

The Estimates Committee convened at 8.30 am.

**MINISTER G McCARTHY'S PORTFOLIOS**

**DEPARTMENT of LANDS and PLANNING**

**Madam DEPUTY CHAIR:** Good morning, minister, welcome. I invite you to introduce the accompanying officials this morning. Do you wish to make an opening statement on behalf of the Department of Lands and Planning?

**Mr McCARTHY:** Thank you, Madam Deputy Chair. On behalf of the Department of Lands and Planning I would like to introduce ...

**Madam DEPUTY CHAIR:** Excuse me, minister, you just need to switch on your microphone.

**Mr McCARTHY:** I would like to acknowledge the Department of Lands and Planning Chief Executive, David Ritchie; Business Service Group Executive Director, Tracey Scott; Chief Financial Officer, Jasmine Aldenhoven; Land Services Group Executive Director, Leah Croke; Strategic Planning Group Executive Director, Dave Malone; Transport Group Executive Director, Sharron Noske; NT Build Registrar, Theo Tsikouris; Land Development Corporation General Manager, John Coleman; Darwin Bus Service Director, Alex Rae.

I will be joined at the table by other departmental officials, as appropriate, as we move through the appropriation for the department.

The Northern Territory Department of Lands and Planning shapes our built environment to enable our communities to flourish by providing government with strategic plans and policies to meet current and emerging needs for land, transport systems and other infrastructure supporting economic growth. The key planning strategies for the Territory, namely the 10-year transport, infrastructure and road strategies, along with the commitment to meeting the objectives of the *Territory 2030* strategy, will ensure this continued growth is supported and catered for into the future. One of the key challenges facing the department will be in meeting current and emerging needs in the areas while maintaining the Territory lifestyle and protecting the natural environment.

Housing and land release continues to expand, with the first stage of Zuccoli expected to house about 750 families on top of the additional 7400 homes to be built across other parts of the Territory, including Kilgariff in Alice Springs, Bellamack, Mitchell and Johnston also in Palmerston East.

Providing a safe, connected and accessible road network is critical to support local industry and create liveable communities. A program of improving flood immunity on roads in rural and regional areas will continue, as will the roll-out of new bus shelters and increased public bus services. The department also continues to address the *Territory 2030* strategic plan and will work towards achieving the objectives of the plan as well as realising opportunities for the future of the Territory.

I look forward to any questions the committee may have with regard to the appropriation for this year. Thank you.

**Mr CHAIRMAN:** Are there any questions to the opening statement?

**Mr WOOD:** Can I ask an output question?

**Mr CHAIRMAN:** You may indeed.

**Mr WOOD:** In the ...

**Mr CHAIRMAN:** Can you say which output it falls in?

**Mr WOOD:** Yes, Development Assessment.

**Mr CHAIRMAN:** 1.4.

**Mr WOOD:** It runs in a different format than the annual report. No, that is okay.

**Mr CHAIRMAN:** All right. Any questions to the opening statement? Any whole-of-agency questions?

**Mr TOLLNER:** Yes. Minister, did the department put on additional staff in the last year?

**Mr McCARTHY:** I will get the Chief Executive, Dr David Ritchie, to give you details around our staffing, member for Fong Lim.

**Dr RITCHIE:** Thank you, member for Fong Lim. I understand your question to mean did we put on staff additional to the amount in the cap.

**Mr TOLLNER:** Additional to, yes.

**Dr RITCHIE:** There has been an increase of 25 full-time equivalent staff in the last year. Eight of those staff are to assist in the new national legislative reforms COAG has signed up to, and five are new graduates in our graduate program. We have found that unless we over-subscribe that initially - you take on more than you need because there is usually a drop-out rate. There have been another two additional staff for transit safety responsibilities, and all of those have been funded through various Commonwealth funding or the trainee funding.

**Mr TOLLNER:** Budget Paper No 2, page 6 says: 'additional budget improvement measures in the 2012-13 budget include an increase in the efficiency dividend from 1% to 3% and a further 2% reprioritisation and a continuation of the staffing cap'.

Is the reference to a further 2% prioritisation a separate measure, or is it part of the increased efficiency dividend? Can you explain how it is operating in your department and what its total impact has been in 2011-12?

**Mr McCARTHY:** Sure, and that is a good question for the Chief Executive who might flick the ball around, but a question on the government's policy about driving improvements and efficiency and the challenges that go with that, but I will pass that to Dr David Ritchie.

**Dr RITCHIE:** There is some financial detail which Jasmine will deal with.

**Ms ALDENHOVEN:** The efficiency dividend - the increase this year of 2% for the department equated to \$1.020m. The nett efficiency dividend, after you take into account the CPI increment as well, was \$822 000. The reprioritisation is the 2% of our operating budget which is applied to our personnel and operations. It excludes our bus contracts, any taxi subsidy schemes or lift incentive schemes we have in grants, and the value of that was \$1.267m. The reprioritisation is where the funds are reprioritised internally so we look to our new initiatives and our demand growth to apply those funds towards.

**Mr TOLLNER:** I apologise, I do not understand much of that. Did you achieve your 1% efficiency in 2011-12?

**Mr McCARTHY:** Back through the Chief Executive.

**Dr RITCHIE:** Yes.

**Mr TOLLNER:** With the additional 25 FTEs?

**Dr RITCHIE:** As I was saying, those FTEs - there are two issues. One, staffing cap is a cap on staffing, then there are the additional staff we put on. We exceeded the cap, but they were funded so it was not like we put on extra staff without funding. They came from programs that were then funded after the budget had been cast. Could I say, for clarity and to make it perfectly clear, we are going to be staying within the total budget as outlined in the budget papers; we are not going to exceed that.

**Mr TOLLNER:** You are not going to?

**Dr RITCHIE:** No.

**Mr TOLLNER:** You expect in 2012-13 you will meet that target?

**Dr RITCHIE:** Yes.

**Mr TOLLNER:** Are you saying that in 2011-12 you met the target?

**Dr RITCHIE:** I am saying in 2011-12 we met the target, yes, and will not be exceeding the overall budget.

**Mr TOLLNER:** In respect to your agency outputs, can you tell us if you have received any funding for new or expanded initiatives in either 2011-12 or 2012-13?

**Mr McCARTHY:** Member for Fong Lim, that is another good question and the Chief Executive, David Ritchie, can outline our new initiatives.

**Dr RITCHIE:** Thank you, member for Fong Lim. The new initiatives for 2012-13 include the implementation of the residential building consumer package - residential building insurance, etcetera. That is a total of \$75 000 in 2012-13, and for the next three out years, \$150 000. There is the establishment of the office of the Territory Valuer-General. There is \$100 000 additional in 2012-13, and in out years it goes 2013-14, \$150 000; 2014-15, \$200 000. There is funding for the CSO, payments for maintenance of Stokes Hill Wharf - \$600 000 in 2012-13, and that is it.

**Mr TOLLNER:** Can you give me some detail about the funding for the Office of the Valuer-General - that \$100 000-odd?

**Mr McCARTHY:** Member for Fong Lim, that is a new initiative. As you know, we have been working with the Australian Valuer-General and are now taking over that function. That is a good move for the Northern Territory. We have seen the output appropriation toward that. If Dr Ritchie would like to talk about the operational aspects of it - is that what you are interested in?

**Mr TOLLNER:** I am wondering how you are establishing this office with around \$100 000.

**Mr McCARTHY:** I suppose a good starting point is to say this government builds everything from the ground up, and that is no different from taking on valuation services for the Territory. I am sure Dr Ritchie will be pleased to give you the details around how we are doing it.

**Dr RITCHIE:** We have a very long-standing arrangement with the Australian Valuer-General's office and it was a result of its decision to reduce its presence in the states and territories. It was incumbent on us to develop an office of our own in the Northern Territory. The arrangement with the Valuer-General is still in place and will taper off over the next few months. The original budget of \$100 000 was the budget required to appoint an officer who will be the Northern Territory Valuer-General ...

**Mr TOLLNER:** Was that for recruitment services? It is obviously not the wage.

**Dr RITCHIE:** No, that is the amount budgeted for this initial period. We are working on a total budget of closer to \$800 000, so \$780 000-odd.

**Mr TOLLNER:** Where does the \$100 000 go?

**Dr RITCHIE:** There is the recruitment of a new Valuer-General. That position is then supported through the Lands group of the department.

**Mr TOLLNER:** I will move on from there. This is sparked by a colleague's interest.

**Mr GILES:** Do you want me to ask a specific question now?

**Mr TOLLNER:** No, you will get a chance in a minute. Generally, if I let you go, that is the end of my turn. That is the way these guys operate.

**Mr CHAIRMAN:** No, let us clarify. The call was with the shadow and we were on a specific issue. Others can ask at the end of your turn on that issue, shadow ...

**Mr TOLLNER:** On that issue? All right.

**Mr CHAIRMAN:** Others can ask questions then rather than returning to it later. It makes it easier to deal with.

**Mr TOLLNER:** All right, no worries.

**Mr CHAIRMAN:** Do you have a question at that point, member for Nelson?

**Mr WOOD:** Minister, what was the cost of the Commonwealth providing the service, and what is the cost of it now for us providing that service?

**Mr McCARTHY:** There are two parts to that question ...

**Mr CHAIRMAN:** Minister, your microphone is off.

**Mr McCARTHY:** What is the cost of the Commonwealth providing that service? We do not have that information with us, but we can get that. What is the estimate of what it will cost the Territory to run that service, yes? Okay. It will be an estimate, but we can supply that for the member for Nelson as well. We need to take those on notice.

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#### Question on Notice No 8.01

**Mr CHAIRMAN:** Say it one more time, member for Nelson.

**Mr WOOD:** Minister, could you supply the cost of the Commonwealth providing the service of Valuer-General to the Northern Territory, and compare that with what it will cost the Territory government to do the same service over a 12-month period?

**Mr CHAIRMAN:** That is question No 8.01.

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**Mr GILES:** Minister, has the new Valuer been appointed and, if so, what is their name?

**Mr McCARTHY:** I will hand that to the Chief Executive to give those details.

**Dr RITCHIE:** David Ritchie, Chief Executive. A Director of Valuation Services has been appointed, and that is Mr John Love.

**Mr GILES:** Minister, are valuation services going to be carried out by the Commonwealth government for the next three years under contract, or what period of time if it is not three years?

**Mr McCARTHY:** Member for Braitling, there is a handover period, of course, and we are in those negotiations at the moment. For more operational detail, I will pass to the Chief Executive, David Ritchie.

**Dr RITCHIE:** Member for Braitling, that is still a matter of negotiation between us and the Commonwealth. It is tapering off but, to be clear, it is not going to go for another three years. We are talking about winding it up definitely in the 2012-13 financial year.

**Mr GILES:** How does the Director, Mr Love, or through the department - how does the Valuation Board of Review work? Can you broadly explain the function of the VRB?

**Mr McCARTHY:** Sure. Do you want to call anybody?

**Dr RITCHIE:** The Valuation Board of Review is established as a statutory body under the *Valuation of Land Act*. The panel is nine ministerial-appointed members. They have to be valuers, members of the Real Estate Institute of Australia, or hold qualifications. They are appointed for six years. There is a current membership, which we can hand up if you like ...

**Mr GILES:** No, that is fine.

**Dr RITCHIE:** The purpose of that board is to ensure the Crown can rely on an independent valuation - and, for that matter, local government can rely on independent valuations - for the purposes of setting statutory charges which rely on assessment of value - UCV usually.

**Mr GILES:** I understand there are two types of valuations done in the Northern Territory. One is for pastoral lands and one for shires, which recently came in. How many appeals are there to the VBR, both for pastoral and shires? Can you advise how many appeals there have been previously, as well?

**Mr McCARTHY:** Member for Brainting, the Office of the Valuer-General is involved in much more work than shires and pastoral valuations. I will seek clarification; however, there are 20 appeals for pastoral valuations that ...

**Mr GILES:** Pastoral and shire if you could.

**Mr RITCHIE:** Okay.

**Mr McCARTHY:** I will clarify that number. In relation to the 2009 pastoral lands revaluation which comprised approximately 230 properties, a total of 105 objections were lodged. Determination of these objections by the Valuer-General has resulted in 27 appeals being lodged in the NT Valuation Board of Review at the close of the appeal period. In relation to the 2010 shire revaluation, the East and East Arnhem and the Tiwi shires comprised approximately 3800 assessments. At the close of the objection period on 8 April 2012, no objections had been lodged. In relation to ...

**Mr GILES:** What was that date, minister?

**Mr McCARTHY:** Through the Chair, could I continue with my answer?

**Mr GILES:** I missed the date.

**Mr CHAIRMAN:** The date, minister, if you could.

**Mr McCARTHY:** The dates I quoted then - the 2009 pastoral lands revaluation, and in relation to the shire, the 2010 shire revaluation - the East and West Arnhem and Tiwi. As I have been working with the department through this, we have come to a whole new period of history in the Northern Territory with the shires and pastoral lands, so this is new work. This is work we are progressing through. As you are aware, in relation the pastoral industry, there will be much sensitivity to work through with an industry in the Northern Territory coming to terms with the new world, so to speak.

**Mr CHAIRMAN:** We need to pause. The member for Fong Lim spoke with wisdom earlier. We have drifted away from agency whole-of-government. Your valuer questions were meant to be at the agency whole-of-government issue. You have gone off that into an output specific area, which is ...

**Mr GILES:** What output is that and I will ask it there?

**Mr CHAIRMAN:** What output should those questions around ...

**Mr McCARTHY:** Output 1.1.

**Mr CHAIRMAN:** Output 1.1, or 1.2, Land Administration.

**Mr McCARTHY:** Output 1.1.

**Mr CHAIRMAN:** We will turn back to whole-of-agency and the member for Fong Lim.

**Mr TOLLNER:** Minister, you say there are significant tied grants. Can you tell me how much of this output budget is funded from tied grants?

**Mr McCARTHY:** Member for Fong Lim, yes, we will answer that question. Can you define tied grants - what grants you are interested in?

**Mr TOLLNER:** I am interested in grants made to this output budget which are tied grants, either Commonwealth or other sources.

**Mr McCARTHY:** I will pass to Mr David Ritchie, Chief Executive.

**Dr RITCHIE:** The tied grants are, as you would expect, part of national partnership funding. There is the Nation Building Program which for 2011-12 was 34 000 - the National Building Program is 34 000 for

2011-12; 50 000 for 2012-13; and 50 000 in the coming financial year – 2012-13. The Nation Building Program, which is beef and mining roads, is 63 000 for 2011-12, and in budget 2012-13 is 4000 for the Nation Building Program ...

**Mr TOLLNER:** We are not going to have many beef roads or mining roads.

**Mr McCARTHY:** I am surprised there was not an interjection.

**Mr WOOD:** I thought it might have been for guide posts.

**Dr RITCHIE:** My attempt to round up. The nation building, which is beef roads, is \$63m and is down to \$4m in 2012-13. The national R&M roads is \$19m, and it is roughly the same - \$18.9m in 2012-13. The black spot roads is \$1.4m in 2011-12 and \$1m in 2012-13, and that is pretty well it.

**Mr WOOD:** Was that \$1m or \$1bn for black spot roads?

**Mr TOLLNER:** \$1m.

**Dr RITCHIE:** Black spot is \$1m.

**Mr McCARTHY:** \$1.433m.

**Dr RITCHIE:** \$1.433m this year and \$1.1m next year.

**Mr TOLLNER:** How secure is this funding source?

**Mr McCARTHY:** Member for Fong Lim they are, as you mentioned tied grants and are negotiated with the Commonwealth. We feel they are what they are identified as - it is tied to Territory expenditure.

**Mr TOLLNER:** Yes, all right. What are the implications of these tied grants ceasing?

**Mr McCARTHY:** That is a good question. What we negotiate with the Commonwealth are five-year programs, and currently we are negotiating the next five-year round of tied Commonwealth funding under the national partnerships.

**Mr TOLLNER:** I imagine the Northern Territory has to spend some of its own money to secure these tied grants. Can you tell me how much that is?

**Mr McCARTHY:** Yes, we do, and there is a Commonwealth component and a Northern Territory component. Through Dr David Ritchie, we are making Jasmine work hard this morning. David, if you would like to flick that.

**Dr RITCHIE:** Bear with us.

**Ms ALDENHOVEN:** The Commonwealth funding supports a range of roads, infrastructure payments and R&M on the national network and also Territory roads. We also receive Northern Territory, Territory Roads funding, and they relate to Territory roads but there are components relating to the national network. For the current year 2011-12, the Northern Territory is making a \$3m contribution to the R&M for the national network. In relation to the capital program on the national network, from time to time different projects are share-funded, for example 50:50, but I would need to provide some more ...

**Mr TOLLNER:** Perhaps you could take that question on notice and get me some specifics?

**Mr McCARTHY:** In relation to the Estimates process, that will be a considerable package of work to do. Member for Fong Lim, we would be proud to do it.

**Mr TOLLNER:** I would not have thought it was too much, minister, to find out how much you have to put up in order to get your tied grants from the Commonwealth.

**Mr McCARTHY:** Through the Chair, this will go back to producing a spreadsheet that will give you the breakdown. You interested in project by project I am hearing?

**Mr TOLLNER:** That would be very good.

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**Question on Notice No 8.2**

**Mr TOLLNER:** Minister, the Northern Territory government will have to spend some of its own money to secure these tied grants. How much money does the Northern Territory government have to spend?

**Mr McCARTHY:** Thank you. In relation to that question, that is good and is reasonable. We will provide the total figure not my elaborate project by project, and I am sure the department will be happy to hear that.

**Mr CHAIRMAN:** That is question No. 8.2

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**Mr TOLLNER:** Minister, does the Northern Territory government have discretion as to how tied grants are used within this output?

**Mr McCARTHY:** Discretion in the sense we negotiate with the Australian government at various levels. The Chief Minister and the Treasurer are very much lead ministers in telling the Territory story and achieving funding for the growth and development of the Northern Territory. We also have the capacity to debate with the Australian government around variations and this is ongoing business. Member for Fong Lim, having been in the Australian parliament serving under a Liberal Prime Minister you would understand those machinations and the incredible work done to secure funding for the Northern Territory. The Henderson Labor government does a very good job of that.

**Mr TOLLNER:** Interesting response, minister. How do the standards and costs for these services relating to the tied grants compare to interstate?

**Mr McCARTHY:** That is a very good question. We would probably need to get the information from the jurisdiction you are interested in. Being a Queensland, we could probably go Queensland versus New South Wales and then put our Territory figures against that for you. That would be a bit of work to do, but if you want the department to go down that road ...

**Mr TOLLNER:** What I am concerned about is the value for money and whether we are getting a comparable standard for a comparable cost in the Northern Territory that is expected in other parts of the country.

**Mr McCARTHY:** I could reflect on my own life and go back to a capital city called Sydney. Every Territorian realises building infrastructure in the bush is much more expensive than building it on the east coast. That is pretty well a fact of life. Being a regional remote member of parliament, the costs of construction at Epenarra are more than they would be for the same project in Darwin. These are variable costs in comparing ...

**Mr TOLLNER:** Other states have similar remote areas.

**Mr McCARTHY:** That is where I was heading, member for Fong Lim. We need to look at doing road infrastructure improvements at Thargomindah, if we want to use a Queensland example, which would equate pretty closely to our section of the Plenty Highway, for instance. We could go down this road and we could get those answers for you. That would be a fair bit of cross-border work to do, but the rule of thumb you are talking about here is it does cost in remote areas. We know that. We are proud we do get value for money for the Territorian taxpayer and the Commonwealth taxpayer. If you want to frame that into a question and put it on notice we are prepared to look at it.

**Mr TOLLNER:** Minister, as a suggestion, perhaps you could do a cost comparison between Thargomindah and Epenarra and see whether we are getting a similar service.

Mr Chairman, I might leave it to our colleagues to have a crack here.

**Mr CHAIRMAN:** Do you have whole-of-agency questions, member for Nelson?

**Mr WOOD:** Yes. Tell me if it is not, I was going to ask about the department moving.

**Mr CHAIRMAN:** This is the spot for it.

**Mr WOOD:** Minister, when did the department make the decision to move Lands and Building to Parap?

**Mr McCARTHY:** That is the move to Arnhemica House at Parap from Cavenagh Street. I will pass that to David Ritchie, Chief Executive, to give you the details of that move.

**Dr RITCHIE:** The decision was taken to move in response to the owners of Cavenagh House deciding they wanted to refit the building and there was not going to be a place for us so we had to find other accommodation.

**Mr WOOD:** How much warning did you get?

**Dr RITCHIE:** That was handled by the property group at DBE, but I understand the warning was mandated in the lease so we would have had at least six months.

**Mr WOOD:** What options were given for re-establishment of the department besides Parap?

**Mr McCARTHY:** I am advised by the Chief Executive that would be the Department of Business and Employment who manage government tenancies. They would need to provide those details.

**Mr WOOD:** Someone in the department would have decided it was okay to move there. Who backed the decision to move there?

**Dr RITCHIE:** Yes, I understand the question. There were really two viable options. One of moving there, and the other option was trying to shuffle the current arrangements in Energy House. As you know, that is a fairly old building. I gather that, when we got the costings back on retrofitting, the decision was taken through DBE and property management that it was much more cost-effective to go to Parap.

**Mr WOOD:** The building at Parap was not designed specifically for your department?

**Dr RITCHIE:** No, that is correct.

**Mr WOOD:** Was any consideration given to what effect this move would have on the efficiency of an industry involved in both planning and building when it came to moving to the new premises compared to what existing arrangements were made for people in the industry in the Knuckey Street premises?

**Mr McCARTHY:** Sure, member for Nelson. There are always concerns and change is not easy, and change management is a concept which is engaged when you are making these moves. We did think about all the aspects, including access and customer satisfaction. We also put to the public our plans about increased efficiencies and improved systems. If we are talking lands administration systems, the story is about the digitalisation of those systems going forward, which is a big part of our work at the moment.

The answer is yes, we did consider that. We did risk manage that and we planned for that change. Having visited Arnhemica House and looking at the new building, the new set-up for staff, and now the move to the new systems, it is going well and I believe the public is adjusting to that.

**Mr WOOD:** In the previous building, all files were pretty well stored within that building?

**Mr McCARTHY:** Not all files. Some are stored in appropriate storage houses and have to be recalled should somebody want access to them.

**Mr WOOD:** That is in the old building?

**Mr McCARTHY:** The old building and the new building.

**Mr WOOD:** Is it true most files for the new building are stored at Iron Mountain?

**Mr McCARTHY:** The Iron Mountain storage is what we use. It was the same system in the previous building. It has been good to talk to departmental officials about our new move and the electronic recording of files and how that improves efficiency. However, there is an interesting management strategy in place, and that is where regular clients – known clients who are regular visitors to Lands Administration - their hardcopy files have been moved to Arnhemica House, and I commend the staff for it. It is a nice set up, using a storeroom and appropriate shelving to provide for those regular visitors. However, people are also



encouraged to book ahead - to give us some warning so we can organise their Lands Administration paperwork.

**Mr WOOD:** Normally you did not have to do that. You now have files at the Parap facility, but you would have received many complaints from builders that the so-called efficiency you are talking about went in the opposite direction and builders had to wait a week and were then only given a certain period to pick up and look at those files. If they had not looked at it in a certain time they would be sent back to Iron Mountain. How is that more efficient than the old system where you could walk in, ask for the files, see them on the spot, and then leave?

**Mr McCARTHY:** First, I do not agree with 'many' but, yes, we did have complaints. That is to be expected when you are dealing with the public. We tried the best we could during the transition and the move. However, there were files in the old administration, I am advised, that still needed to be sourced from Iron Mountain. There was a considerable filing system kept in Cavenagh House. I saw that. That was a system the public had become used to. Change is not easy; some people adapt ...

**Mr WOOD:** Minister, change for efficiency did not seem to happen; it seemed to be inefficiency. They are the builders, and we are trying to promote less red tape and make cheaper systems so the cost is not a burden for the consumer.

**Mr McCARTHY:** Member for Nelson, yes, I agree with what you are saying. It is the principle of change management. However, the change in the level of service for providing building files from on demand to, initially, a three- to four-day turnaround time is what you mentioned. Since the relocation to the new premises at Arnhemica House, internal business processes for the delivery of files to clients has been reviewed and has resulted in a turnaround time being reduced to one day. The department is seeking to further improve this time.

That is what I mean about continuing to work on the system and take the public with us in this change ...

**Mr WOOD:** Minister, your department has been in this business for a long time - providing files to builders. That is the business you are in. Who made the decision that made it less efficient? Surely, someone thought: 'If we have all our files at Iron Mountain and a builder comes into Parap, that is not going to be as efficient as a builder walking into Knuckey Street premises and asking for the file and getting it, more or less, straightaway'. Who made that decision? Because the building was not purpose built, was the building the issue? Did someone make a decision not to keep the files?

**Mr McCARTHY:** No, the decision related to moving to a more appropriate building, to a better environment for staff and customers. In debating this with you, member for Nelson, when we talk about efficiency we simply asked the public to be part of an efficiency process and to now ring ahead to give us some notice. However, there are those people who demand things on the spot, and they want it now. They are the people you are probably hearing from.

**Mr WOOD:** I am hearing from builders who are very upset. I know there were changes and, obviously, those complaints came back to you. It is the case of the ordinary person who, say, owns a house at Pine Creek; hops in the car, goes to the department as he did years ago and says: 'Can I look at my file. I am doing some work on the house?' Under the old system out comes the file. Under the new system: 'Oh, can you come back in three or four days?' That is handy if you have come up the track from somewhere.

Nobody knows you have to book in. They may if they look at the website. People did not have to do that before. That was an efficient system which helped the customers, which is what public servants are about. Now, it seems you have put in a change which is making people cranky, is less efficient, and not really serving people. I understand if you get all the files on a disc it will make life much easier but, in the meantime, you have made a change most people see as a negative one.

**Mr McCARTHY:** Once again, I disagree with semantics regarding 'most people', because we have many customers go through. I am learning about these systems. I live in Tennant Creek and own a house in Tennant Creek. I purposely did not ask the department, on my first visit, to get my file on 5 Ambrose Street, Tennant Creek, because I thought that was probably not good manners. It would be a three- to four-day turnaround anyway. Even operating on the old system, I was advised people were still encouraged to give us some notice.

We are about doing business efficiently. The complaints received were from people who said they wanted access 'now' and we could not provide that. There is a great deal of common sense in it. I believe

the public will go with us, and that is happening now. I accept your point that change did create angst within some of our customers, yes.

**Mr WOOD:** I will not harp on it any longer; however, if the government knew it was going to eventually have to leave those premises, why did it not look at finding premises that would keep staff happy, the customer happy, and the files close by?

**Mr McCARTHY:** Because it is the will of the government to go to the digital age and that is a part of this change.

**Mr WOOD:** That is going to take a long time.

**Mr McCARTHY:** We saw it as a good benchmark and there are regular customers - developers, homeowners, and people in the building industry and we are servicing them because they are regulars. We know they are going to come in with their demands. However, for the general public, we once again ask for their cooperation. We are moving to a digital age which will deliver longer term efficiencies not only in cost, but also in management.

**Mr WOOD:** I understand that and it is good if it happens. However, do you accept that if builders are having delays it means costs are increasing for the consumer, which was the problem I saw? Instead of talking about affordable housing and keeping costs down, you put in a system which was making the system more expensive.

**Mr McCARTHY:** Costs can be caused from delays in the building sector. We are about doing this better. We are definitely about going forward on this and not looking back; however, I accept your criticism on it, member for Nelson.

**Mr WOOD:** Thanks.

**Mr CHAIRMAN:** Before we leave that point, the member for Fong Lim has questions on a similar issue. He thought it was under 1.1, but, obviously, we are dealing with it now.

**Mr TOLLNER:** Yes, my apologies, minister, I lost my way. While I am at it, Chair, can I ask about questions in relation to the short stay workers village at Batten Road? Where would they fit into the output group?

**Mr CHAIRMAN:** Which output would that be, minister?

**Mr TOLLNER:** Would it be Land Administration?

**Mr McCARTHY:** Output 1.2 – Land Administration, Mr Chairman.

**Mr CHAIRMAN:** We will deal with questions around the village there.

**Mr TOLLNER:** No worries. In relation to the new office at Parap, can you advise the overall costs and associated benefits of that move?

**Mr McCARTHY:** There are two parts to that question. One is the overall costs, and the second is the associated benefits. I will pass to Mr Ritchie, the CEO, to start that. I may also talk in relation to the benefits.

**Dr RITCHIE:** Thank you, member for Fong Lim. There was a one-off fit-out cost of \$3.3m. There is a rental increase which amounts to \$2000 per year.

**Mr McCARTHY:** Decrease. It is \$2000 cheaper for rent. If I can continue, Mr Chairman? Was the member interested in the associated benefits of the move to Arnhemica House?

**Mr TOLLNER:** I am interested in the perceived benefits of that move? As the member for Nelson quite rightly pointed out, there have been significant problems in the community with the move. I am wondering what benefits you see in the move from the city to Parap.

**Mr McCARTHY:** We have made the move and, as the CE outlined, the lease was running out. There was some pressure to secure the Land Administration section. The move to Arnhemica House represents

benefits with a whole layer of outcomes for the department. On my first visit to Arnhemica House it was interesting to talk to the staff about the new work environment. The building really supports productive and safe work practices. It is a really good environment. It is a new environment, a totally different environment to Cavenagh House. It reflected the will of government where we are moving to new systems; we are moving to new ways of doing business.

Staff on different floors have new spaces in regard to work areas. They are more creative, they are innovative, and everyone spoke very positively about the layout of the new building. I asked about the parking and it was considered to be fine. We created a car park for staff in the Parap area. I took it upon myself to dig deeper and talk about the general impact on the community around Parap. I went to the local member to get good, local knowledge and he advised me the residents had real concerns about changed management. We took those concerns on and they related to ...

**Mr TOLLNER:** Residents of Parap had concerns about changed management

**Mr McCARTHY:** Well, us moving to Arnhemica House ...

**Mr Wood** interjecting.

**Mr McCARTHY:** ... and we really allayed any of those fears. What the Parap residents then talked about was supporting the government principle around these activity centres and having more people there who would buy more coffee, ...

**Mr TOLLNER:** There was certainly an activity centre there before that building.

**Mr McCARTHY:** ... buy more sandwiches, who would interact with the environment and who would shop at Parap Village. The community gave us a very positive response, and the business community gave us a very positive response. The building is extremely beneficial in providing outcomes, and the member for Nelson highlighted some of the more intricate changed management aspects of the movement of the filing system and now the move to digital filing.

So, those costs, those benefits, are hard to put a cost against, put a dollar figure against, but you should go out there, meet some of the staff, visit that building, and talk to our Land Administration personnel; talk to Parap traders and see this move of Lands and Planning development is a good thing.

**Mr TOLLNER:** From what you have said it seems to me - I would have to agree, many of the antisocial problems that occurred prior to that building being constructed in Parap are now largely negated because of the move to that area. Is that what you are saying?

**Mr McCARTHY:** No, member for Fong Lim. Sometimes in parliament I feel I must speak in Swahili, but ...

**Mr TOLLNER:** Sometimes I think you speak in Swahili, too.

**Mr McCARTHY:** Member for Fong Lim, you are able to pick up on my Swahili and take it to the most amazing levels. In relation to that comment which was really a play on semantics, passive surveillance or energising CBD areas is a very good outcome for community safety. Once again, a benefit to the community, a benefit to the department that led to a community benefit is putting more people into that area of Parap, not only for the economic benefits but, of course, for the social benefits.

You are trying to get me to say something about antisocial behaviour. I come from Sydney, I come from the wild western suburbs, mate, you cannot tell me about antisocial behaviour. However, it is all about working towards solutions and when you start to energise CBD areas, when you start to energise activity centres, you create a good outcome in community safety all based on the new principle of urban development. That relates back to passive surveillance and having people in that space who will monitor, who will report and, therefore, create better response times in the instance of antisocial behaviour.

**Mr TOLLNER:** Goodness me, minister, I do not know whether that was Swahili or double Dutch.

**Mr McCARTHY:** Through the Chair, that was a summary of my learning of modern principles of urban development, and they are fascinating. Dr Ritchie has given me some great books to read on this, too - I might share them with you - they are written in English too, by the way.

**Mr TOLLNER:** I am glad Dr Ritchie is broadening your knowledge.

**Mr CHAIRMAN:** At that point, I believe we may have drifted away from whole-of-agency questions.

**Mr TOLLNER:** No, we have not. I am still on your electorate, Mr Chairman.

How many people occupy the facility at Parap?

**Mr McCARTHY:** Arnhemica House? We will get you some numbers for the staff located in Arnhemica House and I will pass them on.

**Mr TOLLNER:** What is the planned capacity as well?

**Mr McCARTHY:** And the planned capacity. I will pass that to Dr David Ritchie.

**Dr RITCHIE:** Member for Fong Lim, I have numbers of the divisions there. We will have to add them up at the end. Basically, we have the Land Administration people - 36 staff there. There is the Land Information Services Group, which is 51 staff, and there is Building Advisory Services, which are 25 staff.

**Mr TOLLNER:** And the planned capacity?

**Dr RITCHIE:** We are assuming they will stay more or less the same, but the capacity of the building is - there is room for modest expansion, but not a great deal.

**Mr TOLLNER:** Did you consult with staff prior to the relocation and, as a consequence, were there any movements from the department or within the department linked to the shift to Parap?

**Dr RITCHIE:** Yes, of course we talked to staff quite extensively before the move. As a result of that, we made - the work we did with staff beforehand had a major influence on the design and fit out of the building.

**Mr TOLLNER:** Can you advise whether staff moved from the department as a result of that move?

**Dr RITCHIE:** Do you mean did staff decide they did not want to work any longer?

**Mr TOLLNER:** Yes.

**Dr RITCHIE:** No, I do not believe any staff left because of that.

**Mr TOLLNER:** Getting on to the questions Mr Wood was asking, can you advise what costs are now associated with actioning public requests in relation to land information and whether the costs to the department have actually increased?

**Dr RITCHIE:** To clarify, member for Fong Lim, what we are paying additional for retrieving files from ...

**Mr TOLLNER:** Retrieving files. As the member for Nelson quite rightly pointed out, it was a five minute exercise for most people trying to get land information to walk into that office, somebody would grab a file and they have the chance to read it. Now, people have to retrieve files. It seems to be quite an arduous task involved for something that was quite a simple service.

**Dr RITCHIE:** The costs to the agency - they are charged on a per-file basis so it moves up and down a bit, but just indicative, there is a range here. The lowest number I have, which is over Christmas, is about \$4000, getting up to \$20 000 now.

**Mr TOLLNER:** Is that \$4000 to access a file?

**Dr RITCHIE:** No, the monthly cost for all the files.

**Mr TOLLNER:** All right.

**Dr RITCHIE:** The department pays a cost additional to retrieve files and have files stored at Iron Mountain, so that is the cost to the agency.

**Mr TOLLNER:** I has gone from \$4000 to \$20 000?

**Dr RITCHIE:** No, these are monthly figures.

**Mr TOLLNER:** And they range between ...

**Dr RITCHIE:** In a low demand month it is \$4000, which is over the Christmas period. A high demand month, like the start of the dry, it is up to \$20 000.

**Mr TOLLNER:** That does not really answer the question. Are there any new costs associated with actioning these requests?

**Dr RITCHIE:** There are no new costs for the end user.

**Mr TOLLNER:** The question was within the department?

**Dr RITCHIE:** That is what I just told you. The department is paying between \$4000 - say an average of around \$12 000 a month. That is new costs to us, but we are not passing that on to the user.

**Mr TOLLNER:** All right. So, it is costing you between \$4000 and \$20 000 a month to provide that service as it was before?

**Dr RITCHIE:** Realistically, say around \$12 000 to \$15 000.

**Mr TOLLNER:** I have to concur with the member for Nelson. I have been literally swamped with people coming into my office. Admittedly, I am your shadow, minister, and people will talk to me about these things. I have been swamped by people – landowners and developers coming into my office complaining about the extra rigmarole. Can you tell me whether customer satisfaction surveys have been done in this area and what you have done to assess whether there is the level of concern in the community?

**Mr McCARTHY:** Yes, member for Fong Lim, I will pick up on a couple of points there. The Department of Lands and Planning receives much correspondence from the public and we respond to everything - a one line e-mail receives a response. I have found it quite amazing. I have had - I will use semantics - a few complaints through the normal system. Your comments at today's Estimates that you have had a flood of complaints - member for Fong Lim, I have not had one letter from you on this issue. If you have had a flood of complaints, please refer them to me so that ...

**Mr TOLLNER:** I am raising it now, minister.

**Mr McCARTHY:** You are raising them now - the names, addresses and contact numbers so we can respond to the good Territorians.

Stakeholder feedback has also led to new services being implemented, including the creation of a monthly account payment facility for regular users, an SMS messaging service to advise of file availability, and increased retention times of files for properties undergoing sale for access by many parties was expected. That is what I mentioned before. The CE advised me we have recently sent out a client satisfaction survey relating to this. As I said to the member for Nelson, we are working on this all the time. It is about changed management; it is about bringing people with us. I conclude what I was saying.

**Mr TOLLNER:** I would be interested in seeing the results of that survey. I do not know if that is possible, but maybe you could commit to informing me, or sending me the results of the survey?

**Mr McCARTHY:** Of course.

**Mr TOLLNER:** Thank you.

**Mr McCARTHY:** That will be public knowledge. I would also encourage you to look at Arnhemica House and meet some of the staff.

**Mr TOLLNER:** Absolutely, yes.

**Mr McCARTHY:** When you go there and see the systems growing and working, and talk to some of the people - the customers there - you get a better idea of what government is doing, you get a better appreciation. As I said, a flood of complaints through the electorate office of Fong Lim - please let me know.

**Mr TOLLNER:** I have one line of questioning left on this, minister. You have made a song and dance about this building in Parap. It is a leading edge building, I understand, environmentally-wise. Can you explain more about the environmental impacts of this building?

**Mr McCARTHY:** I thought you were going into the arts appropriation for a minute with the song and dance comment.

**Mr TOLLNER:** I saw you singing at Barunga, minister, very impressive.

**Mr McCARTHY:** I visit the department as much as I can. I am a visual person, I learn from the ground up. I could give you my interpretation in lay speech, but we have experts in the department.

**Mr TOLLNER:** What I want to know really, minister, is you have suggested this building has a 5-star energy efficiency rating.

**Mr McCARTHY:** I remember my moments in parliament where I have uttered untruths ...

**Mr TOLLNER:** So it does not have a 6-star energy rating?

**Mr McCARTHY:** ... as you questioned me on in parliament. I went back and did my ...

**Mr TOLLNER:** I have not had a response in parliament yet.

**Mr McCARTHY:** ... research again, and I discovered no, it did not have a 6-star energy rating. However, I did apologise and it was my enthusiasm, probably that Arts and Museums portfolio coming out in me again. For some technical speak, let us talk about Arnhemica House and I will pass it to the CE, Dr David Ritchie.

**Mr TOLLNER:** All right, we will hear a bit on this.

**Dr RITCHIE:** The focus on the 6-star thing - I understand the 6-star rating is used for domestic housing. The building has been built to a very high energy rating for a commercial building. As part of that - which is the usual high levels of thermal insulation - it also is equipped with all those technologies that switch lights off and ensure there is nothing in the building consuming power that is not wanted at the time. We will not know how much that is saving us per year until we have been in it for a while. However, our understanding is there will be significant savings, particularly in power, for us.

The other issue regarding the building is - and going back to the question about the move - over the last few years there have been new standards for the configuration and layout of office buildings in the NTPS. The old buildings did not conform to that; this building does. One of the benefits of that is the new layout arrangements make much more effective use of available floor space. If you are looking at approximately 380 m<sup>2</sup>, it does not make a huge difference if you can increase the ratio of staff effectively working in a building on a smaller floor area. This building achieves all that, and it also does it in way staff enjoy working in it more. They are the reasons it is part of the whole-of-government progressive move to more modern buildings, and a more modern approach to the design of workplaces which enhance workflow etcetera.

**Mr TOLLNER:** Let me clarify. The minister said he told an untruth in the parliament about a 6-star energy rating, but what you are suggesting now is those energy ratings apply to residential buildings and, in fact, there is no energy rating at all on this building.

**Mr McCARTHY:** Member for Fong Lim, there is an energy rating. As I pointed out - you corrected me in the parliament - it is not rated at six, it is rated at five. That is with the NABERS rating I looked at. Back to Dr Ritchie, CE, who can explain the energy rating as it stands.

**Dr RITCHIE:** My point is the rating system adopted in the Northern Territory, which is 5-star at the moment, is not about commercial buildings; it is about residential buildings. This particular building ...

**Mr TOLLNER:** Hang on! I am getting one response from a minister and another from you. The minister tells me it is a 5-star energy rated building and you are saying, no, that only apply to residential buildings. Can we have a little clarity here? First, is this building rated or not?

**Mr McCARTHY:** What Dr Ritchie was explaining was our residential buildings and our move, in government, to 5-star energy efficiency ...

**Mr TOLLNER:** I am interested in the building in Parap.

**Mr McCARTHY:** Okay, and what ...

**Mr TOLLNER:** Does it have a star rating?

**Mr McCARTHY:** What Dr Ritchie was explaining is commercial buildings are not required to meet 5-star energy rating efficiency - that is residential buildings. This building, as a commercial building, I was advised, was rated at 5-star as a new energy efficiency building.

**Mr TOLLNER:** No, no. What Dr Ritchie explained was that energy efficiencies do not rate on commercial buildings.

**Mr McCARTHY:** I interpreted Dr Ritchie's comments ...

**Mr TOLLNER:** I am trying to get clarification.

**Mr McCARTHY:** Through the Chair, if I have the call - I interpreted Dr Ritchie's comments as explaining to you, member for Fong Lim, the holistic package of energy efficiency in the Arnhemica Building. We have then said it is not mandatory to have a 5-star rating for a commercial building in the Northern Territory. However, this building, on a national benchmark, has achieved that because of its innovation in its built form. We are very happy to tell that story. I told that story a little over-enthusiastically and added a point to that and you, rightly, corrected me, member for Fong Lim, in the parliament.

**Mr TOLLNER:** I do not recall I rightly correctly you, minister. You might have been talking Swahili at the time. I certainly did not get the impression you had been corrected.

**Mr McCARTHY:** Member for Fong Lim, I give credit where credit is due. You corrected me in Question Time - absolutely.

**Mr TOLLNER:** You are heading off the point. Are you saying there is no energy rating for commercial buildings in the Northern Territory but there is nationally, and you meet the national rating on commercial buildings?

**Dr RITCHIE:** To be clear, under the building code we have a rating system which applies to residential housing. In other words, the building code requires ...

**Mr TOLLNER:** The Building Code of Australia?

**Dr RITCHIE:** Exactly, and as it applies in the Northern Territory. That is only dealing with residential buildings. The case with the building at Parap is, I have just been informed, it is a 5-star rated building under what they call - there is a national rating for industrial buildings. It is designed to achieve the 5-star rating but will only be assessed and receive that rating after it has been in operation for 12 months. Confirmation of that will be done by an assessment at the end of the first 12 months.

**Mr TOLLNER:** My colleague still has whole-of-department questions to ask. I will leave it at that.

**Mr CHAIRMAN:** Before we leave that issue, as local member, the department is very welcome in Parap, amongst others. There are several very happy coffee shop owners.

**Mr TOLLNER:** You are the reason for the move, mate. Well done!

**Mr CHAIRMAN:** I am not sure about that. It is a very sober and serious department and I do not believe the tavern has had too many extra visitors after work hours. I want to thank the department for responding to the Parap Village traders' request to make new overflow parking available on market mornings, which has been greatly received. The department is already being a good community participant in the area.

Any other questions to whole-of-government before we move off?

**Mr GILES:** Are we doing whole-of-government questions on transport and infrastructure as well, or are we doing that later?

**Mr CHAIRMAN:** This is the whole-of-agency section for the department. Everything the department has we deal with now if it is a whole-of-agency question.

**Mr GILES:** Does that include transport and infrastructure?

**Mr McCARTHY:** You could go down this road; however, you could you could take it to the applicable appropriation area.

**Mr GILES:** The whole-of-agency questions. Can you advise what range of issues your agency may have experienced because of the failed implementation of the asset management system?

**Mr CHAIRMAN:** That is a different department.

**Mr McCARTHY:** Yes, and through the Chair, I would like to put on the public record there is no such thing as a failed asset management system. We will be answering questions on that in the portfolio of Construction and Infrastructure. In relation to the concept of changed management, there have been issues to deal with. In relation to the Department of Lands and Planning and the new asset management system WHICH has taken nine old systems and started to re-energise that whole new approach in efficiency and outcomes, I will hand to the CE. Would you like to make some comments around any issues we have experienced in implementation of a new whole-of-government approach to managing government assets and infrastructure?

**Mr CHAIRMAN:** For clarification, Dr Ritchie, the asset management system sits with the Department of Construction and Infrastructure. This is answering the question from a Department of Lands and Planning relationship since it has come in.

Your questions are probably mainly to the other department.

Dr Ritchie, you have the call.

**Dr RITCHIE:** Thank you. The answer is not dissimilar to what the minister said. We have a service level agreement with the Department of Construction and Infrastructure to use that system and the department's payments through that are done through DCI. It is probably better to deal with it in that output.

**Mr GILES:** Okay.

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#### **Answer to Question on Notice No 8.02**

**Mr McCARTHY:** Mr Chairman, I have a question on notice and a response - number 8.2, for the member for Fong Lim. The question was: 'The NT government still has to spend some of its own money to secure these tied grants? How much money does the NT government have to spend?' The answer is: national partnership payments under the 2009-14 Nation Building Program are tied funding towards the national network and NT roads. The Northern Territory government has completed its commitment for any shared funding arrangements under the 2009-2014 Nation Building Program.

Answer: One component of the Nation Building Program which is joint funded is the off-network program (Community Beef and Mining Roads program), which is an \$82m program over the five years from 2009-10 to 2013-14, of which the Australian government share is \$52m and the Northern Territory government share is \$30m. The Northern Territory government has committed and spent its \$30m contribution.

A further component is the Heavy Vehicle Productivity and Safety Program where the Australian government has provided \$2.3m towards projects, and the Northern Territory has also committed a similar amount. The projects are complete and funds expended. I will table that for the committee.

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**Mr GILES:** Dr Ritchie, what is the value of any payments which might have been impacted because of the asset management system delays and implementation?

**Mr McCARTHY:** Mr Chairman, through the minister, once again I will pass to Dr Ritchie, and we will see if we can give you the details you are looking for, member for Braitling.



**Dr RITCHIE:** Member for Braitling, as far as we are aware there have not been any.

**Mr GILES:** There have not been any duplications or late payments?

**Dr RITCHIE:** Not that we are aware of; not relating to our clients.

**Mr GILES:** I will move on to something else. Thank you very much for your response to Question on Notice 3.43 and 3.57 which, I believe, incorporated 3.44. In these you spoke about the full-time equivalent staff number increasing by approximately 3% above the FTE; and you also reflected that at that point in time - the end of March - there were 113 vacant FTE positions. How many are filled by acting employees, how many are filled by temporary employees, and how many are filled by contractors or consultants?

**Mr McCARTHY:** I will confer with the Chief Executive.

**Dr RITCHIE:** Just bear with us. I believe we will be able to get that from what we have on the front here.

**Mr McCARTHY:** We will take that on notice. We do not have a breakdown in front of us, member for Braitling.

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#### Question on Notice No 8.03

**Mr CHAIRMAN:** Would you repeat the question, member for Braitling?

**Mr GILES:** Of the 113 vacant full-time equivalent positions how many are filled by acting employees, how many are filled by temporary employees, and how many are filled by contractors or consultants?

**Mr CHAIRMAN:** That is question No 8.3.

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**Mr GILES:** How many employees are there on a supernumerary basis?

**Mr McCARTHY:** I will confer with the Chief Executive to see if we have those figures in front of us.

**Dr RITCHIE:** Member for Braitling, 38 supernumeraries.

**Mr GILES:** Thank you. Do you have any information on levels which may help me? Perhaps you could table something, or we could put it on notice.

**Mr McCARTHY:** It did look quite familiar. They were the questions put to the department and we responded in writing. The tables have been provided to you.

**Mr GILES:** Do you have any more updated figures?

**Mr McCARTHY:** No, they are prepared for this Estimates hearing. A great deal of work has gone into preparing the answers to those 63 questions, and we are proud to present them to the opposition members.

**Mr GILES:** What is the number of Indigenous employees within the department?

**Mr McCARTHY:** To the CE, do you have that number in front of you?

**Mr GILES:** How many of those employees do not have additional funding provided by the federal government through grants, Indigenous Employment Programs or anything else? This time last year you had 10 employees.

**Dr RITCHIE:** On the employees, we have 12 in positions.

**Mr GILES:** How many of those are not funded in any way through an Indigenous Employment Program?

**Dr RITCHIE:** All NTG funded. None are funded through Commonwealth programs.

**Mr GILES:** There are no Indigenous Employment Programs through the NT government where these people are a part of that program?

**Mr McCARTHY:** If I could start by answering that, the Northern Territory government has very proactive Indigenous Employment Programs across all agencies. However, in relation to the question you are asking, our Indigenous employees – 12 - are NTG funded Indigenous employees. I am advised they identify themselves as Indigenous employees.

**Mr GILES:** You do not have an answer for that?

**Mr McCARTHY:** I have just answered that. We have 12 employees who identify as Indigenous. They are NTG funded.

**Mr GILES:** I am aware the government receives a multimillion dollar grant from the federal government to employ Indigenous Australians in the Northern Territory Public Sector. I am wondering how many of these 12 would be partly-funded through that grant program. As I understand it, there are 544 employees as at 28 March 2012, and 12 of those could quite possibly be Indigenous. I am trying to find out how many are funded.

**Mr McCARTHY:** Member for Braitling, we identified 12 people of Indigenous descent in the Department of Lands and Planning and there were two employed, in May of 2011, under the Indigenous Employment Program. As of May 2012, there is one person employed. Both participants from 2011 have been retained in permanent positions with DLP and an additional IEP participant commenced in April 2012.

**Mr GILES:** So, 2% of the employees in your agency are Indigenous where 30% of the population is Indigenous.

Where can I ask about leases on Aboriginal land and engagement with the land council? Where is the best place to ask that? Is it in whole-of-government, or somewhere else?

**Mr McCARTHY:** Land administration.

**Mr GILES:** Land administration, all right. Minister, can you please detail the number and incident involving break ins of departmental premises or assets, and stolen and vandalised assets owned by the department?

**Mr McCARTHY:** Which financial year would you like, member for Braitling?

**Mr GILES:** This current financial year - 2011-12.

**Mr McCARTHY:** Member for Braitling, I am advised we have not had any issues in relation to your question. However, we will take that on notice and ensure we get you that answer.

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#### **Question on Notice No 8.04**

**Mr GILES:** Mr Chairman, a question on notice. Minister, how many break ins involving departmental premises or assets, or stolen and vandalised assets, have occurred in the financial year 2011-12?

**Mr CHAIRMAN:** That is question No 8.04

**Mr GILES:** Can you please detail the legal expenses incurred by the department for the 2011-12 financial year?

**Mr McCARTHY:** Certainly, member for Braitling. I will pass that to the Chief Executive and he will get some information from our Chief Financial Officer.

**Ms ALDENHOVEN:** Jasmin Aldenhoven, CFO. Total legal expenses for the agency to 31 March is \$167 595.

**Mr GILES:** Thank you very much for that, Jasmin. Does that involve any legal consultancies or just internal costs, or ...

**Ms ALDENHOVEN:** Legal services for the agency are supplied by the Solicitor for the Northern Territory under a service level agreement for the full year. Legal matters are outsourced on advice from the agency's senior lawyers.

**Mr GILES:** That is what the 167 is for?

**Ms ALDENHOVEN:** We have primarily professional fees, and some fees in relation to debt recovery.

**Mr GILES:** What are the internal legal expenses?

**Ms ALDENHOVEN:** You are saying in relation to ...

**Mr GILES:** I am trying to understand what ...

**Ms ALDENHOVEN:** ... provision of ...

**Mr GILES:** Sorry, I did not mean to cut you off there. I am trying to understand the full legal expenses incurred by the department, whether it is internal or whether it is externally outsourced, whether that is through consultancy, or payment of government solicitor or otherwise.

**Ms ALDENHOVEN:** It is expected we will be paying the Solicitor for the Northern Territory \$392 000 for the full year. There will be professional fees on top of that. I do not have the number with me for the full year.

**Mr GILES:** Can I place that question on notice, Mr Chairman?

**Mr CHAIRMAN:** Yes.

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#### Question on Notice No 8.05

**Mr GILES:** What are the professional fees for legal expenses for the department for the 2011-12 financial year?

**Mr CHAIRMAN:** That is question No 8.5.

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**Mr GILES:** On legal expenses, in relation to an earlier discussion about the Valuation Board of Review, minister, and probably Jasmin, do those costs for legal expenses include any legal expenses in relation to the Valuation Board of Review, or do they come separately? If it is included within that, that is okay. I just wondered if it was separate.

**Mr McCARTHY:** What the Chief Financial Officer has provided is our total legal service expenses of \$167 595. That is through the Solicitor-General for the Northern Territory, so if you are asking now to itemise our account we would need to go back to the Solicitor-General and get a copy of our itemised account.

**Mr GILES:** I do not want it itemised.

**Mr McCARTHY:** Okay.

**Mr GILES:** I was more interested in knowing if the Valuation Board of Review had incurred any legal expenses and if that was included within the two summaries you just provided.

**Mr McCARTHY:** We will take that on notice and will be able to supply that if you ask the question.

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#### Question on Notice No 8.06

**Mr GILES:** Please provide a detailed breakdown of all legal expenses, internal and external, contracted or otherwise, of the Valuation Board of Review for the 2011-12 financial year and the 2010-11 financial year.

**Mr CHAIRMAN:** That is question No 8.6.

**Mr GILES:** I want to ask a question about the shire infrastructure capability building initiative. Is this the right place to ask this question? I understand it comes under Corporate Services.

**Mr McCARTHY:** Let us take the question, member for Braiting.

**Mr GILES:** Could you please provide an update on the shire infrastructure capability building initiative being led by your department? Do you want me to move on to another question while you are ...

**Mr McCARTHY:** No, no. We are working out how we can best provide you with that information.

**Mr GILES:** My understanding is the shire infrastructure capability building initiative is working out a transition process to hand over barge landings, aerodromes, boat ramps, and roads to shires. I want to get an update on that - a financial analysis on what it is costing and the time frame for delivery.

**Mr McCARTHY:** Certainly, Member for Braiting. As you can see, it is a very big department. That question would be better answered when we have our Transport appropriation ...

**Mr CHAIRMAN:** The original question was where that might be best placed to ask.

**Mr McCARTHY:** I can then bring officials to the table who can give you that information. That relates to the road network division of the Department of Lands and Planning – Output 3.4.

**Mr GILES:** Mr Chairman, this is a whole-of-government question, but if you are happy to direct any other person who might sit in your chair for the department and the minister to take this at another point in time, I am happy to ask it later.

**Mr CHAIRMAN:** We take advice from the minister as we go about where things fall into which outputs. The minister's advice is this is Output 3.4, and the witnesses necessary to answer the question are at Output 3.4.

**Mr GILES:** You want to answer that at Output 3.4?

**Mr CHAIRMAN:** That is in Road Network Management.

**Mr McCARTHY:** Absolutely, so I can bring the appropriate officials forward to answer that question.

**Mr GILES:** We have to ensure we have the right people here because it is a corporate responsibility, not just a road network responsibility.

**Mr McCARTHY:** It is a Transport Assets question, Mr Chairman – Output 3.5.

**Mr CHAIRMAN:** I am sure the witnesses listening will be fully prepared for that when we get there.

**Mr GILES:** I will put it down for Transport Assets.

**Mr CHAIRMAN:** Witnesses listening, I am sure, will be fully prepared for that when we get there.

**Mr GILES:** Can you please provide an update on the Greatorex Building relocation in Alice Springs. I understand DCI is going to move to new premises at 50 Bath Street. That relocation was supposed to occur in the 2011-12 financial year. I understand there had been a cost blow-out. Could you please provide an update on that?

**Mr McCARTHY:** Yes, that covers several portfolio areas. That should have been asked of the Minister for Police, Fire and Emergency Services. The move is managed by the Department of Business and Employment as per government tenancies. The Department of Construction and Infrastructure and the Department of Lands and Planning, DCI and DLP, planned move is by 31 March 2013.

Regarding your question, you summarised the project. The date the Department of Construction and Infrastructure and the Department of Lands and Planning will be moving out will be by 31 March 2013.

Around the costs for that, you would need to ask that question in the Department of Construction and Infrastructure appropriation.

**Mr GILES:** As this is a corporate matter, should it not fall under whole-of-government because of relocation of the department?

**Mr CHAIRMAN:** We are not at whole-of-government, we are at whole-of-agency related questions. So, that goes to HR costs, office, staff, and so on.

**Mr GILES:** Mr Chairman, we are talking about a project being managed by this department and a relocation of office by this agency.

**Mr CHAIRMAN:** Yes, which is happening in an output. Whole-of-agency is about - as we did with the Parap Road office move. However, this as the minister went through - it is being handled by a specific output within his ...

**Mr McCARTHY:** Department of Construction and Infrastructure appropriation.

**Mr CHAIRMAN:** In a separate department.

**Mr GILES:** Where would you like that question asked?

**Mr McCARTHY:** Department of Construction and Infrastructure appropriation.

**Mr CHAIRMAN:** That is a different CEO, different witnesses, and different folders.

**Mr GILES:** Can you please provide a summary of all consultancies for the 2011-12 financial year? Can you provide a complete list of costs and variations, the purpose of those consultancies, who the consultant was, and a list of any recommendations for a finalisation of those consultancies?

**Mr McCARTHY:** Certainly, member for Braitling. We will provide those details and I will get the CE, Dr David Ritchie, to respond to your question.

**Dr RITCHIE:** Member for Braitling, I will give you the total. The first part of your question related to the total. The total consultancy expenses for this financial year are \$4.56m.

**Mr GILES:** Before you go on, Dr Ritchie, can I ask a clarification question?

**Dr RITCHIE:** Yes.

**Mr GILES:** Do those consultancies include all professional costs for projects as well as HR or departmental expenses?

**Dr RITCHIE:** Yes, that is right. It is basically all people engaged on other than an employee basis.

**Mr GILES:** Okay.

**Dr RITCHIE:** I could then break that down into the top 10 consultancies which have a value greater than \$10 000.

**Mr GILES:** Would it be easier, Dr Ritchie, if you tabled a list if there are no working notes?

**Dr RITCHIE:** We have a list which is broken right down which has probably already been provided. I do not know if you have this summary list.

**Mr GILES:** Perhaps you could table the summary list.

**Dr RITCHIE:** It is in a bit of - I will have to ...

**Mr GILES:** No worries.

**Dr RITCHIE:** I will be quick. The top 10 consultancies - there is a consultancy of \$353 000-odd for the Todd Street Mall upgrade. There was the Weddell design competition, which is \$330 000; the financial

modelling for the new city of Weddell which is \$257 000; the Darwin regional transport study is \$208 000; the BAP environmental impact statement was \$202 000.

**Mr GILES:** What was that one for?

**Dr RITCHIE:** I will go to the detail on that. We will come back to that with some more detail.

There is the provision of - AAPA certificates which are \$150 000; technical engineering and environmental advisory are rolled up to become \$146 000; the growth towns community plans are \$123 000; and project fees - Berrimah Farm, which is the work looking at the toxicology and all that type of thing is \$82 000. Number five is basically for the port - East Arm.

**Mr GILES:** What was it for?

**Dr RITCHIE:** Environmental impact statement, which was \$202 000. A breakdown of all those has already provided.

**Mr GILES:** Can I ask about the \$123 000 provided for the growth towns. Who won that contract?

**Dr RITCHIE:** Let me get the exact detail.

**Mr GILES:** While you are getting that detail I will move to a different subject matter. Can you please detail, minister, or Dr Ritchie, in the current financial year the number of tenders and contracts not paid within a 30-day time frame?

**Mr McCARTHY:** We will look for that information for you, member for Braitling.

**Mr GILES:** Thank you. I am sure you have a page in a brief somewhere with exactly that on it. If you would like me to put that consultancy question on notice I can do that, minister.

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#### Question on Notice No 8.7

**Mr GILES:** Who was the successful tenderer for the \$123 000 consultancy project around growth towns which was ninth on the summary list?

**Mr CHAIRMAN:** That is question No 8.7.

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#### Question on Notice No 8.8

**Mr GILES:** Please provide a breakdown of all payments on tenders and contracts not undertaken within a 30-day period, the time delay to when they were paid, the amount of the payment made and what the project was for?

**Mr CHAIRMAN:** Question on Notice No 8.8

**Mr GILES:** Minister, I would like to ask a question about tenders cancelled. Would you like me ask it now or in another output group?

**Mr McCARTHY:** Now.

**Mr GILES:** Minister, can you please detail how many tenders were cancelled after being offered publicly, and please provide an explanation as to why they were cancelled, and what the projects were?

You would be aware, minister, - for some background - that on the tenders online website often there are open tenders and often there are tenders that are cancelled or closed.

**Mr McCARTHY:** In relation to that question member for Braitling, just to give an explanation around the question, the Department of Construction and Infrastructure manage us as a client. Government agencies are clients of the Department of Construction and Infrastructure, which manages the tender processes, the project, and reports on the outcome. That question would be better asked of the Department of

Construction and Infrastructure, which will be able to give you that information straight up. As I said, we are a client.

**Mr GILES:** As Minister for Construction and Infrastructure, you would be happy to answer it later?

**Mr McCARTHY:** When the officials are at the table, I would be honoured to answer that.

**Mr GILES:** No worries. It is more of a corporate issue for the broader department. I might leave it there for whole-of-government.

**Mr CHAIRMAN:** At that point, minister, we are going to take a five minute break and return to the member for Port Darwin, who has agency-related whole-of-government questions.

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The committee suspended.

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**Mr CHAIRMAN:** Minister, we are at agency whole-of-government questions and the call is with the member for Port Darwin.

**Mr ELFERINK:** Mr Chairman, this will take just a moment. I was in the gym on the treadmill and heard this question answered. I just want to confirm I heard it correctly. This is in relation to the AMS system which has attracted some attention. I heard Dr Ritchie say that, through the department, there had been no late bills paid. Did I understand that correctly?

**Mr McCARTHY:** You are confusing me, member for Port Darwin. Could you ask that question again?

**Mr ELFERINK:** It is in relation to the AMS system. Dr Ritchie answered a question where I believe he said through the department there had been no problems with the AMS system. I want to ensure - because I was preoccupied with running on a treadmill at the time - that I heard the answer correctly.

**Mr McCARTHY:** We answered that question in relation to the Department of Lands of Planning.

**Mr ELFERINK:** Okay.

**Mr McCARTHY:** Regarding the Department of Lands and Planning, we have experienced no issues with the implementation of what is a major technological innovation run by the Department of Construction and Infrastructure. Yes, member for Port Darwin, you heard that correctly; there were no issues within the Department of ...

**Mr ELFERINK:** I am looking at whole-of-department questions. You are going to direct me to Construction and Infrastructure to answer these questions about the AMS system?

**Mr McCARTHY:** From your media release, member for Port Darwin, I am expecting it.

**Mr ELFERINK:** Yes, as you well could. However, I am curious as to why you would not take the opportunity now to deal with a contractor revolt.

**Mr McCARTHY:** It is a different department, and the question was in relation to the output appropriation for the Department of Lands and Planning. It was answered by the CE. We have not had issues with bills being paid.

**Mr ELFERINK:** All right.

**Mr CHAIRMAN:** Obviously, a different CEO, different witnesses, different folder will be present later today and happy to answer questions about the Asset Management System.

**Mr ELFERINK:** I thought you would be good enough to do it on the fly, minister, but okay, fair enough. Thank you, we will wait.

**Mr McCARTHY:** Member for Port Darwin, is that like a treadmill?

**Mr ELFERINK:** I am not quite sure I understand.

**Mr McCARTHY:** The fly - what is a fly?

**Mr ELFERINK:** I thought that you would be able to answer these questions as the responsible minister.

**Mr McCARTHY:** We did answer the question, member for Port Darwin. Unfortunately, you were in a gymnasium and not in the Estimates room when you misheard the answer.

**Mr ELFERINK:** Which is why I asked for clarification of the answer - I am not trying to be clever. If you want to keep your smart-arse attitude to yourself, that is up to you.

**Mr McCARTHY:** Thank you, member for Port Darwin, for that comment.

**Mr CHAIRMAN:** At that point, what the minister and the department can answer at this point is how that has affected this agency, which is why we are here. It is relevant; that has been done. Obviously, the minister will be happy to take further questions when he has a completely different Chief Executive Officer and witnesses present later today.

Does that conclude questions to agency whole-of-government?

### **OUTPUT GROUP 1.0 - LANDS** **Output 1.1 - Land Information**

**Mr CHAIRMAN:** We will move on to Output Group 1.0, Lands, Output 1.1, Land Information.

**Mr TOLLNER:** Minister, can you advise the amount spent on acquiring new land information data sets in 2011-12 and what significant projects were undertaken?

**Mr McCARTHY:** I will pass that question to the Chief Executive who will source information from other departmental officers.

**Dr RITCHIE:** Before we do, can I have some clarification on what do you mean by data sets? We maintain the reference data sets for land information in a number of categories. When you say what new data sets have we acquired, what ...

**Mr TOLLNER:** Have you acquired new data sets?

**Dr RITCHIE:** Can you give an example of a ...

**Mr TOLLNER:** Well, your land information data sets. Are you saying there has been no change in the way they have been run?

**Dr RITCHIE:** No, I am not saying there is no change. The data sets - for instance, we order new aerial photography over areas periodically and that then forms a new dataset. Is that the type of thing you are talking about?

**Mr TOLLNER:** Yes, exactly.

**Dr RITCHIE:** Okay, the major expenditure is aerial photography. Bear with me and I will get some figures on that. The aerial photography and mapping program for this year, 2011-12, we expect to be \$740 000. Most of that work was around the growth towns and the work we had to do on roads damaged after Cyclone Carlos.

**Mr TOLLNER:** Can you tell me what work was undertaken in the 2011-12 year to provide land information for the growth towns?

**Dr RITCHIE:** David Ritchie, Chief Executive. The work being done to provide land information for growth towns?

**Mr TOLLNER:** Yes.

**Dr RITCHIE:** In addition to the support I mentioned from aerial photography, in 2011-12 an amount of \$1.6m was spent on the ground survey program, which is surveying the boundaries and streets in the townships.



**Mr TOLLNER:** Can you tell me what is planned for 2012-13 in relation to the growth towns?

**Dr RITCHIE:** In 2012-13, we are winding down the bulk of the work because the bulk of the growth towns have been completed. We are looking at approximately \$300 000.

**Mr TOLLNER:** What work would that be?

**Dr RITCHIE:** I will go through the ones that are not completed and it will be ...

**Mr TOLLNER:** Yes, that would be good.

**Dr RITCHIE:** Lajamanu, Yuendumu, Angurugu, Umbakumba, Galiwinku, Ngukurr, Numbulwar, Wurrumiyanga, Daguragu, Kalkarindji.

**Mr TOLLNER:** Has Borroloola been completed?

**Dr RITCHIE:** Borroloola has been completed, yes.

**Mr TOLLNER:** Can you advise whether or not the vast majority of work proposed in Borroloola is in a flood zone?

**Dr RITCHIE:** Can I have clarification? We have been surveying lot boundaries in communities.

**Mr TOLLNER:** I have a map in front of me - a Northern Territory government produced map. Perhaps I should hand it up for you to look at. It seems to show the vast majority of the town plan you have created is in a flood zone. More than half the town would be waterlogged.

**Dr RITCHIE:** As a general answer, we have been creating, locating and putting boundaries around what exists there at the moment. The plan is, in fact, a representation of what exists in Borroloola at the moment. There are a number of towns in the Northern Territory, of which Katherine is perhaps the best known, where much of the infrastructure and residential housing is in flood zones.

**Mr TOLLNER:** That is existing, I understand that. First, can you confirm if that map is correct?

**Dr RITCHIE:** I will check that.

**Mr McCARTHY:** I will start off with a story about Borroloola, member for Fong Lim. Borroloola town was moved because of flooding and the whole new subdivision was created. I missed out on buying a block - that was in 1981, and you had to roll out your swag in a queue in front of the police station to get a block. I regret the day I did not roll my swag out. I was around but I did not buy a block.

The whole town was relocated and a new subdivision created. With the plans around the Borroloola growth town, there is ongoing industrial development at the south end of town. There are residents at the south end of town who were not relocated. The plan for Borroloola is to grow that town both sides of the river, and if you want to talk about flooding you have to talk about whether the river is running at 19 m or running at 9 m.

**Mr TOLLNER:** That is irrelevant. That map clearly shows more than half of the proposed town is in a significant flood zone.

**Mr McCARTHY:** That map has a footprint of areas which can be inundated. That would apply to most of the Northern Territory should we look at each case individually. That is in relation to one in one hundred year flood levels, one in one thousand year flood levels and storm surge zones. Borroloola, in general, keeps its feet dry. We have record rain events in the Gulf of Carpentaria that have flooded road transport infrastructure, flooded blocks in Borroloola like many other towns; however, in relation to planning of the growth town, land release is all looking forward. Extra blocks have been released in the subdivision, the Mara people and the Yanyuwa people are looking at further land release high up on the ridge going past the existing subdivision. We are looking at land on the other side of the river. It is about building appropriate infrastructure in appropriate areas; however, nature does dictate extreme weather events.

**Mr TOLLNER:** Minister, we can all understand historically things have gone wrong and perhaps we have put houses and buildings on places they should not be. In my own electorate you are aware developments have been knocked back because they are in a storm surge zone and there are houses all

around where those developments were. The benefit of hindsight - we all have 20;20 hindsight, but we are talking now about developing a town plan for Borrooloola where much information shows you are intending to build a township where a great majority of it is in a flood zone.

**Mr McCARTHY:** Member for Fong Lim, that is an interesting question and if we were - I will pass on to the CE to comment on the map.

**Mr TOLLNER:** Well, is the map correct?

**Dr RITCHIE:** Member for Fong Lim, yes we recognise this map. It is a map we commissioned from NRETAS. This is not a town plan, this is the cadastre. The blocks you are referring to ...

**Mr TOLLNER:** Sorry, Dr Ritchie, pardon me, what is a cadastre? Pardon my ignorance.

**Dr RITCHIE:** That is the legal representation of blocks which exist. In other words, block that can be owned individually - the title information.

What we have done in creating these maps is, as a layer, put on the existing land tenure information so it has all the boundaries. Most of those ones that appear south of Rocky Bar go back to the 1890s. That was a subdivision sold off to absentee property buyers in Adelaide and there are very few dwellings there. This is not our plan, we are just representing what exists legally at the moment.

The plan for Borrooloola will come out of information such as this map we have commissioned to inform where we should do things. You always have to live with the historical reality that there are properties within that area, but this map was commissioned by us to deal with the very problem you are talking about.

**Mr TOLLNER:** So, the town plan for Borrooloola is complete?

**Mr McCARTHY:** Through the Chair, if I could update the committee. A review of the Borrooloola area plan and zoning map commenced on 15 May 2012 with a community meeting. A land use survey was conducted in May of 2012, and a draft area plan is now being prepared.

**Mr TOLLNER:** Borrooloola is not complete?

**Dr RITCHIE:** When I was talking about complete, it was the survey work we were talking about. It started off - the questioning was about what new data sets we had been ...

**Mr McCARTHY:** That is correct, Mr Chairman.

**Mr TOLLNER:** What growth towns have you completed in relation to all the work which needs to be done to develop them?

**Dr RITCHIE:** This is the list of the growth towns which now have a gazetted area plan. The list is: Angurugu ...

**Mr TOLLNER:** A minute ago you told me we were still awaiting surveys for Angurugu, Umbakumba - I remember it well because I thought: 'Hang on. There are two on Groote Eylandt you still have not surveyed'.

**Dr RITCHIE:** I did.

**Mr TOLLNER:** Now you are saying they are completed.

**Dr RITCHIE:** If you recall - I did not mean to be oblique - all I had in front of me was a list of the towns still showing there was work to be done. I said: 'Do you want me to read that out?' but, clearly, whatever the work remaining to be done is not part of the finalisation of the area plan. There is ongoing work in Land Information all the time. If you want to know what townships have gazetted area plans, this is the list. The other list was not directly related to that.

**Mr TOLLNER:** As part of the growth towns strategy?

**Dr RITCHIE:** Yes.

**Mr CHAIRMAN:** Can we go back one step because we had a question which has not been answered about which towns are done.

**Mr TOLLNER:** I am trying to ascertain ...

**Mr CHAIRMAN:** I understand where you are going, member for Fong Lim, but you did ask a question and we have not had the answer yet.

**Mr TOLLNER:** We had one township named, which was named in a previous question to say it had not been completed. I am querying how that ...

**Mr CHAIRMAN:** I will give the call to Dr Ritchie to finish answering that question and then we can move on.

**Mr TOLLNER:** Go for it, yes.

**Dr RITCHIE:** I will answer this, and if you have any other questions ...

**Mr TOLLNER:** Good.

**Dr RITCHIE:** The growth towns with gazetted area plans and zoning maps are: Angurugu, Umbakumba, Ngukurr, Hermannsburg, Wurrumiyanga, Ramingining, Lajamanu and Milingimbi.

**Mr CHAIRMAN:** Member for Fong Lim, you now have the call.

**Dr RITCHIE:** The other list I was reading from and trying to infer something like this was not useful and this is the correct answer. The other list was really about what work is being done in our Land Information section about the data sets being compiled. I definitely led you to believe that was the answer to this question, but it was not; it was only an answer about what data sets are being compiled in Land Information. The answer I have just given is the answer to the question on which growth towns have gazetted area plans.

**Mr TOLLNER:** Dr Ritchie, was it eight?

**Dr RITCHIE:** Nine.

**Mr TOLLNER:** There are 20 growth towns. This project was announced how many years ago? 2008. That is four years and we are not halfway through it. How long do you expect it will take to do the other 11 towns?

**Mr McCARTHY:** Member for Fong Lim, I will start with that question because if you understand the process of developing an area plan in regional and remote areas of the Northern Territory - it has never been done before - it is extensive and complex. The area plans I have seen, which Dr Ritchie outlined for the committee, are quite intricate when you take in the cultural implications for area planning, for instance, traditional ceremonial areas you do not see in other area plans in urban or other centres. It is quite unique, also, to witness the participation of Indigenous traditional landowners and their entry and new knowledge around area planning traditional country.

As Dr Ritchie outlined, we have completed some through extensive negotiations, through very much an education process as well, and not only for the traditional owners and the community members of Territory growth towns, but also for departmental officials. It has been great to work with departmental officials, particularly areas like the Place Names Committee, and compare the work done on the ground with what happens normally in that department before we pushed out into developing the regions and remotes of the Northern Territory.

I will start with that comment around understanding the nature of the work, the complexity of the work, and really valuing the principle of sensitive negotiation in what is a formal lands and planning process; however, with a very much intricate level added to it. We are proud of that work. If Dr Ritchie wants to add further with the chronology ...

**Mr WOOD:** I am a bit concerned there is no recognition there were plans for many communities - SLAP plans - a long time ago, and communities put names on their streets. Sometimes you think this is brand spanking new, well it was not. It has been improved, but it should be recognised much work was done in the 1970s and 1980s to create town plans for communities.

**Mr CHAIRMAN:** Once the Member for Fong Lim is finished this line of questioning, I ...

**Mr WOOD:** I wanted to make a note so people do not forget things did happen.

**Mr McCARTHY:** It is important, member for Nelson, to put that on the public record. We value that and we acknowledge that. What I am talking about is the work being done now on a new government policy, and very much with a new generation ...

**Mr CHAIRMAN:** Excuse me, minister. Thanks to the member for Nelson, we have now wandered off the question. Could come to the answer for the last question? I can ask the member for Fong Lim to repeat the question if you want?

**Mr TOLLNER:** I will repeat the question. How long do you expect it to take to complete the other 11 town plans?

**Mr McCARTHY:** Member for Fong Lim, I will get the CEO of the Department of Lands and Planning to give you an estimation.

**Dr RITCHIE:** As we have been saying, much work has already been done. We are expecting, with all the survey work we did last Dry Season - the aerial photography and the consultation - that we will have this stitched up by this Wet Season - by the end of calendar year 2012.

**Mr TOLLNER:** The other 11?

**Dr RITCHIE:** Yes, because we are not starting them from scratch; they have been ...

**Mr TOLLNER:** Yes, I can understand that - ambitious and good on you. I hope it goes well. Of the nine you have completed, how many have government negotiated long-term leases?

**Mr McCARTHY:** That would be answered by the Office of Township Leasing. To make a comment around that question - this is a whole-of-government approach and we are processing the Lands and Planning.

**Mr TOLLNER:** What does that mean?

**Mr McCARTHY:** Well, there is Commonwealth and Northern Territory in this space and ...

**Mr TOLLNER:** What does that mean? Does that mean you are going to answer the question or not?

**Mr McCARTHY:** I advise you that question should be put to the agency. Dr Ritchie, would you like to comment on the best agency to supply that information?

**Mr TOLLNER:** Are you suggesting you have not been involved in any of these negotiations?

**Mr McCARTHY:** Not at all.

**Mr CHAIRMAN:** Can we have clarification about where this question will be taken? Can we answer it now, or is it under another output?

**Dr RITCHIE:** We will take that question on notice. This agency is not involved in any way in negotiating leases.

**Mr CHAIRMAN:** DHLGRS is the lead agency, is it not?

**Dr RITCHIE:** Yes.

**Mr CHAIRMAN:** DHLGRS has already been.

**Dr RITCHIE:** The Office of Township Leasing is a Commonwealth entity.

**Mr CHAIRMAN:** You are asking the question to the minister of an agency which is not doing those negotiations.

**Mr McCARTHY:** We will take that question on notice and provide a written answer to the member for Fong Lim.

**Mr CHAIRMAN:** For clarification, DHLGRS is the Department of Local Government, Housing and Regional Services.

**Mr TOLLNER:** You have nothing to do with negotiating the leases? Do you have anything to do with registering the tenure of land in growth towns?

**Mr McCARTHY:** I will respond to that. I do not accept the comment that we have nothing to do with it. The answer to that ...

**Mr TOLLNER:** You made that comment yourself.

**Mr McCARTHY:** No, no, not at all. The answer to that question was it is a whole-of-government approach to developing the growth towns. That involves the Territory government and the Commonwealth government. I have outlined for the member the appropriate agency to ask that question. However, we are going to supply a written answer to that taken on notice.

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#### Answer to Question on Notice No 8.01

**Mr McCARTHY:** Mr Chairman, I have an answer to a Question on Notice No 8.01. The question was: 'Can you please supply the cost of the Commonwealth providing the services of the Valuer-General to the Northern Territory compared to what it will cost the Territory over a 12-month period?'

The answer: in 2011-12, the amounts paid to the Commonwealth for the provision of the Valuer-General were as follows:

Provision of Valuer-General	\$150 000
Provision of Valuer-General Services - Alice Springs	\$150 000
Maintenance of Valuer-General roles	<u>\$130 000</u>

2011-12 Total Cost \$430 000

Budgeted cost for 2012-13 are as follows:

The actual costs of the new NT Valuer-General estimated	\$250 000
Cost of the Australian Valuation Office to provide services	<u>\$180 000</u>

2012-13 Total cost \$430 000

I table that for the committee.

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**Mr CHAIRMAN:** Thanks minister. The call is with the member for Fong Lim.

**Mr TOLLNER:** Can you table it, minister? Is that possible?

**Mr Giles:** He has just tabled it.

**Mr TOLLNER:** Excellent. I take it the department is going to provide information in relation to that previous question about township leasing?

**Mr McCARTHY:** That is correct.

**Mr TOLLNER:** Excellent. Minister can you outline ...

**Mr CHAIRMAN:** Apologies. Have you put a question on notice? I have not given it a number.

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**Question on Notice No 8.09**

**Mr TOLLNER:** Of the nine growth towns, how many township leases have been negotiated?

**Mr CHAIRMAN:** That is question No 8.09.

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**Mr TOLLNER:** Minister, can you outline what leases the NT government has on remote lands and the cost of those leases? Which areas are you negotiating on?

**Mr McCARTHY:** I will ask Dr David Ritchie, CE, to answer that question.

**Dr RITCHIE:** At this point, I do not believe we have any leases with this agency. The leases have been issued for housing to ...

**Mr TOLLNER:** The department has no leases on Aboriginal land in the Northern Territory, is that what you are saying?

**Dr RITCHIE:** That is my understanding, yes.

**Mr TOLLNER:** Is there any intention to negotiate leases on Aboriginal land into the future?

**Dr RITCHIE:** Member for Fong Lim, there is an intention that should it - there are certain key infrastructure assets - barge landing, air strips, some roads that are currently Aboriginal land where leasing may be a possibility; however, those matters are still under negotiation.

**Mr TOLLNER:** Okay. I will move on.

**Mr WOOD:** Can I ask a question?

**Mr CHAIRMAN:** If it is on the same issue. Do you have any more on that issue?

**Mr TOLLNER:** Not on that issue. My colleague does, and I imagine Gerry does.

**Mr WOOD:** I want to ask about the barge landings, minister. Who owns the barge landings at the moment? Who is responsible for the barge landings at the present time?

**Mr McCARTHY:** Member for Nelson, they are a transport asset of the Northern Territory government and we are responsible for them. As the CE outlined, and as you know, negotiations around leasing are continuing.

**Mr WOOD:** The Commonwealth does not own them through the intervention leases?

**Mr McCARTHY:** That depends on the circumstance.

**Mr WOOD:** Is it the council's job to maintain them?

**Mr McCARTHY:** We pay the funding to have them maintained. It is out of our budget appropriation, yes.

**Mr WOOD:** I will move on, but I would love to ask you many questions on that. Are we staying on Output 1.1?

**Mr CHAIRMAN:** Yes, and the call is with the member for Fong Lim.

**Mr TOLLNER:** My colleague has some questions relating to this topic.

**Mr WOOD:** The only reason I butted in there was because, as we have done before, it has gone back to the lead person; however, I am happy to go back ...

**Mr CHAIRMAN:** No, on the same topic. The member for Braiiling wants to ask questions on the same topic.

**Mr WOOD:** That is fine.

**Mr McCARTHY:** Mr Chairman, can I say, member for Nelson, you will be able to ask more questions in Output 3.5 around Transport Assets.

**Mr WOOD:** At the rate we are going, I doubt we will get there. We have only reached Output 1.1 and we have been going for two-and-a-half hours.

**Mr GILES:** I wanted some clarification around leasing. Recently, the NLC signed 260 leases over assets within the NLC area. Is Lands and Planning involved in negotiation of any of those types of leases on behalf of the Northern Territory government for assets that may be on Aboriginal land, including town camps?

**Dr RITCHIE:** Member for Braiiling, negotiations are being led by other agencies.

**Mr GILES:** Do you get involved in Co-Ord comments or something?

**Dr RITCHIE:** There are some committees we have members on, but the lead is taken primarily by DHLGRS.

**Mr GILES:** No more questions.

**Mr CHAIRMAN:** Member for Fong Lim.

**Mr TOLLNER:** Minister, what is the amount of revenue received under this output group and how does that compare to 2010-11?

**Mr McCARTHY:** I will go back to the CE. No doubt, we will refer that to the CFO for comparison.

**Ms ALDENHOVEN:** The Land Information output has received, to 31 March 2012, \$1.8m. The prior year number I do not have with me, but that primarily relates to funds from Geoscience Australia, FaHCSIA, valuation services revenue, aerial photography, database products and Information Centre sales, the commercialisation of ILIS and miscellaneous revenue.

**Mr McCARTHY:** Member for Fong Lim, to compare that to last year we will go to last year's appropriation documents. We will take that on notice.

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#### Question on Notice No 8.10

**Mr CHAIRMAN:** Could you repeat the question, member for Fong Lim?

**Mr TOLLNER:** What is the amount of revenue received under this output group and how does that compare to 2010-11? Did you receive more money in 2010-11?

**Mr CHAIRMAN:** That is question No 8.10.

**Mr McCARTHY:** We will answer that, member for Fong Lim, when we prepare those numbers for you, comparing the two financial years.

**Mr TOLLNER:** I thought you would be able to tell me off the top of your head, minister, but that is all right. What is it projected to be for 2012-13?

**Mr McCARTHY:** Member for Fong Lim, we will get those numbers. Are you now looking for the three financial year comparison, off the top of my head? I will get you those figures.

**Mr CHAIRMAN:** Is that a question on notice or are you going - you are coming back with that, okay.

**Mr McCARTHY:** Does the member want to link it to the other question?

**Mr TOLLNER:** Well, we will link it to the other question. I will just add to the other question: what is projected for 2012-13?

**Mr CHAIRMAN:** We will add that to No 8.10. Hopefully, Hansard track that.

**Mr TOLLNER:** The reason for these questions, minister, is I am looking at our schedule and it has the estimates for 2011-12 and the budget for 2012-13. When I look at this output group \$161m was spent - sorry, \$16m was spent in 2011-12 and you have a budget of only \$12m for 2012-13. How can you possibly maintain the service you are operating with a \$4m, or 25%, reduction in revenue?

**Mr McCARTHY:** Member for Fong Lim, we will provide our figures, which we can compare to your figures, so you are not answering your own question and we ...

**Mr TOLLNER:** Sorry, these are obviously your figures.

**Mr McCARTHY:** Right.

**Mr TOLLNER:** They are prepared from the budget. They end up on ...

**Mr McCARTHY:** You asked me a question and I will get those figures. We will then make comment on the question you have asked. I will hand it to CE, Dr David Ritchie.

**Dr RITCHIE:** Thank you, minister. Member for Fong Lim, the total reductions, around \$4m, you have asked me to break down - the biggest changes are to do with the fact we are at the end game of doing the growth towns. There was a big chunk of \$1.3m-odd for the aerial imagery we were talking about before from the Commonwealth. There was also \$1.67m to get out on the ground and do the surveys. Having completed that work, we will - you can see in the budget in that area it is right down. There is only a couple of hundred thousand dollars left to do the mopping up work on the last 11.

**Mr CHAIRMAN:** If it helps, those variations are listed on page 232 of the budget.

**Mr TOLLNER:** What you have just said to me, Dr Ritchie, accounts for about \$1m of that \$4m.

**Dr RITCHIE:** There were two numbers. One was the aerial photography - \$1.3m. There was another \$1.67m, which was the survey. There was another \$300 000, which was an agreement between the Australian government agency, Geoscience, and NTRETTAS to build some geospatial infrastructure - that is putting stuff out on the ground to assist survey work. The other big one was - overall, and perhaps going to the heart of your question, about \$350 000 off that particular output is reprioritisation. The rest is just reductions in grants of one kind or another for specific projects.

**Mr TOLLNER:** I am looking at Budget Paper No 3, page 233, Land Information - Key Deliverables. Land-related data sets maintained to technical specifications is increasing in budget, as is land-related data sets accessible through NTLIS increasing. There is another interesting figure there. They are not related to the growth town work being done?

**Dr RITCHIE:** It is my understanding that it is. Looking at the breakdown - this is the data set question. These are the data sets we maintain. There is the administrative regions data set: there are state electoral boundaries; there are local government areas; there are town boundaries; localities, which are suburbs; place names; remote communities; land titles; and the cadastral parcels we were talking about. Then there are the survey plans which underpin the cadastral parcels. There are geodetic controls, which are like trig points around the Territory - basically, street addresses, town planning zones, valuation, topographic mapping, which is the base mapping, the aerial imagery, and the centre lines of roads and storm surge.

**Mr TOLLNER:** It seems to me there is an increase in work with a decrease of funds.

**Dr RITCHIE:** There is an increase in the number of data sets being maintained. We have anticipated adding another two and this is just part of ongoing development of the ILIS system, and they could come at absolutely no cost. For instance, we could pick up a new data set from another agency and we do that as the systems mature. The ILIS system is becoming the default platform for all government spatial data and that is the intention of government. What we are really foreshadowing is we anticipate we will pick up some other layers from other agencies, but there is not a direct correlation with more effort required. It is, in fact, an enhancement of an existing system.



**Mr TOLLNER:** I will leave it at that.

**Mr McCARTHY:** Mr Chairman, if I could respond to a question taken on notice?

**Mr CHAIRMAN:** Yes.

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#### **Answer to Question on Notice No 8.5**

**Mr McCARTHY:** Thank you. The question was: 'What are the professional fees in terms of legal expenses for the department for 2011-12?'

Answer: the total professional fees in terms of legal expenses for the department, including internal costs, are \$650 595. The breakdown of internal and external fees is as follows: Internal - service level agreement for \$483 000 for provision of legal services to the Department of Lands and Planning by the Solicitor for the Northern Territory; External - \$167 585 for professional fees and other legal expenses.

I table that for the committee.

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#### **Output 1.1 – Land Information**

**Mr CHAIRMAN:** Member for Nelson, Output 1.1, Land Information.

**Mr WOOD:** I will ask a few questions. I may not get a chance for anything else later.

Your department, under Land Information, looks after GIS. We have heard one of the problems with the AMS system you have been introducing is the incompatibility of the GIS system with the new IT program. Has that been fixed? If it has not been fixed, is it causing problems within the department to access GIS?

**Mr McCARTHY:** Member for Nelson, I will start. This will be addressed by the Department of Construction and Infrastructure, but you are right regarding the migration to this new system. I will give you some lay speak, the systems talking to each other have had some problems in the area of the GIS. That has been worked through and that story will be told as part of the Department of Construction and Infrastructure output appropriation. For your question about Lands and Planning, I will hand to the CE, David Ritchie.

**Dr RITCHIE:** One of the specifications this department has asked for in the AMS system is the capability for the data to be, in technical talk, spatially referenced. We understand that is a module which is under construction and will be delivered. At this stage, it has not been completed, I understand.

**Mr WOOD:** Is that because there were problems with it - it was incompatible, or partially incompatible at the beginning?

**Dr RITCHIE:** My understanding is that is part of a future enhancement.

**Mr WOOD:** I will have to remember that – spatially referenced, was it?

**Dr RITCHIE:** Spatially referenced – that is right.

**Mr WOOD:** I will use that when I am umpiring football and being abused – you are spatially referenced.

In the annual report you talk about the Territory's commercial associate. I will read that line – I am trying to work out what the commercial associate is. Page 31 of your annual report says:

*Following the establishment of licensing arrangements in 2009 for commercial marketing of the Integrated Land Information System (ILIS), in March 2011 the Territory's commercial associate was awarded a major contract with the South Australian government for development of a new land administration system based on ILIS.*

Who is 'the'? Is it a thing, or is it just a phrase – Territory's commercial associate?

**Mr McCARTHY:** I will pass that to the CE to explain.

**Dr RITCHIE:** The commercial associate is Salmat Pty Ltd. That is the commercial company that developed and marketed ILIS.

**Mr WOOD:** Are you in partnership with them? Is that why it is ...?

**Dr RITCHIE:** That is correct. We own the IP, and they are doing the development and marketing.

**Mr WOOD:** One of the priorities for 2011-12 was to further enhance the GNSS base station network. Can you explain what the GNSS base station is because I cannot find the acronym?

**Dr RITCHIE:** Yes, it is another acronym. It stands for Global Navigation Satellite System.

**Mr WOOD:** So, it is just like your navigation. What are you enhancing?

**Dr RITCHIE:** The department entered into an agreement with Geoscience Australia to establish nine of 21 global navigational satellite system stations in the Territory. It is a national system and nine are to be constructed in the Territory. Basically, in layman's language, they are known stations which have been very accurately surveyed into the real - so we know where they are. They are used to correct the GIS information being communicated between - GIS system, your mobile phone, or satellites.

**Mr WOOD:** Does that cost us anything?

**Dr RITCHIE:** I understand each station costs around \$50 000.

**Mr WOOD:** We have nine of them?

**Dr RITCHIE:** Yes.

**Mr WOOD:** I am not trying to be cute here, but what benefit are they to the Territory?

**Dr RITCHIE:** The benefits of having accurate information from GPS systems is quite profound, because the more accurate you have the satellite survey systems - it eliminates the need for on-ground surveys. Of course, there are other safety benefits as well.

It is a national initiative and the Territory - other ministers who are responsible for these programs have committed to national approaches for this kind of work in the Territory - for the maintaining of national data sets and national standards. This has come as the Territory's share in this. We get those because the ideal location for the eight stations is in the Territory.

**Mr McCARTHY:** Member for Nelson, can I add another spatial concept to your vocabulary? This is spacial enabling. It is interesting, reading through the brief - they will support the Territory in precision agricultural planning, for instance. This is pinpoint technology. I am pleased Dr Ritchie spoke about safety as well, and emergency services. Yes, pinpoint accuracy in achieving great levels of efficiency.

**Mr WOOD:** Okay. I had better ask you this question, minister. You are probably asked every time as the Minister for Lands and Planning - street names. On page 30 of your annual report, you talk about the number for growth towns which now have roads which have been named. That is terrific. We named all the roads on Bathurst Island in 1974 - just relaying things did happen previously. That is 40-something years ago.

The issue I have is whether there is a policy on how names are written. You know what I am getting at. If the average person cannot read the name - both Aboriginal people have mispronounced names, and the linguist will have had a win. Today, if a tourist comes to Alice Springs, and can pronounce 'Arrernte' as 'Arunta' or 'Aranda', I will go he. It is not written in the colloquial form of language.

Whilst the linguist may have a great field day trying to write words in their style, does the government have a policy to ensure names need to be written in a manner which the average person can understand, because Aboriginal languages are not written, they have to be read.

**Mr McCARTHY:** It is an ongoing issue in debate. You have asked some specific questions. I could give you my interpretation around that question; however, I will hand to a Doctor of Anthropology.

**Mr WOOD:** I believe he has answered this before. He could be slightly biased. Is there ...

**Dr RITCHIE:** I will put on the record, member for Nelson, anthropology has very little to do with linguistics. I share your concern about orthography. We worry about this too, but there are some limits to how we can go with this and it does deserve a longer answer. The way words are spelt is an attempt to provide a representation of the categories of sounds that make up words. The Roman alphabet is quite inadequate at doing it so we get into much trouble. We were talking about it the other day, at Port Essington the Garig language was documented by Father Confellioni in the 19<sup>th</sup> century. His is the definitive work on this because it was done in Italian. Many English people were trying to do the same thing in English, but it does not produce something that can now be backwardly used to document that language. When you ...

**Mr WOOD:** Are you saying Italian is a better way to pronounce this?

**Dr RITCHIE:** I will give you a Lands example. If you take the word 'lease' - in Lands we use it all the time - the last syllable is 's'. There is an 'e', but if you pronounce the 'e' it become lessee, which is another word altogether. This is the problem with English, English pronunciation and English orthography. When you go to a dictionary and look up the meaning of the word, the pronunciation is dealt with in another - it looks a little like English but it is the International Phonetic Alphabet. That is the only way we can get - using that - an accurate representation of how it sounds. If you take Urquhart Street in Parap and try to phonetically spell that, you do not come up with Urquhart. You would come up with something like 'erkerat'. We have the same problems, even in English.

The short answer is we are aware of the inadequacies of the English language. We are also respectful of the way the major six languages in the Northern Territory are spelt, how they are taught in schools, and we will use those. We are worried about things when you get those Arrernte orthographies with the 'mp' starts. It is complex, we are aware of the problem, and we tackle that.

**Mr WOOD:** I understand that. English is probably one of the worst languages in some ways, between bow and bough, through and though. Are we making matters worse rather than say: 'Okay, we have some problems with our language, let us not make it worse'? My good friend at the back, Mr Finocchiaro would know Arrernte is not going to be Arrernte in Italian. The 'a-e-i-o-u' is, but the pronunciation is 'Arrenda'. If that was in Italian it would be probably 'arrunda' or 'ta'. The Italians pronounce their vowels phonetically, so we do not use that system, unfortunately.

If an average person can compare Urquhart with Ampilatwatja - if I asked you to spell Ampilatwatja, when you saw the spelling you would have to wonder what is going on. Minister, I cannot remember the name for Santa Teresa - Ltyentye Apurte. Tell me where 'ginger' is in that word and I will go he.

I want those names because that is a good way for people to respect the culture of that community. If they are written in a way where people mispronounce them so badly what is the point? I do not want their names ruined because some linguist has made it unpronounceable for the average Joe Blow. The member for Port Darwin said 'common usage'. I keep raising it because it is good Aboriginal names are used for streets and towns. There are plenty where I come from. There is Koo Wee Rup and Nar Nar Goon, and I can write, spell and pronounce them, but I cannot spell Ampilatwatja without a dictionary.

That is all the questions I have on that section.

**Mr CHAIRMAN:** Any other questions to Output 1.1, Land Information?

### **Output 1.2 - Land Administration**

**Mr TOLLNER:** Minister, can you please advise the schedule of activities leading to the decision to offer Batten Road for use as a short stay workers village?

**Mr McCARTHY:** First of all, I thank the member for his question and I would be happy to pass this to the department to talk about the process which is creating another really good option for accommodation in the greater Darwin area to address this turbocharged economy the Northern Territory government has created. For the steps through that, which are the essence of the question, I will pass to the CE, Dr David Ritchie.

**Dr RITCHIE:** Thank you, minister. Member for Fong Lim, the process is that, on 16 January this year, we sought expressions of interest to develop Lot 4445 Batten Road for the construction and operation of a short stay accommodation village for key service workers and people on short-term postings.

The request for proposals closed on 9 March this year. Three submissions were received. The result of that was an evaluation panel was convened with representatives from, largely, the key departments. At the end of that process, a preferred proponent was invited to enter into a negotiation period and that negotiation period is – well, basically it will be all over by 6 July this year. We are in the final stages of negotiations with the preferred proponent now.

**Mr TOLLNER:** 16 January was not the first time it went to tender was it?

**Dr RITCHIE:** Yes it was. There was an earlier proposal which included that site as part of it, but this was a different tender and a different proposal.

**Mr TOLLNER:** The first proposal was for a workers village. What is the difference between the two proposals?

**Dr RITCHIE:** There were a number of differences, but this particular proposal was for just this site and it was - the key difference was the first offer included a subsidy from government and this one does not.

**Mr TOLLNER:** How many people were interested in the first proposal? How many organisations, people, or businesses?

**Dr RITCHIE:** I am being a bit hesitant because the first tender was not done by us, it was the Department of the Chief Minister's program so we do not have that information.

**Mr TOLLNER:** The department was not involved in that original proposal?

**Dr RITCHIE:** Member for Fong Lim, the department would have been asked for advice about blocks, suitability and providing but not involved in – it was not our tender.

**Mr TOLLNER:** When did the department first become aware of potential contamination on the site?

**Dr RITCHIE:** Member for Fong Lim, I understand at the time of the request for proposals the issue was raised and we investigated it.

**Mr TOLLNER:** What was the outcome?

**Dr RITCHIE:** Over the years apparently there had been building waste on site and we found some asbestos in that building waste.

**Mr TOLLNER:** Okay. Did you do an estimation of the cost of cleaning up that waste?

**Dr RITCHIE:** We commissioned an independent report on that. The assessment revealed there is an estimated quantity of about 1400 m<sup>3</sup> of building rubble containing possibly up to 42 m<sup>2</sup> of asbestos and we have gone out to tender for removal of that. That process is ongoing at the moment.

**Mr TOLLNER:** The preferred developer, if I can use that word, is not responsible for cleaning up the site?

**Dr RITCHIE:** That is not, strictly speaking, true. It is a matter of negotiation. The initial tender offered the site as-is, where-is.

**Mr TOLLNER:** It came with a lump of money - the original one.

**Dr RITCHIE:** No, the 16 January tender. The tender that went out was an as-is, where-is. It is clearly an issue while it remains our land – we have an interest in dealing with any contaminants on it. The final costs of remediation are a matter for negotiation we are having at the moment, but we expect, as owner of the land, we will be paying for some of it.

**Mr TOLLNER:** Can you tell me the estimated cost to remove that contamination?

**Dr RITCHIE:** I will not be able to tell you that until the tender process is complete.

**Mr TOLLNER:** Has an assessment been made of the cost of removal of that contamination?

**Dr RITCHIE:** The assessment has been around the quantity - quantifying accurately. There may have been numbers bandied around based on eye-balling it, but the AEC Environmental Pty Ltd study we just had done estimated 1400 m<sup>3</sup> of building rubble containing around 42 m<sup>2</sup> of asbestos waste. We have gone out to tender on that basis and will find out what the price is.

**Mr TOLLNER:** Are you saying you have done an estimation of the quantity, but you have not done an estimation of the financial cost?

**Dr RITCHIE:** We can speculate on the cost on the basis of ...

**Mr TOLLNER:** Yes, that is what an estimation is - a speculation.

**Dr RITCHIE:** Well, no, they are slightly different.

**Mr TOLLNER:** Well, what are you speculating on?

**Mr McCARTHY:** It is not good to be speculating around figures while this is out there.

**Mr TOLLNER:** I am not after figures, minister. I am trying to ascertain whether you estimated or speculated as to what the costs might be to remove the known or estimated amount of rubble and other contamination from the site.

**Dr RITCHIE:** Member for Fong Lim, yes, we have an idea from past experience on what that volume would involve, but we are – I am reluctant to talk about it because we are in the middle of a tender process.

**Mr TOLLNER:** Obviously, yes.

**Mr McCARTHY:** Mr Chairman, I have an answer to a question we took on notice.

**Mr TOLLNER:** Could you wait until we get through ...

**Mr CHAIRMAN:** We will wait until the end of this line of questioning then come back to that, minister.

**Mr TOLLNER:** Sorry, minister, but we on are a line of questioning. It is rather rude to interrupt it.

**Mr CHAIRMAN:** He was being helpful, member for Fong Lim.

**Mr TOLLNER:** Has any preliminary work been done to gain development consent for the construction of a workers short stay accommodation village?

**Dr RITCHIE:** Our involvement in this is to secure an operator and negotiate with the proponent. The proponent is responsible for taking this. This is a private development which will go through the DCA process in the normal way.

**Mr TOLLNER:** Is it right for me to assume the strategy of the department in this case is to load up the developer with the risk, that is, quantifying what might or might not be the cost, whether or not they might be able to access Development Consent Approval and, thereby, negating all risk by the department?

**Mr McCARTHY:** If I could start that by adding 'and delivering best value for the taxpayer', member for Fong Lim. That is the bottom line. This is a government ...

**Mr TOLLNER:** Do you want a short stay workers camp on that site or not? If you do, are you prepared to wear some of the risk? By the sound of it, you are prepared to wear no risk; you are loading that onto the developer saying: 'Well, we will make available this block of land. You work out what it is going to cost you to remove asbestos and the like'. As you know, those things can be very expensive and the development consent process can be a very long drawn out process. Are you telling me you are putting all the risk onto the developer and trying to negate any risk to the department?

**Mr McCARTHY:** This is an innovative project. This has been tasked to the Department of Lands and Planning to get this project in the best possible space to ...

**Mr TOLLNER:** Minister, how do you know it is an innovative project?

**Mr McCARTHY:** ... deliver for the taxpayer. The department CE has been explaining the elements of that to you, and I will hand it back to Dr Ritchie ...

**Mr TOLLNER:** What have you delivered to the taxpayer?

**Mr McCARTHY:** ... to continue to explain to the member for Fong Lim the project of building a short term accommodation village for a turbocharged economy in the greater Darwin area.

**Dr RITCHIE:** The whole question of managing risk is a matter of getting the risk managed where it is best managed. Where the department, or government, is taking risk out for the developer is the first bit of risk is the land, and the land is being offered at a peppercorn rent. The risks of finance and finding land and that type of thing are completely gone, which is a big risk out for the developer. The second thing we have done is had the land appropriately zoned. We are proving the developer with a block of land that is appropriately zoned with services connected to the boundaries - all those risks are taken out. We believe that managing the development approval which relates to the specific configuration of the development - there are issues which are best dealt with and managed by the developer directly interacting with the DCA and the community. At the moment, as we have already said, we are prepared to negotiate around that issue of any contaminants on the site to ensure that is not unfairly and unreasonably being shot home to the developer, even though the expression of interest did specify an as-is, where-is site.

**Mr TOLLNER:** What is the value of the land?

**Mr McCARTHY:** You are asking for details while there is a specific tender process going through. It would not be appropriate for me to make that call.

**Mr TOLLNER:** What is the Valuer-General's value of the land?

**Mr McCARTHY:** It is the same question and the same answer.

**Mr TOLLNER:** You do not have a valuation on that land from the Valuer-General?

**Mr McCARTHY:** One would expect, member for Fong Lim, the commercial entity interested in this development proposal would be going down that road; they would be getting those valuations done in preparing their tender.

**Mr TOLLNER:** It seems a bit odd to me, minister, that this juicy block of land which is going to drive this turbocharged economy and find accommodation for hundreds of temporary or short stay workers, has only attracted three expressions of interest. You cannot tell us any details about it except that, in part, the developer is going to be responsible for a whole range of things and government has duck-shoved all responsibility for aspects that really should be a requirement. Goodness me!

How can you, in all consciousness, hand over a block of land contaminated with asbestos and rubble from Cyclone Tracy to somehow find accommodation in this turbocharged economy?

**Mr McCARTHY:** Dr Ritchie has been outlining this as an innovative proposal. It is a good proposal from government. We value this, and we are going to ensure we do the best we can to get this up as another element of housing the Territory and providing short-term worker accommodation which is required for the major projects on the go at the moment. However, providing you with financial figures and details around this as a tender process is being conducted is inappropriate.

**Mr TOLLNER:** What you are telling me is, in two week's time, a decision will be made on this block?

**Mr McCARTHY:** It is being evaluated at the moment. I will take this back to government to be assessed once we have those details delivered to me.

**Mr TOLLNER:** Let me clarify what Dr Ritchie said - everything will be finalised on 6 July, which is roughly two weeks.

**Mr McCARTHY:** Yes, that is deadline has been given. As I said, when this information ...

**Mr TOLLNER:** We have seen deadlines on this block of land come and go before, minister. Is that a deadline? Is that ...

**Mr McCARTHY:** When this information comes to me I will present it to government for the final decision.

**Dr RITCHIE:** There is an offer out to a business and we are in very advanced negotiations. That is the last date the offer stays open. The offer closes on that date. From the committee's knowledge of the negotiations, they are going very well. We anticipate they might even be signed off before that date, but that is the date it has to be done as per one of the conditions of the offer.

**Mr TOLLNER:** Can you give me an idea of the terms of this expression of interest that was put out there? How many people need to be accommodated on that site? When does the site have to be completed by? All the demands government wants for this marvellously generous peppercorn rental of the site?

**Mr McCARTHY:** Yes, member for Fong Lim, I will hand that to the CE to provide those details.

**Dr RITCHIE:** The proposal is in a number of stages. Stage 1 will be in four phases. It is a 270-room development, the first phase of which is 60 budget dwellings. They are 12 m<sup>2</sup> dwellings with shared kitchen, dining facilities, administration complex, car park, linen store, ice room and laundry. That will take approximately 20 weeks to build.

Phase 2 is 96 premium dwellings. They are 15 m<sup>2</sup> with an ablution block, second and third laundry, gym, TV rooms, and that will be another six weeks. After that, 66 dwellings of 15 m<sup>2</sup> with a fourth laundry, car park, and ablution rooms.

Then, Phase 4, which is another 48 rooms of 15 m<sup>2</sup> and another laundry. That is where you get the 270. That is what the proposal is and what we asked for.

**Mr TOLLNER:** Adding all those together, that is 20 weeks and six weeks - what is the ...

**Dr RITCHIE:** The developments have to start in October this year; that is one of the things. The first phase is 20 weeks from October. The first 20 weeks have much of the start-up costs and start-up time. So, they will do the first 60 in 20 weeks. The next 96 will be done in six weeks - this is a modular construction. Following that, there will be two lots of 66 and 48 which will depend on demand. We do not have time frames for them, but we expect they will roll-out similarly, depending on demand. They are able to put up the better part of 100 of these in under two months.

**Mr TOLLNER:** That adds up to approximately 12 months. Around July next year it would be completed?

**Dr RITCHIE:** That is correct.

**Mr TOLLNER:** Have you put any caveats on the people who can stay there?

**Dr RITCHIE:** It is a commercial operation which will be managed. The facility is designed by an operator who specialises in providing this type of short stay accommodation for industry. We are not mandating or saying certain tenants are excluded. The design of the facility, the way it is run, and the commercial realities will dictate that.

**Mr TOLLNER:** Have put limits on what they can charge or whether they have to be workers. Can they be backpackers, or the like?

**Dr RITCHIE:** The short answer is we are offering this site for the purposes of constructing a professional workers' short stay accommodation village. The proponent is doing this across Australian and, I believe, overseas. We are not trying to do rent control, and it is not a policy of government to do that anywhere, so it will be a commercial operation.

**Mr TOLLNER:** Very interesting. Whilst we are on Land Administration, can you outline what the arrangement is with Robbie Robbins Reserve? Is it a caravan park? What is the status of Robbie Robbins Reserve?

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**Answer to Question on Notice No 8.07**

**Mr McCARTHY:** While the Chief Executive is getting that information, Mr Chairman, if I could provide two answers to questions taken on notice.

**Mr CHAIRMAN:** Yes.

**Mr McCARTHY:** Question No 8.7: 'Who was the successful tenderer for the growth towns consultancy for \$123 000?' The answer is Ambrose Indigenous Business.

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**Answer to Question on Notice No 8.10**

**Mr McCARTHY:** Question No 8.10: 'What is the amount of revenue for the output Land Information for 2011-12, how does that compare to 2010-11, and what is the projected for 2012-13?' Answer: the amount of revenue received for 2010-11 for Land Information was \$1 595 918m. Budgeted revenue in 2011-12 was \$2.015m, and \$995 000 in 2012-13. I will table those answers for the committee.

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**Mr CHAIRMAN:** Minister, the last question from the member for Fong Lim you asked Dr Ritchie to answer. I am unsure if Dr Ritchie heard the question about Robbie Robbins Reserve.

**Dr RITCHIE:** Member for Fong Lim, that reserve has an exceptional development permit for use as a caravan park with, I believe, a limit to the number of sites of 30.

**Mr TOLLNER:** Are they exceeding that limit?

**Dr RITCHIE:** We do not believe so.

**Mr TOLLNER:** Are checks being done on that?

**Dr RITCHIE:** I am not aware of any issues with that site, but we can take that on notice.

**Mr TOLLNER:** That is okay. I have just been asked by people in the community.

**Mr McCARTHY:** I was going to ask, member for Fong Lim, do you have concerns about that?

**Mr TOLLNER:** No, I do not have concerns about it. There are people within the community with concerns so I was obliged to ask that question on their behalf. I thank Mr Ritchie for answering that question. I apologise, I seem to be jumping around. What is the length of the lease being negotiated for the Batten Road short stay workers village?

**Dr RITCHIE:** Member for Fong Lim, it is a 12-year lease.

**Mr TOLLNER:** No further questions.

**Mr CHAIRMAN:** Member for Nelson, Output 1.2 - Land Administration.

**Mr WOOD:** on that Batten Road development, how many people are expected to live in that community?

**Mr Tollner:** 270 rooms.

**Mr WOOD:** Are they single or double?

**Dr RITCHIE:** Member for Nelson, 270 rooms and they are meant to be one person per room.

**Mr WOOD:** No married?

**Dr RITCHIE:** No, not to my understanding. It is meant to be single.



**Mr WOOD:** I am surprised considering all the issues about affordable housing. There is a place next door run by Yilli Rreung and there is a shortage of affordable housing. I am surprised that within one year we can put 270 people on the ground yet we seem to have trouble putting up houses for people who cannot pay present rates of rent or mortgages. Why can we not do the same thing for people on low incomes and do it quickly? For comment, minister, it seems to me we can do something for the workers, but when it comes to putting a roof over people's head it seems a bit harder.

However, I digress. Minister, in Budget Paper No 3, page 233, Key Deliverables under Land Administration it says: 'Crown land parcels across the Territory managed for public safety and to meet statutory requirements'. There is a footnote which says: 'Crown land parcels base increase due to council drainage reserves being passed to government'. Minister, which council is passing on those drainage reserves to government?

**Dr RITCHIE:** Member for Nelson, that footnote relates to new drains. As we roll-out developments in Palmerston East there are some we are going to manage rather than the Palmerston City Council. There is also the finalisation of negotiations that have been ongoing for a number of years with Palmerston City Council about Mitchell Creek. The broad agreement we have reached with Palmerston City Council is if - and it goes to more than just drainage, it goes to the open space as well - the area - and Mitchell Creek is a good example where the benefits of that area are enjoyed by a wider community than the ratepayers of Palmerston - there is a case that the costs of maintaining that should be picked up more widely by government, and we have accepted that. That also applies, obviously - it is a major natural drainage system. It also has reasonably high maintenance costs. As I said, the other work is for some of the newer work around in the new subdivisions in Palmerston.

**Mr WOOD:** Thank you. Minister, does that not leave you open to what has also been requested by Litchfield Council - to take over public drainage areas? If you argue about the reasons for taking over Mitchell Creek, whilst I like Mitchell Creek, I am unsure it is going to attract many people from elsewhere. There are many reserves. Litchfield Council's policy used to be - I am unsure what it is now - to retain large numbers of creeks and lagoons as drainage reserves. Has the government a policy to take over some of those parcels of land the council would obviously like to hand back to the government?

**Dr RITCHIE:** Member for Nelson, that is a negotiation between us and the Palmerston City Council. They may put that case, and it is to do with the numbers of people using it. The particular difficulty with Mitchell Creek, as you will be aware, is we are trying to maintain a natural drainage - repairing a corridor through a pretty urbanised environment and you get very high levels of weeds and erosion and all sorts of problems because of the high numbers of people and the fact it is surrounded on all sides by urban settings. That was a one-off negotiation with Palmerston. The bottom line is under the *Local Government Act* drainage is with local government and any exceptions are dealt with case by case by negotiation with - and we try and keep the precedent word out of it.

**Mr WOOD:** Okay. Minister, on page 34 of your annual report, under Priorities for 2011-12 it says:

*Finalise the assessment of the expressions of interest for the development of Lot 10026 (Palmerston Superblock) in the Palmerston Town Centre for mixed-use development.*

Has that assessment been completed, and where do we go now?

**Mr McCARTHY:** Member for Nelson, much work has been done around that particular lot and there is ongoing negotiation with the Palmerston City Council around the CBD. For the details around that I will pass to the CE, Dr Ritchie.

**Dr RITCHIE:** Thank you, minister. Member for Nelson, as part of the process, which you would know about, we arrived at a preferred proponent and negotiations with that preferred proponent are continuing.

**Mr WOOD:** How long do you expect before a final decision is made?

**Dr RITCHIE:** At this stage it could be sooner, but we are expecting it will be dealt with this year,

**Mr WOOD:** Minister, one other question on your annual report, page 33, in relation to your achievements in 2010-11, you provided services to three commercial sites in the Katherine East industrial area precinct which were identified for release by public auction. Minister, what does that mean? You provided services to three commercial sites, and if you could provide services to three commercial sites,

why has Humpty Doo District Centre, after 20 years of trying, not had one new block of commercial land in an industrial area?

**Mr McCARTHY:** That is a good question. Around the provision of services, I will have the CE respond. We will get that information about Katherine and the bigger picture of providing services and the costs involved.

**Dr RITCHIE:** The lots in Katherine that had services provided ...

**Mr WOOD:** What were those services? That is what I could not understand.

**Dr RITCHIE:** What are the services? Lot 1348 and - Chardon Street. It is not clear to me in this lot whether that is Power and Water or they are lumped together.

**Mr WOOD:** That is what confused me. I did not think it was your job to be providing services ...

**Mr CHAIRMAN:** Would you like to put it on notice?

**Mr WOOD:** Yes.

**Mr CHAIRMAN:** Could you repeat the question, member for Nelson?

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#### Question on Notice No 8.11

**Mr WOOD:** Can you please provide an explanation as to what services were provided to three commercial sites in the Katherine East industrial area precinct, as per your annual report, page 33?

**Mr CHAIRMAN:** That is question No 8.11.

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**Mr McCARTHY:** The second part of that question about Humpty Doo, I can assure you it is government's will to develop that area. We see the potential. We understand the benefits. It really comes down to cost. There is no budget appropriation in this budget, as you know, for that development. It really does come down to cost. Also, within the department we assess that area for demographics, so we are continually working to see there is demand there and that what government provides will sell and will be developed, but it is a very expensive business again, as you know.

**Mr WOOD:** What concerns me is the government does not have to develop it. Stage 3 of the Spencely Road development - some years ago the government sold it to a developer. Originally, government did its own development. There is a parcel of land next door. I have seen the costs to develop it. One of those was sewerage, and it has been put to me perhaps it was not necessary to have sewerage. You are talking about industrial development so you do not have many people using the toilet. In other parts they use that water for irrigation and landscaping. Why do you not put out expressions of interest for a private developer similar to the Batten Road workers village, even if it was a peppercorn rental, so it could be done in stages? You say there may not be enough demand. There are no blocks available, and you could put out a new stage and see whether that could be filled. Why can there not be an alternative? If the government does not have the land or the money to do it, at least do what you are doing at Batten Road and encourage the private industry to do something.

You would probably know there is a company - I do not mind saying the name - Colemans - that has been struggling for a parcel of land because the department has said it must get off the five or 10 acre block or whatever it is. It is struggling to get onto that parcel of land because there is no real industrial land available.

**Mr McCARTHY:** I have taken that on board. We will continue with the agenda for getting land released at Humpty Doo, particularly in relation to the Greater Darwin Land Use Plan. We are factoring in all these areas that can be developed. We understand that and we value that.

In relation the Colemans issue in Humpty Doo, we have something to report back. I will hand over to the CE to advise you of that.

**Dr RITCHIE:** We have made an offer to Colemans and are waiting for their response which, we assume, will be they will want it.

**Mr WOOD:** That is good news. You want your local business to stay local. I have no more questions, Mr Chairman.

**Mr CHAIRMAN:** Member for Port Darwin, Output 1.2, Land Administration?

**Mr ELFERINK:** A few quick questions. The line item referring to sale and acquisition of land for government, commercial, and community purposes progressed. I presume that is 147 events, deals, or contracts?

**Mr McCARTHY:** Member for Port Darwin, we will have that confirmed for you.

**Mr ELFERINK:** Page 233 of Budget Paper No 3.

**Dr RITCHIE:** I understand that would be the number of acquisitions and the number of direct sales.

**Mr ELFERINK:** When you say sale and acquisition for government, commercial and community purposes, does that go both ways? Is it sales by government, sales to government, or a mixture of both?

**Dr RITCHIE:** Sales to government are acquisitions, sales by government are where we sell land to somebody else.

**Mr ELFERINK:** So, it works both ways. That is 147 events. Do you have a list of those events?

**Dr RITCHIE:** We could do it.

**Mr ELFERINK:** Yes, please. Could we place that on notice?

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#### Question on Notice No 8.12

**Mr CHAIRMAN:** Could you phrase that as a question, member for Port Darwin?

**Mr ELFERINK:** Question on notice with regard to Land Administration key deliverables line item No 3, sale and acquisition of land for government, commercial and community purposes progressed, 147 final estimate for the year 2011-12. May we have a full list of the 147 events?

**Mr CHAIRMAN:** That is question No 8.12.

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**Mr ELFERINK:** That is it.

**Mr CHAIRMAN:** That concludes questions to Output 1.2 -Land Administration.

**Mr CHAIRMAN:** We move on to Output 1.3 - Building Advisory Services. Member for Port Darwin, are you taking the lead?

**Mr ELFERINK:** It would appear so.

**Mr WOOD:** He has gone; he is absent. If I am absent, I miss out.

**Mr CHAIRMAN:** Opposition committee members get the jump before an Independent committee member.

**Mr WOOD:** They are multiskilled.

**Mr CHAIRMAN:** I could give it to ...

**Mr ELFERINK:** He who makes things up as he goes along will ride yet again. Actually, I have a question. Regarding proposed amendments to the town plan in relation to 1000 m<sup>2</sup> blocks, where are you with that, minister?

**Mr WOOD:** Is that Building Advisory Services? Are we at 1.3?

**Mr ELFERINK:** No, that is 1.2.

**Mr WOOD:** I thought we had moved off ...

**Mr CHAIRMAN:** Yes, we are at Output 1.3 - Building Advisory Services.

**Mr ELFERINK:** Sugar! I was supposed to ask that in 1.2.

**Mr WOOD:** You can do it in Planning.

**Mr CHAIRMAN:** Is Land Administration where dual occupancy is asked?

**Mr ELFERINK:** Yes.

**Mr CHAIRMAN:** Is the minister ...

**Mr WOOD:** I am flexible.

**Mr ELFERINK:** Yes, I am sorry about that, I thought we were on 1.1 going to 1.2.

**Mr CHAIRMAN:** As we have not moved anywhere yet, I will ...

**Mr ELFERINK:** I thank the committee members for their indulgence. You would appreciate this is an issue out there, and it is an issue the minister would like to talk about.

**Mr McCARTHY:** Yes, certainly. Mr Chairman, in response to the member for Port Darwin's question of where am I at with that, the greater Darwin plan has just completed a public exhibition which allowed the community a further opportunity to provide feedback. A reporting body hearing will be held on 22 June 2012 to consider the plan and the submissions received.

**Mr ELFERINK:** All right. By the way, I have to declare an interest. I have a 1400 m<sup>2</sup> block in a whole bunch of 1400 m<sup>2</sup> blocks, but ...

**Mr CHAIRMAN:** A whole bunch?

**Mr WOOD:** You can get 10 houses on that.

**Mr ELFERINK:** Yes, the whole of Narrows Road.

**Mr CHAIRMAN:** Sorry, I thought you said you owned a whole bunch.

**Mr ELFERINK:** No, I wish! The process is ongoing. Did you say 22 June?

**Mr McCARTHY:** That is correct.

**Mr ELFERINK:** Has that been advertised widely?

**Mr McCARTHY:** Yes, I believe so.

**Mr ELFERINK:** All right.

**Mr McCARTHY:** This whole process has been well documented, well communicated. A very healthy list of submissions has come in and the reporting body will now hear ...

**Mr ELFERINK:** When do you expect to make a decision, minister, announcement, or whatever?

**Mr McCARTHY:** I will not put a calendar date on that, but the next level will be once the reporting body reports back to me. I am very keen to get that back to government to continue our debate around the greater Darwin plan.

**Mr ELFERINK:** I will be more specific - before or after the election?

**Mr McCARTHY:** I will not put a date on it. However, I work as a team in the Henderson government and ...

**Mr TOLLNER:** The Henderson team.

**Mr Wood:** Not in change of planning.

**Mr McCARTHY:** The Henderson team. Member for Port Darwin, I have been advised you have a block in the greater Darwin area which could benefit from an amendment such as dual occupancy ...

**Mr ELFERINK:** Or I may not be happy with the amendment.

**Mr McCARTHY:** ... and that has been interpreted to being supportive of our plan, and we value that. Thank you, member for Port Darwin.

**Mr ELFERINK:** It is a broad interpretation. I deliberately said it because I am not going to ask questions about something I may have a pecuniary interest in one way or the other. I am simply curious about it because it is an issue of real public interest. This has many people paying attention, which is why I was hoping for a more exact answer. Mr Chairman, that is where we are at and that is all the questions I have in relation to that. Thank you.

### **Output 1.3 – Building Advisory Services**

**Mr CHAIRMAN:** We will move to Output 1.3, Building Advisory Services. The member for Fong Lim has the call.

**Mr WOOD:** Does my flexibility come at a disadvantage, Mr Chairman?

**Mr CHAIRMAN:** No, member for Nelson. You did not have the call before, the member for Port Darwin did.

**Mr WOOD:** He got the wrong output. Okay. It is okay member for ...

**Mr TOLLNER:** I do not have too many questions. What is the average length of time from notification to issue of a building occupancy certificate?

**Mr McCARTHY:** Member for Fong Lim, we will get an estimate around that. CE, Dr David Ritchie.

**Dr RITCHIE:** Member for Fong Lim, it is one of those things that we cannot provide. There is private certification in the Northern Territory so the length of time - we know when we issue them, but we do not know when they have ...

**Mr TOLLNER:** Been notified.

**Dr RITCHIE:** Yes.

**Mr TOLLNER:** What is the total revenue received from the certification of building practitioners?

**Dr RITCHIE:** The revenue from building registration for 2010-11 is, in round terms, \$1.247m, and in 2011-12 it is \$0.647m

**Mr TOLLNER:** Why the big change?

**Dr RITCHIE:** The reason for the change is a number of - these are done every two years so you get this pulse on the off year.

**Mr TOLLNER:** I imagine the following year will be back around ...

**Dr RITCHIE:** Exactly.

**Mr TOLLNER:** How many complaints have been made against building certifiers?

**Dr RITCHIE:** We have aggregated the complaints relating to building certification: for 2010-11 - 131, which includes builders. Protect practitioners - 2010-11 is only 25, and 2011-12 is 16.

**Mr TOLLNER:** And complaints in relation to builders?

**Dr RITCHIE:** I will check that line. That is what confused me before. That number I gave you - 25 - includes builders. It is any practitioner and supplier, so it is builders and certifiers and the same for 2011-12. We have not broken it down into builders and certifiers separately, so the combined total is 25 for 2010-11.

**Mr TOLLNER:** What does the 131 include? You said the 25 included certifiers and builders, what are the remaining 106?

**Dr RITCHIE:** That was because I was adding the complaints about buildings that were not compliant as distinct from the operators so there are complaints about a building or whatever so ...

**Mr TOLLNER:** This is virtually total complaints that ...

**Dr RITCHIE:** Total complaints was 131. About the building was 106 in 2010-11 and 57 in 2011-12. The 131 was the 106 about the building and 25 about practitioners.

**Mr TOLLNER:** I will leave it there.

**Mr CHAIRMAN:** Member for Nelson Output 1.3 - Building Advisory Services.

**Mr WOOD:** Minister I want some building advice on the RAAF Base houses and the houses removed from Larrakeyah last year. Minister, were those houses, before they were removed, up to cyclone code? What are the difficulties for someone receiving or purchasing one of those houses if they wish to relocate them within the Darwin area?

**Mr McCARTHY:** Member for Nelson, I will get you the technical comments around the specifications on those houses. I will also have the department comment on what government did to support that project and get those houses into areas where they were appropriate and where they could be relocated to deliver another housing option within the greater Darwin area, or the Territory for that matter. I will hand that to CE, Dr David Ritchie.

**Dr RITCHIE:** Member for Nelson, there was a range of buildings as you know but, basically, they were all built by or for the Commonwealth to the standards the Commonwealth applied at the time.

**Mr WOOD:** After Cyclone Tracy?

**Dr RITCHIE:** Most of them were post-Tracy, but I believe some were pre-Tracy. They all had certificates of occupancy and were perfectly legal buildings prior to being moved. Basically, once the buildings are moved then whoever buys and moves them has to obtain a building permit for the footings and fixtures and that has to be done by a registered building contractor or a builder.

**Mr WOOD:** Is the top part of the building legal and the problem is you have to attach it to an approved foundation of some sort?

**Dr RITCHIE:** You also have to have a report issued by a certifying engineer that those footings and fixtures are adequate, but after that, yes.

**Mr WOOD:** Those houses removed from Larrakeyah, if they had a certificate of occupancy, could be put anywhere as long as they are put on foundations checked by a building certifier which came up to a code?

**Dr RITCHIE:** That is right.

**Mr WOOD:** Minister, what concerns me is - I mentioned this to the Chief Minister - we have houses sitting out at Holtze which were purchased by a company that removed them. I believe they are charging - I cannot guarantee - somewhere between \$150 000 and \$200 000 a house. The government had an opportunity to take those houses because that was government to government, and those houses were going to be bulldozed. The concern is we are talking affordability of houses; the government is talking

about making things available. There was an opportunity to provide housing for people, to help people who could not normally get into the market.

Minister, you have heard about Eaton, that is a photograph I got today, that is a house that has been bulldozed on the RAAF Base - not removed, just bulldozed. Why does your government not make the effort to talk to the Commonwealth government about taking ownership of these houses, remove them to some place relatively safe like Berrimah Farm - which is not used except for moo cows and checking chicken viruses - at least store them until we can get the forestry land developed? I ask again: where is the can-do attitude? Many houses have gone. Why can we not use these houses again if they are up to code or have a certificate of occupancy? Can your department or your government not talk to the Commonwealth about saving these houses and putting them somewhere to turn things around for people who cannot afford a house?

**Mr McCARTHY:** Member for Nelson, if I could talk about the first project, the houses that came out of Larrakeyah, and I believe some have moved ...

**Mr WOOD:** Fifteen, I believe.

**Mr McCARTHY:** Yes, and the government has worked with Territorians, with potential buyers, as best we can and have provided opportunities for those houses. In relation to Eaton, we went to the Commonwealth government. It was led by the Chief Minister. We did talk. There are many constraints around that and the bottom line is the Commonwealth dictated what it wanted to do with those houses. It is its property; its asset. However, we did, member for Nelson.

In relation to the Department of Lands and Planning and our output appropriation, we are about providing the pipeline. We are not in the business of housing people; we are about setting up the land administration. You know what we do.

**Mr WOOD:** Yes, but I am talking partly because I need clarification of whether these building can be put within a cyclone area. There was some concern that the cost of refitting them to a cyclone standard would make it a fairly expensive proposition. Your CEO has said the houses are basically okay but would have to be put on the correct footings. The government owns quite a bit of land. I am looking at a whole of government approach. People ask me all the time: 'Where can I find an affordable place for my children?' because they cannot afford it. They are either going down south or staying at home. Here is a practical way of relieving that and there is no action. The action, in this case, is to bulldoze. The other action is to sell it off to a private developer when those houses could have been given to the Territory free to sell for a reasonable price.

It seems we have a cannot-do sometimes. I am not knocking you personally, minister, but I would like to see a can-do attitude. Here is a project. Let us get those houses - talk to the Commonwealth. Mr Snowden is supposed to be our representative - tell him these houses are worth keeping.

This week is the St Vincent de Paul sleep out for the homeless. I am going to find it difficult talking to the CEOs about how we find solutions if the Commonwealth solution or NT government solution is: 'Well, that is the solution'. It is sad. I asked the question because I wanted to see if there is a practical problem in keeping these houses.

**Dr RITCHIE:** Member for Nelson, just on what we can do - and the minister has outlined our role is providing land - the other bit in the output is we run the *Building Act* and our act applies standards to what dwellings have to be - Building Code of Australia. What we were able to do and what we did for these houses was we had an amendment to the act passed especially to enable those houses to be treated as they were on the original site. In other words, as long as they had certificates of occupancy before they were moved, so long as they were put on to secure footings rated by a structural engineer, there would be no requirement for further work to bring them up to some type of modern code. It is worth noting, though, nobody has come to us to enact that rule because most people want to upgrade them in some way.

**Mr WOOD:** I was trying to see if that was a limitation. You have just built a road to the prison, you have a water main there, you have a main power line there, you have land zoned residential, you could open up 50 blocks and put 50 of those houses there tomorrow, put them up for auction for people who are in a particular income bracket, which would allow them to not have a big mortgage, and that money they save could be put into improving the house as they are older houses. They would give some relief and opportunity for people. I cannot see the can-do attitude. Why can we not do that - release that land?

We have just built the prison and put lots of dollars there. You told us about Batten Road, that is great for the workers, but there are many other people who need your help at the moment. I am trying to find an opportunity to fix a problem I see every day.

**Mr Giles:** They have only built 16 of those houses, Gerry.

**Mr WOOD:** I have a couple of other questions. I have been told there is a database kept on materials used in housing in the Northern Territory and its impact on the building's energy rating. Does the agency use this data and, if not, who does?

**Mr McCARTHY:** We will get some comment from our public officials.

**Dr RITCHIE:** We do not maintain a database of that nature. We are trying to work out where it might be if it is not with us.

**Mr WOOD:** Okay.

**Mr CHAIRMAN:** Any other questions, member for Nelson?

**Mr WOOD:** It would be better to wait for the answer, or we could come back after if you have the answer?

**Dr RITCHIE:** I thought it might have been in our sustainability area, but no, we do not.

**Mr WOOD:** Okay.

**Mr CHAIRMAN:** Minister, it being 12.30 pm, we will take a break for lunch and come back at 1 pm with the member for Nelson at Output 1.3 - Building Advisory Services.

**Mr McCARTHY:** Can I give one more answer to a question taken on notice?

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**Answer to Question on Notice No 8.9**

**Mr McCARTHY:** Question No 8.9: 'Of the nine growth towns, how many township leases have been negotiated?' The answer: the Commonwealth land holding entity, the Office of Township Leasing, hold section 19A *Aboriginal Land Rights (Northern Territory) Act 1976*, head leases over Angurugu, Umbakumba and Wurrumiyanga. I will table that for the committee.

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The committee suspended.

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**Mr CHAIRMAN:** We will start again, minister. You have a question on notice you want to answer.

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**Answer to Question on Notice No 8.03**

**Mr McCARTHY:** Thank you, Mr Chairman. Question taken on notice No 8.3: 'Of the 113 vacant full-time equivalent positions, how many are acting employees, temporary employees and contractor/consultants?' The answer to this question is included in questions 4, 5 and 8 of written question 343 and 357 which was provided prior to Estimates. The written questions provide data on funded and vacant positions categorised by permanent, temporary and acting arrangements. It should be noted that as no staff are held against vacant positions, no FTE is recorded against these positions. In relation to contractors and consultants, as they are considered an operational expense they are not counted as an FTE. I table that for the committee.

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**Mr CHAIRMAN:** The call is with the member for Nelson at Output 1.3 - Building Advisory Services. Do you have any more questions?

**Mr WOOD:** Yes, Mr Chairman. Minister, page 32 of the annual report under priorities for 2011-12 says:



*Develop options for proposed changes to building regulations in the Territory.*

Does that mean we might have a chance of living in sheds, or is there some way the government will put in regulations required if one wished to live in a shed?

**Mr McCARTHY:** Member for Nelson, you can live in a shed providing it conforms to that important amenity. In relation to living in sheds and going back to the motion you moved to allow people to live in sheds in rural areas under certain conditions, I will - Dr Ritchie, do you want to take the member through this question?

**Dr RITCHIE:** In relation to the question on the line in the annual report, which is options for changes to building regulations in the Territory, primarily, that is about the introduction of the residential building insurance scheme. We have also been looking at how we deal with disability access and some changes to the plumbing code which is not - it is all about changes to facilitate residential building insurance and disability access.

**Mr WOOD:** Minister, the issue of sheds I am still working on. I do not want people to live in a second-rate dwelling, but from some of the talks I have had with a person involved in this for some time, it appears we can find some middle ground and reach the standard required. I will leave that as my questions.

**Mr CHAIRMAN:** In that case ...

**Mr McCARTHY:** Member for Nelson, Building Advisory Services publish a fact sheet titled 'Can I live in a shed, or can I convert my shed into a house?' The fact sheet is available from the Department of Lands and Planning website and sets out for property owners the process of converting a shed to a house but you can still call it a shed.

**Mr WOOD:** Some of those requirements are what you would get with a shed anyway. We are still working on it, minister, and will come back to you if we have something positive.

**Mr CHAIRMAN:** I believe the member for Drysdale called it a cathedral not a shed during the parliamentary debate.

#### **Output 1.4 - Development Assessment**

**Mr CHAIRMAN:** We now move to Output 1.4, Development Assessment.

**Mr TOLLNER:** I have a stack of questions but, in the interests of time, I will not ask any of them.

**Mr CHAIRMAN:** Member for Nelson, Development Assessment -1.4?

**Mr WOOD:** What was the department's response to the draft report of the Ombudsman on flooding of blocks in Pelly Road and Lorikeet Court, Herbert?

**Mr McCARTHY:** Member for Nelson, we are working on that issue. It is a complex issue; however, we have a responsible position. I will ask Dr Ritchie to walk you through where we are at with that body of work.

**Mr WOOD:** The draft report is out for comment from your department. The department put a response to that by the end of the month. I was wondering what that response was.

**Mr McCARTHY:** Dr Ritchie?

**Dr RITCHIE:** Member for Nelson, the response dealt with, in general terms, some of the factual material in the report. Primarily, our response to the Ombudsman was the department has from the beginning been completely focused on ensuring the owners of those blocks affected end up with land which gives them the full amenity they paid for. That, obviously, is they do not suffer any detriment as a result of the land being subject to flooding in these extreme events. The solutions we took the Ombudsman through were our proposals for draining those blocks, and that we had made some approaches to landowners about getting easements. Landowners had taken the view that was not reasonable because the acquisition of an

easement did not compensate them for some of the losses and the loss of amenity they would suffer in the future as a result of having drains built on their properties.

We have more recently said we are prepared to look at all that and, if needs be, actually acquire a strip of land and take over complete maintenance of that and, as part of that negotiation, deal with any issues of loss of amenity they would suffer by having earthmoving machinery on their property for a short time, or in the longer term from the change of the use of their block.

Letters offering to talk to people have gone out. We have had responses from one of the residents and we are waiting to see what the others say. That is where it stands at the moment.

**Mr WOOD:** It has been going a long time so I am not going to labour the question. The other side of the coin is what is the department - and NRETAS is involved as well - doing to ensure when it assesses land it does so according to the NT Planning Scheme?

**Dr RITCHIE:** Member for Nelson, this whole experience has led us to review a number of the processes involved in providing material to the Development Consent Authority and we are working very closely with NRETAS on that. The end result is we anticipate stricter requirements on developers to be able to demonstrate the situation around flooding on properties.

**Mr WOOD:** That also would be good. I cannot ask the developer, although I would love to.

A point of clarification to see whether this question - if I want to ask about the INPEX village and when it went to planning, what were the requirements of INPEX in relation to work it had to do, is this the place to ask that?

**Mr CHAIRMAN:** Has that gone to development assessment yet?

**Mr WOOD:** Yes, it has been approved.

**Mr McCARTHY:** Let us have the question and ...

**Mr WOOD:** It relates to another side of your portfolio, minister. What I would like to know is what was INPEX required to do by the Development Consent Authority in relation to the upgrade of the road at the entrances and exits of the INPEX village? I will not call them ingresses and egresses; it always reminds me of a bird. Also, what contribution are they doing to widen the road the minister has just put out an \$8.5m tender for Howard Springs Road? Are they contributing to the cost of that as well? My understanding would be the road widening at the entrances - there are two entrances - would be a normal requirement of any developer not up and beyond the call of duty. However, we know they should contribute to exterior developments, if I can call it that, so I am asking whether they are required to contribute to the widening of the road? That is part of that new tender.

**Mr McCARTHY:** Sure, member for Nelson. The traffic issues around this major project have been well-documented and well-researched. We are working together. Road safety is a key factor in all this work we have been doing. It is a whole-of-government approach when we talk about the INPEX plan and the significant transport task ahead.

For more specifics around the EDP, the Exceptional Development Permit, Dr Ritchie has some documents here and I will get him to share them with you.

**Dr RITCHIE:** Member for Nelson, the first part of your question was about what specific conditions were imposed on them as part of the development permit.

**Mr WOOD:** Specifically roads.

**Dr RITCHIE:** Specifically roads, okay. The first condition is they have to prepare a traffic impact assessment looking at all the issues. Preparation of that has to be worked on with our Road Network Division. Before they start any works they have to prepare a plan, which they have done, and the traffic management plan has to be part of the operational phase of the whole thing.

Prior to the start of works for the site at the corner of Howard Springs Road in the Hundred of Bagot, the owner of the land must provide appropriate and satisfactory engineering solutions for the access - getting on and off the land. They have to do erosion control, and most of the other things are not traffic-related. The second part of your question is what contribution are they making to all those works?

**Mr WOOD:** No, not to those works because I regard those works as their responsibility. It is their entrances onto your road - any developer would have to put slip lanes. The government has put out a tender to duplicate Howard Springs Road from Whitewood Road to the Stuart Highway and, as you know, we have heavy traffic on that at the present time. Are they required to contribute to the cost of that upgrade?

**Dr RITCHIE:** They will be and we are talking to them. It is a negotiation happening at the moment.

**Mr WOOD:** If that is the case, and I am glad it is - I am not saying they pay for the whole thing, but they should make a contribution. There are three areas that need looking at. First, the Aboriginal community does not have legal access - I have raised this with Malarndirri McCarthy - and it would be embarrassing to government if it spends \$8.5 on duplicating a road and the Aboriginal community still does not have gazetted road access to its property.

As well, we have tried to get the bicycle path to join the existing bicycle path to your heritage site - the 17½ Mile - and there is some dispute over that name. It is only 1700 m. There are people on what we called Chicken Lane or AA Road who will have their access blocked by this development. There will have to be a new road, whether it is gravel or sealed is another matter. Some changes are going to occur which have not been totally costed into the \$8.5m. If there is a contribution from the developer, INPEX, some of those issues might be taken up.

**Dr RITCHIE:** Okay.

**Mr WOOD:** Minister, at the moment, people are finding it hard to get used to the INPEX village. It is a big change. Many trees have gone - all been chipped up, and it is a big change. I have always said to the company: 'You are moving into our patch and people will have to live with that. We need to see some contribution to show us you are part of the community.' This is one of the areas where they could show us.

**Mr CHAIRMAN:** That concludes questions to Output 1.4, Development Assessment.

#### **OUTPUT GROUP 2.0 – PLANNING** **Output Group 2.1 – Planning**

**Mr CHAIRMAN:** We now move on to Output Group 2.0, Planning, Output 2.1, Planning.

**Mr TOLLNER:** Minister, has the government identified any area for heavy industry development?

**Mr McCARTHY:** Yes, in our greater Darwin plan we have been working on that extensively. It factors in all the components of good planning around the greater Darwin area. I presume that is the area you are interested in, member for Fong Lim.

**Mr TOLLNER:** I am curious to know where it is and what you are planning.

**Mr McCARTHY:** Sure, and I am sure Dr Ritchie will comment.

**Dr RITCHIE:** I have the Executive Director of this output with me, David Malone, and he can deal with that.

**Mr MALONE:** The greater Darwin plan contains information on all industrial land running from light industry right through to strategic industrial land.

**Mr TOLLNER:** Where are you intending to put the heavy industry development?

**Mr MALONE:** What sort of heavy industry are you talking about?

**Mr TOLLNER:** That big bulky stuff we are not allowing in the harbour.

**Mr MALONE:** Such as gas plants or ...?

**Mr TOLLNER:** Gas plants, future gas plants, petrochemical plants, whatever might turn up, refineries.

**Mr MALONE:** The greater Darwin plan identifies a large 1000 ha site at Gunn Point.

**Mr TOLLNER:** Have you developed the information necessary for the design of an early headworks package of water and roads projects for Weddell?

**Mr McCARTHY:** That is an interesting question, because in the development of the Middle Arm peninsula, which relates to the INPEX project, we are building enabling infrastructure in to support the development on Middle Arm. That will be taking roads and water right past the proposed city of Weddell. That is a good planning outcome for the Territory's newest city proposal. I am advised power is available as well. There is major enabling infrastructure which will support the development of the city of Weddell.

**Mr TOLLNER:** Are you saying the work at Middle Arm is going to impact on Weddell?

**Mr McCARTHY:** I am saying we have put in new roads and intersections to support that road network. We are taking water and power as well to support the development of Middle Arm peninsula, which is geographically travelling right past the proposed newest city in the Territory of Weddell. That was a good planning outcome where this is enabling infrastructure going right past the geographic boundary of that new city.

**Mr TOLLNER:** I could spend an hour on this one, but I will not, Mr Chairman. We will move right along.

**Mr CHAIRMAN:** Member for Nelson, Output 2.1, Planning.

**Mr WOOD:** Minister, using the annual report, page 37, has the development of area plans for Berrimah Farm/Berrimah prison been released? Have any options for the development of that land, such as whether it is residential or industrial, been included in those plans?

**Mr McCARTHY:** I will pass that to Dr David Ritchie, who will nominate a spokesperson.

**Dr RITCHIE:** The short answer is we have not produced area plans for Berrimah Farm at this stage. Much work had to be done on the site. We mentioned earlier in these hearings potential contaminants from the old site, so that is work to be done. Dave could elaborate on that.

**Mr MALONE:** To enforce what Dr Ritchie said, we have been going through a process of finalising the environmental assessment of the contamination at Berrimah Farm. That process is almost complete. Our guys, as you would expect, have started to prepare indicative thoughts around the development of Berrimah Farm, but they have no status at this stage- it is really about testing land capability. We have not moved to a formal process at this time.

**Mr WOOD:** From a whole-of-government perspective, will the siting take into account a range of options, for instance, its closeness to East Arm port, and how much land can be developed in that area, versus the requirement to have some more residential infill? Will those matters be part of the planning options?

**Mr McCARTHY:** Yes, absolutely, and under the umbrella of the greater Darwin plan. Government sees that as a significant area for development. My personal opinion – a mixed juice. There are opportunities to support many different aspects of development - residential, commercial, light industrial. As you know, it is a very strategic position to support the development of the East Arm logistics precinct and East Arm Wharf. It is an exciting opportunity for the Territory but, as has been outlined, we have not arrived at the area planning stage of that development yet.

**Mr WOOD:** As long as you do not put residential too close to Hidden Valley and we are required to shift Hidden Valley to 'Lost Valley' somewhere else.

**Mr McCARTHY:** Point taken.

**Mr WOOD:** Page 36 of the annual report mentioned a model for forecasting housing supply. Has that been a success? Quote:

*Developed a model to forecast housing supply in the Greater Darwin area.*

Has that model been completed and, if so, is it working and successful?

**Mr McCARTHY:** As I mentioned before, with the Department of Lands and Planning orchestrating that pipeline of resource allocation or land release, today, in the Greater Darwin area, you can buy a block of land. There is land on the market, not only which the government has supported, but private development as well. Yes, it is achieving our objective and it is reflective of demand. To get an expert, professional answer to that question I would like to flick this on and get you a comment from our public officials.

**Dr RITCHIE:** I will hand you over to Dave because he is a ...

**Mr WOOD:** We could have gone straight there.

**Dr RITCHIE:** That is true, but this is how we do things.

**Mr WOOD:** Efficiency! Well, a 3% efficiency dividend would have taken you straight down there.

**Mr MALONE:** Member for Nelson, we are working on a set of models around the housing market at this stage. They are all experimental by nature. You would see from the national research that goes on and the national coverage, it is a particularly difficult part of the market to forecast. The model is fine when it comes to the straight line forecast about what will happen this year or next. It becomes more complicated when you move out beyond that point of time.

Also, one of the key things is trying to understand the direction the market is going because of the very long lead times associated with both land and housing. Trying to pick whether the market is turning at a particular time is probably the biggest challenge we confront. The way to see this is, from the time government may make a decision about moving forward with the land release project to when someone puts a key in the front door, can be a three- to five-year project. It has to plug into an overall market.

If one project is worth X but the market is worth five or six times that, the timing for all these things – the model becomes very sensitive to that timing. That is the long answer.

The short answer is we have experimental models. They tell us what is happening to various levels of confidence, but there is still some way to go before we can start feeling confident about the out years in particular.

**Mr WOOD:** Yes, I accept government has to plan ahead. What I find strange is the development of Coolalinga took less than five or six years. They started building it last year and – bingo! - it is not far off completion; there is a bit of work to do. There was a piece of private land, and there would probably be a population of about 400 there, with relatively short-term planning. Sometimes, I wonder if the process is bit slow.

The other question is in relation to the houses you were talking about - housing supply. The people I am looking at are the ones who cannot get into the market. When you are looking at your models, do you look at the percentage of people who simply cannot afford to get into the market?

**Mr McCARTHY:** I will start with that. It is a well-documented policy of government: 15% of every government land release program is allocated to social and affordable housing. We have that policy and we stick to that policy. That policy is delivering results.

As a matter of fact, I have been onto greenfield country; I have seen the dozers move in. I have seen the services and the subdivision created. I have met the family who received the block in the ballot. I have spoken to the project home builder who delivered that product, and then I spoke to the family who are in that home. That was within two years in this portfolio. That was a really good outcome. There had been much work going on before I entered the portfolio, but that was the outcome.

That is government policy, and that is what we are delivering. Dr Ritchie may want to comment further on other aspects of the work we do.

**Mr MALONE:** Member for Nelson, the real challenge with price is how sensitive the market is at particular times. There is no doubt that, as the minister mentioned, 95% of all the policy work done within government is targeted towards affordable homebuyers. One of the key things occurring at the moment is this competition between subdivisions where people are chasing buyers, which gives the best opportunity going forward for stabilising prices. When the Reserve Bank moves interest rates, for example, you can sometimes have the perverse result of prices going up because people have overall levels of affordability.

The issue of trying to make housing affordable is one of the most vexed questions confronting Australia today and the Northern Territory as well. All our policy work is to try to stabilise prices and provide opportunities for Territorians.

**Mr WOOD:** I am not knocking the government for having 15% of land available, but sometimes even that is unaffordable for some people and a single income family today would struggle. They struggle with rent; they would struggle trying to buy a house. Going back to the houses at Eaton and the RAAF Base, if someone bought one of those houses and decided to put it in Bakewell they could not, is that correct?

**Mr McCARTHY:** They could, but they may as well have purchased a new product. This is the reality of the market we are in. Member for Nelson, you would be very interested to watch the progress of the new suburb of Zuccoli. The work the government is doing with the developers is pushing the boundaries of affordability. The areas we are looking at are smaller footprint and different building materials.

The challenge for Territorians is about the product as well. My kids want a \$600 000 house on an 800 m<sup>2</sup> block. That is what they aspire to. However, the family conversation is about the reality, what they can afford, and about stepping into the market. We are going to start to see the option of housing.

A Larrakeyah house is available for purchase from that developer. You can fast-track it if you are going into a rural residential area, and the department has done much work to support that. If you want to get into the mainstream market around Bakewell, Zuccoli, Bellamack, Johnston, Muirhead, or Durack Heights is a new one coming on, you really are working with the mainstream. There are many community expectations around it, particularly around amenity.

**Mr WOOD:** That is why I have focused on those houses going to the rural area. In the rural area, which I represent, there is no land available for young people, not when you pay \$300 000 to \$550 000 for a block. It is beyond affordability. If you are looking at a housing survey, have you picked up those people who would like to get into the market but cannot - even with the 15% - afford it. There are people caught in a vacuum. They are going to rent, they are going to stay home with mum and dad, or they are going to leave. They will be there for a long time. It is mainly in relation to rural blocks - they cannot afford to buy land in the rural area unless they go to the back end of Darwin River Dam somewhere.

**Mr McCARTHY:** Absolutely. I am from the bush and I love 20 acres, but I cannot afford 20 acres in the rural area.

**Mr WOOD:** No, the government owns land. Land banking is occurring. The private owners are holding onto land and only selling say 10 blocks a year. They will sell it for \$400 000 no problem, but the government, surely, when it owns land, has a role to release some of that land for those people who cannot - they will not affect the market because they cannot get into the market. That is the bit the government has a role to play in.

**Mr McCARTHY:** Absolutely, I agree with that. In relation to the private developer, that development at Coolalinga is going to bring some new options into the rural market so you can have a smaller footprint in a cheaper dwelling living in the rural area and work in the rural area. That is what is coming. That is just the start of government's ambition in the rural area. We have had many debates around the rural activity centres and that concept for rural residents who want to stay in the area but do not have the money.

In the housing area though 0- and this is the housing area - the numbers are done around income and income stress and it all relates to 30% of income or more causing mortgage stress. That is where the numbers are done in our government planning, but more in housing than lands and planning.

**Mr WOOD:** The Coolalinga blocks are not that cheap, minister. Some of them were snapped up the day they opened.

Minister, page 40 of the annual report says you oversee the implementation of the government energy efficiency program. How do you do this? Can you table a copy of the Department of Lands and Planning carbon report you mentioned in priorities for 2011-12?

**Mr McCARTHY:** Member for Nelson, thanks for the question. We have some documents here and I will hand to the CE to talk to the Government Energy Efficiency Program.

**Dr RITCHIE:** Is the first part of your question about the Government Energy Efficiency Program?

**Mr WOOD:** It says one of your priorities is to oversee the implementation of the Government Energy Efficiency Program.

**Dr RITCHIE:** Basically, that is a program which provides \$6m over three years for projects to reduce energy consumption and greenhouse gas equivalent emissions across the whole of NT government agencies. At the moment, 14 projects have been approved for funding under that valued at around \$6m, and all the projects under that program are expected to result in a saving of 380 tonnes of greenhouse gas equivalent emissions annually.

**Mr WOOD:** Minister, what proof do you have that you saved 380 tonnes of carbon going into the atmosphere? I presume we are talking about energy reductions. If I was to go to Weddell power station, could I guarantee 380 tonne of carbon has not been released out of the power station?

**Dr RITCHIE:** The broad answer is there is a science to this and the Australian Greenhouse Office has approved ways of measuring greenhouse gas equivalent titles. The way we do this and how this is made up, I would be happy to get more information if you want.

If you go to how that 380 tonnes - how reliable is that is the question.

**Ms BARNES:** The process was to do a calculation based on estimates. All the GEEP projects went through a third party verification. They were the calculations worked out by engineering consultants and then re-checked through a third party verification process. It is a calculation based on the energy savings and, as David Ritchie said, to convert that energy to gas using the published greenhouse factors.

**Mr WOOD:** Will I be able to get a copy of those projects and the projected savings? We have Power and Water before us tomorrow, and I would love to ask whether that actually happens because they are the ones that run the power stations.

**Mr CHAIRMAN:** Question on notice.

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**Question on Notice No 8.13**

**Mr WOOD:** Can you supply me with a copy of those projects in relation to energy consumption and gas emissions - the 14 projects.

**Mr CHAIRMAN:** That is question No 8.13.

**Mr WOOD:** Can you table a copy of the Department of Lands and Planning carbon report.

**Mr CHAIRMAN:** That is all part of the one question.

**Mr WOOD:** Is that available, or should I book it?

**Mr McCARTHY:** Member for Nelson, we will deliver the first part of the question as a question taken on notice, but we do not have a carbon report to deliver, unfortunately, at this stage.

**Mr WOOD:** So, you have not developed the carbon report yet? That was a priority for 2011-12.

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

**Mr WOOD:** When will you develop the carbon report?

**Mr CHAIRMAN:** There are 10 days until ...

**Mr WOOD:** The member for Fannie Bay said you still have 10 days.

**Dr RITCHIE:** Member for Nelson, before the end of the calendar year.

**Mr WOOD:** Could I place a question on notice? Minister, could you provide me with a copy of that carbon report on 1 July?

**Mr McCARTHY:** Yes, member for Nelson.

**Mr WOOD:** Thank you.

**Mr CHAIRMAN:** The answer was the calendar year.

**Mr WOOD:** The calendar year?

**Mr CHAIRMAN:** That falls outside the reporting period for Estimates Committee. Rather than a question on notice ...

**Mr WOOD:** I will leave that. That is all the questions I have.

**Mr McCARTHY:** We could have given you the work in progress, but we will complete that.

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**Answer to Question on Notice No 8.06**

**Mr McCARTHY:** Mr Chairman, I have an answer to a question taken on notice. The question number was 8.6 and the question: 'Please provide a detailed breakdown of legal expenses internal, external, contract or otherwise for the Valuation Review Board for 2010-11 and 2011-12?' Answer: total legal expenses for the Valuation Review Board is as follows: 2010-11 – nil; 2011-12, Allens Arthur Robinson (external provider), \$34,906. There were no further legal expenses incurred by the Valuation Review Board, internal, external, contract or otherwise. I table a copy of that for the committee.

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**Mr CHAIRMAN:** That concludes questions for Output 2.1, Planning. We will move on to Output Group 3.0.

**Mr GILES:** Mr Chairman, may I ask a question?

**Mr CHAIRMAN:** On Output 2.1?

**Mr GILES:** Yes.

**Mr CHAIRMAN:** Yes. That does not conclude questions to Output 2.10. The member for Braitling has the call.

**Mr GILES:** Could we get an update on Kilgariff, when you anticipate the first blocks will be turned off, and when you expect titles to be issued?

**Mr McCARTHY:** Member for Braitling, Kilgariff, a very exciting project in Alice Springs and Central Australia. As you would be aware, as a resident of Alice Springs, the work going on around the enabling infrastructure there, which is external works, includes: new trunk sewer; water services; Norris Bell Avenue intersection under construction as we speak; and existing electrical assets along the Stuart Highway. Works will complete the required servicing to the site to facilitate the development. Further works to enable the staging of land release include an entry statement and a short entry road, including associated utility services ...

**Mr GILES:** I wanted to know when it was going to be released.

**Mr McCARTHY:** ... and main drainage works. You will notice in the budget appropriation 2012, there is money to do that. The work is progressing. \$3.5m is provided in Budget 2012-13 for the completion of those headworks contracts. In relation to the first stage of land release, we are now ready to look at engaging a developer. Once again, the principle of what government does in land release is to set land release up to reduce the costs for Territorians...

**Mr GILES:** A point of order, Mr Chairman – relevance! I just wanted an update of when we are expecting the land to be released. I did not need a whole ...

**Mr CHAIRMAN:** Were you coming to that point, minister?



**Mr McCARTHY:** Yes, absolutely. The next stage is looking at the private developer. We are testing the market in Alice Springs. Once we engage the developer, I will be able to give you a more definitive time frame.

**Mr GILES:** Do you have any idea of when you expect the land to be released?

**Mr McCARTHY:** As I said, it is step by step in a staged land release program. In 2012 we will be looking for that developer. Once we engage that developer we would be putting a realistic time frame around land release in Alice Springs to, hopefully, 2013.

**Mr GILES:** Do you have a rough time? .

**Mr McCARTHY:** I gave you a rough time. If you want an accurate figure – we are well on track.

**Mr CHAIRMAN:** Member for Braitling, your microphone is not on.

**Mr GILES:** I understand you cannot provide, or are not willing to provide, that, no problems. Has there been any modelling done on the parameters of an anticipated land release price for an average size block?

**Mr McCARTHY:** Once again, I just stepped you through a land release program and through the fact government is about providing headwork services to get this land on the market. We are reducing the cost – that is government policy; that is what we do. We now need to engage a ...

**Mr GILES:** Is it yes or no? If you have not done it, that is all I need to know. We need to get ...

**Mr McCARTHY:** That is not a realistic question. Look at land prices at Lhere Artepe, look at Larapinta. You have examples in your own community. We are talking about Kilgariff and we have a staged development here. We are getting very close to the point where you will have a 'For Sale' sign up and be able to purchase a block.

**Mr CHAIRMAN:** Minister, I need to clarify the process briefly. The member asked a question, which obviously he is allowed to do, and answers need to be succinct, concise and relevant to the question. However, they can be more than a yes or no, member. No matter how you word the question, they are allowed to ...

**Mr GILES:** I just do not want five minutes of nonsense before a no answer; otherwise it is pointless being here.

**Mr CHAIRMAN:** A question is asked and the minister is allowed to answer. The minister has answered, and we are now with the member for Braitling.

**Mr GILES:** No more questions, the minister cannot answer.

**Mr CHAIRMAN:** That concludes consideration of Output 2.1 -Planning.

## TRANSPORT

### OUTPUT GROUP 3.0 - TRANSPORT

#### Output 3.1 - Public Transport

**Mr CHAIRMAN:** We now move on to Output Group 3.0 – Transport, Output 3.1 - Public Transport.

**Mr WOOD:** May I ask a point of clarification? Road signs – where will they fit in? Road Network Management?

**Mr CHAIRMAN:** Asking for clarification about questions around traffic signs?

**Mr WOOD:** Road signs in general.

**Mr McCARTHY:** Road Network Management, member for Nelson, Output 3.4.

**Mr WOOD:** Thank you.

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**Answer to Question on Notice No 8.08**

**Mr McCARTHY:** Mr Chairman, I have an answer to a question taken on notice. Question No 8.8: 'Please provide a breakdown on tenders and contracts not paid within the 30-day period, the time delay to when they were paid, the amount, and what the project was?'

Answer: Details are not available at a project level. Invoices for each project are managed by the individual project manager. As at May 2012:

Invoices paid outside 30 days:

- 1281 payments out of a total of 12 246 payments – (10% of total payments)

Out of the 1281 payments not paid within the 30-day period:

- 847 of these were paid within the 60 days;
- 176 were paid within 90 days; and
- 258 took greater than 90 days.

I table that for the committee.

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**Mr CHAIRMAN:** Thank you, minister.

**Mr GILES:** Minister, how much money has been spent on public transport safety officers, and what are the statistical breakdowns for incidents identified and the actions taken?

**Mr WOOD:** Just checking – we are on 3.1 now?

**Mr CHAIRMAN:** Public Transport.

**Mr McCARTHY:** What a great initiative from the Northern Territory. I am sorry you do not like my pride and enthusiasm in what the department does. I will pass it straight to Dr Ritchie, who will nominate a public official to give you the hard facts and figures.

**Dr RITCHIE:** Member for Brainting, the first part of that question was a budget question?

**Mr GILES:** Yes, thank you, Dr Ritchie.

**Dr RITCHIE:** The total expenditure is \$1 079m.

**Mr GILES:** Thank you, Dr Ritchie. Is that for 10 public transport safety officers? Can I assume that all 10 positions are filled and have remained filled?

**Dr RITCHIE:** Eleven.

**Mr GILES:** Eleven, sorry. Are there any workers compensation claims for any of those officers in the last 12 months? Can I get some detail if there is?

**Dr RITCHIE:** There have been seven occasions when transport safety officers have received injuries requiring time off work. Basically, they are mainly ankles, knees and shoulder injuries.

**Mr GILES:** Breaks?

**Dr RITCHIE:** I do not believe so.

**Mr GILES:** Not hospitalisation-type injuries?

**Dr RITCHIE:** One.

**Mr GILES:** Can I ask what that was, without getting into personal details?

**Dr RITCHIE:** Paul Rajan.

**Mr RAJAN:** We had an assault on a Transit Officer this year requiring a brief stay in hospital and a number of days off work.

**Mr GILES:** Okay.

**Mr RAJAN:** He has now recovered and is back at work.

**Mr GILES:** Thank you very much for that, Paul.

Minister, how much has been collected in the current financial year - as at the end of May or whatever dates you might have - for bus fees and bus services - fares?

**Mr McCARTHY:** Across the Northern Territory?

**Mr GILES:** Yes.

**Mr McCARTHY:** Member for Braitling, we will take that on notice and get back to you.

**Mr GILES:** I have a secondary question which talks about paying and non-paying users. Chuck that in the question on notice as well - would that be easy?

**Mr McCARTHY:** Could you clarify that?

**Mr GILES:** The second part of the question is how many passengers use the bus service, and what is the breakdown of paying and non-paying users? Would you like me to put that all in one question?

**Mr RAJAN:** Member for Braitling, we would find it very difficult to break down paying and non-paying passengers. However, I can tell you our estimate for urban services is we carry something like 5.7 million passenger trips a year.

**Mr GILES:** Let me put that first question on notice, if that is all right, Mr Chairman?

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#### Question on Notice No 8.14

**Mr CHAIRMAN:** Could you repeat the question?

**Mr GILES:** How much has been collected in fares for bus services in the Northern Territory?

**Mr CHAIRMAN:** That is question No 8.14

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**Mr GILES:** The second component is the government - and this is not a question on notice - provides free bus services for a wide range of passengers. I imagine the government keeps record of those people who travel free of charge. From what I understand, you do not have any data on who is travelling free of charge?

**Mr RAJAN:** No, we do not. Passengers who are travelling free show their qualification for free transport at the time of boarding the bus.

**Mr GILES:** Can I ask how successful the free transport system is for those people who travel free?

**Mr McCARTHY:** I can comment on that. I am sure Dr Ritchie and Mr Rajan could. Dr Ritchie, if you would like to lead out?

**Dr RITCHIE:** Just to define the question, how successful the ...

**Mr GILES:** I will explain it, without being facetious. You are running a program where you are providing free bus services for a range of the population, which has strong merits behind it. However, if you are not

tracking free fares, how do we know how many people are using the free fare and how many people are not? How can we gauge the success or otherwise of that program through an evaluation process? Of the 5.7 million passenger travels each year, were five million free or 500 000 free? It is a fair and reasonable question.

**Mr McCARTHY:** It is a fair and reasonable question, member for Braitling. It is going to be hard to quantify that for you, as the question is more of a qualitative question. In respect of free bus travel for students - and mind you, I get many letters thanking the Northern Territory government from seniors, carers, and parents.

The issue around free travel for students is to, obviously, encourage attendance, engagement, and participation in school education programs. We can document school passes for you. We can give you a quantitative figure around school passes. However, it would be hard to document, for that question, the improved literacy and numeracy outcomes, for instance. It is all part of the government's plan to support better school attendance and better outcomes in relation to free travel for students. In relation to seniors, I receive some very complimentary letters from seniors around the free travel. Once again, it is designed to provide access to services.

**Mr GILES:** I am sure you receive complimentary comments and negative comments; however, you are running a service and you do not know how well it is going. It is a quantitative measure to be able to know how many people are travelling free of charge. I will move to the next question, but it seems amazing you do not know how successful or otherwise that program is. How many passengers travel on the rural express service each day?

**Mr McCARTHY:** The rural area is experiencing an uptake and, once again, we will be able to quantify that in fares. Students, seniors and carers who use that service, which we encourage and provide - we will not be able to quantify that, but we will be able to quantify the rural bus ops. I presume it will be a question on notice and we will get that information to you, member for Braitling?

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#### Question on Notice No 8.15

**Mr GILES:** How many passengers travel on the rural express service each day?

**Mr CHAIRMAN:** That is question No 8.15.

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**Mr GILES:** What is the patronage of the park and ride service?

**Mr Wood:** That is the express bus, the park and ride.

**Mr GILES:** How many people are using the parking station at Coolalinga?

**Mr Wood:** I could count them for you.

**Mr GILES:** It is having a big uptake from eight to 10!

**Mr Wood:** People drop off there too.

**Mr GILES:** That is right.

**Mr McCARTHY:** That is a good question; however, the member for Braitling needs to be aware not everybody drives to the park and ride. The uptake is many push bikes, and we provide secure areas for push bikes.

**Mr GILES:** Shall I put it on notice?

**Mr McCARTHY:** Some people ride motor bikes and some people drive. It is growing.

**Mr GILES:** Minister, the Director of Transport Services can answer that.

**Ms WALKER:** A point of order, Mr Chairman! The minister is answering the question. Could the member for Braitling allow him to finish?

**Mr GILES:** The minister is not answering the question. He is continuing to be either deliberately stupid or by accident, and we want to get to a point where he can answer a question.

**Mr CHAIRMAN:** Member for Braitling, I ask you to withdraw that.

**Mr GILES:** I withdraw 'stupid by accident'. The Director of Transport ...

**Ms WALKER:** A point of order, Mr Chairman!

**Mr CHAIRMAN:** I do not think that was a withdrawal.

**Mr GILES:** I withdraw again.

**Mr CHAIRMAN:** The question has been asked and the minister is answering it. The minister can choose how he answers it. At the moment he is answering it and, I believe, is going to pass to a departmental officer in a second. The minister currently has the call and, whilst providing an answer - for example, he made the point that push bikes are being used, which was new information. He is answering the question.

**Mr Wood:** There will be more push bikes when they finish the bicycle path.

**Mr CHAIRMAN:** The 700 m.

**Mr McCARTHY:** I will pass this to the department; however, before I do, the Estimates process is a chance to tell the government's story.

**Mr GILES:** No, it is about you answering my questions.

**Mr McCARTHY:** If the member for Braitling wants purely a quantitative approach with sarcastic, snide and abusive comments go right ahead, but direct them straight to me. We have many public officials in this room who take pride and share my enthusiasm. We will celebrate in a debrief after this. Member for Braitling, if the answers off the top of my head are not sufficient you might want to control your sentiments and we will get on with the business of Estimates.

**Mr GILES:** Thank you for your response, Mr Teacher.

**Mr McCARTHY:** In relation to quantifying ...

**Mr GILES:** The budget is about me asking questions and you giving answers.

**Mr McCARTHY:** The numbers you are looking for around the park and ride, I will pass to Dr Ritchie who will give an explanation of how we can achieve that, member for Braitling.

**Mr GILES:** The Director of Transport Services said he could answer that five minutes ago.

**Mr RAJAN:** I had someone look last week as they drove past the park and rides just after 7 am, member for Braitling. There were 20 cars and four bikes at Coolalinga, and six and two at Humpty Doo. We can provide you with some detail on the express service in; however, talking about rural services in general, our estimate is by the end of this financial year we will have transported something like 10 000 rural residents into Darwin and Palmerston through those routes.

**Mr GILES:** Thanks very much. Through the minister, I do not need a question on notice, but if you would like to send through some information in a general context on that I would be more than happy to receive it generally rather than question on notice - a letter like a briefing, if that is all right.

The next question has two parts. What financial support is there for various bus services – Darwin, Alice Springs and the regional services – and how much funding is there to provide it to other bush services like the Bush Bus within the framework of the regional transport strategy?

**Mr McCARTHY:** Member for Braitling, there are two components of urban bus services - what the government provides, and what the government provides via contractors. In relation to the regional integrated transport strategy, a ballpark figure of \$3.1m has been provided over two years to support the

development of the regional integrated transport strategy. There are some great stories around that. If Dr Ritchie wants to delve into those figures further I welcome it.

**Mr GILES:** Do you have a table of how much funding for each regional area or each urban centre?

**Mr RAJAN:** There are three fields so I can read it out for you. This is for urban services, school services, special education and special events - they are aggregated. For Alice Springs, just over \$2m – this is for 2011-12; for Greater Darwin, \$25.35m; for Katherine, \$994 000; for Gove, \$538 000. The total is \$28.9m.

**Mr GILES:** Thanks very much for that. You said Katherine was \$994 000, which included school, public and special events, is that correct?

**Mr RAJAN:** That is correct, that is only to 31 March this year. It is three-quarters of the year.

**Mr GILES:** In the previous financial year, a company called Travel North was providing school bus services around Katherine. That was around the \$1.4m mark. Has that been re-tendered for a lesser amount?

**Mr RAJAN:** Member for Braitling, my information suggests school transport in Katherine in 2010-11 was just under \$1.2m, and there was a special needs provision of \$37 500.

**Mr GILES:** Well, that has come down substantially.

**Mr RAJAN:** That is right.

**Mr GILES:** Thanks very much for your answer.

**Mr RAJAN:** That is only three quarters of a year for this year.

**Mr GILES:** Yes, all right. Can I ask broadly, on the special events public transport, without going through all the events, can you tell me how many events and the total expenditure – it may not be the right word – was used to fund the free transport for all those events? I will then ask a follow-up question.

**Mr RAJAN:** I have not counted up how many individual events we have, member for Braitling, but there are two pages in a spreadsheet. We carried, up to 31 March, 34 236 Territorians to 26 events. Sorry, it is here.

**Mr GILES:** Sorry, what was that?

**Mr RAJAN:** A total of 34 236 passengers to 26 events over 51 days at a cost of \$172 000.

**Mr GILES:** Can you please tell me the five highest unit costs of providing that free transport and what the function or event was?

**Mr RAJAN:** By unit cost you mean cost per passenger carried?

**Mr GILES:** That is right. For example, last year, for the NAB Cup in Alice Springs, only 17 people used the facility at a cost of \$111 per passenger.

**Mr RAJAN:** Just bear with me. I do not have those in order. I am skipping through.

**Mr GILES:** No, that is fine. Some events are patronised more than others and some have significant unit costs. An amount of \$111 to transport a passenger for the NAB Cup in Alice Springs is a high cost.

**Mr McCARTHY:** That is important information to pass through to us, member for Braitling, and I acknowledge that. We will certainly look at that. If you have any ideas about improving that take-up rate, with all the social and safety benefits that go with it, I would be very interested to talk to you.

**Mr GILES:** I am happy to help out.

**Mr RAJAN:** Member for Braitling, the table is there, but to ensure it is accurate, we will have to do that calculation. We will do it on notice.

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**Question on Notice No 8.16**

**Mr GILES:** Please provide a table of the 26 events where free public transport was provided, the cost per event of that transport, the number of passengers per event, and the unit cost per passenger per event.

**Mr CHAIRMAN:** That is question No 8.16.

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**Mr GILES:** Minister, how much did it cost to put up signs advertising the light rail corridor?

**Mr McCARTHY:** We will take that on notice, member for Braitling.

**Mr GILES:** I thought you would have that one up your sleeve.

**Mr McCARTHY:** I thought I did too.

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**Question on Notice No 8.17**

**Mr GILES:** This is the light rail corridor that might not start for 30 years. Minister, how much did it cost to put up signs advertising the light rail corridor?

**Mr CHAIRMAN:** Question No 8.17.

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**Mr GILES:** What is the cost of providing the Darwin bus service for school passengers from Mandorah to the city? I understand approximately 30 children, one full-time driver working two to four hours a day for 40 weeks a year, and a fully equipped bus is utilised for that service.

**Mr McCARTHY:** Member for Braitling, we are getting those figures.

**Mr GILES:** While you are getting those, is it all right if I go back to a question I forgot? I asked a two-part question about the financial support for bus services and I mentioned Bush Bus. I explicitly wanted an idea of funding for those regional or remote bush services and that was not included in the question on notice.

**Dr RITCHIE:** Member for Braitling, the breakdown of the Bush Bus program, the bus trails, is – I will give this as totals: Alice Springs, \$1.48m ...

**Mr GILES:** Is this for one contract or multiple contractors?

**Dr RITCHIE:** Single contractor.

**Mr GILES:** Just one contract. So Bush Bee is not funded through Alice Springs?

**Dr RITCHIE:** No.

**Mr GILES:** Okay, so ...

**Dr RITCHIE:** \$1.48m.

**Mr GILES:** You need a drink of water.

**Dr RITCHIE:** Yes.

**Mr GILES:** While you have a drink of water, was that in the current financial only, or the financial year for 10 months?

**Dr RITCHIE:** That is the total for the program. In this current financial year, there is a capital and an operational cost amount, and in 2011-12 there was \$215 000 capital and \$354 000 operational.

**Mr GILES:** You were going to go through other services.

**Dr RITCHIE:** Yes. Katherine, I will do it on its own, the capital and operational, if that is all right?

**Mr GILES:** Yes.

**Dr RITCHIE:** Katherine this year, the total program, which includes 2010-11 and 2012-13, is \$894 000. This year, there was \$521 000 capital and \$55 000 operational, and that will, of course, be switching around in out years. Gove, the total program is \$270 000, and it is all operational, and this year it is \$50 000.

**Mr GILES:** Dr Ritchie, is any of that money from the federal government through ABA or any other appropriation, or is it all Northern Territory government funded? If not, could you please break it down?

**Dr RITCHIE:** It is all Northern Territory.

**Mr GILES:** We were waiting on another question. Do you want the question on notice for the Mandorah to Darwin city bus service?

**Dr RITCHIE:** Yes.

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**Question on Notice No 8.18**

**Mr GILES:** What is the cost of providing the Darwin bus service for school passengers from Mandorah to the city? I believe approximately 30 children with one full-time driver working two to four hours a day for 40 weeks a year in a fully-equipped bus use that service?

**Mr CHAIRMAN:** That is question No 8.18, minister.

**Mr McCARTHY:** Member for Braitling, you are talking about the bus service that picks up kids and takes them to the ferry at Mandorah?

**Mr GILES:** Yes.

**Mr McCARTHY:** Okay. We can clarify that.

**Mr GILES:** No, I understand the bus takes them from Mandorah to the city.

**Mr McCARTHY:** The school service picks up kids on the Cox Peninsula around Mandorah and takes them to the ferry. They then travel on the ferry, and there are network services which operate from Cullen Bay to various interchanges and services throughout the city. Are you talking about the bus on the Cox Peninsula that operates around Mandorah to get school students to the ferry?

**Mr GILES:** And from the ferry to the school, yes.

**Mr McCARTHY:** Can we clarify that, from Cullen Bay to schools is a totally different question. That is utilising our existing network - the number 14.

**Mr GILES:** We will leave the question as from Cox Peninsula to the ferry.

**Mr CHAIRMAN:** That is how it stands at the moment.

**Mr GILES:** What is the reason for the Mandorah Ferry fiasco? Can you please explain the process?

**Mr McCARTHY:** Creative language there, member for Braitling. What we will do - and I will need some guarantee from you that you will not interrupt or become abusive - we will share with the Estimates Committee how the Mandorah Ferry contract came to a conclusion and the Department of Lands and Planning established the new ferry contract. I have been receiving many good reports about the new ferry contract. I will hand that to the executive, Dr David Ritchie to explain the story.

**Dr RITCHIE:** As you may be aware, there was a 10-year contract, or an eight plus two contract, to Sea Cat Ferries which would have been due to expire in 2014. As it turned out, Sea Cat declined to take up the



additional two years of that concession deed. In anticipation of that, the department went out to a tender process and we asked for expressions of interest for a similar thing - another 10 years of eight plus two.

The long and the short of that was we ended up with two tenderers. There was Sea Cat and Fast Ferries. We ended up negotiating with both companies as a part of that tender. I, as delegate, was not satisfied that either had met the requirements of that particular tender, so, declined both tenders. We then went out with both parties for an arrangement which was based on a much more limited – actually it was a subsidy arrangement for two-plus-two years. At the end of those negotiations, we entered into an arrangement, which is the current arrangement with Fast Ferries.

It is worth putting on record that in that process my considerations were to look at, first, the government's wish to have improved amenity and services for the ferry travelling public. We were looking for certainty, in other words, the capability to provide something that was reliable, and value for money. Applying that criteria, Fast Ferries demonstrated they could do that and we now have an operational ferry service.

**Mr GILES:** I will ask two quick questions, and I presume my colleagues might jump in. Deloitte was engaged to provide expert advice on this process. How much were they funded to provide that advice?

**Dr RITCHIE:** We will take that on notice.

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**Question on Notice No 8.19**

**Mr GILES:** Deloitte was engaged to provide expert advice on the Mandorah Ferry contract. How much were they contracted for, including variations for that advice and recommendations?

**Mr CHAIRMAN:** That is question No 8.19.

**Mr GILES:** In the last full financial year - and correct me if I am wrong - the subsidy provided for the ferry was \$470 738. Can you please tell me what the subsidy for the ferry service is for the current and next financial year?

**Dr RITCHIE:** Member for Braitling, the current contribution is \$455 000.

**Mr GILES:** How much did this whole process of ending one service and getting a new service with everything that occurred in between – travel, staff and so forth - cost? Is there a price put on that process?

**Dr RITCHIE:** Basically, this is done as an in-house project. There was, obviously, some specialist advice sought. We will get you that. It was done as part of normal duties of officers involved, so it is not costed out separately. There were no external consultants brought in and there was not much cost.

**Mr GILES:** Dr Ritchie, if I put a question on notice asking you to measure the financial cost of the changeover in contracts and the whole process involved, would you be able to come back to me at some point in time with an answer on that?

**Dr RITCHIE:** Yes ...

**Mr GILES:** Including – sorry, I did not mean to cut you off – the flights, travel allowance, and the staff involved. How much was the whole changeover process?

**Dr RITCHIE:** Yes, of course.

**Mr GILES:** That would be okay? I will put that on notice. Minister, are you happy with that?

**Mr McCARTHY:** Yes.

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**Question on Notice No 8.20**

**Mr GILES:** Please provide a detailed breakdown of costs involved in the changeover of contracts for the Mandorah Ferry, including cost of internal staff, external staff, transport expenses and otherwise?

**Mr CHAIRMAN:** That is question No 8.20.

**Mr GILES:** That is it for me.

**Answer to Question on Notice No 8.14**

**Mr McCARTHY:** Mr Chairman, I have an answer to a question on notice I would like to table - question 8.14. 'How much has been collected in bus fares in the Northern Territory for this financial year (cut off 31 March 2012)?' The answer is: \$2.088m has been budgeted for this year. As at 31 March 2012, \$1 594 315 has been collected in bus fares in the Northern Territory.

**Mr ELFERINK:** Following up on questions by the shadow in relation to the Mandorah Ferry, Dr Ritchie, you said – I believe I have this correct: 'Government expressed a desire for an improved service'. In what way was that expression delivered to you as the CEO of the department?

**Mr McCARTHY:** Member for Port Darwin, I will pass that question to the CE for the Department of Lands and Planning, Dr David Ritchie.

**Dr RITCHIE:** Prior to the initial tender - in the lead-up to first process - there were a number of focus groups held amongst the travelling public at Mandorah. A range of issues were asked to see if we could incorporate. Also, there were issues which have now been incorporated as part of the new contract. There was also a very strict requirement by government to do it within budget.

**Mr ELFERINK:** Dr Ritchie, I will come to that committee shortly. You said government expressed a desire for an improved service. By what means was that desire transmitted to you?

**Dr RITCHIE:** The general charge I have as a chief executive is to manage a service such as this in the best interests of the primary fare paying public. In the course of the lead-up to this process we were engaged in work with the local community. In the normal course of my interactions with the minister it was seen to be a good thing if, when we had a chance to look at this again, we could improve the service for the same money.

**Mr ELFERINK:** In the course of your interactions with the minister, I presume, is how that desire for an improved service was transmitted. How was that desire for an improved service transmitted in the course of your interactions with the minister? Was it in writing, or was it a verbal instruction?

**Mr McCARTHY:** Member for Port Darwin, I will start off with that. We meet weekly. It is a very important part of my work to meet with the chief executive officers weekly. I also was collecting data from the reference group which was set up. I enjoy my conversations with the departmental officials and the honour of tasking them with the delivery for government.

**Mr ELFERINK:** Minister, thank you for the answer. You were collecting data from the reference group that was set up. Who was the chair of that reference group? Who appointed the chair of that reference group?

**Mr McCARTHY:** Member for Port Darwin, I will be careful with my semantics. I should not have used the word data. That was ...

**Mr ELFERINK:** The data was the Mickey Mouse survey that was done.

**Mr McCARTHY:** ... good old Territorian communication. That is what it was about. I like talking to people.

**Mr ELFERINK:** Getting back to the question ...

**Mr McCARTHY:** In March 2011, I established a Mandorah Ferry community reference group. The group was established to give the residents of the Cox Peninsula an opportunity to identify their priorities regarding the timing, frequency and fare structure of future ferry services. Public ads were placed calling for nominations, and a final committee was appointed to provide a sound cross-section of residents.

**Mr ELFERINK:** A point of order, Mr Chairman! A very succinct question with two components which can be easily answered in the space of a breath: who was the chair of that group, and did you appoint that chair?

**Mr McCARTHY:** Mr Chairman, I was pleased to appoint the member for Daly as the chair as he is a very active local member committed to delivering the best outcomes for his constituents. The committee met on 26 March and 9 April, and their agenda and minutes were published online.

**Mr ELFERINK:** Did the member for Daly at any stage produce any evidence of dissatisfaction with the service to you, minister?

**Mr McCARTHY:** The feedback was all through the community reference group, Mr Chairman, about the community's priorities in regard to ferry schedules and fare structures, and was available to the department in preparing the scope for the tender. The reference group, including ...

**Mr ELFERINK:** A point of order, Mr Chairman!

**Mr CHAIRMAN:** He is answering the question.

**Mr ELFERINK:** No, he is not.

**Mr McCARTHY:** ... the member for Daly, did not have a role in the tender assessment ...

**Mr CHAIRMAN:** The minister has the call.

**Mr McCARTHY:** ... process, nor did they have a role in the selection ...

**Mr ELFERINK:** A point of order, Mr Chairman! Standing Order section 113: the answer shall be succinct, concise and directly relevant to the question.

**Mr CHAIRMAN:** I believe it is. I have given the call to the minister and he is answering the question.

**Ms WALKER:** A point of order, Mr Chairman! If I could speak to the point of order - the member for Nelson and I recall when this was asked and answered in Question Time some time ago. The question is being repeated and they already know the answer.

**Mr GILES:** The people in the bleachers are laughing; it is getting past a joke.

**Mr CHAIRMAN:** The minister has the call.

**Mr McCARTHY:** I have finished my remarks, thank you, Mr Chairman.

**Mr ELFERINK:** Did the member for Daly, in your consideration of the appointment of this group, at any time present you with any data he had collected?

**Mr McCARTHY:** No.

**Mr ELFERINK:** Really? Were you aware he had done a survey in the area?

**Mr McCARTHY:** No.

**Mr ELFERINK:** Really? Are you now aware, or subsequent to that time, aware that he had done a survey in that area?

**Mr McCARTHY:** As I said, member for Port Darwin, all the information presented to me was from the community reference group.

**Mr ELFERINK:** Are you telling me you are unaware, to this day, that he had done a survey of the local community in the area on this issue?

**Mr McCARTHY:** I know the member for Daly is a very active local member; he does a great deal of work with his constituency. In relation to this project the government had to deliver, I was advised by a community reference group.

**Mr ELFERINK:** Was this community reference group established and information sought from it before you expressed a desire to your CEO for an improved service or after?

**Mr McCARTHY:** I made the decision that the best people to talk to about the delivery of the new contract for a ferry service were the locals. We created a community reference group and I took advice from them.

**Mr ELFERINK:** You have the community reference group headed up by your appointee, the local member for Daly, who advises you they expect an improved service from the Mandorah Ferry. You then discuss the matter with your department, or CEO, and express your desire for an improved service. You believe the service being delivered to that stage was substandard. Is that an accurate précis of events?

**Mr McCARTHY:** No.

**Mr ELFERINK:** What is inaccurate about it?

**Mr McCARTHY:** I did not make any value judgment about any substandard service. I have travelled on that service a number of times; I have taken my family on that service. It was about developing a new contract and the best people to get that advice from was the locals.

**Mr ELFERINK:** The problem I have is your CEO has just said, and I quote: 'The government expressed a desire for an improved service'. You are now at odds with your CEO. Did you or did you not, at any stage, express to your CEO a desire for an improved service?

**Mr McCARTHY:** Member for Port Darwin, you keep negating the community reference group. The community reference group provided government with good ideas about improving the service. There is growth and development, there are changes in that community, they said they wanted to look at different travel times, they wanted more flexibility, they put up ideas we could not deliver. Member for Port Darwin, your prosecution is fine by me, but you are negating one basic fact – this was the locals – and I keep using the words 'the locals' working with government.

**Mr ELFERINK:** Yes, all right. Moving through that, I want to ask some questions about the current contract.

Dr Ritchie, you said earlier in your evidence that you were unsatisfied with both tenders and proceeded to readvertise, is that correct?

**Dr RITCHIE:** It was not a case of readvertising. I said I found neither of the two plans before me satisfied the requirements of that tender so I found that - yes, we basically closed that process.

**Mr ELFERINK:** Was the source of your dissatisfaction the absence of a new vessel in either tender?

**Dr RITCHIE:** No, there were three basic elements to this. One was the ability to provide certainty - capability - and one is value for money. The other one is what you can get for your money. In other words, the amenity, and the various parties were not able to satisfy me on all those three things. Also, they were not the same in both. One party was particularly good on the capability and not so good on the bang for buck. With the other party, there were issues about the certainty about capability. They were each rejected by me for different reasons.

**Mr ELFERINK:** Going forward in time and having settled on Fast Ferries as the provider, are part of the terms of the contract for the provision of services for the Mandorah Ferry - does it include the provision of a new vessel?

**Dr RITCHIE:** Yes, member for Port Darwin. The original tender did. Basically, the agreement with them at the moment is they have to have the capability to backup should theirs fail; however, there is no specification about what form that would take. We have not made any specifications about particular vessels at all.

**Mr ELFERINK:** That new vessel was required by May in the original proposal?

**Dr RITCHIE:** The original proposal did set out details about vessels. As I say, this was going to be a 10-year proposition. The current arrangement is a grant subsidy program which nominates what the service has to be - it sets requirements for the service. It says how much we are prepared to pay as a grant

towards that, and that is pretty well it. Part of the service requirement is the capability to have a backup vessel if and when the principal vessel is being maintained or breaks down, but it does not specify how they deliver that particular requirement.

**Mr ELFERINK:** Surely, there would be a standard expected. If the requirement for a new boat had been abandoned, certainly there is a base standard requirement. One of the issues for the justification we have heard in relation to the changing of the operators is one was prepared to provide something like an air-conditioned boat. There must be some base standards involved.

**Dr RITCHIE:** I suppose the thing it really came down to - there is no requirement in our current arrangements for air-conditioned boats. They are nice to have and there is a commercial advantage to an operator that does that, but we are about the certainty of getting people back and forth.

**Mr ELFERINK:** Getting a person from A to B.

**Dr RITCHIE:** Exactly.

**Mr ELFERINK:** Is there any requirement the provider owns the boats?

**Dr RITCHIE:** No. This is in recognition of commercial reality. We have said they will have a boat to travel across the harbour. It has to have the capability of a certain number of passengers, and then there are some specified requirements in the way they do ticketing, free travel for Cox Peninsula residents and school children, free travel for resident seniors etcetera. That is what we require.

**Mr ELFERINK:** When you were originally looking for a new boat, was there a boat offered by Fast Ferries as a potential new vessel?

**Dr RITCHIE:** There were a number of components to those original tenders. That whole issue has been closed.

**Mr ELFERINK:** I understand that, but when you originally went to tender, did Fast Ferries come to you with the offer of a new boat as part of them being attractive to you?

**Dr RITCHIE:** My recollection is that is the case.

**Mr ELFERINK:** Why have you dropped that requirement?

**Dr RITCHIE:** The main reason is it was never a requirement. They were putting their best foot forward in their attempt to win a tender. One of the things we were going to be very heavily scrutinising somebody from outside on was capability. One of the things they said was: 'Look, we can deliver a new boat'. In the end, I did not accept their tender. That is, as I say, a matter of ...

**Mr ELFERINK:** So it was closed off.

**Dr RITCHIE:** Yes.

**Mr ELFERINK:** Did they continue to offer the promise of a new boat to the contract finally entered into?

**Dr RITCHIE:** It is not a contract. As I said, it ...

**Mr ELFERINK:** Well, the decision to award the subsidy was based on their capability.

**Dr RITCHIE:** Yes.

**Mr ELFERINK:** At the time the decision was made to award the subsidy to Fast Ferries, were they still offering a new boat as part of their demonstration of capacity?

**Dr RITCHIE:** That was part of the original tender which was closed off. From that point on we were dealing with a new arrangement which was always short term, because it was around the ability to provide a set number of minimum standards. We were saying: 'Here is the subsidy we are prepared to offer, what can you give us for that?' Part of that was we wanted reliability, so we required them to have a backup vessel, but we did not specify whether they owned it, leased it, or anything like that.

**Mr ELFERINK:** Rather than having a tender which was originally proposed, what you now have is a contractual arrangement. We will provide a subsidy on the grounds that you fulfil certain base requirements.

**Dr RITCHIE:** That is correct. It is not dissimilar to the original one. We used - it is open to us to use - a tender process to transparently get the best value for money for government. It was always a subsidy arrangement; it was never procurement for government.

**Mr ELFERINK:** I do not see how, in the final wash up that - Fast Ferries currently have two boats down there, one older one and the one they have been using up until now. I am not entirely certain, but it may be returning to Queensland at some point - represents the stated goal of the minister of an improved service.

**Mr CHAIRMAN:** At that point, we will take a break and return to you, member for Nelson.

**Mr WOOD:** You could have told me you were going to do that. I could have gone for a walk and come back.

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The committee suspended.

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**Mr CHAIRMAN:** Minister, we will resume at Output 3.1 with the member for Nelson. Before that, I understand you have an answer to a question on notice.

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#### **Answers to Questions on Notice Nos 8.11, 8.13, 8.15 and 8.18**

**Mr McCARTHY:** Question 8.11: 'Please provide an explanation as to what services were provided to three sites in Katherine East precinct as per page 33 of the annual report?' The answer is: Lots 1348 and 1349 in Katherine East industrial precinct was serviced with water, power, and sewerage as a consequence of the extension of services to Lot 3237, the subject of a community land grant. The servicing was an extension of existing headworks and the road access already existed as a part of the existing subdivision. The cost for the minor new works was \$221 000 - 2009-10.

Question 8.13: 'Can I have a copy of the projects (14 projects) and savings in relation to energy consumption and greenhouse gas emissions'. The answer is: please refer to attached table detailing a summary of projects approved by the Government Energy Efficiency Program (GEEP) Steering Group.

Question 8.18: 'What is the cost of the service for the school bus on the Cox Peninsula to the Mandorah Ferry?' Answer: cost at the end of May for 2011-12 financial year, \$126 000 (11 months). Cost includes insurance, registration, bus maintenance and depreciation, fuel, administration and personnel. Mr Chairman, there are 50 kids travelling on that bus now.

Question 8.15: 'How many passengers travel on the rural express service each day?' The answer is: the rural express service (route 28) carries on average 124 passengers each week day.

I will table those answers for the committee.

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**Mr WOOD:** Minister, is your department involved in any planning for a new railway station for the Ghan - a passenger railway station as originally proposed - on Tiger Brennan Drive?

**Mr McCARTHY:** The answer to that is, no.

**Mr WOOD:** What is happening with the Tiwi ferry? Is there a tender out for that service?

**Mr McCARTHY:** Member for Nelson, I will pass that to the CE of the Department of Lands and Planning, Dr David Ritchie, who will give you the details around what we are doing with the Tiwi ferry.

**Dr RITCHIE:** Member for Nelson, the department went out for an expression of interest for operators to provide a service from Darwin to the Tiwi Islands. We received responses to that. We have now produced recommendations, which have gone to government, and they are currently with government.

**Mr WOOD:** Minister, are our public buses exempt from the carbon tax?

**Mr McCARTHY:** Member for Nelson, the Commonwealth price on carbon is a major shift in fiscal management. The Chief Minister, in part if this, is negotiating at Prime Minister level. In relation to an answer from the department, I will pass to Dr Ritchie to see if we have an answer to that specific question.

**Dr RITCHIE:** Member for Nelson, no, Northern Territory public buses are not exempt.

**Mr WOOD:** Is the carbon tax variable on the form of fuel the bus uses - gas versus diesel?

**Mr McCARTHY:** I will mention here our low-emissions buses in the Northern Territory, member for Nelson. We are very proud of them. They are low emission buses rated at a European level - level 5, I believe. Dr Ritchie, would you like to add to that?

**Mr Tollner:** Why do we not have nitrogen buses?

**Mr WOOD:** Hydrogen, not nitrogen. Blimey! You will have us all high.

**Mr Tollner:** We could have nuclear buses, could we not?

**Mr WOOD:** Hydrogen is fine.

**Dr RITCHIE:** Member for Nelson, could we take that on notice? There are some exemptions, as you know, for gas-powered vehicles; however, I do not believe it applies to public transport. We will check.

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#### **Question on Notice No 8.21**

**Mr WOOD:** Minister, could you provide information as to whether or not there is a different carbon tax applied to buses that use distillate versus LPG? Also, do you use natural gas?

**Mr CHAIRMAN:** The question on notice is No 8.21.

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**Mr WOOD:** That is all my questions on that area.

**Mr CHAIRMAN:** That concludes questions to Output 3.1, Public Transport.

#### **Output 3.2 - Road Transport**

**Mr CHAIRMAN:** We will move to Output 3.2, Road Transport. The shadow has the call.

**Mr GILES:** Minister, what are you doing about subleasing of taxi plates in the Northern Territory?

**Mr McCARTHY:** Member for Braitling, could you define what you mean by subleasing of taxi plates in the Northern Territory?

**Mr GILES:** I understand there is a culture of - a minimal amount - leaseholders who are on-leasing taxi plates in the Northern Territory for substantial fees. What investigations have you and your department made, and what are you doing about it?

**Mr McCARTHY:** Member for Braitling, are you prepared to supply any information which may assist us in our investigations regarding your allegations?

**Mr GILES:** Minister, you have 22 000 staff, I have one electorate officer. I imagine you would be following this up. It is a complaint I receive regularly in Alice Springs.

**Mr McCARTHY:** Member for Braitling, I will pass this on to a public official through the CE, Dr David Ritchie, to make comment.

**Mr RAJAN:** Member for Braitling, this matter comes up from time to time in conversations with the taxi industry and stakeholders around the taxi industry. My commercial passenger vehicle inspectors are

constantly on the lookout. No one has yet provided us with evidence that we have been able to use to confirm or deny this is taking place, but we are constantly on the lookout.

**Mr GILES:** Thank you, Paul. What investigations would you do in that regard to determine if it is an issue?

**Mr RAJAN:** If there is a suggestion an operator is not running their own plates we will check our records, check the cab number, check on the drivers, and try to triangulate that information.

**Mr GILES:** I suggest there is a large culture out there.

The next question is about commercial passenger vehicle driver training and licensing. It is more about the taxi industry. I would like some clarification around my question, but I would also like to know - I understand you cannot obtain a licence to be a taxi driver in the Northern Territory unless you have been in the Territory for two years, and - correct me if I am wrong - there are exemptions by the Northern Territory government and licences are given to people who have not held a licence for that period. Can you correct that statement if it is wrong, and provide some data around the number of exemptions applied to people who have not been in the Territory or held a Territory licence for the required period of time before they obtain a taxi licence?

**Mr McCARTHY:** We will take that on notice, member for Braitling.

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**Question on Notice No 8.22**

**Mr GILES:** Let me make it a little more succinct.

**Mr McCARTHY:** That would be good for us, too.

**Mr GILES:** Minister, please detail, on a regional basis, the number of exemptions provided to people who are awarded taxi licenses based on the fact they have not been in, or held, a Territory driver's licence for the required period of time.

**Mr CHAIRMAN:** That is question No 8.22.

**Dr RITCHIE:** Member for Braitling, when you say taxi licence, do you mean a H endorsement on their driver's licence to allow them to drive a taxi?

**Mr GILES:** That is right.

**Dr RITCHIE:** Thank you.

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**Mr GILES:** How many customers leave the MVR without transacting business because of long wait times?

**Mr McCARTHY:** Member for Braitling, I will pass that to the CE because we can give you our wait times at the MVRs.

**Mr RAJAN:** Wait times at MVR are clearly a matter of some vexation from time to time for people, particularly at high pressure times like before public holidays and Friday lunch time.

**Mr WOOD:** Friday afternoon!

**Mr RAJAN:** We are aware of that. Our business through MVR has increased some 30% over the last four to six years. Many more people are coming through. How many people leave because they cannot get service in the time they have available, I cannot answer. I can give you the wait times for the various offices.

**Mr GILES:** Perhaps, Mr Rajan, I could give you a question on notice and you could determine the people who take a ticket and do not present at the counter. Is that possible?

**Mr RAJAN:** I could look at whether we can do that, yes.



**Mr GILES:** That would be okay. Can I put that question on notice, Mr Chairman?

**Mr CHAIRMAN:** Yes.

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**Question on Notice No 8.23**

**Mr GILES:** Minister, can you provide the number of customers at each MVR service centre who leave without transacting business because of wait times?

**Mr CHAIRMAN:** That is question No 8.23.

**Mr GILES:** Minister, you have announced the sell-off of the MVR at Parap. What plans have been put in place to provide an alternative location? Where, when and how?

**Mr McCARTHY:** Member for Brailing, you will have to clarify that for the Estimates Committee. Where did you read that, where did you hear it, or where did you make it up?

**Mr GILES:** It has not been made up, to my knowledge. I have been informed there been an announcement of a sell-off of Parap MVR. If that is incorrect, just tell me straightaway.

**Mr McCARTHY:** That is incorrect, member for Braitling, straightaway.

**Mr GILES:** Thank you very much. Sorry about the wrong information. Since the introduction of the Banned Drinker Register, how many licenses have been returned to the MVR from licensed businesses or otherwise? Perhaps we could put that on notice, if you would like?

**Mr RAJAN:** Can I clarify, member for Braitling, are you talking about driver's licences returned or evidence of age cards returned?

**Mr GILES:** Probably both - evidence of age cards and driver's licences since the start of the Banned Drinker Register.

**Mr RAJAN:** I am unsure what returned means in this context.

**Mr GILES:** Sent back to the MVR. When people go to these bottle shops and accidentally leave their licence, I am wondering how many have been sent back to MVR?

**Mr RAJAN:** Okay. Yes, we can provide that.

**Mr GILES:** Sorry, I had it in context. I must not have explained it.

**Mr RAJAN:** We can provide that. Those licences are returned through the Liquor Licensing Branch in the Department of Justice, but they come back to us eventually and we have some figures on that which we can provide to you.

**Mr GILES:** Would you like to table them?

**Mr RAJAN:** I do not have them here. I do not have them with me.

**Mr GILES:** I will put a question on notice so you understand the context.

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**Question on Notice No 8.24**

**Mr GILES:** Mr Chairman, since the introduction of the Banned Drinker Register, how many licences and proof of age cards have been returned to the MVR?

**Mr CHAIRMAN:** That is question No 8.24.

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**Mr GILES:** Minister, I am very keen to see the end of the Northern Territory having registration stickers, similar to other states in the country. Have you or your department investigated the options of removing the need for registration stickers on motor vehicles?

**Mr McCARTHY:** Yes we have. We are always about looking at new initiatives for efficiency. The answer is yes, we have.

**Mr GILES:** Well, I will be very keen to support you in that and help drive the reform process to get rid of stickers on cars. That is the end of my questions.

**Mr CHAIRMAN:** Questions, member for Nelson?

**Mr WOOD:** I did not know stickers on cars were such a terrible thing. I must be old-fashioned; I am used to putting them on.

**Mr Tollner:** You have your car covered in them.

**Mr WOOD:** Yes, that is right.

**Mr Giles:** You used to have one saying 'open speed limits', but when you became the kingmaker you took it off.

**Mr Tollner:** Yes, it has disappeared now.

**Mr WOOD:** Yes, so you people are going to reintroduce it?

**Mr Giles:** Absolutely.

**Mr WOOD:** Okay.

**Mr Giles:** You used to stand on that platform.

**Mr WOOD:** Yes, but see the evidence and talk to the doctors and nurses.

Minister, in relation to Output 3.2, according to your annual report, page 48, have you introduced right of access for certain heavy vehicles on NT roads and, if so, where?

**Mr McCARTHY:** I am not sure of that question.

**Mr WOOD:** Under Road Transport on page 48, it says one of your achievements was introducing right of access for certain heavy vehicles on NT roads. I am unsure what it means, but that is what you say you have done. I am trying to find out where you have done it and what it is about.

**Mr McCARTHY:** In the Territory, we have an open access policy for heavy vehicles. I am not aware of the definition you are quoting 'introduced right of access for certain heavy vehicles on NT roads', but I will get some comment from our public officials.

**Mr RAJAN:** We already have an open access arrangement for heavy vehicles on NT roads.

**Mr WOOD:** I am asking what that means 'introduced right of access for certain heavy vehicles on NT roads'.

**Mr McCARTHY:** We need to give a definition around open access, and I will pass that back through the CE to give that information.

**Mr WOOD:** It does not say open access, it says right of access.

**Mr RAJAN:** It says introduced right ...

**Mr WOOD:** That is right.

**Mr Giles:** They are bringing in the big tanks, Gerry.

**Mr WOOD:** Do you want me to put it on notice, minister, for time's sake?

**Mr CHAIRMAN:** Perhaps we can move on.

**Mr McCARTHY:** I believe we will get a definition around this.

**Mr CHAIRMAN:** We could either come back to the answer or take it on notice if you have another question, member for Nelson.

**Mr RAJAN:** It probably refers to those heavy vehicle access routes identified in the task force report.

**Mr WOOD:** Right. It needs to be another line, I believe.

Have you had any discussions with some of the bigger mining companies in regard to putting some contribution back into roads? I have been down the Carpentaria Highway and the Arnhem Highway - I am not saying they do not pay their fair share in registration, but we are going to have more and more trucks using the roads. They have the quarries at Robertson Barracks and we have more and more vehicles coming from Mount Bundy. It is all very well to upgrade the roads, but there will be much wear and tear on these roads. Who is going to pay for that?

**Mr McCARTHY:** Member for Nelson, in general, they are public roads. We do not charge in that respect. However, the 10-year roads strategy we have developed is looking at opportunities to share cost like that. It is a concept. At the moment, as a public road, we do not have specific charges for different companies, different mining operations, or projects.

**Mr WOOD:** That is all my questions.

**Mr CHAIRMAN:** That concludes Output 3.2.

### **Output 3.3 - Transport Safety**

**Mr CHAIRMAN:** We move on to Output 3.3, Transport Safety.

**Mr GILES:** I apologise to many of the staff here who prepared responses to these questions. We have to rush through because I took too much time this morning, mainly based on my colleague.

In regard to alcohol ignition locks, AILs, how many alcohol ignition locks have been taken up since the start of the AIL process? Can you provide that breakdown on a regional basis, please? I will come back with a follow-up question. How many people have been able to apply for an AIL, and how many have accessed it?

**Mr McCARTHY:** Member for Braitling, I will pass to Paul Rajan to give you those numbers.

**Mr RAJAN:** As of 30 April 2012, of the 1213 offenders who have become eligible for an alcohol interlock, 140 have elected to apply for a licence, and 98 have had an interlock installed.

**Mr GILES:** Less than 8%.

**Mr RAJAN:** There are 78 in Darwin, 10 in Alice Springs, and 10 in Katherine.

**Mr GILES:** What has the cost been to implement and manage this program since its inception?

**Mr RAJAN:** The cost of fitting - drivers who elect to have an interlock installed?

**Mr GILES:** No, more about the department expense. I know how much it costs to install and maintain a device and so forth. How much does it cost the department in promoting, administering, and all the costs involved in getting the program up and running?

**Mr RAJAN:** Most of those costs will be borne by Justice in the court system. We simply, through the Motor Vehicle Registry, administer the licensing and restriction associated with that.

**Mr GILES:** I will ask this question and you may not have an answer. For people who have gone through an AIL period and have now gone back to licence, how many have reoffended?

**Mr RAJAN:** That is a set of data I suspect you would need to get from the Department of Justice. It is not the information we keep.

**Mr GILES:** No worries.

**Mr McCARTHY:** Can I say, Mr Chairman, in relation to that, the operative words were 'drivers who elect' to apply for an AIL licence. In that line of questioning, which I find interesting - I would like to ask the member for Brainting what price or cost does he put on a human life?

**Mr GILES:** That is an idiotic statement to make. You have a take-up of 8% of the program. You could not class 8% as a success or failure rate, but you have to ask when 1213 people have the opportunity to take up an AIL and only around 8% - that figure is probably not the best value for money investment you have put into place. It may need to work out ways where it could be taken up more, or alternative strategies put in place rather than an AIL, but an 8% take-up rate is not a very high number from the program you have rolled out.

**Mr CHAIRMAN:** Are there any other questions to Output 3.3?

**Mr GILES:** No.

**Mr CHAIRMAN:** Member for Nelson?

**Mr McCARTHY:** I have a question on notice to go through as well.

**Mr CHAIRMAN:** Okay.

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#### **Answers to Questions on Notice Nos 8.16, 8.17 and 8.19**

**Mr McCARTHY:** Question 8.16: 'Please provide a table of the 26 events that were provided with free transport, costs per event, number of passengers and unit costs per passenger per event?' The answer is: the table providing the detail sought is attached over the page. I will table that for the committee.

Question 8.17: 'How much did it cost to put up the signs for the light rail corridor?' The answer is: costs for the light rail signs total \$4865.45. I will table that.

Question 8.19: 'Deloitte was engaged to provide expert advice on the Mandorah Ferry contract. How much were they contracted to provide that service?' The answer is: Deloitte were contracted to develop a cost and service delivery model for the Mandorah Ferry service for the RFT process. Total amount paid under this contract for the service is \$100 430. I will table that for the committee.

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**Mr CHAIRMAN:** Member for Nelson?

**Mr WOOD:** Minister, page 42 of the annual report talks about priorities for 2011-12. Why was heavy vehicle safety not part of those priorities, especially given the number of road trains now on our roads?

**Mr McCARTHY:** As you would be aware, heavy vehicle operations are a priority. We have done much work around that, including the initiative of the heavy vehicle task force which provided government with that report and also the impetus to roll-out those initiatives in road safety. If it is in relation to an inadequacy in the report, we should adjust that and I will take it on notice.

**Mr WOOD:** Was that a question?

**Mr CHAIRMAN:** A question on notice. I will take personal note of that.

**Mr WOOD:** Minister, there is a large amount of heavy vehicle movement, especially around the rural area at the present time, and the Howard Springs Road is no exception. In fact, the hold ups are around 20 minutes now for people to get through the lights. Notwithstanding the government is going to put out a tender for duplication of the road, I have sat there for a couple of mornings with my pencil and paper. One big hold up in traffic movements is the triples and the quads coming from the gravel pits in the Howard Springs area.

Minister, would you consider, in discussion with some of the companies and the Road Transport Association, the possibility of prohibiting those large trucks between 7.15 am to 8.15 am? They are mixing with a huge number of vehicles, many with children, many with parents returning from the Lutheran school, and many people going to work, which is not only holding up traffic because, minister, you get a 32 - I hope I am right; Ernie will tell me if I am wrong – a 32 second gap to get across the Stuart Highway. My timing of a standing quad is it takes 21 seconds to get through. If you have another truck behind it, hardly any cars get through. Would the government consider having discussions with the road transport people to see whether there could be a ban on those vehicles at certain times of the day to allow better traffic flow?

**Mr McCARTHY:** Member for Nelson, that is a good point. I have been having discussions with all types of stakeholders - the Road Transport Association of the Northern Territory, the Civil Contractors Federation at functions, at stakeholder meetings, wherever I can, and we have to have that conversation. You will notice there is a road safety campaign on the television, in print, and on radio and it is about raising that awareness. This is the environment we are now living in, and the environment that comes with accelerated growth.

That particular intersection you talk about is now in the process of tender to deliver improved road infrastructure. We are working with INPEX - you named the big project - and their traffic management program is ongoing.

**Mr WOOD:** Minister, they are not the problem. The problem is the trucks coming from the gravel pits on the prison road and beyond. The count is about five, maybe six vehicles, in that period and the question really is: could the department say quads and triples are prohibited from the road between 7.15 am and 8.15 am. I do not believe it would put a big hole in the industry. There are times when backhoes, front end loaders and heavy and wide vehicles are not allowed on the highway.

You have seen the amount of traffic on that road. I am asking if the government would, at least, consider sitting down with the industry and finding out whether that could happen. I believe it is not only the hold up of traffic, there is a safety issue there - they are big trucks.

**Mr McCARTHY:** That is what we are doing. I cannot mandate with a word like 'prohibit', but you are right, member for Nelson, that is what we are doing. We are discussing this daily. There is a great deal of work going on across agency as well, and the big projects and the extractives, which are really linking into these big projects, are sensitive to our requests. I believe that is a good, pragmatic discussion.

**Mr WOOD:** You can regulate because certain trucks are not allowed down Lambrick Avenue, and certain vehicles cannot travel at certain times.

**Mr McCARTHY:** We can certainly continue that negotiation with industry and seek that agreement, particularly around sensitive areas you have mentioned, like school times.

**Mr WOOD:** Minister, could you come back with an answer within a reasonable time to see if that is a practical solution?

**Mr McCARTHY:** Yes, we will progress that; we will have our people talk to the major operators. I will talk to the Road Transport Association, as well.

**Mr WOOD:** I have spoken to Louise Bilato and mentioned the concerns.

**Mr CHAIRMAN:** That is a personal briefing between the two of you.

**Mr WOOD:** Yes.

For the sake of the member for Braitling, yes, I am not in favour of the return of the open speed limit unless there is some science to prove it would be safe. The member for Braitling might remember the debate - he was not in parliament - and my concern was the ban was made without the scientific analysis.

**Mr Giles:** Is this a question?

**Mr WOOD:** No, you made the statement. The ban was made without the scientific analysis ...

**Mr Tollner:** You are making a statement?

**Mr WOOD:** No, you made the statement. I have an opportunity to respond, and I believe a person has the right to change their mind. Thank you very much.

**Mr Tollner:** You are pretty fluid with your commitments.

**Mr WOOD:** If you want to be a fundamentalist, Dave, you go ahead.

### **Output 3.4 – Road Network Management**

**Mr CHAIRMAN:** We are at Output 3.4 - Road Network Management, and we are with the shadow.

**Mr GILES:** Minister, who paid for the upgrade of the access road to the 13 Mile quarry on Taylor Road, and how much did it cost?

**Mr McCARTHY:** Member for Braitling, Dr. Ritchie will give you the information around that question.

**Dr RITCHIE:** That is a road constructed by the quarry operator. I understand Macmahon built that road, and we do not know how much they have spent on it.

**Mr WOOD:** The question was asked before.

**Mr GILES:** Minister, I understand about 22 road trains per hour currently use the Arnhem Highway. What measures are you going to put in place if INPEX wants to source rock from Mount Bundy and put multiple road trains on the Arnhem Highway? How many road trains would you expect to utilise the Arnhem Highway, on average, per hour?

**Mr McCARTHY:** The government has a pavement strengthening and widening maintenance program on the Arnhem Highway because it is the focus of ongoing work for major projects. Our program includes pavement strengthening, seal widening and increased maintenance works. It is a designated INPEX heavy vehicle transport route for Mount Bundy quarry materials approximately 100 km east of the Stuart Highway.

In 2012-13, the government has allocated \$4m on capital works for upgrading of the Arnhem Highway, once again including pavement strengthening, widening of various sections, traffic management and safety improvements between the Stuart Highway and Mount Bundy quarries. In addition, \$2.13m was allocated in 2012-13 for repairs and maintenance. That is cyclical maintenance to pot holes, road edges, shoulders, drainage, verges and specific maintenance. This follows significant investment by the government for upgrading the Arnhem Highway in recent years. In the 2011-12 capital works program, a total of \$6.41m was allocated. A program for further strengthening and widening has been developed, including the forward works program.

We are very much focusing on the Arnhem Highway. We understand the increase in heavy vehicle movements. The time frame around that - we expect the take-up of extra heavy vehicles in that area will be around 2014 in relation to Mount Bundy quarry. In estimating the number of heavy vehicles, that really relates not only to number of heavy vehicles but the time frame of the quarry operation and the supply of that specific rock for the project. I am unsure if we have that, but I definitely know if we do, Ernie would have it. I will pass to David Ritchie and we will see if we get a comment.

**Dr RITCHIE:** The short answer is with the opening of the new quarries up near Taylor Road, that is now completely - we do not know what use the quarries down at Mount Bundy will be put to and for what purpose. The commercial realities are they can source quality granite out of the Taylor Road quarry. The likelihood at the moment is Mount Bundy will be not used anywhere near as much as initially thought.

**Mr GILES:** Thank you very much, Dr Ritchie. Minister, how many road trains will travel down Thorngate and Tulagi Roads per day and for how long once the project gets up and running?

**Mr McCARTHY:** Member for Braitling, the project is up and running and we may have some numbers around the heavy vehicle movements out of the Taylor Road quarry. I will ask some public officials to bring that forward.

**Dr RITCHIE:** Member for Braitling, given the tonnage they are planning to haul, it will be one every 10 minutes - 24.

**Mr GILES:** One every 10 minutes 24/7. No worries. Thank you. I have one other question in this output area before I hand over to Gerry. A bridge was built on the Central Arnhem Highway at Mainoru. I understand some works have been done there. Minister, could you explain the level of works done there, the expense of the works done there, the issues around the construction, and the potential increase in the likelihood of flood.

**Mr McCARTHY:** Member for Brainting, we have much work occurring on the Central Arnhem road and much of the new infrastructure work involves stream crossings and flood immunity. For those details, we have a very qualified person here who can tell you. I will flick it to Dr Ritchie, and I am sure he will pass the ball straight on.

**Mr WANKA:** The Mainoru Bridge cost about \$6m. It was completed late last year, in November. The flood immunity on the Central Arnhem road with the work we are doing is reducing the flood immunity from four to six months, depending on what level of Wet Season you get, down to around about one to two months ...

**Mr GILES:** Okay, thank you very much. Sorry, you are still going.

**Mr WANKA:** ... that is when the major river crossings have been completed. A new bridge over the Goyder and a new bridge over the Donydjii River are on our program to be constructed in the next couple of years.

**Mr GILES:** Thank you. Has the construction of this bridge increased the likelihood of flooding on a more regular basis in the near vicinity? Does that question make sense?

**Mr WANKA:** Yes. In relation to the flood immunity of that bridge, it does have some backwater effects on the upstream side, as any bridge construction does. We have had some consultations with the property owners in the vicinity of the bridge over the last twelve months.

**Mr GILES:** Thank you. My understanding is the design and construction of the bridge, or whatever you might like to call it, has resulted in - I am happy to be corrected on this - the likelihood of upstream flooding moving from one-in-one seven year event to one-in-one six year event. Would that be accurate, or is there a close proximity to that accuracy?

**Mr WANKA:** The accuracy of that is reasonable. I would have to check the exact number, but it is probably around that level, yes.

**Mr GILES:** Thank you very much for your honest answer, I would expect no different. If construction of the bridge has increased the likelihood of more recurrent flooding on an average basis upstream, what exposure does the Northern Territory government have for compensation measures to people upstream who will be flooded on a more regular basis, who will obviously have increases in insurance premiums and things like that? I guess that is a question to the minister.

**Mr McCARTHY:** Yes, it is for me. As you have heard, we have been consulting with landowners in that area. Once again, we need to get accurate figures for you if you want to prosecute an argument of increase in the likelihood of flooding. As to any liability of the Northern Territory government, as a minister, I would go to the Solicitor-General for the Northern Territory for that answer. I will take that question on notice.

**Mr CHAIRMAN:** Would you like that question on notice?

**Mr GILES:** No, I will follow it up a different way, in response to the answer you provided, minister. We have just heard from a departmental official that, in my words, the design and construction of the bridge will result in increased flooding upstream. Were you aware of this issue and what have you done to work through resolving the considerable issues property owners upstream are worried about, particularly on a financial basis? We know it is an issue. It is agreed it is likely, but what are you doing, and what have you done to date?

**Mr McCARTHY:** Yes, I have been aware. I have had much communication from one particular landowner in that area. I engaged the department. The department has visited that site a number of times to communicate the issues from that landowner.

The department also sought engineering advice for that particular job and that road transport infrastructure. Then, as you were told by an official at the table, we will do further the work into those

figures and those possibilities. In regard to the other aspect of your question about liability and compensation, I need to seek advice from the Solicitor-General for the Northern Territory.

**Mr GILES:** Thanks, minister. I have communications going back to 2011 on this issue. It has been raised for quite some time. I find it hard to believe you have not gone to the Solicitor-General, in the short term, to find out what our liability or exposure is. Will you be tabling that in parliament? We have an election coming up - it is hard.

I find it hard to believe we have this exposure and there does not seem to have been much done. I know the department has been out there consulting and talking but, as a result of the works of the Northern Territory government, people are going to be flooded more now than they were before the works were done.

To me, that is a significant concern. There does not seem to have been any response to date. That is me thinking out aloud. I am happy to move to my next question.

**Mr McCARTHY:** Mr Chairman, I would like to think out aloud too if I am permitted?

**Mr CHAIRMAN:** You have the right to reply.

**Mr McCARTHY:** Yes, this has been a long-running issue and the department has been doing the work. We are talking about one person here, and we have been working with that landowner. It is about ensuring the numbers are right.

We do much survey work, we have engaged engineers and we have looked at our design. We will face the possibility of liability if it was the case. However, at the moment, it is not the case, and we are still trying to maintain an open and honest communication line with that landowner to work through those concerns, looking at the science of what has taken place with that road infrastructure project.

**Mr GILES:** I accept the fact the department has been working in good faith. I acknowledge the fact that the design and construction of the bridge has increased the likelihood of upstream flooding on a more regular basis. I accept you said there will be liability and you are following a process through and engaging a government solicitor or otherwise. We will take it at that.

I note in the budget 46 km of new sealed roads are expected to be done. I am unsure if that is the area I am talking about. I am talking about the Santa Teresa Road, in particular. Does the budget say the Santa Teresa Road is to be sealed? I cannot see it anywhere.

**Mr McCARTHY:** Not in the 2012-13 appropriation, member for Braitling, no.

**Mr GILES:** I want to get it clear, Labor has absolutely no plans to seal the Santa Teresa Road?

**Mr McCARTHY:** No, that is not correct, member for Braitling.

**Mr GILES:** Okay.

**Mr McCARTHY:** Ask your question again.

**Mr GILES:** Does it say anywhere in Budget 2012-13 - infrastructure or otherwise - that the Santa Teresa Road will be sealed?

**Mr McCARTHY:** The Santa Teresa Road is not to be sealed in the 2012-13 appropriation.

**Mr GILES:** Okay, thank you. I will pass to the member for Nelson.

**Mr CHAIRMAN:** We are at Output 3.4 -Road Network Management.

**Mr WOOD:** Thank you, Mr Chairman. Minister, a road with considerable use and often worn out is the Gunn Point Road. Has the government any plans to upgrade the Gunn Point Road or, if it has not, has it plans to change the route of the Gunn Point Road?

**Mr McCARTHY:** Member for Nelson, I am familiar with that road and have travelled on it. However, I will pass you over to a roads expert, and we will get some expert comment for you.



**Mr WANKA:** Member for Nelson, regarding Gunn Point Road, we have recently done some upgrading of the intersections along Gunn Point Road. The gravel unsealed section is basically a secondary local road in our network. We will be looking for progressive upgrading of that road as development in the area occurs.

**Mr WOOD:** Development is not likely to happen unless the greater Darwin plan happens. It will remain as is otherwise.

**Mr WANKA:** We have long-term plans in regard to a connector road which runs from Temple Terrace around Howard Springs Road out to Glyde Point. That corridor has been set aside for future development. In regard to the future development of Gunn Point Road and the future development of what I call the Glyde Point connector, that depends on what development occurs out there.

**Mr WOOD:** The problem is there is no time line for when Glyde Point or Gunn Point will be developed. That road is heavily used at this time of year by tourists and locals, and it is chopped up very badly. I hope the department is not saying: 'We have a future plan for a new road therefore we will not be spending too much money on this road because it is only temporary'. It could be temporary for the next 20 years. Is there a plan to upgrade the existing Gunn Point Road to become a safer road because it gets extremely corrugated, you have many boats, and it can be in a bad way?

**Mr WANKA:** In our forward programming we take into consideration all the roads across the Northern Territory. We set the priorities based on user demand and traffic. The Gunn Point Road would come into that situation and we will consider that on the forward works plan and as part of our 10-year roads plan or strategy we recently prepared.

**Mr WOOD:** As long as it is not year 9 of your 10-year plan. Minister, the Treasurer said last Tuesday that your department is responsible for the prison road and the duplication of the work currently being carried out. Minister, who was responsible for the original design of the road? Why is the road now closed and being redirected back through the forestry land? What is the cost of this extra work? Who is paying for it?

**Mr McCARTHY:** Member for Nelson, that could be all answered in the portfolio of Construction and Infrastructure. However, in regard to the design aspects, we can answer that in the Department of Lands and Planning appropriation. I will hand that to the CE, Dr David Ritchie.

**Dr RITCHIE:** Member for Nelson, the way this project works, as with many others, is we set the parameters- the scope of the works required - then the proponent does the design work and comes back to us. We verify that has been done and it proceeds. In this case, the design work was done on that particular intersection. It was not, as it turned out, capable of taking the triples and quads which use that area. The responsibility for that is ours, hence mine, and that cost amounts to about \$120 000 which will be borne by the project.

**Mr WOOD:** In simple terms, the department did not get the design right and the taxpayer has to now pay \$120 000.

**Dr RITCHIE:** To be absolutely specific, we did not pick up the inadequacy of the design against our specifications done by the designer.

**Mr WOOD:** The big question - Tiger Brennan Drive Stage 1, 2 and 3. Could you give us an idea of the original budget for the entire project, what the time line for completion was, and what was the final cost of Tiger Brennan Drive?

**Mr Tollner:** How many years do you want to go back?

**Mr WANKA:** The original budget was \$110m to complete the three stages of the project, in round figures. All up, the total project cost of the three stages was \$127m.

**Mr WOOD:** Was it completed within the time frame?

**Mr WANKA:** Member for Nelson, it was pretty well much in line with what the department had programmed for, yes.

**Mr WOOD:** Why the extra \$17m, which is a substantial jump in the original budget allocation?

**Mr WANKA:** As we progressed through the project an escalation of costs occurred which required additional money to be put towards the project.

**Mr WOOD:** Can you give us any specific faults, if I can put it that way, which caused the extra \$17m to be required?

**Mr WANKA:** It did not really come down to faults; it came down to providing a road that met the required standards of traffic and the design requirements for it. We undertook value engineering assessments through the project to minimise costs where we could. However, as it turned out, from the time the original budget was done to the time it was completed, there was escalation of costs and some of the design requirements caused the cost to blow out to \$127m.

**Mr WOOD:** Who did the original design?

**Mr WANKA:** Member for Nelson, Stage 1 was done by ...

**Mr WOOD:** Could I make it clearer? Who did the design, which was at fault, causing an increase cost in the budget?

**Mr WANKA:** The major part of the design was done as part of the early contractor involvement contract - alignment type contract we had with Macmahon. SKM was the sub-consultant of Macmahon involved in Stage 2 of the project, the biggest component. Stage 3, an initial design done by Oricon, which was reviewed as part of the alliance when the contract was varied to include Stage 3 into the original Stage 2 contract.

In relation to costs, it really came down to an increase in fuel prices which has a major impact on road construction projects - bitumen, fuel, etcetera. You have concrete increases. You have the steel component in the escalation of costs as well. All those things came into account.

**Mr WOOD:** If someone put their name down to do a job at 1 January 2012 and said it was going to cost \$110m, and another company said they could do it for \$127m at that time and were knocked off because they were not the cheapest and the \$110m company got the job and, when it finished it, it was the same price the other company said it could do it for, is that the way it should work or should the company bidding for \$110m wear it?

**Mr WANKA:** Member for Nelson, Stage 1 of the project was let as a separate contract. Stage 2 was basically let as a separate contract, and each of those components came in within the estimate we said when we awarded a contract. Stage 3 was negotiated as a separate contract. It was not that you had \$1m for the whole project which went to one contractor and then it blew out.

**Mr WOOD:** No, but each contract was interconnected, was it not? The gravel removed from one contract was used for another contract so there was some preferential agreement. Otherwise, Macmahon would not have taken the fill from the overpass to Stage 3. They must have known there was an opportunity to save some costs.

**Mr WANKA:** That was one of the reasons why we varied the contract because we were getting it at - there were some cost benefits in utilising that material for Stage 3. They were some of the benefits in varying the contract to get a value for money price on Stage 3.

**Mr WOOD:** However, it still blew out by \$17m.

**Mr WANKA:** The whole project blew out by \$17m over the three years.

**Mr WOOD:** Who pays for that - the Commonwealth or the Northern Territory?

**Mr WANKA:** The Northern Territory government.

**Mr WOOD:** Is it possible, minister, to get a breakdown of that \$17m?

**Mr WANKA:** Basically, \$17m was for Stage 3 of the project. That was the Berrimah Road overpass duplication from Wishart Road to Export Drive - to the weighbridge, in fact.

**Mr WOOD:** If the \$17m was for Stage 3, did Stages 1 and 2 blow out?

**Mr WANKA:** From the time the original estimate was done to get the project running to the time it was completed, there were escalations through the whole project.

**Mr WOOD:** I am trying to see how a government in deficit is ensuring it does not waste money or duplicate costs. In the case of this contract, would not a contractor have built in cost increases in his contract price? We all know fuel is going to go up, bitumen will go up, and steel prices are going up. Would a good contractor not build in some of those increases over a large project like this?

**Mr WANKA:** In relation to the original scope of the project, there was a need to adjust that through the project as well. That also contributed to the increase in costs to the project. It was not totally due to the escalation. Some scope requirements were required through the project as well.

**Mr WOOD:** I get back to a similar question in relation to the prison road. If the design was not right in the first place but accepted as the basis for the tender, are not some of those costs sheeted back to the company which did the design work?

**Mr McCARTHY:** Member for Nelson, that can be the case. When we are talking about the Tiger Brennan project over three stages, we are talking a major project. It is pretty difficult to compare that to the design work we got wrong - and very much in relation to that underground water which spoiled the pavement on the access to the Doug Owston Correctional Facility. What we are explaining here is, over three years, three stages of a major project - it has been explained to me there was an increase in the scope of works as well. We were definitely adding costs to that project relating to delivering an increased and improved scope of works. It would be hard aggregate what you want.

**Mr WOOD:** We are running short on time, minister ...

**Mr Tollner:** You are kidding.

**Mr WOOD:** Yes, we are. I have sat here ...

**Mr Tollner:** That is all right. You have 15 minutes in an hour?

**Mr WOOD:** Yes, and we have gone through several hours on about one question.

In relation to Humpty Doo, the intersection of the Arnhem Highway and Freds Pass Road, when did that upgrade start, when did it finish, and how much did it cost? It was nearly as long as McMinns and Bennett Street, I believe. This is the intersection of the Freds Pass Road and the Arnhem Highway.

**Mr McCARTHY:** We will take that on notice. We need to confer with the Department of Construction and Infrastructure to get those figures.

**Mr CHAIRMAN:** One more time, member for Nelson.

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#### Question on Notice No 8.25

**Mr WOOD:** Could you provide the time the contract to upgrade the intersection of the Arnhem Highway and Freds Pass Road, Humpty Doo started, when it finished, the total cost, and why were there such long delays in completing that project? Also, why did they change the stop signs which had been there for some time to give way signs, considering there are now triples and quads going right past that intersection every morning? Throw it onto the one question.

**Mr CHAIRMAN:** That is question No 8.25.

**Mr WOOD:** What was the actual cost of the upgrade of the causeway at Palumpa and did it flood this year? I was there last year and they were raising it so it would become flood proof. Was it flooded and how much did it cost to raise it?

**Mr McCARTHY:** We will get you those figures. It was a combination of NTG and Victoria Daly Shire. We will get the breakdown. Did it flood this year? I am not aware of any flood this year, but we know of the floods in previous years.

**Mr CHAIRMAN:** Could you repeat the question?

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**Question on Notice No 8.26**

**Mr WOOD:** Could you provide the costs of the upgrade to the causeway at Palumpa, and could you let us know whether it flooded this year?

**Mr CHAIRMAN:** That is question No 8.26.

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**Mr WOOD:** In relation to the \$20m upgrade of the Umbakumba Road on Groote Eylandt - we could apply this to the Central Arnhem Road - is the road a public road, is it a leased road, or is it simply a road on Aboriginal land?

**Mr WANKA:** It is a road on Aboriginal land, but it is a public road. The Northern Territory government manages the road. We are responsible for the upgrading and maintenance of the road. The project currently under way for \$20m is a share-funded project to which the Northern Territory government is contributing \$5.5m, GEBIE is contributing \$5m, and \$2m is in-kind for them to start a quarry business and for a water supply, and there is \$9.5m federal government money through GEBIE through the ABA.

**Mr WOOD:** Do you have a definition of a public road?

**Mr WANKA:** We could probably pull out the act and read what the definition of a public road is.

**Mr WOOD:** I know we are running out of time. This is my last question in relation to this. You know what I think about leased roads and roads on Aboriginal land - there needs to be more work done in clarifying that.

In relation to road signs: INPEX wanted to put a sign up on the corner where their village is and was told - I gather by your department - there is no way it would allow a sign there. They had to put a sign down on the block of land. It is another \$4000 to get an engineer's certificate for a sign to say that is where they are going to put the intersection of their village. What concerns me is the department is strict on where INPEX could put its sign - fair enough, it should be in the right place. Why do you not apply that to all the signs at the 11 Mile and Humpty Doo? There are stacks of signs on our highways now. What has happened to the sign policy of the department? Does it exist, or is it basically do what you like and hope no one will come along and pull your sign out of the ground? It seems to be Rafferty's rules now.

**Mr McCARTHY:** Member for Nelson, there are regulations around road reserves. I will pass that to Ernie to answer.

**Mr WANKA:** Last year I said this was an issue close to my heart. Probably, I have been tardy. At the last Estimates review you said you would be prepared to do some public consultation in what the advertising sign policy should be. We are finalising a draft now to go down the path of doing some public consultation.

**Mr WOOD:** I am not necessarily against advertising on the highway, but we can do it better. We can make our approaches to Humpty Doo look like there is something to be proud of. At the moment, it looks like out the back of Tombstone somewhere - it is all over the place. It is not a good sight for tourists going to Kakadu. I am not against advertising, but can we come up with something a bit better than what we have at the moment?

Thanks, that is all my questions.

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**Answer to Question of Notice No 8.20**

**Mr McCARTHY:** Mr Chairman, I have an answer to a question on notice, if I could get it through. The question is No 8.20: 'Please provide a detailed breakdown of costs involved in the changeover of contracts for the Mandorah Ferry including internal/external staff, including transport and otherwise?'

The answer is: specific breakdowns are as follows: Deloitte consultancy (as per question on notice No 8.19); staff travel and accommodation, \$6030.51; room hire for negotiations, \$669.90. I will table that for the committee.

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**Mr CHAIRMAN:** The member for Braiuling had a question to Output 3.4. Sorry, the member for Fong Lim.

**Mr TOLLNER:** For the enlightenment of the member for Nelson, if the Tiger Brennan Drive had been done in 2003 it would have cost \$27.5m, a saving of \$100m, but ...

**Mr Wood:** Including inflation?

**Mr TOLLNER:** Including inflation, I imagine.

Minister, since December 2010, can you tell me how many claims have been made for damage caused by loose stones on Tiger Brennan Drive? .

**Mr McCARTHY:** Member for Fong Lim, that is a question for the Department of Construction and Infrastructure, but we will be happy to do that research and provide you with numbers.

**Mr TOLLNER:** If it helps, minister, I understand as of 1 February 2011, there were 283 claims. I am curious as to how many more have happened since then.

**Mr CHAIRMAN:** The minister has agreed to take it on notice. Obviously, it is a different department, and they would have the answer. He has agreed to take it on notice, if you want it ...

**Mr TOLLNER:** No, it is his department, it is Road Network Management.

**Mr CHAIRMAN:** He just advised it was the Department of Construction and Infrastructure.

**Mr TOLLNER:** You cannot duck shove your responsibilities - not like that.

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#### Question on Notice No 8.27

**Mr CHAIRMAN:** They have agreed to take it on notice. Could you repeat the question?

**Mr TOLLNER:** Since December 2010, how many claims have now been made for damage caused by loose stones on Tiger Brennan Drive?

**Mr CHAIRMAN:** That is question No 8.27.

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**Mr TOLLNER:** Finally, minister, I know you are a die-hard Canterbury Bulldogs supporter. Maybe you can free up your Director of Roads on Friday nights, Saturdays, and Monday nights, and send him back to the Eels. We need a boost.

**Mr McCARTHY:** Member for Fong Lim, he is available for all Eels games except when they are playing the Dogs.

**Mr Giles:** How long have we got to go - four minutes?

**Mr CHAIRMAN:** Yes.

**Mr GILES:** I would like to move straight to the port.

**Mr TOLLNER:** I would be happy with that.

**Mr CHAIRMAN:** Is it the will of the committee to move straight to the port? It being the will of the committee, we will call for the Darwin Port Corporation.

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**Answer to Question on Notice No 8.22**

**Mr McCARTHY:** In relation to question No 8.22: 'Please provide information on how many taxi licences have been provided based on the fact that the licensees have not been in the Territory for two years?'

The answer is: currently there are 827 CPV licence holder with ID cards. Of that total, there are 186 provisional CPV licence holders. The 186 includes ID CPV licence cardholders who have been exempted from the two year driving experience requirement and includes drivers yet to complete training. I table that for the committee.

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**DARWIN PORT CORPORATION**

**OUTPUT GROUP 7.0 – DARWIN PORT CORPORATION**

**Mr McCARTHY:** I am joined at the table by Mr Terry O'Connor, Chief Executive Officer, and Mrs Anne Coulter, Chief Financial Officer of the Darwin Port Corporation.

**Mr CHAIRMAN:** Member for Braitling.

**Mr GILES:** Welcome Mr O'Connor and Mrs Coulter. Minister, can you please detail the financial exposure in the forward estimates of the Darwin Port Corporation as a result of the Marine Supply Base operations and the work it will take away from the Darwin Port Corporation?

**Mr McCARTHY:** If I could start with that answer, member for Braitling, the Marine Supply Base concept complements the Darwin Port operations. As you would be aware, this is a move to capture the offshore oil and gas industry as well as the incredible work the Chief Minister has done in bringing the oil and gas industry on shore and creating the Northern Territory as a mark on the global energy sector. However, in relation to more specific comment, I will turn to the CE, Mr Terry O'Connor.

**Mr O'CONNOR:** Terry O'Connor, Chief Executive Officer, Darwin Port Corporation. In total exposure it is around \$2m in wharfage per year, plus around \$500 000 per annum in rental returns. Having said that, on the plus side we get 140 m of wharf space we did not have before, around 2500 m<sup>2</sup> of undercover storage area, and around 2 ha of hardstand which will be utilised in the area. That will create potential for additional income we are unable to specify at this time.

**Mr GILES:** Mr O'Connor, is the current state of the books that expense is out-stripping income on a monthly basis at Darwin Port? If so, by how much?

**Mr O'CONNOR:** I will pass that to the Chief Financial Officer.

**Mr CHAIRMAN:** Mrs Coulter, this will be the last question and answer so I appreciate your time. The red light means it is on so it is off now. Now it is on.

**Ms COULTER:** In the three months we have been incurring monthly losses of around \$350 000. However, year-to-date - profit made since 1 July 2012 - we are in profit as at end of May of \$1.4m.

**Mr GILES:** The final question.

**Mr CHAIRMAN:** That was the final question; we are past 4 pm. Thank you, minister for coming along. Some shadows who did not have an opportunity to ask questions today will be putting questions through the written question process. I am sure you will be happy to answer those. We thank all other witnesses who did not have an opportunity to speak in the seven hours we had today.

**Mr McCARTHY:** Mr Chairman, I acknowledge all those hard-working public officials who prepared for Estimates. I am sorry we did not get to tell our story from Corrections, Arts and Museums, and Construction and Infrastructure. It was great to have Darwin Port Corporation at the table. Thank you, guys, for all the incredible work you have produced. I take it home, value it, and continue to read it because it is good for the minister to read. Thanks.

## MINISTER KNIGHT'S PORTFOLIOS

### DEPARTMENT OF JUSTICE

**Madam DEPUTY CHAIR:** I welcome you, minister, and the officers accompanying you from the Department of Justice this afternoon. I invite you to introduce the officials who are accompanying you today, as well as remind them to introduce themselves each time they speak. Minister, is there an opening statement you would like to make?

**Mr KNIGHT:** Thank you, Madam Deputy Chair. I introduce the Chief Executive Officer of the Department of Justice, Mr Greg Shanahan; to his right is the Deputy Chief Executive, Business Strategy and Performance, Ms Anne Bradford; and to my left, the Deputy Chief Executive Officer, Policy Coordination and Legal Services, Mr Alastair Shields. We will also be joined at the table by other departmental officers at the appropriate times as we move through the appropriations of the department.

Later, I will also address matters relating to other portfolios of Youth and Seniors.

The Department of Justice works with the community and other government agencies to make justice relevant to all Territorians; it is responsible for coordinating all elements of the Territory's justice system with the exception of policing. This involves providing services, frameworks, and infrastructure requirements to build a much fairer and safer community.

The department comprises a variety of output groups, and they include: the Solicitor for the Northern Territory; Court Support and Independent Offices; Policy Coordination; Licensing, Regulation and Alcohol Strategy; Youth Justice Unit; NT WorkSafe; and Northern Territory Correctional Services.

In the time of unprecedented economic growth through major projects, Defence expansion and social programs, particularly regarding child protection and alcohol reforms, a flexible, experienced, and highly-qualified legal service dedicated to government is absolutely vital.

The Solicitor for the Northern Territory provides a specialised civil, litigation, commercial, and native title legal services to government, along with training programs for regulatory enforcement officers in areas such as workplace safety, animal welfare, environmental pollution, and alcohol and gambling regulation. This output group is also responsible for the outsourcing of selected legal services, and administers the scheme that provides financial support to victims of crime.

The Court Support and Independent Offices output group provides administrative support services to enable delivery of justice to the community by the courts and tribunals. The group includes the Higher Court, Lower Courts and Tribunals, Fines Recovery Unit, Registrar-General, Public Trustee, Information Commissioner, Public Interest Disclosures, Consumer Affairs area, Anti-Discrimination Commission, and the Office of the Director of Public Prosecutions.

The Information Commissioner, the Public Interest Disclosures, Consumer Affairs, Anti-Discrimination Commissioner, and the Office of the Director of Public Prosecutions also have independent statutory roles in protecting the community's legal rights and property interests.

The Policy Coordination output group provides strategic legal and social policy advice to government, and monitors and coordinates the implementation of related government policies and research. This output group includes Community and Justice Policy, Legal Policy, Research and Statistics, Community Benefit Fund, and the Community Justice Grants.

The new Youth Justice Unit was established in November last year following the review of the Territory's youth justice system. The report focused on delivering a coordinated response to youth justice issues and recommended the creation of a single agency under one minister, the Minister for Justice and Attorney-General. The Northern Territory government acted immediately with the creation of this unit, and established new police diversionary units in Katherine and Tennant Creek and allocated funding for the expansion of community-based programs in these areas.

Questions relating to the recommendations, the formation of the unit, and the information appearing in the Budget Paper should be directed under Output Group 6.0. Questions relating to the Youth Justice Review process should be directed using the consideration of the Output Group 4.0, the Policy Coordination group.

The Department of Justice also includes NT WorkSafe. The WorkSafe output group continues to provide information and advice on safe work practices, enforcing compliance with Work Health and Safety Standards, and works to improve workers compensation outcomes. This year,, NT WorkSafe has implemented the national model Work Health and Safety laws, and has introduced improvements to the Territory Worker's Compensation Scheme.

The Correctional Services output comes under the portfolio responsibility of the Minister for Corrections. The Licensing Regulation Alcohol Strategy output groups come under the Minister for Racing, Gaming and Licensing. The Health and Community Services Complaints Commission and the Children's Commissioner comes under the Health Minister. The Environmental Protection Authority comes under the portfolio of the minister for Natural Resources. I will answer questions of a corporate nature for the whole of the Department of Justice. However, questions relating to operational aspects of these output groups should be, or have been, directed to the relevant minister.

As previously stated, my other portfolios of Senior Territorians and Young Territorians will be dealt with after you have examined the Department of Justice, and I will make a brief statement prior to the commencement of those portfolio areas.

The Essential Services portfolio, relating wholly to the activities of Power and Water Corporation, will subsequently be dealt with tomorrow morning, bright and early, with the Government Owned Corporations Scrutiny Committee. I look forward to questions.

**Madam DEPUTY CHAIR:** Thank you, minister. Are there questions to the minister's statement?

**Mr ELFERINK:** Yes, just for clarifications so I understood the minister correctly, under the auspices of his ministry, he will not be receiving any questions on child protection through the Children's Commissioner, the Health and Community Services Complaints Commission, Environmental Protection Authority, Correctional Services, Licensing, Regulation and Alcohol Strategy, Licensing and Regulation Grants and Alcohol Reform program. Is that correct minister?

**Mr KNIGHT:** That is correct. Only the corporate nature ...

**Mr ELFERINK:** It does not leave a great deal left, does it?

**Mr KNIGHT:** Hey?

**Mr ELFERINK:** it does not leave a great deal left.

**Mr KNIGHT:** Well, there is a bit there. Only the really corporate nature of those particular areas.

**Mr ELFERINK:** I understand that. It is just that you have the title, minister for Justice. I would say half of what you have title for rests with other people, which makes it, of course, a little difficult to navigate your department. However, ...

**Madam DEPUTY CHAIR:** John, do you have questions on the statement, or do you want to go to agency-related whole-of-government questions?

**Mr ELFERINK:** I will make some observations in relation to the statement and I might put a question at the end of them, Madam Deputy Chair. Anyway, we will go to whole of - actually no, I am happy to start going through the output groups.

## **OUTPUT GROUP 1.0 – SOLICITOR FOR THE NORTHERN TERRITORY**

### **Output 1.1 – Solicitor for the Northern Territory**

**Madam DEPUTY CHAIR:** Thank you. Then we will move onto Output Group 1.0, Solicitor for the Northern Territory; Output 1.1, Solicitor for the Northern Territory.

**Mr ELFERINK:** Minister, you mentioned the training programs the Solicitor for the Northern Territory ran, particularly in relation to regulatory training. Can you detail a comprehensive list of what regulatory training they do in investigations, and what qualifications arise out of those training programs?

**Mr KNIGHT:** I will refer this matter to Mr David Lisson.



**Mr LISSON:** David Lisson, Solicitor for the Northern Territory. To answer your last question first, we do not offer accreditation in the training programs we provide. Our arrangements with agencies, including in the Department of Justice and external to the Department of Justice, focus on practical training, which is training by lawyers.

A good example has been extensive training provided to WorkSafe in the interpretation of the new legislation. You would be aware there has been a major change in legislation across Australia, and also a new section in the *Criminal Code Act*, Part IIAA, which involves some very complex legal issues. The focus we deliver is in respect of enforcement. It is understanding how the legislation works, what is required by way of evidence, what sort of evidence is admissible in court, and what will, in the end, result in a successful prosecution.

There are many provisions in statutes throughout government that, in previous years, have not been enforced because the agencies charged with that responsibility have not really been able to understand all of the legal requirements. Some prosecutions have been attempted and failed, and it is in response to that we decided it is worth investing significant resources in training the regulators to present us with quality briefs so we can then represent that department, or our department, in enforcing those regulations.

**Mr ELFERINK:** Mr Lisson, your lawyers from your department then go into other departments to provide training in relation to what a brief of evidence should look like, what the points of proof are and, of course, the requirements - what are they? - the excuse provisions of the *Criminal Code Act* and the extended excuse provisions of the *Criminal Code Act*?

**Mr LISSON:** Indeed, yes.

**Mr ELFERINK:** Noble and I applaud it, particularly in light of what happened at Mataranka and ...

**Mr LISSON:** That is a good example.

**Mr ELFERINK:** Yes, it is a monumental example. Are your lawyers accredited trainers? Do they have a Certificate IV themselves in training, or is this something you simply offer because it should be offered? Is there any form of ...

**Mr LISSON:** The latter.

**Mr ELFERINK:** All right. There is no actual accredited training?

**Mr LISSON:** But there is vast experience. For example, the senior criminal lawyer in our division has trained police through all levels of the academy and all levels of police over many years, so he has shared those skills with others. We are breeding trainers as we go. We receive the brief and, if the brief is flawed, that is what triggers our reaction. We need to come and see you and explain the flaws in your evidence so you can present us with a viable brief.

**Mr ELFERINK:** By way of example, I recall when the Darwin Port Corporation was under some scrutiny for some spills that went into the harbour, minister Hampton, the minister for the Environment, had gazetted, in a special gazettal notice, four new inspectors. I googled each of those inspectors to discover they were, no doubt, very qualified people in their scientific background, but there was not a suggestion any one of those individuals named in the *Gazette* had any form of investigative training whatsoever. A more cynical member of parliament - far be it for me to be that - would get the impression there was just a desire to have inspectors on the books.

What is the exposure of an inspector - let us say with environmental inspection requirements - to an action being brought against them for simply not being ready to be able to do their job?

**Mr LISSON:** There is no action, in the sense they can be sued by someone ...

**Mr ELFERINK:** There is generally in the legislation qualifications that they are not civilly and criminally liable etcetera.

**Mr LISSON:** It is not just that. There would not be a cause of action that could be brought against them if they, for example, make a mistake in an investigation, lose evidence, take the wrong pictures, or fail to get measurements.

**Mr ELFERINK:** I am more thinking of a third party loss arising out of a failure to do a duty.

**Mr LISSON:** The whole field of misfeasance in public office comes up. There have been a number of cases in the courts that goes back to the BTEC days. The High Court has certainly provided law on that point. I cannot give you an opinion today. Each case would turn on its own particular ...

**Mr Elferink:** On its own merit.

**Mr LISSON:** ... fact. It is a cause of action that is possible against government, but the requirements are quite stringent.

You have mentioned investigation issues. I did not include that part of the training is very much a part of the training as well; that is, investigation skills, how to maintain continuity of evidence, and how to mark exhibits. That training is provided by the same lawyers in our office, because you really cannot have the product without the investigation skills.

I do not know about the ones in Darwin Harbour who were investigating the environmental issues there but in Licensing and Regulation, the alcohol enforcement branch in our department, and certainly at WorkSafe, some of the inspectors are very good. Some are ex-police, for example, and have had intense training in that regard. Two of our main lawyer trainers are also former policemen, so they come with those skills taught while in training in police.

**Mr ELFERINK:** No, I appreciate that. The reason I go down this path is, as part of the recommendations of the parliamentary committee looking into what occurred at Mataranka, CTC - I stand correct; I was trying to remember the name of it, to be honest. Gerry?

**Mr WOOD:** A subcommittee of the CTC.

**Madam DEPUTY CHAIR:** Animal welfare governance.

**Mr ELFERINK:** That is the one, thank you. One of the issues that came out of that was, basically, the lack of training of the public servants involved. They just were not ready to have to cope with an issue like that.

One of the recommendations was to actually – in fact, I named a police officer who was about to be forcibly retired out of the police force - do exactly the sort of training you were doing. A fellow by the name of Kurt Johansson is now 65 and still wants to do a job. It is exactly the type of role. He has been a copper for – I do not know, since Jesus was playing fullback for the Jerusalem First 15 ...

**Mr LISSON:** Some very good talent there.

**Mr ELFERINK:** Extraordinary talent. I will continue to suggest, quite publicly, he would be a wasted resource if he was simply put out to pasture because of the requirement of the *Police Administration Act*. Perhaps someone you may want to consider, minister, or perhaps you, Mr Lisson?

**Mr LISSON:** I know that ...

**Mr ELFERINK:** Subject to your budget, of course.

**Mr LISSON:** The Animal Welfare Branch in the department in which they are located, has recently hired retired policemen with those skills for the very reasons you have pointed out. I should also say we are not the only trainers in the world in the Solicitor for the NT. The Commissioner for Public Employment has, over the years, offered numerous specifically investigation training courses.

Where we add value, I believe, is in the complexities of the law - understanding the legislation they are mandated to enforce, and how other legislations such as Part IIAA of the *Criminal Code* applies to their legislation.

**Mr ELFERINK:** Without having done the homework, I suspect there must be at least 100 inspectorial roles scattered throughout our legislative environment.

**Mr LISSON:** I am sure you are right.

**Mr ELFERINK:** That would be just a poke in the dark, but you are nodding your head. What concerns me out of the Mataranka event was not so much the Mataranka event itself - that has been and gone - it is the potential for any one of those 100 inspectorial roles to fall apart and people to be embarrassed. That is really something I am very concerned about as a function of government. What occurred at Montara is another one that springs to mind: well-meaning, well-intended public servants exposed, often by not understanding their own areas of responsibility. Clearly, you are responding to that.

Mr Lisson, I will fire this one directly at you. There is a key variation in your budget which is fairly substantial. The budget for year 2011-12 was worth \$15.642m. You have a final estimate of \$19.893m. The key variation is noted that:

*Variations in this output are due to the timing of negotiations of agency-based lawyer service agreements.*

Please pardon my ignorance, what does that mean?

**Mr LISSON:** There is a bit of history to this. In the past, departments hired their own lawyers without regard to the SFNT, depending on budget considerations and so forth.

**Mr ELFERINK:** SFNT?

**Mr LISSON:** The Solicitor for the Northern Territory, pardon me. In 2006, Cabinet directed that all lawyers working for government who provide legal advice must be under the supervision of the Solicitor for the Northern Territory. From 2006, that has been the case. It picked up pockets of lawyers throughout government who had no other connection and they became part of the Solicitor for the NT.

That has grown over the years and has been on the basis that the agencies have determined, for their own reasons, they require a greater or different mix of legal assistance within that agency. Those lawyers are employed by the Solicitor for the Northern Territory so they are part of our numbers, and are called agency-based solicitors for obvious reasons.

**Mr ELFERINK:** Which is why your numbers have gone through the ceiling?

**Mr LISSON:** Indeed.

**Mr ELFERINK:** It is an RTS?

**Mr LISSON:** The other aspect of it is the agency pays the budget attributed to those lawyers and provides the FTE - the full-time equivalent - so the Solicitor for the Northern Territory has not grown internally since 2006, which was the last budget allocation to the SFNT. However, there has been considerable growth. It is all demand driven in the agencies as each agency has, for different reasons, come to the view it needs legal assistance. It depends on the complexity of their work.

**Mr ELFERINK:** Essentially, you bill it out?

**Mr LISSON:** That is a good way of putting it, yes.

**Mr ELFERINK:** A law firm within government would be ...

**Mr LISSON:** It is actually common throughout Australia. It is commonly done in the Commonwealth, and South Australia is a leader in placing lawyers in agencies.

The challenge for us is maintaining a high level of supervision of the quality of their work, maintaining their professional development, and ensuring the resources are applied at the right level to the right matters, so we have a very close connection. In fact, there is movement all the time of lawyers coming and going from agencies.

**Mr ELFERINK:** The mechanical way this looks on the ground is where are these people physically sitting at their desks? Are they still in the departments, are they now sitting in an office somewhere, or is it a mixture of both?

**Mr LISSON:** The Solicitor for the Northern Territory is just about 50:50. In the main office there is a central group, and the other 50% in agencies - from as few as one in some agencies to as many as four in others.

**Mr ELFERINK:** Is there any agency in government without any legal advice that you are aware of?

**Mr LISSON:** Yes.

**Mr ELFERINK:** Do you have a list of those?

**Mr LISSON:** I can name a few. Some of them are very small.

**Mr ELFERINK:** Yes.

**Mr LISSON:** Aboriginal Areas Protection Authority, for example, is a small one. The Commissioner for Public Employment is another.

**Mr ELFERINK:** The smaller agencies come to you when they are ...

**Mr LISSON:** Treasury, I am reminded, is quite a large agency. There are legally trained people, but the Cabinet directive is they cannot provide legal advice. They certainly can use their skills in other ways in those agencies. That is Chief Minister's ...

**Mr ELFERINK:** How did this lead particularly to an increase of \$4m of expenditure in the current financial year?

**Mr LISSON:** The agency-based solicitors are all funded by the agencies, so it had nothing to do with that.

**Mr SHANAHAN:** Greg Shanahan, CEO. The output appropriation for those solicitors is actually to the host agency, so the money in the budget papers will be to those agencies. Based on the agreements we have with individual agencies that may then transfer to us during the course of the year. Our budget at the start of the year will be less than that figure but, during the course of year, based on the agreements we have, that money is actually transferred to our appropriation, and our output.

**Mr ELFERINK:** Okay. Without fully understanding what you just said – to be honest – I see a \$4m variation, or change in the budget for 2011-12 was \$15.6m, and the final estimate is \$19.8m or \$19.9m. Someone is paying that money, yes?

**Mr SHANAHAN:** Yes, the agencies. They give us the money after the start of the financial year.

**Mr ELFERINK:** The agencies have asked for \$4m more worth of legal advice than anticipated originally at the beginning of the financial year. Is that correct?

**Mr SHANAHAN:** No,

**Mr ELFERINK:** I am sorry; you will have to bear with me with this.

**Mr SHANAHAN:** They fund a lawyer or a number of lawyers. They have an agreement with us that says under the umbrella of SFNT can you employ three lawyers, for example. They will give us the FTE and the funding, but we employ them. They then have to get the money out of their budget and give it to us.

**Mr ELFERINK:** Is that the \$19m I am looking at?

**Mr SHANAHAN:** The figure grows from \$15m to \$19m because of the money which has come across for the additional lawyers.

**Mr ELFERINK:** Government as a whole, including across all agencies, is spending \$19.9m on lawyers?

**Mr SHANAHAN:** Or on Solicitor of the Northern Territory administration staff and ...

**Mr ELFERINK:** You are, basically, the legal agency, Mr Lisson, sitting there; the legal firm – for want of a better term – Lisson and Partners – providing services. What strikes me is you are providing \$4m or \$4.5m worth or more services than you originally budgeted for. Why?

**Mr SHANAHAN:** Sorry, we will just go back. That is the money that, at the start of the year they will say they want three lawyers, and they will give us \$500 000. In the course of the year, all the different agencies have given us \$4m.

**Mr ELFERINK:** So you add all that up?

**Mr SHANAHAN:** That gets you to \$19m. The next year in the appropriations we go back to the original. Then, the different departments have said they want to buy 600 lawyers and they give us the money again.

**Mr ELFERINK:** So, different departments are spending more - is probably a better way to describe it - on legal advice and lawyers than originally anticipated?

**Mr SHANAHAN:** No, they might have always anticipated that, but the money was not given to us by government, it was given to us by the agencies.

**Mr ELFERINK:** All right. I am trying to see it from an across-government point of view. If I am standing outside of government - which I am, and I have my nose pressed up to the glass - I see a figure of \$15m in the original budget; I now see the number that has actually been spent, the final estimate, is \$19m. Who is spending the money - the agencies?

**Mr SHANAHAN:** The agencies. Their budget would reduce by the amount they give us.

**Mr ELFERINK:** They are pulling up short in their projections as to how much they are going to spend on lawyers?

**Mr SHANAHAN:** Yes.

**Mr ELFERINK:** All right. Was there one specific agency, or a stand-out agency, which was asking for more legal advice; that is, paying more for this? If so, which one was it?

**Mr SHANAHAN:** What you will find at the end of this year, 2012-13, is that figure will go back up to about \$19m. Do you want a break-up of who they are?

**Mr ELFERINK:** Yes, basically.

**Mr LISSON:** The increase has all been from agencies. Is your question: where is the demand coming from?

**Mr ELFERINK:** Yes.

**Mr LISSON:** I would place a great deal of it on major projects, but this comes from a number of different agencies. We have INPEX, the Marine Supply Base, the new prison, just to name a few. The demand for legal services has increased enormously in that area. There has also been an increase in demand for legal services in Child Protection. One aspect of that is the litigation has increased considerably; that is, child protection litigation.

You should also understand that, while the agency-based solicitors perform legal services only for that agency, the main office provides services to all agencies, so it picks up the overflow. If you have three lawyers at police, you also have lawyers at the main office working on police matters.

**Mr ELFERINK:** The figure that appears for the budget for 2012-13, which is the \$15.1m, that is what agencies have advised you they are intending to spend on legal advice in the next financial year?

**Mr KNIGHT:** What was the question again, sorry?

**Mr ELFERINK:** For the financial year 2012-13, the figure of \$15.1m that sits there, that is what agencies are telling you they are expecting to buy services off you?

**Mr KNIGHT:** No.

**Mr ELFERINK:** Clearly, I am confused by this. You have to be patient with me, folks, I am not used to it. Where does that figure come from? Is that just the cost of running your agency?

**Mr KNIGHT:** That is the normal day-to-day cost of running SFNT. Then, agencies will get their own legal budget, then they will engage the services and transfer the money, post 1 July 2102, to SFNT. Their budget, when they ask for the money, it will be holus bolus handed across.

**Mr ELFERINK:** Sorry about that, I am finally there. Basically, what they are looking for is major projects. The standout figures are major projects and ...

**Mr LISSON:** There is also significant litigation. One which is of great significance is the Alice Springs Hospital litigation, which contributes to the cost. It is peaks and troughs in this business, and we are not always able to predict what the legal service requirements will be for an upcoming year.

**Mr ELFERINK:** Good luck with that now.

**Mr LISSON:** Yes, we try. I would say that the main ones would be Child Protection, Major Projects, the Alice Springs Hospital litigation, and then there has been a fair bit of activity in residential development and new areas of housing. There is a lot of legal work involved in the planning of that, subdivisions and conveyancing as well.

**Mr ELFERINK:** It is probably not within your bailiwick, but I will ask the question anyway. I am looking at the annual report, page 86. There is a footnote No 3. I notice you no longer measure the crimes victims' assistance debt recovery files. Is there a reason for that change in policy?

**Mr LISSON:** I cannot explain the footnote change, but I can tell you we do measure the debt recovery files. There has been a significant increase in the number of files, from 71 files in the year 2009-10 to 132 extrapolated for 2011-12.

The amount of monies recovered has increased. It is very low to start with. You will appreciate the problems in trying to recover from offenders for monies paid out to their victims, but we nonetheless take that very seriously.

We extrapolate the recovery in 2011-12 will be \$166 446, whereas in 2009-10 it was \$123 164. It is a marginal increase, but it is important, as a matter of policy, that we attempt recovery against offenders on the basis that offenders have caused the mayhem and the injuries; the government has paid monies to these people and we should try to recover it. There is an additional advantage - even when the offender has no assets, as is often the case - that by taking a judgment against that offender we can set that off against any assistance the offender may be entitled to in the future when they, too often, become victims.

**Mr ELFERINK:** Okay. The amount you have recovered - you have just given two sets of numbers - can you express that as a proportion of the amount owed?

**Mr LISSON:** Minuscule.

**Mr ELFERINK:** Okay, do you have the figures?

**Mr LISSON:** On the books, going back. It depends on how many years you want to go back ...

**Mr ELFERINK:** I am happy to go back.

**Mr LISSON:** ... on unrecoverable debts, but it is in the millions - many millions. We are paying out to victims of crime in the order of \$4m a year. The exact figures would be in the material you have. From that we recover very little because of the nature of the people who we are trying to recover from. They die, they are in prison for a long time, they have no assets. We cannot attach Centrelink benefits, for example.

We do try, but we are always conscious we do not want to put too much money into investing, through bailiffs and so forth, in trying to recover - the old phrase, putting good money after bad. We try to balance that off, but we are quite rigorous and vigorous in trying to recover, and at least taking judgments. Those lie in wait for the day when we can set it off against either a windfall which may occur in the case of offenders, or a situation where they become entitled to assistance and we can set it off against that.

**Mr ELFERINK:** So I have something to compare, for the last two financial years, including the current financial year which is 2011-12, can you provide the amount of money owed and the amount of money recovered? If you want to take that on notice, I am happy to leave that as a question on notice, minister.

**Mr LISSON:** I have recovered amounts, but the amount owed, I will have to get that for you.

**Mr ELFERINK:** That is fine.

**Madam DEPUTY CHAIR:** Minister, are you happy to take that as a question on notice?

**Mr KNIGHT:** Yes. They would be aged debts, wouldn't they? They would go back decades, some of them.

**Mr LISSON:** Some of them are very aged. We have 12 years within which to take action to recover and when, that time period goes by, there is nothing we can do. We have hundreds of files.

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**Question on Notice No 9.01**

**Madam DEPUTY CHAIR:** Member for Port Darwin, can you just repeat the question, please, for the record.

**Mr ELFERINK:** To the best of your ability, can you provide for me, for the last two financial years, the amount owed and the amount recovered?

**Mr KNIGHT:** Just as a point of clarification, was that the amount for that particular year, or is it the total amount going forward?

**Mr ELFERINK:** It will be the total amount going forward. I understand your dilemma. Perhaps it is possible to break it down one more step and say total amount owed, amount ordered in that financial year, and the amount recovered. That would be doable?

**Mr KNIGHT:** Yes.

**Madam DEPUTY CHAIR:** For Hansard, that is question No 9.01.

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**Mr ELFERINK:** Minister, I am uncertain even if I am asking you in the right output groups, the Victims of Crime organisation - VOCAL, I think it is - here in the community receives an amount of money from government every year. Are you able to advise me - and I am not sure, it is just that Victims of Crime is dealt with partially by the Solicitor for the Northern Territory. Are you able to advise me as to what their grant funding is now and has been for the last four or five years? It is probably not the right output group but, if you could humour me, I would be obliged to you, while we are on the topic.

**Madam DEPUTY CHAIR:** Or advise which output it should be directed to if not here.

**Mr KNIGHT:** I believe this is the right one; it falls under SFNT. I am just trying to find the figure.

**Mr SHANAHAN:** You are talking about Victims of Crime, the association?

**Mr ELFERINK:** Yes, that is right.

**Mr SHANAHAN:** It is the association. That is later, but we ...

**Mr ELFERINK:** If we can do it now. It is just that I happened to be talking about it and I do not want to forget it.

**Mr KNIGHT:** For the Victims for Crime NT service, \$150 000 for the 2011-12 year.

**Mr ELFERINK:** Okay. And the year before?

**Mr KNIGHT:** Same.

**Mr ELFERINK:** And the year before?

**Mr KNIGHT:** Same.

**Mr ELFERINK:** And the year before?

**Mr KNIGHT:** I only have three years.

**Mr ELFERINK:** Okay. The proposed financial year, 2012-13?

**Mr KNIGHT:** It will be the same amount plus CPI.

**Mr ELFERINK:** Darwin CPI - what is that? About 3.5%, 3%?

**Mr KNIGHT:** It is 3.8% apparently.

**Mr SHANAHAN:** 2.8%.

**Mr KNIGHT:** 2.8%.

**Mr ELFERINK:** No worries.

**Mr SHANAHAN:** They also get \$50 000 for cleanup assistance.

**Mr ELFERINK:** Oh yes. This is for crime scenes? Yes, all right.

**Mr SHANAHAN:** They can get assistance up to \$250 per break-in.

**Mr ELFERINK:** Mr Lisson, just getting back to the debt recovery issue. I wanted to ask that question whilst it was fresh in my mind. I appreciate, thank you, minister, your indulgence. Can you estimate how much we spend on debt recovery?

**Mr LISSON:** I can tell you ...

**Mr ELFERINK:** From an administrative point of view.

**Mr LISSON:** Yes, we do out-of-pocket costs to us. In 2009-10, it was \$20 066. The amount recovered in that year was \$123 164. In 2010-11, the recovery cost was \$16 647 and the recoveries were \$132 213. This year, extrapolated from March figures, costs to recover would be \$31 157, and the recovery, as I mentioned, is expected to be \$166 446.

**Mr ELFERINK:** You are spending less on recovery than you are actually recovering - substantially.

**Mr LISSON:** Oh yes. Our own time goes into this. We have administrative staff who manage the debt recoveries, and we have solicitors who supervise it because, under the new act - not so new now, but since 2007 when it came in - the judgments have to be obtained in the Local Court rather than simply filing a document under the old act. Court proceedings are undertaken in the Local Court, and judgment taken. Occasionally, those are defended and our young lawyers go in there and fight those cases.

**Mr ELFERINK:** Let them off the lead, so to speak. Can you advise how much has been recovered under the *Criminal Property and Forfeiture Act* for the last three financial years?

**Mr LISSON:** I will have to take that one on notice unless the figures are elsewhere.

**Mr ELFERINK:** There is a figure of \$870 000 in the 2010-11 year in the annual report. You give a total of \$4.3m being restrained. I am just wanting to compare that with ...

**Mr LISSON:** I can give you the range within which they are.

**Mr KNIGHT:** I have some notes scribbled here.

**Mr LISSON:** Here we have some numbers. This comes from the Public Trustee.



**Mr KNIGHT:** This is the next output group, but we will jump around.

**Mr ELFERINK:** Is it? In your annual report it appears under the Solicitor-General and Solicitor for the Northern Territory.

**Mr KNIGHT:** I have it under Output 2.12, the DPP.

**Mr ELFERINK:** Is it? Your annual report has it on page 87. It is still under the Solicitor for the Northern Territory.

**Mr SHIELDS:** Alastair Shields, Deputy Chief Executive Officer, Policy Coordination and Legal Services. Member for Port Darwin, I can perhaps explain. The Solicitor for the Northern Territory undertakes all the court work, so will take the proceedings, appear in court, and brief counsel as necessary. It is the Public Trustee who receives the funds which are recovered, then looks after the property and funds that are recovered.

**Mr ELFERINK:** It is just in the annual report it is the Solicitor who reports, not the Public Trustee.

**Mr SHIELDS:** The Solicitor reports on the amount that was restrained or recovered, while the Public Trustee looks after it and, ultimately, pays Treasury a dividend based on ...

**Mr ELFERINK:** My question was in relation to the amounts restrained. I feel I am still in the right area.

**Mr KNIGHT:** We will take that one on notice.

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#### Question on Notice No 9.02

**Madam DEPUTY CHAIR:** Could you please repeat that question, please, John?

**Mr ELFERINK:** For the past three financial years, can the minister outline the amount of property forfeited under the *Criminal Property Forfeiture Act*?

Do you have a final estimate for the current year on that - whoever is going to answer that question - without presuming any judgments that might be before the courts at the moment?

**Mr KNIGHT:** I have the current financial year as at 31 March and the breakdown of the \$4.18m if that is what you are after?

**Mr ELFERINK:** I want a comparison year on year if that is possible.

**Mr KNIGHT:** I have the amount paid into Consolidated Revenue for previous years. That is from the disposal of those particular assets, because that ...

**Mr ELFERINK:** How are they sold, just at auction and the like?

**Mr KNIGHT:** Yes. That is the information I have and will give you that. For this current financial year to date what has been restrained is apparently to the value of \$4.18m, which is \$150 000 for vehicles, \$4.3m worth of property, and \$330 000 worth of cash. In this financial year up to 31 March, \$720 000 has gone back into Consolidated Revenue. Previous years, I assume from the sale of property and the provision of cash: \$350 000 in 2010-11 and \$1.25m in 2009-10.

**Madam DEPUTY CHAIR:** Does that negate your question on notice?

**Mr ELFERINK:** No, it does not, but that is fine. We will leave it there and ...

**Madam DEPUTY CHAIR:** For Hansard anyway, the question of notice is No 9.02.

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**Mr WOOD:** Could I ask ...

**Mr KNIGHT:** I have given you what has been paid back into Consolidated Revenue. I will clarify whether, in the 2009-10 and 2010-11 years, there was any restraint on any other assets other than that

money - whether they were sold and the money paid back. I have given you a breakdown for 2011-12 of what is still to be sold and what has already gone back into Consolidated Revenue.

**Mr ELFERINK:** Okay.

**Mr WOOD:** Can I ask a question on the same topic?

**Madam DEPUTY CHAIR:** If it is in this vein, yes, member for Nelson.

**Mr WOOD:** Minister, in 2010-11, \$870 864 worth of property was forfeited and you paid back to Consolidated Revenue \$350 000. Who keeps the other \$520 000?

**Mr SHANAHAN:** That figure is nett of the expenses of managing the properties. When they are forfeited there are costs involved in preserving the property, keeping things running, and those costs are deducted from the amount given back to Consolidated Revenue. It sounds pretty high.

**Mr WOOD:** Oh, yes.

**Mr SHANAHAN:** There could also be a lag between when the property is restrained, then it is forfeited by the court, and the Public Trustee does their thing, and then it is paid into Consolidated Revenue. The figure you were given by the minister was the amount paid into Consolidated Revenue.

**Mr KNIGHT:** Also, not the full amount of the asset sale would go back to Consolidated Revenue. There might be a part owner in the property as well.

**Mr SHANAHAN:** Possibly, yes.

**Mr ELFERINK:** How is that done? Is that on a revenue percentage basis, or is it on a bill-for-bill basis?

**Mr SHANAHAN:** The Public Trustee would be able to explain it.

**Mr ELFERINK:** Bring on the Public Trustee while we are talking about this.

**Mr SHOYER:** Peter Shoyer, Public Trustee. We dispose of assets. Many of them have mortgages, so, obviously, we have to take the cost of sale and the cost of repaying the mortgage. We are left with a certain sum and we pay that over on a quarterly basis. As the CEO indicated, it might be something is forfeited in a particular financial year and not actually disposed of. For example, a property might be on sale for a number of months before it is disposed of. That is why there is some variation in the amount forfeited each year and the amount that is actually paid over.

**Mr ELFERINK:** It is done on a bill-for-bill basis - as the cost arises, you pay the cost. It is not like a flat 20% administration fee?

**Mr SHOYER:** That is correct. No, everything that is left, apart from a control account which we use to pay costs as they arise - everything that is recovered, minus the expenses, goes over to Consolidated Revenue.

**Mr ELFERINK:** If it is a cash amount, held in a deposit somewhere, and it attracts interest, the interest is also returned?

**Mr SHOYER:** Would be paid over as well, yes.

**Mr ELFERINK:** So, there is no extra trust account?

**Mr SHOYER:** No, there would be no additional monies recovered - it is all recovered by government.

**Mr ELFERINK:** You are pretty much bound by the rules of the trust on all of this anyway.

**Mr SHOYER:** In relation to this, yes, very much. Until such time as it is forfeited, we are bound to take care of that property because there may not, ultimately, be a forfeiture order.

**Mr ELFERINK:** Okay, no worries at all. Thank you, I appreciate that.

**Madam DEPUTY CHAIR:** Further questions on that output, member for Port Darwin?

**Mr ELFERINK:** Yes, one or two. The Jabiru township native title claim, have we gotten through that yet? If so, what are the terms of the settlement?

**Mr KNIGHT:** Alistair Shields.

**Mr SHIELDS:** The Jabiru Native Title Claim has quite a long history. Because of the tenure arrangement for Jabiru, the parties to the native title claim are the Commonwealth, the Territory and, of course, the claimants. The Commonwealth proposed resolving that native title claim by scheduling the town of Jabiru under the *Aboriginal Land Rights (Northern Territory) Act*. There are discussions and negotiations at the moment between the parties on what the leasing arrangements would be to implement that proposal of the Commonwealth.

**Mr ELFERINK:** Who pays for the leases - Northern Territory or the Commonwealth?

**Mr SHIELDS:** Who pays the rent?

**Mr ELFERINK:** Yes, who will be paying the rent?

**Mr SHIELDS:** The rent will, I think, be paid by the ultimate tenants of the property, which is what is happening at the moment. Currently, the tenure arrangements are that the Jabiru Town Development Authority leases land. There is not freehold ownership of land in the town of Jabiru; everyone who has tenure in Jabiru holds a leasehold arrangement now.

**Mr ELFERINK:** It is like the Canberra arrangement.

**Mr SHIELDS:** It is similar to that. Obviously, there are some complex arrangements because it is in the middle of a park. There are additional restrictions placed on it about the sorts of animals you might be able to have and the types of plants you can grow and what have you but, other than that, it is a reasonably straightforward leasehold arrangement. The lease is due to expire in the next few years, I think – it is around about now. The implemented proposed solution will involve replacing those leases with a lease arrangement which will involve the Territory and the Aboriginal Land Trust.

**Mr ELFERINK:** Ultimately, the proposal is the land upon which Jabiru currently stands becomes scheduled ALRA land?

**Mr SHIELDS:** That is the Commonwealth proposal, yes.

**Mr ELFERINK:** What is the Territory's response to that?

**Mr SHIELDS:** The Territory, as a general rule, prefers a negotiated outcome in respect of native title matters.

**Mr ELFERINK:** Who currently owns the land? Is it the Northern Territory?

**Ms SCRYMGOUR:** It is the Director of Parks.

**Mr ELFERINK:** Is it? I do not know.

**Ms SCRYMGOUR:** Yes, it is under a lease to the Director of Parks.

**Mr ELFERINK:** So, it is already ALRA land – is that what I have been told?

**Mr SHIELDS:** I think ...

**Ms SCRYMGOUR:** It is not what you said, the Canberra ...

**Mr ELFERINK:** I just want to know who currently has title of it.

**Ms SCRYMGOUR:** Jabiru was scheduled out, that is why the native title claim was ...

**Mr ELFERINK:** Yes, that is what has aroused my curiosity. I am waiting for it. So, where are we at?

**Mr SHIELDS:** The way the Land Rights Act works, although new claims cannot be made now, but when claims could be made, areas of land within towns could not be claimed under ALRA. So, all the surrounding area around Jabiru is Aboriginal land leased to the Director of National Parks. I think the current arrangement is a freehold title to the Jabiru Town Development Authority, with leasehold arrangements to individual owners - and with other restrictions, because it is within a park.

**Mr ELFERINK:** Title currently rests with the Territory? You seem uncertain.

**Mr SHIELDS:** I think that is right. Perhaps I should take that on notice.

**Mr KNIGHT:** Can we get some clarification?

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#### **Question on Notice No 9.03**

**Mr ELFERINK:** Who is the current owner of the land upon which Jabiru stands? Is that sufficient for your purposes?

**Madam DEPUTY CHAIR:** Are you happy to take that as a question on notice, minister?

**Mr KNIGHT:** Yes, and what title it is, and perhaps the form of tenure, the subleases.

**Madam DEPUTY CHAIR:** For Hansard, that is question No 9.3.

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**Mr ELFERINK:** Okay. I bet you would not think they spent that much time on the Solicitor for the Northern Territory. I have no further questions.

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

#### **OUTPUT GROUP 2.0 - COURT SUPPORT AND INDEPENDENT OFFICES** **Output 2.1 – Higher Courts**

**Madam DEPUTY CHAIR:** We will move on to Output Group 2.0, Court Support and Independent Offices, Output 2.1, Higher Courts.

**Mr ELFERINK:** Minister, I noticed in the Higher Courts there is an expectation of an increase of about 10% in criminal cases. The budget for the year was 450 cases to go to the higher courts, and the final estimate is for 500 that will be going to the higher courts for the current financial year. What has caused the upward revision of that?

**Mr SHOYER:** Obviously, there is variation from year to year in any case. We think a significant contributing factor has been the change in committal procedures, which has meant a number of additional matters have gone to the Supreme Court, and some of the issues relating to them have been dealt with there, rather than during the committal process.

**Mr ELFERINK:** What changes in procedures have brought that about?

**Mr SHOYER:** The procedures, I suppose, is to have less involvement at the Magistrates Court level, and a more - perhaps formalised may be the wrong word - a simpler, more streamlined process at the Magistrates Court level, and then more consideration at the Supreme Court.

**Mr ELFERINK:** Are these changes to practice directions? What actually are the changes?

**Mr SHOYER:** They were legislative changes. I do not have the details.

**Mr ELFERINK:** All right.

**Mr SHOYER:** Perhaps I should point out that does not necessarily mean the matters will go to a full trial in the Supreme Court, but they will be considered at the Supreme Court level.

**Mr ELFERINK:** Have there been any changes in practice directions, either from the Supreme Court or the Magistrates Court, that has affected the numbers going through the system that you are aware of?

**Mr SHOYER:** I am not aware of any, no.

**Mr ELFERINK:** I know they have undergone some changes in recent times, and I had some issues with one of the other components of it, but that is not for this discussion now.

Was there any statistical data which also changed the projections upwards by about 10%?

**Mr SHOYER:** You mean any change as in counting?

**Mr ELFERINK:** Yes, basically, any evidence from the statistics for a projection to be made that we are expecting more cases to go to the Supreme Court.

**Mr SHOYER:** No, apart from that change to committal procedures - that is the only thing. There may have been some thought there was a possibility there would be an increase previously, but those changes came into effect, I think, on 1 March 2011. This is something that has surfaced this financial year.

**Mr ELFERINK:** All right. It is something that is specific to this current financial year because of some legislative change. I am trying to think of what it was that would cause this to occur.

**Mr SHOYER:** Yes, those changes to committal procedures, as I said. Otherwise, there are variations from year to year, but that is the only thing we can really put a finger on that has been a significant change.

**Mr ELFERINK:** All right, no worries. That makes it a little more expensive, of course.

Minister, with an increase of criminal cases going before the higher courts, I note the budget for the higher courts has actually dropped slightly. Can you reconcile that for me, please?

**Mr SHOYER:** There are variations each year, in similar ways, perhaps, to the response to the earlier question, with some budget coming on during the year. One of the reasons for that is, during the course of the year we engage additional acting judges in the higher courts. That money does not appear on the books at the start of the financial year, but there is provision for administrative variations in relation to those. During the year, it can actually increase, but that increase is then taken away at the end of the year.

**Mr ELFERINK:** Okay. Minister, I just do not have my 2011-12 budget books here and the column is not there. What was the original budget for the year 2011-12 for the higher courts?

**Mr KNIGHT:** For the 2011-12 budget, it was \$15.293m.

**Mr ELFERINK:** That provides a slight inconsistency with the answer I just had from Mr Shoyer: unexpected expenditure for relief judges would drive that. The final estimate for the year is actually less than your budget. Then, again it gets smaller still. How do we go through the budget of the Supreme Court? How do we set that budget?

**Mr KNIGHT:** I will run through the variations. There will be increases in an area of Magistrates Remuneration. That was from Determination No 1 of 2011, which is an extra \$18 000. The Judiciary Remuneration was another determination, an increase of \$91 000; a second determination for Magistrates of \$16 000, then there were some advised corporate distributions in the corporate management of \$22 000; the IJIS mainframe \$45 000; DBE \$5000; and ICT contract savings of \$33 000. So, that nett figure brings us down to the \$124 000. That brought it down from the \$15.293m to \$15.169m.

**Mr ELFERINK:** How do you set that budget? Do you, basically, get a letter from the Supreme Court saying, 'This is how much we are going to need to run each year', or do you tell the Supreme Court what their budget is going to be?

**Mr SHANAHAN:** That amount is allocated by us through that central process. It is pretty much based on the year before plus or minus parameters. We try to leave them fairly isolated from general variations, otherwise we do hear about it.

**Mr ELFERINK:** Yes, I am sure you will. The thing is, I am seeing a trending down in their budget and I was just trying to track why that was occurring.

**Mr KNIGHT:** Their increases are due to remuneration increases which, I guess, they would not perhaps want to have a view on. The decrease is mainly around the corporate efficiencies. That is within our view.

**Mr ELFERINK:** Yes. I notice there were two determinations for the magistrates; one of \$15 000 and one of \$16 000. Is that correct?

**Mr KNIGHT:** That is correct.

**Mr ELFERINK:** Was that two separate determinations adding up to a total of \$31 000, or was it a determination of \$15 000, then revised to \$16 000?

**Mr KNIGHT:** No, it was \$34 000. There were two separate determinations, Determination Nos 1 and 2.

**Mr ELFERINK:** This is the magistrates' income, I presume we are talking about?

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

**Mr ELFERINK:** The magistrates' income went up by \$34 000 last year?

**Mr KNIGHT:** Yes.

**Mr SHANAHAN:** No, sorry. What you get in a year is the tribunal making a determination and, because of the timing of it, it is normally backdated to a particular date in the year. I think it is 1 January. Whatever the date is, there is a back payment that happens. The figure you get will include not only adjustment for the year, but also a back paid figure. That will show up as a movement during the course of the year.

When we do our budget for the following year, it will be based on the original figure without any back payment. That will happen again, so, during the course of the year, you will see it creep up, generally - except for this year; there was a change. After that, it flows back down.

The minister mentioned magistrates' remuneration. At that time, the Master was paid the same as, I think, the Chief Magistrate. Therefore, the way it was depicted was the movement in his salary was based on the movement in the Chief Magistrate's salary. So, it is put in as a magistrate's remuneration figure, but it is really the Supreme Court Master. That is because we were talking about higher courts. The figure there will be part back pay and part the amount going forward.

**Mr ELFERINK:** Okay, that is fine. Perhaps the best way for me - whilst we are talking about the higher courts, my interest is peaked by this magistrate's determination. What is a magistrate earning today, and what was a magistrate earning 12 months ago today?

**Mr SHOYER:** I would have to take that on notice for the precise figures. Perhaps I could explain, though, the reason for the two determinations. All of these increases are actually decisions or recommendations of the Remuneration Tribunal.

**Mr ELFERINK:** I understand that.

**Mr SHANAHAN:** Some time ago - I think it was about three years ago - the tribunal decided to have magistrates pay in line with a certain percentage which, I think, is 75% of judges' pay - which is, in turn, in line with the Federal Court judges' pay. During the year, there were two increases for the Federal Court judges and, therefore, two determinations to reflect those individual increases.

**Mr ELFERINK:** Here is a quick question. What does a judge earn today and what was a judge earning one year ago today? And the same question applied to magistrates. Could we put that on notice?

**Madam DEPUTY CHAIR:** Minister, are you happy to take that on notice?

**Mr KNIGHT:** We will take that on notice, yes.

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#### Question on Notice No 9.04

**Mr ELFERINK:** Yes. Do you want me to repeat it?

**Madam DEPUTY CHAIR:** Yes, please.

**Mr ELFERINK:** What is a judge earning today, and what was a judge earning 12 months ago today? What is a magistrate earning today, and what was a magistrate earning 12 months ago today?

**Madam DEPUTY CHAIR:** That is question No 9.04.

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**Answer to Question on Notice No 9.03**

**Mr KNIGHT:** I just have an answer to a previous question. I am not sure which one it was. It was Jabiru - who owns the tenure. I do not know what number that was.

The answer I have is the town of Jabiru is contained within NT Portion 2272. It forms part of the Kakadu National Park. The land forming Kakadu National Park was acquired by the Commonwealth in 1978, pursuant to section 70 of the *Northern Territory (Self-Government) Act*. The portion which is Portion 2272 forms part of the area of the land declared Kakadu National Park, declared in 1979. Freehold title is now held by the Director of National Parks.

The portion, being 2272, is leased by the Director of the Jabiru Town Development Authority. The head lease was granted on 1 July 1981. The portion currently contains 593 individual lots which are subleased by the authority to various persons and bodies. Those leases expire on 30 June 2021.

**Madam DEPUTY CHAIR:** Thanks, Minister. That was No 9.03.

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**Mr ELFERINK:** The short answer is the Commonwealth.

**Mr KNIGHT:** The Director of Parks, the Commonwealth, yes.

**Mr ELFERINK:** The Commonwealth. No more questions for the higher courts, Madam Deputy Chair.

**Madam DEPUTY CHAIR:** Member for Nelson.

**Mr WOOD:** I might need a point of clarification. Questions regarding the Coroner's Office, do they come within this section?

**Mr ELFERINK:** It would be lower courts, I would imagine.

**Mr KNIGHT:** Yes, lower courts, next one.

**Madam DEPUTY CHAIR:** That is Output 2.2. We are in 2.1, Gerry.

**Mr WOOD:** I shall wait again. I am right.

**Output 2.2 – Lower Courts and Tribunals**

**Madam DEPUTY CHAIR:** We will move on to Output 2.2, Lower Courts and Tribunals. Questions?

**Mr ELFERINK:** Minister, you will be aware the Chief Magistrate had some observations to make recently about the courts, particularly its cells, in the Northern Territory. You may also remember the Coroner, Mr Greg Cavanagh, also made some observations about two years ago about the Local Court building. Minister, what plans are on foot to deal with the issues raised by both the Coroner and the Chief Stipendiary Magistrate? Are they still the Chief Stipendiary or just the Chief Magistrate nowadays?

**Mr KNIGHT:** Chief Magistrate.

**Mr ELFERINK:** Okay, Chief Magistrate.

**Mr KNIGHT:** With respect to the comments she has specifically made about the holding cells and juveniles, we have allocated money in this year's budget to do those renovations and also establish a Youth Court. I have been to those cells and they are not appropriate for young people. That work will commence as soon as possible. The new facilities which have been designed - the new court and the holding cells for juveniles - have been worked through with DCI, DoJ and the Chief Magistrate. There will be a vast improvement on what is currently there.

With respect to the magistrate's building, as I have said publicly, it is one of those difficult situations to find money in a tight budget to upgrade areas, whether they be prisons or our court house buildings. Our current pressures within the court system are really around Alice Springs. Much effort goes into getting greater capacity and better facilities there. Going forward, there are some innovative solutions that could be looked at for upgrading the Magistrates Court or a new Magistrates Court.

Work is being done around the Magistrates Court. There has been \$170 000 for new prisoner docks in the Magistrates Court and a \$25 000 upgrade to the duress system within the courts. There have been upgrades to the Alice Springs Court House registry area, and \$125 000 to upgrade the existing shade structure at Nichols Place, the Magistrates Court; and further funding of \$45 000 going to the Katherine Court.

Yes, it is a very old building and it does need better facilities, but I do not have the money for it, and I do not think the NT has the money for it at the moment. It has operated for many years and will have to continue that way for a bit longer unless you want to commit to building a Magistrates Court building.

**Mr ELFERINK:** I am just curious about government's response - you are the government. The proposed changes you have just mentioned in relation to juvenile facilities – do they appear in the budget anywhere? If so, how much are they going to cost?

**Mr KNIGHT:** It was in the budget. I put out a media release and subsequently did some media on it, I believe. It was quite publicly known ...

**Mr ELFERINK:** How much was it?

**Mr KNIGHT:** \$1m.

**Mr ELFERINK:** That is right, yes. I remember that figure now. What are the proposed changes? That is a fairly round figure, so how far down the planning process are you?

**Mr KNIGHT:** There has been a design. Obviously, you are working with an existing building, trying to renovate that. They will be brought into the same underneath parking area and taken up to the first floor where the new court will be fitted out. There will be holding cells placed behind the current court. There are a number of rooms that will be reconfigured, so there will be interview rooms and appropriate holding cells for the juveniles. Adults will still be downstairs and juveniles will be upstairs.

**Mr ELFERINK:** They will be separated out?

**Mr KNIGHT:** Yes, yes. What is that side street - Knuckey? Knuckey, no, it is not Knuckey Street either. It is Bennett Street.

**Mr ELFERINK:** Bennett Street is coming up the hill there.

**Mr SHANAHAN:** And that is an extension of Cavenagh. Cavenagh goes to Harry Chan.

**Mr KNIGHT:** Anyway, it is that side.

**Mr ELFERINK:** What is in that space now because those buildings are pretty full. You used to have ...

**Mr SHOYER:** At the moment, we have the existing Court Room 7. That will be enlarged slightly. There are about five or six other offices or rooms on various sides of that in addition to the public area. We are working with the Chief Magistrate to finalise the plans at the moment. The plan is, essentially, to have three additional cells and two interview rooms.

**Mr ELFERINK:** That space that is there now is not vacant, that is occupied by something else? Or is that ...

**Mr SHOYER:** There are rooms at the moment. One of the rooms is utilised for a vulnerable witness facility that will still be there, but it will probably be shifted around a little. Otherwise, there is space which is being used, essentially, for storage at the moment. We can better use that existing space.

**Mr ELFERINK:** No one has actually been moved out, such as Births, Deaths and Marriages. Is Births, Deaths and Marriages still there? No?



**Mr SHOYER:** No, in fact that is in Zone B of the Nichols Place area, whereas Court 7 is an add-on to Zone A, but is around the back of the facility.

**Mr ELFERINK:** I notice regarding the circuit courts; there is a final estimate for 2011-12, where there is actually a fall in the number of circuit courts of 600. The annual report for 2010-11 has that figure at 3100. Why was the budget set for 2011-12 at 3800? Was there an expectation there was going to be increased activity?

**Mr SHANAHAN:** My understanding is that is based on actual days we have seen to date. We get a chance to revise those figures at the time BP No 3 is published.

**Mr ELFERINK:** The reason I am asking is the annual report from last year had circuit courts at 3400. You predict for 2011-12, 3800. Then, finally, you wind it back to 3200. I am wondering why we went for the 3800 number? What was the expectation behind that?

**Mr SHOYER:** Yes, we did expect it. There had been a trend over a number years of increasing lodgements, We were assuming that would continue. In fact, it has not continued. That figure of 3200 was prepared a couple of months ago ...

**Mr ELFERINK:** So that is the final estimate for the year?

**Mr SHOYER:** Yes, that is the final estimate for the year. Since then, it may have increased marginally so it may actually go back up to the 3400 level. It will be in that range.

**Mr ELFERINK:** I am not going to quibble about the range. I understand you are good. If you can get this sort of stuff right, I am going to come with you to the race track next week. I understand where you are at. These attendances at the circuit courts are driven by demand rather than determination by the courts themselves?

**Mr SHOYER:** Yes, they are actually lodgement figures for the circuit courts, not attendances.

**Mr ELFERINK:** So, lodgements determine the amount of activity on the circuit courts, rather than some departmental decision?

**Mr SHOYER:** Yes, in fact, the schedule for the circuit courts is set each year, a year in advance almost. That is, essentially, by the Chief Magistrate working through the figures and reviewing where it is necessary with regard to the circuit courts. That is done by reviewing, broadly speaking, the numbers of each circuit court. Obviously, there is a set pattern. It is a question of whether you vary from that during a particular year.

**Mr ELFERINK:** All right.

**Mr KNIGHT:** So, the previous estimates for 2010-11 and 2011-12 were 3800, and the actual for 2010-11 came down to 3400 and were revised down to 3200 for 2010-11. We have used that figure going forward. Over the previous years, the estimates have been high and the actuals have come in lower, so we have stayed with the lower figure for this 2012-13 year

**Mr ELFERINK:** Minister, you mentioned before in an answer in relation to the condition of the Darwin Courts that your priority or focus was on the Alice Springs Court. What are the problems with the Alice Springs Court?

**Mr KNIGHT:** It is a capacity issue there. It is also Supreme Court matters as well. There is not a dedicated Supreme Court facility there. It is one and they need two. So, it has been difficult to ...

**Mr Elferink:** That cannot be a good sign.

**Mr KNIGHT:** Sorry?

**Mr ELFERINK:** That is all right. I am muttering; do not worry about it. Go on.

**Mr KNIGHT:** It is a capacity issue there, so we are looking at some alternative arrangements - some more facilities, basically.

**Mr ELFERINK:** What are you proposing?

**Mr KNIGHT:** We are still working through it, but there is a bit of decanting going on at the moment, so ... The progression of things is we have committed to – how much space in the new building? DBE, through property management, has taken some space to get a new building out of the ground near Kmart. DCI will decant into that, and then, the police will decant into the Greatorex Building. Then, that will free up the Alice Springs Police Station for some more facilities there.

In the meantime, we hope to take some space in the adjacent Yeperenye Centre. That will, hopefully, give us enough capacity.

**Mr ELFERINK:** What is causing the increased demand?

**Mr KNIGHT:** Peter.

**Mr SHOYER:** We have spoken about the increase in demand in the Supreme Court lodgements. That is reflected across the board in the Northern Territory. In the Magistrates Court, as I had indicated, there had been a trend of increases over a number of years. It is not so much an increase in this most current year, it is, I suppose, a culmination of a number of years of increasing numbers in both lodgements, but also listings - the number of times someone appears before the courts. There has been an ongoing increase over about the last five or six years in the number of listings.

The number of matters being heard is greater. Partly, that may be to do with things like SMART Court matters where people are coming back before the court at two-weekly intervals. There is also a more intensive supervision of the number of defendants in both Alice Springs and in Darwin.

Darwin is a little more able to cope with those additional demands. Alice Springs is an old building and it is a fairly squeezed area. When you add to that over a number of years, there is added pressure on the court facilities themselves.

**Mr ELFERINK:** They can air-condition the old gaol between the police station and Alice Springs Court House, surely?

**Mr SHOYER:** I have thought of that.

**Mr ELFERINK:** That will do me.

**Madam DEPUTY CHAIR:** Member for Nelson, do you have any some questions for this output?

**Mr WOOD:** In the youth suicide committee report, *Gone Too Soon*, page xvii has Recommendation 21, which says:

*The Committee recommends that the Northern Territory government:*

*(a) fund the Coroner's Office to maintain and provide access to a suicide register;*

Minister, where is that at?

**Mr KNIGHT:** In the findings at the inquest in 2011, the Coroner called for NT government to consider funding for grief counselling services. Is that what you are referring to?

**Mr WOOD:** No, I am reading what it says. Perhaps the member for Arafura can explain if it is different than that. It says:

*(a) fund the Coroner's Office to maintain and provide access to a suicide register;*

**Ms SCRYMGOUR:** A register is a different thing.

**Mr WOOD:** It is different to what you are going to say.

**Ms SCRYMGOUR:** At the moment, the Northern Territory Coroner reports to a national database on deaths recorded in the Northern Territory. This recommendation was the Northern Territory Coroner be

given resources to establish a Northern Territory database so the reporting to the national one was done better. That is what that was for.

**Mr SHANAHAN:** The government response to that was we would be working through the recommendations to come up with a proposal which is feasible. That would involve talking to the Coroner about what would be best for him in relation to the register, and also with the grief counselling as well. We would have look at what model works best.

**Mr WOOD:** So it is early stages?

**Mr SHANAHAN:** Still early stages, yes.

**Mr WOOD:** Minister, where do you find the Coroner's Office in the annual report?

**Mr SHOYER:** The Coroner's Office falls within the Lower Courts and Tribunals area. There are some statistics but, obviously, within a larger area like that, they do not necessarily stand out. If you look at page 94 of the 2010-11 annual report there are two details there. One is specifically to do with the Coroner's Office - finalisation of Coronial cases within 12 months. That is the final measure there.

**Mr WOOD:** I cannot see the words 'Coroner's Office', that is the only thing. It just says 'finalisation of cases within six months'.

**Mr SHOYER:** Sorry, down the bottom.

**Mr WOOD:** I beg your pardon, down the bottom.

**Mr SHOYER:** Otherwise, it is dealt with as part of the civil cases lodged and is included in those statistics. There may also be other mentions in the annual report about what the Coroner's Office has been doing. I am not entirely sure whether there is anything specific in that annual report.

**Mr WOOD:** Is the Coroner happy with the timeliness and efficiency of the police during inquests?

**Mr SHOYER:** Without wanting to speak on behalf of the Coroner, my understanding is he did call for some additional resources two or three years ago from the point of view of Coroner's Constables who investigate matters. An additional Coroner's Constable was provided and I certainly have not had any concerns raised by him in recent times.

**Mr WOOD:** Okay. Minister, this is more an inquiry to some extent. In Queensland - I cannot think of the proper name - they have these community courts where I think the judge and people from the community meet together to discuss very local issues. I cannot remember the exact name; I have seen it on television.

I gather there have been some approaches from the NT government to have a look at that scheme. Has there been any move in that direction to see whether we could use that same model that is being used in Queensland. It is mainly in Aboriginal communities, I believe. Could that be used in the Northern Territory?

**Mr KNIGHT:** There has been some work done on that previously at Lajamanu with Peter Ryan. I will refer you to Greg Shanahan.

**Mr SHANAHAN:** As part of the response to the *Little Children are Sacred*, there was funding given for an additional 0.7 of a magistrate and a court officer to promote Community Courts in up to 10 communities, I think it is. That is currently the subject of a review to work out whether or not the model we have is effective. I also understand there are some issues around the operations of the court and the *Sentencing Act* and interactions, so there might be some legal issues around how to make that more effective. We are going to roll that up and do a review, then make some recommendations to government.

**Mr WOOD:** Is that the same style that is in Queensland, the same ...

**Mr KNIGHT:** It is not the Circle Sentencing, is it? Is that the one in Queensland?

**Mr SHOYER:** It is similar.

**Mr SHANAHAN:** You still rely on the magistrate's powers, but they have elders and people sitting around.

**Mr WOOD:** That is right, yes.

**Mr SHANAHAN:** And there are only certainly types of matters can be dealt with if the victim goes there. We have not tried that. We are in the process of evaluating that, and we should have that report in the next couple of months.

**Mr WOOD:** Okay. That is all the questions.

**Madam DEPUTY CHAIR:** Thank you. I am going to call a five-minute break to allow people a break. If we could be back within five minutes and then dinner break is scheduled for 7 pm.

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The committee suspended.

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**Madam DEPUTY CHAIR:** If we can resume. Before we go back to questions, member for Port Darwin, the minister has just raised an issue with regard to question on notice No 9.02, regarding the information you were seeking and the minister's capacity to be able to answer, given that part of the answer goes outside of his area of responsibility.

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#### Answer to Question on Notice No 9.02

**Mr KNIGHT:** The advice I have now - what I provided him in my statement was the current year restrained, yet to be sold, and what has gone into consolidate it. Then, I am giving you the last three years of consolidated - revenue I guess - assuming that is the nett after sale and expenses ...

**Mr ELFERINK:** We are talking about ...

**Mr KNIGHT:** Criminal forfeiture.

**Mr ELFERINK:** Thank you.

**Mr KNIGHT:** The advice I have is the SFNT is responsible for representing the police in court proceedings, but the statistics are held by police. Further clarification would have to come from the police. I do not know, under this output area, if I can answer that authoritatively. Maybe if we could get that in writing to the police. What I have given you, I think is probably right. It is probably what you will end up getting, anyway.

**Mr ELFERINK:** Okay, no worries, thank you.

**Mr KNIGHT:** Sorry, just another one, Madam Deputy Chair. With respect to the youth courts, it is expected we will complete the works on the youth court by the end of this year, December 2012.

**Madam DEPUTY CHAIR:** Thank you, minister. We are resuming questions in relation to Output 2.2, Lower Courts and Tribunals.

**Mr ELFERINK:** Minister, I noticed you have some key deliverables in the areas of Community Justice Centre - CJC mediations, presentations, and client satisfaction survey. Is this the first time you have started running this stuff in relation to the CJC?

**Madam DEPUTY CHAIR:** It is still 2.2.

**Mr ELFERINK:** Page 174 of Budget Paper No 3, down the bottom.

**Mr KNIGHT:** I will just refer that to Peter Shoyer.

**Mr SHOYER:** No, the Community Justice Centre has been operating for a number of years. I am fairly confident that measure has been in place for a number of years.

**Mr ELFERINK:** I am just trying to find it in the annual report. In that case, are you able to tell me the number of CJC mediations run over the last three financial years? You have 150 in this year's budget papers.

**Mr KNIGHT:** I have the previous year in the annual report.

**Mr ELFERINK:** Ah, here we are. I see what you have done here. Yes, it is in the annual report for 2010-2011, which is an actual result of 144. Then you have the previous years as well, which is 131 101.

Minister, with the growth you are seeing in CJC reports - a 25% growth in the last three years - do you consider 150 is sufficient number or are you expecting to see more of this?

**Mr SHOYER:** That increase has been, to some extent, due to taking on an additional role of mediating situations where there is a personal violence restraining order application in play. Those are now referred by the courts, so that is an additional activity area there. We would not expect that to vary a great deal unless there are additional workloads or activities added to the centre.

**Mr ELFERINK:** These are, essentially, court ordered CJCs, for lack of a better expression?

**Mr SHOYER:** Essentially, yes. Perhaps if I could clarify, that is the increase, not the total number.

**Mr ELFERINK:** No, that is the increase. I understand what you are saying. Technically, if you were in charge of these mediations within Justice exclusively you could say, 'We are going to do 100 this year' and if you get to 100 and you have full control of it and you can say: 'We are not doing any more'. However, when a court says, 'We want you to do this process of the CJC' you are, essentially, obliged to accommodate them.

**Mr SHOYER:** Yes, that is correct. We have not been in a situation - even with the community based ones - where we have actually refused to take on numbers, but we have had sufficient resources to be able to cover those. Many of those CJC mediations are dealt with by private mediators who we accredit, and many of whom we have trained or been involved in their training or upskilling them.

**Mr ELFERINK:** Who pays?

**Mr SHOYER:** In relation to the mediations themselves - that is government.

**Mr ELFERINK:** Basically, somebody approaches the CJC and the government covers the cost of the mediation?

**Mr SHOYER:** Yes.

**Mr ELFERINK:** Presumably as a way to keep people away from courts?

**Mr SHOYER:** Yes, correct. It reduces the potential for disputes in the community and, therefore, particularly in a relation to personal violence restraining orders, it is a first step before an application is heard. It may well end up in that being resolved without necessarily an order having to be made.

**Mr ELFERINK:** How does that actually work? Somebody wants to take out a domestic violence order, the court then refers the matter to the CJC, and it is resolved at the CJC level, so no actual application. That is done on a case-for-case basis, I presume, depending on the circumstances?

**Mr SHOYER:** Yes. I will make the distinction between a domestic violence order, which is often within a family situation. This is a personal violence restraining order which may be between neighbours or other people involved.

**Mr ELFERINK:** Section 99 - Restraining Order. They do not exist anymore do they?

**Mr SHOYER:** Yes.

**Mr ELFERINK:** What are they nowadays?

**Mr SHOYER:** That is what it is now.

**Mr ELFERINK:** Still section 99?

**Mr SHOYER:** But there is a requirement for it to be referred for mediation first.

**Mr ELFERINK:** My memory is we had got rid of the old 99 restraining order. It is still there. I can update my memory.

What exactly is a CJC presentation? Is it something where you show people what you are doing - or organisations - what you do through the CJC?

**Mr SHOYER:** In some cases it may be that. More often, the CJC is involved in training and updating the skills of the mediating panel they use. They have a fairly large number of Indigenous mediators and non-Indigenous mediators, and it is necessary to keep their accreditation up.

**Mr ELFERINK:** Last year, or in the year 2010-11, you predicted 30; you did 48. You have dropped the number back down to 30. Is there a reason for that?

**Mr SHOYER:** That is the capacity we know we can provide, and if the circumstances allow then we try to exceed that.

**Mr ELFERINK:** It is a question of resources, basically, and you work within what you are paid to do.

**Mr SHOYER:** Yes.

**Mr ELFERINK:** Right, no further questions on the Lower Courts and Tribunals.

**Madam DEPUTY CHAIR:** Member for Nelson, do you have any questions?

**Mr WOOD:** No, that is fine.

**Madam DEPUTY CHAIR:** That concludes consideration of Output 2.2

### **Output 2.3 – Fines Recovery Unit**

**Madam DEPUTY CHAIR:** We will call for questions now on Output 2.3, Fines Recovery Unit.

**Mr ELFERINK:** Minister, I note there is a measure of client satisfaction in the Fines Recovery Unit, Budget Paper No 3, page 175. I note the footnote of that says clients include court registered lawyers, infringement issuing agencies including police, and fine defaulters. How much time do we spend asking fine defaulters if they are happy with the service they are getting?

**Mr SHOYER:** I am not sure whether we ask everyone who we have phone contact with, but we ask quite a proportion of people whether they are prepared to answer the server. It is done as part of that process generally. Some decline, some decline quite forcefully, but others do participate.

**Mr ELFERINK:** Two words, and the first one was 'Get'. Who does the survey work? Do you do it in-house, or is there a company you ask to go and do the survey work? Frankly, minister - this is more a policy question for you - do you really care what fine defaulters think of the system?

**Mr KNIGHT:** I guess they are informed of the way we deal with them in the future. They are our clients in some ways; we have to deal with them. I guess finding out how they feel about the interaction is useful for us. It seems to be valuable and it seems to be something we are using. I guess it informs the way we engage with people. Peter, do you have anything more to add?

**Mr SHOYER:** Essentially, we need to maintain our relationship with these people to make it as easy as possible for them to come back and pay their fines. We have a large number of 'time to pay' arrangements with people, so it is not necessarily just a one-off interaction where they pay a fine. They may pay it off over years, in fact, in some cases. We want to ensure they are coming back and paying their fines rather than losing them.

**Mr ELFERINK:** What concerns me is the lack of ambition with these people who have time to pay their fines. If you look at enforcements fully paid within 12 months, if you go back to the year 2010-11, in the last annual report, of court fines, for argument's sake, there was an ambitious target that 50% of people would

pay their fines within 12 months. The actual result was 37%. The response from government has been to drop the 2011-12 year to 40%, then the final result will be closer on 35%. The response from government appears to be, in the 2012-13 Budget: 'Oh well, the benchmark is now 35%'. What steps do we take, other than lowering the benchmark, to ensure people pay their fines, as we have gone from a benchmark of 50% to a benchmark of 35% in the space of three financial years?

**Mr SHOYER:** One of the reasons for that is, as people accrue new fines - and some people have obviously more than one fine; they have built up fines over time - the most effective way we have found to recover that money is to enter into 'time to pay' arrangements. That may be as simple as someone entering into a Centrelink agreement and, in some cases, it might be \$20 a fortnight - as low as that - after an initial payment. We work that off over, as I say, maybe a number of years. We try to encourage them to keep making those payments.

Yes, the level has gone down; there is no doubt about that - partly due to more fines building up and people having to take longer time to pay them off. What we can do, in most circumstances, particularly where people have no property, and not necessarily a salary where amounts can be deducted - and we cannot actually mandatorily deduct money from Centrelink payments - the most effective way to keep those payments up is to enter into 'time to pay' arrangements over time. That means with many of them who have more than one fine, they are not going to pay within 12 months.

**Mr ELFERINK:** When do we drop the axe on these people? At one point or another, they are refusing to pay. You are giving them a 12-month period by this measure. The measure is now 35% of those punters will pay within 12 months. Sooner or later, with a fine default, you are going to have to say, 'Sunshine, you are just not going to pay, are you?' What is the process when that occurs?

**Mr SHOYER:** The reality is many of these people do not have a large amount of money; many of them are on Centrelink payments. We do not have any other action we can take short of a community service - entering into a community service arrangement to actually pay off those amounts.

**Mr ELFERINK:** Whatever happened to the old Warrant of Commitment? Is that still an option?

**Mr SHOYER:** Essentially, imprisonment is a last resort now under the legislation. That is only if there has been a failure for someone to work out a community service order.

**Mr ELFERINK:** I understand this, but gone are the days when you did not pay your fine, money or the body warrant, \$100 a day, you cut it out.

What I am sensing from this discussion, minister, is the benchmark is being lowered, the expectation is being lowered. We really bend over backwards to accommodate fine defaulters, and we will even go and get to them on to the community service order through some sort of arrangement if they cannot pay. Finally, we take the decision to seek an order, to get a Warrant of Commitment. Is that how the system works now, Mr Shoyer?

**Mr SHOYER:** Yes, that would, ultimately, be it, but only, as I said, if they have actually failed in a community service order.

**Mr ELFERINK:** Every other step of the way?

**Mr SHOYER:** Yes.

**Mr ELFERINK:** Minister, are you satisfied with the falling rates of fine payments? If you are not satisfied with that, what is government proposing to do to deal with that?

**Mr KNIGHT:** We did make some amendments, as you would be aware, to the *Fines Recovery Act* with respect to businesses where they could not register their vehicles.

**Mr ELFERINK:** Yes, but you cannot throw a business into the slammer. Sorry, go on.

**Mr KNIGHT:** Yes, that is right, but a fine is a fine. Where we have had that ability, we have done that. It is consideration for the courts and for government about whether we do put people in gaol or not, and the cost of that, or finding some other innovative ways of encouraging them to pay their fines. Also, as we had the debate in parliament with respect to people on Centrelink, it is a difficult one and will require the cooperation of the Commonwealth to amend their legislation as well.

**Mr ELFERINK:** Yes, that is not quite what I am asking. Basically, the attitude, through the numbers, seems to be percolating the popular imagination that if you get a fine, more and more people seem to be forming the impression there is no real pressure on them to pay it. There is no consequence that flows out at the other end, until someone in Justice makes an application to a court for the issuing of a Warrant of Commitment. Minister, are you satisfied your policies are making people pay their fines and, if you are, can you show me the evidence that it is working?

**Mr KNIGHT:** Obviously, we want everyone who has been given a court fine, a penalty, to pay that debt. Any court penalty - whether it be a time in gaol or a monetary sum - should be recovered. I am not happy with it. I guess it is about trying to find a solution through it. That is a discussion I will have to have with the department and Cabinet about how far we want to go.

**Mr ELFERINK:** You would agree, though, minister, these are pretty disappointing numbers? Even your own department expects only 35% of people to pay their fines within 12 months.

**Mr KNIGHT:** I will just get clarification about what this figure actually tells us. Alastair Shields.

**Mr SHIELDS:** Just a clarification about what this figure represents. It represents the rates of recovery of people who have not paid the fines within the prescribed period. It does not include, in its figures, people who do. Law abiding people who get a fine pay the fine within the time period. These figures only relate to people who have not paid the fine within the time period and, then, we take enforcement action under this. So, it is not everybody who receives a fine - only 37% of them are recovered within the 12 months rate.

**Mr ELFERINK:** I understand that. Within the Fines Recovery Unit, most punters who cop a court fine probably pay before the Fine Recovery Unit ever sees it.

**Mr SHIELDS:** Indeed.

**Mr ELFERINK:** That is fine; I get that. For those who are referred to the Fines Recovery Unit, the Fines Recovery Unit then is, essentially - for a lack of better expression - the government Bailiff - if you pardon the reference - and try to, by various means, extract money out of people.

As Mr Shoyer so effectively described, that is very difficult and tortuous process and, sometimes, it is a case of trying to get blood from stone. However, lowering the standards every step of the way is the part that concerns me. Lowering it from a 50% expectation to a 35% expectation indicates to me there is a problem emerging, over time here, and that is what I am pursuing.

**Mr KNIGHT:** The figures of actuals has been relatively the same. The estimates have reflected the actuals over time. Whether that is reflective of, basically, the demographic we have of people who will pay those fines - sorry, who do not pay those fines. It is realisation, over time, that is the rough percentage and, unless we get some more mechanisms - we will be actively looking at those policy mechanisms to get that figure up. It also is reflective of what Mr Shoyer has been saying about our demographic of people's inability -- because they are on Centrelink - to actually pay the fine, and our inability to actually do too much about it.

**Mr ELFERINK:** There are steps you can take. The old system was that Warrants of Commitment were issued and, basically, they fronted up the cash or they spent some time in. That was a consequence of not paying a fine. What the underlying suggestion is here, I put to you, minister, is the consequence seems to be getting smaller and smaller - and that is my concern.

**Mr SHOYER:** Perhaps I could clarify regarding consequences. There are various enforcement measures available, particularly for people who have property. Also, anyone who has a driver's licence can have their driver's licence suspended. What this figure tends to show is that people are taking longer to pay off the fines, necessarily, than in the past, rather than them not paying off fines.

**Mr ELFERINK:** I understand what you are saying, Mr Shoyer. I still take cold comfort in the greater scheme of things. I have no further questions in relation to that specific issue. No further questions.

**Madam DEPUTY CHAIR:** You either, member for Nelson? That concludes consideration of Output 2.3.

#### **Output 2.4 – Consumer Affairs**

**Madam DEPUTY CHAIR:** I now call on questions for Output 2.4, Consumer Affairs. Any questions?



**Mr ELFERINK:** I am looking at the inquiries received figures and note there has been a revised estimate of 18 000 over the original budgeted estimate of 16 000. Clearly, the activity has increased. An inquiry includes a phone call I presume, minister?

**Mr SHOYER:** Yes, it does.

**Mr ELFERINK:** Every time somebody rings in and says: 'I have a problem because my widgets were not the right size when I bought them in the packet', is an inquiry?

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

**Mr ELFERINK:** What would you put down to fact that you have a 2000 increase in those inquiries over a single financial year?

**Mr SHOYER:** There are probably a number of reasons. One would be perhaps the introduction of the new Australian consumer law, which involved much more information going out to consumers about these issues. The ACCC has been running a number of campaigns in relation to that area. Also, the Commissioner for Consumer Affairs has been involved in that area. It is increasing public awareness.

There are also changes in legislation - new legislation coming associated with the Australian consumer law that has probably meant there is more interest.

**Mr ELFERINK:** Specifically?

**Mr SHOYER:** Specifically, the Australian consumer law?

**Mr ELFERINK:** I am aware of the changes made. The old CAFTA act is gone now and we have – it is tucked up the back of the *Trade Practices Act*. Basically, it is now the national uniform legislation

I am curious about your answer saying you expected that is that. The inquiries have been increasing from 13 500 to 16 000, to 17 500, and now 18 000 over a number of years. The legislative amendment was only passed eight or nine months ago, if memory serves me ...

**Mr SHOYER:** It was 1 January last year.

**Mr ELFERINK:** That long ago? Seems like yesterday.

In 2008-09 and 2009-10, you still had these increases occurring. Would you anticipate any increases in the future, looking at the last four years next to each other? I notice for the 2012-13 Budget you are expecting the same amount of activity as the 2011-12 Budget. With the increases in the past, why would you not be expecting a further increase in 2012-13?

**Mr SHOYER:** Making an estimate for the next year is always a challenge. There may be some drop off in activity around the Australian consumer laws, but that will probably be matched by interest from other areas to do with new legislation that is on the books; for example, the new vendor disclosure legislation and the caravan legislation. It is a bit of crystal ball gazing, but the best we can do is to estimate they will at least maintain at the same level.

**Mr ELFERINK:** Based on previous years. I am noticing an increased trend which is not reflected in your projections.

**Mr SHOYER:** No. You are quite right; it is possible it will increase. However, there have been a number of sustained increases, and I am not sure what the basis for an increased number would be for the next year. It may be an ongoing trend.

**Mr ELFERINK:** What exactly is a business action?

**Mr SHOYER:** Business actions include educational activities, presentations to groups more in the nature of the business groups - perhaps real estate agents, trader visits, and those types of activities.

**Mr ELFERINK:** It is educational thing, hence the sharp increases and the presence of an officer in Alice Springs.

**Mr SHOYER:** That would be a part of it, certainly. There would be a lot of activity in Darwin as well. That is obviously seen as - particularly from the business action side of things - making traders and agents more aware of their obligations and assisting them to understand their obligations.

**Mr ELFERINK:** How much of that is being done by ACCC nowadays? It must be some of their bailiwick now the legislation is essentially theirs. Whilst we have a shopfront role, for a lack of better expression, how much do they do?

**Mr SHOYER:** We are still very active in that area. It is certainly not a shopfront. Both organisations are working together to actually implement the laws. The Commissioner for Consumer Affairs has the full powers the ACCC would have - or very similar powers, anyway.

**Mr ELFERINK:** I did not mean that as an insulting reference, but the legislation essentially now resides in the federal legislation, the *Trade Practices Act*.

**Mr SHOYER:** I want to clarify that. In fact, the legislation, the powers within the legislation, by and large, fall with both organisations, so they are both very much involved. Obviously ...

**Mr ELFERINK:** As part of the arrangements. Yes. All right, no worries. No further questions in relation to that, Madam Deputy Chair.

**Madam DEPUTY CHAIR:** Member for Nelson, Consumer Affairs, Output 2.4?

**Mr WOOD:** I had a meeting with the Consumer Affairs Commissioner a couple of weeks back, and I just thought I might raise some of the concerns I had. It related to the claims that some outlets were ripping off people in relation to the price of beer. I gather from discussions with the Consumer Affairs Commissioner, he or she does not have the power to investigate; for instance, what wholesale prices were, say, in South Australia and in the Territory at the same time last year, then compare those wholesale prices.

In fact, in that area, unless there has been, you might say, a blatant rip-off, there is very little the Consumer Affairs Commissioner can do. Does the minister think the Consumer Affairs Commissioner perhaps should have more power? He does not have to tell people what those wholesale prices are, but he at least might be able to counteract where people are saying the price of beer has gone up because of container deposit legislation. He could at least investigate and come back with a report to say it either is the case, or it is not the case. My understanding is he simply does not have that power to do it. Do you think we should actually have a broader range of powers in that area?

**Mr KNIGHT:** This is getting into the field of ACCC, I guess.

**Mr WOOD:** They do not have the power either.

**Mr KNIGHT:** They can conduct pretty intensive investigations.

**Mr WOOD:** My understanding from the Consumer Affairs Commissioner is it was similar powers in relation to the power to investigate the wholesale prices. I might be wrong, but that is what my impression was. They cannot do that either.

**Mr KNIGHT:** The ACCC has done many national investigations. It is worthwhile looking at. Obviously, the commissioner will respond to a statement made by either the public or about this price rise, or if increases directly related are far and away above what is reasonable, with respect to Cash for Containers. At this stage, there does not appear to be any allegations of substance coming forward. It is something to keep an eye on. I am also aware, as has been conveyed to me, many South Australian-based distributors who distribute into the Northern Territory actually had factored in - we were copping the 10% previous to the Cash for Containers coming into the Northern Territory. They were just putting on the South Australian price, which had it on there as well. It is certainly worthwhile having a look at. At this stage, as you would have heard from Mr Clements, there are no substantial complaints or substantiated claims coming forward.

**Mr WOOD:** On another issue which is constantly in people's minds. Every time they go to the fuel bowser, they see a petrol price that is higher than interstate. You would have thought the commissioner, without having to give those details publicly, could investigate the reason. What is the reason for the higher price in the Northern Territory for fuel? He could look at the wholesale price, at the charges that apply to that particular cost in the Northern Territory, and at the profit margin. He could come back and say the companies have a different profit margin in the Northern Territory. There are many claims and

counter-claims as to why we have a higher price for fuel, but we do not know whether it has arrived in the Territory at a higher price in the first place. We do not know whether there are costs that do not apply in other states. We do not know whether the companies we have - and we have more a duopoly now in the Territory - have a fixed margin.

I am not saying the commissioner has the right to tell the community what those figures are, but at least he could say, 'This is the reason why we pay more than say, South Australia and Victoria'. That is the expectation people have of the commissioner. When you look at what services he provides:

*He provides a regulatory framework where the community is informed on consumer rights and responsibilities and responsible business conduct is promoted.*

It is lightweight really. Would the government consider giving the Consumer Affairs Commissioner a bit more teeth. I know I am making a statement but, again, we have this movement of duopolies to some extent, with Woolworths and Coles, with United and AFD. That is why this position is really important from the point of view of the consumer.

**Madam DEPUTY CHAIR:** Member for Nelson, I think your commentary was leading to the question you have already stated about providing more teeth.

**Mr WOOD:** You are so kind, calling it a commentary; that is very good. Some would call it something else. Essentially, would the government consider giving the commissioner a bit more teeth to look at some of these issues?

**Mr KNIGHT:** It is worthwhile considering monitoring it going forward. With respect to fuel prices, we did make a move in that area. Yes, it is worthwhile government considering it if anecdotal reports persist. We hope beverage prices equal out over time, as other jurisdictions across Australia come on board. Tasmania is considering it at the moment. Over time, it will all even itself out. However, yes, I take on your point.

**Mr WOOD:** For the record, how many complaints did the Consumer Affairs Commissioner receive on the Chief Minister's hotline number in relation to price rorting that people thought was caused by the Cash for Containers program?

**Mr KNIGHT:** As at 8 June 2012, we had 17. I encourage people, if they have any further to report, they should make them.

**Mr WOOD:** Of those 17, were any found to be of substance?

**Mr SHOYER:** None of them were found to be ascribed specifically and solely to the Cash for Containers scheme. In addition to those 17 complaints, the commissioner has actually done some random audits, but there was no evidence that someone had specifically said this price rise is due to Cash for Containers. In some cases, they may have said this increase is due to Cash for Containers and a variety of other factors, but there was no evidence that would base any action for misleading conduct along those lines.

**Mr WOOD:** Could the Consumer Affairs Commissioner, just for the sake of doing a public relations exercise, do it? I did it myself when I rang around different parts of Australia looking at the prices of the beer and at the price of the same beer in the Northern Territory. He could do something to give people some idea of what was happening. Anyone can see the actual cost of container deposits is between 10¢ and 20¢ depending on the handling fee. The Chief Minister said he was going to put this under Consumer Affairs and 17 complaints came in and nothing much came of it. Did that exercise actually achieve anything the Chief Minister was pushing for?

**Mr KNIGHT:** It brought forward some complaints. It is all anecdotal at the moment. If there is a substantiated case, obviously, we will take action. There are so many costs a business can shuffle around to justify why prices in South Australia or Melbourne are different from the Northern Territory, so it is difficult to compare. I suggest to people they shop around. There might be individual outlets taking the opportunity to raise their prices. You have to keep in mind the price of beer and soft drinks have been going up for donkeys years since beer was established. People need to shop around and shop where it is cheap, and they will get the patronage from it.

**Mr WOOD:** That is all the questions I had.

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**Answer to Question on Notice No 9.04**

**Mr KNIGHT:** I just have an answer to a previous question. Question 9.04 is relation to the remuneration for judges and magistrates and the difference between 2011 and 2012. With respect to judges, on 29 June 2011, they had a remuneration of \$379 740 and, a year later on the 20 June 2012, they had a remuneration of \$391 140. Magistrates on 20 June 2011 had \$284 798 and, a year later on 20 June 2012, they had a remuneration of \$293 341.

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**Madam DEPUTY CHAIR:** We have concluded consideration of Output 2.4.

**Output 2.5 – Anti-Discrimination Commission**

**Madam DEPUTY CHAIR:** We will now move on to Output 2.5, Anti-Discrimination Commissioner.

**Mr ELFERINK:** Does there need to be any shuffling of the deck chairs?

**Madam DEPUTY CHAIR:** I will take that as a no. Questions, member for Port Darwin?

**Mr ELFERINK:** Minister, one thing that concerns me is the community visitor program. I noticed the key deliverables have varied somewhat. Historically, the community visitors program used to do quite a number of visits - well over 100 a year. It now says in the key deliverables area, 'panel and community visit inspections completed – eight'. I do not believe the community visitor program is doing less, unless they are, but to drop down from site visits of 144 and 132 to eight strikes me as surprising. I notice the deliverables and the measures have changed. Can you explain the change in the numbers from 144 to eight in the space of a couple of years?

**Mr SHOYER:** It is a different measure; a different activity.

**Mr ELFERINK:** I thought it might be.

**Mr SHOYER:** And ...

**Mr ELFERINK:** Where would I find the actual number of ...

**Mr SHOYER:** I have the figure to 31 March 2012 for the number of visits to approved treatment facilities at 90 for the year to date.

**Mr ELFERINK:** Yes, that sounds more like what I was expecting to hear.

**Mr SHOYER:** It also responded to 73 complaints and 210 enquiries.

**Mr ELFERINK:** That is about what they have been producing in the past. Why do we no longer project that in the key deliverables area of the budget? Is it because they are somewhat independent?

**Mr SHOYER:** The Anti-Discrimination Commissioner is the chief community visitor, and has reviewed the various performance measures and decided this was a better reflection of the activity carried out.

**Mr ELFERINK:** You can see that reflected across the performance measures. It is very hard to look at this year's budget and get any sense of what is happening in the performance measures as compared to last year's annual report. You are going to have to bear with me while I ask some questions to see if I can distil apples to apples.

Complaint handling, which is what appears in the budget, includes complaints carried over from the previous year, I presume, with a total of 300. Complaints received for the year 2010-2011 as reported in the annual report total 244. Am I comparing apples with apples in that instance, or is there some variation because of the new measures?

**Mr SHOYER:** There would be variation. One is the complaint - I hope I have your first figure correct.

**Mr ELFERINK:** It was 244.

**Mr SHOYER:** Complaints received during the year is 244?

**Mr ELFERINK:** Yes.

**Mr SHOYER:** That is correct. The figure before was for the complaints handled, which is different. The complaints received projected for this year is 190 based on figures to the end of March.

**Mr ELFERINK:** Complaints finalised is it?

**Mr SHOYER:** Complaints finalised is ...

**Mr ELFERINK:** Yes, and includes a rejected figure of 190.

**Mr SHOYER:** No, that is different. This is an estimation provided on figures based to 31 March. I am just providing additional ...

**Mr ELFERINK:** The problem I have with this is I cannot really compare these numbers to anything in previous annual reports. Why was the counting systems changed – you say it is to better reflect the activity of the organisation, but what was wrong with the old set of numbers?

**Mr SHOYER:** From time to time there were reviews undertaken, and this was a fairly significant review. It was to better reflect the numbers. In relation to the old figures, there will be at least some we can provide you with to allow you to make a comparison for this year.

**Mr ELFERINK:** Is it possible to do that?

**Mr SHOYER:** It would be in relation to a number of them where they have counted them.

**Mr ELFERINK:** Could you? Can I place that question on the notice, Madam Deputy Chair?

**Madam DEPUTY CHAIR:** Minister, are you happy to take that question on notice?

**Mr KNIGHT:** I think so.

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#### **Question on Notice No 9.05**

**Madam DEPUTY CHAIR:** Could you repeat that question, please?

**Mr ELFERINK:** Minister, could you provide numbers in relation to the key deliverables or performance measures in the area of Anti-Discrimination Commission in such a fashion that I am able to compare them with previous annual reports? Is that sufficient for your purposes, Mr Shoyer?

**Mr SHOYER:** Yes.

**Madam DEPUTY CHAIR:** That is question No 9.05.

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**Mr ELFERINK:** When did the community visitor program - they are required to do an annual report, I understand, Mr Shoyer?

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

**Mr ELFERINK:** Have they done one for last year yet?

**Mr SHOYER:** I do not know at this stage. I would have thought they would. If they have completed it ...

**Mr ELFERINK:** I do not recall seeing it on the deemed papers list.

**Mr SHOYER:** It should be available on their webpage. I am not entirely sure whether it is a report to the minister. It may be a report to the Minister for Health.

**Mr ELFERINK:** It is generally tabled. I am wondering if I have seen this year. I cannot recall seeing it this year.

**Mr KNIGHT:** It goes to the Department of Health, so I am not too sure.

**Mr ELFERINK:** Are you in a position to answer that question? I may have missed it. Normally, I do not miss those reports.

**Mr KNIGHT:** Take it on notice?

**Mr SHOYER:** I think so. I am fairly confident it is there, but we can certainly double check that.

**Mr ELFERINK:** Other than that, no further questions Madam Deputy Chair.

**Madam DEPUTY CHAIR:** None for you, member for Nelson?

That concludes consideration of Output 2.5. I note Output 2.6, Children's Commissioner, was answered by the Minister for Child Protection yesterday.

### **Output 2.7 – Information Commissioner**

**Madam DEPUTY CHAIR:** We will now call for questions on Output 2.7, Information Commissioner.

**Mr ELFERINK:** Minister, last financial year - we are talking the year 2010-11 - there was an anticipated completion rate of FOIs of complaints finalised within 12 months. I note the anticipated rate was 50%. The footnote says the target was not met due to limited control over timing of responses. A legislative amendment has been recommended to address this issue. What is the status of that? Have we done it?

**Mr WOOD:** Are we on Information Commissioner?

**Madam DEPUTY CHAIR:** We are on Output 2.7, Information Commissioner.

**Mr WOOD:** I was just trying to follow where you were.

**Mr ELFERINK:** Okay. I am now reading from page 98 of last year's annual report. There is a footnote that recommends a legislative change.

**Mr WOOD:** I have you now. I went to the budget paper, that was all.

**Mr SHANAHAN:** There is currently a review of the *Information Act* which is being conducted, and that is going to be one of the matters considered as part of that review.

**Mr ELFERINK:** How long has that review been on foot, minister?

**Mr SHANAHAN:** It has been going on for a while. It has not been given high priority, given other issues we are dealing with ...

**Mr ELFERINK:** In some ways, that has been the most straightforward answer I have ever had.

**Mr WOOD:** That is all you asked for.

**Mr SHOYER:** The figures for finalisations within 12 months for this year up to 31 March for FOI matters were standing at 89% at the end of that quarter.

**Mr ELFERINK:** Really? That measure does not appear in this year's key deliverables. Why have they been called key deliverables and not performance measures nowadays? Is there a reason for that change?

**Mr WOOD:** Probably just a spatial differentiation - terminology.

**Mr ELFERINK:** You and I, Gerry, sit there with our nose pressed up to the glass.

**Mr KNIGHT:** Apparently, a Treasury Direction. We do what we are told

**Mr WOOD:** Looks like a post office term.

**Mr ELFERINK:** Once again, I cannot find the same measure expressed as a percentage. I am now told that it is 89%. What happened so suddenly? Has the Information Commissioner suddenly gotten out of bed one morning and said: 'Right, that is it, I am going to sort this out'?

**Mr SHOYER:** The numbers we are dealing with are quite small, so a few extra cases finalised within 12 months can actually make quite a large difference in the proportion.

**Mr ELFERINK:** Yes, I see what you are saying. The numbers are up 25 and the like. All right, no further questions.

**Mr WOOD:** Minister, you have to pay for FOI, don't you? Is there a revenue figure anywhere? And who gets the money?

**Mr SHOYER:** There are some applications which are paid for. There are very limited fees in relation to personal information about yourself. Where you are applying for general government information you may well have to pay fees. The money, I think, goes into Consolidated Revenue.

**Mr WOOD:** It is a good department, that one.

**Mr SHOYER:** We do not have any figures for across the whole-of-government, but I believe we have some figures for the Department of Justice ...

**Mr WOOD:** So, your department does not see all the payments? Or the Information Commissioner does not see the payments? You pay the department ...

**Mr SHOYER:** No, you pay the individual department or agency that you are looking for.

**Mr WOOD:** That will cover that question. Minister, is there a way to find out which FOI requests have been knocked back – not granted?

**Mr KNIGHT:** Peter.

**Mr SHOYER:** Sorry, Mr Wood, did you mean a way in which the minister finds out, or the way that generally you find out about it?

**Mr WOOD:** No, if I was to look for figures on how many people had applied for FOI and how many people had been knocked back?

**Mr SHOYER:** Yes, the Information Commissioner produces an annual report which has much detail about reasons why applications have been knocked back, how many applications have been across the whole-of-government - those sort of details. That is available on the Internet.

**Mr WOOD:** How I missed an annual report, minister, I do not know, but I missed that one. Okay, so that is all the questions I have now.

**Madam DEPUTY CHAIR:** Perfect timing. That concludes consideration of Output 2.7.

### **Output 2.8 – Public Interest Disclosures**

**Madam DEPUTY CHAIR:** We move onto Output 2.8, Public Interest Disclosures. Questions?

**Mr ELFERINK:** Yes, thank you, Madam Deputy Chair. I notice there is a substantial change in disclosures resolved or investigated, and investigation reports presented to responsible authority within six months. The expectation was 30%. Past performance was around 50%. There is now an elevation to a final estimate of 70%. Minister, that is a substantial improvement. What has brought that about?

**Mr SHOYER:** During the year, some additional resources were provided to the Commissioner for Public Interest Disclosures' Office to allow them to attack the number of disclosures that have come in and deal with them. I suspect that is a large part of the explanation.

**Mr ELFERINK:** Is there an increasing number of disclosures coming in their direction? I am noticing the figures for 2010-11 were 75, after an initial estimate of 100. It has now been dropped to 60 for the 2011-12 year, and 60 is the guesstimate going out into the future. If they are doing much less than they anticipate, why do they need extra resources?

**Mr SHOYER:** Initially, there was a large influx - a much larger influx of numbers than was anticipated. There were a number of matters involving significant investigations that had to be worked through. What we are seeing here is the office working through that backlog of cases. That 60 appears to be a level at which the number of disclosures is settling at. Over time, it may well be the level of those resources is not required any longer. That is something we will be monitoring to see what resources are required and keeping touch with the commissioner to ensure she has adequate resources to deal with the disclosures that are coming in.

**Mr ELFERINK:** How many section 53(b) confidentiality directives have been issued by the commissioner since the office started to operate? You have that off the top of your head?

**Mr SHOYER:** We will have to take on notice.

**Madam DEPUTY CHAIR:** Are you happy to take that on notice, minister?

**Mr KNIGHT:** Yes.

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#### Question on Notice No 9.06

**Madam DEPUTY CHAIR:** Can you just repeat the question please, member for Port Darwin?

**Mr ELFERINK:** Yes, Madam Deputy Chair. How many section 53(b) confidentiality directives have been issued since the amendment to the legislation in 2010?

**Madam DEPUTY CHAIR:** That is question No 9.06.

**Mr ELFERINK:** Actually, that is slightly different to what I asked, but I just remembered the legislation was amended in 2010, so there would not have been a capacity to issue those notices prior to that. I hope that is all right, minister?

**Mr KNIGHT:** Yes.

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**Madam DEPUTY CHAIR:** Any further questions?

**Mr ELFERINK:** I presume part of the Public Disclosure Commissioner's functions is to do awareness and training. It is one of the line items. How do you measure success of training? Do you measure it by fewer public disclosures or more?

**Mr SHOYER:** Many of the participants are staff of departments. The basic way in which we measure it is participant satisfaction - to see whether they believe they have obtained something useful out of it. That is part of the performance measures of the office. Over time, you would like to think there would be fewer disclosures; however, this act is still very much in its infancy and we need to see what the numbers settle at.

**Mr ELFERINK:** They have been remarkably good at predicting their success in the past. They predicted 90% in previous years and they had 90% every single time. It is quite remarkable. Has any question been asked of the commissioner about that almost anomalous success, considering the amount of participants who have gone through the door? In the year 2009-10, there were over 1000. In the year 2010-11, there were 558. There is an expected participation rate of at least 300 this year. It strikes me as being a remarkably stable figure.

**Mr SHOYER:** I have not appreciated the figures for 2009-10 and 2010-11 were both 90%. The other figures are, obviously, estimates, and the final outcome may well be a different figure.

**Mr ELFERINK:** The result for 2010-11 was 90% and for 2009-10 was 90%. The estimate for 2011-12 is 90%. The final projection or estimate is 90%. It is a marvellous level of consistency.



No further questions, Madam Deputy Chair.

**Madam DEPUTY CHAIR:** None for you, member for Nelson?

**Mr WOOD:** No questions.

**Madam DEPUTY CHAIR:** That concludes consideration of Output 2.8, Public Interest Disclosures.

### **Output 2.9 – Registrar-General**

**Madam DEPUTY CHAIR:** We will now call for questions on Output 2.9, Registrar-General.

**Mr ELFERINK:** No questions, Madam Deputy Chair.

**Mr WOOD:** Yes, I have questions. Minister, are all your records digitised today, or do they still rely on hard copies?

**Mr SHOYER:** We have the entire register in the Land Titles Office. We have two areas: the Land Titles Office and Births, Deaths and Marriages. Both of our registers are entirely electronic. We have a large number of documents which have been scanned in both areas as well. In Land Titles, most of the documents have been scanned. We still retain a number of those original documents in a storeroom in case they are needed for court purposes or whatever. They are, essentially, available for digital search.

**Mr WOOD:** If someone asks for a copy of their original birth certificate, are they getting a copy of a digitised version or are they getting a copy of the hard copy?

**Mr SHOYER:** What they will get, in most cases, is a document we produced from the electronic register itself. We produce a certificate where the details are correct, rather than a copy of the original document that is certified.

**Mr KNIGHT:** It is usually an extract though, isn't it?

**Mr SHOYER:** You can get an extract or a certificate but, essentially, it is. Even a certificate is an extract of the register.

**Mr WOOD:** What is the difference between a certificate and an extract?

**Mr SHOYER:** Broadly speaking, an extract just has less information. It may be less useful in who accepts it. We have had situations in the past where people have obtained extracts, or had old extracts, and they have been unable to do certain functions. However, nowadays we almost entirely give the individual at least a certificate.

**Mr WOOD:** You have figures for the number of registrations and searches. Is there a charge for those and does that revenue stream show up in the budget?

**Mr SHOYER:** In relation to land titles searches yes, there is a fee for searches in all cases. Some of that can be retained in revenue for the Department of Justice, but it certainly shows up in the budget figures - the overall revenue for the department. Similarly, for Births, Deaths and Marriages, if you get a certificate that has a fee attached which goes into Consolidated Revenue.

**Mr WOOD:** It will take me some time, if ever, to get used to it being called a life events certificate, especially when you die. It seems a very strange name.

**Mr SHOYER:** We do not actually have that on the certificate. That is just broad description. You can still get a birth certificate or a death certificate.

**Mr WOOD:** Minister, in relation to land titles, how does the process work? For instance, you have a subdivision and the person who had the subdivision approved has a certain amount of requirements - they have to have the water connected ...

**Mr KNIGHT:** End up waterlogged.

**Mr WOOD:** Yes. In the rural area you are struggling for that. It has the power, the water, the road has been completed. That goes back to the department of Lands and Housing to ensure it has all been done according to what is required. How does it get from there to the Department of Justice, which is the titles branch?

**Mr SHOYER:** Yes, the Department of Lands and Planning is involved in two ways. First, it may be involved in rezoning, in the development assessment process, or some other approval under that legislation - and also as the Surveyor-General if there are necessary plans for the subdivision. That is really at least a three-stage process. At the end of that process, when all the documents are signed off as being okay, we will register that. Normally, we do that within 24 hours. To ensure all of the appropriate t's are crossed and i's are dotted, we will, in certain circumstances, pre-inspect and say: 'Yes, it looks okay from our point of view', or 'you need this consent', or 'this needs to change' or something like that, to make the process a little quicker. However, essentially, it has to go through quite a number of steps to get to that final registration.

**Mr WOOD:** I sometimes hear people say the titles have not been approved. That does not necessarily mean you are holding it up? It could be the department has not finished finalising all the bits and pieces? But, are there times when you could hold it up?

**Mr SHOYER:** We normally process a registration within 24 hours. At that earlier stage, where we are looking at something beforehand, it may well be we point to a problem with the legal requirements and say: 'You need to fix that up'. Generally speaking, it is a staged process and we try our best to move those things along very quickly.

**Mr WOOD:** Minister, have you ever had people ringing you with a complaint that they have not received their title and you have discovered the owner of the subdivision has not given his tick - he has held back on those titles being approved? The reason I have been given is people can get pretty frustrated if they cannot get their title, and they move off and, by that time, the land price has increased. Have you ever had any complaints coming through about that type of action?

**Mr SHOYER:** I do not recall anything specifically along those lines. We certainly get people ringing up to inquire at what point their matters are. On some occasions, it may be there is an issue we need to raise with him, or it may be something in the Surveyor-General's Office or elsewhere in the development consent process. Often with these developments, there are a whole lot of players involved. There may be a draftsman, there may be someone who has been giving them assistance in developing their plan, and so there may be some misunderstanding there as to the process. However, we certainly try and assist. Even if it is not a hold-up in our area, we try to follow through and see if we can find out precisely where it is.

**Mr WOOD:** For argument's sake, everything has been approved, power and water is on, and the council has given it a tick, can the owner of the land just withhold permission for a title to be issued?

**Mr SHOYER:** There would have to be an approval from the owner of the land to actually go ahead if they have signed a consent. That is part of our process; checking, for example, the owner and whoever might have a mortgage over the land, has consented. If the developer has those consents signed, then that will be okay for us to register.

**Mr WOOD:** So, technically, a person could get all that done. They might have different reasons; for instance, they might not have paid the rates. So, they do not release the titles until they are ready to sell, because they will be paying rates on land no one owns. Or they just might be, as I said, capable of letting the price go up. A developer, as you say, is able to do that - hold off? Even though the titles are all ready to go, he can say, 'I do not want that to happen'?

**Mr SHOYER:** I do not think, in this forum, I can answer that question, because I am not sure exactly what you are getting at. I am not sure I am understanding what you are getting at.

**Mr WOOD:** What I was getting at was I had a number of complaints about a particular subdivision where people who had put deposits on blocks of land found they could not get the title. What was coming back to me was the person who owned that land was deliberately making life hard for those people, because he realised rural land was increasing in value quite quickly. He may have had X price originally, and found out that if he hung out a big longer, he was going to get more. The best way to get more is to actually make the person who has put the deposit on his block give up because there have been no title registered. It has happened in some cases, so they basically asked for their deposit back and got out. Then, a new person came in to buy the land at a higher price than the titles were issued. I was just seeing

whether, in actual fact, that can happen, if the developer simply says: 'I do not want the titles released at the present time'.

**Mr SHOYER:** From our point of view, if someone who has the authority comes in to lodge the documents for registration and they are all in order, we will register. Whether or not they make that choice to come in is really something which is beyond our control. It is out of our control whether they do that.

**Mr WOOD:** That is all right. Thanks, Madam Deputy Chair.

**Madam DEPUTY CHAIR:** That concludes consideration of Output 2.9.

#### **Output 2.10 – Public Trustee**

**Madam DEPUTY CHAIR:** I now call for questions on Output 2.10, Public Trustee.

**Mr ELFERINK:** Minister, I notice in the 2011-11 estimate, *Deceased Estates Act*, there were 200, and there was an increased level of closures that ended in a final result of 129. Was that a deliberate attempt by the Public Trustee to clear the decks, or was that just a result of the way these things work out?

**Mr SHOYER:** Yes, we particularly targeted old defaults to try to finalise those. We put a lot of effort in during that year to do that, so a large part of the reduction in numbers is because of that. We also have had a slight reduction in the number of new matters coming in, which has allowed that to be continued at a fairly reduced level.

**Mr ELFERINK:** What is the number of current wills that we maintain in the registry?

**Mr SHOYER:** The 2010-11 actual number was 13 856.

**Mr ELFERINK:** I have that, but what do we currently have there? Or do you just count it once a year?

**Mr SHOYER:** Yes, we essentially add it up once a year. It increases slightly as more wills are put in and some older wills are taken out. I suspect it would be above the 14 000 level now, but I do not have a precise figure for you.

**Mr ELFERINK:** Yes, okay. I noticed also in deceased estates that your clearance rate within 12 months is tracking at about 60%, mid-60s; 24 months, it then tracks up to 84%. I presume we make every effort to advance those matters as quickly as we possibly can. What are some of the reasons a deceased estate - I know the answer to that question, I am not going to ask it.

Are there other things you could do to accelerate getting these deceased estates dealt with? Two years is quite a long time.

**Mr SHOYER:** We make every effort to resolve those. As I indicated, in 2010-11 we put a push on to get rid of many of the older estates. Many of these things take time. Sometimes it can be money that is held up by a superannuation fund; it can be discussions about whether they are going to pay it out or ...

**Mr ELFERINK:** Auntie Mavis is fighting the thing tooth and nail through the probate.

**Mr SHOYER:** Yes, there can be issues like that. The procedures that are contained in the act are quite detailed - or quite lengthy I should say - in how you proceed when there is a dispute of that nature. Often, you can run in to more complicated estates where there might be a business involved. There are a raft of reasons why they can go over 12 months. I would like to improve that figure of over 24 months, but that is something we are continuing to push forward.

**Mr ELFERINK:** Your message to everyone out there is to get a will.

**Mr SHOYER:** Absolutely, it certainly makes things much easier when you have clarity of people's intentions.

**Mr ELFERINK:** I have no further questions, Madam Deputy Chair.

**Madam DEPUTY CHAIR:** It is 7 pm, so we are going to break for dinner. When we resume, we will come back to the Public Trustee Output and the member for Nelson will have the call.

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The committee suspended.

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**Mr CHAIRMAN:** We are commencing again at Output 2.10, Public Trustee. The call is with the member for Nelson.

**Mr WOOD:** I have a couple of very basic questions. On page 97 of the annual report for 2010-11, it just says under the note: 'Wills prepared reduced to a new policy limiting the circumstances in which the Public Trustee will make wills'. Is that to do with the change in competition legislation, or is that something altogether different?

**Mr SHOYER:** No. We reviewed our policies on who we actually make wills for about two or three years ago. We looked at different mechanisms around the country. About half the Public Trustees only make wills for people who are naming the Public Trustee as the executor. We adopted that approach, except for pensioners and concession holders, deathbed emergency-type wills, and also if someone had an existing relationship with the Public Trustee. We still make wills for people in those circumstances, and if they are going to name the Public Trustee as an executor. That has reduced our numbers which is reflected in the performance measures.

**Mr WOOD:** When a will is executed, what happens to the actual will? Is it kept by yourselves in case of some challenge, or is there a requirement to keep that will for a certain period of time?

**Mr SHOYER:** We can hold wills. In fact, we maintain a Wills Register, which is the one in which we have about 14 000 wills. People can choose to leave that with us. If someone has made a will with a lawyer, they may leave it for safekeeping with them. There is no statutory requirement to do it; you can just have it at home. Obviously, if you want to prove that will at some stage, someone has to be able to find it. Having it in the Wills Registry or for safekeeping with someone is the best way to ensure it will be found.

**Mr WOOD:** I suppose what I was getting at, say, a husband and wife died, the will is obviously read out to the family, to whoever they are going to give their proceeds to. Is that piece of paper then given to the family, or is there a mechanism to keep that will with the Public Trustee in case there is a challenge to it?

**Mr SHOYER:** There is actually a process whereby a will - assuming it is for a significant amount of money - is proved in the Supreme Court by a probate process. That is actually attached to the documents that are in the Supreme Court. So, assuming it has gone through that process, it will be available in the Supreme Court for people to look at.

**Mr SHANAHAN:** It is a requirement when you are seeking a grant of probate that you do a search of the Wills Register.

**Mr WOOD:** Right.

**Mr SHANAHAN:** It is a good idea to have the will registered there.

**Mr WOOD:** That is all the questions I have.

**Mr CHAIRMAN:** You have no more, member for Port Darwin?

**Mr ELFERINK:** No.

#### **Output 2.12 – Office of the Director of Public Prosecutions**

**Mr CHAIRMAN:** In that case, we move on to Output 2.12, Office of the Director of Public Prosecutions, noting that questions for Health and Community Services were answered by the Minister for Health on Tuesday.

**Mr ELFERINK:** Minister, can you advise me - or the committee, I should say - how many contested mentions were dealt with by the Director of Public Prosecutions in the financial year 2010-11, and how many contested mentions are estimated to be completed by, or dealt with, by the DPP in the financial year 2011-12?

**Mr COATES:** Richard Coates, DPP. We do not actually handle the contested mentions; they are handled by the Police Prosecution Service.

**Mr ELFERINK:** It is separate from you? None come through you?

**Mr COATES:** One of my lawyers may have done one or two of them, but the vast majority of them are conducted by the police prosecutors.

**Mr ELFERINK:** Yes, they gave me a set of figures. I was, essentially, half expecting that answer by the way. The concern I have - and as the Justice minister I hope you share my concern - is the number of contest mentions that are coming back down the pipeline are increasing sharply.

Those contest mentions that do go to hearing, Mr Coates, are they dealt with by the DPP or its just below your level of interest for lack of better words?

**Mr COATES:** I have an arrangement with the police whereby we provide a number of lawyers to do summary hearings which, in the old days, would have conducted by police prosecutors. Police prosecutors still do some hearings in Alice Springs, but we do all of them in Darwin. My lawyers would be doing the contested hearings in the Magistrates Court in Darwin, Katherine, and the majority of them in Alice Springs.

**Mr ELFERINK:** The process, as I understand it, is that pre-setting of a hearing date, these things reside with the coppers, until such time that the hearing proceeds and then, for a lack of better expression, it is briefed to you.

**Mr COATES:** More or less that is what occurs.

**Mr ELFERINK:** You would not keep any records of the contest mentions at all in the DPP?

**Mr COATES:** No, but contest mentions have been around in one shape or another for the last 10 years, and the process is still going on. The aim of them is to resolve matters earlier in the process so we spare the expense of getting witnesses along for hearings which are not going to go on, and the court has better use of its time.

**Mr ELFERINK:** I have been making - and you are probably aware - some noises about my concerns about contest mentions because I am not entirely convinced the practice directions as described by the Chief Magistrate are being adhered to, strictly speaking. I understand the idea is to lower the number of hearings, to deal with those issues that would otherwise be contested in the hearing pre-trial, for a lack of better words, or pre-hearing. The practical effect of it is the number of files police have to do are going through the roof. Is it in your bailiwick or interest at all to address those issues, or is it out of your domain?

**Mr COATES:** No, it is certainly an area I am interested in. I have met with the head of the Police Prosecution Unit and the Chief Magistrate to talk about our concerns and hear what she is saying. It has to be in all our interests to have this work. We are continuing to talk and make suggestions and, hopefully, the process will get to a situation where it is doing what it is supposed to do and weeding out the number of hearings at an earlier stage than is occurring at the moment.

**Mr ELFERINK:** Can you at least give me this much - can you give me the number of hearings that have actually been conducted? That is not actually dates set and guilty pleas at the last moment. How many hearings have actually been conducted for each financial year for the last three years?

**Mr COATES:** I do not think I could give you that; police would have the reliable measure of that. We only record some of the hearings in our system.

**Mr ELFERINK:** Those are the ones you actually do?

**Mr COATES:** We record the ones we do in Darwin because they are treated as a file which is transferred to us. If it is out bush, we just count it as one duty lawyer day, and the prosecutor may do 10 hearings in that day.

**Mr ELFERINK:** You are just a little removed from the coalface. That is probably going to kill the whole line of questioning for me. I was half expecting some of these answers. It is a real concern because what, in effect, occurs - and you may be interested in this, minister - is a contested mention, according to the practice direction, is the defending lawyer indicates a possible plea of not guilty. Then, a full file is required

to be prepared by the police, which is a substantially greater piece of paperwork than the arrest file that instigates the matter.

A more cynical person than me would suggest these things are becoming fishing expeditions because, without going to a hearing, the lawyer is still able to suggest their client is pleading guilty at the first opportunity once the file comes back and the strength of evidence is revealed. This means there is no effective penalty.

The transfer of the hearing process, for practical purposes - the workload is being shifted from the courts to the police to the point where this is really starting to bog down coppers on the street, because it is the arresting officer who then completes the full file. These guys are spending more and more time doing paperwork and collecting statements and evidence for contested mentions, which are nominally supposed to be not guilty pleas, or not plead guilty pleas are indicated, only to have the plea changed at the last moment.

I express my concern about this, minister, and ask you to turn your attention to it, as well as the minister for Police. Mountains of paperwork are being done by the executive arm of government for little positive result in the courts. Any comments or observations, minister?

**Mr KNIGHT:** Everybody is on notice within Justice, as far as our budget goes forward, that there is no money. However, at the same time we have increasing workloads so we have to make efficiencies. We take that on board. I receive representations through the Chief Executive, also from external parties - NAAJA, or whoever it might be - about ways to make things more efficient. We take those on board and, ultimately, aim to make it as efficient as possible.

**Mr ELFERINK:** Minister, historically speaking, your anticipated number of new matters has consistently been 1400 and continues to be 1400. In your key deliverables, the actual results for the last two financial years are above 1400. Do you consider 1400 to be an excessively optimistic figure? If not, why are you happy to proceed when the last two years have produced higher numbers?

**Mr KNIGHT:** I will ask Mr Coates to give some advice on that.

**Mr COATES:** It is within about 5% of the estimate and, on that basis, we have not thought it appropriate to change the estimate.

**Mr ELFERINK:** Minister, your witness assistance services to clients, I presume, are episodes. You have projected witness assistance services of 1300 through the forward estimates and the final estimate for the current financial year. You have exceeded those numbers in the last two financial years. The same question applies. In the case of the current 2010-11 year, you are at 1536, which is probably beyond your 5% band width. Does your final prediction for this year of 1300 still stand? Are you tracking towards it, or are you starting to reflect what happened last year?

**Mr COATES:** We are still tracking towards that number.

**Mr ELFERINK:** What caused the spike in the 2010-11 year?

**Mr COATES:** Additional staff working within the unit.

**Mr ELFERINK:** Have those staff gone now?

**Mr COATES:** They are up and down. For a period we have had vacancies, particularly in Alice Springs. At the moment, we have a full complement of employees and witness assistants.

**Mr ELFERINK:** Minister, a number of hearings and pleas are listed as one of your key deliverables - these are CSJ matters. Consistently, 30% of matters are withdrawn. Does it concern you that 30% of the matters instigated are withdrawn? What are you doing to improve those results?

**Mr KNIGHT:** Mr Coates can provide some background on why those matters were withdrawn.

**Mr COATES:** As to whether matters are capable of going to hearing depends on whether there is reasonable prospects of sustaining a conviction. In a number of matters, if witnesses do not turn up to court there is no reasonable prospect of the matter succeeding. There may be deficiencies on the file, there may be a reluctance by a victim to give evidence and proceed with the matter. The bread-and-butter work in the

CSJ is often matters involving domestic violence, and we have difficulties getting victims to give evidence in those matters.

**Mr ELFERINK:** What proportion of those withdrawn matters would be as a result of the pursuit of a no-drop policy when it comes to domestic violence?

**Mr COATES:** We have particular guidelines in relation to not dropping domestic violence matters just because the victims say they do not want to go ahead with it. There is a process we go through - the victim is counselled, the witness assistance people deal with the victim. It is only if a certain process is followed that those matters will be withdrawn. I could not tell you, of the matters that are withdrawn, what type of matters they are and the reason for them being withdrawn.

**Mr ELFERINK:** It strikes me as a fairly high proportion. I understand there are elements you have no control over, short of summoning victims in domestic violence matters, arresting them and dragging them before a court. I suspect that somewhat defeats the purpose of trying to deal with violence issues. You would have to pull those matters.

Something can be done about defects in files. Ensuring witnesses appear may be an area of improvement. Have you looked at improving that set of numbers?

I will leave you with that question first because I want to go back a step. Have you looked at what you can do in relation to that proportion, because you are losing about a third out of that process?

**Mr COATES:** Preparation of the file - we are talking about Court of Summary Jurisdiction matters - is handled by the investigating police officers who then present us with a file. Before any matter is withdrawn by my lawyers under the guidelines, they have to consult with the officer-in-charge, the police, about the matter and, if there is a victim, also consult with the victim.

**Mr ELFERINK:** So I understand these figures properly, you expect 1400 new matters, of which 815 proceed to the hearings and pleas. What is the discrepancy? Why was there such a large difference between pleas and hearings and new matters? Is there a culling process?

**Mr COATES:** That is the Court of Summary Jurisdiction here ...

**M ELFERINK:** Yes.

**Mr COATES:** ... it does not - you have Supreme Court police, Supreme Court trials.

**Mr ELFERINK:** Okay. I am referring specifically - I notice there is a footnote. I am talking about CSJ matters. New matters in total are 1400, which is references to you by the police, essentially. Then I see you proceed to hearings or pleas on 815 of those.

**Mr COATES:** Okay. This is part of the difficulty we touched on earlier. Probably you need to look at the bottom at our Duty Lawyer days. There are 1000 of them. A Duty Lawyer day would be at least one hearing, it could be five hearings. So, each of those Duty Lawyer days could represent, potentially, five hearings. So, the numbers we could be talking there could be 5000, so you then have 5815 hearings.

I am only counting, as a separate hearing, the matters we actually open files for in Darwin. Much of the work we do for police with summary hearings is covered within the amorphous Duty Lawyer day.

**Mr ELFERINK:** All right. Basically, the Duty Lawyer, particularly outside of Darwin, can be dealing several new matters which do not actually get counted in the CSJ hearing pleas?

**Mr COATES:** Yes. They are recorded by the police within their system.

**Mr ELFERINK:** Okay. Basically, if they are out of Darwin, there is no form or whatever they fill out; that is just them doing their job and they get paid for it?

**Mr COATES:** Yes.

**Mr ELFERINK:** No worries. That is pretty much me, Mr Chairman.

**Mr CHAIRMAN:** Member for Nelson, questions to 2.12, Office of the Director of Public Prosecutions?

**Mr WOOD:** Yes. Minister, in the annual report under the section headed, Officer of Director of Public Prosecutions, it says under Directions for 2011-12, 'to implement further stages of the Alcohol and Other Drugs Tribunal and the SMART Court'. What involvement does the department have in the setting up of those tribunals and court?

**Mr KNIGHT:** The DPP specifically?

**Mr WOOD:** It is in your annual report. It comes under page 107. It says 'Directions for 2011-12' I was presuming when it had written here, 'implement further stages of the Alcohol and Other Drugs Tribunal and the SMART Court', it is not something you are directly involved in.

**Mr KNIGHT:** Yes, it is Court Support and Independent Offices section, if you look on page 106.

**Mr WOOD:** Oh, that little heading.

**Mr KNIGHT:** That little heading.

**Mr WOOD:** I was taking from the big heading. Obviously, the Director of Public Prosecutions. If it is not, that is okay. Just the way the report is written, it puts it all in that department. I made a presumption you had some involvement. If you do not, I do not have any more questions.

**Mr KNIGHT:** That is the combination of everything under that particular Court Support and Independent Offices area.

**Mr ELFERINK:** Sorry, Mr Chairman, there was one issue, with the indulgence of the committee, I wanted to have a quick sticky-beak at. Are you finished?

**Mr WOOD:** That is all right. I am flexible and non-indulgent.

**Mr ELFERINK:** What was your budget for the year 2011-12? Not the final estimate, but your budget?

**Mr KNIGHT:** Mr Coates probably knows this off by heart. The estimate for 2011-12, is what you are asking for?

**Mr ELFERINK:** No, the budget for 2011-12.

**Mr KNIGHT:** \$10.368m.

**Mr ELFERINK:** Okay. That is the final estimate. What was the budget for year 2011-12?

**Mr KNIGHT:** Oh sorry, \$9.77m.

**Mr ELFERINK:** What was the extra \$600 000 for in the variations?

**Mr COATES:** That is the money the police reimburse us for some of the lawyers I have employed doing their work.

**Mr KNIGHT:** That is what they transfer across ...

**Mr ELFERINK:** You, essentially, bill out your services to ...

**Mr COATES:** On a quarterly basis, we send them details of what it cost us to employ those lawyers. We have 12, and the police are paying for five or six, and I am paying for six.

**Mr ELFERINK:** That is a nice little arrangement! You say the DPP takes over the hearing, then you bill them.

**Mr COATES:** No, they are just paying the wages of the lawyers who are employed doing their work.

**Mr ELFERINK:** It just struck me as a nice little monopoly.

**Mr WOOD:** It is only the wages.

**Mr ELFERINK:** I was more being flippant than anything else. Yes, that is it.



**Mr CHAIRMAN:** That concludes consideration of Output 2.12, Office of the Director of Public Prosecutions.

Output 2.13, EPA, was done by the Minister for Natural Resources, Environment and Heritage yesterday ...

**Mr WOOD:** We did not get to it.

**Mr CHAIRMAN:** We did not get to it, but it was there. Questions regarding Output Group 3.0, Correctional Services were available to be answered by the Minister for Corrections this morning.

#### **OUTPUT GROUP 4.0 – POLICY COORDINATION** **Output 4.1 – Community and Justice Policy**

**Mr CHAIRMAN:** We move onto Output Group 4.0, Policy Coordination, Output 4.1, Community and Justice Policy.

**Mr ELFERINK:** Minister, what was the budget for the Community and Justice Policy for 2011-12? Not the final estimate, the budget? Wait, here it is. I have answered my own question. Page 181, \$3.481m. I notice you are, in the final estimate, taking \$276 000 off that. Why are you taking \$276 000 off your policy, and for the next year, reducing it by a further \$700 000?

**Mr KNIGHT:** I will give you the ins and outs. The Community and Justice Policy had a budget in 2011-12 of \$3.481m. What came out of there was the Community and Justice Policy position transfers to DHLGRS of \$615 000, and the Community and Justice Policy position transferred from DHLGRS - I will ask Mr Shields to get some clarification on why the ins and outs for that. There was a revised corporate redistribution; corporate management went down by \$218 000; DBE went up by \$68 000; ICT contract savings of \$14 000, which brings us to \$276 000 down to \$3.205m estimate for 2011-12.

Going forward, there is a National Partnership Agreement on Substance Abuse with the Commonwealth, which is a decrease of \$620 000, being replaced by Stronger Futures, Tackling Alcohol Abuse of \$400 000; approved use of 2010-11 cash balances less \$439 000; transfer between years of the National Partnership Agreement on Commonwealth Funding for Film and Literature, \$12 000 extra; some more corporate management redistribution, less \$30 000; and the reprioritisation down \$12 000, which brings the total to \$689 000, and the budget of \$2.516m. Do you want any of those explained?

**Mr ELFERINK:** Yes.

**Mr KNIGHT:** Which one?

**Mr ELFERINK:** The ones that do not really - it is not the federal stuff I get, it is the decisions by the Territory government to make savings.

**Mr KNIGHT:** The main changes - there have been some policy position shifts between DLGHRS. I will get Mr Shields to answer those. I guess the other areas have been around the corporate distribution savings and corporate management.

**Mr SHIELDS:** There were five positions transferred to DLGHRS from 1 July 2011, and one position, a different role, transferred back. The five positions that transferred to DLGHRS were involved in the day-to-day administration of some of our antisocial behaviour initiatives through the public safety model - particularly, those involved in monitoring the intervention and case management service - essentially the Night Patrol services that deal with Indigenous people who are sleeping rough in urban areas - through three various different contracts. Of the people who administer that on a daily basis, five of them transferred to DLGHRS, in that it operationally fitted more closely with the core business they have.

The one policy officer who transferred to us from DLGHRS was someone who was in the former Office of Indigenous Policy and had been involved in giving instructions on native title and land claims, and had a particular knowledge in respect of the Kenbi Land Claim. She transferred over to us, given we were taking a lead role in those issues.

**Mr ELFERINK:** Okay. Well that was exciting. Minister, I notice in the annual report under your performance measures, there is a capacity to provide advice and coordinate and implement government

programs, of which there is a dollar figure in 2008-09, and there is an actual figure of \$15 765. What exactly does that measure? Is it just the cash amount?

**Mr KNIGHT:** That is probably the reason why it has been discontinued.

**Ms HULL:** It is hours.

**Mr ELFERINK:** It is hours, is it?

**Ms HULL:** Yes.

**Mr ELFERINK:** Right. So it had a dollar amount attached to it before, then it changed to an hours number. I am trying to find it in your key deliverables and it seems to be dropped away. Can you explain that to me?

**Mr KNIGHT:** It has been discontinued. Apparently, it did not appear to be useful as a measurement tool.

**Mr ELFERINK:** Why was it not useful? It sounds, on the face of it, fairly useful, probably better than a dollar figure - the amount of hours you can commit to policy advice. What proved it to be less than useful?

**Mr SHANAHAN:** One of the issues is the calculation was pretty much based on the number of staff we had by the number of hours. It was not a time measurement; it was an extrapolation of the staff we had.

**Mr ELFERINK:** The new measure is whether the minister is happy with you. Minister, are you?

**Mr KNIGHT:** Every minister knows DoJ provides very valuable advice, and ...

**Mr ELFERINK:** It is an extremely unusual measure, minister, compared to the measures that were there ...

**Mr SHANAHAN:** There were three ministers.

**Mr ELFERINK:** It strikes me as a surprising measure: 'If the minister is happy it is all good and we should drop other things such as ministerial briefings completed within allotted time frames' which was a measure of performance which set a certain benchmark. We have dropped that for: 'Is the minister happy?' It strikes me as ...

**Mr KNIGHT:** It incorporates all those activities, doesn't it?

**Mr ELFERINK:** Minister, when it comes to ministerial briefings, how many are being completed within allotted time frames expressed as a percentage?

**Mr KNIGHT:** It has not been measured.

**Mr ELFERINK:** I am just curious.

**Mr BRADSHAW:** Robert Bradshaw Executive Director, Policy Coordination. At the moment, it is measured but we do not have the figures available.

**Mr ELFERINK:** May I place that question on notice, Mr Chairman?

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**Question on Notice No 9.07**

**Mr CHAIRMAN:** If you could repeat the question one more time, member for Port Darwin.

**Mr ELFERINK:** Minister, how many ministerial briefings are being completed within the allocated time frames expressed as a number and a percentage?

**Mr CHAIRMAN:** That is question No 9.07, minister.

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**Mr ELFERINK:** Beyond that, no further questions on this.

**Mr CHAIRMAN:** Member for Nelson, Community and Justice Policy.

**Mr WOOD:** Minister, some clarification. In the annual report from last year, through the section on supplementary information regional highlights on page 208, a number of times it said:

*Community and Justice Policy continued to provide secretariat support to fortnightly Interagency Tasking and Coordination Group meetings to address antisocial behaviour through the development of multi-agency problem solving plans.*

That is repeated for Palmerston, Litchfield and Batchelor. It seems to be you are providing secretarial support right across the Territory. If you are providing that, are you also part of the Interagency Tasking and Coordination Group?

**Mr KNIGHT:** I will ask Alastair Shields to answer. However, these task forces pop up from time to time and sometimes we are on them, and sometimes we are off them. I will ask Alistair to give you a more fulsome answer.

**Mr SHIELDS:** The secretariat support provided for all those Interagency Tasking and Coordination Group meetings - the positions that dealt with that are the five positions we transferred to DHLGRS from 1 July 2011. We did have, in five different regions, officers who provided that secretarial support. They were people in the regions who convened and provided secretarial support to the Interagency Tasking and Coordination Groups who had, as their rationale, dealing with community safety and antisocial behaviour issues - bringing together all the relevant agencies.

**Mr WOOD:** Are those groups still running?

**Mr SHIELDS:** They still run. The five positions moved to DHLGRS from 1 July 2011.

**Mr WOOD:** How long have they been going for?

**Mr SHIELDS:** They were established around 2007 when the public safety model was introduced.

**Mr WOOD:** Who do they report to?

**Mr SHANAHAN:** They are chaired by police. Secretariat support is given by us and the reports to the Community Safety Working Group, which is a group of deputy CEO-level people across all different key players in the community safety space. That group reports to the chief executives.

**Mr WOOD:** To who?

**Mr SHANAHAN:** To the chief executives.

**Mr WOOD:** Right. When I read this; for instance, the Alice Springs one says:

*The Alice Springs Interagency Tasking and Coordination Group conducted a range of multi-agency exercises to target antisocial behaviour hot spots, with significant results.*

In Tennant Creek, they were looking to develop multi-agency problem solving plans. Another one talked about how they had a subcommittee in Batchelor.

They all report back on a regular basis, and they all report to the CEOs. Then, theoretically, where does that go?

**Mr SHANAHAN:** It is more exception reporting, then it goes up the line. They cannot resolve it at that level. If it becomes an issue that needs to be dealt with across agencies, that will be escalated. Pretty much it ends with the CEOs to sort out.

**Mr WOOD:** Locally, take Alice Springs, which says they targeted antisocial behaviour hot spots. What happens when they have targeted those and, when they have done that, who do they report back to, and where does it go from there?

**Mr SHANAHAN:** They report back to the Community Safety Working Group. If there are issues they cannot resolve, or there are issues they are dealing with and there are problems which arise that cannot be dealt with, that goes up the line, to see if there is more money can be put on it, or a different mix of resources.

**Mr WOOD:** How many people would be in those groups?

**Mr SHANAHAN:** Oh, it is NGOs and government.

**Mr WOOD:** So it is a big group?

**Mr SHANAHAN:** It is a big group, yes. It is local councils, local Indigenous organisations, the federal government.

**Mr WOOD:** This might sound a silly question, but there is the Alice Springs Transformation Plan and there are umpteen other groups. Is this a group that really could be more a focus for changing things in places like Alice Springs, if it has that many people in it?

**Mr SHANAHAN:** This is the lower level, operational stuff. It is not the big money ones or anything; it is the ones who actually say 'We have a problem here'. They send the patrols around and do this sort of thing.

**Mr WOOD:** Does anyone do a small report at the end of the year on what they have done?

**Mr SHANAHAN:** I am not part of that group; I am not sure.

**Mr WOOD:** Oh, right. But it comes under the department? Is there a report done of what they have done during the year?

**Mr SHANAHAN:** They report monthly to the Community Safety Working Group. There is no public report, if that is what you are looking for, as a group.

**Mr WOOD:** Okay, that is all the questions I have.

#### **Output 4.2 – Legal Policy**

**Mr CHAIRMAN:** We will move on to Output 4.2, Legal Policy. Member for Port Darwin.

**Mr ELFERINK:** Minister, why do we bother measuring, as a general rule, bills introduced into parliament as a key deliverable?

**Mr KNIGHT:** It is a measure of the legislative activity of that year. It is a very broad measure, but it gives you some indication of the activity we have had in legal policy as far as developing legislation.

**Mr ELFERINK:** Yes, I know, but 17 five-page bills is different to one major document an inch-and-a-half thick. The other thing that concerns me about it is if there was a desire to meet that performance target, and halfway through the year you have only done five, because that is all the government really needs, do you suddenly produce legislation to keep the numbers up? As a measure, is it productive? In fact, can it be counterproductive?

**Mr KNIGHT:** It has been fairly consistent over the last few years, so it is just an indicative figure. Sometimes, in 2010-11, we were slightly above it, and our estimates are going to be slightly below it because of the election this year.

**Mr ELFERINK:** Yes, I get that, but it strikes me as such a neither here nor there measure.

Minister, what was the client satisfaction result for the year 2010-11? There is a note on page 117 of the annual report - figure to be provided. If you are the client, you can probably tell me without having to refer to the annual report.

**Mr KNIGHT:** The client is the minister.

**Mr SHANAHAN:** That was a more general survey of all the client departments and the whole lot. I suppose it is still a current comment, isn't it?

**Mr BRADSHAW:** At the end of the day, the main client, as it turns out, is the minister. That is why that measure was appropriate for the Solicitor for the Northern Territory, for example, but not appropriate for policy as it turned out. But we have done that measure and we can provide the figure.

**Mr ELFERINK:** Which is?

**Mr BRADSHAW:** I do not have it on me.

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**Question on Notice No 9.08**

**Mr ELFERINK:** Take it on notice? Minister, question on notice. What was the client satisfaction result for the year 2010-11 in legal policy.

**Mr CHAIRMAN:** That is No 9.08, minister.

**Mr ELFERINK:** No further questions.

**Mr CHAIRMAN:** Member for Nelson.

**Mr WOOD:** As someone who has to read the bills you put together - do you do some assessment of the number of errors that are occasionally made? I know you are all perfect, but there are times where we are asked to amend bills because something was not correct. When a bill is being put together, is any consultation done with Parliamentary Counsel and is there a checking process? If I try to proof read my newsletter, that is hopeless. I will go past the same mistakes every time I read it. Does it go out to someone independent to read it to reduce the risk of errors?

**Mr KNIGHT:** It gets circulated fairly widely even now. There is always the one little slip-up. The eagle eyes of one Michelle Nuske picks up things from time to time - give her a mention there ...

**Mr WOOD:** Yes, that is right.

**Mr KNIGHT:** It is just one of the things goes through the department, past many eyes. Sometimes, it is not until we get into parliament after a month of it sitting on the books that something is picked up.

**Mr WOOD:** That is all right. I did not know whether you had a quality control process.

**Mr ELFERINK:** I have actually suggested one on several occasions, Gerry.

**Mr KNIGHT:** Alistair Shields might like to expand.

**Mr SHIELDS:** As you know, the bills themselves are drafted by Parliamentary Counsel on instructions from, in this case, our legal policy lawyers. Often drafts are exchanged backwards and forwards. We have a quality control checking in that we review the bills to see they are consistent with our instructions, and we also review them to see whether we think there might be some inherent issues with them.

Parliamentary Counsel also has a reviewing process so, once we are at a stage where we think the bill is in a form to be circulated or to be introduced into parliament; to be tabled for discussion if that is the thing. The person in Parliamentary Counsel who drafted it, will get somebody else in Parliamentary Counsel to also review it, so they do a peer review of their own legislation. As you know, though, many of these bills are complex and there can be a variety of reasons why they need to be amended.

Once they go out for broader discussion, they are circulated as part of a Cabinet submission process to other agencies, so they might pick something up. Sometimes, there are discussions with independent officers. For example, the Anti-Discrimination Commissioner might see something on a draft bill and raise an issue that he wants to see addressed, so that might involve a change.

Often, there will be stakeholder consultations that result in amendments. You will recall that happened with the caravan parks legislation. Then, of course, people like eagle-eyed Michelle might pick something up and raise it for our attention. There are a variety of reasons.

With all the reviews in the world, legislation will be interpreted by different lawyers and courts and, ultimately, we will need to amend legislation, even after it has been through all that checking process.

**Mr WOOD:** Yes, that is okay. I just wondered what the process is of putting it together.

**Mr SHIELDS:** Yes, there is a fairly rigorous process within government before they are introduced.

**Mr WOOD:** Okay. That is all.

**Mr CHAIRMAN:** No problems. That concludes consideration of Output 4.2, Legal Policy

#### **Output 4.3 – Research and Statistics**

**Mr CHAIRMAN:** We move on to Output 4.3, Research and Statistics.

**Mr ELFERINK:** Very straightforward question, minister. Will there be a release of crime statistics in the Northern Territory before the next Northern Territory election? If so, on what date?

**Mr KNIGHT:** As has been previously stated, the crime statistics have moved to annual reporting now to rectify the fluctuation in numbers. That has also been recommended by the CTC and, I believe, except by the opposition obviously, widely accepted. The release of annual statistics will come out in October this year.

**Mr ELFERINK:** October, this year – not before the next Territory election?

**Mr KNIGHT:** No, it has been stated clearly for quite some time; it will be all released in October this year.

**Mr ELFERINK:** No further questions.

**Mr WOOD:** No questions.

#### **Output 4.5 – Community Justice Grants**

**Mr CHAIRMAN:** Questions regarding Output 4.4, Community Benefit Fund were answered by the Minister for Racing, Gaming and Licensing and Alcohol Policy on Tuesday last week. We now move on to Output 4.5, Community Justice Grants.

**Mr ELFERINK:** Okay. I see the final estimate for the year for grants administered is 11. Do you have a list of the recipients of these grants and a breakdown of how much they are each receiving? You can table the list perhaps.

**Mr KNIGHT:** I will attempt to get those. We can either take it on notice or we are just getting those figures together now. We can either put it on notice, or I can just wait for a little while. Move through the questions ...

**Mr ELFERINK:** Yes, if we can return to that.

**Mr KNIGHT:** Yes, yes.

**Mr ELFERINK:** I am sure it will be on a file here somewhere.

**Mr KNIGHT:** Yes, if he is not back by then, we will take it on notice.

**Mr ELFERINK:** Okay, I am sure it will be on a file here somewhere.

**Mr KNIGHT:** Yes.

**Mr ELFERINK:** Minister, I note in last year's annual report the accuracy of payments processed was 85% - that is for the financial year 2010-11. It comes with a footnote:

*Responsibility for this function has been transferred to the Grants Administration Unit, (Cas) in the second quarter of 2011.*

Do I take it from that footnote, and the footnote below it regarding timeliness, that the administration of that grant was not actually a fall in the accuracy of the payments processed; it is just the way it came through the meat grinder. You had a 15% drop off because you were no longer measuring that grant. Is that correct, or were there actually inaccuracies?

**Mr KNIGHT:** I will get Anne Bradford to answer that.

**Ms BRADFORD:** Anne Bradford, Deputy CEO. Yes, that is correct.

**Mr ELFERINK:** Yes. All right, I would have been very surprised if we tolerated an 85% accuracy rate. How are those grants acquitted?

**Mr KNIGHT:** We will bring in the Chief Financial Officer.

**Ms BYRNES:** Thank you, Lucie Byrnes, Chief Financial Officer. The acquittal of grants could be a multitude of processes. It could be that they will be reporting back against them. Are you meaning performance measures?

**Mr ELFERINK:** Yes. Basically, I want to know what the test is against these grants. Do you get a letter back from them saying 'We have spent the grant in accordance with your instructions', and it is rubber stamped and filed as acquitted, or is there an auditing process?

**Ms BYRNES:** There is an auditing process. A check is done of - it depends on the size of the agreement, what was in the agreement, and ...

**Mr ELFERINK:** Nominate an agreement. We are still waiting for the list to come back, but what is your biggest grant?

**Ms BYRNES:** We pay the Legal Aid Commission.

**Mr ELFERINK:** How much do we pay them?

**Ms BYRNES:** We gave them \$4.6m this year.

**Mr ELFERINK:** That is a bucket load of money.

**Ms BYRNES:** Yes.

**Mr ELFERINK:** Clearly, you want more than a letter postmarked from Brazil saying: 'We had a wonderful time but we have provided the service you wanted'. There is some auditing process?

**Ms BYRNES:** Absolutely. They provide an annual report so we rely on the annual report for some of the acquittal of that funding. There is also a detailed process under way currently to renegotiate a new agreement that includes some very specific service deliverables.

**Mr ELFERINK:** Those service deliverables are not in there at the moment? Why have they been identified as an issue?

**Mr SHANAHAN:** Up until now we have been almost a post box for legal aid and their money through Treasury, and they report it under their act. They have requirements to audit their accounts. With the change to the national partnership agreements and legal aid funding, which is now coming through the national partnership agreement, we are now going to align our processes with the Commonwealth processes to simplify the reporting for them. We are going to have an agreement which is similar to the Commonwealth one to require them to report on different variables. There was also a review by KMPG last year which made some recommendations, so we are trying to accommodate those as well.

**Mr ELFERINK:** This may sound like a bizarre question. I have no doubt KPMG is a professional organisation, but was it a desk audit or did they go in and kick the tyres?

**Mr SHANAHAN:** No, the KPMG one was a review.

**Mr ELFERINK:** It was a review, so they went in and kicked the tyres and had a look around?

**Mr SHANAHAN:** Yes, they looked at both ours and ...

**Mr ELFERINK:** Counted paperclips and that type of thing. That is probably a bit extreme, but that type of thing. They had a good look.

**Mr SHANAHAN:** They looked at our systems and how we reported and that type of thing.

**Mr ELFERINK:** You are satisfied, with KPMG's good name attached to an audit, that what they said they spent the money on, it has been done?

**Mr SHANAHAN:** That was a joint review with the Commonwealth. We had to satisfy ourselves that not only were they doing what they were supposed to, but the money was attributed to the right cost areas.

**Mr ELFERINK:** Clearly, you would not go through such complicated processes for smaller grants. What is the smallest grant issued? Could you describe the acquittal process for that?

**Ms BYRNES:** I am thinking within the Community Justice Policy Grant space area, the smallest might be the Victims of Crime - the \$50 000 we pay for the cleanup assistance; that sort of thing. Other grants we pay are to do with the intervention and case management services that are provided at Darwin, Katherine and Alice Springs.

**Mr ELFERINK:** Who are they paid too?

**Ms BYRNES:** There are a variety of organisations they are paid to - Larrakia Nation, Tangentyere Council and Mission Australia.

**Mr ELFERINK:** How much were each of those grants?

**Ms BYRNES:** This was to be tabled. Do you want me to read it out?

**Mr ELFERINK:** If you have the documents here to be tabled.

**Ms BYRNES:** Sorry, my apologies, not yet. The payment to Larrakia Nation is for the Darwin intervention and case management service and the Darwin Night Patrol. The intervention case management for the current year is \$1.015m, and the Darwin Night Patrol service is \$600 000. The Alice Springs intervention and case management is \$350 000, and the Mission Australia service in Katherine for the intervention and case management is also \$350 000.

**Mr ELFERINK:** The Night Patrol was worth a little over \$1m?

**Ms BYRNES:** The Night Patrol service was \$600 000.

**Mr ELFERINK:** What was the one above it?

**Ms BYRNES:** The Darwin intervention and case management service.

**Mr ELFERINK:** Let us use Night Patrol because I am familiar with it. Do you, in the acquittal process, expect a report back that they have covered X number of kilometres, dealt with X number of clients and visited X number of places? How do you test that?

**Mr SHIELDS:** Yes, we receive activity data back from the Darwin Area Night Patrol. We receive quite a lot of information. For the period July 2011 to March 2012, there were 593 pick-ups from the CBD and One Mile; 406 from Palmerston.



**Mr ELFERINK:** That is fine, I get the picture. What I am trying to do is test the quality of the auditing processes in place. I am just curious. Whilst you say there are 11 grants administered, are there multiple recipients of each grant, or are there just 11 recipients?

**Mr SHIELDS:** There are 11 grants. Some recipients get more than one grant, as you heard. I think Lucie read the list of the two grants that go to the Larrakia Nation Aboriginal Corporation. One is the Darwin intervention and case management service and one is the Darwin Area Night Patrol.

**Mr ELFERINK:** Right. There are actually probably less than 11 recipients all up. Do you have that list here yet?

**Mr SHIELDS:** Yes, there are less than 11 - marginally less than 11 as there will be a couple like that.

**Mr ELFERINK:** Okay, can you just read them out quickly in that case? We still do not have a list?

**Mr SHIELDS:** The information is contained over a couple of briefs. There were the Public Safety Model ones that Lucie already read: two to Larrakia Nation; one to Tangentyere; and one to Mission Australia in Katherine. There was also ...

**Mr ELFERINK:** Okay, let us take the Mission Australia one. Those grants are ongoing, or are they reapplied for on an annual basis?

**Mr COATES:** I think they are for a fixed period, but they come up from time to time.

**Mr ELFERINK:** Okay. When they come up for renewal, how much advance notice do they get for renewal? For argument's sake, the Mission Australia one - are they on schedule? Have they been advised the grant is being reviewed? Has Tangentyere been advised their grant is being renewed? What is the lead-up time?

**Mr SHIELDS:** We mentioned before the Interagency Tasking and Coordination Group in each of those locations. The providers work closely with them, so people like police and other government and non-government agencies can provide feedback and information about where hot spots are. Some of the grants are modified or reviewed to take into account different circumstances.

**Mr ELFERINK:** My concern is this: let us just take Tangentyere for argument's sake. These grants are not insubstantial amounts of money. I would expect jobs to be attached to that money. This is bread-and-butter stuff, people with mortgages. I am just curious. It would be hard to hold on to staff - for Tangentyere for argument's sake - if they were not being told until two weeks before the end of the financial year that their grant money is being reviewed. Can you assure me these organisations which are the recipients of grants have been already advised their grants money is either going to be terminated and, if so, they have sufficient time for people to move on or, alternatively, whether those grants are going to be renewed? Has that been done?

**Mr SHIELDS:** The three organisations, Larrakia Nation, Tangentyere and Mission Australia, all were given three year grants, so it is a three-year agreement from 2010-11.

**Mr ELFERINK:** All right. Are there any up for renewal in this financial year?

**Mr SHIELDS:** None of those three.

**Mr ELFERINK:** Are there any up for renewal in this financial year?

**Mr KNIGHT:** That is the ...

**Mr ELFERINK:** Yes, I am just asking because I am trying to establish how these organisations will be looking at the moment - it is now June - if they have been advised whether the funding has been terminated or whether they are actually going to get further funding. You can imagine, from an administrative point of view, if you are running one of these shows and you are saying to staff: 'I do not know if you are going to have a job next week'. It would be an awkward situation for that organisation to be in. I am just trying to find out what the timeliness is in advice to those organisations which are up for renewal.

**Mr SHIELDS:** For the three Night Patrol services, they are three-year agreements, so that recognises that difficulty. Well within the expiry of the three-year time frame, we will communicate with them. Along the

way, they are receiving feedback on how their service is proving to be through the Interagency Tasking and Coordination Group. Then, there may well be variations made if there is a particular demand on something like Return to Country ...

**Mr ELFERINK:** So, returning to my question?

**Mr SHIELDS:** Well in advance of expiry of the three-year agreement, there are discussions with each of the providers. Being grant agreements, there is capacity to terminate earlier if there is non-performance or if there is a change in government policy or something like that. However, in the normal course of events, three-year funding agreement gives three years funding continuity and certainty, so people can employ staff. In the case of the Night Patrols, there is, obviously, equipment and vehicles and things involved as well. Well within the expiry of those agreements, we will be talking to them about any proposals for a further agreement.

**Mr ELFERINK:** My question was: are there any of these organisations that are currently relying on these grants that are up for renewal this year?

**Mr SHIELDS:** In respect of the Night Patrols, no; they are all three-year agreements. In respect of the other agreements, my understanding is they are all continuing.

**Mr ELFERINK:** They are all continuing? I notice a bit of yellow paper moving around and I ...

**Mr SHANAHAN:** There are two grants to legal aid services - I think it is the Legal Aid Commission, CAWLS, and there is two domestic violence grants which were given to them which was funding we got from DCF. We are in the process of sorting out with DCF as to whether there is any ongoing funding for that.

**Mr ELFERINK:** People relying on employment in those grants would still be uncertain as to whether or not there is money as at 1 July?

**Mr SHANAHAN:** Normally, when we get into this situation, we will give them an interim grant until we sort it out. In my experience, they would be given at least three months to try to sort things out.

**Mr ELFERINK:** All right. It is not an ideal situation.

**Mr SHANAHAN:** It is not ideal and we want to do the long-term thing first. But, in this particular case, that funding is actually coming from another department and we are trying to negotiate whether there is any ongoing funding because it is a top-up to the DV services.

**Mr ELFERINK:** Which department is that?

**Mr SHANAHAN:** DCF.

**Mr ELFERINK:** DCF, Department of Children and Families.

**Mr SHANAHAN:** It was part of the domestic violence strategy, a whole-of-government strategy which was funded.

**Mr ELFERINK:** The department of DCF, to you - to what was the organisation?

**Mr SHANAHAN:** CAWLS, Central Australian Women's Legal Service.

**Mr ELFERINK:** Central Australian Women's Legal Service, which is grant of what size?

**Mr SHANAHAN:** 300 and something.

**Ms BYRNES:** The amounts are in the vicinity of \$300 000 to \$400 000 a year. Half of that funding is, at this stage, unsecured into all of next year and ongoing. We have funding to pay them for at least the first half of the year.

**Mr ELFERINK:** Yes, that will be paying them for a couple of lawyers.

**Ms BRYNES:** Yes, but we are certainly working with the other agency. The drop-off in the funding has been recognised and we are working with them to secure that. As I said, we do have the funding to pay at least the first half of the year at this stage, so it is at least six months notice.

**Mr ELFERINK:** A surprising result considering the nature of this particular grant funding, minister. With your government's focus on domestic violence, that the Department of Children and Families would be tardy - to use a nice term - in providing grant funding for what would be a fairly important service by your policy standards.

**Mr KNIGHT:** Absolutely, that is why we are doing our best to try to get this matter sorted out.

**Mr ELFERINK:** Did we get that list?

**Mr KNIGHT:** Some of it has been provided, in bits and pieces. We might take it on notice.

**Mr ELFERINK:** Yes, I would not mind casting my eye over the whole list.

**Mr KNIGHT:** Yes, yes. We will take it on notice then.

**Mr ELFERINK:** Perhaps I can return to it if I have any questions.

**Mr CHAIRMAN:** Are you comfortable if we just move on and return to it when the list is produced?

**Mr ELFERINK:** Yes. I am not trying to be cute, but I would not mind seeing the list.

**Mr CHAIRMAN:** That is the will of the committee. Are you pausing at that point, John?

**Mr ELFERINK:** Yes, that is fine. It is with the committee's indulgence, and if the minister is indulgent, I am sure we can navigate our way through it.

**Mr CHAIRMAN:** Member for Nelson, Output 4.5, Community Justice Grants.

**Mr WOOD:** Are all the Night Patrols funded through the Community Justice Grants? In some of the smaller Aboriginal communities you will run into a Night Patrol; they are out there. Are they all funded through this system, or do they get grants from other places.

**Mr KNIGHT:** Night Patrol?

**Mr WOOD:** Are all Night Patrols funded?

**Mr SHANAHAN:** Most of them are federal government funded.

**Mr SHIELDS:** We fund the Darwin one.

**Mr KNIGHT:** Often they use the shires too.

**Mr WOOD:** Which Night Patrols do you fund through these grants?

**Mr SHIELDS:** Only the Darwin one.

**Mr WOOD:** Your annual report mentions previously separate grants for the Palmerston Information Referral Office and Darwin and Palmerston Night Patrol. Is Palmerston ...

**Mr SHANAHAN:** The Darwin one extends out to Palmerston - the Larrakia one - but Palmerston Information Referral Office money is tied up with the ICMS one.

**Mr WOOD:** Okay. That is all.

**OUTPUT GROUP 6.0 – YOUTH JUSTICE UNIT**  
**Output 6.1 - Youth Justice Unit**

**Mr CHAIRMAN:** In that case, we will move on to Output 6.1, but may return to Output 4.5.

Questions for Output Group 5.0, Licensing, Regulation and Alcohol Strategy were answered by the Minister for Racing, Gaming and Licensing and Alcohol Policy last Tuesday.

We now move to Output Group 6.0, Youth Justice Unit, Output 6.1, Youth Justice Unit.

**Mr ELFERINK:** I have 6.1, Youth Justice Unit. Perhaps we can all agree that we are talking about page 185 of Budget Paper No 3, if that helps deal with the issue.

**Mr CHAIRMAN:** We do not have an Output 4.6, so I assume we can deal with Youth Justice under Youth Justice Unit, Output 6.1.

**Mr ELFERINK:** We are happy with that? We are all singing off the same song sheet?

**Mr CHAIRMAN:** You have the call, member for Port Darwin.

**Mr ELFERINK:** Minister, there was no budget allocation for the Youth Justice Unit in the year 2011-12. The final estimate is \$217 000. Minister, on what date was this unit established, and why was it an off-budget spend?

**Ms BYRNES:** At this time last year, there was no budget yet established. When you see the original budget figure, then the revised estimate figure, the original budget figure is at a point in time when we do the budget papers. Then, through the year, a multitude of decisions might be made or taken by Cabinet and that is the revised estimate which can be then published. In this case, the decision to establish the unit was taken through the year.

**Mr ELFERINK:** It is an off-budget spend as a result of a Cabinet decision?

**A Witness:** Yes.

**Mr ELFERINK:** Minister, that Cabinet decision would have been a response to something such as a review of some sort?

**Mr KNIGHT:** Yes, there was the Youth Justice Review.

**Mr ELFERINK:** Yes, the Youth Justice Review.

**Ms RUDD:** Pippa Rudd, Acting Executive Director of the Youth Justice Unit. The review was presented to government on 30 September. Government responded on 24 October, and the Youth Justice Unit commenced on 7 November 2011.

**Mr ELFERINK:** The answer to that question was exactly that.

**Mr KNIGHT:** Yes. The recommendations have been coming forward to Cabinet. We consider it a way forward when we are allocating resources.

**Mr ELFERINK:** Where did the money come from, seeing it was off-budget? Was it a Treasurer's Advance or did it find its way from another section?

**Mr SHANAHAN:** We do not know how Treasury accounts for it, but it was a Cabinet decision and we were given extra money in our budget. Whether it was done by TA, I do not know.

**Mr ELFERINK:** It has not come from within your budget?

**Mr SHANAHAN:** No, no.

**Mr ELFERINK:** All of a sudden you got a cheque in the mail saying: 'You are doing this; here is \$217 000, off you go'.

**Mr SHANAHAN:** I do not know how they account for it.

**Mr ELFERINK:** Treasurer's Advance would be a likely source of this money. Was 1 November the kick-off date?

**Ms RUDD:** The kick-off date was 7 November - we officially commenced.

**Mr ELFERINK:** Minister, I am curious that next year's budget for the Youth Justice Unit is \$1m. Why the slow start? If you were going to calculate it backwards, you would expect it would have been around \$600 000 for the year 2011-12 in response to the review. So, \$217 000 bought us what?

**Mr KNIGHT:** I will ask Pippa to give you an explanation. However, as this has been unfolding, there has been much coordination work, reallocation of resources, transferring of resources, and administrative arrangements as well. That has been the bulk of the work going on. Pippa will be able to give you a breakdown of all her activities.

**Ms RUDD:** We commenced with seed funding of just over \$200 000. Lucie Byrnes, the Chief Finance Officer, may also wish to comment on some of those internal allocations that have also supported the unit, because we have been lucky enough to borrow staff and use resourcing from other divisions within the department. We particularly had substantial support from Legal Policy, Corporate Services, Community and Justice Policy. It was also Cabinet's decision, because of the nature of the recommendations, that input was required from across government. We have had staff seconded from other government departments.

**Mr ELFERINK:** You are active by virtue of the fact you have tapped into other departments budgets indirectly?

**Ms RUDD:** We have. We have had a secondee from the Department of Education and Training, a secondee from Police, Fire and Emergency Services, and a full-time secondee from the Department of Children and Families for six months.

**Mr ELFERINK:** That would explain how you are doing it so cheaply. I was curious because you are starting a brand new day. You have to find desks, the filing cabinet, get the computers hooked up, turn the lights on, and all that type of thing. It struck me as a fairly cheap way to start, but you have other staff being parachuted in. Will that continue or will you be expected to provide your own staff with \$1m?

**Ms RUDD:** We will be expected to provide our own staff within the core staffing of the Youth Justice Division but, because of the nature of the recommendations relating to coordination, there are a number of activities that will continue to have a high level of input from other departments.

Interagency panels operate for a number of referral processes at the moment; they would continue. It has also been a decision that we will co-locate wherever possible. A formal decision that the Youth Justice Division operational areas co-locate with the relevant police operational areas so we get that synergy in practice, particularly the Youth Diversion Units of police.

**Mr ELFERINK:** How much rubber do you have on the road right now?

**Ms RUDD:** We had an estimate of 30% of the recommendations implemented for this financial year and we are on track to achieve that. In relation to the direct operational service delivery, we do not commence taking on responsibility for those functions until 1 July this year.

**Mr ELFERINK:** In relation to people on the ground doing the job, how many do you have and how many do you expect by 1 July next year?

**Ms RUDD:** At this point in time, we have eight FTE. The transfers operate as follows over the year: 1 July 2012, the Youth Justice Support Unit transfers from the Department of Children and Families; on 1 September 2012, the Family Support Centres transfer from Department of Children and Families; on 1 March 2013, we will take over responsibility for Juvenile Community Corrections and Juvenile Detention. Staff from those areas will also transfer to the unit, and the functions and the funding.

**Mr ELFERINK:** So how many frontline workers do you currently have now?

**Ms RUDD:** We have no frontline workers because we are not actually delivering youth justice services.

**Mr ELFERINK:** So you are still in the establishment stage?

**Ms RUDD:** Yes.

**Mr ELFERINK:** Not until 1 July does that actually transfer into actual functions? Minister, that is a period of seven months from kick-off - from start to start, if you understand what I mean. Quick enough?

**Mr KNIGHT:** I have had representation from various legal organisations and the community sector, and they are asking us for slow and positive communications with them. It is very important, although we are not taking over services for a while, those services are still being delivered. It is about getting it right rather than going too fast with it. I have been asked for further consultation to get it completely right.

**Ms RUDD:** I also add in relation to that, one of the important things we decided in having a phased transfer is all of these services are essential - they cannot stop while we do the reforms to them. So, we need, in effect, two things working at once - the people delivering the services on the ground, the Community Corrections services, the Juvenile Detention services, the family support - while another team of people is doing the work to reform those services. It is unreasonable to expect people delivering services full-time to actually stop that.

**Mr ELFERINK:** Essentially, you are being asked to change the start plugs while the engine is still running?

**Ms RUDD:** Yes, we are, and we are doing that with extensive consultation with the operational service providers.

**Mr ELFERINK:** Check, thank you. Minister, you just said you are entering into further consultations with stakeholders. Which stakeholders are wanting further consultation with you and why?

**Mr KNIGHT:** We will get the full list.

**Ms RUDD:** It is quite an extensive list. In the consultation we have done thus far, the main areas of consultation have been on the development of the Youth Justice Strategy. It has also been on the development of the integrated case management through care model, and we have had discussions around the increased funding for juvenile diversion programs in Katherine and Tenant Creek.

In the non-government organisations: Central Australian Aboriginal Legal Aid; Central Australian Youth Justice; NAAJA; NTCOSS; Legal Aid Commission; NT Shelter; NT Yan; Steps; Youth Justice Advisory Committee; the Commonwealth Attorney-General's Department; FaHCSIA; Health and Ageing and Human Services; Palmerston City Council; a range of government organisations in the Northern Territory; the Round Table; and the Community and Public Sector Union.

As we go forward with the strategy consultations, we are also targeting broader local government organisations, some additional community services, the Chamber of Commerce business groups in Darwin, Katherine and Alice Springs, and representatives of victims' services.

**Mr ELFERINK:** Thank you for the list, comprehensive as it is. Why are people are seeking further consultations? Do they have problems with it, or are they just trying to get on board with it, or is there some concern about what is being done?

**Mr KNIGHT:** I guess it is about just comprehending the strategy.

**Mr ELFERINK:** So it is just basically getting the message out; there is nobody sitting out there saying, 'Oh, this is wrong or we should do it this way'?

**Mr KNIGHT:** No, it is a lot to absorb. It is a massive change within government, and it equally affects the external parties.

**Mr ELFERINK:** All right. No further questions.

**Mr WOOD:** It is good this is happening. Michelle went looking earlier this year to find out who the person is who is responsible for policies on diversion. She ended up going around in a big circle and coming back to where she started.

This process that is happening now is a positive process. I am referring to a review of the Northern Territory justice system report. There are nine recommendations. Pippa said that 30% of those recommendations had already been done. Can I find out which of those recommendations have been concluded?

**Mr KNIGHT:** I will get Pippa to provide that answer.

**Ms RUDD:** We have broken the recommendations down because you understand that some of them are multi-part. We have actually completed some parts of some recommendations, rather than completing recommendations outright. Looking at the recommendations, we are most close to completion of Recommendations 1 and 3, which relate to the administrative arrangements, orders, and the responsibility for youth justice.

We are also well advanced in relation to the consultation on the Youth Justice Strategy and the development of a draft strategy and in relation to the integrated case management and through care model, which is linked to Recommendation 5 around family responsibility programs,.

We are working around scoping the youth camp models based on the connected self-recommendations, which were picked up by this.

For Recommendation 5, youth diversion, the funding has been provided for expanded youth diversion units in Katherine and Tennant Creek, which was \$300 000.

We are working with the police around the legislative amendment which we hope to have ready by October 2012 to expand diversion, and we are working with police around the additional community-based programs in Katherine and Tennant Creek, and we have an additional \$100 000 for that in the upcoming financial year.

**Mr WOOD:** Thanks for that. I will just try to get it a little clearer. Under the outcome in the budget paper, it says:

*Provide youth justice policy advice to government, and programs and services to young people in, or at risk of entering, the youth justice system.*

One of the issues I have always felt makes you wonder whether duplication is a problem, is the number of people dealing with youth. When you look at the number of youth drop-in centres in Alice Springs, and include the YMCA on one side of town, Tangentyere, The Gap, and ANZAC Hill, will you be part of those services? To some extent, those services are early intervention as well, in relation to trying to keep kids out of the justice system. Do you see your Youth Justice Unit getting involved in a broader range of youth facilities, if you want to call it that?

**Ms RUDD:** We have to be mindful of scope creep to a certain extent. We are not child protection, we are not youth services generally. One of the things the review said was we have to be very clear about who is in or at risk of entering the youth justice system, and we needed to ensure our interventions were targeted and specialist. I do not see our role will be going forward in some of those more generalist services.

We are having many discussions around the targeting of services in accordance with risk and need to ensure we are getting the best bang for buck, by ensuring those young people who need it are getting the services.

**Mr WOOD:** Will you be there for working, say with the Edmund Rice education facility in Alice Springs?

**Ms RUDD:** Yes.

**Mr WOOD:** That is good. Just a couple of little things, I have to find them now. In the executive summary, the review examined each component of the system and found there was, in fact, no continuum; instead there was a fragmented and uncoordinated approach to the delivery of services and responses. Is that one of your major goals; to have a continuum for youth who are at risk?

**Ms RUDD:** Yes, that is one of our major goals.

**Mr WOOD:** How will you deal with non-government organisations that may be also dealing with - I know we mentioned Edmund Rice, but there are other groups who are involved with helping kids?

**Ms RUDD:** We would look at doing that on two levels – on a strategic and an operational level. Obviously, the consultation on the Youth Justice Strategy has been about involving NGOs in the

development of that. Government and NGOs are taking forward a shared approach. At that level, that is how we would do it.

At the level of the Family Responsibility Program, we currently operate interagency arrangements which look at individual young people who are at risk of entering the system, or maybe engaging in antisocial behaviour. Decisions are made about the level of intervention that is provided to them. We need to be expansionary in that approach and ensure that NGOs are at the table for those discussions. We see them as partners in service delivery. Operationally, in my view, the model we have been working and consulting on is about shared case management of young people.

**Mr WOOD:** You can follow a person right though? They are not just dropped off at the gate and forgotten about?

**Ms RUDD:** Absolutely, yes.

**Mr WOOD:** Minister, in relation to Recommendation 5 that resources be increased for police diversion to include the establishment of Youth Diversion Units in Katherine and Tennant Creek. I know it is all new, but have you had any discussions with the police over the future of Wongabilla? I visited there and heard complaints from staff that there was not enough funding. They told me what a great resource it is in relation to diversionary programs - nearly every kid who had been through there had not got into trouble.

I have had a great deal of difficulty finding out whether that praise has actually done anything, or they are still struggling. Again, would this Justice unit be working with people like those at Wongabilla to enhance that facility. To me, it would be a crying shame if it actually lost funding and was not able to continue down that road.

**Mr KNIGHT:** I personally have not had any interactions there.

**Ms RUDD:** The Wongabilla Equestrian Centre and the PCYC is staffed by the police. They are largely police services. As far as I am aware, they are not currently recipients of the diversionary funding we will be administering. Our priority in 2012-13 is the services in Katherine and Tennant Creek.

That said, following the meeting we had with you in relation to Wongabilla, we have started discussions with those agencies around ways in which we can support that service better. There are probably some ways in which we could do that.

**Mr WOOD:** Yes, this is where I get a little confused. When I asked the Police Commissioner about the PCYC, he said: 'It is not ours. It is a privately-run body and uses that name'. Yet, there were police staff at Wongabilla which is part of PCYC. I get a little confused. Maybe, in your role, Pippa, to try to get that continuum, you might be able to sort out who owns what when it comes to Wongabilla. It is good you are, at least, having discussions with them. I always feel working with animals is great for kids; it is one of those areas that is certainly a great help.

In relation to the youth rehabilitation camps - I have to ask the question, minister, because it was one of my favourite questions many years ago. Does Wildman River have a chance of being rebuilt?.

**Mr Elferink:** Under us it does.

**Ms RUDD:** At the moment, we are conducting land and infrastructure audits of various sites that are available. The recommendations are around expansion of the camp program; to have two short-term camps, two long-term residential programs in Central Australia and Top End respectively. We could say we would add those sites - any sites you suggest - to the infrastructure audit process. We have developed a set of minimum standards for the provision of those services. We have audited three sites thus far for long-term and short-term, and wilderness experience camps.

**Mr WOOD:** Once upon a time it did come up to a standard. It has been either knocked down, removed, or eaten. I hope that site is looked at again.

In Recommendation 6 you talk about short-term therapeutic camp programs. My knowledge of therapeutic programs is from Ohio, which is a fairly strict program of people, more or less, helping themselves but run to a fairly strict code of conduct. What is the basis behind therapeutic camp programs? What does that mean?



**Ms RUDD:** The models differ from the current service delivery in that they have clearly defined outcomes, some underpinning principles and practice around service delivery, target groups, and they would have an assessment of risk and need, which is something we have talked about before. Connected Self identified a number of things that made up a good therapeutic camp program. It said what works is therapeutic intervention that is intensive and multi-systemic - the award winning therapy is that multi-systemic therapy which we do not have in the Northern Territory; looking at it, it is a very expensive model and may not be suitable for the short-term camp program - also, education and training, cultural security, and a wilderness experience for the short-term camps.

**Mr WOOD:** When I saw a therapeutic facility in America - admittedly it was for adults - it was based on each person trying to help the other person. It was a 'he's my brother' type attitude, and it was very strong where they tried to help one another get back on the straight and narrow.

Minister, this was reported to this CTC and it is also in your report from the Department of Children and Families:

*The Chief Executive of DCF advised there was no readily accessible information regarding the new direction with the justice system. She has also commented that in order to extract the information it would have to be done manually. This is an unsatisfactory situation. It is also surprising that DoJ and DCF do not share common data. This represents an obvious barrier in delivering youth justice services and achieving better outcomes.*

What has been done to try to turn that around?

**Ms RUDD:** Locally, we have had a discussion within the department around court data relating to children who are in both the Family Matters Court and the Youth Justice Court. We do not have an outcome on that yet. It might take some months to work through whether the extraction is possible. However, nationally, the Australasian Juvenile Justice Administrators group is involved in a project that will be matching data from homelessness, child protection, and youth justice. We can expect to see benefits for the NT from participating in that.

**Mr WOOD:** Will there still be ongoing work to try to rectify the issues DCF has highlighted? It applies to other things as well, especially youth who have gone to remote communities, and people do not know where they are because they do not have a register.

**Ms RUDD:** From our perspective, the focus would be knowing the linkages between the youth justice and the child protection system. The other issues are for DCF.

**Mr WOOD:** Thanks for that. It would be good to hear how it is going later on. Those are all my questions.

**Mr CHAIRMAN:** We will take a quick break and be back in five minutes.

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The committee suspended.

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**Mr CHAIRMAN:** Minister, we will recommence. We understand you have the grants to table. The Tabled Papers Office has taken those. We are going to get them ...

**Mr ELFERINK:** I have no desire to return to them, we can get on with it.

## **OUTPUT 7.0 – WORK SAFE**

### **Output 7.1 – Regulation of Work Health and Safety**

**Mr CHAIRMAN:** They have been tabled which is good. We will recommence at Output Group 7.0, Work Safe, Output 7.1, Regulations of Work Health and Safety.

**Mr ELFERINK:** Thank you, Mr Chairman. Minister, in relation to the uniform national legislation, the Work Health and Safety Legislation we have here; how many other jurisdictions currently still do not have an operational uniform legislative instrument?

**Mr KNIGHT:** On 1 January this year, five jurisdictions of Australia commenced the new Work Health and Safety legislation, thereby delivering on their commitment to the IGA. These five jurisdictions include the Northern Territory, New South Wales, Queensland, ACT, and the Commonwealth.

**Mr ELFERINK:** So, Tasmania is missing, South Australia is missing. Who else? ACT?

**A Witness:** Western Australia.

**Mr ELFERINK:** Western Australia.

**Mr KNIGHT:** ACT is in.

**Mr ELFERINK:** I have Tasmania, WA, and SA out, and Victoria. So, the four of them out. How many of those are now indicating they will not introduce the legislation?

**Ms HULL:** Laurene Hull, Executive Director NT WorkSafe. Tasmania has actually passed the bill with the commencement date of 1 January 2013. In South Australia, the bill is still in the upper house and is still being debated. The WA government budget papers have indicated the bill is almost finished being drafted and will be introduced this year in WA. The Victorian government's position is unknown. I do not think they have recently made public statements.

**Mr ELFERINK:** Yes. My understanding is they are dragging the chain deliberately. The IGA required kick-off on 1 January this year. Is that correct?

**Mr KNIGHT:** That is right, to receive the bonus payments.

**Mr ELFERINK:** Yes, all right. So, it is hardly uniform at the moment, is it minister?

**Mr KNIGHT:** I do not know, but I guess you have heard the other jurisdictions are moving ever so ever so slowly, some quicker ...

**Mr ELFERINK:** And some may not at all.

**Mr KNIGHT:** ... to have it in place. It will get there within the next year.

**Mr ELFERINK:** And some may not at all.

**Mr KNIGHT:** They will be the exception rather than the rule.

**Mr ELFERINK:** Yes, it is not uniform. We have had this debate, so I am not going to dwell on it.

I note that the number of workplace visits, in the budget for 2011-12, was 2500, which was substantially less than workplace visits over the last few years. The footnote, of course, refers to the Work Health and Safety national uniform legislation.

It appears that WorkSafe has, nevertheless, returned almost to 2009 levels in workplace visits. How badly has the introduction of this legislation retarded workplace visits, considering the 2010-11 estimate was 5000 visits?

**Mr KNIGHT:** Can you please repeat the question? I am trying to get the gist of it.

**Mr ELFERINK:** It is pretty much there in the figures, but I want to get you on the record. You are estimating for this year the least number of visits to the workplace for the last three financial years. It is being attributed to the introduction of the WorkSafe uniform legislation. Would it not have been better to wait, if you like, even for six months, to introduce the legislation and maintain the number of workplace visits?

**Mr KNIGHT:** What I have is our completed workplace visits. The estimates for 2011-12 was 4000. As at 31 March - three-quarters of the year – we are up to 3747. We will probably exceed our estimate, given the full year.

**Mr ELFERINK:** All right. So, you will exceed your estimate?

**Mr KNIGHT:** At least come close. We are at three-quarters, and we have done 80%.

**Mr ELFERINK:** I do not want to dwell on it for too much, but it just concerns me, with the haste of introducing the national uniform legislation you may have forgotten or, to a degree, dropped the ball on actually looking after workplace safety.

**Mr KNIGHT:** I do not accept that. When did the initial discussions for the national reform start – what year?

**A witness:** 2008.

**Mr KNIGHT:** The IGA was signed in 2008. No doubt, a lot of work happened prior to that, so it is not as if it has been hasty - it has come ever so slowly. The work continues, and the workplace visits are occurring.

**Mr ELFERINK:** Just in fewer numbers. Anyway ...

**Mr KNIGHT:** Well, they are not. I guess the actual ...

**Mr ELFERINK:** But they are. For last year, 2010-11, was 4730, in 2009-10 it was 5053.

**Mr KNIGHT:** We had estimate of 4000 this year, and we will probably exceed that.

**Mr ELFERINK:** Which is less than the last few years - that is the point I am trying to make. The reason given is the workplace health and safety legislation is actually the problem. I draw your attention to Footnote 1:

*Completed workplace based visits.*

*Footnote 1. Inspectorate activity is expected to return to normal capacity in 2012-13 after a decline in activity from 2011-12 due to training and education demands associated with the introduction of the Workplace Health and Safety National Uniform legislation.*

**Mr KNIGHT:** You are saying we should not do training and education ...

**Mr ELFERINK:** No, I am not saying that.

**Mr KNIGHT:** ... about a new and better law, and just go out ...

**Mr ELFERINK:** I do not think it is new and better - that is part of the issue.

**Mr KNIGHT:** You are nitpicking there ...

**Mr ELFERINK:** I am not nitpicking. I am worried that this is about ensuring the workplace is safe. You are doing less visits because of the introduction of the legislation that is supposed to make the workplace safer.

**Mr KNIGHT:** Ultimately, it will. It is good legislation. There will be a national scheme eventually - it is well on the way. Obviously, bringing our inspectors up to the new standard is a once-off activity and is a training and education well spent.

**Mr ELFERINK:** Will we see improvements in things like asbestos removal, for example?

**Mr KNIGHT:** What is your problem with asbestos removal?

**Mr ELFERINK:** You are telling me we are going to see improvements under the new scheme - asbestos removal, like the issue recently in the paper about licences.

**Mr KNIGHT:** It will be safer. Ultimately, our goal is for not only workers in the workplace, but workers undertaking work in other workplaces. That is what the reform is all about.

There has been much work done with asbestos removalists, and everything done has been about protecting their health and the health of other workers in the workplace. That is our primary goal. We have

tried to work with the industry and, ultimately, it is just the transitional phase that is causing some - not all - operators some angst. We have been working with them and getting through it. Ultimately, this will prove a safer workplace, and safer for the public as well.

**Mr ELFERINK:** The angst you refer to, is that the matter that some licensed asbestos removalists in the past now cannot remove asbestos by virtue of the fact they have fallen outside a particular time parameter?

**Mr KNIGHT:** There are some transitional arrangements which have been conveyed to the industry. They are all about ensuring everybody is up to a high standard, not the cowboys who may have been in the industry before. It is about ensuring they are safe, the workplace is safe, and the general public is safe when they are close to these works. It has not been done to impede anybody; it is about making things safer and, ultimately, that is good for everybody.

**Mr ELFERINK:** It is impeding people you call cowboys.

**Mr KNIGHT:** There have been some. I am not saying anything applies to the Northern Territory, but there have been some operators who have not operated at a high standard, and the transitional arrangement is to protect them. Ultimately, they will move on to normal operations, but it was ...

**Mr ELFERINK:** Because they will sit there and mark time until such time as they have the required - what is it, a year?

**Mr KNIGHT:** It depends on how long they have had.

**Mr ELFERINK:** Let us say one of these cowboys - for lack of a better expression - who, up until now, has been lawfully removing asbestos and, now, suddenly finds they cannot. Where would they go if they needed to have asbestos removed as part of their contracting business? Is there a list?

**Mr KNIGHT:** I will pass you on to Laurene Hull to give you the rationale, in the operational sense, of why ...

**Mr ELFERINK:** The question is quite specific: where would they go to find a list of ...

**Mr KNIGHT:** You have given an example and I will get Laurene to explain the answer.

**Ms HULL:** The issue which is being agitated is not about removal but, rather, supervision of removal. It is a pretty complex arrangement. The transitional arrangement applies to existing licence holders and says they cannot supervise the removal of asbestos. They can still undertake the work, but they cannot supervise it until they have had 12 months experience in the industry. That is part of lifting the standard, as the minister was saying. The objective of a national benchmarking in this area is to lift the standard across Australia for the removal of asbestos. I am sure it is a matter of public record everywhere: the danger asbestos poses - the trajectory. There is an upward incline on the expected disease rate due to exposure to asbestos in Australia over the next 20 years. Clearly, the evidence is there to justify the improvement in the standard.

**Mr ELFERINK:** The reason I asked the question - you have somebody who is licensed in the Territory to remove asbestos, along comes the new scheme and, unless they have done a year, they cannot supervise. At what point does that clock for that one year start ticking? Is it at the time the legislation is introduced, or the time they were issued with a Territory licence?

**Ms HULL:** The time they were issued with a Territory licence.

**Mr ELFERINK:** So, people who were licensed within the last 12 months prior to the commencement of the legislation then have to wait until such time as 12 months has expired from the issue of the original licence before they can start supervising?

**Ms HULL:** That is correct. They can still remove, and it is expected they do still participate in the industry, because the standard is intended to ensure people have experience as part of their qualification.

**Mr ELFERINK:** The challenge many of these operators have is they require, particularly on certain jobs, to have staff with them; they just cannot do it themselves. What is being related to me is they are actually not doing it; they are actually getting other subbies to come in who have the supervision capacity. As a consequence, the practical result of this is they are actually not supervising, they are sitting on an asbestos

licence and are not removing asbestos themselves. They are just sitting on the licence until the day comes along, tick happens, then they can go off and supervise. They are actually not doing the work themselves at the moment. I am getting that from a couple of sources, which is of concern.

How many electricians are there in WorkSafe - qualified tradesmen?

**Ms HULL:** We currently employ six electrical safety inspectors - five in Darwin and one in Alice Springs.

**Mr ELFERINK:** Are they electricians?

**Ms HULL:** Yes.

**Mr ELFERINK:** They are electricians?

**Ms HULL:** Yes.

**Mr ELFERINK:** Plumbers?

**Ms HULL:** We do not employ plumbers.

**Mr ELFERINK:** Building inspectors?

**Ms HULL:** We do not employ building inspectors.

**Mr ELFERINK:** What trades do you employ in the WorkSafe environment?

**Ms HULL:** We employ electricians because of the power provided to them under the *Electricity Reform Act* to disconnect or make safe connections. In order to work on the network they need to be licensed to do so. Our inspectors are not required to have a trade qualification.

**Mr ELFERINK:** Your inspectors are not required to have a trade qualification? Okay, so what qualifications do your inspectors have?

**Ms HULL:** Every inspector is trained in the national standard of inspectorate training, which is a Diploma of Government - Workplace Inspections. When they are recruited they are offered that training, and that is at the national standard. They receive other training during the course of their employment.

**Mr ELFERINK:** Okay. Are they supervised in their inspectorial role until such time as they have that qualification? How many people do you have working for you who have that qualification?

**Ms HULL:** I might need to get some assistance to count up who actually has that at the moment, so I might need to take that on notice.

It usually takes around six months of supervision before an inspector is authorised under the act to operate on their own. We undertake to provide them with the nationally-recognised training within one to two years of their employment with us.

**Mr ELFERINK:** That is the diploma. Who provides it?

**Ms HULL:** The diploma is issued by Charles Darwin University.

**Mr ELFERINK:** Okay. What is the substance of the course? Do you have a breakdown of the units, something that can be tabled?

**Ms HULL:** Nothing.

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#### Question on Notice No 9.09

**Mr CHAIRMAN:** Can we have that question again, to take it on notice?

**Mr ELFERINK:** Can we have a breakdown of the course of training made available to inspectors?

**Mr CHAIRMAN:** That is question No 9.09.

**Mr KNIGHT:** What is the name of the course again, Ms Hull?

**Ms HULL:** Diploma of Government - Workplace Inspections.

**Mr ELFERINK:** An idea of the structure of your organisation? You are the Executive Director, obviously. You have how many directors working underneath you?

**Ms HULL:** There are four directors and we have a temporary role, Director Regulatory Reform.

**Mr ELFERINK:** Okay, so you have four directors, plus one temp. Do you have a flow chart for your whole organisation?

**Ms HULL:** Let me just count up. Yes, four with one temporary.

**Mr ELFERINK:** Okay, how many staff overall in the organisation?

**Mr KNIGHT:** As at Pay 20 for 2012, there were 54 FTEs.

**Mr ELFERINK:** 54 full-time equivalents.

**Mr KNIGHT:** 54.09 apparently.

**Mr ELFERINK:** Point 09? Was that the short person or something?

**Mr KNIGHT:** I do not know.

**Mr ELFERINK:** I know I am chopping and changing a bit, minister. There used to be a publication that came out of WorkSafe some time ago dealing with electrical inspections and safety which went to the industry. Do we still produce that publication?

**Ms HULL:** Which publication is that?

**Mr ELFERINK:** It was a quarterly circular, if memory serves me, which dealt with electrical issues predominantly or almost exclusively. It went out to industry - everyone who was licensed as an electrician in the Northern Territory. I was wondering if we still produce it.

**Ms HULL:** Perhaps you are referring to something the electrical workers board used to issue.

**Mr ELFERINK:** No, I was pretty sure it came out of WorkSafe. Sorry, I will have to go and double check that.

How many prosecutions were commenced through WorkSafe in the last financial year?

**Mr KNIGHT:** That was what year, sorry?

**Mr ELFERINK:** In the 2011-12 year. I realise it is not complete yet.

**Mr KNIGHT:** There were three prosecutions, and they related to investigations that occurred in the previous financial year. In this current financial year, there are eight investigations currently on foot.

**Mr ELFERINK:** Of the three that were prosecuted, how many led to a successful outcome? Paspaley Pearls, I presume, would have been one of them.

**Ms HULL:** The data provided was to 31 March 2012, so Paspaley would not have been included in that.

**Mr ELFERINK:** Of the three, how many would have been successfully resolved with a finding of guilt?

**Ms HULL:** Three.

**Mr ELFERINK:** Three. So, three prosecutions commenced or is that number three commencements or completions? That is completions, how many were commenced? Or is it three commenced, three successful?

**Ms HULL:** Three commenced, three successful, to the financial year 31 March 2012.

**Mr ELFERINK:** Okay, and there currently eight investigations on foot?

**Mr KNIGHT:** Correct.

**Mr ELFERINK:** What about the financial year before the current, the 2010-11 financial year?

**Mr KNIGHT:** Laurene, do you have those figures or not?

**Ms HULL:** There were six investigations conducted and six completed. Three of those were prosecuted this year.

**Mr ELFERINK:** That is the three you are referring to that have led to final convictions?

**Ms HULL:** That is right.

**Mr ELFERINK:** How many of those were contested and how many of those were guilty pleas?

**Ms HULL:** I need to take it on notice.

**Mr CHAIRMAN:** If you could say the question again, member for Port Darwin?

**Mr ELFERINK:** Yes, the question was how many prosecutions started by WorkSafe for the financial year to 31 March were contested and how many were guilty pleas?

**Mr KNIGHT:** For what year, sorry?

**Mr ELFERINK:** The financial year 2011-12 to 31 March. That is the three prosecutions we have been talking about.

**Ms HULL:** I have just been informed that two were pleas and one was contested.

**Mr CHAIRMAN:** Does that answer the question?

**Mr ELFERINK:** Yes, that does.

**Mr CHAIRMAN:** Right, that be a question will not be taken on notice?

**Mr ELFERINK:** Yes, kill that one. Okay, my computer has shut down. Last year, the issue of – just hang on for one second. Minister, the other issue I wanted to raise was the matter of the two positions in Katherine which were left vacant last year. What is the status of those positions?

**Mr KNIGHT:** I can get Ms Hull to answer that. Again, as I said in parliament, I thank the two staff members down there who retired at a ripe old age, and provided some valuable experience and knowledge for us. I will just get Laurene to answer that question.

**Ms HULL:** The last person to retire from Katherine left in March 2011. Since that time, we have unsuccessfully advertised three times for positions to be filled. I am advised our most recent round of advertising has attracted one applicant from Katherine, and the panel has still to sit on that selection. We hope that will be fruitful.

**Mr WESTRA van HOLTHE:** If I might ask? When was that advertised and where?

**Ms HULL:** They were advertised in the *NT News* and on the government job website. I do not have the exact dates; one was quite recently, two weeks ago. The others were spread between the last 12 months.

**Mr WESTRA van HOLTHE:** In previous advertising, had you received any applicants in relation to those ads?

**Ms HULL:** I do not believe so, but I really should take that on notice and check that.

**Mr WESTRA van HOLTHE:** It is not necessary to put it on notice.

**Mr ELFERINK:** You still have the office in Katherine, I understand?

**Mr KNIGHT:** Yes, we do, and we have had staff coming down from Darwin, as I understand, to undertake inspections. That will continue until we get sufficient resources down there. There is a genuine desire to find Katherine residents and train them up in those positions. I will just get Laurene to give us a bit of advice about the office and the visitations from Darwin as well.

**Ms HULL:** Yes, the office is maintained in Katherine and it is used by our inspectors who attend at Katherine, either for routine visits or for incident investigations, etcetera. We have always serviced the specialist electrical trades from the Darwin office. We have never had an electrical person in Katherine, they have always travelled from Darwin. We similarly serviced the mining industry with our Mines Safety staff when there were mines in that region.

**Mr ELFERINK:** How many hours have been dedicated to Katherine, in actual hours spent in Katherine, not including travelling time - or including travelling time if you cannot separate that out?

**Mr KNIGHT:** Do you collect those figures, or do you want to take that on notice?

**Ms HULL:** I can take it on notice. I am not sure if ...

**Mr ELFERINK:** This would be subject to some sort TA, I presume. You could track it back through nights of TA paid, which would give you eight hours a day per person.

**Mr KNIGHT:** Yes, we would have to take it on notice and try to provide what data we can, whether it be days or hours.

**Mr ELFERINK:** I am giving you a vehicle to track it.

**Mr KNIGHT:** Can you give us a time period?

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#### Question on Notice No. 9.10

**Mr ELFERINK:** Since the positions became vacant, how many hours have been dedicated to the provision of NT WorkSafe services to the people of Katherine by visiting Darwin employees, including a provision in that calculation for travelling time?

**Mr KNIGHT:** Yes, I will take that on notice, Mr Chairman.

**Mr CHAIRMAN:** That is No 9.10.

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**Mr WESTRA van HOLTHE:** Last year, there were no work health safety inspections done on premises that sold fireworks in Katherine. Will you guarantee those inspections will occur this year?

**Ms HULL:** I am not sure it is correct there were no inspections done in the lead-up to Territory Day. However, it is correct we had no staff on the ground for the actual Territory Day. We certainly will be inspecting premises prior to Territory Day this year. We are not planning to have anyone on the ground on the day. We make arrangements in places where we do not have permanent staff with Police, Fire and Emergency Services to assist us with any inquiries or complaints that occur during that time.

**Mr ELFERINK:** I have a raft of questions but time is getting the better of us, Mr Chairman. I will pass it over.

**Mr CHAIRMAN:** Member for Nelson, any questions to Regulations of Work Health and Safety?

**Mr WOOD:** I do. In relation to tagging of electrical cords in government facilities, is there a regulation that requires those cords to be tagged every year? If that is not the case, what requirement can I find in a document which says that has to happen?



**Mr KNIGHT:** You have asked this question before.

**Mr WOOD:** No, we ran out of time last year. We tried last year's Estimates and they said: 'Thank you'.

**Mr KNIGHT:** You asked it in parliament before. I take your point, and I will see if Laurene has an answer for you this time.

**Ms HULL:** There is no specific requirement in the law of the Northern Territory which says you must test and tag at a certain interval. The law requires you undertake a risk assessment, and applying the risk assessment, you have your equipment tested. The tagging of electrical equipment is just evidence of the test. The tag actually does not fulfil any safety requirement. You make a risk assessment.

There is some quite good guidance material around about this, including a soon-to-be-published code of practice on exactly this issue because it has been a source of some confusion over the years. The kinds of issues you look at when you are making a risk assessment are: what environment the equipment is being used in; if the equipment is being moved a lot - for example, cleaner's equipment or equipment used in wet, damp conditions; or where this is much dirt around - anything that could cause the cords to fray, the equipment contacts to be corroded, all of that sort of thing. They are the matters you take into account, and there is some guidance material provided around that. However, there is nothing on the face of the law.

**Mr WOOD:** Do you think there is actually a little convenient conning of various places; that they have to have someone come in regularly, and at a large expense, I imagine? If you put a tag on every cord in every government building that would be pretty expensive. Do you think there has been some misinformation out there in the community that this is a requirement when, in actual fact, it should be a case of horses for courses?

**Mr KNIGHT:** You might put a lot of people out of work, Mr Wood.

**Mr WOOD:** It is expensive.

**Mr KNIGHT:** As Ms Hull has indicated, perhaps there is a bit of misinformation around that. As you said, each workplace has to do a risk assessment. I know many of the hire companies, all of their equipment is quite regularly tagged, and presumably is even more frequently inspected, given that it is ...

**Mr WOOD:** Yes, I am probably more referring now to government. We are talking about, again, to get back to budget deficit, how can we save money? Common sense is the thing that applies. Laurene said it is about movable objects, and maybe objects that are in the wet areas. If I go to a school and see a whole pile of static computer screens at a desk and they all have to be tagged, and the plasma TV on the wall has to be tagged, I have to start wondering - fair go, unless you have a bad case of rats in the building.

All I am asking is: does the government have a policy which requires all cords in their buildings be tagged every year?

**Mr KNIGHT:** I am not aware of the policy.

**Ms HULL:** As the regulator, I am not sure what government policy is. I certainly know in my workplace we undertake a risk assessment, so you will not find a tag on every computer screen at WorkSafe.

**Mr WOOD:** So each individual department is making that decision?

**Mrs HULL:** That is my assumption.

**Mr KNIGHT:** That is a valid point. We will take it back.

**Mr WOOD:** When I see the battery charger for my camera with a tag on it, I go, yes. It just sits there, it does not do anything. All right, moving along quickly.

Favourite topic. I had a gentlemen e-mail me a great heap of questions about the witches hats. It is about the code of safety required where contractors work on roads. Again, like the tags, is there some regulation I can get my hands on that says that, for instance, if you are painting the bus stop at the corner of Virginia Road and the Stuart Highway, you are required to have one of those little utes with a thing on the back to say 'move away', and a whole pile of witches hats? Is that a requirement I can find in legislation anywhere?

**Mr KNIGHT:** I am more concerned about the young Irish and English girls not wearing hats or sunscreen, Mr Wood. I am very concerned about that. Laurene.

**Ms HULL:** No. In the legislation that WorkSafe administers, there is no specific prescriptive arrangement for when you need to have traffic management of that nature undertaken. Again, because it is performance-based legislation, it is low on prescription. Really, the duty holders are obliged to undertake a risk assessment, and if their assessment is they need to provide professional traffic management, or witches hats, or people with lolly pops, then that is their duty to undertake.

We do not have any current evidence that there are breaches of duty in this area; however, I note there was a prosecution in 2007 which was, unfortunately, arising from the death of a worker following a failure to have good traffic management in place.

If I might, minister, my observation is that, in the past five years, traffic management has really improved in the City of Darwin. In the outer areas, I think there is a way to go.

**Mr WOOD:** I should make it clear I am not against safety on the roads, especially our highways. But, when you see a whole pile of witches hats, a truck, and two blokes painting a bus shelter - if it is unsafe to paint the bus shelter, it is unsafe to catch the bus, because you actually get a bit closer to the road. Again, I just want to know what the common sense is. In fact, I did not have the photograph here, but this gentleman had a picture of a bus shelter that was well off the road, yet it had witches hats and signs. I just wonder, is it the departments that actually drive the requirements, rather than work?

**Mr KNIGHT:** It could well be in the DCI contracts where they specify a level of ...

**Mr WOOD:** I heard 20 m off the edge of the Stuart Highway requires witches hats, signs, and all types of things. I am not so sure if you are putting a fence up along the edge of the Stuart Highway, you have to have witches hats. I am probably trying to get to the point again: there is nothing wrong with safety but I would hate to see it taken to an extreme where it is actually just silly. I was told it was something like \$1200 extra for painting the bus stop because of those requirements. The other issue this gentleman has been asking about is where do people take some responsibility for their own safety?

**Mr KNIGHT:** Yes. If DCI is putting requirements on, or undertaking to provide advice on the level of traffic management, they are presumably, ultimately, liable. I guess they would be erring on the side of caution, rather than be in the situation where someone is actually killed. I imagine they would be liable if they under-prescribed traffic management. So, he has a valid point, but ...

**Mr WOOD:** I would not mind shares in witches hats and visibility vests these days. You would make a fortune.

**Mr KNIGHT:** I have noticed of late - I guess because of the incident at Noonamah - the Bushfires Council is using the big electronic signs now warning about burn-offs.

**Mr WOOD:** Yes. It is a matter of finding a balance between safety, common sense, and the cost. Minister, in relation to ...

**Mr KNIGHT:** Sorry, Laurene, do you want to add any more?

**Ms HULL:** Thank you. Those elements you just pointed out, Mr Wood, are actually the elements that make up the standard of the duty of care under the new legislation which is known as reasonably practicable. So, it is a balance of all of those elements. That is what the law requires - a balance.

**Mr WOOD:** That was a good coincidence; I did not write that. I had a gentleman turn up during the week concerned about pressure vessels. You have probably heard something about it already, but I am not here necessarily to debate the issue he brought forward because it was a little complicated. I have been trying to do Estimates at the same time.

However, what is the issue in relation to the registration of pressure vessels? Is it the case there is some government equipment that is not able to be registered because there are no original papers for that particular pressure vessel, but it has been given an exemption by your department to continue to operate which, in theory, would be illegal?

**Mr KNIGHT:** Sounds like you know a lot about these pressure vessels. There have probably been a few in parliament called pressure vessels.

**Mr WOOD:** Yes, I have been here this long the last two weeks; I am feeling like a pressure vessel.

**Mr KNIGHT:** Sounds like Laurene is understanding what you are talking about so ...

**Ms HULL:** I hope I do. First, I know of no exemptions that have been given. The law certainly provides that if a piece of plant is so old it does not have the original paperwork to allow it to be design registered, a subsequent engineering assessment can be lodged and provisional arrangements made with conditional inspections and things like that. But, that is different to an exemption. I would probably need more detail to understand exactly what the issue is but, generally, I can say there has been no exemptions issued.

**Mr WOOD:** This is a Darwin company which, basically, said it is going to tell people we cannot inspect these vessels - because sometimes they are boilers, or air compressors - because we cannot get the paperwork. Many people have lost this type of stuff, because you renew every two years. He is saying there is an issue here he believes is in conflict with WorkSafe. If it needs more following up, I will do that. There has not been enough time. I thought you could give me a rundown of how the process of registering these pressure vessels works.

**Mr KNIGHT:** Anything more to add, Laurene?

**Ms HULL:** No, I need to take the specific case, but I am happy to ...

**Mr WOOD:** I will get some more information. Michelle is working with somebody from the department, but I raised it because we said we would raise it for them.

Minister, what role does your department have in checking out places where children would be working for work experience?

**Mr KNIGHT:** I will refer to Laurene Hull.

**Ms HULL:** We do not have a role at all in checking out workplaces for work experience. I have watched the discourse about this in the parliament over the last sittings and during Estimates. The primary thing I can say is the law has not changed in this space. I can only assume a change undertaken by the department is driven by a renewed focus following the publicity around the model laws.

**Mr WOOD:** To make it clear: the new laws have nothing to do with the change that has been put into place now about ensuring a workplace is safe for a work experience child to work at?

**Ms HULL:** As far as the department of Education is concerned, the law has not changed. We certainly welcome the improved attention, if that is what it is, because it is important to ensure kids are kept safe. There is the distinction between work experience and a work placement. Whether you are standing there and watching or undertaking the work, the second scenario would require the person hosting the student to undertake a quite extensive risk assessment and make arrangements in accordance with the level of skill of the worker - in this case, the student. The law has not changed on this at all. We do not have a role in accrediting a workplace as a safe place for a student, etcetera.

**Mr WOOD:** That is good to hear. There were many stories going around. As it was, perhaps it was not being done as well as it should have been in the past?

**Ms HULL:** I cannot comment about that. I am unaware of any issues. I am unaware of any breaches around this. As I said, if agencies are paying renewed attention and greater focus, that is probably a good thing, taking into account balance in all of those matters.

**Mr WOOD:** That is all the questions I have.

**Mr KNIGHT:** The 'she'll be right' attitude with the work experience has certainly changed.

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**Answer to Question on Notice No 9.06**

**Mr KNIGHT:** I have an answer to a question on notice.

**Madam DEPUTY CHAIR:** Which number?

**Mr KNIGHT:** This applies to question No 9.06. It is Output Group for the Commissioner of Public Interest Disclosures. The question was: how many section 35(b) confidentiality directives have been issued since the legislation was amended in 2010?

The response is: the confidentiality provisions in the *Public Interest Disclosure Act* are primarily designed to protect the discloser and to assist the investigation process. Section 53(b)(i) of the act allows the commissioner to serve a written notice on a person not to disclose to another, without consent other than the person's lawyer:

- (a) information given to the person by the commissioner; or
- (b) that an investigation is being or has been conducted; or
- (c) that the person has under section 26 been requested or required to give information or a document or a thing.

An intentional or reckless breach attracts a penalty of 400 penalty units or two years imprisonment. Since 2010, it has been necessary to issue section 53(b) notices in 12 investigations. In these 12 investigations, a total of 70 section 53(b) notices have been served.

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**Madam DEPUTY CHAIR:** Thanks, minister. That concludes consideration of Output Group 7.0. Before we conclude, are there any non-output specific budget-related questions for the Department of Justice? No? That concludes consideration of all Justice related output groups.

**Mr KNIGHT:** I thank all the Department of Justice staff for their assistance.

**Madam DEPUTY CHAIR:** Minister, thank you and your officers for appearing this evening.

## SENIOR TERRITORIANS

### Output 8.1 – Support for Senior Territorians and Pensioner Concessions

**Madam DEPUTY CHAIR:** We are going to reconvene with Support for Senior Territorians and Pensioner Concessions. We have until 10.30 pm, minister.

Minister, if there is an opening statement you would like to make I suggest you make it very brief. Would you like to introduce the officials accompanying you?

**Mr KNIGHT:** It is a very brief opening statement. Thank you very much, Madam Deputy Chair. I would like to take questions on the output Support for Senior Territorians and Pensioner Concessions. The output has grown by over \$4.28m to \$24.09m for the 2012-2013 financial year, demonstrating this government's commitment to supporting senior Territorians.

The output relates to the operations of the Office of Senior Territorians, including Seniors Month, the Seniors Card scheme, and the Northern Territory Pensioner and Carer Concession Scheme. It does not relate to services for frail aged or people with a disability. Questions of this nature should have been directed to the Minister for Health.

I will now introduce the officers of the department: Chief Executive Officer, Mr Jeff Moffet; Nikki Walford, Acting Executive Director of Health Services; and Robyn Westerman, Director of Aged and Disability Services. Correction, Sam Livesley is Acting Assistant Director.

Thank you. That is it.

**Madam DEPUTY CHAIR:** That was very brief, minister.

**Mr KNIGHT:** You told me to be brief.

**Madam DEPUTY CHAIR:** Are there any questions on the minister's statement?

**Mr STYLES:** Minister, in your opening statement you said there has been an increase of \$4m-odd in the budget. Can you tell me where that came from, please?

**Mr KNIGHT:** The estimate for 2011-2012 was \$22.091m and the estimate for 2012-2013 is \$24.090m. The increase is \$4.78m to Northern Territory funded initiatives or program expansions. That is a \$0.5m adjustment to the pensioner concession scheme - \$4.6m to support the Pensioner and Carer Concession Scheme. There is a reduction for additional services to provide for fee for service. That was a CSO input tax credit refund, and I will get some more explanation on that.

There is a wages increase of \$446m, \$56 000 for relocation of resources to meet the service demand pressures, \$26 000 for the balance sheet - this is for additional depreciation capacity. There are also transfers of programs to agencies and the variations to the Australian government funding. That was a nett of \$1.999m.

**Mr STYLES:** The nett is \$1.999m?

**Mr KNIGHT:** The Pensioner and Carer Concession Scheme has increased by \$4.6m. There were some ins and outs, as I have described. Some Australian government funding ceased, which was \$1.199m.

**Mr STYLES:** Excuse my ignorance, minister, where will I find that in Budget Paper No 3?

**Mr KNIGHT:** I am looking at the ins and outs.

**Mr STYLES:** Are you reading from a different document, not Budget Paper No 3? Page 146 is where I am looking.

**Mr KNIGHT:** I will ask Jeff Moffet to explain.

**Mr MOFFET:** Jeff Moffet, Chief Executive, Department of Health. We had a one-off payment for the 2011-12 year which is netted off against the \$4.6m recurrent increase for this year. There was \$2.1m in 2011-12 for this current year. That was a one-off adjustment from the ATO for an input tax credit refund. That has offset the underlying base program increase of \$4.6m this year, but will not offset it next year.

**Mr STYLES:** The figure of \$24.090m is a different figure than what is on page 141 of the budget papers. The document the minister is reading from, is the minister able to table that to explain some of the differences?

**Mr KNIGHT:** Yes. Are you looking at the BP3 outputs - the recipients?

**Mr STYLES:** I am looking at the line budget figures on support for Senior Territorians and Pensioner Concessions on page 146. It says pensioner concessioner recipients, and we have a budget figure of \$24.6m.

**Mr MOFFET:** Yes, that is the activity measure for that BP3, so that is the actual recipients.

**Mr KNIGHT:** People rather than dollars.

**Mr STYLES:** Where is your dollar figure on what we are actually spending? Where do you get the \$24.09m? I am looking for figures - the figures I have read recently are a little different.

**Mr KNIGHT:** If you go to page 139, Department of Health, Health and Wellbeing Services, Support for Senior Territorians and Pensioner Concessions, you get a figure of \$24.09m.

**Mr STYLES:** Good, thank you, up from \$22.91m. When you say the nett \$4m increase and then you go back down to - I am a little confused and it would be nice if someone could enlighten me.

**Mr KNIGHT:** That nett increase is \$1.999m and is reflective of some ins and outs in this budget area. For program expansion, we have had \$4.6m for the Pensioner and Carer Concession Scheme. There is also \$0.5m going into the Pensioner and Carer Concession Scheme, so that is additional. Then we have had the input tax credit refund come out, and increases in wages for CPI and some relocation resources going in, some balance sheet additions for depreciation, and a small amount of transfer to other agencies. What was mentioned before about the Australian government funding ceasing this year - that was the aged

and disability forward years adjustment and the e-Health tripartite agreement coming out. That totalled \$1.19m. There was money coming in and out and the nett is just shy on \$2m, but the Pensioner and Carer Concession Scheme has been increased.

**Mr STYLES:** Minister, are you able to table that breakdown?

**Mr KNIGHT:** We can provide a clean one to you.

**Mr STYLES:** That would be good, thank you. Minister, can you enlighten us as to how much the interstate travel assistance scheme has been rorted, in dollar terms, by travel agents? Can you tell us how many travel agents may have been involved?

**Mr KNIGHT:** Rorted?

**Mr STYLES:** Yes. How much has been lost to travel agents who have not passed the benefit pensioners receive - the 50% every two years and the full fare every four years?

It relates to the type of thing raised in January this year when a travel agent was ...

**Mr KNIGHT:** That was Travelscene. You seem to be indicating there were many. I am only aware of Travelscene, but I will ask Sam to provide some more details.

**Ms LIVESLEY:** We are only aware of Travelscene at this stage and the amount incurred by the department was approximately \$11 000. We reinstated the concessions of affected members, and we have made formal reports to the police and Consumer Affairs.

**Mr STYLES:** Minister, is the amount of taxpayers' money lost \$11 000?

**Mr KNIGHT:** That is what has been stated. That was a fraud case and we have lost money. Obviously, there are many seniors and other individuals in the community who have lost much money as well.

**Mr STYLES:** Of course, I just want to get it on the record that it has gone to the police as a fraud complaint.

**Mr KNIGHT:** Yes, it has, and we have been working with the police on this matter for some time.

**Mr STYLES:** Minister, can you tell me the current status of the Senior Territorians Advisory Council?

**Mr KNIGHT:** Current and ongoing.

**Mr STYLES:** Can you tell us where it is at the moment?

**Mr KNIGHT:** I do not know what bits you want to know about it.

**Mr STYLES:** Has it met?

**Mr KNIGHT:** Yes.

**Mr STYLES:** How often does it meet?

**Mr KNIGHT:** It meets quarterly. It was reformed. At the beginning of the year the new committee was put in place. It had an inaugural meeting on 29 March this year; it was a new structure of the Senior Territorians Advisory Council. It is now a representation of most of the major seniors organisations in the Northern Territory. We are also striving to get some regional representation from those groups as well. They are a good bunch of people and are actively pursuing issues and reviewing government policy.

**Mr STYLES:** What level of funding does it receive?

**Ms LIVESLEY:** We have a budget of approximately \$25 000 which covers meeting expenses and travel for members from the regional areas.

**Mr STYLES:** What does it cover in relation to what the Senior Territorian Advisory Council does and the Council of the Ageing? We have two bodies -the Senior Territorians Advisory Council and the Council of the Ageing. What is the difference between the two?

**Mr KNIGHT:** Basically, the advisory council does exactly what it says - it provides advice to government, through me, on the activities of government. We also ask it to raise issues with us, so it is a two-way street. Members will be meeting ministers, as time goes on - work through the various ministers. COTA has its own round table. The advantage, and what we try to utilise with STAC, is trying to get some of the regional reps together. Obviously, National Seniors is fairly strong in Alice Springs. COTA does not have the resources to get all those people together even though National Seniors are represented in Darwin. We have Katherine senior citizens and Tennant Creek senior citizens represented as well, and U3A from Alice Springs. It is a good, broad representation of seniors groups in the Territory.

**Mr STYLES:** We have, basically, the two groups advising and reviewing government policy.

**Mr KNIGHT:** I am not too sure. I meet with COTA. COTA is on my advisory council but has its own round table. I met the previous round table a couple of times. It conducts its own activities. I do not constitute it; it is able to do that.

**Mr STYLES:** What level of funding do you give COTA?

**Mr KNIGHT:** We provide \$120 000 for representation, consultation and dissemination of information to seniors Territorians. COTA gives that to its membership.

**Mr STYLES:** Do you consider COTA the peak body for seniors in the Territory?

**Mr KNIGHT:** It is not about who is the peak body. We are all working with the same people, for the same thing. It is something I have tried to press home to all concerned, and everybody appreciates that, everybody is working - they have similar membership. There are seniors who are COTA members and, at the same time, are National Seniors members. The reason we had a good cross-section of seniors organisations on STAC was to get the full view. Obviously, U3A has an area it likes to work with through the education programs. COTA has different areas again. I have tried not to be locked into that battle; I really want to work with all the groups, get it done, and get the advice through to government. Do you have a view?

**Mr STYLES:** No, I noticed the government really likes to deal with peak bodies. Do you consider the peak body to be STAC or COTA?

**Mr KNIGHT:** I have an advisory group I work with, and I work with individuals as need be. I am invited to the round table; I am invited to the Palmerston seniors, rural seniors and the seniors group which - they still hit me up for money, Gerry - also to the seniors group formed in Alice Springs with the Alice Springs Town Council. I meet with a range of different groups.

**Mr STYLES:** In relation to COTA, can you tell me how the current budget compares to the budget five years ago? Do you have those figures to hand?

**Mr KNIGHT:** I do not have those.

**Madam DEPUTY CHAIR:** Are you happy to take that question, minister?

**Mr KNIGHT:** Yes, I am. I assume he knows the answer already.

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**Question of Notice No 9.11**

**Madam DEPUTY CHAIR:** Could you repeat that question, please?

**Mr STYLES:** How does the budget five years ago compare with the current budget for COTA?

**Madam DEPUTY CHAIR:** That is question No 9.11.

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**Mr STYLES:** Gerry, do you have any questions? There are two minutes left?

**Mr WOOD:** Minister, are you considering increasing some of the pension concessions at least by the CPI? I know you have been lobbied on this, so I am asking on record.

**Mr KNIGHT:** I have been lobbied on a whole range of benefits under the Pensioner and Carer Concession Scheme. The only benefit has been power, water and sewerage bills have been indexed. It is a very generous scheme and we have an ageing population. With tight fiscal demands it is hard to give everybody exactly what they want.

**Mr WOOD:** Thanks, minister.

**Mr KNIGHT:** There has to be some money left for me when I grow old.

**Madam DEPUTY CHAIR:** Thank you very much. It is 10.30 pm so we have finished. On behalf of the committee, minister, I thank you ...

**Mr KNIGHT:** Thank you, thank you staff.

**Madam DEPUTY CHAIR:** ... and Mr Moffet, and your staff for coming back this evening. I also want to note Ms Clare Gardiner-Barnes sitting at the back waiting to come on for Children and Families for Young Territorians as she did last Thursday night for Women's Policy. She did not get up, so thank you, Clare. Thanks everyone.

That now concludes the Estimates Committee public hearings. I take this opportunity to thank the members of the Estimates Committee for the overall manner in which these public hearings have been conducted. I would also like to place on the record a vote of appreciation from the committee to all other members who participated in the public hearing process. Thank you also to the Legislative Assembly staff who have worked tirelessly behind the scenes to ensure the whole process ran smoothly throughout the extended process over the five days.

With the finalisation of the scrutiny of ministerial portfolios, I thank the ministers appearing before the committee and the many officials who have attended the hearings. I take this opportunity to place on the record my appreciation, and the Chair's appreciation, for the effort put in by agency officers who, prior to the public hearings, have worked behind the scenes over many weeks preparing briefing papers to assist their ministers.

Questions on notice are due on 19 July. I now formally close the public hearings of the Estimates Committee for 2012.

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The committee concluded.

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