

# RESTORING INTEGRITY TO GOVERNMENT

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TRUST AND INTEGRITY REFORM  
DISCUSSION PAPER

Territory  
**Labor**



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***Territorians want and deserve a Government they can trust.***

***An open, accountable and transparent Government is essential for this trust to exist.***

Confidence in the integrity of public officials and government processes is essential if we are to meet the considerable challenges that we face and to grasp the opportunities that we share.

Not only is open government the right thing to do, it's the smart thing to do.

Open Government and the trust that it builds is the bedrock for the partnerships and collaboration we need as a community to improve the lives of all Territorians.

It is the only way we take advantage of modern technology and find new ways of connecting, engaging and organising Government.

The community must have confidence that all Territorians are treated without fear or favour by government, and that the resources of government are always employed in the public interest.

The Government I want to lead will recognise that trust in public officials and process requires the leadership to build an integrity framework that not only guards against corruption, but one which reinforces and elevates the public over the private interest.

The discussion paper aims to set the Territory on a course which ensures the whole community is involved in creating and maintaining such a framework.

I look forward to continuing this discussion with Territorians over the coming months.

***Michael Gunner***  
**Leader of the Opposition**

## 1. Commitment to Open, Accountable and Transparent Government

Territory Labor believes in open, accountable and transparent Government.

Territorians have the right to access Government information – it belongs to all of us.

Open, transparent and accountable Government is also the best way to maximise the health and prosperity of the whole community.

Not only is it the right thing to do but it's the smart thing to do.

Our record in Government shows our commitment to openness and transparency.

In Government, Labor:

- Introduced the Territory's first ever Freedom of Information and whistle-blower laws;
- Created the first ever Estimates Committee to provide proper scrutiny of government expenditure;
- Limited government use of advertising through the Public Information Act; and
- Established a Ministerial code of conduct.

A future Territory Labor Government will be guided by the following principles:

- Restoring integrity to Government requires leadership at the highest level of Government through actions, not just words.
- Government held information belongs to Territorians, and apart from a tight prescribed set of circumstances should be made freely available to the public.
- Scrutiny, accountability and transparency is a crucial feature of a healthy democratic society, it protects against corruption and wrongdoing and produces better decision making and greater benefits to the community.

- The integrity framework of Government must be holistic and complimentary, each part of the framework must work together to support open, transparent and good government.
- Individuals and organisations within the integrity framework must have sufficient autonomy and resources to perform their role.
- Maintaining a healthy integrity framework relies on continuing review of the effectiveness of the system.

## 2. The case for urgent and comprehensive action

Over the last three years Territorians have witnessed a series of events that has seen trust and confidence in public officials and Government in the Northern Territory hit an all-time low.

The actions of the CLP Government have shown a complete disregard for the right of Territorians to open and transparent Government.

They have also shown a complete lack of understanding of the crucial role trust and integrity plays in good Government which delivers for the whole community. Political infighting, a complete disregard for honesty and accountability, and an inconsistent application of policy has led to a drop in business confidence in the Territory. Such actions include:

- Refusal to comply with the spirit and intent of freedom of information laws;
- Refusal to be truthful and accountable to the parliament, parliamentary committees and the public;
- Serious questions about the allocation of lucrative water licenses to applicants with close ties to the CLP against the best scientific advice;
- Serious questions about the appointment of a CLP member to the position of Magistrate;
- The operation of a CLP slush fund (Foundation 51) specifically designed to flaunt NT electoral disclosure laws;
- The public bullying of the Electoral Commissioner;
- The appointment of CLP mates to important positions in the public service, including ones with a direct role in overseeing the actions of Government;
- The charging of CLP ministerial staff with corruption offences;
- Serious accusations by the Chief Minister about a plot by police to orchestrate a coup against him;

- Serious accusations against senior members of the Government of bullying and intimidation including homophobic and racist slurs;
- Continued questions about the lack of transparency regarding ministerial travel.

This is not a definitive list with further instances of such behaviour on display with each passing week.

This litany of issues points to a number of serious problems the Territory must confront.

The Northern Territory needs a new public integrity framework to ensure the events of the last three years are not repeated.



### 3. A New Northern Territory Public Integrity Framework

Labor believes that a new public integrity framework needs to be created to restore integrity and trust in the Northern Territory political process. We believe this is a critical step in the Northern Territory's evolution as a stable and mature democratic polity.

This new framework will include the integrity architecture that already exists in the Territory such as the Ombudsman, Auditor General, Information Commissioner and the Office of the Commissioner for Public Interest Disclosures.

A Territory Labor Government will make two important additions to this framework:

- An Independent Commission Against Corruption that has the power to investigate allegations of corruption; and
- A Northern Territory Integrity Commissioner / Integrity Committee

Recent events, in particular the multiple investigations into allegations of improper conduct by the former Northern Territory Police Commissioner, demonstrate the need for a clear, efficient and transparent integrity framework.

These investigations, including issues around the use of the Pensioner and Carer Concession scheme, at one time or another included the active involvement or advice from the Department of Health, the Auditor General, the Northern Territory Police, the Office of the Commissioner for Public Interest Disclosures, the Office of the Director of Public Prosecutions, the Solicitor General of the Northern Territory, the Northern Territory Ombudsman, a former Deputy Ombudsman of Victoria and the Australian Federal Police.

The appropriate process to be followed in this instance was evidently unclear to many of the officers involved. Such lack of clarity runs the risk of mishandling what are very serious allegations. The public must have confidence that the process for dealing with these and other serious allegations of misconduct is, clear, transparent and fair.

During the course of these investigations, a number of individuals in the above organisations removed themselves from involvement due to conflicts of interest. The involvement of the former Deputy Ombudsman of Victoria and the Australian Federal Police also point to the difficulties smaller jurisdictions have in investigating such allegations in an environment where there is bound to be professional and personal relationships between those investigating and those being investigated.

In his report of May 2015 into matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another Officer (the May 2015 report), the NT Ombudsman highlights a number of important issues regarding the above investigations and canvasses a number of options that may improve the current NT integrity framework.

#### ***Recommendation 4***

“The NT Government consider the need for, and benefits of, alternative options for reporting, investigating and seeking advice on integrity issues.”

Report into “***Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer***”  
Northern Territory Ombudsman, May 2015

In discussing this recommendation (123 – 140) the NT Ombudsman highlights the difficulties that arise where certain officers in the integrity framework may be required to perform a dual advisor/investigator role.

He also makes a cogent case for the need to consider an alternative source of Government advice on integrity issues. Territory Labor accepts this recommendation and the reasons outlined for it in the report. These events point to the clear need to strengthen and clarify the Northern Territory integrity framework.

### Options for Creating a New Public Integrity Framework

A Territory Labor Government will establish a clear and transparent integrity framework.

Labor will include the following officers in the new public integrity framework:

- The Auditor General
- The Electoral Commissioner
- The Ombudsman
- The Information Commissioner
- The Office of the Commissioner for Public Disclosures
- The Health and Community

### TELL US WHAT YOU THINK

Which model of integrity framework would be the most effective in restoring integrity to Government?

Does the addition of an ICAC and an Integrity Commissioner / Integrity Committee address the concerns that have been highlighted over the last three years?

Does the framework need to be legislated to restore integrity to Government?

Should any of the powers and roles currently exercised by the statutory officers above be expanded? Could the roles of the offices above be combined?

Services Complaints Commissioner

- The Anti-Discrimination Commissioner
- The Children's Commissioner
- An Independent Commission Against Corruption
- An Integrity Commissioner/ Integrity Committee

Options for the new integrity framework range from a fully legislated model to a clarification of current arrangements with the addition of an NT version of an ICAC and an Integrity Commissioner / Integrity Committee.

It's essential that any reforms to the NT integrity framework take into account the strength given to the framework from the current independence of statutory officers.

Territorians must have confidence that the processes in place to deal with allegations of misconduct by public officials are clear, transparent and are at arm's length from the Government of the day.

### **A Northern Territory Independent Commission Against Corruption**

A Labor Government will create a Northern Territory Independent Commission Against Corruption. No body currently exists within the Territory to investigate allegations of corruption in public administration in the Northern Territory. Similar bodies currently exist in:

**New South Wales** – Independent Commission Against Corruption (ICAC<sup>i</sup>)

**South Australia** - Independent Commissioner Against Corruption (ICAC<sup>ii</sup>)

**Queensland** – Crime and Corruption Commission (CCC<sup>iii</sup>)

**Western Australia** – Corruption and Crime Commission (CCC<sup>iv</sup>)

**Victoria** – Independent Broad-based Anti-corruption Commission (IBAC<sup>v</sup>)

**Tasmania** – Integrity Commission<sup>vi</sup>

These bodies have different powers and interact with other integrity agencies and statutory officers in ways suited to particular circumstances of their jurisdictions.

It's important that an Independent Commission Against Corruption be suited to the Northern Territory's unique circumstances and work in harmony with the other safeguards in the overall integrity framework. One of the issues that must be considered is the ability of an NT ICAC to co-opt expertise from outside the Northern Territory to assist in investigations and inquiries. The NT Ombudsman's report referred to above highlights some of the issues the Territory faces due to our size and the likelihood of conflicts of interest arising.

Crucial to the success of such a body in restoring public confidence in the political process will be the powers at its disposal and the interaction of these with other links in the integrity framework.

Issues such as the ability to compel witnesses, the protections afforded those called as witnesses or under investigation and the jurisdiction of the body itself need to be the subject of careful consideration and debate by the whole community.

Questions around the sorts of complaints and issues which trigger the jurisdiction on a NT ICAC, whether the body operates as a standing entity or is formed when required to do so and whether the body has powers of self-referral will need to be considered in the context of the overall integrity framework and the unique characteristics of the Northern Territory.

These are issues that other Australian jurisdictions with well-established anti-corruption bodies still continue to grapple with. Some of them were canvassed recently in the review of the jurisdiction of the NSW ICAC<sup>vii</sup>.

## TELL US WHAT YOU THINK

What powers should a Northern Territory Independent Commission Against Corruption have?

What sort of issues should such a Commission be able to investigate?

What sort of qualifications and professional experience should the people who carry out such investigations have?

Should it have the power to initiate its own investigations or should it only investigate issues referred to it?

What rights should witnesses appearing before such a commission have?

Should it have the power to compel witnesses?

Are there any powers or roles currently exercised by other statutory officers, such as the Ombudsman and the Office of Public Disclosures, that might be more effectively exercised by a Northern Territory Independent Commission Against Corruption?

How can we ensure a Northern Territory Independent Commission Against Corruption works seamlessly with the roles of other statutory offices?

### **A Northern Territory Integrity Commissioner/Integrity Committee**

Labor will create the position of a Northern Territory Integrity Commissioner / Integrity Committee.

This implements Recommendation 4 of the Ombudsman's May 2015 report into ***"Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer"*** and is designed to ensure that there is a separation between those who have advisory roles and those who have investigative powers under the overall integrity framework.

The Integrity Commissioner will be available to provide advice to Ministers, Members of the Legislative Assembly and the public service on integrity and conflict of interest matters.

The Commissioner will also have the role of advising the Government on how best to create and maintain an effective integrity framework.

The position would be a statutory office responsible to parliament.

Examples of Integrity Commissioners and Commissions can be found in Queensland and Tasmania.

### ***Integrity Commissioner (QLD)***

The Queensland Integrity Commissioner is responsible for providing advice on integrity and ethics issues and for maintaining the lobbyists register.

Under the Integrity Act 2009, the Integrity Commissioner can give written advice to Ministers, MPs, senior public servants and others about ethics or integrity issues, including conflicts of interest.

He may also meet with and give advice to MPs on ethics and integrity issues in relation to their declarations of financial interests.

## TELL US WHAT YOU THINK

Which option would be the most effective?

Are there any other options that should be considered?

Are there any other people that may have suitable qualifications to assist on the panels or committees referred to above?

The Integrity Commissioner is responsible for maintaining the Queensland Lobbyists Register and monitoring compliance by lobbyists and government with the Act and the Lobbyists Code of Conduct. The Integrity Commissioner's web site does not include information about the contact between lobbyists and senior government representatives. All State and local government agencies, including Ministers' offices, are responsible for keeping a record of contact with lobbyists as set out in the Queensland State Archives' schedule for recordkeeping by the Integrity Commissioner.

The Integrity Commissioner is an independent officer of the Queensland Parliament<sup>viii</sup>.

### ***Integrity Commission TAS***

The Integrity Commission is an independent body established on 1 October 2010 by the *Integrity Commission Act 2009* (the Act).

The three primary objectives of the Integrity Commission are to:

improve the standard of conduct, propriety and ethics in public authorities in Tasmania;

enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with;

enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.



The Commission endeavours to achieve these objectives by:

1. prevention and education - assisting the public sector to deal with misconduct and educating public officers and the public about integrity;
2. misconduct - dealing with allegations and complaints of misconduct about public officers and making findings and recommendations in relation to investigations.

The Act also established the:

- Parliamentary Joint Standing Committee on Integrity
- Parliamentary Standards Commissioner

The Act was the outcome of recommendations made by the Parliamentary Joint Select Committee on Ethical Conduct<sup>ix</sup>.

## **TELL US WHAT YOU THINK**

Do you agree that the Northern Territory needs an Integrity Commissioner /Integrity Committee?

What powers, roles and responsibilities should such a position have?

What relationship should this position have with other statutory offices within Government?

What sort of qualifications should an Integrity Commissioner/ Integrity Commission hold?

## 4. Appointing Statutory Officers

There are important statutory officers which currently perform crucial roles in the overall integrity framework. And there are other positions that should be created under this framework.

Labor will investigate a process for the appointment of statutory officers under the public integrity framework which is at arm's length from the Government of the day.

### OPTION ONE

All positions deemed statutory officers under the public integrity framework will be selected by a bipartisan committee of the Territory Parliament.

### OPTION TWO

All positions deemed statutory officers under the public integrity framework will be selected by a committee consisting of the Chief Minister, the Opposition Leader a retired judicial officer of the Supreme Court level and above.

**Labor will consider making the following positions be subject to appointment in this way:**

- The Auditor General
- The Electoral Commissioner
- The Ombudsman
- The Information Commissioner
- The Office of Public Disclosures
- The Independent Commission Against Corruption
- The Integrity Commissioner
- The Supplementary Redistribution Commission
- The Health and Community Services Complaints Commissioner
- The Anti-Discrimination Commissioner
- The Children's Commissioner

### OPTION THREE

All positions deemed statutory officers under the public integrity framework will be selected by a panel of retired judicial officers appointed by the Parliament of the Northern Territory.

Labor will also investigate making the Police Commissioner a statutory officer appointed in the manner described above.

## 5. Returning transparency to judicial appointments

Labor welcomes the *Review of the Processes for the Appointment of Judicial Officers in the Northern Territory*, which recommended that the Northern Territory returns to the transparent model of judicial appointments used under the previous Labor Government.

A Territory Labor Government will return transparency to judicial appointments. Labor's model had an independent panel assess suitable applicants and make recommendations to the Attorney General. Those recommendations would then be considered and endorsed by Cabinet.

The CLP scrapped that model when they came to Government in 2012.

Labor will ensure Territorians can have faith that the process for making judicial appointments is beyond reproach.

### TELL US WHAT YOU THINK

Is it appropriate for these positions to be appointed in this way?

Should other positions be appointed in this way- if so which positions?

Should the Police Commissioner be an independent statutory officer?

## 6. Parliamentary Reform

Labor believes that the foundation institution of our democracy is the Parliament.

The processes of Parliament under the Westminster system have served us and many other states and nations well over many hundreds of years. However, like all effective systems reform is required from time to time.

The Westminster Parliamentary system is based on adversarial principles. In the last few decades this adversarial approach has often degenerated into an openly hostile, aggressive approach between political parties and Oppositions and Governments.

This does not serve the interests of the community. The discussion and debate of ideas is welcome. Open abuse and aggression should not be.

The Westminster system and current Parliamentary practices exclude people from the parliamentary process. Labor believes that our Parliament needs to be opened up to more participation from the community.

Labor's Parliamentary reforms are focussed on reducing the adversarial nature of the Parliament and opening parliament up to the community.

### An Inquiry into Parliamentary Practice

A Territory Labor Government will initiate a major inquiry into the conduct of Parliament and its impact on the community.

We believe the institutions that underpin our democracy must operate in a way that creates public confidence and respect.

This inquiry will be co-chaired by a retired judicial officer and a retired parliamentary official such as a former Clerk and will include retired representatives from all parties in the Territory and nominated representatives of the community.

## Labor Proposals

Labor will suggest the inquiry consider the following reforms:

### 1. An Independent Speaker

**OPTION ONE**- the Speaker as an independent MLA elected to the Parliament.

**OPTION TWO** - The position of Speaker could be made that of a Statutory Officer and independent of all Members of the Legislative Assembly. The position could be appointed by the Administrator on the recommendation of a Committee made up of the Chief Minister, the Opposition Leader, a representative of each Party represented in the Parliament, a representative of independent MLAs and the Clerk.

**OPTION THREE** – retain the current process for electing the Speaker which is done by a majority of Members of the Legislative Assembly.

### 2. Reforming Question Time

Question Time based on questions without notice is a relatively recent part of the Westminster system- evolving over the last century and a half. It was originally an opportunity to question the Executive on any issue and seek to get answers quickly.

Today it is a gladiatorial contest where the questions asked are largely designed as part of a political strategy by all Parties represented in Parliament. It is the most adversarial part of any Parliamentary day and the centrepiece of Parliamentary aggression and hostility.

## TELL US WHAT YOU THINK

Would an independent speaker improve the operation of the Legislative Assembly?

Are the current roles and responsibilities of the speaker effective in ensuring a robust but respectful Parliamentary culture?

## TELL US WHAT YOU THINK

Do the current practises in question time provide for appropriate scrutiny and accountability of Government?

What other reforms might be made to question time to improve scrutiny of Government?

It is likely any move to an independent speaker would significantly improve the conduct and function of parliamentary question time.

In addition, Labor will suggest the inquiry consider the following issues and make recommendations on whether the current provisions of the standing orders are sufficient or whether they could be reformed to create a more open, transparent and relevant operation of the Legislative Assembly.

### *a) Dorothy Dixers*

Is the practise of Dorothy Dixers - questions from Government Members to Ministers - conducive to the primary function of Question Time which is to enable scrutiny of Government decisions and performance? Should the current practice be maintained, amend or abolished?

### *b) Questions and Answers*

Are the current rules around the specificity of questions and the relevance of answers during Question Time appropriate or could they be improved?

### *c) Questions and Answers that matter to the community*

Do the current rules governing question time encourage an appropriate focus on the issues that affect the day to day life of Territorians? Would introducing an electorate focussed Question Time once per sittings to allow electorate specific issues to be canvassed improve this focus?

### *d) A Chief Minister's Question Time*

Would introducing a Chief Minister's Question Time once per each Sittings session to allow questions directly to the Chief Minister improve the accountability and scrutiny of Government?

### 3. Opening up Parliament to the People

Labor believes that one of the reasons the community is increasingly alienated from parliament and the political process is that the lack of relevance Parliament has to their everyday lives. Parliament has ceased to be the people's house and is instead focused on political point scoring and the daily tug of war for media attention.

Labor understands that people want their Government and parliamentarians to get on and do their job. Labor believes opening up the Parliament to the community leads to better decision making and more effective Government.

#### TELL US WHAT YOU THINK

What other reforms might be made to ensure parliament is more responsive to the concerns and aspirations of Territorians?

As part of the inquiry into Parliamentary practice Labor will recommend consideration be given to:

- a.** a root and branch examination of the standing orders to modernise them with a view to increasing transparency and openness and making parliament more accessible to Territorians.
- b.** The setting aside of an allocated time in each Parliamentary sitting week for representatives of different groups to present their case to Parliament. For example the Local Government Association of the Northern Territory, the Council of Ageing, the Chamber of Commerce, Unions NT, and the Youth Roundtable.
- c.** The opportunity for members of the community to determine what is debated and considered by the parliament. This could include the ability for petitions with a certain threshold of signatures by eligible NT voters to be debated in the legislative assembly with the opportunity for the lead petitioner to address the parliament.

- d.** That Parliament be upgraded to allow presentations to include modern technology
- e.** Ministerial statements, which will also be able to use modern technology in their presentation, will be accompanied by an opportunity for questioning of the Ministers delivering the Statement and their Chief Executives and senior Departmental representatives.

#### **4. Improving Transparency and Openness**

To improve the transparency of Parliamentary processes Labor will recommend the Inquiry also consider:

- a.** That all Members of the Legislative Assembly Declaration of Interests are online and available for scrutiny.
- b.** Changes to the Estimates Committee process

Labor understands the important role the Estimates Committee plays in scrutinising Government expenditure. We also understand that this involves a considerable workload on the public service. Consideration should be given to simplifying and streamlining the operation of the Estimates Committee.

One possible reform would be splitting the two week hearing into separate one week blocks. The first week would scrutinise the proposed expenditure and outputs identified in Budget Papers as part of parliamentary deliberation of the Government's budget.

The second week, to be held in October/ November, would scrutinise the actual budget expenditure and policy performance of agencies as part of the Parliament's deliberation of Departmental Annual Reports.



## TELL US WHAT YOU THINK

Do you agree that Territorians should have a more direct role in the policies and actions of Government?

What reforms might be made to ensure the parliament and the Government harness the wisdom and expertise of Territorians?

## 7. Deliberative Democracy

A Territory Labor Government will trial ‘citizens panels’ to develop and analyse government policy. The aim of these panels is to directly tap the wisdom and experience of Territorians directly in the policy development process.

Similar trials have happened in Australia and have proved an effective means of harnessing the views and aspirations of the community to deliver sound public policy. For example:

### City of Melbourne Citizens Jury

In 2014 the City of Melbourne convened a 43-member citizens’ jury to help develop their 10-Year Financial Plan<sup>x</sup>. Over six

sessions from September to November 2014, the panel was asked to make recommendations to Council. The 10-Year Financial Plan adopted by the council took on board the majority of the 11 key recommendations made by the citizen’s jury.

## 8. Electoral Reform

Territory Labor believes current electoral rules and processes contribute to the poor public perception of political parties and politicians. A Territory Labor Government will consider reforms to the electoral processes to restore public support and confidence in the system.

### Electoral Commissioner

As previously outlined, Labor will consider appointing the Electoral Commissioner under the same processes as other statutory officers under the public integrity framework.

### Electoral Redistribution

Labor will also consider appointing the Supplementary Chair of the Redistribution Commission made under the same processes as other statutory officers under the public integrity framework.

### Funding Elections

Labor believes it is time to have a public discussion in the Territory about the way elections are funded. Currently political candidates and political parties raise funds through the public to allow them to campaign for election. While there are some controls on this through the public declaration of donors, actions such as the creation of Foundation 51 that are designed to circumvent public disclosure rules, have undermined confidence in these provisions.

### TELL US WHAT YOU THINK

Do these proposals give adequate independence to electoral officials to do their job without the perception or reality of being influenced by the Government of the day?

What further reforms might further ensure the electoral process is free from government influence?

Should the supplementary chair be an integrity officer appointed under the process outlined above?

## TELL US WHAT YOU THINK

Would public funding for political parties help overcome the perception that donations unduly influence the behaviour of Government?

What model of public funding, if any, would be appropriate in the Territory?

Would lowering the threshold for declaring donations to \$100 make the process of donations more transparent?

What level of spending caps might be appropriate in the Territory?

How can we ensure that Territorians are fully informed about donations flowing to political parties as soon as possible after they are made?

Do the current penalties for non-disclosure provide an adequate deterrent to breaching the rules?

A Territory Labor Government will lead a public discussion around funding reform.

A range of relevant options were considered in a report prepared by the former Auditor-General, Mr Frank McGuiness. The report was tabled in the Legislative Assembly on 28 April 2015. Our public discussion will include consideration of:

1. Public funding of election campaigns including consideration of the current national arrangements under which public funding is allocated based on the number of votes received<sup>xi</sup>.
2. Capping individual political donations<sup>xii</sup>.
3. Lowering the threshold of reporting of donations<sup>xiii</sup>.

4. Introducing spending caps on election expenditure.

5. Instituting real time electoral disclosure provisions to ensure donations made are public as soon as possible after they are made.

6. Consideration of the provisions around associated entities <sup>xiv</sup>including whether they should be allowed at all.

7. The need to toughen penalties for non-disclosure.

## Reforming Voting and Campaign Processes

Labor believes in compulsory voting. We strongly support voting and campaign processes that encourage people to vote and make it easy to vote.

### TELL US WHAT YOU THINK

What other reforms might be made to ensure as many Territorians as possible are on the electoral roll?

What other measures might be taken to ensure as many Territorians as possible exercise their democratic right to vote?

#### 1. Broadening the automatic enrolment procedures.

Territorians are currently enrolled to vote automatically through tax return information and the receipt of Commonwealth Government assistance (Centrelink payments).

Consideration should be given to broadening these to include things like MVR transactions, PowerWater transactions, eHealth information and other interactions between individuals and the Northern Government.

It's important to note that only name, address and date of birth information is proposed to be passed on to the electoral authorities. This would to be done in

## TELL US WHAT YOU THINK

Do you support abolishing the “gauntlet” outside polling booths?

What information should be available inside polling booths to ensure people can exercise their franchise according to their wishes?

conjunction with reform by the Australian Government to ensure we retain the one roll principle.

### 2. Abolishing the “gauntlet.”

Labor believes that the days of electors walking through a gauntlet of people enticing them to vote for a political party or candidate should be over. However, we also recognise that voting is compulsory and as we should encourage all Territorians to register a valid vote and that adequate information and processes must be available inside polling booths.

Any reforms to the system should consider changes at polling booths to have large and clear instructions on their walls that reflect

party or individual candidate voting cards.

Consideration should also be given to changes which allow political party candidates and independents to appoint a representative inside each polling booth with that person clearly identified as representing that party or candidate. If a voter wishes to utilise their services to assist them to vote this would be permitted when established by the presiding officer of that booth.

### 3. Making voting easier.

#### *Automatic Preference Allocation*

To overcome invalid voting political parties and independents should be able to register a preference allocation for each seat. A ballot paper could then be marked with an above the line box that can be ticked, crossed or marked in any way the voter wishes and that preference flow would follow automatically. To retain voter

choice a below the line section with the full set of options available should also exist on the ballot paper. This would be similar to the current senate ballot paper.

### *Internet Voting*

A Territory Labor Government will undertake an investigation into alternative ways of voting using modern technology. The guiding principle of a secret ballot and one vote per person will be paramount in this investigation.

## **TELL US WHAT YOU THINK**

Does automatic preference allocation give a more accurate reflection of the democratic will of Territorians?

What protections and safeguards would be required with any move to electronic systems of voting?

## 9. The right to know – Freedom of Information Reform

Government information is a public good, it should be accessible and able to be utilised for innovation and jobs.

A Labor Government will reform the Information Act to:

- Strengthen the presumption in favour of disclosure
- Reduce processing times for information requests from 30 to 20 days
- Scrap application fees and scrap charges where the total cost of the application is below \$2000
- Change third party review and exemption provisions to restrict them to the release of private information, not simply identity disclosure

### TELL US WHAT YOU THINK

Do current Freedom of Information rules provide adequate access to Government information?

How do we ensure that increased access to Government information adequately protects the right to privacy?

These reforms will ensure that all decisions regarding the release of information are taken under the presumption of openness and maximum disclosure.

Reducing processing times for requests and prompt access to Government information further strengthens the scrutiny of Government decisions.

Current application fees and charges for information act to reduce the ability for many in our community to access Government information. Given the shifting public attitude to Government transparency and the amount of time since the Act's introduction, it is appropriate for these fees and charges to be updated.

Similarly, third party reviews where the only information in question is the release of a person's identity unnecessarily slow the release of information.

These reforms will make it easier, cheaper and faster for Territorians to access information about how their Government operates.



## 10. Reforms to Parliamentary Travel

Labor believes that Members of Parliament have to travel but this has been tainted by the excessive and unrestrained travel undertaken in recent years.

Every Territorian, no matter where they live, has the right to meet with their Chief Minister, Ministers, Opposition Leaders and Members in their own community. Members of Parliament, particularly the Chief Minister and Ministers, need to travel interstate to represent the Territory at Ministerial Councils, national forums and other opportunities.

Travel also needs to be undertaken by Members of Parliament to pursue the economic growth and social development of the Territory. This will involve international travel.

The central issue with Member travel is not whether it should be done but the rules that apply to this travel. These rules should be clear and transparent and the travel needs to be open to scrutiny by members of the public both before and after it is undertaken.

Over the last three years the lack of discretion and common sense applied to travelling has brought all members into disrepute.

### The Rules of Travel

#### Openness

A Territory Labor Government will ensure Territorians have access to information regarding travel of Members, Ministers and the Chief Minister. The itinerary, costs and the names of people undertaking travel will be published on line every quarter on a website dedicated to Member travel. This will apply to all travel undertaken internationally and interstate.

### Clarity of Entitlements

Labor will ensure that Member travel expense rules are clear. They will allow a Member to do their job but will demand that common sense and the “average person in the street” test applies.

### International Travel

Labor will:

- Undertake rigorous evaluation from the public and private sectors about how the proposed overseas Ministerial travel will benefit the Northern Territory.
- These assessments will be made available to the public.
- Prior to departure, the Minister's itinerary will be published, removing the ability to sneak off on secret junkets.
- On return from overseas travel a full Parliamentary report on the trip will be provided by the Minister and will be made available to the public.
- Costs associated with the Minister's trip will be made available to the public.

### TELL US WHAT YOU THINK

Are the current rules regarding travel entitlements appropriate?

Do the proposed reforms provide more adequate scrutiny of travel undertaken by Members of the Legislative Assembly?

## 11. Planning Reform

Public confidence that the Northern Territory planning process is open and transparent is essential for creating trust in the political process.

Recent events and development approvals have raised concerns within the community that the Northern Territory's planning system lacks the appropriate checks and balances to guard against corruption and to ensure the public interest is taken precedence over competing private interests.

A Territory Labor Government will adopt the six principles outlined in the 2012 NSW ICAC *Report into Anti-corruption safeguards and the NSW planning system*<sup>xv</sup>. These are listed below.

While the recommendations are drawn from the experiences and practises in NSW. They are directly relevant to the issues that are continuing to cause community concern in the northern Territory.

Further reforms to the Northern Territory planning system will be the subject of a future Labor discussion paper.

### 1. Providing certainty

Historically, developments have been assessed against planning instruments, which clearly articulate up front the set of "rules" that apply to a proposal. In recent years, there has been an increasing tendency towards departures from the stated requirements. The existence of a wide discretion to approve projects, which are contrary to local plans and do not necessarily conform to state strategic plans, creates a corruption risk and community perception of lack of appropriate boundaries. A re-emphasis on the importance of strategic planning, clear criteria to guide decisions and a consistent decision-making framework will help address this issue.

## **2. Balancing competing public interests**

The planning system should recognise the spectrum of competing public interests, including environmental, social and economic outcomes. If it is the intent of the planning system to prefer a particular public interest over another, this should be clearly articulated in the legislation to avoid perceptions of undue favouritism.

## **3. Ensuring transparency**

Transparency is an important tool in combating corruption and providing public accountability for planning decisions. A transparent planning system ensures the public has meaningful information about decision-making processes as well as being informed about the basis for decisions.

## **4. Reducing complexity**

A straightforward regulatory structure assists in the detection of corrupt conduct and acts as a disincentive for individuals to undermine the system. The risk of error, which can provide a convenient cloak for corrupt conduct, is also reduced when established processes are clearly defined and understood.

## **5. Meaningful community participation and consultation**

Meaningful community participation in planning decisions is essential to ensuring public confidence in the integrity of the system. Community involvement in planning outcomes includes the public exhibition of planning instruments and development proposals as well as planning authorities giving adequate weight to submissions received as part of this process.

## TELL US WHAT YOU THINK

Will the adoption of these principles improve the integrity of the Northern Territory Planning system?

What other safeguards might be considered?

### 6. Expanding the scope of third party merit appeals

Under the EP&A Act, there is a disparity between objector and applicant rights on the issue of merit appeals. Merit appeals provide a safeguard against biased decision-making by consent authorities and enhance the accountability of these authorities. The extension of third party merit appeals acts as a disincentive for corrupt decision-making by consent authorities.

## 12. Tell us what you think

This discussion paper is a part of an ongoing discussion which has already involved meeting many people and organisations right across the Territory.

We want to hear from you regarding the plans outlined in this paper and any other questions or suggestions you have.

You can let us know your thoughts by emailing [territory.labor@nt.alp.org.au](mailto:territory.labor@nt.alp.org.au).

We look forward to hearing your thoughts and continuing our discussion in this crucial policy area for the Territory's future.

## Endnotes

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- i <http://www.icac.nsw.gov.au/about-the-icac/overview>
- ii <http://www.icac.sa.gov.au/content/about-us-0>
- iii <http://www.ccc.qld.gov.au/about-the-ccc>
- iv <https://www.ccc.wa.gov.au/AboutCCC/WhatWeDo/Pages/default.aspx>
- v <http://www.ibac.vic.gov.au/about-us>
- vi [http://www.integrity.tas.gov.au/what\\_we\\_do](http://www.integrity.tas.gov.au/what_we_do)
- vii [http://www.dpc.nsw.gov.au/\\_data/assets/pdf\\_file/0003/173235/Independent\\_Panel\\_Review\\_of\\_the\\_Jurisdiction\\_of\\_the\\_Independent\\_Commission\\_Against\\_Corruption\\_Report.pdf](http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0003/173235/Independent_Panel_Review_of_the_Jurisdiction_of_the_Independent_Commission_Against_Corruption_Report.pdf)
- viii <http://www.integrity.qld.gov.au/>
- ix [http://www.integrity.tas.gov.au/what\\_we\\_do](http://www.integrity.tas.gov.au/what_we_do)
- x <http://participate.melbourne.vic.gov.au/10yearplan/10-year-financial-plan-released>
- xi (McGuinness Report p.20ff.
- xii McGuinness Report p.19, 23,26.
- xiii McGuinness Report p.11, 12, Appendix B
- xiv McGuinness Report p.9
- xv [http://www.icac.nsw.gov.au/documents/doc\\_download/3867-anti-corruption-safeguards-and-the-nsw-planning-system-2012](http://www.icac.nsw.gov.au/documents/doc_download/3867-anti-corruption-safeguards-and-the-nsw-planning-system-2012)