

The committee convened at 8.30 am.

**Madam CHAIR:** Good morning, everyone. Welcome to today's Estimates hearings.

I acknowledge the Larrakia people and pay my respects to those First Nations people on whose land these meetings are being held.

Before we get to that, I will go through housekeeping. I will check with members continuously where they have questions. We missed a couple of outputs yesterday; it gets a little convoluted. If anyone needs to take a comfort break for whatever reason, let me know.

## **MINISTER PAECH'S PORTFOLIOS**

### **ABORIGINAL AFFAIRS AND TREATY**

### **LOCAL GOVERNMENT**

### **ARTS, CULTURE AND HERITAGE**

## **DEPARTMENT OF THE CHIEF MINISTER AND CABINET**

**Madam CHAIR:** Minister, I hand to you to introduce your officials and make an opening statement if you wish.

**Mr PAECH:** Madam Chair, I am joined by Tom Leeming, Deputy Chief Executive Officer, Policy and Reform; Dorrelle Napanangka Anderson, Deputy Chief Executive Officer, Territory Regional Growth; Anthony Shelley, Executive Director, Strategic Aboriginal Policy; and Shaneen Tilmouth, Executive Director, Office of Aboriginal Affairs.

There will be no opening statement. I am more than happy to begin working through the output areas.

### **Agency-Related Whole-of-Government Questions on Budget and Fiscal Strategy**

**Madam CHAIR:** The committee will now consider the estimates and proposed expenditure contained in the Appropriation Bill 2024–25 that relates to the Aboriginal Affairs and Treaty; Local Government; and Arts, Culture and Heritage portfolios. Are there any agency-related whole-of-government questions on budget and fiscal strategy?

**Mr EDGINGTON:** Good morning to all the officials and the minister. Thanks for being here.

The intrastate ministerial travel report for the period 1 July 2023 to 31 March 2024 details a day trip you made to Lajamanu from Darwin on 28 October 2023. Can you tell us what the purpose of that meeting was?

**Mr PAECH:** That trip was a facilitated meeting with the local community regarding the establishment of a law and justice group in the community. It is a function that the Department of the Chief Minister and Cabinet, in collaboration with the Department of the Attorney-General and Justice, are delivering. The meetings were to discuss the establishment of a law and justice group with the Kurdiji group.

**Mr EDGINGTON:** Can you tell us who travelled with you to that meeting?

**Mr PAECH:** It would have been a staff member from my office to facilitate any follow-up that was required from those meetings.

**Mr EDGINGTON:** Was it just you and the staff member on the trip?

**Mr PAECH:** That would be correct.

**Mr EDGINGTON:** Are you able to provide an overall cost of that trip to Lajamanu?

**Mr PAECH:** The return cost for that trip was \$9,462.

**Mr EDGINGTON:** What did the costs cover?

**Mr PAECH:** The costs would have covered charter flights to the community and back to facilitate the community meetings.

**Mr EDGINGTON:** The total cost is for the charter only; is that correct?

**Mr PAECH:** That is my understanding.

**Mr EDGINGTON:** The purpose for the meeting was for a law and justice meeting. What was the outcome of that meeting?

**Mr PAECH:** There is ongoing work with the Kurdiji group in the local community regarding further development of a law and justice group in response to community safety concerns and the development of the Aboriginal leadership in that community.

**Mr EDGINGTON:** Given that you scrapped the law and justice strategy in 2005, when do you expect to have a law and justice group up and running in Lajamanu?

**Mr PAECH:** Thank you for the commentary, Member for Barkly ...

**Mr EDGINGTON:** It is not commentary; it is fact.

**Mr PAECH:** A point of reference—I was not in parliament in 2005, but as the Northern Territory's ...

**Mr EDGINGTON:** It is on the record, and it was scrapped in 2005.

**Madam CHAIR:** Shadow minister and minister, I will be a bit firmer than we were yesterday. If you ask a question, please let them answer. Equally, once you have finished answering you can have a follow-up question.

**Mr PAECH:** I was not in the Northern Territory parliament in 2005. Being a member of the Lawler Labor government, my intention to roll out as many law and justice groups across the Territory in line with the legislation that we passed for community courts is important, and we will continue to do that, but we will continue to do it at a pace that is accepting of the community's wishes, desires and aspirations. It is important work across the Territory. I ask that any further questions on law and justice groups be reserved for Output 2.0.

**Madam CHAIR:** Yesterday we had open statements, and things were raised, but if things have not been raised previously, I will refer them to the output groups so that we can keep order and make sure that we do not miss anything. Have you concluded your questions, shadow minister?

**Mr EDGINGTON:** Yes, thanks.

Chair, can I clarify if the Barkly Regional Deal is within these outputs?

**Madam CHAIR:** My understanding is that it would be with this minister but under Local Government. Minister, can you provide ...

**Mr PAECH:** If I may, Madam Chair.

**Madam CHAIR:** Of course.

**Mr PAECH:** Member for Barkly, the Barkly Regional Deal sits with the Minister for Local Decision Making. She will be appearing before the Estimates Committee tomorrow.

**Madam CHAIR:** That concludes whole-of-government questions on budget and fiscal strategy.

## **OUTPUT GROUP 1.0 – ADVICE AND COORDINATION** **Output 1.1 – Strategic Policy Coordination and Engagement**

**Madam CHAIR:** The committee will now move onto Output Group 1.0, Advice and Coordination, Output Group 1.1, Strategic Policy Coordination and Engagement. Are there any questions?

**Mr EDGINGTON:** How much money is in the budget for Treaty?

**Mr PAECH:** Budget 2024–25 allocates \$1.65m.

**Mr EDGINGTON:** Could you give a breakdown of how that \$1.65m is intended to be spent this year?

**Mr PAECH:** In relation to this area, allocation or appropriation within the budget, it is important to acknowledge that the Territory Labor government is working with the land councils and other stakeholders across the Northern Territory on discussions and restarting the discussion about treaty. That is at a pace led by Aboriginal Territorians.

You would be aware that in 2023, the discussion about treaty was placed on hold by the Northern Territory Government at the request of our stakeholders and community members to allow them to focus on the work of the federal government's Voice referendum campaign. Following the result of the referendum, we understood that a number of Aboriginal organisations and individuals took time out to have sorry business for the referendum result.

Once that time had passed and it was appropriate, earlier this year we commenced the discussion or conversation about treaty, and the Northern Territory Government scheduled two treaty symposiums. One was in Mparntwe—Alice Springs—and the other in Darwin. They were to discuss and facilitate the treaty discussions. It was raised by a number of Aboriginal Territorians in those forums that not all Aboriginal Territorians had the same view, understanding or aspiration about what treaty means or could mean for the Territory and what the process would be moving forward on the resumption of a discussion on treaty in the Northern Territory.

Subsequently, it was decided that an information and education campaign would need to be developed to ensure that people were well informed and understood what we were talking about, or what we are talking about, with Territorians about treaty. This is to make sure that all Aboriginal Territorians and non-Aboriginal Territorians are fully informed on what that means and that all Aboriginal Territorians are aware when they are able to be fully engaged.

I acknowledge and put on the record that I was fortunate and thankful that a member of the Estimates Committee, the Independent Member for Mulka, Yingiya Guyula, attended those treaty symposiums and provided valuable insight. Following those symposiums and the information collected we had a number of breakout sessions to talk about the possible pathway forward should that continue. It was then discussed that we would reconvene and restart conversations with the Northern Territory's four land councils as, under the *Aboriginal Land Rights Act*, they administer a number of key functions for Aboriginal Territorians on Aboriginal land, and the working group would be stood up to facilitate.

It is important to acknowledge that is not saying that any discussion on a treaty would be in isolation and would only be with the land councils. It was more about the discussion on potential architecture that would allow any further conversation to be taken.

We know that a treaty will not happen overnight; it may take many years, or it may be something that Aboriginal Territorians want to take time to consider what works. There is money in the budget to allow the discussion, first and foremost, to be facilitated and allow the working groups to come together to discuss and look at potential next steps.

**Mr EDGINGTON:** How much money has been spent by your government on treaty so far?

**Mr PAECH:** As of 31 March \$343,000, has been spent.

**Mr EDGINGTON:** How much did it cost to develop the treaty report?

**Madam CHAIR:** To remind the committee, we are looking at the proposed budget. We allow for latitude to look back at the previous financial year. In terms of the treaty report, it has been published for a couple of years. Minister, I allow some latitude in answering that if you have information. Equally, it is not under the terms of the committee.

**Mr PAECH:** Thank you.

**Mrs LAMBLEY:** Will you answer it?

**Mr EDGINGTON:** How much has been spent?

**Madam CHAIR:** The minister has advised how much as of 31 March, which is the information he has before him. We have an appropriation going forward. You would have to look at past transcripts.

**Mrs LAMBLEY:** Madam Chair, there is always a lot of latitude given regarding these questions at these hearings, particularly if they are relevant to the present.

**Madam CHAIR:** Of course. We also have officials who have a certain amount of information before them. I am not sure if previous transcripts would help enlighten those questions. You are always welcome to do a written question to the minister.

**Mr EDGINGTON:** How much has been spent on the treaty so far?

**Mr PAECH:** For the financial reporting period we are discussing today, \$343,000. Anything in relation to the treaty report or the Treaty Commission would be at least four budget cycles ago.

**Mr EDGINGTON:** How much was spent?

**Mr PAECH:** It was \$343,000.

**Mr EDGINGTON:** I am asking about the treaty report. How much was spent on developing the treaty report?

**Madam CHAIR:** Opposition spokesperson, the question has been answered within this appropriation. If you do not have further questions within this output, other members of the committee have questions. You are welcome to move on with your line of questioning or I will go to other members.

**Mr EDGINGTON:** Can you state that figure again; what was it?

**Madam CHAIR:** He has stated it multiple times. You can review *Hansard*.

**Mr EDGINGTON:** What has the \$330,000-odd you have spoken about been spent on?

**Madam CHAIR:** That is a further question. The minister has explained the process.

Minister, I will allow you to provide further response if you wish.

**Mrs LAMBLEY:** Why does the minister not want to say how much the treaty report cost? He is the minister for Treaty.

**Madam CHAIR:** As he articulated, it goes back quite a few appropriation budget cycles.

**Mrs LAMBLEY:** Does he not know how much the treaty report cost?

**Madam CHAIR:** Member for Araluen, he is responding to a question.

**Mr EDGINGTON:** I think he knows, but he does not want to tell us.

**Madam CHAIR:** If we keep having interjections, I will have to put people on warnings. I do not want to do that. We need to have a free-flowing debate.

Did you have a next question?

**Mr EDGINGTON:** I did. I asked what the breakdown was of the \$343,000.

**Madam CHAIR:** Sorry. I was sidetracked because I was interrupted by another member.

Minister, I ask members of the committee to remain silent whilst you answer the question that has been asked.

**Mr PAECH:** In relation to the \$343,000, it can be attributed to wages to allow for the development of the treaty symposiums, the workload within the agency in responding to those. I remind honourable members that costs incurred regarding the Treaty Commission and the treaty report have been answered by previous ministers who have held the Treaty portfolio. I encourage members to take the time to look back through the

*Hansard* and caution people on making treaty a political issue. This is about empowering and giving the opportunity to the voices of Aboriginal Territorians and the rights and respect that they deserve.

**Mrs LAMBLEY:** You are politicising by not answering the questions, minister.

**Madam CHAIR:** Member for Araluen, we do not need commentary. I will place people on warnings.

**Mrs LAMBLEY:** Madam Chair, you have a conflict of interest. As the former Chief Minister from six months ago, you are trying to gag this debate. Territorians want to know what the treaty is, how much it is costing and how much it has cost. These are reasonable questions. It might go back three or four years, but it is still relevant today. This is an ongoing feast. The government decided to suspend the work on treaty for a couple of years. The minister has already acknowledged that, yet no latitude is being given to recap where it was and where you are picking up from now. It is a relevant question.

**Madam CHAIR:** Member for Araluen, if you do that again you will be asked to leave the hearings. You are on a warning. I will allow latitude, but we have questions from members, and you are interrupting.

**Mrs LAMBLEY:** I think you are the one who should be stepping down because you have a conflict.

**Mrs MANISON:** Come on.

**Mrs LAMBLEY:** No. You have a conflict here. You are trying to gag the debate on an important issue.

**Madam CHAIR:** I am not trying to gag the debate. I am chairing a meeting that needs decorum ...

**Mrs LAMBLEY:** And you should not be.

**Madam CHAIR:** If you do not wish to follow the rules, you can leave the hearing. There is a choice. I know that the Independent member has a number of questions on this output, but as per process, opposition spokesperson, we allow you to go first. Do you have more questions for 1.1, Advice and Coordination.

**Mr EDINGTON:** I do not think we got the full answer, but I asked for the breakdown of the \$343,000.

**Madam CHAIR:** You were provided the response.

**Mr EDINGTON:** No, we were not. I think he gave a general—that was wages. If there had been two symposiums, as the minister has told Estimates this morning, what is the full breakdown of the \$343,000?

**Madam CHAIR:** Minister, we appreciate the information you gave us. Do you have further breakdown on that \$343,000. You are welcome to take this on notice if you need to acquire more information.

**Mr PAECH:** This is an important issue. I am more than happy to take that on notice to provide the most accurate and up-to-date information. We can have a response back to the Estimates Committee before the closure of this hearing.

**Madam CHAIR:** I acknowledge that the amount was through to March 31.

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### Question on Notice No 2.1

**Madam CHAIR:** Member for Barkly, if you could please restate the question for the record.

**Mr EDINGTON:** From the \$343,000 figure you stated, what was the cost of the symposium in Alice Springs, and what was the cost of the symposium held in Darwin?

**Madam CHAIR:** Minister do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question has been allocated number 2.1. As indicated, we will endeavour to get that back this morning, or it can be published.

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**Mr PAECH:** Member for Barkly, the \$343,000 is the figure as of 31 April, which is the reporting period. We will provide you with the breakdown of the \$343,000 for the reporting period.

**Mr EDGINGTON:** It sounds like there is an officer or staff responsible for the treaty. Can you tell me what the structure of the office is that is responsible for treaty?

**Mr PAECH:** There is an identified position in the Department of the Chief Minister and Cabinet who oversees the area of treaty. That position has been there to support the facilitation of the treaty symposiums in the Northern Territory and the work on establishing ongoing discussions with our stakeholders about the potential to move forward in this area.

**Mr EDGINGTON:** What level is that position within the public service structure?

**Mr PAECH:** That is an operational decision. I would need to ask the Deputy Chief Executive, Tom Leeming, to provide the category. As the minister, I do not get involved in the positions and the level of recruitment.

**Mr LEEMING:** The Treaty office currently has one staff member, who is ECO contract officer level 1.

**Mr EDGINGTON:** What is the salary of an ECO1 and on costs?

**Mr LEEMING:** We would need to take that on notice.

**Mr EDGINGTON:** You do not know how much an ECO1 earns per year?

**Mr PAECH:** The department is a large. It coordinates whole-of-government responses. We have a magnitude of different recruitment levels. Member for Barkly, you are more than welcome to jump online at [www.nt.gov.au](http://www.nt.gov.au). They have all the pay scales available.

**Mr EDGINGTON:** Thank you for your commentary, minister, but I am asking the questions here, and I have asked what the salary of an ECO1 is. It is a simple question.

**Madam CHAIR:** Before we have a response, I think that we need to be careful in a small community that we are delving into an operational area. As a committee we are looking at the budget going forward and making sure that we align it with the deliveries of government. It is Advice and Coordination. The minister can provide further information, but I think we are heading down a rabbit hole. I am not sure in terms of the overall policy and appropriation ...

**Mr EDGINGTON:** Thank you, Madam Chair ...

**Madam CHAIR:** No, I am speaking. If you want to be on a warning like the Member for Araluen, keep going.

**Mrs LAMBLEY:** Throw us all out; that would be good.

**Madam CHAIR:** You are on a formal warning. If you interrupt once more, I will ask you to leave for an hour.

Minister, as I just articulated, we want to ensure that we provide as much information as possible, but at the same time these are operational weeds that we are in. I will hand back to you without interruption to provide any response you wish.

**Mr PAECH:** I give the general reminder that it is available online, but the deputy chief executive can provide you with those figures.

**Mr LEEMING:** The total current remuneration package for an ECO1 is \$221,884.

**Mr PAECH:** For a point of reference, that is total remuneration.

**Mr EDGINGTON:** Does that include a vehicle?

**Mr PAECH:** No.

**Madam CHAIR:** Are you looking for a job?

**Mrs LAMBLEY:** I do not think that is appropriate, Madam Chair. Maybe you should be on a warning.

**Madam CHAIR:** We are in the weeds.

**Mr EDGINGTON:** I do not think we are in the weeds. Sorry, Chair, but I asked a previous question, and I have been told that there is a \$1.65m budget. I am trying to get to the bottom of this. I think wages and conditions of service are important because that will leave about \$1.3m. My next question will be: what will that be spent on? It is highly relevant. We are not getting down in the weeds; we are talking about a \$1.65m budget for treaty. We are trying to get to the bottom of how that money will be spent.

**Madam CHAIR:** Please go ahead with your question.

**Mr EDGINGTON:** Thank you.

**Madam CHAIR:** I think you were asking a question.

**Mr EDGINGTON:** I did. Does it include a vehicle?

**Mr PAECH:** Again, that is an operational matter.

**Mr LEEMING:** Including a car, the number is \$237,000.

**Mr EDGINGTON:** That leaves roughly \$1.35m. What will the remainder of this budget be used for?

**Mr PAECH:** That money has been allocated to support the aspiration and the discussions ongoing around treaty. It is allocated to support grant rounds as well. You would be aware that we have flagged the potential to roll out truth-telling and reconciliation grant rounds. That could be a part of the consideration—that appropriation.

**Mr EDGINGTON:** How much money is being put aside for grants?

**Mr PAECH:** There were two allocations of \$300,000—two rounds around truth-telling and reconciliation. The criteria as part of that were about reconciliation and recognition of the significant roles that First Nations Territorians have played and continue to play in the social fabric of the Northern Territory. A number of those could have been honouring and commemorating sites of significant cultural and spiritual heritage. They could be looking at, as various organisations and councils have flagged, monuments and statues honouring and recognising the role of First Nations people; digitising archives or particular materials; or putting together publications on the important roles that First Nations Territorians have played in the Territory, so quite a broad scope of activities that could be applied for.

That grant round was capped at \$20,000 per application to ensure that there was an even spread across the Territory and to ensure that places like the Barkly had an opportunity. There is an allocation, and they are encouraged to apply. We have made sure that could also look at bringing events together to recognise places and events for First Nations people.

**Mr EDGINGTON:** How many grants have been approved, and who have they been given to?

**Mr PAECH:** There are two grant rounds. One grant round has closed and is currently going through the application process. That is being reviewed by the Department of the Chief Minister and Cabinet. The second round will be released for applications later this year. We intend it to be around September.

**Mr EDGINGTON:** How much is in the funding pool for the round that has closed?

**Mr PAECH:** As I stated earlier, there are two rounds. Each round is \$300,000, and each applicant is capped at \$20,000 to ensure we get an even spread across the Northern Territory and encourage First Nations Territorians to showcase important areas.

That was feedback as part of our treaty symposiums and discussions. When people were talking in those breakout sessions about treaty and the referendum, many non-Indigenous Territorians were interested in understanding the historical concepts and events that had happened across the Northern Territory involving First Nations people.

This is in recognition of non-Indigenous people's eagerness to understand the local history in the Territory. Those grant rounds are being rolled out in respect to that, providing an opportunity for education and

awareness and to commemorate and honour many First Nations Territorians who have played an important role in developing the Northern Territory to what it is today.

**Mr EDGINGTON:** Has there been any expenditure used to engage consultants over the last 12 months?

**Mr PAECH:** In relation to consultancies, they are matters that ministers of a government would not be involved in. There are strict procurement guidelines that we adhere to.

**Mr LEEMING:** For the reporting period to 31 March there was no expenditure for this financial year on consultants.

**Madam CHAIR:** Member for Mulka, did you have any questions about Output 1.1, Advice and Coordination, for Aboriginal Affairs and Treaty?

**Mr GUYULA:** I have a few.

**Madam CHAIR:** I will get you to ask your questions. If, for some reason, it is not in this output, the minister will refer us to where it should be located.

**Mr GUYULA:** The word ‘treaty’ does not appear in any of the budget papers, nor did the Chief Minister mention it in her budget speech. The responsibility for treaty should sit with an independent body, not a government department. I will clarify that before I go on. This is the treaty and the *makarrata*.

The word *makarrata* came up in north-east Arnhem Land in the Yolngu region of Arnhem Land. There might be treaty around other parts of the Territory; I am not separating them, but this is how it is done here. The treaty we see in Yolngu lands in Arnhem Land, that the Yothu Yindi band sings about and that the first—in 1963 I think—bark petition was taken by the elders from 13 clans in north-east Arnhem Land refers to this statement: Treaty should stand within an independent body, not the government, because this is an argument between the government and the Indigenous people. We need an independent body that can solve this argument, fight or dispute, if you like.

We are asking the department or independent body to agree on how they see it clearly. I disagreed with a couple of things when we had consultation at the Convention Centre with Indigenous people from around the Territory and the Treaty minister to talk about how we would see a treaty would work. We made a final decision and wanted further consultation and talks around the place. The minister for Treaty stepped in and said they would look at it and the final decision would be made by the minister. I said that was not how we want to see things. The fight is between the government and the people of treaty-making.

Madam Chair, I want to make it clear that my statement says that the responsibility for treaty should sit with an independent body, not a government department.

**Madam CHAIR:** I ask the minister to respond. Thank you for rearticulating the question at the end.

**Mr GUYULA:** I wish to keep going with the same question.

**Madam CHAIR:** You can keep going, or he can answer and come back to you.

**Mr GUYULA:** Yes, answer the question first.

**Mr PAECH:** In response to the first part of your question, there has been an allocation in the budget. The budget line reflected in the budget papers is not a line item, as it is the business of the Department of the Chief Minister and Cabinet, and it is featured there. There are staff in the agency whose role is to facilitate the discussions on treaty in the Northern Territory.

I acknowledge and thank the member for participating in the treaty symposiums and providing valuable insights. Member for Mulka, you have summed up appropriately that treaty currently means many different things for many people across the Northern Territory. The aspirations of the song *Treaty* by Yothu Yindi, compared to the aspirations and songs of the Warumpi Band, mean different things because Aboriginal people are not homogenous. We have different parts of the Territory where we come from and different aspirations. It has been clear that the Northern Territory Government will work with stakeholders, community members and Members of the Legislative Assembly to look at the consultation, education and information to understand and to ensure that when we talk about treaty—or for the purposes of the electorate of Mulka and East Arnhem Land, *makarrata*—that people are well informed.



We did not proceed the treaty conversations during the referendum because, as an Aboriginal person, I know how over-fatigued people can become. We continue to work through all the recommendations in the comprehensive treaty report collaborated on and compiled by the wonderful Tony McAvooy and Ursula Raymond. It is important work that we continue to work through.

It is important that everything we do as a government is about providing opportunities to support local leadership and empower Aboriginal Territorians to participate in decisions in their community. The ongoing conversations, discussions, information and education sessions need to be developed. I look forward to working with you on the engagement piece of what we should be talking to Aboriginal Territorians about regarding treaty and what that can and should mean in the Territory.

**Mr GUYULA:** When I visited Victoria and saw the Yoorrook Justice Commission for truth-telling with similar powers as a royal commission, I can see we are a long way behind. What is in this budget for treaty? What will happen over the next financial year to achieve treaty? You answered that question, but I want to put the first one on record.

**Madam CHAIR:** Minister, the member acknowledges you have provided some response, but is there anything you wish to add?

**Mr PAECH:** Yes, Madam Chair.

For this year's budget there is an allocation of \$1.65m to continue that important work. There will be continued appropriations if Labor remains in government in the Territory, because these are important conversations, information and education that need to happen. That work continues. The revitalisation of work with the Northern Territory's four land councils continues. The extension of the consultation with stakeholders, particularly Aboriginal Territorians and ensuring that local members who represent remote Aboriginal Territorians are involved and briefed on this is incredibly important. Following the two treaty symposiums and the important work with the truth-telling and reconciliation grants, we will continue revitalising the working group to have the discussions.

I welcome the opportunity, Member for Mulka, to work with you on what we should be looking at and talking to people about in regard to this area, so people have a clear, informed understanding of what that means. That is for Indigenous Territorians and non-Indigenous Territorians, so they are not misguided or provided false information by powers or an entity across the Northern Territory as a fearmongering exercise. This is an important journey for all the Territory.

**Mr GUYULA:** The Auditor-General's May report is online. The NT Government is failing in many ways to implement changes needed to meet the Closing the Gap agreement. It is failing to identify costs, find design to address Aboriginal disadvantage and show clear pathways to meet the four priorities of the agreement. What amount in this budget has been allocated for the purpose of implementing the Closing the Gap agreement? What is expected to be achieved?

**Mr PAECH:** Closing the Gap is an important initiative. The Northern Territory is a signatory to the Closing the Gap agreement. There are four priority reform areas and 17 outcomes that the Northern Territory Government is working to address.

I acknowledge this is work that is not the sole responsibility of the Office of Aboriginal Affairs; every government agency, department and entity needs to play a role in closing the gap on Indigenous disadvantage across the country. Whether it is the Office of Aboriginal Affairs; the Department of the Chief Minister and Cabinet; the Department of Justice; Health; Education; Trade, Business and Innovation; or Digital and Corporate Development, every government agency has a role to play.

When we talk about the recent Productivity Commission and Auditor-General reports, we see these reports as opportunities and value their insights. We are using those reports to look at how we can continue to improve and streamline our practices to deliver the best outcomes to close the gap on Indigenous disadvantage across the Northern Territory. We are meeting with the Northern Territory Executive Council this month to work through the recommendations of the Productivity Commission and Auditor-General reports.

There is a long way to go in closing the gap, but we are seizing every opportunity to drive positive, long-term structural reform and change to improve the outcomes for Aboriginal Territorians. This work is happening.

We acknowledge the Productivity Commission's report and the Auditor-General's report. We will meet and provide responses to those reports.

We will work with the Northern Territory Executive Council, which is made up of Aboriginal organisation membership groups across the Territory. I acknowledge and thank all the exec council organisations and peak organisations for the important work and advocacy that they are doing in this space.

The Executive Director of the Office of Aboriginal Affairs, Shaneen Tilmouth, is an Arrernte woman from Central Australia who has been working hard with the national Closing the Gap committee groups in relation to addressing the agreement. She can provide you, Member for Mulka, with details about where we are at with the Closing the Gap agreement. There is a range of tangible outcomes.

As an Aboriginal person, I think we are often seen and spoken about in the deficit. Whilst I acknowledge there is still a lot of work to happen with Closing the Gap, there are wonderful tangible outcomes of improvements in many of the 17 output areas. We can give you tangible examples of those improvements and the benefits that we are seeing in the Territory, as well as respond to areas of concern that members may have.

Some of the biggest matters when we talk about Closing the Gap has been an education campaign on the four priority reform areas and ensuring that everyone understands Closing the Gap is not the sole responsibility of government; it is about shared decision-making and power sharing. That is about governments of all persuasions and at all levels—local governments, state and territory governments and federal government—letting go of the shackles and sharing the power and decision-making with Aboriginal community-controlled organisations, which do a wonderful job throughout Australia.

**Ms TILMOUTH:** In terms of the implementation of the National Agreement on Closing the Gap, the Department of the Chief Minister and Cabinet, through the Office of Aboriginal Affairs, works with our key partners—the Local Government Association of the Northern Territory and the Aboriginal Peak Organisations Northern Territory, which includes a membership of the land councils, NAAJA, AMSANT medical services and NTIBN in respect to business and enterprise development, and all government agencies—to develop actions on how we can improve outcomes for Aboriginal Territorians against the 17 socioeconomic targets in outcome areas.

The Productivity Commission is tasked with collecting data at both a national and jurisdictional level and to track how we are progressing with the achievement of outcomes.

In the latest release of data from the Productivity Commission, which was released in March this year, the Northern Territory had worsening statistics on seven targets. Those included the birth weight of children, child development, employment and incarceration rates. However, we had six improving targets: rates of attainment of Year 12 for Aboriginal students; the levels of appropriate housing in the reduction of houses that are overcrowded; the rates of out-of-home care for Aboriginal children in the child protection system; and an improvement in the land and sea rights space, including the activation of the Aboriginal estate for economic development.

There are a number of targets that have data limitations that were not assessed as part of that latest data release.

We have one target partially improving, which is life expectancy. It is improving for male Aboriginal Territorians but worsening for female Aboriginal Territorians.

We work with the groups and members I spoke of earlier to develop actions that each agency will undertake to improve and work towards improvement of our outcomes. That includes how we do business. It is not just actions to achieve the outcomes but the way we do business with the Aboriginal community sector, Aboriginal organisations and Aboriginal people.

In respect to those priority reforms, we make sure there are opportunities for shared decision-making that will strengthen the Aboriginal community-controlled sector. We understand and implement the data story for our Aboriginal people, noting how important that data story plays in being able to make informed decisions when it comes to services delivered in their communities. We make sure that the government is looking internally to understand and change the way it does business with Aboriginal people and Territorians.

I might leave it there. Member for Mulka, if you have any other questions or if I have not answered sufficiently, please let me know.

**Mr GUYULA:** I have been listening to the *yapa* from the department. I heard that it has been working on closing the gap with Aboriginal organisations, as these organisations, even though they are made up of Aboriginal people, actually went to the communities to consult with different clan groups. That is what I would like to see. Has that happened? There needs to be proper consultation in everything that we do here and the body of Aboriginal organisations.

As the local member even I do not make decisions for my people there. I always want to go back and consult with people. I would like to see Aboriginal organisations do a proper consultation with people around the Territory. Has that happened? Are you working on that?

**Mr PAECH:** Absolutely. There is work happening in this space. When I took on the Aboriginal Affairs portfolio last year, one of the important things I was cognisant of was the need to do the work on education and information. Sometimes when I talk to my communities there is a lack of information or understanding of what closing the gap meant.

In some of my communities, when I talked about closing the gap, they thought I was talking about closing the Gap in Alice Springs, which meant they could not get into town. That was a moment for me. I raised this at the national Aboriginal Affairs ministers' meetings about the work we have to do in regional and remote communities regarding people's understanding of closing the gap.

This is an important issue not just for remote and regional communities; it is also about understanding that government agencies, chief executive officers across all government departments, all their executive and management staff understand that the Northern Territory Government is a signatory to the closing the gap agreement and that every person in the public service should be aware of the four priority reform areas and the seventeen outcomes at an executive level because we should be striving every day to address those.

We are working with the land councils, APO NT and Aboriginal organisations to come together and have a communication campaign and information on what Closing the Gap is so that people understand what we are doing. The need to make sure that information was getting back to communities was an issue raised by the Northern Territory at the ministers' meetings with state and territory counterparts and the federal Indigenous Affairs minister.

The Executive Director of the Office of Aboriginal Affairs can also provide an overview of the work that we have been doing in place-based locations, such as Maningrida. We are now taking on the role of working with all our remote communities to understand what closing the gap means, by government and organisations, so that communities understand.

When we are talking about closing the gap, there are significant investments throughout the budget. The Minister for Local Decision Making will talk tomorrow—she is also the Remote Housing minister—on how closing the gap is significant in health and housing.

**Ms TILMOUTH:** Six sites have been selected nationally to put into practise everything we are trying to achieve through the National Agreement on Closing the Gap. For the Northern Territory, Maningrida community was chosen to be the place-based partnership site. The place-based partnership brings together the three levels of government and Aboriginal organisations to work out what Maningrida would like to do as a community and as a broader region, and how it would like to see Closing the Gap implemented.

To that end, one of the first priorities of the Maningrida community identified was that there were strong organisations in Maningrida community but there were a number of homelands and outstations and people not living within the Maningrida community who did not feel like they had a strong voice when decisions were being made.

The Office of Aboriginal Affairs, through the place-based partnership project, has engaged an anthropologist to do many months of work to identify the main language groups and bring those groups together to organise themselves in a way that provides a cultural authority for that community so that when decisions are being made about closing the gap and other government services, they are being made by a cultural authority of the Maningrida region and not just by an organisation. It speaks to the whole community.

That meant many months of engagement and consultation on homelands and with people who might not be represented by organisations. We made sure that consultation and engagement included everybody in the community. The community has now organised themselves and made decisions about how they want to bring together that governance arrangement. We will work through that with them in the coming months.

That is a tangible example of using the community's aspirations to ensure a cultural authority that could speak for that region about how we are working to implement closing the gap.

**Mr GUYULA:** Has that process been done already, or is it the process you are looking at going out and advocating with people?

**Mr PAECH:** That process is in train; it has not been completed. It is in its stages of implementation. We have advocated that we would welcome the opportunity for more sites across the Territory, given that we are one jurisdiction with the highest population of Aboriginal people in Australia, outside of New South Wales. The process is starting; right from the initial stage there is an evaluation process so we can monitor it.

In relation to supporting Aboriginal organisations, we have the virtual funding pool. That has been allocated to a number of organisations and is NTG funds. The Aboriginal governance and management program has \$100,000 for that program to continue implementation of its health sector strengthening governance toolkit with AMSANT. It is about transitioning health centres and clinics to Aboriginal community control.

Aboriginal Housing Northern Territory has \$100,000 for it to deliver a grant program that supports Aboriginal community-controlled organisations to provide housing management services in remote communities, homelands and town camps—or, in the Barkly's case, Aboriginal living areas—across the Northern Territory.

NAAJA's NT justice policy partnership has \$100,000 as the co-chairing body to engage with regional and remote Aboriginal Territorians and capture their experiences to accurately inform decision-making of the NTJPP, also known as the Northern Territory Justice Policy Partnership.

AMSANT, the Northern Territory Aboriginal Medical Service Alliance, and the NT Aboriginal disability sector strengthening has \$150,000. APO NT will engage a consultant to map existing NT disability services for Aboriginal people and Aboriginal community-controlled disability services to identify gaps and needs to inform an NT disability sector strengthening plan based on the national disability sector strengthening plan.

The Aboriginal leadership and governance forum has \$50,000. This is a forum supporting Aboriginal leadership and governance capacity building for Aboriginal people and organisations.

That is part of the 2022–23 virtual funding pool spending to support those organisations to have the potential to gear up and continue the important work under the four Closing the Gap priority reform areas and the 17 outcomes.

**Mr GUYULA:** Where is the Closing the Gap annual report 2022–23? It is not on the website. The Auditor-General's report states that it was due to be released last November.

**Mr PAECH:** That is an operational decision. I am advised that it is almost completed.

**Ms TILMOUTH:** There have been a few delays in the preparation of the annual report. The annual report covers both the Closing the Gap implementation in the Northern Territory and reports back on the Everyone Together: Aboriginal Affairs Strategy. I expect that report will be finalised in the near future. It is currently in the final stages of being designed.

**Mr GUYULA:** Budget Paper No 3 mentions a Closing the Gap training module. Who has developed this training module? Who delivers it? What does it do?

**Ms TILMOUTH:** Much like the minister spoke of earlier, unpacking and understanding exactly what Closing the Gap is, because it can be new to people, is something we were cognisant of in the early stages of the agreement. To that end we have developed an online training module for Northern Territory Public Sector employees so that they can start to understand what Closing the Gap is. This is by way of social outcomes and, more importantly, the priority reforms. We make sure that government employees understand the underpinnings of priority reforms—specifically priority reform three, transforming government organisations—and that they have a role to play in the way they do business with and deal with services for Aboriginal Territorians, and do that in a culturally responsive way.

It is a short e-learning online module. We have recently made it available to not just NT Public Sector employees, but any organisation which wants to undertake the training. To date, over 1,000 public sector employees have taken up and completed that training module.

**Madam CHAIR:** Member for Mulka, does that conclude your questions?

**Mr GUYULA:** I have one more.

**Madam CHAIR:** One more question, and then we will go to the opposition member who has a question for the same output.

**Mr GUYULA:** The government target was for 25% of public servants to undertake this training, and only an estimate of 7% have undertaken the training. Why is this not a mandatory course for every public servant? What are the mandatory requirements for the departments and public servants that are designed to meet the Closing the Gap agreement?

**Mr PAECH:** Upon the review of the figure of 7%, we have commenced conversations with the Office of the Commissioner for Public Employment to look at opportunities across the public service to enable public servants the opportunity to participate in education and programs. The Department of the Chief Minister and Cabinet has raised this issue during conversations at a cohort level with chief executives. We are working with each chief executive of government agencies and departments to ensure that there are mechanisms and opportunities afforded to Northern Territory public servants to participate in this round.

**Mr GUYULA:** I make it clear that when I ask questions and I look away, it is not that I am ignoring anyone; it is respect. I hear. People in my community in Yolngu *rom* do not look at people in the eye unless we are fighting or arguing. If we respect and want to share thoughts, we always look down. In case people are saying, 'He is not listening or concentrating'—this is how I am. I respect and concentrate by looking at the ground or somewhere.

**Madam CHAIR:** Thank you, Member for Mulka.

**Mr GUYULA:** I just thought I would let you know.

**Madam CHAIR:** We appreciate you teaching us, and perhaps we also could learn about concentration and respect. Thank you for culturally teaching us about that.

**Mr PAECH:** I am mindful that the Member for Barkly has a question.

In relation to the Member for Mulka's clarification and statement, it highlights the work that we have to do in providing a culturally inclusive environment for Aboriginal Territorians and our multicultural communities. We need to undertake that work with the level of training that we spoke about, so that people will understand that across the Territory that Aboriginal people are different. Our cultural and spiritual connections and obligations are different, which is why we are invested in cultural awareness training across the Northern Territory Public Sector and the Office of the Commissioner for Public Employment. Minister Uibo, an Aboriginal woman, is passionate about ensuring that people understand the environment and the cultural sensitivities, obligations, protocols and customs is working with her closely on how we can roll those opportunities out across the public service.

**Madam CHAIR:** I think that was an important line of questioning from the Member for Mulka, who sat patiently yesterday. Thank you to the Member for Barkly for being patient.

**Mr EDGINGTON:** Could you please advise how many law and justice groups we have operational in the Northern Territory?

**Mr PAECH:** Law and justice groups are in Output 2.1 after the completion of Output 1.1, Strategic Policy Coordination and Engagement. I will be happy to respond to that important question in Output 2.1.

Output 1.1 is in areas of Closing the Gap, treaty, reconciliation and the First Circles Leadership Program. They are wonderful initiatives that the Northern Territory Government has to support and empower Aboriginal Territorians.

**Madam CHAIR:** Member for Barkly, we are getting to the end and about to go to that output. Member for Mulka, do you have any more questions under Output 1.1? I think you have a question under Output 3.1?

**Mr GUYULA:** Output 2.1 and Output 3.1.

**Mr EDGINGTON:** I would like clarity under Output 1.1—what role does the department have in regard to the development of alcohol management plans in remote areas?

**Mr PAECH:** Alcohol policy sits with the Minister for Alcohol Policy, who is Minister Potter. I understand he is set to appear before Estimates next week when he can take questions in relation to that.

There is a unit within the Department of the Chief Minister and Cabinet, but the administrative orders have that assigned to Minister Potter. My remit in the agency has no direct correlation or input into that area unless internally the agencies would be consulted.

**Mr EDGINGTON:** Will the department of the Chief Minister be there with Minister Potter to answer questions?

**Mr PAECH:** Yes, that is correct.

**Mr EDGINGTON:** What role does your department have? My recollection is there was \$250m from the federal government for Central Australia. Where does that fit in the outputs? Has any of that money gone through your department?

**Mr PAECH:** It is a wonderful investment put forward by the Anthony Albanese federal government. Those questions were directed yesterday to the Chief Minister, as it sits within her portfolio and administrative orders with the Department of the Chief Minister and Cabinet. I understand that there were questions yesterday on the implementation and rollout of that funding.

**Mr EDGINGTON:** Just to clarify, none of that money has come through your department; is that what you are saying?

**Mr PAECH:** Money may have come through, but those are questions for the Chief Minister. It does not directly come through the Office of Aboriginal Affairs.

**Mr EDGINGTON:** Does it not relate to any strategic policy coordination and engagement of this output?

**Mr PAECH:** That is correct. The \$250m contribution and the additional \$48m from the Commonwealth have a relationship with the department of the Chief Minister concerning the implementation, but that funding goes through the Chief Minister and her administrative orders with the department, not the Office of Aboriginal Affairs.

**Madam CHAIR:** That concludes consideration of Output Group 1.0.

**Mr PAECH:** Madam Chair, given that a different output area is next, there are different hardworking public servants here to provide expert advice to the panel. I ask that we take a moment or two for the changeover.

I thank Tom Leeming, the Deputy Chief Executive of the Department of the Chief Minister and Cabinet; Anthony Shelley, the Executive Director of Strategic Aboriginal Policy; and Shaneen Tilmouth, the Executive Director of the Office of Aboriginal Affairs.

**Madam CHAIR:** I thank you for appearing at the hearings. We appreciate the hard work in preparation.

## **OUTPUT GROUP 2.0 – TERRITORY REGIONAL GROWTH**

### **Output 2.1 – Regional Development, Local Government and Aboriginal Interpreters**

**Madam CHAIR:** The committee will now move on to Output Group 2.0, Territory Regional Growth, Output 2.1, Regional Development, Local Government and Aboriginal Interpreters.

Minister, please introduce the new officials who are with you for the Territory Regional Growth outputs.

**Mr PAECH:** I draw the committee's attention to Dorrelle Napanangka Anderson, Deputy Chief Executive, Territory Regional Growth. To her left, we have Camille Lew Fatt, Senior Director of the Aboriginal Interpreter Service. To my right is Maree De Lacy, Executive Director, Local Government. We have Meeta Ramkumar, Director of Sustainability and Compliance. Lastly, we have Susan Watson who is the Director of Legislation and Policy within the Local Government area.

**Mr EDGINGTON:** How much funding has been allocated to the Aboriginal Interpreter Service this year?

**Mr PAECH:** For the Aboriginal Interpreter Service in the 2024–25 budget there is a total appropriation of \$121,879,000. That is the total cost. There is \$24.303m employee costs, \$12.619m for operational and \$84.975m in grants.

This year's budget for the Aboriginal Interpreter Service would be \$5.461m. Ms Lew Fatt can go into more detail because we receive Commonwealth support for this as well.

**Ms LEW FATT:** The 2024–25 budget is \$5.461m. Of that, a substantial amount from Commonwealth funds the Aboriginal Interpreter Service. That figure is \$3.8m from the NT Remote Aboriginal Investment—NTRAI—\$1.97m for the legal interpreting service and \$400,000 for the cross-border interpreting service. Then we have a further \$2.21m for NT Government appropriation money.

**Mr PAECH:** The general figures I provided at the start were the overall for the agency, and the figure that has been provided right now of \$5.461m is the 2024–25 budget allocation for the Aboriginal Interpreter Service. I apologise if I caused any confusion.

**Mr EDGINGTON:** I was alarmed when I heard the \$21m.

**Mr PAECH:** We love our interpreters.

**Mr EDGINGTON:** Just getting back to that budget allocation, the first allocation was \$5.461m. Were the additional figures additional to the \$5.461m or a part of it?

**Madam CHAIR:** Minister, either through you or your officials, could you please provide clarification for the member?

**Mr PAECH:** The 2022–23 expenditure was \$4.975m. The 2023–24 expenditure to 31 March is \$3.748m. The 2023–24 estimate was \$6.460m, and the 2024–25 budget is \$5.461m. You will notice a reduction. The reduction in budget relates to the Commonwealth legal interpreting and cross-border services carry-over from 2022–23 into 2023–24. That was Commonwealth approval to allocate carry-over for IAS projects.

**Mr EDGINGTON:** Regarding interpreters, can you tell me how many staff form the interpreter service and where they are based?

**Mr PAECH:** In terms of the Aboriginal Interpreter Service across the board, there are 59 full-time employees. Ms Anderson and Ms Lew Fatt have been doing extensive work encouraging and growing the number of Aboriginal interpreters with the Northern Territory public service, and we acknowledge that there are over a hundred Aboriginal languages and dialects spoken across the Northern Territory. From July 2023 to March 2024 interpreter services were provided in 27 languages, with the top five languages being Kriol, Pitjantjatjara, Walpiri, Murrinhpatha and I will ask Ms Lew Fatt if she knows the first one.

**Ms LEW FATT:** Djambarrpuyngu, East Arnhem.

**Mr EDGINGTON:** You said 59 full-time equivalent employees. Are you carrying any vacancies at the moment?

**Ms LEW FATT:** Yes, we have current vacancies across all six regions.

**Mr EDGINGTON:** How many vacancies are there?

**Ms LEW FATT:** I am unsure of the total number off the top of my head. I can take that on notice if you would like. We are going through a transition plan for our Aboriginal Interpreter Service. You will see a number of positions being advertised for the Aboriginal Interpreter Service as we are moving our workforce to ongoing from fixed-term contracts so there are a number of positions that will be advertised coming up shortly.

**Mr PAECH:** Taking on the role as the Aboriginal Affairs minister I thought it was necessary, rather than having Aboriginal people on casual contracts, that we transition them to full-time meaningful employment with the Northern Territory Public Sector. When they are not in a role as an Aboriginal interpreter, they would be able to assist in the department with work in regional and remote communities at interpreting. It is important to acknowledge that they do an outstanding job. We worked with the Commonwealth to secure funding, and the Territory government's funding, to support this so that we could have people in permanent employment. Ms Lew Fatt can provide more detail, if you like.

**Mr EDGINGTON:** I would like to get back to the original question. You said 59 full-time equivalent staff; how many vacancies are being carried?

**Mr PAECH:** We will take that on notice, and we will respond to you before the closure of this session.

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### Question on Notice No 2.2

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** There are 59 full-time equivalent employees in the Aboriginal Interpreter Service. How many vacancies are there as of today's date?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question has been allocated the number 2.2. The minister has indicated he will try to get that back to us before the session is out.

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**Mr EDGINGTON:** In regard to the interpreter service, whilst I am trying to establish how many vacancies there are, what impact do the vacancies have on the delivery of interpreter services across the Northern Territory?

**Mr PAECH:** Our Aboriginal Interpreter Service is one of the most used and in high demand across the Northern Territory. Many of our interpreters are still connected to language, law and culture, so at times they take cultural leave to fulfil their requirements and cultural obligations. We have moved to a position to encourage all government agencies and departments that travel to remote locations to book an Aboriginal interpreter so that they are given the assurance that any consultation in a remote location is done in mother tongue and that people fully understand what is spoken about. For clarification, the Department of Health has engaged its own interpreters that are paid for from the Health budget. As I am sure you and the Member for Araluen are aware, they work predominately in our hospitals. You would have seen them in places like Alice Springs where they are providing the knowledge and information in language. Ms Lew Fatt will provide more information.

**Ms LEW FATT:** In answer to your previous question about the number of vacancies, to make it clear, it is not just our staff interpreters; it is also our trainers, training liaison officer and other positions that are vacant. We are talking of few staff interpreter vacancies. I believe there are only three but will confirm that later.

We also have to remember that the Aboriginal Interpreter Service has a strong casual workforce. As of March we have 144 casual interpreters. We have full-time staff interpreters in the region. We heavily rely on our casual workforce.

Recruitment has an impact on the service delivery. That was in relation to the fixed-term contracts. It was difficult to recruit to short fixed-term contracts in the regions. The big work this year was transitioning to ongoing, so we can invest in our workforce and have longevity of our interpreters in the regions. I believe that will help our service delivery.

**Mr EDGINGTON:** Overall, I gather when a department or organisation needs interpreter services, they put that request in writing. Are you able to meet the full demand of the requests for interpreter services?

**Mr PAECH:** It depends on the time and nature of the interpreting that is required, particularly within our hospital—if we are required to assist the Department of Health—or in our courts. If there is a conflict with the individual for cultural or family connection reasons, sometimes that holds it up. Sometimes we are not available to do so.

**Ms LEW FATT:** The minister is correct. When we receive the booking request, the booking officers have to go through cultural screening to ensure there is no cultural conflict and that the interpreters are able to do the job, that there are no gender, age or family conflict issues. When we go through the screening we contact the available interpreter.



The AIS is an on-demand system, so when the bookings come through, they are quite urgent. We have our interpreters based in the Alice Springs courts, for example. As the minister referred to, we have 'communicating for safety' interpreters at the hospital with rostered interpreters. For languages outside the rostered interpreters, we access the casual workforce.

**Madam CHAIR:** Can I clarify? You have the full-time equivalent employees in not just interpreting but other roles, then there is a pool of interpreters. It is important if people want that full-time work that it is an option and they have job security, but sometimes the flexibility of casual work suits people. Is there the opportunity for both in the interpreting space?

**Mr PAECH:** That was in response to the queries of the Member for Barkly. We have full-time Aboriginal interpreters and over 100 casuals. The commitment we have is to transition as many people who are interested and who want a full-time job with the Northern Territory public service as an interpreter. That is part of our structural reform work we are doing.

We acknowledge that people live in regional and remote areas or urban centres might not want to work full time or part time; they may like a casual contract. That is fine; that is their decision. We are there to support them where there is the opportunity to gain full-time employment.

We also provide interpreter services across borders on Yankunytjajara and Ngaanyatjarra lands, particularly in the south-west corner. If required, sometimes there is the opportunity to go into Queensland. We are the only Australian jurisdiction that has an Aboriginal Interpreter Service.

Ms Lew Fatt and Ms Anderson sit on the language policy partnership as well. We are one of the only jurisdictions in this country that is not in a revival sense. We are still practising language and can still interpret full language for Aboriginal Territorians, written and verbal.

**Mr GUYULA:** When I am visiting the hospitals or the courts, I do not see interpreters readily available. I have often had to be the interpreter because of a shortage. When I have constituents at RDH, or when the Public Accounts Committee held its local decision-making, do you believe that we have enough trained interpreters in the Northern Territory? Is enough being done to address this issue? Is more funding needed?

**Mr PAECH:** I may respond and then ask Ms Lew Fatt to step through the work we are doing on the review, because it answers the Member for Mulka's questions. We have more than 100 casual Aboriginal interpreters. We would love them to transition to permanent, so we have them working five days a week supporting Aboriginal Territorians in those important roles in health and hospitals. Where there are people interested in becoming an Aboriginal interpreter, we encourage them to join the Aboriginal Interpreter Service. It is a wonderful family that is supportive of each other in their cultural obligations.

We have done work in the courts to ensure the interpreters have office space, computers and the recognition they rightfully deserve. We support our interpreters to undergo what is known as NAATI training, which is the National Accreditation Authority for Translators and Interpreters. Of the positions we highlighted today, 40 Aboriginal interpreters are NAATI qualified, and we are working to have more qualified. There are particular qualifications required for particular roles that people are contracted to do through the interpreter service.

In the interests of providing everyone with where we are currently and where we hope to go with the fantastic work Ms Lew Fatt is implementing, I will ask her to provide a view of the transition.

**Ms LEW FATT:** We are doing a lot of work on recruitment of interpreters; we always need more. We launched a recruitment campaign last year with a range of materials, including staff testimonials and stories from our interpreters as to why they became an interpreter and the type of work they do, as well as a range of marketing materials. We uploaded it to our SharePoint site so all regions could access the recruitment materials and promote it in their regions where needed.

We do a lot of work with NAATI and preparation and training for interpreters who want to get their accreditation. They are recertified every three years. I believe that recently two Murrinhpatha speakers in Wadeye completed their NAATI certification, which is remarkable, but we always need to increase our number of interpreters.

I believe the Gove District Hospital has new interpreters who just commenced. We are doing a lot of work on recruitment.

As the minister alluded to, we have a lot of interpreters who are full time within the Northern Territory public service. We have interpreters in housing, and our Aboriginal liaison officers with Police, and they have a casual contract with us. They can be full time in other government agencies, which is what we encourage through our careers pathways for interpreters. They can work in other agencies in full-time positions but still utilise a casual contract for after hours with the Aboriginal Interpreter Service.

**Mr GUYULA:** Interpreters assist with the language barrier between cultures. What else is the government doing to address the lack of Aboriginal language knowledge of government employees who work with Aboriginal language speakers such as our frontline workers like police, nurses and teachers?

**Mr PAECH:** This is an important area. As we increase and encourage people to consider a position as an Aboriginal interpreter, we are in a position to more readily deploy them across agencies and frontline services. The identification of where we have front-line services across the Northern Territory Public Service, which is a customer-type role, where there is a transaction where people are coming for services, we are looking at the capacity for Aboriginal interpreters.

We have looked at how we can best encourage interpreters in all our frontline roles. Previously, we had trials with our partners—including the Northern Territory Police, Fire and Emergency Services and Minister Worden in the domestic and family violence areas—on interpreters working alongside them.

Much of the communication we have done in the Northern Territory Aboriginal Interpreter Service is the recording of important messaging such as cyclones, floods, bush fires, emergency management, code of conducts in local governments, contracted for the Voice referendum, enhanced income management, voluntary assisted dying, liquor permit rules, CareFlight and the Alice Springs youth curfew. As we roll out more interpreters, we will be in a position to deploy them to frontline services.

**Ms LEW FATT:** Regarding our training and education awareness for other public servants, we offer the Working with Interpreter Training—WWIT. Over this reporting period, the ALS delivered about 37 Working with Interpreter Training sessions, and there were about 747 participants who attended the sessions. We are looking to increase the delivery of those Working with Interpreter sessions as we believe it is important education and awareness to other people on the role of an interpreter and the appropriate use of an interpreter. We want to encourage agencies to engage with the Interpreter Service and the reasons why they need to.

**Mr EDGINGTON:** What is the overall budget for the Local Government unit?

**Mr PAECH:** The personnel expenditure is \$3.63m, and the operational costs are \$880,000. The total overall contribution towards Local Government, taking in grant funding, is \$60.13m.

**Mr EDGINGTON:** Given that is expenditure, what is the budget for 2024–25?

**Ms RAMKUMAR:** Just to recap, the total budget for the Local Government unit for 2023–24 is \$6.45m. That comprises \$4.45m for personnel, \$0.87m for operational and \$57.13m for grants for 2023–24.

For 2024–25 the personnel budget is \$3.63m, operational is \$0.88m and grants is \$55.6m.

**Mr EDGINGTON:** That is 2023–24. What was the budget for 2024–25?

**Ms RAMKUMAR:** It is \$60.13m, which is \$3.63m in personnel, \$0.88m in operational and \$55.6m in grants.

**Mr EDGINGTON:** I thought you said that was 2023–24.

**Ms RAMKUMAR:** Just to clarify, personnel budget for 2023–24 is \$4.45m, operational is \$0.87m and grants are \$57.13m—a total of \$62.45m for 2023–24.

For 2024–25 the personnel budget is \$3.63m, operational is \$0.88m and grants are \$55.6m—a total budget of \$60.13m.

**Mr EDGINGTON:** How many staff work in the Local Government unit?

**Ms De LACEY:** There are 23.1 FTE in the Local Government unit.

**Mr EDGINGTON:** Where are the staff based?

**Ms De LACEY:** The members of the Local Government unit are based in Darwin.

**Mr EDGINGTON:** What grants are we talking about? I think you indicated \$50m or \$60m.

**Mr PAECH:** We provide the NT operational subsidy; the Indigenous Jobs Development Funding; the Local Authority Project Funding; the Immediate Priority Grants; the Community Places for People Grant; the Waste and Resource Management grant; a grant concerning the Groote Archipelago and East Arnhem Regional Council work; a grant for regional and remote burials; reserves; and other organisations.

**Mr EDGINGTON:** In regard to the Immediate Priority Grants, how much funding is in that pool of grants, and what is it used for?

**Mr PAECH:** It is \$4m. It is an application-based program that gives councils the opportunity to apply for funding for local government-related projects that can commence immediately. If you want examples, I can ask the director of sustainability and compliance to give you examples.

**Mr EDGINGTON:** No. I will move to local authorities. How much funding is in the budget allocation for local authorities?

**Mr PAECH:** There is \$5.47m provided for Local Authority Project Funding. That is provided to regional councils to undertake projects recommended by their local authorities. It can range from the local authority wanting to look at small-scale infrastructure projects to supporting community festivals.

Member for Barkly, I can get Executive Director Maree De Lacey to provide you with the guidelines of what is applicable for a local authority, if you would like.

**Mr EDGINGTON:** No, I am familiar with those. In regard to that \$5.47m, is that for 2024–25?

**Mr PAECH:** Yes, that is correct.

**Mr EDGINGTON:** What was the previous expenditure on local authorities for 2023–24?

**Mr PAECH:** That was \$5.47m as well.

**Mr EDGINGTON:** It has not changed.

**Mr PAECH:** We introduced a measure whereby we work with each regional council, so if they do not appropriate the money for the local authority, they have to work with us on an application to roll the funding over if it is for a bigger project. If it is not, we will work with the council. If it is not spent, it is required to come back to the Northern Territory Government, and we will reallocate it to local government.

**Mr EDGINGTON:** How often can this money be rolled over from a local authority if it is not spent in a financial year?

**Mr PAECH:** I can ask our director of sustainability and compliance to talk on that. There is a standard period where we usually try—about two years—but if there are exceptional circumstances for a major project that they need to have revenue to contribute towards, there can be some allowances.

**Ms RAMKUMAR:** We give two years to the councils to spend their funds. Each year when we look at the grant acquittals that come back from the council, we look at how much money has been left over that exceeds the two-year time frame, then we go back to the council and ask if there are any compelling reasons. Most of the time it is because of supply chain shortages, particularly in regional and remote areas, as well as climatic factors.

For example, the Victoria Daly Regional Council had delays in projects because of the flooding that occurred. To have LA meetings to finalise the projects and then to execute that took longer than expected, so we take that into consideration when we look at approving the rollover of funds. Where the council does not provide us with sufficient detail as to why the funds were unspent, we then recover the funds.

Councils will always have a maximum of two years' worth of funding they can accumulate, but if it is old—aged—funding we ask them to please explain. If the reason is insufficient or the council does not come back to us with a request to roll over the funds, we then recover the funds.

**Mr EDGINGTON:** How often has it happened where the Local Government unit has had to recover funds from, I gather, regional councils?

**Ms RAMKUMAR:** At the end of the 2022–23 financial year, there were two councils which had surplus funds left over, which we recovered in 2023–24. That is published in our budget papers, and I can give you the information.

**Mr PAECH:** There is a formula in regard to population, distance and dispersal that is attributed to each local authority. I am just reminding you, as it has been a long time since you have been there.

**Mr EDGINGTON:** I am out bush every day of the week, minister.

**Mr PAECH:** Your Facebook says so.

**Ms RAMKUMAR:** There was \$531,000 recovered from the East Arnhem Regional Council and \$450,000 recovered from Roper Gulf Regional Council; however, those councils still had more than two years of funding under the LAPF, as is allowed under the grant funding guidelines to hold that money.

**Mr EDGINGTON:** That is close to a million dollars being returned to local government that has not reached communities. What is the reason for it not being spent in communities?

**Mr PAECH:** When we did the review, we also considered the local authority funds guidelines and how the funds are returned and made a commitment that if it will not be spent there, the money is still quarantined for the region and that it can go there.

**Ms DE LACEY:** As you would be aware, we did the review of the local authorities a couple of years ago. Part of the feedback that we received, particularly from local authorities in our more remote areas, is that there were factors within the existing guidelines that made it difficult to expend those funds every year. I have to caveat that by saying, in general, most of the local authorities spend their money in the community within the time limits.

**Mr EDGINGTON:** What were those factors?

**Ms DE LACEY:** There were things like, as Meeta has referred to, weather events, supply chain events and the ability to access contractors. There were also aspects of what we see as being inflexibility in the guidelines which we have now amended as a result of that local authority review.

Some of the new abilities that local authorities now have include that they can now expend funding on projects that are not inside their local authority area provided that the population of that local authority receives the benefits.

They can partner with other organisations now because many of them were wanting to do that. They can partner with other organisations in the expenditure of local authority funding, again, providing that the spending goes to the benefit of those local authority members.

For some of them, their advice was that they had done the small projects. We had an awful lot of shade sails over parks which are all useful, but some local authorities had bigger aspirations and wanted to be able to quarantine funds and roll them over for up to four years in order to be able to expend on a bigger project that was a priority of that community. The new guidelines enable them to do that.

They must have preapproval. It must go through their council as well as through the department. They must have a business case for that. There are checks and balances regarding it, but they are able to do that. They are able to join up with other local authorities. Again, they must demonstrate that the benefit will go to their local authority.

This year we are already seeing the benefit out of that and seeing more flexibility with the priority always that the local authority money is spent in the community for which it is intended.

**Mr EDGINGTON:** What happened to the close to \$1m that was returned from those two councils? Where does it go?

**Ms RAMKUMAR:** We understand that it was invested back into the Local Government unit budget.

**Mr EDGINGTON:** Was it used administratively rather than in the remote communities, and what was it used for administratively?

**Ms RAMKUMAR:** I understand that it was used for personnel costs and to cover the Office of the Parliamentary Counsel work to assist councils with their by-laws.

**Mr EDGINGTON:** If that \$1m did not go back into communities, what are those communities doing to access additional funding to be able to deliver projects in those communities?

**Mr PAECH:** It is important to acknowledge that those communities have funds in their local government reserves that they have not spent to date. The intention is that ...

**Mr EDGINGTON:** We are a million short. I am asking what they are doing to be able to access further money because they are \$1m short in remote communities at the moment.

**Mr PAECH:** I was not going to interrupt you. What I have said is clear. We have developed the guidelines and moving forward, local government funds in local authorities that are not spent will remain for those regions to be invested there. We will work with local communities through their local authorities to support them to partner with organisations or to work with them to understand the projects that they want to identify.

**Mr EDGINGTON:** One million dollars was returned by two regional councils. Which communities had to return local authority money? Do you have a list of those communities?

**Mr PAECH:** That is with the council. Those councils returned the funds. Where the local government ...

**Mr EDGINGTON:** The question is ...

**Madam CHAIR:** I allowed a little latitude but if you have concluded your question, we can allow the minister to respond and then you can have a follow-up question.

**Mr EDGINGTON:** I asked which communities.

**Madam CHAIR:** The minister is responding.

**Mr EDGINGTON:** I do not think he is.

**Madam CHAIR:** Minister, the member will ask, I am assuming, a follow-up question.

**Mr PAECH:** The two councils were East Arnhem and Roper Gulf. Since those funds were required back, it has not happened with any other council.

**Mr EDGINGTON:** Which communities from the Roper Gulf council returned local authority money?

**Mr PAECH:** Madam Chair, I have answered the question.

**Madam CHAIR:** I believe you have.

**Mr EDGINGTON:** I do not think he has. Perhaps he misheard. The question was: which communities that are allocated local authority money had to have their local authority money taken back by local government?

We know that every community under regional councils are allocated a sum of local authority money. The question is clear.

**Madam CHAIR:** The minister explained that would be a question for those local governments because they were the ones ...

**Mr EDGINGTON:** No, the government took the money back.

**Madam CHAIR:** Yes, but it was those two local government councils ...

**Mr EDGINGTON:** Chair, let me say that ...

**Madam CHAIR:** I am chairing, and I am speaking. If you could please have the manners to listen. The minister clearly said that the local government councils decided the community. He has given you the names of those two communities. Do you have a follow-up question? Otherwise, it is 10.30 am, and we will go to break.

**Mr EDGINGTON:** I have a follow-up question. What is the list of those communities that returned local government money? That information is clearly held by local government. It is a simple question. Which communities had to give up their local authority money?

**Madam CHAIR:** The minister has answered. I feel that question has been responded to.

**Mr EDGINGTON:** Well, that question has not been ...

**Madam CHAIR:** It is 10.30 am. We will break. For Hansard and those who may wish to get a breath of fresh air, we will resume at 10.40 am.

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The committee suspended.

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**Madam CHAIR:** We will commence again with Minister Paech, and we are still on Output Group 2.0. I believe the opposition spokesperson has a question.

**Mr EDGINGTON:** We were talking about close to \$1m of local authority money being returned to the Local Government unit. Minister, were you aware of that decision to recall that funding from two regional councils?

**Mr PAECH:** They are operational decisions that are in line with the practices and policies set, and that is a matter for the agency. We did a review, which helped us to refine and define the guidelines and led us to a position where we work with, support and have broadened the scope and ability for local authority funds.

**Mr EDGINGTON:** Were you aware of that decision when that money was recalled from those regional councils?

**Mr PAECH:** I was briefed ...

**Mr EDGINGTON:** It is a simple question.

**Mr PAECH:** You will have a brief response when it is afforded to you. I was made aware of those after the matter happened, as is usual process. Ministers do not get involved in operational decisions.

**Mr EDGINGTON:** You were briefed on that, and what was your response? Why did the money not go back out to regional councils across the Northern Territory?

**Mr PAECH:** Again, a full process is undertaken. Councils are communicated with at every stage in regard to the local authority funds budget and acquittals. That was afforded every opportunity for those councils, then they were advised that if the money was not spent it would be requested to be returned. Subsequently, those councils followed that process, and the funds were returned.

Following that process, we did a review of the guidelines and processes, and we worked based on the local advice and changed the guidelines.

**Mr EDGINGTON:** With the local authority money as it stands, when will the councils receive their 2024–25 allocation?

**Mr PAECH:** By the end of this year.

**Mr EDGINGTON:** It will not be 1 July, but the end of the year, will it?

**Ms RAMKUMAR:** The councils must provide their funding acquittals by 31 August. Once we review the allocations and acquittals, we then submit their funding offers.

As the minister has advised, we have new funding guidelines that are applicable from the 2023–24 year. That also encompasses different end-of-year acquittal requirements. Previously councils had to provide just a certification.

Some of the delay that occurred with assessing the status of projects is that it was just a finance report that was to be submitted.

Moving forward we have changed the way that councils need to report on their local authority funding to give us more detail about the commitments. Previously it was just cash they had to report back to us about. It was difficult to ascertain exactly what the status of each project was.

To speed up the process for how the councils report to us, we have changed the end-of-year acquittal process to give us information on actual expenditure and commitments. We will then be in a better position to understand the status of individual projects and offer them the funding for this financial year.

The level of funding for each council has been fixed for the term of the council so that councils understand how much will be going to them so they can plan for their projects for that financial year.

**Mr PAECH:** Member for Barkly, we can give you the approved allocation figure for each regional council if that is helpful.

**Mr EDGINGTON:** If you can hand it over, that will be fine.

**Mr PAECH:** The Barkly ...

**Mr EDGINGTON:** I do not want to go through it, but if you have the document, you can table it.

**Mr PAECH:** It is brief. I have my notes written on this, but I am more than happy to give them to you now.

**Mr EDGINGTON:** If you can table the document so we can look at that later ...

**Madam CHAIR:** The minister has indicated that it has his personal notes on it, so he will not table it. He has indicated it is quite short, so would you like to hear amounts?

**Mr EDGINGTON:** No, not at this stage.

**Madam CHAIR:** Okay, you do not want to hear it.

**Mr EDGINGTON:** In regard to local authorities, how often do they meet?

**Mr PAECH:** The act requires our local authorities to meet a minimum of four times a year. However, there can be exceptional circumstances where there has been a natural disaster or the death of a loved one that has prevented the meeting to be held on a fixed date.

I will ask Maree De Lacey, the Executive Director Local Government to provide you with an in-depth analysis of the review, from which we changed the number of members for a quorum and so forth to allow local authorities to have the ability to continue.

Where a local authority might not have a quorum, it can still have a meeting, but it is not considered; it will be notes for the following local authority meeting.

**Mr EDGINGTON:** On that, if there is no quorum, then how does the local authority make a recommendation about how expenditures should be expended?

**Mr PAECH:** I will hand to our Local Government team who can talk you through that process and the process by which that regional council has to comply with the regulations and the act about the appropriation and allocations every year and how they resolve that.

You would be aware from being involved in local government that often local councillors can be ex-officio members of the local authorities to participate in those discussions.

**Ms DE LACEY:** We have a variety of local authorities which choose to meet, or whose councils might choose to have them meet more frequently. It is a minimum of four times a year. Some meet more frequently than that. In Barkly, for example, it was the practice that its local authorities would meet on a monthly basis.

If the local authorities have a provisional meeting where they are not able to make a decision because of the lack of quorum the decision can go to the council. They can still make a recommendation to the council who will make a decision, so it does not prevent the key decisions from being made.

In relation to the local authority funding, part of the review was to encourage councils and their local authorities to have structured processes in place at the beginning of each year when they are allocated their funds and they know what their allocation is to run formal processes with their communities to prioritise where the money might be spent. This helps them with the expenditure of those funds.

Again, one of the findings we had in the review was that some local authorities would make their priorities and then something would happen—for example, they needed a section 19 lease—so they could not spend the money in that period of time.

What we have now encouraged them to do is to have community barbecues or whatever they might wish to do—they are able to spend a small amount of their Local Authority Project Funding to do that—to set a list of priorities from which they can choose over the course of the year. If there is a delay in a project being able to be delivered, they can drop to their next priority. That is a much smoother process, and they are much more likely to be able to expend the funding in the year.

**Mr EDGINGTON:** In regard to local authorities, is there a role for your unit? Is there a compliance unit that looks across all these issues when it comes to expenditure, meetings and whether they are properly constituted and how money is spent? Who is overseeing that?

**Mr PAECH:** We have a wonderful Local Government unit in the Northern Territory. Meeta does a lot of work in this space. Across the local government space we, as the agency, conduct reviews for compliance each year. I will ask Meeta or Maree to provide a general overview. If you have subsequent questions we can respond.

**Ms DE LACEY:** The compliance focus is across the councils to ensure they are conducting their business lawfully. This includes their local authorities because they are essentially a committee of the council. Factors relating to the compliance with the legislation in relation to local authorities is also managed through the Local Government unit.

**Mr EDGINGTON:** In regard to compliance, what type of remedies are put in place where there is non-compliance? I think the minister said a minimum of four. That must be in the guidelines, I assume, a minimum of four meetings. What happens if there has not been compliance with those rules?

**Ms RAMKUMAR:** We try to work with the council to encourage them to hold these meetings because these are new funding guidelines. We want to be flexible. There is no penalty in the act for non-compliance. The approach that we take is to support the councils in complying. We try to take a collaborative approach to assist them, understanding that there are technological and transport issues. As long as the council is aware of their roles and responsibilities that is how we aim to support them. We are aware that some councils may not have all four meetings due to a range of factors, but the aim is to support the councils in supporting their local authorities.

**Mr EDGINGTON:** I gather there are bigger and broader compliance issues. How often would there be a compliance audit or investigation of councils? How often do you go through the workings of a council to ensure that they are complying not only with guidelines but with the *Local Government Act*?

**Ms RAMKUMAR:** The normal compliance program covers four councils per annum, but we had a break because of the new *Local Government Act* that came into play, so we only started our compliance review program in 2022–23. Sometimes we do a full council review, otherwise we do topic-based reviews. We aim to do four compliance reviews per year.

**Mr EDGINGTON:** There were issues raised about the Barkly Regional Council, and they are in official management at the moment. When did the department first become aware that there were issues being raised about the operations of the Barkly Regional Council?



**Mr PAECH:** The staff can provide an overview in that area. The Barkly Regional Council is currently under official management. We have had extensive work done in this space. We had an official manager and had a review and audit completed. I am preparing a final decision of the Barkly Regional Council, which is being stood down for a number of months, and the report is being finalised. I will ask the department team to speak in detail regarding your questions, noting that there is a report and a decision yet to be made, but anticipate it to be made soon. We will attempt to respond to any query you may have as best we can.

**Ms De LACEY:** As the minister has said, the report is still under consideration. I will be a little careful of what I say, but in direct response to your question, we first became aware of issues within the Barkly Regional Council from around June 2022, with the first indication being a contact from the mayor to ask for help with management of issues that were coming to his attention, which related to the management of staff.

**Mr EDGINGTON:** Following on from that, you were made aware in June but there was media attention in September of that year. How did the compliance unit respond to those matters that were raised?

**Mr PAECH:** I will ask the department as these are operational and technical areas. However, I make the point and be clear that placing a council into official management is not a matter of the minister. It needs to follow a rigorous process of compliance assessments and attempts to work with the local council to remedy those areas, and that is a process that is adhered to at all times.

**Ms De LACEY:** One of our functions is intensive support provided to councils and that is the approach. I will just stay around our processes in relation to this. The initial contact was a request for help from the council, which is not unusual if they are having difficulties with something. We come alongside them, and we work with them to prevent them from breaching the act. We have to stay within the boundaries of our own legislation.

As an example, if the matters that are raised to us relate to staff management or issues around allegations of unfair treatment of staff, the *Local Government Act* specifically says that it is the council's responsibility for managing the CEO, their one and only employee, and the CEO is responsible for managing staff. We will direct people who come to us with allegations around staffing issues to the right authorities, so that is Fair Work or the union or their own legal advisers. We do not get involved directly into those matters.

Our focus is around supporting the council to remedy the issues that they are raising with us. That can mean that we will support them in a normal practice for them—a council to actually investigate or assess allegations that are coming to them about their CEO. It is common that they will have a policy for how they deal with that, and they will follow that policy. If they do not have a policy, we can provide them with rights about how they might do that consistently with the legislation and their own responsibilities under the act.

We will take information from any source. We are often contacted by members of the community, members of staff and councils, and we have regional colleagues in every region who have local knowledge about what is going on with councils. We are constantly weighing up information.

If it becomes apparent that the council is struggling with managing their responsibilities, we have a couple of things we would do historically. Sometimes we will continue to work with them, particularly if it is functioning and the CEO is operating well and able to provide them with advice—we will continue to provide guidance and advice. Sometimes we encourage council, where the CEO is not in a position to advise them for whatever reason, to get independent advice to provide them with separate, strong, solid governance advice that they might otherwise get from their CEO.

Any decisions we make in relation to exercising any kind of remedial powers, we make as a team. We bring our legal and compliance team together and go through all the information we have. We always weigh up all options, including the risk of not taking action, before making any decisions. Where it becomes more complex, we will usually be guided by external advice, like SFNT. We also consult and have a relationship with the ICAC.

Any decision about a recommendation to the minister in regard to remedial powers, like official management, is taken carefully. The first principle is that this is a democratically elected third sphere of government, so supporting them to comply with legislation is the first priority. However, when we need to take action when it becomes apparent that it will not be sufficient; we will make that recommendation to the minister.

There are checks and balances within the agency as well; we do not work independently. Any advice we might provide at least goes through the deputy CEO and the CEO within the agency before it gets to the minister.

**Mr EDGINGTON:** What action did your department take in regard to the allegations in the media on 23 September 2022 regarding substantial and unprecedented levels of bullying, harassment, discrimination, high staff turnover and mismanagement? They were the actions aired in the media. What action did Local Government take?

**Madam CHAIR:** The minister and his team have explained the process. I do not know if they can provide further detail, but they have warned us that this matter is ongoing. I caution the committee; this is a public hearing.

**Mr PAECH:** We supported the Barkly Regional Council as best we could for the council to address any accusations or claims, so they knew they had the support of the department. Ultimately, we had to support the decisions the Barkly Regional Council needed to make.

**Mr EDGINGTON:** Was there any advice given to the council in September 2022?

**Mr PAECH:** As a department, we can provide support and encourage people to consider things, or we can provide advice to them. We cannot make decisions for them. The only decision available after a long, rigorous process of compliance checks and audits is official management.

**Ms DE LACEY:** To be clear, when the allegations were made relating to bullying and that the CEO has mishandled complaints from staff, we were clear to those who came to us about who they needed to take those to. There are agency responsibilities and roles in dealing with that and conducting appropriate investigations in relation to fair work and workplace management. That is not the Local Government unit; we do not have the powers in that space.

We are clear about our advice to anyone who comes to us, we do not ignore that information and provide them with advice about the right authorities to go to.

We keep our focus on the council's responsibilities and the council exercising their responsibilities. In a case like this, it is about the council exercising their responsibilities to properly manage their CEO. We also will provide advice sometimes about how they might look into those kinds of issues in order to determine whether or not the CEO was doing what they need to do under legislation. This may include maintaining policies and appropriate workplace matters.

**Mr EDGINGTON:** What was the outcome of that advice?

**Ms De LACEY:** Again, I am being careful because some of this is still subject to the investigation which is under consideration. In our experience at that time, the council was taking our advice. For this council, we were providing them with guidance. It was intensive, and we were in contact with them regularly. They established a committee of the council, which was appropriate, and that committee was the body which then engaged someone who would help them to do a proper assessment within their council of what was happening relating to these complaints. They did follow the advice we gave them.

**Mr EDGINGTON:** That led to the Justitia report. What involvement did your department in writing the terms of reference for that investigation?

**Ms De LACEY:** When the council formed their committee they had to meet in a confidential session. They were then not able to take the advice of the CEO, because the CEO was conflicted. They needed someone who would provide them with guidance and step them through what they needed to do.

We had an officer that the council agreed would attend that meeting and provide them with advice on stepping through the process. Our team provided them with guidance about the terms of reference, but the terms of reference ultimately were the council's terms of reference to approve. While we provided advice, it was for them to make the approval about what the terms of reference specifically might say.

**Mr EDGINGTON:** When you said you provided an officer to assist, was that a staff member?

**Ms De LACEY:** One of our experienced team members assisted on that occasion.

**Mr EDGINGTON:** I notice the involvement of a person by the name of Mr Blackburn. Is he a staff member of yours?

**Ms De LACEY:** I mentioned earlier that sometimes we will encourage councillors to appoint someone who is experienced in local government governance. We have a list of those people and often they are former CEOs of local government. Where it is important that we are somewhat at arm's length because we do not want to be actively involved in decisions, particularly if we are beginning to move more into that compliance role, it is sometimes appropriate, and we will recommend that to councils. It is up to them whether they appoint one of these members or people to support and guide them. We have done this with a number of councils, and it is not an unusual practice where councils will actually bring in someone external with experience to provide them with that guidance. He is not a staff member.

**Mr EDGINGTON:** Council engaged him to assist or did your unit engage him to assist?

**Ms De LACEY:** There were a couple of stages. Again, I emphasise that this was an intensive process that we were working closely on with the council. Initially, the council engaged their own person contracted by the council. The CEO was involved in that. We supported that because we knew who this person was and of their expertise. Subsequently the council engaged Mark Blackburn.

**Mr EDGINGTON:** You said that the terms of reference which were written for the Justitia report, were finalised by the council. Do you agree that the local government unit had input into the design of those terms of reference?

**Mr PAECH:** The Justitia report is owned by the Barkly Regional Council. As the Executive Director, Maree De Lacey, has provided an in-depth response, we had representatives or support to provide areas for consideration or input. At no time is the report, or was the terms of reference of the report, in any way, shape or form the Northern Territory's government or did we direct anything to go into that report.

Madam Chair, I make the point regarding the Justitia report and the Barkly Regional Council currently being in official management that there is a process. I am mindful of not getting into specific actions that have occurred as a result. There is a report and I do not want to prejudice any of the individuals in that report or the outcomes prior to that report and a decision being made.

**Madam CHAIR:** Member for Barkly, not only as the shadow spokesperson but also as the local member, you have a vested interest in this. The minister has provided caution. I am happy to allow more questioning but if you could please keep that in mind and not be upset with me if I pull you up.

**Mr EDGINGTON:** I do not get upset.

**Madam CHAIR:** We appreciate that. It is like a sporting field.

**Mr EDGINGTON:** What has been the overall cost to government in regard to the complaints made about the operations of the Barkly Regional Council? How much money has been expended on this ongoing matter that was first raised with you in June 2022?

**Mr PAECH:** In relation to the cost incurred, the services have been from within the existing budget allocations of the Chief Minister and Cabinet and Local Government team. The report was an additional cost as we had brought in an independent member to conduct that. That was to the value of \$40,000.

**Mr EDGINGTON:** I am not sure if you are in a position to advise, but when will that report be released?

**Mr PAECH:** It is my intention to make a final decision on the Barkly Regional Council and the report in the near future, in the next couple of weeks.

**Mr EDGINGTON:** In regard to other compliance issues, are there any other investigations currently under way relating to local government councils across the Northern Territory?

**Mr PAECH:** It is an important question. One of the areas in the Local Government team is where each year they work through—as the sustainability and compliance director has spoken about—and do these reviews. I am not aware of those reviews. They are separate. The minister does not have a say in where those review are conducted. I need to ask Meeta to provide a response to you regarding the compliance and sustainability.

**Ms RAMKUMAR:** Are you asking about investigations? With regard to compliance, there is one investigation currently in train on the Coomalie Community Government Council.

**Mr EDGINGTON:** Is that on the operations of the council? Or are they Code of Conduct issues? What is the issue being investigated?

**Mr PAECH:** At this stage, that would prejudice any decision that would be made. We can say that there is work happening in that space right now in relation to that council. I am sure everyone is aware that there have been ongoing issues or conflict. We are working as best we can to support.

**Mr EDGINGTON:** Given that there are 23 full-time equivalent staff, how many positions are currently vacant in the Local Government unit?

**Ms DE LACEY:** We currently have four vacancies, but they are vacancies that are in train for filling. They are vacant for various reasons like people resigning or maternity leave or whatever else it might be.

**Mr EDGINGTON:** Do you have a record of how many grants are allocated to each council? How many grants have been allocated to the Katherine Town Council?

**Mr PAECH:** Can I confirm that you are referring to grants that have been distributed, for the purposes of the question today, by the local government team?

**Mr EDGINGTON:** Yes. I think you said there is about \$60m worth of grants.

**Madam CHAIR:** You have gone back to the grants that we were speaking about before—specifically for K Town?

**Mr EDGINGTON:** That is right. The \$60m worth.

**Madam CHAIR:** If you do not have the information on hand, we will take it ...

**Mr PAECH:** We are working through it. Obviously, there is a range of grants. Are you just wanting the overall number, Member for Barkly?

**Mr EDGINGTON:** Just the overall number and total amount would be fine.

**Madam CHAIR:** This would be the grants that only fall within the department of Local Government?

**Mr EDGINGTON:** Yes.

**Madam CHAIR:** You would need to ask different agencies.

**Mr EDGINGTON:** Just Local Government. I think it has \$60m worth.

**Ms DE LACEY:** There are three grants that we have listed for this year. Katherine Town Council received \$139,000 for Binjari community. Katherine Town Council also, under the immediate priority grants program, received \$250,000 for the construction of a new animal pound facility and \$250,000 for Katherine sports ground fencing in phase two.

**Mr PAECH:** That is \$639,000.

**Mr EDGINGTON:** Glad to see that Labor has a calculator that works.

**Mr PAECH:** Look out; I know my numbers.

**Madam CHAIR:** I am surprised the Member for Katherine has not spoken up earlier, but she now has a follow-up question.

**Mrs HERSEY:** What was that amount for the fence, sorry?

**Mr PAECH:** It was \$250,000.

**Mr EDGINGTON:** I want to go back to the Barkly Regional Council. There is an official manager there at the moment. Who pays for the official manager to be placed at the Barkly Regional Council?

**Mr PAECH:** Council pays for the official manager under the act. I make an important point that all elected members of the council are not remunerated while they are stood down. That remuneration can be used to pay for the official manager.

**Mr EDGINGTON:** Who made the decision about who the official manager is? How made the decision that Peter Holt would be the official manager?

**Mr PAECH:** I can ask Maree De Lacey to provide an in-depth response. As she has highlighted, she had a list of individuals we can bring in. We, the department, often draw on the skills, expertise and professional criteria of people's previous relationships with local government to fulfil the role.

**Ms DE LACEY:** The minister's responsibility when considering whether to place a council under an official management includes, once he makes that decision, to appoint an official manager and an investigator.

Providing that advice to the minister will provide the minister with options for both of those positions. As the minister said, we look to people we believe will have the right skills for that area—people who might have backgrounds in the issues that relate to that area. We will provide a couple of options and it is the minister's decision who he appoints.

**Mr EDGINGTON:** How many options were put to the minister?

**Ms DE LACEY:** We will have conversations with the minister about the options that we may have. I think we talked about three people at that time. When we provide formal advice, we may limit that down to the one that was decided through that process.

**Mr EDGINGTON:** As part of that, was there a recommendation about payment, salary or an allowance to do that job? How does that work?

**Ms De LACEY:** There is information that goes to the minister regarding what that might cost.

**Mr EDGINGTON:** What is the remuneration for an official manager?

**Ms De LACEY:** It can vary, but in this case the remuneration for an official manager is an hourly rate of \$185 per hour inclusive of superannuation.

**Mr PAECH:** I think it is important just to provide a context. They are not working the traditional 40-hour weekly schedule. They are called in as required for decisions or information. That figure is not \$185 multiplied for a 40-hour week.

**Mr EDGINGTON:** Who is running the council if they are not doing it full time?

**Mr PAECH:** There is an acting CEO with enormous experience and credentials. You may have the opportunity to apply for a job after August if you would like. There is ...

**Mr EDGINGTON:** Is that meant to be funny? Do you want me to laugh?

**Mr PAECH:** I am trying to respond to you, if you would allow me.

**Mr EDGINGTON:** You are responding sarcastically. Why do you not answer the question?

**Mr PAECH:** There is a CEO in place who is doing a fantastic job. The official manager is contracted and brought in as decisions need to be made at scheduled meetings of elected council members. Important delineation—the official manager has fulfilled and taken on all the requirements and responsibilities. That person is effectively the council.

**Mr EDGINGTON:** Who is paying the salary, minister?

**Mr PAECH:** The council.

**Mr EDGINGTON:** Is it on a timesheet basis? How is all this recorded? Who is monitoring the hours? Who is doing all this?

**Madam CHAIR:** We have let our standards slip a little. I will pull both of you up. The member has asked further questions and I will check that he has concluded and then I will hand to the minister to respond to that process. I think we got a bit of information before, but because the councillors are not being paid, that money goes towards this—but there is structure from within the department around the parameters. Is there anything else you wanted to add before he responds?

**Mr EDGINGTON:** No.

**Mr PAECH:** I can ask the Director of Sustainability and Compliance to provide a response because we are aware that this is public money. All the checks and balances are set out in all the policy settings concerning how they report, accrue and time the hours they contribute towards work that they are undertaking at the Barkly Regional Council in the role of official manager.

**Ms RAMKUMAR:** The official manager does submit timesheets to the accounts department, and that is the basis of how he gets paid. The manager is not classified as an employee, so there are no leave entitlements accrued similar to an elected member.

**Mr EDGINGTON:** What other benefits would an official manager receive—housing, vehicle, phone allowance? What other benefits are there for an official manager?

**Mr PAECH:** Those benefits would be included in the hourly rate that the official manager receives for fulfilling the functions of the official management.

**Madam CHAIR:** Is there any travel entitlement or anything if they are fulfilling that role and need to attend to the region, for example?

**Mr PAECH:** Yes, there would be considerations and costs that the Barkly Regional Council would incur if they needed to arrange for transport to facilitate various meetings. I am aware that the official manager has been getting out and making sure that he is across the regional footprint area of the council.

**Madam CHAIR:** I think the member is looking for checks and balances.

**Mr EDGINGTON:** Is there an entitlement to costs for the vehicle, a phone, living arrangements? How does that work?

**Mr PAECH:** The council is to provide the necessary office space, accommodation, travel arrangements and transport as required to and from Tennant Creek.

**Mr EDGINGTON:** There is no housing provided?

**Mr PAECH:** That would be accommodation. Local government does not provide accommodation for its elected members so there is no entitlement.

**Mr EDGINGTON:** If the official manager is in Tennant Creek, he would have to find his own accommodation and pay for it within the \$185 per hour. Is that correct?

**Mr PAECH:** That is an option that is awarded to the official manager. The council may choose to offer accommodation or charge a discounted rate.

**Mr EDGINGTON:** It is the council, minister.

**Mr PAECH:** Their executive arm of the council, meaning the management, may make an operational decision to provide that, but that would be a decision for the executive and the operations of the Barkly Regional Council.

**Mr EDGINGTON:** Would the CEO make that decision?

**Mr PAECH:** I would image so, yes.

**Mr EDGINGTON:** Getting back to the grants, what was the \$139,000 for Binjari for?

**Mr PAECH:** Binjari falls within the municipality of Katherine, so it would be ensuring that municipal and essential services can be supported in that area. I can ask Meeta Ramkumar to reply if there is anything that I have missed.

**Ms RAMKUMAR:** No, minister, that is correct.

**Mr EDGINGTON:** Was it for municipal and essential services?

**Ms RAMKUMAR:** The funding given to the Katherine Town Council for Binjari of \$139,100 is for the provision of waste management services and normal municipal services that would be delivered by the Katherine Town Council.

**Madame CHAIR:** The Katherine Town Council delivers those services to the Binjari community and that is their remuneration?

**Ms RAMKUMAR:** Yes. They may have subcontracted that out, that is correct, to an Aboriginal corporation to support them with that service delivery in that community.

**Mr EDGINGTON:** Is government paying Katherine Town Council to subcontract a service which is their core business?

**Mr PAECH:** That is an operational decision for Katherine Town Council. Given that Binjari is within the municipal boundary of the Katherine Town Council, the services it needs to be delivered are municipal and essential services. It is an operational decision for the Katherine Town Council to choose to subcontract or choose to use its own services.

**Mr EDGINGTON:** Let me clarify that. You are giving money to the Katherine Town Council to deliver a core service to the Binjari community, is that what you are saying?

**Mr PAECH:** We are providing a service to ensure that the community receives municipal and essential services.

**Mr EDGINGTON:** Is that not core business of a municipal council?

**Mr PAECH:** There are historical arrangements in place of how the Binjari community has been serviced by municipal and essential services.

**Mr EDGINGTON:** Is that an annual grant or an ongoing five-year agreement? How does it work? The \$139,000 a year, is that a one off or is this an ongoing arrangement between Katherine Town Council and the Binjari community?

**Mr PAECH:** It is part of a five-year grant funding arrangement.

**Mr EDGINGTON:** What is the total cost of the grant for five years?

**Mr PAECH:** You multiply the number that we have provided.

**Mr EDGINGTON:** Can you use your calculator again to see if it works?

**Mr PAECH:** We have one.

**Mr EDGINGTON:** What is the total cost of the five-year agreement between the local government unit and the Katherine Town Council?

**Mr PAECH:** Sure. Are you referring to the overall ...

**Mr EDGINGTON:** Yes, apparently there is a five-year agreement. What is the cost of the five-year agreement?

**Madam CHAIR:** The minister will seek clarification of the ...

**Mr EDGINGTON:** It has gone from ...

**Madam CHAIR:** Hold on; I am speaking. The minister is getting clarification for you and will come back to you. He is talking to his officials.

**Mr PAECH:** I am more than happy to ask Meeta Ramkumar to respond. To be clear, this is an anomaly in how it is usually funded across local government.

**Ms RAMKUMAR:** This is a legacy issue between the NT Government and Katherine Town Council. In 2008, when the reform happened, my understanding is that Binjari was a standalone community government council, so that the Katherine Town Council's boundary would be expanded to include Binjari. The arrangement entity with the NT Government and the council was that they would get \$139,100. Prior to that the Binjari Community Government Council received an NT operational subsidy equivalent of \$139,100 so, as part of the negotiations at that time, it was agreed that the NT Government would continue to fund the Katherine Town Council to continue service delivery in that community.

It used to be an annual recurrent funding, but more recently based on the advice from the regional team they recommended that we enter into a five-year agreement. This just ensures that service delivery standards are maintained in Binjari and that it is not just money that is given to the Katherine Town Council and services are not delivered. It is a level of accountability that was introduced, which is why it has gone to a five-year funding agreement.

**Madam CHAIR:** Did you have any follow-up question on that, Member for Barkly or Member for Katherine?

**Mrs HERSEY:** Where are we in the cycle of that five-year agreement?

**Madam CHAIR:** Are you planning on cutting it? No, I am kidding.

**Mrs HERSEY:** That is not appropriate, Madam Chair.

**Mr PAECH:** I will ask Meeta Ramkumar to reply about where we are in the funding cycle.

**Ms RAMKUMAR:** From memory, this may be the third year.

**Madam CHAIR:** Did you want that on notice, Member for Katherine, to get an accurate time?

**Mrs HERSEY:** Yes, if you could take that on notice and maybe provide it by the end of the day. Also ...

**Madam CHAIR:** Hold on. There is a process I have to do.

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### Question on Notice No 2.3

**Madam CHAIR:** Member for Katherine, please restate the question for the record.

**Mrs HERSEY:** Where in the cycle of the five-year agreement are we, please?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Katherine has been allocated the number 2.3.

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**Mrs HERSEY:** I think you said 2008 or around that time, and \$139,100 was the amount given then. Is that correct? Given that we are all this time further on, is that still the same amount with the cost increases and everything like that? Am I correct in saying that? There has been no cost increase over this time for the Katherine Town Council to provide this service to Binjari?

**Mr PAECH:** We entered into the funding agreement only a few years ago. We took into account the considerations of what it would cost to provide municipal and essential services. The figure that arose at the time was that the services could be delivered for that value. That was when the funding agreement was agreed to.



**Mr EDGINGTON:** How many other councils are receiving these grants for municipal and essential services? How many councils receive these types of grants?

**Mr PAECH:** None.

**Mr EDGINGTON:** None? What about the Belyuen council? What funding does it receive from the department?

**Mr PAECH:** Belyuen is its own community council area. It would, as every other regional and shire council, receive their annual appropriation. I can grab those figures for you. I can give you the breakdown of all of the grants.

The operational subsidy is \$76,000. The Indigenous jobs development subsidy is \$41,000. The waste and resource management is \$75,000. That is it.

**Mr EDGINGTON:** They receive about \$190,000-odd per year. How many councillors does it have?

**Mr PAECH:** Belyuen Community Council has five elected members. If you have further questions about the operations, I am happy to have Maree De Lacey or Meeta Ramkumar reply to any questions about the operations of the Belyuen council.

**Madam CHAIR:** Did you want that further information?

**Mr EDGINGTON:** Yes. It seems that there is about \$190,000-odd with five councillors, as the minister advised. I gather there is a CEO. Do all of the costs of having a CEO and five councillors come out of that \$190,000?

**Madam CHAIR:** The minister has referred to his officials so they could please respond to the committee.

**Ms DE LACEY:** The funding breakdown is they receive operational subsidy approved allocation of approximately \$76,000 for the year. That is the untied funding that will go to a range of matters including the employment of CEOs and whatever it might be, and the operation of the council. The others are application-based grants which they have applied for.

Belyuen is a small council and our experience and observation of them is that it is a difficult council to manage because it is so small. It is difficult for them to maintain a level of financial sustainability. They attract other grants, and this is just the local government funding which goes to them. We know that their CEO is active in pursuing other grants from other organisations. I understand that the CEO is the primary staff member, as they have a small staff capacity; I think there might be one other person within the council. It operates lean as a small council. We have described the local government funding which goes to them, but we do not know what other funding they have.

**Madam CHAIR:** I think you were going to provide detail on the other?

**Mr PAECH:** We provided the figures that are funded through the Territory government's Department of the Chief Minister and Cabinet Local Government team. As the executive director highlighted, there could be other Territory's agency or departments which supply them with a grant. There are also third-party investment and funding options, and the Commonwealth Government may provide them with funding through CDP.

**Mr EDGINGTON:** It seems \$76,000 operational money, \$41,000 for jobs, \$75,000 for waste with a total of about \$190,000. Is that sufficient to run this community?

**Madam CHAIR:** As the minister has explained this is a portion from local government, and there would be other money. I have been to that community; there is a school, and there would be other NTG grants.

**Mrs LAMBLEY:** Madam Chair, you are not paid to answer questions.

**Madam CHAIR:** I am suggesting something to the member.

**Mrs LAMBLEY:** Chief Minister, that is not your role.

**Madam CHAIR:** I was going to respond, but I decided not to. It is only day two, and perhaps that is something for the minister ...

**Mrs LAMBLEY:** It is called leading from the Chair.

**Madam CHAIR:** It may be something to ask the departments of Health and Education over the next couple of days.

**Mr EDGINGTON:** In regard to the funding given to Belyuen, how often has there been a compliance report or review conducted of that council?

**Ms De LACEY:** We have not done a compliance review of that council. We work closely with them, because they are small, and generally there is a fairly close relationship between our unit and them.

**Mr EDGINGTON:** What do you mean working with them?

**Ms De LACEY:** We deliver training for the elected members and recently did training about the role and responsibilities of elected members. We spend time with the CEO when he needs guidance on navigating, particularly as a new CEO, through the *Local Government Act* and the Northern Territory Government as well. We have connected them with the regional colleagues in Chief Minister and Cabinet which also has information about grants and other available sources of support. Between us, we lean in quite a bit with Belyuen council.

**Mr PAECH:** We have also worked with Belyuen, as we have with the Local Government Association of the Northern Territory, to look at and consider potential options for diversifying and what options there might be available for local government councils to consider taking on. That could be taking on services that have traditionally been delivered by an agency or by another organisation.

**Madam CHAIR:** I think from memory, they deliver aged care services.

**Mr EDGINGTON:** Are there any other community councils under the same arrangements as Belyuen? Is that the only standalone small council?

**Mr PAECH:** Belyuen is quite a small council, as is Wagait. Coomalie is another smaller council in the scheme of council services and the municipal areas or the regional council boundaries.

**Mr EDGINGTON:** In regard to boundaries, I noticed you were mentioned in the media this morning about boundaries for this new suburb of Holtze. Is there any plan to change the boundaries of the Litchfield Council?

**Mr PAECH:** Local government boundaries is an important area. Local government is the first tier of government which provides roads, rates and rubbish, and they are often the first people who local communities engage with.

The process being undertaken at the moment in Holtze and Kowandi is a planning process regarding the development and establishment of residential areas. There is no conversation to date relating to any change to the council boundary areas. Any such conversation would not occur until the development of any subdivision has been completed and community consultation has been undertaken. At this stage, no, we have not been involved because there is no conversation with the boundaries changing.

**Mr EDGINGTON:** Can you confirm there is no proposed change to the Litchfield Council boundary?

**Mr PAECH:** The work being undertaken at the moment is developing a residential area within the Litchfield Council area, in Holtze and Kowandi. That is going through the *Planning Act* with the Minister for Infrastructure, Planning, and Logistics. He will be appearing before Estimates. That is an opportunity to ask questions.

In terms of the local government boundaries, we have had no involvement in any change of boundary.

**Mr EDGINGTON:** Why is your Chief Minister sticking her nose into this? What is going on?

**Mr PAECH:** Madam Chair, Standing Order 109. That is a hypothetical matter. The Chief Minister was before Estimates yesterday. She provided a response. I am the Local Government minister, and I am highlighting that there is a planning process that is taking part. Any action regarding boundary changes would be subsequent to the completion of a subdivision and would be requiring community consultation.

**Madam CHAIR:** Perhaps to help answer the member's question, can you elaborate a bit further if there was to be, what that process is beyond simply what is taking place now, which is planning?

**Mr PAECH:** Maree De Lacey can provide an overview and response to how we would respond, as we have done in other areas.

**Ms DE LACEY:** The Minister for Local Government has the powers to change boundaries of local government councils. The process that would be followed at the time if there was such a decision to be made would be decided by the minister. Generally, there is a consultation process that is involved with community members regarding any change that might happen.

We would normally provide advice regarding what the implications are for both the council that is growing as well as the council that might be shrinking. We would provide advice on things like the financial implications of those changes, the implications for community residents regarding things like communities of interest and where they connect within their communities. We would provide advice on anything that might be contentious, for example, if there is any significant industry that might be impacted through a change of boundaries.

We would develop all that advice to provide to the minister along with recommendations regarding any kind of community consultation process that might be taken. There is nothing in legislation that requires a community consultation process. That advice would be considered by the minister if that question was to arise at the time.

**Mr EDGINGTON:** Has the Chief Minister spoken to you about boundary changes regarding the proposed Holtze suburb?

**Mr PAECH:** I acknowledge that a number of my colleagues in the Legislative Assembly may have a view on the matter. I am the Local Government minister. If re-elected in August, I will be the minister to make a decision, but no decision will ever be made until consultation has occurred and this important subdivision is developed and completed.

**Madam CHAIR:** Are there any other council boundary changes being looked at, taking on board what you have just said?

**Mr PAECH:** No, not at this stage. There is work going through the planning process. As the Local Government minister, I get to set the boundaries and sometimes the number of elected members, but I do not get to determine which wards or regions or if there are wards or regional councils.

Maree and Meeta might be able to talk about the work that the tribunal has done regarding that redistribution.

**Ms De LACEY:** The new legislation, *Local Government Act 2019* commenced in 2021. It also established the local government representation committee who makes decisions or determinations about the boundaries within a local government; that is, concerning whether a local government should have wards and how many wards they might have and whether it impacts on the number of elected members. They can provide recommendations to the minister on the boundaries for the council, but that is not their decision. It is the Minister for Local Government's decision.

It is a body that does a fair amount of consultation, and it has provided a determination in the last couple of years regarding wards. In particular, some of the recommended changes made were for Palmerston to have wards, for example. They also signalled for one other council to consider the same in the future. Palmerston was the one they made the decision would move to a ward structure.

**Madam CHAIR:** Which was the other council, or is that not public?

**Ms De LACEY:** It is public. They signalled that there should be consideration for Alice Springs as well.

**Mr PAECH:** But not at this stage. At the next general election Palmerston will be moving to a ward structure and future consideration should be given when the next local government boundary considerations are done that Alice Springs may move to a ward structure.

**Madam CHAIR:** Would that be ahead of 2025 local government elections of post?

**Mr PAECH:** For Palmerston, yes.

**Madam CHAIR:** And Alice Springs, post?

**Mr PAECH:** Alice Springs would be post-2025. It may not be a further consideration of the redistribution.

**Mr EDGINGTON:** I have no more questions on local government, but I want to get back to law and justice.

**Madam CHAIR:** I think the minister indicated to you that it was coming up in 4.2.

**Mr PAECH:** I can do it now, Madam Chair. To provide context for the Member for Barkly ...

**Mr EDGINGTON:** I think 4.2 is legal policy.

**Mr PAECH:** There are two parts to this. I just wanted to allay any confusion. The Aboriginal Justice Unit will be appearing later, but law and justice groups are implemented by Chief Minister and Cabinet so we can resolve those now. I do have the questions taken on notice responses for the Member for Barkly now if he would like.

**Mr EDGINGTON:** We could leave that until 4.5.

**Madam CHAIR:** Is law and justice now?

**Mr PAECH:** I will just provide the context now.

**Mr EDGINGTON:** I am interested in finding out where law and justice committees have been established across the Northern Territory.

**Mr PAECH:** To ensure all members of the Estimates are clear, law and justice groups is in Output 2.0, that is now. It is with the Department of the Chief Minister and Cabinet as it is the role and functions, through our regional controller entities, regional executive directors that we implement law and justice groups. All questions relating to that are to be discussed now.

**Mr EDGINGTON:** It is not overly clear looking at that output that it is in there but when it comes to Output 2.0, Regional Growth, what else fits into that output?

**Mr PAECH:** Member for Barkly, in relation to my portfolio areas with Output 2.0, that is the Aboriginal Interpreter Services, the Local Government and it is also the law and justice groups.

**Mr EDGINGTON:** That is it?

**Mr PAECH:** Yes. All other areas pertaining to regional growth were yesterday with the Chief Minister and may arise tomorrow with the Minister for Local Decision Making which is where the Barkly Regional deal would be addressed.

**Mr EDGINGTON:** Can you tell me how many operational law and justice groups there are in the Northern Territory?

**Mr PAECH:** There has been significant progress in establishing law and justice groups across the Northern Territory in a number of locations. Work is under way in seven locations. We have six operational law and justice groups across the Territory in Groote Eylandt, Maningrida, Kintore, Ramingining, Barunga and Yuendumu. Work is under way in the Barkly.

**Mr EDGINGTON:** How many law and justice groups are you are aiming for across the Territory?

**Mr PAECH:** My target would be that where law and justice groups are applicable and where the local communities would like them, we would look to introduce law and justice groups. I want to see a minimum of 20 groups spread across all parts of the Northern Territory. Where there is a law and justice group, we can then ensure that the Community Court can meet in that community and work alongside the law and justice group.

**Mr EDGINGTON:** Given that you scrapped law and justice groups in 2005, is six a reasonable number to have in place over the last 19 years?

**Mr PAECH:** Madam Chair, I was not in the Northern Territory Legislative Assembly in 2005. I can talk about what we have done from our term in government over the last four years and in my term as the Attorney-General and the Aboriginal Affairs minister.

**Madam CHAIR:** You mentioned before there was legislative change recently that allowed the structure, could you perhaps elaborate?

**Mr PAECH:** We brought back the Community Court legislation which was cut under the Country Liberal Party's term of government from 2012 to 2016. The Community Court legislation and the law and justice groups ...

**Mr EDGINGTON:** You were not around then apparently.

**Mr PAECH:** I was mindful of the interjection.

What has been introduced under this term of government is Community Court legislation and ensuring that we have the establishment of law and justice groups. We have rolled them out.

I acknowledge that the Member for Barkly may be frustrated at the time it has taken to stand them up, but I will not apologise for not rushing this. This is about working with Aboriginal Territorians at a pace that they are comfortable with and working through with them on the appropriations of who are the members on the law and justice groups, the types of issues they would like to discuss. Law and justice groups are not just committees to sit in a court out bush. They work with the local police in the community, the local night patrol services and the local community looking at and responding to local issues and how we can de-escalate and mitigate issues in our local communities.

There is work happening across the Territory and it is an exciting space. We had a law and justice group sit with the Community Court on Groote Eylandt and we were able to see firsthand how that is working in practice and the positive results of that law and justice group. We are working across the Territory where communities nominate that they want a law and justice group or where we can work based on the numbers to see where we need to work with the local community to respond to local issues. That is our plan.

**Mr EDGINGTON:** As I said, you have had 19 years to establish law and justice groups. Are there any guidelines in place for the establishment of law and justice groups and are there any guidelines about the appointment of members to those law and justice groups?

**Mr PAECH:** Cast your mind back to a few weeks ago when we passed the Justice and Other Legislation Further Amendment Bill—JOLFA. In consideration in detail, you asked a similar question, and I provided you with a response. The guidelines were being worked on with Aboriginal Territorians. I am committed that they will be ready by 1 July.

**Mr EDGINGTON:** I am wondering how the law and justice groups operate, given that there are no guidelines in place. Are there interim guidelines?

**Mr PAECH:** The Member for Barkly is well aware that when we passed the Community Court legislation and other related legislation, there were interim guidelines. I make the point that we worked with the local community if there was any opportunity for additional amendments or if there were additional areas that we could look at improving and being more considerate of our law and justice groups in our local remote Aboriginal Territorians. That subsequently led to amendments, which were passed in the last sittings of parliament in the Justice and Other Legislation Further Amendment Bill.

**Madam CHAIR:** Has there been any other feedback from the communities that have been involved in this process since the community courts legislation?

**Mr PAECH:** The law and justice group, as I have highlighted, sat in Groote Eylandt with the first community court, which was highly successful. The first sentencing matters were finalised by the Groote Eylandt community court. We are in the final stages of progressing works with Kintore and Maningrida. We have had and have rolled out grant funding to support law and justice groups. I highlight that they are the readiness grants and operational grants to support the aspirations of Aboriginal Territorians to be involved in the law and justice related matters.

**Mr EDGINGTON:** I am interested to know how they operate without any guidelines in place.

**Madam CHAIR:** The minister explained there were interim guidelines in the legislation amended ...

**Mr EDGINGTON:** Yes, I was getting to that with my question, thanks.

**Madam CHAIR:** ... was off feedback from operation in the last couple of years.

**Mr EDGINGTON:** I was leading to a question about that. He said there were interim guidelines; could we see a copy of the interim guidelines, please?

**Mr PAECH:** I am happy for our Deputy Chief Executive Officer of Territory Regional Growth to provide a verbal response to the Member for Barkly. They are interim guidelines. The new guidelines will be ready by 1 July.

**Ms ANDERSON:** In regard to the guidelines specifically, they are for Attorney-General's department with regard to the law and justice groups under the Aboriginal Justice unit. The guidelines that the Department of the Chief Minister and Cabinet are overseeing are in regard to the readiness grants and the operational grants that the minister referred to earlier.

**Mr EDGINGTON:** Are the guidelines public available?

**Ms ANDERSON:** The grants guidelines?

**Mr EDGINGTON:** I am talking about the guidelines for the law and justice groups.

**Mr PAECH:** In relation to the guidelines, in 2023 Chief Minister and Cabinet and the Aboriginal Justice Unit developed guidelines and procedures that apply to the establishment of law and justice groups across the Northern Territory, the allocation of funding and the appointment of members. In response to stakeholder feedback, it was decided that certain changes would be made to improve the flexibility of the processes for appointing law and justice group.

**Mr EDGINGTON:** We have been through this. Can you tell me if we can have a copy of it? We have been through everything about these guidelines. What I am asking for is, where are they, and can I have a copy of it?

**Mr PAECH:** The guidelines will be available on 1 July.

**Madam CHAIR:** Hold on. The minister is answering the questions ...

**Mr EDGINGTON:** He is repeating himself, Madam Chair. We know all the details ...

**Madam CHAIR:** Member for Barkly, please let me finish. He is answering the question. When he finishes if you wish to make a question/commentary I will allow that so let him finish and then you can speak.

**Mr EDGINGTON:** Madam Chair ...

**Madam CHAIR:** No, it is the minister's turn. If you want to keep arguing I will put you on a warning.

**Mr EDGINGTON:** He is repeating himself.

**Madam CHAIR:** If you speak again, I will put you on a warning. Minister, please answer the question and there may be a follow up.

**Mr PAECH:** The guidelines will be published on 1 July, and they will be available to you then, Member for Barkly.

**Mr EDGINGTON:** I am asking about the interim guidelines. I do not know how many times I have to ask. The minister is confused about his guidelines. He will publish guidelines on 1 July, he has been telling us that there are interim guidelines in place, but he will not share those guidelines with the public and he will not share them with the opposition. Where are these guidelines, and how are they being used at the moment?

**Mr PAECH:** Standing Order 38, tedious repetition. I have answered the question. They will be available on 1 July. They are revised guidelines. They are being worked through with Aboriginal Territorians and that work is being finalised. I will not pre-empt. They will be available on 1 July.

**Madam CHAIR:** I feel comfortable that there is ...

**Mrs HERSEY:** Madam Chair, can I ask ...

**Madam CHAIR:** Can I clarify this issue? We went around in circles this morning and have jumped back on this merry-go-round. We had legislation a couple of years ago and off the back of that there has been further changes and they will be published on 1 July. I am sure we will eagerly await that. Member for Katherine, do you have something on this?

**Mrs HERSEY:** The deputy chief executive was just stating that the guidelines that you have at the moment are for the readiness grants and the operational grants only with the Chief Minister and that the other guidelines that the Member for Barkly is asking for is with Attorney-General, is that correct? When it comes up with Attorney-General can we ask for the guidelines then?

**Madam CHAIR:** We can jump back on the merry-go-round then, yes, perhaps.

**Mrs HERSEY:** I feel as though it is not a merry-go-round, Madam Chair, because if there are guidelines, there must be something published. How would these people be following guidelines if they do not have it? I am sure it is just not an email.

**Mr PAECH:** I can provide context. Deputy Chief Executive Dorrelle Napanangka Anderson was talking about were the guidelines for the readiness grants. Those guidelines, as were any guidelines for grant funding, are available on Grants NT website.

**Madam CHAIR:** The minister clarified the point I would have made; she was talking about grants versus the law and justice groups and the legislation. It is operating already under legislation and there were further changes made in our last sittings.

I am conscious that the time is 12 o'clock. The Member for Mulka has a question under Output Group 3.0.

**Mr EDGINGTON:** You have had 19 years to put these guidelines together. Can you please table a copy of those guidelines?

**Madam CHAIR:** I would almost rule that question frivolous. We discussed ...

**Mr EDGINGTON:** Frivolous? It is 19 years; it is not frivolous.

**Madam CHAIR:** The legislation has only been in place for the last couple of years after it was cut by the CLP, which the minister has just advised ...

**Mr EDGINGTON:** It was not cut. He did not say that at all.

**Madam CHAIR:** I will allow the latitude for the minister to answer if he wishes, but I feel that ...

**Mr EDGINGTON:** Law and justice groups were cut by the Labor government in 2005. He did not say they were cut by the CLP. He knows they were cut by the Labor Party in 2005, 19 years ago, and he still will not produce the guidelines for us to see.

**Madam CHAIR:** We all love a good debate in here; we are all opiated. However, I remind committee members we are on a time schedule. Later when you do not get to ask the questions you want to, I will remind you of this point where it is time wasting.

Minister, I will allow you to answer the question that was asked, then I suggest we move on from this output.

**Mr PAECH:** The question has been answered. A point of clarification for the Member for Barkly: under the previous CLP government it was not law and justice groups; it was Community Courts that were scrapped. That was highlighted in the annual report and their budget.

**Mrs LAMBLEY:** I have a question.

**Madam CHAIR:** We are on Output 2.1.

**Mrs LAMBLEY:** Yes. How do you fund the law and justice groups, and what funding do they get? Are they funded individually or out of a centralised bucket?

**Mr PAECH:** There are two rounds of grant funding for the law and justice groups. There is the readiness grants of up to \$60,000 to support prospective law and justice groups to develop action plans and build their capacity to implement plans. There are the operational grants of up to \$560,000 which seek to support the operation of law and justice groups to implement their local action plans, including through the development and delivery of law and justice-related activities and initiatives, and engagement with the Community Courts sentencing procedure under the *Sentencing Act 1995*.

That funding, as I highlighted, is about working with the local law and justice group and the community for Community Courts, the local police in the community, the night patrol and local associations or organisations for peacekeeping and mitigating work.

It could also result that if a law and justice group was stood up—for example, in a remote community in Central Australia—that could support the transport of a law and justice group from a surrounding remote community to come into Alice Springs and help if issues had been identified that a large number of people from a community were in town, to try to help resolve the conflict.

**Mrs LAMBLEY:** It is \$60,000 to set it up and the \$560,000 operational; is that right?

**Mr PAECH:** Yes, one is a readiness grant and the other is an operational grant.

**Mrs LAMBLEY:** Is the \$560,000 per annum?

**Mr PAECH:** Yes.

**Mrs LAMBLEY:** Is it recurring?

**Mr PAECH:** They would need to apply.

That is in lieu—a law and justice group may be funded \$560,000 but may carry it over if it does not expend those costs. To date, a round is closed, and we are working through the applications on a departmental level.

Madam Chair, if I may ...

**Mr EDGINGTON:** I have another question.

**Mr PAECH:** I wanted to flag while there was a moment that I have the three responses to the Member for Barkly's questions.

**Madam CHAIR:** Would you like those now, Member for Barkly, or just before lunch?

**Mr EDGINGTON:** Just before lunch will be fine.

**Madam CHAIR:** Okay, remind me before lunch.

**Mr EDGINGTON:** What operational costs are there for the law and justice groups? What are the operational costs you are talking about?

**Mr PAECH:** I will ask the Deputy Chief Executive of Chief Minister and Cabinet for Territory Regional Growth to provide an overview of the operational areas. Most of the operational areas are about when the Community Court is sitting, supporting and bringing the community together.

**Ms ANDERSON:** The operational grants, as the minister outlined, can be to support the community in working closely with the Community Courts. We have only one area that is in that sphere, being Groote Eylandt. All other law and justice groups are still operating in that readiness space, with the view to move towards operational grants into the future once they apply through the process.

**Mr PAECH:** That is an application process that has been open, and it is closed. We are now working through the applications at a departmental level.



The operational provisions may be around having a support service or entity, staff or personnel to bring people together to meet and help to workshop ideas and provide the Aboriginal experience report for the Community Courts as per the legislation.

**Mr EDGINGTON:** Who is setting up the law and justice groups?

**Mr PAECH:** We have a team who are working across multiple locations and sites.

**Ms ANDERSON:** It is a collaborative effort between us in the department of the Chief Minister. The local regional networks in the Department of the Chief Minister and Cabinet offices work closely with the Attorney-General's department's Aboriginal Justice Unit colleagues in order to work with communities locally on the ground at their pace in regard to their applicability and readiness in order to set up and establish a law and justice group. We do that hand in hand on the ground with local community members. A recent example is Yuendumu where we worked closely with the local *yapa* in the community, Aboriginal people, to be able to establish a law and justice group. We do it at the pace of the community and work closely with our colleagues in the Aboriginal Justice Unit in the Attorney-General's department.

**Mr PAECH:** There are also auspicing bodies as part of this process. For instance, Ramingining would be auspiced by ARDS and they would be able to facilitate the operational matters.

**Mr EDGINGTON:** Given that they are all being set up, as you said, with internal resources, has there been any expenditure on consultants, for example?

**Mr PAECH:** They are not set up by the agency. We support the agency by supporting the local communities. They will then partner with an auspicing association or organisation.

**Mr EDGINGTON:** Who is paying them?

**Mr PAECH:** The Northern Territory Government will not grant a grant to itself. We work with a local community on ensuring that they have an auspicing body so that ...

**Mr EDGINGTON:** Can you give an example? Who are these auspicing bodies? How much are they being paid?

**Mr PAECH:** An example would be a community-led initiative in the Arnhem region. Ramingining is auspiced by ARDS.

**Mr EDGINGTON:** Who is paying them?

**Mr PAECH:** They would be eligible, and they would have applied for a readiness and an operational grant.

**Mr EDGINGTON:** What about Yuendumu, who is setting that up?

**Mr PAECH:** Yuendumu is a community-led initiative by the local *yapa*, the Aboriginal people in the community, who want to have a law and justice group and want to be involved in decision-making. That would be supported by the Northern Territory Government, but they would partner with a group—Southern Kurdiji—on the establishment. That would be an auspicing body, so it is an entity that is community led and community responded.

**Mr EDGINGTON:** Are you directly engaging any consultants to help with the establishment and development of action plans for these law and justice groups?

**Mr PAECH:** That would depend on the aspirations of the local community. Some communities may want to bring in someone to help them develop a plan. Some may want to use the existing relationships that they have with the Chief Minister and Cabinet staff.

**Mr EDGINGTON:** Could they be using some of that funding to bring in a consultant to establish an action plan? Is that how it works?

**Mr PAECH:** If it is the desire and aspiration of the local *yapa* or community members, they could decide that they wanted to apply for a grant and if part of the readiness grant was to engage with a stakeholder to develop a plan, then they could do that.

**Mr EDGINGTON:** Has the department directly engaged any consultants to help establish law and justice groups?

**Mr PAECH:** Any consultant engaged would be engaged in a partnership agreement which has been identified by the local Aboriginal leadership in the community. I am aware that Groote Eylandt engaged Social Ventures Australia. There were other organisations. AARDS was engaged for Ramingining. It depends and is responded to by the desires of the local community regarding what work they would like to happen.

**Mr EDGINGTON:** Overall, there has not been any—last year, you said there had been a consultant engaged at Yuendumu.

**Mr PAECH:** There had been consultants engaged at the wish and part of the local community exercising their self-determination to bring someone in.

**Mr EDGINGTON:** Funded by who?

**Mr PAECH:** They would be funded either through the Office of Aboriginal Affairs, Territory Regional Growth or part of a local decision-making agreement.

**Mr EDGINGTON:** Are you directly funding consultants? You said that you were not, but you have funded a consultant at Yuendumu. Is that right?

**Mr PAECH:** Those types of agreements would be funded through a local decision-making agreement of which I am not the minister for in relation to Yuendumu. I can say that Social Ventures Australia was the group that were engaged by the Groote Eylandt community at their request to help them develop a plan.

**Mr EDGINGTON:** Is it funded through the department?

**Mr PAECH:** Yes.

**Mr EDGINGTON:** How much is being sent on consultants helping to establish law and justice groups?

**Mr PAECH:** It depends because some of those may be part of a local decision-making agreement of which I am not the portfolio minister for.

**Mr EDGINGTON:** You are responsible for the law and justice groups. How much is being spent to establish law and justice groups?

**Madam CHAIR:** The minister is indicating that it could be funded through another government agency area. I understand we have that minister tomorrow. Minister, I am not sure if you want to take anything on notice or if we can ask the minister tomorrow. I understand the desire for information, but I am trying to break it down so that we can get accurate information for the member.

**Mr PAECH:** I am more than happy to provide and to take on notice where the portfolio areas that I am responsible for have supported for local law and justice groups. We can do that, but I cannot provide that if it is funded through a local decision-making agreement because I have no oversight into where those contracts are going. They are arranged internally as an operational matter.

**Madam CHAIR:** From your perspective, it could be broken down a few layers down or it could sit outside your agency but provide back into this.

**Mr PAECH:** Yes. If it is part of a local decision-making agreement as a number of them have been, then they would be questions for the Local Decision Making minister. I am happy to take this on notice. If they have been directly engaged with the Chief Minister and Cabinet staff and we have supported that work and helped them facilitate with an auspicing body, then we are happy to do that.

**Madam CHAIR:** Shall I suggest you take it on notice?

**Mr EDGINGTON:** Let us take it on notice.

**Mr PAECH:** Just to provide clarification, the grant funding goes to the law and justice group or the auspicing body. They are the group that makes the decision on whether they engage a consultant. It is not the Northern Territory Government, so I cannot provide those figures. I can provide you what groups have been funded.

**Mr EDGINGTON:** All right. Let us change that to: if you can provide the list of which groups have been funded and the amounts they have been funded by your agency.

**Madam CHAIR:** Minister, do you accept that second question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly of the minister has been allocated ...

**Mr PAECH:** I apologise. Member for Barkly, are you wanting to know which groups have been funded? Is that the question?

**Mr EDGINGTON:** Yes.

**Mr PAECH:** I can give you that answer now.

**Madam CHAIR:** Sorry, Hansard, please scrap that. We will respond now, and the member will restate his question if he needs follow-up.

**Mr PAECH:** The Kintore law and justice group received a readiness grant in the amount of \$60,000 on 1 December 2023, which is auspiced by Yirara College of the Finke River Mission Inc. The Kintore law and justice group submitted an application for an operational grant in May 2024, which is currently under assessment.

The Maningrida law and justice group received \$60,000 in 2022–23 to support the group to identify the activities and initiatives it will undertake. An operational grant application was received and is currently under assessment.

Barunga and Wugularr—\$49,016 in 2022–23 to support the establishment of the group. An operational grant application was received in May for \$500,000 and is still being assessed.

Yuendumu was approved for a readiness grant in May 2024 for \$60,000 to support the activities and initiatives it will undertake.

East Arnhem Land received \$60,000 per annum in 2022–23 and 2023–24 to support communities to increase readiness to become a law and justice group.

Groote Eylandt is approved for operational funding to the value of \$560,000.

**Mr EDGINGTON:** Are there any sitting fees for members of law and justice groups?

**Mr PAECH:** That may be determined by the group, but there is no provision to say that they have to be remunerated.

**Madam CHAIR:** Can they be if the group decides?

**Mr PAECH:** They are considerations, and we would work through the funding agreements to make sure that if that were the request, it would meet all our guidelines to do so.

**Mr EDGINGTON:** Are there any clauses in the current funding agreements that would prevent these auspicing bodies from paying law and justice group members?

**Mr PAECH:** Nothing would prevent payments being made.

**Mr EDGINGTON:** Do you know of any situations where members are being paid?

**Mr PAECH:** Not that I am aware of. That would be an operational matter for the auspicing body, to be reported back when they acquit the grant.

**Mrs LAMBLEY:** You have given the list of the six law and justice groups. They have all received setup funding and are now moving to the operational phase. Are any of them operating yet?

**Mr PAECH:** Yes. Groote Eylandt is in full operation. The Community Court sat there earlier this year, and we anticipate the others are ready. We have been working with the judiciary because once they are operational, they can become places where the Community Court sits.

**Mrs LAMBLEY:** I remember a few months ago there was only one, and now there are six, so has there been a recent flood of applications?

**Mr PAECH:** When it comes to law and justice groups, they have been in different stages—they have been in their infancy stage. The department has worked on standing them up and working with the auspicing bodies, which might be ARDS in Arnhem Land, Social Ventures, Yirara College of the Finke River Mission—to make sure they were ready and had the capacity. We do not want to rush the process.

**Mrs LAMBLEY:** They all have an auspicing body?

**Mr PAECH:** Yes. The idea is that government does not want to be in charge of the purse strings—auspicing, but there are KPIs and a process that they are required to acquit all funding. If there are discrepancies, we will work with them to either remedy or understand what the issues might be.

I will respond to the questions taken on notice.

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#### **Answer to Question on Notice No 2.2**

**Mr PAECH:** Member for Barkly, in relation to the Aboriginal Interpreter Service, there are 12 vacancies overall; 10 in regions and two in the Territory office.

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#### **Answer to Question on Notice No 2.1**

**Mr PAECH:** In relation to the question about related treaty expenditure, the first question taken on notice. This is \$343,000.

The treaty-related expenditure to 31 March: employee-related expenses, \$301,000; and operational expenditure, \$42,000. This is the expenditure within the reporting period.

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#### **Answer to Question on Notice No 2.3**

**Mr PAECH:** This was for the Member for Katherine's question about Binjari. It is a five-year funding agreement with Binjari. It started in 2021–22 and ends in 2025–26.

**Madam CHAIR:** Thank you to your officials. That concludes consideration of Output Group 2.0. We will pause for a moment as we need to change our officials.

**Mr PAECH:** I acknowledge the members who have appeared before the committee today. I acknowledge Camille Lew Fatt for her first Estimates process. I thank her for the work.

### **OUTPUT GROUP 3.0 – INVESTMENT TERRITORY**

#### **Output 3.1 – Major, Significant and Government-facilitated Projects**

**Madam CHAIR:** The committee will now move on to Output Group 3.0, Investment Territory, Output 3.1, Major, significant and government-facilitated projects.

Minister, please introduce the officials for Output Group 3.0, Investment Territory.

**Mr PAECH:** Madam Chair, I have Kelly Ralston, Territory Investment Commissioner; and Sera Bray, Senior Director First Nations, National Aboriginal Art Gallery.

**Madam CHAIR:** Etiquette is to go to the opposition. The Member for Mulka has been patiently waiting to ask a question. Do you have any questions, opposition?

**Mr EDGINGTON:** Yes, we do.

**Mrs HERSEY:** Can I ask for clarification before we start? I have questions on arts and NAAG. Will I ask that here?

**Mr PAECH:** Yes, that is correct. If it is in relation to general arts policy and expenditure, that would be with Territory Families, Housing and Communities. If it is in relation to the gallery project in Central Australia, that will be in this output.

**Madam CHAIR:** General questions are this afternoon with the same minister.

**Mr PAECH:** Further arts questions on expenditure will be later.

**Madam CHAIR:** We will have quite a few questions on the gallery. Member for Mulka, do you want to ask your question now?

**Mr GUYULA:** Yow, thank you. What Defence decisions are happening in relation to the Gove Peninsula? How many visits have the Department of Defence made to the region? Who are they in discussions with regarding which possible Defence site and Defence activity?

**Madam CHAIR:** Minister, this question probably should have fallen yesterday, but we were all over the place. We had opening statements. I will not criticise the chairing of my colleague, but I wondered, Investment Commissioner, if you would indulge us as a committee and provide a little response to the Member for Mulka, through the minister. It is important to him.

**Mr PAECH:** I acknowledge that we have had two fabulous Chairs today and yesterday.

Member for Mulka, I will take your question on notice because I am not the person for Defence expenditure. I understand that it is a major, significant government-facilitated project. If you could repeat the question for us to take on notice, I can provide a response.

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#### Question on Notice No 2.4

**Madam CHAIR:** Member for Mulka, please restate the question for the record.

**Mr GUYULA:** What Defence discussions are happening in relation to the Gove Peninsula? How many visits have the Department of Defence made to the region? Who are they in discussions with regarding which possible Defence site and Defence activity?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Mulka has been allocated the number 2.4.

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**Madam CHAIR:** It is close to our allocated time for a break. Member for Katherine, do you want to start questioning or would you prefer to wait?

**Mrs HERSEY:** If I am asking in the wrong output, minister, you can let me know.

When will the Anzac Oval grandstand and change rooms be demolished to make way for the Aboriginal and Torres Strait Islander Art Gallery of Australia?

**Mr PAECH:** This is the right area. I thank you for honouring and acknowledging the new name of this important project.

It is our intention that the work will commence in the latter half of this year. The Member for Sanderson, the Northern Territory Sport minister, and the Department of Infrastructure, Planning and Logistics under Minister Bowden can provide an oversight of the work that is happening with the interim oval facilities as well as the work that will happen on the oval project at Kilgariff Estate. The government still has a committed position of

like-for-like infrastructure. Our intention is that the two new ovals would be at Kilgariff Estate, along with the grandstand and additional ancillary services.

**Mrs HERSEY:** What are the current time lines in place for the construction of the ATSIAGA?

**Mr PAECH:** We announced that a Territory company, Sitzler, has been awarded the tender to construct the ATSIAGA. It is working through with the architects now on the final 5% of the construction design of that project. Then work will be undertaken to secure the site. The Department of Infrastructure, Planning and Logistics will take possession of the site. The bunting will go up around the site and then the work on clearing the site for the slab to be marked out and poured will happen as soon as applicable.

**Mrs HERSEY:** Given that this was back in 2021 when it was announced first—or maybe 2019–20—and given that we are in 2024, you are saying that the design is still in the process? Is that a normal process to take that long for a design and when will DIPL take charge of that?

**Mr PAECH:** It is not a standard process, because we went through the process of working with the council concerning the compulsory acquisition of this site. It is hard to plan for a site when you go through and there was a matter before NTCAT concerning whether the site would be the site where the ATSIAGA would be developed. That process was going through. We were unable to do the design work because we could not pre-empt the outcome of a decision of the NTCAT.

Following the decision of NTCAT and the compulsory land acquisition proceeding we were able to put out a tender to design the national gallery. That was a tender for \$7m which is standard process for such a large scale, comprehensive design tender. As part of the process the final 5% is when you bring on the company to look at the engineering guidelines and the construction costs.

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The committee suspended.

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**Madam CHAIR:** Before lunch we were at Output 3.0, Investment Territory, and we were talking about the First Nations national Aboriginal art gallery.

Member for Katherine, do you have another question?

**Mrs HERSEY:** I am happy to skip through. I do not have any more questions in Output 3.0.

**Madam CHAIR:** That concludes consideration of Output Group 3.0 and all outputs relating to the minister's portfolio responsibilities that sit within the Department of the Chief Minister and Cabinet. On behalf of the committee, I thank the departmental officers for attending, particularly because you sat through the morning session to provide us with responses before lunch. I apologise, as I thought this topic would continue after lunch, but thank you.

## ATTORNEY-GENERAL AND JUSTICE

### DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE

**Madam CHAIR:** While everyone is getting settled, Attorney-General could you please introduce the officials accompanying you and indicate whether you will make an opening statement.

**Mr PAECH:** From the Department of the Attorney-General and Justice I am joined by Ms Gemma Lake, the Chief Executive; Leonique Swart, Deputy Chief Executive Officer; Brett Roach, Chief Financial Officer, Senior Director Strategic and Business Services; and Craig Smyth, Executive Director, Legal Services.

We will not be making an opening statement and are happy to commence with the relevant outputs and work our way through.

**Madam CHAIR:** The committee will now proceed to consider the estimates and proposed expenditure contained in the Appropriation Bill 2024–25 that relates to the Department of the Attorney-General and Justice. Are there any agency-related whole-of-government questions on budget and fiscal strategy?

That concludes the consideration of agency-related whole-of-government questions on budget and fiscal strategy.

**OUTPUT GROUP 4 – LEGAL AND POLICY SERVICES**  
**Output 4.1 – Solicitor for the Northern Territory**

**Madam CHAIR:** If we ask a question and it is not in the right output, please advise us where that sits.

**Mr EDGINGTON:** How much money is being spent on outside counsel by the Solicitor for the Northern Territory in the past year?

**Mr PAECH:** The total briefs to counsel outside the Northern Territory Legal Services is 138 of which 106 were local and 32 were interstate; that was for all of government.

**Mr EDGINGTON:** Does that include consultants or strictly legal work?

**Mr PAECH:** That was our barrister's counsel.

**Mr EDGINGTON:** Is there any additional expenditure on consultancy work?

**Madam CHAIR:** That question might be under 4.2, Legal Policy. The minister has provided you with the legal cost.

**Mr EDGINGTON:** I think it sits in there; the Solicitor for the Northern Territory.

**Mr PAECH:** Outsourcing of legal services to private law firms under the Northern Territory Legal Services list and briefing of council for the period of 1 July 2023 to 31 March 2024. That was those figures of 106 for local and 32 for interstate, for whole-of-government.

**Mr EDGINGTON:** That was a total of \$138,000 all up?

**Mr PAECH:** My apologies. It is the number 138.

**Mr EDGINGTON:** What was the total cost of the 138 engagements?

**Madam CHAIR:** Member for Barkly, to clarify, this is legal fees ...

**Mr EDGINGTON:** Yes, legal costs from the solicitor ...

**Madam CHAIR:** Consultancy, but there may be consultancy costs for the department.

**Mr PAECH:** Madam Chair, they were the number for the number of cases that are for whole-of-government. I can ask the Chief Executive, Gemma Lake, to provide you with the value of what has been relevant to the Attorney-General and Justice.

**Mr EDGINGTON:** The value is what I am after.

**Mr PAECH:** Yes, not a problem.

**Madam CHAIR:** To clarify, this value is to the Department of the Attorney-General and Justice. The figure of 138 was whole-of-government.

**Ms LAKE:** I will clarify that the 138 number is the number of engagements of barristers that we have facilitated through the Solicitor for the Northern Territory for all agencies, including our own. That is the number of referrals which have gone to barristers. I have here the legal expenses for the department that was a subject of a written question. I can provide the dollar figure if that is what the Member for Barkly is after. The total amount spent on legal expenses for the department for the reporting period 1 July to 31 March 2024 is \$1,639,347.37.

**Mr EDGINGTON:** Does the Commissioner for Public Employment use the Solicitor for the Northern Territory?

**Mr PAECH:** Yes, they would but that figure that we have provided you would not include any costs that the Commissioner for Public Employment would have occurred.

**Madam CHAIR:** It is because that relates only to the Department of the Attorney-General and Justice.

**Mr PAECH:** The figure that we provided is just the Attorney-General and Justice department expenditure on outsourcing.

**Mr EDGINGTON:** To clarify, each department, including the Commissioner for Public Employment would have their own costs that they have ...

**Mr PAECH:** Yes, that is correct.

**Madam CHAIR:** That concludes consideration of Output 4.1.

#### **Output 4.2 – Legal Policy**

**Madam CHAIR:** The committee will now consider Output 4.2, Legal Policy. Are there any questions?

**Madam CHAIR:** I will pause for one moment. Minister, do you wish to introduce the new official who has joined the table? The other officials have stayed.

**Mr PAECH:** We have Erin McAuley, Director, Legal Policy joining us.

**Madam CHAIR:** Although you are well practiced at attending Estimates, can you make sure your mic goes on and introduce yourself each time you speak for our Hansard team.

**Mr EDGINGTON:** My questions are about funding for legal services. My understanding is there is a National Legal Assistance Partnership between the Northern Territory and the Commonwealth. Can you tell me how much funding is involved in that legal assistance partnership?

**Mr PAECH:** When we talk about the legal assistance and the funding, as of 31 March the Attorney-General and Justice department through the legal assistance grants team administered legal assistance funding totalling \$26.222m from the Australian Government under the NLAP which is the National Legal Assistance Partnership, and \$10.043m from the Territory government which provides a combined figure of \$36.266m, and I can provide the break down if you would like?

**Mr EDGINGTON:** Thank you, yes.

**Mr PAECH:** The Northern Territory Legal Aid Commission baseline \$7.696m; NT criminal matters, \$200,000; local support coordinator, \$157,000—that is for the NT Legal Aid Commission; the Northern Australian Aboriginal Justice Agency, \$13.874m; the Darwin Community Legal Service, \$656,000; the Top End Women's Legal Service, \$944,000; the Central Australian Women's Legal Service, 2.152m; and the Katherine Women's Legal Service, \$545,000—that is the Australian Government funding from 1 July to 31 March 2024.

**Mr EDGINGTON:** That money is distributed by the Attorney-General's department. Is that done through an agreement or grants process? Is there a formal agreement signed by your department and the organisation receiving that funding?

**Mr PAECH:** Yes, that is correct. Under those agreements with the Commonwealth, under the NLAP, we are required to enter into funding arrangements with each of those legal services. We also have a funding arrangement in place with the Commonwealth about the distribution of those funds.

**Mr EDGINGTON:** There has been media attention on NAAJA. What are the performance requirements under a contract between the Attorney-General and NAAJA, given that there is more than \$13m being exchanged?

**Mr PAECH:** A point of clarification—it is with the Attorney-General's department. I will ask Gemma Lake to provide the requirements under those funding agreements and guidelines, as that is an operational decision.

**Ms LAKE:** Our funding agreements are service based, so they are focused on service provision by the entity that enters into the funding agreement. NAAJA is funded under the National Legal Assistance Partnership. That is where the Commonwealth Government provides us funding, then we in turn have a funding agreement with NAAJA broadly for the delivery of legal assistance to Aboriginal and Torres Strait Islander Territorians.

**Mr EDGINGTON:** Has NAAJA met the performance criteria in that agreement?



**Ms LAKE:** There have been issues with NAAJA which have been in the public domain. On 17 November 2023 NAAJA announced it would not be taking on new criminal matters, nor providing a duty lawyer service in Alice Springs until 31 December 2023, with Tennant Creek following shortly after. That was then extended by NAAJA until the end of January 2024. That restricted service provision was largely as a result of a staffing crisis experienced by NAAJA at that time. The department has been working with NAAJA through that process.

**Mr EDGINGTON:** Given the shortage of services, what steps did your department take to ensure that people were able to get legal representation in those areas?

**Mr PAECH:** I will ask Gemma Lake and Deputy Chief Executive Officer Leonique Swart to provide an overview of the work they have undertaken to ensure that Aboriginal Territorians had legal representation and when there were matters where follow-up was required, what action has been taken.

**Ms LAKE:** We have done a number of things with NAAJA in respect to the service delivery issues. We had a number of meetings with it over that period of time to understand the impact of the service delivery issues. We met with the Commonwealth as well. We worked with the Legal Aid Commission to have their assistance to provide additional services in Central Australia. Our priority throughout this period has been to ensure the provision of those services to Aboriginal people so that they were not unrepresented in court.

We have taken steps under the funding agreement in relation to the service provision issues. We initially withheld some funding from NAAJA, and we have issued a notice regarding the return of unspent funds from the previous financial year from NAAJA. We have also appointed an auditor in accordance with the provisions in the funding agreement to audit NAAJA's compliance with the 2022–23 financial year under the funding agreement.

**Mr EDGINGTON:** What is the total sum of the unspent money that you are recalling?

**Ms LAKE:** The notice that we provided is \$2.69m.

**Mr EDGINGTON:** When was that notice issued?

**Ms LAKE:** On 13 February 2024.

**Mr EDGINGTON:** Have you recovered that money?

**Ms LAKE:** Not at this stage.

**Mr EDGINGTON:** What is the delay for that?

**Ms LAKE:** The amount has been disputed, so we are working through the disputed amount with NAAJA, and it will be finalised after we receive the audit report as it relates to the same financial year. That will give us an indication of the financial position.

**Mr EDGINGTON:** How long has that audit been under way?

**Ms LAKE:** They were engaged on 12 January 2024.

**Mr EDGINGTON:** Who is paying for that?

**Ms LAKE:** The department.

**Mr EDGINGTON:** What is the cost of the audit?

**Ms LAKE:** The contract cost is \$211,000.

**Mr EDGINGTON:** Who is conducting the audit?

**Ms LAKE:** Ernst & Young.

**Mr EDGINGTON:** Is that money general revenue, or where is the money coming from? Is it coming out of the NLAP—I think the minister called it.

**Ms LAKE:** At this stage it is coming from the department's budget, and we will make an internal allocation for that.

**Mr PAECH:** Member for Barkly, I make the additional comment that at every stage the department has been working closely with the Commonwealth Department of the Attorney-General and Justice as this is Commonwealth funding under the National Legal Assistance Partnership. We have to work with them concerning where the funds are and any moves that are afoot regarding funding.

**Mr EDGINGTON:** I think there was mention of Legal Aid providing representation to defendants. Was that in remote areas, in Darwin or was it across the board?

**Ms LAKE:** In Alice Springs and Tennant Creek.

**Mr EDGINGTON:** Did that result in a redirection of funding from NAAJA, and how much was it?

**Ms LAKE:** I clarify one thing in relation to the audit costs; we have agreements on the National Indigenous Australians Agency that they will fund 50% of the audit as it is also auditing NIAA funds just for full disclosure.

In respect to Legal Aid's provision of services in Alice Springs and Tennant Creek, as the minister has stated, we have been working closely with the Commonwealth Government because this relates to NLAP funding. The Commonwealth Attorney-General's department amended the bilateral schedule to NLAP, so we were able to redirect funds effectively for Aboriginal legal service providers to, for example, Legal Aid if required. To date we have redirected \$200,000 to Legal Aid.

**Mr EDGINGTON:** During that period were there any defendants unrepresented in court?

**Mr PAECH:** Yes. There were a number.

**Mr EDGINGTON:** How many?

**Mr PAECH:** They went unrepresented, and they were then followed up if they were held on remand for representation either by Legal Aid or whether they needed to engage with a third party.

**Ms LAKE:** One of the things we did is work closely with our teams in courts and Corrections to pay close attention to the number of unrepresented persons. We have been working through that. It changes on a daily or weekly basis, and we have been tracking it as we go.

Fortunately, due to the resumption of full services by NAAJA and Legal Aid there are currently no defendants in custody that are unrepresented. That is as of this week, and we just received an update on that yesterday.

**Mr EDGINGTON:** How many are we talking about? How many defendants were unrepresented?

**Ms LAKE:** I can give you point-in-time data. We started tracking it in February, and at that time the number in custody was 32. That reduced by the end of March to 15, by the end of April to nine, by the end of May to six, and then to today's number of zero.

**Mr EDGINGTON:** You said you were tracking those unrepresented in custody. How many defendants were in custody who were unrepresented?

**Ms LAKE:** That is the number I just gave you, the ones in custody.

**Mr EDGINGTON:** How long did they spend in custody before they got representation?

**Ms LAKE:** I do not believe I have that information. I am just checking.

**Mr PAECH:** Member for Barkly, we will take that on notice, and we can endeavour to respond in the afternoon.

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#### Question on Notice No 2.5

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many defendants were in custody unrepresented and for what period of time?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.5.

**Mrs LAMBLEY:** Going back a bit, you said that initially funds were withheld from NAAJA; how much was that?

**Mr PAECH:** That is correct, Member for Araluen.

**Ms LAKE:** The initial amount we withheld from NAAJA was \$1,016,193. Then, as NAAJA incrementally brought its services back online, we released elements of that funding and the total amount now withheld is \$532,723.04.

**Mrs LAMBLEY:** How long were they not fully operational, and what dates does that span?

**Ms LAKE:** The formal advice from NAAJA was on 14 November 2023. They resumed full service delivery from 1 April 2024.

**Mrs LAMBLEY:** Some people fell through the cracks and were not represented, but was Legal Aid able to provide a service to people in Tennant Creek and Alice Springs during the period they were commissioned? How did they go? Were they able to fill that gap adequately?

**Ms LAKE:** The Legal Aid Commission stepped in and provided assistance with duty lawyer services at court as well as general services. As a result of the workload increase, the Legal Aid Commission reduced some of its services in Alice Springs and Tennant Creek at that time. It continued to represent existing adult clients, fresh custodies and the on-duty lawyer service, and clients in indictable matters, and it also continued to represent young people in the Youth Court and prioritise that. On 3 June 2024, the Legal Aid Commission resumed full criminal legal services in Central Australia.

**Mrs LAMBLEY:** Is everything back to the way it was before 23 November? Are those services fully functional again and back to the usual?

**Ms LAKE:** Yes. NAAJA and the Legal Aid Commission have both resumed full-service delivery in Alice Springs and Tennant Creek.

**Mrs LAMBLEY:** Are they back on full funding?

**Ms LAKE:** Yes. There is still that amount that has been withheld for that period, but they are back to full funding now.

**Mrs LAMBLEY:** What have you done with that money, the \$532,000 that you have sitting there? What will happen to that?

**Ms LAKE:** As I mentioned earlier, \$200,000 of that money has been reallocated to the Legal Aid Commission NT. We will continue to monitor that with the Legal Aid Commission going through whether any other funding is required to be reallocated.

**Mr EDGINGTON:** I just want to get back to the National Legal Assistance Partnership. There is just over \$26m from the Commonwealth and I think you said just over \$10m from the NT. Is that an increase this year or a decrease from previous years?

**Mr PAECH:** In relation to the appropriations, it was \$32.197m for 2022–23, and 2023–24 was \$35.699m.

**Mr EDGINGTON:** What is the figure for this year? Is that the figure we spoke about before—\$26m plus \$10m?

**Mr PAECH:** This year will be \$33.152m.

**Mr EDGINGTON:** Is that less than last year?

**Mr PAECH:** That fluctuates given the contributions that come through, either from the Commonwealth or the Territory.

**Mr EDGINGTON:** If it has dropped, where is the difference? Is the difference in the funding coming from the Commonwealth or is it a difference in the allocation from the Northern Territory Government?

**Mr PAECH:** That is all Commonwealth.

**Mr EDGINGTON:** What is the difference between last year and this year?

**Mr PAECH:** It is about \$1.5m.

**Mr EDGINGTON:** The Commonwealth has dropped funding for legal aid services by roughly \$1.5m; is that correct?

**Mr PAECH:** No, that is incorrect. The way that the National Legal Assistance Partnership is framed is that there is time-limited funding and as that expires it falls away. It is for particular projects.

**Mr EDGINGTON:** At the moment, it is roughly \$1.5m less than where it was last year.

**Mr PAECH:** It could again be due to the nature of time-limited projects.

**Mr EDGINGTON:** But it is \$1.5m less than last year at this point in time.

**Mr PAECH:** Yes, that is the Commonwealth figures.

**Madam CHAIR:** That concludes consideration of Output 4.2.

#### **Output 4.3 – Crime Victims Services Unit**

**Madam CHAIR:** The committee will now consider Output 4.3, Crime Victims Services Unit. Are there any questions?

**Mr EDGINGTON:** Yes.

**Mr PAECH:** Madam Chair, we are changing over.

**Madam CHAIR:** If you could let us know which officials have arrived; it would help Hansard.

**Mr PAECH:** Kathryn White is joining us. She is the Director of the Crime Victims Services Unit in the Department of the Attorney-General and Justice.

**Mr EDGINGTON:** How many victims of crime applications have there been this year?

**Mr PAECH:** Can I confirm whether you are seeking how many applications have been received this year?

**Mr EDGINGTON:** How many new applications from 1 July last year until 12 June this year.

**Mr PAECH:** There are 75 within the reporting period.

**Mr EDGINGTON:** There are 75 applications from 1 July 2023 until 12 June ...

**Mr PAECH:** No, 31 March 2024; that is the reporting period.

**Mr EDGINGTON:** How does that compare with the previous year? Given that we have 75 new applications, what was the number of applications received in the previous period?

**Mr PAECH:** In the interests of providing you with the most accurate information, I am more than happy to take that question on notice and respond ...

**Mr EDGINGTON:** I am happy if you have that information in front of you.

**Mr PAECH:** I want to make sure I am giving you the most accurate information. I ask that I take that on notice.

**Madam CHAIR:** If you could get both pieces of information so the member can have clarity?

**Mr PAECH:** Absolutely.

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#### **Question on Notice No 2.6**

**Madam CHAIR:** Member for Barkly, please restate both those questions for the record.

**Mr EDGINGTON:** Please provide the number of new Victims of Crime applications for the period 1 July 2022 to 30 June 2023 and for the period 1 July 2023 until 31 March 2024.

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes, I accept.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.6.

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**Mr EDGINGTON:** Are there any victims of crime applications outstanding pre-2018?

**Mr PAECH:** That would be 117.

**Mr EDGINGTON:** What is the delay with those applications? Those 117 are still open six years after they were accepted.

**Mr PAECH:** There is a range of areas of consideration as to why an application may be delayed in its processing.

**Ms WHITE:** There is a range of resourcing issues that we face when we are trying to resolve these older assessments. Some of those relate, obviously, to the internal staffing levels which we have been addressing, and the ability of staff to quickly learn. It is often difficult for us to backfill our short-term vacancies. There are difficulties in getting records.

There are a lot of demands placed on agencies that we might be getting medical or police records from, so that can lead to delays, and some of the applications are particularly complex, especially when dealing with historical sexual assault cases, domestic violence cases and so on.

One of the other issues that affects us is that we have lost contact with a number of applicants, and that can lead to issue. I would also use caution with that data, because it contains numbers where people have potentially applied for increases. Up to three years after a matter has been resolved, they come back to us asking for an increase, so that will come back using the same year number. That is where we source the data from.

**Mr EDGINGTON:** What resources are there in the Victims of Crime unit, and how many staff are there?

**Mr PAECH:** In relation to the positions, there is an assistant director, two senior applications officers, two applications officers, an assistant applications officer, and a victims services program officer.

**Mr EDGINGTON:** That is six. Given that there are 117 applications outstanding pre-2018 ...

**Mr PAECH:** A point of clarification, Member for Barkly—those positions I spoke about were provided as part of the budget contributions for additional staff in the unit.

**Mr EDGINGTON:** Are all those positions filled at the moment?

**Mr PAECH:** I will ask Kathryn White to provide a response in relation to staffing levels, as that is an operational matter.

**Ms WHITE:** Our standard staffing was 18 at the beginning, before the new positions the minister announced. That includes functions that do not relate to applications. With the seven new positions, we currently have three vacancies, one of which is due to be filled as of next Monday and the other two are out to recruitment. That closed last Monday.

**Madam CHAIR:** What was the figure—117? It could be that someone has that three-year period to go back and seek further. Would matters still be ongoing in a legal aspect after that period?

**Mr PAECH:** Kathryn White can provide a response. It is after that time people can apply for an increase. The biggest issue we have is that a number of those have been difficult to locate for some time. They might have changed phone numbers or email addresses, and that is the only source of contact we have had for the individual, so it is trying to engage in other areas to contact them.

**Madam CHAIR:** I was trying to get understanding, but that makes sense if people have up to three years post being allocated a resource. If matters drag out longer than that, would that have an impact?

**Ms WHITE:** When a decision is made, a file will be closed, but within a period of time, up to three years, an applicant may come back and apply for an increase. When that file is reopened, for the increase to be assessed it uses the original file number which then does not allow us to discriminate and determine that the file had previously been closed and assessed.

**Mr EDINGTON:** What is the average wait time for an application to be processed?

**Mr PAECH:** The average processing time in 2023–24 is three years and 10 months.

**Mr EDINGTON:** Three years and 10 months to process an application?

**Mr PAECH:** That is the average processing time in the reporting period of 2023–24.

**Madam CHAIR:** Is the application—because a matter is going through the court process as well, so would that impact on that time frame? When is the application opened?

**Mr PAECH:** It depends and is circumstance by circumstance.

**Ms WHITE:** There is nothing that requires us to withhold an assessment until after a matter is finalised going through court. In fact, we do make decisions on the basis of probability sometimes where somebody has not actually been through a court proceeding, we do not require somebody to have been convicted.

**Mrs HERSEY:** Madam Chair, can I ask for clarification—the Estimates process is about opposition and Independent members asking questions. Is it up to you to be asking questions, given that you are the Chair?

**Madam CHAIR:** The Estimates is a committee of people, and generally we give precedence to the opposition and then go to the Independents but when we are in a line of questioning it is not unusual to have a question asked to seek further clarification rather than bouncing around.

**Mrs HERSEY:** Given that we have limited time, and we have a lot of questions to go ...

**Madam CHAIR:** It is a genuine issue that people ask about, and I think it is important to have that. I got clarification from the additional information. I will be conscious of that, Member for Katherine.

**Mr EDINGTON:** It is over three years for an application to be processed. My understanding is that there are other programs in the Victims of Crime Unit.

The Home Resecure Program—how does that work, and how long does it take for a payout to be made under that part of the scheme?

**Mr PAECH:** Member for Barkly, in response to the processing times we acknowledge that it was a lengthy time. We announced in November 2023 that for the financial period there was an amount of \$4.2m. That was the additional \$2m for Victims of Crime to run specialist support services for victims of crime, with \$1m to CatholicCare NT to expand counselling services and \$1.2m to the Victims of Crime Services Unit to accelerate applications for financial assistance. The funds announced for the VCSU in November 2023 were

used to create the additional applications positions, the six positions and an additional position in the Victims Registrar ...

**Mr EDGINGTON:** I am just after the Home Resecure Program.

**Mr PAECH:** And I am responding, so I would ask that you allow me to do so. The team will process applications with the address to address the backlog that you have raised and to reduce the time taken in processing applications.

**Mr EDGINGTON:** Madam Chair, none of that was relevant. I just asked about damage under the Home resecure program. How long does it take?

**Madam CHAIR:** You asked a question, and the minister was providing a response. You have just re-asked the question and he can ...

**Mr EDGINGTON:** He spoke about everything else but the home resecure program.

**Madam CHAIR:** I am not saying you have to like the answer you get but you did receive a response which the minister was answering your question. Did you have a further question?

**Mr EDGINGTON:** I just asked it: under the Home Resecure Program, how long does it take to process an application?

**Madam CHAIR:** I felt that was the question the minister just answered.

**Mr EDGINGTON:** He did not answer it.

**Madam CHAIR:** Minister, did you want to add anything further?

**Mr PAECH:** There are a whole range of programs that they provide but that is a different output.

**Madam CHAIR:** Are you able to give an indication to which output that might be best for the member to raise the question.

**Mr PAECH:** Just for clarification for the Member for Barkly we are talking about the Victims of Crime Support Unit. The Member for Barkly is referring to Victims of Crime NT which is an external organisation of the Northern Territory Government, and it is a program that they run.

**Madam CHAIR:** Do you know if that program is funded through your agency or through Chief Minister?

**Mr PAECH:** It is funded through the Department of the Attorney-General and Justice. It is administered by Victims of Crime NT which is not a government entity.

**Mr EDGINGTON:** Does it include Biz Secure and vehicle re-secure program?

**Mr PAECH:** Property crime programs are home security assessments, security improvement programs, clean up, resecure programs and a victim resecure program.

**Mr EDGINGTON:** Is that Victims of Crime or ...

**Mr PAECH:** Vehicle.

**Mr EDGINGTON:** Is it in the Victims of Crime or is it a different output?

**Mr PAECH:** That is Victims of Crime NT.

**Mr EDGINGTON:** Is there a cap under the Victims of Crime? Is there a cap on how much a victim is able to be paid or claim under this program?

**Mr PAECH:** If you are referring to programs that are administered by Victims of Crime NT the Northern Territory Attorney-General's department provides them with annual appropriations and they work with the appropriations that they have and they set the terms and conditions around that.

**Mr EDGINGTON:** So, does the Crimes Victims Services Unit pay out that money or not to victims?

**Mr PAECH:** I will ask the chief executive and her team to respond because they are different entities, the Victims of Crime Services Unit and the Victims of Crime NT being an external agency of government, Ms Lake and her team can provide you with a response.

**Ms LAKE:** I will provide introductory comments and then pass to Kathryn White. We fund Victims of Crime NT which is a non-government organisation to provide different programs. Some of those are crime programs—the ones that the minister just listed. There are four of those. I need clarity on the questions about caps on the property crime programs or caps on Crimes Victims Services Unit applications made under that legislation.

**Ms WHITE:** We administer the funding to Victims of Crime NT through a grant agreement. Victims of Crime NT has information on its website about what is available. They have eligibility criteria around their programs; for example, if people have their house broken into and their car broken into, they would be eligible, from my understanding of discussions with VOCNT, for either the vehicle resecure program or the Clean Up and Resecure Program, not for both. They are eligible to make one claim in a year.

In regard to payments made under *Victims of Crime Assistance Act* by Crimes Victims Services Unit the payments are made in relation to a violent act. For each violent act that a victim is subject to, the maximum claim payable is \$40,000, but the amount is determined based upon what the act is, any injuries received and so on, so that has to be assessed in line with the legislation and the regulations.

**Madam CHAIR:** That concludes consideration of Output 4.3, Crime Victims Services Unit. Thank you, Kathryn, for sharing that information with us.

#### **Output 4.4 – Criminal Justice Research and Statistics**

**Madam CHAIR:** The committee will now move onto Output 4.4, Criminal Justice Research and Statistics. I note that Craig Smyth is leaving, thank you, and Carolyn Whyte will join us, as we change over officials.

For clarification, no permission had been sought from me or the Speaker regarding photographers, but I have encouraged any ministerial opposition or independent officers who would like to get photos if you could do it during the break.

**Mr EDGINGTON:** It has been reported that over the last four months crime stats have been under reported by up to 15%. Can you explain what is going on there?

**Mr PAECH:** In relation to the crime stats that you are referring to, questions are best directed to the Minister for Police regarding the implementation and introduction of the SerPro and the Minister for Digital and Corporate Development.

**Mr EDGINGTON:** In regard to the criminal justice research and statistics, what are the current crime statistics for the Northern Territory over the last four months?

**Madam CHAIR:** That is a broad question; are you able to break that down further?

**Mr EDGINGTON:** Are they published? Where do we find them?

**Mr PAECH:** I will ask Carolyn Whyte, Director, Criminal Justice Research and Statistics Unit, to provide an overview. The stats are published and are available for people online.

**Ms WHYTE:** The crime statistics from December through March are published on the police website, prepared by the Department of the Attorney-General and Justice. I can give you the number of offences against the person numbers of offences against property. Is that what you want?

**Mr EDGINGTON:** I go back to the first question. Are those crime statistics up until the end of March accurate? It has been reported in the media that they could be 15% under-reported.

**Madam CHAIR:** Before the officials and the minister respond, there have been changes to the police system that have been publicly stated. That is where the minister said the question would be best asked of the Minister for Police.



We just heard from Carolyn that they prepared the statistics within the Department of the Attorney-General and Justice for the police to publish. They are broken down. I am sure you have seen the crime statistics as a ...

**Mr EDGINGTON:** They are quite high at the moment.

**Madam CHAIR:** Yes, and quite detailed. If you could be a little more specific with your questions, it would be appreciated.

**Mr EDGINGTON:** It seems to me that the Criminal Justice Research and Statistics Unit prepares the statistics. Where does it extract those statistics from?

**Mr PAECH:** I will refer to Carolyn Whyte who can provide a response. The data is collected from various areas across government. We work closely with the Northern Territory Police Force on that.

In relation to your question a new system has been rolled out in the Northern Territory. Any questions about the SerPro system would need to be directed to the Police minister who has carriage of that and the minister responsible for Corporate and Digital Development.

As an agency, we simply harvest the statistics and data from the systems.

**Ms WHYTE:** Northern Territory crime statistics are published based on the data that we receive from the Northern Territory Police. The statistics are based on data accumulated one month after the close of the month. For example, the statistics for the month of December are first published using data that is extracted on 1 February, not 1 January.

Over time, the crime statistics for a month gradually increase as more investigations are completed. The completeness of the crime statistics can be measured retrospectively, but not at the time of publication.

Historically, the crime statistics for the NT as a whole reach or exceed 95% completeness at the time they are published. The workflow in the new system means that the crime statistics are entered at the end of an investigative process rather than at the beginning. This means that the crime statistics, when they are initially recorded, are less complete when first published, compared with the crime statistics historically.

Crime statistics for the month of December, the first complete month in the new system, were less than 95% complete for offences against the person and 85% complete for offences against property, based on data extracted at the beginning of June 2024. In comparison, the crime statistics were more than 97% complete for offences against the person in December 2022, and 98% complete for offences against property based on the beginning of June 2023.

**Mr EDGINGTON:** The minister mentioned other sources of these statistics. What are those other sources?

**Mr PAECH:** Ms Whyte can provide a response. Those sources are data that is captured from the Northern Territory Police Force.

**Mr EDGINGTON:** I thought that was SerPro.

**Ms WHYTE:** We use data from the SerPro system, and we still have the historical data from PROMIS. We also combine that with information on geographic location, so we can subset the statistics on a geographic basis. That is the only information that comes from outside SerPro.

**Madam CHAIR:** That concludes consideration of Output 4.4. Thank you to the officials who joined the minister.

#### **Output 4.5 – Aboriginal Justice Unit**

**Madam CHAIR:** The committee will now consider Output 4.5, Aboriginal Justice Unit. Member for Barkly, the Member for Mulka has questions on this, but we will go to you first. Mr Robert Pocock, Acting Director, Aboriginal Justice Unit, has joined us.

**Mr EDGINGTON:** How many communities have signed up to the Aboriginal Justice Agreement?

**Mr PAECH:** As of March 2024, 183 individuals are signatories to the Aboriginal Justice Agreement.

**Mr EDGINGTON:** It is based on individuals. Last year there were 146, so it has increased by 37 individuals who have signed up over the last 12 months. Are there any communities that have signed up to the agreement?

**Mr PAECH:** The process to become a signatory to the Aboriginal Justice Agreement is about individuals having the opportunity to do so. There is no proforma for an entire community. Acknowledging that, not everyone in a community will agree on the views and aspirations of aspects. It is on an individual basis. There are 183 people who are signatories to the Aboriginal Justice Agreement. That is also important work, and we acknowledge our stakeholder organisations who support it as well.

**Mr EDGINGTON:** What is the overall funding to deliver the Aboriginal Justice Agreement for 2024–25?

**Mr PAECH:** For 2024–25, the AJA output is \$12.649m. That is the financial contribution. To date, we have spent approximately \$45m in the Aboriginal Justice Agreement.

**Mr EDGINGTON:** Over what period of time?

**Mr PAECH:** That is over the life of the agreement so far.

**Mr EDGINGTON:** We have already asked questions about previous budget periods today that you were unable to answer, but now you can.

**Mr PAECH:** I am just trying to help you, Member for Barkly. If you want, I do not have to.

**Mr EDGINGTON:** You were not as helpful when I asked you about previous budgets.

**Madam CHAIR:** We are all trying to help each other.

**Mr GUYULA:** Budget Paper 3 states that 20% of the AJA—Aboriginal Justice Agreement—has been completed. Is that 40% altogether that has been completed? What are the outcomes of the 40%? What parts of the agreement have been completed?

**Mr PAECH:** In terms of where we are at with Aboriginal Justice Agreement, with regard to the appropriation, there has been money to support the women's life skills camp in Alice Springs. That is an alternative-to-custody facility. There is funding for the Groote Archipelago for the healing centre, another alternative-to-custody facility. That is in operation.

There is money in the budget for an alternative-to-custody facility in Alice Springs for domestic and family violence perpetrators. There has been a number of reviews undertaken with legislation, looking at contemporising and updating those pieces of legislation.

Within in the Aboriginal Justice Agreement, there has been ongoing work on the delivery of law and justice groups, therapeutic programs and the increasing number of programs on offer to Aboriginal Territorians to undergo that work.

Work has been undertaken on the drafting and contemporising of legislation to better reflect and update practices in the Northern Territory—the Community Court legislation to ensure that we work with members of the judiciary and the legislation to update it.

Member for Mulka, all actions for 2022–23 were completed. The Aboriginal Justice Unit considers that 20% of the original implementation plan have been completed. The remaining actions of the implementation plan which remain a commitment and priority of the Territory Labor government to continue to work through and address.

**Mr GUYULA:** In July last year the answer to question on notice 589 stated that the systemic racism review of DIPL had been completed, but that it had not been made public, nor had the next department for review been decided. Has the review of DIPL been made public yet, and which other departments have been reviewed or are undergoing review?

**Mr PAECH:** Aim 3 of the Aboriginal Justice Agreement Implementation Plan provides that the Northern Territory Government would:

*Identify and eliminate systemic racism in government agencies and contracted service providers that directly or indirectly discriminate against Aboriginal Territorians engaged in the justice system.*

In 2022 the Aboriginal Justice Unit engaged an expert in systemic racism, Professor Chris Cunneen, to develop a framework to ensure a consistent methodology for the identification and elimination of racism. The Department of Planning, Infrastructure and Logistics—DIPL—was the first agency to be reviewed under this framework. A draft report was provided to DIPL for consideration in 2022. The CEOs of AGD and the Department of Planning, Infrastructure and Logistics met to discuss progressing the report and the recommendations. The Aboriginal Justice Unit and the Attorney-General and Justice CEO are meeting with the consultant who wrote the report to discuss how best to progress finalising the report and recommendations with the Department of Planning, Infrastructure and Logistics. Following that meeting the Aboriginal Justice Unit seeks to connect the consultant and DIPL's action officer to progress the finalisation of the report and the recommendations.

**Mrs LAMBLEY:** This time last year Leanne Liddle was a part of the team.

**Mr PAECH:** Ms Liddle is taking a development opportunity elsewhere.

**Mrs LAMBLEY:** Leanne told us about the concern about systemic racism throughout potentially the whole of the Northern Territory Government, and we were told a year ago that the work would commence in DIPL. The minister has just told us that the piece of work has been completed. What other agencies have you done this review on in terms of systemic racism and particularly have you started to look inside the Northern Territory Police Service.

**Mr PAECH:** To clarify, the report has been completed from the consultant's end, with the DIPL review, which was then provided as a draft to the agencies. They are working through about how to progress that work and the recommendations. The action officer within DIPL will work with the consultant on addressing and implementing the recommendations.

We also looked at the options available. That was a method we tried around the review. We looked at other ways and evaluated what we could conduct a review into looking at that area around racism.

Following that we have worked with the Northern Territory Anti-Discrimination Commission. We are in the process of finalising and working with the commission on a racism review which will be working with the Northern Territory Police Force.

**Mrs LAMBLEY:** That is a lot different from what we were told a year ago. We were told that you would be doing a systematic review into systemic racism throughout the whole of the Northern Territory Government, starting with DIPL. What you are saying is that in one year a consultant has completed a review into systemic racism into one government agency. What about all the others? There are dozens of other agencies.

**Mr PAECH:** The commitment under the Aboriginal Justice Agreement is for all agencies of government to participate and undertake reviews into this nature of looking at and addressing and potentially identifying systemic racism and how that can be eliminated. We have made a commitment to work through each agency, but we are also looking at whether continuing to go to external consultants the best way to go or is contracting the Northern Territory's independent Anti-Discrimination Commission, who are experts in this area, the best way to go. Our intention is to work through every government agency.

DIPL was identified as it is an agency that deals regularly with Aboriginal people and Aboriginal businesses. It is a large department, particularly with concerns identified around the procurement processes and systems in place. That is why it was identified first.

The second department identified was the Northern Territory Police Force as part of the Aboriginal Justice Agreement governance committee. We will continue to work through and identify so that we ...

**Mrs LAMBLEY:** Has that started within the Northern Territory Police service?

**Mr PAECH:** The review to date has not started internally within the Northern Territory Police Force. We are finalising that with the Northern Territory Anti-Discrimination Commissioner around the terms and conditions. We have requested that the Northern Territory Anti-Discrimination Commissioner and the Northern Territory Commissioner of Police meet to discuss that. We have made \$170,000 available to allow for that review. If additional support is required that will be a conversation, we will encourage the Northern Territory Anti-Discrimination Commissioner and the police to further discuss.

**Mrs LAMBLEY:** With one review into systemic racism in one government agency in one year, it will take 20 years for you to potentially complete this process throughout the whole of the Northern Territory public service at this rate. That is pretty slow.

**Mr PAECH:** We do not believe that is the case. We decided to start with the larger departments in the Northern Territory public service, which would take the most time and would need comprehensive work to look into them. They are some of the biggest departments. After Infrastructure, Planning and Logistics and the Northern Territory Police, we will work with the Northern Territory Health department, Education and then rotate through until we end up with our smaller government departments. The intention with the Aboriginal Justice Agreement and the governance group was to start with the biggest departments. I apologise, Member for Araluen, I missed that another one flagged was the department of business, trade and innovation.

**Mrs LAMBLEY:** When will the review start into the police?

**Mr PAECH:** We are in the process of working with the Anti-Discrimination Commissioner to finalise the agreement and supply that appropriation so that work can commence. I am welcoming of that starting soon.

**Madam CHAIR:** Following on from the Member for Araluen, off the back of doing the work with DIPL, are you looking at the methodology? We obviously do not want to do this as a report that sits on the shelf; it needs to drive and address the issues. Is that part of it?

**Mr PAECH:** Part of the Member for Araluen's question was about the DIPL review, which was done by an external consultant. We got a product that has been completed. We are also trialling work with the Anti-Discrimination Commission—which is a separate entity of government, a statutory body; they are experts at dealing with and tackling the areas of discrimination—to see the difference between the two reviews once they are completed, and which one is easier for government so that we can complete more and have comprehensive recommendations to respond.

The Aboriginal Justice Agreement Governance Committee chose DIPL as the first agency, and then we highlighted the others.

**Mrs LAMBLEY:** Has the police service been raised to the top of the list, given the problems involving the Police commissioner and the Police minister?

**Mr PAECH:** With the Aboriginal Justice Agreement Governance Committee, the Department of Infrastructure, Planning and Logistics was the first one identified. They had always identified Police, Health and Business as equal second. We made the decision to flow through and commence work with the Northern Territory Police Force.

**Mr GUYULA:** The Attorney-General's office and the AJU engaged the services of Professor Hollinsworth, who wrote a report titled, Campaign to Combat Racism: A Report Reviewing Persistence of Racism within the Northern Territory Government and Strategies to Eliminate Racism. Where is the report now? Has it been made public? What are the recommendations and has it been acted upon?

**Mr PAECH:** In March 2022 Professor David Hollinsworth was engaged to develop an anti-racism report. In August 2022 Professor Hollinsworth provided a draft of his report to the AJU for consideration and feedback. The final report titled, Campaign to Combat Racism: A Report Reviewing Persistence of Racism within the Northern Territory Government and Strategies to Eliminate Racism was provide to the Northern Territory Government in October 2023. The report was publicly released on 29 April 2024 by the Coroner.

Professor Hollinsworth was engaged further to develop a plan for the report's implementation. The implementation plan was finalised in April 2024 and is currently under consideration by the Aboriginal Justice Unit and key agencies.

The Aboriginal Justice Unit is working with the Office of the Commissioner for Public Employment and the Chief Minister and Cabinet's Office of Aboriginal Affairs to determine appropriate governance and responsibility arrangements for progressing the report and implementation plan to ensure coordination of related workstreams across government, and to determine the most appropriate mechanism for consulting other NT Government agencies and non-government stakeholders about the report and implementation, and how they can be practically effected.

**Mrs LAMBLEY:** This is of a different nature but the same output group. A tender has just closed for a consultation to set up a non-custodial facility for men in Central Australia to address domestic and family violence behaviours, at Undoolya Station, the Rocky Hill Table Grapes farm. Could you inform us exactly what this is about? This has come to light through someone accessing a tender document and feeding it through to me. Can you tell us what it is all about? That is apart from the details of the tender, obviously, which is commercial-in-confidence.

**Mr PAECH:** I mentioned the ATC—Alternative to Custody as they are known—and the one flagged for Central Australia. The Central Australian specialist domestic and family violence alternative to custody for men—for DV perpetrators to undergo men's behaviour change, alcohol and other drugs, life skills programs and the social and emotional wellbeing support.

There is \$4m approved in Budget 2024–25. The Aboriginal Justice Unit has identified the Rocky Hill grape farm as a potential site for this facility. That Aboriginal Justice Unit is currently negotiating a short-term lease over the site. As things have to go through procurement, that was appropriately through the tender process. It is one of the sites that was identified, one of the preferred sites. There is existing infrastructure that could be used.

**Mrs LAMBLEY:** How far is it from Alice Springs?

**Mr PAECH:** It is about 32 kilometres.

**Mrs LAMBLEY:** Is it along the Ross Highway?

**Mr PAECH:** No. As you are driving either way, you could access it via the Ross Highway or from the road to the Alice Springs Airport—beyond, turn off and head down. It is about 32 kilometres east of Alice Springs.

**Mrs LAMBLEY:** How many people are you looking at helping or having there as clients?

**Mr PAECH:** It will be a staged approach. Initially, the overall facility's capacity would be approximately 27, subject to assessment.

**Mrs LAMBLEY:** Will it involve working on the farm? Is that right?

**Mr PAECH:** There is a range of options that are being considered. Participating in those programs is important but the Chief Minister has also made it clear that everything that we need to do is about getting people work-ready and to participate in the workforce and contribute to the economy. We are working with a range of providers on the opportunity to get people engaged in community service or meaningful employment.

**Mrs LAMBLEY:** When will that be completed?

**Mr PAECH:** We are currently working through the negotiations regarding the agreements for the short-term lease to undergo the infrastructure assessments which will then inform our decision and our time line. We would look to communicate that to the members.

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The committee suspended.

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**Madam CHAIR:** Minister, you have a response for one of the committee members?

**Mr PAECH:** I have two. One to follow on from before the break with the Member for Araluen and then I have the response to the Member for Barkly's question.

Member for Araluen, in response to your question about the alternative to custody facilities or proposed sites. Rocky Hill grape farm is a potential and possible site which has been through the process of the short-term lease to enable us to do the work. If that was successful, a consultant would be engaged to undertake an assessment of the site and prepare what is called a red flag report. If the site is determined to be suitable, the consultant would develop a site master plan, a concept model and the costings for the facility.

The Aboriginal Justice Unit has also sought to engage Ekistica Pty Ltd through a select tender process based on their previous experience with the expansion of the Life Skills Camp ATC, which is the facility in Alice

Springs for the women. Subject to the outcome of the assessment and scoping work, then a longer-term lease would be sought after for the site.

Additional ATCs was the original question. Stage one of reviewing suitable alternative-to-custody locations in the Big Rivers and Central Australian regions is complete. The report is under review with the AJA committee. Stage two to assess all other regions of the Northern Territory for suitable alternative-to-custody locations is under way.

I hope that answers your question. That is an interim lease.

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### **Answer to Question on Notice No 2.6**

**Mr PAECH:** I have a response to the Member for Barkly's question on notice 2.6 that I committed to reply to in this session. It was in Output 4.3.

The number of applications for financial assistance received between 1 July 2023 and 31 March 2024 was 265.

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**Madam CHAIR:** That concludes consideration of Output 4.5, Aboriginal Justice Unit.

### **OUTPUT GROUP 5.0 – CORRECTIONAL SERVICES** **Output 5.1 – Custodial Services**

**Madam CHAIR:** We will now proceed to Output Group 5.0, Correctional Services, Output 5.1, Custodial Services.

Minister, I ask you to introduce the officials who are now with you.

**Mr PAECH:** Joining me this afternoon is the Chief Executive Officer of the Department of the Attorney-General and Justice, Gemma Lake; Brett Roach, the Chief Financial Officer and Senior Director Of Strategic and Business Services; and the Territory's most resilient commissioner, the Commissioner of Correctional Services, Matthew Varley.

**Mr EDGINGTON:** Has there been any work done on planning to build a new women's prison?

**Mr PAECH:** The Northern Territory Government has made investments through the budget to stand up two standalone women's facilities in Darwin and Alice Springs. That is working on and reforming existing infrastructure that was previously with the Department of Health. That is our current plan. There is no plan to build a women's facility on the existing Darwin Correctional Centre. I highlight that is part of a private-public partnership.

**Mr EDGINGTON:** Budget Paper No 3 lists an insurance reimbursement for the Darwin Correctional Centre of \$10.27m. What is that insurance reimbursement for?

**Mr PAECH:** In relation to the rectification work was in response to the prisoner disturbance on 13 May 2020. The department has completed significant infrastructure upgrades. I can ask the Northern Territory Correctional Services Commissioner and CEO to provide detail on the operations status of that nature.

**Ms LAKE:** Member for Barkly, I believe you are referring to the \$10.27m in Budget Paper No 3?

**Mr EDGINGTON:** Yes.

**Ms LAKE:** That is the amount that we are projecting to receive from the insurer for the damage at the Darwin Correctional Centre for works that are currently ongoing.

**Mr EDGINGTON:** Is that the only insurance payout for that riot at the prison in May 2020?

**Mr PAECH:** Overall in terms of the claim, that is the amount for this year we anticipate to get from the original claim in the financial period.

**Mr EDGINGTON:** What is the original claim?

**Mr PAECH:** To date, we have received \$24,450,000.

**Mr EDGINGTON:** The \$10.27m is for this financial year relating to damage caused in the May 2020 prison riot. Is that correct?

**Mr PAECH:** Yes.

**Mr EDGINGTON:** What will that cover? Which area of the prison?

**Mr PAECH:** I will ask the commissioner and CEO to provide that as it is operational in nature.

**Mr VARLEY:** The money covers the rectification project for the entire rebuild of what we call sector two, which is the program and education building damaged in the May 2020 riots. That construction work has been under way for some time and is due to finish at the end of June or early July. It is in relation to what we call sector two, which is in the middle of the Darwin Correctional Centre.

**Mr EDGINGTON:** On 7 May 2024 a prisoner faced court and pleaded guilty to charges relating to the prisoner riot at Holtze prison in May 2020, which resulted in damage over \$25m. Why did it take four years for this matter to be brought before the court?

**Mr PAECH:** Naturally, there are investigations that would have taken place. That question is best directed to the different output for the Director of Public Prosecutions.

**Mr GUYULA:** How many prisoners are currently detained in the NT? How many prisoners are expected to be detained by next financial year?

**Mr PAECH:** As that is operational in nature, I will ask the commissioner to respond. Naturally, our numbers of incarceration fluctuate daily, with releases and individuals being sentenced or remanded in custody.

**Mr VARLEY:** Today we have 2,257 people in custody in the Northern Territory across the network. In terms of projections, they are exactly that—projections that we work with the Attorney-General's department criminal justice and statistics unit to look at. That unit produces a number of projections based on extrapolations of previous data. At the moment we are trending at the upper 95<sup>th</sup> percentile of those projections and if that was to continue to hold true; we could expect to see another 200 or so prisoners added to that total in the next two years. I emphasise that that is a mathematical projection. There are many factors that attribute to the reasons why the custody rate rises or falls, and it changes daily.

**Mr GUYULA:** The Ombudsman's report on separate confinement released in May contained comments from a visit in 2022 of the subcommittee on prevention of torture and other cruel, inhumane or degrading treatment or punishment. It stated that in Darwin Correctional Centre, detainees had been kept in solitary confinement for months at a time in a small cell without any contact with family or update on current affairs, with no television or books. Moreover, as a further disciplinary sanction in the cells, fans were removed while temperatures rose above 34°Celsius. Could you advise if this practice of separate confinement continues in NT prisons? Does the practice of removing fans continue? What changes have been made since the release of this report?

**Mr PAECH:** There are a few aspects or responses to this question, and I will ask the Northern Territory Correctional Services Commissioner to provide additional comments following mine.

On Wednesday 22 May 2024 we are aware that the NT Ombudsman tabled a report into the Northern Territory parliament into the usage of prolonged isolation practices, referred to as separate confinement practices in the Darwin Correctional Centre. I will make the point that the commissioner will talk to a number of measures that are in place and the difference between separate confinement, solitary confinement and restricted areas and practices. They can come about for a variety of reasons concerning why someone is on that level of isolation.

In relation to cooling, there is money in the budget for infrastructural upgrades at the Alice Springs Correctional Centre. Before any measures regarding cooling or anything can occur there needs to be substantial electrical upgrades across the correctional facilities to allow any additional usage in power. We have had to undertake security audits and assessments. As I said last year, cooling prisons is not just bolting on a split system or an evaporative cooler, there needs to be consideration ensuring the safety of our Northern

Territory Correctional Services officers and that there are not areas that pose risk to potential escapees leaving the correctional centres.

I will now ask the Northern Territory Correctional Services commissioner to provide a response in relation to the question asked by the Member for Mulka about the NT Ombudsman's report regarding separate confinement.

**Mr VARLEY:** Member for Mulka, to add on to what the minister has said, it is important to note that the use of separate confinement in the Corrections system is empowered by section 41 of the *Correctional Services Act*. That gives us a statutory power for a range of reasons to separately confine someone as a result of needing to manage behaviour in the Correctional Services environment.

We govern that process through a series of operating procedures and directives. Most importantly, I want to point out that the commissioner's directive for separate confinement in the NT mandates that separate confinement will only be for 14 days or less. The United Nations recommendation is no longer than 15 days. I wanted to make the point that the Ombudsman's recent point stated that there was a series of cases they reviewed, and 88% of those were seven days or less. There were only a couple that were around 11 days, and none exceeded that 14-day period.

The media reporting that we have had people on separate confinement for months at a time is incorrect. There is a statement in the United Nations subcommittee's report that I do not agree with. That exercise came about through a United Nations subcommittee inspection of Australian correctional service facilities some time ago. We were one of the few jurisdictions that was mandated to allow the committee into our facilities.

You might recall that the visit was eventually terminated by the committee, and the report was later issued. It was terminated for reasons not related to this jurisdiction, and I understand the Commonwealth is responding to that report. There is a one-sentence reference in that report to the committee having received information that a person had been on separate confinement for months at a time. We do not agree with that; we think it was a reference from a prisoner who had referenced their experience on what we think was called an intensive management plan, an IMP.

As the minister said, we have a separate scheme, an IMP scheme for managing people on a restricted regime. Those are issued at the direction of the general manager lawfully to provide a staged process of managing behaviour over time. I need to be clear that those IMPs do not equate to separate confinement. There are a range of stages that people move through as we go through those phases of behaviour management.

My team do a good job in making sure we comply with all the directives and rules in which we manage those people on that process. It is important to note that at no stage do we remove fans for punitive reasons. I reject the comment made by some on the media that might suggest we use heat in some way to punish prisoners. That is not correct. To the best of my understanding, where fans have been removed, it is because of examples where prisoners have used fans as makeshift weapons or even in the case of wires inserted into electrical outputs to start cell fires.

It is not an easy situation to manage. Our team does a good job. I also point out that in some of the original cells in the Darwin correctional centres, ceiling fans were removed as a result of coronial recommendations some years back. It is not an easy situation to manage, and we pay close attention to it.

I want to assure you, Member for Mulka and members of the committee, that we do not have people on separate confinement for months at a time.

**Mr GUYULA:** Can you advise over the 2023–24 financial year reporting period how many people were held in separate confinement or similar, what was the average amount of time spent in separate confinement, and what was the longest period someone was held in separate confinement?

**Mr PAECH:** We are happy to take that on notice.

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#### Question on Notice No 2.7

**Madam CHAIR:** Member for Mulka, please restate the question for the record.



**Mr GUYULA:** Can you advise over the 2023–24 financial year reporting period how many people were held in separate confinement or similar, what was the average amount of time spent in separate confinement, and what was the longest period someone was held in separate confinement?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Mulka has been allocated the number 2.7.

**Mr GUYULA:** In 2022 the Ombudsman called for air conditioning to be installed in prisons. Is there air conditioning in any of the adult prisons currently being planned for the future?

**Mr PAECH:** We are aware of the Ombudsman's reports. As mentioned previously, work has been undertaken across the correctional facilities in the Northern Territory regarding heat mitigation and addressing methods that could be adopted to reduce heat in those correctional facilities.

In relation to cooling initiatives such as air-conditioning, studies were undertaken about the infrastructure that would be needed and the security assessments about where such air-conditioning units and venting would need to go if we were to look at cooling correctional areas. That also identified the substantial electrical upgrades that would need to be carried out, particularly in Alice Springs.

I am also happy to ask the Northern Territory Correctional Services commissioner to provide a response on the make-up if there are areas within Correctional Services that offer that level of cooling.

**Mr VARLEY:** To add to what the minister said, there are specialist parts of our prisons that have air conditioning. Obviously, our medical areas and the complex behaviour unit in Darwin are areas that spring to mind. I add that the Darwin Correctional Centre, opened in 2014, was designed so that primarily the blocks do not have air conditioning for various reasons, including the fact that natural design heat mitigation has been built in.

As the minister said, we have done the work in Alice Springs to assess the upgrades that would need to be carried out for that facility. The precept to that is we identified that the electrical substation for the site—which also supports the youth justice facility—needed a significant upgrade to carry the load. That is the first stage of the work we do.

The engineering assessments for installation of cooling solutions into those blocks has been completed. I will be looking to do a staged approach with government on that and the department of Infrastructure over the years ahead.

**Mr GUYULA:** How many mattresses are currently on the floor in our prisons or watch houses? How many prisoners are there per cell?

**Mr PAECH:** I will ask the Correctional Services commissioner to respond. That is an operational matter. Given the fluctuation of daily numbers I believe he would have the most accurate information.

**Mr VARLEY:** In the main prison accommodation blocks we have fixed all the mattresses on the floor and installed bunks for those mattresses that we talked about previously.

In the reception blocks for both prisons and the watch houses it is a different style of construction, so you have concrete plinths where we put mattresses on top and we also end up with prisoners on mattresses on the floor in the watch houses. For the main prison blocks and the main prison sectors there are no mattresses remaining on the floors.

**Madam CHAIR:** Are there any other questions on Output 5.1? That concludes consideration of Output 5.1.

## **Output 5.2 – Community Corrections**

No questions.

## **Output 5.3 – Parole Board**

**Madam CHAIR:** The committee will now consider Output 5.3, Parole Board. Are there any questions?

**Mr EDGINGTON:** How many parolees are there in the Northern Territory?

**Mr PAECH:** Are you asking how many participants are with the parole board?

**Mr EDGINGTON:** Yes.

**Mr PAECH:** As of 31 March 2024, the board considered 1,521 matters across the following meetings: 34 general meetings totalling 1,084 matters; five lifer meetings totalling 33 matters; and 165 out-of-session meetings totalling 404 matters.

The Parole Board's membership is for the period of 1 April 2023 to 31 March 2024. Two hundred and sixty-five prisoners were granted release to parole, and 111 parolees successfully completed their orders. I can ask the commissioner if there is additional comments or information he would like to supply.

**Mr EDGINGTON:** No, I am happy with the answer, thanks. Does that mean that there was 154 that were unsuccessful with their parole?

**Madam CHAIR:** The minister gave us the number of people who were granted parole ...

**Mr EDGINGTON:** Two hundred and sixty-five.

**Madam CHAIR:** Yes, and that is from 1 July to 31 March.

**Mr EDGINGTON:** Did 111 complete their parole?

**Madam CHAIR:** Yes, but you will also have people who were already on parole prior to that.

**Mr EDGINGTON:** How many during that period breach their parole?

**Mr PAECH:** That is a separate question.

**Mr EDGINGTON:** I am happy with the answer to the first part. How many during that period breached their parole?

**Mr PAECH:** Member for Barkly, I will take that on notice so I can provide you with the accurate information.

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#### **Question on Notice No 2.8**

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many breaches of parole were there in the last financial year?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.8.

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**Mr EDGINGTON:** How many parole officers are there in the Northern Territory?

**Mr PAECH:** The Northern Territory Correctional Services Commissioner will respond.

**Mr VARLEY:** We have a number of streams of employment of parole officers. As of 31 March, I had 59 probation and parole officers around the Territory. I also had further seven probation and parole officers rostered 24/7 in our electronic monitoring area, and they are supported by a team of other Community Corrections staff to the total divisional output of 165 people attached to Community Corrections across the Northern Territory.

**Madam CHAIR:** I have a point of clarification. The figure you gave was from 1 July to 31 March for the number of people on parole. There would already have been people on parole prior to that.

**Mr PAECH:** Correct.

**Madam CHAIR:** It is not necessarily the accurate figure.

**Mr PAECH:** People who have also been granted parole.

**Madam CHAIR:** Of the 111 who were granted parole, some could have had parole for two to three years. It is not a straight 200 takeaway.

That concludes consideration of Output 5.3 and Output Group 5.0.

**Mr PAECH:** On behalf of the committee, I thank Northern Territory Correctional Services for attending.

### **OUTPUT GROUP 6.0 – JUSTICE SERVICES** **Output 6.1 – Higher Courts**

**Madam CHAIR:** The committee will now move onto Output Group 6.0, Justice Services, Output 6.1, Higher Courts. Minister, please introduce the new officials who have joined you.

**Mr PAECH:** We are joined by Mr Chris Cox, Executive Director, Justice Services; and Deputy Chief Executive, Ms Leonique Swart.

**Madam CHAIR:** Are there any questions?

**Mr EDGINGTON:** How many adults were granted bail during the reporting period?

**Mr PAECH:** In the interest of providing the most accurate information, I need to take that question on notice.

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#### **Question on Notice No 2.9**

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many adults have been granted bail during the reporting period?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.9.

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**Mr EDGINGTON:** How many adults have been refused bail?

**Mr PAECH:** Again, in the interest of providing you with the most accurate information, I need to take that question on notice.

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#### **Question on Notice No 2.10**

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many adults have been refused bail during the reporting period?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.10.

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**Mr EDGINGTON:** How many adults have been charged with breach of bail?

**Mr PAECH:** Again, in the interest of providing you with the most accurate information, I need to take that question on notice.

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**Question on Notice No 2.11**

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many adults have been charged with breach of bail during the reporting period?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.11.

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**Mr EDGINGTON:** How many adults on bail have been charged with a serious violence offence as defined under section 3 of the *Bail Act*?

**Mr PAECH:** Again, in the interest of providing you with the most accurate information, I need to take that question on notice.

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**Question on Notice No 2.12**

**Madam CHAIR:** Member for Barkly, please restate the question for the record.

**Mr EDGINGTON:** How many adults on bail have been charged with a serious violence offence as defined under section 3 of the *Bail Act 1982* during the reporting period?

**Madam CHAIR:** Minister, do you accept the question?

**Mr PAECH:** Yes.

**Madam CHAIR:** The question asked by the Member for Barkly has been allocated the number 2.12.

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**Mr GUYULA:** Both the higher and lower courts have reduction in funding budgeted. Given that there is an increase in police and policing, the courts may also have an increase in activity. Less funding will increase waiting times for hearings and leave people on remand for longer. Why is there a reduction in funding at this time?

**Mr PAECH:** In relation to the higher courts, the reduction is due to judicial acting arrangements being funded from the Central Holding Authority for 2023–24. To provide clarification, each year additional funding is provided to the department to meet section 41(4) of the *Supreme Court Act 1979*, which states that appropriation for the purpose of judges' salaries, allowances and benefits is established or increased to the extent necessary. Funding is provided each year due to the requirements of the acting judiciary varying each year. That relates to acting judges and when we require them or not. As a government, we brought on looking at that area.

In relation to the lower courts and tribunals, the reduction is due to additional funding to meet the costs of acting judicial arrangements in 2023–24. Each year, funding is provided to the department to meet section 55(3) of the *Local Court Act 2015*, which states that appropriation for the purposes of judges' salaries, allowances and benefits is established or increased to the extent necessary. Funding is provided each year due to the requirements for the acting judiciary varying each year.

Member for Mulka, that is the area of appropriation that you are talking about. That has been addressed. The Northern Territory Government in its previous budget cycle brought on two additional permanent Local Court

judges. We are working with the justice system in all areas regarding responding to the resourcing areas that may arise from additional investment into Northern Territory Police.

**Mr GUYULA:** For the 2023–24 financial reporting period, in relation to the Supreme Court, can you advise what is the average amount of time that a detainee who is denied bail spends on remand if they plead guilty? In those same circumstances, what is the average time they will spend on remand if they plead not guilty?

**Mr PAECH:** If you are looking at an average remand time, as of 1 June 2024 for the Supreme Court, that is 320 days. For the Local Court, that is 101 days. That gives you a total of approximately 135 days.

**Madam CHAIR:** That concludes consideration of Output 6.1.

#### **Output 6.2 – Lower Courts and Tribunals**

**Madam CHAIR:** The committee will now consider Output 6.2, Lower Courts and Tribunals. Are there any questions?

**Mr GUYULA:** For the 2023–24 financial reporting period, in relation to the lower court, can you advise the average amount of time a detainee who is denied bail spends on remand if they plead guilty? In the same circumstances, what is the average time they will spend on remand if they plead not guilty?

**Mr PAECH:** In the lower court, the average is 101 days.

**Madam CHAIR:** The member asked if they pleaded guilty if that was a different time frame.

**Mr PAECH:** We have the average time, which is 101 days in the Local Court.

**Madam CHAIR:** That concludes consideration of Output 6.2.

#### **Output 6.3 – Fines Recovery Unit Output 6.4 – Office of the Registrar-General**

No questions.

**Madam CHAIR:** That concludes consideration of Output Group 6.0.

We thank Chris for what is, I understand, his 23<sup>rd</sup> Estimates attendance. He could probably read this script.

**Mr EDINGTON:** He was just awarded the Public Service Medal.

**Madam CHAIR:** Congratulations, Chris, and thank you for your service.

#### **OUTPUT GROUP 7.0 – DIRECTOR OF PUBLIC PROSECUTIONS Output 7.1 – Director of Public Prosecutions**

No questions.

**Madam CHAIR:** That concludes consideration of Output Group 7.0.

#### **OUTPUT GROUP 8 – INDEPENDENT OFFICES Output 8.1 – Consumer Affairs Output 8.2 – Anti-Discrimination Commission Output 8.3 – Public Guardian and Trustee**

No questions.

**Mr PAECH:** Madam Chair, I have a response to the Member for Barkly's question about the Parole Board and how many breaches of parole.

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#### **Answer to Question on Notice No 2.8**

**Mr PAECH:** From 1 July 2023 to 31 March 2024 there were 64 breaches of parole.

**Madam CHAIR:** That was asked in Output 5.3.

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**Output 8.4 – Children’s Commissioner**  
**Output 8.5 – Health and Community Services Complaints Commission**

No questions.

**Madam CHAIR:** That concludes consideration of Output Group 8.0.

**OUTPUT 9.0 – NT WORKSAFE**  
**Output 9.1 – NT WorkSafe**

**Madam CHAIR:** We will now consider Output Group 9.0, NT WorkSafe, Output 9.1, NT WorkSafe. Are there any questions?

**Mr EDGINGTON:** Yes.

**Madam CHAIR:** Minister, do you have officials who are to join you?

**Mr PAECH:** Yes. Ms Peggy Cheongn who is the Executive Director of NT WorkSafe has joined us.

**Mr EDGINGTON:** On 7 March 2024 you signed off on the Mindil Beach exclusion zone for the use of public fireworks on Territory Day. Were you aware of any sacred site issues or authenticity certificates when you signed off on the exclusion zone?

**Mr PAECH:** Member for Barkly, relevance; that is for the Aboriginal Areas Protection Authority.

**Madam CHAIR:** That is for Output Group 12.0; we are at Output Group 9.0.

**Mr EDGINGTON:** Sorry; this relates to a gazettal notice on 7 March.

**Madam CHAIR:** Do you have a question for Output 9.1, NT WorkSafe? The Member for Katherine indicated you had questions at Output 9.1, NT WorkSafe? I know you have questions further down at Output Group 12.0.

**Mr EDGINGTON:** Yes. If I can ask that further question on sacred sites. Will you revoke the exclusion zone on Mindil Beach now that no community event is to be held there?

**Mr PAECH:** If you have a WorkSafe question I am happy to have the director respond, but if you have a question concerning the Aboriginal Areas Protection Authority, they are in a later output.

**Mrs HERSEY:** Does the exclusion fall under WorkSafe?

**Mr PAECH:** No. The Aboriginal Areas Protection Authority is a statutory body which works around exclusion zones when it comes to sacred sites and sites that need archaeological protection and spiritual and cultural protection. Questions relating to zones by the Aboriginal Areas Protection Authority are questions to be directed in a further output.

**Mr EDGINGTON:** According to your gazette notice, it says that under regulation 139 of the Dangerous Goods Regulations you:

*... approve the period of time commencing at 9 am and ending at 9 pm on Monday ... purchase shopgoods fireworks; and*

*(b) under regulation 140(1) of the Regulations ...*

*(i) approve the period of time commencing at 9 am on Monday 1 July 2024 and ending at 12 noon on ... 2 July 2024 as a period during which a person may possess shopgoods fireworks, subject to the condition that this approval does not apply to the place specified in Schedule 1 ...*

**Mr PAECH:** When we talk about exclusion zones, there are two different types of exclusions. There are the exclusions granted under the Aboriginal Areas Protection Authority and there are exclusions under WorkSafe for the distribution of and the zones in which fireworks would be permitted to be let off.

**Madam CHAIR:** This is the minister approving fireworks.

**Mr EDGINGTON:** That is right. You did approve fireworks in accordance with that schedule.

**Madam CHAIR:** Correct, we like fireworks. I think everyone likes fireworks, in the majority.

**Mr PAECH:** There are two sections. One is yes, as WorkSafe minister, I have to sign off on that and it needs to be around the zone in which they can be let off. As the minister responsible for the Aboriginal Areas Protection Authority, they do their work around exclusion zones as part of sacred sites clearances, but they are two separate processes.

**Mr EDGINGTON:** You signed off under the Dangerous Goods Regulations on that exclusion zone as per the gazette notice; is that right? It is to allow the use of fireworks in that area.

**Mr PAECH:** That is correct.

**Madam CHAIR:** That concludes consideration of Output 9.1 and Output Group 9.0.

### **OUTPUT GROUP 10.0 – CORPORATE AND SHARED SERVICES** **Output 10.1 – Corporate and Governance**

**Madam CHAIR:** The committee will now consider Output Group 10.0, Corporate and Shared Services, Output 10.1, Corporate and Governance. Are there any questions?

**Mr EDGINGTON:** On 18 May 2023 the ICAC Commissioner made a public statement in respect of an investigation. The investigation identified that an individual had provided false information about qualifications said to support their application for employment.

In February the Assistant Commissioner Naomi Loudon wrote to the heads of 21 public bodies inquiring as to whether such an audit had been conducted and, if so, has the audit been completed in the Attorney-General's department?

**Madam CHAIR:** Minister, would you or your officials like to respond?

**Mr PAECH:** I will ask the Chief Executive of the agency, as that is an operational matter.

**Ms LAKE:** We have been working through that specific issue around qualifications. Most of the qualified people in our department are lawyers who are required to be registered with the Law Society, which checks their qualifications. That part of it is straight forward. The answer to the question is, no, we have not completed that audit, but it is on our internal audit program for the next financial year.

**Mr EDGINGTON:** Why has that not been completed yet?

**Ms LAKE:** We have a number of internal audits and external audits for the department, and we have an audit plan which covers each financial year. We knew that one would take time, so we put it on the audit program for this coming financial year.

**Madam CHAIR:** You have done a risk assessment ...

**Ms LAKE:** Based on the number of professionals in our organisation who have qualifications the majority of which are legal practitioners who are required to present their credentials to the Law Society to receive their practicing certificate.

**Madam CHAIR:** Do you cross check on that element ...

**Mrs HERSEY:** Excuse me, Madam Chair. Given that we are short of time we have other questions that we would like to ask as members of opposition. You can ask your questions any time.

**Madam CHAIR:** No. I am a member of the committee, and you have just wasted more time. I am entitled to ask—you are wasting time by debating me. It is an important question regarding legal practice in the Territory, and I would like to understand that there has been risk assessment done on this, as it has affected a number of NTG agencies, and it is a worthwhile question that the Member for Barkly has raised.

**Ms LAKE:** Yes, it is a risk assessment basis. There are other items on the audit program which we consider are a high risk for the department, and they will be prioritised. Each time we gazette a person to act in the name of the Solicitor for the Northern Territory we check their practising certificate, which means they have provided their qualification to the Law Society, so it is a risk assessment basis. It is on the audit program.

**Madam CHAIR:** That concludes consideration of Output 10.1.

### **Output 10.2 – Shared Services Received**

No questions.

**Madam CHAIR:** That concludes consideration of Output Group 10.0.

This also concludes the consideration of all output groups relating to the Department of the Attorney-General and Justice. On behalf of the committee, I thank the officers who provided advice to the Attorney-General today.

## **ARTS, CULTURE AND HERITAGE**

### **DEPARTMENT OF TERRITORY FAMILIES, HOUSING AND COMMUNITIES**

#### **OUTPUT GROUP 11.0 – COMMUNITIES**

**Mrs HERSEY:** Madam Chair, if we do not have any questions on this ...

**Madam CHAIR:** I have a script and process to follow.

**Mrs HERSEY:** I know you do, but given we have 15 minutes left, and we do not have any questions on this, it seems a bit of a waste of time. You both know that you do not want us to where we want to get to with the questions.

**Madam CHAIR:** It is nothing to do with that. The Estimates process ...

**Mrs HERSEY:** It 100% is.

**Madam CHAIR:** ... follows a script. It is often that we do not get to portfolios. We saw that yesterday. I am asking the minister if he would like to make an opening statement regarding Arts, Culture and Heritage.

**Mr PAECH:** I am joined today by Emma White, the Chief Executive Officer of Territory Families, Housing and Communities. I am also joined by Samantha Livesley, the General Manager Community Participation and Inclusion at Territory Families, Housing and Communities; Rachelle McMillan, Acting Chief Financial Officer and the managers of the Arts, Culture and Heritage division.

We can speak in detail to the art grant funding, the Museum and Art Gallery of the Northern Territory, the Northern Territory gallery, Arts NT, the Heritage Council, and this is the division where Libraries and Archives NT is funded. We continue to do that work.

**Madam CHAIR:** Are there any questions to the commentary that was made by the minister?

### **Agency-Related Whole-of-Government Questions on Budget and Fiscal Strategy**

**Madam CHAIR:** The committee will now proceed to consider the estimates of proposed expenditure contained in the Appropriation Bill 2024–25 that relates to Arts, Culture and Heritage. Are there any agency related whole of government questions on budget and fiscal strategy?

That concludes consideration of agency related whole of government questions on budget and fiscal strategy.



**OUTPUT GROUP 11.0 – COMMUNITIES**  
**Output 11.1 – Arts and Culture**

No questions.

**Output 11.1 – Heritage, Libraries and Archives**

**Madam CHAIR:** The committee will now consider Output 11.1, Heritage, Libraries and Archives. Are there any questions from committee members?

I have a question from a member of the community. Are you able to provide an update on the Esplanade heritage listing. It has been some time with that. When might that likely be provided with a decision?

**Mr PAECH:** That has been extensive work; it is controversial in nature—that listing—and there have been legal ramifications in the review period.

**Ms WHITE:** As the minister indicated, this matter is still in front of the Supreme Court, and we are waiting for an outcome. We expect it to be in the next couple of months but do not yet have a date.

**Madam CHAIR:** That would be a matter for once the legal outcome has been decision, then it will have ramifications?

**Mr PAECH:** That is correct. When a matter is considered, it has to be provision listed. That is the process. It has to go out; we cannot deny the public the opportunity to have a say on it. There were unhappy with the process and mounted a challenge. That is going through the process of legal proceedings, and at the conclusion of that we will stand up and carry through the normal process of consideration of heritage listing.

**Madam CHAIR:** Will people who have been involved in that process be advised?

**Mr PAECH:** Yes, that is correct.

**Ms WHITE:** Yes, that is a public process, as the minister indicated. People will have another opportunity to make comment.

**Madam CHAIR:** That concludes consideration of Output 11.2 and Output Group 11.0. This also concludes the consideration of outputs relating to Arts, Culture and Heritage that sit within the Department of Territory Families, Housing and Communities. On behalf of the committee, I thank you for attending today. We will see some of you over the next few days of Estimates hearings.

**ARTS, CULTURE AND HERITAGE**

**ABORIGINAL AREAS PROTECTION AUTHORITY**

**Madam CHAIR:** Minister, please introduce the officials accompanying you and make an opening statement regarding the Aboriginal Areas Protection Authority.

**Mr PAECH:** Madam Chair, I introduce Dr Benedict Scamary, the Chief Executive Officer of the Aboriginal Areas Protection Authority; and the Director of Policy and Governance, Cameron McInerney.

It is wonderful to have the Aboriginal Areas Protection Authority before Estimates. I have been its minister for the last four years, and there has never been as much excitement as there is today for the authority to appear. This is the first time in four years it has had the opportunity.

There is much to talk about regarding preservation and the role the Northern Territory's Aboriginal Areas Protection Authority provides under the *Northern Territory Aboriginal Sacred Sites Act*. The preservation is important, as is conservation and stories for future generations to uphold and work with.

You will note that the Chair has been with the authority for some time, as have a number of the board members. We have successfully been through a number of prosecutions recently with the Commonwealth about areas in the Northern Territory that are of deep cultural and spiritual significance.

We welcome the opportunity this year to talk about it; there is much to talk about. The *Northern Territory Aboriginal Sacred Sites Act* is the strongest legislation in any Australian jurisdiction. We work with the Commonwealth on its reforms to its heritage laws and provide advice on that.

**Madam CHAIR:** As we know, there are lots of questions. Are there any questions on the statement.

**Mr EDGINGTON:** Are there any sacred site issues regarding Mindil Beach that are preventing the fireworks from going ahead on Territory Day?

**Mr PAECH:** I am happy to ask the CEO to provide comment. It is interesting that this is the only time the CLP members decide to ask questions on such an important authority. The Aboriginal Areas ...

**Mr EDGINGTON:** You have never given us the time before.

**Mrs HERSEY:** The first time in four years; you just said that.

**Madam CHAIR:** You have asked a question. I know you are anxious for the answer. We are concluding our time, so if you keep interjecting you will not get an answer in that time. That will frustrate you, so let the minister respond. That would be terrific.

**Mr EDGINGTON:** We do not need his commentary.

**Madam CHAIR:** If you keep adding commentary, I will keep having to pull you up, and that will slow the process down. You can either ...

**Mrs HERSEY:** It is called gagging.

**Madam CHAIR:** We are now getting interjections from the Member for Katherine. As I said, if you would like to hear a response, please. We have the final few minutes of the day, and everyone is tired. The minister will respond. Anyone who interjects will be on a warning. If you interject a second time you will leave. The minister will have a turn and then I will hand back to the opposition members. The Member for Mulka has a question.

**Mr PAECH:** In relation to the question asked by the Member for Barkly, for the area that has been spoken about a clearance had not been carried out. It was relayed to the relevant agencies that if they proceeded, they would be liable. It was identified that there were sacred sites and damages occurred to those sites.

**Mr EDGINGTON:** Fireworks have previously gone ahead in that area. Why has it been able to go ahead in the area previously but not this year?

**Mr PAECH:** Again, the fireworks do not necessarily happen in the same area every year; there are different areas onsite that could be used. I am more than happy for the CEO to provide a response on where we are at. However, a clearance had not been undertaken for the activities.

**Dr SCAMBARY:** Mindil Beach area is a registered sacred site. It has been registered since the late 1980s. It has been known about by Larrakia people, obviously, for a long time. Territory Day has operated at Mindil Beach for however long that it has operated. It has never had the benefit of an authority certificate from us in the past.

**Mr EDGINGTON:** Why has it never required a clearance certificate prior, but this year it does?

**Mr PAECH:** The decision about the fireworks was made by the Northern Territory Major Events Company not AAPA. AAPA has not stood in the way of any such clearance. We have simply said that if they were to proceed that they would be doing so. They would be taking on the liability if any of the sacred site, if it were identified that they were there, was damaged.

**Mr EDGINGTON:** The question was: why is there a need for a clearance certificate this year but there has not been prior?

**Mr PAECH:** AAPA has not stood in the way. This is a decision that has been made by the Northern Territory Major Events Company.

**Mr EDGINGTON:** Perhaps you do not understand the question.

**Mr PAECH:** You might not be asking the right question.

**Mr EDGINGTON:** Can you tell me why there has never been a need for a clearance certificate in that area but there is this year?

**Mr PAECH:** The decision was made by the Northern Territory Major Events Company. As the CEO has highlighted that site has been a registered sacred site since the 1980s, and that if any decision for Major Events to continue were to happen, they would be taking on the liability if anything were damaged.

**Mr EDGINGTON:** Was there an application made to the Aboriginal Areas Protection Authority this year to get a clearance certificate to hold fireworks in that area?

**Mr PAECH:** As far as I am advised, no.

**Dr SCAMBARY:** Under the regime of the *Northern Territory Aboriginal Sacred Sites Act* authority certificates are a voluntary process that are balanced against the offence provisions of the act. In a sense, it is a risk management framework. Our preference is always that anyone proposing to undertake work on a sacred site would obtain an authority certificate, but it is not mandatory.

**Mr EDGINGTON:** Has an application been received?

**Dr SCAMBARY:** No.

**Mrs HERSEY:** Minister, you signed off on a certificate on 7 March to say that it could go ahead; no-one has asked for an application, yet fireworks have been there for the last 20 years. Do you not want it to go ahead there? I understand that you are saying that it is Major Events, but what has led Major Events to say, 'No. We will not do fireworks there this year'?

**Mr PAECH:** That would be a discussion and a question for the minister when the Northern Territory Major Events Company appears before Estimates.

**Mrs HERSEY:** Correct, but do you not want the fireworks to go there? It seems suddenly that you have signed off to say it can. There has never been an application done previously, and suddenly this year ...

**Mr PAECH:** Might I provide support, Member for Katherine? I am not sure that you fully understand. We are here with the Aboriginal Areas Protection Authority regarding the exclusions and clearances for Aboriginal Areas Protection Authority regarding sacred sites. What you are referring to is a decision of WorkSafe regarding the use of Northern Territory fireworks, which we have to sign every year to ensure that we can provide those.

**Mrs HERSEY:** Yes, but Dr Benedict has said that there has never been an application prior to this year ...

**Mr PAECH:** Yes, and I am not the minister ...

**Mrs HERSEY:** No-one has put in an application.

**Mr PAECH:** I am not the minister for Northern Territory Major Events. I would love to be, but I am not. I cannot answer that question; you will have to save that for the relevant minister.

**Mrs HERSEY:** Next Tuesday.

**Mr PAECH:** Next Tuesday.

**Mr EDGINGTON:** How are events like the Beer Can Regatta and the Mindil Beach Sunset Markets able to go ahead without a certificate from AAPA?

**Mr PAECH:** They are operational decisions. I would not be able to tell you what is in place for those events, but a number of those events are done in consultation with local Larrakia people.

**Dr SCAMBARY:** Mindil Beach is a significant area for Larrakia and for the broader community. There are a range of events undertaken at Mindil Beach. Over the years the authority has issued a number of certificates for specific activities to occur there. The City of Darwin holds a number of certificates for maintaining the infrastructure required for events such as the Mindil Beach Sunset Market.

The authority is often asked to respond specifically to proposals there; however, it is not a mandatory process. We have not received complaints from Larrakia about those events specifically.

**Mr PAECH:** It is safe to say, Member for Barkly, that those certificates are a risk-management tool. If individual organisations proceed without an authority certificate, they are liable for damages of a sacred site.

**Mr EDGINGTON:** Has AAPA received any complaints from the Larrakia traditional owners about fireworks going ahead on Territory Day?

**Mr PAECH:** I am advised that we have not received such complaints and encourage that it will be a question you or the Member for Katherine may ask the Major Events minister next Tuesday.

**Mrs HERSEY:** Minister, will you give a certificate?

**Mr PAECH:** That is an inappropriate and naive position. There is extremely comprehensive work. You might laugh and think it is funny, but Aboriginal clearances are not funny; they must be done in full collaboration ...

**Mrs HERSEY:** I am not saying they are funny. Your commentary ...

**Mr PAECH:** ... with Aboriginal people of the land, the Larrakia. We work with and honour them every day. We will not rush those certificates. This work is complicated and must be respected. This is the expertise that the Aboriginal Areas Protection Authority does every day.

**Mrs HERSEY:** It might be complicated, and they have the expertise, but for the last few years you have not given the certificate. Why the change this year?

**Madam CHAIR:** Member for Katherine ...

**Mr PAECH:** I want to make my point—I know I am over time. Member for Katherine, I do not know how clear I can be with you. Authority certificates are a risk-management tool. Entities can continue, but they do so taking on full liability and risk. I hope you have been able to absorb that.

**Mrs HERSEY:** Minister, do you want it to move because of the sacred site? Is that what you are saying?

**Madam CHAIR:** We are over our allocated time. I will have a minute, because we all understand the frustration in the broader community. Territory Day is special. A number of us in this room are born and bred, and a number have made it their home. Fireworks are a special part of the day.

It is important that we have accurate information on the record. I thank the minister and AAPA for being here today. They have made it clear what the process is and how it is put in place to protect the sacred sites of traditional owners, particularly the Larrakia. Member for Katherine, I hope you join us when we have the Minister for Major Events in coming days. That will allow the committee to be on top of a relevant issue.

I thank the minister, as he has indulged us with extra time. I also thank the committee members. We got through a lot of questions today and heard questions from a variety of members. Thank you to the officials who joined us and the parliamentary team who look after us.

**Mr PAECH:** Thank you to all the public servants and those whose first time it was appearing before the Estimates Committee.

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The committee concluded.

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