

**DARWIN WATERFRONT CORPORATION BILL
(Serial 55)**

Continued from 14 June 2006.

Ms CARNEY (Opposition Leader): Madam Speaker, this is a reasonably interesting bill because it severs the waterfront area, which I understand is yet to be defined, from the Municipality of Darwin. The Darwin City Council will have no jurisdiction in the area at all. The minister, or particularly in this case, the Chief Minister, literally will have her own powers over the precinct.

The detail of the bill empowers the relevant minister to appoint a board of three to seven members. The board members are, of course, unelected. The bill empowers the minister to direct the board, and to review the books, and public servants will become staff of the board. The bill makes no guarantee to create local government in the area in the future, other than a clause to review that issue 12 months after the first residential tenant moves in. The Treasurer of the Northern Territory has full oversight of all financial transactions of the corporation, and the Auditor-General has to audit the book. That is by way of a summary, but let us be very clear: this bill creates a board of management for the waterfront area. It excises all other governing authorities. Section 2 lists the objects of the bill so that it develops, manages and services the precinct for the benefit of the community, and promotes the precinct as a place of residence.

This bill makes the area the Chief Minister's personal domain. With all of the propaganda of the government, or self-promotion and marketing that we have seen in relation to the waterfront, the Chief Minister has clearly demonstrated that she is very keen to secure full control over that area. However, by severing the precinct from the Municipality of Darwin and giving no absolute time frame for the return of local government, this government has opened itself to the accusation that they are not going to give local government rights to the residents of the waterfront. The only promise in the bill about future local government is that, 12 months after the first residential occupancy permit is issued, the corporation must review how it works.

The Chief Minister is, it can be said, setting herself up as the unelected mayor of the waterfront and she appoints the rest of the council. A resident wanting anything done, you could say, will have to deal directly with the Chief Minister or her board, and that then leads to the interesting prospect of residents living in the development, ringing up the Chief Minister in the middle of the night and saying: 'I have barking dogs; what are you going to do?'. The residents cannot deal with

Darwin City Council. They have to go somewhere else. It is very unusual legislation given that it is for an area involving residences. I wish future residents well in the event they have any barking dogs, or any other issues which would fall under the umbrella of local government.

There exists no appeal, and heavy limitations have been placed on the ability to take legal action against the corporation or its staff. The courts have effectively been sidelined by sections in the bill that say that if a staff member or corporation member is acting in good faith, then they are immune from criminal or civil liability.

The counter argument from government, no doubt, will be that this area needs a board of management and that is the sole function until the area can be returned to the Darwin City municipality when it is sufficiently well occupied. However, there is no time frame for this. It is, in essence, 'All hail, Chief Minister!' When local residents find out that they cannot participate in the Darwin mayoral elections, as seems to be the case on the basis of the bill, I would have thought that that would be a cause of concern for them, not to mention the barking dogs.

The accusation can be levelled at the Chief Minister that she holds local government in not very high regard because residents, I am sure, and Darwinians generally, would take the view that the Darwin City Council is capable of dealing with issues such as rates, roads and rubbish within the precinct boundaries.

Whilst not unusual in the sense that it provides for a corporation that has control over a particular area of land, what makes the bill unusual is the residential component and the fact that people who buy units, on the face of it, will not be able to participate in local mayoral elections.

It is an interesting bill. We understand the need for it, but this may well come back to bite the Chief Minister because, while she is hitching her wagon very firmly to the waterfront development, there are concerns - and I know she knows about them - in the business community that there are some parts of the development which may come back to bite her.

Then, again, the Chief Minister wants this bill to go through. By dint of the numbers, it will. I will be very interested to hear from the Chief Minister and other government members. Perhaps the member for Nelson will comment on the bill as well. I know he has a long-standing interest in local government. It remains to be seen whether residents, having paid a considerable amount of money for their new homes, will be happy being asked to ring up the Chief Minister in the middle of the night about what are council issues.