

Hansard, May 7, 2014

Foundation 51 – Donations to CLP

Mr GUNNER to CHIEF MINISTER

Last year, it was revealed that in 2012, then lawyer Peter Maley donated \$5000 to the now Attorney-General. The Attorney-General subsequently announced Peter Maley as a magistrate. Further, it is shocking to see Magistrate Maley campaign for the CLP during the recent by-election, I seek leave to table the photo of Magistrate Maley campaign during the by-election in Blain.

Leave is granted.

Mr GUNNER: Yesterday has revealed that Magistrate Maley is a Director of the CLP slush fund also known as Foundation 51. What message does this send Territorians about the administration of Justice in the Northern Territory? Are you comfortable with the actions of your Attorney-General and Magistrate Maley?

ANSWER

Madam Speaker, there was a line in the question I picked up after missing it because of interjections. The good thing about this is democracy and freedom of speech. A magistrate in the Northern Territory is allowed to have a political opinion. What sort of a society are we living in? It is a fantastic society where a magistrate can have a political opinion, where he can be a member of a political party.

I do not know the political makeup of all magistrates in the Northern Territory, whether they are members of the Labor Party, the CLP or others. They may be, but you are talking about one in particular.

It is fantastic he has rights and freedoms in a democratic society, such as the Northern Territory, to be a member of a political party. Good on him if he wants to make a donation to the member for Port Darwin, who has declared it in his register of interests. He followed the process; that is what transparency and accountability is all about, and that is why we have these rules and why he has declared it.

That is what we do as part of the *Electoral Act* with the process around elections which operate in the Territory, how we provide those donations, and I congratulate the member for Port Darwin for being open, transparent and accountable. Thank you very much, Peter Maley, the magistrate who has shown an interest in the Country Liberals.

In relation to Foundation 51 and any directorship, Peter Maley may or may not have, I am not aware of how that works and I do not know about Foundation 51. There is no connection between Foundation 51 and the CLP as a legal body. This is the same as the first question; you are leading with your chin once again.

This time it is the member for Fannie Bay, like the member for Johnston last time. We could look at Labor and Harold Nelson Holdings, the unions, the donations and the giveaways to the Stella Maris. We can see these sorts of things, but Foundation 51 is a private company. There is no legal connection between Foundation 51 and the CLP, as I know. If you want to ask them questions, ask them independently, but it has nothing to do with this government or us as politicians.

May 8, 2014

Magistrate Peter Maley

Mr GUNNER for CHIEF MINISTER referred to ATTORNEY-GENERAL and JUSTICE

I refer to your answer in the Assembly yesterday, where you applauded Magistrate Peter Maley for exercising his right to support a political party, namely the CLP in much the same way as someone would support a football team. Do you accept you are at odds with the Council of Chief Justices on Australia and their guide to judicial conduct, which covers all judicial officers, including magistrates and states:

... that a Judge be, and be seen to be, independent of all sources of power and influence in society.

What does it say about the administration of justice in the Territory when a magistrate hands out how-to-vote cards for the CLP, donates to the CLP and is a Director of a CLP slush fund?

ANSWER

Madam Speaker, I thank the member for Fannie Bay for his question. It is good to see - for those watching parliament today - the difference between both sides of the Chamber. On our side of the Chamber, we have been talking about programs, policies and successes in things we do. On the other side of the Chamber, they have been trying to make personal attacks on individuals from within the Northern Territory. It is not about holding anyone on this side of the Chamber to account, because you are talking about a private company and party matters, which are not inside this Chamber and not inside government.

Mr GUNNER: A point of order, Madam Speaker! I refer to the judicial conduct guide for all judges and magistrates, which says magistrates must be seen to be independent of all sources of power and influence in society. Can the Chief Minister answer the question about what this says about administration of justice in the Territory?

Madam SPEAKER: Thank you, member for Fannie Bay. Chief Minister, if you could get to the point.

Mr GILES: Given that you are talking about a magistrate in the Northern Territory and trying to slur Peter Maley, I might hand the question to the Attorney-General, who has responsibility in this area for magistrates.

Mr ELFERINK (Attorney-General): High Court Justice, Lionel Murphy, was a former member of the Whitlam government and was appointed by Whitlam, if memory serves me, to the High Court of Australia.

He served with distinction in the High Court of Australia for 11 years. This is a small community, and I had an opportunity to draw attention to potential links between other appointments and chose not to when I was the shadow minister. This was because of my respect for the integrity of those people on the bench, and I continue to respect them. I continue to respect all people on the bench because I do understand this is a smaller community.

There are all sorts of assertions that can be made in a small community about contact between people, because people are friends. Mr Maley is a personal friend of mine, and for that reason I removed myself from his selection process in the way that I did. Nevertheless he remains a personal friend; that is the nature of a small community. We are unembarrassed about making appointments to the bench of people who are eminently qualified to take up those positions. What members opposite would naturally suggest through this process is that if you have, in any way, a link with any political party or any association in a particular group you should not be appointed. You should be penalised through it being part of ...

Mr GUNNER: A point of order, Madam Speaker! Standing Order 113: relevance; the Attorney-General has not explained how handing out 'How to vote' cards makes him independent of all sources of power. That happened after the appointment.

Madam SPEAKER: That is not a point of order.

Mr ELFERINK: In your hand is a guide, not law. What I am saying is that ...

Mr Tollner: What about John Reeves?

Mr ELFERINK: There is another good point. John Reeves, a former minister under a Labor government sits on the federal court.

As far as we are concerned this is a small community, and as a consequence we are well satisfied. I am sure Mr Maley is fully aware of the ruling Edna and would disqualify accordingly.

Madam SPEAKER: Minister, your time has expired.