



## **LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

### **Committee of Privileges**

**Report on the Reference from the Legislative Assembly on  
15 August 2017 relating to an alleged Contempt of the  
Assembly by reason of interference with a witness  
attending before the Public Accounts Committee**

**February 2018**



## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### Committee of Privileges

#### Membership of Committee

The Committee of Privileges is appointed pursuant to Standing Order 174 which states the role of the Committee is *to inquire into and report on complaints of breach of privilege which may be referred to it by the Assembly*.

The Committee for the 13<sup>th</sup> Assembly was constituted by a resolution at the commencement of the Assembly in October 2016. The Membership was altered by a further resolution on 16 August 2017 and is comprised of:

- Hon Natasha Fyles MLA (Chair)
- Mr Jeff Collins MLA
- Hon Eva Lawler MLA
- Ms Lia Finocchiaro MLA
- Mr Gerry Wood MLA

#### Reference from Legislative Assembly

On Tuesday 15 August 2017 the Legislative Assembly, on the motion of the Chair of the Public Accounts Committee (PAC) and pursuant to the procedural requirements of Standing Order 229, considered and referred the following matter to the Committee of Privileges for deliberation and report:

*The Assembly refers to the Committee of Privileges for inquiry and report the complaint of a potential breach of privilege received by the Public Accounts Committee on 4 July 2017 alleging punishment of the complainant for giving evidence to the Committee for its inquiry into taxi licensing and subleasing.*

#### Committee Meetings

The Committee of Privileges has met on the following occasions

Meeting No 1 Deliberative Meeting Thursday 17 August 2017

Meeting No 2 Deliberative Meeting Tuesday 10 October 2017

Meeting No 3 Deliberative Meeting Tuesday 21 November 2017 (08.30 am)

Meeting No 4 Public Meeting Tuesday 21 November 2017 (12.00 noon)

Meeting No 5 Deliberative Meeting Tuesday 6 February 2018

## Consideration of Reference by the Committee

A witness appearing before the PAC wrote to that committee's secretariat alleging he had been denied work as a taxi driver as a direct consequence of his providing evidence to the Public Accounts Committee which was at the time undertaking an inquiry into the taxi industry in the Northern Territory.

The PAC considered the complaint and reported the allegation to the Legislative Assembly which in turn referred the matter for investigation and report to the Committee of Privileges. The Parliamentary Record (Hansard extract) of the referral debate is attached at Appendix 1.

In order to examine the substance of the complaint and to ascertain whether the complainant has been improperly interfered with as alleged, the Committee of Privileges conducted an investigation pursuant to the *Legislative Assembly (Powers and Privileges) Act* and in accordance with the requirements of Standing Order 232.

In doing so, the Committee had regard to the following well established principle:

*Any conduct calculated to deter prospective witnesses from giving evidence before either House or Committee is a contempt<sup>1</sup>.*

The contributions in the Assembly debate to refer the matter to the Committee made it clear that the Assembly attaches a very strong importance to the protection of witnesses and this is confirmed in legislation and Standing Orders.

The Committee considered whether the actions alleged by the complainant took place and if so, whether they were a result of the complainant providing information to the Public Accounts Committee.

The Committee then gave consideration to the matter of whether the alleged conduct could constitute a contempt of the Assembly.

The Committee bore in mind that if it was satisfied that the allegation is sustained, then the Committee could recommend to the Assembly the possible sanctions permitted under the *Legislative Assembly (Powers and Privileges) Act*.

## Complaint

The complaint received by the Public Accounts Committee was sent to the committee secretariat on 4 July 2017 in the following terms:

*Dear Ms Annie McCall,*

*I am writing this to lodge formal complaint to PAC regarding my job loss.*

*As I was not interested same like other drivers to make any submission to PAC. That's why PAC had no inputs from Darwin drivers but when PAC contacted me, I felt encouraged and confident that all the submissions and complaints to the CPV and PAC would be highly Confidential. I urged other drivers to come forward to give their view to PAC.*

*For last 2 weeks LUKE EMMANUEL was asking me to stop making any submissions to PAC and not to raise voice against the illegal SUB-LEASING of taxis. He told me*

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<sup>1</sup> Erskine May *Parliamentary Practice* 24<sup>th</sup> Edition 2011 at page 267 this includes censure, punishment or dismissal by an employer.

*other operators and transport Department put the pressure on me to sack you from job .This morning My owner sent me message that I have no taxi anymore for you .Because of I given the information to PAC committee about subleasing .He was compelling me to stop from last two weeks.*

*I have been driving for him for nearly 2 years. I had no problems with my owner for long time. The problem started after making complaint to CPV and submission to PAC. We have been through all this before in 2015 when I raised the voice against SUB-LEASING.*

*At the moment I am really stressed and depressed. I am already in \$15,000 debt. I am not sure how will I pay my next week's rent? If anything happens to me, I would blame PAC and CPV for it because all problem started after going to PAC. Who is responsible for my job loss?*

*Please consider my attachment\*.*

*Regards*

*kamaldeep singh Khattrra*

The attachment\* referred to (text messages) is at Appendix 2.

## **Committee's Source of Power and Options for Penalties**

The Committee of Privileges noted that in addition to Standing Order 174 appointing the Committee, the source of Northern Territory privileges law is derived from inherited Westminster parliamentary practice over time, particularly as formally expressed in the *Northern Territory (Self Government) Act* and the *Legislative Assembly (Powers and Privileges) Act*.

Interference with a witness appearing before a Legislative Assembly committee is specifically covered in the law with a maximum penalty being a prison sentence of no more than six months.

The penal jurisdiction of the Assembly is beyond doubt however it is appealable if a custodial penalty is imposed<sup>2</sup>.

If the allegations are made out to the satisfaction of the Privileges Committee then the penalty (if any) is recommended by the Committee to the Assembly which considers the recommendation(s) and imposes the final penalty.

It always remains open to the Assembly to 'consult its own dignity'<sup>3</sup> and take no further action on a matter even where it is clear that an offence has been perpetrated.

The *Northern Territory (Self Government) Act 1978* at s 12 outlines the powers, privileges and immunities of the Legislative Assembly of the Northern Territory as follows:

*The power of the Legislative Assembly conferred by section 6 in relation to the making of laws extends to the making of laws:*

*(a) declaring the powers (other than legislative powers), privileges and immunities of the Legislative Assembly and of its members and committees, but so that the*

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<sup>2</sup> S 26 of the *Legislative Assembly (Powers and Privileges) Act*

<sup>3</sup> Outcome of the *Report on an Item on the 6.30 pm News on Channel Eight, Wednesday 22 February 1989.*

*powers, privileges and immunities so declared do not exceed the powers, privileges and immunities for the time being of the House of Representatives, or of the members or committees of that House, respectively; and*

*(b) providing for the manner in which powers, privileges and immunities so declared may be exercised or upheld.*

The *Legislative Assembly (Powers and Privileges Act)* provides the relevant source of power and available remedies at sections 4, 5, 20 and 25 which are extracted at Appendix 3.

In addition to codifying the Assembly's power to prosecute offences which the Assembly determines have been committed against it, the *Legislative Assembly (Powers and Privileges) Act*, creates criminal offences regarding intimidating or penalising witnesses.

It was thus open to the Committee to consider two potential procedures for prosecuting an alleged interference with a witness.

The Assembly may if the facts are proven, prosecute the matter under section 25 or it can be prosecuted in a court taking note of section 20.

While it was open to the Committee to refer the matter back to the Assembly to seek the Speaker initiate a prosecution on behalf of the Assembly using s. 20 of the Act, the Committee declined to proceed on that basis.

There was also nothing preventing the Committee doing this and at the same time pursuing and potentially making a finding of contempt itself. However the Committee agreed that this would be a very unusual approach and noted that such an approach has not been adopted where also available in the House of Representatives which has the same option pursuant to s 12(3) of the relevant legislation<sup>4</sup>, identical to s. 20(3) in the Northern Territory legislation.

The Committee felt on this occasion that it was preferable for the Committee of Privileges to consider the matter within the context of contempt rather than asking the Speaker to have the Attorney or the Director of Public Prosecutions (DPP) proceed with a criminal prosecution on the basis of an interference with a witness.

The Assembly's referral of the matter to the Committee of Privileges enables consideration of a section 25 prosecution. The Committee also noted and abided by the requirements of Standing Orders 210 and 232 which are extracted at Appendix 4.

At the commencement of its consideration of the alleged interference with a witness, the Committee of Privileges properly informed itself of the relevant precedents by conducting a survey of other Australian jurisdictions and also New Zealand.

## **Conduct of Inquiry**

### **1 - Taking Note of Precedents: Survey of Australian and New Zealand Jurisdictions**

All Australian and New Zealand jurisdictions were approached on behalf of the Committee for information about their experience which might assist the Northern Territory Committee

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<sup>4</sup> *Parliamentary Privileges Act 1987(Cth)*

consider how to best progress the matter before it, ensuring fairness and balance by being well informed of recent deliberations in similar jurisdictions.

The jurisdictions surveyed were asked for their recent experiences particularly in relation to the following two questions:

1. *Does your jurisdiction have criminal offences aimed at protecting the Parliament's privileges?*
2. *Do you have any precedents or experience generally that is particularly pertinent for the conduct of investigations into the alleged mistreatment of a witness because of evidence given to a parliamentary committee?*

## **House of Representatives**

The Standing Orders of the Northern Territory provide that the practice of the House of Representatives is the first source of information beyond the Standing Orders, practice and precedents of the Northern Territory Legislative Assembly. This is particularly beneficial in this context given the relationship of the Northern Territory as a subordinate jurisdiction under the *Northern Territory (Self Government) Act 1978* in relation to its powers and privileges being specifically pegged against those of the Australian parliament.

The *Parliamentary Privileges Act 1987* sets out offences and penalties, including fines and terms of imprisonment. Section 12 deals specifically with the protection of witnesses<sup>5</sup>. The Committee took note that the *House of Representatives Practice*<sup>6</sup> states that:

*A matter of alleged discrimination against and intimidation of a witness who had given evidence to a parliamentary subcommittee was referred to the Committee of Privileges in 1980.*

*Although the committee was not satisfied, on the evidence, that a breach of privilege had been proved against any person, it found that the witness had been disadvantaged in his career prospects in the public service.*

*The House, on the recommendation of the committee, and being of the opinion that the report be given full consideration early in the 32nd Parliament, resolved that the Public Service Board be requested to do all within its power to restore the career prospects of the witness and ensure that no further disadvantage was suffered as a result of the case.*

*A document from the Public Service Board informing the House of action taken ... was presented on 24 February 1981.*

The Committee also noted that on three other occasions the House's Committee of Privileges considered allegations that witnesses had been discriminated against or penalised on account of their participation in committee inquiries, but in none of the cases did that committee find a contempt had been committed.

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<sup>5</sup> See s 20 in the Northern Territory *Legislative Assembly (Powers and Privileges) Act* - which is drafted in the same terms

<sup>6</sup> (6<sup>th</sup> Edition p 757-8)

## **New South Wales (Legislative Council)**

The NSW Legislative Council advised that there are offences relating to providing false evidence and refusing to answer a lawful question under the *Parliamentary Evidence Act 1901* (NSW) but there have not been any prosecutions in relation to these offences.

The House has not referred its contempt powers to the courts so offences, such as interference with witnesses, are matters for the House alone to deal with.

The Committee of Privileges was also informed that on occasion, committees have submitted a special report to the House requesting that a matter be referred to their Privileges Committee.

This occurred in 1998 when it was alleged that the Health Minister had attempted to deter a health official from giving evidence. The Privileges Committee subsequently reported to the House that, while the Minister had made critical comments about the committee, he did not attempt to intimidate the witness. The Privileges Committee concluded that no contempt or breach of privilege was committed.

A further incident occurred in 2001 when police officers were issued with a 'directive memorandum' from their superiors after they had given evidence to a committee on the recruitment of school students by criminals. A special report was made to the House and the Privileges Committee was again called upon to conduct an inquiry. It took no action against the police hierarchy but sought to remind the management that intimidation or coercion of police officers who give evidence before parliamentary committees, whether intended or not, constitutes a contempt of Parliament.

The Committee also noted that in 2005 a witness wrote to a committee chair claiming that another member of the committee had approached them in an intimidating manner; with a witness verifying the encounter.

The accused committee member took no part in the deliberations on the matter. The committee discussed the incident and resolved to take no further action noting 'that appearing before a committee inquiry can be an intimidating and daunting experience for witnesses, and there was a need for all committee members to exercise caution and sensitivity in any dealings with witnesses'.

There had also been an instance where it was alleged that a government agency had intimidated an employee that had provided a submission. The committee chair wrote to the agency to consider two options:

- a. that the committee investigate the matter and call witnesses under oath, then potentially make a Special Report to the House for referral to the Privileges Committee
- b. that the agency conduct an internal investigation whether there has been any breaches of internal policies regarding harassment and bullying or inappropriate use of email.

The agency decided to conduct its own investigation and informed the Committee it had issued a warning to the staff involved, stating that a further incident would result in internal disciplinary action.

## **Tasmania**

The Committee of Privileges was advised that in the Tasmania House of Assembly, there are no known instances of their Privileges Committee dealing with any instances of interference with a witness.

The Tasmania *Parliamentary Privileges Act 1858*, at section 11 provides that the House has the power to direct the Attorney-General to prosecute any offence committed against the House or any Member thereof. Section 3 of the same Act empowers the House to punish summarily for certain offences. There are no known instances of either of these sections being used.

The *Public Works Committee Act 1914* has relevant provisions relating to that particular committee – section 26 provides that “whoever uses, causes, inflicts, or procures any violence, punishment, damage, loss or disadvantage to any person for or on account of his having appeared as a witness before the Committee, or for or on account of any evidence lawfully given by him before the Committee, shall be guilty of an offence under the Act.”

Section 21 of the same Act provides that it is an offence to dissuade or prevent any witness from obeying a summons under the Act. Section 29 of that Act provides that proceedings for offences against the Act shall be instituted only by the Attorney-General, or by his (sic) direction. There are no known instances of these provisions being used.

### **South Australia**

The Committee noted that there is no specific legislation in relation to the parliamentary privilege enjoyed by the House of Assembly in South Australia where the parliament's privilege is derived from Sections 9 and 38 of the South Australia *Constitution Act 1934*, which states:

*38. The privileges, immunities, and powers of the Legislative Council and House of Assembly respectively, and of the committees and members thereof respectively, shall be the same as but no greater than those which on the twenty-fourth day of October, 1856<sup>7</sup>, were held, enjoyed, and exercised by the House of Commons and by the committees and members thereof, whether such privileges, immunities, or powers were so held, possessed, or enjoyed by custom, statute, or otherwise.*

As the majority of privileges of the House of Commons are enjoyed by common law or custom, it is not easy to determine with certainty what privileges were enjoyed by the Commons in 1856<sup>8</sup>.

It has always been considered that the South Australian Houses of Parliament have power to punish for contempt and breaches of privilege taking into consideration the powers of the House of Commons as at twenty-fourth day of October, 1856, and that the public has no redress in a Court. Further, as the House of Commons may, in addition to or in substitution for its own proceedings, direct the Government Law Officer to prosecute the offender, it is presumed that the South Australian Parliament also possesses this power.

In 1870, Serjeant-Major Patrick McBride was sent to prison for one week for sending a letter to a member of the Legislative Council accusing him of having lied to the Council.

Later, the House of Assembly determined the publishers of a newspaper guilty of publishing a false, scandalous and derogatory libel on Members of the House of Assembly, and rather

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<sup>7</sup> 24 October 1856 was the date of the enactment of the Constitution Act on the attainment of responsible government in the former British colony of South Australia.

<sup>8</sup> However, both Houses in South Australia are mindful of the list of privileges provided in Halsbury's *Laws of England*, 1st Edition (1912).



than the House punishing the offenders, directed the Attorney-General to prosecute. Later, this resolution was rescinded.

In 1968, a witness to an Upper House Select Committee made accusations against the Chairperson of the Committee. The person was summoned to appear before the Bar of the Council and accordingly admonished.

### **Victoria**

The Committee was interested in a particular case in this jurisdiction where an Assembly privileges committee report from 2006 found that a law firm, which had threatened defamation action against a constituent who had been providing information to his local member about a neighbourhood dispute, had committed contempt in making such a threat.

While this example does not directly relate to a committee witness, the principles are the same and the Assembly found in that matter that a contempt had occurred.

### **Australian Capital Territory**

The Committee was advised that the ACT Legislative Assembly has not had to deal with the matters asked about, however if it had occurred the Assembly would have had recourse to the actions and protections contained in the *Parliamentary Privileges Act* (Commonwealth) although the Assembly is restricted in the penalties it could apply

### **New Zealand**

The most relevant example from New Zealand was the privileges case against Television New Zealand Limited (TVNZ the state broadcaster) in 2006 where it was fined for contempt for the way it disadvantaged a select committee witness.

On 16 February 2006 the Speaker ruled that a question of privilege arose from action taken by TVNZ in relation to its Chief Executive following evidence he provided to a select Committee.

The Committee resolved to consider the question in two parts, the first in regards to the specific question concerning TVNZ and the second more generally regarding the protection of witnesses.

The Committee examined the first part and reported to the House on 5 April 2006, finding TVNZ had committed contempt. The Committee recommended TVNZ provide a written apology to the House and be fined \$1 000 NZD.

## **Conduct of Inquiry**

### **2 – Analysis by the Committee**

Taking note of the relevant precedents, the Committee was now well informed of some of the options available and the relevant expressions of the law of parliamentary privilege in relation to alleged interference with a witness.

The outcome of the Committee's inquiry was reliant upon the ability of the Committee to obtain accurate factual information through submissions and at hearings.

The Committee was required to establish the facts in the matter and then, based on consideration of those facts, reach a conclusion.

The relevant facts before the Committee included:

- Mr Kamaldeep Singh Khattrra provided evidence to the Public Accounts Committee
- Mr Kamaldeep Singh Khattrra had driven a taxi belonging to Mr Luke Emmanuel
- The use of that taxi was withdrawn on 21 June 2017
- Mr Kamaldeep Singh Khattrra's allegation that as a direct consequence of providing information to the Public Accounts Committee he had suffered a punishment by Mr Luke Emmanuel.

The Committee sought both written and oral submissions from Mr Khattrra and Mr Emmanuel and gave careful consideration to the evidence presented to the Committee.

On behalf of the Committee of Privileges, the Chair wrote to Mr Khattrra during August 2017 acknowledging his complaint and advising that the Assembly had referred the matter for consideration by the Committee of Privileges.

The Committee invited Mr Khattrra to make a submission. The Chair also wrote to Mr Emmanuel advising him of the reference from the Assembly to the Committee and inviting him to make a written submission.

The Chair also wrote to the chair of the PAC requesting from the PAC all correspondence and submissions relevant to Mr Khattrra's complaint. The PAC agreed to provide the material which was received and considered by the Committee.

At its meeting on 10 October 2017, the Committee considered the submissions received from Mr Emmanuel and Mr Khattrra.

The Committee noted the written submission of Mr Emmanuel which, amongst other matters, stated as follows:

*I had never dissuaded Mr Khattrra from making any submissions to the Public Accounts Committee. I had not even been aware of the inquiries and committee until I sought guidance from my acquaintances to write this submission.*

*The motive for me not to have any further contract with Mr Khattrra was because I didn't feel that he was a man of integrity. I had heard from a few sources in taxi industry that he was running some unmetered trips...*

The Committee noted the written submission of Mr Khattrra which, among other matters, stated as follows:

*I was driving taxi 558 for Luke Emmanuel. During this time I received call from PAC committee regarding inquiry about subleasing...*

*I was driving taxi for Luke from March 2016. He had not any problem with me about my job.*

*I don't know how he got the information is that I am giving information to PAC. Luke said to me don't go to PAC because taxi industry is pressuring on me. He also told me that taxi council members are saying that taxi council members are saying that is your driver going against subleasing because they are all involved in this scam...*

*Same day that I went Luke's home to start my work he told me that Ranjith and others... said to me why you don't sack your driver because he cooperate with PAC and giving information to PAC...*

Both submissions are at Appendix 5.

The Committee invited both witnesses to give oral evidence to the Committee and afforded each the opportunity to examine the evidence of the other as permitted by Standing Order 232.

At the public meeting (Committee of Privileges meeting No 4) held on Tuesday 21 November 2017, the Committee Chair welcomed the witnesses and outlined the procedure pursuant to Standing Orders. Both witnesses were administered an oath before giving evidence.

The Committee noted that both witnesses had some difficulty communicating in the English language and both witnesses were permitted to use of a support person to assist them and from time to time to speak on their behalf. Both support persons were sworn to assist and tell the truth as required.

Mr Khattrra was invited to make an opening statement. He declined the opportunity.

The Committee asked Mr Khattrra questions about his driving of taxis for Mr Emmanuel.

The Committee categorised the evidence as undisputed (agreed facts) and disputed evidence. The Committee's determination arose from consideration of the written submissions and the oral evidence. The unedited transcript of the oral evidence is at Appendix 6.

**Undisputed evidence:**

- Mr Khattrra commenced driving a taxi belonging to Mr Emmanuel during March 2016.
- Mr Emanuel did not provide any warning to Mr Khattrra to indicate the taxi would be withdrawn and had not previously declined to supply a taxi.
- The demeanour between the two men was up until 21 June 2017 friendly and professional.
- The two men communicated orally in person and via text message as a matter of routine to manage their professional arrangements.
- There is no official or formal record of un-metered trips being driven by Mr Khattrra.
- Mr Emmanuel agreed that he receives official correspondence from the relevant Government Department but gave evidence he did not receive correspondence from the Public Accounts Committee. The PAC Secretariat has confirmed that correspondence was sent to Mr Emmanuel prior to Mr Emmanuel removing the taxi from Mr Khattrra.

**Disputed evidence:**

- Mr Khattrra alleges that after he (Mr Khattrra) appeared before the PAC, Mr Emmanuel had at least one conversation with him in relation to his appearance asking him to not cooperate with the PAC. This evidence was not agreed by Mr Emmanuel.
- Mr Emmanuel's written submission alleged he had warned Mr Khattrra about driving un-metered trips, however at the hearing Mr Emmanuel advised the Committee he had never spoken with Mr Khattrra about unmetered trips.
- When prompted by the Chair that his written submission was inconsistent with this evidence Mr Emmanuel advised the Committee he had 'gently' and 'indirectly' advised Mr Khattrra not to drive unmetered trips.
- The Committee was advised by Mr Emmanuel that 'indirectly' meant words to the effect of "you are doing not well, It is no good for you. Do the right things, which is good".
- Mr Khattrra's evidence was that he had never been spoken to by Mr Emmanuel about unmetered trips and that he had not engaged in driving unmetered trips.

Upon hearing the oral evidence the Committee noted that establishing that there was an intent to cause an improper interference was not strictly necessary in order to determine whether or not a contempt of the Assembly had occurred.

While having regard to intention may be relevant, the Committee noted that any action if shown to have occurred which resulted in an interference, while it may be legal or proper, it might still constitute a contempt.

For example, it may be perfectly acceptable at law for a taxi owner to decline to continue allowing a particular person to drive his taxis, the issue for the Committee was to consider whether the (undisputed) conduct of withdrawing the taxi from Mr Khattrra amounted to a punishment because of Mr Khattrra's attendance as a witness at the Public Accounts Committee Inquiry.

## Conclusions

The Committee considered the level of understanding of the law of parliamentary privilege by Mr Emmanuel was likely to be low to non-existent but had to balance this with the actions and the impact of the actions of Mr Emmanuel which if proven were intended to prevent the Assembly being informed of matters about the Taxi industry which was the subject of the PAC Inquiry.

In considering the extent of the knowledge of the law, the Committee considered that while ignorance is not an adequate excuse, it may lead to a more lenient consideration of the penalty to be recommended which will be appropriate in all the circumstances.

The Committee acknowledged the reasoning in the findings of the 1989 Report of the Committee of Privileges in the matter of Channel 8<sup>9</sup> where the Committee found that a lack of knowledge and understanding had an ameliorating effect on the penalty recommended.

The Committee recognised that it is reasonable for the public to lobby Members of the Assembly and express an opinion in an attempt to influence an outcome by an Assembly Committee, but that this did not extend to oppressing a witness appearing before a committee which, if shown to have occurred, constituted a contempt of the Assembly.

Members of the Assembly will often be lobbied in an attempt to influence outcomes, but this is easily distinguished from an attempt to influence an outcome through actions which might punish a witness before one of the Assembly's committees.

Notwithstanding a possible lack of acquaintance with the relevant law, the Committee considered that a reasonable person would have an understanding that a person who attempts to prevent another person giving evidence to an official inquiry or punishing another person for doing so is at the very least improper behaviour in a civil society.

The Committee considered the circumstances of what is reasonable and what amounts to an improper influence or punishment.

The Committee considered a broad range of options from recommending taking no further action at all to imposition of a fine or prison term and a range in between which might include:

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<sup>9</sup> *Report on an Item in the 6.30 pm News on Channel Eight, Wednesday 22 February 1989. Copy Paper No 888 tabled 23 May 1989 page 3 at paragraph 2.15*

- Recommending the Assembly find a contempt may have occurred but taking no further action
- Recommending the Assembly find a contempt has occurred and requiring an apology
- Recommending the Assembly find that in the circumstances there is not enough certainty to determine that a contempt occurred
- Recommending the Assembly find a contempt mostly likely has occurred but not proceed to making a formal finding of the same<sup>10</sup>

In coming to a conclusion the Committee took note of the following principle - *Any act or omission which obstructs or impedes the Assembly or a Member in the performance of their functions or an office in the discharge of duties or which has a tendency directly or indirectly to produce such results even if there is no precedent of the offence can be a contempt.*<sup>11</sup>

The Committee found the evidence of Mr Emmanuel in some places inconsistent and was concerned that it may have been untruthful in places. On balance, the Committee found Mr Khattra's evidence was more compelling.

On the basis of the written and oral evidence before the Committee, the Committee was satisfied that on balance it was likely that Mr Emmanuel had terminated his relationship to supply a taxi to Mr Khattra as a consequence of Mr Khattra giving evidence about the taxi industry to the PAC.

The Committee found that the action taken by Mr Emmanuel to terminate the arrangement was intended as a punishment and was therefore an interference with a witness assisting the Legislative Assembly's committee with its inquiries.

The Committee considered the range of penalties available, the circumstances of the case before it and the appropriate level of sanction in all the circumstances.

The Committee recommends that the Assembly take appropriate action in all the circumstances which would assist Mr Emmanuel understand the gravity of an offence of interfering with a witness, but takes the view that while it is clearly available to the Assembly to order a personal appearance, the circumstances do not on this occasion warrant requiring Mr Emmanuel to appear before the bar of the Assembly to issue an oral apology.

## Recommendations

1. The Assembly resolves (taking into account the requirements of the notice provisions in Standing Order 230) that a contempt of the Assembly has occurred and requests the Chair of the Committee of Privileges write to Mr Emmanuel advising him of the finding and cautioning him.
2. The Assembly requires the Clerk to publish warnings and information on the Legislative Assembly website about the rights and duties of witnesses appearing before and giving evidence to Assembly Committees and the protections they have.

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<sup>10</sup> An extensive but not exhaustive list of options was compiled by the Clerk of the House of Representatives for a Committee in May 1991 and was available to the Northern Territory Committee.

<sup>11</sup> House of Representatives Practice at page 749

## Appendix 1

The Parliamentary Record (Hansard extract) of the referral debate.

### **MOTION** **Statement Regarding Privilege Motion**

**Madam SPEAKER:** Honourable members, I table a letter circulated to members prior to today's meeting. The Chair of the Public Accounts Committee has sought precedence to move a motion concerning privilege. Pursuant to Standing Order 229 I give my reasons for granting precedence.

I determine that this is an occasion where the Assembly's power to judge and deal with contempt is required to provide reasonable protection for the Assembly. This is our first opportunity, as the Assembly is meeting for the first time since the complaint of breach of privilege was received by the Public Accounts Committee on 4 July 2017.

I now call on the Chair of the Public Accounts Committee.

**Mrs WORDEN (Sanderson):** Madam Speaker, before I move this, I welcome Wagaman Primary School students, who are in my electorate. I see them in school and now they get to see me at work, which is a nice change.

I move that the Assembly refers to the Committee of Privileges for inquiry and report. The complaint of a potential breach of privilege received by the Public Accounts Committee on 4 July 2017 alleged punishment of the complainant for giving evidence to the committee in its inquiry into taxi licensing and regulation.

In the course of conducting the inquiry referred by the Assembly into taxi licensing and subleasing, the Public Accounts Committee received a complaint from a person making a submission to the committee. They claimed they were deprived of their source of work, which they had for nearly two years, because of their submission to the committee.

This is a matter of grave concern to the committee due to the injustice this person would suffer if this allegation was accurate. Such action would undermine the committee's ability to conduct its inquiry and the ability of the Assembly to get an accurate understanding of the workings of the taxi industry for which it makes laws.

Intimidating a person to prevent them from giving information to the Assembly or its committees would be a clear and gross breach of privilege of the Assembly. I note parliamentary privilege has nothing to do with members' entitlements—means the powers necessary for the parliament to do its work effectively.

The *House of Representatives Practice* defines 'privilege' as:

*... the special rights and immunities which apply to the Houses, their committees and their Members, and which are considered essential for the proper operation of the Parliament. These rights and immunities allow the Houses to meet and carry out their proper constitutional roles, for committees to operate effectively, for Members to discharge their responsibilities to their constituents, and for others properly involved in the parliamentary process to carry out their duties and responsibilities without obstruction or fear of prosecution.*

Making laws and keeping the government accountable for the benefit of the people of the Northern Territory is vital work which should not be obstructed. In the case of the Public Accounts Committee the Assembly has referred its inquiry issues relating to the regulation of the taxi industry. To inform the Assembly on this matter, it is essential that all industry participants are free to provide their perspective to the committee. Otherwise the

committee's recommendations and consequential changes to the law and government action could be founded on distorted information.

I note the words of the House of Representatives Committee of Privileges in 1980, affirmed by the Privileges Committee in 2001:

*If the Parliament fails to provide the protection to which ... witnesses and prospective witnesses are entitled, the effectiveness of the Committees, and through them, the Parliament and the nation, will suffer.*

Having received this complaint the committee agreed I should write to you to seek precedence for this motion to refer the matter to the Privileges Committee. The appropriate body to investigate this matter is the Privileges Committee, not the Public Accounts Committee. The PAC did not conduct any investigation into the matter, but it identified this as a serious allegation and resolved to refer it to the appropriate body for investigation as soon as possible.

It is not my intention in this debate to set out the details of the allegations or the parties involved, nor do I wish to prejudice the substance of the allegations. The Privileges Committee is the appropriate body to consider such details.

It is vital that such an allegation is properly investigated so witnesses and prospective witnesses can have confidence to freely give information to the Assembly and its committees.

Madam Speaker, I commend the motion to the Assembly.

**Ms FYLES (Leader of Government Business):** Madam Speaker, I thank the Member for Sanderson for bringing forward this motion in her capacity as Chair of the Public Accounts Committee to refer this matter to the Privileges Committee.

The government will be supporting this referral. The Member for Sanderson has noted the importance of parliament having strong protection for witnesses and those who provide evidence to committees. Further, the Member for Sanderson noted that if such protections are not in place then the committees may not receive all the available evidence, causing legislation to be developed which does not truly reflect people's experiences.

Importantly, any breaches of those protections must be investigated and upheld where necessary. This Assembly and the Standing Orders Committee are finalising the implementation of the scrutiny committees. This will mean bills introduced to the Assembly will be referred to the scrutiny committees, and the committees will have the ability to call experts to give evidence relating to proposed legislation. The committees can then make recommendations to the parliament based on this evidence.

We need to ensure there are strong protections in place to anyone giving evidence to parliamentary committees.

The government is supportive of this referral and looks forward to the process and the final outcome.

I will do the paperwork at a later stage. For this specific referral to Privileges the Member for Wanguri has asked that she be removed from the Privileges Committee due to the fact it relates to her ministerial portfolio, and the Member for Drysdale will take her position for this referral to reflect the portfolio and the nature of the referral.

**Mrs LAMBLEY (Araluen):** Madam Speaker, having been the one who referred this matter for investigation to the Public Accounts Committee—it was always apparent this would be a

sensitive topic for people to decide to be a witness for hearings. Corruption is a sensitive issue. We knew from the start—or I did, having done a lot of the preliminary research into this matter before referring it to the PAC—people could be risking their employment as a result of being involved in the inquiry.

The question I have is, what efforts did the PAC make to ensure the discretion and confidentiality of people placed in the precarious position of having their employment at risk? I had a discussion with the Chair of the PAC regarding confidentiality for people who might engage with the inquiry. My concern is the PAC did not provide enough anonymity, or the option of anonymity, for these people to be involved in the inquiry.

I look forward to the outcome of this investigation by the Privileges Committee. Perhaps it is another reason for us to reflect on how our committee structure works. I note the comment made by the Attorney-General, the Leader of Government Business, regarding the decision to introduce portfolio scrutiny committees. This has been a long process.

The Select Committee on Opening Parliament to the People tabled its report and approximately 25 recommendations to this parliament months ago. It seems that only now the Standing Orders Committee is presiding over the recommendations, which were presumably referred to it four or five months ago.

I am bewildered as to what this government wants from their committee structure; it is unclear. The government seems to be indecisive. I would like to get direction. I do not know why it referred the matters to the Standing Orders Committee; it could have made its own decisions rather than having the committee structure make the decisions. I would like to know what this government wants from its committees because it is not apparent to me.

I withdrew from the Estimates Committee because of the ...

**Ms FYLES:** A point of order, Madam Speaker! We are talking about referral to the Privileges Committee, not the Estimates Committee process.

**Mrs LAMBLEY:** You raised the portfolios for scrutiny committees, not I.

**Madam SPEAKER:** There is a certain amount of latitude involved. It is talking about referral to Privileges Committee but does involve one of the committees of parliament.

**Mrs LAMBLEY:** That is a good example of how this government does not want to talk about how it can be properly scrutinised.

Get your acts together. Be very clear on what you want our committees to do and how you want them to function. If the PAC has not provided this person adequate anonymity and support through being a witness in the taxi inquiry, you need not look any further than yourselves.

**Mr HIGGINS (Opposition Leader):** Madam Speaker, the opposition will be supporting this referral motion. One thing we have considered is anyone who speaks to a politician, Member of Parliament or committee needs to be assured they will not suffer consequences as a result. I hope the Privileges Committee send, on behalf of this parliament, a strong message that anyone should be protected if they speak to the people representing them.

**Mr WOOD (Nelson):** Madam Speaker, I support the motion before the parliament. The motion sends a signal to people that regardless of whether it is a taxi industry inquiry or any other inquiry, we need to ensure people appearing before committees are protected. This is an example of someone losing their job because they spoke out on issues in the taxi industry. That will be part of the discussions of the Privileges Committee. It will be interesting to see what comes out of it.



The Leader of the Opposition also raised an important point. It is one that has bugged me ever since I have been in parliament. That is, public servants have to come to me in secret if they want to discuss an issue because they are scared they will lose their job.

Members of parliament should be able to speak freely to members of the public service, who may have some complaints or may have issues they wish to raise. I have raised many issues in this parliament regarding information given to me by public servants. Many times those public servants have been scared of being reprimanded or losing their jobs. In an open and transparent parliamentary system, members of parliament should be able to talk to public servants regarding matters that raise questions about how departments or the government are run. That would be a healthy thing.

You have to distinguish those who are rumour-mongering and looking for political advantage. However, there have been a number of times in which people have come to me with the idea that there are issues within the department. They know they cannot raise them within the department, so they come to me. They make sure, of course, this is done anonymously. Perhaps we also need to redefine how we deal with those who come to members of parliament with issues they need to discuss in private without having the fear they could lose their jobs.

I think the issue brought forward by this motion is a very important issue. I have no doubt that the Privileges Committee—and this is only the third time the Privileges Committee has sat. It is not common. I think one of our members of this House was threatened with going to the Privileges Committee. I am not sure whether that was real or just political argy-bargy.

**Mr McCarthy:** Take my name down off the waiting room, will you?

**Mr WOOD:** There were two people before the Privileges Committee; sorry, Member for Barkly. It is a very important part of this process that we should take seriously, ensuring the investigation run by the Privileges Committee is thorough, open and transparent. If issues arise from that, we should ensure those issues and recommendations are fully carried out.

**Mr MILLS (Blain):** Madam Speaker, as a member of the PAC, in considering this matter we recognise its significance quite clearly. With government's stated objective of restoring the confidence of the Territory community in its parliament, we were left with no option but to have this allegation assessed. It is important to state this is an allegation.

In order for the processes of this parliament to be respected and the people of the Northern Territory to have confidence in their parliament, the matter needs to be properly investigated and the explanation provided to the Territory community. The other matters raised regarding the activities of this government are yet to be answered. This is a positive step—with the objective being to restore the confidence of the Territory community in its parliament.

**Mrs WORDEN (Sanderson):** Madam Speaker, I thank all speakers for their contributions particularly the Member for Blain. The PAC has seen significant challenges this term and this is one of them.

It is a balancing act between ensuring confidentiality safeguards exist and those providing evidence to the PAC are able to do so in an open and frank manner. To give the Member for Araluen some assurances, whilst we advertised and allowed people to submit confidentially, given some of the language barriers and understanding by people providing evidence to the PAC, the committee made a decision to treat all evidence as confidential even if it was not marked as confidential.

I guarantee all the evidence provided in written form has been treated as 100% confidential. We had hearings in Darwin and Alice Springs, which were advertised open hearings. The

people who provided evidence at those hearings were given the opportunity for the hearing to be confidential at any time. No-one took up that offer, but it was available and reiterated at the beginning of every session.

The committee has discharged itself in a highly confidential manner, probably well beyond what we are bound to do. The confidentiality of people's submissions has been guaranteed. This is the appropriate thing to do. There has been much discussion about it. I thank Madam Speaker for her support. I also thank the members of the PAC for their consideration with the rest of the inquiry that is afoot.

Motion agreed to.

## Appendix 2

The attached text message referred to in Mr Khattri's correspondence with the PAC Secretariat on 4 July 2017.



## **Appendix 3.**

### **LEGISLATIVE ASSEMBLY (POWERS AND PRIVILEGES) ACT – SECTIONS 4, 5, 20, 25**

#### **4. Powers, privileges and immunities not elsewhere declared**

*The powers (other than legislative powers), privileges and immunities of the Assembly and of its members, committees and officers, to the extent that they are not declared by this Act, other than this section, shall be the powers (other than legislative powers), privileges and immunities for the time being of the House of Representatives of the Commonwealth, and of the members, committees and officers, respectively, of that House.*

#### **5. Essential element of offences**

*Conduct (including the use of words) does not constitute an offence against the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with the free exercise by the Assembly or a committee, of its authority or functions, or with the free performance by a member of the member's duties as a member.*

#### **20. Protection of witnesses**

*(1) A person shall not, by fraud, intimidation, force or threat, by the offer or promise of an inducement or benefit, or by other improper means, influence or attempt to influence another person in respect of any evidence given or to be given before the Assembly or a committee, or induce or attempt to induce another person to refrain from giving such evidence.*

*Maximum penalty: In the case of a natural person, 40 penalty units or imprisonment for 6 months.*

*(2) A person shall not inflict a penalty or injury on another person, or deprive a person of a benefit, on account of:*

- (a) the giving or proposed giving of evidence; or*
  - (b) evidence given or to be given,*
- before the Assembly or a committee.*

*Maximum penalty: In the case of a natural person, 40 penalty units or imprisonment for 6 months*

*(3) This section does not prevent the imposition of a penalty by the Assembly in respect of an offence against the Assembly or by a court in respect of an offence against an Act establishing a committee.*

## **25 Prosecutions**

*(1) The Assembly may impose on a person for an offence against the Assembly (determined by the Assembly to have been committed by the person) a penalty of imprisonment that may be imposed under section 7(1) of the Parliamentary Privileges Act 1987 (Cth).*

*Note for subsection (1)*

*The power of the Assembly is linked to the Parliamentary Privileges Act 1987 (Cth) because of section 12 of the Northern Territory (Self-Government) Act 1978 (Cth).*

*(2) A penalty of imprisonment imposed in accordance with this section is not affected by the prorogation, dissolution or expiration of the Assembly.*

*(3) The Assembly does not have power to order the imprisonment of a person for an offence against the Assembly otherwise than in accordance with this section.*

*(4) A resolution of the Assembly ordering the imprisonment of a person in accordance with this section may provide that the Speaker is to have power, either generally or in specified circumstances, to order the discharge of the person from imprisonment and, where a resolution so provides, the Speaker has, by force of this Act, power to discharge the person accordingly.*

*(5) The Assembly may impose on a person for an offence against the Assembly, (determined by the Assembly to have been committed by the person) a fine that may be imposed under section 7(5) of the Parliamentary Privileges Act 1987 (Cth).*

*Note for subsection (5)*

*The power of the Assembly is linked to the Parliamentary Privileges Act 1987 (Cth) because of section 12 of the Northern Territory (Self-Government) Act 1978 (Cth).*

*(6) A fine imposed under subsection (5) is a debt due and payable to the Territory and may be recovered on behalf of the Territory in a court of competent jurisdiction by any person appointed by the Assembly for that purpose.*

*(7) A fine shall not be imposed on a person under subsection (5) for an offence for which a penalty of imprisonment is imposed on that person.*

*(8) The Assembly may give such directions and authorise the issue of such warrants as are necessary or convenient for carrying this section into effect.*

## Appendix 4

### STANDING ORDER 210

#### *Procedures to be followed by Assembly Committees for the Protection of Witnesses*

Unless otherwise ordered the following procedures will be followed by Committees of the Assembly when dealing with witnesses and prospective witnesses:

- (1) a witness will be invited to attend a Committee meeting to give evidence: A witness will be summoned to appear (whether or not the witness was previously invited to appear) only where the Committee has made a decision that the circumstances warrant the issue of a summons.
- (2) where the Committee desires that a witness produce documents relevant to the Committee's inquiry, the witness will be invited to do so, and an order that documents be produced will be made (whether or not an invitation to produce documents has previously been made) only where the Committee has made a decision that the circumstances warrant such an order.
- (3) a witness will be given reasonable notice of a meeting at which the witness is to appear, and supplied with a copy of the Committee's terms of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures: where appropriate, a witness may be supplied with a transcript of relevant evidence already taken.
- (4) a witness will be given an opportunity to make a submission in writing before appearing to give oral evidence.
- (5) reasonable opportunity must be available for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.
- (6) a witness will have reasonable access to any documents that the witness has produced to the Committee.
- (7) a witness will be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and will be invited to give reasons for any such application. If the application is not granted, the witness will be notified of reasons for that decision.
- (8) the Committee may table in the Assembly or publish evidence given in private session after consideration of the circumstances and deliberating that the circumstances are so extraordinary as to warrant such disclosure. Before giving any evidence in private session, a witness will be informed that it is within the power of the Committee to authorise publication of such evidence and that the Assembly also has the power to order the production and publication of such evidence.
- (9) a Member, in a protest or dissent added to a report, may not disclose evidence taken in camera unless so authorised by the Committee.

- (10) should the Committee consider it essential that evidence given or information received in private session is published or that it is essential that such evidence or information be included in the Committee's report the Chairman or Secretary of the Committee must make every effort to discuss the matter with the relevant witness in an effort to minimise any potential damage to the witness which may flow from that publication or usage.
- (11) the Chairman will take care to ensure that all questions put to witnesses are relevant to the Committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a Member of the Committee requests discussion of a ruling of the Chairman on this matter, the Committee will deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.
- (12) where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness will be invited to state the ground upon which objection to answering the question is taken. Unless the Committee determines immediately that the question should not be pressed, the Committee will then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the Committee's inquiry and the importance to the inquiry of the information sought by the question: If the Committee determines that it requires an answer to the question, the witness will be informed of that determination and the reasons for the determination, and will be required to answer the question only in private session, unless the Committee determines that it is essential to the Committee's inquiry that the question be answered in public session; and where a witness declines to answer a question to which the Committee has required an answer, the Committee will report the facts to the Assembly.
- (13) where a Committee has reason to believe that evidence about to be given may reflect adversely on a person, the Committee will give consideration to hearing that evidence in private session.
- (14) where a witness gives evidence reflecting adversely on a person and the Committee is not satisfied that that evidence is relevant to the Committee's inquiry, the Committee will give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.
- (15) where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (14) is not taken in respect of the evidence, the Committee will provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the Committee.
- (16) a witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, the Committee will have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness will be notified of reasons for that decision.
- (17) a witness accompanied by counsel will be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

- (18) an officer of a department of the Territory or of the Commonwealth may not be asked to give opinions on matters of policy and be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.
- (19) reasonable opportunity will be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before the Committee additional material supplementary to their evidence and
- (20) where the Committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the Committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the Committee will take all reasonable steps to ascertain the facts of the matter: Where the Committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the Committee, the Committee will report the facts and its conclusions to the Assembly.

## **STANDING ORDER 232**

### ***Procedures for the Protection of Witnesses before the Privileges Committee***

In consideration of any matter referred to it which may involve, or gives rise to any allegation of contempt, the Committee of Privileges will observe the procedures set out Standing Order No 210 and the following:

- (1) A person will be informed, in writing, as soon as possible of the nature of any allegations, known to the Committee and relevant to the Committee's inquiry, against the person, and of the particulars of any evidence which has been given in respect of the person.
- (2) The Committee will extend all reasonable opportunity to respond to such allegations and evidence by:
  - (a) making a written submission to the Committee
  - (b) giving evidence before the Committee
  - (c) having other evidence placed before the Committee and
  - (d) having witnesses examined before the Committee.
- (3) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the Committee will ensure as far as possible that that person is invited to be present during the hearing of that evidence, and afford all reasonable opportunity for that person, by counsel or personally, to examine witnesses in relation to that evidence.
- (4) A person appearing before the Committee may be accompanied by counsel, and be given all reasonable opportunity to consult counsel during the appearance.
- (5) A witness will not be required to answer in public session any question where the Committee has reason to believe that the answer may incriminate the witness.
- (6) Witnesses will be heard by the Committee on oath or affirmation.
- (7) Hearing of evidence by the Committee will be conducted in public session, except where:



- (a) the Committee accedes to a request by a witness that the evidence is heard in private session
  - (b) the Committee determines that the interests of a witness would best be protected by hearing evidence in private session or
  - (c) the Committee considers that circumstances are otherwise such as to warrant the hearing of evidence in private session.
- (8) The Committee may appoint, on terms and conditions approved by the Speaker, counsel to assist it.
- (9) The Committee may authorise, subject to rules determined by the Committee, the examination by counsel of witnesses before the Committee.
- (10) As soon as practicable after the Committee has determined findings to be included in the Committee's report to the Assembly, and prior to the presentation of the report, a person affected by those findings will be advised of the findings and afforded a reasonable opportunity to make submissions to the Committee, in writing and orally, on those findings. The Committee must take these submissions into account before making its report to the Assembly.
- (11) The Committee may recommend to the Speaker the reimbursement of costs of representation of witnesses before the Committee. Where the Speaker is satisfied that a person would suffer substantial hardship due to liability to pay the costs of representation of the person before the Committee, the Speaker may make reimbursement of all or part of such costs as the Speaker considers reasonable and
- (12) Before appearing before the Committee a witness will be given a copy of this Standing Order.

## Appendix 5

### Written Submissions of Mr Khattrra and Mr Emmanuel

Luke Emmanuel  
34 Rattray Street  
Nakara NT 0810  
Lukeemmanuel00@gmail.com

28 September 2017

Hon Natasha Fyles MLA  
Chair of the Committee of Privileges  
Legislative Assembly of the NT  
LA.privileges@nt.gov.au

Dear Chair,

**Re: Submission to your correspondence (Ref: 2017/00269, 11)**

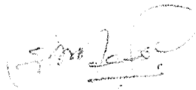
Hereby I humbly submit that the accusations made against me by Mr Kamaldeep Singh Khattrra (Mr Khattrra), in his complaint dated 04-July-2017 to the Public Accounts Committee, are absolutely false. Please consider my submission in the light of the following facts.

1. I had never dissuaded Mr Khattrra from making any submissions to the Public Accounts Committee. I had not even been aware of these inquiries and committees until I sought guidance from my acquaintances to write this submission.
2. For the past 10 years, I have been working in the taxi industry, driving the same owner's car. I have never had a run-in with my car owner. He will be a referee for my character reference. I got my own Taxi plate about a year ago. Since then, I had different drivers driving my car under their own ABN.
3. Mr Khattrra was one of the subcontractors who drove my taxi with their own ABN as I couldn't drive it all the time. He had never been my employee, nor did I have any written contract or agreement with him. In line with the taxi industry practice, taxi owners can anytime say 'yes/no' to any contractors. Likewise, I said 'no' to Mr Khattrra.
4. The motive for me not to have any further contract with Mr Khattrra was because I didn't feel that he was a man of integrity. I had heard from a few sources in taxi industry that he was running some unmetered trips. That was clearly tax evasion apart from the denial of fair share to me, the taxi owner. I did mention to him a couple of times in a gentle manner, but he didn't seem to take it seriously. When it had continued beyond my level of tolerance, I terminated all business relationships with him.
5. Mr Khattrra's allegations are completely unfounded and lack merits. It is a shame that he is misusing this avenue for his personal agenda, which is a breach of privilege. On the other hand, being a law-abiding citizen, I respect the NT Legislative Assembly and all its committees, employees and elected representatives.

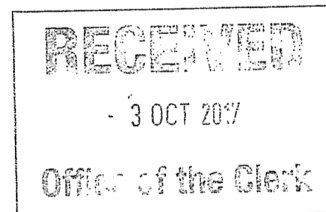
6. I am not educated well and need to get guidance from others to deal with these things, which would financially and psychologically disadvantage me to a great extent. So I request you consider my innocence and accept this submission. In case the Committee decides to go ahead with further investigation, I will extend my full cooperation.

Thank you for your time.

Yours truly,

  
Luke Emmanuel

electronic copy received  
28/9/2017



411 <

**Jane Gunner**

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**From:** kamal khattra <kamalkhattra@yahoo.com>  
**Sent:** Saturday, 7 October 2017 11:42 AM  
**To:** la privileges  
**Subject:** Investigation of complaint

I was driving taxi 558 for Luke Emmanuel. During this time, I received call From PAC committee regarding enquiry about subleasing and future of taxi industry in NT.

My name and number given by Jaspreet Singh to PAC committee because I had complaint against this corruption in Transport Department in 2014 . I talked with Annie on phone that if I will come to you and give you any information regarding this, once again may be I will lose my job because in 2014, this same happened to me.

I was driving taxi for Luke from March 2016. He had not any problem with me about my job.

I don't know how he got the information is that I am giving information to PAC committee. Luke said to me don't go to PAC because taxi industry is pressuring on me . He also told me that taxi council members are saying what is your driver doing against subleasing because they all are involved in this scam. Ranjith Nagarajan is the active member of Taxi council of Darwin.

Ranjith Nagarajan is doing Illegal subleasing more than 20 cars. After few Days Ranjith called to Luke come to his workshop in Berrimah for talk regarding this.

Same day when I went Luke's home to start my work .He told me that Ranjith and others like Surinder ,Pardeep ,Tajinder Pal Singh and Arun Sharma said to me that why you don't sack your Driver because he cooperate with PAC committee and giving information to PAC. Luke also said to me that Transport department is totally corrupt and they are taking money from us . They know everything. I am running Taxi 558 on sub lease and pay money to them so that's why they don't stop. You cannot do anything.

Regards  
kamal khattra

## Appendix 6

Unedited transcript of the oral evidence to the Public Meeting of the Committee of Privileges  
Tuesday 21 November 2017.

The Committee commenced at 12.09 pm.

**Madam CHAIR:** Good afternoon, my name is Natasha Fyles, Member for Nightcliff. I am the chair of the Legislative Assembly Privileges Committee. My fellow parliamentary colleagues; Mr Jeff Collins, Member for Fong Lim; Ms Eva Lawler, Member for Drysdale; Ms Lia Finocchiaro, Member for Spillett; Mr Gerry Wood, Member for Nelson; and Mr Michael Tatham is the secretary to provide us with procedural advice.

We will give a short opening statement, explain to you the process and then ask you take an oath or affirmation. We will then listen to your statement, questions and then we will ask the other witness to come forward. We will then provide more information for you.

Thank you for appearing before the committee today. You have been invited to give evidence to the Legislative Assembly Committee of Privileges in relation to an allegation that a possible contempt may have occurred. Shortly, you will be asked to make an oath or to affirm your evidence given today will be truthful.

The Committee of Privileges has the task of considering a reference to it by the Legislative Assembly on the 15 August 2017. A copy of that resolution has been sent to you and there is also a copy on the table for you. It is the committee's role to ascertain the facts of the matter before it and to reach conclusions having regard to the relevant practices, principles and the provision of the Legislative Assembly Power and Privileges Act. A copy of that Act is also on the table before you.

Any conclusions reached by the committee will form the content of a report which may contain recommendation back to the Legislative Assembly. It is a matter for the assembly to be informed by any report of this committee. Whether or not, to make a finding of contempt; or whether or not to impose a penalty.

Witnesses may be accompanied by counsel, you will be permitted to consult your counsel throughout the hearings. They are able to talk. And a witness or their counsel may, on behalf of their client, examine other witnesses who may make an allegation against their client. This may occur today, just depending on timing. Today is for listening and considering oral submissions following up from the written correspondence. Examining of witnesses may occur today or at a further time.

Pursuant to Standing Order 19 of the Legislative Assembly Powers and Privileges Act Standing Order 232, the committee secretary will now administer an oath or affirmation. Witnesses are reminded that a failure to tell a truth under oath or affirmation may be punished as either contempt of the Assembly or as a criminal offence under the Northern Territory law.

**Mr CLERK:** Mr Khattrra, please take the bible in your right hand if you wish make an oath and state your full name and read out the oath which is on the piece of paper there on the top of the page.

**Mr KHATTRRA:** My name is Kamaldeep Singh Khattrra, I am giving my oath with Bible. I swear I will tell the truth to this committee.

**Mr CLERK:** Thank you Mr Khattra.

**Madam CHAIR:** Thank you. Before the committee asks you any questions, would you like to make an opening statement or would you like the opportunity to make an opening statement to the committee.

**Mr KHATTRA:** No, sorry.

**Madam CHAIR:** No statement. In terms of questions, may I ask how long you drove taxis for Mr Emmanuel?

**Mr KHATTRA:** I started in March 2016.

**Madam CHAIR:** Did you ever have complaint from Mr Emmanuel about your use of his taxi?

**Mr KHATTRA:** No. Do not have any complaints. We have a good relation as employer and employee. We have a good relation.

**Madam CHAIR:** So he never indicated to you that he was not happy with anything?

**Mr KHATTRA:** No. He never give me any warning. He never told me 'I am not happy with you'. Nothing.

**Madam CHAIR:** Did he have any occasion previously to withdraw a taxi from you?

**Mr KHATTRA:** I do not understand.

**Madam CHAIR:** Any previous occasion withdraw the use of the taxi from you? Everything was fine? You used the taxi regularly?

**Mr KHATTRA:** Yes, everything was fine. No problem.

**Madam CHAIR:** How did you normally communicate with Mr Emmanuel?

**Mr KHATTRA:** Normally I would do the night shifts, I go to his home to pick up the taxi.

**Madam CHAIR:** And would you see him when you went to the home?

**Mr KHATTRA:** Yes, many times I saw him and many times I do not see him because he...

**Madam CHAIR:** So did you...

**Mr KHATTRA:** Parked the car inside the door and keep the key inside or on the drive and I pick up many times.

**Madam CHAIR:** And it was always friendly?

**Mr KHATTRA:** Yes, we were friends. Already I told you, we do not have problem, nothing. And he never complained about anything, just a taxi job. Our relation was good.

**Madam CHAIR:** So you never had any conversations or any text messages that he was unhappy with you?

**Mr KHATTRA:** No, he never gave me any text message that he is not happy and nothing.

**Madam CHAIR:** Did any other committee members have questions around just the communications and the lead up?

**Mr COLLINS:** You were asked about the communications but I am not sure you answered clearly enough. What sort of communications did you have with Mr Emmanuel? Were they written? They emails? Were they SMSs?

**Mr KHATTRA:** Communications, were...

**Mr COLLINS:** How did you communicate? How did you talk with Mr Emmanuel?

**Mr KHATTRA:** Like many times, verbally. We talked when we go to his house, many times if we see him and many times if I do not want to drive, I send him a message 'I am not driving today.' And he says 'okay do not worry.'

**Mr COLLINS:** So when he needed you to drive he communicated—how did he let you know? Did you just have a set shift you worked?

**Madam CHAIR:** So each week did you work the same days? Did he text you?

**Mr KHATTRA:** Same days yeah. Six days. Six days. I worked six days in a week. Many times I do not want to drive one day, and I send a message to—you know. Otherwise, many times I tell his (inaudible), Emmanuel—tomorrow—if he will see me at home, tomorrow I will not drive, like that.

**Ms LAWLER:** You started work for Mr Emmanuel on March 2016.

**Mr KHATTRA:** Yeah, of course. Yeah, March 2016. Yeah, 16.

**Ms LAWLER:** And then you worked six nights a week for him approximately until?

**Mr KHATTRA:** Approximately six nights. Many times five nights. I am not sure, but normally I drive six nights for him. But many times, I will take a day off, two days off, one day off, it depends. But I am not sure. But normally, six days and nights.

**Madam CHAIR:** Did anyone else have any questions in setting that context?

**Mr COLLINS:** You made a statement about Mr Emmanuel asking you to stop making any submissions and not to raise your voice against the illegal subleasing of taxis. How did that happen?

**Mr KHATTRA:** Yeah. We do not have any problems while driving in 2016. And when one day, somebody has called from the parliament committee to me. Her name is Annie. And she told me to—you want to participate in this PAC committee. And that time, it has already happened, you know, they were like, I will lose my job.

**Madam CHAIR:** So just to go back, Mr Emmanuel had a conversation with you about the Public Accounts Committee inquiring to the taxi industry, correct?

**Mr KHATTRA:** Sorry, again?

**Madam CHAIR:** Mr Emmanuel has a conversation with you.

**Mr KHATTRA:** Yeah, he had a conversation with me regarding this.

**Madam CHAIR:** Where did that conversation take place?

**Mr KHATTRA:** When I came—first time I came in the parliament committee for transcripts with another drivers. And after that he told me.

**Madam CHAIR:** But when you say after that was it when you went to collect the taxi on the text message?

**Mr KHATTRA:** No, when I—do not know that date, name of the date. But I went there, he said, "Industry is pressuring on me. I went to the workshop. Is a (inaudible) workshops. There is a—I have seen a few peoples. And they are pressuring—industry—they are

pressuring on me. Do not go there. To the back committee. Why are you doing these start and stop to go there?"

**Madam CHAIR:** So you had a conversation when you went to pick the taxi up one evening?

**Mr KHATTRA:** Yeah, in the evening time.

**Mr COLLINS:** This was after your—after you picked up the transcripts? Or after you had given your evidence?

**Mr KHATTRA:** Yeah, transcripts. One, I am not sure.

**Madam CHAIR:** You said you were not interested in making a submission to the PAC, but then you did make a submission and you came in to get your transcript, is that correct?

**Mr KHATTRA:** Sorry, excuse me?

**Madam CHAIR:** You made a submission to the Public Accounts Committee and you came in to get a copy of the transcript, is that correct?

**Mr KHATTRA:** Yeah, they send the email on our email address.

**Madam CHAIR:** So you received the email and then participated?

**Mr KHATTRA:** Email from the Annie—head clerk—she sent the email—the full transcripts, when we came.

**Madam CHAIR:** Did you just have the one—yeah?

**Mr KHATTRA:** No, no, no. Not that transcripts. Before that I came here with drivers. That time was not committee. Only with the few clerks, Annie.

**Madam CHAIR:** Did you—were you in the audience with the drivers? Or did you give evidence like this?

**Mr KHATTRA:** No, no, no, not in committee.

**Mr SINGH:** The closer you asked him where the conversation took place. When he went for his changeover to start his night-shift. That conversation. Because he was changing his taxi at his place. So every day, he had a bit of chat, because when he was speaking to him I was—most of the time—I was always on the phone having a chat, what to do and what is the next step to give evidence to the PAC. And the problems only started when he gave—when he received the call from Annie McCall to give evidence because no one was coming forward to give evidence to the PAC. Annie made a call to him to give evidence, so the problem only started when he came to know, like he is the one providing evidence to the PAC.

**Madam CHAIR:** I was trying to establish, in terms of the evidence, did you come and you were sitting at the back or you spoke to the microphone?

**Mr SINGH:** At the PAC, yes.

**Madam CHAIR:** You are obviously providing evidence to us, which is helpful. Could we just take a moment to swear you in as a witness so that we can factually use your evidence please?

**Mr CLERK:** Please take the Bible and give your full name very clearly because it is being recorded, thank you.



**Mr SINGH:** This is Kuldeep Singh, I take the oath with Bible. I swear I will tell the truth to this committee.

**Madam CHAIR:** Thank you. We are just trying to establish—so, you had no interest in making a submission to the PAC but then you made that submission, how that came about, and then we seem to understand the second part when you went to pick the car. So you said you did not—in your complaint letter you did not want to make a submission but then you did so.

**Mr SINGH:** Because what happened in the past, he has been a victim of all—these things has already happened to him in the past, this is one of the evidences, you know, when he made a complaint against this subleasing two years ago, and he was facing very hard times since then. So he does not have too many options so that is why he was scared to give evidences to the PAC. This is one of the news from that time, we can submit to you, you can have a look at it.

**Mr COLLINS:** Could you tender that and can we have look? [See Appendix 7]

**Madam CHAIR:** Did you have any other communication with Mr Emmanuel about the Public Accounts Committee inquiry in to the taxi industry apart from that one conversation?

**Mr SINGH:** No. Whenever I am going to there, to pick up the taxi, then that time they say do not go there. 'Why you in parliament committee?' Because he already took a taxi on lease. I said to him, like I am going to the parliament committee because I am against the whole system not particularly you, and part of the whole system because he took the taxi on lease. Maybe that is why.

**Madam CHAIR:** You just had one conversation on that one evening you went to get the car, you had the conversation—just one conversation.

**Mr SINGH:** Not one. Before that he was saying the industry was pressuring on me, 'why you going there, do not go there, do not go there'—three of four conversation. In that couple of weeks, like when they know that we participated in the PAC committee—at the evening time he was saying.

**Madam CHAIR:** It was always in the evening when you were collecting the car?

**Mr SINGH:** Collecting the car.

**Madam CHAIR:** No text message or email?

**Mr SINGH:** No, just verbally. He say like, why? Because everybody knows what subleasing and already what you did—nothing and why you are going there in the PAC committee, do not go there.

**Mr COLLINS:** Just a couple of questions about the unmetered trips. You know about unmetered trips?

**Mr SINGH:** Sorry?

**Mr COLLINS:** You know, in the taxi industry, unmetered trips. So, not picking somebody up and taking them and taking their money but not putting it on the meter. You know about that practice?

**Mr SINGH:** Like?

**Mr COLLINS:** Do you know about the practice of unmetered trips in the taxi industry?

**Mr SINGH:** No.

**Mr COLLINS:** You do not know anything about it?

**Mr SINGH:** No.

**Mr COLLINS:** Nothing about it? Okay.

**Madam CHAIR:** You allege that the taxi was withdrawn from your use because you attended the Public Accounts Committee hearings?

**Mr KHATTRA:** Sorry?

**Madam CHAIR:** So, you allege that the taxi was—you were not able to use the taxi any more, drive, from Mr Emmanuel, because you attended the Public Accounts Committee hearings.

**Mr KHATTRA:** Attending the public committee, and he told me, like, industry is pressuring on me so that is why.

**Madam CHAIR:** Why do you make that link?

**Mr KHATTRA:** Why? Because he told me, 'Why do you go to the PAC committee?' I told him I am against the whole subleasing system. He was a part of that system. He got a taxi plate on illegal sublease.

**Madam CHAIR:** Are you able to describe the exact words or the kind of words that Mr Emmanuel used that make you believe the taxi was withdrawn because you attended the PAC hearings?

**Mr KHATTRA:** Yes. Can I ...

**Madam CHAIR:** You can talk together and then talk. You do not have to answer straightaway.

**Mr KHATTRA:** Sorry.

**Madam CHAIR:** That is okay.

**Mr SINGH:** Can I speak on his behalf?

**Madam CHAIR:** Yes.

**Mr SINGH:** He has been driving for him for two years. He was driving for him when he had a car on sublease—when he was subleasing the car and did not have a taxi under his name. He only got the taxi plate in 2016. Before that he did not have a taxi, he was using someone else's plate because he was subleasing ...

**Mr COLLINS:** Sorry, can I stop you there? When you describe someone, can you say their name, rather than 'he'?

**Mr SINGH:** Okay.

**Mr COLLINS:** So we understand who it is you are talking about.

**Mr SINGH:** Luke Emmanuel, for who he was driving for the last two years, since 2016. He was driving for him when Luke Emmanuel had a taxi on sublease. The taxi was 558. He had that taxi on lease. This is the evidence that he was driving for him and the money was going to his account. When Luke Emmanuel had a plate through the 2016 ballot, Kamal continued to drive for Luke Emmanuel through all this process.

The problems only started when Kamal got a call from the PAC to please attend. Kamal went to the PAC with the other drivers. Luke Emmanuel, with his other friends who are also

part of NT council – Kamal already mentioned the name of those people in his email. Those people are pressurising him to withdraw and not participate in the PAC. He was telling him verbally on many occasions when Kamal was going for changeover at Emmanuel's place and having three or four minutes of chat between Luke Emmanuel and Kamal, telling Kamal not to participate in the PAC.

**Madam CHAIR:** Yes, I understand that, but I would like you to describe to me some of those conversations and words that were used in those three or four minute conversations you had that you feel led to the removal of the taxi because of your involvement in attending the PAC.

**Mr KHATTRA:** Okay. That time I went to the Emmanuel house. They said he was there and he said, 'Come on, just listen'. That day when I was going to pick up the taxi at evening time. He told me, 'Why you go there to the PAC committee? Stop there'.

I went to the workshop and I had already given the name of those people, and they were putting the pressure on – like the industry – me. 'Your driver is doing these things'. So, that is why. 'Because I want to go for long in this industry and you are the driver, I have to stay with them in the industry. You did the wrong thing'. It is all right. But that day he allowed me to drive the taxi, good to go. And I say, 'Okay, if you have just finished. He said to me bad things. On Tuesday, suddenly after that, I wake up for work and he sends me the message I already send to you – no more text, what is the text.

**Madam CHAIR:** You have described one conversation that took place, but you references three or four conversations before that, so ...

**Mr KHATTRA:** Yes, before that. This is the last conversation with Luke Emmanuel. Before that he was always saying, 'Why you went to the Parliament House?' Because I came here two or three times. Because I was giving that evidence through the emails and everything. I have been giving to the PAC committee through the emails and phone calls and as well I came with the drivers first.

**Mr WOOD:** Did Mr Emmanuel give you a reason why he was not giving you a taxi? Did he give any plain reason or just say have not got a taxi?

**Mr KHATTRA:** No, just when I was waking up—because I am driving night time—when I wake up I just received a message and he said 'Not any. I sent already message. No more taxi for you.' And after that I sent a message: Why do you not have a taxi? Why do you not give me the one week notice? And what happened? What I did wrong? And he did not give me a reply again.

**Madam CHAIR:** Do you have a copy of the conversation? Was there anything more?

**Mr WOOD:** So there was no explanation as to why you did not get the taxi?

'Hi Kamal, sorry I don't have a taxi for you anymore. See can find your ID in my—this is because it is SMS—letter box and please drop the envelope as well. I will transfer your money to your account thanks.' And you said 'What have I done wrong? Why you don't have a taxi for me? Am driving along with you. You should have given me one week notice when you told me not to come to work without notice.'

What I was going to ask, that is all you know?

**Mr KHATTRA:** Yes.

**Mr WOOD:** When you were driving was there any complaints about your performance? In other words, did you pick up plenty of passengers? Were you returning a good number of—your income was sufficient for the taxi you operate?

So there is no complaints about your operation?

**Mr KHATTRA:** He never, in March—he never complained. We have a good relation and he give me money on time and everything in my account or cash and everything. He never complained.

**Mr WOOD:** How many taxi drivers were with you that were your friends. Did you know the other taxi drivers?

**Mr KHATTRA:** Yes, I know the other taxi drivers.

**Mr WOOD:** Would you they vouch that you were a good taxi driver as well? There was no complaints?

**Mr KHATTRA:** Yes. Because Emmanuel has—if you want to compare—Emmanuel has two taxis, 558 and 592, he can compare because both are giving the annual with the money. That is my perform ace, how much money I give him. But he never complained to me about money, he never complained to me about anything.

**Mr COLLINS:** I just want to get this absolutely clear in terms of timing. Those SMSs that are included, you received those after you had finished giving evidence at the PAC, is that correct?

**Mr KHATTRA:** Yes, when we came to the parliament committee, after that.

**Mr COLLINS:** It was after that.

**Mr KHATTRA:** We came here with Annie and two other clerks but then we recorded on the transcripts and after that. Not like a parliament committee, before the parliament committee and after the transcripts and giving the evidence.

**Madam CHAIR:** And you have your own ABN number that you use?

**Mr KHATTRA:** Yes, I have my own ABN number.

**Mrs FINOCCHIARO:** I just want to step through this just a slightly bit slower, the timeline just following from you Jeff. You were driving as normal and then—is the first you heard of the PAC when Annie called you?

**Mr KHATTRA:** Yes, I explained the whole thing.

**Mrs FINOCCHIARO:** Yes, I just want to know the timeline. Everything that happened in a row.

**Mr KHATTRA:** Yes I will explain the whole story. My friend have been having the same problems in taxi subleasing and other things that are happening in Northern Territory, Darwin as well as Alice Springs. I tried to complain in 2015 to the transport department. I went to the (inaudible) house and after that when I complained about subleasing, and I filed that complaint.

After that, they said they leaked they leaked that information to our owners and operators, and like that, I suffer. After that, I said, 'I do not want to fight with that system. That is it. I am driving'. All right?

After that, Annie called me when the PAC committee—after six months, I think PAC committee is conducted before six months. After that, he called me. One guy from Alice Springs had given the number to Annie – my number. The same thing is explained to Annie. If I will participate in PAC committee, maybe I will lose my job because I do not want to be involved in this. That time she said to me, 'Do not worry, this is a parliament committee and

you have to—everything is fair in this committee’. That time I say it is all right. That is why I participated in that committee.

Before that, I do not have any problem with Emmanuel and with anyone.

**Mr SINGH:** He can explain?

**Madam CHAIR:** Yes, it is important to.

**Mrs FINOCCHIARO:** Yes, you are doing – that is good. That is what I am after. So, after you spoke to Annie on the phone, what happened next? What was the next thing that happened?

**Mr KHATTRA:** Next thing that happened, Annie asked me how we can approach the drivers. I told him that drivers never will come up front because already it has happened and a lot of drivers suffered from this thing. They are scared and they moved somewhere else, to the other states, in 2015, because they complained and had a meeting with the transport department. They suffered and lost their jobs. And nothing happened in the taxi industry. They are scared and they move from the Northern Territory.

**Mrs FINOCCHIARO:** So, is the next thing that happened was you came to Parliament House – did you say?

**Mr KHATTRA:** Yes, and I told him, ‘You have to send the letters to ...’ He asked me, ‘How can we approach the drivers?’ I said, ‘Like the last time, they send the letters to each driver and they will send you the emails or letters and these things. After that, you can come to Parliament House with the drivers’. I said we can come, but drivers are scared. Maybe I will try. We came here for the transcripts, swore the submissions, and they recorded our voice, and ...

**Mrs FINOCCHIARO:** When you say ‘they’, did you appear before the Public Accounts Committee? When you were collecting the transcript, who took your complaint? Who did you sit down with to talk about it to? In here, in parliament?

**Madam CHAIR:** Can I clarify? When you say transcript, do you mean submission? You came here ...

**Mr KHATTRA:** Submissions, submissions.

**Mrs FINOCCHIARO:** Okay. Sorry, that is where I am getting confused. Okay.

**Mr KHATTRA:** Submissions, not transcripts. Confusing ...

**Madam CHAIR:** So, you came and handed your submissions in?

**Mr KHATTRA:** No, I sent that. This is part ... Before that, I sent the emails that all prove subleasing, and after that Annie called us and we came here in maybe this room or another room. And ...

**Mrs FINOCCHIARO:** Like this? It looked like this?

**Mr KHATTRA:** It looked like this.

**Mrs FINOCCHIARO:** Yes, okay.

**Mr KHATTRA:** It looked like this. Every driver speak in the microphone that recorded and they write the transcripts one by one.

After that, that problem is ...

**Madam CHAIR:** Then a few days after that he raised it with you?

**Mr KHATTRA:** He can explain. He has ...

**Madam CHAIR:** It is good to hear your story in your words. It is okay, you are doing a good job.

**Mrs FINOCCHIARO:** You are doing very good. That is what we are after today.

**Mr KHATTRA:** All right. I think that I not try to make you understand properly.

**Mrs FINOCCHIARO:** No, no. Because we were not there, it is hard to imagine it. So, you are trying to draw the picture for us.

**Mr KHATTRA:** Yes, yes. That is what I am saying. I can explain, but I think I cannot make you properly understand.

**Mr SINGH:** When we came here for the submissions, at the same time I was a victim of all this as well. I was giving evidence as well. So, when this thing happened during that time, we were giving evidence to the CPV, Commercial Passenger Vehicle authority as well.

Before coming and making a complaint to the parliament committee or to someone else, we should have gone through the proper channel to fill that. Because it has already been done in the past. To renew all that, we were giving the same sort of evidence to the CPV as well. In the past when he made this complaint – because you can see in that – at that time, he was in Energy House. He could not explain real well. When he came downstairs after making a complaint to the CPV, the same time he got a call from his boss, his owner. Kamal can tell you the names and everything. He can explain what happened.

**Madam CHAIR:** That was your previous boss?

**Mr SINGH:** That was my previous boss. That time with another driver I went to like an empty house and I talk with there and illegal subleasing.

**Madam CHAIR:** It is not really relevant to our hearings. We are looking specifically at this matter. If you could perhaps finish off the timeline.

**Mrs FINOCCHIARO:** I think go back to—so, you came here, before the PAC, and then what happened after that?

**Mr KHATTRA:** First time when I came here in parliament in this place here.

**Mrs FINOCCHIARO:** No, that is okay, so you came to the parliament for the PAC and then you tell me the story that happened after that, or you tell us what happened after that. So, keep going just keep remembering what happened and then you tell us.

**Mr KHATTRA:** After that normally I go to my work, and he say, why you go there, why you go there? And you can do nothing—because already you filed a complaint in 2015 and what happened. Everybody knows and what is going on in this industry and everybody is knowing. Even the transport department is knowing and so that is why subleasing is going on, otherwise like, nobody is stopping this and you can do nothing and do not go there.

**Mrs FINOCCHIARO:** Do you remember how long after, like was it a couple of days, was it some weeks?

**Mr KHATTRA:** A couple of days. Yes, it happened within, I am not sure, like in a week or six days, seven days.

**Madam CHAIR:** Did you ever do any unmetered trips in the vehicle?

**Mr KHATTRA:** No.

**Madam CHAIR:** Always used the meter?

**Mr KHATTRA:** Always use the meter, yes.

**Madam CHAIR:** Did Mr Emmanuel raise with you that he thought you were doing unmetered trips?

**Mr KHATTRA:** I already told, he never make complaint against this. If I did something wrong he should tell me you are doing this thing wrong and maybe that time he should have given me the warning but never this happen. He never given me like any reason. He had not any problem with me. His problem started after like PAC committee.

**Madam CHAIR:** He never even in a just a gentle conversation raise with you ...

**Mr KHATTRA:** Just a gentle conversation. Not even whenever we see we do not talk with the industry, like is it normal, how are you, how is your day—busy, quiet?—and that is it. We never even like when I started to drive taxi from Emmanuel never talk with—like taxi industry, never. Many times we talk like regarding—‘how is your day?’ ‘you driving?’ No, no that is it—general talk. Not even the taxi industry talk.

**Madam CHAIR:** You were taking his vehicle out each night ...

**Mr KHATTRA:** Each night.

**Madam CHAIR:** ...like surely he would have said perhaps, you know, about the fuel cleaning—no conversations about the taxi?

**Mr KHATTRA:** No, never, never ever. He never told me—if I did wrong he told me like you did something wrong—this wrong—and he given me the warning but he never—because our relation was very, very good and even like if you are talking about performance, I am giving the good performance. As (inaudible) like he never complained me like regarding—you doing this—whenever I talk, like, I am not driving this day, he say no worry, do not worry.

**Madam CHAIR:** So, he never responded to your texts when you asked him what you had done wrong, why you do not have (inaudible) ...

**Mr KHATTRA:** Of course, he never responded me when I send the text, and before that he never give me the warning and he never told me you did something wrong in that period of time.

**Mrs FINOCCHIARO:** I want to just finish the timeline, sorry, so about six or seven days after you came to Parliament House, you went to pick up the car and Mr Emmanuel said to you, words to the effect of, ‘why did you go to Parliament House, why did you go to PAC?’—what happened after that, you just kept driving like normal?

**Mr KHATTRA:** Yes, that day I drive like the same, I am driving and I think next day, I am not sure, I am not giving the exact date —just after a couple of days, like normally I take a day off on Monday and Tuesday I wake up around 12 o'clock or 11.30 or 12 o'clock I seen that message. After that I tried to call Emmanuel and he did not pick up the call. After that I send a message, he did not reply me on message. After that another colleague he is driving for Emmanuel as well, another taxi, and I told them I want to talk with Emmanuel and he talked with Emmanuel, Kamal want to come to his place. He wanted to talk with that guy.

I told him, that guy, why he don't want to with me. He said ‘No, I do not want to talk with Kamal and I do not to see him.’

**Mrs FINOCCHIARO:** So, who was the person that told you Mr Emmanuel did not want to speak to you?

**Mr KHATTRA:** He is driving 558, his name is...

**Mrs FINOCCHIARO:** Oh, another driver.

**Mr KHATTRA:** Another driver, not my—another driver.

**Mrs FINOCCHIARO:** So another driver told you he does not want to talk to you?

**Mr KHATTRA:** Yes.

**Mrs FINOCCHIARO:** Have you ever driven for Mr Emmanuel since that time? Since you got the text message, did you drive his car, his taxi, ever again?

**Mr KHATTRA:** No, after that never again. And I tried to contact him 'Just give me the reason. Don't worry, just give me the reason formally and after that I will stop. Don't worry.' He never replied me and he didn't tell me anything. Still, I do not know why.

**Madam CHAIR:** And do you drive taxis now?

**Mr KHATTRA:** Yes, I am driving taxis. After like a couple of days—we are running the same money we spend. I tried another industry like, my name is very bad because no one wants to give me a taxi. Because everyone, a big scam is going. I am still saying a big scam is going on, subleasing. I tried to drive for another owner and after that he said 'No more, do not drive taxi again.'

**Madam CHAIR:** So you are driving at the moment?

**Mr KHATTRA:** Yes, I am driving.

**Madam CHAIR:** Who are you driving for now?

**Mr KHATTRA:** Fernando.

**Madam CHAIR:** Did you have any other questions Mr Wood? Lia?

**Mrs FINOCCHIARO:** No.

**Madam CHAIR:** We thank you for your time and giving us that evidence. We will call Mr Emmanuel now to ask him some questions. It would be helpful if you can stay and listen and then we will see how the questions go and the thoughts of the committee, whether we go further and whether you ask each other questions. We will see how that goes.

**Mr KHATTRA:** Yes, I will see. I am very stressed and depressed.

**Madam CHAIR:** That's okay. Thank you for your evidence. It was very helpful, what you provided. So we will just have a moment.

**Mr KHATTRA:** Maybe I will leave the Territory. It is a bad name in the industry and I cannot...

**Madam CHAIR:** Okay, thank you.

Thank you Mr Emmanuel for appearing before the committee today. You have been invited to give evidence to the Legislative Assembly Committee of Privileges in relation to an allegation that a possible contempt may have occurred. Shortly you will be asked to make an oath or to affirm the evidence given today will be truthful.



The Committee of Privileges has the task of considering a reference given to it by the Legislative Assembly on the 15 August 2017. A copy of that resolution has been sent to you and there is also a copy on the table before you. It is the committee's role to ascertain the facts of the matter before it and reach conclusions having regard to the relevant practice, principals and the provisions of the Legislative Assembly Powers and Privileges Act. A copy of that Act is also on the table before you.

Any conclusions reached by the committee will form the content of a report which might contain recommendations to the Legislative Assembly. It is a matter for the assembly to be informed by any report of this committee and whether or not to make a finding of contempt and whether or not to impose a penalty.

Witnesses accompanied by counsel will be permitted to consult counsel throughout the hearing. A witness or their counsel may, on behalf of their client, examine any other witnesses who makes an allegation against their client. This may occur today, depending on time. Examining of witnesses will occur at another time if that is the wish of the committee.

Pursuant to Standing Order 19 of the Legislative Assembly Powers and Privileges Act, Standing Orders 232, the committee secretary will now administer an oath or an affirmation. Witnesses are reminded that a failure to tell the truth under oath or affirmation may be punished by either contempt of the assembly or as a criminal offence of the Northern Territory law.

**Mr CLERK:** Mr Emmanuel, do you want to take an oath on the Bible or want to make an affirmation? If you are happy to take an oath on the Bible, please put the Bible in your right hand, state your full name, and say the words on the top of that piece of paper in front of you. The paper under the Bible.

**Mr EMMANUEL:** My name is Emmanuel. I swear I will tell the truth to this committee.

**Madam CHAIR:** Thank you. Before the committee begins to ask questions, would you like opening statement? Did you want to make an opening statement to us or would like us just to ask questions?

**Mr EMMANUEL:** Yeah, just ask questions.

**Madam CHAIR:** Ask questions? How long had Mr Singh been driving—Mr Khattra been driving taxis for you?

**Mr EMMANUEL:** I think one and a half years.

**Madam CHAIR:** Can you recollect what date, what month he started?

**Mr EMMANUEL:** No.

**Madam CHAIR:** Had you had any cause to complain about his driving of your taxis?

**Mr EMMANUEL:** I got many complains, but I never talked to him. I only mentioned that. That is it.

**Madam CHAIR:** So what types of complaints did you get, and when did you get them?

**Mr EMMANUEL:** Many times, I had—my car running without meter, most of times. But this industry, lots of drivers doing that. But I only mention that. That is it.

**Mr WOOD:** I am not in the taxi industry, but how do you know if someone has not metered a job? How do you know if driver has ...

**Mr EMMANUEL:** My friends, on the road that time, night time—they send the message. They call me. Your car is running without meter. Inside the passenger. But this—people doing—mostly night drivers doing same thing. We know that. But how can we stop that?

**Mr WOOD:** So a passenger rings you?

**Mr EMMANUEL:** No. Passenger no ring me. My friends, who drive this.

**Madam CHAIR:** Could you introduce your counsel and if you are going to provide evidence could we ask you to take the oath of affirmation please?

**Mr CLERK:** Can you also just take the Bible and give an oath or just swear an affirmation otherwise. So your full name, and—yep.

**Mr NADEEM:** Khalid Nadeem. Affirm that I will tell the truth.

**Madam CHAIR:** Thank you. Sorry Mr Wood.

**Mr NADEEM:** There are two tariff flags on the roof. When your meter is on, the tariff flags are on, when your meter is not on, tariff flags are—that is where people can tell whether his meter is on or not.

**Mr Wood:** So you kept a record of that? Are you required to keep a record of—would that be a—I am not saying as much as an offence, but under the rules of the taxi, is that a—who is the group that looks after taxis? The department would—Police? If that was happening? Is there any—is it only a matter for you or is it a matter for the department as well if drivers are not metering trips?

**Mr EMMANUEL:** This does not affect—Mr Khattra or any drivers. This is only affect the work like this.

**Mr WOOD:** Right. And do you keep a record of that?

**Mr EMMANUEL:** How can we keep that record?

**Mr WOOD:** Well did you know when they said you had two—what were?

**Mr NADEEM:** Tariff flags, yeah.

**Mr WOOD:** Does that record somewhere?

**Mr EMMANUEL:** Yes sir, it does. Look at the shift. The normal practice is that, our owner will look at how many kilometres he has done and how much money he has put onto the meter. Really, there are no—anything else you can say, but that is where you assess the driver. Because we know how much money per kilometre car. And when somebody comes, for example, 100 km for the night, and he has \$50 on the meter, it means something is wrong. That is the only mechanism the owner has.

**Madam CHAIR:** So if you believe that Mr Khattra was driving the taxis without using the meter. Did you raise that with him?

**Mr EMMANUEL:** No.

**Madam CHAIR:** You did not raise that with him?

**Mr EMMANUEL:** No. Because I am working 12 hours. I have family. I want to look after them. Yeah, that way.

**Madam CHAIR:** So, how did you normally communicate with him? Via text or ...

**Mr EMMANUEL:** Evening time, talking. Only talking.

**Madam CHAIR:** Just talking when he dropped the car or picked it up?

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** In your correspondence to us, you said that you mentioned to him a couple of times, in a gentle manner, but he did not seem to take it seriously. Then, when it continued beyond your level of tolerance, you terminated the relationship. But then you said that you had not raised it with him. So, I am trying to clarify that.

**Mr EMMANUEL:** Sorry?

**Madam CHAIR:** In the letter you sent us ...

**Mr EMMANUEL:** Yes, yes.

**Madam CHAIR:** ... you said that you had raised that with Mr Khattrra.

**Mr COLLINS:** Could we get the microphone when this gentleman is speaking? Could we just get it turned across towards you?

**Mr COLLINS:** It has been a bit difficult to hear.

**Mr EMMANUEL:** Again, please.

**Madam CHAIR:** You said you did not raise it with Mr Khattrra, but in your letter you sent us on 28 September, you said you mentioned it to him a couple of times ...

**Mr EMMANUEL:** Yes, I already told you. A couple of texts, I mentioned that – directly and indirectly.

**Madam CHAIR:** When you mentioned it directly, how did you do that?

**Mr EMMANUEL:** He was doing not well. 'Somebody complained against you, be very careful'. Yes, like that.

**Mr COLLINS:** What is indirectly?

**Mr EMMANUEL:** Indirectly means that off meter, they said you be careful driving. That means off meter there is (inaudible) there and everything is fine.

**Mr COLLINS:** Sorry, I do not understand that.

**Madam CHAIR:** Yes, I need further clarification. You mentioned to him in a gentle manner a couple of times ...

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** Can you expand on that for us?

**Mr EMMANUEL:** Yes, I always talking – sometimes I am talking to him – sorry, Mr Khatta – do not do it like that. Without a meter is not good for us. But they are hiding us and we are losing money by doing it.

**Madam CHAIR:** When you say indirectly, my colleague asked you how you explained it indirectly.

**Mr EMMANUEL:** Indirectly means that 'You are doing not well'. I always told him, 'It is no good for you. Do the right things, which is good'.

**Madam CHAIR:** Anymore questions?

**Mr COLLINS:** Not about that but about the first paragraph in your statement. You say you never persuaded Mr Khattra from making any submissions to the Public Accounts Committee. I am more interested in the second sentence there. You say you had not even been aware of these inquiries and committees until you sought guidance from your acquaintances to write this submission. Are you saying you knew nothing about the inquiry into the taxi industry?

**Mr EMMANUEL:** Yes. I never, ever discussed the (inaudible) with Kamaldeep. I never ever discussed that truth. But I do not know. When I got the first time that letter, after that I know there is something going there.

**Mr COLLINS:** How long have you been in the taxi industry?

**Mr EMMANUEL:** Oh, pretty close to 11 years.

**Mr COLLINS:** And when did you get your own licence? I understand you have been driving for other owners ...

**Mr EMMANUEL:** Yes.

**Mr COLLINS:** ... for a long period.

**Mr EMMANUEL:** Yes, long period.

**Mr COLLINS:** And then you got your own licence. When did you get that?

**Mr EMMANUEL:** That was my own plates, yes.

**Mr COLLINS:** Your own plates, sorry. When did you get your own plates?

**Mr EMMANUEL:** That was 15 months now.

**Mr COLLINS:** Fifteen months?

**Mr EMMANUEL:** Yes.

**Mr COLLINS:** And you said earlier that Mr Khattra had been driving for you for about 18 months?

**Mr EMMANUEL:** Yes. (inaudible).

**Mr COLLINS:** How was he driving for you before you had your own plates?

**Mr EMMANUEL:** My own plates?

**Mr COLLINS:** Yes.

**Mr EMMANUEL:** Yes. I won the 558 number plate car.

**Mr COLLINS:** But you just said you have had your own plate for about 15 months ...

**Mr EMMANUEL:** Yes 15, 16 months.

**Mr COLLINS:** ... and that Mr Khattra had been driving for you ...

**Mr EMMANUEL:** Before, yes. It is the same car. Before I have one car. I look after that car. He used to drive with me.

**Mr COLLINS:** Was that about March 2016?

**Mr EMMANUEL:** I think so.

**Mr COLLINS:** Do you communicate with any other people in the taxi industry? Do you talk with other people in the taxi industry?

**Mr EMMANUEL:** Yes.

**Mr COLLINS:** When you received the information, say from the department, about your taxi, licence or plates, how do you receive that communication?

**Mr EMMANUEL:** I am only talking generally, not plates, not like everything. We are talking friendly, how is the difference, like that.

**Mr COLLINS:** Okay. But when you receive official communications from the department—you do not receive any official ...

**Mr EMMANUEL:** No.

**Mr COLLINS:** Nothing from the department?

**Mr EMMANUEL:** No.

**Mr COLLINS:** You receive no communication about your licence?

**Mr EMMANUEL:** Which licence?

**Mr COLLINS:** Your taxi licence or your plates?

**Mr EMMANUEL:** No, none.

**Mr COLLINS:** You receive no communication about that?

**Mr EMMANUEL:** What is?

**Mr NADEEM:** He is trying to say did you get information that your licence has been allocated to you?

**Mr EMMANUEL:** Oh, that is before that.

**Mr NADEEM:** Yes, and you have this from the department.

**Mr EMMANUEL:** Yes, yes. I have plate for, I think, three years, the taxi number plate because I am driving a long time.

**Mr COLLINS:** And you received communication from the department.

**Mr EMMANUEL:** Not always. Like this ...

**Mr NADEEM:** You always get the letter, communication, from the department that 'we have received your application' ...

**Mr EMMANUEL:** Yes, yes.

**Mr COLLINS:** Yes, so you do receive communication.

**Mr EMMANUEL:** Yes, sorry.

**Mr COLLINS:** But you say you have received no communication about the taxi industry inquiry—the PAC inquiry.

**Mr EMMANUEL:** No.

**Mr COLLINS:** None at all?

**Mr EMMANUEL:** No.

**Madam CHAIR:** Had you seen the stories in the newspaper and on the radio and TV.

**Mr EMMANUEL:** I am not reading the newspapers.

**Madam CHAIR:** Jeff, did you have anymore?

**Mr COLLINS:** No, you go.

**Madam CHAIR:** How did you normally communicate with Mr Singh—just when he picked up the vehicle?

**Mr EMMANUEL:** Yes, sometimes not much. Normally sometimes, not every day. Only five minutes, something we talk less.

**Madam CHAIR:** We have been provided a copy of a text message from you to Mr Khattra ...

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** Did you send that message?

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** What was the reason for sending the message?

**Mr EMMANUEL:** Two days before, my friend said, 'Your car is coming two times for that without meter'. I cannot afford him, so I did that.

**Madam CHAIR:** Did you have a conversation with Mr Khattra about the Public Account Committee inquiry into the taxi industry?

**Mr EMMANUEL:** No, no.

**Mr WOOD:** Madam Chair ...

**Madam CHAIR:** Sorry.

**Mr WOOD:** On that text message, Mr Emmanuel, it said that you did not have a taxi available. What did you mean by that?

**Madam CHAIR:** It says, 'I do not have a taxi for you anymore'.

**Mr WOOD:** You said, 'I do not have a taxi for you anymore'.

**Madam CHAIR:** 'You can find your ID in the letterbox'.

**Mr WOOD:** What did you mean by it?

**Mr EMMANUEL:** That is about running without a meter, that is for misusing me.

**Mr WOOD:** No, but your text message says, 'I do not have a taxi ...

**Mr EMMANUEL:** I never mentioned there anywhere that one, but my friend said like that, 'Your car is running like that'. That he was misusing me.

**Mr WOOD:** So, it was not really that there was not a taxi available, you did not want him to drive that taxi?

**Mr EMMANUEL:** Yes.

**Mr WOOD:** So there still was a taxi? Did you get another driver?

**Mr EMMANUEL:** Yes.

**Mr WOOD:** That was a sublease as well? Was that a sublease arrangement – the new driver?

**Mr EMMANUEL:** No, no.

**Mr WOOD:** What arrangement was that? A normal arrangement?

**Mr EMMANUEL:** Normal means the shift is fifty-fifty, like that ...

**Mr WOOD:** Yes, yes.

**Mr EMMANUEL:** Yes.

**Mr WOOD:** Mr Singh was on a sublease or he was on a fifty-fifty?

**Mr EMMANUEL:** Fifty-fifty.

**Mr WOOD:** So, he was not on a sublease?

**Mr EMMANUEL:** No, no.

**Mr WOOD:** Were you concerned about subleases, or do you think they are okay? Or should I ask, did you have any taxi drivers in your business that were on a sublease?

**Mr EMMANUEL:** I have none.

**Mr WOOD:** So there were no subleases?

**Mr EMMANUEL:** I have only one.

**Mr WOOD:** Okay.

**Ms LAWLER:** But you had subleased taxi number 558?

**Mr EMMANUEL:** No sublease, I look after that car. That is my friend going to holidays, that car given to me to look after the car. I did that. Long time I am driving (inaudible), nearly 10 years.

**Ms LAWLER:** You drove 558, fifty-fifty yourself?

**Mr EMMANUEL:** Yes.

**Ms LAWLER:** Then you got those plates for 558?

**Mr EMMANUEL:** After I got those plate, I give (inaudible).

**Ms LAWLER:** So, you are telling me the truth that you did not sublease 558 ...

**Mr EMMANUEL:** No.

**Ms LAWLER:** ... for those years?

**Mr EMMANUEL:** Sorry?

**Ms LAWLER:** .So you are telling me the truth that car number 558 you did not sublease, you drove it 50—50 and then until you got the plates from the government—and that is the truth?

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** You never responded—we have provided you with a copy of the text message conversation that we have been provided, you never responded to the last message? 'What have I done wrong?'

**Mrs FINOCCHIARO:** Did you text back?

**Madam CHAIR:** Respond?

**Mr EMMANUEL:** No, no, no.

**Madam CHAIR:** Leading up to when Mr Khattra stopped driving for you did you have conversations on the driveway when change over when he was picking the vehicle up, asking him why he was talking to the PAC, even if you did not say to him ...

**Mr EMMANUEL:** When I got the letter after that I not like that.

**Madam CHAIR:** You did not have a conversation with Mr Khattra about the Public Accounts Committee inquiry in to the taxi industry?

**Mr EMMANUEL:** Never ever.

**Madam CHAIR:** Did you have any other form of communication with Mr Khattra about the Public Accounts Committee inquiry in to the taxi industry?

**Mr EMMANUEL:** No.

**Madam CHAIR:** Mr Khattra alleges that you stopped allowing him to drive your taxi because he was a witness at that inquiry into the taxi industry. What is your response to that allegation?

**Mr NADEEM:** Could you repeat the question?

**Madam CHAIR:** Mr Khattra says that you stopped allowing him to drive your taxi because he was a witness at the inquiry, the Public Accounts Committee, in to the taxi industry, what is your response to that allegation? What do you say back to that statement?

**Mr WOOD:** We want to know, did you sack him because he came to this PAC meeting? You did not sack him because of that?

**Mr EMMANUEL:** No, no. Not that reason.

**Mrs FINOCCHIARO:** He says you did, but you say you did not? Sorry, I made that more confusing there.

**Mr NADEEM:** He has a bit of a problem with understanding. I had a little bit of knowledge of that. He brought the letter to me, I am director of Darwin Taxi, one of them. He said what is it? Not knowing there was any inquiry going on or anything was said by him or anybody else. I explained him, in my office, that is what this letter is all about. This gentleman has worked for me for five year, six years continuously every day of the week. I swear that I have never seen the most honest, reliable and dignified human being in my business—the way he performed, the way he is reliability, his honesty and his courtesy to the public when phone call used to come, not many taxi drivers has that kind of—the passenger phoning, look we were very happy the way the driver treated us.

**Mr WOOD:** Can I get back to one basic question—the reason that Mr Emmanuel said he sacked Mr Singh was that he had been having unmetered trips, and you said there is a record of that.

**Mr NADEEM:** No. You can but it is a very time consuming—you can—he comes to us and says that, we can dig it out of the records when he was going from city to Palmerston but I records said the meter was not on. We can do that but he never ask us to do.



**Mr WOOD:** Would that be available if we asked? One of the issues we have here is one person saying I never had a problem and the other person is saying yes he did have a problem. One way to prove whether there was a problem is to see whether the problem Mr Emmanuel said – that there were unmetered trips – was actually the case. I am not saying it was not, I am saying the evidence would be that you have a record of those trips that were claimed to be ...

**Mr NADEEM:** You can, as long as somebody gives us the times and the dates.

**Mr WOOD:** Madam Chair, I am not sure what the rest of the committee says, but part of this issue boils down to whether the reason Mr Singh was sacked was because Mr Emmanuel said he was doing unmetered trips. There is an offer there for us to have a record of those unmetered trips. Are we able to ask for those unmetered trips?

**Madam CHAIR:** Mr Wood, we are not really in a position to make a finding on that. That would be something that, perhaps in providing a report, the Public Accounts Committee can get into.

**Mr WOOD:** Okay. All right.

**Madam CHAIR:** Did you have any other comments you wanted to make, Mr Emmanuel, and were there any other questions from the committee?

**Ms LAWLER:** Mr Emmanuel, I have just been hearing that you have been a taxi driver for a very long time. Did you talk to other taxi drivers in the last 12 months about the PAC? Was it a topic of conversation when you stopped at the ranks or filling up your car? Did you talk about the PAC to your friends and other taxi drivers and your colleague beside you? Was it talked about?

**Mr EMMANUEL:** No, no. I got the letter from PAC. Straightaway I go into our base. I asking, 'What is this?'

**Ms LAWLER:** So, that was the very first time you knew that there was an inquiry ...

**Mr EMMANUEL:** Yes.

**Ms LAWLER:** ... into taxis in the Northern Territory?

**Mr EMMANUEL:** I am not talking (inaudible) too much, I am only doing my own duty and not outside, no.

**Ms LAWLER:** So, does subleasing of taxis in the Northern Territory concern you? What is your view of that?

**Mr EMMANUEL:** I had, but I do not know what.

**Ms LAWLER:** But Mr Khattra made a complaint against that, and that is what I am concerned about. It may have been, because he made a complaint, the reason why he was dismissed. Could you repeat what your answer was? What is your view about subleasing of taxis in the Northern Territory? Have you had conversations with your friends or other taxi drivers about that?

**Mr EMMANUEL:** Not subleasing. I am not talking about that kind of thing because everyone knows, because I am doing only my job, I never discuss anything like that. But I felt that subleasing, subcontractors, blah, blah, blah – I am not that weak. I am only looking at myself, that is it.

**Ms LAWLER:** Okay. Can you explain why you sent a text message to dismiss Mr Khattra, and why did you not give him one week's notice or some notice? Why did you dismiss instantly?

**Mr EMMANUEL:** In this business, running on (inaudible). He is not my employee—Khattra and me—any contract signed. Only he working with his own ABN number, I am working with my own ABN number. That is in this industry. Any time they can say yes or no, I can do the same thing.

**Ms LAWLER:** Okay.

**Mr EMMANUEL:** Missing the shift, like that.

**Ms LAWLER:** Okay.

**Madam CHAIR:** Thank you. Did you wish to make any closing statements?

**Mr EMMANUEL:** Yes.

**Madam CHAIR:** Did you wish to make a closing statement? Did you wish to ask any questions of Mr Khattra?

**Mr EMMANUEL:** No, I not understand.

**Madam CHAIR:** Okay. I thank you for appearing before the committee today. I ask you if you could take a seat away from the microphone, please. Take a seat.

Mr Khattra, did you wish to ask any questions of Mr Emmanuel?

**Mr KHATTRA:** Yes.

**Madam CHAIR:** Okay. I will get you to wait outside for a couple of minutes. I will confer with my colleagues. If you could wait outside, please.

[Committee deliberated – witnesses returned]

**Madam CHAIR:** Mr Emmanuel has indicated he does not want to ask any questions but you are permitted to ask questions, but only what you have heard today in terms of the evidence, you are only able to ask a question of Mr Emmanuel on what you have heard today. We would just remind you that it is not an argument, the committee just wants to hear information so that it can help us in making a decision. I will ask you to go ahead.

**Mr SINGH:** I will take the help for ...

**Madam CHAIR:** But the questions must be on what you have heard today.

**Mr KHATTRA:** Excuse me. I want to ask question, if I am going on with it—why you, like told me and why you do not reply me, that time I want your reply because I will try like contact you many times. I tried you many times and your night driver, you know—and the name of that guy I do not want to name—and I said to him I want to talk with, but you denied to him as well. After that I approach ...

**Madam CHAIR:** I think you have asked your question so if you could let Mr Emmanuel respond.

**Mr EMMANUEL:** Okay. I mentioned many times directly, indirectly he does not understand that—it is not my fault.

**Madam CHAIR:** Mr Emmanuel has responded to you that he mentioned many times directly and indirectly. Did you have a further questions?

**Mr KHATTRA:** Who told you I am running the off meter?

**Mr EMMANUEL:** How can I say—committee. They want to I do that with phone number (inaudible) person. I get the phone numbers.

**Mr KHATTRA:** In the taxi industry like you know ...

**Madam CHAIR:** I remind you it is not an argument or making allegations, it is about presenting evidence to the committee so we can ...

**Mr KHATTRA:** Yes. I explained that thing – many things, in the taxi industry. Same like in the parliament, there is two parties. The same in the taxi industry, there are two parties. If I will give my party's number, like my friends, and he will give his party number. He will say, 'Okay, he is running the off meter to Palmerston. He was running the off meter to the city'. You know?

**Madam CHAIR:** What the committee has before it is, we need to investigate whether Mr Emmanuel attempted to stop you from giving evidence to the Public Accounts Committee, and therefore terminated your – whatever relationship it was – because of that. That is what is before us. We know the other committee of the parliament is doing an in-depth inquiry into taxis and there may be elements of that are more appropriate. I am not sure if you have any questions again for Mr Emmanuel.

**Mr KHATTRA:** I started driving 558? Yes? You look after that taxi?

**Mr EMMANUEL:** Yes.

**Mr KHATTRA:** And you are doing the fifty-fifty?

**Mr EMMANUEL:** Yes.

**Mr KHATTRA:** And do you have any proof because all money is going in your account when I drive?

**Mr EMMANUEL:** We have the direct in front of me. What goes in.

**Mr NADEEM:** She knows.

**Mr EMMANUEL:** Even it out. Can you?

**Madam CHAIR:** Mr Khattrra, in your questions, I again reminded you and Mr Emmanuel why we are here today. Your questions should be about the allegation you have made to the committee that he stopped giving you work because you proposed to give, or had given, evidence to the PAC.

**Mr WOOD:** Part of the evidence we have heard today is the reason Mr Emmanuel sacked Mr Singh ...

**Madam CHAIR:** Mr Khattrra.

**Mr WOOD:** Mr Khattrra sorry, was that he was having trips that were not metered. Part of the reason – and I presume Mr Khattrra is putting forward some evidence that that is not true. Is that correct? Are you showing evidence that you did not have unmetered trips?

**Madam CHAIR:** Mr Wood, it is not the reason the committee is here today.

**Mr WOOD:** I realise that, but it is the reason. The two conflicting points here is that Mr Khattrra is saying he was sacked because he came here and Mr Emmanuel is saying he was sacked because he had unmetered trips. So, we have two conflicting statements. I presume Mr Khattrra was trying to say whether that was true or not. That is the only thing.

**Madam CHAIR:** I understand the point you are making. But the advice and what we have before us is around that sticking point. Mr Khattra, if you would like to ask more questions ...

**Mr KHATTRA:** Yes.

**Madam CHAIR:** ... I am happy to commit. Did you have any more questions?

**Mr KHATTRA:** Yes.

**Madam CHAIR:** Did you want to ask them, please.

**Mr KHATTRA:** Can I ask them?

**Madam CHAIR:** Yes, please, go ahead.

**Mr KHATTRA:** You have plate 558. It does not matter if you have a lease or whatever. If you are happy with me, that is why you continue to drive 592? If you are getting the complaints, complaints and complaints, why do you continue to ...

**Mr EMMANUEL:** Because I always know you – everyone knows – what am I in this industry. Everyone knows. Still, people driving my car – they are happy there. But they want not to run off, not like you. I am sorry. Like Khattra, not like you.

Anyway, if any doubt, the committee can do any investigation in me. I am ready to prove my side.

**Mr KHATTRA:** And how do you pay ...

**Madam CHAIR:** Please go ahead.

**Mr KHATTRA:** How do you pay – on this taxi 558- is it weekly or ...

**Madam CHAIR:** Sorry, I do not think the question is relevant to what is before us here today. We are specifically looking at Mr Emmanuel attempted to refrain you from giving evidence to the PAC, then he stopped giving you work because you had given that evidence or been involved. That is the specific question. I know there is a lot that might tie into that.

**Mr KHATTRA:** Excuse me, Emmanuel. When I went to your house to pick up the car and that day we had a conversation regarding PAC committee and you said like taxi industry the same words—taxi industry is pressuring on me, why you did these things, why you went to PAC committee and already you made the complaint in transport department and everything is knowing and subleasing, is it legal or illegal, I do not know, subleasing is going on. What did the department that time in 2015 and after that you said, like today I went to the workshop—you have been there.

**Madam CHAIR:** You have asked your question, so maybe Mr Emmanuel can respond. He is talking specifically about the conversation on your driveway.

**Mr EMMANUEL:** I never ever talked to—with the PAC, (inaudible) the PAC.

**Madam CHAIR:** The question was when you talked on the driveway, did you say to Mr Khattra to not speak to the PAC?

**Mr EMMANUEL:** No, never.

**Ms LAWLER:** Did you say that you were getting pressure from the taxi council?

**Mr EMMANUEL:** No, no, no not like that. Here this is one group working here. Someone want to finish this industry. We are running the business. Lots of people are doing the hiding,

you know, without meter They all group. How can I explain, I do not know. What they are doing I do not know—exactly I do not know.

**Madam CHAIR:** It was a very specific question Mr Khattra just said to you that on the driveway you said to him—Mr Khattra could you please repeat the first part of your question.

**Mr EMMANUEL:** Yes, I know what you mean, I know. I have not any pressure. Always you know, taxi running two, three times getting accident or like that. Sometimes the family pressure coming. That time I talk something, I have lots of pressure, like that, otherwise nothing.

**Madam CHAIR:** But the question is from Mr Khattra, did a conversation take place on the driveway?

**Mr EMMANUEL:** Sorry?

**Madam CHAIR:** He just asked you—you had a conversation on the driveway about not talking to the PAC.

**Mr EMMANUEL:** Mostly days we had conversation there, my drivers, mostly days we have conversation with my driver.

**Madam CHAIR:** Maybe one or two more questions please, Mr Khattra.

**Mr KHATTRA:** You got a complaint against me, like running off meter, all right? When did you get the complaint?

**Mr EMMANUEL:** That is a long time. Long, long—I think many times.

**Mr KHATTRA:** Many, many times?

**Mr EMMANUEL:** Yes.

**Mr KHATTRA:** Why you did not sack me before that? Why you sack me after the PAC committee starts or whatever, you know?

**Mr EMMANUEL:** Because I already tell the committee see, said already. I am not like person—how much coming the pressure, yes leave it, leave it, leave it, but they cannot understand anything but what we do? I cannot do anything.

**Madam CHAIR:** Perhaps another question?

**Mr KHATTRA:** That day like you told me I went to the workshop and I seen two peoples are there and they are in the taxi industry and they put the pressure on my and they asking why you drivers doing like that. This is the taxi industry and they are going to the PAC committee and stop that against the subleasing and our industry will be like destroyed. After that you said I am very under pressure, industry pressure.

**Madam CHAIR:** Did you wish to answer the question, Mr Emmanuel?

**Mr EMMANUEL:** I do not know how can I give answer, I do not know.

**Madam CHAIR:** Thank you, Mr Khattra and thank you Mr Emmanuel. Many of the questions and issues relate to subleasing to the matters of subleasing, meter usage. The committee, we are satisfied in a sense, we have heard all the evidence available today for our investigation, our report. If you have questions relating to the appearance of the PAC you may ask that committee to take further evidence in terms of those areas that have been raised—in terms of the meterage. But otherwise we will conclude our proceedings here

today and the committee will, obviously, work through the issue and then present a report to the Assembly in due course.

**Mr EMMANUEL:** Excuse me, I want to ask one question. Maybe related this one. Can I? Over how many years you are driving, Mr Khattra driving in Darwin, taxi?

**Mr KHATTRA:** Me? I started part-time in 2010. Approximate, not exactly.

**Mr EMMANUEL:** How many operators under—you work?

**Madam CHAIR:** Sorry, we have quite a specific matter that we are investigating here today and as the Chair I am not sure that that information is needed. So, we will conclude the formal hearings now and the committee will provide its report to the Assembly. We will be in contact if we need to receive any more information. So thank you, for taking the time to appear before us today. This concludes the formal hearings today and the committee will meet in private now.

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The Committee Suspended

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## Appendix 7

Copy of tendered document (by Mr Khattrra at request of Mr Collins) – Newspaper Article



📷 Darwin taxi drivers Praphjeet Singh and Kamaldeep Singh Khattrra support the government's push to deregulate the taxi industry. Picture: Patrina Malone

### NORTHERN TERRITORY

## A group of Territory cab drivers support deregulation, say it's time to end anti-competitive practices

By FRED McCUE, NT News

February 8, 2015 2:09pm



A GROUP of Indian cab drivers support of Government moves to deregulate the taxi industry, saying it was time to break the anti-competitive forces which they claim control cabs in Darwin.

Representatives of the drivers yesterday demanded “equal opportunity” to run their own small businesses rather than being forced to drive for as little as \$8 an hour.

Prabhjeet Singh said he struggled to support his wife and two children on the \$100 he earned from 12 hours behind the wheel each day.

Kamaldeep Singh Khattrra said the Government must now move to stop the illegal practice of subleasing taxi plates to drivers.

He said owners demanded as much as \$1800 a week to sublease taxis to drivers.

It’s a figure questioned by NT Taxi Council executive officer Les Whittaker.

“I can’t see anyone paying that and, if they did, they’d be crazy,” Mr Whittaker said.

In a letter to the Government, the drivers said: “Currently, we are neither business owners nor employees.

“All we are are people on the lowest hourly rate in Australia without any holiday or sick pay, superannuation or career prospects, or any hope for the future.”

Mr Khattrra said: “We can have a small business if the Government gives the opportunity to drivers who, when they become owners, provide a better service to passengers. Removal of the cap will give drivers the opportunity to run their own small business rather than be captive to the rent-seeking and anti-competitive practices the cap ensures.”

The push for the removal of the cap puts the drivers at odds with the NT Taxi Council, which wants the number of cabs in Darwin and Alice Springs to remain unchanged.



Mr Whittaker yesterday maintained deregulation was not the answer to problems within the industry.

“We’ve got too many taxis now and there’s not enough work for them – drivers are not making very much (money) at all at the moment.”

The drivers have asked for a “separate meeting” with the Government to put forward their case in support of deregulation. “Many drivers are from cultural backgrounds where they can be easily intimidated by taxi plate owners,” the drivers said.

## Appendix 8



### LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY 13<sup>th</sup> Assembly

#### Committee of Privileges

Ref: 17/269.92

Mr Luke Emmanuel  
34 Rattray Street  
Nakara NT 0810  
Lukeemmanuel00@gmail.com

Dear Mr Emmanuel

The Legislative Assembly of the Northern Territory has completed its consideration of the investigation by the Committee of Privileges into the allegation of Mr Kamaldeep Singh Khattrra that you disadvantaged him by discontinuing a commercial arrangement as a consequence of him giving evidence to an inquiry of the Legislative Assembly's Public Accounts Committee.

A copy of the report tabled in the Assembly with the recommendations agreed by the Assembly is attached.

The Assembly has found that your behaviour in withdrawing from the commercial agreement with Mr Khattrra was related to his giving of evidence to the Public Accounts Committee and constitutes a contempt of the Legislative Assembly.

As a consequence, while the Assembly acknowledges that contempt is a serious offence it has in this instance directed me to write to you to caution you against engaging in conduct that is in contempt of the Legislative Assembly.

Such conduct includes any attempt to prevent a witness from attending and giving evidence at any committee of the Legislative Assembly.

I also advise that a further breach of the privileges of the Legislative Assembly could result in a serious penalty being imposed under the powers given to the Assembly by the *Legislative Assembly (Powers and Privileges) Act* to impose a fine or a penalty of imprisonment

Yours sincerely

Hon Natasha Fyles MLA  
Chair

February 2018

Parliament House, State Square (GPO Box 3721, Darwin NT 0801)  
T 08 89461450 E [la\\_privileges@nt.gov.au](mailto:la_privileges@nt.gov.au)  
[www.parliament.nt.gov.au](http://www.parliament.nt.gov.au)