



# LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

## 13th Assembly

### Select Committee on Opening Parliament to the People

#### Public Hearing Transcript

10.30am, Monday, 5 December 2016

Litchfield Room, Parliament House

**Members:** Mr Jeff Collins, MLA, Chair, Member for Fong Lim

Ms Ngaree Ah Kit, MLA, Member for Karama

Mr Gary Higgins, MLA, Member for Daly

Mrs Robyn Lambley, MLA, Member for Araluen

Mr Scott McConnell, MLA, Member for Stuart

Mr Gerry Wood, MLA, Member for Nelson

Ms Kate Worden, MLA, Member for Sanderson

**Witnesses:** Mr Michael Tatham, Clerk of the Legislative Assembly of the NT

Ms Julie Crisp, Auditor-General of the NT

Mr Brendan Doran PSM

Professor Ned Aughterson, Barrister at Law

Mr Ian McNeill PSM

Ms Kaye Thurlow, Councillor East Arnhem Regional Council

Mr Gawura Wanambi, Councillor East Arnhem Regional Council

Mr Justin Tutty, Convenor, NT Greens

Mr Sam Swan, Member, Chief Minister's Round Table of Young Territorians

The committee convened at 10.30 am.

#### CLERK OF THE LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

**Mr CHAIR:** We appreciate you taking the time to speak to the committee; we look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website.

If, at any time during the hearing, you are concerned what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private. Mr Tatham, could you please state your name and the capacity in which you are appearing?

**Mr TATHAM:** Michael Tatham, Clerk of the Legislative Assembly.

**Mr CHAIR:** Thank you.

Mr Tatham would you like to make an opening statement?

**Mr TATHAM:** I could just make a short opening statement.

I have had a look at the terms of reference of the committee and it is one of those things, in terms of opening parliament to the people and the green paper that the committee has published is—how long is a piece of string? How far do you go? And you can find yourselves with the green paper, mainly to look at the participation in a committee process and policy debates around bills and the effectiveness of Question Time, and so forth.

In my submission to the committee I have just pointed out some of the other areas where you, or a committee in the future, could expand into if the committee was so minded in its recommendations back to the Assembly about how it wants to proceed with opening parliament to the people and taking into account the matters that were raised in the Labor policy discussion papers that were published prior to the election.

So I have only touched on those very briefly in my submission.

My submission also looks to the so-called Latimer House Principles and also the recommended benchmarks for the democratic legislatures, which are both documents that have been in existence since around 1998, when the first Latimer House meeting occurred.

Latimer House is actually a building in Buckinghamshire in the UK and the principles evolved from a series of meetings that occurred from 1998 and were adopted in around 2002-03. The Commonwealth Parliamentary Association has taken those up, the Latimer House Principles, and has recommended benchmarks for democratic legislatures, which I can go through in some detail, if you want, in the question and answer session.

It is, however, worth nothing, I think, that in December 2008 the Australian Capital Territory Assembly formally adopted, made a conscious decision to adopt, the Latimer House Principles as a guiding set of principles for their Assembly as to how they would operate as one of the three distinct arms of government: the parliament is the legislature, the judiciary and the executive.

In the literature around Latimer House and around the proper benchmarks for how we operate in a Westminster System there is lots of discussion around the primacy of the parliament and the parliament being supreme, but the evolution of the Westminster System of the great strength of the executive, I think that is manifest here in the Northern Territory.

We are one of only three, I think, jurisdictions in Australia and New Zealand that does not have our own appropriation for our parliamentary service. We are the only jurisdiction, as far as I am aware, where I as the Clerk am an employee of the executive; I am not an employee of the parliament. My contractual arrangements are with the Chief Minister, not with the Speaker.

With the small jurisdiction that we are, there is a lot of benefit in flexibility as well. The idea of us having a distinct parliamentary service is a valuable idea worth considering, but there is also the ability of flexibility for public servants coming and going in a small jurisdiction, in and out of the parliamentary service. What the Australian Capital Territory have done about that is just appointed their Clerk and Deputy Clerk as parliamentary officers and the rest of the people who work for the legislature are not.

I have covered off on a few of those things in my submission. The crux of what you are looking at, however, is committees and the strength of committees. I think that the Northern Territory committee system could do with a lot of strengthening.

There is a very low level of awareness about committees in the Northern Territory and a low level of awareness amongst the public that committees are actually an extension of the Assembly itself. People think of committees as a bit of an add on and perhaps not necessarily doing that much.

I recently did some research into a talk I gave at the National Assembly of Zambia about the effectiveness of committees and looking at government responses to committees and what committees' outcomes are, whether you can just do a survey on, 'There were 10 recommendations and nine were taken up, therefore there was a successful committee', or not, or whether you have to be a bit more nuanced and look at a longer-term approach to committees and what committees are.

We have a lot of work to do in the Northern Territory about explaining what committees are and how committees work and making that relevant to people. I think that is an interesting part of your report that you will be providing back to the Assembly. Also that discussion about what committees can achieve—committees are a concentrated effort at looking at specific issues and reporting back to the Assembly as a whole. Assembly then takes up whether they want to proceed with the recommendations or not.

I think the value of that has been, perhaps, a little understated and not well understood in the community at large. The Assembly has a real opportunity, I think, with some progress towards committees and looking towards—I understand you have been to Queensland; you have looked at the Queensland model.

As I have said in my submission, the Queensland model came out of turmoil and a lot of dissatisfaction and unhappiness with their executive and parliament. I think there is, perhaps, an opportunity here, without that huge Fitzgerald Inquiry level of turmoil and all those sorts of problems here to be ahead of the game to take charge and control and bring forward a new model that will be more consultative than if it was forced upon the Assembly at some stage.

So that is my opening statement. I am happy to answer any questions.

**Mr WOOD:** Can I ask, Michael, just about the—I suppose, the Independents of the legislative Assembly—I go back again to—you have been to Zambia; I have been to Northern Canada. Northwest Territories has a board of management and that has representatives of both yourself and members of parliament.

It says here:

*The establishment of the Board emphasises the responsibility Members have for the general administration of the Legislative Assembly and confirms the independence of the Legislature from the Executive branch of government.*

So, I would agree with what you are saying. If we do not have our Assembly clearly defined as separate from the executive brand of government then we really do not have that clear distinction.

If you are employed by the Chief Minister's department—is that right?

**Mr TATHAM:** I have a contract with the Chief Minister. I work day to day to the Speaker, but she does not sign the contract.

**Mr WOOD:** We I agree with it. I think they obviously have a board of management which is designed to show that separation of powers. If we have not actually got that I think that is then a fault in our system.

**Mr TATHAM:** An interesting thing that occurs in the Northern Territory is the Speaker appears every year at estimates. Why? She has no input in the Budget. She does not appear in the Cabinet and promote what is required of the Budget. The Cabinet minister for the budget is the Chief Minister; however, there is a nice

history of a pretending we have a bit of separation there by the Speaker turning up every year at estimates and talking about the Budget.

She has very little to do with the appropriation, almost nothing to do with the appropriation. She does not have a meeting with the Treasurer and yet she appears every year at estimates and talks about the Budget.

It has become this nice idea that the Speaker is running a department; the Speaker does not run the department at all in terms of the administrative arrangements. The Department of the Legislative Assembly does not belong to the Speaker; it belongs to the Chief Minister.

**Mr WOOD:** I would certainly be interested in looking at the possibility of a board of management which basically has everybody's input in it, but that is just—I think you raised a really important issue and sometimes, and I suppose even when you have been here a while, you have forgotten that you are not really the boss.

**Mr TATHAM:** I think the thing is also because there have not necessarily been any great problems as well. That is to do with the fact that there is a level of respect and understanding that the government is not forced to separate itself; it chooses to separate itself.

The Chief Minister of the day will say to the Speaker of the day, 'You will run that show'. It will be by more of a gentleperson's agreement than an actual fact of the law requiring that to occur. The fact that we have had nice arrangements in place is perhaps good enough but perhaps not good enough.

**Mr WOOD:** I did have another one. You went back to—I will just have to refresh my mind on your opening statement. I might skip to a slightly different question that is in the green paper and I think I asked the members before. Not every person can be on one of these committees but in the green paper it sort of infers that once something has gone to a committee it will basically go through parliament very quickly. The point is that if a member is not on that committee he might be able to attend that committee but he cannot have a say in that committee. Should the committee stage or—I keep forgetting the new terminology ...

**Mr TATHAM:** Consideration in detail.

**Mr WOOD:** Consideration in detail still be a part of the debate when it comes back to parliament. Otherwise that member who might have concerns really would not be able to have that opportunity.

**Mr TATHAM:** It is certainly open to have a consideration in detail stage, specifically if there are going to be amendments arising from the committee's recommendations; it will be required. The consideration in detail stage, however, has—we have been very lenient in the Northern Territory about what consideration in detail stage or the former Committee of the Whole is all about. In reality it is really only about examining the clauses in detail and the effect of the clauses.

We have allowed a lot of policy debate to occur during consideration in detail or Committee of the Whole in the Northern Territory. That is by the fact that the minister does not stand up and raise a point of order and shut down the debate and that sort of stuff, even though it is not really supposed to be a policy debate; it is about the clauses.

I guess what you would hope to occur is the sorts of policy debates that are now happening in Consideration In Detail around clauses happen here in the committee area and the members, when they are looking at Consideration In Detail about proposed amendments and looking at the clauses, they will be informed by what the committees have determined, got witnesses in and evidence on.

Therefore you would suggest it is, probably, going to be a little bit faster but it does not have to be. That is what you would suggest would occur as a result of there being a quite detailed consideration by a separate committee before it went back to Consideration In Detail.

**Mr WOOD:** So when you were in Africa, Zambia, what size parliament has it got?

**Mr TATHAM:** It is a unicameral parliament, 150 elected members and about 10 appointed members. They have 13 scrutiny committees on every portfolio of every minister.

**Mr WOOD:** That, I suppose, is the difficulty we have. Then I pass around this morning—Northwest Territories has 17 members and I think has five scrutiny committees. Their committee meetings, from memory, all have their meetings actually at the end of the process.

Now I do not remember what we were saying. You did say that one of the problems we have is a public perception that parliament does not sit enough days of the year. You get that all the time.

Again, in Canada, people know they have committees and they are operating as part of parliament. What they see publically, in the Assembly, I think most people—the impression I got is that people know they have committee meetings also occurring. I come back on the not sitting enough days in the Northwest Territories and they have a climatic issue. They cannot sit for part of the year because it is simply physically impossible to get around, especially in Nunavut.

I think one of the issues we will have to deal with, if we go to the committees, is to tell people it is part of the Assembly, it is just not occurring down in the Chamber.

**Mr TATHAM:** That is right. Well today you are working but as far as people and media are concerned the Assembly is not sitting today therefore you all have a day off.

**Mr WOOD:** I think that is an area we—and it might be part of the education that is required if we go down this path of what it is all about.

**Mr CHAIR:** Michael you were talking about the committees not being particularly well understood. What ideas do you have for changing that? Apart from we are setting up these new committees, but we still have to get the message out.

**Mr TATHAM:** That is the thing. The green paper looks at that, to some extent, and what you saw in Queensland covers off on that to some extent as well because they have taken some time out of a normal sitting day. The thing about sitting days is there is this miracle thing of how many days a year you sit. When I have been to various parliaments—I have been to the parliament of Prince Edward Island; they sit probably three times as many days as us but for two hours a day. They win on the list of number of days they sit, not the number of hours they sit.

I think the thing is about communicating to people that, okay, if there are to be committee hearings available in lieu of parliamentary sittings on a Wednesday morning, the committee experience can be anything from 8 am to 2 pm. That is actually a really big slab of time, whereas at the moment you only have two hours of actual nominated sitting time.

How you communicate that will be a long road of getting people involved in in-and-out. When I visited other parliaments—I spoke to the Clerk of the Legislature of Nebraska in July this year, and he said they have a very advanced system; all their bills go to a committee for a scrutiny process and you get your usual players who come in and they are part of the promotion as well. You always have these sorts of people who come in to look at various Bills on environment and they are the same sort of people each time.

They are going out to their networks and their networks know what is going on. I think once it is established that there is this procedure and this process, those networks start. You have the Northern Territory Council of Social Services, the Law Society, the Business Council, the Minerals Council—you have different groups who will start engaging because of the regularity of it.

At the moment it is ad hoc. Who knows this committee is sitting today? The regularity of it and the fact it is actually part of the fabric of the parliamentary sittings will be part of that promotion and it will come over time.

**Mr CHAIR:** When we were down in Queensland, one of the things we found was communication—getting that message out. They were saying that it is really difficult. They go to regional—and we are going to have similar problems here with remote communities, trying to engage with them and getting that message to them.

**Mr TATHAM:** It is a constant challenge. When I was doing statehood consultation I turned up in one particular community and they were actively hostile because I was yet another person coming to talk to them about how things work, but I was not there to build them a hospital or to give them a school or anything tangible. I was there to talk about constitutional development. That was frustrating for them and for us as well.

The process of that engagement is how you approach it and take time—we found in that statehood process we would send in advance teams a day before to go and talk to them about why someone was coming tomorrow and what they were going to do. We made sure we had a whole process in place so by the time we got to the end of that learning of how to actually consult well on things that were not going to give you things, nice presents—people still were not necessarily engaged all the time. We got to a stage where we understood how to best engage on things that people were not going to get excited about immediately.

**Mr McCONNELL:** I was just interested in your view around how issues that might actually spit across—if the two committees that are proposed go forward, what is your view on how to best overcome issues that would be cross-jurisdictional for both the committees?

Also, what is your view on subcommittees? In Queensland we were really interested in the fact they had a subcommittee process that had all sorts of advantages but one really helped them to get out bush in the regions. So I am just interested in your view on both of those.

**Mr TATHAM:** It just depends, I guess. There will be crossover because there is going to be discussion about budgets and public policy that will have crossover of both committees. How the committees evolve around that, time will tell, but I do not see there will be much doubling up.

If a committee is looking at a health matter and another committee is looking at—I am just trying to think of the categories and make sure I am not crossing over too—I think that can be overcome and the use of subcommittees is useful; however, with the small Assembly, with only 25 members and the number of members that will be available for committees, there might be a bit of a challenge around subcommittees.

We did use the subcommittee process for the Standing Orders Committee in 2014, where they determined to have—it was an informal subcommittee really because there was not any ability in the standing orders at the time but they decided that two of the members would go away and do some work to report back to the committee.

If you are talking about subcommittees of the membership or subcommittees that will co-opt other members in—or you could have subcommittees that could have community members involved too but that bring in other matters that could be a bit fraught in terms of what is the status of the subcommittee, whether there is privileged protection and those sorts of things.

There are lots of models that can be looked at, experimented with and consulted on, with the danger—you do not want to consult for too long on the process itself because people get disengaged with that. I think that if you look at established processes, the Queensland model, what has gone on in the Australian Capital Territory as another small parliament, then we will come up with models that will work for us over time.

**Mr McCONNELL:** Yes, particularly on subcommittees. I was just thinking of really a part of the standing committee that goes and—like your example of two people going away and working on a particular project. That is kind of what I was thinking of. I had not really thought of the idea of a committee potentially having members of the community on it as well. That is something I should perhaps learn a little more about.

**Mr TATHAM:** We have an experience of that with the statehood process. What happened with that was the statehood steering committee was a subcommittee of the Legal and Constitutional Affairs Committee, and it had quite a lot of autonomy and power but it did tend to grow like topsy. I think we got to 22 members at one stage so it was very large and a little bit unwieldy, and there were questions as to whether it was an individual who was a member or who they represented was the member of that subcommittee.

If there was to be that sort of approach then I guess it is a bit of learning from what we have done in the past and how you actually make it tight and relevant to what you want to achieve so it does not just keep unfolding.

**Mr WOOD:** The Council of Territory Co-operation had the power to have people on that committee. I think we had Lesley Taylor from NAPCAN, and I think we had someone else who has actually able to appear on the committee; they could not vote but they could sit here and ask questions. We had the ability to do that.

Can I just ask, Michael—I suppose what I am a bit confused about is we are setting up these committees like a Committee of the Whole. In other words they are going to look at legislation and see what the effect of that legislation is.

Before, we had the Council of Territory Co-operation and the PAC, which had its own ability to take up any issue it wanted to. The role of what I thought the committees were going to do was to look at legislation. Where does the committee that takes up foetal alcohol syndrome, for instance—where do you have that committee? Is that a separate committee or did we make it part of the PAC or CTC like we used to? Is it one of these committees?

**Mr TATHAM:** The proposed model is that it is one of these committees. One of these committees scrutinises certain aspects of the Bills; half for that committee and half for that committee, and also looks at things to do with—if it is the society and culture side of things then it looks at those sorts of things that come under those portfolios' responsibilities. It would be like issues that would go to that committee as the same sort of issues that would be in the Bills that would go to that committee for scrutiny as well.

The issue as to whether you want to actually have a third structure so you could keep your Public Accounts Committee separate—you could keep your legal and con committees separate. You could keep that committee there and you could have these two scrutiny committees on the side so they are doing, mainly, scrutiny and some policy but your other policies are going to that other committee. You could do that as well but it is, once again, the member buy in and the capacity. Remembering the Council of Territory Co-operation did not have any CLP members on it for some time—they opted out.

**Mr WOOD:** They opted out and opted in.

**Mr TATHAM:** They opted out and opted in. the Public Accounts Committee also had—in the 12<sup>th</sup> Assembly members of the government opted out for a while.

It became best practice because it was not a government member who was the chair, but that was not by design but default.

**Mr WOOD:** That is right. It was a most refreshing time. Will the committees then be able to self-refer or have an Assembly motion that said they would have to look at some issue?

**Mr TATHAM:** I guess that is up to your final recommendation that you take as to what is desirable. A strong executive always likes to control their Assembly in terms of what is being dealt with by their committees.

A strong Assembly likes its committees to have plenty of power because the committees are always responsible back to the Assembly anyway. If they are self-referring, they cannot make decisions, they have to refer it back to the Assembly and the Assembly makes a decision one way or the other about what they want to do with the recommendation from the committee.

As a philosophical point of view I would suggest that it is perfectly reasonable to self-refer within the parameters of what the committee is there to do. Then it is up to the Assembly to make its decision as to how it wants to progress the recommendation that comes from that committee.

**Mr WOOD:** I might keep hogging the questions then.

**A member:** That is fine.

**Mr WOOD:** The issue—and we will hear from the Auditor-General soon—that has been put forward is that you split one week for Budget and one week for annual reports. I think that needs fleshing out a little bit more. At the moment we do look at annual reports, theoretically. The previous year's annual reports—we can look at those during the Budget consideration.

Do you see some practical implications in somehow getting departments ready, and even ourselves, to go and look at annual reports that might—well annual reports came out just last week and it is very close to Christmas and the Assembly is finished. So, do you see that could have some practical problems, trying to deal with annual reports that have just been released.

**Mr TATHAM:** Well you have three months from the end of the financial for the head of the agency to get their annual report to their minister and their minister to get it into the parliament. That whole process could be streamlined and tightened up to make sure that the committee gets its annual reports and knows what is in them by 1 October no matter what. It is a matter for some discipline on the part of the departments and the ministers to make sure those annual reports are in and publicly available.

Then you would have October to November, take out December, but maybe the first week of December—you then have two and a bit months to give consideration to annual reports. Annual reports work pretty well on a template. Once you have started reading the Department of Health's annual report year after year, you will know what you are looking for and what you are looking at.

It is not like you are reading a whole new document every year. It is reporting on the same requirements under the Budget process and the outputs and the things they do. Sometimes the interesting extra bits around the edges will be informative and sometimes they will not.

I have a view that our annual report in our department is what is required under the legislation. We do not have lots of pictures and we do not have lots of stories. Some departments do like to have lots of pictures and stories but we do not, just because it pulls in more capacity that we do not necessarily have for staff to go and do all that. I think you could probably get yourself a bit over two months to look at annual reports if there was discipline around it.

**Mr WOOD:** So you think we should split the Budget into one week? It is still a big Budget; I just think one week might be ...

**Mr TATHAM:** It does not have to be one week. I mean, one week is what—is one week three, four or five days?

**Mr WOOD:** It is four days? Is it not?

**Mr TATHAM:** It just depends on how you want to run the week. You could start on Monday midday and finish on Friday midday and have your parliament to agree to appropriation the following Monday. You could have a different system to what we have now, in terms of—we have three days, then we have two-and-a-bit days and then we go into the appropriation going back into the Assembly. It is up to how you want to split it up.

You might think that annual reports only require two days of hearings at some stage and the Budget requires five days. You can deal with that in the five days over two weeks of three days there, two days there and then report back to the Assembly. It is up to you.

**Mr WOOD:** I would not want cut it too short because one of the problems you get is some of the smaller departments never get up.

**Mr CHAIR:** Just bearing in mind time, something I did want to raise with you Michael—in your paper you note the delay in the passage of bills being a risk of the green paper's committee reforms. How great a problem do you think that will be?

**Mr TATHAM:** When I say risk it is only a risk if you think it is a risk. I have said low-risk on page three of my submission, as a possible criticism that politicians are delaying the passage of Bills or the—the question arises, I guess, for the committee and the Assembly itself, is how urgent are urgent Bills?

We used to have a standing order; it used to be 179, which is now gone. It was abolished by the Standing Orders Committee, which allowed for the Speaker to assess risk based on a hardship claim by the government saying, 'If this bill does not get passed quickly then there is hardship'.

The Standing Orders Committee agreed that the Speaker actually could not determine whether there was hardship to the executive, the community or whoever. It was for the Assembly to determine that by a suspension of standing orders if you want to get Bills through quickly.

We had a Bill passed on urgency last week, which was the Liquor Amendment Bill. There was an argument put forward by the government as to why it had to be done quickly. There was some counterclaims by other members of the Assembly. The Assembly, on the numbers, decided to pass the Bill.

The risk of delay is only there if there is something—an outcome that cannot be achieved because that Bill has not passed. So this outcome was that there was not to be certain trading on Sundays from the *Liquor Act* and that has been overcome and it was done on the numbers.



I do not see that the ability to take a Bill to a committee for consideration of that Bill is a risk of delay because the Assembly itself will say, 'Well this bill', particularly in the case of the Liquor Amendment Bill, 'has to be passed quickly and this is the reason why'.

**Mr CHAIR:** Is that process adequate? So the current process for urgency—do you see that as being appropriate for ...

**Mr TATHAM:** The Assembly is in charge of its own destiny at all times. The Assembly can always determine something has to happen outside of the standing orders. Standing orders say you have to have a month between the presentation of a Bill and the question being put that it be read a second time. The Assembly itself can overcome any standing order it wants to.

**Mr CHAIR:** Does anyone else have any other questions on anything?

**Mrs LAMBLEY:** Just one question. Instead of having the committee meetings on a Wednesday morning, what would be the approximate cost or other implications of having the committee meetings on say a Monday or Friday of a sitting week?

**Mr TATHAM:** Marginal, I would suggest. Most people are here anyway; the Remuneration Tribunal Determination provides for members to be able to come either at the beginning for two days or at the end for two days anyway. Our staff are here. There might be some small cost in terms of extra transcribing for Hansard, but it is a fairly marginal cost. It is a matter of the will and interest of the members and the committee itself as to whether to do that.

The thing about a Monday is always the amount of preparation that you have to do the Friday before instead of the Monday for the Tuesday. That is just a matter of shifting priorities, which is nothing that cannot be overcome.

**Mrs WORDEN:** Through the Chair, can we just take a step back because my brain is just thinking about the visit that we did to Queensland around where those Bills actually end up. The committees determined—I am just thinking back. They were talking about that each of the Bills went to a group, who determined which committee would consider that.

Reflecting on what you were just saying about urgency, I do recall they had over 80 pieces of legislation a year but only two in the last 12 months had been considered on urgency—sorry, over the whole time. The lady we were having discussions with had only ever seen two Bills come through on urgency. It was a very low number; in fact they were all determined.

In your view, who do you think—how that might work here about who would determine where those Bills go and the urgency, putting aside what you have just said about the current system, whether there is potential for a better way for that to work that is not necessarily being determined by the Assembly of the whole?

**Mr TATHAM:** There is one for there to be a small committee that just looks at the Bills the day they are introduced. Here is the Bill and what is the process for the Bill? The interesting fact there that you said there were only two urgent Bills over quite a long period of time—I think that sort of indicates that what happens in a system with more structure around it is that the executive has to think harder about whether they want to make a Bill urgent. Whereas you can have a system where you get a bit of complacency and maybe a bit of laziness about, 'Oh, we just want this through; let us just put it through.' I am not saying that is what occurred recently, but there may be those allegations around that occurring in the past. Whereas, if you have to think a bit harder about, 'Why do we want urgency? Why does it have to be urgent?' You really have to make the case, then if you refer it off to a small subcommittee or separate Bills committee that just deals with that specific issue then they should be able to just look at it on the papers pretty quickly and make a decision as to where it goes to and what to do with it.

**Mr WOOD:** I had one more technical—and I know we are over time but if I do not catch Michael—in our green paper 4.6 says:

*A notable procedural change is that the former "second reading speech" where the Minister outlines the purpose of the Bill will become the "explanatory" speech given when the Bill is introduced. The speech that the Minister gives when moving the second reading will be responding to the committee's report.*

I am not sure how that works. I am of the understanding the second reading is really important and I was always told that if a Bill ever went—if something was happening in court and a judge had a issues about what was the intention of the government he would always refer to the second reading.

So, if you move the second reading now to after the committee has done its report what kind of—even I will not have a second reading that I can get an understanding of where the government is coming from in introducing this bill.

**Mr TATHAM:** You would have, under this proposal, heard what is like a second reading speech the day that the minister introduces the Bill. It will be the same sort of speech. It will be called an explanatory speech, but it outlines the policy principles, the rationale, where the Bill came from and what the Bill hopes to achieve. That will happen in the explanatory speech, then it will be referred off and you will still have the ability to contribute in a second reading debate.

**Mr WOOD:** So there will still be a document that goes with the legislation?

**Mr TATHAM:** Yes.

**Mr WOOD:** That is what I was worried about, I though t...

**Mr TATHAM:** You will have, basically, the speech and explanatory statement rolled into one there. That is my understanding. It will then be accompanying the Bill off to the committee and the committee calls the minister the public servants in to explain it. That is what the committee can do.

**Mr WOOD:** Well that is what I am saying happened in Canada except they had their committee meetings after the Assembly has closed. They have a meal at the same time and they bring the minister in. He sits here and they all sit up there. He sits with his adviser and they ask him direct questions about the Bill.

**Mr TATHAM:** That is perfectly possible under this proposal.

**Mr CHAIR:** Bearing in mind the time, thank you, Michael.

**Mr TATHAM:** Thank you.

#### **AUDITOR-GENERAL OF THE NORTHERN TERRITORY**

**Mr CHAIR:** On behalf of the committee, I welcome everyone to this public hearing into opening parliament to the people and I welcome to the table to give evidence to the committee Ms Julie Crisp, Northern Territory Auditor-General. Thank you for coming for the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today. This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply.

This is a public hearing and is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask the committee to go into closed session and take your evidence in private.

Ms Crisp, could you please state your name and the capacity in which you are appearing?

**Ms CRISP:** Thank you, Chair. My name is Julie Christine Crisp and I am appearing as the Auditor-General for the Northern Territory.

**Mr CHAIR:** Thank you. Does anybody have her opening question? No? Ms Crisp, the committee has proposed abolishing the Public Accounts Committee and having its functions performed by two portfolio scrutiny committees. What do you see to be the advantages and the risks of this proposal?

**Ms CRISP:** In my submission—and I guess if I could just start by saying a move to increase transparency and accountability in all levels of government is something that I am a firm advocate for. My submission primarily focused on the procedural challenges associated with the establishment of two scrutiny committees that are being proposed to take on the roles of the former committees.

From a scrutiny perspective, my concerns around, I guess, the nature of the allocation of portfolios between the two committees—one seems to have a far greater workload or is likely to have a far greater workload than perhaps a second one. I think that might impact on some of the time that is available for that committee to address all its responsibilities.

The current committee structure has some elements of *in camera* business as well as some public business and having an established meeting time on Wednesday mornings, there would need to be consideration given to what is in the public arena and what is *in camera*.

I think having the committees meet concurrently possibly presents some challenges around transparency and scrutiny. By that I mean obviously as things are structured now the committees will meet and broadcast from this room at estimates time. Having two committees sitting concurrently means that there needs to be the ability of the Assembly to communicate the work of both committees at the same time but it does raise a risk that individuals will need to select which committee they listen to at a particular time and thus it presents a risk that it is not seen as transparent. In fact it is seen as a decision that needs to be made by the person or people that view it.

Currently, obviously, at estimates the public can listen through a variety of broadcast sources. Whether that is just a video or audio broadcast and obviously have the ability to be present in the room, as does the media. Having both committees run concurrently, I think, presents a challenge in that regard.

From a personal perspective there is one Auditor-General reporting to two committees and I think what would be useful—it does not change the workload necessarily but to understand, really, what is of interest prior to those meetings so that the presentations and discussion occurs when I am in the room is of relevance to the particular committee and is focused.

So I guess they were the key points that I had in relation to perhaps the estimates and annual reports process. I know that there is some concern that there will be significant workload at an agency level in order to respond to both of those hearing periods.

I would probably put forward an argument that Budget Paper No 3 is the contract between agencies and the government about what is going to be delivered for the funding that they are receiving. In Budget Paper No 3 there is a number of key performance indicators and measures that the agency has proposed at the time of preparing Budget Paper No 3.

It may be useful for the committee to decide whether, in the scrutiny of the annual reports, that they are interested in looking at how the agencies have performed against those KPIs as part of the annual report scrutiny. So there might be a way to fine tune that annual report scrutiny process that does not lead to a significantly increased workload.

**Mr CHAIR:** Is there a possibility of a template being provided to follow those paths?

**Ms CRISP:** Yes, having those measures there, one would imagine that those measures are there because that is what the agency measures its performance on through the year. It should not be something new that comes at the time of preparing the annual reports.

**Mr CHAIR:** You have identified a number of risks. What do you think should be done to manage those risks?

**Ms CRISP:** I did suggest in my submission that having the committees meet at different times might avoid some of the issues associated with concerns around accessibility of the broadcasts and attendance of the committees and to the Member for Araluen's point previously about hosting a committee meeting—one on a Friday, one on a Monday might alleviate some of the issues associated with that. It also might not require spending on additional broadcasting equipment and, to some extent, perhaps not the same secretariat load as well.

I think that is an option. I think, obviously, having a defined agenda and holding to that agenda and making that quite an open process would also assist.

**Mr WOOD:** Do you think that it would be better to have meetings in the evening? We are talking about a process here which is more open to the public. A meeting today is not open to the public, generally speaking, unless you are retired or a previous Clerk of the Assembly. Oh, sorry; I did not see you there, Ian.

In general, this is not public friendly. I was just wondering and looking again, I have dropped some notes off about the Northwest Territories. Their meetings would be seven to nine at night in a public facility or in the Legislative Assembly. Do you think timing is really important if we want to encourage people to come and participate in these discussions?

**Ms CRISP:** To that point, no time will ever suit everyone. If you are a mother of children, seven to nine at night is probably not ideal either. I think perhaps being flexible around that—I do agree that if you are a person at work in a regular working week during the day that it would be a challenge to attend.

I guess it also depends on how broad the committee expects attendance to be. If the interest is primarily from focus groups one would imagine they would be prepared to be here during the day. Members of the public that are not necessarily aligned with a focus group may well prefer meetings outside the hours.

**Mr WOOD:** The other thing you raised in your report was the issue that you do not have the power to audit the agency's actual effectiveness, efficiency and economy. Is that something we should take up with the government? That would require an amendment to the Act would it not?

**Ms CRISP:** Currently the *Audit Act* enables me to audit the performance management systems that are in place at an agency, by which it manages its performance but not to actually audit the results. So if there is a KPI at a certain number in the agency's report of results achieved against that KPI I cannot audit the number to see if the number is right.

So the effectiveness in that sense—obviously I can audit the finances and I do but not at an agency level only at a whole-of-government level.

If that was something that the committee was considering then yes it would require an amendment to the *Audit Act*.

**Mr WOOD:** That enabled committees to then discuss with departments why they did not achieve those KPIs?

**Ms CRISP:** Yes, although the committee is not prevented, I imagine, from asking those questions.

**Mr WOOD:** No, but if you have the backing of the Auditor-General it would certainly help.

**Mrs WORDEN:** I am interested about your view, if we could, around whether you think if there was a structure of new committees whether, in your view, the PAC should continue as a standalone?

**Ms CRISP:** I think ensuring that there is that conduit between the Auditor-General and the Legislative Assembly and that there is ability for me to respond and raise matters coming out of the reports—as long as that avenue is there. I do not think I am necessarily in favour of one more than the other.

I guess, what it would come down to would be the time management of a larger scrutiny committee to ensure that there was time put aside for review of my reports to parliament and the opportunity for the committee to raise matters with me.

**Mrs WORDEN:** Obviously being on PAC and seeing the way that currently works whether you would—let us say hypothetically there were two scrutiny committees. Would you consider that your reports would then be split according to those committees' makeup and you would present two reports?

Obviously some of your reports would sometimes feature much more greatly for one committee than the other, and you have touched on that. Would you think you would then really need to gear your reports specifically for the two or would you present them and allow the committees to put out the bits that are their own?

**Ms CRISP:** My view on that is that the way I report now aligns with the audit process that we run over each six months. I would still be looking to report the same as I do now, but whether my office changes the way that report is put together to break it into those matters of relevance to each committee, which is our new formatting thing—that is not difficult. I do think there are sometimes matters I look at that would touch on both of the proposed committees as far as their scope goes.

To that point, a report in June on the Palmerston hospital—if we were to look at that under the current or proposed committee structure, there would be matters of relevance to the committee that has the portfolio of Infrastructure as well as the committee that has the portfolio of Health.

Having all the reports together would, I think, still remain quite relevant. Allowing the committee to quickly find the bits that matter to them would also be useful.

**Mr WOOD:** Can I follow on from that? Would it be possible to have a combined meeting with the Auditor-General of both committees? It would save the Auditor-General time and it would also allow that cross-covering of the issues on both sides. Whether it is possible, whether you need legislation to allow it to happen—I do not know who would be the Chair but it might save the problem we have of having two meetings with the Auditor-General. It is pretty busy.

**Mr CHAIR:** I imagine that (inaudible) sitting should be something (inaudible) we consider. Just following on from something you said earlier about the workload—and that is something that we as a group understand as well. It is very lopsided at the current time. Do you have any views on how to most effectively divide those portfolios up for the workload?

**Ms CRISP:** With respect, I did not consider reallocating your proposed committees.

**Mr CHAIR:** No, it is certainly something we have front and centre in mind. Thank you.

**Mrs LAMBLEY:** We have just been to Queensland and looked at how they operate their committee system and obviously these problems are overcome in that jurisdiction and in others. Do you know how the Auditor-General operates with multiple portfolio committees, say in Queensland or elsewhere?

**Ms CRISP:** The former Auditor-General of Queensland, who is now the Auditor-General for Victoria, certainly believes that the process has worked quite well and recently we met as a council, which we do several times a year. His view was that it worked well. The specifics around procedural issues we did not go into but there is—from my perspective, it would work just as easily to have two committees as one Public Accounts Committee.

**Mrs LAMBLEY:** There must be a way around these sort of problems of you not being able to split yourself in two or not being able to be in two places at once. Maybe we need to do some research around how that works in practice.

**Mr CHAIR:** Ms Crisp, I forgot to give you the opportunity to make an opening statement. Is there anything else you would like to say?

**Ms CRISP:** No, that is fine. Thank you.

**Mr CHAIR:** Thank you very much for your time.

#### **BRENDAN DORAN PSM**

**Mr CHAIR:** good morning. My name is Jeff Collins, I am the Chair. Also here this morning you have Ngaree Ah Kit, Member for Karama; Kate Worden, Member for Sanderson; Robyn Lambley, Member for Araluen; Scott McConnell, Member for Stuart; AND Gerry Wood, Member for Nelson

**Mr DORAN:** Right. You are a little difficult to hear and there seem to be some echoes.

**Mr WOOD:** That is the ghosts of parliament.

**Mr CHAIR:** We are just moving the speaker. Is that any better?

**Mr DORAN:** That is much better.

**Mr CHAIR:** We might have to move you around as this goes on but if you just bear with me a moment I will read the opening.

On behalf of the committee I welcome everyone to this public hearing into opening parliament to the people. I welcome to the table to give evidence to the committee Mr Brendan Doran PSM. Thank you for

coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

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If at any time during the hearing you are concerned that what you will say should not be made public you may ask that the committee go into a closed session and take your evidence in private. Mr Doran, could you please state your name and the capacity in which you are appearing?

**Mr DORAN:** Brendan Francis Doran. I am appearing in a personal capacity but my interest in your work stems from the fact that I served in the Territory both as a Commonwealth and Northern Territory public servant and I retain connections through family and Charles Darwin University with the Territory.

I am now an adjunct professor at the University of the Sunshine Coast. My general interest is wanting to see the Territory prosper. I believe there is no reason why the Territory cannot lead rather than lag in appropriate areas, including those covered by your committee, and I think best practice rather worst practice is the way to go.

**Mr CHAIR:** I definitely agree. Mr Doran, would you like to make anything further as an opening statement?

**Mr DORAN:** Only to congratulate the committee on being established and on the green paper. I think the various initiatives and reforms are heading in the right direction of where government and the Territory needs to go.

I think there needs to be more consultation, consensus and continuity in government, and in particular in regard to policy and programs, but the most important thing is to get integrity and accountability mechanisms, for example, your new proposed super committee system set up and then fine tune as you go along.

**Mr CHAIR:** Thank you for that. Does anyone have any questions?

**Mr WOOD:** Brandan, Gerry Wood here. You talked about having a rationale for dedicated Indigenous subcommittees. Do you think that subcommittee also should be wider in the sense if we did have something like that we could bring people in from more remote communities to have a say?

I do not know whether—you probably would not have seen. There has been a submission from the East Arnhem Regional Council and it does discuss the disadvantage, they say, of where they live in relation to the rest of the Territory. Would you see that committee as also trying to second people onto that committee as well, not just members of parliament?

**Mr DORAN:** I have not actually seen that submission but I do not see why not. It raises the question for the head committees as well as any subcommittees as to whether you can have other members on there who might come from the general public or a representative group of remote communities who could actually participate in the work. Whether they had voting rights or not was another matter.

**Mr WOOD:** I suppose at least in general it would give some voice to some of those issues you were concerned about in your submission, but also what I think East Arnhem Regional Council is concerned about.

**Mr DORAN:** Yes, I do not see why you cannot have outside people actually sitting on the committees if it is the wish of the committee to have them there.

**Mr WOOD:** How do you think the international subcommittee would work then? Would that also be a case of bringing people in who have knowledge of treaties, Commonwealth ...

**Mr DORAN:** I think so. You can always get briefings from, I think, the Department of the Chief Minister. It still follows the treaties and FTAs and so on. You could bring them in but you also want to balance that by having your own independent expertise. There may be people that you can identify who could be tapped appropriately to have some input.

There could be people at CDU, people at other universities or belonging to institutions like the Chamber of Commerce and so on who could have some input.

**Mr WOOD:** What do you see as the purpose of an international subcommittee?

**Mr DORAN:** I think, as I have outlined in my submission and probably other correspondence I have had with MLAs over the years, that this is one area where the Territory has underperformed consistently with possibly too much unnecessary travel that is not targeted, prioritised or does not fit into priority government policy areas. I would see the role of the committee as monitoring what the government is doing and providing input to policy and programs and monitoring the accounts pretty carefully to make sure that what is happening, in terms of travel, for example, and overseas commitments—that is any sort of agreements signed overseas, are really necessary in the Territory interest or whether the time of ministers and public servants could be better spent on domestic matters.

I think the treaty stuff is one area where I do not think the Assembly has been getting briefings over the years. I could be wrong. I know sections of government do monitor that stuff but there is not much scope for input outside of government.

Some interests could very well be badly affected by a Northern Territory Government telling the Commonwealth Government that it agrees to certain treaties and provisions. That—I think I highlighted a couple of examples—could be in the area where the Territory wants to positively discriminate in favour of the Indigenous community, or where you want to have a ‘buy local’ campaign. The extent that you can have ‘buy local’ procurement and so on I think is already limited by a number of international obligations that Australia has accepted on behalf of all the states and territories.

**Mr WOOD:** Has that not just changed with Mr Xenophon’s agreement that South Australian industries are going to, basically buy—the government will be required to ‘buy local’?

**Mr DORAN:** Yes, well they will have to check that. There could be a conflict with Australia’s international obligations. I am not particularly knowledgeable about how that works in South Australia or in the Northern Territory but I think it is something where somebody should be monitoring in the interests of the general population and particular interest groups. I see that as a role for the parliament.

**Mr CHAIR:** Is that, in fact, international obligations or is it the ACCC, those issues about competition policy?

**Mr DORAN:** I think it is both.

**Mr CHAIR:** Oh, okay.

**Mr DORAN:** Yeah, I think it is both. But the fundamental obligation would come from what Australia has signed up to. For example, I think in the US Australia FTA, which dates back about 20 years now, there are American companies that are given favourable position in procurement of the state and territory governments. Therefore if they felt their companies were being discriminated against because of the ‘buy local’ campaign they could complain or take legal action.

**Mr WOOD:** But Donald Trump is a man who supports ‘buy local’.

**Mr DORAN:** That is good. There might not be anything untoward and the Territory might be protecting everybody’s interests in this regard at the moment but I do not think anyone knows. I do not think the general public knows. Only the executive knows.

**Mr CHAIR:** With your cross-cutting subcommittee proposal, do you see that as those subcommittees having an oversight in responsibility on legislation that is already in place?

**Mr DORAN:** Yes, I would think so. I do not think there would be any barrier to that. These cross-cutting subcommittees, by the way, are Commonwealth Parliamentary Association best practice. The opportunity to have them is written into the CPA best practice guidelines not only to have some committees but also to have joint subcommittees, just so that nothing falls between the cracks.

**Mrs LAMBLEY:** Brendan, it is Robyn Lambley from Alice Springs. I just wanted to say that you have some great ideas in your submission, including that all documents provided to these committees be made public. I think that is a really good idea.

I was the former Chair of the Public Accounts Committee for a period and there were not too many documents that we were provided which were of a sensitive and confidential nature. I think that is a good idea. Thank you for your submission—very well written.

**Mr DORAN:** I think the issue of public availability of information is quite an important one and it would save the time of parliamentary committees and, I think, of the general public if the executive put more of this stuff on the public record—if it automatically went up every three months. ‘The Chief Minister has been to China, these were the outcomes, these are the further outcomes, these are the costs.’ If that sort of thing were going up I think it would cut down the amount of time that would need to be spent in estimates and looking at annual reports.

**Mr WOOD:** I agree with your comments on reforming Question Time.

**Mr DORAN:** I think some of that is under way, is it not?

**Mr WOOD:** We are still giving with one hand and taking with the other. I am quoting from Brendan’s statement here. I just happen to agree with it. There are still issues to be debated about that so I think it will be ongoing.

**Mr DORAN:** There is the question too of what have you put into standing orders by way of your reforms and the use of other parliamentary mechanisms. Is that enough? One parliament cannot bind another parliament I suppose. It would be easy, as majorities change in the Assembly, to remove some of the initiatives that you take.

**Mr CHAIR:** I think that is always going to be a problem for us unfortunately, but it is something we have to live with, but if we can make this process effective and be seen to be effective then it makes it harder I think. That is our aim for future parliaments.

**Mr McCONNELL:** Brendan, my name is Scott McConnell; I am the Member for Stuart from Central Australia. How are you?

**Mr DORAN:** Yes sir, yes how are you?

**Mr McCONNELL:** Good. Just a couple things that I am really interested in. I sometimes think I really respect the Northern Territory. I am a member of parliament and I have lived here my whole life but sometimes I think we get a little ahead of ourselves on our foreign trade delegations and other things.

We are 1% of the Australian population. We are in some of the least developed areas of Australia and we also do not have total self-government either. So I really do look—regardless of the political persuasion of the government at the time—at some of our foreign trade delegations and find it very difficult to take them seriously, frankly. I was really interested in your comments from that point of view. The other one that I was particularly interested in is I do find it absolutely extraordinary that in this jurisdiction where more than a third of the population is Indigenous and are really always talking about Indigenous issues all the time that we do not have a formal welcome to country.

I am comfortable with there being a Christian prayer. A lot of people in the community identify strongly with the Christian prayer, even if they do not identify as Christian themselves, so I think looking at that being lost is a little bit of a bad idea. An idea that acknowledges other faiths and belief systems with a predominance to the Indigenous faith and belief systems, as are in your submission, I believe is well overdue.

**Mr DORAN:** I think in terms of Indigenous affairs there is some talk of treaty at the moment. I have not been following it closely myself. Perhaps from that debate and discussion of what is put in place, one of the recommendations might relate to parliamentary representation or some special advisory body or something along those lines. I am not well informed on how that is going.

Just in terms of the international stuff. I think it is a great initiative that more information is coming on the public record now about overseas trips, including costings. For example, in the case of the Chief Minister’s trip to Asia I still do not think he has put out a comprehensive report on what has happened. I noticed in one of the debates on one of the motions he did give some information on the outcomes from the trip and there have been media releases.



I note also the practice of not only the minister is putting out a press release indicating the cost of him or herself and personal staff, but also the departments and agencies are putting out their own media releases that do not get much public attention. The detail does not seem to appear in newspapers.

In the case of the Chief Minister's trip, for example, I think the costs of himself and his personal staff came to about \$37 000 but the cost of the 14 public servants who went plus three media people—I am not quite sure why we are paying for them—came to something like \$100 000.

If you add the costs of that trip up—and I am sure additional things have to be taken into account like hospitality, including alcohol—I make a few comments about that as well in my submission—interpreters, cars, communications and so on, you are talking about much bigger figures. I think some more organised way of getting all the details onto the public record and getting full reports to the parliament and available to the people through the parliament and maybe through websites and so on would be a good thing.

I think availability of information would focus attention on whether this is a good expenditure of public monies or whether the money could be spent better domestically. After all, the overall international relations of the country are in the hands of the federal government and industry is very active on its own in an external sense now and is able to identify trade opportunities and pursue those opportunities on their own. They do not actually need government most of the time.

I think just routine trips to get to know Asia or to keep up relations probably need to be closely questioned in a small jurisdiction like the Northern Territory.

**Mr WOOD:** Fair enough. It sounds like questioning sister city campaigns.

**Ms AH KIT:** Brendan, this is Ngaree Ah Kit, Member for Karama. You touched on, very slightly there, about the other matters listed in your submission.

**Mr DORAN:** I am sorry but I cannot hear you very well at the moment.

**Ms AH KIT:** I just wanted to touch base with you about the non-service of alcohol at Territory official functions that you included in your submission. I thought that was really interesting. I was just wondering if you have heard of any other parliament around the country that has implemented that?

**Mr DORAN:** I have not. I must say I have not looked very closely but I would commend it to you as sort of a useful thing to do given the tremendous problems the Territory has with alcohol. I do not see too many downsides to it. People can still have a drink in their own time, privately, using their own money, but I do not see any downsides to it at all.

Traveling overseas as well—I think it would be a good thing if Territory delegations were known as non-drinking delegations, serious business delegations, given the past history of some of these overseas trips. It is not as if the Territory has a brewing or wine industry to support, and any money saved can be used for other purposes or used to promote genuine Territory products overseas.

**Mr McCONNELL:** I have a follow up comment to Ngaree's commentary.

**Mr DORAN:** I am sorry difficult to hear again.

**Mr McCONNELL:** Sorry, it is Scotty here again. Are you hearing better? Is that okay, can you hear me now?

**Mr DORAN:** Yes.

**Mr McCONNELL:** I have a follow up comment. One of the things I find most difficult in coming to this place as an MLA is the consumption of alcohol at events. I find it really challenging. I am not a teetotaler or anything by any means. There is nothing wrong with alcohol in an appropriate location. I think it is more to do with the appropriateness of it.

I guess that I have a bit of an issue from the point of view of the electorate I come from as well. We have a policy in the Northern Territory at the moment that was implemented by the previous Labor government, then expanded by the CLP government, and now still enacted by the current Labor government, which is in effect racial profiling at premises in Alice Springs, Katherine and Tennant Creek. I find it really difficult as a

member of this place to be attending events where there is a free flow of alcohol, not only free access to alcohol but in a lot of cases the alcohol is free, as in no cash along a finger paid for it.

I find that really difficult and I think it is something that does require a little analysis. I am not saying we declare this place alcohol free or anything else. Some responsible service of alcohol and some looks around this, I think, is a really important issue. I thank you for bringing it up for the committee today.

**Mr WOOD:** I would support those comments.

**Mr CHAIR:** Any other questions? No? Brendan, thank you very much for your time today.

**Mr DORAN:** Thank you and if you have any further queries—I know you are moving ahead pretty quickly with the committee's work, but if you thought I could contribute anything further please do not hesitate to contact me.

**Mr CHAIR:** You can rest assured that we will not. We will contact you, I expect, at some stage in the not too distant future.

**Mr DORAN:** Best of luck for it all and Season's Greetings to everybody.

**Mr CHAIR:** And to you too. Thank you.

### **PROFESSOR NED AUGHTERSON**

**Mr CHAIR:** On behalf of the committee I welcome everyone to the public hearing into opening parliament to the people. I welcome to the table to give evidence to the committee Professor Ned Aughterson.

Professor at CDU, is that right?

**Mr AUGHTERSON:** That is right, yes.

**Mr CHAIR:** And Barrister at William Forster Chambers. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee; we look forward to hearing from you today.

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**Mr AUGHTERSON:** Ned Aughterson, Professor of Law Charles Darwin University and Barrister at William Forster Chambers.

**Mr CHAIR:** Thank you, Professor Aughterson. Would you like to make an opening statement?

**Mr AUGHTERSON:** I did put in a written submission; it is on a fairly narrow point. I do not know that I can usefully enlarge on that so I am happy to be open to questions.

**Mr CHAIR:** Does anybody have an opening question?

**Mrs WORDEN:** I am really fascinated with what stands out on your submission from others is the New Zealand example and how the process works in terms of legislation that has already been enacted rather than what we sort of focused on today as a committee around the legislation coming through.

I am wondering if you could step us through that process, what that might look like with a bit more detail than is in your submission?

**Mr AUGHTERSON:** Yes. Now what I would say is second hand. It comes from my looking at the standing orders in New Zealand and doing some reading in relation to that. It has to be kept in mind that the New Zealand committee follows the same process as here so this is an additional function which is, in a sense,

a watch dog function so that the committee would go through the same process as would the existing committee of this House. But then after the regulations—and New Zealand is confined to regulations just as the present committee is here. After the regulations are promulgated and they are in place, there is an opportunity for anyone at any time to make what they call a complaint. I am not sure whether complaint is the right terminology but that is the terminology they used—to make a complaint to the same committee in relation to how the regulation is in fact working in practice so that if they feel there are difficulties with it or if it is not working or there are complications they would make a complaint to the committee. Following that, the committee is obliged, under the standing orders, to look at that and not only to look at it but to actually ask the person to appear before the committee and make oral submissions in relation to it.

That does not have to be followed if there is a unanimous vote of the committee not to allow that process. That has a way of weeding out those who, on their face, do not have any merit. As long as one or more members of the committee wish to hear that person, they are obliged to do that.

What would happen then is the complaint would be sent to the relevant department and to the minister so that they would have an opportunity to respond. Also, at the actual appearance of the person at the time of the appearance before the committee, the department or ministerial representative can also be present. Then it would take the form of discussion in relation to that issue. The committee would ask questions of the department, usually they would be represented, and the complainant, using that terminology.

At the end of that the committee would confer and make a decision as to what it wanted to do. The committee does not have any power to compel change so its next step would be to make a recommendation to the relevant minister and then that minister or the government would take the recommendation on board and presumably it would go through the usual processes and the recommendation would be accepted or not as the case may be.

The idea is to recognise that it is not always possible to anticipate in advance how regulations will work in practice. This is an added dimension in that it enables a viewpoint to be put forwards after it has come in and it does give the committee a second role, or a watch dog role, to see how the regulations—in this case we are only taking about regulations in New Zealand—are progressing.

The indications I have heard is that from the viewpoint of the committee this is perhaps the more interesting work of the committee because it gets to see the regulations in action and it gets to actually directly communicate with members of the public who are exposed to it and affected by it.

One of the interesting points is one might imagine that there would be a flood of these sort of complaints but the New Zealand experience is that it is not. There are very few, maybe a couple a year and that is all. So at least in the New Zealand experience it has not proved to be a burdensome role.

**Mr CHAIR:** Perhaps you have answered this one with some of your latter comments but I have just had a note—you used the term ‘regulation’ and I was just going to ask whether that was a generic term or whether you are talking about subordinate legislation?

**Mr AUGHTERSON:** Sorry, it is subordinate legislation.

**Mr CHAIR:** So not the Act itself?

**Mr AUGHTERSON:** No, because New Zealand, as with the existing committee here, does not look at Bills. The existing committee here does not look at Bills; it simply looks at subordinate legislation, and that is the same in New Zealand, whereas in some of the other jurisdictions in Australia they look at both.

**Mr CHAIR:** Yes, and it is our intention.

**Mr AUGHTERSON:** Yes, and as I said in my note this looks a little bit like the Queensland model.

**Mr CHAIR:** How do you think that would work, looking at both legislation and subordinate legislation? Would that same sort of approach be tenable?

**Mr AUGHTERSON:** I do not see why not, in theory. Whether you are going to attract a lot more interest might be another question because, very often, it is the legislation that has the impact more than the regulations.

You might find that you get more—using New Zealand terms—complaint than you do with just regulations. I do not know of any model that has looked at both. It might be possible to try it with regulations first and see how that goes and then perhaps expand it if you think it was warranted.

**Mr WOOD:** I think one of the issues that is sometimes missed when new legislation is brought in is it—governments say they will review legislation in a couple of years because when they bring it in they say, 'We are bringing this in to reduce the number of car accidents in the Northern Territory', but really do you seem to ever get back to say two or three years down the track, 'Prove it. Has it achieved anything?' If it has not achieved anything why bother having it. I do not know whether committees could at times look at some of that.

In relation to regulation, of course we have a subordinate legislation committee. Whether—I suppose this will be up to the committee—that should just have an expanded role itself to look at that I do not know. There is an opportunity there to do that work you were talking about.

**Mr AUGHTERSON:** Well that would be a reason, I suppose, to consider in relation to Bills because if the committee does have that expanded watchdog role it could set in its calendar those timeline dates and remind itself at the end of two years perhaps to have another look at those Bills.

As always there are a lot of factors to be taken into account in relation to this, including resources because obviously the more you do—it is more resource intensive. I should say too, with the New Zealand system they do have a staff—I am not sure how big it is—that looks at all the regulations and does a first level, if you like, assessment for the committee. Perhaps the onerous work is taken care of to some extent.

**Mrs LAMBLEY:** I am just interested, how do people know about this? How do people know they can lodge complaints of this nature and what types of people generally do complain? Is it interest groups like from legal groups or stakeholders?

**Mr AUGHTERSON:** I do not have much information on that other than to say that—the limited advice I have is it is people who tend to be affected by it. If it was regulations affecting the building industry it would be people in the building industry that would be making the complaint. The New Zealand one is framed so there can be an individual or a body that makes the complaint.

**Mrs LAMBLEY:** They have received two a year for the last 21 years?

**Mr AUGHTERSON:** On average it seems to be about two a year. I am not saying it is consistently two a year but it is at that sort of level. The experience is that it is not—but keeping in mind that it is confined, as here, just to the regulations not to the Bills. If it was open to Bills it might well be somewhat more.

**Mr McCONNELL:** One issue that I regularly have brought to me in my electorate and other places in the Territory is the view that some laws in the Territory have a component that results in Indigenous people being over represented in that system. Recently—this is all anecdotal. I have the evidence to support it—there seems to be a lot more Indigenous people ending up with a custodial sentence because of unpaid fines because a lot of fines have gone up. Also, there are other things that affect that as well.

I just see what you are proposing here as a real interesting opportunity for—if there be a group or representative body that has a view along the lines of that, that this might be an avenue that they get to bring it up to. At the moment the avenue we have to bring it up is through the executive arm of government and we get whatever their priority is as an answer rather than an answer that has got all the due diligence behind it.

**Mr AUGHTERSON:** I think that it a good point actually. I think that is a good one and the other thing I made brief mention of in my note was that, in relation to the matters considered, taken into account, by the present subcommittee, there is nothing there to do with Indigenous issues, whereas in Queensland there is. I just simply mention that so—also at the preliminary stage, if the committee was so minded, to also look at the initial stage how it might impact on in that regard.

**Mr CHAIR:** That brings up another point. There are a number of jurisdictions that scrutinise Bills for their impact on rights and also require that the author of the Bill provide a statement on whether it is compatible with human rights. Do you think there will be merit in a similar requirement in the Northern Territory?

**Mr AUGHTERSON:** I do and I always think it is helpful if minds are turned to that question at the outset and any provision which emphasises that, I think, would be welcome. As always with these things, the

resource implications of those have to be taken into account but subject to that I certainly think that would be a good step.

**Mr WOOD:** But sometimes it is the regulations that are the issue and not the Act.

**Mr AUGHTERSON:** Sure.

**Mr WOOD:** And the regulations are not generally seen by members of parliament unless they make the effort to go and look at those regulations. The human rights issue can sometimes be in the detail rather than the general act.

**Mr AUGHTERSON:** Indeed. That is a very good point.

**Mr CHAIR:** Professor Aughterson, thank you very much for your time and your input, very thoughtful.

**Mr AUGHTERSON:** Thank you.

#### **IAN MCNEILL PSM**

**Mr CHAIR:** On behalf of the committee I welcome everyone to the public hearing into opening parliament to the people. I welcome to the table to give evidence to the committee Ian McNeill PSM. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public we will announce the committee will go into closed sessions and continue in private.

Mr McNeill, could you please state your name and the capacity in which you are appearing.

**Mr McNEILL:** My name is Ian Bruce McNeill and I am appearing as a private citizen but I should record that my interest in the committee's inquiry is prompted by having been an officer of the Legislative Assembly of the Northern Territory for some 18 years, from 1985, and, before that for 19 years in the Australian Senate.

The development of the committee system in the Northern Territory is an abiding interest of mine, having witnessed the development of the committee system over a period of time in the Commonwealth parliament. My enthusiastic support for the proposed committee system is clearly evident in the contents of my submission.

**Mr CHAIR:** I was going to offer you the opportunity for an opening statement but I think that has covered that off. Thank you. Does anybody have an opening question?

**Mrs WORDEN:** Under the scrutiny of committee and your submissions you talk about—and this is an area that we sort of have not touched on yet with others. There is no current proposal to change the operation of existing Assemblies, domestic committees—and I am presuming you mean the House Committee and Standing Orders Committee.

**Mr McNEILL:** Yes, the House Committee, Privileges Committee and Standing Orders Committee.

**Mrs WORDEN:** Do you have any suggestions that you would like to talk us through? I think that is something we have not necessarily discussed and we sort of left them alone—anything particularly around that?

**Mr McNEILL:** I think it would serve the Assembly well to maintain the housekeeping function with those standalone committees that have a dedicated role. In the context of that discussion, in putting together the submission and in reading not just the green paper but the discussion paper published last year by Madam Speaker and the two discussion papers published by the Australian Labor Party, that the scrutiny function currently undertaken by the Public Accounts Committee might be diminished by becoming part of the 'new super committee system' whatever available mechanism that could be put in place to preserve that function should be considered so that facility is not diminished.

By and large, I think the proposed new committee system ticks most of the boxes. It is virtually expressed in the green paper that we are playing ‘catch up’ in the Northern Territory in respect of the development of a committee system over the last 30 to 40 years, especially in the Australian context, and in other parliaments the expanded committee systems produced an overall favourable outcome in that the adversarial conflict element that used to characterise a Westminster system debate-style parliamentary engagement has been ameliorated by committee operations. The general and accepted thesis is that committees are driven by a spirit of cooperation rather than conflict. The benefits of that are quite manifold and well worth the introduction on a trial basis in the Territory.

**Mr WOOD:** On possible parliamentary reforms, you talk about expanding the parliamentary library to help the committees in their research.

**Mr MCNEILL:** In the event that the new committee system is put in place, success or failures will depend on the financial and human resources and expertise that are available to the committee and members to most efficiently and effectively do their job.

Historically, as this Parliament House building was being constructed (1990-93), the then government took the decision to move the then State Reference Library to the new building and we engaged the then state librarian for New South Wales, David Jones, to assist in the rapid design of the library facility that we now have. The new agreement, effectively, was that the new library of the Northern Territory based here would also include a parliamentary library service which had commensurate functions and would provide research and other services provided in other jurisdictions.

In the event—that arrangement lapsed within a few years of the occupation of the building and, my understanding is that very little direct research capacity, in particular legislative research, is provided by the current library to the Assembly and its committees. That could easily be reconstituted. The inevitable requirement is for finance and staff. Whether it is the committee’s role to take up that issue in its report, or for the Speaker, perhaps, to engage the government on. The framework is there. It only needs to be renewed, strengthened and supported.

**Mr McCONNELL:** We recently did a trip to the Queensland parliament and one of the most impressive things with the resources available through the parliamentary library in Queensland, which I believe is one of the exemplars in this game—the committee also received a submission from Alastair Shields, who is the CE of the Department of Tourism and Culture, around potential to resource the library service through an MOU to actually have a research arm to assist committees. It is certainly something we are interested in having a look at for sure.

**Mr McNEILL:** My understanding is that—and I think I have mentioned it in the submission—the proposed framework for the committees as proposed in the green paper is similar to the Queensland model. My understanding is that the Queensland model has been a fairly effective model that may well deserve consideration in proceeding in that direction in the Territory.

**Mr WOOD:** Would you also support the present Clerk’s view about having an independent parliamentary service and basically having the present Clerk not coming under the Chief Minister’s department?

**Mr McNEILL:** A brief historical reason for the current circumstance of the Clerk being on a government executive contract is a result of my agreeing to a government executive contract and sacrificing what was perceived to be a security of tenure.

However, more seriously, the separation of the parliamentary service, having a separate parliamentary appropriation and the installation of a parliament budget office, or officer, is very much in line with best practice as included in the Latimer House Principles, which are broadly accepted across the Commonwealth. I suspect that if it is the job of the committee to proceed with other options for parliamentary reform under its current remit, which appears to be fairly broad, that those items could be taken into account.

Indeed, the resourcing of the new committee system is very important, and most of that is financial, and unless the parliament itself has some clout, it will very be dependent on the good will, or otherwise, of the government at budget time to allocate the appropriate funds.

A separate parliamentary appropriation, at least in the formative stages, could have some more direct input from the parliament through the Speaker on a consultative basis. Separate legislation would, symbolically, fulfil that benchmark which is contained and accepted by the Commonwealth Parliamentary Association as

central to an independent parliamentary service. The parliamentary budget should be the job of the parliament not the government.

That is a long-running issue, and in the Australian context it is one that has not met with much success. The tensions between parliament and executive are well recorded.

**Mr McCONNELL:** So in the Territory setting could an independent parliamentary service, in some way, protect the committee system that we are setting up from being easily changed by subsequent governments?

**Mr MCNEILL:** A lot of it, as I suggested, is symbolic, but it would clinically and legally separate the parliamentary service from the public service for the government service and, insulate parliamentary officers from any possible undue influence or direction from the government.

**Mr McCONNELL:** Or cut of funding.

**Mr McNEILL:** There were a few issues which I have revisited since I made the submission. One particular concern, having looked at the websites of other Australian parliaments that the new committee system could definitely benefit from is an upgrade of the capacity of the technology that is available on the website, broadcasting, podcasting, televising, things like live minutes and the website becoming a more public, user-friendly vehicle.

I also mentioned, and I understand it is mentioned in the submission from one of the groups giving evidence this afternoon, are the benefits that would accrue to the opening up the parliament to the public principle to have regional meetings — not necessarily for sittings of the Assembly, but committee meetings that are pre-publicised and would hopefully attract the interest of people in the regions who do not connect with the Assembly at present. .

One of the great benefits of the previous statehood programs was that in travelling it was quite beneficial to both members of the committee and members of the communities that otherwise, feel disconnected with their Assembly.

**Mr CHAIR:** The members who visited Queensland recently discussed those sorts of issues with the members down there and their concept of subcommittees. Rather than having the whole committee travelling to their remote communities, you can get a couple of the members who can travel more readily and get them out there.

The other issue there was their Indigenous Liaison Officer who—and we heard before about somebody travelling out and meeting with the community and letting them know what was happening and what was coming. I think we all found that would be something that would benefit the Territory amazingly. We certainly have those issues in our sight as well, and any input that you might be able to provide would be more than welcome.

One of the issues, before we move on—and this has come up again before and it is this idea of balancing the workload. We have two committees and there is a nominal sort of division of the workload that has been provided in the green paper. What principles do you think should guide the division of work between the committees?

**Mr MCNEILL:** Well I think it is an exercise that would be very much largely based on actual experience of the committees once they have set up.

The two sample iterations of the allocation of portfolios to committees, one in last year's paper and one in the green paper. Knowing the dynamics of the Administrative Arrangements and how they often change I think it is going to be a bit of a challenge to keep across that and trying to achieve, as best you can, the balance between the workloads.

The other workload issue,—and it has been indirectly, or possibly directly, mentioned again this morning—is 'big issue' references like statehood. Once a reference was given for a larger-scale issue, how that would fit in with the new committee system, which is legislative in general purpose in nature. I think it would be a bit of a challenge, especially when there is necessarily much traveling involved, as was the case with the previous statehood references.

One other thing that I became more aware of, since making the submission, was the logistics of setting up the physical arrangements for two committees to meet at the same time and to be recorded. Obviously this is going to require some ‘fancy footwork’ here. I was thinking, having seen the Federation Chamber in operation in the Commonwealth parliament, the requirement to set up a new facility might also provide the opportunity for a reconsideration about the layout of the committee room.

In some cases we have just followed the standard model of other jurisdictions where you have the committee there and the witnesses here and it is almost a replication of the High Court, where the judges are on another level looking and talking down to, not just the accused but to the witnesses and other members of the public. In the round table layout—and in some parliaments actually it is the chamber centre table used for committee meetings, having members on one side and witnesses on the other in a far more friendly ...

**Mr CHAIR:** Less adversarial.

**Mr MCNEILL:** ... atmosphere than what we have at present, but that was just a random thought. I have been three years out of the Parliament business. My knowledge deficit is increasing rapidly. However, I still read *Hansard* from time to time. I must own up to that.

**Mr WOOD:** That is the way.

**Mr McCONNELL:** I think you are the second person I have ever met who has admitted to that.

**Mr CHAIR:** Mr McNeill, thank you very much for your time and input. I am sure I speak for the rest of the committee when I say that we look forward to your further input as well as we move along.

**Mr McCONNELL:** Take care and all the best in your endeavours.

**Mr MCNEILL:** Thank you...

**Mr CHAIR:** We will take that opportunity to adjourn for lunch.

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The committee suspended.

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#### **KAYE THURLOW AND GAWURA WANAMBI, COUNCILLORS, EAST ARNHAM REGIONAL COUNCIL**

**Mr CHAIR:** We will reconvene and welcome Kaye and Gawura. On behalf of the committee I welcome everyone to this public hearing into opening parliament to the people and I welcome to the table to give evidence to the committee Ms Kaye Thurlow, Councillor East Arnhem Regional Council, and Mr Gawura Wanambi, Councillor, also of East Arnhem Regional Council. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

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If at any time during the hearing you are concerned that what you will say should not be made public, you may ask that the committee go into closed session and take your evidence in private. Ms Thurlow and Mr Wanambi, could you please each state your name and the capacity in which you are appearing?

**Ms THURLOW:** I am a councillor, Kaye Thurlow, from the Gumurr Marthakal Ward of East Arnhem Regional Council. I live on Elcho Island.

**Mr WANAMBI:** I am Gawura Wanambi. I am from Gumurr Marthakal Ward and AM also the Deputy President of our council.

**Mr CHAIR:** Welcome. Ms Thurlow, Mr Wanambi, would you like to make any opening statement?

**Ms THURLOW:** Initially we would like to lodge our apology that our president is not available and neither is our CEO, who were the two that we at council said we would like to come and do the presentation if you had asked us to come.



We are very happy to be here and we felt that East Arnhem Regional Council is one of the few regional councils that represents only discrete Indigenous communities so we thought we had a different voice than, perhaps, anyone else, or most other councils in the Northern Territory might have. We felt there were some issues that might be better considered from us than from other people.

**Mr CHAIR:** Well, I think we agree. Thank you very much for your time and submission and for coming here today to talk to us. Does anybody have any opening comments?

**Mr WOOD:** Did you have any more comments?

**Ms THURLOW:** No, that is as well as we can do, thank you.

**Mr McCONNELL:** As I was saying earlier, it was really interesting to read your submission and, particularly, find out a bit about your area in East Arnhem. I found it really interesting.

I think that it is really important that parliament is open to the people. I guess what I am particularly interested in is, from your perception where you come from, is the committee process that we are talking about here today, do you think that is something that could be used more to expose the community to the operations of the parliament? I guess the second part of that question is, do you believe it would be worth us traveling to remote and regional locations to conduct hearings of the committee structure we come up with?

**Ms THURLOW:** I think the answer to your first question is that—and we have said it in our submission to some extent—there are many issues that perhaps go across committee topics. We wondered whether it might be wise to be able to have a committee that actually comes to talk about Aboriginal issues across portfolios at some stage. We are not quite sure exactly how that would work but I think the biggest difficulty for people from our area is that they have very little understanding of how parliament works in the first instance.

They grow up with a very strong understanding, from children, of the traditional Indigenous parliament and how it works. Even myself, I really have very little understanding of how the committee level of parliament works and operates. The Indigenous communities are very reliant on the Northern Territory parliament for managing many issues for them and yet they have very little understanding of how they can work with the government, ask questions of the government and how the government actually works.

I think what we were looking for are ways that we can, as it says, open parliament up to the people—how can we do that? This is what we were suggesting, that perhaps coming to share with the whole about all issues of a region rather than coming to specifically focus on a topic as such. Now that I have answered that question I have forgotten what our second question was.

**Mr McCONNELL:** The second question was just really the committee process. We are really interested in the idea of the committee having hearings in regional and remote locations. Do you think that could be helpful?

**Ms THURLOW:** Very much so. Like I say, we still might be very naïve on how to speak with you or how to interact, to raise our issues, but I think it would be a valuable activity to just let people have a better understanding of how parliament actually does operate, that sitting in Chamber is only part of the whole process and to have a better understanding of how everything else works as well.

**Mr WOOD:** You know, we have an Aboriginal—sorry, a parliamentary educational facility here which mainly goes to schools, but of course its budget limits what it can do. Do you think that to get a better understanding of what the actual parliament is, would it be worth the Legislative Assembly having the ability to get out to communities just to explain the basic structure of it? You said you did not know what a committee meant but if I asked you, ‘How does parliament work?’, you probably would not have much idea either.

**Ms THURLOW:** You are probably right.

**Mr WOOD:** I probably would not have known until I got the job. I know we do have an education section of this parliament. As I said, it mainly goes to schools but there is no reason it could not go to adults as well. I do not know whether there are opportunities there for that to—and it would be a funding issue, of course, for the parliament to get out further.

**Ms THURLOW:** I think that is—look, having worked in the school before I retired, I do not remember any educational program about Northern Territory Government even coming to my school. I know once in 30 years there was someone from the federal parliament who came and did some educational activities in the school. School is fine even like that but, certainly, adults as well. I really think it would be very helpful that we actually had some education activities for people to understand the whole situation.

We have now got, for the second time in 40 years, an Indigenous person from the East Arnhem region in parliament. The only other previous to that was Lyanhapuy (inaudible), way back in the 1970s.

It is a prime chance in this time of parliament to actually give people better education of how parliament operates.

**Mr CHAIR:** One of the things I said earlier—it might have been before you arrived—but some of the committee visited Brisbane to see the Queensland parliament. They have an Indigenous liaison officer down there; he is also an education officer. When he is in Brisbane he runs tours of parliament and sort of explains the whole parliamentary system to people but when committees travel to remote communities he will travel there first and talk to community leaders, and that community itself, and let them know what the process is and give them that level of education before the committee arrives. I am assuming that sort of approach would be something that your communities would like?

**Ms THURLOW:** Yes, quite often in communities a parliamentarian, or the Chief Minister or someone, comes to the community for a specific reason but the community is not even aware of what that reason is or what the parameters are in which he is coming to the community to investigate. So in that case it often happens that people will raise any sort of issues about anything and the reason the person has come to the community may be subverted by all these other issues that people raise. To understand what a committee is looking for specifically would be really helpful, I think, so people can focus on, 'Okay, they are coming to talk about these issues; we will focus on what our issues are regarding that.' I think that would be helpful in advance—to give them warning.

**Mr CHAIR:** Yes, that is right. Not just loB on the doorstep and say, 'Here we are'.

**Ms THURLOW:** 'What do you think about this?'

**Mr McCONNELL:** I think that—and it is not—it is governments of all political persuasions, I think, that have made the error in the past, and probably will in the future, to come and visit communities for our own purposes rather than the purpose of the community.

This is where I think this process is sometimes an opportunity to really come to the community about an issue about a law that is to be amended or changed or whatever and come to the community and really seeks the community's opinion about how that may affect them and what points they want to bring across.

I think just knowing the Aboriginal way, the Anangu way, from the language from where I come from—just knowing Anangu way you really have to go out and do that consultation in the community beforehand like in that Queensland model. If you do not do that people will—you are just somebody from government. 'Why are you here? You are somebody from government. We do not know what you are here for, whatever.' I think that is really important feedback and I thank you for it.

**Ms AH KIT:** Thanks for all of that information. You mentioned about governments and agencies coming out to find information specifically from the community. I guess I am just interested to see—how have you found the feedback from those processes?

If people are coming out there for a specific purpose, they want to talk to community members to get input; is there a clear process for those government agencies after they come back to town to give you that follow up? 'Thank you for meeting with us. This is what we took out of the meeting. This is what we are going to do now. Here is the information for your records to get back to everyone in the community.'

Has that worked so far? When government officials and politicians go out there for those meetings, when they come back do they work specifically with you guys as council to get that information back out to the community members?

**Ms THURLOW:** It really does vary. If, for example, they are coming out to talk about the fact that we had 80 houses destroyed at Galiwinku after the cyclone and parliamentarians as well as government officers came out to talk about, 'How best, do you think, we can fix or replace your houses?'

There was a lot of discussion and feedback from that but there are other times when there is absolutely no feedback at all. Or we have talked about the fact that we need lights on the football oval and, 'Yes, we will just get on to that', and we do not hear another word about it and no one comes back and says, 'Now that was a really good idea but we just do not have the money. We will put it on the backburner', or whatever. We do not get an answer at all for many things. They do not come back and talk about it again later on.

It just does vary. I must admit that the consultation about the redevelopment of the community after the cyclones was really, in general, very good consultation and reporting back directly to the community, not necessarily to the whole region but certainly to the community that was affected.

**Ms AH KIT:** Thank you.

**Mr CHAIR:** Do you know if that was federal or Territory federal?

**Ms THURLOW:** Territorian, yeah, very little from the federal. Even though the Indigenous engagement officers and the government engagement coordinators are based in the communities from Prime Minister and Cabinet section, it was really the Chief Minister's department that provided that continuous feedback and communication.

**Mr WOOD:** I think you mentioned before, would you prefer a committee that came out and had a very flexible agenda so that issues that you may have concerns about you would like to feed back to the agenda? Bearing in mind that sometimes government has a role through its Cabinet process, it can go out as a Cabinet and ask people, but do you think parliament would like to hear directly about issues that you would like to raise rather than us going out there and having a set agenda?

**Ms THURLOW:** I think in general the answer is yes, that we would like to have our input into what we would like to discuss without a specific agenda. However, that discussion about housing was really about housing. It was not about all the other issues. Even though we might have raised lots of other issues at the time, but it was focusing on housing because housing was a crucial and vital topic for us. We did not have anywhere to live basically.

There might be issues in the future where you might be specifically looking at a health issue or a youth diversion program as such. I cannot—I am sure there are lots of issues where we would not mind having a specific focus, provided we knew in advance what we were being asked to think about and to raise.

I think there is a balance there. We were specifically saying in our submission, more so for a generalistic, us managing the agenda, but I still think there is room for the other way as well, provided we have education in advance as to what you are coming to talk to us about.

**Mr COLLINS:** Yes. Ultimately the committee system will be looking at legislations that come through the House and then going out and consulting with the community. I do not know that there should not be any problem whether we go for the specific process of discussing the particular legislation that is passing but adding on to a section where the committee or the subcommittee discusses issues that the community want to raise. I think we should always be open to bringing back the concerns of the community; that is what our job is.

**Ms THURLOW:** There is perhaps one other area that we have mentioned, to do with Question Time in parliament. We basically said that we are okay with what has been suggested but one of the questions from the community point of view and council point of view is that there are issues from time to time where something has happened that has affected us and we do not know what to do, how to get someone to give us advice on it.

For example, Airnorth have all of a sudden stopped running a regular passenger flight into Milngimbi. A significant island community now has to rely—and we were told literally overnight that they are not flying to Milngimbi anymore. We have heard all sorts of reasons but nothing really makes sense to us. We do not know what to do? How do we get someone to find out what is really happening and also to address the issue?

That is just an example, I am not asking you to give me an answer for that. That is an example of issues that rise from time to time. We think, maybe it is government or maybe it has nothing to do with government. Well, okay, tell us. We do not know how to manage that and I am wondering whether that is a question that we ask the local member to raise in Question Time.

**Mr WOOD:** It also could be a committee subject. Again, when I was in Canada they had issues about their airlines there. Airline travel in northern Canada is very expensive; they had a couple of airlines operating and they were looking at the efficiency.

That committee brought in all the owners of the airlines—all the managers; they had to come before the committee and explain what they were doing. The airlines were also explaining what they were going to do. I do not see any reason a committee could not take up issues of airline connections to remote communities if it believed it needed looking at, because they are important issues.

**Ms THURLOW:** It costs me \$1000 if I want to fly from Elcho to Darwin and back to Elcho again these days. We think that is a bit hot at times.

**Mr WOOD:** Yes. You do raise one other—I marked it here before; you raised the issue; you are saying you support Labor’s recommendations of the setting aside of an allocated time in each parliamentary sitting week for representatives of different groups to present their case to parliament, for example, the Local Government Association, Council of the Ageing et cetera. You see that you could work through say the Local Government Association. The Local Government Association would have a time where it could raise an issue before the committee or the parliament; I am not sure which would be the best way.

**Ms THURLOW:** I think we were not quite sure which would be the best way either. We felt that it would be focusing on issues relating to local government I would have thought.

**Mr CHAIR:** Anybody else have any other comments or queries or questions? Kaye and Gawura, thank you both very much for coming here today and letting us know about your concerns and the issues of the East Arnhem region.

**Mr WANAMBI:** I just want to point out something that is not to do with East Arnhem. I just want to find out what are the issues or support from the Northern Territory Government towards some communities that have great new, small Aboriginal corporations?

**Mr CHAIR:** So what support...

**Mr WANAMBI:** Yes, support. What are the issues?

**Mr CHAIR:** Probably not something for this committee, unless somebody has any particular expertise in that area? No?

**Mrs WORDEN:** Just to be very clear, are you talking about new enterprises that start up in remote ...

**Mr WANAMBI:** New Aboriginal corporations.

**Mrs WORDEN:** But why are they being formed; with the intent of operating as a business or ...

**Mr WANAMBI:** Well we just—where we can sort of get help from. Normally we would go through the (inaudible). The (inaudible) looks after it, and my question is, does the Territory have any concern on this, or is it a federal thing to go with our Indigenous minister?

**Mr WOOD:** Aboriginal Incorporations come under the federal government and (inaudible) manages Aboriginal—if you wanted something different it does not have to be called an Aboriginal corporation. You can have a corporation that does not—you can make a private corporation body. It does not have to be under (inaudible) but something just private.

If you wanted funding from the Commonwealth then you would have to have, probably, an Indigenous corporation to do that, to attract those funds.

**Ms THURLOW:** It actually opens up, clarifies, for me the difficulty and understanding of the whole situation. That really is an example of the difficulty of not knowing who to ask about something but we know that someone should be able to clarify my issue for me and yet I do not really know how to ask the question in the first place or who I ask the question of.

**Mr WOOD:** Well I do not even understand when I get on the website to find out, because I have had to do it for my family. I have trouble understanding what it is all about and who to contact and when you ring a number up it just says, ‘Press one, two, three, four, five’, and then it says, ‘You will get your answer in 15

minutes', or something, then you give up. It is not always easy or friendly for even non-Aboriginal people, by the way.

**Mr WANAMBI:** I am just trying to find a way because I did throw this question to our federal minister once and he did not, sort of, reply back to me.

**Mrs WORDEN:** I guess it depends, from my mind, the intent of the association that there is an association there already and it is a recognised body—whether you are starting up one alternatively that would definitely be, or if it is a group to, say, start a small business or local enterprise then you could go to the Department of Business and they will give you some support. They have grant money for business. It would just depend on the intent of the association, so we would have to have a longer conversation about that.

**Ms THURLOW:** Certainly.

**Mrs WORDEN:** And your local member, to be quite honest, should be able to help you and, because he is new and some of us are, he could ask that question himself and find out that information—Mr Guyula.

**Mr WANAMBI:** I am in Arnhem.

**Mrs WORDEN:** You have Selena.

**Mr McCONNELL:** Gapuwiyak have Selena.

**Mrs WORDEN:** Definitely go and ask Selena and she could—even if it is not Selena, she can find you that information because that is what spend time doing for our constituents.

**Ms THURLOW:** We are really struggling to understand how to access funds to assist us to develop businesses. It is a really huge unknown, virtually, for us.

**Mrs WORDEN:** The Department of Business has start-up funds for new Indigenous enterprises and I found that information out for myself last week, helping one of my constituents.

**Ms THURLOW:** That is all very well and good if we know what businesses we want to start up and then often we get it started up but no one follows it up to help us to follow on with the process as well, so we fall in the hole again.

**Mrs WORDEN:** They will also help you with a business plan if that is the sort of thing you want, but I can also tell you there is no money for ongoing business at the moment because that money is fully expended, which is also what I found out. There is money; they are focusing on new start-up businesses specifically for Indigenous groups or individuals. If you are interested that is the Department of Business. I would really encourage you to make an appointment with Selena. She can come out and see you.

**Mr WOOD:** There will be a federal version of that as well, so you need to get in contact ...

**Mrs WORDEN:** Indigenous Business Australia, which is what will be allied for the templates and the ways forward for you to draw up your business plan and where to go for funding.

**Mr WANAMBI:** IBA

**Mrs WORDEN:** IBA, yes. They are located on Woods Street.

**Mr WOOD:** Not IGA. IBA.

**Mrs WORDEN:** But certainly Selena—even if she did not know she would go through the process to help you (inaudible).

**Ms THURLOW:** Thank you so much for inviting us to come and speak with you ...

**Mr WOOD:** That is all right. Thank you for coming.

**Ms THURLOW:** We look forward to the outcomes.

**Mr CHAIR:** We look forward to hopefully getting out and meeting with you at some stage and talking to you.

**Ms THURLOW:** Thank you so much, everyone.

### JUSTIN TUTTY, NT GREENS

**Mr CHAIR:** On behalf of the committee, I welcome everyone to this public hearing into opening parliament to the people. I welcome to the table to give evidence to the committee Mr Justin Tutty, Convener NT Greens. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website.

If at any time during the hearing you are concerned that what you will say should not be made public you may ask the committee to go into closed session and take your evidence in private.

Mr Tutty, would you please state your name and the capacity in which you are appearing?

**Mr TUTTY:** My name is Justin Tutty; I am here representing the NT Greens.

**Mr CHAIR:** Mr Tutty, would you like to make an opening statement?

**Mr TUTTY:** I will. I will just say I am glad this committee is doing this work and exploring these important questions. I think there is a lot of risk with the recent landslide and the large hold the government party has. It is useful and welcome that this work is being done. I guess I noticed a lot of focus and attention on the scrutiny committees. That is good; that is welcome too. Those are important functions of nurturing community confidence in the integrity of government but I think, equally, we should be concerned about institutionalised obstacles to public scrutiny of the operation of government departments.

I think one of the discussion papers touched on third party rights under the *Planning Act*. I am thinking of, you know, there is this drawn out response to long-standing calls for making public mining management plans and concern about the bizarre secrecy over some resource project bonds. So it is good and welcome, all the attention on scrutiny committees.

The other area that I would stress is we are interested in exploring what other values and opportunities would come from facilitating and allowing members to address parliament in their language and in local languages. I can see that becoming an asset of parliament that stretches beyond that immediate function.

There was some talk in one of the discussion papers about electoral reform and, possibly in the interim, changes were already made. I think that is how it went. Things were a bit different the last NT election. I suppose there should be a review of that. Our perspective is mostly positive and that is probably—it is quite possible that what was explored in the discussion papers are now redundant but if any electoral changes were to proceed it probably should start with a review of the last election.

**Mr CHAIR:** Thank you for that. A couple of points, I think, there have been some amendments to the disclosure of bonds under the *Mining Management Act*, made just recently. That is about all I know at this point in time.

Yes, there was the submission from the Electoral Commissioner regarding how we, as a parliament, review electoral laws because then they do not fit neatly into the portfolio committee system that is being proposed. We will look at, and certainly take those recommendations on board because I certainly, for one, think that the review of electoral laws should be an independent process that should come up regularly and should not be left to the government of the day to make whatever changes it feels like making at any particular time. I would probably say that we agree with you on that.

Has anybody got any questions to open with?

**Mr TUTTY:** Can I question you?

**Mr CHAIR:** I suppose so.

**Mrs WORDEN:** Sure.

**Mr TUTTY:** I was just curious about—there was a previous scrutiny committee structure and the green paper did not show that had been assessed or considered.

**Mr WOOD:** That is the Council of Territory Co-operation. It got dumped by the previous government and partly resurfaced as a parliamentary accounts committee. Not quite the amount—well towards the end it had as much power but there, for a while, the government still had ownership of the chairperson position and therefore controlled it but towards the end Robyn became the chair of that committee and it did a few things. Richardson Park is a classic example.

I must admit I am in favour of a committee that is purely a scrutiny committee that has that free range to go and look at issues and policies on its own fruition. Of course, that is part of this debate, whether we have one or do not have one. We will use these new committees to do it; that will be part of the discussion.

**Mrs LAMBLEY:** What did you like about that particular structure, the Council of Territory Co-operation?

**Mr TUTTY:** Well, they dumped it; there must have been something good about it. I was just very much aware that it did not feature in the green paper or the discussion paper. I would like to see, maybe in your final report, some indication of what consideration was given to that model.

**Mr WOOD:** It used to do what we were talking to the previous people about. It would go out with a specific function and when they were sitting down with people they would raise other issues, which was one of the beauties of it. It had a flavour of a certain person holding the balance of power and therefore it could never get over that with one side of the parliament, which is why it died in the end.

**Mr CHAIR:** I think the process here is about starting something new. It is new for the Territory but it is something that has been adopted in other jurisdictions and is working and it is a process of saying to the public, 'Here is the legislation that is passing through the parliament. This is your opportunity to come in and have a say and make a difference.'

As I understand, the experience where a number of the committee members have been to Queensland to view the committee system down there—and this is largely following the Queensland model. The process down there seems to be working quite well. Everybody, Independents, both sides of parliament, was supportive in their comments to us about how this process works and how it does involve the public and how it produces results in the sense that it recommends amendments to legislation that in large part get taken up by the government.

Ultimately, rather than just being one committee, the government can control—and ultimately we can still do that. As you pointed out, we have a reasonable sized majority at this point in time—a) we do not have to do this, b) we can do it and then just stack the committees.

If we do that as a government—and I think I speak for the government members here—then we stand the possibility of having the backlash of the people of the Territory. I think we, as a group, recognise that the people of the Territory actually want something different. They want to be consulted and this is part of that process. As a government we have to live to that. If we do not—yes, we had a big swing to us in the August election but history will tell you that means nothing come the next election.

To some degree it is about survival, but I think most of us would agree that this is actually about making a better parliament for the Territory and for Territory people to have their say and actually feel like they are being consulted properly. If we do not do that we will pay the price.

**Mr TUTTY:** I am not here with any complaints about the proposed ...

**Mr CHAIR:** No, that is just sort of probably the reason why the other scrutiny committees—we are not considering us, although I suppose we still can. We will go away from this process, take everyone's comments and answers and their submissions and then we will work though as a committee towards a recommendation to the government.

We are concentrating on the two portfolio-based scrutiny committees. We are looking at ways in which that can be improved, or maybe improvement is not the right word, but added to, in the sense that we can look

at other referral options so that we are not just looking at legislation that is passing through parliament. Whether we can self-refer, people can raise issues with us and we can look at a broader range of issues as the committee but bearing in mind we are a small parliament, limited number of people, and resources ...

**Mrs WORDEN:** I am just interested in your view of—because you do raise the *Planning Act* and obviously that would be a bit of legislation that, possibly, at some stage would come through. Whether what is being proposed here that—I guess the mechanics of it that any proposed changes for that Act would go to a committee and that committee would then hold hearings and public hearings. Do you think that process would be something the Greens would engage with if that is the way things went? Is that something that you would find useful to come along and on the public record have those comments? Because obviously, even though the changes might be this, you could broaden your input. Do you think the Greens would take advantage of that type of change?

**Mr TUTTY:** Possibly. I think it is disappointing but probably understandable that that proposal for a parliamentary committee to review recent planning decisions was rejected. Perhaps this committee might like to consider other opportunities, other ways that we might allow some public scrutiny of what was admitted, a period of poor or questionable decision-making and planning.

**Mrs WORDEN:** I would be interested in looking forward. If that is what came out of that ...

**Mr TUTTY:** Yes, understand that. I am encouraging you to look back as well. Looking forward, I guess I feel a bit beaten about by constantly changing processes and constantly changing methods for public engagement. I guess the interested public are going to engage however they can. Sorry, I am a bit pessimistic.

**Mrs WORDEN:** No, I am just—because there is obviously other ways of engaging, but when specific decisions are being made—what we are talking about here is the way that—it is legislative reform, the way that people and stakeholder groups can have earlier comment before it ends up in parliament and is passed as a Bill.

I would presume that, probably over the next four years, the *Planning Act* in its entirety will come up for reform under this government. I am just really interested whether the Greens, as a stakeholder group—because we have heard from lots of individuals and representatives of other groups—whether that system or any other system for engaging on legislative change might be of interest to the Greens.

**Mr TUTTY:** Yes. I hope we would engage on legislative change here.

**Mrs WORDEN:** I am only just using the *Planning Act* as one example because it is obviously the one you have cited in your paper.

**Mr CHAIR:** Any more questions?

**Mrs LAMBLEY:** I am interested—how do the Greens engage with parliament as another political party that is not a part of parliament? How do you have your say?

**My TUTTY:** It probably is unusual that—I do not notice the other parties engage in the same way, probably because they have representation. We do not have representation. We have engaged with legislative reform and similar-level formal processes but a lot of what we do is really our members as individuals rather than the party.

I think at that level of legislative reform, we would, as a party, do it, but generally it is activating our members.

**Mr CHAIR:** Justin, thank you for your time and your comments.

**Mr TUTTY:** Thank you.

### SAM SWAN, ROUND TABLE OF YOUNG TERRITORIANS

**Mr CHAIR:** On behalf of the committee I welcome you to the public hearing into opening parliament to the people. I welcome to the table to give evidence to the committee Mr Sam Swan, Member, Chief Minister's Round Table of Young Territorians. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee, and look forward to hearing from you today.



This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website.

If, at any time during the hearing, you are concerned that what you will say should not be made public you may ask that the committee to go into closed session and take your evidence in private.

Mr Swan, could you please state your name and the capacity in which you are appearing?

**Mr SWAN:** Samuel Swan, Member of the Chief Minister's Round Table for Young Territorians.

**Mr CHAIR:** Mr Swan, would you like to make an opening statement?

**Mr SWAN:** Yes. I apologise if I sound like—I would like to apologise. I only received the green paper an hour before I came here so I have not had time to fully read over it. However, the main reason I came here was to discuss the engagement with youth in the parliamentary system in the Northern Territory and also provide a youth perspective for any question you may have.

**Mr CHAIR:** How do you think, in terms of—you have only had an hour to look at the green paper; do you understand the scrutiny committee process and that each piece of legislation will be going to the scrutiny committee to call for public submissions and public hearings such as today?

**Mr SWAN:** Not to the full extent, no.

**Mr CHAIR:** That is effectively the process. It will be slowing down the legislative process somewhat and then inviting public comment in that extended period. How best do you think we can communicate with young people to get them involved in that process?

**Mr SWAN:** Without a doubt, MLAs of parliament would have to have greater interaction with youth. I understand members of parliament are very busy; however, throughout my time in Darwin, excluding my time in the Chief Minister's Round Table and also the election time when the campaigning was occurring, Kent Rowe was the only person I have had any interaction with. You could argue he is part of the parliamentary system I suppose, but that is all.

I am personally very passionate about parliament; however, many youth are not and if there is not interaction between the members, you cannot expect youth to be very passionate or have any interaction with the parliamentary system.

**Mrs LAMBLEY:** How do or should members of parliament interact with young people? How do we do it?

**Mr SWAN:** I suppose there are many ways, one of which would be more visits to schools. I believe this would work in particular as if you are visiting schools the passion and interest can start earlier and that will be carried on throughout when the youth grow up. This will also have many effects on youth such as possibly—there is no evidence to back me up here, but possibly the electoral role percentage could be increased through youth.

I can think of where I work, at Channel 9—I can think of eight people I work with who are not on the electoral role. As I was talking with Ms Ah Kit, here every vote matters, particularly in the last election where Dale Wakefield and many other members won by a very small margin.

**Ms AH KIT:** Sam, in our conversations yesterday after the final presentations of the Round Table, could you recap and share with us again your experience in being engaged as a young person in the parliamentary system—how it came about, how you got exposed to it and, ultimately, how Kent ended up addressing you guys?

**Mr SWAN:** I guess it originates from when I was very young. My dad is quite passionate about parliament and I guess I got a bit of that from him. I watched the news every night and I used to watch Question Time when I was 10 years old. I understand that not all people are like me.

**Mr WOOD:** Very few I would say.

**Mr SWAN:** However, definitely TV programs, such as *The Killing Season* for one; it is a bit interesting. Also, through school there is a politics class currently running at Darwin High which has piqued my interest

as well, and that is where the involvement with Kent was. He came into the politics class and we did workshops with him, which all the students greatly appreciated.

**Mr CHAIR:** Were there other—in the politics class I am assuming, that was well ranging. It was not only ...

**Mr WOOD:** Was it a more balanced, neutral ...

**Mr SWAN:** Lia Finocchiaro was scheduled to come in; however, she had to postpone, unfortunately. So it was not just ...

**Mr WOOD:** You can always ring an independent.

**Mrs LAMBLEY:** That is right; we will have to work a bit harder, Gerry.

**Mr CHAIR:** You could use a bit of opposition in the idea of having politics classes in schools.

**Mr SWAN:** Without a doubt, my personal interest, and my peers' interests, they greatly piqued from having a person from the parliamentary system come to the class. It provides greater understanding of the process as well and it is more engaging from that.

**Mr WOOD:** You think one way, if we have an issue or any Bill that comes before us, we can send it to the Chief Minister's Round Table and ask them? Because they are a body of young people, or could we send it to some of the high schools and say, 'Would you like to send this off some of your law students?' I do not know of any political studies at the schools I have got but I do know they do study law in some of them.

**Mr SWAN:** Yeah, legal studies.

**Mr WOOD:** Legal studies—and perhaps there is a way there, if they want to take up an interest they can get back to the committee.

**Mr SWAN:** I think both could work effectively. I cannot say for certain. However, from a Chief Minister's Round Table member I do not believe there was as much consultation that could have occurred. I understand a different government was in place, but it was more focused around what we call community-based project, where we are investigating, if you like, and proposing to the government certain issues and ways in which we could combat that issue.

So instead of very select issues you would have legislation reforms come through to the Chief Minister's Round table and you could get the perspective of youth from it.

**Mr WOOD:** I suppose the danger is not—we do not want to put youth in a particular block either. They might want to be interested in something to do with sport or the arts or health or housing as well, not just a specific issue related to youth. I presume youth would like ...

**Mr SWAN:** Yes, I could not agree more on that. Many members of the round table—for those who were there yesterday. We had one member, her community based project was focused on couch surfing, so homelessness. Another was focusing on the preventative measures for young offenders.

It is not just selected around youth as such but consultation with legislation which is not directly impacting youth is also important as that legislation could possibly be there when the youth are not youth anymore. It affects them far greater in the future when they are adults.

**Ms AH KIT:** I am guessing you have heard of Youth Parliament?

**Mr SMITH:** Yes.

**Ms AH KIT:** That is a great program that has been running for a number of years here and it exposes young people to the operations of parliament. They get to sit in the Chamber and they run through all the different activities that teach them about the positions and things like that. Number one, I am asking if you personally find value in that and, number two, the access to information about that that you might have been exposed to through school, friends of the family and things like that.

I speak to a lot of people about the round table, about youth initiatives, the City of Darwin's Youth Advisory Group and the information still is not there in this day and age to get down to the young people. I guess it is

looking at your ideas on whether or not you think Youth Parliament is a good idea, and how we could best engage with young people and share that information that it exists.

**Mr SWAN:** No doubt it is a great idea and those students and youth who have attended the Youth Parliament have greatly enjoyed it. However, there is a lack of awareness about the program existing. As I would say, throughout my school I heard it through a friend who—I am not sure whether they were made aware of it but they did not find out about it through school, which would be a major resource you want to utilise to extend the knowledge.

There are many ways you could do it apart from school—social media, as a matter of fact, which would be a great way to spread the word because every youth is on social media; it is inevitable.

**Mr CHAIR:** Getting them too ...

**Mrs LAMBLEY:** Like the page.

**Mr CHAIR:** ... like the parliamentary subcommittee's page.

**Mr SWAN:** You could even—I do not know if you do this currently, I am not aware if you do—could possibly, somehow, incorporate a program that could, like the *NT News* or *Nine News* into it—whether they could make a post saying, discussing it.

Or even open days. I have attended many open days, in the Supreme Court; however, for those few there, there are not too many people in the percentage of youth. The people who are there is very small.

**Ms AH KIT:** Sam, probably the last question from me, how did you find out about the Round Table? What sort of format of information actually reached you to apply for the Round Table?

**Mr SWAN:** I found out about the Round Table through my English teacher, as a matter of fact, about five days before the closing date and I had never heard of it before that. That really blew my mind, that fact that such—the purpose of the Round Table is for youth to advise the government and represent youth in the Northern Territory. However, me not being aware of the program existing you could argue that it is not fulfilling its entire purpose, or it could be used better through more awareness of the program.

**Mr McCONNELL:** I think it is pretty interesting that we have a young person who listened to Question Time when they were 10 that is not aware of some of the things that are out there to engage youth in the parliamentary system. It is really interesting to hear to that.

I knew there was work to be done but your presentation has made me realise there is a lot more work to be done than even I realised. One real problem that we have with democracy in the Northern Territory is enrolment is down, particularly in youth and remote and Indigenous areas where the constituency I represent is.

I am very proud of representing the electorate that I represent but only about 46 to 47% of people voted. That is of people that are on the roll and there is probably massive under enrolment and those are people that have a much greater stake in the future: the young people.

We really have a lot of work to do with getting the enrolment up in the Northern Territory and the participation rate, once people are enrolled, up. To hear some of the evidence that you have given today, it is very concerning that we are not engaging with younger people.

**Mr SWAN:** I think, particularly, with the current makeup of the legislative Assembly with six Independents and 18 members of government—I am not doubting that you are all very busy, that is not in question. With that current makeup I believe, now more than ever, would be the easiest time for members to interact with youth, possibly.

**Mr CHAIR:** I think most people have alluded to that it is a perennial problem of communication; how we get that—you are somebody who is interested and you still did not know about the Chief Minister's Round Table. That is going to be something we are going to struggle with but we are going to try and do as well as we can. Getting that message out and finding the best way of getting the message to people that we are here; we do want to hear from them and this is the process.

**Mr SWAN:** How do you propose you do that exactly?

**Mr CHAIR:** I think the social media thing, as you have pointed out, is certainly one way of getting to a younger audience. The only way I can—your comment about having the *NT News* and the media outlets promoted on their Facebook pages as well is probably something I had not thought about before but is something that we probably need to do. That sort of Facebook advertising where your post gets displayed on somebody's newsfeed in a particular area is something we are going to need to look at. At least it then comes up. You cannot make them read or click on it but at least it will be there.

**Mr SWAN:** I suppose also. I know primary school is very early but everybody has a primary school in their electorate or a middle school in their electorate. Ngaree has Malak Primary School; you have Stuart Park Primary School; I imagine you have Sanderson Middle School, I presume.

**Mrs WORDEN:** That belongs to her.

**Ms AH KIT:** We share it, but I have three primary schools.

**Mr SWAN:** That is definitely a way the local member—I remember Michael Gunner went to Stuart Park Primary School; it was part of the Fannie Bay electorate. Michael Gunner came in and the kids absolutely loved it. Everybody was super excited that a member of parliament was coming to the school and that only occurred once. Maybe that could happen more.

**Mr CHAIR:** I have plans to get there more than once, trust me.

**Mr WOOD:** You mentioned before we do have the educational section of parliament which is—when they go to one of my schools—our schools, you are usually invited to go along as well; it is a great time. The kids love play acting parliament but that gets them an interest in what parliament is about. They do a debate on why there should be more holidays than days at school or something like that. They enjoy it and I think we need more of that educational side of it, especially in primary school.

**Mr SWAN:** I have a friend who does legal studies that would never be interested in parliament, say, but they were chosen to attend the Australian youth constitution—something like that, and after that they seemed to be greatly interested in parliament. So, perhaps, more programs like that, you could possibly do would spark more interest.

**Mr CHAIR:** I would expect that legal studies has to include parliament. That is where everything starts.

**Mr SWAN:** It is not Northern Territory parliament. They touch over the federal parliament. Predominantly when parliament is examined it is the US political system.

**Mr WOOD:** That is not very relevant.

**Mr SWAN:** it does involve youth so ...

**Mr WOOD:** Well some subjects I studied that got me an interest would have been economics because we used to go to the trade school council. I would study workers pays and things like that, also the economy of the country or the state, as it was then for me. They are the things that also, some of those other subjects get you interested into the political side of life.

**Mr SWAN:** Economics, in particular—my knowledge at Darwin High School is interest is falling in economics. For instance, I believe that they only just scraped through for the numbers for an economics class for stage two for Year 12. Stage one did not have too many numbers either.

**Ms AH KIT:** We have got work to do.

**Mr CHAIR:** They do robotics though.

**Mr WOOD:** Yeah there is robotics, IT.

**Mr CHAIR:** The world is changing, Gerry.

**Mr WOOD:** Yeah, I know.

**Mr CHAIR:** Thank you very much for your time and it has been really interesting hearing from you.

**Mr SWAN:** Thank you very much.

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The committee concluded.

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