

Madam Speaker Aagaard took the Chair at 10 am.

LEAVE OF ABSENCE
Member for Nhulunbuy

Mr HENDERSON (Leader of Government Business): Madam Speaker, I move that leave of absence be granted to the Treasurer, Mr Stirling, this sitting day due to his attendance interstate on government business.

Motion agreed to.

MINISTERIAL REPORTS
Grass Roots Development Grant Program

Ms LAWRIE (Sport and Recreation): Madam Speaker, today I report on the Grass Roots Development Grant Program, the most recent round of which is being announced today. The media widely reports on all the 'big league' elite sporting events that we work hard to deliver for Territorians, and this grants scheme is complementary to that work.

The Grass Roots Development Grants Program looks after the little guy and supports local organisations to provide a diversity of activities directly to community to encourage physical activity. It is significant that these grants form a part of a much larger funding program which supports Territory sport and recreation organisations. This program annually contributes almost \$6m to sport and recreation to ensure they are able to deliver physically active outcomes and provide quality services to their participants.

I am impressed with the range of activities that are being proposed - from activities that are specifically designed to attract community members with a physical disability, through to youth leadership programs in a remote area. Importantly, about 60% of these funds are going out to the regions.

To share an appreciation of these activities, I would like to inform the House of some of the worthwhile projects. In Darwin, the African Friendship Association will receive \$2500 to purchase equipment and gain accreditation for officials for their newly-formed football - that is soccer - team. Based at Casuarina Beach, the Arafura Outrigger Canoe Club will use their grant of nearly \$3000 to conduct a 'come and try' event to attract new members. NT Women's Cricket will attempt to attract new members with a 'come and try' day and skills workshops. The newly-formed Litchfield Horse and Pony Club will get a kick-start with funding of \$3000 to purchase equipment. Another new organisation titled Starfish will provide swimming activities for children with disabilities with the help of new equipment.

Similarly, Total Recreation will offer sporting opportunities for older disabled Territorians in the Darwin region.

The Daly River Community will benefit from funding to the council to provide storage and additional security for their sport and recreation equipment.

In the Alice Springs region there are several interesting initiatives. The Alice Springs Baseball Association will get \$2000 to provide training sessions for volunteers and to improve the standard of sport in Alice Springs.

The Wallace Rockhole Community Government Council will purchase new sports resources for officials to assist them to improve their skills to support local sporting competitions.

The Gap Youth Centre will receive \$2500 to conduct a junior gym program for Under 12s during their after school hours care. InCite Youth Arts will receive almost \$3000 to offer a 10-week program of physical activities for young people with disabilities.

In the Barkly, Tennis Borroloola will develop some existing basketball courts to enable them to cater for increased participation.

In Arnhem, the Umbakumba Community Council will purchase equipment to implement a new after school hours sport and recreation program specifically targeting youth.

The Katherine Tennis Club will receive nearly \$3000 to run a tennis program which will include 'come and try' days, a fun day, and talent identification. Also in the Katherine region, the Mataranka Community Government Council will resurface its sport and recreation ground to enable polocrosse be played.

There are many other initiatives: Gove Hockey Club will establish an indoor competition; Darwin Golf Club will conduct a 'come and try' day; Jabiru Golf Club will provide junior training clinics; the Mindil Aces will develop their coaches; the Palmerston Raiders Rugby League Football Club will purchase a laptop to help with their training; the Swamp Dogs Rugby Union will purchase some weatherproof storage; Yuendumu Council will run a sports weekend; the Cox Peninsula Council will erect shade over the sport and recreation area; and so on.

These are just some of the worthwhile activities being conducted by the community through the support of the grassroots program and the Martin Labor government. These funds are an important part of our overall strategy to build and strengthen sport and recreation in the Northern Territory. I

congratulate all those community organisations which worked tirelessly to get their applications in. I also thank the Office of Sport and Recreation for processing the grants program. I hope everyone enjoys their 'come and try' days, their new equipment and the new shade areas.

Visitors

Madam SPEAKER: Honourable members, I draw your attention to the presence in the gallery of some members of Darwin's Indonesian community. On behalf of all honourable members, I extend to you a very warm welcome.

Members: Hear, hear!

Mr MILLS (Blain): Madam Speaker, the opposition supports the report which has just been made. I have to speak very carefully in response to this, minister. My words are weighed very carefully and every endeavour is made to extract meaning that I never intended from my comments.

Yes, we welcome this contribution to sport and recreation in the Northern Territory. Previously, in response to statements, I have always directed attention to the grassroots, so let the honourable member be under no illusion: I support what has been announced today.

The grand plan of the Martin Labor government to support sport and recreation, and all these wonderful organisations, is applauded. I ask, however, if the grand plan - for fear of this being misinterpreted as criticism - is just an advice to direct attention to the role of volunteers, particularly in organisations? Many people find it difficult to put their hand up these days to volunteer to serve in sport or recreation, or on our school councils and the like.

It is that area I believe that government must bring some attention to bear to provide some training and strengthening for those volunteers who serve on committees. If you strengthen that component, you then strengthen the grassroots in a sustainable way. Otherwise, we are tossing bits and pieces of money around the place - I am sure they will be very grateful and, hopefully, they will remember at the next election and things like that. However, if we are more interested in the sustainability, then we build the grassroots and strengthen those volunteers.

After all, it is governments which put the burden on volunteers. How many organisations or committee meetings have you been to where you have these well-intentioned people who have no understanding, really, of how insurance works, for example? We have placed this impost upon them

and we also need to strengthen at that level in order to build people so that they can then serve their own communities.

Ms LAWRIE (Sport and Recreation): Madam Speaker, I thank the shadow minister for his support. I know that he has always been very supportive of the Grass Roots program. I am not surprised ...

Mr Mills: And the big events as well. Do not misunderstand.

Ms LAWRIE: Regarding the role of the volunteers, I wholeheartedly agree with you about their critical importance to the operation of sport and recreation throughout the Northern Territory.

A Martin Labor government initiative is SportsBiz - I am happy to give you information on SportsBiz - which specifically provides capacity building, advice, training and mentoring to the sporting organisations and the volunteers who work for those sporting organisations. I get terrific feedback from across the Territory about the work done by SportsBiz and its importance. It really is a good initiative, quite clearly targeted at supporting our volunteers. It was an initiative under minister Ah Kit and I am happy to see it grow from strength to strength. I have been very supportive of the great work done by SportsBiz. I thank you for your interest in that matter. If you would like, I am happy to provide you a briefing on SportsBiz and how it operates.

Mt Todd Mineral Leases

Mr VATSKALIS (Mines and Energy): Madam Speaker, I report on the signing of an agreement between the Northern Territory government and Vista Gold Corporation for the transfer of the Mt Todd mineral leases. My Department of Primary Industry, Fisheries and Mines has been managing the Mt Todd site since the mine closed in 2000. That management has focused on:

- the control of water discharge to limit impact on the environment;
- the management of hazardous material on-site, principally cyanide which has now been disposed of;
- the maintenance of water pumps, pipes and equipment which are required for water management; and
- some minor rehabilitation.

The agreement sets out the terms under which the Northern Territory government and Vista Gold will occupy the Mt Todd mine site to carry out their respective activities. The intention of the

agreement is that the mineral leases will transfer to Vista Gold. Vista Gold, after a period of time, will occupy the site and be responsible for the operations of the site in accordance with an approved mine management plan. Vista Gold will explore and carry out surveys to assess the site's mineral potential and environmental conditions. The Territory government will have access to the site and be able to carry out baseline studies leading to the development of a rehabilitation plan. Vista Gold will have input into the baseline and environmental studies which will assist in the development of the rehabilitation plan.

Any mining activity proposed to be carried out by Vista Gold will be subject to an approved mine management plan and a security. If Vista Gold commences mining activities, it will take on and assume full responsibility for all management, operational and rehabilitation works at Mt Todd. All rehabilitation works carried out by Vista Gold, once mining activities commence, will be at the sole expense of Vista Gold.

During the first year of the agreement, Vista Gold would be obliged to undertake a comprehensive technical and environmental review of the Mt Todd site. Following this review, a report will be delivered to my department and will include a description of the site's environmental conditions, a recommended program for the continued stabilisation of these conditions, and the minimisation of any off-site contamination, as well as a description of the condition of important physical assets on the site.

The department will continue to mine as a site until 31 December 2006. Vista Gold will reimburse the Territory government the cost of operating and managing the site for the remainder of this year up to an amount of \$375 000. From 1 January 2007, Vista Gold will be fully responsible for the cost of operating and managing the site.

In the event that Vista Gold determines to commence mining at Mt Todd subject to the assessment process for any mining operation, it will assume full responsibility for the existing and any future rehabilitation. This would be a significant saving for the Territory. If it determines not to commence mining, Vista Gold will have funded the management of the site during the rehabilitation planning process. There is no change to the Territory government's commitment to rehabilitate the mine site.

Madam Speaker, I table a copy of the agreement.

Ms CARNEY (Opposition Leader): Madam Speaker, how courageous of the minister for mines to come into the parliament and talk about mining in light of the debacle that is the McArthur

River decision. It is the case that everywhere I go, particularly in the Top End, people are asking me about the Mines minister and the Environment minister to the extent that, even when I dropped off my dry cleaning the other day, the woman behind the counter asked what on earth the minister for mining was doing, and what on earth the minister for the environment had done.

I would not have expected that all and sundry in Darwin would have been so terribly concerned with this decision. However, they are. They are on to the fact that this government, despite its rhetoric, has and continues to send an appalling message to the mining industry in the Northern Territory. They can dress it up how they like, but they cannot dress up the fact that in the case of McArthur River they have jeopardised 270 direct jobs; 1430 indirect jobs; 570 indirect jobs for the construction phase of the original plan to divert the river; \$320m per annum income to the Territory; \$523m income to the nation; and training and employment to local people particularly Aboriginal people. My colleague, the member for Katherine, was right when she said it was a monumentally staggering decision.

It is very difficult to take seriously the words that come from the minister for Mines' mouth when he talks about mining. The fact is, that through Labor's stupidity and pig-headedness, they have jeopardised the future of mining in the Northern Territory and they have created massive uncertainty.

Mr WOOD (Nelson): Madam Speaker, I commented on this particular issue late last year after the minister allowed me to visit the Mt Todd site. I welcome the agreement with Vista Gold. I am interested to know, with this agreement, how much the government has already spent on rehabilitation? How much will the company have to spend on rehabilitation? Is there something left over that we do not know about? In other words, is there some part of the rehabilitation process that the government will have to continue to take up the cost?

I am interested in what kind of employment opportunities will occur for Katherine people, especially the Jawoyn people who did have jobs with the previous mining operation. I welcome that we have a company that is willing to step in there. It will be good for the Katherine region. It will also pick up some of the tabs that the taxpayer has had to fork out for this rehabilitation. It highlights the fact that we have to ensure these rehabilitation bonds are there; that we do not make those same mistakes again.

Using good science, as well as a mixture of good precautions such as having rehabilitation bonds, we can ensure that we process mining in

the Northern Territory and do so in a way that does not do permanent harm to our environment.

I will talk about the McArthur River issue later today. There is an opportunity for us to have rehabilitation bonds in place when the mine is closed and, with science, we can develop it correctly without great impact on the environment. We can use Mt Todd as an example of what we should not do.

Mr VATSKALIS (Mines and Energy): Madam Speaker, I thank the member for Nelson for his comments. I am very happy to provide him with a full briefing about the Vista Gold agreement.

I have to say to the Leader of the Opposition that she is either courageous or stupid to try to give us lessons about process: a process which was never followed with Mt Todd; that has left a legacy of \$30m billed to Territorians to clean up Mt Todd. The Leader of the Opposition said: 'Get out of Xstrata's way'. Is that the policy of the CLP, as that is what they did? The minister for mines would pick up the phone and order the office of the environmental service to approve it irrespective of any potential problems.

We are following the process that was put in place by the CLP government. It was your own legislation, it was not ours, and we follow the process that is in place, which you have never followed. We follow the process under the *Environmental Assessment Act* and the *Mining Act*. I am looking forward to the debate that will come later.

Business Up-skills Workshops

Mr HENDERSON (Business and Economic Development): Madam Speaker, small business is the backbone of the Territory economy; an economy that was recently described by Access Economics as 'turbocharged'. Government is working hard to ensure Territory small businesses are reaping the benefits of our strong economic growth and are able to grow their operations. We have cut taxes, making the Territory the lowest taxing jurisdiction for small business in the country. We are investing strongly in training so businesses are better able to find and employ the skilled workers they need. We are giving business practical support and advice to enhance and grow their operations.

One way the government is providing this support is through the up-skills workshops and business coaching programs delivered through the Department of Business, Economic and Regional Development. The up-skills program was a 2001 Martin Labor government election commitment and 2006-07 will be the fifth year the program has been in operation. Up-skills workshops aim to

build business capacity and provide established businesses with training and advice on the latest techniques and trends in business, and enable business to identify areas in their operations that may require further attention.

The workshops are delivered by experienced business operators. Participants know they are hearing proven tips and advice from people who know what it takes to succeed in business. Up-skills workshops have proved to be, and continue to be, enormously popular right throughout the Territory. In 2004-05, more than 1170 people from a wide range of Territory businesses attended up-skills training workshops. Their popularity can be directly attributed to the relevance and practical information provided with workshops designed to address the most pressing issues for Territory business.

An up-skills workshop on attracting and retaining staff was held in Katherine some two weeks ago and was delivered by Annette Gillanders of Polson NT. More than 20 people have registered for a workshop on the same theme being held in Alice Springs tonight. Just last week, another up-skills workshop aimed at the tourism industry was delivered by Adam Gordon of Catalyst Consulting in Alice Springs. It explored how, by combining marketing efforts with other businesses interested in the same type of customers, businesses can create a larger presence in the marketplace than by operating alone.

The new up-skills business training workshops and business coaching tender for 2006-07 was called earlier this month. The tender is being redesigned based on feedback from participants at the recent Economic Development Summit, past workshop participants, and following consultation with industry associations. Following on from that feedback, next financial year's workshops will be based on four key themes: marketing, finance, human resources, and business management. Tenderers will be encouraged to form alliances with trainers in regional centres to deliver the workshops and business coaching to ensure they are relevant to the needs of businesses in each region.

Madam Speaker, the up-skills program is one of the Martin government's major programs in backing small business to grow and prosper. We will continue to support this worthwhile program.

Mr MILLS (Blain): Madam Speaker, to lift this issue to a different level, the capacity of a government to deliver programs is determined by the strength of the underlying economy. It was quite surprising, in some respects, to learn that the capacity of this government to increase its tax take on Territorians has risen at a rate higher than any

other jurisdiction, of 12%; that is, per head of population. That being the case, when we reflect that the population of the Northern Territory, as the Chief Minister said yesterday, has risen by 210 - adding Matthew Bonson's contribution - much of our increase is largely as a result of natural birthrate.

The increased tax take by this government, therefore, calls upon the small business sector primarily and quite heavily. The minister will probably bat that away and say it is the result of a strong and robust economy. They will toss in, once again, I am sure, the 'turbocharged' word. There are words like 'pocket rocket' and 'dynamo' - all those sorts of words have been used for a number of years, even before - my goodness! - the Australian Labor Party came to office.

What has changed is the enlarged capacity to draw in funds. One source is the GST - no other government ever had that - an increase of \$157m this coming financial year - more than they ever expected. What they intend is to increase their take from Territorians - and it has to be from the economically active - and with that increase, the tax take of this government, which is a weight upon Territory businesses, is increased by \$100m.

If you really want to unleash the potential of the Territory small business sector, the backbone of the Territory economy, then you really cut payroll tax significantly - not tinker around the edges and make big loud announcements about a small change ...

Madam SPEAKER: Member for Blain, your time has expired.

Mr HENDERSON (Business and Economic Development): Madam Speaker, in responding to the shadow Treasurer, this is a government that has consistently cut taxes to business since we came to office. We have doubled the threshold for payroll tax from \$600 000, from when the CLP was in office. In fact, we have more than doubled it; on 1 July it will be \$1.25m. My memory of that is that there are now going to be 240 businesses across the Northern Territory which were paying payroll tax which are no longer paying payroll tax under the Northern Territory government.

If the Leader of the Opposition wants to talk about this government collecting more taxes than ever before, it is because we have a booming economy and revenue is up as a result of that. However, look at the Commonwealth revenues. The economy is going well across Australia and Peter Costello is sitting on a surplus of some \$13bn. That is the experience across the Territory. We are the lowest taxing government for small business in Australia.

Domestic and Family Violence Advisory Council

Ms SCRYMGOUR (Women's Policy):

Madam Speaker, today I talk about the improved arrangements to provide whole-of-government coordination of the government's domestic and family violence strategy and, specifically, about the Domestic and Family Violence Advisory Council.

Domestic and family violence remains one of the great policy challenges to governments across Australia. In the 2005 calendar year, the Northern Territory Police responded to over 2000 domestic violence assaults, and there were substantially increased applications for DV orders by the courts. Despite new programs, increased funding, and new partnerships with the community sector and the Australian government, there remains much more to do. Important amongst these challenges is the need to make sure all our agencies are working together to make the greatest impact with the resources they have available.

This government has recently put in place new, streamlined arrangements, designed to provide better links to community views and support of the future development of the domestic and family violence strategies. These arrangements include:

- the transfer of a number of service delivery responsibilities from the Department of the Chief Minister to Family and Community Services in the Department of Health and Community Services to provide better operational support links with other programs;
- creation of a Domestic and Family Violence Chief Executive Reference Group comprising chief executives from the Departments of the Chief Minister, Justice, Health and Community Services, and the Northern Territory Commissioner of Police to streamline whole-of-government decision-making; and
- more responsive structures for the Domestic and Family Violence Advisory Council to support closer working relationships and improved management of resources and reporting.

For those of you not familiar with the advisory council, it is the government's principal community consultative and advisory body which helps guide the implementation of the government's domestic and family violence strategies. Achievements of the advisory council include:

- a major contribution to reframing the domestic and family violence strategies

- and developing a stronger government model;
- a strong focus on remote communities which led to the rethinking of the safe houses approach as being the only response to family violence;
- shaping the development of a one-stop shop approach to domestic violence service delivery including expansion of the Police Domestic and Personal Violence Units which strengthened the response to domestic and family violence throughout the Northern Territory; and
- playing a lead role in the development of Australian and Northern Territory government programs like Peace at Home, which is an integrated police and health service delivery model currently being piloted in Katherine and Borroloola; and culturally appropriate interventions for indigenous children that can be delivered in remote communities and shelters.

These achievements are as a result of a great deal of hard work by the 2005 members. Coordination of domestic and family violence initiatives is becoming increasingly complex, and council members have greatly aided the effective management of this important whole-of-government responsibility. I thank members who retired in 2005 for their commitment and determination to make a real difference to the lives of many people experiencing domestic and family violence.

The new group, which I have had the pleasure of appointing, brings broad life skills and professional experience with family violence expertise, to support consultation at a local level, and provide input from the community Territory-wide. The new members are:

- Professor Lesley Barclay, who heads the School of Social and Policy Research Institute of Advanced Studies at Charles Darwin University;
- Michael Mullins, Manager of MAJIMAP Choice, who coordinates youth mentoring and leadership activities for young indigenous people;
- Angela Dowling, Director of the Top End Women's Legal Service, with extensive Aboriginal community development experience;
- Alice Chang, someone I welcome, an exceptional young Australian who is a tireless advocate for young people who is currently studying medicine at Royal Darwin Hospital;
- Lawrence Costa, the newly appointed Chief Executive Officer of the Tiwi Islands Local Government;
- Melanie Little, Stipendiary Magistrate and an active member of a wide range of community and legal organisations;
- Phynea Clarke, Coordinator of the Central Australian Aboriginal Family Legal Unit, who is recognised in her community; and
- Jane Lloyd, Manager of NPY Women's Council and Chair of the Advisory Council. Jane has been there since March 2003.

I welcome the incoming members of the Advisory Council who will meet for the first time at the end of April. On behalf of government, I welcome them to their new roles and wish them well. I acknowledge and thank all the incoming members for their willingness to contribute on behalf of the community to the development of this most important work.

Ms CARNEY (Opposition Leader): Madam Speaker, I thank the minister for her report, and acknowledge what I regard as her strong personal commitment to making real improvements in this area. Minister, clearly I will have a briefing at some point. There is a lot of information in your report. You also know how committed I am to this issue, so it is important that I get some more information.

I raise a couple of matters that strike me as somewhat concerning. Every quarter, the crime statistics come out, and the Attorney-General and I put our political battle armoury on. What I am noticing - I think it comes from government in some respect but, more disturbingly, from the community - is that there is a perception, or a view, being peddled that the crime figures for crime against the person is up, but that is all right, it is only domestic violence.

You will appreciate how concerning such a sentiment is. It is also concerning that it is often put in terms of Aboriginal men beating up Aboriginal women which, apparently, according to some, somehow makes it all right. I just ask you to note what I regard as a concerning trend in the community generally. I know some women's groups are also onto this and they are doing what they can as well.

The second concerning aspect, if I understood your report correctly, was that the running of the domestic and family violence strategy would be transferred to the Health department out of the Chief Minister's Department. If I did hear you correctly, I record my deep regret that that has occurred. If we want to send a message to the women of the Northern Territory it should come from the top down. I do not think moving it to the Health department is a good message to send. I am not having a go at the public servants; it is just not a good message.

Mrs BRAHAM (Braitling): Madam Speaker, I thank the minister for that report. I am pleased to hear of the variety of people on the advisory council; that is good. Yes, there has been an increase in instances of domestic violence. One of the concerns raised with me was the amount of time it ties up the police in doing the right thing by these particular cases, particularly in Alice Springs where there may be only two patrols on at night and one is tied up often three or four hours. It is something the police minister and I should talk about.

The other issue that was raised - and you could refer this to your advisory council when they are coordinating - is to do with a woman who suddenly appears at a women's shelter and has nothing with her. They take her to Centrelink to try to get financial assistance with the Newstart Allowance. They find that she is required to have 100 points and often need photographic identification such as a driver's licence. That is a completely ridiculous requirement for a woman who is fleeing domestic violence. I have contacted Centrelink and they have said they can make emergency arrangements for this. It is still difficult and it is a very sensitive area. Some of the social workers who work with these women find that it is just another blow that knocks them when they are at their lowest. I am quite sure we should make it easier for these women to be able to get financial help when they need it most.

I look forward to the work of the advisory council. I hope that we see some very strong and positive strategies from the department.

Madam SPEAKER: The overall time for ministerial reports is expired.

Reports noted.

MOTION
Humpty Doo Landfill Site

Mr WOOD (Nelson): Madam Speaker, I move that the Northern Territory government permit the Humpty Doo landfill site operated by the Litchfield Shire Council to continue operating until a suitable alternative site has been established in the

Litchfield Shire to the satisfaction of both the government and the Litchfield Shire Council.

It would be fair to say that recent events surrounding the closure of the Humpty Doo tip by the government have raised the profile of Litchfield Shire Council and issues surrounding the tip quite considerably. Much has been said, some of it true but quite a bit not so. I hope to show that this is the case today.

Some may say we have to look forward - and I agree with that - to find a solution to the matter and not to look back in history. Not to look back in history would be a mistake, as it would not allow people to understand why we are where we are today. As well, I believe that in some cases departmental advice has either been biased against the council or simply incorrect. Unfortunately, that information is provided to ministers without contrary views being given. I say unequivocally that Litchfield Shire Council has tried to find alternative sites for the Humpty Doo tip over many years.

Litchfield Shire Council was given land by government as part of an establishment package. For those who do not know about the basis on which Litchfield Shire Council was started, there was much controversy in the early days. The southern part of the shire did not want to belong to a council. The northern part did because it did not want to be taken over by Darwin City Council which, at that stage, was looking to take its boundary down to the Adelaide River township as the greater Darwin municipality.

To get agreement with the people of that area, the government agreed that the Litchfield Shire Council would introduce a flat rate; it would be a low regulatory council; and would provide minimum and basic services; that is, roads, reserves and rubbish. In fact, they started off with two rates: a \$50 rate for the southern part of the shire; and \$100 or \$105 for the northern part of the shire. Eventually those two were equalised.

In coming up with an arrangement for the council, there was an establishment package put together which was an agreement between the government and the future council. There were two issues in that establishment package which related to the dumps. Paragraph D stated:

Grants of land in leasehold for new and existing refuse dumps for the balance of their period of operation at:

- (i) Humpty Doo (Portion 1725);*
- (ii) Berry Springs (part Portion 1578);*
- (iii) Howard Springs (part Portion 200);*

- (iv) *New sites for two nominated localities and Howard Springs, subject to the availability of suitable sites.*

Then Item 11 of paragraph H stated:

The government favours the continuation of landfill dumping at Humpty Doo, Berry Springs and Howard Springs.

It was clearly established early that the government would give at least three sites to the council and there would be two other nominated localities available subject to suitable land being available. Originally, all those landfill sites at Berry Springs, Howard Springs and Humpty Doo were landfill operations. Berry Springs closed down as a landfill operation because of some pollution concerns with nearby neighbours at that stage and Howard Springs because of the nearby creek. Those landfill sites were sealed up and converted to transfer stations, with Humpty Doo being the remaining landfill site, as well as being a transfer station on its own.

If you go back to the Litchfield Land Use Structure Plan 1990, this is the government's own document, on page 35 under Services, it states:

There are three domestic waste disposal sites in operation: Howard Springs, Humpty Doo and Berry Springs. Although a regional waste disposal system has been considered, the current landfill system is to continue. Alternatives are being sought for the Howard Springs and Humpty Doo facilities. The available area at Howard Springs is constrained by proximity to a creek and expansion at Humpty Doo is constrained by proposed drainage works for the district's centre.

New sites for landfill operations must be readily accessible to the catchment population and adequately screened to reduce visual impact. Wind direction and site drainage are other important considerations in locating landfill sites to reduce the impact of noise, dust and odour and possible environmental damage caused by leachates from the site. Careful management of any landfill operations will be required to prevent odour and air pollution, vermin and bird problems.

At that stage, the government was allowing Humpty Doo to continue but was certainly thinking about an alternative site. Not long after, the government brought out the Litchfield District Centre's Concept Plan in 1992. I quote from that document from under Open Space:

The 30 ha depression in the north-west presents physical constraints severe enough to preclude any form of development and is probably only suitable for open space which could be used on a temporary or informal basis during the Dry Season for recreational purposes. It is assumed the present garbage dump site nearby will eventually be reclaimed for open space uses. The possibility for a horse trail has been left within the landscaped buffer to cater for this popular rural activity.

It continues under Infrastructure - and they were talking about the sewage ponds:

The reuse of treated effluent can continue on sound health and environmental grounds. Land is to be identified next to the sewerage ponds for a future garbage dump in accordance with the Conservation Commission environmental guidelines.

In 1992, the government was talking about moving the existing site to where the sewage ponds were. Council has been trying to get land since 1994 and this letter was written to the Department of Lands and Housing in 1994 offering a number of possible future sites. Unfortunately, no reply was ever received to this document. Richard Dunham, the Shire Works Manager, wrote on 15 August 1994:

Council has determined that I should request assistance in obtaining a suitable long-term garbage disposal area from whatever technology is available over the next 20 years.

The basic parameters were ease of access to arterial roads, privacy and isolation, and proximity to major development.

They gave the following possibilities:

- (a) *an area at the head of Sunday Creek south of the Arnhem Highway, bounded by Wanderrie Road, Goode Road, extended to Elizabeth Valley Road and an unnamed road reserve;*
- (b) *an area to the west of the future Gunn Point Road;*
- (c) *part of the land reserved for the future city of Weddell;*
- (d) *land next to the future airport site on Haycock Reach, west of Southport; and*

- (e) *land along the Cox Peninsula Road currently being mined for tin and tantalum.*

In 1994, the council was asking for the possibility of finding some land for an alternative site. In 1999, in the *Litchfield Times* - it might have been even earlier than that - Terry McCarthy spoke about problems with the Humpty Doo site. I have a letter dated 10 May 1999 from the local member at the time to Peter Visentin, Shire Manager:

Thank you for copying to me your letter to the Minister for Lands, Planning and Environment, Hon Tim Baldwin, MLA, regarding the provision of an alternative landfill site to replace the Humpty Doo fill site as soon as possible.

I am aware of the difficulties faced at the Humpty Doo site and the ongoing delays in achieving a suitable alternative site for a regional landfill facility.

The minister has been made aware of my support for your call for urgency in this matter.

In the Litchfield Planning Concepts and Land Use Objectives 2002, signed off by the then minister Vatskalis, under the heading 'Infrastructure' was the note:

To provide adequate and efficient utility services:

This can be achieved by:

...

- *continued operation of the Humpty Doo landfill site and Berry Springs and Howard Springs transfer stations pending development of a regional waste facility;*

...

Since 1995, the Litchfield Shire Council produced three reports regarding alternative sites for landfill. These included the *Litchfield Shire Council Waste Management Planning Study, May 1995* by Woodward and Clyde; *The Waste Management Planning Study for Litchfield Shire Council* on 31 December 2001 by URS; and also a *Landfill Siting Study* on 15 October 2002 by URS.

The 2001 report recommended Sunday Creek. I will just read from what they stated. It comes under a heading 'Waste Management Options':

The main waste management options available to LCS [Litchfield Shire Council] are as follows:

Option 1: upgrade Humpty Doo Landfill,

Option 2: Transport waste to SBWDS [Shoal Bay Waste Dump Site];

Option 3: establish new landfill at Sunday Creek.

These three options were compared on the basis of dollar cost, environmental impact and social implications for Shire residents. The options were also considered in view of current and future regulatory requirements and DLPE recommendations.

Over a short time frame (0 to 5 years) the least expensive waste management alternative is Option 1, upgrading Humpty Doo Landfill. Establishment costs involved with an upgraded facility at Humpty Doo would be in the order of \$214 000, and annual operating costs are expected to be approximately \$515 000. The environmental impact of upgrading the Humpty Doo Landfill cannot be accurately determined due to a lack of environmental monitoring data. However, assuming the current facility does not represent a significant environmental liability and that the landfill upgrade is constructed utilising industry best practice, the environmental impact of the upgraded facility could be minimised. Social impact from the upgrade can be minimised through implementing waste management industry best practices, in order to reduce off-site impacts such as smoke emissions.

Over a medium time frame (5 to 10 years) the least expensive waste management alternative is Option 1. However, Humpty Doo Landfill is expected to reach capacity in this time frame and it is likely that the new regional waste disposal facility will not be operational at this time. As such, LSC would then have to consider alternate options for waste disposal, either by rehabilitating the Humpty Doo Landfill and transporting non-recyclable waste to the SBWDS, or establishing a new landfill at an alternative site.

Over a 10-year period, assuming Humpty Doo Landfill is closed, the adoption of Option 3 (Sunday Creek) is likely to represent a significant cost saving when compared with Option 2 (Transfer to SBWDS). The relatively high annual operating costs of transporting waste to

SBWDS (\$986 000) will offset the establishment cost involved in developing a new landfill at Sunday Creek (\$2.27m) within approximately five years.

However, it is considered that there is a greater potential for adverse environmental impact from Option 3 than Option 2, and that Option 3 will represent a less acceptable alternative to Shire residents. These issues, and DLPE's potential reluctance to endorse the establishment of a new landfill, need to be assessed.

In the long term (greater than 15 years) the establishment of a new landfill at Sunday Creek remains the most economically viable option, and with the implementation of an EMP ...

Dr Burns: Except that it is subject to inundation.

Mr Warren: And who is going to pay for it? Won't tell the council to go and buy it; buy the land.

Madam SPEAKER: Order, order!

Mr WOOD: ... and with the implementation ...

Obviously, you do not know what you are talking about because you will find from these reports that the land has been assessed and is suitable. You have not read these.

Mr WOOD: ... and with the implementation of an EMP should prove to be environmentally and socially acceptable. The establishment of a Shire landfill would also provide protection against significant fees that would apply to waste disposed at SBWDS or a regional waste disposal facility.

In conclusion, in the short term the most viable waste management alternative for LSC is to upgrade and to continue to utilise the Humpty Doo Landfill. This, however, assumes the absence of off-site ground water and surface water contaminant migration. In the medium to long term, the most economically viable management option is to establish a new landfill at Sunday Creek. However, the relative importance of cost, environmental impact, social impact and management difficulties will require consideration by LSC to determine the optimum waste management strategy.

There was also the landfill siting report also by URS and it came up with similar considerations. It

spoke about the Howard River site requiring less waste transportation than either of the other two remaining sites - in this case, the two remaining sites are Sunday Creek and Haycock Reach - as it is located close to the Howard Springs transfer station which, at this stage of the report, collects 54% of the total waste generated in Litchfield Shire:

It is anticipated that during the life span of the proposed landfill, the population centroid (and therefore waste generating centroid) of the Litchfield Shire will progressively move to the south. As this occurs, the Sunday Creek site may develop as the site in the LSC that requires the least waste transportation. However, in the short- to medium-term, it is considered that the Howard River site has the least waste transportation requirements. A study of the anticipated population growth patterns of the Litchfield Shire and the movement of the population centroid is required in order to determine the time frame within which the Sunday Creek site will surpass the Howard River site as the preferential site in terms of waste transportation requirements.

The comments from the member for Goyder and the minister about the environmental constraints are interesting. Section 7 of that report deals with environmental constraints. The environmental constraints, such as ground water, are equal for both the Howard River and the Sunday Creek sites. They are the same for geologies and soils. They are the same for hydrology. In the case of proximity to sensitive water environments, Sunday Creek is assessed as being a better site than either the Howard River or Haycock Reach. That is the determination of the people who did this report. In regard to flora and fauna, both Howard River and Sunday Creek are assessed as the same. One needs to make sure that they have the facts before them before they say certain areas of land are unsuitable.

TOPROC also did some work on alternative sites. They were looking for a reasonable site. They, too, went out and had a look. If you get a copy of their site locations report, dated 5 April 2000, you will see that not all the land at Sunday Creek is wet. You have to remember that Sunday Creek has gravel and sand leases, and the site you require for landfill does not have to be enormous. The reason for a large piece of land being asked for is as a buffer zone. It may be that you do not need to purchase the buffer zone. You would only need to purchase the site for the landfill and leave the land around that area as it is. Perhaps it should be rezoned to pastoral or agricultural under the new Northern Territory Planning Scheme.

Darwin City Council is not interested in a regional waste site at the moment, as it believes it can expand its existing Shoal Bay site. The government wants the council to go to Howard Peninsula, and has told council that the Sunday Creek site is not suitable. As I have just read, that does not match with the 2005 report from URS. Is it unsuitable because one would have to buy land from Koolpinyah Station? I am interested in the minister's response.

Here is a little history on what has happened over the years at the Humpty Doo landfill. The environmental health inspector visited the Humpty Doo landfill acting on complaints from residents about smoke and smell. Those residents, I believe, lived on Hayball Road. At that time, council buried its rubbish in trenches, as is common throughout the Northern Territory, and then covered that rubbish up with the material that was removed originally from the trench. There was a high water table in that area during the Wet Season. Obviously, that was an inappropriate method to use where you had a high water table. The council built above ground cells at a quite considerable amount of money.

At the same time, council was also required to cover its green waste. In fact, they had a pollution order requiring the covering of green waste which, at the present time, costs them approximately \$7000 per week in gravel to do so. I do not know of any other council in the Territory which is required to cover its green waste.

There have been claims of water pollution yet no figures have been given to show that and I have asked for those figures. I spoke to the council this morning and asked if they had seen any figures to say that the ground water had been polluted and those figures have not yet been forthcoming.

The council asked for a five-year licence for the tip but was only given a two-year licence over the landfill site. I raised this issue we are dealing with in a number of media releases over that period. On 30 January 2004, I said: 'Government's pollution controls to hit Litchfield ratepayers'. On 15 April 2004, I asked if the Humpty Doo landfill was to close and what effect that would have on ratepayers having to transfer waste to Shoal Bay. That is nearly two years ago. During the election, I also issued a media release which was headed: 'Tip closure will cost Litchfield ratepayers'. I was trying to alert people to the fact that if the Humpty Doo tip was to close, obviously, it was going to cost ratepayers money.

On 5 July 2004, I wrote to both the Minister for Lands and Planning, Dr Chris Burns, and the Minister for Environment and Heritage, minister Scrymgeour, as follows:

As you are probably well aware, there have been ongoing issues related to the Humpty Doo tip over many years. The Litchfield Shire Council had approached government on many occasions to allow for a new tip site on Sunday Creek. For many reasons this has never happened. Could you please say whether the government is giving any consideration to leasing land to the council at Sunday Creek so the issues of smell, smoke and possible contamination of ground and surface water can be lessened by moving the tip to that site. The council now gets the blame for problems at the existing site - no pollution abatement order. The government has have done little to assist them in alleviating the problems.

I did not receive a reply from the minister for environment but I did receive a reply from the minister for lands. His reply was dated 11 August 2004:

Thank you for your letter. Government is fully aware of the concerns relating to the dump and, although dumps are clearly a local government responsibility, is actively seeking to facilitate a resolution. I am working with my colleagues, ministers Ah Kit and Scrymgeour, to do this and have also recently had discussions with the President of Litchfield Shire Council, Ms Mary Walshe, on this matter. I am confident a way forward on this longstanding problem will be found in the near future. In the longer term, establishment of a new facility is a clear necessity.

We have been raising the issue of a new site for a long time. Last year, Mary Walshe publicly announced that the Humpty Doo site would close and, earlier this year at the end of February, she announced that the landfill was going to close. She said rates could go up by at least \$500.

The council did not renew the licence and now, as we know, all the rubbish is sent to Shoal Bay. The council called for a meeting with the minister - which they had. I also asked for a meeting with the minister for Environment's ministerial advisor, which I appreciated, which I attended with the President of Litchfield Shire Council. I also had a meeting with the Minister for Planning and Lands about a week-and-a-half ago.

As a result of all this, it cannot be said that council has done nothing, or that I have form on this issue. Council always knew that somewhere along the line the Humpty Doo tip had to go. Contrary to what has been said, it is actually the government which has said it should stay: see the 2002 land use objectives. Failure of Humpty Doo tip will put extra cost on ratepayers and

commercial waste now has to be dumped at Shoal Bay. Litchfield Shire needs the existing transfer stations to stay open if those sites are to be used for green waste and other dry waste. Humpty Doo landfill needs to remain open as required by the Litchfield Land Use Objectives until a new site for wet waste is established. The regional waste site, although more central for Palmerston and Darwin, is certainly worth investigating. However, whilst Darwin is looking at expanding its existing site, and Palmerston only requires a dry waste site as all its wet waste goes to Shoal Bay, I am doubtful that it will be up and running for many years.

The population of Litchfield will move southwards making the Howard Peninsula less attractive because of tonnage and distance. The government recently rezoned quite a large amount of land in the Redcliffe Road, Elizabeth Valley area from RL2 to RL1. That is where the growth of population is going to go. With the development of Weddell, you can see what URS we are talking about, with the centre of Litchfield's population south, away from the Howard Peninsula.

The government seems to have concerns about the cost of purchasing the land at Sunday Creek. The cost may be greatly reduced if only a small area is purchased - enough for the landfill - and the surrounding land is rezoned to pastoral or agriculture and left as a buffer, making it unnecessary to purchase a large amount of land. The land is presently part of the Koolpinyah pastoral lease.

The regional waste facility may eventuate in the future but, until Darwin wants to move, then it is a long way off. If the Litchfield Shire Council can obtain land at Sunday Creek, Humpty Doo landfill can be closed down and council get on with the job.

One of the things that I feel about this whole issue is that Litchfield Shire Council has been unfairly targeted by the department over the Humpty Doo tip. I know the department has a job to do but, surely, if the requirements they are asking of Litchfield Shire Council are not the same as those for most other tips in the Northern Territory, then one can only feel they are being unfairly targeted. Do the same conditions apply to Coomalie, Belyuen, Cox Peninsula or Katherine? Does Palmerston have a licence for its dry waste dump? I ask that because today it came to my attention that the minister for NRETA wrote to the council on 27 March 2006 regarding the process to regain a licence at the Humpty Doo site. I will read from that letter to the president:

I am writing with regard to the licence for landfill operations at the Humpty Doo dump. The process to regain a licence at that site would be for the Litchfield Shire Council to

apply to government under section 31 of the Waste Management and Pollution Control Act. A licence would only be issued in the event that the matters set out in section 32(1) and (2) of the act are appropriately addressed.

Issues that would need to be addressed include:

- a demonstration of how leachate would be prevented from moving into the ground water system;*
- design of a leachate management system as determined by a detailed water balance assessment of the proposed facility;*
- monitoring to demonstrate the integrity of the leachate containment;*
- adequate water supply to the site to meet NT Fire Service requirements for fire fighting;*
- an Environmental Management Plan that clearly demonstrates how all issues would be managed (eg dust, noise, litter and odour nuisance, vermin, etc) with particular reference to sensitive receptors in the vicinity; and*
- demonstration that the proposal represents an effective waste management regime over the projected time frame of the facility including consideration of options.*

*Yours sincerely
Marion Scrymgour*

Could someone please tell me if these conditions are applied to other tips? Yes, maybe Darwin, but what about the others I have just mentioned? I do not want our tips to pollute. I do not want the Humpty Doo site to continue any longer than it has to. However, let us keep the playing field level and make the conditions practical, achievable and not officious. Otherwise, it could be said that the conditions to regain a licence are deliberately too stringent, and make it impossible to agree to.

It will not be up to me to decide; that will be the council. I appreciate the government has made some positive movement on this issue. However, remembering that there is ill feeling between the council and some sections of the department, I ask that you allow room for discussion and negotiation, perhaps using some independent arbiters. Council changed their practices at the tip after the

department told them to. They may not have always achieved to the nth degree everything the department wanted, but the council did upgrade and improve the site. I am sure if the council had a more permanent site we would look at investing in that site. I can see the council's point of view: that if you do not have ownership of the land why put money into infrastructure on someone else's land. I hope a reasonable compromise can be reached and we can move on.

I believe a solution can be found. It needs to be said that there has been a lot of work and many people trying to obtain an alternative site for the Humpty Doo dump. It was obvious to anyone that, as Humpty Doo developed, you could not continue to have a landfill site there; that another site had to be found. It is obvious that Litchfield Shire did try to get another site - not just through this government, but with previous governments. I am not just picking on this government; it happens to be the government in office at the moment. You can see the letter to Tim Baldwin asking for another site, and the letter to the Department of Lands from the council looking for another site. There were three reports that consultants have done looking for alternative sites. When I hear that the council has not done anything and that I have form on this issue, I am disappointed because that is not correct.

What we want is an alternate site for Humpty Doo that will not cost ratepayers an arm and a leg. I believe that Sunday Creek is that site. You may argue that Howard Peninsula should be the site and, maybe in the end, it will be. However, for the present, it is the easiest solution for the council, without causing them large transport costs for taking rubbish long distances such as from the Berry Springs transfer station, which now has to go quite a considerable distance to Shoal Bay. It must be one of the only municipalities in Australia where rubbish from the bush ends up in the city. Usually, it works the other way around. We just happen to be going the other way. I am interested in hearing what the minister has to say to that.

I welcome the minister for Environment's letter to the council, at least offering, you might say, an olive branch. It will be up to the council to decide whether the conditions they are asking for can be achieved without considerable costs. It would not be much good if, to achieve those conditions, it was so costly that it was just as cheap to go to Shoal Bay. That will be up to the council to decide, but I hope that there is some room for movement and negotiation. As I said, there has been ill feeling between the department and council at times and, perhaps, it is time to bring in some independent arbiters to help smooth over those difficulties.

Dr BURNS (Planning and Lands): Madam Speaker, the member for Nelson touched on a few lands issues and I would like to set the record straight on a number of issues. I will be brief.

The member for Nelson talked about the need to move forward and not look back in history. Ironically, however, in his speech, he spent nearly all but the last two minutes going back into history justifying the council's and his own position. Regarding a constructive offering of moving forward the member for Nelson is very intent ...

Mr Wood: You misheard me, you misheard me.

Dr BURNS: I have not missed the point, member for Nelson! You are very intent in justifying your own actions and position. I will come to that, member for Nelson ...

Mr Wood: Some may say that I have form.

Dr BURNS: You just cannot handle it, member for Nelson!

Mr Wood: No, I am refuting what you said.

Madam SPEAKER: Order!

Dr BURNS: You had your chance, and now it is my turn ...

Mr Wood: Well, tell the truth.

Dr BURNS: You talked about the establishment package and about meetings between me and Litchfield Shire. I was very glad to meet with Litchfield Shire. I suppose there was a certain tenseness in the meeting because there was a lot of pressure on Litchfield Shire Council over this issue. Mary Walshe, as president, raised with me some of the issues in the establishment package; notably the undertaking by the previous government to grant title to the land for the Humpty Doo, Howard Springs and Berry Springs dumps.

I was not aware of the situation until Mary raised it with me in that meeting. I undertook to immediately rectify that situation. I invited the council to write to me seeking title for that land. They did that and I replied very promptly to their letter. Before I go on, I agree with the member for Nelson about the council wanting to have title for the land so that they can invest in the infrastructure there because it would be their land. However, at the meeting, I also pointed out to Mary and the other councillors who came to see me that, probably in terms of the Humpty Doo site, there would be considerable remediation costs associated with that. We all know that there has

been leachate through there and the possible contamination of that site.

I know the Litchfield Shire want to use that site, probably some time in the future, and develop it as industrial land and subdivide it and, I suppose, recoup any funds that might come from that. It was significant when I received the letter from Litchfield Shire that, yes, they want Berry Springs and Howard Springs, but they were a bit silent on the Humpty Doo site. I believe it has to do with the remediation issues, and that is fair enough. I understand that, but I am just saying to the House today that this government, both the minister for the Environment and I, have acted as quickly as we can on the issues that are being raised by the Litchfield Shire Council.

The member for Nelson also talked about the establishment package and the Litchfield Shire being under a minimal services model. I understand that and some of the history. I have heard it from the member for Nelson. I have also heard it from the President of the Litchfield Shire. I understand how it was all started and what was the basis. However, as the member for Nelson said, even under that minimal services model - and I suppose minimal rating model - the issues were all to do with roads, reserves and rubbish. That is at the heart of it, member for Nelson.

The Litchfield Shire has a responsibility for the collection and, I suppose, disposal or treatment of rubbish. Regarding their rating regime, that is their business. They have to decide those issues, but they need to have enough money to do what they are tasked to do.

I believe I said that you had form on this issue, member for Nelson. You said that you did not like that idea because it paints criminal activity. No, I am talking about form generally in terms of sports or horse racing, when you look at someone's record and see how they are performing now. It is all right for you, member for Nelson, you were President of the Litchfield Shire for a number of years; you were responsible for all those things. As ministers on this side, we have responsibility for the running of our departments, the way funds flow, and targets being met. It is all right for you to come in here, time after time, sittings after sittings, and criticise us for our performance. That is fair enough. That is your job as an Independent, and that is the opposition's job. I take those criticisms very seriously. However, on this one, member for Nelson, you have more than an involvement. You were president of that council for some time, and what you are trying to do through this motion is justify your position and lack of action on this particular issue.

Mr Wood: Oh, crap.

Madam SPEAKER: Member for Nelson, I ask you to withdraw, thank you.

Mr WOOD: I withdraw 'crap'. It is a rural word. Sorry, Madam Speaker.

Dr BURNS: In relation to Sunday Creek ...

Mr Wood: That is in my time.

Dr BURNS: In relation to Sunday Creek, yes, member for Nelson. If we are going back in history, there was a point in history - and I can get the date here - where the Woodward-Clyde report in 1995 recommended Sunday Creek as a site for the new landfill. We all know that Sunday Creek is on a pastoral property, which has an owner. I suppose the Litchfield Shire could have negotiated with the owner of that pastoral property to acquire that land - you were talking about a small parcel of land back in those times. But, no, the member for Nelson is trying to push the absolute costs of waste management in the Litchfield Shire back on to government. He talks about ratepayers not bearing the cost, but he wanted taxpayers to bear the cost.

Litchfield Shire, as their ratepayers' representative body, need to take responsibility for that. As a government, we have given undertakings to Litchfield Shire to identify a site on the Howard Peninsula and funding towards that. That is Crown land. What the member for Nelson is asking us to do is acquire land on a pastoral property. I cannot say what the pastoral lessee would think of that. He may very well think, 'I do not want to give that land. I want that land for my pastoral property'. As we discussed in our meeting, member for Nelson, it could become a very protracted battle over compulsory acquisition, and also open up native title issues, etcetera, on that block of land.

There is a whole range of issues to do with Sunday Creek. I will revert to the advice that I have had; that, in general, looking at the parcels of land, Sunday Creek is more subject to inundation of the land *in toto* than the Howard Peninsula site. To my knowledge, member for Nelson, when I met with Litchfield Shire Council, not once in my recollection did they mention that they wanted to go to Sunday Creek. You are coming in here today saying 'Sunday Creek, Sunday Creek, Sunday Creek'. That was not the message that I received at all from my meeting with Litchfield Shire Council. Nor is it the message that we have had from the local government councils which met in October last year - I believe there was Palmerston, Darwin and Litchfield - on this very issue. It was the Howard Peninsula which was identified as the preferred site.

We are providing \$250 000 towards survey work there to prove up that land as a foundation for moving forward within an environmental impact statement. We know that a dump must be subject to a proper environmental impact statement. That was probably the problem when the Humpty Doo site was originally established, as I understand it, on very wet ground. Some even referred to it as a swamp. We do not want to repeat that problem.

If you are talking about management and form and all the rest of it, the environmental management of that dump over many years has been very poor, member for Nelson. Once again, you were president of that council during some of that. I suppose if you want to go back into history, you are part of that history, member for Nelson.

You talk about Sunday Creek being a desirable spot and that development is moving that way. Surely, that is a reason not to have the dump at Sunday Creek; to have it in a spot where it is not going to be surrounded by population as is the current site. That is an argument, I believe, for going to the Howard Peninsula site.

You said you wrote a letter to the minister for the Environment and to me, and that you did not receive a reply from the minister for Environment. I have not seen that particular correspondence. As ministers, we receive letters which are really in the portfolio area of another minister and they are sent on to another minister for reply. I would say that is what has happened in this particular case.

That is all I have to say on this issue, member for Nelson. I look forward to the Howard Peninsula site. I am glad that the minister for the Environment has provided a way forward for the Litchfield Shire in opening up a new cell at the Humpty Doo dump, subject to environmental safeguards. That is a reasonable way forward. It will take some years to establish the site at Howard Peninsula, and I have acknowledged that all along. An environmental impact statement is probably going to take from 18 months to two years. I have not backed away from that. Hopefully, we can find a way to open up this extra cell at Humpty Doo dump as an interim solution while we work on the longer-term solution.

As a government, we are playing our part. We are investing taxpayers' money in this. The challenge for Litchfield Shire is to manage what they have to do, look at their budgets, look at their rating system, and provide the services that they should be providing in this year of 2006.

Mr MILLS (Blain): Madam Speaker, I listened fairly carefully to what was being said. Whilst at the heart of it there is an attempt to find a short-term solution with the olive branch regarding the Humpty Doo dump - and that is acknowledged

and is good to hear - I still find that too much of it is a war between levels of government. That may be satisfying for the participants, probably more so for government in the sense that they can remove themselves from responsibility and transfer it directly upon local government; in this case Litchfield Shire Council. It may make the Labor government feel a little better for a moment, but in the long term it provides no real satisfaction because in any transaction over difficult business some ownership is required.

The position you have been given requires an attempt to find a comprehensive solution. There needs to be because the population increase in the Palmerston and rural areas requires a solution into the future. I will speak from the Palmerston perspective because this is another issue sitting on the side that is going to weigh into this problem. If we just tinker around the edges and abdicate our responsibilities, or if government does, and transfer the heat back to Litchfield Shire Council, we have not really addressed the deeper issue of the long-term problem.

There is more waste being generated from that area. Palmerston has come to the end of its own dump. You may be able to advise me, minister, on their application to have the Catalina Road site reopened. If that is the case, perhaps that is another solution; the stage after the opening of the other cell at Humpty Doo. It is clear that the regional facility must be advanced. If we wait for pressure to be brought upon that solution when Darwin has a need for a new site, then we are leaving Litchfield out to dry and placing pressure on Palmerston. The Shoal Bay site is predicted to come to the end of its life in 10 to 15 years. If the government waits until the 11th hour, as is its nature under advice from departments, we are going to have a very serious problem.

Whilst I understand the unique dynamics of this debate regarding the Litchfield Shire - the foundation they based those decisions on to establish their shire, the way they operate as a community, and their need to dispose of waste - we need the different levels of government to broker solutions.

Regarding the Howard Peninsula site, in the interests of the longer-term view and, to some degree taking some heat from the issue regarding the good people of Litchfield, we need to know exactly where we are at with this site. We need something more concrete than to throw the towel in and say we are looking in that direction and are about to do something. The pressure is going to mount exponentially for a solution. I will say it again: if we wait too long we have created and compounded a very serious problem with the residents of the Litchfield Shire, which compounds into Palmerston. It will escalate exponentially

because, while all this business is going on, the waste will be generated and piling up and it will become almost too difficult to manage. We need to approach these things in a timely way.

Visitors

Madam SPEAKER: Member for Blain, do you mind if we just acknowledge these young people? I advise honourable members of the presence in the Gallery of Year 7 and Year 8 students from Palmerston Christian School accompanied by Ms Gina Hamilton. On behalf of all honourable members, I extend to you a very warm welcome.

Members: Hear, hear!

Mr MILLS: Madam Speaker, to help give some definition to this and to strip away all the words, the blame-shifting and the fancy footwork that goes on around a very serious issue: exactly where is government situated with Howard Peninsula? Where are we situated with zoning? At what stage is that? I will not be satisfied - and I am sure neither will the good people of Litchfield - to hear a general response of 'looking in that direction and we are about to ...'. We need to know exactly where we are, and I urge haste. Where are we with the survey of surfaces and roads? Give us some details on that process. Exactly at what stage is the environmental impact assessment? Unless we listen very carefully and become more experienced in this place regarding how these processes work, we could easily be seduced into thinking that everything is hunky-dory and 'Don't worry about that, there will be a statement delivered soon'. Then we can all breathe easy and put our rubbish out safely at night and go off to the dump because everything is fine.

We really need to know some details; this is very serious business. It took me a while to realise how serious it was. It was not until I saw it from a Palmerston perspective that I recognised that this is a significant regional issue. I urge a serious focus on this matter in the interests of a long-term solution, but to advance that long-term solution to release some of the pressure that is in Litchfield. There may well be an opportunity provided; that being, step one, the opening of the cell as the olive branch. I will take the honourable member's advice on whether that is appropriate.

Members interjecting.

Mr Wood: An independent view.

Mr MILLS: I am sure you know what I mean. I can refer to it as ...

Members interjecting.

Madam SPEAKER: Order, order, members!

Mr Wood: No, he is going to be an Independent.

Mr MILLS: We Liberals are independent, anyway. We are able to speak for ourselves, unlike the sheep on the other side ...

Members interjecting.

Mr MILLS: How many of you have been able to front up to the media and say: 'This is what I think. I am elected to parliament to represent the good people of my community'? 'Oh sorry, mate, the machinery said you cannot talk'.

Members interjecting.

Madam SPEAKER: Order!

Mr MILLS: Baaa!

Members interjecting.

Madam SPEAKER: Order! Member for Blain!

Mr MILLS: Sorry, Madam Speaker. I have provided a very poor example to the students in the gallery.

Madam SPEAKER: I am not sure that sheep noises are parliamentary, member for Blain. I am not sure if I can ask you to withdraw that, though.

Mr MILLS: Do I have to withdraw sheep now?

Madam SPEAKER: I am not sure sheep noises are parliamentary.

Mr MILLS: I apologise for using sheep noises.

Madam SPEAKER: Please continue.

Mr MILLS: Yes I will. I was at coming up with another stage in the step towards a full solution. Yours is a ripper, perhaps. Whether the suggestion of my parliamentary colleague, who is also an Independent, is appropriate, I seek advice. We know how the departments can chug along at their own merry speed serving their own internal requirements. However, the next step could well be, if you advance the request of the Palmerston community to have the Catalina Road site reopened - if the machinery is chugging along at a steady rate but it is going to be a while before the Howard Peninsula site is opened - then some of that could then go to the Palmerston site. The Palmerston municipal council will, I am sure, be very pleased to receive the rubbish from Litchfield, for a fee perhaps. That could well be another step

in the solution to making sure that you have that regional site in place.

Madam Speaker, with that contribution, I look forward to the response from the minister who now has a very high profile.

Ms SCRYMGOUR (Natural Resources, Environment and Heritage): Madam Speaker, this is quite an emotive debate. In regard to this motion, I will only focus on the request from the member for Nelson for the landfill site to continue at the current site. I will not go over all the background to this long saga. It has been quite a long saga. However, I will give a bit of context before continuing my speech.

The member for Nelson raised the issue of dumps and how they are licensed and regulated. Member for Nelson, under this government, all dumps across the Northern Territory, including Humpty Doo dump, are licensed by my agency in accordance with the requirements of the *Waste Management and Pollution Control Act*. When you look at the environmental management plans that are put in place, and the licences and the regulations for that dump, much of it is dependent on the conditions appropriate to the siting and surrounding environments of that dump.

The licence for the Humpty Doo dump was issued in August 2003 for a period of two years, and then extended, at Litchfield Shire Council's request, for another six months. This extension expired on 28 February 2006. Litchfield Shire Council was told when the licence was issued in 2003 that the siting and design of the dump meant that alternative waste management arrangements would need to be put in place after the licence expired, which happened in February. We then extended the licence for another six months to engender some goodwill and trust with the council. Some of that goodwill and trust needs to come from the council as well. Whilst there has been a lot of criticism of officers from my agency and officers from Planning and Infrastructure, there has been a lot of goodwill and trust in trying to work with the council to resolve this issue.

We are accused of playing the politics. I believe Litchfield Shire Council needs to stop playing the politics with this issue, and show a bit of trust and good faith, and work together to try to resolve it. We all want to get to that point of trying to get a resolution and an outcome for the good of everyone in the Litchfield Shire area, and some of this needs to come from the council. I believe they need to eat some humble pie and all of us work together to get a good solution.

I read in the *Territory Times* about the contractor who was taking the waste from Humpty Doo, Berry Springs and Howard Springs - which

was previously landfill at Humpty Doo - to Darwin City Council's Shoal Bay facilities. The green waste is still being dumped and managed at the Humpty Doo site, and the site continues to operate as a transfer station following closure of the landfill.

Humpty Doo dump was established in the 1980s, and the member for Nelson talked about that. One of the biggest issues with this - and this is where we have had a difference of opinion regarding the management plan, member for Nelson - is that it is in a swamp. There are houses nearby which get their water from the local bores and there were, until recently, no environmental controls on its operations. Over the last few years, there have been numerous fires at the face of the tip and in the green waste. They were particularly dangerous fires in the toxins produced - for example, from burning plastic - but also in the difficulties they present in putting them out.

The dump has no lining or leachate collection and, during the Wet Season, ground water comes into contact with the refuse. As a result, there is potential for contaminants to move directly into the ground water. Earlier this month, we saw the media attention which highlighted the issues of uncovered rubbish at the Humpty Doo landfill and the concerns of local residents about contamination from the landfill making local ground water undrinkable. There are real concerns. It is not good waste management practice to leave rubbish - especially putrescible waste - uncovered. Officers from my agency had issued instructions to Litchfield Shire and, with the council, oversaw the covering of the stockpiled rubbish.

With respect to allowing another landfill cell to be constructed at the existing site, meetings were held between various agencies and ministerial officers involved with Litchfield Shire Council. The council asked that consideration be given to extending the licence for the current landfill site while a permanent facility was being investigated and planned. I have had a conversation with the President of Litchfield Shire Council and said that we will work together with the council to try to resolve the issue of the current cell. That has been our position: that we will give approval for an existing cell, but there were some issues which had to be resolved. That approval has been given, and you read from the letter that I sent to the President of Litchfield Shire Council outlining the number of environmental issues that we needed to work through with them.

I am also aware that my colleague, the Minister for Planning and Lands, has had dealings with the council about a future regional waste management facility. His department will be engaging consultants to investigate the suitability of a site on the Howard Peninsula for a regional facility. It was

made clear to council that yes, government would consider an extension provided the dump, and any new landfill cell constructed at the dump, gives a better environmental performance than has been the case so far. That is pretty reasonable. Why should we allow management practices to continue that have been clearly shown to have an unacceptable environmental risk? It would be negligent of me, as Environment minister, and the agency, to allow unacceptable practices and standards to continue.

Earlier this month, I wrote to the council explaining that I would consider a new application to license the landfill site and set out in detail the conditions that would have to be met for proper operation and management. Issues that the council need to fix up in their operation of the dump which have been a source of contention and concern for residents and environment officers alike are

- how is leachate to be prevented from moving into the ground water system? Council needs to demonstrate a leachate management system to prevent ground water contamination. It also needs to contain any leachate from the site.
- the site, as I said before, needs an environmental management plan. This needs to demonstrate how we can work through problematic issues such as dust, noise, litter, smell and vermin – all which have been a source of complaints over the years and none of which have been adequately addressed.

I have received a response from Litchfield Shire Council to my letter and I am told that they are examining their capability to fully comply with the requirements. Council has gone on to complain about giving an instruction to properly operate the existing facility. They have been told to clear the transfer bins on a daily basis. The extended exposure of this waste in open transfer bins is simply not acceptable in this day and age. They have been told to cover that waste which has been left unburied.

I have made clear to the President of the Litchfield Shire Council that we are not asking for the world's best practice. We are not asking Litchfield Shire Council for rocket science either. What we are asking for is very basic environmental controls which reflect the risks for that site. You mentioned, member for Nelson, that this saga has been going on for some time. It is not putting unreasonable demands on them. The council knows what those issues are, so let us work through that.

As I have said clearly to council, I am prepared to consider a licence to continue the operations of the Humpty Doo Landfill for a defined period. What I am not prepared to do, as I have made clear, is lower environmental standards and accept management practices which pose a risk to the local environment and compromises ground water quality and amenity of residents.

The Litchfield Shire Council, member for Nelson, is not being singled out and that seems to be a continuous complaint. Every time there is something in the media it is the Litchfield Shire Council being singled out by government – that is not true. I have had dialogue just like the Minister for Planning and Lands. They are not being singled out; this is a requirement that is placed on everyone. Each time I have had discussions with the President of Litchfield Shire Council, she has put aside all the politics and dealt with the issue. After receiving the letter from Litchfield Shire Council, I have asked for an immediate meeting with me, officers of the department, and the president and council of Litchfield Shire. If the council is having difficulties understanding what those requirements are, we will have discussions and work through that. So the olive branch is there; we will work with them to try to resolve this issue.

People might think that waste management and the future of it is a whole lot of rubbish. It is about rubbish, and it is an important issue as the Territory and our urban centres keep growing. The member for Blain mentioned that. It is not just about Litchfield Shire Council, it is also the Palmerston and Darwin City Councils. We need to pay some attention to the future of waste management and how we manage that.

I do not accept the motion. My agency, as I said to the member for Nelson, will continue to work cooperatively with Litchfield Shire Council on the issue rather than trying to force a solution by your grandstanding all the time on this. We do need to work together.

Mr WOOD (Nelson): Thank you to both speakers. Madam Speaker, I appreciate what the minister for Environment and Heritage has said. I probably agree with 90% of what she said. Grandstanding I may be, but that is what politics is about to some extent. By the very nature of this particular profession we are in, grandstanding is all right. I did not write the headlines. I wrote an article about what I am going to say today.

I appreciate that the Humpty Doo tip is not up to a good standard. It should be much better. That is the reason I have always wanted it to go somewhere else. The minister for Lands asked why the council does not buy another piece of land. When the council commenced, it was given

land to establish seven reserves, land for the council chambers, land for a cemetery, and land for the tips which included another two sites. In the case of the tips, one of those sites was the Humpty Doo tip. The government now wishes to close the Humpty Doo tip site. I am saying that to maintain the *status quo* give us another site to put it on. That is all I am saying.

Mr Warren: Crown land, not private land.

Mr WOOD: You are not even a ratepayer.

Look at the history of what we are talking about here. When I talk about Sunday Creek, I did not make up the story about whether Sunday Creek was suitable. I went to the experts who said it was suitable, who said it was the long-term alternative site. I was on TOPROC - which is all the councils in that area - at the time and it looked at Howard Peninsula. I have no problem with a regional waste site but, at the present time, I do not see it as being the viable option. If that is the way the government goes and the council agrees to it, I am not going to stand in the way of that. However, when I went back to the council after talking with the minister recently and said that the minister said you never raised Sunday Creek, they said: 'The reason we did not raise Sunday Creek is because we were told it was off the agenda'. That is why it was not raised. The reason I raised Sunday Creek is that three reports - not me but three reports - stated that Sunday Creek is the better long-term objective. I get knocked for that. I did not write it; I am just reporting it. That is the basis of what I am trying to say. If Sunday Creek does not happen, and the agreement between the council and government is that it goes to Howard Peninsula, I will live with that.

These reports tried to put a bit of logic into why certain sites should be selected. They did not knock Sunday Creek on the environment. They said it had the same environmental issues as Howard Peninsula. They looked at it because the population of Litchfield is going to move south towards Weddell. They said that, when you look at the amount of tonnage of waste produced and the distance it has to travel, that would be a better place in the long term.

How does that fit in with the regional waste? That is an issue the council is going to have to debate. It will certainly cost council more money to use regional land waste facility at Howard Peninsula - especially when you consider people live at Berry Springs, Darwin River and those areas and the population is going to go down towards Noonamah - if that is the site rather than Sunday Creek. That is what I am saying. The costings were done ...

Mr Warren: Council has agreed to take the TOPROC.

Mr WOOD: Yes, that is right. TOPROC was looking at all councils agreeing to a site as a group. Darwin City Council has said to me that there are new scientific processes that can see whether there are unexploded ordnances in the Shoal Bay land that Darwin City Council use at the present time. They are extremely hopeful that they will be able to get quite a bit more land leased from the Commonwealth and they will continue on that way. It makes sense for them and to the ratepayers of Darwin. Why would you want to take it out to Howard Peninsula and cost your ratepayers more money?

The concept of the regional waste facility is a good one. It is not the only option we have. In the options statement, they have spoken a number of times of using the rail and carting the waste south; looking for a site which may not have the water table problems - or you sort it and take it all south. That option has been put forward at TOPROC meetings. Other sites were looked at such as the site at Haycock Reach which is right at the south of the harbour where the airport is going. I do not think airports and rubbish tips are a really good idea because birds get in the way of jet airplanes and that does not help. There was a site selected up towards Gunn Point on Koolpinyah Station. A range of sites have been looked at.

The minister says I have form. Well, I was president of the council and I am not ashamed to have been the president of the council. You have to put it in context: there was no government at that stage saying: 'Tomorrow Humpty Doo tip will be closed down'. They did say: 'You have to change your practices'. As I said before, we used to dump it and cover it over it, as Cox Peninsula still does. Sometimes it would get burnt, for sure. The council got large amounts of gravel and built new, big cells above the ground with a clay base - not a plastic-lined base.

They then covered the green waste. People kept saying it was burning. It is very hard to stop burning at any of those tips where public had access 24 hours a day. I am not saying that that was perfect. I would have loved to have seen our green waste mulched. We looked at getting contractors in to mulch green waste but, anyone who knows about Shoal Bay knew that they had excessive amounts of mulch at a fairly low cost to buy. Anyone else who wanted to get into the market just simply would not be competitive. That was one of the big reasons Litchfield Shire did not go down the path of trying to mulch its green waste ...

Mr Warren: Lots of people would have bought it.

Mr WOOD: They spent a lot of time looking at the economics of it and it did not stack up. The council discussed many of these issues, member for Goyder. Not many people go to council meetings, and very few people read minutes. You probably would not have read a minute of the council in my time either. Many of these issues were discussed - issues such as putting people at the front gate of the dump. We looked at that. We thought with the amount of extra rubbish you get compared to putting someone there 24 hours a day, and it was just not worth having someone at the dump site.

There have been some changes. Two years ago, I think it was, the council brought in limiting the number of hours that the tips were open. They have put security people on at the moment, but that is really for a different reason; that is, to assess how much rubbish is actually coming from Litchfield residents. People ask me about Humpty Doo tip, and there were complaints in my time. I said to them that it is certainly not the ideal site. Even forgetting the pollution side, it is a risk simply because, if you look at the town plan for Humpty Doo District Centre, housing was going to get closer. It was obvious you could not have a landfill site that close to houses. It had to go somewhere else.

The letter in 1999 - which was during my time on the council - asked the then minister, Tim Baldwin, for another site. I have not gone out of my way to blame this government for this issue. I needed to look at the history to say that this has been a long issue - it goes way back - that needed a solution. My problem at the moment is that, although council wanted other land, the government decided to close the tip down before it gave them some other land. That is really all my argument is about. Why did you close it down and not give the council an alternative site? That land is yours. It was land given to the council to use as a tip. If you are going to close it down, surely it is logical to give us another block of land? If you look at the report, it says Sunday Creek. The other reports from the regional basis said Howard River. That is all I have been trying to say. Shutting it down now, which has caused a lot of angst in the community, without giving an alternative site, I believe, was poor, and so was the timing.

I agree with the minister. Some of the matters raised are important issues. I do not want the tip to pollute the ground water. I know the person who complained that the tip was not being covered. I am not making excuses for it not being covered; I do not know why it was not covered. I was there two days before the licence finished, and I can say that that tip was as good as anywhere. They had it all covered. The bulldozer was working there. I took some photographs

because I wanted to see what it was like, what was happening. The last cell was being filled. What happened to cause that photograph to be in the paper, I do not know. I just know the complainant.

If you go back to Letters to the Editor, you will find that that complainant has been totally opposed to the Litchfield Shire Council since it existed and does not wish to pay a local rate for his road. Sometimes, you have to take people's criticism into context. I am not arguing that that tip was perfect at that stage. Sometimes, the people who make that criticism have other motives behind their criticism.

I could refute some of things that were said, but that is not going to achieve any more at this stage. We have had the debate that needed to happen. We need to find a solution. I know the minister for the Environment said that she cannot support the motion, but by writing the letter you have supported the motion to some extent - you have given them the opportunity to extend Humpty Doo landfill.

The question that is still missing out of that is: will you give them enough time at the Humpty Doo landfill site until the new site is in operation? That is the real question now. Will you allow them to continue until the new site is established?

Ms Scrymgour: As long as we work through those issues. That is what I said: as long as we can come to an agreement.

Mr WOOD: Yes, but will the council be able to use Humpty Doo landfill, subject to those conditions, until the new site is prepared? If that is the case, you actually agree with my motion, because that is what it was about.

Ms Scrymgour: We will wait and see. I am not supporting the motion until we have worked through with the Litchfield Shire Council.

Mr WOOD: I thought you said you were not going to agree with the motion. That is why I asked.

Madam Speaker, I thank the ministers for their points of view. I hope that out of all this we can get a better relationship between the Northern Territory government and the Litchfield Shire Council.

Mr Warren: Hear, hear!

Mr WOOD: Thank you very much, member for Goyder. It is a pity you, being the local member, did not actually say something. That is what you get when you are in a party; you cannot be quite so individual and independent.

Members interjecting.

Madam SPEAKER: Order!

Mr WOOD: The member for Goyder may give little hints now and then, but does he get up and give us a point of view at this meeting? No. He has been told. The member for Daly has part of the Litchfield Shire. Hello, member for Daly, did you say anything? No. Two people representing the shire who have never been ratepayers in their life until recently ...

Mr Henderson: Who did you go to McArthur River with?

Mr WOOD: Oh yes, it is wonderful to hear people ...

Mr Henderson: The opposition mines spokesperson.

Mr WOOD: Oh, yes, yes.

Madam SPEAKER: Order!

Mr Warren: I do not grandstand.

Mr Henderson: You try to be as pure as the driven snow and you are not.

Mr WOOD: Member for Goyder, if you do not grandstand, I go he! Even if you did not agree with me, there opportunity was here for you to tell your constituents what you thought about this issue. This was an opportunity for the member for Goyder to say to his constituents, who take up a fair bit of Litchfield Shire, what he thought, and he did not. I say there are some advantages to being Independent. You might get a lot of stuff thrown at you, but you can at least say what you think.

Members interjecting.

Mr WOOD: Yes, well the government obviously decided that two speakers were enough. Yes, it is our day. Do not let them get away with too much.

Members interjecting.

Madam SPEAKER: Order! Member for Nelson, please direct your comments through the Chair.

Mr WOOD: Through the Chair, Madam Speaker, I thank the two speakers who did speak. Out of all the debate that has occurred there ...

A member interjecting.

Madam SPEAKER: Order!

Mr WOOD: Thank you. Out of all the debate we had today I do think there is light at the end of the tunnel. I hope the government supports this motion because it will be good for the residents of Litchfield Shire. It will give them some breathing space in regards to having their rubbish taken to Shoal Bay, which I know will eventually be a cost to them through the rates. It would be very much appreciated if we have a breathing space and allow something to occur in the meantime. I would thank the government if they do so.

Motion negatived.

VISITORS

Madam SPEAKER: Honourable members, I draw your attention to the presence in the gallery of visitors visiting Parliament House as part of our parliamentary education program. On behalf of all honourable members, I extend to you a very warm welcome.

Members: Hear, hear!

MOTION

Development Consent Authorities

Mr WOOD (Nelson): Madam Speaker, I move that the government establish development consent authorities (pursuant to section 87 of the *Planning Act*) in the following areas:

- East Arm industrial area;
- Coomalie Community Government Council; and
- Cox Peninsula and Belyuen Community Government Councils.

I present this motion for a number of reasons. With issues such as planning, we need good public participation. At present, those planning processes which we take for granted in Darwin, Palmerston, Litchfield, Katherine, Alice Springs and Batchelor township are not the same processes that apply to people who live in the rest of the Coomalie Community Government Council area, at Cox Peninsula and Belyuen, or those who live or invest in areas such as the East Arm industrial area.

Another reason I have introduced this motion is to remove inconsistencies in the planning processes in the Darwin region. I will explain that later. I have also presented this motion to make government processes more open, transparent and accessible. Transparency and openness is something this government has espoused in this parliament many times. Whilst they may not support the motion, I hope they consider what is being put forward as reasonable and, perhaps,

bring it back to parliament under their own flag, as they do, and we could move on from there.

Some background: the Development Consent Authority, which you find in most municipalities, is made up of five members - a chairman, two people appointed by the government, and two people from local government. They hear matters relating to a planning application at a public meeting. In other areas, the minister or his delegate is the Development Consent Authority and there are no public meetings unless the minister calls a meeting.

One of the areas that I would like to see have a Development Consent Authority similar to what we have in Litchfield or Darwin is the Cox Peninsula/Belyuen area. Recently, there was a development application for a new motel development which was advertised like a normal development. However, in the case of that area, you just write a letter to the minister and, unless the minister decides that a meeting is required, that is generally the last you hear of that application. You do not have a chance to meet the developer - at least at a public meeting, to some extent with limitations – and debate the objections that you have with that developer, and allow him to give his point of view. For all you know, your letter could end up in the wastepaper basket and you would be none the wiser.

In Darwin, you can sit down at a public meeting and hear what the developer has to say. You can hear what other objectors and supporters have to say. Of course, in some cases where a development cannot be finalised, you can come back for another meeting. For instance, there may be a subdivision and that has to be changed because it has some problems. You are then invited back to a public meeting to look at the new amended subdivision proposals.

Cox Peninsula has an interesting history. In 1983, Cox Peninsula was part of the Darwin Rural Area Plan - and this is the document it was based on. It had its own zones. That covered a very large area of the Darwin region. I have the map here. It is called the Darwin Rural Area Plan 1983, as amended. That is the map. It has the entire Litchfield Shire Council, all the Cox Peninsula, and a quaint little border alignment. The border of this Darwin Rural Area Plan actually took in Christo's fish and chip shop on the wharf. When Christo wanted to develop that area, he had to go to the Litchfield Shire Council's office - that is where the meetings used to be - to get permission, because the boundary actually cut through the wharf. The Wharf Precinct was in the Darwin Rural Area Plan and the rest of it was in the Darwin plan. I am sure he found it very unusual; to have to travel all the way down to Litchfield to get approval for his fish and chip restaurant. That Darwin Rural Area Plan

had a Development Consent Authority. That Development Consent Authority, which I was on for a while, made decisions about Cox Peninsula as well as Litchfield, as well as the fish and chip shop on the end of the Darwin Wharf.

In 1990, when the new Litchfield Structure Plan came into place, it superseded the Darwin Rural Area Plan, and the boundaries were changed to align with the boundaries of Litchfield Shire. What that did was take Cox Peninsula/Belyuen out of the Planning Authority. Those people in Cox Peninsula did not have the same processes as applied in the rest of Litchfield Shire. In other words, they lost a process - which I believe was the better process - and that was replaced with a process where the minister was the Development Consent Authority.

What I am putting forward in regards to the Cox Peninsula/Belyuen area is, basically, reinstating what used to occur. It may have been something that people did not worry about at that stage, because there are not many development applications for Cox Peninsula. However, with the development of better water resources in that area, there is a possibility that that is going to become a future growth area for the Darwin region.

Even if there are not many applications, whether people in that area should have the ability to come to a public meeting to discuss these issues should not be a consideration. I know the minister will say: 'I have the right to call a meeting', but that is a right that is subject to whether the minister thinks it is a good idea. In the case of the Development Consent Authority in municipalities, that is automatic; you can turn up to the meeting.

The next area is Coomalie Community Government Council. Again, here is a strange anomaly. You can have a Development Consent Authority for the township of Batchelor but, strangely enough, we do not have it for the whole of the community government council, so it does not apply to Adelaide River. I do not know if it applies to the new mine that is going there. The anomaly was highlighted when the government decided to bring in a Lake Bennett Planning Scheme through the Department of Justice - not through the *Planning Act*, but through the Department of Justice. The local council was not even involved in the making of that planning scheme for Lake Bennett as it should have been. The whole Coomalie Community Government Council should have had its own planning scheme and a Development Consent Authority over the entire area of the municipality.

One of the main reasons I believe we need a Development Consent Authority is the East Arm

industrial area. That area highlights a serious anomaly in planning processes when it comes to industry. When the LNG Wickham Point plant was proposed, there was a Development Consent Authority meeting which discussed the siting of the LNG plant. It is one of the biggest industrial developments in the Northern Territory. As it was in Litchfield Shire, we had meetings with the public who could put their objections to the developers. From memory, there were a number of meetings because such a large proposal required several visits to the Development Consent Authority.

The anomaly is that while you do that for a huge plant in the Litchfield Shire, in the middle of the harbour we have an area between Darwin, Palmerston and Litchfield called the East Arm Development Area. This area is roughly between the prison at Berrimah, to the Charles Darwin National Park, to Hudson Creek, and it includes the port. Any development there comes under a Development Consent Authority permit where the minister, or his delegate, is the Development Consent Authority.

We have developments within the East Arm Port area which have the potential for pollution of the Darwin Harbour. I am not saying they do that, but they are sometimes hazardous industries. We have a number of industries proposing to develop in the harbour at the moment. One is the Clean Fuels development that is hoping to start up very soon. Another is biodiesel. You could also look at the siting of all fuel tanks. Many people did not realise that they were going to stand out worse than the LNG plant tank. Development in part of the harbour probably has the greatest potential to cause pollution to our harbour, yet you do not have a Development Consent Authority similar to Darwin and Palmerston/Litchfield where the public can be involved in the planning process for such a sensitive area.

What are the arguments for a Development Consent Authority? There is consistency in planning processes in the Darwin region - I mentioned the LNG plant - which allows for improved public input and public scrutiny. It gives the public confidence that their input into a development proposal has been taken into consideration - a letter could simply be ignored. The public has the opportunity to hear an applicant's response at a public meeting. It is consistent with open and transparent governance as espoused by the government. The existing Development Consent Authority membership is retained, except for local members, so no major change is required. The Batchelor Development Consent Authority would just have an expanded boundary, so there would be no change at all. Cox Peninsula was covered previously but the boundaries for the planning area moved them out of the DCA control, so I do not believe it would be

very hard to use the existing DCA and take two members from the councils in that area.

The arguments that the government would put against this proposal is that the minister can call a meeting any time he likes - and I understand that. However, I believe that as the Darwin region expands we should be making the process far more open and accountable. The way to do that is not wait and leave a meeting to the minister's whim, but to say there will be public meetings about development applications in these areas. The government might say: 'There are not many planning applications'. Well, that is a case of 'so what?' That applies anywhere - places like Tennant Creek, even Katherine. You do not have a meeting if there is not a planning application. However, when you do have a meeting, the public - who are primarily concerned with what is happening - has the ability to attend and to respond to the development which is occurring in their area.

You have to consider, minister, that the Northern Territory does not have local government control of planning. In other places, you can turn up at a planning meeting of your local government as a matter of course and listen to what the councils have to say about a particular development. You can see them vote on it. If you do not like them putting a 33-storey building next door to you, you would be out there next time at an election saying: 'I am not going to vote for you'. In the Northern Territory, you have an unelected body making decisions about planning. I am not going to get into the argument whether it should be a local government responsibility; that would be just hitting my head up against a brick wall. However, whilst we do not have that process, it is very important that the process we do have allows the public to attend a public meeting and put forward their arguments for and against the development.

Another argument the government may put up against what I am proposing is that the East Arm Port is perfectly okay, it is looked after by the department of Lands and the Industrial Land Corporation, and there is a group of people who do all the planning, so 'trust them, they will do a good job'. That is fine, but it is not open, and it is not transparent. Whilst you have a management group that looks after the development in that area, they need to be responsible to the public, just like anyone else. I believe the government should think about changing the system for public participation in the development of the East Arm industrial area; it is such an important area. We have put so much emphasis on the protection of the harbour. We have developed a Darwin Harbour Advisory Committee. When we developed the LNG plant, we put enormous effort into ensuring that did not damage the

environment. Then we turn around in our own little government area and do not allow those processes to occur as they have in other parts of the Territory.

This will also pick up the anomalies that are occurring in the Darwin region. I do not know whether you would bring up, at this point, areas like Dundee Beach - which is an area I am not overly happy with. I know much of the history about its development. I know people love living out there and I have nothing against that. However, if you ask me, from a planning process perspective, the Dundee area was a total disaster. That is why you did not have sites for tips, sites for schools, or public land. There was very little requirement for the developer to do anything. There is no way anyone is going to convince me that that type of development was good for the Territory. Because of the poor process involved in the development of that area, the taxpayers in the Territory are now picking up the tab.

I will deviate slightly. Litchfield had one good thing that you might support, minister - an infrastructure development levy. This means that when someone subdivides a block of land, a certain amount of money is paid to the council to go into infrastructure. That is exactly what should have happened at Dundee. The blocks of land there should have been sold with extra money attached to go towards some of the infrastructure that is required to be put in now.

Mr Burke: It was only meant to be a weekender. None of that stuff was meant to be there.

Mr WOOD: You can see the weekenders in Victoria which are now suburbs - that is exactly the problem. If you read the Namarada Area Plan, member for Brennan, you will see they were practically exempt from doing anything except building the dirt road.

Mr Burke: At the time, it was said that it was never going to have those things.

Mr WOOD: Member for Brennan, your government is spending millions ...

Mr DEPUTY SPEAKER: Member for Nelson, can you direct your comments through the Chair, please.

Mr WOOD: I am directing it through the Chair, but I am saying to the member for Brennan that your government is spending millions of dollars on a powerline to a weekender area. If it was a weekender area, you would not be spending those millions of dollars. You would say: 'Get your generator and your candles'. The reality is that weekenders turn into suburbs and localities, and

that is what has happened in many areas of Queensland. That is history. I have seen it happen before. All it needed was to have some forward planning. There was no Development Consent Authority for that particular development. There was no Development Consent Authority for the Marrakai area. Recently, there was a subdivision proposal of the hill - I think it is the Telstra hill. I cannot believe the government would approve that. There was no public meeting about it and you have small blocks of land on a rocky hill with very steep contours. I am highlighting that, if we are to make these processes more public, then we need a Development Consent Authority.

The minister would agree that the areas like Dundee Beach are going to continue to develop. You are going to see that expand - just like Litchfield Shire. Years ago, you would have said that was a weekender area, especially at the bottom of the shire. Now there are bitumen roads and power. That did not just fall out of the sky because they said: 'We came out to live in the rural area and we want those services'. You will hear the hue and cry from people saying: 'We pay our rates; why don't we get street lighting? We came out here and we expect this'. Those expectations grow and grow and, eventually, someone has to provide those services.

Minister, I know that is slightly off the subject but the whole debate today about expanding the Development Consent Authority under section 87 of the act to include those areas could also include areas such as Marrakai and Dundee. The process will not make one iota of difference to the government, but it will make a lot of difference to the people's perception of how they see the government being open and transparent in the planning process.

Dr BURNS (Planning and Lands): Mr Deputy Speaker, I thank the member for Nelson for bringing this matter forward. As I have said to him in private conversation, I can see his arguments and point of view, particularly in relation to some of the areas that he has mentioned, their future development, and the likelihood that some time in the future there will be consent authorities associated with those places.

I have a fundamental difference with the member for Nelson about the area around the port and industrial developments like Wickham Point. I will detail my position on those as I speak further.

The member for Nelson mentioned consistency. That was a common theme in what he had to say. As a minister and, particularly, a planning minister, one thing I try to do is be consistent. It is through inconsistencies, and setting unfortunate precedents, that makes life difficult for everyone. It makes life difficult for the

regulators and developers and, basically, it gives some people who want to push things that might not be altogether appropriate, a tunnel, a window, a door, if you like, to do that. Whenever I am called upon to make a decision, I take my decisions seriously and try to weigh them up in the light of consistency.

Over the years I have been planning minister, there have been very few occasions that I have actually disagreed with the consent authority over particular issues. There was probably one issue in Alice Springs where the consent authority told someone on an ordinary house block in a suburb of Alice Springs that they could subdivide but, two streets away could not be subdivided. I thought it was either one or the other - either both blocks of land could subdivide or the opposite. That is about the only time I can recall that I have had a disagreement with the consent authority. Generally, I commend the consent authority for the work they do. It is difficult and very time-consuming work. They have to consider some very complex matters. Planning is a very arcane art. It has its own terminology, and sometimes that terminology is inconsistent. That is why we are looking at trying to consolidate the planning scheme across the Territory to try to bring consistency to it.

The member for Nelson said this government prides itself on being open, transparent and accessible. That is something that is an important hallmark of this government. From my perspective, I want to see that in all planning matters that come before this government and the consent authority. I can assure the member for Nelson that is something I take to heart very seriously. I want to see that openness, transparency and accessibility.

However, the bottom line, member for Nelson, is that we live in a very diverse Territory, often where there are scant resources to go around. Although we would like to have in every area of the Territory a building controlled area where, basically, there are five inspections under the new regime as there is in Darwin, resources and time and many other factors preclude that. We really have to look at the activities that are going on in certain areas, the cost involved, and what is the best way to address the needs and processes in those areas to ensure the proper processes are followed, but are flexible to allow those processes to go ahead in a way that is cost efficient.

I will deal first with the matters of the Coomalie Community Government Council, and the area that it covers, Cox Peninsula and Belyuen Community Government Councils having separate planning authorities, and then I will come back to the East Arm issue and try to address that.

Starting firstly with Coomalie, although covered by the Coomalie Planning Concepts and Land Use Objectives of 2000, only the township of Batchelor is subject to a control plan; that is the Batchelor Town Plan of 1981. A division of the Development Consent Authority administers development approvals process under that town plan. The balance of the Coomalie area is subject only to controls over subdivision and the clearing of native vegetation, for which I am the consent authority under the *Planning Act*. I asked the department to have a look at the activity there. Their records reveal that there have been only 12 development applications submitted to me as the consent authority over the last three years within the Coomalie area: 10 for clearing of native vegetation and two for subdivision. A further 12 development applications within Batchelor were determined by the consent authority.

I might add, member for Nelson, that we have advertised, since I have been minister, for people to come on the consent authorities. I can tell you, it is sometimes very difficult to get quality people on those consent authorities. You get a few applications, and we are always grateful for those applications. However, in some consent authorities it can be a struggle, particularly with community representatives, to get people who are committed and have the ability to undertake that type of work. With the proliferation of consent authorities, and people wanting representation on a specific area, you would find that you would struggle, in some instances, to come up with the right type of people. Also, as I am outlining here, there is not a lot of work for those consent authorities, even over a three-year period. Much of that work relates to the clearing of native vegetation.

All development applications are processed under the provisions of the *Planning Act*, meaning that they are advertised and people have the right to lodge submissions, either in objection or support. Where I am the consent authority, I have the option of appointing a person or body to conduct a hearing and report to me on the outcome of a hearing. Under the circumstances, it would seem unnecessary to create a division of the authority to determine very small numbers of subdivision or clearing applications that may be expected in any one year within Coomalie. As minister, I would judge each application on its merits, and would have to make a judgment about whether to exhibit that proposal. The Territory being the place that it is, I do not think a minister would escape if they were going to give the tick to some development behind closed doors without going through a public and accountable process.

Furthermore, with such small numbers of applications, the division of the authority would have little opportunity to build up experience or

expertise in the determination of applications. As I say, it is a fairly specialised area. I am still coming to terms with it after three or four years as minister in this area. If it is not your area of expertise, it does take some effort and time to build up experience and knowledge in this particular area.

There is no evidence that applicants or potential objectors, or the community more broadly, consider the establishment of a division of the authority to be necessary or desirable, nor have they been disadvantaged by the present situation. Nonetheless, I take what you say, member for Nelson and, as the Northern Territory develops, I believe that there will be an enlargement of the consent authority in Coomalie. I welcome that, but not at this particular stage.

Regarding the Cox Peninsula and Belyuen Community Government Councils, they are covered by the Darwin Rural Area Plan 1981, for which I am the consent authority under the *Planning Act*. The Belyuen Community Government Council covers the area of the community, which is approximately 40 km² and is zoned RL2 under the area plan. Departmental records indicate there have just been five development applications received since 1992, with the most recent dated in 1998. There has not been a lot of development activity there. I believe it does not warrant the establishment of a separate division of the consent authority.

The Cox Peninsula Community Government Council covers an area of approximately 5.6 km² including the subdivision of Wagait. There have been just five development applications within the council area over the past three years. Again, there is little justification for the establishment of a division of the authority to administer development control. I am also advised there have been no development applications lodged within the last three years anywhere on the Cox Peninsula.

Nonetheless, member for Nelson, I take what you say about increased water supply and capacity for the provision of water on the Cox Peninsula leading to further development. Once again, it is something we should have a watching brief on. Possibly in the future, there will be an under-the-harbour tunnel to Mandorah. I do not know whether there will be a toll on it, but who knows what could happen here in the Top End. The sky is the limit. With that sort infrastructure we could see development which would warrant a consent authority.

The matter of the establishment of extra division areas of the consent authority was considered in the context of the recent review of the *Planning Act*. No persuasive need could be identified at that time. The government will, however, consider the establishment of additional

divisional areas of the DCA if need can be demonstrated in the future. Where I am the consent authority and consider there is a need to hold a public hearing on a development application, I can, and have, appointed the chairman of the DCA to conduct a hearing on my behalf and report to me on the outcomes.

You have raised a very important issue, member for Nelson, in regard to Dundee and Dundee Beach. I did not disagree with anything you had to say. There are more and more people moving out there and there is a demand for services, and government is trying to meet that demand. However, it does leave a sour taste in the mouth the way that I see the history - and sometimes murky history - of that development. I believe some people lined their pockets and gave very little back - the two dilapidated windmills bear testimony to that.

When I had Natural Resources in my portfolio area I took an active interest in that area. What I was pushing were investigations for the provision of an adequate water supply to Dundee. Power is coming. I am continuing, in my current portfolio, to look at the provision of public or Crown land, community purpose land. As you rightly pointed out, there is virtually nothing there. Some people say that there is, but I have searched the map and the department has had a look and we just cannot find it. I believe there is some condition that when the population reaches quite a high level, someone who has land out there is going to release it for community purpose. We could be waiting for ever and a day. I have set the process in motion to acquire some community purpose land. We are going to need health clinics and a whole range of community infrastructure. It is a crying shame that the school there is actually on leased land, not on Crown land. That is an unacceptable position.

I am interested in developments at Dundee. It is an area we need to watch closely, and probably have a consent authority. A number of people wanted to set up guest houses and the like, and there has been a lot of community interest. I have had open processes in relation to that, although there was one exceptional development permit issued by the previous government, virtually days before the election as I understand it, against the advice of both the department and consent authority. These things do need to be in the public domain, done in an open and transparent way.

I have taken on board your suggestions about consent authorities in the areas you have outlined, apart from the East Arm area. I will come to that now, but there is room to look at that as the Territory develops.

In relation to the East Arm industrial area, the East Arm Development Area is largely excluded from the surrounding municipalities of Darwin, Palmerston and Litchfield, and is the subject of the East Arm Control Plan 1998. With the East Arm wharf facility and the AustralAsia rail infrastructure, the East Arm Development Area is the site of very significant government investment. Much of the development at East Arm involves special financial arrangements, incentive packages, special tenure arrangements, complex service arrangements, and the like.

The development in this locality is seen as critical to the strategic development of the Northern Territory. For these reasons, this government and the previous government is determined to maintain control over the direction of development. While I am the consent authority, this does not mean that the community is excluded from any debate about the kind of development that is taking place. All land uses require consent under the control plan. This means that every development application is exhibited and open to public comment. The conventional development assessment process is applied to East Arm proposals, as it is for other divisions of the Development Consent Authority. As a matter of course, both the Darwin and Palmerston City Councils have the opportunity to make submissions.

Major and strategic development projects that are taking place in the East Arm Development Area are the focus of marketing activities which involve Territory and national interests. For these reasons, it is appropriate that the administrative arrangements are tailor made. However, this does not extend to the creation of an additional division area under the *Planning Act*.

Member for Nelson, in one of the discussions we have had about this, you raised a reasonable argument. You said: 'The waterfront is subject to an ordinary consent process. This is, obviously, a very important project for government. It is run through a normal consent process where you are the consent authority. Why can't you have similar developments and similar processes out at East Arm Port?' There are some differences between the waterfront area and what happens at East Arm, and I will detail some of those.

The East Arm development is not within a council area and development is on land released through the Crown lease process. There is no residential development in the area and it is specifically established to meet the strategic industrial needs of the Territory. That is a significant difference to begin with. The bulk of the land in the East Arm Development Area is zoned DV which is development. The purpose of the zone is to facilitate the development of major

strategic industry including gas-based, rail, road or port-related facilities; provide for land for major industrial development that is of a strategic importance for the future economic development of the Territory; and the developer will be assessed having regards to, amongst other things, environmental impact and the effect on surrounding development by reason of the processes involved, the method of manufacture, or the nature of the material used, produced or stored. That is the purpose of the East Arm Development Area.

By contrast, the Darwin City Waterfront is within the Darwin City Council area. It also contains quite a lot of public land or public access land - another major difference. It provides for diversity of uses including the convention centre, cultural and leisure facilities, residential, commercial, tourism, retail, and marina facilities. There is a variety of uses; quite different from the development uses or purposes that I outlined for the East Arm Development Area.

Considering the range of uses, government made a decision at the time of making the Darwin City Waterfront planning concepts to keep the area within the DCA process. I suppose we had the option of not putting it in with the DCA. Basically, for the very solid reasons I have outlined there, we thought it was essential for it to go through the DCA process which has been a good process. Despite what some people have said, it has been open, transparent, and has been a good result for the public and also the developers. There have been a few changes that have been wrought in there by the public having their say and the Development Consent Authority listening. Overall, the processes have been going along their statutory time line and according to the processes that are required.

I have outlined why the government will not be supporting the member for Nelson's motion. In one area, there is not enough work for the smaller consent authorities at present. The system as it stands now is working for those areas, given the relatively small amount of development that is going on. It does not mean to say that we will not reconsider that some time in the future. However, as I have just outlined to you here, government will not accept changes to the development area zone for the East Arm area.

Madam Speaker, I thank the member for Nelson for bringing the motion forward. I believe I have outlined fairly clearly the government's position on the motion.

Ms CARNEY (Opposition Leader): Madam Speaker, the minister may well have outlined government's position clearly, but he failed to do so persuasively - and there is a difference. The

opposition supports the member for Nelson's motion. In so many ways, there is really nothing we can add to his contribution, so my contribution will be short. However, it is important that we get on the record on this because the ideas proposed by the member for Nelson are eminently sensible. Hence my point that, whilst you, with respect, minister, outlined your position clearly, it was far from persuasive. It just makes sense to agree to this motion.

I note your comments in relation to East Arm. However, I would have thought that the people in Darwin, in particular, would expect that that part of the harbour be subjected to the DCA. It just makes sense. The fact that you reject it so strongly really does beggar belief. There are a number of reasons why the member for Nelson's proposal should be supported, and one of them is consistency. I know it has existed in the past, but that was then and this is now. Is it not sensible to have a consistent regime throughout the Northern Territory, not just a hotchpotch of DCAs as there are now? By that, I am not reflecting on the people who are DCA members. If you are going to do something, then should you not do it pretty much all the way through the Northern Territory, so the same rules and processes apply to people in Tennant Creek, Batchelor, Alice Springs, Darwin and all other Territorians pretty much in between? For the sake of consistency, if for no other reason, the member for Nelson's motion is a good one.

It also allows for improved public input and scrutiny. I thought that this government was right into openness, honesty and transparency. They were the words ringing in everyone's ears before the 2001 election and pretty much ever since. They are now ringing in the ears of everyone because they know that this government is not open, honest or transparent. You say you are, but the reality is something altogether different. We do not understand why you are so resistant to allowing the improvement of public scrutiny.

We share the view of the member for Nelson that the proposal detailed in the motion gives the public confidence that their input into a development proposal has been taken into consideration. A letter, as you and I both know, could simply be ignored. The DCA and its processes allow a detailed process during which people can participate in a very detailed way. In fact, they can choose how detailed they want to be. However, just writing a letter, I do not think, gives Territorians the assurance that they will be listened to in the way that I thought Labor politicians wanted to be. It also, of course, provides the public with an opportunity to hear an applicant's response at a public meeting. Is it not important that people hear from applicants in planning matters that affect where they live and their regions? I believe that it is.

It is not a mechanical nightmare. Existing DCA memberships can be retained, except for local members, so there would be no major changes. I cannot, for the life of me, see why anyone would reject the member for Nelson's proposal. Last sittings, minister, during ministerial reports, you announced a number of consultations that would take place around the Northern Territory on planning matters. You seem, on the one hand, to be right into consultation but, on the other, when it comes to the proposal from the member for Nelson, you do not want know about it. You do not want to subject yourself, importantly, to public scrutiny.

I believe the people of the Northern Territory, over the years, have probably come to expect that their governments should be rigorously scrutinised, that development should be rigorously scrutinised. For those reasons and the ones I have outlined, in addition to what the member for Nelson said, I want to make it very clear that we are supportive of the motion.

Mrs BRAHAM (Braitling): Madam Speaker, I also support the member for Nelson's motion. Most of what I wanted to say has already been said. It is very important that, if we have one system for the urban areas, then we certainly should have one system for the rural areas, and that is what concerns me most. The minister has made the excuse that there are not many applications and it is hard to get people on development consent authorities but, really, that does not matter. That is not an excuse for not having a process that people in towns enjoy. I am well aware that sometimes there are Development Consent Authority applications that do not attract any comment from the general public. They go through very easily because people are quite happy with whatever has been suggested. The point is that they at least get the opportunity to have a say if they want. That is what we are talking about: having a choice and a say in the area around you.

Communities expand and develop closer together and closer to major regional centres. Too often, we may find that we have a development that we really do not like. That is why now, in 2006, is a good time to start thinking about putting in a process to protect the future development of many of these areas. The way the Territory is developing, it will not be too long before these particular areas are going to be part of an expanded outer Darwin ...

Mr Wood: Do not mention outer Darwin.

Mrs BRAHAM: Do not mention outer Darwin, okay.

Having applications public and a committee to look at them, highlights them and sends a message to the community. It gives them a sense of involvement and participation because they can have a say. It also allows people who are on that particular authority to take responsibility and to act as representatives of the community. When the minister says that it is his role to make these decisions, of course it makes people wonder and it raises alarm bells in people's minds. The perception is that the minister is making decisions without any consultation or advice. Even advice from the department can sometimes be queried by people in the community. It is all about community and public consultation and protecting the future of these regions for people as they expand and grow.

There is nothing worse than having an area suddenly become part of a municipality and find it has been shabbily developed. When Ilparpa was first developed out of Alice Springs there were some buildings which went up which quite shocked people, and that quickly raised alarm bells with government. Although the minister seems to think that it is not necessary at the moment, I believe he is being a little short-sighted. He should be taking a long-term view and understand that he has responsibility for these developments which will affect that particular area in the future.

I am sure, in years to come, he would not want people to look back and say: 'Why on earth did he ever allow that to happen?' That is what you may hear, minister, so you really have to think about it. You should be setting up these authorities regardless of whether they only meet occasionally. That is not the point. You should be ensuring that you allow the public to comment, even if you think it is a minor development which does not really warrant it. At least you will be open to public comment and that is what is most important.

Madam Speaker, I support the member's motion. The minister should be more long-sighted than he is at the moment. He should think of the consequences if he does not support a motion such as this.

Mr WOOD (Nelson): Madam Speaker, I thank members for their contributions. Minister, when you commenced your reply to my motion, you said you believed in consistency. I got the feeling that the reasons you rejected the motion were inconsistent. Tennant Creek is similar in the number of developments to parts of Coomalie, Cox Peninsula or Belyuen. To be consistent, you would have to scrap the Development Consent Authority for Tennant Creek. But you do not, and I am sure that Tennant Creek people would be very unhappy if you attempted to scrap their Development Consent Authority.

You also said there would be costs. You have Development Consent Authorities that only meet once or twice a year in some of these areas; that cost would be minimal. Therefore, it is difficult to argue that there would be a substantial increase in costs.

You argue that it is sometimes difficult to get members. In the case of municipalities, Batchelor or Coomalie Council has at least nine representatives and, from memory, Cox Peninsula has something similar. If you added Belyuen and regarded Cox Peninsula and Belyuen as the one council - which is not a bad idea in itself - those councillors would have had to address these planning matters beforehand at their meetings.

I do not have a background in planning, but I know my planning knowledge has slowly developed - and I certainly could not regard myself as an expert on planning by any means. It developed from the hard yards I had to do on council - I was chairman of the planning committee on Litchfield Council for some time and a member of the planning authority - and I learnt it the hard way. As I said, I am not an expert and there is much I do not know. However, you can get those people and it gives them an opportunity. The consistency is if the government believes in openness and transparency, then it will make an effort to ensure that occurs. If you are saying it is only a small number of meetings, you will have trouble getting members, then you are being inconsistent with your philosophy of what you are trying to do. That is the difficulty I have.

You mentioned there were only five developments at Belyuen since 1992, and five at Cox Peninsula. I say that is irrelevant. It will not cost you much money to have it. You will have the three government members still there, the ones you used for Litchfield, who also do Coomalie. They would be the most sensible three to have as they have good experience in the rural area. You would only need two other people whom you would have to pay for attending a meeting. What you would achieve is the ability for that community to have a say. I emphasise that, because residents cannot go to their council meeting to hear what their council thinks about a proposal and see the vote, they do not have the same democratic rights as people in other parts of Australia.

You need to ensure that those people can come somewhere close to that process by having Development Consent Authority meetings which are open to the community. If no one turns up that is irrelevant. You do not say: 'Oh well, no one turned up to the meetings so let us scrap them'. You do not go down that path. You say: 'Yes, we give people the opportunity and it is up to those people to use that opportunity. If they do not, that

is too bad'. You at least put that opportunity to the community to have a say in what is happening in their area.

You also said that because we are dealing with a large area - and to be fair in this debate I am talking about the greater Darwin rural area - you require flexible processes because it is more cost efficient. I say forget that. The number of developments you come across in this area would not require huge amounts of expenditure. It is a bit like when people say: 'Oh it costs a lot of money for an election for a council'. Of course, it does. However, democracy comes at a cost. If you do not want to spend the money having elections, forget democracy. You can call it the downside but, to preserve our democracy, we ensure we have elections. I would not be penny-pinching if it helps people have a better understanding and a say in their community; I would be making sure people had an opportunity to have their say.

I do not believe, if you are consistent, that you can use the small number of applications in Coomalie or Cox Peninsula as an argument. That clearing application in Coomalie might be right next to me. I have sent a letter off and the next day a bulldozer is going through. I would say: 'Gee, that was great. I would have liked to have asked for a 10 m buffer on the fence'. They thought that was pretty inappropriate because I have mangoes or something. The people who are affected by that do not have that opportunity. I would rather make that a compulsory matter that there will be a meeting.

In relation to the East Arm Development Area, you spoke about consistency in planning. I quoted the LNG plant - major industrial area - and Glyde Point now planned as a major industrial area. Both would fit into everything you said: significant government development; critical for the government. You need to maintain control of that development. It is in the Territory's national interest. Both the Glyde Point area and the LNG plant come under the Litchfield Shire Council and they have a Development Consent Authority meeting process. There is the inconsistency.

It is not a matter of whether it is even in a municipality because, minister, as you know, section 90 of the *Planning Act* allows for appointments of members outside a council area:

If no part of a Division area is within a council area, the Minister may, in writing, appoint four persons he or she thinks fit to be the Division members of the Development Consent Authority in respect of the Division area.

The process allows that Development Consent Authority. I would have thought that all those reasons you have given me for not agreeing to a Development Consent Authority are the best arguments I could put forward for having a Development Consent Authority. You will involve people in significant government development, in what is critical for the government, and in land that is being developed in the Territory's national interest. That really is inconsistent.

Many times, the government has spoken about the importance of the preservation of Darwin Harbour. I have spoken about concerns about Mitchell Creek in Palmerston and possible pollution from those developments; I can say that at a Development Consent Authority meeting. I do not have the same opportunity with a development that has far greater potential to destroy our harbour if it is not correctly planned. I know that in the Hudson Creek and East Arm Port area there are going to be considerable amounts of mangroves removed. If you look on the map it shows that there are areas that are not protected under the government's management or protection of mangroves. The reason they are sacrificial is that it is industrial. To be honest with you, if there are other ways of doing it, I would have preferred them.

We have a debate coming up about development later. I believe in a process of sustainable development. That means, yes, we are required to destroy some of the natural environment, as long as that is done in a way that will not have any long-lasting environmental impact. I could live with that. Where there is a necessity to do it because there is no other alternative, I will accept that. This is the area in which that is going to mostly occur because this is the area that is not protected. The people do not really have a say in what is happening in this very substantial and important part of the development in the Northern Territory.

Whilst I appreciate the minister's comments - I will probably be accused of something - I somehow feel underneath it all you possibly agree with me. It is not the government's policy. I see this as a perfect opportunity for the government to say: 'Yes, we are following our philosophy of open and transparent government. We are allowing the public to have a say in this area. We are consistent with that policy'. But, no, this has not occurred; the government has rejected this motion. They cannot use consistency because, in knocking this motion over, they have shown that they are inconsistent. They are inconsistent in the way that they have looked at allowing a Development Consent Authority to occur in some areas where there is little development, and because they require Development Consent Authorities to apply to places like Glyde Point and Wickham

Point - huge areas of potential development - but do not allow it to be done in their own backyard; that is, their piece of land that is not a municipality, the East Arm Port.

I am sad that they did not give an indication that they would consider it. There is always the opportunity on General Business Days for the government to amend motions. I have seen that happen before. They could have taken it on board and come back with a report, or looked at ways of working around these issues. However, it has been rejected totally. That is disappointing, but that is one disadvantage of not being in government.

At least standing here, I can say my piece. I say once again, I am disappointed that we have a number of members in parliament who would be affected by this motion: the members for Goyder and Drysdale, whose electorate covers the East Arm Port; and the member for Daly, whose electorate contains part of the Coomalie area. Regardless of whether they agree with me, I wanted to hear what they had to say about something which I am putting forward to assist their constituents in the democratic process in their area. Yet, I hear nothing. Sometimes I am very glad - even though it is a lonely spot - to be an Independent. At least I can put forward these issues without having to worry about whether I have permission.

Motion negatived.

WHISTLEBLOWERS BILL (Serial 47)

Bill presented and read a first time.

Ms CARNEY (Opposition Leader): Madam Speaker, I move that the bill be now read a second time.

Not to put too fine a point on it, on behalf of the CLP this evening, I do what the government promised to do five years ago; that is, introduce whistleblowers legislation into this parliament. Since August 2004, when the deadline for submissions on the whistleblowers discussion paper expired, my colleagues and I have been waiting for the government to bring the bill forward. We and many other Territorians have been patiently waiting, based on the Labor Party's promise. Since that time, it has, interestingly enough - perhaps suspiciously enough - fallen off the web site of the Commissioner for Public Employment. However, after some tracking, we found it on the Department of Justice web site. There it has stagnated and it has been forgotten. Rest in peace, whistleblowers legislation under the Australian Labor Party.

Madam Speaker, 2005 came and went, an election came and went and, in 2006, we have decided to assist this government by doing its job and helping them implement their election promise. That is the purpose of this bill. Whistleblowers legislation is not complex legislation and, for the life of us, we cannot work out why it is that government would not be introducing whistleblowers legislation based on any technical difficulties. I understand that government people, in recent weeks, have said that they are experiencing some technical difficulties. We do not understand why that would be the case. It took us, with the parliamentary drafters, only a few days to prepare it. It has not taken us five years to produce the whistleblowers legislation. It was prepared pretty much in the space of a week. We do not know of any technical reason why this bill cannot be supported today, and also why it is that Labor has boondoggled in the way that it has so far.

It is straightforward, it is simple, and it has the flexibility to become a Territory-specific model. It will be up to the Commissioner for Public Employment to create a framework that complies with the act but, otherwise, provides for the structures that are necessary in the Northern Territory.

I know that there is some feeling that the Victorian model is the way to go. If that is the model to use, then I am sure government and the Office of the Commissioner for Public Employment can shape their guidelines to suit. I note, based on past form, that the government will be unlikely to offer any amendments to the legislation that we are introducing today. We would like to think by the next General Business Day that government, having had a look at it, will say that they support our whistleblowers legislation or, in the alternative, after five years, introduce their own.

The Labor Party has made promise after promise on their path to getting themselves into government. However, they have not kept so many of their promises, and this is a very important one. The Labor Party made a rock solid promise that if they were elected to government they would introduce whistleblowers protection. All we are hearing is excuse after excuse. I fully expect, at the next General Business Day, to see government ministers stand up and tell us that the bill we have presented is flawed. Whilst I expect that, at least we have had a go - at least the CLP is trying to implement Labor's promise. We are uncertain whether the government will introduce its own legislation beforehand. We all know that the government has ample opportunity to do so before the next General Business Day.

With this bill, Labor has an opportunity to make good its promise. I know it is a big call but they

could actually support the bill, thereby giving whistleblowers the protection they deserve. However, having watched this government operate now for nearly five years, it is clear to us why it is that they have not been in a hurry to introduce the protections that they held so dear prior to the elections in 2001.

It is fair to say that one need only go back to the TIO debacle. It was clear to the community that the government had every intention of selling the TIO, and the reason for that was because they needed the cash, having spent so much of Territorians' money. They leaked information from the fifth floor to newspapers, one of which accommodated by putting in exclusive stories about the exposure of TIO to insurance claims - I think the amount was a \$400m risk to the Territory government. Everyone knew that was false and misleading and was simply part of the fifth floor's \$10m spin machine's attempt to get the public of a mind to approve the sale. Workers who wanted to speak out could do so because they did not have the protection that this government promised them five years ago. We understand that there were some people in the TIO who were threatened with various sanctions by others if they spoke out on this issue. That is, to say at the least, entirely regrettable and I do not think those people have forgotten about it.

Then we look at the problems in our health system. The Minister for Health says that departments are open when they are closed, beds available when they have been removed, and people dying for a lack of facilities being provided. We have the numbers of nurses being quoted when, in fact, many of these new nursing numbers are tasked with administrative duties and not service delivery. There are people within the Health department who want to put the record straight. There are people in the Health department who can see the fundamental problems with the system, the cover-ups, the inappropriate ministerial and ministerial staff intervention within the department, and the excesses of some senior management.

These people cannot come forward with confidence because they do not have the protection that the Labor Party promised them. Labor did make the promise and that may have been one of the factors that won them the 2001 and 2005 elections. In other words, some people might have thought that whistleblowers legislation was important, and they may have ticked the Labor box on the ballot paper because they regarded that as important. They are, no doubt, wondering - in fact, we know that many of them are wondering - why Labor has not done anything over a five-year period.

What I suspect to be the case is that the political advisors in the \$10m spin machine recognise the unscrupulous things that this government is doing in an attempt to cover up its incompetence, and many years ago shelved the idea to save their own skins coming up with the cover of it being 'too hard'. Well, it is not that hard.

Here is the bill today and we, as a parliament, have an opportunity to make it happen, either on the next General Business Day - or if government wants to take it away and introduce it during the budget sittings, that is fine. I am happy for you to take it away and copy it. You might even want to do a cut and paste; we would look favourably at any amendments. It may not be the highly polished form that the Attorney-General might prefer, but the intention of the Australian Labor Party is outlined in detail in the whistleblowers legislation that the CLP has produced today. It is simply not that hard for the government to make it happen.

We have seen Labor change its position on many things over the last few years, and over a longer period of time. What a series of changes we have seen. From my point of view, some are welcomed and some are not. The forthcoming change in relation to uranium mining is certainly an interesting one. We have seen government members pretty much squib whenever the words 'uranium mining' are mentioned. We saw the campaign that Labor ran during the election, where they said they would lock up the drunks - that was new for the Australian Labor Party. Yet, they have the audacity to call our street safe policy one of criminalising drunkenness.

The inconsistencies and hypocrisy of the Australian Labor Party is always predictable. It is always predictable. We are never really surprised, I suppose, as all of the examples build up. Sometimes we are. However, they are predictable in the sense that they increasingly change their position, and what a conservative government they have become. What a pale imitation of the CLP you have become. You lot used to believe in a whole lot of things - some of us even admired you for it - and now you do not. Maybe that is politics, I do not know.

However, I digress. We are a small jurisdiction, and one that cannot afford excess corruption or waste. Sadly, what we are seeing from this government is lazy thinking, bereft of ideas other than spin, and just going through the motions which suggests to Territorians that something is being done but, in fact, nothing ever is. If things are done, we have people like the Chief Minister jumping up and down with the railway, the port development, and gas - and the list goes on - suggesting that it was all her idea. I

am not sure that the historical record will show that.

We have inertia on the part of government, but there is something more insidious operating in this government we have in the Northern Territory.

One of the reasons over and above what I have said already as to why Labor has not implemented whistleblowers legislation is that there is a fear on the fifth floor – staff and politicians – that people might actually find out what is going on if the protections were not in place. Territorians might find out how many lies are being told; how many contracts are going out to Labor mates, etcetera. What an opportunity to revisit Metis. It was a scared - some would say terrified - public servant who brought that little story to our attention. Why did the person have to do it? More to the point, what reason did that person have to be scared? That person told us that they were fearful of reprisals and of being persecuted for their honesty. It was 2005 when this matter surfaced publicly; it may have been 2004. However, in modern day Australia, no public servant should be fearful of talking about the truth and spilling the beans, as it were. Nevertheless, this is a situation tolerated by the Labor Party. If whistleblowers legislation exists, Territorians might find out just how much intervention is happening from ministerial offices, and just how many times ministers or their advisors have interfered with the operations of government.

Earlier this week, we debated middle schooling in this parliament. We know that many Territorians at barbecues, in their homes, and probably in the workplace, are also talking about middle schooling. Sheila O'Sullivan, the consultant employed, as I understand it, is either a member or a very close supporter of the Labor Party and has strong Labor ties elsewhere in this country. She has received to date, that we know of, \$600 000 worth of contracts from the government. I understand about \$200 000 of that has been directly from the Department of the Chief Minister and tens of thousands more under the cover of certificates of exemption. I remember members of the Labor Party having a bit to say about certificates of exemption in years gone by. But my, how certificates of exemption have flourished under this government; how handy those certificates of exemption can be.

We move to policing. We have a number of police officers who know that the figures so often spouted by the minister for Police simply do not make sense. The spin perpetrated by the minister for Police results in police officers ringing us up, giving us bits of paper and sending us e-mails, and me giving them personal undertakings that I will cut and paste everything so their identity is never

revealed to anyone. Why is it that that situation exists under the Labor government in the Northern Territory? I know who I trust. I will trust the coppers any day before I trust their minister. You know what is really interesting? The coppers back themselves before they back their minister ...

Mr Henderson: There are a lot more of them now than when you mob were in government.

Ms CARNEY: Before they back you! I know they are all really polite to you when you bounce up to them at a function. You are regarded as a reasonably affable, if not intellectually deficient, bloke. I have seen you. You put your hand out and, of course, they are public servants - what are they going to say? Are they going to say: 'Oh, yeah, blah, blah - stick it' and things like that? I do not think so. They are well-mannered Territorian police officers. So, they look at you and everyone is smiling, and you walk away thinking: 'Gee whiz, they really like me'. No, they do not! Certainly, some do and I need to be fair in that regard. However, some of the stories I have heard, minister, are shockers - absolute shockers.

Often what happens is that I give these people undertakings as to secrecy and I cannot do anything with the information they give me. In terms of the information that I have used, I reckon there is a pile of it about that big, but the information I wish I could have used would be about that big. You continue to back yourself because you are a man who is developing increasing levels of arrogance - a word often thrown around at the CLP. I guess we will just hold a mirror up and it will bounce right back at you.

In any case, the police officers of the Northern Territory, to whom the Police minister declares, in a sense, his undying love at most parliamentary sittings, will benefit from legislation like this. Some of them really want it. For effective democracy and good working conditions throughout the public service in the Northern Territory, whistleblowers legislation is needed, more so under this government than any other time in the Territory's history.

This was the Chief Minister whose platform before 2001 was 'I am not going to sack any public servants'. It was one of the promises of the many that were broken. None of them are left because of all your mates from Western Australia - that is a popular one. I do not know what is happening in Western Australia. Today, the weather is pretty ordinary in Western Australia, but maybe there are other reasons why they are moving from Western Australia to the Territory. It seems to us that most of the senior executives - and Health is a good one; I do not know what is special about Health that you get so many people ...

Mr Henderson: You are bagging public servants again. They are wonderful people.

Ms CARNEY: Oh, do not carry on! I do not know why Health is so good for Western Australian public servants, but it clearly is.

The fact is that under Labor, whistleblowers legislation is sadly needed. I believe, frankly, some members of the Labor Party are surprised that their own promises have not been kept. On the other hand, perhaps they are not surprised because they heard the Chief Minister in 2001 saying: 'I am not going to sack any public servants' and, not long thereafter when she became Chief Minister, she did sack some public servants. I suppose nothing surprises Territorians any more when it comes to the conduct of the Chief Minister and her ministerial colleagues.

In any event, it is terribly important that public servants be afforded a level of protection and job security. A police officer who sees waste, impropriety or what have you, needs to receive an assurance that he or she will not be transferred to a remote location on minor duties if he or she speaks out. Members of the Health department also need to know that they will not be transferred to the back blocks for speaking out ...

Dr Toyne: What is wrong with the back blocks? I will tell my constituents about that.

Madam SPEAKER: Order!

Ms CARNEY: Sometimes, it is great to be half deaf because all you can hear is noise; you cannot hear the words. I do not know what the Minister for Health and the minister for Police have been cranky about, and what they have been yelling across the Chamber. I expect on the next General Business Day that they will come into the Chamber and, guided by the Chief Minister, be rude, arrogant, and obnoxious and beat down this legislation. They can do that; in fact, I fully expect it. However, it was their promise, not ours. Your promise. We can be really clear in Australian politics: you do your promises, we will do ours and people will vote for us accordingly. But when you actually make a promise, can you keep it? So, even though I am expecting members of the Labor government to have a bit of a go with their natural aggression at the next General Business Day, I commend this bill to the House because it is Labor policy.

I also commend the bill to the House because never before have so many reasons existed for such a bill as this. I have only touched on some of the reasons. I expect that the minister, whoever is taking conduct of it - I suppose it is the Attorney-General - when he comes back on the next General Business Day, will say that I did not

give one specific example other than Metis of why this legislation is needed. There is a reason for that: how can I? This mob might thrive on making people fearful of reprisals, but not us. That is why we cannot give examples of the sort of difficulties being experienced in so many areas in the public service. It comes back to the fact that Labor has taken five years and still nothing has happened.

At very least, if this has prompted you, if it has sped things up a bit, then that is not a bad outcome. We look forward to debating your whistleblowers legislation before too long. If it takes the small numbers of the CLP to get you to hurry up, then I do not think we have done such a bad job. I commend the bill.

Debate adjourned.

NO NEW TAXES BILL (Serial 48)

Bill presented and read a first time.

Suspension of Standing Orders Pass Bill through all Stages

Mr MILLS (Blain): Madam Speaker, I move that so much of standing orders be suspended as would prevent the No New Taxes Bill 2006 (Serial 48) passing through all stages this sittings.

I move this because if this motion is to have the effect intended it must be passed before the budget is established. Members opposite would well understand that. So I move urgency to have this bill passed into law in time for the 2006-07 budget. As the title suggests, this is a bill aimed at putting a ceiling on all Territory taxes, therefore, it needs to be dealt with before the budget is brought to this Chamber which, as members would know, is the next time we meet. That is why I urge support for this motion. We cannot limit the government's ability to raise taxes, as we are unable to do so unless we have this bill in place. It also provides government with the opportunity to match their words with action.

The only thing that prevents government from supporting this bill is pride. Because it is coming from the opposition, therefore, instinctively the herd reacts by saying, 'must be bad, cannot support, cannot even think about it'. That which is contained within this bill supports everything they have said. Therefore, the only thing that prevents support is pride, because they have not created such a mechanism themselves, nor have they stood up and made a quality decision and articulated that in a sincere way.

This provides the additional step. It is then embodied in legislation, it is passed into law, it

takes binding effect. Together, this House can say this is done for Territorians; it is not done for political gain. If we support this as a whole we then have the position established once and for all, locked in, in law, that the words of government mean something because they are embodied in law and they are carried and supported by every member of this Chamber. There is no other reason why government would not support this bill.

I will explain why it is important to push this legislation through this very day. Granted it is Thursday; it is the end of three days of sittings. Maybe members are a little tired. That could be sitting behind the government's consideration of the position it will take on this and try to get it out of the way so that we can go home a little earlier. I am not interested in that. I want to make sure that we stay here and do work on behalf of Territorians.

The fact is that this financial year this government will have at its disposal \$150m more than it did last year ...

Mr HENDERSON: A point of order, Madam Speaker! With deference to the member for Blain, we have a motion before the Chair which is to suspend standing orders so that this legislation should pass through this sittings. I have heard the honourable member's explanation as to why he is seeking the House's approval for that motion.

He is now moving on to debate the contents of the bill. Can we just deal with the motion before the Chair which is to allow passage of the bill? He has explained that, and I will respond to that. Then he can get on with actually explaining the content of the bill.

Madam SPEAKER: That is correct, member for Blain. The current motion is about suspending standing orders, therefore, it must relate directly to the urgency and then other members are allowed to speak to that motion. It cannot be directly about the bill.

Mr MILLS: I understand that, Madam Speaker, but my intention is to further reinforce the reasons why we must approach this bill with urgency. I cannot just say: 'Please, members, can I have it on urgency and there is good reason for it', and then see whether you are willing to support it. I have to argue my motion. There is sufficient weight of argument behind my intention to do this.

Motions on urgency infrequently occur in this House. There has to be a very good reason why you would even want to put something through on urgency. For that reason, I will need some time. I do have time. Otherwise, there would not be a situation where you have a clock to grant you the space to argue your case. If it offends the Leader

of Government Business because I might be wandering into an area that is a little sensitive for them, then that is the member's problem. The point is I need to argue my case, Madam Speaker, and I will continue to do so.

Madam SPEAKER: As long as it relates to the urgency and not the content of the bill.

Mr MILLS: Yes, it is a difficult one. I know we are probably going to have the Leader of Government Business popping up if it is not directly related. However, I assure you that the argument that I present substantiates the need for urgency. I have the time and I will endeavour to do my best. I am sure I will be watched very closely by the Leader of Government Business.

This is not just asking for a bit of extra time to say a few extra words. I wish to explain that in order to have this through on urgency it is absolutely necessary, in order to be put in place before the ...

Members interjecting.

Madam SPEAKER: Order, order!

Mr MILLS: I will proceed. I do have time and I will proceed to substantiate my call for this support for this motion by arguing the case.

In the past two years, this government has raised taxes on Territorians to the highest levels ever. In the financial year 2003–04, they extracted \$264m from Territorians. Then, 12 months later, they were taking \$301m from Territorians and, added to the GST, this government would have been cashed up like never before. That is why we need to have this motion dealt with today. This year the projection for the Territory tax take will be \$317m. When this government ...

Madam SPEAKER: Member for Blain, please pause, I am going to seek advice from the Clerk. I am somewhat concerned by the deviation from the motion which is simply about the suspension of standing orders for urgency. I am seeking advice about how far I can allow you to stray from the motion.

It is very technical sometimes being the Speaker, member for Blain. In discussions with the Clerk, one way of dealing with this would be for you to, at the moment, withdraw the motion of urgency and present the second reading speech so that members know what your bill is about as to whether urgency is important. You can still have that debate at the end of the second reading speech. That is just one possibility.

In this case, because I have to rule simply on urgency, it is very difficult for me. I want to give

you a fair bit of latitude but it has to be within the standing orders. One thing you could do is withdraw the motion now and immediately following the end of the second reading speech, you can move for the suspension of standing orders and then have that part of the debate.

Dr LIM: Madam Speaker, may I seek some guidance on this. After the second reading speech is completed and the debate is adjourned ...

Madam SPEAKER: No, the debate would not be adjourned. Instead of being adjourned you would move that so much as standing orders be suspended to pass all stages. It would have the same effect but members would then know what you are talking about.

Dr LIM: If that happens, that is fine.

Mr MILLS: I appreciate this, I am learning a lot.

Mr HENDERSON: A point of clarification. Madam Speaker, I am trying to be helpful here. If the member wants to remove the motion that is currently before the Chair and move as you have suggested, would that give me the opportunity to not only speak to the urgency motion but also the content of the second reading? We would still want to adjourn the debate. If the mover of the legislation is going to have the opportunity to speak on the legislation and the urgency motion, I would expect to be given the same right of reply.

Dr LIM: Madam Speaker, speaking to that question too and seeking further guidance. You are now asking the member for Blain to withdraw the urgency motion. Therefore, the urgency motion is no longer anywhere. It is no longer before us; it is as if it never occurred. You are asking the member for Blain to now present the second reading speech, after which you will immediately move into an urgency motion. The Leader of Government Business is asking to debate the second reading and the urgency motion before the urgency motion is ...

Madam SPEAKER: Member for Greatorex, if you look at the Notice Paper, it is not presented in the way it is here. It actually has it as item No 4 'To present the No New Taxes Bill ...', which would normally be adjourned. Then you are going to move into item No 5 to move that so much as standing orders be suspended. What I am asking is: if the member for Blain could withdraw this, or we could suspend it until the end of the second reading speech. It is simply that it is very complex debating something about a bill and its level of urgency without knowing what is in the bill. I am not trying to stop debate here; I am trying to make it an easier process.

Mr MILLS: All right. I am still feeling that it is probably the best way to go. I am endeavouring to explain why it should be on urgency. At the end of my endeavour, that motion will be put. Perhaps we have persuaded my colleagues on the other side of the House to support it, and then we can then get on to business.

Madam SPEAKER: You may continue. I will give you some latitude, but bear in mind because the motion is simply about urgency it is a very limited debate. If you had presented the second reading speech first, everyone knows what the debate is about, and may know more about why you might consider it to be urgent. That is the only reason. Member for Blain, you may continue if you wish to do it this way.

Mr MILLS: All right. The only reason I would bludgeon through is that I am unsure of exactly what I am meant to do now. If I want to go down the other path, I just withdraw - I move to withdraw? I am not actually moving this, but are you asking me to withdraw the motion on urgency and to seek leave to read the second reading speech?

Madam SPEAKER: Seek leave to withdraw and go on with business. It is on the Notice Paper, it is still there.

Mr MILLS: Yes. Then once that has expired, then I seek leave for urgency? I will talk ...

Madam SPEAKER: No, you do not have to do that because ...

Dr Toyne: It is the next item.

Mr MILLS: Oh, the next item.

Madam SPEAKER: Yes, you are presenting this in a way that is not the same as the Notice Paper.

Mr MILLS: Okay.

Madam SPEAKER: The Clerk has also advised me that if the suspension of standing orders was accepted then, of course, you go through the whole process until it became a bill or not, as the case may be.

Mr MILLS: I will accept that path; that I now withdraw the motion.

Madam SPEAKER: Seek leave.

Mr MILLS: Madam Speaker, I seek leave to withdraw the motion.

Leave granted.

Madam SPEAKER: We are now doing the second reading. You have 45 minutes.

Mr MILLS: You started this.

Madam SPEAKER: You need to move that the bill be now read a second time.

Mr MILLS: Madam Speaker, I move that the bill be now read a second time. I will simply put a new record on and away we go.

Mr Henderson: Just do not rehash all that stuff you did before we got there, just keep going.

Mr MILLS: Madam Speaker, I introduce what is to be the most simple and straightforward legislation this House has ever seen. I foreshadow that I will move urgency on the bill to pass this into law in time for the 2006-07 budget.

As the title of the bill suggests, this is a bill aimed at putting a ceiling on all Territory taxes and charges at current levels for one year, without limiting government's ability to lower taxes if they choose to do so.

This financial year, this government will have at its disposal \$150m more than it did last year. \$57m of that money was money that they never expected to have and, in the past two years, this government has raised taxes on Territorians to the highest level ever. For the financial year 2003-04, they extracted \$264m from Territorians. Twelve months later, they were taking \$301m from Territorians. Added to the GST, this government should be cashed up like never before. This year, the projection for the Territory tax take will be \$317m. When this government took office, the tax take from Territorians was \$216m. In five years, they have positioned themselves to squeeze an extra \$101m per year from Territorians in local taxes and charges. That is a rise of 30%. All of this on top of hundreds of millions of extra dollars in GST revenue.

The time has come to stop. I say stop, because government departments are allowed to blow their budgets as a matter of course. The serious and earnest threat by the Chief Minister to sack those CEOs who cannot manage their budgets simply amounted to mere puffery on the part of the Chief Minister. The number of executive level public servants has gone from 375 individuals to 511 since June 2002. On the assumption that it costs \$150 000 per executive which, if you allow for all the on-costs of employment, is not an outrageous figure at all, then the cost of running 511 executives is \$76.7m per year. The wages blow-out on the government's budget last year was \$120m. It is time for this parliament to tell this government to

live within its means, because its means are, in fact, substantial.

Nevertheless, through the regulatory instruments available to government, this Treasurer continues to raise fees and charges. Security operators, builders and drivers have all seen increased fees and charges from this government by way of regulation. The Treasurer is so sensitive about this that he decided to go on the attack last week - familiar form - and said that the CLP's intended freeze on taxes would remove his ability to lower some taxes that he was intending to lower. That was an unmentionable word in this parliament; that is something I cannot call him in this House. I am happy to lay on the table that in my response to this media release I called him one of those unmentionable things. The reason I took that step is because, in his desperation to deflect his intention to raise everyday people's taxes in the Territory, he desperately and instinctively lashed out with a complete untruth. I have demanded an apology, because the press release contained the very words 'it gives this Treasurer capacity to lower taxes', a total misrepresentation. I demanded an apology and no apology has been forthcoming.

Yesterday, he listed some securities taxes, and the annual little chip away at payroll tax of 0.2%, to say what a great job he is doing. He was going to return about \$20m to the community – a round of applause.

As important as these are, what about the mums and dads? I have not had a stream of mums and dads in Palmerston kicking my door down complaining about taxation on their securities transactions being too high. There are not too many Moulden residents complaining to me saying: 'Gee whiz, Terry, when my wages bill reached \$1m last year, I had to start paying excessive amounts of payroll tax'. But I do hear complaints about motor vehicle registration, power costs, stamp duty on new vehicles, and stamp duty on housing transactions being too high. Soon you will have to pay a fee to get a chook raffle licence. You need official permission in this jurisdiction to run a chook raffle and, according to a Cabinet submission in the ether at the moment, that official permission will soon come at a cost. \$15 was the fee mentioned and, if you want to run a lottery, \$45.

There are hosts of fees and charges ready to be ramped up. What if the Treasurer gives, the Treasurer takes away? By taking his sights off the narrow basis of payroll and securities and other types of taxes and targeting broad-based services taxes, he is going to make much more than he gives away. Hang on, I have just realised he is going to raise the broad-based service consumption-based taxes such as rego and the

like. The Treasurer has just realised that broad-based consumption taxes like the GST pay dividends to the Treasury in a big way. The Treasurer supports consumption taxes after all. That is not what he said a couple of years ago.

This is not a big ask at all. The government has told us that its budgets are under control and that it has managed them well, and is managing them well. If that is the case, then allow for a small amount of relief for taxpayers of the Territory. If the government cannot see its way to supporting this bill, then they will confirm themselves as a big taxing, big spending Labor government that is intending to raise taxes in the next Territory budget. It is as simple as that. If it was not the case, this bill would not take effect the next budget at all, and if were law or not it would not matter at all to government.

Madam Speaker, as I have indicated earlier I foreshadow that it is absolutely necessary to pass a motion that this bill be accepted on urgency. I call on members to support this bill.

Debate adjourned.

SUSPENSION OF STANDING ORDERS Pass Bill through all Stages

Mr MILLS (Blain): Madam Speaker, I move that so much of standing orders be suspended as would prevent the No New Taxes Bill 2006 passing through all stages at this sittings.

Mr HENDERSON (Leader of Government Business): Madam Speaker, it is going to come as no surprise to the shadow Treasurer and member for Blain that the government will not be supporting this motion to have this bill passed through all stages. It is nothing other than a political stunt. If the shadow Treasurer and member for Blain, and the opposition, was serious about this legislation, instead of bringing it in here today on the last day of sittings for this week, a General Business Day, they would have approached the Treasurer some days ago suggesting ...

Mr Mills: I did.

Mr HENDERSON: I have been advised by the Treasurer that that was not the case. He is not here to speak for himself. I believe there was a media release saying that they were going to introduce this legislation.

This is a parliament and a government that takes legislation seriously. We are talking about passing a law here. If the opposition was serious, and this was not a political stunt, there would have been formal representation requesting a meeting with the Treasurer, an opportunity to put the case

directly to the Treasurer and also provide him with a copy of the bill and the reasons why the opposition would be seeking to move this through on urgency at these particular sittings. Nothing of the kind occurred.

The shadow Treasurer issued a media release about introducing a bill saying that the opposition was going to introduce a bill to freeze taxes. If they were serious about having legislation go through on today, then they would have approached the Treasurer in the genuine spirit of trying to progress legislation, and offered to take him through it. That did not happen. This is nothing other than a political stunt.

This is a government that has been consistently cutting taxes for the first four years of the term. We have cut \$40m worth of taxes to date, and are on schedule to cut another \$40m this particular term. Our track record is clear.

This is why we are not allowing this bill to go through on urgency. The shadow Treasurer said that we have raised taxes. He is wrong. The reason that there is more revenue coming in is because the economy is growing; it is not because a particular tax has been increased. It is because there is more activity in the economy.

There are more people purchasing their homes in the Territory for the first time ever. Those homes are attracting higher prices. We have business investing at record rates. There is more activity in the economy. That is why there is more revenue being raised, and that is why the government has made further commitments to cut taxes in the next budget. This bill is unnecessary. If the Leader of the Opposition wants to identify which particular tax has been increased by the government, she will find it pretty hard. If you read the budget papers, you understand what is happening in the economy. The reason that revenue has increased is because there is more activity in the economy - the sign of a growing economy - and there are more Territorians. We have more Territorians being born and also relocating to the Territory from interstate and overseas. That has generated additional revenue from the Commonwealth to fund those additional services to those new Territorians. This is nothing other than a political stunt. It is not serious legislation.

The opposition will say that we voted it down and we will say that we have cut \$40m worth of taxes in the first term of this government. There is something like 240 ...

Ms Carney: You are the highest taxing government the Territory has ever had.

Mr HENDERSON: Because we have the highest performing economy the Territory has ever had, and the most Territorians the Territory has ever had.

Ms Carney: It is the highest tax increase you have ever had. It is extraordinary and you are running us into unprecedented debt. And you are the Business minister. Oh, my God!

Madam SPEAKER: Order! Order!

Mr HENDERSON: That is why the revenue has increased, because the economy is performing like it never has before, because the dead weight and the lead foot of previous CLP administrations was lifted off the economy. That is why we have record levels of investment here; because the business community has confidence to invest in this economy. There are 240-odd businesses which are not paying payroll tax today that were paying payroll tax when the CLP was in government. If the old payroll tax rate of \$600 000 was still in place there would be hundreds, maybe some thousands, of businesses that would now be paying payroll tax. You get out there and talk to business. Business recognises that this government has made significant moves on not only cutting payroll tax but a whole raft of other taxes that business previously paid. We will stand on our record.

This is nothing other than a political stunt; it is not a serious attempt to pass legislation. Otherwise, the opposition would have given the government the courtesy of a serious heads-up on this bill. The government is not going to support this urgency motion.

Mr MILLS (Blain): Madam Speaker, I have already sought urgency. This is the debate regarding urgency.

Madam SPEAKER: That is right. You have moved the motion, now you have the opportunity to reply to the comments made.

Mr MILLS: Madam Speaker, the member opposite has failed to prosecute his case as to why they oppose this bill. It appears that the only argument that is being exerted to resist this motion to see this bill pass through all stages on urgency is the one of a former regime last century; that being, might is right. There is no substantial argument. There is no underlying reason other than they do not want it to pass. They want to be left with the opportunity to increase taxes, charges and levies. They need to leave that door open because it is in the nature of governments that they must have this level of control. You can do it with the big ticket items, make minimal change and very loud announcements.

Meanwhile, on the other side of town, you can be making small increases - incremental increases that affect many people, like families in my own electorate. They are the ones who carry this load one transaction at a time. It is on that side of town that I need to have the attention brought to bear. It is for this reason this bill contains that level of depth: it is not just the taxes, but the charges and levies that are attached to regulations and the small bits and pieces which are the nature of government activity.

It disappoints me that government just exerts muscle. They used another argument that I should have beseeched the Treasurer: 'Please consider this bill because, after all, you are the government'. Do not worry about the parliament business; that is just a bit of theatre. If I could have persuaded the Treasurer - like a good bloke take him down the TAB and said: 'Come on, do this in the best interest of the Territory'. 'Yes, all right, Tezza, we will do that'. That is the other line that should have been pursued.

The fact is it was put on the Notice Paper here in parliament. It was put here. I am often called upon by members opposite: 'Seek a briefing, seek a briefing from the learned ones on this side, then you will know'. Consequently, it can also apply this way: come seek a briefing; it is the same distance from here to there as it is from there to here. That argument carries no real weight of any principal behind it all - other than might is right. 'We do not want to pass this bill. It might be right, pity we did not think of it. We should have but, because the CLP has come up with it, it has to be labelled a stunt. It is not right, not on, and we reject it out of hand because it is from the CLP. It cannot be any good, so we will reject it and close the door on it. All over, red rover, because we have the numbers, brother'.

I urge members to support the motion to allow this bill to pass through all stages of debate so that we can have it in place as law before the budget is brought to this House in the next sittings.

Motion negatived.

**NO NEW TAXES BILL
(Serial 48)
Bill Discharged**

Mr MILLS (Blain)(by leave): Madam Speaker, I move that the bill be withdrawn. I would like to take it off the Notice Paper and finish it.

Motion agreed to.

MOTION
McArthur River Mine Expansion

Ms CARNEY (Araluen): Madam Speaker, I move that the Legislative Assembly:

- (a) commend the Mines minister for rolling the Environment minister on her decision to prevent the McArthur River Mine expansion;
- (b) condemn the Chief Minister for allowing a department that undertakes assessments of development projects, in a vacuum, without regard to other social and economic factors and with a philosophy of selective inclusion of only the environmental information in the task of undertaking environmental assessments;
- (c) condemn the minister for the Environment for misleading Territorians into believing that the Environmental Protection Authority was a body that was independent from government when, in fact, it was a section of her own department; and
- (d) call on the government to work with industry to achieve best results in minimising environmental impacts.

It is important, and not at all unpredictable, that the opposition would want to discuss at length the McArthur River Mine debacle in this three-day sitting week of parliament. This is an issue which affects future investment in the Northern Territory and is an extremely important one. There has been a tragedy; the whole debate has been conducted through public campaigns and pressure to make this government cave in. We still do not know what the outcome is in the 11th hour lifeline thrown to Xstrata. Because of the incompetence of the minister for the Environment, this issue is now out in the public domain. Some people take the view that is very unfortunate and, as we touched upon in Question Time today, not the way the mining company should be treated regarding the significance of its investment in the Northern Territory.

Throughout this contribution, I will base many of my comments on a letter the member for Katherine sent to the Mining minister. The member for Katherine has asked me to reiterate her points this afternoon. In order to describe what is at stake here, we have summarised the issues into three main components: an economic impact, an environmental impact, and a social impact.

Before dealing with those in detail, it is worth noting from the outset that there is an historical context in which this matter should be looked at. It is, and has been, general knowledge ever since McArthur River commenced its operations, because it was a massive resource, that McArthur River Mines would go to an open cut operation and that the river would be diverted. This should not have come as any surprise to government. It was well known. I believe the minister for the Environment, by her bad handling of this, has tried to suggest - and if she has not some of her staffers and spin doctors have - that they did not know that the mining operation would go to open cut and the river needed to be diverted. The minister for Mines indicated, if memory serves me correctly, that he did not know that Xstrata would pack up and leave if they could not divert the river. There have been a number of untruths here, but historically, pretty much all and sundry in the Northern Territory have known that McArthur River would at some point want to divert the river and go to open cut.

In any event, I wish to deal with the economic impact of this decision, which is deeply concerning because it does not take the following factors into consideration: 270 direct jobs; 1430 indirect jobs; 570 indirect jobs in the construction phase; \$329m per annum income to the Territory; \$523m per annum income to the nation; and training and employment to local Aboriginal people. The losses will be felt in places as far away as Darwin. People such as Lance Martin from Geminex, who appeared on television with minister Vatskalis to promote the government's mining credentials, will be one of the first to feel the pinch should the mine close. He was convinced to stand next to the minister to do this the day before the axe fell on one of his clients. This represents 3.65% of GSP, and for any single institution to have such a large slice of the GSP means that the operation itself is substantial. The flow-on effect to the rental market, considering the number of units coming on to the marketplace during the next couple of years, may be amplified because supply will be moving in the opposite direction of demand. There are many areas such as this which will be affected, and the downstream results will be felt across many sectors.

I now move to the environmental impact. The justification for this refusal is outlined essentially in three parts. The first part deals with the bankfull flooding events, extreme weather phenomena and the possibility of a greater than one in 500 year average recurrence interval (ARI). I am concerned that the standards set by the EPA seem deliberately to have been at the upper margin of possibility. These standards have been applied, in our view, in an effort to sidestep the EIS, so that the EPA could claim that it was unable to conclude that the project could proceed.

The work done by Xstrata has been independently verified by another leading Australian consultancy, the same organisation that carried out the environmental work for the Alcan expansion and the LNG facility. They have a clean bill of health as to the proposed expansion. This independent group has been endorsed by this Labor government in the past. The work by Dr David Parry of CDU also supported the environmental integrity of the proposed project.

The opposition is concerned that the comments by the EPA about the application of general policy to redirect rivers is ill-considered. The EPA is there to assess each case on its merits. The application of a 'policy environment' is contrary to the concept. The CLP's position is that the environmental risk is acceptable. McArthur River Mine has, over many years, demonstrated that it is an excellent environmental corporate citizen.

I now move to the social impact. The community of Borroloola and surrounding smaller communities rely on the mine for work, training and income. The CLP finds it incomprehensible that the decision to effectively close down McArthur River Mine could be allowed to go ahead considering the lamentable condition of communities that do not have work available to them. The welfare dependence that the mine closure would bring would reintroduce the staggering poverty, helplessness and hopelessness that is prevalent in so many Aboriginal communities. Borroloola has been one of the exceptions. We believe that to strip the people of Borroloola of their jobs would be little more than a gross act of irresponsibility and it beggar's belief.

For these reasons alone the mine should be allowed to proceed, ensuring future security for these people. We have all seen too often the sickening disaster that has been played out because of the lack of work and training for Aboriginal people. We cannot, and I cannot, in good conscience, remain silent on this matter when I know how much suffering and poverty could be averted with a sensible outcome. I urge your members to consider their own conscience when assessing whether to support the motion.

The member for Katherine urged the minister in the strongest possible terms to use her discretion in favour of the people of the Territory. Minister, you have the power to fix the perilous situation for the people in the area, the workers who are employed there, and to salvage the reputation of the Northern Territory as a place to explore and mine. The EPA's assessment report to the mine dedicates only a few pages to social and economic impacts and there are some glaring omissions from the report. They report that there is concern from locals about the new proposal. What they do

not say is that there are people who strongly - and I stress strongly - support the mine.

I am happy to table a page of a document from Xstrata with Mr Billy Coolibah's picture on it. Billy Coolibah is a traditional owner who says that the mine provides good jobs for people in Borroloola, particularly Aboriginal people. I do not see any reference to that issue or those opinions in the EPA's assessment.

I also turn to page 18 of the EPA's report. It says in conclusion about redirecting the river, the following, and I quote:

On the basis that essential information is not provided in the EIS to allow a more informed decision on the nature of potential impacts associated with the diversions, and given the high risk of unacceptable aquatic habitats and ecosystem degradation, in addition to the risk posed by bankfull flooding events and extreme weather phenomena, it is recommended that the proposal as currently outlined in the draft EIS and its supplement does not proceed.

What has happened is that the EPA commissioned an independent geomorphologist to undertake an assessment of the realignment. They did not mention to URS, the company doing the environmental impact statement, that the advice had been sought. URS certainly had to answer some other questions about the matter and they did so, apparently to the satisfaction of the EPA. No further questions were put. Professor Wayne Erskine, from his desk top in Newcastle, made some observations and the EPA did not tell URS that these observations had been made. That is the heart of the issue.

The minister went into the public arena and cans Xstrata. The battle then became a public one. After that - and I stress the word 'after' - the EPA advised Xstrata about the grounds for refusal. Logically and understandably, Xstrata is ropable, and why wouldn't they be? By taking the issue into the public arena, the government has placed itself in an intractable position. URS, on behalf of Xstrata, make some very valid points.

The first one is that Professor Erskine did not say that the river could not be redirected; some more work had to be done. Surely if that was the case, the EPA would have gone back to URS and asked them to address the issue. This is what URS had to say on the issue, and I quote:

The two major issues upon which the rejection of the project were based were not specifically raised with the EPA in any communication with the proponent during either the draft EIS process or the review

process following release of the supplement. Thus, there was no opportunity for MRM to review, respond or challenge the basis of the project's rejection.

They slammed the door in URS's face. This is not any form of due process. It then becomes trial by media - and what a trial it has turned out to be for all involved. The CLP started asking questions in parliament the day the minister announced her decision and the reply was firm and not conciliatory. In essence, 'They did not come up to standard', were the words of the minister.

On *Stateline* that week, the minister told Territorians that Xstrata would have to go back to the drawing board; in other words, start again with the whole process. She also said, and I quote: 'I have made that recommendation both to the federal Environment minister and the minister for Mines that based on quite rigorous and robust assessment that this project should not proceed, but if Xstrata say that if that does not happen we will close, well that is their commercial decision'. In other words: 'go away, nick off, and you are the bad guys'.

This continues to have a number of ramifications which I will detail shortly. The Dow Jones Index in New York warns that the global zinc shortage would be exacerbated until the end of the decade, and already inflated zinc prices will continue to become more expensive. I have a table here of the Dow Jones Index taken on 28 February 2006 if members are interested in looking at it.

Xstrata's share price is then hurt in London, and the cost of a common building material will be affected by this decision globally and locally. Galvanized iron needs zinc. That means prices go up around the world. Every home builder in the Territory who uses that product will have to pay more. Time passes and pressure begins to build. Nervous employees begin to write letters to the editor. You can see the process when the minister's decision is questioned in parliament and her incompetence and the hostile attitude of this government have a number of consequences that are seen in a fairly short period of time. Why is it? I hope that members of the government do have some appreciation of the significance of what happened after the minister somewhat incompetently made her decision and then announced it.

We did see something of a campaign by employees and their families affected by the minister's incompetence. Supply and support businesses got organised and then we saw television ads begin to run saying: 'Please save our mine.' Then the CEO of Xstrata came to

Darwin, talked to the minister – I met with him as well – to make the minister see reason.

Not long after that, the minister for Mines went to Canada. The Chief Minister was, as usual, nowhere to be seen when things get a bit dodgy. She told the newspapers she would not talk about it, but then, on about 3 March, 'Please take a photo of me, I am at the waterfront with ...' – oh, what a surprise – '... a brightly coloured vest and hard hat'. She is increasingly given to wearing those types of clothes. In any event, she did not have the courage to take any leadership here. She said she did not want to talk about it.

The Environment minister said that her department would answer questions, and her department refused to answer questions. The government went to ground, and went to ground completely. Over 1000 jobs were on the line and these so-called great economic managers - not! - disappeared from the scene completely. In the background the diplomacy was happening, and the industry began to clear a way for the minister for Mines to change the position of government that would allow them to save face.

Then we saw some selective leaks to the media from the fifth floor. They put the slipper into the EPA and Professor Erskine, and then miraculously, before you knew it, the stage was set for a compromise. We were not surprised.

A couple of weeks ago, a nine-point plan was developed which would allow for the possible redirection of the river, amongst other things. Of course, we cannot help wondering how the member for Arnhem is going to feel about that.

The nine points are generally pretty vague, but I guess there is a reason for that. The problem is, as I have indicated, the member for Arnhem has already heartily congratulated the minister for the Environment on behalf of her family and the four language groups in the area. She has ruled out redirection of the McArthur River as an option. She said:

This mining company has been a huge shadow over our existence since the 1940s and we have never quite known if it is a friend or foe.

The member for Arnhem also said:

I challenge Xstrata when it says the mine will close if it cannot divert the river. I say to Xstrata: find another way, find a better way.

According to the member for Arnhem, the redirection of the river is not an option. She also publicly stood by opponents of the mine and supported its closure. We look forward to hearing

from the member for Arnhem later in this debate. She, obviously, feels very strongly about this. I will not put money on the member for Arnhem saying anything for a very long time. As my colleague, the member for Blain, indicated earlier today, the backbenchers are just sheep sitting on the backbenches doing what they are told. Even the media can barely get any of them to speak to them, because they need to be wound up and told where to go, how and what to say. Someone slipped up somewhere, because the member for Arnhem spoke her mind.

In any event, as things progress - as I am fairly sure they will and we have some fairly good hunches as to what is going to happen - we look forward to hearing from the member for Arnhem in due course. I should say in relation to the member for Arnhem, who regards herself as a leader of her people, whether she turns out to be just another Labor Party hack will be interesting. Some people thought that she would make a great contribution to politics in the Northern Territory; that remains to be seen. I am sure she will be, like the other backbenchers, wound up by the fifth floor \$8m to \$10m spin doctors, and she will become compliant although, no doubt, that will present difficulties for her.

There is a simple fact: the redirection of the McArthur River lies at the heart of the viability of the mine. Everyone knows that. If there is no redirection, there is no mine. It is that simple. The people of Borroloola will not have any jobs. Does that not worry you? Are you not worried about the sham that was the process of the EPA, represented by the minister and her colleagues in October last year as being independent - and it is not? The minister conceded a day or so ago in a media interview that it was re-badged. If that is not slippery, I do not know what is. I cannot believe that the Australian Labor Party has created this mess and, presumably, will try to spin to the people of the Northern Territory that it was all part of some fine and dandy process.

The ministers - both of them, but the minister for the Environment in particular - has acted terribly incompetently. Some of us were surprised. Most importantly, through her actions, this government has sent a message of uncertainty to miners. How ironic it was, during Question Time today when the Chief Minister said: 'I am meeting with some mining people tomorrow'. That might be the case, but a terrible message has been sent to the mining industry, and you need only look at what happened shortly after the decision. There were factors that went beyond the borders of the Northern Territory. Indeed, when I met with the CEO of Xstrata - and I went to the suppliers meeting later that day - he said that he would have to explain in boardrooms around the world, and to newspapers like the *Financial Review*, why it was

that Xstrata could not get on with the job in the Northern Territory, and it would be the fault of the Labor government.

You people are just incredible. I hope that the minister for Mines can bring himself to doing the decent thing, although his conduct to date following the meeting of Xstrata does not give me great confidence. He has basically turned Xstrata into the villain, and said: 'You go off, you come back to us and then we will let you know'. The Northern Territory needs Xstrata much more than Xstrata needs the Northern Territory. We are 1% of Xstrata's global operations, yet Xstrata contributes 4% to our GSP. It is remarkable that the ministers, the two of them - maybe it is no coincidence that they sit together - have allowed this to go this far. However, we all know that Labor's position on mining is as clear as mud.

Uranium mining, well, there is a doozy. As I said in an earlier debate, members of the Labor Party used to actually believe in something, now they have changed. The Chief Minister could not let anyone know what her position is on uranium mining. Perhaps she does not have one. I do not think she has much substance, in any event. The Labor Party's position on uranium mining in the Northern Territory is a confused one, and we know you all have different positions. About half of you think it is good, and half of you think it is bad. We look forward to waving you all off as you go to the Labor Party federal council and having a bit to say.

Would it not be good if the Chief Minister actually stood up and told people what she thinks? Would it not be good if the Chief Minister stood up for Territorians and supported further exploration in the Northern Territory? She says that she supports mining; in fact, most members of the Cabinet say they do. However, actions speak louder than words. The government says: 'Mining is a big industry, look what is happening'. The mining industry was successful in the Northern Territory well before you lot came to government, well before you lot even thought of forming government. Therefore, do not come in here and say: 'We love it', but you really do not, and, 'Isn't it successful and it is all our doing', but it really is not. You are just all over the place.

It is not surprising that you find yourselves in this position. We do, however, congratulate the Minister for Mines and Energy for rolling the minister for the Environment and for throwing a little lifesaver to the minister for the Environment. I hope, for the sake of her political career, that she found it useful.

In any event, we know - everyone knows - that Xstrata will not mine if the river is not diverted. Refusing the mine permission to go ahead was one thing. Stick to your guns on that if you have

to. However, we say do the right thing and at least afford due process because, on any analysis, that was not done.

In the past, there were many CLP administrations where CLP ministers, unlike Labor ministers, despite all their faults, led from the front. They led from the front and they took the blame if, and when, they were wrong. I accept that Mt Todd was not a good result. However, I bet there are no shortages of mines out there employing Territorians and building wealth because CLP ministers had the courage to lead.

Let us go down this little path of history. Cullen Bay would not exist if it was not for the fact that the CLP government said to take sand from the nearby sandbar. There were reservations at the time that that could damage the sandbar ...

Mr Henderson: What has that to do with McArthur River?

Ms CARNEY: ... and the ALP made great play of it. The fact is that a CLP minister intervened, said, 'do it', and the project advanced. That is what it has to do with it. Guess what? Surprise, surprise, Cullen Bay is the most prestigious address in Darwin and it overlooks the sandbar that is still there today.

Every project, minister, is a risk. That is why we are referring to Cullen Bay and the like, because every project is a risk. However, the difference between the Labor ministers and CLP ministers is that you lot just do not lead. At least CLP ministers had the guts not only to attend public forums, unlike the minister for Education, go into a media interview, unlike the Minister for Health, when things get sick in Health. You people will not lead. You say: 'It is too risky, we cannot do it'. Where is the Territory going to be in 10 to 15 or 20 years time if you do not find the courage to do something? Lead! Do your job. You are all paid very handsomely for it. Risk ...

A member: What has this got to do with mining?

Ms CARNEY: I will tell you. Who said that? Oh, the member for whatever ...

Mr DEPUTY SPEAKER: Leader of the Opposition, please direct your comments through the Chair.

Ms CARNEY: Thank you, Mr Deputy Speaker. That great whiz who is the member for Goyder, muttering away in the background. I wonder if he is a backbencher who has been let off his leash. He did actually say something. How extraordinary! I wonder if I was a member of the media whether you might repeat whatever it was you said. I

wonder, member for Goyder, whether you will have the courage to stand up in this debate and say something thoughtful and meaningful, regardless of whether I think that is possible.

Member for Goyder, the reason why we talk about leadership is that there is a quantum difference between CLP ministers and Labor ministers. The Territory would not be where it is today unless ministers took risks. When we see the minister for the Environment go around the process and say it is all a bit risky, that is not leadership. That is not doing the right thing for the future of the Northern Territory. Everything is a risk but when you have so many jobs, so much money and so many natural resources in the Northern Territory, you must take educated, informed risks. The evidence is there.

We have read the reports and your little EPA, which no one can really work out what it is, what it was, or what it is going to be. It is clear that what you are relying on and hiding behind the EPA is, I would say, less than satisfactory.

This motion is commended to the House. As I said, we commend the minister for Mines for rolling the minister for the Environment. We condemn the Chief Minister for allowing the department to do what it did. We condemn the minister for the Environment for misleading Territorians into believing that the EPA was a body that was independent from government when in fact it was a section of her department. For the sake of the future of the Northern Territory, we call on government to work with the industry to achieve best practice in minimising environmental impacts.

This is a straightforward motion, Mr Deputy Speaker, and one, I would have thought, even the backbenchers would find suitable. We look forward to support and we await with great interest the comments of the minister for the Environment.

Ms SCRYMGOUR (Natural Resources, Environment and Heritage): Mr Deputy Speaker, I will talk specifically in relation to part (c), and make comments on the ridiculous parts (a), (b) and (d). First, unlike the rude, obnoxious, arrogant Leader of the Opposition when trying to prosecute the issues and fails ...

Dr LIM: A point of order, Mr Deputy Speaker! The minister should not be reflecting on the personality of the Leader of Opposition. If you want to debate it, fine, but no name calling, please.

Members interjecting.

Mr DEPUTY SPEAKER: Order! Minister, please withdraw those comments.

Ms SCRYMGOUR: I withdraw, Mr Deputy Speaker. They do not like it when the truth ...

Dr Lim interjecting.

Mr DEPUTY SPEAKER: Member for Greatorex, let us get on with the debate.

Ms SCRYMGOUR: I will try to go as slow as possible because there is selective hearing and a lot of confusion amongst the opposition and also the Independents – well, the Independent member for Nelson - regarding the role of the EPA and what the EPA stands for.

I make very clear that I have at all times been open, accurate, and honest in describing the stages for the establishment of the Environment Protection Agency. The Leader of the Opposition claims that we have created all this confusion. I will quote from my media release of 19 October last year, which the Chief Minister quoted again today. You should listen because I am getting pretty tired of the confusion that reigns on your side. I quote from that media release:

The NT government today took formative steps towards the establishment of the Territory's first Environment Protection Agency (EPA) by announcing the formation of the EPA Board.

...

... the EPA will now take on most of the functions of the former Office of Environment and Heritage, with three Interim EPA Board members appointed to guide and advise on the structure of the final EPA model.

I fail to see how anyone on the other side or the Independent member could get confused with that. It seems to be pretty plain English to me. I do not think that at any time when I spoke about this I talked in Tiwi or any other language. Even before the election we were absolutely clear about what would happen. I quote from the environment package put out during the election campaign:

Stage 1 of the EPA will be the immediate reorganisation of the Office of Environment and Heritage and the appointment of an independent three-member EPA board. The board will help government undertake further community consultation on the final EPA model.

I delivered a ministerial report in parliament on 19 October 2005, and I quote from that:

Stage 1 would see the introduction of a three-member, independent EPA board and

the reorganisation of the Environment and Heritage Office so that services are re-aligned into an EPA program.

In case they do not understand words - and I believe pictures speak louder than words - maybe if I table a nice little picture of the structure, members on the other side, and also the Independent member, might be able to see a bit more clearly. They fail to understand what we are saying here, so I will table what we are talking about in regards to the reorganisation and how that would work. Stage 1, we are doing. Stage 2 has been very clearly outlined. I will table this just so that members on the other side who cannot understand the words - just like in primary school, we will have pictures and maybe pictures are a better way.

If that is starting to sound repetitive, it is. I have said this a number of times, and it is exactly what we have done. How on earth can that be construed as misleading Territorians? The Leader of the Opposition has put forward this motion, and in the last couple of days and weeks leading up to this sitting has said that there has been foul play, that I have misled Territorians, and asked what this EPA is. The Independent member for Nelson and the member for Blain both came to my office and had a full briefing with the CEO of the department, the executive director of Environment and Heritage, and my staff. Then, to the member for Nelson's surprise, he realised that he had actually responded to my report in parliament.

In October last year, Stage 1 was completed. The Environment Protection Agency now comprises the former Office of Environment and Heritage reorganised into an EPA program with the addition of Water Quality - we have added Water Quality - and the appointment of three eminent people to head up the interim board to begin the process of developing the final model and legislation. Government has delivered Stage 1 of the EPA exactly as promised.

Part (b) of the opposition's motion is trying to say that the Environment Protection Agency assesses projects without taking into account social and economic factors. I know the Leader of the Opposition said that she had read the assessment for the McArthur River expansion. If she had, she would have seen section 3.5, Cultural Environment; section 3.6, Socio-economic Environment; and section 4.8, Objectives and Benefits of the Mine Expansion. I utterly reject the notion that the Environment Protection Agency undertakes assessments in a vacuum, which is exactly what their motion says.

The system and the process that the opposition is now criticising is the same system that approved such projects as the Alcan expansion, the

ConocoPhillips LNG plant, the waterfront redevelopment, the Bootu Creek manganese mine, and the Harts Range garnet mine. Suddenly, the process is a failure. The environment assessment process is administered under the *Environmental Assessment Act*. The object of this act is to ensure that matters affecting the environment to a significant extent are fully examined and taken into account in decisions by the Northern Territory government. This is what an EPA does.

To condemn government for having an Environment Protection Agency that focuses on environmental factors is simply bizarre. It is what the EPA does. It is what the EPA is designed to do. It is like the ludicrous statement by the member for Nelson who said: 'Oh, but they should only be focusing on major projects'. How ridiculous is that? This is the same member who is part of the Sessional Committee on the Environment and Sustainable Development. Maybe it was a waste of taxpayers' dollars to send the Independent member for Nelson ...

Mr Wood: Well, they said it in the *Hansard* ...

Mr DEPUTY SPEAKER: Member for Nelson!

Ms SCRYMGOUR: ... with the sessional committee. This is the same member who jumps to whatever side he wants. He walks out every morning, sticks his hand up in the air to see which way the wind is blowing and, when he sees the political opportunity, he will seize it and think: 'Oh, that is a good thing, so I will take it'. This is the member ...

Mr Wood: No. Read ...

Mr DEPUTY SPEAKER: Member for Nelson, I remind you of Standing Order 51, please.

Ms SCRYMGOUR: This is the member who spent all his time on the Sessional Committee on the Environment and Sustainable Development going around just about every state in Australia looking at the many models of Environment Protection Agencies throughout Australia; who was part of a committee that formulated quite a comprehensive - and I thank the member for Karama, because she was the chair of that committee and did a fantastic job in compiling that report and bringing it forward. As minister for Environment, I accepted that report. The other allegation the member for Nelson made was: 'Why did you not just implement the recommendations of the sessional committee?'

I gave an undertaking when we accepted that report: government said we would take the next step from those reports and take the consultation back out to the communities because there were a

number of models outlined in the sessional committee's report on an EPA model. We said that we would take that out. We have met our commitment in that, and that is exactly what the interim EPA Board is doing - exactly as I outlined in parliament they would. There would be two areas: one is to oversee the audit and assessment of the legislative reform that needs to happen, and the second part is to undertake community consultation with the wider community on the most suitable model for the Northern Territory.

The member for Nelson and the opposition say that we have created confusion or it is just a Clayton's EPA - which is what I have heard the Independent member for Nelson say. I think the member for Nelson is a Clayton's environment advocate.

I am not sure what my colleague, the Minister for Mines and Energy, will be saying about this motion, but I certainly do not feel that I have been rolled by the minister on this issue. On the contrary, the Minister for Mines and Energy has said that environmental questions must be answered before he makes a final determination on the application. He has said that Xstrata needs to submit an amended application and resolve outstanding environmental issues to the satisfaction of both the Minister for Mines and Energy and myself. I struggle to see how this could be interpreted as the mines minister rolling the environment minister.

I know the Leader of the Opposition jumped up and down, banged the table and was getting hysterical as she sometimes does, saying: 'You have been rolled, you are incompetent', and all the nice words that she often uses. She throws some nice words around, very complimentary to people - it is lucky that we have thick skins in here. I certainly do not feel that I have been rolled. I am proud to be part of this side of the House and a representative of a great party. All my colleagues in government and the Minister for Mines and Energy might not agree on everything, but who does agree on everything? We are able to work together to have constructive dialogue and discussion, and for a resolution towards not just this issue, but many issues facing the Northern Territory.

I am not anti-mining, and I have said that. I welcome mining. I keep an open mind on it regardless of how I might feel on a personal level. I do not make decisions as minister for the Environment based on my personal view. It is about what is in the interests of the Northern Territory. I take very seriously what I swore to undertake to carry out as a minister of the Crown. I have always said from the very start with this project that I will keep an open mind, and I have

done that. We have gone through what has been a very rigorous and robust assessment process, despite what the Leader of the Opposition says.

Just in case members on the other side cannot understand, I would like to make clear that an assessment process is just that. It is about assessing a proponent's development project. It is not about negotiation; it is about undertaking an assessment. A developer or a proponent submits a project and we do the assessment.

I acknowledge all of my staff in the Environment Protection Agency who have had to endure many insults and innuendoes that they did not do their jobs. There are many professional staff in the EPA and they have undertaken their work well.

Mr Deputy Speaker, I am looking forward to start off the new proposal from Xstrata. The Minister for Mines and Energy has made that decision. I will wait to receive that proposal and will look at it with an open mind and we will go forward.

Mr VATSKALIS (Mines and Energy):

Mr Deputy Speaker, I support my colleague, but I am certainly not supporting the motion. I am very impressed with the Leader of the Opposition. She changes her mind all the time. In the first part of the motion, she complimented me on rolling the minister for the Environment; however, on 23 March in a media release, she called me a gutless minister. You cannot have it both ways: am I gutless or am I a nice guy? I cannot be a nice, gutless guy. I have to tell you that I have not rolled my colleague, the minister for the Environment. There is no reason to roll her. I explained to you why there is no reason to roll her.

Let us talk about the mine proposal and the conversion of the mine from underground to open pit. On 7 January 2003, Mt Isa Mines Ltd, as it was then known, submitted a Notice of Intent. Their proposal was the diversion of the river, the damming of the Glyde River, an enormous power station, and a smelter. It was a few months later that McArthur River Mine was taken over by Xstrata, and you may remember the headlines in the newspaper. Soon afterwards, elements of the proposal started disappearing. First it was the smelter, the power station, then the damming of the Glyde. It was only in August 2005 that MRM submitted an environmental impact statement to the Department of Natural Resources, Environment and the Arts. It is quite right when my colleague, the minister for the Environment said:

An environmental impact statement is put by the proponent to address any concerns with regards to the environment and other

impacts that an expansion, a change, a new mine will have.

The role of the Environment Protection Agency, or the Office of Heritage and Environment, or any other organisation throughout the world and the rest of Australia, is to assess those proposals to see if they meet environmental standards, legislative standards, and that they will not have any impact on the environment. This is exactly what the EPA did using the process under the *Environmental Protection Act 1994*, a process put in place by the CLP, a process that was followed before very successfully, as my colleague mentioned, for the LNG plant, Alcan expansion, Bootu Creek, Harts Range and the sands.

In this case, the proposal put by McArthur River did not meet the legislative requirements, or some of its elements caused concern. Those elements were clearly defined in the environmental assessment report and there were nine elements: the proposed realignment of McArthur River and Barney and Surprise Creeks; the performance and long-term management of the tailing storage facility; the location and management of the overburden emplacement facility; the potential for reduced water quality in the McArthur River; uncertainty of mine pit closure; the performance of the proposed flood protection bund; community consultation methods; the potential for an impact on freshwater sawfish populations; and impacts on ground water.

The minister for the Environment released the findings of the EPA and provided this advice to me. The member for Araluen said that the minister disappeared and went to Canada. Yes, I did go to Canada. Why did I go Canada? To promote the Territory as a mining destination. That trip had been organised six months in advance. Being away for 10 days gave the opportunity for my department to examine the EPA assessment and the information put forward by Xstrata, and provide advice to the minister. Under the *Mining Management Act 2001* - legislation passed in this parliament by the CLP - under section 36 I am required to determine an application for an authorisation by granting or refusing to grant the authorisation. Subsection (2) states:

Before granting an Authorisation the Minister must be satisfied, in relation to the mining site to which the Authorisation will relate –

- (a) *that the management system to be implemented on the site will promote the protection of the safety and health of persons and of the environment on the site; ...*

Here is where the difference between the CLP ministers and the ALP ministers lies. The CLP ministers had a cowboy attitude. The ALP ministers sit down and follow process as prescribed in the legislation. That surprised them. It is in place because it was put in this parliament by the CLP. They were surprised because the minister released her findings on 23 February 2006. On the same day, I received a letter from the member for Katherine. I was not going to refer to this letter because she is in hospital recuperating from a terrible accident but, since the member for Araluen brought it up, I will.

The member for Katherine, on the same day that the minister released her findings, wrote to me saying: 'I am satisfied that the environmental risk is acceptable'. I had not even seen the report. I had not even seen the colour of the cover of the report but she was satisfied that the environmental risk was acceptable. That means either that Xstrata had submitted the whole application to her for assessment, or she received advice from probably the same advisors that advised you lot to open Mt Todd because there was not going to be any environmental problems.

I find this questionable. I spent six years in university studying environmental health and science, and it took me hours to read and understand the report. It took me time to meet with the proponents of the McArthur River expansion, people who opposed the expansion, and with Professor Erskine in order to understand the elements of the EIA and make a decision. Within the same day - in fact, hours of the release of the report by the minister for the Environment - the member for Katherine as spokesperson for mines was satisfied that the environmental risk was acceptable. I cannot say it is acceptable.

As the minister for Mines, I like mines and I promote mines because that is my job. I have great difficulty when somebody says to me: 'You cannot have a mine'. But, not mines at any cost. The reality is that mines make money for us to spend on things like police, teachers, nurses and everything else. However, how much will it cost if we make the wrong decision? Mt Todd will cost us at least \$30m in my rough estimates. If we make the wrong decision in any mines, not just McArthur River, how much is it going to cost to pay for it in the future?

The member for Araluen said it was 4% of the GSP, the gross state product. No it is not; it is 1%. It is 1%; \$141m. That is a study which was done by DBERD. The other issue is what message have you have sent to the industry? Let me tell you what the industry thinks. I quote from a publication by people who work very closely with the mining industry, which is distributed to

hundreds of mining executives and people in the mining industry. I quote from the editorial of *MiningNews.net*:

Commonsense says that there are major problems with developing an open pit mine on a flood plain, with a river running nearby.

Sure, you can move the river with bulldozers, but as everyone in the north of Australia knows when it rains up there, boy does it rain, and any pit protection system had better be done damn good. Little wonder that the government environmental chaps reacted so strongly to the first plan put forward by Xstrata.

Commonsense says that the mining company will now rework its mine design and spend a bit more on its plans to move the river, and the design of the pit protection system ...

That is the mining industry calling for Xstrata to use commonsense and redraft their plans.

The minister for the Environment did her job. She said: 'I cannot accept the proposal as it stands now by Xstrata'. She provided this advice to me, I spoke to my department and many people including Professor Erskine. I put it clearly to Professor Erskine: can the river be diverted, yes or no? The answer was: if these people come back with a proposal which incorporates the elements and my comments, it can be done, but it has to be done carefully and properly. I do not know much about rivers; rivers are either full of water or empty and run around the country. This man has made a career talking about rivers and he is quoting his record and the number of rivers that he has diverted. He was very adamant: there was a requirement for the river to be realigned and to incorporate his proposals and also for Xstrata to provide hydrological information on Surprise Creek and Barney Creek because he could foresee dangers, especially in cyclonic conditions.

In addition, a number of issues identified in the EIA are absolutely relevant to the protection of the environment. I am obliged under the *Mining Management Act* to take into consideration this information. What I did was throw a lifeline to Xstrata and say: 'You did not meet all the standards; I suggest you go back under section 14A of the *Environmental Assessment Administrative Procedures Act* and provide additional information with regard to these nine points and come back later so I can make a fully informed decision. At the moment I cannot make a fully informed decision'.

This is where it stands now. It is not that we do not like Xstrata or any other mining company. We

want mining in the Territory, but not mining at any cost. We do not want to leave a multimillion dollar legacy to Territorians to pay in the future as has happened before. The reality is that we have too many legacy mines in the Territory left from the old Commonwealth days. Some of them are polluted, some have been rectified, and some of them we will be called on to fix. Every Territorian has to contribute to the environmental repair of these problems.

We are not going to get out of Xstrata's way - or any other mining company. It has to be done and it has to be done properly. As I said before, we like mining. I support and promote mining. Let me tell you what people think about our government and mining in the Territory. In 2004-05, we received \$2.5m rental revenue, which was 30% higher than the average rental collection for the previous five years. Mining is alive and well in the Territory. On 30 June 2000, under the CLP government, only 285 mineral exploration licences were granted. We now have 751. In 2005, we received 365 new mineral exploration licence applications. In 2004, we had received only 197. In the past 12 months, we had expenditure of \$55.6m for mineral exploration in the Territory. In the September 2005 quarter, we had expenditure of \$25m, the highest expenditure since 1996. Do you think mining companies will invest in a place that they do not trust; that they do not have confidence in?

Two days ago, we held the AGES Conference in Alice Springs. The *Country Hour* program reported on the conference and people were talking about the Territory. They believe and know that the Territory is the place to come to. The *West Australian Business News* had an article on 16 March - I have a copy - which said the Western Australian government is very disappointed they lost \$100m last year in mineral exploration. Most of this money went to the Northern Territory. Do you think mining companies would move to the Territory if they were not certain that they would have certainty of title and of approval? We have done well with mining, and we will continue to do well.

EISs happen all over the world. If you want to start a new project you have to go through an EIS. You have to tell the government of the state or the country that what you are going to do is not going to create a negative impact on the environment; that it is not going to affect the environment.

I said before my decision was not rolling the minister for Environment; it was complementing the her decisions. We act under two different pieces of legislation. The minister acted under her own legislation, and I acted under mine. The conclusion was the same. I was not satisfied. I could not make a fully informed decision unless

these issues, as addressed in the EAR, had more information. As I said before, we wrote to Xstrata and advised them that the sooner they put the notice of intent to act under section 14A, the quicker we would make a decision. Mining can go ahead, but a number of issues have to be addressed. I am hopeful that Xstrata will come to the negotiating table.

We are concerned about natural resources. We know people want jobs, and indigenous people also benefit from Xstrata. They are partners in the barge that transports the concentrate out of Bing Bong. We certainly took that into account. Again, it is something that we do not do at a whim; it is something which has been in place for a number of years. It has been done before. In this instance, the environmental impact statement of a company did not come up to scratch. We said: 'Go back, have a look at it. We give you another opportunity under section 14A'. We have given a commitment that we will work very closely with Xstrata. I have committed my department to working closely with Xstrata to provide information and advice. I am aware the minister for the Environment has committed herself to work as quickly as possible to facilitate Xstrata.

We facilitated Xstrata when they opened the test pit. We went through with them and helped them find the metallurgy of the ore. However, at the same time, I told them I did not care if it was Xstrata, Alcan, ConocoPhillips, or Rio Tinto; if they were going to put a project into the Northern Territory, it had to stack up. It has to comply with the legislation. It has to have zero impact on the environment and to the socioeconomic life of the Territory.

Mr WOOD (Nelson): Mr Deputy Speaker, at the outset, quite often when I listen to these debates, it seems that my environmental credentials get thrown across the floor for some reason, as if I am some rampant greenie - or if I am not, I should be. I have never regarded myself as a rampant greenie. I love trees, just like anyone else, but I also realise that, in this world of ours, where we also have development, that some of the environment ...

A member interjecting.

Mr WOOD: The member for Barkly must have windscreen wipers on. I thought he was crying there. Anyway, we are not set in concrete like some party policies on the other side. For some reason, the Labor Party keeps claiming that I have some so-called environmental credentials and then, when I look at some issues on their merit, I seem to have become a hypocrite. I just do not accept that.

I would have said many times in my life that I support sustainable development. Sustainable development is being able to develop in a manner which will not cause future generations to have to pay for that development. There was talk today about the subdivision at Dundee. That is what I call a classic example of non-sustainable development because who is picking up the tab for poor planning? The taxpayer. That is an example where it goes wrong.

Therefore, in looking at McArthur River Mine, which the minister has said is all based on science, that is the approach that I have tried to put forward in this debate. I would be the first to say, and many people have said something similar: 'Who wants to move a river?' They do not like the idea. However, the reality is rivers are moved throughout the world, and there are quite a number of cases where they have been rerouted. I have to look at the basis of what the mining company is trying to do and whether it can do it with minimal impact to the environment.

The Minister for Mines and Energy said zero impact. Well, that is an impossibility. There is nothing you do, unless you do not touch the environment, that will cause zero impact. That is just nonsense. If you build a road, you cause an impact. What you do is try to have minimal impact on the environment. What this whole issue is about is whether we can move the river. We are not damming the river. We making the river to move to one side, so water will still go from A to B. Can we do that with minimal impact to the environment and, at the same time, save the jobs of many people by allowing this mine to continue? There is a social implication and there is an environmental implication.

So that I would have a better understanding, I drove to McArthur River. Fay Miller wanted to go down and they asked me whether I would give her a ride, so I took Fay as well. We were shown around the mine. We made it a special point that we actually visited the river. We saw where the river had been in flood in recent times, so we had an idea of how high the water gets, how fast it flows, and the width of the river. It is a similar river to the Daly but much smaller in size – same style of river width, and very similar vegetation. One difference is it does not flow all year round like the Daly. It tends to break up into small puddles of water, probably a bit more like the Adelaide River.

I needed to have a look at the river, and then I needed to look at the process. As much as the minister might say they think the process was correct, I think the process was well and truly flawed. Bear in mind that my understanding of this process was that there was an independent EPA

looking at this. My understanding, I believe, was ill informed because the EPA really was the department looking at this process. The EPA has a stamp on the environmental assessment report.

The chronology of the open cut at MRM was they had a Notice of Intent in 2003 - that was by Mt Isa Mining. The guidelines were put forward for comment by the government; a draft EIS process began; MIM during that process was taken over by Xstrata; the draft EIS was completed in August 2005, and public comments took 10 weeks.

Then there was a supplement, and that was based on comments that the public made about the draft EIS. That was completed on 14 December. The government, or the EPA as it called itself, then considered the supplement. The EPA asked at that time for Professor Wayne Erskine to report on the draft EIS - not on the supplement, but on the draft EIS - in late December, early January. Then the EPA asked Xstrata more questions. I do not believe that report was made public. There was another series of questions from the EPA that the mine had to answer. We asked the mine for a copy of that. It deals with surface water management and ground water, and waste management. URS, who was working for the company, answered those questions.

Professor Erskine finished his report in early February. The environmental assessment report was made public at the end of February. At that time, this document, *Recommended Improvements in Design of the McArthur River and Barney Creek Diversion Channels for the McArthur River Mine Open Cut Project*, was also released. Xstrata had not seen this.

One could argue that legally that is the process. I am of the belief this is an EPA. Professor Erskine raised some questions based on a draft EIS, not the supplement. He did not know what the mine had answered in the supplement. I will give you an example. He recommended that they employ a professional ecologist to harvest the seeds so that you got the right type of plants growing on the banks of the realigned river. What he did not know, and what Xstrata had said, is that we have already made a contract with traditional owners to collect the seed. He said to me on the phone, 'That's terrific'. That shows that he had seen the draft EIS and had not seen the supplement.

I also rang Professor Wayne Erskine, having read this document here. This document highlights a number of problems with moving the river; it is quite clearly what he states here. Also, he recommends some improvements in the design of the diversion channels. That is what this document is about. I said to him: 'If the company

was able to do what was in these recommendations, could you realign the river with minimal impact to the environment?’ He said: ‘Yes’. I e-mailed him the next day to clarify that that is what he said.

We had a discussion about how the banks on the Daly River stand up in the flood time if they are grassed. The Daly is a much bigger river, of course, and if they are not grassed, or if there is no protection to the bank, they certainly are eroded. I wanted to have an understanding of how you would make sure that, if the realigned river broke its banks, it would hold together. That is part of the concept; the other concept is to plant trees. Trees are not going to grow as fast as grass would. If you can get an established grass layer over that area, it will hold it together. I say that because, when we visited the McArthur River, which had only flooded the fortnight before, you could see the grass and the trees - some of it was weeds, some of it was native grasses - and there was no damage to the banks at all. Obviously, if you can establish good grass cover on the river you have a chance of doing something with the river.

If we go back to the process, it is highlighted by the minister for Mines saying we are now saying to the company: ‘Yes, you have a second chance. You have a number of conditions we need you to look at’. The government had concerns about those issues because, if you read through the environmental assessment report, quite often it said: ‘not provided adequate information, a lack of supporting information, not been adequately investigated, lack of sediment data’. What I find strange is that that seems to me three-quarters of the way down the process and it is highlighted by the fact that the government has now allowed the company to come back and answer those problems. Why didn’t they sit down - that is what I think an EPA should do - with the company and say: ‘We have some major concerns here and we are not going to allow this to happen unless you can come back with some good answers’. It seems to have said: ‘This mine will not go ahead because of these reasons’, and many of those reasons were based on, ‘not provided adequate information’, etcetera.

The government has every right to stop it at that point but, if we are dealing with the science, then let the science go through until the process runs out. That is what the minister for Mines is now doing. He has picked up the gap where the department of Environment and Heritage should have gone further. You have highlighted it because you are doing it yourselves now. You have told the company to go back and look at it again and, in that time, you have lost time...

Members interjecting.

Dr Lim: Minister, sit back in the chair when you talk.

Ms Scrymgour: Why don’t you shut up, Lim.

Dr Lim: Mr Deputy Speaker, the minister is not in her seat and that is not really appropriate behaviour for any minister.

Ms SCRYMGOUR: I withdraw, Mr Deputy Speaker.

Ms CARNEY: Mr Deputy Speaker, I ask that the minister withdraw.

Ms Scrymgour: I did, I just withdrew.

Ms Carney: You did, well, that is good.

Mr DEPUTY SPEAKER: Please continue, member for Nelson.

Mr WOOD: Thank you, Mr Deputy Speaker. I believe it was not proper process for the government to use Erskine’s report as part of the reason why they did not approve this mine, but not allow the company to look at it. Again, it seems a flawed process. If you were going to ask a professor of geomorphology to comment on the draft EIS and you are not going to allow the company to comment on that information, then you have to ask why not? It is not secret information. If it is information you are going to use to put the mine down and say they cannot go ahead then, surely, the company should have the right to answer the queries that come from that report. That did not happen. It is happening now, but it did not happen at that stage.

The other issue I would like to talk about is the EPA. I know the minister has been saying a few things about my interpretation of certain matters. The minister presented a report in parliament on 19 October and said:

Stage 1 would see the introduction of a three-member independent EPA board and the reorganisation of the Environment and Heritage office so services are realigned into an EPA program.

Further, the minister said:

As promised and concurrent with the appointment with the new EPA Board is the reorganisation of the Office of Environment and Heritage into the new EPA program. The EPA program will support EPA Board and carry out day to day environmental protective activities including environmental impact assessments, policy development, standard setting, regulation and monitoring.

That did not say it was taking over the department. My understanding of the program was that it would be working here as the department of the Environment doing some of the things that would be required to help an EPA Board. In the media release, which I had not seen on 19 October, it says:

Ms Scrymgour said the EPA will now take on most of the functions of the former Office of Environment and Heritage, with three interim EPA Board ...

Both this statement and some of the other statements go between making a statement that this is an interim board, and it is a board. In some ways, that adds to the confusion. Regardless of whether the minister thinks I should have interpreted that differently, it is very difficult to believe that, if you have an interim board looking at the final model for the EPA, how can you call anything the EPA? How can you have letterheads circulated with EPA on them because we do not have it? If it was called the interim EPA, I might live with that. However, this logo is the EPA, and the public believe we have an EPA. We do not have an EPA; we have an interim board which is looking at a final model.

The second point is that in all the processes, one of the key recommendations of the EPA inquiry was that the EPA, or similar, be independent in operation. There is absolutely no way you can have an independent EPA that is the department of the Environment. That is the government; that is all it is. Those who are on the environment committee would expect the EPA to be independent. It might use some of the good people who work in the government, as one of the objects was to keep it small. The EPA was out here - independent.

Ms Lawrie: The board.

Mr WOOD: No, not just the board. The board could do things.

Ms Lawrie: You did not see the South Australian model?

Mr WOOD: I am looking at the model I had in mind.

Ms Lawrie: Speak for yourself and your model; not for all of us, Gerry.

Mr DEPUTY SPEAKER: Member for Karama!

Mr WOOD: All right. The reason I am saying that is because the minister said: 'Oh, Gerry makes it up but now he only wants it to support big projects'. If you read the *Parliamentary Record* when the report came down, that is exactly what I

expected. The reason I expected to do that was because we wanted to keep the EPA small. We did not want it to turn into a big bureaucracy. By keeping ...

Ms Lawrie: You.

Mr DEPUTY SPEAKER: Member for Karama.

Mr WOOD: All right, I will say 'I'. I wanted to see it look after big projects. I did not want to see it become a big bureaucracy as had occurred in South Australia and Western Australia. The department of Environment would then continue doing the smaller things.

The letter I just held up here is about a kennel and cattery in Virginia. EPA? I do not regard that as big stuff; that is little stuff. The example I mentioned on the radio the other day was, basically, about the noise of a motor on a coolroom which was used for freezing bait for crabs in the rural area. EPA? Now, come on, that is not EPA stuff; that is normal stuff the department of Environment does day-to-day. The EPA stuff is McArthur River; it is that type of development we should be looking at.

I do not believe we have an EPA which is independent. It cannot be part of a department. To say it is, is deliberately misleading the public because they expect an EPA to be independent. People who have come from other states know that EPAs are generally independent; they are at arms-length from the government. The chairman can speak independently. If the minister wants to override the chairman or the board, that is his prerogative. However, the chairman can speak independently. That is something the minister could not answer on the radio the other day. I am not even sure whether this chairman can speak independently.

I know that the government is looking like it is trying to follow its own model D at the present time. It looks very similar to that. Yes, where you are sharing the CEO - according to the model - of the department and CEO of the board. I believe the board should be separate. In my case, it should be similar to the Development Consent Authority which, basically, does its own thing. It takes advice from the department, but it is not the department. That is the clear distinction that is not coming through now.

We have an EPA which is really, as the minister might say, a re-badged department of the Environment. Unfortunately, most people will think: 'Goody, goody, we have an EPA'. Well, we have not! I believe the EPA logo should come off the letterheads and only be put there when the final model is approved after consultation with the community, which the government is now really

good at – it was not so good on my Development Consent Authority having a bit more public input. They should not be putting that EPA logo on until we have come up with a final model.

Ms CARNEY (Opposition Leader): Mr Deputy Speaker, I will be brief, because it is all on the *Parliamentary Record* as well as the public record. I thank the member for Nelson, who somewhat unsurprisingly contributed to the debate.

Like their colleague, minister Burns, the two ministers who have contributed in this debate did not argue persuasively or clearly why the motion should not be carried. The fact is that, on any analysis, this has been a dog's breakfast through the incompetence of the minister for the Environment.

The Minister for Mines and Energy is commended by the CLP for rolling her, to the extent that a lifeline appears to have been provided to McArthur River. However, McArthur River should not have been put in that position by an Environment minister, given the lack of information and the duplicitous way she has presented information since she made her decision.

As the member for Nelson said, there are very significant questions to be asked about the EPA: what material was provided to the minister, and why it was that this government represented to all and sundry that the EPA was independent. Just look at the evidence. They even had their own letterhead, and, only a couple of days ago, the minister for the Environment was saying: 'Oh, it has just been re-badged'. It just keeps changing.

In relation to the Minister for Mines and Energy, yes, he rolled the minister for the Environment by giving something of a lifeline, but that is not leadership. This government speaks with forked tongue. They say one thing, but they actually mean another. The minister and his colleagues say that they support mining. If they support mining, it should not have come to this. I am sure that Xstrata, and certainly the workers at McArthur River, were perplexed, to say the least, that the minister did not grab this issue by the scruff of its neck and get it back to where it should be.

The fact is that the Territory needs Xstrata much more than Xstrata needs the Territory. You would expect that, in those circumstances, there would be some leadership shown by the minister. While we commend him on the one hand, I am happy to re-state, as I did in a media release, my reference to him being 'gutless', because he should have done better. McArthur River and Xstrata should not be in this situation, particularly when you look at the whole issue in its historical

context; that is, everyone knew that the mine would ultimately go to open cut and that the river would need to be diverted. Now, the government ministers are indicating, in addition to a whole lot of other indications, that they did not realise that.

It has been a dog's breakfast. It does send a terrible message to the mining industry. There has been damage done. There has been now, and will be, a lack of confidence on the part of some of the mining sector. There has been uncertainty created and confusion. The blokes who work at McArthur River Mine whom I have spoken to do not understand why it is that one minister says, strongly and stridently, no, and then another minister gives a lifeline.

We have talked a lot about process, and we understand the dynamics and why it is. It looks dreadful from the public's point of view and, in particular, those who work at McArthur River. They see a pack of government ministers and a government - all 19 of them - and they wonder what is happening if one minister says no, and the other minister is going through the motions of providing a lifeline. It is a mystery.

This whole incident raises more questions than it answers. I can say that the minister for the Environment has been loose with the truth when it comes to a detailed consideration of this matter and the very detailed information to which the member for Nelson referred in his contribution.

All members of government stand condemned for this mess. Quite frankly, we should not even be in this parliament having this debate because you should have done better. You have done untold damage to the future of mining. I know when we come back to the next sittings, or future sittings, you will all get up and say: 'We love mining, we love mining'. That is not the message that you have sent to the industry, not only in the Northern Territory, but Australia and around the world. Most importantly, from the point of view of your electoral success, you have sent a terrible message to those people who work in the industry. They are not happy with you at all.

Mr Deputy Speaker, I thank members for their contribution. I was frankly unimpressed with the contributions of both ministers, but I suppose that was to be expected. I commend the motion.

Motion negated.

MOTION

Provision of a Radiation Oncology Unit

Dr LIM (Greatorex): Mr Deputy Speaker, I move that the Legislative Assembly seeks from the Northern Territory government:

- (a) an explanation to Territorians why, in October 2004, the Chief Minister announced that the radiation oncology unit, which was a pre-election promise made in 2001, was shelved;
- (b) an explanation to Territorians why, in April 2005, the Minister for Health re-announced that the government was committed once again to set up a radiation oncology unit;
- (c) an explanation to Territorians why, in March 2006, the Minister for Health once more signals that the government is unable to deliver a radiation oncology unit, and then blames the federal member for Solomon for what is in fact the failure of the Martin Labor government to deliver; and
- (d) the provision of a firm time line for the delivery of a radiation oncology unit for Territorians.

In speaking to the motion, I would like to go back to the response the minister gave to my question yesterday when I asked about the oncology unit. For the record, I will repeat some of the words of the minister, who said:

We are doing what a responsible government should do on this issue and that is to make sure that if we are going to offer a service to Territorians who are suffering from cancer, who depend very heavily on safety and sustainability of a radiation oncology unit, that that unit will be exactly that. It has not been an easy task.

He continued:

We have said right from the onset that the Commonwealth government would need to be a partner with us on it. That was right from the start in the 2001 election. We stated very clearly that we will certainly need an input from the federal government to make this facility viable.

Later on, he said:

We would be delighted if the federal government helped us to make this project viable at the Royal Darwin Hospital.

I am going to give the minister every opportunity to withdraw and retract these statements. If not, we will face each other over these words on another day.

I will now go through the chronology of what occurred with this unfulfilled promise by the Martin

Labor government to Territorians. As far back as 2 August 2001, the then shadow Health minister, Paul Henderson, in his media release, said:

Shadow Health minister, Paul Henderson, today announced Labor's commitment to install a new oncology and radiotherapy unit for cancer sufferers at Royal Darwin Hospital and two other significant capital works projects. Mr Henderson said: 'Labor will spend \$14m on building a new unit because it is currently a gaping hole in the Territory's health system.'

There you go. That was the first commitment made just prior to the election of 2001. It was a very firm commitment. There was no indication that there was going to be any other way of doing this except that the Northern Territory government would fulfill its promise to Territorians following the 2001 election. Before long, things started to come adrift. In an article in the *Northern Territory News* on 12 August 2001 things started to move a little awry. A couple of lines from that newspaper article read:

Campaign promises such as the construction of a \$14m oncology unit at Royal Darwin Hospital ... based on Labor's policies in the budget's forwards estimates, Access agreed that the budget would be in surplus by 2003-04.

What was missing from the Access authorisation were details about how Labor would pay for its election promises.

You start to see the drift or the change in the rhetoric; how the media was interpreting how this Martin Labor government has switched from a firm commitment where this government would put in \$14m back then – five years ago. Obviously, the spin machine had its act together and was now starting to turn the stories around. By September 2003, under the former Minister for Health and Community Services, the government had started to shift away from putting the oncology unit up for Territorians. On the other side, they would talk about developing a clinically safe and sustainable radiotherapy facility. To do that, you need to undertake a study. In the minister's media release, she said a study would commence very soon and was expected to be completed by the end of the year. She said that in September 2003.

Where was the study? Nothing happened. It was not until some six months later, under the present minister, that things started to move again. The money was put aside for a study. The government promised that there was going to be a study by the end of 2003. Nothing happened until March 2004 when this minister announced that he was going to get a study going. It took criticism

from the opposition time and time again before any action was even contemplated. The unfortunate thing about it all is that six months later nothing really happened.

I quote from the *Northern Territory News* dated 28 October, 2004:

Chief Minister Clare Martin admitted the project had been shelved because the cost of setting up the cancer treatment unit outweighed the cost of sending patients interstate for treatment.

The oncology unit was part of the Chief Minister's supposedly fully-costed election commitments. Now the Chief Minister Clare Martin says her government cannot afford the cost of the promise. Then this was the worst thing of the lot - that is why I said at another time that this Chief Minister wants to Teflon coat herself - this article on 28 October 2004 said: 'Last night, Ms Martin directed all inquiries to Health Minister Peter Toyne'. There you go - abandoned to your own devices.

It is no wonder that the opposition has to criticise this government for failing to keep its promise. You started off saying: 'We are going to do it; here is the money, it is all fully costed'. There was no mention at all about federal government contribution or whatever - nothing at all. Then, before you know it, one minister comes along and says: 'We have to do a study,' which never took place. Six months later, study 2 started and then the Chief Minister said: 'We are scrapping it'. She uttered those words on the 8DDD radio on 27 October 2004. When the reporter said to her: 'Clare Martin, that oncology unit was, in fact, an election promise though, wasn't it?' Martin had to agree, in her own words: 'So have actually broken that promise?' That was a broken promise. That was in reply, not only to the reporter, but to a person who called in to the radio station to try to get some certainty from this government as to what was going to happen regarding an oncology unit as he was a cancer sufferer and found that this government was not going to provide anything for him.

The Cancer Council was interviewed and they were, understandably, very disappointed with the shelving of the project. Patients had to face travel to other capital cities for treatment they had hoped would have been in Darwin under this government. This government promised it. If they did not promise it, it would not be so bad and the disappointment would not be so great. However, it was promised and people were saying: 'I can hang in there and hold on'. I do not know whether the minister or the government understands what cancer sufferers go through; the psychological impact of the illness they have. For them to be

given hope that they can have treatment for their cancer in their own home town and be able to return home after treatment to be surrounded by their loved ones is so very important. This devastating disappointment would have been difficult to bear.

After that interview with the President of the Cancer Council, the reporter summarised by saying this:

Yes, all of us are very dismayed at the fact that the decision has been made not to build an oncology unit which, for those that may not realise, is a unit or an annex that can treat cancer patients. The treatment for cancer is pretty drastic depending on the level of cancer that you are unlucky enough to contract and, let's face, once you are first off diagnosed with cancer, that has got to be a shock and a smack in the back. Then you are told you have got to go to Adelaide or some other state of Australia which is thousands of kilometres away. Then you are told you can't take anyone with you. If you do, you have got to perhaps pay the air fares and accommodation for yourself. It is a pretty shocking thing to have happen to you all in a matter of days. So you are, possibly, separated from your family almost overnight - down to Adelaide and into these rather drastic and, I guess, intrusive sorts of treatment.

The government can say: 'Oh well, the CLP did nothing'. Every time we made a promise, we kept our promise. That is what is important. Every time we made a promise, we kept our promise. However, after this Chief Minister said: 'We are not going to fulfill our promise', within months, - October to April, six months - this Minister for Health told us: 'Yes, we are going to do it again'. In his media release, he said:

In the coming weeks established oncology radiation services from interstate will be asked to set up a unit at the Royal Darwin Hospital campus and guarantee its staffing and clinical expertise.

In the coming weeks, from April 2005, I suppose he can say 52 weeks. We are nearly out of 52 weeks now. We are at the end of March with only 26 days left of April before your 52 weeks are up. In the 'coming weeks' this government was going to establish oncology radiation services - that should be radiation oncology services - from interstate, setting up a unit at the Royal Darwin Hospital. The cost has now gone up to \$16m - inflation catches up with all of us. In 2001, it was \$14m, now it is \$16m, and you were going to call for expressions of interest within

weeks. Those weeks have turned into months, almost a year.

It is convenient, though, when you look at the date, 26 April 2005, it was just before another Northern Territory general election. Another pre-election promise was made in 2005: 'Yes, we are going to deliver'. I remember showing this yesterday. Even one of your candidates, the member for Casuarina, said prior to the election: 'Oh, we have done all this. A number of other initiatives that have a direct impact upon the Nakara and Brinkin residents have now been finalised or are under way, and include setting up a radiation oncology unit at the Royal Darwin Hospital'. He was so confident that this was going to take place because the minister said so. The minister said it is going to happen within weeks. If that is not leading Territorians up the garden path, I do not know what is. What you are doing is playing with the emotions of people who are already at great risk with their health. If that is not a government playing cheap politics, I do not know what is.

Guess what? There were editorials in the newspaper saying what fantastic things were going to happen; unfortunately, there will be issues about health priorities, what you spend your money on. A month later, in May 2005, the minister thought: 'Oh well, I have to get another bite of the cherry. I will put another media release out saying the same things, try to reinforce that we are definitely going to put this oncology unit at the Royal Darwin Hospital'.

If you were genuine about it, I could accept it but this is morally and intellectually dishonest. There was never any intention that you were going to do this - no intention at all. Why am I so confident that there is no intention? The fact that you criticised the member for Solomon, not for the \$66m he contributed to the Royal Darwin Hospital, but you said you hoped that he would deliver the oncology unit as well. Churlishly, you received the \$66m, and kicked him in the backside at the same time, saying that he should have delivered the oncology unit for you.

Minister, your government, in the election campaign of 2001, announced without any equivocation that you were going to deliver the \$14m-worth oncology unit. You shelved it for a little while because you knew you could not afford it. You told people you were going to do some studies, and the Chief Minister came out and said: 'No, we are not going to do it'. Then, because the next election was coming up, you decided to announce it again.

It is no wonder somebody like Peter Murphy got stuck into you in last Sunday's paper. No

wonder he got stuck into you, and I thought what he said was fair comment:

The Health minister, Dr Peter Toyne, last week proved himself to be as ungracious as he is invisible. He must be one of very few people who think an issue like cancer treatment is just another political football, not a matter of life and death.

That is what was offensive about this government's actions. They played with people's emotions, promising one thing, knowing full well that they were never ever going to deliver. I am asking the minister to explain to Territorians why those actions occurred. I am giving you a chance to do that, and also to withdraw the comments you made yesterday morning which, in my mind, are absolutely misleading. I want the minister to establish a time line so that all Territorians know when you are going to deliver. If you cannot deliver then admit it, right up-front, so that Territorians can get on and deal with that disappointing information.

It is tragic that it has come to this. For five years, patients with cancer have sat around waiting in desperate hope that something positive would happen. It would have been better if they had not been promised anything at all, and then there would not have been such great disappointment.

I hope the minister can provide a firm time line that will see us enjoying the facilities of an oncology unit as best we can in the circumstances of having cancer, but well before the next election.

Dr TOYNE (Health): Madam Speaker, I will confine my response to this motion by putting a clear chronology of our own - the true one - of the process we have been following as a counterpoint to the mythologies peddled by the member for Grotorex. I am fairly bemused where, on one hand he is saying: 'Oh, you never intended to do this, and this is never going to happen', and then the next minute he is asking us for time lines. It is a pretty inconsistent argument. What I hope is not happening is that he is peddling misinformation and his own construction of events to cancer patients who are going to be depending on these facilities. We are playing it straight down the line. We are telling the truth about what we are doing.

We have done that on every occasion, both by reporting to this House, and by sharing the stages that we have gone through in this process with the media and with community groups. So please, do not spread mischief. This is too serious to be playing politics with, as you always seem to do.

I have already spoken a number of times in this place on progress on our commitment to establish

a safe and sustainable radiation oncology unit in Darwin. Unfortunately, it seems the opposition is tying themselves in knots in this issue, mainly to achieve cheap political shots.

The motion they have put forward implies that the government position on establishing a radiation oncology unit has changed. It has not. We have had the same position since 2001. To make it perfectly clear once again, this government supports the establishment of a radiotherapy unit, but we have to do the hard work to make sure it is safe, sustainable and of high quality. It would be a complete dereliction of our duties to set up a unit that cannot provide a high-quality service, keep and attract staff, and provide that service week in, week out, for years to come.

The costs involved in setting up and running a successful unit are high. We estimate up to \$50m capital and recurrent over the first five years. Because of the high costs involved we have always, from our very first commitment to the project, said that we would need a substantial Commonwealth commitment to both capital and recurrent costs.

Let me put the facts on the public record here in the House. Our 2001 Healthy Hospitals plan recognised the complexities. It committed a Martin Labor government to develop a radiotherapy unit in cooperation with the Commonwealth and the private sector. I will repeat that for the member for Greatorex's benefit – in cooperation with the Commonwealth and with the private sector. After the election, the August 2001 mini-budget noted that the unit would require ongoing funding for specialist staff and also raised the issue of a Commonwealth contribution to an estimated capital cost of up to \$14m. Note, of course, that we would expect the capital cost to be greater today than the estimate that was made at that time.

The health system we inherited in 2001 was run-down, underfunded and neglected. It was critical that we had an independent critical examination of the system and of how and where we could make improvements that were urgently needed. The Bansemer review provided that independent expert analysis. It included recommendations about the establishment of a radiation oncology unit. In February 2003, it raised concerns about the sustainability and the clinical safety of a radiation oncology unit, recommending that 'an external specialist should be commissioned to provide advice and options for the provision of radiation oncology services in the NT over the next 10 years'.

In June 2003, the Commonwealth and the NT Department of Health and Community Services

agreed to jointly fund a study into options for radiation oncology services in the Northern Territory, as recommended by the Bansemer review. In January 2004, the tender for this study was awarded to Professors Michael Barton and Michael Frommer of the South-Western Sydney Area Health Service Collaboration for Cancer Outcomes Research and Evaluation, which to this day I find it is one of the longest names anyone has ever given an institute.

In August 2004, the report by Professors Barton and Frommer, *Options for Radiation Oncology Services in the Northern Territory*, was completed. The report documented the medical demand for a radiation oncology unit in Darwin. It also highlighted the significant risks associated with operating such a facility. These included being unable to recruit and retain professional staff, the under-use of equipment, and the capacity of other services in the Northern Territory to support the management of radiation oncology patients.

Professors Barton and Frommer specifically recommended that a stand-alone unit would not be sustainable. I will repeat that – that a stand-alone unit would not be sustainable. Instead, the proposed radiotherapy unit would need to link with oncology services outside the Northern Territory in a hub-and-spoke model to ensure back-up of expert staff, service quality, protocols and procedures, and staff development and support. The experts also documented the staffing of a fully operational unit as two radiation oncologists, 16 radiation therapists, three to four medical physicists, an electronics technician, and an instrument maker. In addition, there would need to be nursing, administrative and clerical staff.

In late 2004, both the Chief Minister and I spoke publicly about the unsustainability of a stand-alone unit, and the fact that we would be keeping the establishment of the unit under review while looking for alternative ways forward. At that time, I wrote to the federal minister for Health, outlining where we were up to and requesting Commonwealth support. I provided a detailed ministerial report to the Legislative Assembly in November 2004 on progress. In this report I said:

If we are going to establish a successful, sustainable and safe radiation oncology unit, we will all have to get behind it. This is an issue that requires realistic and sober judgment, not point scoring. It is too important to play party politics with.

Sadly, I have had to repeat that message again tonight for the sake of the member for Greatorex and his approach to this issue. Frankly, it is a shame that members opposite and other CLP politicians have not heeded that request.

Nevertheless, in May 2005, in line with our expert advice, the government announced calling expressions of interest from major interstate providers to set up and run a radiation oncology unit in Darwin. We also announced a \$500 000 per year package to assist those who continue to have to travel interstate for treatment pending the establishment of such a unit. The call for expressions of interest closed in August 2005. Obviously, it would be inappropriate to go into details about the EOIs received for commercial-in-confidence reasons.

Since that time, negotiations between the Northern Territory and Commonwealth agencies have continued on a Commonwealth contribution. In February this year, I wrote to the federal Health minister and again asked for an indication of the level of commitment by the Australian government towards the establishment and running of the unit. I remind the Assembly that a substantial Commonwealth contribution was always a key condition to progress the establishment of a radiation oncology unit in Darwin. The Commonwealth has, in fact, a fund of \$72.7m, announced in the federal budget in 2002, specifically to assist Australians living in regional areas to access radiotherapy services. This fund has already been used to resource radiation oncology units in a number of regional locations across Australia.

In recent months, the CLP federal member for Solomon, Dave Tollner, has also contributed to this debate. His interventions have not always clarified matters. On 4 October last year, he put out a press release titled 'Darwin urgently needs oncology unit'. That linked Commonwealth funding for the radiation oncology unit with their decision to override Territory law and site a nuclear waste dump in the Northern Territory. In February this year, Mr Tollner spoke publicly a number of times about how he was going to get support from the federal government for a cancer treatment unit in the Northern Territory.

Despite the strange link Dave Tollner was making to a nuclear dump this, at least, seems positive. He was taking some responsibility to lobby for services for Territorians that everyone knew required substantial support from Canberra if they were going to proceed. Unfortunately, more recently, the member for Solomon has confused the issue by stating that the Commonwealth has no responsibility for providing funding for radiotherapy services, and that this is exclusively a state and territory responsibility. This is clearly untrue, as the Commonwealth's \$72.7m fund is for just this purpose. However, we wish Mr Tollner luck in lobbying his federal colleagues, and we await a favorable response from the federal Health minister.

In the meantime, as I described here two days ago, we are pushing ahead with expanded services for Territorians suffering cancer, with the appointment of Dr Mathew George to replace Sid Selva. We have also created and filled two brand new positions in this area, a haematologist, Dr Ferenc Szabo, and a cancer support nurse, Nicole Robert, both of whom commenced recently.

As far as a radiation oncology unit is concerned, the issues of safety, quality and sustainability are critical. We are not going to close our eyes to these difficulties and set up a service which is not sustainable and may end up being clinically unsafe. We need a cooperative approach from all concerned. I reiterate my request to the opposition to play a positive role in this process, rather than sitting on the sidelines and trying to score political points. I hope that the member for Greatorex, instead of pursuing the course that he has to date, might join in, in a constructive way, with his federal colleague. Maybe with all of us working on it, we may get this critical component to make this project happen for Territorians.

I want nothing more strongly than to be able to go to a radiation oncology unit at RDH and see it operating for the first time, providing services to patients in the Northern Territory. We all know that would be fantastic. We know what cancer patients face during their treatments - whether they are on chemotherapy or requiring radiation therapy. I do not need a reminder from the member of Greatorex. I have very close friends in that situation at the moment. Frankly, I resent his moralising about my lack of awareness of that when, in fact, it is very close to my heart at the moment.

Member for Greatorex, I am not accepting for a minute your version of these events. What I have put on the record tonight is exactly what we have done. We have never relaxed our efforts to make this project happen. If it is taking longer than we would have hoped, it is because that is what the process has turned out to be. We will get there and this project will happen.

Dr LIM (Greatorex): Madam Speaker, I am disappointed with the minister, a confabulating, intellectual dwarf, who spends 10 minutes on his feet and did not address any of the issues I mentioned in my motion. I asked the minister to explain why the Chief Minister announced that, as a pre-election promise, the radiation oncology unit was shelved. That was not answered. He did not answer my request for an explanation why, in April 2005, he re-announced that it was back on the list. He did not explain why, in March 2006, he again signalled he could not afford it, and he has not put in any time line. Not one question was

responded to by this intellectual dwarf who stands across the Chamber from me.

The minister has completely missed the point. All the public statements made by his government led every Territorian to believe that there was going to be a radiation oncology unit delivered by this government last term. This was believed by every Territorian. The public did not know, and did not have any idea, about the content of all the reviews that were done by this government to see whether an oncology unit was going to be affordable. None of those reviews were released publicly, apart from the Bansemer report. This was all kept in-house, but every media statement made by this government was, 'Yes, we will deliver', and it has not been delivered. That is your problem: you have misled Territorians. You can do all the studies you want. You can keep them all in-house. Do not show them to anybody, and who would know what was said in those reports.

The minister failed miserably in addressing the motion. He can tell me how many doctors he has: he has the two clinicians, one a doctor and another a nurse, at the oncology unit. Let us see how long they will last. Dr Selva did not leave the Royal Darwin Hospital until he suffered five years of disappointment under your government. He left because he was frustrated by the broken promises that you continued to make each year. Ask Dr Bauert, he will tell you. Ask Dr Selva, he will tell you. I listened to Dr Selva's interview on ABC not so long after he left. He was very disappointed with the way you conducted the campaign for an oncology unit and in you not keeping your promise.

That is your problem. If I even had the slightest inkling that the public knew about your wishy-washy way, what you are going to do, what you are not going to do: 'Oh, we need to do this with federal government help' - none of that was known. Because they did not know, they spent the last five years saying: 'We are going to get a radiation oncology unit, this government is going to deliver, we will vote for them, they will deliver it'. They did not. That is your problem. It is how you have misled Territorians. That lie was perpetrated by media releases and that is the problem. That lie, perpetrated by the media release ...

Dr TOYNE: A point of order, Madam Speaker! The member is inferring that I have been lying to Territorians. I would ask that it be withdrawn.

Dr LIM: Madam Speaker, speaking to the point of order, the words I used were: 'the lie that was perpetrated by the media releases'. I did not accuse anybody of lying.

Madam SPEAKER: There is no point of order. However, I remind the member for Greatorex that we need to be careful when we are talking about things like that, and that kind of matter has to be dealt with by substantive motion.

Dr LIM: I understand, thank you, Madam Speaker. I was being very particular with how I used my words.

It fooled Territorians for the election in 2001 and again in 2005. That was a deliberate action by members opposite and that is what I find offensive. Whilst I sympathise with the member for Stuart who has personal association with cancer sufferers – obviously, it is a very personal thing for him and I respect that - people do not want to be told one thing and then see another thing happen. It is not right and for that, I should move a censure motion but I will not.

I am very unhappy that you have not addressed this motion. In your closing statement you said that you hoped I would play a positive role in this matter. I can say this to you: I will be seeking a personal audience with the federal minister for Health. I trust that the member for Solomon, David Tollner, will assist me ...

Dr Toyne: Good on you. That is what we want to see.

Dr LIM: ... in meeting with minister Abbott. I know him on a personal basis ...

Dr Toyne: The opposition doing something useful. That is an excellent move.

Ms Carney: If you cannot deliver your election promises, we will help you.

Madam SPEAKER: Order!

Dr LIM: ... and I will also seek the assistance of the CLP Senator for the Northern Territory, Nigel Scullion, to do likewise, to assist me in not only lobbying, but to urge the federal government to assist. Then, when it is here, I hope this minister will then say: 'At long last we have been able to deliver a radiation oncology unit with the help of the CLP', in particular ...

Dr Toyne: I would acknowledge that.

Ms Carney: But we are otherwise naturally dishonest.

Madam SPEAKER: Order!

Motion negated.

MOTION

Illicit Kava Trafficking in the Northern Territory

Dr LIM (Greatorox): Madam Speaker, I move that in view of the recent explosion of illicit kava being trafficked in the Northern Territory, the Legislative Assembly resolve that:

- (a) the Minister for Racing, Gaming and Licensing be asked to produce for the Legislative Assembly, a statement on the use and abuse of kava in the community;
- (b) the statement by the Minister for Racing, Gaming and Licensing be referred to the Select Committee on Substance Abuse in the Community as a reference point to further investigate the use and abuse of kava in the Northern Territory; and
- (c) the Select Committee on Substance Abuse in the Community report to the Assembly within six months on the following matters:
 - (i) the extent of licit and illicit kava in the Northern Territory;
 - (ii) the recent social and family impacts of kava on the community; and
 - (iii) the recent health impacts of kava on the community; and
- (d) that the committee advises on whether to ban kava entirely or impose other measures to better control the use and abuse of kava and provide recommendations for changes to the *Kava Management Act* to address aspects identified.

Without doubt, kava has featured prominently in the Northern Territory, especially in the Top End. I recall when I first entered parliament that kava was a topic often discussed whenever we went into east Arnhem Land. I was a member of the Select Committee on the Use and Abuse of Alcohol in the Community and we were given a reference to look at kava use in the Top End in 1996 or 1997. Even before that, there were already issues of kava abuse in the community that were quite evident, in the sense that there were health issues, financial implications, and communities suffering from excessive use of the drug. So much so, that where communities were once flourishing and thriving with lots of activity including sports teams, people dropped out of work through the wholesale abuse of kava in the communities, and those communities started to switch off.

What triggered me to look into this was the recent confiscation of 360 kg of kava and the arrest of several individuals who had brought the kava into the Territory. It also precipitated a reaction from the federal minister for Indigenous Affairs who said that he was of a mind to ban kava. I am not suggesting that that might not be the end result. To my mind, there are more issues that need to be looked at before we embark on such an action.

I am not sure how much members in this Chamber understand about kava and how kava comes to this country. At a Commonwealth level, kava is listed under the *Customs (Prohibited Imports) Regulations 1956*. Commonwealth approval is required to import kava, except in cases of adults arriving in Australia who may import up to 2 kg in their personal belongings. As part of the application of the licence to import, an applicant must state their reasons for importing kava, then submit themselves to a police check, and agree to abide by the National Code of Kava Management. Permits to import can then be issued for a single use, or an annual permit which allows for importation of up to 5 kg once a month for up to 12 months.

Considering the quantities that are entering the Northern Territory, I suspect there is also illicit kava being brought into this country by one means or another. We need to ask the federal government to look at that side of kava flow. In the Northern Territory, a person holding a retail licence can only supply kava in an area that has been declared a licensed area, and that goes to the Commissioner for Licensing who then provides the licence. Applications for an area to be declared a licensed area can only be by a group of 10 or more residents of that area, or a community government council. Then the Minister for Racing, Gaming and Licensing must arrange for a community meeting to discuss the application and take their views into account before making a decision.

Before 1998, there was a period when kava was freely available. The Northern Territory government of the day then stepped in and banned it completely. The rationale was - let me go back in history. In the early 1980s, a group of Yolngu people from Yirrkala visited Fiji following a visit by some Fijians to Yirrkala. They saw the use of kava and thought that kava was probably a much better psychotropic drug to use than alcohol because it produced a form of sedation. People who were intoxicated with kava were less violent and, therefore, less prone to commit domestic violence or any other sort of antisocial behaviour in the family.

What the group from Yirrkala who visited Fiji did not realise was that the Fijians, a member of

the South Pacific Islands, had the use of kava through millennia, with a lot of socialisation and many cultural factors bound to the use of kava, and it was not used excessively. When kava was brought into Yirrkala and the rest of east Arnhem Land, the socialisation, the culture around kava was not there. Instead of having perhaps only 400 gm of kava a day, there was suddenly a huge rise in the use of kava - so much so that the government thought the only way to stop it was to ban it. While the ban worked initially, within a short while, black market kava started to flow into east Arnhem Land, and that was something that was not to be tolerated. The government, at that stage, then decided to look at kava use seriously and, with the recommendations from the Select Committee on the Use and Abuse of Alcohol in the Community, thought that maybe kava should be regulated. That was the beginnings of the *Kava Management Act* which came into force in 1998.

I went through the *Parliamentary Record* and found a ministerial statement by the then Minister for Racing, Gaming and Licensing, Tim Baldwin, and the response from the member for Nhulunbuy who was then an opposition member. It is worth referring to that. The *Kava Management Act* came into force in May 1998 and, from that time, Territory Health Services has operated a kava sentinel system which has monitored changes in substance abuse and related behaviours in Arnhem Land.

As I said earlier, initially when the *Kava Management Act* came in, there was a noticeable decrease in the amount of kava being consumed. However, by the end of 1999, the usage of kava in east Arnhem Land had started to increase quite significantly. Because of that, it was decided that maybe there needed to be more done. A review of the regulations was also made, and I understand that the Licensing Commissioner had considered that the regulations should only provide something in the order of 600 gm of kava for personal use per day. For some reason that I do not understand, the regulations allowed each person to purchase up to 800 gm of kava per day. According to Food Standards Australia, healthy average use of kava should be no more than 400 gm per day. Right now, our licence permits up to twice the healthy amount to be used, and that needs to be considered.

I have asked the minister to present this parliament with a statement, because I believe this Assembly requires some indication from government as to how much kava is being illegally sold and in which communities. We need to know that. We also need to know, to some degree, what health impacts that might have caused. I am sure the Health department will be able to gather some information for the Deputy Chief Minister. I hope the Deputy Chief Minister will also be able to

provide the total amount of illicit kava confiscated by the police since this act was enforced. We have had no updates on kava use in the Northern Territory since 2000. I believe it is important for us to get a fair handle on it, and with that the committee can then go to east Arnhem Land and undertake a more detailed study into this abuse.

I recommend to members the report written by Dr Peter d'Abbs and Dr Chris Burns, who is now the member for Johnston. It was a Menzies School of Health Research document prepared following the select committee's visit to east Arnhem Land. I recall sitting on verandahs in all sorts of places with the member for Johnston, then a research worker with the Menzies School of Health Research. It is a very useful, detailed report. It gives you a full, historical description of how kava entered the Northern Territory. It also goes through to the description of the pharmacological effects of kava. I have made several statements on kava in the past, giving medical descriptions of what kava can do to people. If people are interested in reading it, I recommend you go back to *Hansard* or download a copy of Dr d'Abbs' report.

The executive summary is probably sufficient to read. It gives you, in detail, what happened. It gives you a good time line of the entry of kava and its effects in the community. It gives you a good description of all the various medical and pharmacological effects of the drug, followed by a description of how the drug has affected communities in the breaking down of the family unit through many adults abusing the drug, so much so that they are not awake to deal with any of their parental and adult responsibilities within the communities.

I am concerned that if you ban kava, will the people who use it now revert to alcohol? People who partake in substance abuse will find one substance or another. Is it good enough that you say, 'Let us give them kava; at least it will do less damage'? Maybe so, but there is the morality of the issue. Do we feed people with drugs just because, if you do not give them one drug, they will go for another? When I was on the select committee looking at kava, I recall many senior women in the community saying: 'Don't take kava away from us. Our husbands will drink alcohol and get drunk and we will get beaten up. At least kava makes them go to sleep, and at least that way we do not get beaten up'.

However, the financial issue of kava abuse is no different to that of alcohol. You spend money on kava and on alcohol. If the committee were to come back and say 800 gm of kava per day per person is too much, maybe we should bring it down to 400 gm. That might help. There would be less money used to buy kava.

The control of illicit kava is now a matter that needs to be looked at because that is where the abuse becomes very problematic. We know that there are certain groups of people who bring kava into east Arnhem Land. Those people need to be pursued relentlessly so that we can stop the flow of illicit kava. The retailers need to be more responsible, and need to provide adequate reporting to the Licensing Commission so that the Licensing Commission can keep control over how much kava flows into east Arnhem Land.

The one step that has not been addressed in my mind is that of the wholesaler. We have one wholesaler, as far as I know, for the whole of the Northern Territory. If, for instance, that wholesaler breached a term of his licence and, as a result, lost his wholesaler's licence, we will suddenly end up with a kava drought until another wholesaler could be appointed. That might cause a problem so that needs to be addressed as well.

Finally, I draw on some of the current Deputy Chief Minister's points, where he spoke about our judiciary. He related a story about a court case that was happening at the time of the debate that neither the solicitors, barristers nor the magistrates were fully across what kava was all about - not only from the physical properties but also from the social impact that kava can have on the community. He suggested, at that stage, that there should be kava education for our judiciary so that if and when they are called upon to deal with the kava issue in courts they have better knowledge. I do not know whether that has happened since the *Kava Management Act* has come in. Tim Baldwin, the then minister delivered his statement and, within one year of that statement, the Martin Labor government was in place. I do not know what has happened since then. I look forward to hearing from the minister in due course with a full statement.

Mr HENDERSON (Police, Fire and Emergency Services): Madam Speaker, the government will not be supporting this motion today. We are not doing this in any obstinate way or to be difficult. We do not think that we should be using the time of a parliamentary committee to look into issues about kava. We appreciate the member for Grotorex bringing this motion and, at another time, we should have a substantial debate on the issues regarding kava.

It is a complex issue. There is a legislative and regulatory regime around kava. We are happy to provide extensive briefings to the opposition and Independent members on the issue. We urge the member for Grotorex to take up that offer.

When the government was in opposition, we worked closely with the CLP government of the day on kava issues. My colleague, the member

for Nhulunbuy, has been passionately involved in this issue over many years and still is. We would be happy to bring forward a statement to the House in the future about this issue so it can be considered more fully by the Assembly. We are also happy to have the support of the opposition in any approaches made to the federal government on these matters.

At the end of the day, the answer to the kava problem lies in banning kava at the national level, and at our border level, and only the Commonwealth government can do that. The member for Nhulunbuy was very opposed to the lifting of the import ban when it occurred. At that time, kava was reclassified from an illicit drug to a food, therefore allowing its import. The change was made to satisfy locally-based Pacific Islander communities.

While the government appreciates the cultural reasons behind their use of kava, the fact remains that banning kava imports will affect Australian-based Pacific communities far less than the abuse of kava is having on some communities is having in Arnhem Land. When it comes to banning kava imports, only the federal government has the power to do it. Only the federal minister can declare kava imports illegal. Why not just ban kava in the Territory? The reality is that it is impossible to ban kava in the Territory if it is not banned nationally. Past experience has shown that a local ban dramatically increases the black market supply of kava. We simply do not have the capacity to stop this drug from pouring over the borders, in planes, trucks or boats, while it remains an illegal import into Australia. It will be folly to believe otherwise. This is not speculation.

The CLP government banned kava for around 18 months in the 1990s. When this was clearly not working, they removed the ban and introduced a regulated market. They simply could not keep up with the amount of black market kava that flooded into the Territory. We supported this move even though we still wanted the federal ban to be re-imposed. That remains the government's position. We believe it should be banned federally. If that does not happen, the only way to have some control over a kava supply is by regulating locally.

Page 243 of Treasury's 2004-05 annual report shows the following amounts of illegal kava in kilograms have been seized in the Territory. In 2000-01, 1797 kg was seized; in 2001-02, 861 kg; in 2002-03, 1098 kg; in 2003-04, 1749 kg; in 2004-05, 454 kg; and the running total to date is 860 kg in 2005-06. The figures show that the recent kava seizure of 360 kg near Katherine is not an explosion of the amount of illicit kava in the Territory. Rather, it reflects the ongoing work of the Territory police and officers from Racing,

Gaming and Licensing in cooperation with their interstate colleagues in continuing to seize illegal kava that is brought in to the Territory.

That effort has been recently stepped up with the implementation of the Northern Territory Police 'Remote Community Drug Desk' in May 2004. The drug desk is made up of seven members from the drug enforcement section whose role is to target people involved in the distribution of licit and illicit drugs, including kava, to remote Top End communities. In the past three months alone, the drug desk has seized around 450 kg of kava. There is early anecdotal evidence to suggest that this increased enforcement is having a positive effect on levels of kava abuse in Arnhem Land communities.

Along with increased enforcement, there is a range of other harm minimization initiatives being undertaken by government agencies, kava licensees, and Aboriginal community government councils in relation to kava. For this reason, we do not support a further government inquiry into kava. The member for Greatorex may not be aware of the initiatives in place and activities being undertaken to inform government about levels of kava use and to promote harm minimisation. I will outline some of them briefly here.

An Aboriginal community seeking a kava licence is required to supply a kava management plan as part of the approval process. This plan details how the community wants kava managed within the community and must include the following information: boundaries of kava licence area; place and method of kava sales; where kava may be consumed; days and hours of sales; limits on kava purchases; community expectations; actions to support responsible kava use; actions that may be taken if irresponsible kava use occurs; and how the impacts of kava will be monitored. It should be noted that each community with a kava management plan is currently reviewing those plans. This is timely as some of those plans were developed as far back as 2000.

A major issue to be considered through this review process is the maximum amount of kava that may be sold per adult per week in order to address health concerns of local communities. In addition, annual meetings involving all kava licensees are occurring to review how the kava licensing regime is working and to address issues of concern. These meetings have been well attended and provide the opportunity for Aboriginal community leaders to be directly involved as part of the process to further develop and implement the kava licensing regime in their communities.

Two studies have been prepared for the licensing commission and Racing, Gaming and Licensing to provide snapshot reports concerning

the impacts of kava. These reports have been tabled at the annual kava licensees meeting to inform and guide appropriate responses in ensuring that kava is being responsibly used in Arnhem Land.

One issue up for discussion with Aboriginal communities is whether the maximum purchase level should be further reduced. Yesterday, 29 March, the second meeting of the Kava Education and Health Advisory Group was held in Ramingining. This advisory group was formed following the September 2005 licensees meeting in response to community needs for more coordinated education and health promotion. At the first advisory group meeting in February this year, the licensees agreed to establish a fund to resource education and health projects across kava-using communities. Rather than being driven by government, this group has responded to local community needs and has agreed to a self-imposed levy on their retail profits to ensure that education and health projects will occur. It is estimated that the self-imposed levy will generate approximately \$120 000 a year for these purposes. This initiative is to be commended as a proactive measure so that stakeholders at many levels can be more aware of how kava is being used, and action that can be taken to minimise kava abuse.

Overall, communities with kava licences recognise that this is a privilege, not a right, and are actively seeking ways to ensure kava is not abused in their communities. There is still a long way to go, but the level of engagement from kava-using communities is a positive sign that progress can be achieved.

The member for Greatorex has proposed that the select committee on substance abuse report to the Assembly on kava issues. Government does not support this approach because it removes the focus of engaging Aboriginal communities on kava use and monitoring. The government believes that this is not the way to go, and that initiatives being undertaken by Aboriginal community organisations deserve this parliament's full support.

We certainly take this motion in the spirit of what was presented by the member for Greatorex. The view of the government, and particularly the member for Nhulunbuy - the member was telling me probably seven-eighths of all the kava that is consumed in the Northern Territory is consumed in his electorate - is that a national ban is the only way to go. I urge the member for Greatorex to talk to members on his side in the federal parliament to approach the relevant minister. Maybe we can start a debate on that national ban and we would certainly be with you in that.

A Territory ban was tried before; it did not work. Regulating this substance has proven to be a better way to go. It is not the best way to go. We take this in the spirit in which it was intended. I am sure my colleague, the member for Nhulunbuy, will present a fuller statement in the future. However, in the interim, in the spirit of bipartisanship, for a start we can give the member for Greatorex and other members who would like it, a detailed briefing on the current regulatory licensing regime, and what Racing, Gaming and Licensing are doing in engaging with communities to mitigate the health impacts on those communities. Maybe we can jointly approach the Commonwealth to seek a national ban.

Madam Speaker, I thank the member for Greatorex for bringing this motion to the House, but we cannot support it for the reasons that I have stated.

Dr LIM (Greatorex): Madam Speaker, I welcome the response from the Minister from Police, Fire and Emergency Services. I suppose it formed a *de facto* statement or at least an update of what is happening with kava, and I appreciate that. I will be reading *Hansard* closely so I can get the statistics from that.

I was initially confused as to whether the government wanted kava banned or not. Obviously, kava cannot be banned by the Territory on its own because we have tried. Without a national ban the drug will continue to enter the country. As I said earlier, the federal minister for Indigenous Affairs is of a mind to ban kava and it is something that we, as the Northern Territory Legislative Assembly, could approach the federal minister about.

I again query – and I would have thought that some other members might be querying this - whether it is the right thing for the Yolngu people if we have national ban on kava? Would it precipitate a swing from kava to alcohol? If it does, would that pose a greater problem? None of the other members who are aware of kava abuse in their own communities spoke to this motion. I am not well guided by this. I prefer - if that is the right word to use - to wait for the member for Nhulunbuy to make a definitive statement before I would embark on a request of a federal minister to ban kava altogether. It might be too precipitous. I would caution that because of the potential of driving kava users to alcohol. It does not do anybody any good to move away from one drug that sedates the user to some degree to go on to one that causes a lot of violence. I am sure the member for Nhulunbuy would not like to see an increase in violence in his own community.

I thank the minister for his supportive comments. Obviously, it is a vexed issue. It is a

little confusing, though. On the one hand you are saying we should not have the substance abuse committee look into it as we want the Yolngu people to take that into their own hands and they can control it themselves, when at the same time, we are saying we will support you if you ban it, which takes that control away from them altogether. I am getting mixed messages here. I look forward to a definitive statement from the Minister for Racing, Gaming and Licensing, following which we can make some well-informed decisions. I thank the government.

Motion negatived.

LAW OF PROPERTY AMENDMENT (SALES OF RESIDENTIAL PROPERTY) BILL (Serial 13)

Continued from 30 November 2005.

Dr TOYNE (Justice and Attorney-General): Madam Speaker, I will be delivering a mixed message to the member for Nelson. The first is that I believe you have brought some very valid ideas and concerns to this debate, and ones in which we share your interest. However, we believe we have a process in the community which will culminate fairly quickly to bring back wider community opinion about the issues the bill deals with. We would be more than happy to see the member for Nelson involved with us in finalising legislation that can deal with the issues he has brought forward and that we equally have brought forward.

In October 2004, I advised that the Department of Justice would complete a discussion paper concerning the issues of vendor disclosure. A discussion paper was released in March 2006, and I will table that in case members have not seen it. It has now gone out to obtain the views of key stakeholders and the general community on the issues which need to be included in any Northern Territory vendor disclosure legislation. The discussion paper takes into account legislation in other jurisdictions, including the most recent legislation in the Australian Capital Territory and Tasmania. It was prepared in consultation with the Property and Commercial Law Task Force, which includes representatives from the real estate industry, legal practitioners and other key stakeholder groups.

After considering submissions on the issues raised, the government will be in a position to consider the most appropriate form of legislation for the Northern Territory. The discussion paper deals with issues such as:

- whether a vendor disclosure statement should be mandatory;

- what should be disclosed and made available;
- whether this should apply only to residential land or all sales;
- whether a contract of sale should be available at the time the property is listed for sale;
- whether there should be a cooling off period; and
- whether there should be a prescribed or standard contract for sale.

Some of the problems in conveyancing include:

- a potential for would-be purchasers to be gazumped. Gazumping is a word used to describe what might happen to a person who has made an offer for a house and the offer is accepted, however, until there is a binding contract, the seller is in a position to accept a higher offer from another would-be buyer. If this happens, the first would-be buyer is said to have been gazumped.
- wasted resources because various potential buyers conduct various searches of background information before making a purchasing decision; and
- a lack of standardisation in the contracts used and some lack of certainty as to what consumer issues are necessarily protected by contract for the purchase of land.

The objectives of the vendor disclosure legislation include making conveyancing more efficient by ensuring that one person, namely the seller, is required to provide all of the information necessary for critical decisions being reached, and reducing the possibility of gazumping.

The discussion paper has been sent out to key stakeholders and is available on the Department of Justice web site. Submissions close on 14 April 2006.

I now consider the private member's bill that the member for Nelson has introduced. The bill amends the *Law of Property Act* to:

- (a) require a seller of residential property to make available to prospective buyers copies of certain documents, reports and certificates, for example, containing information about the

property, generally known as vendor disclosure documents;

- (b) provide that the seller may be reimbursed for the cost of the vendor disclosure documents by the buyer, and
- (c) provide for a three day cooling-off period which may be waived by the buyer after obtaining legal advice after contracts of sale for residential property.

The bill aims to overcome problems which have been identified in the Northern Territory and elsewhere relating to the sale of residential properties. These problems include:

- (a) purchasers of residential property entering into binding contracts without having the benefit of adequate knowledge of the property being purchased;
- (b) the critical agreement for the purchase of residential property is sometimes delayed while prudent buyers conduct all the searches and obtain other information necessary in order to enter into a binding contract;
- (c) some sellers of residential property are unwilling to disclose, even to their own real estate agents, solicitors and conveyancers, all available information concerning the property;
- (d) potential buyers and sellers in the Northern Territory may sign an offer to purchase not realising this is not a binding contract. This allows opportunity for gazumping to occur while formal contracts are prepared; and
- (e) cautious buyers often expend considerable amounts of money and time obtaining information about several properties, including obtaining reports and so on, without making a purchase, either due to problems identified with the property during these investigations, or due to the less cautious buyers signing binding contracts without making such investigations.

Taking the detail of bill, member for Nelson, from the policy perspective, as I have already said, we have absolutely no problems with the objective of the bill. I predict that many of the elements that go into the final legislation will mirror what you

have put forward here, and also from responses to the discussion paper. We will see what is supported and what balance points are commended to us by the different stakeholders who respond, and we will share that with you. It would be good to get your input as well.

However, the bill before us has been prepared without that extensive public consultation, particularly in relation to matters which should be disclosed and what form the disclosure should take. This is particularly important as there are issues specific to the Northern Territory that need to be taken into account. This is due to the absence of records dating back to the Commonwealth administration or loss of records in Cyclone Tracy.

The bill does not require that a draft contract of sale be available at the time of listing the property for sale, which is arguably one of the critical elements in preventing gazumping. The bill does not provide for the prescribing of a contract for sale. Both of these matters are issues with current conveyancing practice in the Northern Territory and canvassed in the discussion paper.

Member for Nelson, I hope I have indicated support for what you are trying to achieve. I certainly acknowledge the fact that you have brought these issues forward. While we will not support the bill, we will certainly want to include you in the process of assessing the results of the discussion paper when they come back from stakeholders. As always, we would not only brief you on this particular bill if you require it; once we have formed up the final bill, I am sure you will have some suggestions based on who you have been talking to. I will leave it at that.

I would have to say that the member's gazumping bill has been gazumped by the discussion paper about gazumping! These things do happen occasionally in life. With that we will be voting down the bill tonight. Madam Speaker is telling me to sit down, I have said my piece, let us get on with it.

Mr WOOD (Nelson): I know you want us to be brief, Madam Speaker, so I will try to be as brief as possible. I thank the minister for his response. I should remind the minister that the reason I brought this back to parliament was to get you going with the discussion paper because it was 14 months before the discussion paper came out. In fact, the discussion paper, headed 'Vendor Disclosure Legislation Draft Discussion Paper for Consideration by the Property and Commercial Law Task Force', came out after I had presented the second reading, because it does not make mention of this particular bill with the amendment that there would not be a penalty if you broke off the contract during the cooling-off period.

I have been working my way through the vendor disclosure legislation, the one in March 2006, which I suppose is also very interesting. It came out just at the time I was going to debate the legislation. It is a very interesting document. Being a humble man I found it very interesting that in the discussion paper for the Property and Commercial Law Task Force there was mention of the legislation, but the one for the community did not mention that at all as part of the present situation in the Northern Territory.

There is a section in your discussion paper which sums up perfectly what this is about. I would like to read from page 7 of the discussion paper:

Vendor disclosure legislation can be characterised as being:

(a) consumer protection legislation ...'

That is exactly what this is all about, no matter what you think about gazumping or whether it is going to cost more to have this information up-front. What we are trying to do is protect the consumer when they buy the most important asset they ever have, and that is their house:

(a) consumer protection legislation insofar as it seeks to ensure that the relevant information is made available to the prospective purchaser prior to becoming contractually bound to buy the land, or later so as to give the consumer the right to avoid the contract;

(b) efficiency legislation insofar as it seeks to minimise the amount of searching required and number of reports obtained for the sale of land. It does this by ensuring that the seller gets together a full set of information which he or she is then obliged to provide to the buyer; and

(c) efficiency legislation insofar as it is intended to minimise the opportunity for gazumping. It does this by reducing the time between when an offer is made and a binding contract is entered into.'

I could not have written it better myself, but that really sums up what this legislation is intended to do, and that is important. I should make another note: I had a meeting with the Real Estate Institute about a week or so ago. They were not commenting on my legislation; they were commenting on this draft or, in my case, it was a draft discussion paper. It was just interesting to see their comments. Again, this was a draft they

gave me from Peter McVann who works for Knight Frank, and he said:

In principle, the Real Estate Institute of the Northern Territory supports the introduction of a vendor disclosure statement. The institute acknowledges that the Northern Territory is the only state or territory in Australia that does not have some form of vendor disclosure and that this issue needs to be addressed.

When we had the meeting, I must admit we were going there just to see whether they were happy to remove the penalty clause for the cooling-off period. However, he turned up with a great heap of other issues he wanted to raise - anything from asbestos in the house to the zoning, or whether the survey map was accurate, etcetera. I do think that the process the government is going through with the discussion paper, even though I wanted to be a bit earlier, is a good process. Even looking at this REINT document they have raised a whole series of interesting issues which they think might need to be covered. I hope, though, we do not get too complicated. We have to tell people who are buying a house the basics. In other words, if the house is going to fall down; if it is a cyclone coded house; if it goes under water; if it gets washed away in the cyclone surge; if it is full of white ants - basic information. In the case of rural areas, you want to know if they have a bore which actually pumps water. You want to get the basic information that protects the consumer so that when they buy the house they do not find the back verandah fell down because the white ants had finished eating the timber, and the next time we get five inches of rain, they are walking in water through the kitchen. They are the sorts of things people want to know about.

I will try to promote this discussion paper around the community as it is, even from an educational point of view, quite good. It will tell people what is happening in other states and whether people in the Northern Territory are interested in having similar legislation.

Madam Speaker, I thank the minister for his response. I also thank the department for the work they have done in preparing both discussion papers. I am interested in seeing what response the community and the industry has regarding both discussion papers.

Motion negatived.

SENTENCING AMENDMENT (ABORIGINAL CUSTOMARY LAW) BILL (Serial 19)

Continued from 30 November 2005.

Dr TOYNE (Justice and Attorney-General):
Madam Speaker, I suppose it is apt that we had an earlier debate regarding recycling, as this is a recycled bill we have before us. I hazard a guess that the Leader of the Opposition may have decided that perhaps we will be asleep this time and it will sneak through without being noticed.

The member for Braitling has brought similar amendments forward to the House in previous sittings, and both the issue and the reason for the legislation which the government has put out on this particular issue still remain as they were. I will restate the government position on the issue of customary law evidence being tendered in court hearings within the Territory.

The government strongly opposes the particular approach being taken in this bill. The bill would remove Aboriginal customary law as a relevant consideration in sentencing, and repeals section 104A which regulates how customary law information is presented in sentencing.

This bill would not only be discriminatory and a product of a flawed approach, it is also inherently pointless. As the member for Araluen noted, she introduced that earlier bill in 2003. The reason we defeated that bill was not because the issue was irrelevant or invalid, it was simply because it is not an approach which is going to survive scrutiny under the Commonwealth laws and, in many ways, it disallows the other effective customary law claims in court cases which can aggravate the level of culpability.

We note that the member used the case of *Crown v GJ* as a reason to bring forward these amendments again. As the member would be aware, the Court of Criminal Appeal ruling in that case in December 2005 took into account changes to the *Criminal Code*, which increased maximum penalties for sexual offences against children enacted by our government in 2004. The decision of the Court of Appeal indicates that the government reforms in relation to sexual offences and Aboriginal customary law are now being applied by the courts and acknowledged by their sentencing remarks. The court's decision also gives guidance to the courts in the Northern Territory regarding the weight to be given to the beliefs regarding customary law in sentencing, and how those beliefs should be balanced with other factors. That is an encouraging outcome from the first time that the new provisions have been tested on appeal. We were depending very strongly on a full testing of the customary law claims as

evidence, and also the additional seriousness that we indicated through the changes to the law about these types of offences. I believe they have both been reflected as part of the appeal process.

The main concern we would have on being asked to support this approach to this issue is that, of course, we sought the advice of our Solicitor-General as to whether such an amendment would survive the action of the Commonwealth *Racial Discrimination Act*. That act provides that:

... if, by reason of, or of a provision of, a law of the Commonwealth or of a State or Territory, persons of a particular race, colour or national or ethnic origin do not enjoy a right that is enjoyed by persons of another race, colour or national ethnic origin, then, notwithstanding anything in that law, persons of the first mentioned race, colour or national ethnic origin shall, by force of this section, enjoy that right to the same extent as persons of that other race, colour or national or ethnic origin.

I know that is very torturous English, but what it translates to is that if you allow other ethnic groups, other sections of our community to present details of their cultural and social circumstances as part of the evidence by which they seek to explain their actions, then you have to have that for everyone. You cannot single out our indigenous Territorians for the removal of that right and leave everyone else's right to do that intact. That is what would then attract the provisions of the Commonwealth *Racial Discrimination Act*. The Solicitor-General has advised that the bill would very definitely breach the *Racial Discrimination Act*. Such a breach would be not only a blight on the Northern Territory's criminal justice system, but it would simply attract the invalidation that the *Racial Discrimination Act* would bring as a superior act to the Northern Territory level act.

That is the core of what we wanted to say, and that is certainly the reason we would be opposing this bill tonight. It is simply futile to put law on our statute books here in the Northern Territory that would immediately attract overriding legislation from the Commonwealth. We believe we have found a way of dealing with the proffering of customary law evidence in court hearings which ensures that that evidence is fully tested, fully probed by both sides of the hearing and, like any other evidence, can then be weighted by the presiding judge at the point of sentencing.

Mrs BRAHAM (Braitling): Madam Speaker, I support the Leader of the Opposition's bill. You may recall that I introduced an amendment to the *Sentencing Act* and I deferred that bill and then withdrew it because I felt that the government was

introducing an amendment which would cover the concern I have. At the time, the Leader of the Opposition thought my bill was a bit too narrow as I was asking for, in sentencing, that a defendant found guilty of an offence involving a child under the age of 16 that a court should not take regard of any Aboriginal customary law in that sentencing process. This bill, as I understand it, is much broader than that. It is actually looking at customary law in any case.

Also, at the time, I was greatly concerned by what had gone on in the courts. I remind members that my amendment was to remove that mitigating factor in sentences and cases of sexual offences against minors. My aim was purely to ensure that Aboriginal girls under the age of 16 have the same rights and protections as other Australian girls; you cannot have sex with Australian girls who are under the age of 16.

At the time, there was much support for my particular amendment, if you recall. Even ATSIC said very clearly that they had decided not to fund the appeal to the High Court of that particular Pascoe case because the case conflicted with the family violence policy. ATSIC's then Northern Queensland Commissioner, Lionel Quartermaine, said ATSIC did support customary law and the defendant's right of appeal, but that the rights of women and children came first. The announcement that ATSIC would not fund that appeal came on top of a national ATSIC committee decision. The Committee on Social and Physical Wellbeing supported my bill saying that the child had to come first in any conflict between Aboriginal and the wider Australian law, and Aboriginal girls under 16 should have the same protection as other Australian girls.

As well as that, the NPY Women's Council supported the bill and that has representatives from the Territory, South Australia and Western Australia. The women said: 'We are all too aware of the abuse that is inflicted on children and young girls in our communities'. In addition, the Chief Minister's own Domestic Violence and Aboriginal Family Violence Advisory Committee recommended that the Chief Minister support the bill because they were concerned that the Northern Territory courts appeared willing to accept evidence from Aboriginal male defendants and their lawyers on aspects of customary law that mitigated sexual offences against children.

That is the problem. There is a negative message being sent to children and young women. The reluctance to report such crimes is obviously very serious in our minds.

At the time, the minister also agreed that you should not take customary law into consideration when you are looking at these cases. I remember

that in the Yarralin case there were three people who gave evidence for the accused and they were all males. It was biased and top heavy. To me, it was not a fair representation of customary law. Too often women say to us that customary law is 'gammon', that these fellows make it up, and then the DPP says they do not have the time to question it or to query it, particularly when it is sprung on them without notice.

The minister said that he would introduce amendments which would allow both sides to notify each other about aspects of customary law that they intended to raise. He said at one stage that 'government recognised there are issues driving the member for Braitling; we agreed these issues must be resolved', even though they could not agree with my bill in the form it was. 'The overriding principles', says the minister, 'will be that Aboriginal women and children have the right equal treatment by the law. I know that it is at the heart of concern of member of Braitling and I share her concern'.

Knowing that is what the minister said and that he also said that the government recognises that there are cases where claims of customary law and criminal proceedings can disadvantage Aboriginal women and children who are too often the victims of violence and the sexual crimes, I went along with the suggestion that he would not support mine but would introduce his own amendment. I wrote to the minister some time last year asking how this amendment had been received and was it actually working within courts, because I could not find any evidence of it at all. I also asked him, because he had said he would publicise it to many communities, what had he actually done.

He sent me a letter:

Enclosed is a copy of a fact sheet concerning the removal of the marriage defence in relation to sexual offences committed against children under the age of 16. I also include for your information a CD that contains the translation of the fact sheet ...

There were seven languages. I do not have the CD with me but I do have the fact sheet. When I read the fact sheet I thought, 'No, this is not what we really meant, this amendment of the Justice minister'. It talks about sexual relations and the age of consent. Let me quote:

From 17 March 2004, changes to the Criminal Code made it an offence for anyone to have sexual relations with any person under the age of 16. Before this changed the law, it was an offence to have sex with a girl under 16 years old but the

law also said that a person, indigenous or non-indigenous, would be excused from this offence if they were married to the girl. In 1991, the Commonwealth's Marriage Act was changed making 16 years old the minimum age for getting married for all but customary marriages. This meant that indigenous men could still have sexual relationships with a girl under 16 if they were married according to customary law.

This fact sheet then goes on to talk about the new law:

The new law says it is an offence to have sexual relationships with any young person, girl or boy, under the age of 16 years. The law does not restrict traditional or promised marriages ...

That was not what we were arguing:

... or the arrangement of these marriages but it means that husbands and wives now need to be over 16 years of age before they have a sexual relationship.

The reasons for change:

The Northern Territory government has a responsibility to ensure that all young people under the age of 16 have the same level of legal protection against sexual offences. The new law means that young indigenous girls and boys are protected in the same way as non-indigenous girls and boys from a sexual relationship that might cause them harm.

That is good. That states very clearly what we are saying: you cannot have sex with a young girl who is under 16 years of age. But it does not address the point of using customary law as an excuse. It does not really address the fact that customary law still occurs in our court as an excuse and that too often it is too hard to rebut because there is not enough people to give the right sort of evidence. I believe that is the core of the reason why the Leader of the Opposition has brought this back into the House.

If the minister could just give me some evidence to show that what you have done is working then I would be satisfied. However, to date I do not see that, and the feedback I am getting from some of the courts is that even though this is clearly a law now, the message is not being sent to Aboriginal men who still believe they have the right if the young girl is promised to them. The message is not getting through to them or to the young girls that they have protection. I do not think perhaps that the evidence ...

Dr Toyne: It is not true. I have gone out there personally and done a lot of it.

Mrs BRAHAM: I do not think you are getting the message out there strongly enough.

Dr Toyne: No, I have been out there doing it personally and it is just not true what you are saying. We are making progress. Sorry, I should not be saying that.

Madam SPEAKER: Order!

Mrs BRAHAM: That is where the failure of that amendment has come about. I ask the Attorney-General if we can work a bit harder in getting that message out, if you think this solves the problem that we are talking about: that people will too often use customary law as an excuse for abuse. I know you genuinely believe that we should be protecting our young girls and our young women. The amount of domestic violence, as you say, that has been addressed in Alice Springs over the last few months has been huge. The police have done a great job but it just reinforces the fact that our young girls are still being abused. We talk about the high incidence of sexually-related diseases these young girls have, and they do not get it except by one way. There is a lot of sexual abuse still going on in town camps and communities.

I guess I am getting a little away from the point of this particular legislation but, clearly, if customary law is still being used as an excuse then we have to rethink what we have introduced and, perhaps, support this bill.

Ms CARNEY (Opposition Leader): Madam Speaker, I wonder where the indigenous women members of the Australian Labor Party are in this debate? It is a question that many will ask.

I do not propose to restate the arguments that I stated on several occasions in this parliament; it is on the *Parliamentary Record*. I thank the member for Braitling for her support on this important bill. I was somewhat concerned by some of what the Attorney-General had to say in his reply. I am unable to fully address them because I was surprised so much by what he said. I read the case to which he referred, *Crown v GJ*, when it got to the Supreme Court. I have it in a file of material that is probably still in Alice Springs. I thought that when it went to the Court of Criminal Appeal, the question before the court was that the sentence of 24 hours was manifestly unjust. That was the appeal point, is my recollection. Therefore, what the Attorney-General said in his response about it seemingly going off to consider a whole lot of other issues such as customary law was not, from my recollection, the basis of the appeal.

I would hate to think that in a debate like this, some political spin is coming in. I will look forward to reading the *Hansard* of your comments, Attorney-General, and then linking it up with what actually happened in the courts. If there have been any inaccuracies, I will certainly bring the matter back to the parliament.

I also understood that the matter was on appeal to the High Court; that it had gone from the CCA to the High Court. If that is the case - and again my material is elsewhere - it seems strange that you would rely upon some of the things you have in tonight's debate. I want to be measured about that, because I want to check the decision. I also want to very carefully read what you said, because any difficulties that I have with what you said I can deal with them in the future. I know, and always have known, that this bill will fail tonight.

I also understood that the Attorney-General was saying - and I do not think I got the words quite right - that this case had found a way of dealing with customary law. It is, with respect, illogical to say that the government has had any hand in this. In fact, I will correct that. I believe the Attorney-General said that 'as a result of government changes in 2004 to legislation, that the Court of Criminal Appeal had found a way to deal with the dilemmas offered up by customary law'. I simply say in response that if that was the case - and I do not believe it is - then there would not have been a need to appeal in the first place. In other words, what happened in the Supreme Court - that 24 hour gaol sentence that was manifestly unjust - will be allowed to happen in subsequent cases hence the reason for this amendment.

Whether or not - and I reserve my comments in relation to the details of the Court of Criminal Appeal decision - the CCA fixed the matter according to government, it just does not matter because there will be, under the Northern Territory law, future occasions where the same thing will happen, where the judges of the Supreme Court will be entitled to sentence offenders in the same way that they have in the two cases to which you referred.

My proposal is to change the law to make it clear for everybody ...

Dr Toyne: It will fall against the Commonwealth legislation.

Ms CARNEY: I am sorry, I cannot hear you. If you want to talk about it, please raise your voice and I am happy to pick up the interjections I might be able to hear.

Dr Toyne: Your law will be overruled by the Commonwealth legislation!

Ms CARNEY: I am coming to that.

Dr Toyne: I am sorry I am interjecting, Madam Speaker, but she has asked me to.

Ms CARNEY: Attorney-General, you know that you will need to interject loudly. Most people will need to interject loudly if I am to hear it. You, in particular, because of your voice will really need to interject loudly.

That leads very nicely to what I was going to say about the *Anti-Discrimination Act*. I had anticipated that you were going to refer to that, because ...

Dr Toyne: No. The Solicitor-General.

Ms CARNEY: ... on an earlier occasion ...

Dr Toyne: The Solicitor-General referred to it.

Madam SPEAKER: Order!

Ms CARNEY: You referred to it on an earlier occasion and, interestingly, when I introduced the bill, Serial No 1, on 13 August 2003, I referred to the *Anti-Discrimination Act*. I said:

I am sure the Anti-Discrimination Commissioner will say that it is discriminatory. I note that he has already given advice to that effect to the member for Braitling in respect of her bill. I say to that, change the Anti-Discrimination Act so that it is no longer ...

Dr Toyne interjecting.

Ms CARNEY: Hang on.

... so that it is no longer discriminatory.

Dr Toyne: Commonwealth.

Ms CARNEY: *We simply cannot find excuses for not dealing with the problem.*

Did you say Commonwealth?

Dr Toyne: It is the Commonwealth.

Ms CARNEY: Did you?

Dr Toyne: Yes.

Ms CARNEY: So where am I?

... we simply cannot keep finding excuses for not dealing with the problem. If is too hard, I say, try harder and find ways of overcoming the obstacles.

It is not Commonwealth, by the way.

Dr Toyne: It is.

Ms CARNEY: The Attorney-General said ...

Dr Toyne: Commonwealth.

Madam SPEAKER: Order!

Ms CARNEY: ... that it is Commonwealth legislation. In any event, it matters not. The Human Rights Commission is, of course, Commonwealth. However, we digress. The fact is that it is possible to change the *Anti-Discrimination Act*. It has been changed in the past. I remember the changes that were made some years ago. In any event, the Attorney-General will remember that this issue has been around for some time and the member for Braitling was given the same advice. I say change it.

The Attorney-General may also remember, when I introduced this bill on 30 November 2005, I quoted at length a very interesting article from *The Australian* written by Janet Albrechtson. I will not quote the whole thing again, but there is one sentence which is very powerful when it comes to one of the reasons why government is resistant to change on the basis of the *Anti-Discrimination Act*. Janet Albrechtson said in the final line in her article:

Allowing cultural rights to trump human rights is never a good look.

If you accept what the Attorney-General is saying it means that some human rights are discriminated against and some are not. The member for Braitling and I take the view that it is possible to change the law. You should change the law for all of the reasons stated by the member for Braitling and me in the past, repeatedly, and at length. I do not understand why you oppose the change.

There is one more piece of information I should put on the *Parliamentary Record*. On 26 November 2003, when you were responding my bill, you said:

Similarly, the Northern Territory Anti-Discrimination Commissioner supports a case by case approach that incorporates an open and transparent process that is consistent with human rights standards.

That was referring generally to the reasons that you could not do this because it offended the *Anti-Discrimination Act*. When you use the words 'consistent with human rights standards' we do not accept that there is a sliding scale of human rights standards when it comes to this stuff. There are,

some might say, competing interests; however, there is no sliding scale of abuse. There is no sliding scale of what is acceptable and what is not.

You are happy to refer to human rights; you are apparently unmoved by what are very powerful statements; that is, allowing cultural rights to trump human rights is never a good look. I regret that you are unmoved. I am also regretful that Labor members are silent on this issue in and out of the House. I remember that the member for Macdonnell was not shy of having something to say before she entered this Assembly which is an irony, I suppose, we could all note. She was fairly vocal once upon a time about customary law and, generally, about violence against women. That was my recollection, and I see the member for Braiitling ...

Mrs Braham: She was a member of ATSIC.

Ms CARNEY: ... nodding. She was an ATSIC Commissioner. It must have been why the member for Braiitling referred to ATSIC earlier on. The members for Macdonnell, Arnhem and others will be judged by their constituency. All we have to do under Labor is wait for the next case to come along, as it will, because the courts will continue to be able to take Aboriginal customary law into account.

When the next case comes up, I advise the Attorney-General that I will try again, and I will keep doing it until Labor sees there is only one way to go.

Motion negatived.

UNIT TITLES AMENDMENT BILL (Serial 31)

Continued from 30 November 2005.

Dr TOYNE (Justice and Attorney-General): Madam Speaker, at the outset I say to the member for Grotorex that the issue is a valid issue to be talking about in here. However, similarly to the approach we have taken with the bill the member for Nelson brought to the House, we believe there is a government process which can incorporate the issue you have brought forward, embodied in a wider reform process.

The process I am talking about is the approval by our government for the development of a new part of the *Unit Titles Act* which will provide for a new form of unit title corporation. One aspect of this new part will be the enforcement of rights and responsibilities with the aim to identify what is the best practice available for unit titles developments. This will include consideration of parking controls applying to both members of the corporation and the general public. Extensive consultation and

consideration of issues and the effects of the new laws is required. Such a process, taking into account benefits to the entire community, has not been undertaken in the development of the bill being debated today.

Turning to the member's bill, it essentially provides that a corporation established under the *Unit Titles Act* can impose penalties on owners of vehicles of up to \$110 dollars a day when it determines a vehicle has been wrongfully parked. Such wrongful parking can occur in common property areas, or in parking spaces assigned to the owner or occupier of a unit. The debt owed would be payable to the corporation. Under the bill, a corporation could even obtain information from the Registrar of Motor Vehicles to determine car ownership.

With the current law, the *Unit Titles Act* permits certain types of corporations to make by-laws about the control of vehicles. These powers include the power to create penalties with the maximum penalty being 100 penalty units, or \$11 000, with one penalty unit per day of \$110 additional. The *Cullen Bay Marina Act* has similar provisions in respect of the current Cullen Bay Marina Management Corporation which apply to land within a corporation's area of responsibility, whether common property or a unit owned by a corporation member. Such by-laws are subject to section 63 of the *Interpretation Act*. In other words, they must be approved by a relevant minister and laid before the Legislative Assembly and can be disallowed by the parliament. For unit title corporations with no powers to make by-laws or impose penalties, the *Trespass Act* makes it a regulatory offence to trespass on premises. 'Premises' is defined so that private or restricted parking areas on unit title land would fall within its scope and the prosecution can be taken by the occupier of the land or the police.

Turning to the problem we see within the bill in front of us today: it creates a new and potentially unfair penalty regime. It simply permits the corporation to impose penalties without any weight or consideration being given to the rights of the vehicle owner, even if the owner believed that they were not wrongfully parked. As the penalties imposed will have the status of debts, collection of them will occur through civil court's small claims processes. This is unlikely to provide a workable solution for most small corporations. Most unit title body corporations do not have the necessary skills or resources to fairly manage an infringement notice scheme and an enforcement regime. Many unit title corporations are controlled by just a few individuals. Enforcement powers proposed by this bill could lead to the abuse of the process and arbitrary impositions of penalties. Also, serious privacy issues would arise from the proposed duty of the Registrar of Motor Vehicles to provide

information. The registrar cannot be sure the information will only be used for the proposed purpose.

Taking these concerns as a whole we cannot support the bill as put to us today. What we will say to the member for Grotorex is that the issue of secure parking rights for residents will be considered under the broader reform that we are looking at of the *Unit Titles Act*. What is driving that reform - just to give you some reassurance that we will be bringing that bill forward - is the need to give certainty of operation, management and rights to the increasing number of unit title developments that are occurring around Darwin, including the wharf development. We know we need to renovate and review the current unit titles provisions, including the specific laws that have been brought about around the particular developments in Darwin such as the Cullen Bay Marina development.

We will be working on this. Your issues will be in the midst of what is brought forward. We have to work on this and get it through parliament so that we give certainty to the many developments that are going on in Darwin at the moment and potentially in the future. We will not be supporting your bill tonight but I hope to give some comfort from the fact that those issues will certainly be carried into the reform process. As I said to the member for Nelson, I will be more than happy to include you in the development and presentation of the bill right through to the final briefings that we would offer you before it is introduced into the parliament.

Dr LIM (Grotorex): Mr Deputy Speaker, it is a pity that the government does not wish to support this bill. I am aware of the review that is going on with the *Unit Titles Act*, but I am also aware that it is going to take a while before it will be enforced. If the government was preparing this so that the waterfront precinct will be covered, there is no imperative to do that until 2008 at the earliest. If you at least pass this, there is a process in place until such time as the full review of the *Unit Titles Act* occurs.

Granted that the minister has said that some bodies corporate will not have the ability to manage this, but the reality is that most unit complexes are managed by professional body corporate managers. I am sure they are more than capable. If you were to talk widely to industry, you would find that to a man or woman they support this bill because it is something that has caused them a lot of angst for as long as unit titles have been in place in the Territory.

It is legislation that is broken, that needs and ought to be fixed straightaway. The minister said that the review is going on. I have not heard from

him what sort of time line it is going to be. It is going to take a while, much longer yet. I know the review is still under way. I talked to many individuals who are part of the review, and they would have seen this as an interim measure.

However, the government has the numbers; there is nothing much I can do about that. I also recognise that the minister has offered me an opportunity to be involved in this process. I look forward to a rapid review and implementation of the recommendations so that we can get things in order - the sooner the better. The minister recognised that there are many units being built at this very moment, and the longer we delay this, the worse a dog's breakfast it is going to be. I urge the minister to get on with it and get it through as soon as he possibly can.

Motion negatived.

SPECIAL ADJOURNMENT

Mr HENDERSON (Leader of Government Business): Mr Deputy Speaker, I move that the Assembly, at its rising, adjourn until Tuesday, 2 May 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.

ADJOURNMENT

Ms MARTIN (Chief Minister): Mr Deputy Speaker, I move that the Assembly do now adjourn.

Last week, I attended the 2006 Australian Tourism Awards at the Gold Coast Convention Centre at Broadbeach. What a great night it was for Territory tourism. We won two national awards with the Central Australian Tourism Industry Association winning the General Tourism Services Award, and the Novotel Atrium Darwin named as the Best Deluxe Accommodation. They won against extremely stiff competition, and my congratulations go to both our winners.

Apart from our two award winners, what was excellent was how well represented the Territory was at Australian tourism's night of nights. There were something like 25 Territorians at the Gold Coast Convention Centre, which was a top effort given the size of the Territory and the distance they had to travel to get there. I had the pleasure of sitting at a table of Territorians that evening, all of us cheering each of the Territory nominees as their particular categories came up.

I would like to mention those Territorians who were there on the night and who helped to make it such a special occasion. They were: Gary Fry

and Olivia Chandler from the Alice Springs Desert Park; Andrew Wilson, Wendy Royal, Emmanuel Cruz from SKYCITY Darwin; Lynne Peterkin from CATIA; Alex Julius, Christine Julius, Lindsay Mutimar and Karen Mutimar from Arnhem Land Barramundi Nature Lodge; Grant Wahn from the Royal Flying Doctor Service; Mayor Fran Kilgariff and Judith Dixon from Alice Springs representing the Masters Games; Shaun Gamble and Caron Craig from Melaleuca on Mitchell; Andrew Langston and Jeff Naumann from the Intercontinental Hotels Group; Mick Jerram, Jenn Child, Colin Jerram and Thet Jerram from Gecko Canoeing; George Dunn and David Hunt who were national judges; Rita Harding, the General Manager of Tourism NT; and Rob O'Brien, board representative from the Board of Tourism NT.

In all, there were 23 Territory nominations at the awards and they were all, of course, 2005 Brolga Award winners. The Territory finalists for the awards were: the Alice Springs Desert Park; the Royal Flying Doctor Service - the Alice Springs Visitors Centre; the Garma Festival of Traditional Culture; the 2004 Alice Springs Masters Games; Gecko Canoeing; Lords Kakadu and Arnhem Land Safaris; Central Australian Tourism Industry Association; Intercontinental Hotels Group which was nominated in two categories; Australian Crocodile Products – di CROCO; Great Southern Rail - The Ghan; Travel North NT; Arnhem Land Barramundi Nature Lodge; TW Media Pty Ltd with *This Week in Darwin*; SKYCITY Darwin, nominated in two categories; FreeSpirit Resort Darwin; Melaleuca on Mitchell; Orangetree Alice Springs Bed and Breakfast; Seven Spirit Bay Wilderness Lodge; Novotel Atrium Darwin and Darwin Airport Resort.

It was an excellent night to be a Territorian. Well done to CATIA and the Novotel Atrium Hotel on their successes.

On 7 March, I joined the Lord Mayor, Peter Adamson, in launching the East Point Interpretation Project at the East Point Military Reserve. East Point is one of Darwin's very special places. It is popular with locals and visitors to the Top End, attracting walkers like myself, joggers, cyclists, picnickers, and many Darwin people who love the area. The East Point Military Reserve provides a glimpse into Darwin's war time past: gun emplacements, observation towers, powerhouses, search light batteries and ammunition magazines. There is also the Military Museum where you can learn more about the role we played during the war.

The Interpretation Project is jointly funded by the Darwin City Council and government, through tourism, and work began last year. We want to preserve the history of the various structures, and

to make a trip to East Point even more memorable for visitors.

The first step of the project was to install a series of signs at each of the structures; signs that include personal quotes, photos and a brief description of how the structures were used during the war years. The interpretive shelter gives an overall guide to the site and other World War II sites around Darwin. We are also looking at the possibility of upgrades to the 9.2" gun emplacement; interactive 3D audio and visual displays inside the gun turret; and walking paths around the sites. A revitalised East Point will be a bonus for visitors to the Top End. It is very close to the CBD and very accessible.

The launch was well attended by tourism people and local history buffs, including a number of my constituents. I was delighted to see Leo Izod and Tim Bertinshaw there; they run the old Qantas Hangar in Parap. Other attendees included the CEO of Darwin City Council, Alan McGill, who was the event's MC; Judy Boland, chair of the Fannie Bay History and Heritage Group; Peter Radtke, president of the Aviation Historical Society of the NT; Robert and Karen Marchant who run the Tour Tub; Ray and Jean Taylor; Jean Vickery; Annette Milikins; Mavis Lindon; Austin Asche; Dr Mickey Dewar from the Museum; Lyons Ward Aldermen Heather Sjoberg and Helen Galton; Darwin City Council Coordinator, Judy Brennen; Tony Clementson and Peter Ayre from Tourism Top End; Trevor Horman, president of Friends of North Australia Railway; and Elizabeth Close and Bronwyn Russell from the National Trust.

I congratulate the project's consultants and designers for all their hard work. To Bob Alford, the project's Heritage Consultant; graphic designer, Leonie Richards, and Jim Smith of Screen Reproductions, sign manufacture – a big thank you.

It is great to see so much interest in the Top End's war history coming from younger people. You see it on Anzac Day with thousands of children lining the streets, you see it in our schools, in students like Zac Menzies who fought for the return of the Australian flag from the National War Memorial to Darwin. And I saw it last month, as many of us did, at the Bombing of Darwin commemoration. It seems there is a growing need to understand our past and what it means to be a Territorian. The East Point Interpretive Project will ensure that this history is alive and well and accessible to anyone who visits the area.

Mr NATT (Drysdale): Mr Deputy Speaker, today it was my pleasure to launch the public

phase of the inquiry by the Sessional Committee on Sport and Youth.

As members will be aware, the committee was created by resolution of this Assembly in August last year, and is comprised of myself as chair, and the members for Millner, Arnhem, Blain, Katherine and Nelson. The committee has had several deliberative meetings to date and has heard evidence in closed hearings from officials from the various agencies involved with the delivery of sport and related programs.

Today we call for public submissions. The timing is appropriate with National Youth Week commencing on Saturday. The committee wants to hear from kids who play sport; from mums and dads; sports associations; teachers; coaches; officials; volunteers; sponsors – anyone with an interest in sport and kids. In particular, we would like to hear from people in the community who have a special interest in, and knowledge of, the mental and physical benefits that flow to young people through sporting involvement. In other words, we want to cast the widest possible net.

Mr Deputy Speaker, I seek leave to table a brochure detailing the role of the committee and how people can go about making submissions.

Leave granted.

Mr NATT: I thank the members for their indulgence. The submissions do not have to be in any form of PhD thesis. They can be half a page if they address one or more of the terms of reference. On the other hand, they can be as long as is necessary to make their point. Copies of the brochure have been sent to all electorate offices throughout the Territory and will be distributed to various stakeholders' committees over the next few days. Advertisements will appear in the print media throughout the Territory this coming week. Details of the committee terms of reference and the calls for submissions appear on three different web sites: the Department of Legislative Assembly web site, the Office of Youth Affairs, and the Office of Sport and Recreation. I urge all members to encourage various groups and individuals in their electorates to make submissions to the committee. I look forward to reporting to the Assembly on the committee's work in due course.

Mr VATSKALIS (Casuarina): Mr Deputy Speaker, in my adjournment tonight I will respond to comments made by the master of disinformation, the member for Greatorex, with regards to the Cyprus community's unsuccessful funding application. I was approached personally informally by the president of the Cyprus community, Mrs Kyriakou, on 27 January with regards to funding for the Cyprus community to

organise a function on Sunday, 29 January to watch Marcos Baghdatis playing at the Australian Open tennis match.

My advice to the president was to put a formal application to the Office of Multicultural Affairs, which she did. An application was forwarded to her and she was advised that the application would be assessed under the published guidelines and criteria. I believe they sought about \$2000 for: venue hire of the Cyprus Community Function Centre at \$1500; catering and staff, \$3300, cleaning, \$300; advertising, \$700; and equipment hire for a projector and screen, \$600. I believe the application was unsuccessful. It did not meet the criteria under which the applications are assessed.

However, do not believe that the Cyprus community has done very badly in the past few years. In 2002-03, the community was awarded \$10 000 from the Office of Multicultural Affairs; in 2003-04, \$40 000; in 2004-05, \$75 000; and 2005-06, \$12 000. The fact that one of the grants was unsuccessful does not reflect badly on this government because in total we have provided in excess of \$135 000, as a matter of fact, \$137 180.

Turning now to my electorate in Casuarina, together with the Chief Minister, my colleagues, minister Henderson and minister Burns, representatives from the Defence Housing Authority and the developer, the Canberra Investment Corporation and many distinguished guests, I was very pleased to be at the function where the first sod was turned for the new suburb of Lyons. This marks the start of the five-year project that will soon transform vacant land next door to Tracy Village Sports Club and the Tambling Terrace Seniors Village. I believe there are going to be 700 houses with an average lot size of 700 m². It is an exciting new project bringing more housing to the northern suburbs, more jobs for Territorians and a great boost to our economy.

I thank my constituents in Brinkin and Tiwi for their generosity in supporting the Red Cross doorknock appeal on the weekend. I was out on this hot weekend collecting money for the Red Cross, and I would particularly like to thank the people who kindly offered me a glass of cold water and to sit for a while. I will be doorknocking again this weekend. March is the Red Cross appeal month and I look forward to seeing more people and to contribute by my small offer of walking around collecting money for the Red Cross appeal.

To my schools now. It was great to catch up with teachers and staff at Alawa Primary School last week over a scrumptious morning tea that I customarily provide at the beginning of the year. I was also very excited to find out that young Daniel Mayo, who has been working as an ISA,

assisting indigenous students in the classroom for the past few years, has been successful in obtaining a Northern Territory government bursary with DEET. He has commenced his Bachelor of Teaching this year. Congratulations, Daniel, and we certainly need more local teachers like you in our schools.

Congratulations also to Whitney Althouse of Room 7 and Jason Weedon of Strong Beginnings who were the winners of my achievement awards this month. They are great students. The kids at Alawa are great kids and I enjoy going to their assembly.

At Nakara I had another morning tea with the teachers. It was good to catch up with them and say hello to the new teachers, introduce myself, find out if there are any problems and issues, and to award some of my awards to the students. This time, congratulations to Gabby Williams of 6/7GM and Lauren Northcote of 2/3Q who were the winners of my achievement awards.

A big thank you to the Dripstone High School students, staff and members of the wider Casuarina community who donated their time to help clean up Casuarina foreshore on Clean Up Australia Day on 5 March. Thanks to Luke Alexeyeff for organising the working bee, and my wife Margaret, father-in-law, Ivor, and son, Michael, for helping to organise the sausage sizzle and drinks for the workers after the event. Some of the items picked up were plastic bottles, lids, cans, foam, cooking oil, various types of containers, cigarette butts, and shopping trolleys.

Thanks to all the volunteers: Margaret Vatskalis and family; Lois Bruce; Sabina Smith; Toni and Kim Baird; Lynne, Chris and Cameron Cooke; Danielle, Todd, Rebekah, Brook and Brendon McManus; Roslyn Aylward; Kusalta and Saskrita Sherestha; Byron Wilson; Jenna Lee Kirkham; Miranda McNee; Jodie Clegg; Thomas Gleeson; Ian and Michelle Winch; Geoff Parkinson; Jennifer and Jolene Wilson; Loren and Ian Yallop; Kristy Styles; Telecia Browne; and Dakota Browne.

On behalf of Microsoft Australia, I was very pleased to make a presentation to a team of talented young people who are members of The Shak, an Australian Red Cross youth recreation and development centre in my electorate in Casuarina. The Shak team won a trip to the Melbourne 2006 Commonwealth Games, and an Xbox 360 for their entry in the recent Microsoft Australia competition 'Realising Potential Through Teamwork'. Congratulations to team member Corey Davey who was selected as the winner of the Commonwealth Games trip. The prize includes airfares, accommodation and \$300 spending money. The team's Xbox 360 will be set

up for use by members in the recreation centre. The young members created their small movie using a Microsoft movie maker, and the work they did as a team was very impressive. I was pleased to watch a presentation of the movie on the computer at The Shak.

I was very happy to be able to open the Harmony Day Youth Concert which was organised by the Filipino Australian Association. It was an amazing activity, now in its fifth year, held last Saturday, 25 March 2006. I point out that on the same day I was very pleased to attend the Open Day at the Greek Consul's house celebrating Greek National Day. After the Greek National Day we went to the Filipino Club. I, along with my colleagues, the member for Sanderson and the member for Johnston, enjoyed a fantastic night. The Harmony Day Youth Concert of the Filipino community last year won the Charles See Kee Multicultural Award for outstanding effort in promoting harmony.

This year, there were about 800 people in the audience and over 210 performers and organisers. The organising committee put together a non-stop two hour variety concert which was truly representative of our diverse society. The performers included Mediterranean Greek dancers, Rince na Eireann Irish dancers, and the Filipino Maharlika Association dancers; and the Moil Primary School German Choir, the Holy Spirit School Choir, and the Youth for Christ. Other dance groups were the Darwin School of Ballet, Darwin High School Years 9, 10, 11, 12 dancers, Casuarina Senior College dance class, Corina Nichols and Trackdance. There were some brilliant solo performers: Vernica Maxwell from Howard Springs Primary School; Kyra Mulvena from Darwin Youth Choir; Debbie Micairan from Sanderson High School; Sean Hutton, Rebecca Hilder and Whitney Baldwin from DCU; and the very talented Jessica Mauboy.

John Rivas worked hard to organise this event; congratulations to John and his wife, Edna, and all members of the governing council of the Filipino community. It was absolutely fantastic. I would like to acknowledge the people who worked hard: Betty Lonsdale and Celsie Marquez; Angela Paros; Carla Anderson; Steve Gourlay; Gloria Barbeller; Elvie Pertudo; Betty Padre; Terry McClaren; Gloria Limiatitis; Milia Parian; Vanessa Boase; Simone Boase; Imelda Matuguina; Beth McEnergy; Imelda Siplon; Rodello Rasing; Aubin Pajarillo; Jun Gillamac; Eric Garcia; Archie Lim; Lito Ocampo; Apol Crauford; Lisa Greenslade; Andrew Rivas; Virginia Sharpe; Mathew Rivas; Elvie Tolentino; Edwin Hilario; Oscar Parian; Mar Matuguina; Whiskey Valles; Edna Rivas; Flora Garcia; Luchi Santer; Nanette Thiel; and Arnold Marquez. MC's for the evening were two vibrant young ladies of the Filipino community,

Danarose Dizon and Estelle Quindara; it was great to see young people with such self-confidence and flair.

I am proud and honoured to once again be asked to be the Patron of the Darwin Surf Life Saving Club for 2006. I congratulate the president, Gary McKinnon, on his second term. I look forward to working with Gary and the committee members for another successful year. The Darwin Surf Life Saving Club is a dedicated community organisation with an extremely hardworking committee which provides an invaluable service to our young Territorians. They provide our youth with the opportunity to learn new skills and gain a community spirit through their involvement in the community and sport. I am pleased to advise that work is under way for the construction of a sport training room at the clubhouse. This much-needed facility will assist the club to provide essential training and meeting facilities for the life savers and members of the clubhouse. Thank you to the Northern Territory government for providing a \$50 000 facilities grant in 2005 for the construction of the facility.

Now to something completely different: as you are aware, in the beginning of March I travelled to Denver, Canada and London. It was during our trip to a very cold Toronto, minus-15°C, that we had one Sunday night off. We went out to dinner and, on the way back to the hotel, we happened to pass this small hotel, the Rex Hotel at 194 Queen Street, West Toronto, where a group of talented jazz musicians were performing. We went into the hotel and there we saw Swing Rosie, a group of young ladies - Kira Callahan, Shannon Butcher and Chantelle Wilson – who, since 2003, have been performing melodies of the Andrews Sisters and Boswell Sisters. They put on great performances. They performed great songs from Ellington, Porter and other legends of the swing era and, boy, they created an atmosphere of the nostalgic years of yesterday.

According to their web site, Swing Rosie first got together on a cold January day to rehearse at Kira's Toronto basement apartment. In the first six months, the girls sang in countless variety shows and fundraisers, alongside comedians, singing dogs and sword swallows. Audiences were so captivated that Swing Rosie was soon headlining their own club and concert dates, and were asked by many of the audiences to produce a CD. The night we went to the Hotel Rex was a very cold night but Swing Rosie put on a blistering performance for us, together with Peter Hill on piano, Jack Zorski on bass and Tim Shia on drums. I bought their debut CD, *Sing Cold Sing Hot* - a great CD - on the spot and I have enjoyed it very much since then. It has classic songs from the swing era plus original compositions like *Swing Rosie* and *Suzie Kazoo*. I believe that they are

performing so well that soon it will become one of the leading jazz clubs in Canada.

Their CD is playing on many radio stations across North America, and on many of the independent and college radio stations. If any members enjoy jazz, I will be very happy to loan the CD to them. If you want to get a taste of the music and the performance, there is a link on their web page which gives you some video clips and music. The address is <http://www.swingrosie.com>. It is a great group. We do not often mention something like this in adjournments but I was very impressed - going to a warm hotel, drinking some locally made beer and enjoying a night of good jazz is something you do not very often get in Darwin - especially at the minus-15°C.

Dr LIM (Greatorax): Mr Deputy Speaker, tonight I speak about an activity that is occurring in Alice Springs at this moment. On Tuesday this week in the *Centralian Advocate*, a flyer was distributed as a newspaper insert. I understand it also went out today in the *Alice Springs News*. It is a green flyer, the front of which says 'Our Territory Parks Estate is about to be given away'.

Obviously, a community group in Alice Springs is concerned. As you will recall, over the last six months there was much debate in the Alice Springs Town Council about national parks being given away by the Martin Labor government to the Central Land Council. This flyer was designed to ensure that people in Alice Springs are aware that those parks relate to them, and they need to know about it. There is a beautiful photograph of Ormiston Gorge, and below that the facts about 'how this will affect you'.

Inside the threefold, with a beautiful picture of, I think, Ellery Creek are some boxes with information in them. The first box is about which parks are at risk, and relate to six or seven different boxes containing facts about what is at risk. The list includes Schedule 1 of the paper produced by the Northern Territory government, *Building a Better Territory: From the Desert to the Sea* - NT Parks and Reserves Questions and Answers booklet. It was quite a large publication. In Schedule 1 of parks and reserves to be included in Schedule 1 to *Aboriginal Lands Rights Act* are parks including Arltunga Historical Reserve; Chambers Pillar Historical Reserve; Corroboree Rock Conservation Reserve; Davenport Range National Park, which is being proposed at the moment; Devils Marbles Conservation Reserve; Emily and Jessie Gaps Nature Park, including the Heavitree Range extension; Ewaninga Rock Carvings Conservation Reserve; Finke Gorge National Park; Gregory National Park; Gregory's Tree Historical Reserve; N'Dhala Gorge Nature Park; Trepkina Gorge Nature Park; West MacDonnell National Park, including Simpson's

Gap National Park; Ellery Creek Big Hole Nature Park; Ormiston Gorge and Pound Nature Park; Serpentine Gorge Nature Park; Glen Helen Gorge Nature Park; Red Bank Nature Park; and the proposed Alice Valley Extension.

Listening to that list, it is no wonder people in Central Australia are concerned. All their national parks are being given away. It is akin to asking people in New South Wales to give away Bondi Beach, or South Australian residents giving away Glenelg Beach. This is what the Martin government is planning to do with our parks in Central Australia, our playground, parks to be given away, no questions asked.

In the next box of facts about what is at risk, it says:

Territorians will have no say. The government rushed through legislation to ensure that the negotiations would be done without any public scrutiny. We are not aware, and will not be told, the terms of the giveaway and rent back deal until it is all over and done, locked in for a century.

Then it asks:

Do the parks really need to be given away? The legitimacy of the possible claims is unknown, and the government refuses to make public the legal advice they have received. All negotiations have been conducted behind closed doors.

The next box says:

No certainty for tourism operators. All future negotiations for tourist concessions will need to be with the new (private owners). This means that any operator who once had access to the parks will have to pay increased premiums to have access. Current operators will have one set of rules, but new operators will have another.

I heard one of the proponents of this flyer interviewed on the ABC. He was asked: 'What does that mean?' He said: 'The government promised free entry to all the parks'. He said: 'Well, that is fine, it is free entry', however, it does not say what else you can do within a park. Can you camp? Will there be a payment required to put up a tent, or to put down a swag? Will you be allowed to take water from the waterholes without charge? Will you be allowed to use the ablutions without paying? Nobody knows, and there is no information provided, and that was his concern.

The next box was:

More cost to taxpayers. The fact is that taxpayers will have to pay a rent for something they now own. The cost of leasing back the parks will be \$1m per year, indexed for the next century.

If I want to drive to Ormiston Gorge now, I can drive in; I know the rangers are there. There is a park I can camp in, or I can walk through the gorge to the Ormiston Pound and enjoy my time there without any hassle. I can take my backpack with food and water, even sleeping gear if I want to. We do not know what will happen, according to this pamphlet. Then it says:

What are they giving away and why? The government has refused to say how much the Valuer-General has valued the parks at. It is believed to be in the hundreds of millions of dollars.

Mr Henderson: Rubbish.

Dr LIM: I take on that interjection from the minister. He says 'rubbish' when I read it is believed to be hundreds of millions of dollars. There are 11 parks. I read out the list earlier and I am happy to read the list out again: Arltunga Historical Reserve, Chambers Pillar, Corroboree Rock, Davenport Range, Devils Marbles, Emily and Jesse Gaps, Ewaninga Rock, Finke Gorge, Gregory National Park, Gregory's Tree Historical Reserve, N'Dhala Gorge, Trepkina Gorge and the Western Macs. If that does not cost millions upon millions upon millions of dollars of property alone, I will go he! I will read that again:

What are they giving away and why?

Mr Henderson: Giving away to whom?

Mr Acting DEPUTY SPEAKER: Order, member for Wanguri!

Dr LIM: Am I going to get interjections right through, Mr Acting Deputy Speaker, or are you going to control the minister?

Mr Acting DEPUTY SPEAKER: I have just asked him, member for Greatorex.

Dr LIM: Thank you.

What are they giving away and why? The government has refused to say how much the Valuer-General has valued the parks at. It is believed to be in the hundreds of millions of dollars. The government is spinning a yarn that it may cost tens of millions of dollars to fight the legal battle, which is a fraction of the hundred of millions of dollars of rent we have to pay, and that was index rent. Surely, if the parks estate

is worth hundreds of millions of dollars, it is worth the fight to keep them for all Territorians.

And finally, it asks:

What will it cost us to use the parks? What will it cost to do things in the park? What it will cost to camp, what will it cost to get water and ablution facilities? Will we be able to bring in our own supplies?

We do not know any of those things. This flyer has posed many points and many questions, and on the back of the flyer, it says:

The Martin government is about to give away our parks estate for no good reason. New South Wales residents would not accept Bondi Beach being given away. South Australian residents would not tolerate Glenelg Beach being privatised, but the Martin government here in the Territory is giving away our parks estate - no questions asked.

There are 49 parks in question; 38 of those parks have been confirmed as being legitimately declared but there are 11 parks that may be possibly subject to claim under the Land Rights Act. The government says it does not want to have the court battle for those 11 and says it has legal advice from the Solicitor-General. However, the government continues to refuse to make public this advice.

The response from this government is to give away all 49 parks without testing the quality of the claims at all. The government rammed through legislation two years ago to undertake these negotiations in secret without any public scrutiny. The only thing we do know is that this government will be committing taxpayers' money, your money, to lease these parks back at a cost of at least \$1m per year for the next century.

Finally on the back page of the flyer, it reads:

Parks that belong to all Territorians will now be given to a handful of people to do what they please. The experience at Uluru-Kata Tjuta: as a result of the limited access, regular unscheduled closures, bans on photography and other general access difficulties. This is a disgrace of the highest order.

It is asking people to get involved and help us save our parks.

Without a doubt, that is what is occupying the minds of Alice Springs at the moment, that they are facing the loss of those 11 national parks. Surprisingly, I was contacted by the media when this flyer came out. They said: 'Guess what, Limmy? We have just received this PDF file from the government and it is a PDF file on Northern Territory parks and reserves, questions and answers'. There is no page numbering at all on this but it is a huge document, 30-odd pages of it, prepared by this government before February 2005. That was sent out to the media obviously to try to diffuse what a small group of community people are trying to generate in Alice Springs. There is a great concern in Alice Springs that these parks are being given away without adequate explanation. The explanation given by the government is that it will be a lot cheaper to do this than to go through court and they use the example of the Country Liberal Party which used to challenge every claim that was put on our parks.

People need to understand that the Country Liberal Party challenged it not because we do not believe that traditional owners have rights to their land. We wanted to make sure that an impartial court would decide based on evidence provided that a claimant has justification for the land.

That is the rationale behind all the challenges. If you want to put a claim on it, fine, you have the right to do that. Let us go to court, let an independent party judge or decide whether your claims were legitimate. If they were, end of story, not a problem. If it is not, then at least we have tested it and we know where it is. These 11 parks have not been tested, and this government is saying, no, we are not going to test it, we are just going to give it away and like it or not, Central Australians, you can lump it.

Central Australians are not going to put up with this. They are fighting hard and they are doing everything they can to raise public awareness of this matter. The flyers, as I said, have gone out in Tuesday's issue of the *Centralian Advocate* and in this week's issue of the *Alice Springs News*. I understand there is also a web site that is available for people to log in to have a look and to share their comments and to hopefully contribute money, I suppose, so that the community group can continue to work and promote this awareness. Hopefully, this government will listen to Central Australians saying do not give our parks away.

This is important for Central Australia. What this government is doing is no different than asking people in Sydney to give away Bondi Beach or telling people in Adelaide to give away Glenelg Beach. It is just not on. I support this community group. What they are doing is fantastic to try to create the awareness that this government has failed to create for people in Central Australia.

People in Alice Springs deserve to know what is happening especially to their backyard. They are now starting to wake up and this government is starting to get worried.

Mr WARREN (Goyder): Mr Acting Deputy Speaker, today I speak on behalf of myself and my parliamentary colleague, the member for Daly, Mr Rob Knight. We want to pay tribute to two of our well known rural identities who were recognised with prestigious national medals on 10 March 2006 at Parliament House. I refer to Ron Thomas, the current Berry Springs Volunteer Fire Brigade Captain, and Frank Dunstan, a Level 1 Volunteer Fire Fighter with the Darwin River Volunteer Fire Brigade. Ron lives at Tumbling Waters in my electorate and Frank lives at Darwin River in Rob Knight's electorate.

The National Medal was established on 14 February 1975 as one of the original elements of the distinctive Australian system of honours and awards. The medal recognises the recipient's long service in organisations that protect life and property, and who carry out this task at some risk to themselves. This award does not come easily and requires at least 15 years service in order to qualify for the National Medal. Prior service in an Australian fire service, defence force, police or ambulance service is recognised in the awarding of the National Medal.

The Bushfire Council NT is an approved voluntary organisation which meets the eligibility criteria for the National Medal. In the determination of these awards nominations were received for three outstanding Northern Territory bushfire volunteers for the National Medal. The process for these nominations was by way of endorsement from the relevant volunteer brigade committees, and then the Regional Bushfire Committees, right through to endorsement by the Chief Fire Control Officer. The nominations were then forwarded to the National Medal Office in Canberra in September 2005.

Along with Lyall Metcalfe from Alice Springs who received his national medal in December 2005, Ron and Frank are the first group of Northern Territory bushfire volunteers to receive the National Medal. This is quite an achievement in itself.

Ron has been a volunteer fire fighter since joining the brigade in 1998. He became a captain of the Berry Springs Brigade in 2002. Ron's previous 14 years service in the Australian Imperial Forces, Interim Army, and the Australian Regular Army, all counted as qualifying service towards his National Medal. At 78 years of age, Ron is still full of energy, and is not only a very active firefighter, but has also found time to work tirelessly to equip the Berry Springs Brigade

headquarters. His efforts have seen the brigade placed on a sound professional footing.

Frank has previously been a brigade deputy captain, and is currently a Level 1 Volunteer Firefighter with the Darwin River Volunteer Bushfire Brigade, first joining the brigade in March 2003. Frank previously served a total of 13 years in the Royal Australian Navy, which counted as qualifying service towards his National Medal. Frank is 64 years of age and is still actively involved in the Darwin River Brigade firefighting activities. Apparently, he is known as 'the king of the mop-up'. Mopping up involves recovering the burnt ground after a fire is out, and making sure there are no smouldering logs that could restart the fire. It is considered a pain by most firefighters, but Frank knows from experience that this is vitally necessary. He is absolutely meticulous in his mop-up work, and his dedication is greatly appreciated.

Ron and Frank are very dedicated to our rural community and, if everyone took the same pride and belief in our rural community as Ron and Frank, then our community would be unmatched. Rob Knight and I are extremely proud of Ron and Frank. In fact, we are very proud of all our courageous volunteer bushfire fighters who put their own safety on the line time and time again to protect our rural homes and properties.

The commitment of these two volunteers in their retirement, after already contributing so much during their careers, really does warrant our special appreciation and thanks. On behalf of all Territorians, Rob Knight and I thank Ron and Frank for their dedicated service to our rural community. Our congratulations go to both of them on being awarded the prestigious National Medal.

Today, I acknowledge one of the schools in the Goyder electorate, the Berry Springs School. I have undertaken to recite their school song and will do that right now. The Berry Springs School song is called *Open the Door*.

*Open the door, let the challenges shine
through
Open the door, there's so much that we
can do
Open the door to the future and so many
wonderful things
Reaching out, we're the kids from Berry
Springs.*

*A Darwin River morning, another northern
day
Mango trees in blossom, paddocks filled
with hay
Dusty roads and tidal rivers, paint the
colours of our home*

*An open bushland canvas, a place to call
our own*

*Set on nature's doorstep, a window to our
world*

*The wildlife as our neighbours, a place for
us to learn*

*To guide us down the pathways, and help
us share the load*

*A spirited community, together we can
grow.*

The words and music are by Ken Brodie.

Ms McCARTHY (Arnhem): Mr Acting Deputy Speaker, I congratulate the people of Ramingining. I had the delight of being in Adelaide recently for the premier of the film *Ten Canoes*. About 2000 people attended to see the film *Ten Canoes*, which is the first feature-length movie in an Australian indigenous language.

The film is by director Rolf de Heer and is set in the Arafura Swamp just near Ramingining. Rolf de Heer is also well known for his film *Tracker*, which starred our very own David Gulpilil who was the conduit, if you like, the reason behind *Ten Canoes*. David Gulpilil had taken Rolf de Heer to Ramingining, and from there came this thought about a film about the community that is the home for our own movie legend, Mr Gulpilil.

It is set before white people came to Australia, and the film is mainly in indigenous language of the Ganalbingu people in Ramingining. It is narrated in English by David Gulpilil. It held the attention of the audience for the two hours or so we sat there. It is quite a creative film, unlike any I have seen before. The humour in it was something that brought together every person from all walks of life. We could look into the family life of the people at Ramingining and the stories, and the way they told stories to one another and helped the young to grow to be the people who they were meant to be and take their place in the Ramingining society going back a couple of centuries.

There were 85 people from Ramingining who were involved with the film who signed clearances to be part of it. Seventeen of the main actors flew to Adelaide where they were treated like royalty at Her Majesty's Theatre, and so they should. One of the main stars is David Gulpilil's own son, young Jamie. It reminded me of when I watched the earlier films of Gulpilil with *Walkabout*, and how young he was in that film and now his own son is a star. Jamie was very quiet and very humbled by all the attention, but no doubt extremely delighted, as were some of the other actors; Richard Birrinbirrin and also Frances Djubiling, who is just an amazing woman who delighted people in the audience. We were able to meet the

actors afterwards and catch up for an evening barbecue with them, as were other people from Adelaide.

The Premier of South Australia, Mike Rann, attended. He was coming off an enormous high after winning the South Australian election and was obviously more than delighted to be there to launch the premiere.

I look forward to the film showing in Darwin in June for our very own premiere so we can celebrate, as people of the Northern Territory, a film made by Territorians, which shows the beautiful landscape of Arnhem Land, a country filled with mystery and magic, and such beauty. Rolf de Heer spoke a lot about the filming and how he was caught waist deep at times in the swamps, and they had to have crocodile scouts in the trees always watching. These were the conditions *Ten Canoes* was filmed under.

I extend a very big congratulations and thank you to Bula'bula Arts, the manager, Louise Partos, and Belinda Scott who went with the actors to Adelaide, and who are also very instrumental in establishing the exhibition *Thirteen Canoes*, which is held at the South Australian Museum. *Thirteen Canoes* is an exhibition about *Ten Canoes*, the canoes which were used in the film and all the artifacts were on display. The history of the Ramingining people was also on display. It gave filmgoers a chance to see and understand and read, and perhaps ask some questions about Ramingining. As I said, it will be something to look forward to when the film comes up this way in June.

Another area I want to make a special mention of is the community of Barunga. I want to mention Paul Amarant and some of the young people he has got involved with going to Geelong again. As many people may have heard from last year, Paul Amarant is the sport and recreation officer in Barunga for Nyrrangalang, but Paul is there is for Barunga, Beswick and Bulman. Paul has again been behind the push to get the young enthusiasts of football recognised. I know he is very involved in bringing them up on weekends to get the boys to play in Nightcliff, and they played tremendously well. Watching them on the weekend, they did really well in the Under 15s and also in the reserve grades. I know the Under 18s did well but they lost out to the mighty Buffaloes.

Paul is an amazing man. He was instrumental in sending these young men, Traven Shields, 15 years old, Rexmond Isaac, 16 years old, Henry Peckham, 17 years, Clayton Irwin, 18 years, Paul Amarant Jnr, 16 years, and Peter Amarant, 18 years. These young men are in Geelong now and they have been taken in by the club involved with sports and recreation apprenticeships in Geelong.

There are certainly more young men lining up to go. As with most trips you need funding support so we are in the process of trying to identify some extra support funding-wise. It opens up opportunities for the young men of the south east and Katherine region who want to be involved with the life in AFL. It gives them more than just football. It gives them confidence to go out and do things that they probably cannot do in their own home communities, and to interact with people in the southern states. That is a fantastic opportunity for them. I congratulate Paul and the efforts that he is making down there.

Mr BURKE (Brennan): Mr Acting Deputy Speaker, I pay tribute to a man who has been part of the Territory for many years. Ray Walton decided to retire from his role as Secretary of the Palmerston Regional Business Association recently. Ray has been part of the PRBA since its inception in September 1998. He worked firstly as a volunteer and then in a paid capacity. Anyone who has attended the PRBA meetings knows that Ray is a master of modern technology. He ensured that the visual presentations worked seamlessly. I hope Wayne Zerbe will forgive me for saying this, but Ray, those of us who were at the most recent dinner meeting at Tracy Village Social and Sports Club noticed the 'Around Palmerston' presentation did not quite start on cue as we have grown use to it doing!

Ray is not severing all his activities for the PRBA though. I understand he will still assist the association in various ways. Ray also continues his other involvement with community groups in Palmerston, notably the Palmerston Raiders. Incidentally, the league pre-season starts on 1 April this year at Richardson Park. The Raiders take on Nightcliff and will of course beat them.

Members may recall my mentioning Jake Barlow during my adjournment speech in July last year. Jake Barlow received an outstanding contribution award as part of last year's NAIDOC for his contribution to the sport of Rugby Union. Last year, he played for the Palmerston Crocs but also refereed juniors and was a touch judge for the seniors. He was the youngest referee in the game at the time - probably still is. I have been advised that Jake has now being awarded the only ARU NT student referee scholarship. In conjunction with the state Rugby Union, the referee associations, the ARU conduct a school student scholarship program for promising school aged referees. The aims of this program are to:

- promote rugby refereeing as an athletic pursuit for students at secondary schools;

- promote rugby refereeing as a tool to assist with developing leadership skills and management qualities in the work place;
- identify school student referees who in the course of their refereeing have shown potential and aptitude which could enable them to officiate at the highest level;
- provide coaching and support to assist recipients in achieving their potential;
- involve and expose the recipients to the levels of the game which in other circumstances may not be available to them; and
- to recognise personal achievement of the individual.

Each year, the ARU seeks nominations from state unions for the awarding of scholarships. Individuals selected for the program are in the 16 to 18 years brackets and are generally in Years 10 to 12 at secondary school with a least one year's refereeing experience. They will have demonstrated by performance that they are willing to commit to refereeing for the duration of the scholarship and after they have left school. The scholarship is open to both males and females and could be awarded for more than one year.

Jake's achievement is more remarkable because he is only 13 years of age. Today's edition of *E-Rugby News* includes this article about Jake:

Congratulations to Jake Barlow on refereeing his first Senior Grade game last Saturday at AUSTAR Park at the ripe old age of 13. Appointments Coordinator Roberta Barnett through [sic] him into the deep end and gave him the Souths/Dragons Reserve Grade match. Kim Lees, the ARU's Referee Education Manager was at the ground and gave Jake's performance the thumbs up. It's pretty scary when you consider such a young bloke knows and manages all the laws of the game, yet players with a Masters Degree and 10 to 15 years experience out on the paddock still can't work out why they get penalised. Jake's next assignment (other than a school one) will be to make the 600 km round trip to Jabiru to control Saturday's Reserve Grade fixture against Palmerston. I only hope his Mum gives him a lift to the ground and he doesn't have to ride his pushbike.

Well done, Jake, congratulations. Your family and many others who know you are very proud of your achievement in being awarded the scholarship, but also proud of your continued achievements on the Rugby field.

Speaking of Rugby Union, I attended the sign-on day of the Crocs, the Palmerston Rugby Union Club. The clubrooms on Bonson Terrace were packed with youngsters and seniors. The Junior Coordinator of the club is Alison Snowden and the President is Dan McIntyre. Junior training is on Tuesdays, 5 pm to 6 pm for Under 6s to Under 14s and 6 pm to 7.15 pm for Under 14s. The Under 16s and seniors train at the same time as the Under 14s on Tuesday, and the same time on Thursdays.

Sport is an extremely important part of many of our lives. Territorians have a long and distinguished sporting record. We all know the super stars that the Territory has produced. These stars would not have got their start without the local competitions and clubs.

Palmerston Cricket Club looks to a great season ahead of them. I attended the sign-on day and it was not long before the team sheets were filling with names of interested youngsters. Bob Bayly, the president, and the rest of the committee do an excellent job of stewarding the club. It is a great honour to be a supporter of the club, and I look forward to watching the successes on the pitch. I know all members do a lot of work for the club and none more so than Anthony Dent, whom I have known for most of my life.

Soccer is a sport that is not often accorded its due in Australia as the biggest junior sport in the country. Anyone who attends the training of their local junior club will see the enormous numbers of girls and boys who are involved in this sport. I understand the Palmerston La-Faek Club is submitting four teams in the Under 8s, as well as multiple teams in a number of other age groups. This is a fantastic showing from the young people of Palmerston. I congratulate the committee and coaches of the club. I seek leave to incorporate the names of the club committee members.

Leave granted.

<i>Debbie Buettner</i>	<i>Jose DaSilva</i>
<i>Rachel Fox</i>	<i>Susan Cox</i>
<i>Jacki Lawrence</i>	<i>Michael Davison</i>
<i>Ken Gill</i>	<i>Lisa Tobias</i>
<i>Josie Christie</i>	<i>Michelle Friend</i>
<i>Kim Becker</i>	<i>Michael Holliday</i>

Mr BURKE: Thank you. La-Faek senior team is going through a rebuilding period this year with many youngsters stepping up. I know Jose DaSilva will use all his skill and care to guide

the team but also to look after those youngsters to be the best they can. The senior teams train on Tuesday nights, 6 pm to 8 pm at the show grounds at Winnellie and Thursdays at 5.30 pm at Marrara Christian School. If anyone you know is looking for a team, I am sure Jose will welcome new players.

Sport is important. Physical health is a very important part of life. I confess I feel a bit hypocritical saying that, given my own lack of exercise regime and the fact that I have actually put on a kilo since undertaking the Palmlesstonnes Challenge. However, education, as we all know, is vital to a young person's future. I was recently approached by Philip Goodman, leader at the Palmerston Indigenous Village, and Ms Chris Judd, an officer of Palmerston City Council, about an issue at the indigenous village and school attendance. The indigenous village is part of my electorate, and I am always happy to visit my constituents and provide what assistance I can. I thank minister Burns and Mr Kieran Phillips of his office for their assistance in sorting out this problem. I also thank the staff of the Department of Planning and Infrastructure for all their efforts on behalf of my constituents.

The Palmerston Indigenous Village was the scene for the recent launches of the Social Justice and Native Title Reports 2005 by Mr Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner. Entertainment at the launch was provided by the village's own *Warlkri* band. I thank Mr Phillip Goodman and Ms Barbara Tambling, the community leaders, and other residents for having me as a guest in their village.

On 7 March, I attended the launch of the Palmerston Futures Program Student Sponsorship Scheme. The student sponsorship scheme is a key part of the 2006 Palmerston Futures Program. Employers in the Palmerston community can sign on as a bronze, silver or gold sponsor. I cannot praise highly enough the initiative of the Palmerston High School and, particularly, Mr David Maclean and the rest of the seniors' years team. As part of the launch, students at the school had prepared refreshments for the guests. I congratulate them on the high quality of the food they prepared and thank them very much for having me at their school.

I try to make a habit of attending the schools in Palmerston as often as I can, and providing what support I can. Last year, members will recall the Crusty Demons came to town. I was pleased to be able to offer two tickets to Gray Primary School to raffle. Unfortunately, the young girl who won the tickets had them stolen. I would like to thank Andrew Cripps, General Manager of CMax Cinemas in Palmerston, for presenting two tickets

to his cinema to this young lady as a replacement for the tickets she did not get to use.

On 18 March, I attended the toad muster at the Palmerston Golf and Country Club with my wife. The member for Drysdale was also there. The event was organised by FrogWatch. The group my wife and I joined found two toads, one of which was very small. The young girl who spotted has to be commended for her eye sight and quickness of reflexes. I thought that was pretty good - only two toads found. However, the following night I was playing in the pool with my son, Brandon, when we were joined by an unwelcome guest. I grabbed a bag and soon had the toad out of the pool for disposal.

On 18 March, I also doorknocked on behalf of Red Cross. I thank the residents of Bakewell for donating approximately \$500. The people I managed to see were very generous in their support. I handed the money over to Ms Sally Morris of the Red Cross a couple of days later.

Another community event that was held recently was the Clean Up Australia Day. I attended two events. The first was coordinated by the Baptist Church in Bakewell from 7 am. I thank Ms Jackie Staben for the invitation to join them. I met some wonderful community-minded people and we managed to collect quite a deal of rubbish. I can also attest to the superb quality of the bacon and egg sandwich and the pancakes breakfast the church hosted.

I then went over to help the Apex Club of Litchfield with their efforts cleaning up around the Palmerston RSL skate park and surrounds. I thank Mr Dodge of the Palmerston RSL for giving up his morning to be the bar member. I also recognise the efforts of Merv Nicholson, Gerard Harkin, Glen Mitchell, Carla McConachy, Ryan Khay and Jo-anna Egart whom I literally ran into on my way to the launch of the Clean Up Australia Day in the mall. Along with those members of the Apex Club of Litchfield, were Maddison Turnbull, 14, Daniel Nicholson, 13, Elijah Egart, 4, and Ethan Egart, 2, who must be in the running for youngest Clean Up Australia Day participant.

There were some interesting items collected during the day. I pulled out a 6 m to 8 m length of roof cladding from near Mitchell Creek. In fact, there was quite a lot of roofing material to be found. This joined seven shopping trolleys, two car doors, and the entire rear end of a car found near the RSL. I thank all Territorians who were involved on the day.

I was concerned when recently contacted by Petrina Carter and Maria Messmer who are involved with the *Top Ender* magazine. Petrina and Maria advised the member of Drysdale and

me that the federal government was cutting about \$12 000 funding. This would mean that the magazine cannot continue. This is an extremely short-sighted decision by the federal government. The member for Drysdale and I have written to the minister for Defence asking him to intervene. This publication is vitally important to Defence families who come to Darwin, often without contacts here. I have not yet received a response from the minister, but I urge him to rescind his decision. It is not in the best interests of the families of our Defence Force members. To my mind, this publication represents phenomenal value for money when you balance the costs against what it provides Defence family members posted to the Top End.

I recently attended a quiz night at the Hub, which was a fundraiser for the Franke Family Trust. Congratulations to Mel Kealy and others for organising the event. It raised \$4000-odd dollars for the Franke family. It was an excellent night. The team I joined came second. Not even Graeme Chin, Deputy Mayor of Palmerston, knew that the Star of the West was a pearl. However, he did pull us out of the woods on a few of the golf questions.

As part of National Youth Week, the Apex Club of Litchfield will be joining other organisations in organising a Youth Activity Day on 8 April from 2 pm to 6 pm. The venue is the Goyder Square Precinct, and the theme for the day is 'Demonstration, Interaction, Competition', and participation is free. The event targets young people in the 12- to 25-year-old age group. The focus really is on participation. Some of the things that will be going on are a cheer squad workshop and cheering competitions; karaoke competitions; rope and knot tying competitions; community sausage sizzle; wheelchair obstacle races; orienteering challenge; martial arts display and workshops; handball challenge by the AFLNT and the Palmerston Magpies; and static displays which include displays from the Northern Territory government Office of Youth Affairs. There is a lot going on in Palmerston and I encourage all young people to get down to that wonderful event.

Ms CARNEY (Araluen): Mr Acting Deputy Speaker, today was a sad day for the Northern Territory. It was the funeral of Mayse Young OAM. I want to take this opportunity to read into the *Hansard* the eulogy delivered at Mayse's funeral by a former member of this Assembly, Roger Steele.

I know that Mayse was well known throughout the Top End in particular, and I am sure that all members join with me in expressing their sadness at her passing.

I will now read the eulogy into the *Parliamentary Record* and it is fitting that such an impressive life be recorded in the parliament in the Northern Territory for Mayse's family and friends to remember in years to come. It is a fitting tribute to such an outstanding Territorian:

Mayse Young was born in North Queensland 93 years ago. Her father was a ganger on the railways who worked throughout the North Queensland railway network. Mayse grew up in what could be described as tent accommodation with outdoor cooking, dirt floors, and generally living an itinerant lifestyle. Some of the towns where Mayse lived and where she managed to take advantage of primary school education were Proserpine, Tully, Innisfail, South Johnstone and Home Hill.

Mayse's parents were George and Evelyn Dowling. They travelled from job to job, mostly with horse and wagon, and later by truck. Times were very tough and Mayse did not have a pair of shoes until she was 11 years of age. By 1927, George and Evelyn had decided to migrate to the Northern Territory. They came via Cloncurry, where Mayse had her 13th birthday. Later, they left the Georgina River and ventured out from Camooweal in a Ford one tonne utility and a Dodge motor car, following the stock routes out from Camooweal until they met the Rankin River.

From there, they went north and then west to Newcastle Waters, finally reaching the township of Maranboy after passing through Daly Waters Station. The sense of isolation during this trip could not have been greater - driving out from Camooweal in the tracks of the drovers. The drovers must surely have been the loneliest workers in the country.

On arrival at Maranboy, George had no trouble finding work on the railway line, and Evelyn kept the home fires burning. In 1929, George and Evelyn, Mayse and her brothers, Ted and Jim, and sister Ethel, decided to move interstate. They were held up by the flooding waters of Warloch Ponds and Birdum Creek, and they travelled down through Helen Springs on to Alice Springs, through to Port Augusta and across the Nullarbor and on to Perth. This travel took a number of months but, unfortunately, the prospects in Western Australia did not meet the expectations of the family so they slowly worked their way up north, up through Broome and up through the Kimberleys, over to Wave Hill and back to Katherine.

The family was nine months on the road and, on their return, they set up a camp on the Katherine River while they decided what to do. During this time, the Dowlings renewed their friendship with the well known O'Shea family and the pioneer publican, Tim O'Shea, advised George and Evelyn to buy the Pine Creek Hotel, which they did.

During this time, Mayse, with her siblings, developed a wide range of bush skills. They made friends with local Aboriginal kids. Their lives changed from itinerants to trainee publican. Mayse learnt how to make beds, and set and wait on tables; she did washing and ironing and became a good barmaid as well. She said it was a thrill to sleep in a real bed and have an actual stove to cook on after the years of campfires and carbide lamps. Mayse's brother, Ted, provided support to Evelyn and George. He drove the hotel truck collecting stores and generally fulfilling an important role around the hotel.

In her teenage years, Mayse was as happy as she could be. She was mixing with the miners, the cattlemen and the buffalo shooters. She went swimming at the local waterholes, she foraged around Pine Creek collecting bush tucker, and she rode her bike all over the place.

Over the years that followed, she enjoyed a very satisfying social life, with tennis, picnics, horse riding, and she attended a number of the social events of the region including dances at the local hall. Mayse said in her book: 'I can never remember being bored or lonely in Pine Creek'. She also said: 'The whole country was alive and full of fascinating things to explore and beautiful places to enjoy'.

One other commentator, Tom Cole, said in the forward to Mayse's book: 'Mayse had the most delightful bright personality. She always has a happy word for everybody and there was always a marvellous amount of good humour in the Pine Creek Hotel. If things got a bit too jovial, Mayse could control the rowdiest gathering of miners with just a few words'.

He went on to say: 'At the time I thought she was the most beautiful young woman I had ever seen. Everybody loved her. The respect by which Mayse and her mother were treated is rarely seen today'.

Unfortunately, this happiness was shattered when Ted Dowling developed a malarial

virus and died at age 16. The family tragedy had a major personal impact on Mayse and the Dowling family, and they never stopped grieving throughout their lives.

One of Mayse's great strengths was her ability to relate to people in the outback. She knew the outback identities of the era, and she developed a reputation as a woman of the bush as she improved her writing skills with letters, poetry and articles which were well accepted by the North Queensland Register. Mayse was gaining in experience and becoming more involved in the community as the years rolled on.

Joe Young came into Mayse's life in 1932. She said: 'He was tall dark and handsome, and always a gentleman. In 1933, he asked me to marry him', she said. Mayse was a young wife who had never been away from her family. Mayse and Joe moved to the Spring Hill mine and lived in a fibro and iron hut with a verandah along the side; and later they shifted to the Mt Todd mine. Once again, it was billycans and camp ovens and weevils in the flour. Mayse quickly fell pregnant and she was encouraged by her family to travel to Melbourne by ship from Darwin so the baby could be born in a hospital.

Some weeks later, Mayse and her first child, Marlene, flew back up with Qantas to Daly Waters where they were met by Joe and they travelled back to Pine Creek. By 1937, Joe and Mayse were living in Darwin. Joe had contracts around the town, carting water and sand and other goods. They lived near the Daly Street bridge, and they planned to build a new home and create a life in Darwin.

By 1941, the young couple had firmly established themselves in the Darwin community. Joe had plenty of work. Marlene was joined with the arrival of Russell, and later, Warren. In 1941, soldiers were moving into the Territory and Mayse was concerned about the possible invasion of the Japanese. Initially Joe said that they would 'sit it out'. However, she left Darwin with the children in December before the bombing commenced and for a short time she rented a house in Adelaide and later she acquired a lease over a hotel at Crystal Brook which she managed during the war years.

During this period, Mayse was assisted by her Aboriginal helper, Beatrice, who was a life long family friend. While at Crystal

Brook, two more children came along - Glen and Leonie. After the war, the family returned to Pine Creek. The hotel had been used as a recreation hall by the military. It was broken down and derelict and Mayse and her mother cried, but the family all chipped in to get the hotel up and running.

When the Youngs returned to Darwin after the war, they found their house had been damaged by rifle fire, eaten by white ants and was in very poor condition, so once again Mayse and her children had to camp out until Joe could make improvements to their living conditions.

In 1949, Mayse and Joe lost a son at birth. This was very distressing, but 12 months later they were blessed with the arrival of Sandra, and in 1952 their last child, Suzanne, was born. By this time, Mayse and Joe had shifted to Katherine. They became involved in a number of hands-on investments, including the operation of the Commercial Hotel, which was a fibro building in the middle of Katherine.

Joe was road making and contracting in the Katherine area, and Mayse was involved in a voluntary capacity working in a number of community organisations. She was president of the Red Cross Society raising significant funds to establish the first retirement village for Katherine's elderly citizens. She worked with the Parents and Citizens committee and for the Country Women's Association. Mayse was now demonstrating her management ability and with her years of experience managing affairs at Pine Creek, Mayse was later awarded accordingly and appropriately an Order of Australia Medal for her service to the community.

In 1953 Mayse's first grandchild, Gail, was born. There are now a great many grandchildren. It was during this time that the Youngs acquired pastoral interests and her son, Russell, now deceased, along with Warren and Glen were involved in operating a cattle station known as Birrindudu. The family disposed of these interests at a later time to concentrate on the hotel business. I think Mayse was disappointed that the family didn't progress in the pastoral industry. Sadly, George and Evelyn Dowling passed away having worked so hard to get their family established in the Territory. Even years later, Mayse would shed a tear when thinking about her mother, she missed her so much.

Mayse Young survived her husband Joe, and nurtured her growing family. She involved herself in a number of business and community ventures and became the first female president of a race club when she was elected to that position with the Pine Creek Racing Club. Mayse was also available to give advice and just to listen. She had many mates from all walks of life and she mentored those around her. Her status as the matriarch of the family created a great feeling of stability and wellbeing.

Mayse was a woman of immense ability. She was a great survivor. She battled through Cyclone Tracy and she rebuilt her life and her assets on a number of occasions.

Over the years, I have personally come to realise that the Territory has many unsung heroes barely remembered now because of time but without whom the Northern Territory would not have made the progress needed to be a thriving community today. In particular, the pioneering women of the Top End have captured my imagination usually working in great isolation, far from friends and often without family, shoulder to shoulder with their husbands to make a life in the great Australian outback

To my mind, Mayse Young ranks as an Australian icon. She is up there with the Durack and the O'Shea women, also with the Quilty women. She ranks alongside Peg Underwood and with Hessie Schultz Schultze and Maggie Lilly.

In the Top End from Burketown to Wyndham this wonderful woman, Mayse Young, is the last of the great outback women of our time.'

Mr Acting Deputy Speaker, that concludes my reading of the beautiful eulogy read by Roger Steele at today's funeral. I am sure on behalf of all members, they share with me my sadness and thanks to Mayse Young for making the Territory her home and for making such an outstanding contribution during her life. I know the member for Katherine, who is sadly absent due to ill health, would like me to record her sadness at the passing of Mayse Young as well.

This is a fine example of an outstanding life. The Territory is richer for someone like Mayse Young. She really has made an outstanding contribution. I feel for all of her friends and family at this time. Certainly, at the grand age of 93, I guess many people will say: 'What a great innings'. What a great innings it was. Nevertheless, many people feel a great deal of

sadness and it is important for those people to know that the CLP, and I am sure each and every member of the Assembly regardless of their political party, joins with me to express our sadness at this time.

Motion agreed to; the Assembly adjourned.