the detail of matters at hand, I can provide some information here today. We can run you through the detail of what the centre has been doing to date if you want to make some time for that. The number of inquiries fielded by the Community Justice Centre increased from 540 in 2003-04 to 559 in 2004-05. Initial inquiries resulted in 295 files being opened in 2004-05; that is, an inquiry letter was sent to the party or parties, or mediation was commenced. Neighbour disputes constituted the majority of inquiries, and most matters that went to mediation involved situations where the parties were having trouble negotiating.

There has been an increase in successful mediation of disputes in schools involving teachers, parents, children, or disputes between children. The CJC currently receives most of its inquiries through external referrals with the police continuing to be the major source of referral for clients around the Territory. Fifty-three mediations were conducted by the CJC in 2003-04, with a success rate of 81%. There were 48 mediations in 2004-05, with a success rate of 85%. I hope that will give you at least a picture of what has been happening in the CJC to date.

We review any of our initiatives on an annual basis; it goes into the annual report of the agency apart from other ways that we may take to monitor the operations of any of our working divisions or community initiatives such as the CJC which receive funding from government. You have the opportunity, clearly, of asking some questions of us in the estimates each year. You have an opportunity to look at what is reported through our annual reports and other reporting mechanisms and, of course, you always have the opportunity to ask questions. We will keep an eye on this as we do with all of our initiatives. If there is a need for some more fundamental review of the centre and its operations, we will clearly do that as well.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

## STATUTE LAW REVISION BILL (Serial 24)

Continued from 12 October 2005.

**Ms CARNEY (Opposition Leader):** Madam Speaker, the Attorney-General and the Chief Minister will be delighted to know that I am not going to ask any questions about this legislation, notwithstanding that it is my right and, in fact, the right of any member of parliament in our Westminster system. I know it rankles members of government for anyone to ask them a question about anything, or to challenge them about anything; however, some of us take our jobs more seriously than others.

The Chief Minister, when in opposition, always got up on her soapbox and had a go at how anti-democratic the CLP was, and she would go on and on and on. My, things have changed! This is not an individual. Obviously, I think she is the worst Chief Minister that the Northern Territory has ever had! I think she is the worst member of parliament that the Northern Territory has ever had because she and some of her members on the other side have a fundamental difficulty with being questioned or challenged.

Maybe that is why someone leaked some documents to us. I know that staff up there are not happy. That is doing the rounds in Darwin in Labor and CLP circles ...

**Members** interjecting.

**Madam SPEAKER:** Order!

**Ms CARNEY:** Clearly, the Chief Minister is worried; Hendo is looking over her shoulder. Where is Hendo? Oh, he is not even here!

**Members** interjecting.

**Madam SPEAKER:** Order, order!

**Ms CARNEY:** This is the bloke who wants to be the next Chief Minister. It was very symbolic that the lights went out earlier this week! The lights are going out on the Chief Minister - and bring it on, I say, because the member for Wanguri would be a much more entertaining opponent. I do not know the Chief Minister well - why, should I? In substance and guts, the member for Wanguri would always make for more of a challenge.

Interestingly, the member for Wanguri does not enjoy being challenged or asked about anything either - in fact, he gets very twitchy when he is challenged. No doubt, staffers would be concerned about that. Although I have not heard too much about Hendo's staff. The Chief Minister's staff, particularly on the fifth floor, are

less than happy. I can well understand why. I can understand why because I notice there have been various changes and so on. No wonder they are unhappy. Perhaps the Chief Minister deals with them in the same way she deals with me when they question her - when they exercise their fundamental, democratic right to ask a question or to challenge and prod and say: 'Well, have you thought about this? Perhaps we can do it a different way'.

Madam Speaker, it is not for me to speculate, but I just make that observation in the context of the outrageous suggestions made by the Chief Minister and her friend, the Attorney-General, only a few minutes ago when we were discussing a bill that the opposition supported. If you want to go through it Chief Minister, then rip into it anywhere, any time, because I know the shortcomings of various legislation that is presented in this parliament, and I know that I have a democratic right to talk about it in this House. I know it rankles the Chief Minister, and you can go on and on about it until you have no staff left, but we will keep doing it because that is the very important job we have.

Now, returning to the bill, this is the Statute Law Revision Bill 2005. A lengthy bill, for obvious reasons. The Chief Minister and some of her friends will not appreciate why it is a lengthy bill, but it is a very straightforward one, and for that reason it is supported.

**Mr WOOD (Nelson):** Madam Speaker, I have some questions that I would like to ask, and because this is going to the committee stage, I may refrain from making any further comment at this stage. I certainly would like to comment on changes that have come before us this morning, which is under the new Part 8 – amendment number 6.4 - which, in the bill you put forward to us originally, Amendment of Local Government, section 12. I would like to leave my comments to the committee stage.

**Ms MARTIN (Chief Minister):** Madam Speaker, very briefly I want to repeat what I said when I spoke to that last point of order. We do bring legislation to this place. We are so happy to give briefings. We are very happy to have debate in this place but, please, I say to members, get those briefings before this legislation comes back in here. We are only too happy to give all information that we can about the legislation that is here and then, based on good information, we can have debate in his place. To say that the government does not want to have that debate is simply wrong.

As Opposition Leader, I insisted that every member had briefings on every item of legislation that came into this place, as is the duty and the

responsibility of members. We are seeing two examples here where, with that legislation, we are not being asked to give those briefings. I appeal to members: we are only too pleased to give briefings, please take up those opportunities. Do what is the right and responsibility of an opposition and Independent member.

**Dr LIM (Greatorex):** Madam Speaker, I was not going to speak before, but the Chief Minister is really spreading a lot of furphies. I have sought briefings from ministers. It takes months to organise a briefing - months ...

**Members** interjecting.

**Ms Carney:** Are you accusing my colleague of lying?

**Madam SPEAKER:** Order! Leader of the Opposition!

**Dr LIM:** It is quite an exercise. It takes a lot of time and effort to secure a briefing. It really is difficult. If the Chief Minister stands up here and says: 'Ask for a briefing, we will fix it up for you', then she should make sure she tells all her ministers and departments to provide briefings in a timely fashion. Otherwise, she should sit down and zip her lip, because what she is doing is wrong.

**Mrs BRAHAM (Braitling):** Madam Speaker, I will not make any comments on briefings. I have already told the House how we were treated last time we had a briefing.

It is interesting to see the amendments the minister is going to introduce this morning. Our research officer highlighted the changes to the *Local Government Act* and the section in particular that changed: 'The municipal council shall rate all land within its municipality' to 'A council must rate all land within the council area'. When our research officer rang the office of the minister to check if they realised what the implication of that huge policy shift was, they did not seem to know anything about it.

So we contacted the Northern Land Council and they were quite dismayed that there should be such a huge shift in policy to ask community councils to rate land which was Aboriginal land anyway and, in fact, could not be rated. I know they have spoken to your officer, minister ...

**Dr Toyne:** We have withdrawn that.

**Mrs BRAHAM:** ... and I realise now that you are going to delete that particular section. However, I want to say to you that with all the staff you have up there, it is terrible that that was not picked up when the bill was written. That is a

huge shift in policy but for some reason or other it was not picked up - I can see your advisors speaking to you - otherwise it would not have been in the original bill. I am sure it was only highlighted to you due to the simple fact that we had done our homework and saw it.

Minister, be aware that even though we are not lawyers, we do take these bills seriously, and this particular section would have created a huge outcry throughout the Territory if you had gone ahead with it. All I can say is that we will support the fact that you are amending it, but it highlights to me also that you need to look very carefully at some bills that are presented to you because I am sure that was an oversight. That was a decision which, if left in there, would have had crucial ramifications right across the Territory.

**Dr TOYNE (Justice and Attorney-General):** Madam Speaker, I cannot say how delighted I am that we have finally after all these years brought in a Statute Law Revision Bill and had a spirited debate about it. I cannot believe this. It is fantastic.

I do not think I can thank members for their support because I am not sure whether they are supporting it. Perhaps the best thing I can do to resolve some of the issues that have been raised, and I am not for a moment challenging the right of the members to raise these issues, is to explain the Statute Law Revision Bill process.

It is an ongoing, routine process whereby each government agencies which has legislation will audit the legislation for any spelling errors, or inconsistencies in the wording, or anything that is to do on the face of the bill itself. What it cannot be allowed to be is a policy shifting change to any of the acts that it deals with. It is an understanding amongst all members of parliament that we are not going to present a Statute Law Revision Bill which embodies a significant policy issue. They are simply housekeeping changes to legislation.

As Attorney-General, I receive the collated bill which has come from each of the agencies. In the case of the local government amendment, which has been referred to by the members for Nelson and Braiiting, there was certainly an inadvertent change which would be a very significant policy change if that was allowed to occur. We certainly do not want to have a situation where councils 'must' compulsorily rate no matter where they are in the Northern Territory. That is certainly what the word 'must' means to me. It was picked up by the agency eventually but not before I had introduced the bill into the last sittings.

I regret that but I have to point out that this process depends on the individual action of the

agencies of government. I am simply providing a compiled bill to the House.

I will be withdrawing the amendment to the *Local Government Act* because it simply is not a policy decision that any of us have made. It is not a policy decision that the Minister for Local Government has contemplated at any stage leading to this legislation. It will be withdrawn. There will be no change in policy embodied in this bill before us. I hope on that basis we can proceed to complete its passage through the House.

Motion agreed to; bill read a second time.

**In committee:**

Clauses 1 to 11, by leave, taken together and agreed to.

Clause 12:

**Mr WOOD:** Mr Chairman, the member for Braiiting raised an important issue. What has happened has highlighted that there was a fairly serious change that could have affected community government councils if this had gone through. It raises the question: would this change actually override another section in the *Local Government Act*, which is section 98, where a community government council can put within its own constitution whether it can charge rates? Would there have been a conflict if you had gone ahead with that within the *Local Government Act* itself?

**Dr TOYNE:** It is an academic question. If we are removing the changes, then why would you ask? It is not going to happen.

**Mr STIRLING:** It is hypothetical.

**Mrs Braham:** No, it is not hypothetical. It is actually there.

**Mr CHAIRMAN:** Member for Braiiting, the member for Nelson has the call.

**Mr WOOD:** Let me finish. We have this bill with an amendment which had some major effects. We found out that you were basically forcing community government councils to charge rates. You say that we have not inadvertently compelled community councils to impose rates. Is that based on the fact you were going to tell councils to rate Aboriginal land, and did you realise that it would conflict with section 98 of the *Local Government Act*, which deals with the possibility that local government councils can decide, through their constitution, whether they charge rates?

**Dr TOYNE:** The whole point of the amendment is that there has been absolutely no policy discussion about the issues that you are identifying, simply because the type of legislation we brought in, the Statute Law Revision Bill, is not policy-making legislation. I do not know in detail what happened in the local government area of government; I do not have that portfolio. However, I was assured that the wording of the amendment that they put into the Statute Law Revision Bill before us was inadvertent. There was absolutely no conscious process in the department of Local Government to change the current policy. It would be totally improper for them to put that forward without Cabinet approving the policy.

**Mr WOOD:** In the explanatory notes, it says that you were combining 'municipal councils' and 'community government councils' into one word 'councils'. The principal act, amended under clause 9, page 2 of the explanatory notes said the majority of the amendments are to Part IV of the act, and are designed to achieve parity between municipal councils and community government councils. Accordingly, the act is to be amended so the term 'council' is used whenever a provision is dealing with both municipal and community government councils. What happened to that concept?

**Dr TOYNE:** Changes put forward here would be just simply changes to tidy up the text of the act. It is not saying anything about the way in which government conceives of the status, the role, or the activities of various councils around the Northern Territory; it is just simply saying that we are adopting that terminology to refer to council bodies. I have just referred to the fact that the public servants working on the audit of the *Local Government Act* with regard to putting it forward to a Statute Law Revision Bill would be very clearly aware they were not to be, by any change that they proposed, actually making any change to the policies that the government is following in terms of local government and government bodies.

What this all boils down to is that there are human frailties in public service, as there are anywhere else. They have put a particular word into the proposed amendments which has a policy intent. They did not pick that up initially. We have now rectified that between when the bill was tabled and now. There is not a great deal of value in engaging in hypotheticals about what the government may or may not have intended in policy when there is simply no policy basis to this bill.

**Mr WOOD:** Didn't they do more than just change one word? The section they were dealing with was section 58, Rateable land: 'Subject to this act, a municipal council shall rate all land'. The change was: 'a council must rate all land',

which it also applies to municipal councils as well. It was more than just a change of one word. It was, as you say in your explanatory notes, giving parity between councils and then telling councils they must rate all land with its municipality.

I understand you are talking about statute law, but this raises an issue. I do not know when the *Local Government Act* will eventually come up for review, but it raises the important issue about the rating of Aboriginal land. That is an important issue; whether you can rate Aboriginal land. If you leave this as it is - even section 58: 'Subject to this act, the municipal council shall rate all land' - there is this whole issue of whether you need to identify whether Aboriginal land should be exempted. There have been court cases in Alice Springs. Litchfield Shire Council does rate Aboriginal land, and they do not get their money based on it being Aboriginal land. They get it based on the fact that the group that runs it is a charitable organisation. That is how they save anyone from having to pay rates.

The issue that raised this and brought it to attention was the rateability of Aboriginal land. There are some important issues here. It is not just about one word being changed; it raises a number of issues that are important for discussion. Maybe this is not the place and the time for that discussion, but at least it needs to be highlighted that they are issues that have come from this so-called inadvertent change to the words. That is what I am trying to flesh out.

**Dr TOYNE:** I can only repeat what I have said several times already: there is no policy change underlying what is in this bill. The policy changes that might or might not be contemplated will all go into the review of the *Local Government Act*. That is where we will consider any significant change in the way in which local government activities are legislated in the Northern Territory. You can believe me or not, but the fact is that we have now very carefully vetted these areas. We have taken out any provision that had some policy change as its basis, inadvertent as it was. This is now policy neutral. It is not in any way changing the extant policies of the Northern Territory government as regards local government bodies. It gets down to a case of I can assert that, you can believe it or not.

**Mr WOOD:** Minister, thank you for the explanation. However, in the explanatory notes it talks about the use of the word 'council'. Therefore, I presume anywhere in the act where it said 'municipal council', that now would be changed to the word 'council'. We have been referring to a particular part of the act, section 58. Were any other parts of the act affected unduly by the change of that word - from 'municipal council' to 'council'?

**Dr TOYNE:** I am assured by the public servant who worked on the bill, in particular on these committee stage amendments, that the content of Schedule 1, in terms of the terminology being used, in no way changes how local government bodies are viewed by the Northern Territory government, or the functions they are expected to carry out. The use of the word 'must' raised a possibility that councils on Aboriginal land might have been required to raise rates. That would be a policy change if it went forward. That is now to be removed by the committee stage amendment. We are back to square one. There is no change of any sort in the policy embodied in this bill. We need to move on because ...

**Mr WOOD:** Could I just have one more question?

**Dr TOYNE:** You are simply asserting the same thing over and over and I am telling you the same thing back.

**Mr WOOD:** No, I am not saying it all over. Look I just heard a big ...

**Mr CHAIRMAN:** Member for Nelson! The minister has indicated that he believes that he has answered the question as much as he can. I will allow you this one, but then we will move on unless you change the substance of the question.

**Mr WOOD:** Mr Chairman, there was just a debate around here about the adequacy of debate in parliament. This is a unicameral parliament and this is the only chance that this parliament has to look at the bill.

This was amended yesterday, minister, and it was the Independents who brought the issue to a head. That is why it is here, because we had a look at the legislation and it forgot about land rights. That is how it has come to be. Perhaps they should have asked us for a briefing.

What I want to know, minister, and it is just a simple question. In all these schedules, you have a whole heap of schedules, one of which related to what we are talking about today, about compelling community government councils to impose rates. With all those other schedule changes where the word 'municipal council' was changed to 'council', were they affected as well by this inadvertent amendment? That is what I am asking. You have now wiped out everything with this amendment. Does that mean all those other changes in Schedule 1 were also wrong? Or could they have stayed in with the word 'council', or 'council area'?

**Dr TOYNE:** No, they are not. There was a simple error in the word used in the provision we are going to withdraw. The rest of the schedules stand as put, and they do not change the policy. I

really am running out of patience on this. You either accept my assertion that there is not a policy change embodied in those, or you do not. Let us move on.

**Mr WOOD:** Point of order! I think there is a misunderstanding; the minister does not understand the question.

**Mr CHAIRMAN:** There is no point of order, member for Nelson.

**Mr Wood:** Mr Chairman, there is a whole pile of ...

**Mr CHAIRMAN:** Member for Nelson, please resume your seat.

**Mr Wood:** So much for open debate!

**Mr CHAIRMAN:** Would you please resume your seat, member for Nelson.

**Mrs BRAHAM:** Minister, I think you stuffed up! As simple as that! I do not think you intended this to be in your act with the ramifications. For instance, in your second reading speech you say: 'The purpose of these amendments is to see parity between municipal councils and community government councils'. That is a huge policy shift. You also say section 92 of the *Local Government Act* is to be amended so that it is clear that in addition to out-of-pocket expenses incurred in section 92(2) the councils may, in respect of legal action for unpaid rates also recover court costs, solicitor costs and enforcement costs. Is that going to go ahead? Are you changing the *Local Government Act* or are you reconsidering that in light of what has been raised in changing the schedule as you have?

**Dr TOYNE:** What has been introduced in the terminology that is being introduced into the act is just simply terminology. It is just simply to use a terminology that refers equally to local government bodies of different types. It is not about anything to do with operational money, or activities, or status, or anything like that. It is just simply to say we do not want to have all these different terms of reference of local government bodies scattered through our legislation. We want to have a generic term. That is what these schedules do. They bring the thing back to a generic term. They are not talking about anything to do with the functions, funding, status, or relationship of local government bodies. It is simply talking about the name that we give them.

**Mrs BRAHAM:** Mr Chairman, I take it that the changes that were to be implemented into Schedule 1 are no longer going ahead as regards changing 'municipal council' to mean 'council'; they are completely wiped out. So all references

to 'council', now 'municipal council' - and this is what the member for Nelson was trying to get through to you - are you quite sure you have covered all those areas where that has happened? Will we find places where it is referred to as 'council' in other parts of this bill where it will have ramifications that you are saying is only in terminology but we say is a shift in policy? Can you just reassure me that you do not have other areas in this bill where the word 'council' is used?

**Dr TOYNE:** Mr Chairman, I have gone back to the second reading speech and the section you are referring to. I read it out:

*The bill also makes several amendments to the Local Government Act.*

Which are in the schedule, particularly:

*The purpose of these amendments is to achieve parity between municipal councils and community government councils. This is done by removing the word 'municipal' from the phrase 'municipal council' in many provisions of the act. The effect is that the definition of 'council' which covers both municipal and community government council then applies.*

It is just simply adjusting the terminology so that all councils are referred to as councils rather than in different categories. That alone has no policy content whatsoever. It is just terminology. The only thing that had inadvertent policy content was 'councils must raise rates'. The word 'must' had a policy change embodied in it. That is going to be removed. The change in the name we give to councils in the act remains unchanged. There is no basis of policy to that change of terminology.

**Dr LIM:** Whilst you are not the Minister for Local Government, the members opposite are seeking reassurances that by removing the word 'municipal' you are not actually redefining the difference between municipal councils versus community councils. I recall that under the definitions, there were distinctions made between municipal councils and community councils and, therefore, the responsibilities for those different types of councils will follow the definitions of those councils. Perhaps the Minister for Local Government could give this House an assurance that there will be no unintended consequences as a result of the removal of the word 'municipal' from the *Local Government Act*. That is where things will go awry because the responsibilities for municipal councils are quite distinct from the responsibilities of community councils.

**Mr McADAM:** Member for Greatorex, to clarify this whole situation, as I understand it in the second reading speech by the minister, we used

the word 'parity'. What has occurred is that, as result of these changes which were described as minor changes, in effect, they are policy changes. It was never the intent of government to make these types of policy changes. However, some of those issues that you have referred to will be dealt with as part of the review of the *Local Government Act*. Does that clear it up?

**Dr LIM:** No, it is not clear for me. I have not spoken with the member for Braitling or the member for Nelson, but the three of us are signalling some concerns. If I go back to the words in the second reading speech:

*The bill also makes several amendments to the Local Government Act. The purpose of these amendments is to achieve parity between municipal councils and community government councils. This is done by removing the word 'municipal' from the phrase 'municipal council' in many provisions of the act. The effect is that the definition of 'council' which covers both municipal and community government council then applies.*

That says to me, you are a council, whether you are talking about the Santa Teresa Council or the Alice Springs Town Council. They are quite distinct, quite different; their responsibilities are quite different. Alice Springs Town Council does not have any responsibility for the provision of power on contract to Power and Water, for instance. They are the types of responsibilities that municipal councils do not carry.

This is a time where we should withdraw this section off the amendment and come back and deal with the *Local Government Act*. That might be a better way to do it. At the moment, it is not clear and there are some concerns here. What you are saying is: 'Take the Attorney-General's word for it that everything is fine, it is only a matter of terminology, nothing more'. The problem in our business is that every word makes a significant change to our intent. When you remove 'municipal', it changes the definition of our current municipal councils and their responsibilities.

**Dr TOYNE:** I do not know how many other ways I can assure members that there is no change embodied in the bill to the *Local Government Act*, there is no substantive change whatsoever. Once the committee stage amendments have been put through, the only impact on the *Local Government Act* of what we are doing today will be to correct some typographical errors. Anything which had inadvertent policy impact is being withdrawn by the committee stage amendment. I can only suggest we move forward and get to committee stage amendment on the *Local Government Act*

provisions and, hopefully, we can deal with it there. I can assure members and it is up to you whether you believe me.

**Dr LIM:** Minister, I want to move forward. I truly want to move forward because many of these amendments are necessary for the good governance of the Territory.

I draw your attention then to Schedule 1 regarding section 58(1). You are asking to omit:

*a municipal council shall rate all land within its municipality*

and change it to:

*a council must rate all land within its council area*

Then the Yuendumu Council, the Papunya Council, or the Maningrida Council ...

**Mrs Braham:** That has been deleted.

**Dr LIM:** That has been deleted? I am sorry.

**Mrs Braham:** It is going to be defeated.

**Dr LIM:** Okay, that is fine.

**Mrs BRAHAM:** Mr Chairman, I am not sure whether the member for Greatorex had the amendments that came out, but defeat has been invited for that section.

I ask the minister, regarding Schedule 1, in section 149(1)(g) you are asking us to 'omit 19J(3) and substitute 19K(3)'. I do not know what that is all about. This is a new amendment. It does not really clarify it for us. This is what we were trying to get at earlier. In your schedule now are there amendments that have further ramifications? Perhaps you can explain to us what those amendments are that you are now introducing.

**Dr TOYNE:** I just point out to members that, if you read carefully the committee stage amendments, the committee stage amendment is removing Schedule 1. This is the one you are picking over at the moment with the terms 'municipal council' and 'council'. In the committee stage amendment 6.4, Schedule 1 to the bill is to be removed and replaced with a new Schedule 1 which is on your committee stage amendment paper. If you have a look at the new Schedule 1, it has none of the council changes to terminology in it at all.

You are not being asked to sign off on those changes in the original Schedule 1; you are being asked to sign off on the ones on the committee stage amendments. Therefore, it is not an issue.

Those terminology changes are not being proposed once the committee stage amendment goes forward, and neither is the change to the compulsory raising of rates. They have been removed – or will be removed - if you allow me to get to the committee stage amendments.

**Mr WOOD:** Notwithstanding that, you are removing section 62(2) which relates to Entries relating to urban farm land. Section 62(2) of the *Local Government Act* says:

*Where a municipal council considers rateable land stated in the rate book to be urban farm land has ceased to be such it may, by resolution, direct the CEO to amend the rate book accordingly.*

My question is: why not just leave the change that is required; that is, changing 'municipal council' to 'council'. Because what you have done is take out all those sections because of a problem we had with one section. Why not allow the change to occur in some of the other sections of the *Local Government Act*?

**Dr TOYNE:** We have audited this. We have removed anything that has a policy intent or an inadvertent policy effect. Any policy issues of the type you are talking about are going to be embodied in the review of the *Local Government Act*, which you have every chance to participate in. However, we are not bringing forward anything in this bill which pre-empts what might come out of decisions about policy by government. It is a policy neutral bill. I suggest, unless there is some new concern, that we move along.

**Mr CHAIRMAN:** Before you ask your next question, member for Nelson, I will just ask you to reflect on Dr Toyne's statement. Please, if you have a question, go ahead.

**Mr WOOD:** I have reflected, Mr Chairman. I simply wanted some clarification. It looks like we threw the baby out with the bath water. We had a problem with one section of this schedule. If you are going to change the word from 'municipal council' to 'council' in that one section, that might have been a problem. In the other sections, was it really an issue of policy or would it have been good to have passed those today just as they are? Is it policy or is it improving the act, if that is what you were trying to do originally?

**Dr TOYNE:** I have nothing to say. Let us move on.

Clause 12 agreed to.

Clauses 13 to 23, by leave, taken together and agreed to.

New clause 23A:

**Dr TOYNE:** Mr Chairman, before I move amendment 6.1, I will just give by way of background the reasons for changes to the original proposed bill.

Section 233B of the Commonwealth *Customs Act 1901* creates offences relating to the export or importation of prohibited drugs, or possessing prohibited drugs that have been imported, or are suspected of having been imported, into Australia.

Schedule 1 Part 2, section 61 of the Commonwealth *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005* repeals section 233B of the *Customs Act*. The drug offences created by section 233B of that act are replaced principally by offences under Part 9.1, Division 307, of the Commonwealth *Criminal Code Act 1995*.

These Commonwealth amendments will commence operation on 6 December 2005.

Amendments to section 7A of the Northern Territory *Bail Act* and section 36A of the Northern Territory *Misuse of Drugs Act* are necessary to facilitate the continued operation of these provisions in response to amendment of the Commonwealth legislation.

Section 7A of the *Bail Act* provides for a presumption against bail in relation to certain specified offences, including an offence against the *Customs Act* in relation to narcotic goods punishable by a term of imprisonment for 10 years or more.

Section 36A of the *Misuse of Drugs Act* provides for the Director of Public Prosecutions to apply to the court for a declaration that a person convicted of a serious drug offence is a 'drug trafficker'. The court must declare a person to be a 'drug trafficker' if that person has been found guilty of various specified drug offences, including an offence against section 233B of the *Customs Act*.

At the moment, our legislation is referring to offences under the *Customs Act*. It now needs to be changed to refer to the Commonwealth *Criminal Code*.

Mr Chairman, I will now move amendment 6.1. New clause 23A provides for amendments to section 7A of the *Bail Act*. This committee stage amendment inserts a new clause 7A(1)(da) which includes an offence against the new Division 307 of the Commonwealth *Criminal Code* concerning serious drug offences, including importing and exporting border controlled drugs, formerly

referred to as 'narcotic goods' in the *Customs Act* section 233B, and border controlled goods.

Amendment agreed to.

New Clause 23A agreed to.

Clauses 24 to 26, by leave, taken together and agreed to.

New clause 26A:

**Dr TOYNE:** Mr Chairman, I move amendment 6.2.

New clause 26A amends the *Misuse of Drugs Act* by omitting section 36A(6)(g) and substituting clauses which refer to offences removed from the Commonwealth *Customs Act* and now contained in the Commonwealth *Criminal Code*. The new clause amends 36A(6)(g) by ensuring the citation style is consistent with other references to the legislation in the *Misuse of Drugs Act*.

A new subsection is added to section 36A referring to an offence against Division 307 of the Commonwealth Criminal Code.

Amendment agreed to.

New clause 26A agreed to.

Clauses 27 to 33, by leave, taken together and agreed to.

New Part 8:

**Dr TOYNE:** Mr Chairman, I move amendment 6.3. New Part 8 of this bill inserts an expiry clause which provides that the *Statute Law Revision Act 2005* will expire the day after it commences. This is a standard provision drafted by Parliamentary Counsel for the purpose of keeping the statute book tidy. It does this by removing amending provisions from the statute book the day after they have taken effect and are thus spent.

Amendment agreed to.

New Part 8 agreed to.

Schedule 1:

**Dr TOYNE:** Mr Chairman, I invite defeat of Schedule 1.

Schedule 1 negatived.

New Schedule 1:

**Dr TOYNE:** Mr Chairman, clause 12 of the bill, along with Schedule 1 of the bill provides for

various amendments to the *Local Government Act*. Most of these amendments relate to the rating provisions of that act. Members will appreciate that the statute law revision bills are developed through a process by which departments identify amendments in consultation with the Department of Justice, Parliamentary Counsel and the relevant ministers that do not require determination on substantive policy issues by Cabinet.

Statute law revision bills pick up spelling errors and incorrect cross-references. They may also provide for the rewording of provisions to clarify intent as in the case of the amendments to the *Bail Act* and the *Misuse of Drugs Act*. They may make changes that are necessary to ensure legislation continues to make sense.

The general intention of the amendments to the *Local Government Act* was to facilitate the operation of rating provisions of that act for community government councils. However, upon further examination it appears that the amendments may inadvertently compel community government councils to impose rates. The Department of Local Government, Housing and Sport has sought the withdrawal of the amendments as it is considered to be more appropriate for these issues to be dealt with as part of the review of the *Local Government Act* proposed to commence next year.

Mr Chairman, I move amendment 6.4. Schedule 1 of the bill is to be removed and replaced with a new Schedule 1. The new Schedule 1 only contains provision which make amendments to the *Local Government Act* which are typographical in nature.

Proposed new Schedule 1 agreed to.

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

Bill reported with amendments; report adopted.

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

Motion agreed to; bill read a third time.

### VISITORS

**Madam SPEAKER:** Honourable members, in recognition of the International Day of People with Disability, I would like to welcome staff from the Department of Health and Community Services, Carers NT, the Disability Advisory Council, Somerville Community Services and Carpentaria Disability Services. There are also people here from small business across Darwin in as well. On

behalf of all honourable members, I extend to you a very warm welcome.

**Members:** Hear, hear!

### WEAPONS CONTROL AMENDMENT BILL (Serial 29)

Continued from 19 October 2005.

**Ms CARNEY (Opposition Leader):** Madam Speaker, the opposition supports the Weapons Control Amendment Bill. In Question Time, we did refer to other weapons, but we appreciate that this is crossbows. We also appreciate the late amendment for which you had your television headline referring to schools and kids carrying weapons in schools. You got that headline, but it is not crossbows which are necessarily the problem. As you know, in many parts of the Northern Territory it is knives that are the problem.

A couple of weeks ago in Alice Springs, the Attorney-General and I met with several families who are very concerned about their teenage kids and gatecrashers causing problems. It used to be the case a year or so ago, in the words of one parent, that it was just a bit of 'biffo' between some young lads. However, things have changed, I am told. Minister, you are a dad - I do not know how old your kids are - and you may well be aware of this as well. Apparently, these days there is an increasing number of young people who are carrying knives. These are not the sort of knives that you get from hunting shops - well, certainly in Alice Springs they are not. These are, in essence, kitchen knives. In Alice Springs, we have had stabbings in the middle of the day, near the Post Office and outside supermarkets. The problem is a very serious one.

I do not propose to spend any more time on this, minister. However, having given our support for this bill and the amendments thereto, I would be grateful if, in your reply, you would give an indication as to what steps government might look to in the future about the weapons situation. I refer, in particular, to knives that you and I both know are being carried by young people. Is there anything on the horizon in new initiatives and or, indeed, other legislation, that you and your Cabinet colleagues have given some thought to with a view to protecting Territorians?

With those remarks, Madam Speaker, I will conclude.

**Mr HENDERSON (Police, Fire and Emergency Services):** Madam Speaker, I thank the Leader of the Opposition for the opposition's support for this amendment bill. It really is quite straightforward. In regards to the questions from the Leader of the Opposition about the issue of

children - young adults - carrying knives and other offensive weapons, that is not to be tolerated. It is illegal to have a concealed weapon on your person. I was briefed by police during Question Time. I knew there was an Operation Sharp Edge running in Alice Springs. That operation finishes tomorrow. Obviously, the police will release results of that particular operation. It is illegal for people to carry weapons in public; a knife is considered a weapon.

What this legislation does, in part, is to clarify and make certain that the police will have powers once this bill is passed, if they have any intelligence, information, or reason to believe that a student, or any person, on school grounds is carrying any offensive weapon - and those weapons are prescribed in various schedules - to search without a warrant. The issue was that those powers were, without question, applicable to a public place. There was a legal, technical query - and I am sure the Leader of the Opposition is better able to understand those technical, legal nuances than I am - regarding whether a school was defined as a public place. This legislation makes that very clear. Police have the capacity, if they believe that somebody is carrying a knife - and that could even be a kitchen knife.

The understanding I have is that a couple of the very unfortunate murders which have occurred in the town camps in Alice Springs in recent times have been with implements such as kitchen knives and bread knives. That is tragic. If a person is walking down the street with a bread knife or a kitchen knife, or taking that into school, then that is classed as an offensive weapon and police have the powers to stop and search. If the police were to come to me, as they did in this instance, with a requirement to clarify legislation, or for additional powers to enable them to further crack down on people who carry such weapons in public, I would take that submission from the police very seriously and bring it to Cabinet as soon as I could.

In relation to the crossbows, this issue came about as a result of a Police Ministers conference some 18 months ago where, in New South Wales, there had been a tragedy where a 17-year-old male had taken a crossbow into a school and shot his ex-girlfriend. As a result of that tragic incident, the New South Wales Police minister moved at APMC to outlaw the sale of crossbows throughout Australia, and called on the Commonwealth to ban the importation of crossbows into Australia.

On advice that I had from police, and also from the broader community, we have people who quite legitimately own and use crossbows in the Northern Territory, particularly in the Top End. It is not my idea of a good day out, but there are people who like to use crossbows for hunting feral pigs. The advice from police was that they did not

believe that that constituted a significant problem. I went to the following APMC and put a proposal identifying that our legislation did not prohibit a person under the age of 18 years from owning a crossbow in the Northern Territory. Given that it could be used as a lethal weapon - and it certainly is a lethal implement - the legislation makes it very clear, today, that it is an offence to supply, own, or possess a crossbow if under the age of 18 years. I went to APMC and said that I could not support a total ban. The Commonwealth, therefore, could not implement import restrictions, and offered to implement a regime in the Northern Territory whereby, as this bill does, it makes it an offence for people to sell crossbows in whole or in part into a jurisdiction in Australia that has a prohibition on them.

That is where the legislation came from. It did not come from a specific incident in terms of misappropriation of the use of a crossbow in the Northern Territory, but it does respond to concerns by police ministers interstate.

In relation to the powers for police to search without warrant on school grounds if they believe somebody is carrying a prohibited weapon, this legislation makes it very clear that police have those powers. In the event that the police were to bring to my attention additional powers that they require for deficiencies in existing legislation to enable them to crack down on the small numbers of people who do carry offensive weapons, of course, I would consider that.

At a press conference this morning, as an indication of how this legislation might be used, police showed me a flick knife. It really was quite an alarming knife. It was very light in weight. It had come to their attention as a result of somebody in Alice Springs who ordered this particular flick knife from the United States over the Internet. He paid his money. The knife had been posted and the blade actually escaped from its sheath and cut a postal worker's hand in Alice Springs. They reported it to police. The police went to that particular individual and said that they would have to seize that knife because it was an illegal weapon. The person involved did not understand that he was purchasing an illegal weapon and charges were not laid at the discretion of police.

It just goes to show how easy it could be for say a 15-year-old child to order such a weapon over the Internet, pay for it, conceal it in their home and take that weapon onto school grounds. If a similar incident had occurred, police would be able to track that back to the person who purchased it and, if they were on school grounds, use these powers to search that person with very defensible beliefs that that person may be carrying an offensive weapon.

I believe it is good legislation. It is not aimed at a very specific and large problem in the Territory. It does come from a police ministers' council and an ambiguity the police raised with me that currently exists in the legislation. I thank the opposition for their support.

Motion agreed to; bill read a second time.

**In committee:**

Clauses 1 to 4 taken, by leave, taken together and agreed to.

**Mr HENDERSON:** Mr Chairman, I invite defeat of clause 5.

Clause 5 negatived.

New clause 5:

**Mr HENDERSON:** Mr Chairman, I move amendment 4.1 to insert the proposed new clause 5 in the bill.

In the new clause 5, in fact, the insertion of the words 'or school' in section 7(1) after the words 'public places' is unchanged from the original bill in the new clause, but a new section 7(2A) is inserted so that the general offence of having a controlled weapon in a public place is kept separate from the specific offence relating to children created by the new clause 5A that is subsequent to this clause. This committee stage amendment is required to give lawful effect to that offence.

In plain English, I am advised that this is a technical amendment recommended by Parliamentary Counsel to avoid inconsistency between the existing adult offence provisions and the new children's offence provisions in regard to having a controlled weapon in a public place.

In terms of what is defined as a controlled weapon, adults can have a crossbow for the lawful excuse of hunting, for example, and therefore that lawful excuse is covered in an existing legislation. However, this technical amendment makes it very clear that, for a person under the age of 18 years it is an offence to own a crossbow for any reason whatsoever. It is a technical amendment to make it very clear that for someone under the age of 18 years it is an offence to have a crossbow in their possession, or for the sale and supply of a crossbow to a person under the age of 18 years.

New clause 5 agreed to.

New clause 5A:

**Mr HENDERSON:** Mr Chairman, I move amendment 4.2 to insert a new clause 5A. This

clause inserts a new section 7A into the act, making it an offence for a person under the age of 18 years to possess, carry or use a weapon referred in the proposed section 11A, being the section created by clause 6 of the bill. The only weapon referred to in section 11A is a crossbow, controlled weapon, although there is provision for additional controlled weapons to be included by regulation. The maximum penalty for the offence is 200 penalty units or imprisonment for 12 months. If the offence is committed at night time in a public place or school the maximum penalty is doubled. This is consistent with the corresponding adult offences in section 7. That technical amendment is linked to the previous clause to make it very clear that it is illegal for a person under the age of 18 years to possess, carry or use such a weapon.

New clause 5A agreed to.

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

Bill reported with amendments; report adopted.

**Mr HENDERSON (Police, Fire and Emergency Services):** Mr Acting Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

**PETROLEUM (SUBMERGED LANDS)  
AMENDMENT BILL  
(Serial 26)**

Continued from 20 October 2005.

**Mrs MILLER (Katherine):** Mr Acting Deputy Speaker, this bill is important to tidy up Territory legislation to conform to Commonwealth legislation on the same matter. However, I would like to take members back a little, which may help some of the newer members understand the complexities of this matter and some of the offshore debate which, at times, has been clouded in emotional rhetoric by the government and, in particular, the Chief Minister resulting in the Northern Territory government now been locked out of any serious discussions.

The Greater Sunrise International Unitisation Agreement simply unifies the Sunrise gas fields to be developed as a single unity and establishes the proportions of the field in each of the jurisdictions; that is, 79.9% in Australian waters and 20.1% in the joint petroleum development area where it is a 90:10 split in favour of Timor Leste.

The split was recognised in the Timor Sea Treaty and the IUA was negotiated and signed off by both governments at the time the treaty was

ratified in 2002. Australia has ratified the IUA which needs to be done through the Commonwealth parliament. However, Timor Leste has not ratified the IUA through its parliament as it was holding a position of wanting a better deal in regards to greater share, boundaries and the like.

This did not establish a formal Greater Sunrise area as it is now called. Then followed the current situation which has taken from mid-2004 and is still not settled; that is, the Sunrise Revenue Sharing Agreement. This does not affect the IUA or treaty but, rather, defines a sharing of revenue between the two sovereign governments. This has not been signed off by Timor Leste and the last I heard, the Australian government is standing firm on the deal on offer. The terms of the revenue sharing agreement include acceptance and ratification of the IUA as it stands, and no change to maritime boundaries.

Last year, the Australian government approached the Northern Territory government and advised that, due to the diplomatic and foreign nature of the issues, it would be appropriate that the Australian government dealt directly with Sunrise rather than as a joint designated authority with the Northern Territory. That speaks volumes for how the Australian government views the Northern Territory government. It is not up to handling such a sensitive, diplomatic issue, and has been cut out of the action - all due to how the Chief Minister and her government ran around on a mismanaged campaign to get Sunrise gas onshore.

As a result of this action by the Australian government, those licences that comprise the Australian side of Sunrise are excised, and now are under sole Australian government administration.

The remainder of the Timor Sea area has been renamed so that it is clear that it is under joint Northern Territory/Australian administration as before. All of these changes were necessary to reflect the Australian government's own legislation so that it was consistent.

It is likely that the Northern Territory government may still provide services for the Australian government for the Sunrise area under a contract basis, but not by statutory right - a sad indictment that the Northern Territory government is viewed as not good enough by the Australian government. The amendments are of an administrative nature and will clearly bring clarity to one aspect of the Timor Sea business.

**Mr VATSKALIS (Mines and Energy):** Mr Acting Deputy Speaker, what an unbelievable statement! It has nothing to do with the Northern Territory. It had nothing to do with the Northern

Territory, member for Katherine. You better talk to the person who wrote your speech and tell him to have a look at what really happened. I understand it is a technical bill and it is very difficult. I find it difficult myself. The reality is, two countries - Timor and Australia - made an agreement. Because of this agreement, part of area we jointly administered before will become the Greater Sunrise area administered by two countries. Only a small portion will come out of the joint administrative area. That will be the sole jurisdiction of the Commonwealth. The rest of the area will remain as a Commonwealth adjacent area, jointly administered by the Commonwealth and the Territory. It is very simple.

They are trying to tell us now that the Territory is not going to be able to administer the Commonwealth waters. Of course, we are not. We cannot - only with the agreement with the Commonwealth. At this stage, the Greater Sunrise is a defined area and will be administered by East Timor and the Commonwealth - full stop - two states. It has nothing to do with the Northern Territory government not being trusted by the Commonwealth government. The reality is the Commonwealth trusts the Territory, not only to administer the Commonwealth adjacent area, but to carry out environmental impact assessments for the Commonwealth. The Commonwealth trusts the Territory government to do a lot of work for the Commonwealth. It has nothing to do with trusting or not trusting the Territory government; it simply has to do with the two agreements between two states.

This is a simple, technical bill. This is a bill to amend the Territory legislation to recognise the fact that a small portion of the Commonwealth adjacent area will now go into the Greater Sunrise that will be administered by Timor Leste and the Commonwealth of Australia. It is nothing to do with trust.

If you want to go there, I would like to remind you that it was not the Labor government of the Territory that was not trusted by the Commonwealth or the Timor government, it was the ex-CLP Chief Minister. The Prime Minister of East Timor said: 'Out of the room, otherwise I sign nothing'. That was Denis Burke; it had nothing to do with us.

Not only that; I recall very well when the Chief Minister made suggestions to find a solution between Australia and East Timor and then, a few months later, came out with a solution that was very similar to what Clare Martin had suggested. It has nothing to do with trusting or not trusting the Territory. The Commonwealth trusts the Territory; we work very well together. We will work well together even in the sensitive areas like uranium. The Commonwealth trusts the Northern Territory

to administer uranium mines on a day-to-day basis and will continue to do so.

It is a very technical deal, I understand. I am disappointed in the person who wrote your speech because he tried to make a political statement. That deal has nothing to do with political statements, and I would strongly suggest you have some words with that person because he has misled you.

Motion agreed to; bill read a second time.

**Mr VATSKALIS (Mines and Energy) (be leave):** Mr Acting Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

**NORTHERN TERRITORY ABORIGINAL  
SACRED SITES AMENDMENT BILL  
(Serial 27)**

Continued from 20 October 2005.

**Mr MILLS (Blain):** Mr Acting Deputy Speaker, I will choose my words carefully as it is the decision of the opposition not to support the bill. I ask members to consider and weigh carefully what I say, and why it is said, and ask you for understanding.

It is not opposed for the reasons of having no respect for those matters which are sacred or secret. It is the way in which we as a community negotiate such difficult things. I believe that we could find a better way forward that strengthens the notion of trust in our community between two very different cultures. It is for that reason that I speak in opposition to the bill, and will pledge to find a better way of dealing with such difficult and delicate matters.

The two major cultures that occupy this land, being indigenous, the first Australians, and the non-indigenous, will be occupying this land for many years to come: our children and our children's children. We deal with these matters with the concepts, ideas and laws that we currently have. In this legislation, we seek to strengthen the existing machinery that is in place to protect that which is sacred. By doing so, we further create, I believe, cultural and conceptual separateness through the secrecy provisions and the reduction of natural justice.

I cannot see the next step after this. It is difficult to sustain the demand of trust in the non-indigenous community in such an environment; to call for an increased trust when there is increased secrecy. It is for those reasons that it is opposed. I restate that it is not to be interpreted as disrespect for that which is sacred,

because I have things which are sacred. I have an obligation in how I approach those matters and how I share that information with others. I have to take that on trust, but I have a preparedness to offer that to others.

We must find another way forward. I will speak about a step, my journey, of finding a way forward so that we, too, can walk together because, as an important proverb to me says, two cannot walk together unless they are agreed.

This bill represents an attempt to close the door on judicial review of administrative decisions. The decisions that are made by the Sacred Sites Authority have the potential, as they have in the past, to affect freehold. There have been two cases in Alice Springs where they have affected people's backyards, literally. I have memories from Western Australia where the requirement of trust in the area of understanding and accepting the claims of sacredness were to be accepted when it was a very difficult proposition to sustain. We have seen it in South Australia with Hindmarsh Island, where there were difficulties in maintaining the concept and the idea of the value of trust in that environment. I believe that we are beholden, creative and people of goodwill, to find a better way forward so that genuinely we can have trust increased, greater understanding, greater respect and an obligation to share at a deeper level.

The secrecy provisions in the sacred sites process prevents an owner from discovering, very importantly, why their property is being diminished. It is the idea of why: an understanding. That is what I want to see opened up. The access of the proprietary rights are not affected by the presence of sacred sites on land. Nevertheless, other rights are diminished when a sacred site is declared on a property. These include access rights; exclusive right as well as the value - the very monetary value is affected by sacred sites. That is a fact. The act has to balance the need for respect to secrecy in traditional culture with the need to protect the integrity of property rights generally. That is the issue here: the need to balance two very important concepts - the respect for secrecy and the integrity of property rights.

The current situation is that if you buy a block of land, a certificate is issued by the Sacred Sites Authority stating there is currently no known sacred site on the land. That situation could change and a claim lodged. The certificate does not mean much at all. This then presents all of us in our community with a problem. It is generally accepted that when a person makes a claim against another's property, then that claim should be able to be tested before a court. The court has the role of the unbiased third party. A court will want to be able to look at the evidence and make the best possible decision. That was the thinking

of the court that brought this situation into this House for amendment. A court would struggle to be an effective administrator of justice if it was blinded to evidence, and that is what this amendment seeks to do. It will blind a court to the veracity or otherwise of a claim. Remember trust: we need to feed the capacity of trust in order for us to be able to proceed together as one.

Whilst I appreciate that there are serious cultural sensitivities involved in determining sacred sites, there are also property rights that need to be determined. To deprive a court of the ability to look at this material is to simply say to a public authority: 'You have the ability to proceed without any possibility of judicial review'. I have commenced my comments with this: we as a community led by government, and government should come up with a better model than this. It is possible.

Surely it is possible to direct that the information examined by a court be examined in a closed court. If we have advanced and developed greater tolerance and understanding as a community, there is also the possibility that we could have a system whereby we could examine such sensitive matters in a closed court. Then make it a contempt of court to divulge any information leaked in the court. That is a possibility if we are considering working together for the greater good of all of us and our children being able to occupy our land together.

Anthropologists in such a situation can give evidence, as can the authority and, if a traditional owner so desires, they can also. If it is secret women's business, we could construct a court whereby those sensitivities are protected, but we open the door and allow these things to be weighed. We strengthen the judicial review and we the possibilities of trust. If you slam the door in the face of judicial review, it removes the umpire.

Indigenous people generally recognise that there are competing demands. Of the little knowledge that I have, I am fully aware of the level of competing demands for recognition of rights and competing rights. More than most, they know that. They also know that the songs, stories and lineage that they possess are the authority to possess a part of the land. They have those stories and songs as their title deeds. It is only very early stages, and I understand and respect that. However, to understand the complexity of concepts which I am unfamiliar with - no I do not, but I precede it with respect. There is also a reciprocal respect for the way in which I view the world and the way which we negotiate business, so that there is a crossing of that respect of two concepts.

Trust needs to be strengthened, separateness needs to be reduced and bridges need to be built. We commenced these sittings with a motion in acknowledgement of respect for Mr Lee. When he assumed the responsibilities of office for his people, most speakers referred to his moves to build bridges, open doors: 'Come and let me help you understand my world'. That is what I am talking about here. There is another door we can proceed through.

The second issue is the removal of the government's prosecution immunity for breaches of the act. Why would we do this? Are there matters that will arise out of this? This immunity is common in legislation for government for both criminal and civil proceedings. To remove it, in this instance without making any effective explanations, cannot be supported. How will this affect public servants in the bush? You say it does not; but I remain unconvinced. Are there any cases that can be brought to the books now to demonstrate the need for this aspect of change?

You have admitted that when building roads and delivering other services, your public servants could possibly make errors. This looks like we are rolling over to a particular interest, and the result will always be an issue of compensation. Never mind that you are building a road, a hospital or a school, if you upset a sacred site in that process, you have to pay as well. Would trust, in that context, be strengthened or diminished? Would respect be enhanced or reduced in that legal environment? We need to work these things out together in a more sophisticated way. There are people getting on with each other and understanding how to work together.

Finally, the extension of the prosecution limitation is a matter of convenience, I would suggest, more for investigators. They can take their time to bring an action. We do not make those allowances for other investigators like police. We demand that they get their cases together in timely fashion or forget the prosecution. I understand the arguments that have been put about why we need to extend it, but I am asking you to step back regarding what the intent is.

The overall combined intent of these three aspects of this bill combine to reduce judicial review externally, and diminish the capacity for someone outside this to have a look in. If this was in isolation, I could accept the argument. However, when combined with the other two elements, I have difficulty.

Statutory limitations are designed to tell people who commit certain types of offences that, because of the nature of the offence, the state cannot pursue that indefinitely. Summary and regulatory offences, such as these breaches, are

limited to a prosecution initiation time of six months because they are not considered so serious that a person should remain perpetually liable for misdemeanours. I understand in this case, though, we are talking about an extension from six months to two years. Hopefully, we are not going to labour on this part of the argument. I am talking about the combination of the three elements which come together to convince me and the opposition that it is necessary to oppose this bill.

The case made in the second reading speech for this particular issue is that it is an administrative convenience, and gave reasons why this time period should be extended. That is not supported either. The Crown absolutely has the responsibility, on behalf of our community, to protect sacred sites. We do not dispute that. What I, and the opposition, is proposing is the consideration of a new way of dealing with things. The argument that I offer to government is that this will not do that.

The Crown also has the responsibility to protect the normal systems of law. I said two cannot walk together unless there is some agreement - equal respect for the two different systems, codes and views of the world. One is not superior to the other, but the construct that we are offered here is making one superior and impervious to any scrutiny. Whereas one is open, the other is closed. 'Do not worry, we have to trust'. That is difficult for the average person.

I know these matters are difficult and they will require much discussion and soul searching. One way to advance this discussion is to consider a sunset clause; that there would be a time set whereby all that which is deemed to be sacred could be registered and recognised - a line drawn in the sand, an audit done, an assessment made, and the claims registered at a certain time. From after that time, that is the finish. I know where my sacred places are, and they can be determined and described, just as people of any faith can recognise their sacred places. However, to have it in a fluid way, where they can be recognised at one time, but not recognised at another time, is a very difficult concept for the majority of our community to understand. If there is that aspect of the uncertainty dealt with by having a sunset clause established - which I understand would be very difficult to do, but does not make it impossible - then it allows the two to work together in a better way than the current situation where there is perpetual uncertainty, which creates a diminishing of the notion of freehold title. What is my property? What are my actual rights? There is this uncertainty forever which is unable to be satisfactorily assessed. It does not mean there is no respect or valuing of that which is sacred or foreign, to my understanding. We have to find the

means to understand these things so that we can work together.

What strengthens my position in my mind is that I had the good fortune a few years ago to visit London, where I went to Westminster Abbey. The place was packed with people looking at the stories of the people who have occupied and worshipped in that place. There were no quiet reminders that this was a place of worship and sacred to the Anglicans. As a Christian, I also hold respect for places. That is another story, but I respected those who viewed that the altar is a sacred place, and I would not act in any way that would offend those who had views that this place is sacred. I found it interesting that there were Muslims, Sikhs, agnostic people, all sorts of people walking very respectfully through this place. There seemed to be hundreds of people, and they were being reminded that this still is a place of worship, and every effort was made to explain this place, the Anglican faith, and Christianity to all those who wanted to come in, in a respectful way. I thought that is interesting: a place that is sacred to one, places an obligation upon those who deem it to be sacred to explain and help others to understand it.

It takes me to another time. I visited a place where I learned that there were sections that were sacred. I thought: I would love to see it but I must respect. But more than anything, rather than stickybeak, I would love someone to help me understand it. I wanted to understand that which someone else deemed to be sacred, but there was no guide, nor was there an offer of someone to help me understand these things. I want to learn these things. I have been told some things by friends who have trusted me and I am fascinated by it. I never impose, but I feel privileged when the trust is developed that these things are shared. I believe if we go down that track, we strengthen our community and build bonds rather than closing it off.

We make it more difficult. Behind that, I am saying I have used the words in the beginning, 'separateness, apartheid, partition'; these are ensconced in the ideas that are carried in this bill. There is a division, a separateness, a wall, and a demand, in fact, to trust. Whilst scrutiny is reduced, secrecy is increased but trust is placed under greater pressure.

We only have to look around. We are in a very fortunate place in the Northern Territory, and if we do walk respectfully through the land we are told secrets. There are many people who visit here and desperately want to know the stories behind the scenes. I go back to the story that I just alluded to about knowing that there was something that I should not look at, and did not look at but wanted to learn about. I looked around to find if

there was somebody who could explain to me, and I found them at Timber Creek Hotel. Although they were interested that I was interested, they were not in a position to really want me to see it, or were more bothered about other things, sadly. I weighed the two things in my mind, the visit to Westminster Abbey and the visit to a place that looked very interesting. I would have loved to have known the story, but the signs told me I could not go in. There was no guide, no one to show me ...

**Mr Knight:** Perhaps you are not supposed to know.

**Mr MILLS:** ... so I stayed outside. If we go to Westminster, member for Daly, and the signs are outside 'do not look at this, do not go anywhere near it' that does not strengthen our ability to work together; that reduces it. That is my argument.

It is for those reasons that the opposition opposes this bill. I said at the beginning, I hope that members would listen and endeavour to understand and treat with some respect the argument that has been put forward. I trust that that has occurred. We respectfully oppose the bill.

**Dr TOYNE (Justice and Attorney-General):** Madam Speaker, I support the bill and to add what I can to the debate around these issues. While I have listened to the member for Blain, I feel that he does not have the first idea of what the base of indigenous culture is and the means of accessing it. The issues in here really turn around the fundamentals of indigenous culture.

These amendments will ensure the secrecy of Aboriginal Areas Protection Authority's records, clarify the liability of the Crown to prosecution, and extend the time limit in which prosecutions can be brought. All of these amendments were requested by Aboriginal custodians, traditional owners, organisations and the authority board. I remind members opposite that these are simply refining legislation that the CLP brought before the House at its inception. It is not like we are changing the whole basis on which these issues are dealt with in the community.

To take the areas of the amendments in a little more detail, regarding secrecy, the *Northern Territory Aboriginal Sacred Sites Act* has always provided that sacred and secret information which is provided by Aboriginal custodians can be kept secret. This secrecy is one of the cornerstones of the *Northern Territory Aboriginal Sacred Sites Act*. The secrecy of some information regarding sacred sites is a critical issue for Aboriginal custodians and the ongoing operation of the sacred sites legislation is dependent on custodians' faith in that secrecy being respected. It has previously always been considered that the secrecy of the authority's

records is not an issue. However, in the recent native title case, the justice determined that the court was not a person and could subpoena secret site documents from the authority. The amendments make sure that sacred and secret information provided by Aboriginal custodians can be kept secret where required and cannot be subpoenaed by a court.

If there are two things I have learned in my association with indigenous people while living out in the Warlpiri lands with the Alyawarra people over the time I have been in the Territory, one is the importance of the integrity of that system, that when people in the traditional structure take responsibility for ceremony, for country, they want to have absolute authority to disclose that information, or not disclose it, as their judgment dictates. The other thing I have learnt is that the member for Blain asks why we cannot have access to this sort of information in the same way as the Anglican Church provides information about their beliefs. You can. The Aboriginal people have been fulsome in their ability and their preparedness to bring trusted people into the knowledge that they have. Certainly in my experience, there has been no constraint. Once people have made friends with a new person coming to their community, they are very open about what is going on. They may still, quite rightly, want to keep areas secret to those people who have been initiated. However, to say that there is some intrinsic reason why other people cannot be brought into this belief system is simply not true in my experience.

The second issue is the liability of the Crown. The *Northern Territory Aboriginal Sacred Sites Act* currently binds the Crown but, in case law, this is not always clear. Case law would indicate that individual employees and agents of the Crown are liable to prosecution already. This is made clear in the amendment. However, this amendment also intends to make it clear that agencies and authorities are liable for prosecution as well.

On the question of whether the amendment is able to bind the Crown or the Northern Territory government, there has been further information sought on this from the Solicitor-General. I will not share that with the House; I will leave that to the minister carrying the next stage of the debate. Certainly, the Solicitor-General has clarified the situation between the two governments.

The extension of the time limit is a new section. Currently, the *Northern Territory Aboriginal Sacred Sites Act* does not provide a time in which to bring prosecution, meaning that the *Justices Act* default time limit of six months is applied. Despite there being a clear case of sacred site damage, difficulties in late discovery of the site damage, access to the site and seeking appropriate

witnesses and alleged offenders have often meant that prosecutions cannot be brought by the authority within six months of the damage occurring. This amendment will allow for two years in which to bring a prosecution and for consideration for further time should circumstances require.

Madam Speaker, this is not a radical reform of this legislation. The amendments address practical difficulties that those operating and supporting the act have brought to the minister's attention. I believe that there is absolutely no reason not to proceed with these amendments and we should put this bill through today.

**Mrs MILLER (Katherine):** Madam Speaker, I wanted to add a few words to this amendment bill. I thank the minister for organising a briefing yesterday. Unfortunately, I was only there for a short time because I had to go to another meeting, so I will base my comments on what I consider important issues.

This bill has been presented after a flawed consultation process, as it is my understanding that there has been no formal consultation with any industry group which would have an interest in this matter - not with the Cattlemen's Association, the Seafood Industry Council, nor with the Minerals Council. Indeed, I understand that there was little inter-governmental consultation and none with the land councils. How do we know that these proposed amendments are what is best for either the traditional owners or other affected stakeholders?

The proposed amendment to extend the definition of a person to include a court or tribunal, which is section 38, is unacceptable because it will mean that traditional owners or the Aboriginal Areas Protection Authority will not have to prove that the area is a sacred site. We would just have to take their word for it. That is not good law and will result in the denial of justice to anyone who gets pulled before the courts charged under that legislation.

While I would not place myself as an anthropological expert - and I certainly am not - I do know from my relationships with indigenous people in the Katherine region that, in time, some sites do change, with the passing of elders or traditional owners, such that an area or perhaps a tree is no longer considered sacred. How will this information be known in a court case if a defendant cannot access in confidence information from the records of the authority? There is no denying the direct and unique relationship indigenous peoples have to and with this land. However, this legislation will not give them greater protection for the land or sacred sites. Rather, I feel it will closet them in more bureaucracy and

frustrate the legal system and the courts, and deny natural justice to those who appear before a court or tribunal.

Madam Speaker, unfortunately, I cannot support this amendment.

**Mr McADAM (Assisting the Chief Minister on Indigenous Affairs):** Madam Speaker, I thank all members for their contribution thus far. It is important to understand that these amendments are designed to provide certainty to Aboriginal people that their sacred sites and cultural information are being protected. From another perspective, it also provides that same protection and certainty for non-Aboriginal people; to know that there is a strong acceptance that there is a need to protect sacred sites.

I make the point that this act has been in place for some 25 years; it has stood the test of time. There is no doubt that, in certain circumstances, there have been disputes and great political differences in regards to particular act. However, there is no doubt whatsoever that it has stood the test of time. You only have to go through a whole host of other reports - and I refer to part of the Reeves report and the review conducted by Justice Elizabeth Evatt. She found that the *Northern Territory Aboriginal Sacred Sites Act* represented best practice. She found that the Northern Territory act is the only act in Australia that meets minimum standards for indigenous cultural protection. It is probably not appropriate at this time to go through all the details of some of the responses as I am absolutely certain that these matters will be dealt with as part of the committee process.

It is important to understand that this is the same act - the very same act - that was introduced by your government. I have no doubt that, at some time in the future, it will need to be looked at. However, this is not the time to look at it. Essentially, what we are dealing with here are amendments and a new clause to do with the extension of time limit.

I want to go back a bit because, as I said, there is a view on the part of the opposition that these are new amendments. This is not the case at all. In regard to the secrecy provisions, the *Northern Territory Aboriginal Sacred Sites Act* has always provided that secret, sacred information which is provided by Aboriginal custodians can be kept secret. As I mentioned previously, this secrecy is one of the cornerstones - it is a tenement, a reason why indigenous Aboriginal people live; it is their very existence.

I cannot understand the member for Blain suggesting that you can apply a sunset clause to that. It is very important to understand the reason

the act is in place; that is, to respect and understand, and to put in law to protect the sacred sites of indigenous people in the Northern Territory. There can be no argument about that. It is something that has served the test of time, and it will continue to do so. These amendments are not new, as such.

I also want to talk about the liability of the Crown. The *Northern Territory Aboriginal Sacred Sites Act* already binds the Crown but, in this case, the law is not always clear. I am aware that we are going to invite the defeat of section 4, that part that applies to the Commonwealth, and we will give an explanation about that later. Case law indicates that individual employees and agents of the Crown are liable to prosecution already. This is made very clear in the amendment.

This amendment also intends to make it clear that agencies and authorities are liable to prosecution as well, and that is what did not occur in the previous act. It is important to understand that the reason why this act will be put into place is that indigenous people and organisations have become concerned over a very long time about the treatment of their sites and the potential for damage of those sites. It is sad to say that some the government agencies have been helpless in certain circumstances. Normally, those sorts of things arise in regards to authority certificates. Essentially, what this amendment is trying to do is to ensure that, for instance, if a government agency or a government department deliberately, knowingly damages a particular site, then they too will be responsible, just as are other citizens of the Northern Territory. That is the new amendment that applies in this particular area.

Regarding the extension of time limit, I noted that the member for Blain suggested that he did not have a great degree of difficulty in regards to this. This is a new section of the act. As you know, the present act does not provide for a time to bring prosecutions and, in effect, means that it applies by default under the *Justices Act*, where a time limit of six months is applied.

The reason why we want to be able to go out for two years, with some capacity for the courts to be able to extend that, is that, in certain circumstances, there could be a late discovery of damage to a particular site. Or, once a complaint is made or the matter is under investigation, access to the site is not always possible within that six-month period. We all know why that is. In certain circumstances, there could be excessive rain, or there could be sorry business going on in indigenous communities. We have to recognise that because, if we, for 25 years, have recognised the significance of the *Northern Territory Aboriginal Sacred Sites Act*, we also have to be able to, under these new amendments, recognise

and acknowledge that there are other circumstances out there which do prohibit the capacity of the Aboriginal Areas Protection Authority to be able to conduct their business. This is one of the reasons why we seek this extension. There could also be difficulties in being able to find appropriate witnesses. All this is not possible within the existing time frame under the *Justices Act*.

In summary, it is very important to understand that for 25 years this act, one of the best-practice acts - in fact, recognised as the best-practice act in Australia - has stood the test of time. I understand in a way where the member for Blain was trying to get to. There is a very basic premise here that sacred sites of indigenous people, Aboriginal people, should be protected. Under the *Northern Territory Land Rights Act*, the source of this particular act, it gives the Northern Territory the right to be able to introduce this sort of act, very implicit, and that is recognised by the federal government. The source of law for this particular act arises from the Commonwealth *Aboriginal Land Rights (Northern Territory) Act*, so it is recognised.

For you to say we want to review it, or there is a better way forward, I do not think you truly understand or appreciate what the sacred sites legislation is about. As I said, there is a great degree of certainty under this act and there has been for 25 years. I acknowledge that there have been some differences but in almost all circumstances, there are very few where this act has not been able to find the balance between the rights of indigenous people and those people who today, for instance, want to develop their land, be it a pastoral property, a mining industry, or a block in Alice Springs. It does provide a degree of certainty and there are mechanisms available.

To suggest in any way that the Aboriginal Areas Protection Authority is going to prosecute a case or, indeed, take up a matter without having the relevant proof, or to be able to prosecute a matter - you do not go out and prosecute anyone unless you are absolutely certain, you have a degree of certainty. That is precisely the position that the Aboriginal Areas Protection Authority will take.

When, for instance, an entity is prosecuted, and if there is any doubt by that entity of that not being a sacred site, then there is a mechanism for review. There is a mechanism for appeal. The Aboriginal Areas Protection Authority has the absolute right to ensure that the information being provided is just that.

They are not going to be in a position to provide information about the story in respect to that sacred site because that is a given. There are

processes available within the Aboriginal Areas Protection Authority, the *Northern Territory Aboriginal Sacred Sites Act*, to ensure that there are open and transparent processes – at all levels; from the registration of a site right through to where the authority is obliged to advise the landholder of the existence of a registered site, not a recorded site. They have to advise the land-holder.

The real test of all this is that the member for Blain was talking about trust and people working together. That is a great objective. What we are talking about here is the protection of the most relevant and critical information of the existence of indigenous people from time immemorial. I say to the member for Blain that, in these circumstances trust is obtained from the issuing of a certificate, or the certificate of authority, and that provides a certainty. What I am saying to you is I understand the positions.

Madam Speaker, I thank all speakers but it is appropriate that we go to the committee stage.

Motion agreed to; bill read a second time.

**In committee:**

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

Clause 4:

**Mr McADAM:** Mr Chairman, I invite defeat of clause 4.

**Mr CHAIRMAN:** The question is that clause 4 stand as printed.

**Mr McADAM:** May I have one second, Mr Chairman? Sorry, Mr Chairman, what are you asking of the Assembly?

**Mr CHAIRMAN:** I believe we are moving amendment 5.1.

**Ms CARNEY:** Mr Chairman, obviously there is some confusion. The opposition would not object if you were to adjourn the Assembly to enable the government to get its act together to ensure that its legislation passes.

**Mr CHAIRMAN:** I do not think we are in the position where we need to consider adjourning the Assembly, Leader of the Opposition. Leader of the Opposition, I ask that you refrain from whistling.

Clause 4 negated.

New clause 4:

**Mr McADAM:** Mr Chairman, I move amendment 5.1. This is the new clause 4 which clarifies the extent to which that act binds the Crown, and specifically the liability of the Crown to prosecution for offences under that act.

New clause 4 agreed to.

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

Bill reported with amendment; report adopted.

**Mr McADAM (Assisting the Chief Minister on Indigenous Affairs):** Madam Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

**MOTION**  
**Note Paper – Treasurer’s Annual Financial Report 2004-05**

Continued from 20 October 2005.

**Ms CARNEY (Opposition Leader):** Madam Speaker, the Treasurer’s Annual Financial Report has been the subject of a great deal of discussion during the week. For the purposes of the *Parliamentary Record*, I direct anyone who in future will read my contribution today to the censure motion the opposition made against the government at Question Time on Tuesday this week, and the motion in relation to the GST revenue on General Business Day, yesterday. It is fair to say that we went through a number of issues at length. I do not think it is terribly important to go through all of them, having referred the reader or the listener to earlier debates.

However, there are some issues that remain unresolved and we look forward to them being resolved - some sooner rather than later - in relation to what is being described in this place and outside as the impending sale of the Territory Insurance Office. We look forward to the Treasurer coming clean in the new year and telling Territorians whether they can expect to be insured for flood and cyclone damage.

We have done a little work on the differences between the insurance offered by TIO and a number of other insurance companies in this country. We have not gone to all of them, but we have certainly contacted some of them, and it is has been very interesting. It is the case that, on our inquiries, TIO is the only place that will offer full cover for storm, flash flood, rain water run-off, cyclone, flood, and storm surge.

The Treasurer and his colleagues know that Territorians are, quite rightly, concerned about this. I did not hear it - so if I am wrong, please

forgive me - but somebody told me that they heard or read something the Treasurer said, that he would ensure that Territorians would be able to have the same level of protection in the event that TIO was sold. If that is the case, then my information is that that is simply wrong and misleading. The Treasurer knows that he cannot guarantee the terms that a private insurance company will offer to people who sign up to it. We look forward to the Treasurer coming clean in the new year, and we share the concerns that Territorians have expressed about their insurance.

On this, Treasurer, I would be delighted if I am proved wrong, because we do not want or we do not see the need for TIO to be sold. However, it is a coincidence as to its timing. Its timing is curious, but when one looks at the budget, TAFR, and all of the annual reports of government departments, it is very obvious that the government needs money. That is why this government is motivated to sell TIO.

Let us have a look at why it is that the government does not have any money. The departments blew their budgets, spent in excess of \$100m. The government blew its appropriation by nearly \$100m last year. Departments overspent by \$135m, or thereabouts, last year. The Auditor-General has qualified the Treasurer's Annual Report and the Auditor-General has said it does not present fairly.

**Mr Stirling:** As he has for six years.

**Ms CARNEY:** Why the Treasurer is so reluctant to use accounting standards that are used elsewhere, I do not know.

**Mr Stirling:** They are not, actually.

**Ms CARNEY:** In any case, whatever explanation he seeks to give cannot be taken seriously. This is a government that is the Labor template. It is Labor franchising. What happens in another jurisdiction? Maybe their staffers ring each other up and say: 'What are you blokes doing today?' 'Oh, we are doing this', or 'We have a good idea'. It makes sense, I suppose, to have a bit of a link between all of the Labor governments throughout the country.

I will happily digress, Madam Speaker. I understand that there are also cooling relationships between the Queensland Labor Party staffers and the staffers on the fifth floor of Parliament House. Someone contacted me a couple of hours ago to tell me that. I will not tell the full detail of the story - I am pretty sure it was Queensland - because it involves language that is, may I say, decidedly unparliamentary. However, I digress. No doubt being in government probably

carries its difficulties, but it behoves us all - does it not? - to behave well.

In any case, if other Labor governments are happy to apply or use the same sort of standards when it comes to their book work, then I wonder why it is that the Northern Territory and this particular Treasurer does not want to do it. No doubt that is why the Auditor-General said, and I will say it again, that the Treasurer's Annual Financial Report does not present fairly. Even the most naïve of us would become suspicious.

We also know there are various valuations of assets owned by the Northern Territory population that have been inflated ...

**Mr STIRLING:** A point of order, Madam Speaker! I just wonder where it is that the Auditor-General says that the Treasurer's Annual Financial Report does not report fairly? In the interests of accuracy for *Hansard*, and in the interests of not allowing the Leader of the Opposition to meander into areas where she might mislead parliament, point to me where the Auditor-General says that the TAFR does not present fairly.

**Ms CARNEY:** Madam Speaker, speaking to the point of order, there is no point of order. The Treasurer - and he has demonstrated it today in the Department of Community Development, Sport and Cultural Affairs - does not know what is in his documents tabled by government in this House. There is clearly no point of order. The Treasurer has an opportunity to reply and, in his reply, I urge you to encourage him to contain what meaningless points of order he seeks to raise at this point.

**Madam SPEAKER:** Leader of the Opposition, have you finished your comments?

**Ms CARNEY:** No, Madam Speaker. In any event getting back to the issues at hand, we also know that there have been a number of assets that have affected the balance sheet in the government's favour, and I spoke about them a day or so ago, and that includes Power and Water. I cannot remember the figure off the top of my head - I have it somewhere and it has certainly been on the *Parliamentary Record* - but there have been a number of assets, and Power and Water is just one of them, in which the Territory assets are over estimated. That naturally affects the balance sheet.

What else do we know? We also know that on present predictions nett debt will increase. Why do we know that? Well, there are all sorts of reasons but one of them, of course, is the predicted slowing up or reduction of GST revenue. I understand that my colleague, the member for Blain, has attended many Treasury briefings - and

correct me if I am wrong, member for Blain, but Treasury officials have indicated to you, once asked, that yes, there is an expectation that GST revenue will be diminished.

**Mr Mills:** Yes.

**Ms CARNEY:** Thank you, member for Blain. Therefore, to the extent that we can predict these things \$1.7bn is likely to be the nett debt in a couple of years' time. I thank my colleague, the member for Blain. To make life easier for you, Treasurer, since you clearly have know idea what is in your own documents, page 21 is the answer to your question.

We also know that there are a number of projects in the Territory on hold. The government can say what they like, but Desert Knowledge is on hold; it has been shelved or, as the *Centralian Advocate* put it, it is on ice. There has been an inflation of the budget and that is why the project has been put on hold because government cannot afford it.

We also know that the government has broken its promise in relation to building the high school at Palmerston. We also know that it is shutting down Irkerlantye in Alice Springs because, one can only assume, government needs some money. We also know that the Mereenie Loop Road is still experiencing ongoing delays - some of which the Treasurer, in his answer yesterday to a question knows about and some of which he clearly does not. In any case, they are some but not all of the projects that are on hold.

Almost everything is on hold except the waterfront development, and there are questions as to why that is the case. Some would say that it is because our Chief Minister is so desperate to have something built it does not matter what else is not built or constructed. As long as the waterfront is, that is okay because, by the time the next election comes around, if she is still here, if the member for Wanguri has not stuck the knife in by then, the current Chief Minister can pull the string, open the curtain, and say: 'This was opened by' - I cannot mention her by name, but this was opened by the Chief Minister.

Presumably there would be an expectation that the voters in the northern suburbs of Darwin, forgetting about those everywhere else in the Territory, would be quite impressed with the waterfront development. It is an impressive development. It came into existence courtesy of the Country Liberal Party. Again I say that the original plans are up in my office. I am happy to bring them down if those members of government simply do not believe that they exist. As I have said repeatedly, I am happy the Country Liberal Party supports the waterfront development, and

why wouldn't we? But we are concerned to ensure financial propriety. This was a government that came in at the last election - here is the good old 'Good Government' paper. I said last time I referred to this fascinating document that I understood it had been taken off the Labor web site. I forgot to check it but this was when Labor Party people really believed in things. This was about transparency and Labor's new direction on good governance.

**Mr Mills:** Beautifully read!

**Ms CARNEY:** It talked about the parliament - and it was beautifully read, I might say. Whenever the Chief Minister read it and talked about it, the presentation was pretty good. Labor's new direction; they were promising to do all sorts of things. We had the discussion, Madam Speaker, earlier this week - you and I and a few others rang ABC radio about the length of questions. In this document, Labor said - it is in here somewhere - they were a bit minded to contain answers to five minutes. That has gone out the window as well.

Back in the days when the ideologues on the other side thought they knew what decency, transparency, openness, accountability - all those groovy sorts of words - were, they believed in this document. They do not now, which makes us very suspicious of the way this government will conduct itself when it comes to finances behind the waterfront development.

Make no mistake, the information will be forthcoming at some stage. It is not all forthcoming now; it is shrouded in secrecy. Labor, of course, used to slag off about that expression 'commercial-in-confidence' when it was used by past administrations, but now, by jingo, they just love it!

Nevertheless, there are some hints, some little dropped lollies along the way that the opposition and others can follow. Those dropped lollies are the information that is contained in various annual reports. I note with interest that the minister for Infrastructure released his annual report at about 2.10 pm this afternoon. That is when it hit our desks. Even the minister might be surprised to know that I have not had an opportunity to look at it yet in any great detail. However, I did turn to the balance sheet on page 113, minister - and boy! - at the risk of sounding vulgar - and I would not want people to misinterpret this - what a blow job that was in your department!

**Members** interjecting.

**Madam SPEAKER:** Leader of the Opposition! Leader of the Opposition, withdraw!

**Ms CARNEY:** I am happy to withdraw that; I am sorry if people misunderstood. Thank you, Madam Speaker; I am happy to withdraw. What a blow-out that was in the department. It was a whopper! \$60m! Yesterday you were talking about \$41m, and we know why you were using the \$41m figure. We also know, and even you must know, that it was \$60m. So pages 112, 113 – we will go back upstairs later and have a look at that.

**Dr Burns:** That is TAFR you are referring to, and I addressed that issue. You just do not understand.

**Ms CARNEY:** Well, if you want to talk about TAFR, sport, it will all be in the next TAFR. In fact, much of it has been in this TAFR because we have been able to identify about a \$100m blow-out in the appropriations. It is about joining the dots, and we have joined the dots. Even little kids can join the dots. You sit down with the budget paper, TAFR, and the annual reports. We look forward to the Treasurer's mid-year financial report next year. That is going to be a great read! You can expect us to raise issues as to how this Treasurer manages the budget when his mid-year report comes out. It will be nothing short of fascinating.

**Dr Burns:** He gets a surplus – a bit better than your last Treasurer!

**Madam SPEAKER:** Order!

**Ms CARNEY:** The minister is getting heated, but all he needs to do is listen and, in the words of the man we know and love, Jack Ah Kit, he might just learn something. In any case, notwithstanding how very difficult some of this economic stuff is, our job in opposition is to break it down in a way that Territorians can understand; that normal people can understand.

As I said on radio this morning, it is not unlike considering your household budget. In this Chamber, we are all, fortunately, privileged enough to earn an income. We know how much we get. We also have an idea of how much we spend. Reading these documents is just the same. You look at it, you follow the columns, you follow the years, you see how much how much comes in and you can see how much goes out. We can see incredible blow-outs in the appropriations. I am sure public servants listening to this and those who will read this *Hansard* know; they can spot a blow-out at 50 paces. Given the number of public servants who work around the Territory, in these departments, they know. They know now that the razor gang is in operation. They also know the financial state of their departments.

Therefore, when government stands up and belittles me, because they are really into attacking

the person, or when they say: 'No, no, no, CLP just does not know what they are talking about', you are, in fact, misleading all Territorians, but those in particular who understand and know about the extent of the problems within the public sector. And \$100m from the appropriations and \$135m overall, is no mean feat. Joan Kirner really would be very proud of all of you.

When I started, I referred to the fact that I was looking forward to the new year so that the Treasurer could come clean and tell Territorians - although my hunch would be perhaps May/June - the true story with TIO. I say again, if I am wrong I will be very happy to be wrong. However, we believe he is going to sell it. Anyway, we have to wait lots of months for that.

There are a couple of things the Treasurer can do in the meantime. I note with interest that the government has not sought to attack the CLP because, when they are defensive, they attack. I suppose that is normal in politics. This lot are particularly good at it, but they have not attacked on two points. The Treasurer and others might think they are quite small, but this indicates the fact that we are on the right track and government does not quite know what to do.

The two issues are as follows. First, I identified yesterday - or perhaps it was even the day before - an inconsistent figure between Treasury and the Department of Justice. In the Department of Justice annual report, it says that that department spent \$136m last year. The Treasurer, on the other hand, in his document, the Treasurer's Annual Financial Report, says that the Department of Justice spent \$130m. People in the Labor Party might say: 'What is a lazy \$6m?', but Territorians would like to know what has happened to that \$6m.

The government is in the position of being required to table annual reports to this Assembly. We have two different annual reports saying two different things about the same department. Why is that? Does that mean that we are entitled to have a lack of confidence in all of the information that this government brings to the Assembly – and peddles outside? Yes, it does - absolutely it does. It might be a lazy \$6m to you, but it is a lot of money to the rest of us.

It gets worse. In Question Time today, we saw something happen that was quite remarkable. I referred the Treasurer to the Community Development, Sport and Cultural Affairs annual report. It was only tabled a day or so ago so we have not done too badly by finding it. We referred to a footnote on page 119 of the annual report. Bear in mind I have referred to a \$6m discrepancy in a significant government department. This, in the Community Development, Sport and Cultural

Affairs annual report is - and I hope people are bracing themselves - \$49.948m. Let us round it up to \$50m just for convenience - \$50m! We asked the Treasurer, in essence, whether that was a mistake, where did it come from, and was it an attempt to mask considerable blow-outs in Housing Services and Indigenous Infrastructure Services. The former blew out by \$12.5m and the latter by \$31.6m. Why then, we asked, did Arts and Museums have \$50m left over?

We were not quite sure how the Treasurer would go about answering that question, and he could not answer it, which is fair enough. He should not be expected to know everything. But I would have thought a \$50m mistake in an annual report is so significant that the Treasurer of the Northern Territory should know something about it.

He then said, at the end of Question Time, in a fairly garbled sort of a way - and I look forward to reading the *Hansard* because without that it is quite difficult to work out where he was coming from - in essence: 'No, that \$49.9m, that should actually read zero'. Big difference - \$49.9m to zero - and there was a bit of shuffling along the way. However, if the note I took of what he said was accurate - I say again - I look forward to the *Hansard*. I recall that the Treasurer said that the overall balance was the same, the nett result was the same, so the figure in the final column across the page was the same.

If the final figure is still the same, then that spare \$50m must be floating around somewhere on this balance sheet, on this statement of financial performance by output groups on page 119 of this annual report. If the final result is the same, and if the \$50m under the column for Arts and Museums is not \$50m, it is zero, where on earth is the other \$50m? I would like the Treasurer, if he is able, to provide us with an answer to that, and it is very surprising that that \$50m - that is a big typo. If it is not a typo, then it is swimming around somewhere and we would like to know, on behalf of Territorians, exactly where it is. We look forward to hearing about that.

There is a missing \$6m in Justice. Well, it might not be missing in Justice. It is just that two blokes who are ministers cannot get their act together and agree on how much a government department, one of the biggest - it would have to be in the top three or four in terms of government expenditure - spent. Is that a concern? Absolutely, it is. A missing \$50m floating around somewhere in the budget for Community Development, Sport and Cultural Affairs, is a mystery and, to say the least, definitely a measure of incompetence.

To summarise, in terms of the Territory economy and the Treasurer's managing of it,

income has gone through the roof and spending has been blown on what can be described as a shopping spree. The Treasurer has taken a hammer to the piggybank - the \$29m from the Treasurer's Advance - ripped money from under the mattress - \$27m from interest repayments - and has maxed out the credit card - \$48m from the Central Holding Authority. Now he wants to sell the family silver - TIO - and that means that our debt will be, soon, in the next couple of years, the highest ever. Our GST revenue is expected to decline. There are serious questions about several annual reports, and the Treasurer's Annual Financial Report, and, finally, we know that there is a razor gang in existence to go around and cut public service jobs.

The government will spin that, and that is okay, because we are on to it. We will continue to fight the good fight and they can spin out of control. They have spent \$8m on spin, so I suppose they had better make sure they get their money's worth. If you are going to spend \$8m - a lot of money to some, not so much to others - you would want to make sure that it was pretty darn good. We will continue, as I say, and we will do our best to join the dots and follow the trail to the extent that there is one left by this Treasurer.

The censure motion still stands in the eyes of the Territory community. The Treasurer has mismanaged - typical of Labor governments, they do it all the time. It is no small coincidence that the Jim Cairns look alike goes over to Singapore and says: 'I have some bonds, do you want to buy any?' So, 30 years on, I guess some of us have addictive personalities and it is always hard to shake an addiction. When you are a member for the Labor Party, you obviously sign up and they say, 'Gough Whitlam', and off you go.

It is no small surprise that we are pretty, unhappy as are many Territorians, with the state of the economy. This, unfortunately, for the Territory, is likely to get worse not better. What does the opposition do about that? We just try to bring government to account in the hope that government, collectively, will find it within itself to get back on track. We all mistakes. Significant mistakes to the tune of millions and millions of dollars are sad and unfortunate, but even this government can try to get back on track. It requires discipline and a level of competence. However, that is the gravest misgiving I have. I do not take the view that members of this government are competent; hence, the censure motion a couple of days ago against the minister and the Chief Minister. They are not competent to manage this economy.

The minister responsible for Infrastructure, Planning and Environment has the quote of the year, I think. I do not think we have ever had any

sort of award system in parliament to celebrate the end of the year. There was, of course, the member for Wanguri and the separation of powers today, but if I put that to one side, the quote of the year was the minister for infrastructure who said: 'The Leader of the Opposition has been talking about budget blow-outs of \$100m. That is part of the budgetary process'. Well, it might be a part of Labor's budgetary process, but would never be part of a future CLP government. The sooner you lot get yourselves together, then the better it will be for the Territory economy.

In conclusion, I say thank you to that person, or those people, who delivered the information to my office. We very much appreciate it, and you know where my office is: fourth floor Parliament House, State Square, Darwin. We look forward to receiving more information over the next three-and-a-half years.

**Mr HENDERSON (Police, Fire and Emergency Services):** Mr Acting Deputy Speaker, there is somebody over there with sticky fingers; and we know who. 'Fingers Fay', she is going to be known as from now on. You do not become police minister for nothing. There are some investigative skills from our police force that have rubbed off. We know the true story about the so-called missing document that was slipped under the door of the Leader of the Opposition. Member for Katherine, you have to take your opportunities in this life. If I was in your position, I probably would have done the same thing. The secret is out. I am afraid, Leader of the Opposition, I cannot see that there are going to be too many documents find their way under your door on the fourth floor.

Regarding the initiative and quick hands of the member for Katherine, good luck to you. Politics is all about taking your opportunities and 'Fingers Fay' over there took an opportunity. That is pretty good ...

**Ms CARNEY:** A point of order, Mr Acting Deputy Speaker! The member for Wanguri is impugning the integrity of the member for Katherine for suggesting that ...

**Mr Henderson:** No, I am not.

**Mrs Miller:** I think it is hilarious.

**Mr Acting DEPUTY SPEAKER:** Order, Opposition Leader. The member for Katherine is interrupting your point of order. Could you please repeat your point of order?

**Ms CARNEY:** The member for Wanguri is impugning the integrity of the member for Katherine - his words, not mine. He alleged that the member for Katherine had sticky fingers. That

is an offensive imputation and unparliamentary. I ask that he withdraw it. For the record, it was not the member for Katherine.

**Members** interjecting.

**Mr Acting DEPUTY SPEAKER:** Order! I would like you to withdraw those comments.

**Mr HENDERSON:** I am just going to. If people feel maligned, I do withdraw, but I was saying good on you. May I move back to my chair?

**Mr Stirling:** Yes, but don't mess up my notes.

**Mr HENDERSON:** I won't mess up your notes.

I congratulate the Treasurer on the Annual Financial Report for the 2004-05 financial year because it really does show, in total contrast to whatever world the Leader of the Opposition inhabits, that this has been a good outcome this financial year for the government and the taxpayer of the Northern Territory.

The opposition raise all sorts of figures. We are alleged to have had an extra \$600m from GST, another day it will be \$300m, and there are \$100m blow-outs and departments have blown out by \$60m. All sorts of figures are run in here, none of them with any basis in fact.

The annual report clearly states that when we handed down the 2004-05 Budget, the budget outcome for the year was to come in with a balanced budget. The mid-year estimates projected that, predominantly as a result of strong economic growth in the Northern Territory, the mid-year estimated outcome was to be a surplus of \$46m. Government has come in this year with a surplus of \$51m. The additional revenue that came in during the financial year as a result of increased economic activity, increased receipts and Specific Purpose Payments are all articulated in this report.

How, with any creditability at all, you can go outside of this parliament and say the government has a financial crisis on its hands, or that government has blown its budget by \$100m, when any Year 10 student could look at these reports and understand that the budget for the 2004-05 financial year was projected to be a balanced budget and we came in with a \$51m surplus. How you read into that a \$100m deficit in the budget this year beggars belief! The creditability of the Leader of the Opposition was called into question in the editorial in the *NT News* today. When the economy is going as well as it has ever has in the Northern Territory, that somehow the government has a budgetary crisis, really does beggar belief.

It is the same with the story about the razor gang going around. We remember the razor gangs that the CLP used to run. They were called the ERC cuts in the late 1980s and then the great Planning for Growth that was known hilariously in the public service - I was in the public service at the time - as Pruning for Growth, which actually ended up costing us money. The ERC cuts in the late 1980s led to several hundred forced redundancies across the public sector. When the opposition talks about razor gangs, they do it with fond memories because that was the practice that the opposition employed when it was in government.

To counter that scare campaign - which is totally irresponsible and not based on any fact whatsoever - the Chief Minister had to write to public servants just before Christmas. What an appalling time to try to scare the pants off people, that they are going to lose their jobs, and that there are going to be 2000 jobs cut out of the public service! To run that line just before Christmas was totally irresponsible and outrageous, and leaves the Leader of the Opposition with no creditability at all. That is why the Chief Minister had to write to public servants and very clearly state that there would be no forced redundancies.

What the government is doing - and each of us as ministers are being required to do, very appropriately - is bring our agencies in on budget. That is an absolutely responsible thing to do. Some agencies have unintended increased costs during the year, particularly in Health. People point to the Health budget, but the reality is you cannot turn people away from hospitals and health clinics. If there is a run on those hospitals and health clinics, services have to be provided that are not budgeted for. However, for the majority of agencies, the requirement to come in on budget is totally responsible. As the Chief Minister and the Treasurer have said, there have been good growth budgets provided to agencies over the last few years.

The Leader of the Opposition talked about the spending as being blown on a shopping spree - just rhetoric. She talked about the Territory government being the largest taxing government in the Territory's history - again, just rhetoric. We have not blown money on a shopping spree; what we have quite rightly done is addressed, in key areas such as health, education and police, very large service deficiency gaps that had existed for many years and, quite rightly, Territorians were getting increasingly angry about.

As a member of government and Cabinet, the increased funding that we have provided to Health has seen us to be able to deliver a much better health system across the Northern Territory.

Health is always going to have an element of crisis to it; that is the nature of the beast. I am sure my colleague, the Health minister, would be able to very clearly articulate the additional doctors, nurses and services that are provided to the Territory as a result of that allocation.

As Business and Economic Development Minister, one of the key things that came out of the economic summit two weeks ago was an absolute understanding from the business community that every dollar spent on our education system is an investment in the future of the Northern Territory's economy. That money is spent very wisely. As my colleague, the Treasurer and Education minister, very passionately demonstrated at Question Time today, those indigenous Territorians have every right to achieve to the same levels as non-indigenous Territorians, and we, as a government, have an absolute responsibility to provide equality of opportunity for our indigenous students to achieve the same standard of quality education that non-indigenous kids take for granted. If there is one thing we are proud of - and I am certainly pleased to call my colleague, the Treasurer and Education minister, a great friend - is his absolute commitment to right the wrongs of the neglect of indigenous education over very many years in the Northern Territory. Every dollar spent on providing secondary education in those remote communities is a total investment in our future.

The same goes for police. Crime was out of control in the Northern Territory when we came to government. We had house breaks occurring at an unprecedented rate; a police force that had been totally starved of resources for at least the previous 10 years. We made a total investment in a safer community. We still have a long way to go but, I do not begrudge any of those dollars going to putting additional police out into our Territory community to make the Territory a safer place.

The Leader of the Opposition talked emotively about the government being on a shopping spree. We stand by our record of improving services. I suppose part of that record was demonstrated in the election result. If people thought that the Chief Minister and the Treasurer were incapable and irresponsible economic managers, they would not have returned the government. To try to prosecute the line that the Chief Minister and the Treasurer are incapable, irresponsible economic managers five months out from the election, at a time when the economy is going gang busters, people out there are certainly wondering what planet the Leader of the Opposition is on when she gets to the pinnacle of the rhetoric that she says in here. It was picked up by the *NT News* in the editorial when the Leader of the Opposition talked about the economy as likely to get worse and not better. As I said in debate the other day in

this House, that is a fanciful thought rattling around in the Leader of the Opposition's head. Bring out one independent, third party commentator who actually projects that the Territory's economy is going to get worse not better.

When you make public comments, you have to stand by your comments and the public will look at you to determine whether you are making credible comments. The Territory community is increasingly looking at the Leader of the Opposition and starting to question her credibility when she makes statements that the economy is likely to get worse, not better, and people are looking around at what is happening and wondering what particular planet she is on.

Let us look around Darwin Harbour and the investment that is committed which is going to continue to flow. We have the LNG plant which will be in operation in the first couple of months next year. Everybody in the Darwin business community is talking about train 2, train 3, not if, but when, and those LNG plants only ever expand. They certainly do not contract or stay static. At Wickham Point, we have a \$35bn helium plant committed for a by-product from the gas coming from the Timor Sea, the first of its type in the southern hemisphere. We have a \$70m commitment further round the harbour at the Vopak site for a biodiesel refinery where palm oil is going to be shipped in from Asia and refined into a green diesel. We have a \$1bn waterfront project under way. Maybe the Leader of the Opposition wants to go and have fish and chips down at the wharf tonight to see the work that is happening there. That is \$1bn worth of construction activity underpinning our construction industry over the next 10 years.

There are 700 new homes going up in the suburb of Lyons on Lee Point Road. There are any number of residential apartments committed and under construction at the moment. Tiger Airways has just committed 700 seats a week into Darwin. As you move through the regions, there are other investments committed, but not on the same size and scale. Having done the regional forums - I am forgetting Alcan over in Gove, there is about \$3bn committed there - as you travel through the regions, confidence is high. The only person who does not believe that confidence is high is the Leader of the Opposition. She has blinkers on and is running around henny-penny style saying the sky is about to cave in and the government is about to drown in debt.

Nobody believes her. The economic forecasters do not believe her. Access Economics, which I believe have better forecasting credentials than the Leader of the Opposition, is projecting at least 4.5% growth for the next five years: the strongest employment growth in the

country and the second-highest population growth after Queensland. They are not Territory government figures, they are Access Economic figures. If you go to the Housing Industry Association's latest six-monthly forecast for the housing and construction industry in the Northern Territory, it is very bullish. If you go to the latest Real Estate Institute report, it talks about how vacancy rates in the property market across the Northern Territory are at unprecedented low levels.

Yet we have the Leader of the Opposition trying to make political capital with the economy is about to get worse not better. Well, that song is not going to resonate with anybody out in the real world who does have an understanding of what is happening and what is committed. This is a government that is committed to strong and responsible financial management. Yes, we have had a growth period through GST revenue coming in, but we have deployed that revenue wisely to improve key areas such as health, education, police and infrastructure - record capital works budgets across the Northern Territory - to build that social and economic infrastructure. For the Leader of the Opposition, it is all good fun and fanciful rhetoric in here but, really, has no basis in terms of her credibility to look at the economy and understand what is happening and the role of the Northern Territory government in supporting that economy.

One of the things I am the most pleased about after four years as business and economic minister is the fact that we have made big steps in raising the threshold of payroll tax, eliminating a number of taxes for small business and seeing the small business in the Northern Territory is the least taxed business of any state in Australia. We do have high costs. That has to be counterbalanced by a taxation regime that encourages investment and we can see that in from the revenues that are coming in. It is good policy because it does lead to increased revenue flows as a result of an economy that is expanding and not contracting as it did under the last year of the CLP.

Madam Speaker, I congratulate the Treasurer on his end of the year financial report and pledge to him and to our government my commitment to strong responsible financial management into the future.

**Mr STIRLING (Treasurer):** Madam Speaker, I am totally thrown here because I expected the shadow Treasurer to reply. I just wanted to touch on a number of things that the Leader of the Opposition mentioned in passing. She seems to make great play with the comment in the Auditor-General's report about the Treasurer's Annual Financial Report not presenting fairly. We have a situation here that has existed since 1999

and that is the last two budgets that came through under the Country Liberal Party under the then Treasurer, Mike Reed, reported in exactly the same way. It did not seem to be a problem to the Country Liberal Party of the day at that time.

If you look at the Auditor-General's comments in full, he says:

*In my opinion the Treasurer's Annual Financial Statement has been prepared from proper accounts and records and is presented fairly in accordance with the requirements of the Financial Management Act in the Treasurer's prescribed format.*

I did not hear that from the Leader of the Opposition: '... is presented fairly ...'. However, as is the case since 1999, there is a qualified audit opinion because of the difference in the reporting format from Australian Accounting Standard 31 which is not used by this government. We used a Uniform Presentation Framework. You cannot say, and the Auditor-General cannot say, that the financial report is prepared in accordance with the Australian Accounting Standard 31 because it simply is not. So he says it does not present fairly in accordance with AAS 31 because it is not written to conform with AAS31.

This has been the situation, as I said, since 1999. We continue to conform with uniform presentation framework requirements rather than Australian Accounting Standard 31 and work has been underway nationally for many years to merge uniform presentation framework on the one hand and Australian Accounting Standard 31 on the other. I have been told for the last few years that it will 'happen next year' but the time frame continues to spill out. In my comments in tabling the Treasurer's Annual Financial Report, I made the point that it will only be finalised within the next few years and until that time the technical qualification will remain.

We have been over this each Treasurer's Annual Financial Report that we have presented since we came to government notwithstanding in sittings in Alice Springs where the then Leader of the Opposition, the former member for Brennan, raised this point. He was Chief Minister of a government that reported in exactly the same way and the TAFR carried the same qualified audit opinion from the Auditor-General of the day.

The Leader of the Opposition seems to make great play in and around this blow-out of \$100m within the 2004-05 financial year. There are a number areas you could go to the total spend as was laid down in the budget when we introduced the budget in about May of that year and the final 2004-05 outcome. Let us get this in context. We put the budget in around 18 May. The clock does

not start ticking against it until 1 July of that year and the clock does not close off until 30 June the following year. So you are trying to predict at least 13 months in advance what your final outcomes might be.

We have to get this \$100m in the context of the size of the Northern Territory budget, which carries with it expenditure of around \$2.7bn – a pretty big figure for the Territory; it was only about \$2.3bn, I think, when we came. Within that financial year, 2004-05, if we take it in global terms, in a growing economy you are going to spend more because you are required to spend more to keep up with increased services; the growing population; your costs are going to go up because you are in a growth phase; the construction industry is running ragged, so labour costs and material costs are increased; labour shortages demand greater dollars to get workers into those slots, so you are in an increased cost phase as well.

However, a growing economy, at the same time, produces greater revenue and revenue increases for the government, notwithstanding that we have slashed the hell out of payroll tax, we have increased the threshold, and it will go \$1.25m from the first of July next year, from a base of \$600 000 when we came to government. That is more than double. We have taken a couple of hundred small Territory businesses out of that payroll tax net, and I am proud of that. This government is proud of that and the minister for business is proud of that. We do not see payroll tax as a healthy tax at all; a tax on jobs is not a healthy tax. The fact remains it was slid across to the states by the Commonwealth many years ago and has remained because it is such a critical part of the own-source revenue for state and territory governments - critical to the point of representing between \$90m and \$100m to the Northern Territory government on its own. Notwithstanding the fact that we have slashed it, we have increased the threshold, we have cut the rate at which it has to be paid against, and we continue to get growth. You can only continue to get growth in a tremendously growing economy, as we have seen of late.

That increased revenue, whether it is transfer of properties and stamp duties accruing to government, or payroll tax because you have more people in the work force and companies contributing more payroll tax, allows a government to fuel the extra increased expenditure that a growth economy brings about.

Throughout that first term of government, notwithstanding we now have produced three budget surpluses end-to-end, we went in with a very clear view of where the major deficiencies in government lay. It was not hard because the *Northern Territory News* throughout 2000-01

carried horror headlines on a daily basis. One day it would be the patients lying sad, forlorn and neglected in the hospital corridors in Alice Springs and Darwin Hospital, and the next day it would be the break-ins across the northern suburbs; then it would be the drug houses at a time in Darwin history where any cab driver, if they only arrived off the plane two days before, could tell you where to go and get drugs. That is the reality that we came to government in August 2001. The situation had been running riot for the past two years. I can recall those headlines as clear as if they were yesterday, particularly Royal Darwin Hospital, and to a lesser extent, Alice Springs Hospital.

We strengthened the capacity of both those hospitals enormously from the time we have come to government and it has not come cheap. It has cost a couple of hundred million dollars along the way. They ask what we have done with the money out of the GST. A big part of it has gone into the very necessary capacity of those hospitals, into the recruitment of over 100 extra nurses into the system, with the police en route to an extra 200 police and - no surprise - we do not see those headlines around our hospitals, drug houses or property crime. The Attorney-General is very keen to release figures around crime. I think he releases them on a quarterly basis. It is something you will never get rid of, but there is a greatly reduced incidence to what we were experiencing.

If we go back to the point I was making about the increased \$100m expenditure in a growth economy, there are any number of factors in a financial year that will drive increased revenue into the Northern Territory government. It might be that the federal government decides there is a great new program in Health and they are going to give us you \$3.5m next financial year by way of a Special Purpose Grant, but we are going to have to match it dollar-for-dollar. It might be an Education program. They might say they are going to run this program for three years at \$2m a year: 'Here is your first \$2m, but you have to match it'. That \$2m then is \$4m in expenditure because you are required, if you are going to pick up the program and join the Commonwealth in the delivery of the program, to match the dollars, dollar-for-dollar. What do you have at the end of it? Increased expenditure. Certain decisions are made by Cabinet on an emerging priority basis.

What were we to say to the people of Warrawi when their school was blown away in Cyclone Ingrid? 'Whoa, sorry, we cannot do anything about that until the start of the next financial year. On 1 July 2006 we might get to start on that because we are in a situation where you cannot spend any extra money than what was appropriated in the budget on 18 May last year'.

That would be a pretty sad story for that community and the kids of that community. I was so pleased when the acting chief executive, Ken Simpson, was out there within 48 hours of Ingrid having blown through that place, on the ground to make a commitment that their school would be rebuilt, and even prouder when the job was done as quickly as they got to it. That is just one small example of an emerging priority that, on 18 May of the year prior - I guess I did not have the crystal ball, but I did not know that Cyclone Ingrid was going to slip all the way up and down and through Queensland, across the Gulf. We were lucky in Gove, we copped a bit of tree damage but no serious structural damage. However, those islands to our north - Galiwinku, Warrawi - which lay directly in its path, copped the full force of probably well in excess of 200 km/ph gale force winds. That is just one example.

At the end of the 2004-05 year, we can look back when all of the figures are in and the final statements made, and say: 'It looks like over the whole financial year we were going to spend in the order of \$2700m throughout that financial year. We gained about a \$150m to \$151m extra dollars by way of revenue - some Commonwealth, some own source - and we spent probably around an extra \$100m for the year'. We came out then, of course, with the result in a budget surplus of \$51m. Of course, that really is the bottom line and the line that destroys the credibility of the Leader of the Opposition when she says this is a budget in crisis and out of control, and government has to sack all these public servants because it has blown the budget by \$100m. It is a bit hard to make any traction with the claim the government has blown its budget because it increased spending by \$100m throughout the financial year when, on the other hand, it received an extra \$151m in revenue throughout that same financial year.

We are very pleased, of, course to record a bottom line surplus. That is one of the factors that has resulted in the reduction of nett debt over the past few years, because we have brought in surplus budgets and we have been able to reduce the borrowing requirement which would otherwise lead to increases in nett debt.

Notwithstanding, the budget does go into deficit over the next three years before returning to a balanced situation in 2000-09. However, I am mindful of the time that we have been in government from 2001 on, every budget projection that we had when we put the budget in, in May, has been seriously improved upon by the end of the financial year. The figure itself is not as strong as it sounds because, whilst we gained \$51m more in revenue than we spent, there is a significant carry over into the next financial year, probably in the order of around \$40m. They are

projects, and some of it may have been Commonwealth money that was unable to be acquitted and spent against the program, and some of it will be carry through of capital works. I am pleased to say that, unlike the former government, when we do carry capital works projects from one year to the next, they carry with them cash in order to get them done the next year.

The Leader of the Opposition was rabbiting on. I am interested at the disappearance by both the shadow Treasurer and the Leader of the Opposition because, whilst they like to have their say, they are very quick to get out of the place and do not want to hear the facts around some of the allegations they were making. The Mereenie Loop Road - \$10m this financial year being spent as we speak. The Desert People's Centre - it is on ice. Now, that is interesting - it is in the desert, and it is on ice. It must be costing a lot to keep it on ice down there, because ice does not last long in the desert. That is not on ice; there is some \$30m planned expenditure there. There has been some reworking with the key stakeholders in and around design and that will always occur on a major project.

Then there is Irrkerlantye. Irrkerlantye is a result of a massive budget blow-out. Well, if you are going to save money, there would be better places to save it than in education. You do not save money in education. If you are going to move students around, they are still going to cost wherever you educate them. The staff who were employed at Irrkerlantye - three teachers and two assistant teachers for 18 students - if they are going to be teaching in the Territory next year, they know their positions are safe and they still have jobs. So there are no cost savings there.

I appreciate the Leader of the Opposition, across the Chamber in Question Time is not the most ideal situation in order to be getting clear understanding about a figure, particularly when one side is trying to make mischief and the other side is trying to put the truth to this error in the Community Development, Sport and Cultural Affairs annual report. The Leader of the Opposition expressed amazement that, if the figures are wrong, how can they still tally on the total on the right-hand side. It is quite simple. Now that I have a bit more time, and understand it properly myself, I will put it on the record and, hopefully, she will read it - or the former member for Drysdale will read it and explain it to her.

Under Arts, Museums and Library Services, we have a figure of \$49.948m. When I heard that this morning, I thought, well, that must be a Housing figure, because we certainly would not be letting Arts, Museums and Libraries loose with \$50m, and only Housing could be using that sort of capital. But, lo and behold, there it was - Arts, Museums

and Library Services. The Leader of the Opposition was not misleading us here. Then I looked suspiciously at the minister responsible and wondered what she was doing sitting on \$50m. I thought, no, she does not seem to know anything about it. However, the explanation, in fact, is this: if we take the Arts, Museums and Library Services' \$49.9m, let us say \$50m, out of the equation and place a zero there, we then carry that \$50m across to the column, Indigenous Infrastructure and Services, where it says negative \$31.65m, and we place that \$50m on top of the \$31.6m, we replace that negative \$31m with a positive \$50m, we come out with a plus \$18m. So, of course, that is why the figures will still add up the right way on the other side, because all that has occurred is the figures have been attributed to the wrong column.

The figures have been attributed to the wrong column and, in part, it goes to this evaluation of aerodromes and barge landings in indigenous communities, now recognised as assets on the books, and there is an \$18m-plus. So, when the Leader of the Opposition is running around outside telling the media we have lost \$50m, or Arts and Museums, or someone has lost \$50m, is not true. The \$50m ought be sitting two columns prior to that in Indigenous Infrastructure and Services, transforming the minus \$31m to a plus \$18m and there is your \$50m.

My hopes were dashed, Madam Speaker, because I thought someone may have been sitting on \$50m that we did not know about. However, I did not really expect that because I know Treasury would never allow that to happen. \$50m is a significant amount of money for this government and that is where that figure is. I hope the Leader of the Opposition takes a bit more time about these matters because it is important that she does understand, and it is not easy - I do not understand all of Treasury and I have been doing it for a little while now - but I think I know a little more than her. It has come at some learning, and some time devoted to the task in order to understand the nature of the statements and exactly what they mean.

I encourage her to take the opportunity when such documents are to be released to seek a briefing and obtain as full an understanding as she is capable. The shadow Treasurer does take briefings, however, he has made no contribution today. One wonders why he had the briefing if he was not going to speak on the report. Nonetheless, I would encourage her to seek to get the strongest handle on it that she can ...

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

**Mr STIRLING:** Has it really? Thank you, Madam Speaker.

Motion agreed to.

**TABLED PAPER**  
**Treasurer's Mid-Year Report 2005-06**

**Mr STIRLING (Treasurer):** Madam Speaker, I table the Treasurer's Mid-Year Report 2005-06.

**MOTION**  
**Note Paper - Treasurer's Mid-Year Report 2005-06**

**Mr STIRLING (Treasurer):** Madam Speaker, I move that the Assembly take note of the report.

The mid-year report is a requirement of the *Fiscal Integrity and Transparency Act* and provides updated financial information for 2005-06 through to 2008-09. It also meets the Territory's mid-year reporting obligations under the uniform presentation framework agreement. This year, the mid-year report also contains an additional chapter setting out the effect on agency budgets of the commitments made by the government during the June 2005 election campaign.

The 2005-06 mid-year report incorporates operational election commitments made by the government leader during the 2005 election; decisions taken since May 2005; the outcome of the 2004-05 financial year; and revised Territory revenue estimates. It also incorporates material adjustments following the move to international financial reporting standards. The two significant effects of this are the use of a revised methodology for calculating the superannuation liability, and an upward revaluation of the East Arm Port assets. These adjustments to the budget, and forward years, have resulted in cash targets remaining unchanged in all years; accrual targets decreasing, largely as a result of the increased superannuation liability following actuarial reassessment and the adoption of IFRS; performance against fiscal strategy targets, whilst still difficult, still remain achievable; and revised economic indicators as a result of the trans-Territory pipeline not proceeding at this stage and varied methodology used by the ABS.

I turn first to the updated economic indicators. The gross state product in 2005-06 is forecast to increase by 5.8% revised from the 6.2% projected in the budget; the major influence on the revision is the trans-Territory pipeline. The onshore economy will continue to be a major driver of growth in 2005-06; employment and population growth are expected to strengthen and the recovery firmly under way across a range of industries is set to continue.

The offshore economy will also have a positive impact on growth with output from Bayu-Undan Stage 1 expecting to double as it reaches its

design capacity and production commences. State final demand is forecast to increase by 2.9% in 2005-06, slightly weaker than forecast at the time of the budget. Again, the trans-Territory pipeline is a major influence on the revision, along with the stronger than expected investment in 2004-05. Nonetheless, investment is forecast to increase in 2005-06, supported by increased public sector expenditure and strong residential investment. Employment is projected to increase by 1.8% in 2005-06, revised down by the budget. The trans-Territory pipeline is the key reason for the revision, with other factors influencing labour demand unchanged from the budget.

Population growth is forecast to strengthen to 1.3% to December 2005, stronger than the budget forecast of 1.1%. The more positive outlook is associated with the strength of the recovery in net interstate migration, increased employment opportunities, associated with the strengthening onshore economy, and the relocation of defence personnel and dependents for the 1<sup>st</sup> Aviation Regiment will support stronger population growth.

At the time of the budget, inflation to December 2005 was estimated to be 2%. This has been revised up to 2.7%. Two factors have driven this stronger inflation outlook: the strength of residential construction and property markets; and more recently, the indirect and direct effects of spikes in fuel prices. While fuel prices are expected to fall in line with international supply and demand conditions, the outlook is that the impact of housing on inflation growth will persist in the short term, consistent with the strong construction prospects and ongoing labour and skills constraints.

I now turn to 2005-06 Mid-Year Report Fiscal Outlook. The general government sector cash outcome for 2005-06 in the forward estimates remains unchanged from the May 2005 Budget. As stated in the budget, the targets reflect an improving trend over the forward estimates period to a balanced position by 2008-09. While the outcome remains unchanged, both receipts and payments have varied. Operating receipts for 2005-06 have increased by \$35m due to:

- an upward revision to payroll tax receipts and conveyance duty of \$17m resulting from continued increases in the housing market together with the ongoing number of large construction projects. This increase incorporates the effect of the taxation reduction as a result of the election commitment to increase stamp duty rebates;
- increased Specific Purpose Payments from the Australian government of \$15m

subsequent to a number of agreements being finalised; and

- a reduction in GST revenue of \$4m as a result of a lower than expected national GST pool size as presented in the Australian government's 2004-05 Financial Budget Outcome Report. The decrease is minimal in 2005-06 because it is offset by a one-off GST receipt of \$11m relating to a prior year. However, the lower GST pool translates to a \$9m reduction in 2006-07.

Cash payments have also increased by \$35m in 2005-06 as a result of:

- commitments made by this government as part of its election promises;
- the carry over from 2004-05, primarily due to Specific Purpose Payments from the Australian government late in the financial year;
- increased expenditure related to the additional revenue to be received in 2005-06 from the Australian government; and
- a realigning of the timing of payments between years in relation to the Darwin waterfront redevelopment.

I turn now to the Accrual Estimates. The nett operating balance and fiscal balance for 2005-06 and the forward years have decreased from the original budget estimates. This change relates to the increase in the Territory's superannuation expense following updated actuarial assessment and the adoption of International Financial Reporting Standards from 1 July 2005. These standards require a changed methodology for valuing the future superannuation liability, and result in a further increase in the liability. Despite the increase in superannuation liability and the subsequent effect on the operating result, the improvement in the targets over the forward estimates period indicate that the aim of a balanced operating result and fiscal balance position by 2012-13 remains achievable.

While general government is the appropriate sector to focus on for the operating and cash flow statements, the non-financial public sector is the focus for analysis of the balance sheet; that is, the Territory's assets and liabilities. The use of this sector, which consolidates the data from the general government and public non-financial corporation sectors, is to ensure better comparability between jurisdictions. Non-financial public sector nett worth has improved in 2005-06 by \$170m since budget time, rising to \$2464m by

2008-09. This is a result of the improved outcome for 2004-05, predominantly relating to the increase in the Territory's asset values offset by the increase in superannuation liabilities.

Nett debt has remained relatively constant to that forecast at budget time due to the largely unchanged cash projections. Nett debt plus employee liabilities has increased in all years as a direct result of the increased superannuation liability. However, the ratio of nett debt and employee liabilities to revenue is forecast to remain at 2004-05 levels of around 119% over the budget and forward estimates period. This target, while below that estimated at budget time, remains significantly below the 134% recorded in 2001-02 when this government first took office.

In conclusion, Madam Speaker, the Mid-Year Report provides further evidence that this government is committed to adhering to its fiscal strategy principles. Adherence to these targets will be difficult, particularly given recent indications that GST growth is slowing, along with increases in the Territory's superannuation liability, but is achievable. By managing its finances responsibly, the government has been able to increase spending in key areas while maintaining sound fiscal performance.

I commend 2005-06 Mid-Year Report to the Assembly. Madam Speaker, I seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

#### SPECIAL ADJOURNMENT

**Mr HENDERSON (Leader of Government Business):** Madam Speaker, I move that the Assembly, at its rising, adjourn until Tuesday, 14 February 2006 at 10 am or such other time and/or date as may be set by Madam Speaker pursuant to sessional order.

Motion agreed to.

#### STATEMENT BY SPEAKER Christmas Greetings

**Madam SPEAKER:** Before we adjourn, Chief Minister, I place on the record my merry Christmas to all members, and also to the staff of the Legislative Assembly, particularly the Clerk and the Deputy Clerk. I am sure all members will join me in wishing them a very happy Christmas.

**Members:** Hear, hear!

## ADJOURNMENT

**Ms MARTIN (Chief Minister):** Madam Speaker, after those kind words, supported by all members here, I move the Assembly do now adjourn.

It was my great pleasure to recently attend the gala dinner for the Northern Territory Minerals Council celebrating 50 years service to the industry. The Minerals Council was established in 1955, and their member companies employ around 95% of all minerals and energy employees in the Territory. They provide an important forum for the discussion and resolution of issues facing the minerals and petroleum industries, and have recently worked with government on the highly successful Top End Secret Campaign.

Top End Secret, as the Minister for Mines and Energy is also keen to tell us, is a travelling road show that aims to let Australians know about the Territory's hidden wealth, and to encourage investors to set up operations here in the Territory. The involvement of the Minerals Council has been invaluable, and the 49% increase in exploration licence applications since the campaign started says much about the success of Top End Secret - although if that continues we will have to rename it.

The gala dinner was well attended. It was great to see two life members present: Joe Fisher, one of the icons of the Territory mining industry, and Lance Martin of Geminex. Certificates of Appreciation were awarded to a number of council members for their contributions to the 2005 work program. Recipients included Ron Matthews, Cameco; Robert Wilson, MacMahon; Mark Neale, Hastings Deering; and Greg Haigh, Air and Gas Systems.

Honourable mentions were given to past Executive Officers and Executive Committee members of the Minerals Council. Grant Watt, Peter Rush, Bob Adams and Richard Jackson were all recognised for their tireless efforts.

Congratulations to Kezia Purick and the organising team on what was a very entertaining evening, one which recognised the important contribution of many in the industry over 50 years. On a personal note, it was wonderful to see Grant Watt again, looking in fine form. He came up from New South Wales especially for the 50<sup>th</sup> anniversary. As always, Grant had some advice to give.

I would like to talk about a business in my electorate, Sprout Creative, the design agency led by Anya Lorimer. Anya started the business four years ago in a shed in Winnellie - mind you, it was a large shed. It is a close knit team at Sprout

Creative which offers its clients a one-stop shop of graphic design and marketing services. After those first four years in Winnellie, Sprout moved to Hudson Fysh Avenue in Parap in December last year, and Anya took the old Tiki Store which was looking fairly sad and derelict and has restored it to a very slick studio.

Just a little about Anya. Anya grew up on a farm in New South Wales. She studied art restoration and conservation at the University of Canberra. She changed courses to graphic design and moved to Sydney. Anya moved to Darwin in 1995, and then to Perth for four years. She missed Darwin and turned down a job promotion to return to the Top End. She has done very well and has achieved the goal of being published in *Oz Graphics* magazine, an annual publication that showcases the top designers in Australia and New Zealand. Sprout Creative was featured in the 2005 edition, and were the first Territory design company to have reached national design standard.

Sprout and Anya produce web sites, television and radio commercials, annual reports, strategic publications, flyers, and books. They have also done a lot of development of corporate identities, even for my own department. They did one for the Indigenous Housing Authority, as well as Darwin City Promotions. They have awards to be proud of. They received an award for the annual report of the Department of Community Development, Sport and Cultural Affairs; for the Department of Employment, Education and Training annual report; for Major Events and the V8 touring cars event; and are a Brolga Tourism Award winner. They are doing very well.

It is a company that has not been around that long. However, with the Sprout Creative team of Tania Fleming, Kushla Ross, Rachel Grogan, Emma Blake, plus sub-contractors Angela Spedding and Kim Lock, with Anya as well, they really are a very dynamic team. I am proud to have them in my electorate.

One of the stores that did cause problems in my electorate with the sale of alcohol was the Tiki Store. It caused a lot of disruption in the neighbourhood, and I am delighted that that store has stopped trading and we now have this very successful design studio there. I have to confess that I gave Anya a hug when she moved in and said: 'Thank you for taking away a major problem'.

Another very successful business in the electorate is Rochelle's Fine Jewellery. It is the business of Chris Moffitt, who manufactures jewellery and is one of the only few here in the Territory. Chris has been in the industry for 20 years, and 11 of those years he lived in Darwin.

He has been in the Parap Village now for two years and previously five years in a store in Alawa. He is certainly enjoying Parap and wanted to make the point, when we talked to him, that Parap has been a very safe place for him. There have been no security incidents at all in that time. I pay tribute to police for the work they are doing there.

Chris started his jewellery trade with a four year apprenticeship in Sydney when he was only 18 years old. He said that he wanted to do a trade, but he knew he did not want to be in the building industry, so moved into jewellery, and, with a great commitment to training, he has trained three apprentices in Darwin. Everything he produces is hand made and he can produce, within reason, anything a customer wants and, I suppose, within price. He uses only natural gemstones, and he says that is unlike a lot of other jewellers who use synthetic stone or heat treated stones. He made the point that jewellers are supposed to tell the customers if the pieces contain synthetic stones, but says that is not always quite the case. He enjoys working with all kinds of gemstones, particularly diamonds.

He tells a story about having worked on a diamond for a long time, and then the stone can shatter and it becomes worthless and you lose thousands of dollars. As a jeweller working with diamonds, you have to be extremely careful; if you are not, the penalty is a lot of dollars. He sources gemstones from all over the world. He gets his aquamarines from Afghanistan, emeralds from South America, and he uses Australian diamonds.

A few months ago, Chris travelled to a trade fair in Thailand and was so impressed by what he saw at the trade fair he plans to go again next year. He said it is a good opportunity to buy materials, see awesome stones - he particularly noted a sapphire with a multi-million dollar price tag - and look at the latest advances in technology, such as computer programmable machines that can make jewellery.

Chris's final comment when we talked to him was that the jewellery trade is a good indicator of the Darwin and the Territory economy. He says that Darwin is protected by several factors: the number of people employed in the public services and the Defence Forces, plus what he says, and a real advantage for him, is the young population. He said that young population is getting engaged. He had a recent boom of activity business-wise for him with the troops returning from overseas services. They had money to spend and he has benefited particularly from those who decided with that money they would get engaged. We have actually seen some of those circumstances on television, where one young man came home and proposed at the airport. Chris has been the

benefit of those getting engaged, wanting to get a unique ring to mark the occasion.

He also says that it is a difficult trade being a jeweller. Once you get to about 40, as we all know, your eyes begin to deteriorate, and it does make it more difficult to be a jeweller, and you are slower at doing what you used to be able to do when you are under 40. They call it 'eyes fail retail' in the jewellery trade. Chris intends to take on a business partner next year, so things are going well, and it is actually the man who originally trained Chris. It will certainly ease some of the pressure that Chris is facing at the moment, which is great for his business, but he is looking forward to having some more time.

Finally tonight, my thanks to what has been a big year in the Territory parliament. I suppose, considering the election in this year, my first thanks should go to Territorians and their confidence in this Labor government to return us, so a big thanks. I am delighted, as I look around the House at the new members we have joining us here. From the point of view of someone who came through a very small opposition, to be sitting here with 19 members in the team and in government, every day it is almost a matter of pinching yourself and believing it is real. I congratulate all those new members who joined us in the House and hope that you are enjoying the experience. It is always a challenge. That is not saying to Territorians that we are not here to govern for all. That is what this Labor team is.

I also thank members of the Labor Party. Election years are always a very difficult time and you call on people to do things and they just do not imagine they can squeeze another couple of hours into a day. To all those people who supported local candidates, who put in the hard yards, who stuffed and folded and ran newsletters and did all the work that it takes to get an election together, my great thanks to you, and to the executive of our party and party secretary, Brett Walker. Big thanks from the members of this government.

One of the complaints we did get after the election was that there was not any 'taking a breath', and we did not take a breath. We were back to work very quickly. My thanks to all the Assembly staff. I know that pushed things along pretty hard, so thank you to the Clerk and the Deputy Clerk, and to everyone who works in the Assembly supporting us and getting this Assembly going. It was a very quick return to work after the election but it demonstrated that it is better to do that than sit back and wait a bit. You certainly got going very quickly.

I thank our public sector, all 15 000-plus of them. We value your contribution each year. We have been discussing budgets here over the last

few days. It is all very well for Cabinet to sit, and government to make decisions about where money goes, and put additional funding into certain areas of the budget, but it is our public sector, our professional, well trained and hardworking public sector which delivers. I thank each and every one of them for their commitment to the Territory and commitment to doing a great job.

I thank the Parliament House security staff. The requirements now for providing security in this parliament have grown. I thank all those who work here because they do a great job in balancing the security needs of a place like a parliament with a small and a friendly approach. Thank you.

Today, as we wind up the parliamentary year, I thank my staff in the Office of Chief Minister, and all the staff all over the fifth floor who so ably and well support ministers. It is the kind of job that you would not think sane people would want to do. It is very pressured. You have to have a lot of knowledge; if you do not have that knowledge, accumulate it quickly. Ministers work hard but unless you have that team of ministerial staff around you to manage everything from the phones, to the correspondence, to the difficult and tricky issues that emerge almost on a daily basis, it just would not happen. My thanks to all the staff on the fifth floor and particular thanks to my staff in the Office of Chief Minister.

Having carriage of the Department of Chief Minister and Tourism I thank the staff in those two agencies. In Tourism, Maree Tetlow and the staff. When you look at the figures of what we have achieved over the last year, a 13% growth in tourism numbers in the Territory, that does not happen by accident. That is a lot of hard work and it is a lot of strategic investment. I pay tribute to the people in what will be, when we get the legislation through in February, I hope, Tourism Northern Territory.

Also, to the staff in the Department of Chief Minister in the different areas, to my CEO Paul Tyrrell, and to the others who work so strategically effectively in the Department of Chief Minister, my thanks to you.

I thank all the CEOs across government. We task you with a big job. Some are running quite large agencies, some small but strategic agencies. Each and every one of them is given some pretty tough guidelines to follow. This year it is staying within your 2005-06 budget. That means we need a lot of discipline but to work with good effective budgets. I thank all the CEOs across all those agencies and look forward to working with them all in 2006.

Another key component, we would not cope with over the year, are our drivers. They do a great job. They do it with a lot of cheerfulness in some of the hours they have to keep driving ministers, the Leader of the Opposition and the Speaker around. I want to thank them, particularly my driver, Gary Wilkshire, whom I think we have almost adopted as a member of the family. To our drivers, thank you, thank you, thank you!

Finally, to my electorate officers. I have had two over this last year. Jessica Horne was there until just after the election. She and her family have moved for a while to Townsville. Jessica was an awesome resource for the last few years, and we all miss her. She did her task with great intelligence and always cheeriness. I hope Jessica does come back, as she has committed to do. I welcome onboard Anna Vandenberg, my current electorate officer, someone who has been in the Territory for a long time and is taking to the job with great style and a lot of talent. To Jessica and Anna, my thanks as well.

A final thank you to all people in this House. It is sometimes a difficult task to keep a smile at the end of the day because we do discuss some gritty issues. We work hard and effectively, and the bottom line is that we are all here doing it for the Territory. Our work is about creating jobs and a bright future for everyone. It is an important task. I thank you all and wish you the very best for the Christmas season and a great 2006.

**Mr MILLS (Blain):** Mr Deputy Speaker, I will use this, my last adjournment for 2005, to pay respects to all those who have made this year such an interesting one. In the words of *Amazing Grace*, that great hymn:

*Through many dangers, toils and snares,  
I have already come.  
Tis Grace has brought me safe thus far  
And Grace will lead me home.*

It has been a very interesting year. When you consider from this time last year to this time that I speak now, much has happened.

I extend my best wishes to every member of this Chamber, and to the families represented in this Chamber. I wish you all the best for the period of rest and times that you spent together. The Chief Minister just referred to the need for a break because the nature of this work is quite taxing, particularly going through an election and needing to replenish energy resources, refresh and gain a fresh perspective. Some of us have not had that opportunity, so may we have a good rest and time of friendship with our families during the Christmas period and come back bright eyed and bushy tailed, ready for action to make the Territory a better place.

In acknowledging that this year has been a very challenging year for many of us, I take this opportunity to remember Denis Burke and his family, Steve Dunham, Sue Carter and John Elferink at this time. They stood in this Chamber this time last year and looked ahead. They are in a place that many of them did not expect to be, and it has had its particular challenges. We who are in this place, with all the banter that goes backwards and forwards, would acknowledge those who are not with us at the moment.

I acknowledge the support that we receive from the staff in this Chamber to ensure that we conduct our business in a professional way, to lay down laws and decisions that will sit for a long time and shape the future of the Territory. For those who support us in the Chamber, behind the scenes, those in Hansard, thank you very much for making my words appear a little better on paper than they are when they come out of my mouth. For the IT staff, I have particular thanks. I have had great attention from the IT staff, and I thank you for your patience. May 2006 be a better year in the IT area.

The security staff: It is great to see the smiling faces of the security staff and it is good that we all enjoyed being in this strange environment together.

For everyone else who works in this place, thank you! It is only us who really understand the strange job that we have.

I pay special acknowledgement to the Speaker, the member for Nightcliff, for the way she has brought us together after debate over a meal each evening. That is a good initiative, and one that I hope we continue to grow and develop.

To the media, and the friendships and contacts we make in the media. We also share a similar working domain, and I appreciate the friendships that are made through the media.

For the staff in the Leader of the Opposition's office, there is one on a professional level where we operate, but there is also the personal level. Sometimes the changes have been difficult, and we work in a very pressured environment. Just as the Chief Minister refers to the fifth floor, same on the fourth floor, same in this Chamber. It is a particularly peculiarly pressured environment. I acknowledge the personal pressures that are brought to bear upon those who work in this environment. I acknowledge those who have supported us on the fourth floor.

To my electorate officer, Tasma, I thank you once again. It is wonderful that I have been able to thank you, Tasma, in the six speeches that I have been able to give here at Christmas. I thank

you and wish you and your family a very special break over Christmas.

To the Palmerston community, particularly the Blain electorate, I am enjoying my job now more than I have before. I did enjoy it immensely before but it is deepening. I appreciate the development of stronger relationships and friendships within the community, and working alongside people who want to see their community grow from strength to strength. I particularly take time to think of Dads. Dads are under a particular amount of pressure with so many boys around who need their Dads. Those good Dads who are there for their kids, I make particular reference to; it is hard and there is such a great need for male role models in our community for our young lads.

Finally, to my dear wife: it is our wives and spouses who understand in a unique way. They have a special relationship, and a unique insight into the pressures of this work and conversely, the pressures on them. For better or for worse were some of the vows that would have been made, and they may have not realised the 'worse' and what that meant if they married someone who entered politics. I acknowledge, Ros, the pressures you carry as a result of my work. I acknowledge you as an excellent teacher, making a difference with young people.

I wish all a very merry Christmas at the closing of 2005. I still believe the best is yet to come for the Northern Territory. I look forward to 2006 and a further year of service to this community. May we all grow from strength to strength.

I wish to finish my time on a very serious note. It is the time of reflection, and there is an event that will occur tomorrow that will weigh on most Australians' minds. Van Tuong Nguyen will be executed in Singapore tomorrow. The death penalty, and particularly the callousness of death by hanging, horrifies most Australians. Should Singapore hang Van Tuong Nguyen? Should we observe a minute's silence? Should we boycott Singapore and punish the citizens of another country because we do not agree with their position on capital punishment? Some argue that we should, yet are opposed to Australia's interference in the affairs of another country, Iraq. Are those who are deeply offended by the interference of Commonwealth parliament in overturning laws established in this parliament be equally appalled at the call to interfere in the affairs of Singapore?

Nguyen made his decision and is paying for it with his life. The 396 gm of heroin he strapped to his leg was enough for 26 000 hits and had a street value of \$1m. The reason he gave for smuggling drugs into Australia was to repay his brother's debt. This is not an excuse. In 2002,

364 people died of heroin overdose in Australia. One of those was a bright-eyed, blonde-haired student I taught in Perth in the mid-1980s. Her mother grieves to this day the loss of her daughter. Similarly, it is Nguyen's mother that bears the burden of grief and my heartfelt sympathy and prayers go to her.

Finally, for those who are planning to travel overseas, 76 countries retain capital punishment in their criminal justice systems. It is practiced in 38 states in the United States, and as we expect visitors to this country to respect the people and the laws of this land, so must we when travelling.

**Mr WARREN (Goyder):** Mr Deputy Speaker, today I send my Christmas thanks to quite a number of people in my electorate with whom I have come in contact in the last six months - a very hectic, very enjoyable six months, and I would not have swapped it for the world. Thank you all for making me feel so welcome in this House, in particular, all the Legislative Assembly staff. To Ian, David and Helen, thank you for your help and guidance throughout the House. To all the staff of the House, you are a very professional group. I am very honoured to have been assisted in my first six months in the House by people such as yourselves and I wish you all a merry Christmas.

There are a number of people in my electorate who I could not let the night go by without thanking. I will quickly go through those people. I want to wish them all a merry Christmas.

Sharon Crook has been busy organising the Youth Christmas Party for the local community on 17 December, and is a stalwart of a gathering. The member for Nelson, Gerry Wood, understands and appreciates her work as well and has helped her very significantly.

There are some characters in our electorate, like Brian Piddock who takes an interest in everything in Southport. He is a genuine, proud Territorian and is very proud of the history and community of Southport. Tony Ryan, the Howard Springs postie, goes out of his way every day to provide mail delivery and pick up for businesses in the Coolalinga Shops, including my own electorate office. That is real country style service and our office appreciates that tremendously.

Kerry McCarthy has been organising a petition for the Koolpinyah Fire Brigade access road; she is associated with the Humpty Doo Golf Club. The member for Nelson knows Kerry, and she is another one of those people in our community who is very dedicated. To Pat and Jim Needham, for caring and helping the Vietnam Vets with fitness and general wellbeing. To Neil and Trisha Witham for taking our shredded paper every month and using it for packing heliconias for transport.

Somehow I think there is an irony in the material from an electoral office ending up in a very useful purpose.

To Debbie at Chianti and Coffee for making great lunches; I am an advocate of her meals and will be continuing to have a very many lunches and take-aways there. Sue and Waldo Bailey often come to the local markets on Saturdays. Sue is well known through the Barra Shop and Waldo for his poetry, and we all know and have enjoyed Waldo's poems. In fact, I have a copy of his Melbourne Cup rendition on the wall in my office in a very proud position.

To Christian Osborn and David Parish for their efforts in getting broadband extended in the rural area. To Konrad Drogemuller for trying to get the eastern end of Girraween Road sealed. That is an ongoing effort and he is a very passionate person and we will work together on that one.

To Sally Jacka for her interest in street landscaping concepts, contribution to weed reduction, and encouraging the growing of native plants. To Dale Egan from Wagait beach for letting me know about needed improvements in public facilities at Mandorah for locals and tourists alike. To Robbie Robinson for his great support of two of our school councils; he is the president of the Taminmin High School Council and also president of the Berry Springs School Council. To Sandra Parker for being a great friend of Taminmin Library and organising this year's Poet's lunch and anthology. I guess next year, Gerry, I am going to show you up with a better poem. The challenge is on!

To Greg Payne for interest in and voluntary services to St John Ambulance. To Joy Beck, she is a top bowler, for her many years of service as president of the Litchfield Bowls Club. Jo Fox, president of the Freds Pass Reserve Playgroup, for untiring efforts seeking grants and running weekly events for the events down there.

Richard Luxton is a good friend of mine and fellow member of the DCA when I was on the DCA. I was very proud to represent minister Henderson this year at the 60<sup>th</sup> anniversary of the last flight out of the Territory from the Coomalie Creek Airbase. Richard has restored the World War II Coomalie Creek Air Base Squadron Chapel. That has been a bit of a life's dedication for him at the moment. He is doing a great job and we will hear more of that as time goes on.

I could not let the night go by without saying thank you to some of my rural friends and supporters during the last campaign. These are people to whom I owe a great deal and I am proud to say are my friends. I am going to wish them all a very merry Christmas. I will start off with

Sean Bowden, Denise Bowden, Cecily and Dennis Bree, Barbara Crane, Richard Creswick, Jack Crosby, June D'Rozario, Rosie Elliott, Sandy Griffin, Gillian Harrison, Clare Hasewski, Kirstie Hawkins, Marilyn and Arthur Hockey, Renate Hubel, Brendan Lewis, Ian Luchich, Lisa McKinney-Smith – candidate for Nelson at the last election; Jack and Doreen McTaggart - I spoke about Doreen last night and I was very proud that she is a life member of the Labor Party; Morgan McWhirter, Pam Pemberton and Terry Wade. To all those people I am very grateful for all the help they had given. I wish them again a very merry Christmas.

I could not let things go by without giving a quick thank you to all the schools in my electorate. Over the past six months I have come to know many of the staff, principals, and council chairs, and they are dedicated community-minded people. At Bees Creek Primary, John Tate is the principal and Mark Brustolin is the council chair. At Berry Springs, Sheila Delahay is the principal and Robbie Robinson, whom I mentioned before, has just taken over as council chair from Michelle Nuske who spent a long time with much dedication in that job. At Girraween Primary School - in Gerry's electorate but many of my students go there - Maree Bredhauer is the principal and Kaye Pemberton is the council chair.

At Humpty Doo, Felicity Hancock is the new principal, and you could not go by without thanking Glenda Sharp who has just retired. Yesterday, they had a retirement assembly at the school and everyone wished her well. I am sure Felicity will take over that role very well and will continue to keep the high standard that Glenda initiated. Jenny Eddy is the council chair there. At Taminmin High School, we are sad to see that Kim Rowe is finishing up. Gerry, Robert and I attended their graduation the other night, and it was a very emotional period for Kim, and rightfully so. Kim has spent many years giving dedicated service to that school. There are quite a number of young men and women out there who can thank Kim and his staff for the giving them a start in the open world, giving them the background, the education, and the whole approach about what school and life are about. Kim, I hope you enjoy your retirement, and I am sure you will. Robbie Robinson is also council chair there.

There are a couple of non-government schools in my electorate. Margaret Guit is principal of St Francis of Assisi, and Mary Knight is the council chair. At Litchfield Christian School, Jenny McArthur is principal and Mathew Francis is the council chair.

There are two schools I have left until last. I feel very close to these schools because I was in a very small school at primary school. These are

two schools that make up part of the Top End Rural Group Schools. The principal at Belyuen is Tim Webb, and Eddie Shields is the council chair. At Middle Point, Grant Errington is principal, and Greg Dunstan is the school council chair.

The only people I have to thank now are those who are close to me personally. They are the people in this House: other members of parliament, and their hardworking electorate officers. I thank them for making my initial period here such an enjoyable one. I wish you all a very merry Christmas.

To Senator Trish Crossin's office – Trish Crossin, Alison Boardman, Chris Hallett and John Prior; to Warren Snowdon, Carol Bourke and Colvin Crowe - a very merry Christmas.

One person, of course, I cannot thank enough is my electorate officer, Clare Hasewski. Clare and I are a formidable team in Goyder and I wish her and her family a very merry Christmas. To Curly Nixon, the unofficial third member of my electorate office, a very merry Christmas to you and your family.

Last, but certainly not least, to my wife, Yasmin, and daughter, Hayley, a very big merry Christmas to you. Thank you all!

**Mrs MILLER (Katherine):** Mr Deputy Speaker, seeing it is the last adjournment for 2005, I will take this opportunity to say thank you to people who have been pretty important in my very busy life this year.

This is in no particular order, but I pay particular thanks to the Clerk and the Deputy Clerk and all the staff on the Assembly floor when we are here, running around after us and being very patient with us. I thank them very much for that. The IT support staff – I am a bit like the member for Blain in that I am sure they hear my voice and think: 'Not that woman again!'. I really have appreciated their help over this year - not only in here, but also in my electorate office as there have been a few challenges there as well.

The staff in Hansard do an absolutely fantastic job; there is no doubt about that. You have to trawl through so many words that are spoken in this Assembly, and I congratulate all of you for that. You are going to have a well deserved break.

To Toots and her staff at Speaker's Corner, who always have such yummy food, great coffee, great service, many thanks for that! The security staff and the cleaners, people who work behind the scenes that we do not see terribly much of, you do a great job as well. A big thank you to all of those people.

I want to say a big thank you to Madam Speaker, the member for Nightcliff, who has looked after my health and, obviously, not my waistline through this year, and provided such lovely evening meals. She has made sure that we have all had a proper meal at least once a day. That is very much appreciated.

I would especially like to wish Liz McFarlane all the very best over the coming months when she is having her medical treatment in Adelaide, and let her know that she is in my thoughts and prayers. Adelaide is particularly close to me tonight. My brother has been taken by air ambulance to the Royal Adelaide Hospital today and he does not have a long time to live. I know that Liz will be looked after very well.

A big thank you to my electorate secretary, Lorna Hart, and to my hardworking Katherine branch executive. They have given me great support during this year. It has been a challenging one and very busy with the election held in June. I could not have had a more supportive group of people working with me. Thank you very much.

Finally, the one person who needs to be thanked more than anybody else is my extremely patient husband, Mike, who has been living a bachelor's life for a considerable part of this year, as I guess most other members and their partners have. Without his support, I would not be able to do the work that I do and I very much appreciate that. As elected members know, there is a lot of pressure put on families when you are in political life, with many challenges. For those of us who live in regional areas, there is a lot of travel involved – hence I am away from home for a considerable amount of time. Sometimes, when I am very busy, I forget to tell him how much I appreciate the work he does keeping the home front going so well. Of course, he has the support of our two four-legged friends, our Labrador dogs, Jed and Kizzy.

I wish my parliamentary colleagues on both sides of the House a safe and happy Christmas season. We might parlay across the floor, but we actually get on very well by the end of the day. I wish them all the very best with their families and their friends.

I hope all Territorians have a safe and happy Christmas. Please drive carefully on our roads. I know I drive very fast, as most people know, but I do not drive recklessly. I do wear a seat belt, and I do not drink and drive. So, please, please, please, Territorians, wear your seat belts. We have lost too many lives unnecessarily by people not wearing them.

Mr Deputy Speaker, I look forward to seeing you and all of our colleagues back here in 2006. I

wish you all a merry Christmas and a happy New Year.

**Ms SCRYMGOUR (Arafura):** Mr Deputy Speaker, before I get into my adjournment, I also put on record my appreciation of Liz McFarlane. In the two years I spent as the chair of the parliamentary committee looking into substance abuse, Liz, for me, was like my old mother. She made sure that she always had meals and other things for us that we ate. I put on record my appreciation of those times.

I remember one particular time when she was with Elliot McAdam and I and we were driving around Ayers Rock and we became lost. Liz said to Elliot and me: 'I was told by a lot of friends of mine that whenever I go out in the bush to make sure that I travel with the Aboriginal mob because they will never get lost'. I said: 'Well, Liz, your friends were wrong because, even though we are blackfellas, we are well and truly lost'. We got out of that by saying it was not our country, it was new country, we were not in our country so it was a strange land and we could not find our way. That is the type of relationship that we had with those committee staff.

There was a lot of work and both Liz and Pat Hancock worked hard to give us support. There was also a bonding and a friendship. All members on that committee forged that friendship. You are travelling long distances and you develop a friendship with these people, and you are able to talk without feeling ill-at-ease, or that you cannot say something. For both ...

**A member** interjecting.

**Ms SCRYMGOUR:** Do not worry about him. People like that are hard to replace and I want to place on record my appreciation to Liz.

The last 12 months has been quite a long year for me, and it has been a hard year as well. It has been a long and arduous one. Earlier in the year, I fell quite ill and it was quite a traumatic experience. That led to the election and our government was re-elected for another term. I went into that election still feeling a bit fragile even though my energy levels were up.

There are a number of people whom I would like to acknowledge. My friends and my family, particularly my two brothers, Robert and John, who were there right through and supported me; Nola Tipungwuti, Joanne Portaminni, and Yvonne Dunn, who runs the most effective and efficient Centrelink Office I have seen in any community; Lawrence Costa, who is the Deputy CEO of Tiwi Island Local Government; Maurice Rioli; Manny Rioli; my mother Anita Pupangirimirri; Virginia and Peter Galarla; Barry and Kilpayu Puruntatameri;

Gawain Tipiloura; my mum Lena and Cyril Kalippa; Matthew Wonaeamirri; Pamela Warlapinni; Irene Hull; Brian and Jennifer from the Tiwi Island Training and Education Board; and also the many organisations which have supported me - I meet quite regularly with when I go over to the island - the Tiwi Island Local Government Council, their CEO, Kirk Whelan, and their staff; the Tiwi Land Council, John Hicks, CEO, and Denise Calendar; the Tiwi Island Training Education Board and the many organisations and enterprises on the Tiwi Islands.

I particularly acknowledge the health and policing staff at this time. It has not been easy over the last 12 months. The increasing number of youth suicides that have been happening over the last 12 months has had its impacts and effects. Even for the hardened individual, it does not matter how many times you get called out to these suicide events, they still affect you. To everyone on the island, after 9 December once I have finished my ministerial duties, I am looking forward to going to the Tiwi Islands and seeing everyone before Christmas.

David and Helen Bond have now left Maningrida but have been there for me over the last year and given me a lot of support. Peter Danaja, Gordon Machbirr, Reggie, Helen Williams, Deen Hereen, Ian Munro, Matthew Ryan, Victor Rostrum, and all of the Djelk rangers do a fantastic job. If anyone has been following both the national and the Territory news, those guys do a fantastic job. There is no reward in it; they do it because they care about their coastline and their communities. They are the coast watch of Australia. They are the eyes and ears protecting our coast and they do a fantastic job out there.

Thanks to Felicity Douglas, John Cooper, who is the CEO of the Malabung Health Board and all the board members. Lyn Hollows, the principal of Maningrida CEC and all the teaching staff, you have done a fantastic job with those kids. In the last two years, we have seen fantastic results that have come out in terms of Year 11 and 12 students graduating. Bill Young, MPA and all the staff there, John and Kerry Horgan and all the staff at the Maningrida Council, and Bill Hardy and the rest of the staff at the council. Staff and students of the Maningrida Jet Centre, Leonie and staff at the Maningrida Aged Care. To the students of Maningrida CEC, you have done your families and community proud. It is great to finally see the results in educational standards and outcomes from our Aboriginal communities.

Daisy and Mary Yarmirr of Croker Island; Margaret and Wayne Barnes; Shane Wauchope; Kenny Ogden; Bernadette and other nursing staff at the clinic at Minjilang, I look forward to getting to Croker Island in the next week to see you all

before Christmas. We are heading into the cyclone season, and the Wet Season always brings the threat of cyclones. Hopefully this year, they do not have to worry. We live in the tropics and that is one of the consequences of it.

It will be sad to see Jim Gorey leave the Warrawi community. When I visited Warrawi before and after my election in 2001, the community was pretty much on its knees. There was very little activity happening as the council was experiencing great financial problems. When you are a council clerk and you go out to these communities they do not tell you it is not a 9 to 5 job, that it is 24 hours a day, seven days a week. Jim has done that for four years and been on call. He wants a rest and a break and has decided he wants to do something else and look for new challenges. I wish Jim all the best. I will be catching up with him before he goes to Adelaide to see his family for Christmas. I am sure all the members of the community of Warrawi are feeling the loss of this man.

To the council members Bunug Galaminda, Jenny, James, Bev, Nancy and all the health staff, I will be out there before Christmas. To Esther, the principal of Gunbalunya CEC and Jo Sing, Tess, Julie and all the women who have given me their unwavering support and friendship throughout the year. To Esther and those women, I say thank you. At times, I am overwhelmed and very humbled by their warmth and the friendship they have given me over the years. When I was sick earlier this year and needed to get out of town, away from my family and everyone else for a bit of respite, and time to think and ponder about a number of matters, it was Esther whom I rang. She allowed me to go out there and stay with her for a weekend. Not to ask any questions, or make any demands, but just being there with her and those women allowed me time to rest and think.

To the residents and people of Jabiru, I will be out there for a hangi which is happening on 16 December. It will be like a unification and getting together of that community given all the issues and problems there have been with the council within the community for the last 12 months. Hopefully, this hangi and the celebration will bring that community together. I am looking forward to getting out there on 16 December.

To my staff on the fifth floor. Prior to the election David Money and Pippa Rudd were my senior advisors, and I thank you both. My present senior advisor, Lesley Cameron, thank you for your patience and guidance. Andrew Buick, Maria and Alicia thank you; you all work hard and, even though it is stressful at times, we do try to laugh in between all the tears and the stress - not that Andrew would shed any tears!

On a serious note, there is one particular person who is able to keep my feet grounded and, in my opinion, is irreplaceable and that is my PA, Penny Carr. I say thank you for your loyalty, patience and friendship since I was appointed minister. It makes facing the day all the much better knowing that there is someone there like Penny.

To my seriously - and she is probably going to hate me for this - gorgeous electorate officer, Helen Daiyi; it has been a year of ups and downs. Sometimes we forget to say thank you, but I very much appreciated your hard work. My re-election this year saw you participate in your first political campaign and you did a fantastic job and the results speak for themselves.

To the Clerk and the Deputy Clerk, Graham and Steven and all the staff in the Table Office; all the staff of the Legislative Assembly, thank you and please have a safe and happy Christmas. I look forward to seeing you all in the new year. To the Hansard staff, you do a fantastic job, particularly when there is such a diverse group of members; the 25 of us come from such diverse cultural backgrounds. We speak in language and express ourselves and Hansard is able to have that all recorded and available for us. So to Helen and all those staff, thank you.

Like the member for Katherine and all of us here, the one person that we often forget in this job is the one person who deserves most thanks. We spend our time with this person, sharing tears, frustration, and fears. I am grateful to my husband, David. Since I have been in this job over the last four years and, particularly as a minister, it has been hard because I am hardly home and I travel around all the time. We have two babies at home, Jess and Rex, the dogs. They have to be looked after and fed and David makes sure that happens. I do appreciate my husband's support. It has been over 12 months since we have been able to spend some time together, so I am looking forward to having a bit of a break over the Christmas period and spending some time with him.

Merry Christmas to everyone. I hope that everyone does stay safe, which includes parliamentary colleagues on the other side as well as my own parliamentary colleagues.

**Dr LIM (Greatorox):** Mr Deputy Speaker, I would like to raise some outstanding issues for the government to consider over the Christmas/New Year break and, hopefully, come up with some answers.

First, I want to talk about the lack of power supply to Dundee Downs. I am sure the minister is aware of the difficulties people living in Dundee

Downs have faced for quite some time. I recall a commitment made by the government that power would be supplied to Dundee Downs by September 2004 at a cost of some \$5000 per block single phase, and more if they required three phase. Unfortunately, while power has gone right down to Dundee Beach and work continues to progress, Dundee Downs continue to miss out. I understand that the minister has written to some of the residents of Dundee Downs saying that if they want to have power and there is no connection along their boundary they have to pay \$15 000.

This is a reversal of the promise that they made to deliver power and the minister needs to reconsider. Every other person has been charged \$5000, but Dundee Downs will have to face triple that amount. I received a letter written by the Minister for Essential Services to one of the residents, and I am sure those residents have good reasons to argue that they have now been short-changed. I ask the minister to reconsider the charges that he is going to impose on these people. They deserve power; they have lived there for a long time. They are trying to open up the country out there. They are trying to grow mangoes and without a reliable supply of power, using generators is not going to help them with the establishment of adequate facilities to keep the mangoes in good condition for sale.

There are issues at Dundee Downs. I went out to have a look and the road leading out to Dundee Downs goes through some five or six creeks. I worry for the people out there when the rain comes down. In fact, in one family, the husband suffered a severe haemorrhage recently and was unconscious. Fortunately, his children were still visiting him and they had knowledge of first aid and CPR. They managed to resuscitate him and rushed him into Royal Darwin Hospital where he was kept for quite a few days and had to be transfused. Had the creeks been flowing and the children not been there, I worry what would have happened to this man. This government has an obligation to really look seriously at Dundee Downs and see what they can do.

A matter that has raised its head in Alice Springs is best expressed by a couple of questions that were provided to me to ask of the government. This is in regard to the Alice Springs Youth Accommodation and Support Services. This is a short fax I received:

*For the past year, the Northern Territory government has been vocal about its commitment to the provision of treatment for young people engaging in substance misuse. Given this, I ask the government to explain why the Northern Territory government would provide funding to the Alice Springs Youth Accommodation*

*Support Services, a not-for-profit community-based organisation, to construct purpose-built residential facility to accommodate the treatment service yet refuses to provide recurrent operational funding to run this service.*

*You all know that effective drug treatment programs for young people in other states - for example, the Youth Substance Abuse Service in Victoria - have been developed after years of research, consultation and program development processes. Substantial amounts of funding have been injected into such programs by respective state governments in order to ensure effective and appropriate service delivery.*

*The NT government is undertaking consultation around a service delivery model with the youth sector in Central Australia for a volatile substance treatment program. The youth sector is committed to establishing an innovative and effective model of service delivery, but it is concerned that the funding available falls well below what is required to do this. What is the government's commitment in terms of providing funding at a level that will allow comprehensive and effective service delivery to the most vulnerable young people in our community?*

ASYASS does a very good job in Alice Springs. It provides a drop-in centre and several houses for emergency accommodation for homeless young people. They work very hard to fundraise to help support their activities. This current accommodation that was built through a grant from the Northern Territory government now sits idle. ASYASS cannot provide any funding to run an ongoing program to support youth who have been misusing volatile substances. The government has committed \$10m to petrol sniffing. It is full of rhetoric there, but they should now put their money where their mouth is and support ASYASS. You can talk to any of the youth in Alice Springs about ASYASS and most of them would praise the services that ASYASS has provided. I say to the government: get on with it! Support ASYASS and do that as quickly as you can.

Recently in the Alice Springs *Centralian Advocate* was an article quoting the Health Minister saying that he sent a couple of health professionals overseas to recruit. In fact, today or yesterday, the minister reported he has recruited several nurses and is now endeavouring to get doctors as well. Well, there is a doctor in Alice Springs who has been struggling to try to get the hospital to support him. He came from overseas as a fully qualified dentist, and got his medical

qualification in Adelaide. He applied to work at the Alice Springs Hospital as an intern, and that he did. He got the job. Subject to his working at the hospital, the hospital was going to support his working visa.

Once he got work at the Alice Springs Hospital, he applied on many occasions to get further training as a general practitioner. His aim was to serve his time in Alice Springs initially, and then work as a private practitioner in rural and remote Northern Territory as both a dentist and medical practitioner. That is a fantastic combination of skills for a medical practitioner to have in the Northern Territory. He tried to get the appropriate medical training terms at the Alice Springs Hospital so that he could do the training to be qualified as a general practitioner. For months and months, he has tried to negotiate with the General Manager of the hospital and got absolutely nowhere. Finally, out of desperation, he came to see me to seek help. He has also written to the Office of the Commissioner for Public Employment seeking some sort of recourse. He is concerned that the hospital's General Manager and the management system will pull the working visa from under his feet so that DIMIA will see fit to then deport him from Alice Springs.

This is a real tragedy. Obviously, the manager cannot see beyond her nose. In the letter he wrote to the Office of the Commissioner for Public Employment, he made a couple of points: that his grievance was about unprofessional and intimidating behaviour from the Alice Springs Hospital General Manager towards himself. He has reason to believe that he has been unfairly treated. He has made approaches to the AMA of the Northern Territory for support, and has quoted several instances where the hospital management has treated him unfairly, including restricting his rotation of term at the Alice Springs Hospital. Although he is seeking some redress from the OCEP, I hope they can see fit to do something about that, and do it quickly. In the meantime, I believe it is beholden on the government to continue to support his working visa in the Northern Territory.

I publicly say here that I will be supporting his application to DIMIA to ensure that they do not pull his working visa. If it is, then there will be more questions to be answered.

I saw from the TAFR yesterday, that DCIS has spent \$4.5m in the transition of the communications contract. It would be interesting to find out, and I hope I will be able to get a briefing from DCIS soon, whether this is the only cost which is going to be incurred through the transition from Optus to Telstra, or whether it is just the tip of the iceberg for now. It is of concern that money is being spent on this transition, which

is obviously required, but when I asked previously how much it is going to cost, it was suggested it could be \$10m or more. We have had no satisfactory answers so far and, for the first time some figures have appeared and we look forward to seeing some more detailed figures.

Before I wish everyone merry Christmas, I found out today that Woodside has sold its interests in the Blacktip gas field. The new purchaser is an Italian company, which may or may not continue with the development. If it does not, it really puts us in a difficult position. Pearce Point would lose its development, and where do we go from there? There would be no more gas available from Blacktip, and Power and Water will be in an even more difficult position to try to negotiate for gas to power our power stations in the Northern Territory. There is an issue and I look forward to the government explaining how it is going to deal with this, and also Power and Water.

In the remaining couple of minutes, I wish everyone a merry Christmas, particularly the staff of the Legislative Assembly, Hansard and security. I thank the secretaries of all the committees which I serve on. There are many committees which we in opposition serve on, in particular, we have had a lot to do with Terry Hanley this year, and also Liz McFarlane, who is going to take some time off to go to Adelaide for personal reasons. I wish her well. Keep in touch with us to let us know how things are going and we would like to see you back next year.

I thank my electorate officers, the full-time and the part-time: Caroll Cailler, who was recently married, Chris Cope and Christine Potts, who has done time for me in between when Caroll takes time off. The staff on the fourth floor: in particular Julian, who has now decided he will leave us before Christmas, and to my former colleagues, Denis Burke, Tim Baldwin, Sue Carter, Steve Dunham and John Elferink. We miss you in this Chamber. We thought it will help contribute to our work this last six months.

**Mrs AAGAARD (Nightcliff):** Mr Acting Deputy Speaker, I put on the record my complete opposition and abhorrence of the death penalty. Whilst I am not a member of Amnesty International, though I used to be, I wholly agree with their stance on this issue which is promote the abolition of the death penalty. Currently, 121 nations have abolished the death penalty in law or practice, with 75 retentionist countries. The momentum towards worldwide abolition continues, yet the death penalty persists and, in some places, its use is expanding, especially in relation to criminality and terrorism. While some governments promote worldwide abolition, others firmly resist.

In 2003, the United Nations Commission on Human Rights passed a resolution calling on all states that still maintain the death penalty to establish a moratorium on executions and affirming that the abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights. The resolution was co-sponsored by 75 states.

On the same day, a joint statement by a group of other states, disassociating themselves from the resolution, was circulated at the Commission on Human Rights. This stated that there is no international consensus that capital punishment should be abolished and asserted that the characterisation of the death penalty as a human rights issue must be weighed against the rights of the victims and of the community to live in peace and security. It was signed by 63 states.

This clearly highlights the divergent views held by countries around the world, though there is a trend to the abolitionist view. In the past decade, an average of three countries per year has abolished the death penalty in law or in practice.

The issue of the death penalty is not always at the forefront of people's thoughts, especially in Australia where capital punishment was abolished in 1985 by the Commonwealth, with the last execution occurring in Australia in 1967.

However, recent events have brought this subject to the fore. Just today, the 1000<sup>th</sup> execution in the United States occurred since the reintroduced of the death penalty in 1967 and, very sadly, tomorrow morning Australian, Van Nguyen, is scheduled to be executed at 7.30 am Darwin time in Singapore.

Three years ago, on 12 December 2002, Mr Nguyen was arrested at Changi Airport while in transfer from Phnom Penh to Melbourne. He was carrying almost 400 gm of heroin. Tough drug laws enacted in 1975 made the death penalty mandatory for trafficking more than 15 gm of heroin and the Singapore High Court sentenced Nguyen to death on 20 March 2004.

An appeal to the Court of Appeal was dismissed on 20 October 2004 and a plea for clemency by the Australian government was rejected in October 2005. Since his conviction, Mr Nguyen has been held on death row in Changi Prison. Honourable members, I extend my condolences to his family and I encourage all of you to become involved in this sort of campaign with Amnesty International. I believe the death penalty is something which must be overthrown in all countries.

On a cheerier note, I thank the Legislative Assembly staff. As the Speaker, it is a very different role to being a member, and the Speaker is very special and a privileged role. It has been my joy to become the Speaker and also to have Mr Ian McNeill as our Clerk. Mr McNeill is a very dedicated, honourable and excellent advisor in relation to all matters parliamentary. I am sure all other members who have been Speakers have been well advised by Mr McNeill.

Many of you will know that Mr McNeill received the Public Service Medal earlier this year but what you will not know is that Mr McNeill also received another award - which he is smiling at, at the moment. You might recall that in the October sittings there were two instances where Mr McNeill's phone rang in the Chamber during the sittings. As a result of that, I was able to present the Telstra Loyalty Award which I presented to Lumpy in the form of an official charge, the particulars of which are:

*During the October sittings of the Legislative Assembly of the Northern Territory said accused failed to switch off his mobile telephone in the parliamentary Chamber contrary to standing orders and an order of the Speaker, thereby invoking the wrath of the Speaker and the mirth of members.*

It is signed Hon Jane Aagaard, MLA, Speaker, dated this 14<sup>th</sup> day of October 2005. Mr Acting Deputy Speaker, I seek leave to table this award.

Leave granted.

I also recognise Captain David Horton, our Deputy Clerk. Mr Horton knows so much detail about Parliament House that sometimes he bamboozles me. I thank him for his hard work and his advice in parliament. Also, I thank the Parliamentary Services Director, Vicki Long, who is on leave at the moment, and Parliamentary Liaison and Information Manager, Jan Sporn. I put on the record a very interesting trip Jan Sporn and I and members of that unit, particularly Anna Maria Socci, had to Yirrkala in September or October, when we took the Parliamentary Liaison Unit to the Gove Peninsula. It was a tremendous time and a wonderful exercise in relation to education about parliament. I thank Jan and that group of people.

I thank the Editor of Debates and Serjeant-at-Arms, Helen Allmich. I would have to say that, frequently, some of what we say in this House is very hard to understand. Sometimes that is a blessing, but not always, and they remarkably pick up most of what we say.

I thank the joint directors of the Committee Secretariat, Pat Hancock and Terry Hanley. I

congratulate Pat for all her hard work with breast cancer awareness. Pat, as many of you would know, is a survivor of breast cancer and is an incredible advocate for breast cancer awareness. She was behind the push for us to have a pink parliament here in the Assembly but also the pink lighting of the Parliament. It was a magnificent effort and thank you very much, Pat. I also congratulate Pat on her son turning 18 last Sunday. I know this because my son, who is 17, apparently gate-crashed the party, which was not very good, but I understand it was a very nice party. Congratulations, Pat, on your son, Harry's, birthday.

I would also like to mention Liz McFarlane who is a very special person and, sadly, is very unwell. I wish her all the best and hope that her break over Christmas is a good one and that she returns feeling a little better.

I should mention Jane Gunner who is a stalwart of the Assembly, particularly of the Clerk's office. You may not know this, but Jane has broken her arm playing soccer in the Legislative Assembly Corporate Challenge team. She is unable to type. I have really missed her work during this sittings because she provides me with excellent notes.

I thank Joanne Carbone, who works for the Deputy Clerk, and the officers in the Table Office, Graham Gadd and Annette Brown, who provide an excellent service.

I have mentioned Hansard, which includes Elizabeth Olajos, Steve Stokes and Sue Gray. In Building Services Jan Bradley, Phyllis Mitchell, Tony Hibberd; members of the Parliamentary Liaison Unit, Anna-Maria Socci, Renee Manley and Raine Caldwell. In Technical Services, Derek Stafford and Tony Hume. There are many other staff, some of whom are Mary-Anne Almond in Office Services; Matt Antcliff, who helps us with our computers, Lisa Callahan, Julie Carlson, Brian Cook, Kim Cowcher, Sonny Rachman, Brenda Reid, Rex Schoolmeester, Robyn Smith, Alice Tsang, Cherie Thorpe, Karen Turner, Brian Lloyd and Maria Viegas.

I would be remiss not to mention my own staff in Parliament House: Chris Grace is my executive officer and is doing a great job. Thank you very much, Chris, and my acting PA - who has only just been there for a week now and I think is a bit shell-shocked - Kent Rowe. Thank you very much to those two people.

Moving on to my electorate, I thank my new electorate officer, Dan Grieve. He has only been there for three weeks and is only just beginning to enjoy the experience of being in Nightcliff. I thank Dan for his dedication already. I should say that

Dan is the tidiest electorate officer I have ever had. I have had a series of electorate officers who are probably a bit like me and are a bit untidy, but in that time he has tidied the compactus and every cupboard; he has counted every piece of paper. He is an amazing man. Now he knows exactly how many staples and everything we have. So, thank you very much, Dan. He will be very much embarrassed by that. I would like to thank my former electorate officer, Warren Martin, who is now working at Charles Darwin University, for all his hard work during the time he worked for me. I wish him all the best.

One of the things about being a member of the parliament, particularly as a member of a political party, is we get tremendous support from our branches. The Nightcliff Branch of the Labor Party is a very strong branch. We have a tremendous group of people and many volunteers. I particularly thank the president of my branch, Helen Campbell, and vice president, Ann Alderslade, and the secretary, Bob Corey. I have to say that Bob is in and out of hospital. He does not just do it on by halves; he goes into intensive care. One day he is just walking around and the next day he is in intensive for three weeks, then he is back helping me doing some kind of voluntary work for the Labor Party. He is a tremendous man and he needs to take it a bit easy, to be quite honest. He is always ringing up to check up, making sure I am doing all the right things. Thank you very much, Bob.

**Mr Henderson:** Hear, hear!

**Mrs AAGAARD:** The member for Wanguri knows Bob quite well because, of course, the member for Wanguri stood for Nightcliff ...

**Mr Henderson:** I know Bob very well; he is a stalwart.

**Mrs AAGAARD:** Yes, Bob is a total stalwart. I would also like to thank my Treasurer, Sally Gearin.

As I only have a small amount of time left, I would like to mention Gale Jamieson. Last night, the Chief Minister announced that Parliamentary Counsel, Gale Jamieson, will be leaving the service of this parliament shortly to move to Perth to take up a senior position in the Western Australian Office of Parliamentary Counsel. The Chief Minister paid tribute to her role as Parliamentary Counsel leading a highly motivated team during an especially demanding time during the last four years, successfully guiding the implementation of an extensive legislative program. On behalf of all members and officers of the Assembly, I would like to take this opportunity to pay tribute to Gale and to wish her every success in her new role in the West.

During my time as a member of this Assembly, I have noted that Gale and her staff have served members from all sides of the House with enthusiasm and professionalism. She has maintained and has a tradition of excellence in parliamentary drafting in the Northern Territory established by Jim Dorling and continued by her immediate predecessor, Tom Hurley. Gale has continued and further developed a most effective working relationship with officers of the Legislative Assembly; in particular, the Office of the Clerk and the Chamber Support Unit. The Clerk has requested that I record, on behalf of officers of the Legislative Assembly, their appreciation of Gale's work, and to record their esteem. He has advised that Gale has been an important member of the informal Independent Officers Group and, in her time as Parliamentary Counsel, has been for him a source of sound legal advice and practical drafting solutions.

On behalf of all members and officers of the Legislative Assembly, I extend our best wishes to Gale and her husband, Philip, in their future in Western Australia, and record our sincere appreciation for Gale's meritorious contribution to this Assembly.

Honourable members, I wish you all a very happy Christmas and a safe New Year and look forward to seeing you back here on Valentine's Day 2006, which happens to be my 19<sup>th</sup> wedding anniversary.

**Ms McCARTHY (Arnhem):** Mr Acting Deputy Speaker, to finish off with my thank yous at Ramingining, I would like to pay particularly a tribute to Kevin Heppesley. A big thank you, Kev, for your continued support. It is clear to all who visit the community of your contribution to Ramingining and commitment in pursuing improved conditions in roads and building infrastructure for the community. Thank you!

At Bulman, Lazarus Murray does tremendous things for the community. Lazarus is a role model to young men, and his leadership skills and dedication to seeing life improve for people in Bulman is outstanding. Thank you to Lazarus and his wife, Lisa, for your continued support.

Another role model and inspiration to her people is Annette Murray, the school principal at Bulman. Annette's energy and enthusiasm for the future of all children in Bulman is a credit to her. Her dedication to other areas of the community includes representing the community on the Sunrise Health Board and Nyirranggulung Mardruk Ngadberre Regional Council.

Special mention goes to the nursing and health team at Bulman. Their commitment to ensuring Aboriginal people are involved in health has seen

a sharp rise in Aboriginal health workers in the clinic, largely due to the encouragement and support of the nurses. Thank you for the work you do and vision you have for Bulman of ensuring Aboriginal health is in Aboriginal hands.

Along the Arnhem Highway is a station called Mountain Valley run by Ben and Traci Tapp. I would like to say thank you to the Tapp family for your hospitality, and sincerely wish you a safe and happy Christmas. I will be keen to get on that road again in the New Year.

A special mention to Veronica Birrell president of Nyirranggulung. Veronica is another amazing Aboriginal woman working tirelessly to improve the ways of her people in the Wugularr/Barunga region. Thank you, Veronica, for your support this year, and I look forward to many more times with you in the new year. Also to Michael Berto, the CEO of Nyirranggulung - thank you for your efforts in trying to bring the Bulman, Weemol, Wugularr, Barunga and Manyallaluk region together under Nyirranggulung. It is filled with great challenges, not least of all distance and your efforts do not go unnoticed. Thank you, Michael.

To the school community of Wugularr, I hear your concerns regarding the need for a new school building and will do my best to push for stronger outcomes over the next year. It is greatly encouraging to see the enthusiasm of both students and teachers in the school. I look forward to more sports days with you in the nearby school of Barunga in 2006.

Another woman who deserves mention for her efforts in bringing together the community of Barunga is Anne Marie Lee. Anne Marie's patience and passion for her people is clearly evident in her tireless energy to see good things happen, whether it be coaching or supporting the Arnhem Crows football team to the grand final, which they just lost to Lajamanu this year in the Katherine AFL, or whether it be in the Barunga Council offices, working on housing and employment issues for the community. Anne Marie, you are an inspiration. Thank you for what you do.

To Yve Weinberg, the teacher at Manyallaluk, at last the children have moved into a new school the Martin government promised for Manyallaluk. It is a great Christmas gift to know that the school is now completed and will be officially opened in the new year. I look forward to the opening, along with Education minister, Syd Stirling. I hope the students enjoyed today's tour to the Northern Territory parliament, and it is good to hear that a few of them are even thinking of being a future Madam Speaker one day, even a future member for Arnhem. Well done, Manyallaluk.

At Ngukurr, I would like to take this opportunity to thank Joyce Dirdi for your unfailing support this year. It is obvious how valued you are in your work, Joyce, with the students at Ngukurr Primary, especially Early Childhood, but not just for the children, also with the teachers at Ngukurr who greatly appreciate the time you give them to share your knowledge of culture and family links within Ngukurr. You are another fine example of success in combining cultural and family obligations with your work as a teacher in the school. Well done, Joyce, and thank you.

A very big thanks goes to all students and staff at Ngukurr Primary for the invitation to open a stone mosaic of your country. The mosaic took 18 months to complete. It was a combined effort of students and teachers, in particular art teacher and designer, Simon Normand. Simon, your perseverance and respect for Aboriginal culture at Ngukurr is deeply appreciated. The mosaic covers an oval area over 30 m long and 15 m wide. It is at the entrance to the school and has been sheltered with shade sails. The design depicts the Roper River and surrounding land forms. The mosaic places the four major skin groups and their dreaming animals upon the land they created. The garden is to be used as an outdoor learning area for Ngukurr's Indigenous Language and Culture Program. The garden will orient visitors to the country that surrounds them, also informing visitors of the significance of some moiety totems to the land. Well done to Simon and the students for the completion of the beautiful mosaic.

To Noel Bleakley and the staff and board members of Air Ngukurr, in particular Marjori and William Hall, you need to be commended for your vision and determination, and perseverance, for an indigenous-run airline company in the Northern Territory. It has been a tough time for Air Ngukurr, but I am hopeful that 2006 will be a good one for you all. Thank you for your patience and perseverance and for your vision.

To the schools at Numbulwar, Urapunga, Minyerri and Jilkminggan, keep up the good work and I look forward to seeing you all again in 2006.

In Parliament House, I take this opportunity to thank those staff who have assisted me these past five months making my introduction to parliamentary life a welcome one. They are the Clerk of the Assembly, Ian McNeill and Deputy Clerk, David Horton. There are a few others I would like to name in particular: Steven Stokes, Annette Brown, Phillip, Graham Gadd, Jan Sporn, Brian Cook, Vicki Long, Helen Allmich, Anna Maria Socci, Tony Hibberd, Jan Bradley, Mary-Anne Almond and Rex Schoolmeester. To Madam Speaker, thank you for the beautiful dinners and I look forward to them continuing, and to your staff, Chris Grace and Kent Rowe.

In our Parliamentary Library, a very big thank you to Trudi Maly and Susan Davidson who, without your support, I am not quite sure where I would be, really. I know I would probably be spending more time doing research on my own. Matt Antcliff and the IT team, for your absolute patience - Matty, thank you so much for the patience and perseverance from you and your team, in assisting me to understand the IT system, although I do not think I actually quite fully understand it. I am sure that I am going to have some more problems in the next year! I look forward to working with you again through next year.

A huge thank you to Darryl Spurr for your unfailing support and enthusiasm in assisting me with the many requests for photos of all the school children who came from my electorate to visit Parliament House.

To the parliamentary committee teams, Terry Hanley and Pat Hancock, thank you. Maria Viegas, Robyn Smith and Brian Lloyd, thank you. Liz McFarlane, Renee Remfrey and Kim Cowcher, thank you very much for your support with the committees. To Deidre Logie in minister Peter Toyne's office, for accompanying me to Nhulunbuy and organising the day's events; it was a fantastic day, Deidre, and thank you.

To Sports and Family and Community Services minister, Delia Lawrie, for her interest in travelling the Arnhem electorate with me to Groote Eylandt, a request that came soon after she joined the Martin ministry. Thank you, minister, to you and your staff and, in particular, David Money and Nikola Lekias for also travelling with us on the three day trip.

A special tribute to my fellow Labor members for making my introduction to parliament as smooth as it possibly can be, though I know it will not stay that way considering the bumpy ride of politics. To all members in the Northern Territory parliament, I sincerely wish you a festive season and a very safe one.

To my electorate officer, Phil Powling. Thank you, Phil, for your unfailing support and guidance these first five months as the member for Arnhem. I look forward to the challenges we face as a team together in 2006.

Finally, my family: my husband Norman, my sons CJ and Grayson, my mum, Maisie, and sister, Selina, thank you for your overwhelming support every single day and walking this new road with me. Walking it, driving it in the vehicle in the Arnhem electorate, or simply just being at home taking care of all the things that need to be taken care of while I am travelling around in the Arnhem electorate. A huge thank you to all of you.

To each and every person right across the Northern Territory, I sincerely wish you a safe and happy Christmas and a wonderful new year.

**Ms SACILOTTO (Port Darwin):** Mr Acting Deputy Speaker, this evening I speak of the many events and achievements in the constituency of Port Darwin. First up is an exciting new Darwin City marketing strategy which was launched by the Lord Mayor, Peter Adamson. This strategy is to showcase the city, fantastic shops, restaurants, cafes, areas rich in history, and other interesting places the city has to offer. Large colourful posters have been distributed promoting all of these aspects and four of these marvellous posters are displayed in my electorate office.

The grand old Vic Hotel was the venue for the launch and it is looking fabulous due to major renovations to the ground floor area. What a great venue and opportune time to talk about Darwin's rich heritage and to promote an upbeat future for the inner city area while launching the Darwin City Marketing Strategy. The Vic has a long and colourful history that has included some larger than life Northern Territory characters. I would like to see a storyboard of the history included in the common area of the new Vic. This will give visitors and locals an insight into the famous Vic Hotel. I acknowledge that the finished work looks fabulous and is in keeping with the tradition of Territory stone which has been used extensively in the common area.

I am told that at the launch some very good Larrakia art was on display and Alison Mills and her mother, Kath, welcomed guests on behalf of the Larrakia nation. The mother and daughter duo performed their song, *Arafura Pearl*. His Honour the Administrator, Ted Egan AO, was also a hit with his Darwin song.

In remembering the history of the Vic, my electorate officer, Sandra Wanka, who is a fourth generation Territorian, told me her aunt, Miss Thora Wills, who was born in Darwin, was a housemaid at the hotel for many years when the hotel was owned and operated by the Fong Lim family. Her aunt would tell many colourful stories at family gatherings of the guests and some of their bizarre requests. She told of taking meals from the Vic kitchen up to the prisoners in the old police lock-up in Bennett Street. Unfortunately, Thora passed away in December 2004 at the age of 83 years and, in her passing, Darwin lost another link to its history. Her family legacy remains very strong through her four sons, Bob Wills, John Kelly, Lawrence Kelly, and Frank Kelly, who sadly also passed away on 16 November. Their family history through their marriages now extends to many old Darwin families.

Other news from the city is that another old Territorian family is being recognised for their artistic abilities. Peta Corpus has launched her own amazing designs in a jewellery collection at Territory Colours. Peta is the daughter of Pinky and Mary Corpus. Pinky was a pioneer in the pearling industry in the Top End.

Since my last adjournment, I have been very busy attending functions to aid and promote breast cancer awareness. I take this opportunity to thank all of my colleagues for wearing pink at the last sittings. This recognition raises the profile and aids the survivors and sufferers of breast cancer by promoting awareness. It also gives financial support for the continuing research into this insidious and devastating disease. More and more women of all ages are benefiting and have hope that breast cancer is now not a death sentence. Statistics tell us that more than 10 000 women in Australia are diagnosed each year. It was fantastic to see Parliament House illuminated in a pink hue which coincided with other major buildings in capital cities around the world for the launch of Breast Cancer Awareness Month.

A Pink brekkie was organised by the Women's Network and held at SKYCITY Casino. My electorate officer and I were seated on a fun table with Carole Frost, Therla Fowlestone, Jarna Neve, Sandy Sinclair, Cathy Goed and Stacey Henderson. Some fantastic prizes were donated, and some of the lucky winners were Sandy Sinclair, Bernie Berts and the one only male in the room, Lord Mayor Peter Adamson, to name a few. Ms Nerys Evans was the guest speaker and gave a brilliant and humorous insight into her childhood in Wales, and her life since coming to Australia and meeting his Honour the Administrator. She is truly a great story teller.

On 28 October, a Sunset Pink Cocktail Party was held at La Beach restaurant in Cullen Bay. This function was hosted by Business and Professional Women. I congratulate Nicoletta Fawcett, the finalist in the Northern Territory Telstra Business Women of 2005. She did a fantastic job organising the party where \$5000 was raised for this great cause. I and my electorate officer, Sandra Wanka, and my son, Luca, had a great night and look forward to more events. The partygoers turned out in the finest cocktail attire and were treated to music by Brett Ireland's RAW NT. Michelle Hanton, a survivor of breast cancer, gave a very heart wrenching insight into her treatment. She is now supporting her younger sister who has recently been diagnosed. Stephen Waterbury, whose wife has had a long battle with the disease, gave the gathering a very different perspective on breast cancer when he shared his experiences as the partner of a survivor.

I thank the many sponsors who made this function possible and the success it was. They are Ray Parry, Sharon Kelly, Leanne Cattermole, Lucy Voight, Carol Cattermole, Gaynor Beck, Phil Kerr, Brett Ireland, Dekara Case Lambert, Michele Hughes, Graham and Coral Quinell, Simon Mathews and Lily Kovacevic, Cheryl Montgomery, Kevin O'Shannessy, Michelle Zagorianos, Thomas Chin and Darryl Thomas, Nick Marston, Connie Jape, Janice Carter, Teresa Anderson, Tracey Hanrahan and Chris Brooks.

World Teachers Day on 28 October was celebrated in the electorate with gifts of champagne and chocolates presented to our schools, Stuart Park Primary, Saint Mary's Primary and Larrakeyah Primary School.

On 4 November, I was a guest at St John's College annual formal assembly where I was asked to present the Betty Tomlin Award for Academic Excellence in SOSE to Bovina Te, and MLA Shield for Public Speaking to Elizabeth Stedman who also won the Royal Australian Chemical Institute Award. It was very pleasing to be introduced to parents, teachers and students at the college at the morning tea after the presentation.

Larrakeyah Primary has been very involved in sport this term and has competed successfully in gymnastics under the guidance of Tanya Moroney and Juliet Cooper. They received expert help from two Year 7 students, Caitlin Wilson and Sarah Paul. Friday Football, which is coordinated by Assistant Principal Coach, Michael Calwell, had a nail biting performance from the Larrakeyah boys but they were well led by their captain, Luke Schaper and vice-captain, Rhys Griffiths and managed to hold on to beat Stuart Park by eight points. Well done, boys, and especially to their coach, Michael.

Larrakeyah Primary was a participant in the Darwin Zone Primary School Swimming Carnival at the Parap Pool on 28 October. They had 25 students entered, and the school's overall place was third. Well done to teacher, Trudy Proctor, and her swimmers.

In closing, I say thank you and merry Christmas to all the people who have assisted me during my campaign and since, while settling into my fantastic new role as member for Port Darwin. These people include, but are not limited to, Omar, Derryn, Chris, Dan, Michael, Ryan, Leanne Taylor, Penny Shearer, Jade Roebuck, and many more whom I cannot possibly name today.

I thank the Dick Ward Branch, especially Chris Bond, Mark Hathaway, Mark Johnson, Patty Ring, and my step-mother-in-law, Mescal Yates, who has provided constant phone support and

guidance during this interesting time. Also members of the Darwin Senior Citizen Association including Robyn Pinkerton, Gwen Wilkinson, Brian Hillier, John Whyte, Ken Mildred, Kit Holtham, and also Jack and Helen Haritos. Thanks to Jo Wynn, the principal of Larrakeyah Primary School, and all the school council members at Larrakeyah.

Greetings to Tony O'Brien the principal of St Mary's Primary and School Parents and Friends Association; Bernie Bree, principal of my old school, Stuart Park Primary, and to all the members of the school council; Stuart Park Residents Association; John and Joan Brears, Cyril Young and Chris Milosevic.

I thank the entire staff of the Legislative Assembly for their assistance, and, lastly my electorate officer, Sandra Wanka. We are learning together and, most importantly, having fun and enjoying it.

Safe Christmas and a great New Year to all my constituents of Port Darwin and those many people I have had the pleasure of meeting since being elected in June this year.

**Mr KNIGHT (Daly):** Mr Acting Deputy Speaker, I will continue my adjournment comments from last night. There are many people and communities in my electorate I want to thank. Obviously, there is not enough time sometimes. I say thanks to some people in the Edith Farm area. George Thompson has been very helpful and informative to me. The progress association and bushfire brigade there are very hardworking. I look forward to working with them in the future.

At Timber Creek, I acknowledge my good friends, the Jones family, Jerry and Josie. They have provided me with a great deal of guidance. Other people who have been very supportive of me have been my good friends, Sammy Darby and Takala Bunduk, who are great supporters. At Bulla, the people will be fishing during this Wet Season at the junction of the Baines, and I wish them a very merry Christmas.

Out at Kildurk Station, or Amanbidji, they have come a long way in the last 12 months with the start-up of their cattle joint venture. I hope things go well for them and we can try to get some more infrastructure to access that community. The access towards Timber Creek, the Victoria Highway, is going to be upgraded in the next few years and that will provide a great deal more access for visitors and, obviously, more tourists in the town.

I thank the Menngen community for their support during the campaign. Billy Harney and his family were very supportive, as well as my mother-in-law out at the Djarrung community. It is

a very exciting year next year to plan for the future for that community. I am very much looking forward to it.

The Bob's Yard community, tomorrow, will be holding a funeral for an old lady and my sympathy goes to Kevin Bishop and his wife on the loss of their mother. I am sorry I cannot be there; however, I will catch up with them soon.

I give my heartfelt thanks to Norma McLeod from the Daly, an absolute stalwart of the party and an icon there. I hope that Wally Draper does well with his enterprise, and Harold Sinclair once the power has gone on. He has invested a lot of money into that operation. The progress association is in regular contact and I enjoy that, and they keep things moving.

I thank the McTaggart family as a whole; they have been very supportive of me within and around the community on the Daly, and Aaron has been particularly helpful. Betty Daly has been away from the community for a little while with some business at Bulman with her grandchildren. I look forward to catching up with her next time around, and I thank her for all her help during the year.

I thank my extended family at Emu Point, particularly Terry Sams. He has certainly been very helpful to me and I thank him for taking me down to the beautiful waterfalls along the escarpment. They have a very positive future for tourism there and I look forward to working with him. To the Woody community area, I thank them for their support and I wish them a good Christmas break, and acknowledge the loss of one of their council members from the Chilluk community, one of the Liddy family. He will be very sadly missed. I enjoyed spending a night with him at his community, eating magpie goose only a month or so ago.

I am really excited about things at Peppimenarti. Their arts centre is going to kick off next year with a coordinator. I thank the council for all the information they provided to me and it looks like a very exciting next year.

Jack Woditj and his family are at Palumpa. It is great to see things still moving along there. The station is still one of the only really viable proprietary limited indigenous cattle stations going for so long there. I look forward to the growth of Palumpa and the growth of their school into secondary education next year.

There are many people at Port Keats I would like to thank: Tobias Nganbe and his family, and William and Michelle Palmbuk, who have been an absolute tower of strength for me. Also, Robert Mollingin and his family have been fantastic. I

acknowledge some of the more senior men there: Boniface Perdget, Lawrence Kulumboort, Felix Bunduk, who is an extended relative of mine, and Matthew Pultchin. There are so many more people there I would like to thank. There is certainly a lot more to be done at Port Keats and I look forward to the challenge there.

To conclude, I would like to thank a few personal friends of mine. Over the years, I have, obviously, had a lot of involvement with the party and getting to this position now. I would like to thank some of those people. Travis Dowling has been someone who has been very supportive and encouraging over the years. He is not in the Territory any more. I acknowledge his friendship, support and encouragement over the last few years.

David Money has been one of those people who has provided a great deal of advice and encouragement. To Michael Gunner and Ryan Neve, Dan Crone and Darryl Spurr, who helped out with the electorate office in the early days. They have been good mates, and I value that friendship. I look forward to that continuing and I hope they have a great Christmas, and especially David with his new baby, Virginia, a wonderful little baby that he and Pippa have had. I hope they enjoy their Christmas this year.

I also thank Bronnie - Bronwyn Butler. She was very helpful during the campaign and is certainly someone who gets you going. She kept the campaign going straight.

I wish everybody in the House a very merry Christmas and I look forward to catching up in the New Year.

**Mr HENDERSON (Wanguri):** Mr Acting Deputy Speaker, what a huge year 2005 has been. I suppose the election in June has seen a significant change in the make up of this parliament. I would like to start my Christmas adjournment by profusely thanking my constituents in the Wanguri electorate, the good residents of Wanguri and Leanyer, for re-electing me to serve them for another four years. It truly is a very humbling result for me personally, and my commitment to serve each and every one of those constituents to the best of my ability. Thank you very much. We have made a number of commitments to the Wanguri electorate, and I look forward to delivering those over the next four years.

I thank the schools in my electorate. They are all striving for their own claim at supplying excellence in education and are always keeping me in the loop of events and activities so that I can attend as many as possible each term. It is that time of the year for last school council meetings,

graduations, end of year presentations and, of course, Christmas concerts. It is the time of the year I really enjoy getting around to all the schools in the electorate.

Wanguri Primary School works very hard to make a difference in the area by focusing a lot of energy on the environmental side and improving their school grounds. To add to their existing biodiversity garden and bush tucker garden, Nadine Price's transition class has now added the sensory garden to their list which was completed due to an EnvironmeNT Grant from the government. I congratulate Nadine. She has done an absolutely amazing job. The kids really do love that garden, including my little girl, Isabel, who likes to sit on the red toadstool there. The garden focuses on teaching students the importance of each sense and how it can relate to features in a garden. Congratulations to the class. It is a great initiative and is a feature of the school grounds now.

Jenny Robinson, principal at Wanguri for just over a year, has done a fantastic job keeping the initiatives, ideas and events fresh and exciting for students and staff. I thank Jenny and her staff for all their efforts in 2005. They have had a very positive effect on the school. Well done, and I look forward to working with you again next year.

Behind the scenes, the school would not function without a very involved school council made up of passionate parents trying to maximise their children's education at Wanguri. It is with great pleasure I got to know the chair of the school council, Julie Donohue, very well over her years in the position. Julie has invested a lot of time and commitment in the school council and she will be sadly missed next year when she moves on with her daughter to Dripstone High School. No doubt Julie will be on the Dripstone High School Council working just as hard and also making the contribution to COGSO this year. Thank you, Julie, for all your years at Wanguri Primary.

Whilst on the subject of Dripstone High School, I have enjoyed spending a lot of time there this year which also celebrated its 25<sup>th</sup> birthday since opening in 1980. The 25<sup>th</sup> anniversary night was organised by Greg Cilento and was attended by past and current students and teachers. The crowd was entertained with performances, memorabilia, and filled with good Darwin food. It was a fantastic night and given the school's success in academic and sporting achievement, it probably will not seem too long until it celebrates its 50<sup>th</sup> birthday. A big thank you must go to principal, Lyn Elphinstone, who runs the school with so much conviction and seeing that her many staff and hundreds of students are well catered for and given every opportunity available.

I make a special note of the Year 12 students graduating tomorrow night from Dripstone. I wish them all the best for their future endeavours whether they are going on to further study or out into the work force. Keep up the good work and see you at the presentation on Friday night. It is always a great night.

Leanyer Primary School has had a very exciting year in 2005 with the completion of their shade structure and the commitment for more upgrades in the coming years from the government. As always, Leanyer has been abuzz with activity of all kinds and I have had a great time being part of it. To Henry Gray, a wonderful principal and his outstanding staff, congratulations again on a great year. You continue to raise the bar in education. I look forward to continuing our close relationship next year. I thank the very active school council with chair, Denise Phelps. The council has done an outstanding job for the school and the immediate community.

Holy Spirit Primary School has had another productive year. I managed to visit the school a number of times this year to catch up with staff and students. I always enjoy my time there, particularly the Holy Spirit school fete which I think is the best school fete in Darwin. I enjoy working at a number of stalls every year. The principal, Gill Webb, has done a fantastic job again. The students and staff are well taken care of. Well done, Gill, and see you in 2006.

I always enjoy visiting Henbury School which is also in Wanguri. Their students and programs make the school a delight to visit. I have met with the principal, Michael Jones, a number of times this year over a few issues, and the positive feeling that the staff and students uphold at the school makes it a special place to visit. For many years, I have purchased my constituent Christmas cards from those made at the school as part of the fundraising effort. This year, I thank Lenny for his great design. I know my constituents love receiving the cards every year. Thanks to Michael and his staff for your hard work and time invested at the school. I look forward to catching up with you at the end of year school concert.

St Andrew's Lutheran Primary School is the last of my electorate schools and, like every school in Darwin, does a wonderful job of supplying top-notch education. To the principal, Tom Leach, and his team, thank you for your hard work. I do not know where the year has gone, but all the best for 2006. I look forward to catching up with Tom and the team at St Andrew's end of year school concert.

Casuarina Junior Soccer Club, of which I am happy to be patron, has had another outstanding year this year. We did not quite get to beat the

mighty Hellenic in the final this year – I think they flogged us 8-0. That is retribution for us beating them 5-2, I think, last year. It is 1-1, and next year will be the best of three playoffs. To president, Andrew Cripps, and Diana Miranda, who has done a magnificent job at the club this year. Thank you for your devoted time and I am really looking forward to next season.

I would also like to thank the new President of St Mary's Football Club, Adrian Moscheni, for taking on a role at the club where I am very proud to be vice-patron. I did not get to the game last week against Darwin; I had another function to go to. They are always very close and great games between Buffs and St Mary's. Saints got over the line and it is going to be a pretty tight tussle this year. I am confident that Saints and Buffs will make the finals, and may the best team win. Adrian Moscheni has big shoes to fill, taking over from Vic Ludwig earlier this. I pay tribute to Vic for 40 years as president at St Mary's. It has to be an Australian record of tenure at one footy club. Vic did a magnificent job and Adrian has big shoes to fill. He has the new committee off to a flying start, and it has been a great start to the season. I look forward to seeing St Mary's in the final again this year.

The Northern Territory Buddhist Society's temple is in Leanyer and they have also had a very productive year. I recently attended their last international food fair for the year. It is always great to go there and get an evening meal and save somebody from cooking dinner that night. Well done to Andrew Keighley, president of the society. You and your committee have done a great job this year and the temple is a wonderful focal point for our local community.

Over the past couple of years, Tracy Village Sports and Social Club has been very active in the local community and always in the loop of social activities. Congratulations to president, Gary Ross, and the committee for all their hard work this year. Gary has been president there for many years and does a great job. I have great respect for him and Tracy Village. It is a great club in the northern suburbs. I have enjoyed working closely with the club, especially with the exciting Lyons development just around the corner on their doorstep. I make special mention of club manager, John Quinlan, and his staff for their work. I am very honoured to be cutting the birthday cake for the club's 30<sup>th</sup> birthday this Sunday night. See you all there.

To all the tenants and staff of Hibiscus Shopping Town where my electorate office is located, it has been a very busy year at the centre. There has not been a vacant shop there all year. The shops have been full, buzzing with business. I thank owner, Paul Smith, for his improvements

and upgrades around the area which have attributed to the latest success. Paul has confidence and it is great to see the investment. Congratulations, Paul.

I make special mention of Father Shane Carr of Holy Spirit Parish who arrived this year. Father Shane has certainly immersed himself in our local community and I look forward to working with Father Shane. Rev Wendell Flentje of the Casuarina Uniting Church is doing a great job in the Uniting Church community, and I look forward to working with Wendell this year as well.

Being an election year, the Labor Party Casuarina Branch has had a very busy year. I take this opportunity to thank everybody for their huge work in 2005. I have mentioned everybody before. It has just been a wonderful year, and I am very humbled and proud to have such a great bunch of people helping me, Kon and Chris get over the line on election day.

My team, Team Wanguri, put in so many hours helping me get re-elected. All of these people had full-time jobs: Roberto used a large part of his long-service leave to work full-time on my campaign; George, Costa, Kent, Aaron, and Jarna, I cannot thank you enough.

My electorate officer, Jarna Neve is a wonderful young woman who is really going to go places. She puts her heart and soul into the job. Jarna, thank you very much for another great year.

I thank the department CEOs. I am very proud to work with Mike Burgess of DBERD - with an 'e' not an 'i' anymore. It has been a pleasure to work with you since the election as the new CEO and previously. We have a big job to do in regional and indigenous economic development, amongst the whole list of other things we do. I am looking forward to progressing those issues next year.

To the Police Commissioner, the Commissioner for the Tri-Service, Commissioner Paul White, it has been another fantastic year of achievement for the Northern Territory Police Force with a big recruitment agenda. The facts speak for themselves: crime is down across the Northern Territory and, in a very large part is attributed to the leadership of the Police Commissioner. Have a great Christmas.

At Power and Water Corporation is Kim Wood. I am very pleased to be the minister for the Power and Water Corporation. It is an agency that cops a lot of flack. When the lights go out people go looking for someone to blame, but Kim and the team do a great job. Let us think this Wet Season of the linies who go out and repair those powerlines during the Top End Wet Season storms. They do a magnificent job. Many people

do not get the chance to say thank you so, on behalf of all the citizens of the Top End, to those teams that go out in the wet and windy weather to restore our power - our thanks.

I thank everybody in Parliamentary Counsel. I am sorry to see Gale Jamieson leaving and moving to Perth. Thank you, Gale, for your years of service, and everybody at Parliamentary Counsel. At Protocol, Shaun O'Sullivan and the team do a fantastic job and thank you for your efforts. Our drivers do a wonderful job running us all around. They are always happy and friendly: Gary, George, John, Wayne, Hardy, Yani, Thor and, also, Owen who does a great job looking after our cars. Thanks, guys.

Madam Speaker, thank you for your great efforts in charge of our Assembly since the election. The Legislative Assembly Clerk and Deputy Clerk and everybody in the Table Office do a magnificent job, thank you. The people in Hansard, security staff, Toots and the staff at Speaker's Corner, thank you for all your help, assistance and cheery advice. To all members of this parliament, merry Christmas.

Finally and very quickly - I will thank them personally later - my office staff, Mark, Mary, Rebecca, Charlie, Carole, Kim, Joe, Jodi, Christine, Jenny, and Sandy - Sandy is leaving - thank you for a fantastic year.

Last but not least, my family - my wonderful wife, Stacey, and children, Alasdair, Liam and Isabel. I am really looking forward to the beach at Newcastle just after Christmas. Merry Christmas, everyone.

**Mr BONSON (Millner):** Mr Deputy Speaker, tonight I wish everyone a merry Christmas and happy New Year. It has been a fantastic year for my family and me. I hope that everyone else has enjoyed this past year. Hopefully, we will have a bigger and better year next year in 2006.

First of all, I thank the people who helped me over the last 12 to 18 months in my electorate to make sure that I was re-elected as the member for Millner: Mike Nixon; Andrew Cruse; Bronwyn Butler - who has been a fantastic help and knows how much she means to the Millner branch; Brett Walker; Aunty Pat Anderson; Darryl Spurr; and Cathy Spurr who has been absolutely solid for me over the last few years and a great supporter. She has been my campaign manager for the last two elections. She is everything that I am not so we cover each other's bases and I thank her for the work that she has done.

Peter O'Hagan is one of the most honest fellows I have ever met in my life and I wish him and his family all the best and merry Christmas;

along with Margit Lindberg; Frank and Maria Moukaddem and the little bub - I know Frank puts in tireless hours for the Australian Labor Party and all those members who get help from him appreciate it; John Oliver; Nicole Lewis, my sister, who is a fabulous person and always supports me; Joe Gallagher, a real character and someone who stands by me as well; Lesley Cameron; Chris Karaolias and family; Matthew Gardiner; Norman Moore; Rosanne Brennan, my mother; her husband, Steve Brennan, my electorate officer without whom, there is no doubt, I would not have been re-elected. He is the *de facto* local member and is a fantastic foil for everything, again, that I lack. He provides to the table and to the people of Millner.

Other helpers of importance, not only to me as the local member, but to the Millner electorate, are Kevin Gould, the chair of the Coconut Grove Seniors Hall, ably assisted by Betty Gould and other members of the committee. They do a fantastic job of organising functions for Christmas, Anzac Day, Mother's Day, and Father's Day. They bring everyone together and are a great help to the seniors in the Millner area. Coconut Grove Seniors Hall has really taken off in the time that Kevin Gould has been chairperson.

Maree De La Cruz is a fantastic lady and just a delight to be around. Aunty Maree, I really enjoy your company, and the same goes for Maureen Hack, Aunty Joan Angeles and Janet Roe - you are fantastic people, you make me laugh and you keep me honest. In many ways I look to your guidance and I enjoy your company as much as I think you enjoy mine.

There is Aunty Rose Damaso, Robyn Pinkerton, Anne-Marie Scholl, Jane Biddlecombe and Dan, and Mick Hartwell. To Beckie Taylor, president and founder of the Woman's Football League, I have given you a lot of help over the last few years and I hope to continue that support. I hope you understand the advice that I give you in terms of football and trying to get the competition up and running for women's football. To Willie Markos, Ingvar and Tanyah Dyrting, and Norm Hoffman and family. Norm and Tania Hoffman are just fantastic people. Esther Egger and Terry Lawler are just fair dinkum, honest Millner residents who work hard on the school council, care about the environment, look after their kids - salt of the earth people - and I thank you for your support. I wish you and your family a merry Christmas and a happy New Year.

Ted Kilpatrick is a bit of a local legend and character and an honest, decent man. Mick and Dewi Purcell are fantastic people who have been very supportive of me over the year. I wish you and all your family a merry Christmas and a happy New Year, as well as Ron Mitchell, Kenny

Cosser - go the St George Dragons!; Glen and Jacinta Stanford; Ronny Riddle and the Riddle family; Michael Cubillo and the Cubillo family; Ken Jackson; Wes Miller; Mick Lemmon; Steve Billias - a real character, and whether he knows it or not, a strong representative of all the Greek community within Darwin and a genuine Darwinite; Joe Kelly; Marion Patterson; Denise Ah Sam; Toni Ah Sam; Limpy Lyle; Michael McGregor; Damien Zammit; Aunty Stephanie Zammit; Con Lazarou; Dennis Lew Fatt; and Benny and Sandra Lew Fatt.

Business people I would like to thank include Johnny Politis and family at BP Service Station Bagot Road - thank you for all your help - and Michael Politis; Geoff and Thea at Barbecues Galore; Diamand and Zikos Company; and John and Ann at Rapid Creek Shops who are decent hardworking people who have supported me over the last four years. Tony Jeans is the owner of the Rapid Creek Shopping Centre, and I thank him for all his support.

At my local schools, Pam Young at Nemarluk, Dr Terry Quong at Millner School, Helen Southam at Ludmilla School, and Mary Cutjar at St Paul's, and to all the staff who do a fabulous job there - people like Donna Minchin at Ludmilla School and Dominic Grant at Millner School. Without you, the future of the Territory would be sorely lacking and the work that you put into the local community in the Millner electorate is fantastic and needs all the recognition you can get.

Darryl Cooktown is the president of the Bagot Community, one of the hardest jobs in Australia, and he does a fantastic job of just trying his best. To all the council there, I hope that over the next 12 months we will be able to provide you with the support that you need. Margaret Stewart, Bagot Clinic head, you do a fantastic job there and provide a service that is much needed.

To all my family, I won't, as I traditionally do, run through every one of them this year, but I would like to make mention of my mother and her husband, Rosanne and Steve Brennan; my father, Robert Bonson; my brother, Luke Bonson; my sister, Nicole Bonson; and my nephew, Cowan Bonson. Without your support, and to my wider Bonson family, there is no doubt I would not have been elected the first time, and then I re-elected.

To my Aunty Josie and David, Aunty Esther and kids, thank you for your support and help. To my cousin, Anne Marie, and Cheryl, and all her kids, I wish them a merry Christmas. Auntie Betty and Uncle Ian, I wish you a merry Christmas. Auntie Dorrie and Uncle Alan and all the kids, I wish you a merry Christmas. Tania McLeod and Cecil Lewis and kids, I wish you a merry Christmas and a happy New Year. To John Martin, Geoff Hull and Kent Rowe, you know that special help I

needed during the election campaign, and thanks for putting your hands up and your heads on the chopping block.

To the Vogt family, my in-laws - in-laws and out-laws, I like to call them - Betty and Ziggy Vogt, Ziggy Jr, Richie Vogt and Cass, Willy Vogt in Perth and young Joshua, I wish you a merry Christmas and a happy New Year.

To my wife, Mona Lisa Bonson, I thank you for your support over the last four years. Without your help, I would have not have been able to concentrate on the what I needed to do to make sure that I serve and fully represent the people of Millner and the people whom I believe form part of the Darwin fabric that makes it the easy going and cool place where we love to live. Thank you, Mona Lisa Vogt-Bonson for assisting me and, in a way, making me a better person.

To all the staff at Parliament House, I thank you for your help. I know I must drive you mad and I sometimes ask silly questions - and sometimes I get silly answers - but I thank you for all your help from the Clerk down. To all the other members of government, I wish you and your families a merry Christmas. I wish the Independents a merry and happy Christmas. They have a hard job and often have to act as impartial umpires and they try to do their best. To the opposition; it is hard work being in opposition and they try their best. I wish them and their families a merry Christmas and a happy new year.

I again thank the Millner electorate for giving me the opportunity to put my values and beliefs on the record in this House.

Motion agreed; the Assembly adjourned.