

Inquiry into Stella Maris

**—
2014**



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Letter to the Administrator

INQUIRY INTO STELLA MARIS

Our Ref: 2014/74-1-43

Your Ref:

Inquiry into Stella Maris
Stage 5, Cascom Centre
13-17 Scaturchio Street
Darwin NT 0810
Stellamaris.Inquiry@nt.gov.au

The Honourable Sally Thomas AC
Administrator of the Northern Territory
GPO Box 497
DARWIN NT 0801

Your Honour

I am pleased to provide you with the report of the Inquiry into Stella Maris in accordance with s. 4A(3) of the Northern Territory of Australia Inquiries Act.

The Inquiry has been conducted thoroughly in accordance with the schedule accompanying my appointment of 18 December 2013.

I thank you for the opportunity and I sincerely hope the report assists in promoting integrity, accountability, responsibility and transparency within government into the future.

Yours sincerely



A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line at the bottom. Below the signature, the name "J. A. Lawler" is printed in a small, dark font.

John A Lawler AM APM
Commissioner
Inquiry into Stella Maris

26 May 2014

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Instrument of appointment

NORTHERN TERRITORY OF AUSTRALIA

Inquiries Act

APPOINTMENT OF COMMISSIONER

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, under section 4A of the *Inquiries Act*, appoint John Adrian Lawler to inquire into and report to me on the matters mentioned in the Schedule.

Dated 18 December 2013

Sally Thomas
Administrator

By Her Honour's Command

Attorney-General and Minister for Justice
acting for
Chief Minister

08:59
18/12/13

Schedule

1. The circumstances of the purported decision of the then Minister for Lands and Planning to grant a lease over Lot 5260 Town of Darwin known as Stella Maris (the site) to Unions NT on or about 3 August 2012.
2. The public policy and public accountability considerations involved in making the purported decision to grant a lease of the site to Unions NT without putting the matter out to expressions of interest or public tender.
3. The performance of relevant persons, including the then Minister for Lands and Planning, in carrying out their obligations under the relevant regulatory regime and ensuring the proper accountability processes were applied in the tenure management of the site.
4. The adequacy and effectiveness of the regulatory regime in ensuring transparency, good governance and community input into the process of leasing or granting Crown land.
5. The provision and accessibility of relevant information to affected stakeholders and the public in relation to the proposal and purported decision to grant the lease of the site to Unions NT.
6. Any measures that might help ensure transparency, good governance and community input into the process of leasing or granting Crown land with particular reference to the purported decision to grant the lease of the site to Unions NT.
7. Any other suggestions or recommendations the Commissioner considers relevant to the above matters.

Acknowledgements

I would like to firstly thank the Inquiry's staff: Mr Christopher Stewart, Ms Emily Bonson, Ms Alana Morley and Mr Gregory Lade APM. Each contributed greatly to the effective functioning and completion of the Inquiry.

Throughout the Inquiry we had significant dealings with Northern Territory Government agencies and non-government organisations, all of which made important contributions to the Inquiry's investigations and findings.

I would like to especially thank: the Department of the Chief Minister, in particular Mr Gary Barnes, Ms Teresa Hart and Mr Andrew Cowan; the Cabinet Office, notably Ms Julie Nicholson PSM and her staff; the Department of Lands, Planning and the Environment, in particular Mr John Coleman, Ms Leah Clifford, Ms Paula Timson and staff, all of whom provided extensive support and advice to the Inquiry; and the Department of the Attorney General and Justice, including Mr O'Neil Padilla, Mr Triston Mullins and Mr Alfredo Borges, who provided equipment and technical support throughout the Inquiry's hearing process. My thanks also to the Solicitor-General, Mr Michael Grant QC, Mr Paul Maher and Mr Michael Maurice QC all of who provided pivotal legal advice over the term of the Inquiry's work. I wish to thank Commissioner John McRoberts APM, Assistant Commissioner Reece Kershaw and staff who provided specialist investigative expertise in the investigation gathering phase of the Inquiry.

I would like to thank Ms Jann Small, Mr Mark Harris from the Australian Valuation Office, Mr Michael Tatham from the Department of the Legislative Assembly, Commissioner of Information and Public Interest Disclosures, Ms Brenda Monaghan, Dr Robert Waldersee from the New South Wales Independent Commission Against Corruption, Northern Territory Commissioner for Public Employment, Mr Craig Allen, and the Northern Territory Auditor-General, Mr Frank McGuinness, who all met with the Inquiry to provide advice on their relevant areas of expertise.

I would also like to recognise and thank the many organisations and individuals that either made submissions or offered information to the Inquiry. Finally, I would like to thank the media for their interest in the Inquiry and all the witnesses and their legal counsel who appeared before the Inquiry and provided assistance.

Through the combined efforts of those acknowledged I hope the Inquiry's final report is of genuine assistance in promoting integrity, accountability, responsibility and transparency within government in the Northern Territory.

John A Lawler AM APM
Commissioner
Inquiry into Stella Maris

Executive summary

Establishment

The Inquiry into Stella Maris (the Inquiry) was established by the Legislative Assembly of the Northern Territory on 5 December 2013. I was subsequently appointed¹ as the Inquiry Commissioner by the Administrator of the Northern Territory under s. 4A(1) of the Inquiries Act.² This was the first time this provision in the Inquiries Act had been used.

Objective

Upon accepting my appointment, I was required to conduct a thorough investigation into the purported decision of the Minister for Lands and Planning³ to grant a lease over the Stella Maris site, Lot 5260 Town of Darwin, (the site), to Unions NT on or about 3 August 2012.⁴ I was also required to examine other important and linked terms of reference.⁵

In addressing these terms of reference, the Inquiry has also endeavoured to achieve three outcomes for the Northern Territory Government (the government) and the people of the Northern Territory:

- To assess the performance of those individuals and groups involved in the purported decision to grant the site exclusively to Unions NT, and make appropriate recommendations.
- To provide advice on how to improve government structures, processes and policies to ensure that what occurred with the site is unlikely to occur again.
- To provide advice on resolving the current impasse between Unions NT and the government regarding the future of the site.

Inquiry phases

The Inquiry commenced on 6 January 2014. With an initial staff of two, I set to work planning how the Inquiry would be conducted. I decided it would fall into four phases: (1) planning; (2) information gathering; (3) analysis, assessment and consolidation; and (4) report preparation.

Initially, it seemed logical that the Inquiry's efforts would focus on the actions of a single minister, Minister Gerald McCarthy, and the circumstances that led to his purported decision to grant the site to Unions NT on or about 3 August 2012. However, as we began to receive documents from the Northern Territory Public Sector, it became clear that the Inquiry would have to widen its scope considerably. These documents, in particular five folders from the Department of Lands, Planning and the

¹ [*The Honourable S. Thomas AC Administrator of the Northern Territory, Inquiries Act appointment of Commissioner \(The Northern Territory of Australia, 2013\), p. 1.*](#)

² [*Inquiries Act \(NT\), p. 3.*](#)

³ *From July 2005 to August 2008, the title was Minister for Planning and Lands, changing to Minister for Lands and Planning from December 2009. For the purposes of this report, any references to 'Minister for Lands and Planning' should be taken to refer to the relevant minister at the time from 2005 to 2012. For details of those ministers, see Appendix A.*

⁴ [*Department of Lands, Planning and the Environment, Chronology of lease, Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\), pp. 209–221.*](#)

⁵ [*Administrator of the Northern Territory, Inquiries Act appointment of Commissioner, p. 2.*](#)

Environment (the department)⁶, covered events as far back as 2007, when Minister Delia Lawrie held the Planning and Lands portfolio.

Once the scope of the Inquiry was understood, we began identifying individuals, departments and organisations that could assist the Inquiry. In all, the Inquiry served a total of 22 summonses to produce documents and summonsed 43 witnesses to give evidence. A total of 48 hearings were conducted over 17 days. A diverse mix of witnesses appeared before the Inquiry, including two former chief ministers, former Cabinet ministers, current and former public sector chief executives, public servants, former Unions NT staff, community group representatives and other members of the public.

Findings

By the time the information gathering phase was complete, it was clear what had occurred. The detail about what happened in the lead-up to the Cabinet meeting of 10 July 2012 is discussed at length in Term of reference 1. In summary, this is what the Inquiry has found.

On 10 July 2012, a Cabinet Submission, number 4033: 'The future of the Stella Maris site – Lot 5260 Town of Darwin (1 McMinn Street)', went to Cabinet for consideration.⁷ The submission was considered by only four of the eight Cabinet ministers—Chief Minister Paul Henderson, Minister Delia Lawrie, Minister Christopher Burns and Minister Malarndirri McCarthy. A decision was made to offer a Crown lease term over the site to Unions NT without an expression of interest process. This decision was against the strong and considered advice of the broader public sector⁸ not to grant the site to any community group without following an expression of interest process. Despite the fact he was sponsoring the submission, the Minister for Lands and Planning, Gerald McCarthy, was absent from the meeting.⁹

Following the meeting, the department was advised of the Cabinet decision and began drafting the lease conditions and letter of offer for Minister G McCarthy to sign and send to Unions NT to meet his ministerial responsibilities under the Crown Lands Act.¹⁰ It is clear that, prior to and immediately following the Cabinet meeting, the department had little to no information about what Unions NT intended to do with the site.¹¹

To obtain this information, the department emailed Minister G McCarthy's advisor, Mr Wolf Loenneker (who had also been Minister Lawrie's advisor), on 13 July 2012 requesting a contact at Unions NT.¹² On 17 July 2012, Mr Loenneker responded to the email and attached a copy of Unions NT's 2009 proposal for the site. This document

⁶ The department's name changes include: from 2005 it was the Department of Planning and Infrastructure; from 2009 it was the Department of Lands and Planning; and from September 2012 it was the Department of Lands, Planning and the Environment. For the purposes of this report, references to 'the department' should be taken to refer to the department across its various name changes between 2007 and 2012.

⁷ [Department of the Chief Minister, Miscellaneous Cabinet Documents, Information for Inquiry into Stella Maris Folder 1 no. 2 \(2014\) pp. 1–18.](#)

⁸ [Konstantine Vatskalis, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 28:00, 3:43 pm 12 March 2014; Paul Henderson, time point: 1:33:50, 17 March 2014; and Gerald McCarthy, time point: 2:26:10, 13 March 2014.](#)

⁹ [Department of the Chief Minister, Miscellaneous Cabinet documents, Information for Inquiry into Stella Maris Folder 1 no. 2 \(2014\), p. 51.](#)

¹⁰ [Crown Lands Act \(NT\), p. 10.](#)

¹¹ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 159–160.](#)

¹² [ibid. pp. 159–160.](#)

would ultimately become known as the community land grant application.

Mr Loenneker also nominated Mr Alan Paton as the contact at Unions NT.¹³ At that stage, Mr Paton was employed as a ministerial advisor to Minister Robert Knight, but was in the process of moving to the Unions NT Secretary's role.

The department believed there was an expectation to make the lease offer before the pre-election government caretaker period commenced on 6 August 2012 and, given the official Cabinet direction, acted with undue haste in processing Unions NT's flawed community land grant application.¹⁴ This led to the department breaching its own processes¹⁵ for dealing with community land grants.¹⁶ The grant application the department processed was inaccurate, three years out of date and did not document Unions NT's true intentions for the site. The department should have made the minister aware of exactly what parts of the community land grant process had not been followed.

The lease conditions and letter of offer were prepared and stamped with Minister G McCarthy's signature on 3 August 2012,¹⁷ the last working day before the caretaker period.

Mr Paton, who by this stage had commenced as the Unions NT Secretary, received the documents via email on the same day and signed them.¹⁸ However, the offer was not formerly accepted until 9 August 2012 when Mr Paton paid the lodgement fee and affixed the Unions NT seal to all the documents.¹⁹

No public information was provided during the process, causing a public information 'blackout'. Minister G McCarthy did not make a media announcement. No public advertisement was published, as required under the department's community land grant process.²⁰ The first opportunity the public had to learn about the offer was on 26 September 2012, when a notice was published in the Northern Territory Government Gazette,²¹ as required under the Crown Lands Act.²² However, this was far from an effective way to let the public know about the offer. By this stage the election had occurred and there was a change of government.

Notwithstanding the offer of the Crown lease and its acceptance by Unions NT, the Crown lease has not been registered at the Land Titles Office. Consequently, the site presently remains unalienated Crown land.

These are the key circumstances, individuals and groups involved in the purported decision to grant a lease over the site to Unions NT on or about 3 August 2012.

I would now like to specifically address the performance of: Cabinet; Minister G McCarthy; Minister Lawrie; Mr Loenneker; Mr Paton; Unions NT; and the department.

¹³ *ibid.* pp. 159–168.

¹⁴ *ibid.* pp. 157–158.

¹⁵ *Department of Lands, Planning and the Environment, Community land grant business process, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).*

¹⁶ *Department of Lands, Planning and the Environment, Community land grant policy, application and brochure, Information for Inquiry into Stella Maris Folder 7, no. 1 (2014).*

¹⁷ *Department of Lands, Planning and the Environment, Chronology of lease, pp. 204–215.*

¹⁸ *ibid.* pp. 216–221.

¹⁹ *ibid.* pp. 216–222.

²⁰ *Community land grant business process, p. 1.*

²¹ *Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 (2012), p. 4.*

²² *Crown Lands Act, pp. 11–12.*

Cabinet

It is difficult to understand how the Cabinet ministers could have reasonably rejected the advice in the Cabinet Submission to have an open and transparent expression of interest process, and proceed to approve the proposal to grant a Crown lease exclusively to Unions NT based on one paragraph in the submission which included a warning about potential criticism in pursuing that option.

The Cabinet ministers should have been aware that such a decision, particularly in the lead up to the election, would have attracted considerable public criticism—as the submission warned was likely.²³

As a result, the starting point should have been a process that called for more transparency, not less, and complete adherence to the long-standing community land grant process. Unfortunately, the opposite occurred.

Minister G McCarthy

In a strict legal sense, Minister G McCarthy, not Cabinet, made the decision to propose the grant of the site exclusively to Unions NT, and he was the only person with the power to do so under the Crown Lands Act.²⁴ As such, it was his responsibility to ensure that the decision he made was informed and followed due and proper process.

Minister G McCarthy's decision was arguably unreasonable²⁵ and, if challenged in a court, would be susceptible to being overturned. It was unreasonable because he did not have the necessary information to justify selectively choosing Unions NT over any other group. He should have sought this information and confirmed it before making the decision.

This lack of information was further compounded by Minister G McCarthy's absence²⁶ at the 10 July 2012 Cabinet meeting and the fact that his own submission strongly advised against granting the site to Unions NT, or any other community group, without following an expression of interest process.²⁷

In making his decision, Minister G McCarthy did not act with accountability, responsibility or with proper consideration of those likely to be affected by his decision, namely the numerous community groups that had expressed interest in the site over a long period of time.²⁸

There was no public advertisement, no media release and no way for the public to know of his decision until a notice was published in the Government Gazette on 26 September 2012.²⁹ This public information 'blackout' deprived members of the public of their entitlement to know that Minister G McCarthy had made a decision and the reasons why that decision was made.³⁰

²³ *Department of Lands, Planning and the Environment, Chronology of lease, p. 151.*

²⁴ *Crown Lands Act (NT), pp. 8–9.*

²⁵ *Paul Maher, Advice on Crown Lands Act, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).*

²⁶ *Department of the Chief Minister, Miscellaneous Cabinet documents, p. 51.*

²⁷ *Department of Lands, Planning and the Environment, Chronology of lease, pp. 138–155.*

²⁸ *24HR Art, National Trust, Birds Australia, Planning Action Network Incorporated, Music NT, Jason Sydenham and Mission Australia.*

²⁹ *Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 (2012), p. 4.*

³⁰ *Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008, p. 7, Section 9.*

Having considered all the factors in relation to the decision to propose the grant of the lease to Unions NT for the site, Minister G McCarthy's conduct was not accountable, responsible, or in the public interest.

Minister Lawrie

Minister Lawrie directed her office to brief Unions NT over another community group that had expressed an interest in the site when it was surrendered to government in 2007.³¹

Minister Lawrie acted with bias over many years, forming a view in 2009 that Unions NT should be exclusively granted a lease over the site without an expression of interest process.³²

Minister Lawrie formed this view in 2009 after meeting with Unions NT representatives and receiving a redevelopment proposal for the site, which became the application document.³³

Minister Lawrie should have ensured that her office provided this application to the department following this meeting. This did not occur. The first time the department received the application was 17 July 2012, by which time it was three years out of date and largely irrelevant.³⁴

Minister Lawrie should have made it clear to the department that it was her intention to grant the site to Unions NT without an expression of interest process. This should have been done in writing from either the Minister herself or a member of her staff. The Inquiry has found no evidence to suggest this was done.

Years after the 2009 meeting with Unions NT, in July 2012, Minister Lawrie intervened to bring the submission to the 10 July 2012 Cabinet meeting, even though Minister G McCarthy was the Minister for Lands and Planning at the time. It is unlikely that the submission would have gone to that Cabinet meeting or that the letter of offer would have been made on 3 August 2012 without Minister Lawrie's intervention.

Minister Lawrie maintained that this intervention was due to her concern that an incoming government could sell the site for commercial or residential high rise development and her long-standing preference was to grant the site to Unions NT.³⁵ This concern and preference did not justify the decision that was ultimately made by Minister G McCarthy: a decision that would not likely have been made without Minister Lawrie's intervention.

Notwithstanding that Minister Lawrie may have genuinely believed that granting the site exclusively to Unions NT was in the public interest, the way she involved herself in the process was not proper and was unfair to the public and other community groups.

³¹ *Department of Lands, Planning and the Environment, Chronology of lease, pp. 32–33.*

³² *Delia Lawrie, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 47:44, 14 March 2014.*

³³ *Department of Lands, Planning and the Environment, Chronology of lease, pp. 108–109 (note that the meeting occurred on 27 May 2009, not 22 April 2009 as listed in the meeting brief).*

³⁴ *Leah Clifford, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 1:41:10, 14 February 2014.*

³⁵ *Delia Lawrie, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 3:15:56, 14 March 2014.*

Mr Loenneker

It was Mr Loenneker's responsibility, as an advisor to both Minister Lawrie and Minister G McCarthy, to ensure that Unions NT's application was provided to the department when it was received by Minister Lawrie in 2009. Mr Loenneker did not provide the application to the department until 17 July 2012, seven days after the Cabinet decision, by which time it was three years out of date and largely irrelevant.

As a result, the department was deprived of the ability to follow its longstanding community land grant process, particularly:³⁶

- seeking a detailed application
- seeking payment of an application fee
- making a thorough assessment of the application
- making a formal request for a public advertisement and providing a 14-day comment period.

Mr Loenneker, as a former department employee, had an intimate knowledge of the community land grant processes and policies. He would have known, and should have informed the ministers, that due and proper process was not being followed with regard to Unions NT's application.

Mr Loenneker should have ensured that Unions NT followed due and proper process in submitting its application to the department. He should also have been more transparent and documented more fully for the department the outcomes that the ministers and Unions NT wanted.

Although Mr Loenneker's conduct was not covered by any statute or code of conduct at the time, his behaviour fell well short of the high standards expected of a senior ministerial advisor.

Mr Paton

Mr Paton had a conflict of interest due to his role as a ministerial advisor and a member of Unions NT's NT Workers Club Sub-committee, which was responsible for advancing Unions NT's interest in the Stella Maris site.³⁷

Mr Paton briefed Minister G McCarthy about Unions NT's application in 2011 while still employed as a ministerial advisor and with an ongoing interest in the site as either a former or current member of the NT Workers Club Sub-committee.³⁸ This was a clear conflict of interest. Given the lack of clarity around when Minister G McCarthy was briefed and the ongoing role of the NT Workers Club Sub-committee, the Inquiry was unable to establish if Mr Paton was an active member of the sub-committee when he briefed Mr G McCarthy in 2011.

Mr Paton discussed Cabinet timelines relating to the site at a meeting of the NT Workers Club Sub-committee in 2010 and provided directions to Mr Loenneker that clearly favoured Unions NT's position.³⁹ This was inappropriate.

³⁶ *Department of Lands, Planning and the Environment, Community land grant business process, p. 1.*

³⁷ *Teresa Hart, Letter to Gregory Lade regarding the employment history of Alan Paton (2014).*

³⁸ *Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 2:12:08, 13 March 2014.*

³⁹ *Unions NT, Meeting minutes and records, pp. 89–90.*

Mr Paton advanced the Unions NT application between 17 and 20 July 2012 as the incoming Unions NT Secretary, while still employed as a ministerial advisor.⁴⁰ This was clearly inappropriate and should not have occurred.⁴¹

Although Mr Paton's conduct was not covered by any statute or code of conduct at the time, he was conflicted and his behaviour fell well short of the high standard expected of a senior ministerial advisor.

Unions NT

The application submitted to both Minister Lawrie and Minister G McCarthy on behalf of Unions NT did not have a proper factual basis, was misleading and exaggerated the history between Unions NT and the site. It also misrepresented the relationship between the Seafarer's Union and the Apostleship of the Sea (AOS),⁴² which had run the site between 1979 and 2003.⁴³ It also exaggerated the link between Unions NT and Mission to Seafarers (formerly Mission to Seamen).⁴⁴

The Unions NT Executive failed in its responsibility to ensure the application submitted on its behalf to the ministers was of a high standard and reflected its true intentions for the site.

The department

The department has strongly supported the Inquiry and was able to produce significant documentation from the official file that outlined comprehensively the history of the proposed Crown lease grant to Unions NT.

Throughout the process of the proposed Crown lease grant to Unions NT, the department was seriously disadvantaged in that it did not have specific knowledge of Union NT's intentions for the site or a detailed application from Unions NT. This information would have allowed the department to properly assess the application, follow its own due and proper process and properly inform the ministers on the application. It follows therefore, that the department was also unable to include in the Cabinet Submission all the relevant matters relating to Unions NT for proper consideration.

Following the Cabinet decision on the site, the department believed there was an expectation to finalise the proposed Crown lease grant prior to the start of the caretaker period and, as a result, did not follow its own due and proper process.

Analysis of other community land grants between 2010 and 2013 has identified anomalies which indicate due and proper process was also not followed in relation to other grants.⁴⁵ This situation is unsatisfactory and requires attention, which is currently underway.

⁴⁰ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 180–181.](#)

⁴¹ [Alan Paton, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 2:29:25, 18 March 2014.](#)

⁴² [Department of Lands, Planning and the Environment, Chronology of lease, p. 162.](#)

⁴³ [Peter Shepherd, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 30:56, 28 February 2014.](#)

⁴⁴ [Keith Joseph, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 14:00, 20 February 2014.](#)

⁴⁵ See Appendix F.

Improvements to process and the way forward

The Inquiry has identified improvements which are listed in the recommendations and findings. These improvements can and should be made to improve structures, processes and policies as they relate to government decision-making, including the disposal of Crown land.

I am advised that improvements have already been instituted as a result of the announcement of the Inquiry and the Inquiry's work. This has had a broad and positive effect, filtering down to the way other assets and processes are managed.⁴⁶ In a fiscal context alone, it has the potential to save taxpaying Territorians many hundreds of thousands, or indeed millions, of dollars.

Finally, the issue remains of resolving the current impasse between Unions NT and the government regarding the future of the site. It is my view that Unions NT should relinquish any interest it may claim in the proposed Crown lease grant and be invited to participate in an expression of interest process.

⁴⁶ [*Leah Clifford, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 1:41:50, 17 February 2014.*](#)

Recommendations and findings

Recommendations

1. I recommend that the Northern Territory Government (the government), as a result of this report, immediately request Unions NT to relinquish any interest it may claim in the proposed Crown lease of Lot 5260 Town of Darwin (1 McMinn St), commonly known as the Stella Maris site (the site) and invite Unions NT to join a future expression of interest process.⁴⁷
2. Whether or not Unions NT chooses to relinquish any interest it may claim in the site, and noting that no Crown lease is registered to Unions NT for the site at the Land Titles Office, I recommend that the site be reopened as soon as practicable to a formal expression of interest process under the provisions of s. 12(2) of the Crown Lands Act, for low-scale community or commercial use for a Crown lease term of at least 35 years. The community access imperatives should be specified in the Department of Lands, Planning and the Environment (the department) design objectives.⁴⁸
3. I recommend that consideration be given to a partnership arrangement with the City of Darwin, with a view to including in the formal expression of interest process (as per Recommendation 2), part of Lot 6597 (approximately 317 square meters) which would enhance community access and overall utility of the site.⁴⁹
4. I recommend that the 'Travellers Walk', part of Lot 6597, be retained as a separate and important part of Darwin's history.⁵⁰
5. I recommend the department's Chief Executive Officer (CEO) establish a broadbased panel, including community representatives, to assess the expressions of interest as outlined in Recommendation 2. I recommend that the CEO forward the panel's recommendation on the preferred lessee to the Minister for Lands, Planning and the Environment. The panel's recommendation and the reasons for the Minister's decision on the successful lessee should be advised through a public announcement at the time the decision is made.⁵¹
6. I recommend that the Legislative Assembly consider whether there has been an alleged breach of the Northern Territory of Australia Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008, by Ms Delia Lawrie and Mr Gerald McCarthy, and whether under the provisions of s. 5(1) it wishes to refer any alleged breach of the code to the Privileges Committee.⁵²
7. I recommend that the government considers legislative change that sets out criteria to support a 'reasonableness test' in guiding ministerial decision-making. Such a test would aid accountability and be used as a mechanism for judging decisions made.⁵³
8. I recommend that the community land grant and direct sale of Crown land business processes be included under the Crown Lands Regulations (NT).⁵⁴

⁴⁷ See Term of reference 1 page 46.

⁴⁸ See Term of reference 1 page 46.

⁴⁹ See Term of reference 7 page 87.

⁵⁰ See Term of reference 7 page 87.

⁵¹ See Term of reference 1 page 46.

⁵² See Term of reference 3 page 60.

⁵³ See Term of reference 6 page 75, and Term of reference 2 page 49.

⁵⁴ See Term of reference 6 page 75.

9. I recommend that only the applicant should be able to make an application for a community land grant, or direct sale of Crown land and that a minister or minister's office should have no role in the application process.⁵⁵
10. I recommend that with any future Cabinet decision, made in conjunction with a community land grant or direct sale of Crown land, that the Cabinet decision should be the starting point in ensuring the full departmental business process is followed, as reflected in the Crown Lands Regulations (NT) (as amended in accordance with Recommendation 8).⁵⁶
11. I recommend that the department prepares a Cabinet Submission updating the Northern Territory Land Sale Policy.⁵⁷
12. I recommend that the Inquiries Act (NT) be reviewed and amended to allow for the seizure of documents and to provide a penalty for breaches of s. 8(4) of the Act.⁵⁸
13. I recommend that a Cabinet Handbook, similar to the Commonwealth Cabinet Handbook, be prepared as an aide memoir for Cabinet ministers and to assist with briefing of new ministers in relation to their Cabinet responsibilities.⁵⁹
14. I also recommend that the Cabinet Handbook contain an updated Ministerial Code of Conduct. This handbook should be made public and tabled in the Legislative Assembly of the Northern Territory.⁶⁰
15. I recommend that the Cabinet Handbook contain specific guidance for the Cabinet Secretary on what must be recorded to ensure the proper maintenance of the official Cabinet records.⁶¹
16. I recommend the Cabinet Office conduct an internal review on the caretaker conventions in light of fixed-term elections. The focus of the review should be the transparency of Cabinet decisions that are to be implemented during the caretaker period.⁶²
17. I recommend that the Northern Territory Commissioner for Public Employment regularly promulgate clear advice to agency CEOs on how to manage the interface between ministerial advisors and departmental officers.⁶³
18. I recommend the Northern Territory Commissioner for Public Interest Disclosures, with additional support, be appointed the Northern Territory Integrity Commissioner to provide advice to ministers, the Legislative Assembly and Northern Territory Public Sector similar to the role of the Integrity Commissioners in other jurisdictions.⁶⁴

⁵⁵ See Term of reference 6 page 76.

⁵⁶ See Term of reference 6 page 76.

⁵⁷ See Term of reference 6 page 76

⁵⁸ See Term of reference 7 page 86.

⁵⁹ See Term of reference 3 page 55.

⁶⁰ See Term of reference 3 page 55.

⁶¹ See Term of reference 3 page 66.

⁶² See Term of reference 1 page 40.

⁶³ See Term of reference 3 page 61.

⁶⁴ See Term of reference 6 page 77 and Term of reference 2 page 50.

19. I recommend the Integrity Commissioner (appointed as per Recommendation 18) provide advice to government on any further legislative or other changes that would further strengthen the Northern Territory's Integrity frameworks.⁶⁵
20. I recommend the department fully implement the necessary business improvements as set out in Appendix H.⁶⁶
21. I recommend that, with extra support, the Auditor-General conducts a performance management system audit, in consultation with the Inquiry Commissioner, on the effectiveness of and progress made in implementing the recommendations of this Inquiry that are accepted by government. I recommend that the Auditor-General presents a report to the Speaker for tabling in the Legislative Assembly by 26 October 2015.⁶⁷

Findings

1. I find in all the circumstances and particularly given there is no statutory definition of 'corrupt conduct' in the Northern Territory, it would be inappropriate for me to make a finding of corrupt conduct against any person as a result of the Inquiry's work.⁶⁸
2. I find the public disquiet—as highlighted by the media, along with the decision to conduct this Inquiry—could have been avoided if the then Cabinet followed the recommended option in 'The future of Stella Maris site' Cabinet Submission and if the then Minister for Lands and Planning and his office followed transparent, due and proper process when offering the community land grant for the site to Unions NT.⁶⁹
3. I find that the Cabinet decision 4856 was a *fait accompli*.⁷⁰
4. I find that neither Minister G McCarthy nor any member of Cabinet involved in Cabinet decision 4856 received any financial benefit or personal advantage as a result of the decision to offer a community land grant exclusively to Unions NT.⁷¹
5. I find no evidence that any member of the Cabinet in making the decision in relation to the site had any declarable conflict of interest as detailed under the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008.⁷²
6. I find that the Cabinet was not fully aware at the time of making Cabinet decision 4856—and it should have been—of the real intention of Unions NT, or the likely financial benefit to be achieved by Unions NT, through the offering of the Crown lease over the site.⁷³
7. I find that, given the broad discretion available, Minister G McCarthy, was acting in accordance with the provisions of s. 12(3) of the Crowns Lands Act (NT), when he offered a Crown lease grant to Unions NT on 3 August 2012, for the site.⁷⁴

⁶⁵ See Term of reference 6 page 77 and Term of reference 2 page 50.

⁶⁶ See Term of reference 6 page 77 and Term of Reference 4 page 68.

⁶⁷ See Term of reference 6 page 78.

⁶⁸ See Term of reference 3 page 53.

⁶⁹ See Term of reference 3 page 66.

⁷⁰ See Term of reference 3 page 55 and Term of reference 1 page 38.

⁷¹ See Term of reference 3 page 53.

⁷² See Term of reference 3 page 63.

⁷³ See Term of reference 1 page 42.

⁷⁴ See Term of reference 3 page 56.

8. I find, however, that Minister G McCarthy's offer of a community land grant to Unions NT on 3 August 2012, for a Crown lease on the site, was arguably unreasonable in the Administrative law sense and would be susceptible to challenge before the Supreme Court on that basis.⁷⁵
9. I find that having considered all the factors in relation to the decision to offer a Crown lease to Unions NT for the site, Minister G McCarthy's conduct was not accountable, responsible or in the public interest.⁷⁶
10. I find that, notwithstanding Minister Lawrie may have genuinely believed that granting the site exclusively to Unions NT was in the public interest, the way she involved herself in the process was not proper and was unfair to the public and other community groups.⁷⁷
11. I find that although Mr Loenneker's conduct was not covered by any statute or code of conduct at the time, his behaviour fell well short of the high standards expected of a senior ministerial advisor.⁷⁸
12. I find that although Mr Paton's conduct was not covered by any statute or code of conduct at the time, he was conflicted and his behaviour fell well short of the high standard expected of a senior ministerial advisor.⁷⁹
13. I find the Unions NT Executive had a responsibility to ensure that the application submitted on its behalf to the ministers was of a high standard and reflected Unions NT's true intentions. It did not.⁸⁰
14. I find on balance that Unions NT would have received a financial benefit as a result of the community land grant for a Crown lease for the site. Given the variable information and different use scenarios it is not possible to quantify exactly that financial benefit.⁸¹
15. I find that if the site had been advertised for an expression of interest, as I clearly believe it should, the best estimate of the value to the Northern Territory Government on the initial 10-year term would have been \$600 000 excluding GST.⁸²
16. I find that there was a distinct lack of publicly available information about the decision to grant the site to Unions NT and what Unions NT's intentions were. This information void reflects poorly on the government and is not an example of an open and transparent decision making process.⁸³
17. I find that the department has not followed its own due and proper processes in relation to other community land grants. This has led to inconsistencies in how applicants are dealt with.⁸⁴

⁷⁵ See Term of reference 3 page 56.

⁷⁶ See Term of reference 3 page 58.

⁷⁷ See Term of reference 3 page 60 and Term of reference 1 page 37.

⁷⁸ See Term of reference 3 page 61.

⁷⁹ See Term of reference 3 page 63 and Term of reference 1 page 38.

⁸⁰ See Term of reference 3 page 64 and Term of reference 1 page 41.

⁸¹ See Term of reference 3 page 65.

⁸² See Term of reference 1 page 44.

⁸³ See Term of reference 5 page 72.

⁸⁴ See Term of reference 3 page 66.

18. I find that the community land grant regulatory regime was inadequate.⁸⁵
19. I find that the Inquiry was hampered in not being able to retrieve all the relevant documents in existence in 2012 due to technical limitations with the government's computer systems. Work is currently underway to rectify this situation.⁸⁶
20. I find that a range of community groups and a large number of witnesses, who appeared before the Inquiry, passionately believe that the site, particularly the heritage-listed house, should be available for community use and enjoyment and that the site should not be used for high rise commercial or residential purposes. I share their view.⁸⁷

⁸⁵ See Term of reference 4 page 68.

⁸⁶ See Term of reference 7 page 83.

⁸⁷ See Term of reference 1 page 28.

Term of reference 1

The circumstances of the purported decision of the then Minister for Lands and Planning to grant a lease over Lot 5260 Town of Darwin known as Stella Maris (the site) to Unions NT on or about 3 August 2012.

On the morning of 10 July 2012, a Cabinet meeting was held on the 14th floor of NT House in Mitchell Street, Darwin. Five ministers attended: Chief Minister Paul Henderson, Minister Delia Lawrie, Minister Christopher Burns, Minister Konstantine Vatskalis and Minister Malarndirri McCarthy. Three ministers were absent: Minister Gerald McCarthy, Minister Karl Hampton and Minister Robert Knight. The Acting Secretary to Cabinet, Mr Rodney Applegate, was also present. The Cabinet attendance record listed Minister Knight as having phoned into the meeting from Wagait Beach.⁸⁸ However, this is incorrect and a subsequent examination of the Cabinet phone records has confirmed that he was absent.⁸⁹

Cabinet had six items to consider, the fifth being submission number 4033: 'The future of the Stella Maris site – Lot 5260 Town of Darwin (1 McMinn Street)'.⁹⁰ Minister Lawrie was surprised at the length of time it had taken for the submission to reach Cabinet for a decision.⁹¹

Minister Vatskalis left towards the end of the meeting to catch a plane,⁹² leaving only four ministers to deal with the remaining submissions. Towards the end of the meeting, the Stella Maris submission was considered and, against advice from the Department of Lands and Planning (the department) and the broader public sector,⁹³ a decision was made to grant the site exclusively to Unions NT without seeking an expression of interest. Mr Applegate, as part of his official duties, recorded the decision as:

Cabinet:

[a] noted the options for the future use and/or development of the Stella Maris site at Lot 5260 Town of Darwin (1 McMinn Street); and

[b] approved that a Crown Lease Term over the Stella Maris site at Lot 5260 Town of Darwin (1 McMinn Street) be offered to Unions NT for a term of 10 + 10 years on an 'as is, where is' basis.⁹⁴

It was then the responsibility of the Minister for Lands and Planning, Gerald McCarthy, who was not present when the Cabinet decision was made,⁹⁵ to fulfill his ministerial responsibilities under the Crown Lands Act. This was done on 3 August 2012 when a letter of offer⁹⁶ with Minister G McCarthy's signature stamp was sent via email to the newly appointed Unions NT Secretary, Mr Alan Paton, who was an advisor to

⁸⁸ [Department of the Chief Minister, Miscellaneous Cabinet documents, Information for Inquiry into Stella Maris Folder 1 no. 2 \(2014\), p. 51.](#)

⁸⁹ [Stella Maris Inquiry, Telstra phone records and summons to produce documents, Information for Inquiry into Stella Maris Folder 1 no. 1 \(2014\).](#)

⁹⁰ [Department of the Chief Minister, Miscellaneous Cabinet documents, p. 20.](#)

⁹¹ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 03:06:00, 14 March 2014.](#)

⁹² [Konstantine Vatskalis, Travel documents and conference flyer, Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)

⁹³ [Department of the Chief Minister, Miscellaneous Cabinet documents, pp. 1–17.](#)

⁹⁴ [ibid. p. 19.](#)

⁹⁵ [ibid. p. 51.](#)

⁹⁶ [Department of Lands, Planning and the Environment, Chronology of lease, Information for Inquiry into Stella Maris Folder 1, no. 3, pp. 210–215.](#)

Minister Knight up until 20 July 2012.⁹⁷ The offer was signed and dated by Mr Paton on the same day. However, the offer was not formally accepted until 9 August 2012, when Mr Paton paid the lodgement fee and affixed the Unions NT seal to all the documents. A notice was published in the Northern Territory Government (the government) Gazette on 26 September 2012,⁹⁸ as required under the Crown Lands Act.⁹⁹

These, in essence, are the circumstances that led to a lease over the Stella Maris site (the site) being offered to Unions NT on or about 3 August 2012. However, these circumstances cannot be viewed in isolation. They form part of a larger chain of events that date back to 2007, when the lease was first surrendered,¹⁰⁰ and before that to the history of the railway and to Unions NT's purported historical connection to the site. To understand the full context and background, and adequately address the Inquiry's terms of reference, it is necessary to review the site's history, beginning in the first half of the 20th century when a railway employee's house was built on the Darwin escarpment.

The Road Master's house

Today there are three buildings on the site: the heritage-listed railway house; the accommodation building; and the bar building. The accommodation and bar building were built in the 1990s¹⁰¹ by the Apostleship of the Sea (AOS), which held a lease over the site from 1979 to 2007 to run a seafarers' centre.

The railway house has a much longer history and, according to a government heritage report, is thought to have been built somewhere between the 1910s and 1930s.¹⁰² The earliest known photograph of the building was taken in 1939.¹⁰³ It has been established that by 2012 the house was at least 73 years old. However, there is evidence to suggest it could possibly be much older. That aside, there is a consensus that the house was one of many built in the area to accommodate employees of what became the North Australia Railway,¹⁰⁴ which was completed in 1889 to service the gold rush at Pine Creek.¹⁰⁵ Different houses were built for different employees, depending on their status within the railway. Railway expert Mr Trevor Horman told the Inquiry into Stella Maris (the Inquiry) that this house was built for the Road Master, who was in charge of the 'gangers' and responsible for the upkeep of the track.¹⁰⁶ It was a residential dwelling that would have been occupied by the Road Master and his family.

Although the early history of the house and its occupants is unclear, it seems likely that, from the time the house was built until 1976, there was an unbroken association

⁹⁷ [Teresa Hart, Letter to Greg Lade regarding the employment history of Alan Paton, \(2014\).](#)

⁹⁸ [Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 \(2012\).](#)

⁹⁹ [Crown Lands Act \(NT\), pp. 11–12.](#)

¹⁰⁰ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 50–53.](#)

¹⁰¹ [Jack Evans, Documents on the Stella Maris story, p. 19.](#)

¹⁰² [Heritage Branch, Department of Natural Resources, Environment, the Arts and Sport \(NRETAS\), Heritage Report on Stella Maris Hostel, Darwin: Background Historical Information \(2009\), p. 5.](#)

¹⁰³ [ibid. p. 6.](#)

¹⁰⁴ [Trevor Horman, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 22:16, 12 February 2014.](#)

¹⁰⁵ [Tabled documents, Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\), p. 1.](#)

¹⁰⁶ [Trevor Horman, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 23:25, 12 February 2014.](#)

between the house and the North Australia Railway. This association is corroborated by the government's heritage report which lists the railway employees who lived in the house from 1948 until 1974, when the house was badly damaged in Cyclone Tracy.¹⁰⁷

In 1976, the railway was closed and most buildings associated with it were sold and removed. At some point after 1976, the site was transferred to the government so a lease could be negotiated with the AOS to run a seafarers' centre.¹⁰⁸

Searching for a centre

Records show that members of the Society of St Vincent de Paul began visiting ships in Darwin as early as 1967.¹⁰⁹ In those days, the visiting seafarers were entertained at the old Darwin presbytery. A Port Chaplain was appointed in January 1975 and it was decided that a stand-alone seafarers' club should be established. The local Bishop, John P O'Loughlin, was supportive of the idea and tasked a quarantine officer, Mr Ernie Carey, with finding a suitable building for the church to use.

After lobbying the Australian National Railways and government, Mr Carey secured a short-term lease over the old railway house at 1 McMinn Street in 1979 for the AOS.¹¹⁰ The house had been neglected since Cyclone Tracy and the surrounding area was, according to documents provided by former Stella Maris President, Jack Evans, 'like a jungle with heaps of cyclone debris[s] still lying around'.¹¹¹ Mr Carey and his family set to work transforming the building and the site with a \$5000 loan from the national office of the AOS.

The resulting Stella Maris Seafarers' Club, or Stella's as it was known, was blessed and opened by Bishop O'Loughlin in April 1980.¹¹² At that stage, the old railway house was the only building on the site. It included a bar upstairs and a small chapel downstairs.

Documents provided by Mr Evans capture how the site and the Stella Maris Club changed over the next 16 years:¹¹³

- 1981–82 A small demountable was purchased for \$8000.
- 1983 The bar was relocated downstairs in the house.
- 1984 A restaurant was opened upstairs.
- 1987 A demountable was built at the cost of \$60 000.
- 1989 The government offered the committee a 10-year lease. This was accepted and plans were drawn up for a new building on the site.

¹⁰⁷ NRETAS, *Heritage Report on Stella Maris Hostel, Darwin: Background Historical Information*, p. 8.

¹⁰⁸ Jack Evans, *Documents on the Stella Maris story*, p. 1.

¹⁰⁹ Jack Evans, *Documents on the Stella Maris story*, p. 17.

¹¹⁰ *ibid.* p. 13; NRETAS, *Heritage Report on Stella Maris Hostel, Darwin: Background Historical Information*, p. 8.

¹¹¹ Jack Evans, *Documents on the Stella Maris story*, p. 14.

¹¹² *ibid.* p. 14; Edward Richardson, *Documents provided by Edward Richardson, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014), no. 1. p. 4.*

¹¹³ Jack Evans, *Documents on the Stella Maris story*, pp. 17–19.

- 1991 The bar building was opened and blessed. The cost was almost \$600 000: a total of \$270 000 was donated by the International Transport Workers Federation (ITF) Seafarers' Trust, a further \$50 000 was an interest free loan from the national AOS office, and the remaining \$280 000 was raised over the years by the club.
- 1996 An accommodation block of five single rooms was constructed at a total cost of \$100 000, which was donated by the ITF Seafarers' Trust. At the same time, the government handed over a lease of perpetuity for the land. This was what the committee had hoped for since the land and old railway house was made available by the Australian National Railways.

As detailed above, the ITF Seafarers' Trust provided significant funding to the AOS for the Stella Maris Club. In a public submission to the Inquiry, former Stella Maris Treasurer, Mr Leslie Fern, stated, that 'if it wasn't for the ITF and a free lease of the site at the time of Shane Stone [former Chief Minister of the Northern Territory], I don't think Stella Maris could have operated for as long as it did'.¹¹⁴

The ITF Seafarers' Trust, a registered charity in the United Kingdom, is dedicated to the spiritual, moral and physical welfare of seafarers irrespective of nationality, race or creed.¹¹⁵ Its funding comes from three sources: the investment income of the ITF Seafarers' International Welfare Assistance and Protection Fund; capital funds held by the trust; and a levy of US\$250 per employee per year, paid by shipping companies that have entered into ITF Standard Collective Agreements. To apply for funding from the trust, applicants must seek the endorsement of an ITF affiliate and, in the case of the AOS, also an endorsement from the Vatican. The salient point is that the ITF Seafarers' Trust and its funding is not directly associated with Unions NT.

The Stella years

Most of the former ministers who were present at the 10 July 2012 Cabinet meeting told the Inquiry they had many fond memories of the Stella Maris Club. This likely influenced or formed the basis for their decision to grant the site exclusively to Unions NT. For example, Minister Burns recalled enjoying pleasant lunches at the site: 'You know, half a crab and salad and chips and a schooner for \$8'.¹¹⁶ Minister Burns, throughout his testimony, recounted his belief in a strong association between the union movement and the site and particularly emphasised the links between the broader waterfront and rail precincts.

Minister Lawrie recounted visiting the site for the first time to attend a May Day dinner when she first entered Parliament:

It was a beautiful evening and a beautiful setting, and I remember being struck at how lucky we were to have that site unblemished, if you like, you know the bulldozers hadn't been through and developers hadn't snatched it up. I was struck how lucky we were to have that site and I was struck by the way the union movement saw it as part of their home and it was a pretty special moment for me, in terms of that was my first interaction with the site.¹¹⁷

¹¹⁴ [Leslie Fern, Submission in relation to the Inquiry, <http://www.stellamarisinquiry.nt.gov.au/leslie_fern.html>](http://www.stellamarisinquiry.nt.gov.au/leslie_fern.html).

¹¹⁵ [Dean Summers, Submission in relation to the Inquiry, <http://www.stellamarisinquiry.nt.gov.au/dean_summers.html>](http://www.stellamarisinquiry.nt.gov.au/dean_summers.html).

¹¹⁶ [Christopher Burns, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 01:49:15, 19 March 2014.](#)

¹¹⁷ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 07:00, 14 March 2014.](#)

Chief Minister Henderson, who had worked as a diesel fitter in Darwin in the 1980s, also remembered a strong union presence at the club:

My understanding, on reflection as to why this all sort of made sense [granting the lease to Unions NT], was I had a broad understanding of a very deep union association with that particular site. Now, how it all linked up and all of those things, like I said I'm not a historian, but innately I understood that because, to a large part, my time when I was working in my trade and I did have the odd few drinks at that establishment [and] could well see the types of people that were there all the time. And even though I wasn't a member of the union, there were lots of union types always in and around that facility. So that helped inform, on reflection, going through all of this and supporting my understanding of the importance of this particular area to Unions NT. The exact historical record, I can't enlighten you on.¹¹⁸

There appears to have been a belief, at least in three Cabinet ministers' minds, that the union movement had an inherent connection with and custodianship over the site, despite it being leased to the AOS at the time. This union connection was recounted numerous times by several witnesses and, while many were unable to articulate the genesis of that connection, most seemed convinced that Unions NT had a right to occupy the site. In fact, Minister Lawrie suggested it would be wrong to provide the site to anyone else:

I was of the firm view that it would be unfair to the union movement to say well look we'll just ignore your participation in the site, we'll ignore your financial investment in the site, we'll ignore all the work you've done over the years with the site and we're going to put it up to any taker.¹¹⁹

Further, Minister Lawrie conceded that by 2009 she had made up in her mind that a lease over the site should be granted exclusively to Unions NT without an expression of interest process:

Commissioner John Lawler: *You'd formed a view that the site should go to Unions NT?*

Delia Lawrie: *Yes absolutely.*

Commissioner John Lawler: *And you formed that view back in...*

Delia Lawrie: *...in 2009, which is why I asked the department, obviously through my officer, to establish a working party to work with them to go through and assess and test the proposals that Unions NT had in terms of the site. I'm just surprised that that work didn't occur.¹²⁰*

¹¹⁸ [Paul Henderson, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 01:00:17, 17 March 2014.](#)

¹¹⁹ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 14:17, 14 March 2014.](#)

¹²⁰ [ibid. time point: 26:15, 14 March 2014.](#)

Turbulent times

In the late 1990s and early 2000s, the Stella Maris Club was of growing concern for the national office of the AOS. Mr Ted Richardson, former AOS National Director saw the centre, ‘...slowly moving away from the church and becoming a committee of people that weren’t church based and had very little contact with the church.’¹²¹ In 2003, Mr Richardson, flew unannounced to Darwin and gave the committee three months to ‘get back to grass roots’ by running the centre as a mission, not as a bar or a social club.¹²²

Mr Richardson told the Inquiry that when he returned three months later, nothing had changed.¹²³ He shut the centre that day, 27 September 2003, and dismissed all the staff:

*The staff weren’t happy that I even came back there and I chose then to close the centre down because it became the lighthouse that nobody ever remembered to turn the light on.*¹²⁴

In the following months, Mr Richardson attempted to get the centre operating again, but it was eventually decided¹²⁵ that the best option was to hand the lease back to the government. A caretaker remained on site for approximately two years to keep the accommodation facilities running. However, this proved too difficult to continue as, by this stage, most of the commercial shipping had been redirected to the new port facilities at East Arm, a long way from the centre. Mr Richardson said, ‘It was not practical to have a centre in the city when they really needed it out there in the port [East Arm] where they could look after the seafarers directly’.¹²⁶

After the site was closed, there were discussions around relocating the centre closer to East Arm. Mr Richardson had prepared a submission for the government and had discussions with the Chairman of the Darwin Port Welfare Committee, Mr Brian Manning, to ask him to act on behalf of the AOS to further the negotiations.¹²⁷ Ultimately, however, the relocation did not proceed, although the Darwin Port Welfare Committee did eventually establish its own facility at East Arm.¹²⁸

Four years later, on 29 September 2007, Father Malcolm Fyfe surrendered the lease to the government on behalf of the AOS. The surrender documents were registered by the Registrar General on 11 December 2007.¹²⁹ On surrender, the government compensated the AOS \$630 000¹³⁰ for the improvements it had made to the site over the years. The AOS used \$300 000 of this compensation to reimburse the ITF Seafarers’ Trust for the funding it had provided over the years, with most of it coming back to the new facility at East Arm.

¹²¹ [Ted Richardson, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 22:45, 12 February 2014.](#)

¹²² [ibid.](#)

¹²³ [ibid. time point: 23:40, 12 February 2014.](#)

¹²⁴ [ibid. time point: 23:55, 12 February 2014.](#)

¹²⁵ [ibid. time point: 24:25, 12 February 2014.](#)

¹²⁶ [ibid. time point: 21:45, 12 February 2014.](#)

¹²⁷ [Darwin Port Corporation, Miscellaneous, Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\), pp. 8–13.](#)

¹²⁸ [Ted Richardson, Stella Maris Inquiry Hearing, time point: 26:30, 12 February 2014.](#)

¹²⁹ [Department of Lands, Planning and the Environment, Chronology of lease pp. 50–53.](#)

¹³⁰ [ibid. pp. 17–18.](#)

Rising community interest

News of the AOS's intention to surrender the lease spread quickly through the Darwin community. Even before the surrender, the government began receiving unsolicited requests from groups interested in taking over the site. The first was on 30 August 2007 from the Director of 24HR Art, Mr Steve Eland. Mr Eland emailed Chief Minister Clare Martin, to submit an expression of interest to use the site as an artists' residency and short-term accommodation facility.¹³¹ The Minister for Planning and Lands, Delia Lawrie, responded to Mr Eland on behalf of the Chief Minister on 8 October 2007. She noted his request and advised him that the site, in its current state, was unsuitable for occupation and had yet to be formally handed back to government.¹³²

For several years, other community groups contacting the government were also told no decision on the future of the site had been made. Between 2007 and 2012, the following groups and individuals contacted the government about the site: 24HR Art in 2007,¹³³ the Planning Action Network Incorporated in 2007¹³⁴ and 2009,¹³⁵ the National Trust in 2007¹³⁶ and 2011¹³⁷, Jason Sydenham in 2008¹³⁸, Birds Australia in 2008¹³⁹, Mission Australia in 2011¹⁴⁰, and Music NT in 2012.¹⁴¹ There is no information to suggest that any of these groups were told about the decision to offer a lease over the site to Unions NT until a notice was placed in the Government Gazette on 26 September 2012.¹⁴²

Finding 20

I find that a range of community groups and a large number of witnesses, who appeared before the Inquiry, passionately believe that the site, particularly the heritage-listed house, should be available for community use and enjoyment and that the site should not be used for high rise commercial or residential purposes. I share their view.

Directions from the Chief Minister

Once the AOS's intention to surrender the lease was clear, Minister Lawrie wrote to Chief Minister Martin on 3 September 2007 with an update. Minister Lawrie informed the Chief Minister that the government would be required, under the Crown Lands Act,¹⁴³ to provide \$630 000 in compensation to the AOS. However, Minister Lawrie emphasised that despite this, the government could save between \$600 000 and

¹³¹ [ibid. pp. 11–12.](#)

¹³² [ibid. p. 13.](#)

¹³³ [ibid. p. 11.](#)

¹³⁴ [ibid. pp. 23–29.](#)

¹³⁵ [ibid. pp. 72–100.](#)

¹³⁶ [ibid. pp. 37–40.](#)

¹³⁷ [ibid. pp. 124–127.](#)

¹³⁸ [ibid. pp. 61–62.](#)

¹³⁹ [ibid. pp. 65–67.](#)

¹⁴⁰ [Miscellaneous Documents, Information for Inquiry into Stella Maris, Folder 3, no. 1 \(2014\), p. 43.](#)

¹⁴¹ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 128–129.](#)

¹⁴² [Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 \(2012\), p. 4.](#)

¹⁴³ [Crown Lands Act \(NT\).](#)

\$900 000 as the surrender would significantly reduce the amount of road and earthworks required as part of the development of the waterfront precinct.

Towards the end of the memorandum, Minister Lawrie also indicated her office would 'brief Unions NT and the local member on the proposed surrender of the lease'.¹⁴⁴ At this stage Unions NT had shown no formal interest in the site. A similar briefing was not offered to 24HR Art, which had made a formal approach.

Chief Minister Martin received the letter the following month after returning from a trip to Japan¹⁴⁵ and requested Minister Lawrie to provide a 'Note to Cabinet...on all issues to do with the future of Stella Maris'.¹⁴⁶ In response, the department prepared a Cabinet Memorandum for Minister Lawrie to circulate to all Cabinet ministers. The four-page document canvassed four options for the future of the site:¹⁴⁷

1. Possible commercial/residential development.
2. Low-scale commercial development.
3. Offer leasehold tenure of the site to the National Trust of Australia (Northern Territory).
4. Given the shortage of Crown land within the Central Business zoning, land bank the site.

The document included attached aerial photos of the site and a copy of a letter the National Trust had sent to government on 19 October 2007. There was no mention of Unions NT.¹⁴⁸ Minister Lawrie did not endorse the memorandum. Instead she returned it to the department on 10 December 2007 with a hand-written note that read, 'DPI [Department of Planning and Infrastructure] to create a working party with Heritage and Tourism to scope options and provide advice back in 2008 (mid)'.¹⁴⁹ The Inquiry has examined a charter¹⁵⁰ for the working party but has been unable to determine if this working party met or produced any reports or recommendations. However, it is likely that it did not advance further options beyond those in the original memorandum.

The union approach

Unions NT first contacted the Minister for Planning and Lands about the site on 31 March 2009, nearly two years after the lease was surrendered. The Unions NT Secretary, Mr Matthew Gardiner, wrote to Minister Lawrie to arrange a meeting to discuss Unions NT's vision for the site.¹⁵¹ The idea was to 're-establish the site for community and seaman's [sic] and other Unions use'.¹⁵² Unions NT planned to have the site up and running by May 2010, in time for an official opening on May Day. It was also clear from meeting minutes the Inquiry obtained that Unions NT wanted to establish what it referred to as the NT Workers Club on site, in what appeared to be an attempt to recreate the bar and restaurant that was there previously.

¹⁴⁴ *Department of Lands, Planning and the Environment, Chronology of Lease, pp. 32–33.*

¹⁴⁵ *Clare Martin, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014). Time point: 10:26, 12 March 2014.*

¹⁴⁶ *Department of Lands, Planning and the Environment, Chronology of lease, p. 33.*

¹⁴⁷ *ibid. pp. 41–49.*

¹⁴⁸ *ibid. pp. 41–49.*

¹⁴⁹ *ibid. p. 41.*

¹⁵⁰ *Department of Lands, Planning and the Environment, Chronology of lease, pp. 54–56.*

¹⁵¹ *ibid. p. 102.*

¹⁵² *ibid. p. 162.*

However, it should be noted, that Minister Lawrie said she had no knowledge of this,¹⁵³ even though it is referenced in the Unions NT application provided to Minister Lawrie on 27 May 2009.¹⁵⁴

The meeting was held on the 5th Floor of Parliament House on 27 May 2009. The department prepared a brief for Minister Lawrie ahead of the meeting, and advised that, 'Entering into any arrangement with Unions NT at this stage would pre-empt Cabinet's deliberation on this issue'.¹⁵⁵ While there was no official meeting attendance list, it is believed that the following people attended:¹⁵⁶

- Minister Lawrie (Minister for Planning and Lands) and her relevant advisor(s)
- Mr Matthew Gardiner (Unions NT)
- Mr Terry Lawler (Unions NT)
- Mr Peter Shepherd (Business consultant employed by Unions NT).

The meeting was quick, according to Industrial Development Officer for Unions NT, Mr Terry Lawler.¹⁵⁷ During the meeting, unions staff pitched their redevelopment proposal (the application)—a document they had been working on with Mr Peter Shepherd—to Minister Lawrie. According to Mr Lawler, Minister Lawrie was handed a copy of the application at the meeting and was largely supportive of the initiative,¹⁵⁸ but did not make any firm commitments. This is corroborated by Ms Lawrie's testimony:

I have no doubt I would have expressed my support for their submission and their intention, no doubt about that at all. My memory of it was then to say go away and work with the department on your proposal in terms of, you know, needing to follow a process, which is why of course I had been seeking the establishment of a working party between Unions NT and the department.¹⁵⁹

However, it was another three years before the application reached the department from the minister's office. By this stage Cabinet had already decided to grant the lease exclusively to Unions NT and the application was outdated. The situation was compounded by the fact that the application contained numerous inaccuracies. Mr Shepherd conceded that the document should have been more accurate:

Commissioner John Lawler: *The report is not as accurate as it should have been and needed to be. Would you agree with that?*

Peter Shepherd: *Yes, I'd agree.¹⁶⁰*

¹⁵³ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 01:18:20, 14 March 2014.](#)

¹⁵⁴ [Department of Lands, Planning and the Environment, Chronology of lease, p. 162.](#)

¹⁵⁵ [ibid. pp. 107–109.](#)

¹⁵⁶ [Terry Lawler, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 01:18:40, 26 February 2014.](#)

¹⁵⁷ [ibid. time point: 01:21:30, 26 February 2014.](#)

¹⁵⁸ [ibid. time point: 01:24:32, February 2014; and Unions NT, Documents returned by Matthew Gardiner, Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\), p. 27.](#)

¹⁵⁹ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 01:23:49, 14 March 2014.](#)

¹⁶⁰ [Peter Shepherd, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 31:30, 28 February 2014.](#)

The redevelopment proposal

Days before meeting with Minister Lawrie, Unions NT was still working on the application. This may explain some of the inaccuracies in the document. However, many of the inaccuracies appear to be a deliberate attempt to mislead people about the history of the site, the union movement's connection to it and its plans with Mission to Seafarers.¹⁶¹ By demonstrating a stronger connection to the site and community groups, Unions NT would potentially strengthen its chances of being granted the lease.

Of particular concern are the first three sentences on page two of the document. These sentences, according to Mr Shepherd, came from the Unions NT members when he sent them a draft of the document on 25 May 2009¹⁶² and appear to have been written hastily and with little understanding of the site and its history.

Addressing these sentences, and their inaccuracies, individually:

» Sentence one

*The Stella Marris [sic] site has a long history of being a community place assisting travellers and seaman [sic] for more than 100 years.*¹⁶³

Inaccuracies:

- The site does not have a history in excess of a 100-years of being a community place. It only began assisting travellers and seamen in 1980, when the AOS began operating a seafarers' centre out of the old railway house.¹⁶⁴ Before this, the site was owned by the North Australia Railway and was a residential address for railway employees.

» Sentence two

*The Seafarers Union together with the Stella Maris organisation [AOS] took over the use of the historic 'Railway' building on the site for the benefit and welfare of seamen in the port of Darwin.*¹⁶⁵

Inaccuracies:

- The AOS did not take over use of the railway house with the Seafarers Union. This was confirmed during Mr Ted Richardson's hearing:

Commissioner John Lawler: *I'm interested to know whether you [the Apostleship of the Sea] ran the site in partnership with any other organisation?*

Ted Richardson: *Ah, no. No we don't run in partnership with any organisation. It's a church organisation and it maintains these properties and acts within the church guidelines. There's no affiliation or partnership of any sort with any other organisation.*¹⁶⁶

¹⁶¹ [Keith Joseph, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 14:00, 20 February 2014.](#)

¹⁶² [Peter Shepherd, Documents provided by Peter Shepherd, Information for Inquiry into Stella Maris \(2014\) Folder 1, no. 3 p. 3; and Peter Shepherd, Stella Maris Inquiry Hearing, time point: 25:05, 28 February 2014.](#)

¹⁶³ [Department of Lands, Planning and the Environment, Chronology of lease, p. 162.](#)

¹⁶⁴ [Jack Evans, Documents on the Stella Maris story, p. 14.](#)

¹⁶⁵ [Department of Lands, Planning and the Environment, Chronology of lease, p. 162.](#)

¹⁶⁶ [Ted Richardson, Stella Maris Inquiry Hearing, time point: 18:00, 12 February 2014.](#)

» Sentence three

*Cyclone Tracey [sic] claimed most of the original buildings and Stella Maris was granted resources to redevelop in the early 1970's [sic], it operated until 2007 when it was closed down and handed back to the Northern Territory Government.*¹⁶⁷

Inaccuracies:

- The old railway house was the only building on site during Cyclone Tracy and, while it was badly damaged, it was not destroyed.¹⁶⁸
- The AOS did not take over the site until 1979¹⁶⁹ so could not have been granted resources to redevelop in the early 1970s.
- The site closed down on 27 September 2003,¹⁷⁰ not in 2007. A caretaker remained in place after 2003 to operate the accommodation facilities on an ad hoc basis, but this activity ceased well before 2007.¹⁷¹

When asked about these sentences, the author of the document, Mr Peter Shepherd, explained that they were provided to him by Unions NT members when he sent them a draft of the document¹⁷² on 25 May 2009:¹⁷³

*The people from the unions provided me with the information that I was reasonably assured and comfortable with as being correct and it was going into their document, so I did have no reason really to doubt it.*¹⁷⁴

Exactly who wrote the sentences remains unclear. Mr Shepherd conceded that the sentences were misleading and that the application was not as accurate as it should have been.¹⁷⁵ Mr Terry Lawler, who was also at the meeting, conceded that it was far from ideal for a document with so many errors to be presented to the minister:

*It does appear embarrassing. I would not like to do that myself, personally. I wouldn't do it.*¹⁷⁶

Mr Lawler was unsure whether the Unions NT Executive approved the application to go to the minister, but stated that if they had, they should not have taken the information on face value and undertaken due diligence to confirm its accuracy.¹⁷⁷ It should be noted that the Inquiry was unable to establish if the document went to the Unions NT Executive for approval. Irrespective, such fact-checking would have been difficult, considering the document was only finalised the day before the meeting. Notwithstanding, the Unions NT Executive had a responsibility to ensure that a document bearing its name was accurate.

¹⁶⁷ [Department of Lands, Planning and the Environment, Chronology of lease, p. 162.](#)

¹⁶⁸ [Jack Evans, Documents on the Stella Maris story, p. 17.](#)

¹⁶⁹ [ibid.](#)

¹⁷⁰ [Ted Richardson, Stella Maris Inquiry Hearing, time point: 25:45, 12 February 2014.](#)

¹⁷¹ [ibid. time point: 25:50, 12 February 2014.](#)

¹⁷² [Peter Shepherd, Documents provided by Peter Shepherd, p. 3.](#)

¹⁷³ [Peter Shepherd, Stella Maris Inquiry Hearing, time point: 25:05, 28 February 2014.](#)

¹⁷⁴ [ibid. time point: 24:15.](#)

¹⁷⁵ [ibid. time point: 31:33.](#)

¹⁷⁶ [Terry Lawler, Stella Maris Inquiry Hearing, time point: 01:34:30, 26 February 2014.](#)

¹⁷⁷ [ibid. time point: 01:35:20.](#)

The union connection

The Inquiry's main interest in the history of the site relates to inaccurate statements in Unions NT's 2009 application.

The Inquiry also received extensive testimony from Dr Chris Burns, who was a Cabinet minister at the time the lease was offered to Unions NT, about the union movement's connection to the broader railway precinct. Dr Burns was also on the Stella Maris board in the early 2000s. Dr Burns told the Inquiry:

When I attended the site for board meetings and functions, there was always a strong union presence, particularly waterside workers. It was there and at other functions where the oral history was recounted—that the site or surrounding area was a staging place for railway men and wharfies from the area when they also marched up to the Administrators residence to demand the sacking of Gilruth in 1918. There is also reliable documentary evidence about historic action in the 1930s for basic worker's rights at the Sorting Shed, adjacent to the Railway House.

The so called 'Darwin Rebellion' against Gilruth has been ranked second to the Eureka Stockade as a significant political event in Australian history and was crucial in the Territory's struggle for self-government. This is an important part of Territory history where it is well documented that Unions took the lead.¹⁷⁸

The opening statement of Dr Chris Burns' testimony is different to the statements in Unions NT's 2009 application which were later echoed in Minister G McCarthy's letter to the Chief Minister on 2 December 2013.¹⁷⁹ Dr Burns explains that the site embodies the broader railway and wharf precinct, which was steeped in union history. The Inquiry has no reason to doubt that the union movement had a presence at the railway yards and at the wharf. However, this is not what the Unions NT 2009 application articulates. It states the 'Stella Maris site', not 'the larger precinct',¹⁸⁰ had a long history of being a community place. The site is a particular curtilage of land and there is little to no historical evidence supporting many of the claims Unions NT made about its own, or the broader union movement's, connection to the site, Lot 5260.

The Cabinet Submission

The department had started preparing a draft Cabinet Submission about the future of the site in 2009, months before Minister Lawrie met with Unions NT. This preparation was coordinated by Ms Jackie Stanger from the Lands Administration Services section. A draft, which was provided to the department's Executive and possibly the Minister's office,¹⁸¹ recommended the site be leased for low-scale commercial development through an expression of interest process. In mid-2009, the department's Deputy Chief Executive, Mr Rodney Applegate, requested that the Cabinet Submission be amended to include an option for community use.

¹⁷⁸ Christopher Burns, *Opening statement, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014), p. 2.*

¹⁷⁹ Documents from Tabling Office, *Letter from Minister Gerald McCarthy to the Chief Minister, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).*

¹⁸⁰ Christopher Burns, *Opening statement, p. 2.*

¹⁸¹ Rodney Applegate, *Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 45:46, 21 February 2014.*

Ms Stanger recorded this in a file note on 29 July 2009:

*Rod returned the Cab Sub advising that he wanted to have the option as community use. I am not sure whether he had a particular group in mind (unions?) but Leah would know that.*¹⁸²

Mr Applegate explained to the Inquiry that this instruction would have come from the Minister's office, out of a meeting either he or the Chief Executive Officer (CEO) Mr Richard Hancock, would have had with Minister Lawrie.¹⁸³

As requested, Ms Stanger made the amendment and included the recommended option for community use or low-scale commercial development through an expression of interest process.

The amended Cabinet Submission was provided to the Minister's office and was returned again with a request to include an option to offer the site exclusively to Unions NT without an expression of interest process.¹⁸⁴ Based on her file notes, Ms Stanger rang Minister Lawrie's senior advisor, Mr Wolf Loenneker (who would also become Minister G McCarthy's advisor), on 30 July 2009 to clarify the request. She recorded this conversation in a file note which indicated:

Telephoned Wolf Loenneker [sic] at the Minister's office regarding the options for this Cab Sub as it was understand [sic] that one option was to be offering the site to Unions NT.

Wolf advised as follows -

- *Has been discussed and although the original Cab decision was to provide a Cab Sub outlining options, it is now agreed that the site will be offered to Unions NT and not as an expression of interest.*
- *Unions NT would make the buildings available to other community groups.*
- *Unions NT would take on responsibility for all the buildings.*
- *The accommodation block should stay (even though the plan was to remove, landscape and provide more parking).*
- *We should mention the itinerant problem in the Cab sub but not a recommendation to remove the accommodation block.*

*No need to include Tourist NT [sic] or NRETAS in preparing this updated Cab sub.*¹⁸⁵

Mr Loenneker should have put these instructions in writing considering that this was a significant change in direction from the recommended options in the Cabinet Submission and the exclusion of agencies that had an obvious interest in the outcome.

Ms Stanger also had concerns about excluding the Department of Natural Resources, Environment, the Arts and Sports (NRETAS) as it had provided money for the refurbishment of the old railway house and was under the impression that an expression of interest process would be followed. Appropriately, Ms Stanger informed Mr Michael Wells from the NRETAS Heritage Branch. Mr Wells indicated his disappointment with the outcome and stated in an email to Ms Stanger on 1 October 2009 that any move to grant the site to Unions NT without an expression of interest process was unlikely to be supported by NRETAS.¹⁸⁶

¹⁸² [Department of Lands, Planning and the Environment, Chronology of lease, p. 112.](#)

¹⁸³ [Rodney Applegate, Stella Maris Inquiry Hearing, time point: 43:30, 21 February 2014.](#)

¹⁸⁴ [Department of Lands, Planning and the Environment, Chronology of lease, p. 116.](#)

¹⁸⁵ [ibid. p. 113.](#)

¹⁸⁶ [ibid. pp. 114–115.](#)

Minister Lawrie's recollection of events in 2009 is that the department intended to let the site fall into disrepair to a point where the buildings could be demolished and the site could be developed:

It [the Stella Maris site] really didn't come to my further attention until 2009 when I was getting a briefing from the department on the duplication of McMinn Street and the department advised me that with the road plans they had they would cut off access to the Stella Maris site. And I queried that. I said 'But if you cut off access to the site how can we protect and maintain the buildings until a decision is made around what happens with the site?' And they said 'Oh no, that's the intention, we don't want to maintain the buildings, we want to see it go into further disrepair, get to a point of being uneconomic to keep the buildings, so they can be demolished and we can put the site up for development'. I was pretty horrified at that sentiment and I said look that's actually unacceptable. There's a heritage-listed building on that site, it's an important heritage site, we've got too few of our heritage sites in the CBD, particularly ones that haven't been altered, if you like.¹⁸⁷

The Inquiry has no evidence to suggest that this was the department's intention.

Change of minister

After this, little seems to have been done to advance the Cabinet Submission for the site over the next two years. This lack of progress is indicative of a combination of events, including a change of minister on 4 December 2009, from Minister for Planning and Lands, Delia Lawrie, to Minister for Lands and Planning, Gerald McCarthy. There was also a change of Secretary at Unions NT in March 2010, from Mr Matthew Gardiner to Mr Adam Lampe. The department was progressing slowly with the submission but had no reason to advance Unions NT's interest in the site, as no community grant query or application had been received from the union organisation.

During this period significant restoration works were undertaken on the heritage-listed railway house, with more than \$300 000¹⁸⁸ expended to restore the building in accordance with the Heritage Conservation Act.¹⁸⁹ Important infrastructure works, specifically road works, around the site were also completed.

Back on the agenda

Stella Maris was back on the agenda in mid-2011 when Minister G McCarthy met with Mr Paton, who was a ministerial advisor to Minister Knight at the time, about the site.¹⁹⁰ It is not clear when in 2011 this meeting took place but the Minister recalls receiving a copy of the Unions NT application dated 26 May 2009.¹⁹¹ This was the same application provided to Minister Lawrie two years prior. Again, there is no record of the application having been provided to the department at this stage.

The draft Cabinet Submission also re-emerged in 2011. The recommended option was still to release the site by expression of interest for low-scale community use or

¹⁸⁷ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 08:00, 14 March 2014.](#)

¹⁸⁸ [Michael Wells, Documents provided by Michael Wells, Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\), p. 2.](#)

¹⁸⁹ [Heritage Conservation Act \(NT\).](#)

¹⁹⁰ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 118–120.](#)

¹⁹¹ [Gerald McCarthy, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 01:47:50, 13 March 2014.](#)

commercial development.¹⁹² An option was also included to 'offer leasehold tenure of the site to the National Trust of Australia or Unions NT', which seems to be the department's attempt to accommodate Mr Loenneker's request in 2009 to include an option to grant the site to Unions NT without an expression of interest process. However, this option also came with a clear warning from the department:

Option 3 [granting a lease direct to Unions NT or the National Trust] is not the preferred option as Government may attract criticism for dealing preferentially with select groups for such a high profile site.¹⁹³

The draft Cabinet Submission went up to Minister G McCarthy on 17 August 2011 and was circulated to departments for comment on 7 February 2012 with the Minister's office having made slight amendments.¹⁹⁴ Minister G McCarthy had the opportunity to make further amendments to the recommendations if they did not align with his own views, but did not do so. At the very least, in accordance with due and proper process, he should have requested more information be included to justify the proposed granting of the site exclusively to Unions NT, if that was his preference.

The Cabinet Submission comments from other government departments were received on 16 February 2012, and were largely supportive of the recommended option that included an expression of interest process being undertaken.¹⁹⁵ The Cabinet Submission was delayed for three months due to a request from the Department of Justice to consider offering the site as compensation as part of the Kenbi land claim. This request was not granted and the submission was sent to the minister's office on 24 May 2012 for lodgement.

Late lodgement

When the Cabinet Submission reached Minister G McCarthy's office, the Northern Territory election was just three months away. In the lead up to the election, Minister G McCarthy was travelling across the extensive and remote electorate of Barkly. Minister G McCarthy rarely returned to Darwin during this time, and it would appear that the future of the site was a low priority for him given that little action had occurred to advance the submission in the previous two years.

On 6 July 2012, the Cabinet Submission¹⁹⁶ and a waiver¹⁹⁷ seeking approval for late lodgement were signed by Minister G McCarthy's staff in Darwin using his signature stamp.¹⁹⁸ This was done while Minister G McCarthy was at the Alice Springs Show. Minister G McCarthy conceded that, as a result, it was unlikely he would have had a chance to receive and read the submission that day at the show.¹⁹⁹ This is despite the fact that for due and proper process to be followed, he would have needed to give permission for his signature to be used. It is unclear if this occurred.

¹⁹² [Department of Lands, Planning and the Environment, Cabinet documents relating to Stella Maris submission draft, Information for Inquiry into Stella Maris Folder 1, no. 4 \(2014\), p. 1.](#)

¹⁹³ [Department of Lands, Planning and the Environment, Chronology of Lease, p. 151.](#)

¹⁹⁴ [Department of Lands, Planning and the Environment, Cabinet documents relating to Stella Maris submission draft, p. 1.](#)

¹⁹⁵ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 138–144.](#)

¹⁹⁶ [ibid. pp. 138–155.](#)

¹⁹⁷ [Department of the Chief Minister, Miscellaneous Cabinet documents, p. 22.](#)

¹⁹⁸ [Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 02:20:36, 13 March 2014.](#)

¹⁹⁹ [ibid. time point: 38:04, 1 April 2014.](#)

It is also unlikely, based on travel records obtained by the Inquiry,²⁰⁰ that Minister G McCarthy intended to be back in Darwin on 10 July 2012 to attend the Cabinet meeting and speak to his submission.

Substantial evidence before the Inquiry indicates that Minister Lawrie was determined for a decision on the Cabinet Submission to be made at that meeting, prior to the election caretaker period coming into effect. This is corroborated by an email Minister G McCarthy's senior advisor, Mr Wolf Loenneker, sent to his minister on 9 July 2012, clearly outlining Minister Lawrie's intentions:

Gerry

The Cabinet submission on Stella Maris is on the business list for tomorrow. I discussed this with Delia on Friday [6 July 2012] and she asked that it go to Cabinet tomorrow so that Cabinet can approve the grant of the site to Unions NT. The recommendation in the submission is that Cabinet approve option 2 and release the site through an expressions of interest process for low scale community use or commercial development.

However, to allow the site to be granted directly to Unions NT (Delia's preference). Cabinet needs to approve option 3 in the submission and approve the grant of a Crown lease for a term of ten years to Unions NT. I have advised Delia of this and hopefully it will all go through as planned.

Regards Wolf²⁰¹

If this email is to be read literally, it would appear that Minister G McCarthy may not have previously known that his submission, which was signature stamped by his office on 6 July 2012, had been lodged along with a waiver and was going to Cabinet on 10 July 2012. Minister G McCarthy refuted the assertion that he did not have any part in this ministerial process and stated that the email was conversational and was reporting on the process that he had carriage of.²⁰²

When shown this email and other documents, Minister Lawrie conceded to the Inquiry that she intervened to bring forward the Cabinet Submission because she feared that after the upcoming election, and related caretaker restrictions, there was a real risk of a change of government.²⁰³ Minister Lawrie explained that such a situation would have resulted in the incoming Country Liberal Party (CLP) selling the site for commercial or residential purposes and the site would have been lost for community use:

Commissioner John Lawler: *What was the risk in doing expression of interest?*

Delia Lawrie: *We lose the site. We lose the site altogether because the caretaker mode happens, that there's a change of government and the new government comes in and says, 'You know what, this will be commercial residential', and we've seen that.²⁰⁴*

While explaining the reasons for her actions, the fact remains that Minister Lawrie acted with bias in favouring Unions NT over other community groups. When responding to the question of bias, Minister Lawrie indicated, 'I love the union movement, I love the fact that they go out and defend workers and improve working conditions'.²⁰⁵

²⁰⁰ [Stella Maris Inquiry, Telstra phone records and summons to produce documents.](#)

²⁰¹ [Department of Corporate and Information Services, DCIS documents, Information for Inquiry into Stella Maris Folder 1, no. 2 \(2014\), p. 4.](#)

²⁰² [Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 02:48:00, 13 March 2014.](#)

²⁰³ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 03:17:00, 14 March 2014.](#)

²⁰⁴ [ibid.](#)

²⁰⁵ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 13:16, 13 March 2014.](#)

In testimony, Minister Lawrie also conceded that, as per normal practice,²⁰⁶ she and Chief Minister Paul Henderson held a pre-Cabinet meeting and, among other things, discussed the Cabinet Submission. They agreed the preferred outcome would be to grant a lease over the site to Unions NT without an expression of interest process.²⁰⁷ Both Minister Lawrie and Chief Minister Henderson explained that it was standard practice and in the interest of good governance, to discuss and determine a position on a Cabinet submission prior to Cabinet meetings.

The Cabinet decision

The Stella Maris Cabinet decision of 10 July 2012, for numerous reasons, was a fait accompli. Only four of the eight Cabinet ministers were present, and sponsoring Minister G McCarthy was absent. It is unclear if he organised for anyone to officially sponsor his submission. Given Minister Lawrie's involvement in bringing the submission forward, it likely she did this in an unofficial capacity. Three of the four ministers present—Chief Minister Henderson, Minister Lawrie and Minister Burns—held strong views about the union movement's connection to the site. In addition, the two most senior Cabinet ministers, Chief Minister Henderson and Minister Lawrie, had discussed the Cabinet Submission prior to the Cabinet meeting and decided that the site should be granted to Unions NT without an expression of interest process. There is also no record in the Cabinet notebook, which is managed by the Cabinet Secretary, of any discussions on the Stella Maris site taking place in the Cabinet meeting. Considering all these factors, there was little to no chance that a decision other than granting the site directly to Unions NT would have been reached.

Post Cabinet decision

Once the Cabinet decision was signed off, there was an expectation that the department would finalise the documents and ensure the lease offer was made to Unions NT before the start of the caretaker period.²⁰⁸ According to the department, as at 10 July 2012, it had no substantive information about Unions NT's intentions for the site.²⁰⁹

On 13 July 2012, Ms Ann-Marie Dooley emailed Mr Loenneker from Minister G McCarthy's office requesting Unions NT submit a detailed application clarifying its intended use of the site. The following week, on 17 July 2012, Mr Loenneker replied to Ms Dooley and attached a copy of the Unions NT application from 2009, which contained an outdated timeline indicating that Unions NT intended to have the site fully operational by May 2010. Mr Loenneker also provided Mr Paton's contact details and indicated that he was the Unions NT contact. However, at this stage, Mr Paton had not yet taken up his new role with Unions NT but was still employed by Minister Knight, and working on the 5th floor of Parliament House in a 'roving liaison' capacity with a range of other ministers.²¹⁰

²⁰⁶ *Delia Lawrie, Stella Maris Inquiry Hearing, time point: 03:43:00, 14 March 2014.*

²⁰⁷ *Paul Henderson, Stella Maris Inquiry Hearing, time point: 01:43:00, 17 March 2014.*

²⁰⁸ *Department of Lands, Planning and the Environment, Chronology of lease, p. 157.*

²⁰⁹ *Leah Clifford, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 01:41:20, 14 February 2014.*

²¹⁰ *Alan Paton, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (2014), time point: 01:36:32, 18 March 2014.*

Ms Dooley contacted Mr Paton on 19 July 2012 concerning shortcomings in the application, including the outdated timeline.²¹¹ Mr Paton responded on the same day and provided updated details being a scanned copy of the original timeline with the dates altered.²¹² This was clearly unprofessional.

On 19 July 2012, Ms Dooley circulated the Unions NT application to service providers for comment, as required under the department's community land grant business process.²¹³ Under normal circumstances, the service providers would have been allowed 14 calendar days to comment. However, with the caretaker period coming up, the deadline for comment was set at 27 July 2012,²¹⁴ leaving only eight days to comment. One of the service providers, the Department of Natural Resources, Environment, the Arts and Sport (NRETAS), was highly critical of the application and did not support it. NRETAS Executive Director Mr Paul Purdon indicated that, 'Insufficient detail is provided about the proposed use of the site' and that a 'revised application [should] be sought that provides further detail on the proposed use, and that the Heritage Branch be consulted in developing the application'.²¹⁵

Mr Purdon was further concerned that an expression of interest process had not been undertaken, stating: 'Since this land was handed back to NT Government, several groups have approached the Heritage Branch about the future use of the site. Those groups have been notified that there would be an opportunity for them to express their interest at the appropriate time'.²¹⁶ Despite these concerns, a new application from Unions NT was not sought, and the department continued to prepare a letter of offer for Minister G McCarthy to sign. As the department continued to work on this and liaise with Mr Loenneker, it is unclear whether Minister G McCarthy, who had not yet returned to Darwin following the Cabinet meeting, had been informed of the exact details of the Stella Maris Cabinet decision. An email from Mr Loenneker to Minister G McCarthy on 23 July 2012 may have been the first time he became aware of the decision. Minister G McCarthy denied that this was the case.²¹⁷

Gerry

Cabinet decision on Stella Maris is as follows:

The Future of the Stella Maris Site – Lot 5260 Town of Darwin (1 McMinn Street)

4856

Cabinet:

[a] Noted the options for the future use and/or development of the Stella Maris site at Lot 5260 Town of Darwin (1 McMinn Street); and

[b] approved that a Crown Lease Term over the Stella Maris site at Lot 5260 Town of Darwin (1 McMinn Street) be offered to Unions NT for a term of 10+10 years on an 'as is, where is' basis.

DLP is working with Unions NT so that a formal letter of offer can be made by you.

*Regards Wolf*²¹⁸

²¹¹ [Department of Lands, Planning and the Environment, Chronology of lease, p. 180.](#)

²¹² [ibid. p. 181.](#)

²¹³ [Department of Lands, Planning and the Environment, Community land grant business process, Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)

²¹⁴ [Department of Lands, Planning and the Environment, Chronology of lease, p. 169.](#)

²¹⁵ [ibid. p. 186.](#)

²¹⁶ [ibid.](#)

²¹⁷ [Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 04:14:57, 13 March 2014.](#)

²¹⁸ [Department of Corporate and Information Services, DCIS documents, p. 5.](#)

On 2 August 2012, the department prepared a ministerial briefing²¹⁹ for Minister G McCarthy, which contained the letter of offer and a notice of determination for Minister G McCarthy's signature. These documents were signature stamped by Minister G McCarthy's office the following day and emailed to Mr Paton, who had just left Minister Knight's office to become the Unions NT Secretary. There were some suggestions made under parliamentary privilege in the Legislative Assembly that Minister G McCarthy walked these documents over to Mr Paton himself. This was not possible as Minister G McCarthy was in Tennant Creek at the time.²²⁰

Mr Paton signed and returned the documents to the department on 3 August 2012, the eve of the caretaker period. However, the offer was not formally accepted until 9 August 2012 when Mr Paton paid the lodgement fee and affixed the Unions NT seal to the documents. A notice was subsequently published in the Northern Territory Government Gazette on 26 September 2012, as required under the Crown Lands Act.²²¹ Even though the Cabinet decision was made before the caretaker period, there appeared to be confusion across the public sector as to whether the community land grant application could be progressed after 3 August 2012.

Recommendation 16

I recommend the Cabinet Office conduct an internal review on the caretaker conventions in light of fixed-term elections. The focus of the review should be the transparency of Cabinet decisions that are to be implemented during the caretaker period.

True intentions for the site

It is clear that Unions NT viewed the site as a means to increase and broaden the income base of its organisation,²²² perhaps even more so in the lead up to the 2012 election with the real possibility of an incoming conservative government cutting funding.²²³ This was likely Unions NT's intention for a number of years, but it was only definitively recorded in September 2012 after the election of the CLP government, when Unions NT uploaded its Final Draft Strategic Plan 2012/13 to its website. This indicated that Unions NT intended to maximise the financial return of the Stella Maris asset by relocating from its office on 38 Woods Street to the site.²²⁴ This proposition was put to former Unions NT Secretary Mr Paton during his hearing:

Commissioner John Lawler: *By the move to relocate to Stella Maris, Unions NT had a number of options that would have actually achieved the [Unions NT strategic] goal to increase and broaden the income base.*

Alan Paton: *Of course, like any business, Commissioner.*²²⁵

²¹⁹ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 204–206.](#)

²²⁰ [Stella Maris Inquiry, Telstra phone records and summons to produce documents.](#)

²²¹ [Crown Lands Act.](#)

²²² [Unions NT, Draft Strategic Plan 2012/13, Information for Inquiry into Stella Maris Folder 1, no. 4 \(2012–2013\), p. 7.](#)

²²³ [Alan Paton, Stella Maris Inquiry Hearing, time point: 1:23:00, 18 March 2014.](#)

²²⁴ [Unions NT, Draft Strategic Plan 2012/13, p. 12.](#)

²²⁵ [Alan Paton, Stella Maris Inquiry Hearing, time point: 02:23:30, 18 March 2014.](#)

Relocating to the site would have provided the opportunity for Unions NT to lease out its 38 Woods Street office, which on conservative estimates was likely to have generated \$41 830.99 per annum (including GST)²²⁶ in rental returns. It would have also provided a separate opportunity to pursue a broader redevelopment of the 38 Woods Street site located in the central business district (CBD), without the added imposition of finding new rental premises. Discussions around the redevelopment were already underway in 2012: Mr Matthew Gardiner, who by now was the Secretary of United Voice, had spoken to all the building tenants and engaged property developer Benjamin Halliwell from Halliwell Morgan Pty Ltd.²²⁷

Once relocated to the site, Unions NT also planned to lease the bar building to a commercial operator, who would be required to meet some of the fit out costs,²²⁸ and lease parts of the accommodation block as an office and meeting space. In testimony, Mr Paton confirmed that preliminary talks had begun with members of the Construction Union about also relocating to the site and paying rent.²²⁹ In all, it appears that Unions NT had a clear intention to make a profit by taking over the site, notwithstanding that it would have to outlay money in the first year to get everything up and running:

Expenses will be high in the first year due to renovation[.] Commercial operator undertaking some capital works, the rest done on loans against the equity of Woods St property[,] grants and through the not for profit organisation.²³⁰

Despite these initial expenses—some of which would likely be met by other parties—Unions NT saw a long-term financial benefit in the site. Indeed, goal four of Unions NT's publicly available Draft Strategic Plan 2012/13, was to '...increase / broaden income base of Unions NT through building development, additional programs and enterprise development.'²³¹ The importance of the site to Unions NT was highlighted in the Draft Strategic Plan 2012/13 where one complete page was dedicated to the Stella Maris redevelopment.²³²

Unions NT cannot be criticised for intending to generate an income from the site, as many not for profit organisations undertake similar ventures. However, Unions NT should have declared its true intentions of relocating its operations to the site and reinvigorating the NT Workers Club there.

Chief Minister Paul Henderson told the Inquiry that he would not have supported Unions NT's application if he had known its intentions:

I certainly would have not supported the day-to-day business of Unions NT being run out of a heritage-listed building and I would have expected that the department, in terms of the terms and conditions of the lease, would have been very specific about the activities that would take place in Stella Maris...but the main intent of Unions NT was to basically have stewardship of that facility and hand it back in terms of community use, not to run their day-to-day operations. I certainly would not support that transaction and it was certainly never put to me, never a consideration in any discussion I ever had with Unions NT or any of my colleagues.²³³

²²⁶ Unit 7 (142 sqm) returns \$232.40 sqm. Therefore Unit 2 (Unions NT) at 180 sqm returning \$232.40 per sqm = \$41 830.99 including GST.

²²⁷ [Unions NT, Documents returned by Matthew Gardiner, pp. 205–250.](#)

²²⁸ [Unions NT, Draft Strategic Plan 2012/13, p. 13.](#)

²²⁹ [Alan Paton, Stella Maris Inquiry Hearing, time point: 51:55, 18 March 2014.](#)

²³⁰ [Unions NT, Draft Strategic Plan 2012/13, p. 13.](#)

²³¹ [ibid. p. 7.](#)

²³² [ibid. p. 12.](#)

²³³ [Paul Henderson, Stella Maris Inquiry Hearing, time point: 02:37:05, 17 March 2014.](#)

However, based on the documents available to Cabinet and with the sponsoring Minister absent from the Cabinet meeting, it is hard to see how Cabinet ministers had enough information to make an informed decision to offer the site exclusively to Unions NT. An expression of interest process, as per the department's advice, could have filled this information gap. Following an expression of interest process, Cabinet would have known exactly what Unions NT's intentions were, along with the intentions of other interested community groups, and ministers could have made a decision based on merit, not misinformation²³⁴ and ministers' personal knowledge and discussions.

Finding 6

I find that the Cabinet was not fully aware at the time of making Cabinet decision 4856—and it should have been—of the real intention of Unions NT, or the likely financial benefit to be achieved by Unions NT, through the offering of the Crown lease over the site.

True value of the lease

A challenge the Inquiry faced was quantifying the value of the lease for any prospective lessee (Unions NT or other community groups) and the lessor (the government). Despite documents and testimony showing that Unions NT saw the site as a financial asset,²³⁵ Ms Lawrie and Mr G McCarthy told the Inquiry, through a public submission, that:

Unions NT was not in fact receiving an asset which was likely to generate any substantial net financial benefit or which could be sold to realise a substantial net return. If a lease of the kind proposed had been entered into between the NT Government and Unions NT, it is unlikely to have produced any substantial net financial return for Unions NT, quite the opposite. Further, the proposed lease did not have any value as a saleable interest in real property and could not have been sold to generate any funds.²³⁶

To establish the best possible valuation of potential rental returns, the Inquiry asked the independent Australian Valuation Office (AVO) to conduct a rental analysis of the site based on the lease conditions²³⁷ outlined in Minister G McCarthy's letter of offer dated 3 August 2012. This analysis, dated 27 February 2014, found the potential market rental of the site to be \$60 000 per annum excluding GST.²³⁸ Extrapolating that out over the 10-year lease term, the value increased to \$600 000 and would be \$1.2 million if the 10-year extension option within the conditions was exercised. Importantly, the methodology was based on 'a willing lessor and a willing lessee on appropriate lease terms in an arm's-length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion'.²³⁹

²³⁴ Department of Lands, Planning and the Environment, *Chronology of lease*, p. 162.

²³⁵ *Unions NT, Draft Strategic Plan 2012/13*, p. 7.

²³⁶ *Halfpennys Lawyers on behalf of Delia Lawrie and Gerald McCarthy, Submission in relation to the Inquiry*, <<http://www.stellamarisinqury.nt.gov.au/Halfpennys%20submission.pdf>>.

²³⁷ *Australian Valuation Office, Documents provided by Mark Harris, Information for Inquiry into Stella Maris Folder 1, no. 1 (2014)*, pp. 14–28.

²³⁸ *ibid.* p. 28.

²³⁹ *ibid.* p. 29.

The AVO had also provided two earlier valuation reports to the department, on 9 May 2012 and 13 February 2013.

The 9 May 2012 report provided a valuation of the site for commercial purposes, with two valuations: one for a Crown lease in perpetuity and the other as a restricted freehold parcel. Both valuations were assessed to be \$1.6 million excluding GST.

The second report, on 13 February 2013, took a slightly different approach at the request of the department. It valued the site as a freehold central business-zoned parcel with no restrictions apart from the heritage-listed building. The freehold value was found to be \$3 million, significantly higher than the previous assessment.

Both the 9 May 2012 and 13 February 2013 reports are of little comparative relevance if the site had been opened up for expressions of interest for low-scale community use or commercial development, as recommended in the Cabinet Submission.

Ms Lawrie and Mr G McCarthy, through their legal representatives, were not satisfied with the methodology used by the AVO in its reports, in particular the market rental assessment of 27 February 2014. As a result, they engaged a valuer from South Australia, Mr Brian Scarborough, who produced a report dated 20 March 2014. This report used a different methodology to assess the potential rental return. This assessment was based on a single tenant, Unions NT, and its draft 2009–10 proposed budget.²⁴⁰ The AVO's assessment, on the other hand, was not tenant-specific. Mr Scarborough's report was critical of the methodology the AVO used and found:

*The value of this lease to the Northern Territory Government is calculated to be \$1 005 000.*²⁴¹

This means that Mr Scarborough calculated that the site was a liability to the government to the value of \$1 005 000 over the lease term. In offering the lease, Mr Scarborough was asserting that the government was transferring this liability to Unions NT.

In response to Mr Scarborough's report, the AVO stated in a letter dated 2 April 2014:

*In our opinion, any attempt to make an informed assessment based on a 3 year old, incomplete draft budget proposal is flawed. Further, the budget does not highlight any of the benefits flowing from the move to the site that relocating out of the NT Unions [sic] existing premises in Woods Street would offer. It is conceivable therefore that that [sic] the SALM assessment [Mr Scarborough's assessment] does not actually provide an accurate account of the NT Unions [sic] position in respect to the tenure of this lease.*²⁴²

Mr Scarborough's report relied heavily on assumptions and he acknowledged that he would need more information to accurately finalise his report. Undertaking further work in this area was problematic for the Inquiry, as the author of the Unions NT draft proposed budget 2009–10 for Stella Maris could not be identified. Given the other testimony from Unions NT, it was not clear that Union NT's real intentions for the site were properly captured in that draft budget document. Furthermore, it was more than two years out of date. The draft budget document therefore cannot be relied upon and was not introduced into the Inquiry for that purpose.

Counsel for Ms Lawrie and Mr G McCarthy asked the Inquiry to undertake further work to settle the valuation issue. The Inquiry asked the department to conduct further inquiries on likely maintenance and capital costs on the site.

²⁴⁰ *Unions NT, Meeting minutes and records, Information for Inquiry into Stella Maris, Folder 1, no. 3, pp. 85–86.*

²⁴¹ *Brian Scarborough, Documents provided by Brian Scarborough, ibid. p. 12.*

²⁴² *Australian Valuation Office, Documents provided by Mark Harris, no. 1 (2014), pp. 30–33.*

However, in a letter dated 28 March 2012, department CEO, Mr John Coleman, advised that this was not possible.

Mr Coleman did confirm that the bar and accommodation building, in accordance with the Building Act, had achieved the required level of certification and could be legally occupied. The old railway house, while pre-dating building legislation, was also recognised as a legal structure and the government had spent more than \$300 000 renovating it. Mr Coleman's letter stated that:

The building/s on the site (as they currently stand) are, in isolation, not considered to be a liability to those who are or would have been fortunate enough to secure a lease on this high profile site.²⁴³

The last point of Ms Lawrie's and Mr G McCarthy's submission states:

Further, the proposed lease did not have any value as a saleable interest in real property and could not have been sold to generate any funds.²⁴⁴

The Inquiry acknowledges this point. While not in the letter of offer lease terms, Unions NT had the ability under the current policy,²⁴⁵ at the Minister's discretion, to convert the Crown lease term to a lease in perpetuity at some point in the future. There was an additional opportunity to convert to freehold title on the payment of the current market value as determined by the AVO.²⁴⁶ While not appearing advantageous, freehold title could have been achieved without Unions NT having to compete at all on the open market. Both possibilities had the potential to provide additional advantage to Unions NT.

Finding 15

I find that if the site had been advertised for an expression of interest, as I clearly believe it should, the best estimate of the value to the Northern Territory Government on the initial 10-year term would have been \$600 000 excluding GST.

²⁴³ [Department of Lands, Planning and the Environment, Analysis and capital ongoing running letter, Information for Inquiry into Stella Maris Folder 8, \(2014\), p. 2.](#)

²⁴⁴ [Halfpennys Lawyers on behalf of Delia Lawrie and Gerald McCarthy, Submission in relation to the Inquiry.](#)

²⁴⁵ [Department of the Chief Minister, Cabinet Decision 211 and Cabinet Submission 147, Information for Inquiry into Stella Maris Folder 1, no. 4 \(2014\).](#)

²⁴⁶ [Department of Lands, Planning and the Environment, Community land grant policy, application and brochure, p. 4; Department of the Chief Minister, Cabinet Decision 211 and Cabinet Submission 147, Information for Inquiry into Stella Maris, Folder 1, no. 4, \(2014\), p. 19, section 12.](#)

Development at a standstill

The Northern Territory election held on 25 August 2012 resulted in a change of government. The Crown lease term over the site had yet to commence at this stage, with Unions NT needing to meet certain provisions prior to the lease commencing.²⁴⁷ This included a requirement for Unions NT to meet all the conditions of the letter of offer:

- a) Payment of \$442 (GST inclusive) being document preparation fees at the time of acceptance of this offer.
- b) Payment of any stamp duty of Lot 5260 as assessed by the Commissioner of Territory Revenue.
- c) Unions NT submitting an application to the Department of Lands and Planning outlining all restoration and development work proposed on site to determine Development and Building Permit requirements.
- d) Unions NT obtaining suitable approval from the Department of Natural Resources, Environment, the Arts and Sports in relation to any propose improvements or modifications to the Old Railway Residence in accordance with the Heritage Conservation Act.
- e) The site being offered 'as is where is' and that there will be no additional financial support provided for building works or other infrastructure located on the site.²⁴⁸

Unions NT submitted a draft development application in early 2013. In the application, Unions NT advised that no change would be made to the exterior of any of the buildings and that the old railway house would be retained as is, with the potential for future use as a museum, subject to approval from the Heritage Branch.

Unions NT's development application was not approved by the department and on 28 May 2013 department CEO, Mr Coleman, wrote to Unions NT informing it that the previous Cabinet decision was under review. The basis of this review, according to Mr Coleman's letter was, '...sites such as Stella Maris should have been released on a public competitive basis.'²⁴⁹ Mr Paton responded to Mr Coleman's letter stating that it was within the then minister's power to grant the site to Unions NT under the Crown Lands Act²⁵⁰ and that 'Unions NT respectfully requests that the Department reconsiders its previous position and provides authorisation for the lodgement of Unions NT's application to the Development Consent Authority'.²⁵¹

Lawyers became involved and the discussions came to a standstill: the government, through the department, refused to advance Unions NT's development application while Unions NT insisted that it had a legal right to occupy the site.

²⁴⁷ [Department of Lands, Planning and the Environment, Chronology of lease, p. 226.](#)

²⁴⁸ [ibid. p. 210.](#)

²⁴⁹ [ibid. p. 270.](#)

²⁵⁰ [Crown Lands Act.](#)

²⁵¹ [Department of Lands, Planning and the Environment, Chronology of lease, p. 272.](#)

Recommendation 1

I recommend that the Northern Territory Government (the government), as a result of this report, immediately request Unions NT to relinquish any interest it may claim in the proposed Crown lease of Lot 5260 Town of Darwin (1 McMinn St), commonly known as the Stella Maris site (the site) and invite Unions NT to join a future expression of interest process.

Recommendation 2

Whether or not Unions NT chooses to relinquish any interest it may claim in the site, and noting that no Crown lease is registered to Unions NT for the site at the Land Titles Office, I recommend that the site be reopened as soon as practicable to a formal expression of interest process under the provisions of s. 12(2) of the Crown Lands Act, for low-scale community or commercial use for a Crown lease term of at least 35 years. The community access imperatives should be specified in the Department of Lands, Planning and the Environment (the department) design objectives.

Recommendation 5

I recommend the department's Chief Executive Officer (CEO) establish a broadbased panel, including community representatives, to assess the expressions of interest as outlined in Recommendation 2. I recommend that the CEO forward the panel's recommendation on the preferred lessee to the Minister for Lands, Planning and the Environment. The panel's recommendation and the reasons for the Minister's decision on the successful lessee should be advised through a public announcement at the time the decision is made.

It is hoped that this Inquiry and its recommendations will bring certainty to the future of the site and ensure, whatever happens, that the process is open, accountable and considers the community's views.

Term of reference 2

The public policy and public accountability considerations involved in making the purported decision to grant a lease of the site to Unions NT without putting the matter out to expressions of interest or public tender.

Due to the events outlined under Term of reference 1, it has been established that the functioning of the Crown Lands Act is vulnerable to the decision-maker's discretion in a way that does not satisfy the reasonable test of transparency, accountability and good governance.

The initial policy response could naturally be to add additional oversight and transparency requirements and to reduce discretion. However, it is possible to find ways around rules and regulations, if that is the desired outcome.

Adding additional oversight responses may also inadvertently create a system that is mired in red tape and becomes unworkable. The question is: how to balance the need for better systems to ensure the community land grant and direct sale of Crown land process provides certainty to business and the community, without requiring additional resources?

Recommendations under Term of reference 6 address that policy outcome.

Ethical standards

The public must have trust and confidence in the integrity and behaviour of their elected officials and public servants. That confidence is eroded by criminality, corruption or other malfeasance that breach the rule of law or attack the basis of due and proper process.

Members of the Legislative Assembly of the Northern Territory are subject to legislated standards in relation to their integrity when exercising official functions.²⁵² I have dealt with the application of the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008 in detail under Terms of reference 3 and 6.

Public confidence is also critical for business to produce economic prosperity for the wider community. At its highest level, this is what drives public policy and accountability as it relates to the granting of Crown leases or the direct sale of land in the Northern Territory.

To maintain this confidence, regulatory frameworks are created to legislate, regulate and guide the integrity of Northern Territory Government (government) decision-making. These frameworks are also designed to balance competing issues and different circumstances. The community also expects the government to realise value from its assets. As identified under Term of reference 1, without seeking expressions of interest, the potential value in the Stella Maris site (the site) could not be properly gauged, and ultimately was not realised.

Other important public policy considerations, including Native Title resolution, heritage management and environmental assessment, also need to be properly considered when dealing with Crown leases or the direct sale of land. However, for the purpose of this Inquiry, I will focus on: (1) the Crown Lands Act (NT) policy and processes; and (2) the policy guiding the decision-makers.

²⁵² [*Legislative Assembly \(Members' Code of Conduct and Ethical Standards\) Act 2008 \(NT\)*, p. 5.](#)

Crown Lands Act policy and processes

Granting of Crown land in the Northern Territory is based on statute, principally through the Crown Lands Act, and a governance structure that supports transparent dealing with and granting of Crown assets. It also allows for flexibility in balancing economic growth, development and provision of public infrastructure, with the preservation of public lands into the future (sustainability).²⁵³ It balances the need for efficient and flexible methods to dispose of Crown land via grants and direct sales, with the need for transparency and equity to achieve the policy intent and outcomes.

In the last two decades, there have been various external and internal reviews of the Crown Lands Act. The latest, an internal review in 2012, concluded: 'notwithstanding the relative age of the Act...a complete re-write of the Act is not considered necessary'.²⁵⁴

Vulnerabilities

A clear vulnerability in the Crown Lands Act relates to the discretion provided to the Minister by virtue of s. 12(3).²⁵⁵ The most effective way to achieve a proper balance is to introduce criteria to guide decision-making against a 'reasonableness' test. More detail on this is in Term of reference 6.

Previous reviews of the Crown Lands Act also recommended strengthening policy and human resource development. Appendix H contains more detail on strengthening policy and human resource improvements.

Cabinet endorsed the Northern Territory Government Land Sale Policy on 5 February 2002.²⁵⁶ This Inquiry has identified apparent anomalies between the Cabinet endorsed policy and the departmental process, related to requirements to publically advertise community land grants. It would be beneficial for the Department of Lands, Planning and the Environment (the department) to update this policy.

Providing timely public information is a clear way of ensuring transparency and bolstering public confidence. The processes and policy around land disposal, either by community land grant or public sale, require this to occur. This is a critical element of the process.

However, there does need to be some flexibility in the policy governing public notification or advertisement. A range of circumstances including national security issues and inter-government relationships can make it inappropriate for information to be provided to the public at a particular time.

The other key policy consideration relates to the role of decision-makers in the sale or granting of Crown land. Normally the decision-maker is the Minister for Lands, Planning and the Environment, however, in the Stella Maris case, Cabinet also played an important role.

²⁵³ *Department of Lands, Planning and the Environment, Letter from John Coleman to John Lawler, Information for Inquiry into Stella Maris Folder 9, no. 1 (2014), pp. 2–3.*

²⁵⁴ *ibid. p. 3.*

²⁵⁵ *Crown Lands Act (NT), p. 10.*

²⁵⁶ *Sales and land grants, Information for Inquiry into Stella Maris Folder 2, no. 1 (2014), pp. 60–62.*

Standards

In 2008 and 2009, the Henderson government, through the Chief Minister, took important steps to improve government transparency, accountability and fairness.²⁵⁷ This included introducing the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008,²⁵⁸ the Legislative Assembly (Disclosure of Interests) Act 2008²⁵⁹ and the Public Interest Disclosure Act.²⁶⁰ These Acts provided frameworks to lift standards.

In 2012 and 2013, Chief Minister Mills and his Cabinet advanced the integrity framework by endorsing a Ministerial Code of Conduct. Further work is needed to update and enhance the Ministerial Code of Conduct—Chief Minister Giles has the opportunity to advance the strength of the framework by adopting the recommendations of this report.

Other jurisdictions have changed their structures with Integrity Acts and appointed Integrity Commissioners.²⁶¹ The Australian Capital Territory, another small jurisdiction, has an integrity advisor. The Northern Territory should consider doing further work in this regard.

A deterrent capacity should be linked to the policy framework to allow for allegations of corruption and misconduct by public officials to be reported and investigated robustly.

Other jurisdictions are more advanced than the Northern Territory in this regard. This may be linked to size and scale. For example, South Australia recently moved from having an anti-corruption branch within the South Australia Police to establishing the South Australian Independent Commission Against Corruption. A recent recommendation of the New South Wales Independent Commission Against Corruption²⁶² advocated the establishment of an investigator position within the New South Wales Parliament's Legislative Council Privileges Committee.

While the models vary across jurisdictions, it has proved necessary to have an investigative capacity to create a deterrent effect.

Should a Northern Territory Integrity Commissioner be appointed they may wish to consider the different models and deterrent capacity and advise government accordingly.

²⁵⁷ *Northern Territory Government, Government transparency, accountability and fairness, Information for Inquiry into Stella Maris (2008).*

²⁵⁸ *Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008 (NT).*

²⁵⁹ *Legislative Assembly (Disclosure of Interests) Act 2008 (NT).*

²⁶⁰ *Public Interests Disclosure Act (NT).*

²⁶¹ *Mr David Solomon, Queensland Integrity Commissioner, operates under the Integrity Act 2009 (QLD).*

²⁶² *New South Wales Independent Commission Against Corruption, Reducing the opportunities and incentives for corruption in the state's management of coal resources, 30 October 2013, p. 44.*

Term of reference 3

The performance of relevant persons, including the then Minister for Lands and Planning, in carrying out their obligations under the relevant regulatory regime and ensuring the proper accountability processes were applied in the tenure management of the site.

Term of reference 1 identifies in detail the circumstances surrounding the performance of the key persons and entities leading to the decision to offer a Crown lease grant to Unions NT.

To properly assess the performance of the relevant persons involved in that decision, the full context needs to be considered. A number of factors unique to this proposed Crown lease grant were clearly contentious and had a negative impact on public perception about the integrity of the decision and how it was reached.

Members of the public rightly saw the site as a valuable parcel of Crown land on the edge of Darwin's central business district (CBD). It is an historic site containing a heritage-listed building, which connects the community to the history of Darwin.

There was public debate and considerable passion about how to balance the competing needs of developing the CBD whilst retaining the history of the Northern Territory and Darwin. For many people, the future of the iconic Stella Maris site (the site) galvanised that debate.

This debate was overlaid with the issue of a Labor government contemplating leasing the site exclusively to a union entity and the associated claims of bias and favouritism that may follow, given the deep historical, cultural, structural and financial links between the Australian Labor Party (ALP) and the trade union movement. Trade unions are significant players in the political processes of this country, with much of their political influence coming through links to the ALP.

The ministers should have been aware that such a decision may have attracted considerable public criticism, particularly in the lead up to an election. As a result, the starting point should have been a process that called for more transparency, not less, and complete adherence to the long-standing community land grant process. Unfortunately, the opposite occurred.

Not surprisingly this caused some in the community to question whether the decision to grant the Crown lease for the site to Unions NT may have involved corruption.

The issue of corruption

Before the issue of potential corrupt conduct could be answered with any certainty, the Inquiry into Stella Maris (the Inquiry) needed to establish, as far as possible, the facts surrounding the Crown lease offer and develop a clear understanding of what is likely to constitute corruption in the Northern Territory.

The term 'corrupt conduct' is not defined in the statute law of the Northern Territory, nor is it attributed any particular meaning by the common law. In some jurisdictions, such as New South Wales and Victoria, corruption is defined broadly.²⁶³ The Macquarie Dictionary relevantly defines the adjective 'corrupt' as meaning: Dishonest; without integrity; guilty of dishonesty, esp. involving bribery; a corrupt judge.

²⁶³ *Independent Commission Against Corruption Act 1988, (27 February 2014), pp. 14–15; Victorian Government, Independent Broad-Based Anti-Corruption Commission Act 2011, pp. 25–31.*

There may be an opportunity for the newly appointed Integrity Commissioner (if Recommendation 18 is accepted by government) to define corrupt conduct in the Northern Territory.

A finding of corrupt conduct can have grave consequences for the person concerned and should only be made where the circumstances plainly justify it.²⁶⁴ They do not in this instance.

Finding 1

I find in all the circumstances and particularly given there is no statutory definition of 'corrupt conduct' in the Northern Territory, it would be inappropriate for me to make a finding of corrupt conduct against any person as a result of the Inquiry's work.

The Inquiry conducted inquiries with the Australian Electoral Commission and the Pecuniary Interest Register of the Legislative Assembly of the Northern Territory. There is no evidence to suggest that Minister G McCarthy or any member of Cabinet involved in the relevant Cabinet decision received any financial benefit or personal advantage as a result of the decision to offer a community land grant for the site to Unions NT.

Finding 4

I find that neither Minister G McCarthy nor any member of Cabinet involved in Cabinet decision 4856 received any financial benefit or personal advantage as a result of the decision to offer a community land grant exclusively to Unions NT.

Ministerial responsibilities and code of conduct

As outlined in Term of reference 2, the Henderson government, through the Chief Minister, took important steps to improve government transparency, accountability and fairness.²⁶⁵ The Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008, the Legislative Assembly (Disclosure of Interests) Act 2008 and the Public Interest Disclosure Act commenced in 2009. This legislation enhanced governance frameworks in the Northern Territory.

The Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008 is a statutory code that is binding on all members of the Legislative Assembly of the Northern Territory, including ministers. The code applies to members whenever they are acting in a capacity for which membership of the Legislative Assembly is an essential pre-condition. At the time the Crown lease was offered to Unions NT, the code was the only standard by which members' conduct could be measured.

²⁶⁴ See *Greiner v ICAC* (1992) 28 NSWLR 125.

²⁶⁵ *Northern Territory Government, Government transparency, accountability and fairness, Information for Inquiry into Stella Maris (2008).*

Any breach of the code may be punished by the Legislative Assembly as contempt of the Assembly under s. 5(2). The Assembly's powers to punish for contempt are in the Legislative Assembly (Powers and Privileges) Act.²⁶⁶

The Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008 sets out 11 standards. Three of these standards—accountability, responsibility and public interest—are of particular relevance to the Inquiry and the performance of the relevant ministers.

Performance of Cabinet and the Cabinet process

As outlined in Term of reference 1, a submission regarding the future of the site went to Cabinet for consideration on 10 July 2012.²⁶⁷ The submission was considered by only four of the eight Cabinet ministers: Chief Minister Paul Henderson, Minister Delia Lawrie, Minister Christopher Burns and Minister Malarndirri McCarthy. The sponsoring minister, Minister G McCarthy, was not present despite requesting a waiver of the six day lodgement rule to bring forward what he must have considered was an important and urgent submission to Cabinet. To seek the waiver and then not be present at the Cabinet meeting four days later seems unusual. No-one could advise the Inquiry as to who the sponsoring minister for the submission was in Minister G McCarthy's absence.

Cabinet made a decision that was against the strong and considered advice of the broader public sector,²⁶⁸ which was to release the site by expression of interest for low-scale community use or commercial development. The Cabinet Submission noted that the option of granting the site to the National Trust or Unions NT may attract criticism for dealing preferentially with select groups for such a high profile site.

Documents before the Inquiry confirmed that the day before the Cabinet meeting, the two most senior Cabinet ministers, Chief Minister Henderson and Minister Lawrie, settled their position to offer a Crown lease exclusively to Unions NT. This was confirmed by Chief Minister Henderson and Minister Lawrie.

Chief Minister Henderson explained that to present a united senior leadership position, he tried to ensure there was agreement between himself and the Deputy Chief Minister, Minister Lawrie, on all Cabinet matters if possible.²⁶⁹ Given Minister Lawrie's long-held views on Stella Maris, I believe she was pivotal in these discussions. Combined with the strong fixed view of Minister Burns in supporting Unions NT for the site, the decision was always going to proceed as it did.

There was also a suggestion that Minister Lawrie, while walking into the Cabinet room, said words to the effect that the Stella Maris matter had been sorted at the Budget Sub Committee (BSC) of Cabinet. Minister Lawrie could not recall this,²⁷⁰ however, it is somewhat corroborated by the notation recorded on the 'Cabinet white' by Ms Anne Tan.²⁷¹

²⁶⁶ *Legislative Assembly (Powers and Privileges) Act (NT)*.

²⁶⁷ *Department of the Chief Minister, Miscellaneous Cabinet documents, pp. 1–18*.

²⁶⁸ *Konstantine Vatskalis, Stella Maris Inquiry Hearing, Interview by Commissioner John Lawler AM APM, Folder 1, no. 1 (2014), time point: 28:30, 12 March 2014; Paul Henderson, Stella Maris Inquiry Hearing, time point: 01:34:30, 17 March 2014; and Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 02:30:00, 13 March 2014*.

²⁶⁹ *Paul Henderson, Stella Maris Inquiry Hearing, time point: 01:43:00, 17 March 2014*.

²⁷⁰ *Delia Lawrie, Stella Maris Inquiry Hearing, time point: 03:48:15, 14 March 2014*.

²⁷¹ *Department of the Chief Minister, Miscellaneous Cabinet documents, p. 21*.

Finding 3

I find that the Cabinet decision 4856 was a *fait accompli*.

The Inquiry was not able to explore any discussions that may have occurred within the Cabinet room, given legal advice on potential Public Interest Immunity claims.

The Cabinet Handbook did not contain any entries by the Cabinet Secretary of any discussions or reason for the departure from the recommended option in the Cabinet Submission.²⁷² There is no evidence that Cabinet received any other documents apart from the Cabinet Submission.

It is therefore difficult to understand how the Cabinet could have reasonably rejected the advice in the Cabinet Submission to have an open and transparent expression of interest process, and proceed to approve the proposal to grant a Crown Lease exclusively to Unions NT based on one paragraph in the submission which included a warning about potential criticism in pursuing that option.

The ministers should have been aware that such a decision, particularly in the lead up to the election, would have attracted considerable public criticism—as the submission warned was likely.²⁷³

The starting point for Cabinet should have been processes, like an expression of interest, that ensured transparency.

Recommendation 13

I recommend that a Cabinet Handbook, similar to the Commonwealth Cabinet Handbook, be prepared as an aide memoir for Cabinet ministers and to assist with briefing of new ministers in relation to their Cabinet responsibilities.

Recommendation 14

I also recommend that the Cabinet Handbook contain an updated Ministerial Code of Conduct. This handbook should be made public and tabled in the Legislative Assembly of the Northern Territory.

Performance of Minister Gerald McCarthy

Minister G McCarthy clearly accepted the Cabinet decision of 10 July 2012 as determining his following course of action. While Cabinet is an important part of the process of proper government decision-making, it could not, in a strict legal sense, remove Minister G McCarthy's statutory responsibility to properly exercise his power in a reasonable and considered way, in applying s. 12 of the Crown Lands Act.

At the relevant time, the person with legislative authority to make a decision to dispense with the expression of interest process and offer the site to Unions NT was Minister G McCarthy.

²⁷² Barnes, Gary, *Letter to John Lawler regarding Cabinet Handbook, Information for Inquiry into Stella Maris* (31 March 2014).

²⁷³ *Department of Lands, Planning and the Environment, Chronology of lease, p. 151.*

This is due to the fact that s. 12(3) of the Crown Lands Act gives ‘the Minister’ power to make direct grants of Crown land, without calling for expressions of interest process.²⁷⁴ Section 19 of the Interpretation Act defines this expression as ‘the minister administering the Act in or for which the expression is used’. Section 35 empowers the Administrator to make Administrative Arrangement Orders including orders allotting the administration of a provision of an Act to a specified minister or agency.

Under the Administrative Arrangement Order in force at the time, the Minister for Lands and Planning was allotted responsibility for the administration of the Crown Lands Act (except s. 79).

As the decision-maker, Minister G McCarthy had a responsibility to ensure the decision he made was accountable, responsible and in the public interest under the Legislative Assembly (Members’ Code of Conduct and Ethical Standards) Act 2008.²⁷⁵

Finding 7

I find that, given the broad discretion available, Minister G McCarthy, was acting in accordance with the provisions of s. 12(3) of the Crowns Lands Act (NT), when he offered a Crown lease grant to Unions NT on 3 August 2012, for the site.

Finding 8

I find, however, that Minister G McCarthy’s offer of a community land grant to Unions NT on 3 August 2012, for a Crown lease on the site, was arguably unreasonable in the Administrative law sense and would be susceptible to challenge before the Supreme Court on that basis.

If Minister G McCarthy had followed proper process and advertised the application by Unions NT, as required under the community land grant business process, the Department of Lands and Planning (the department) would have been in a position to properly inform him of the public’s response to that advertisement and the necessary information on Unions NT’s intentions.

Indeed, from the time he first took over the Lands and Planning portfolio, it is not clear if Minister G McCarthy focussed on the future of the site at all. He appears to have been content to let the department prepare the necessary Cabinet Submission.²⁷⁶ He approved the circulation of the Cabinet Submission on 7 February 2012, containing the recommendation of releasing the site through an expression of interest process.²⁷⁷ He had the opportunity to change the emphasis of the submission to reflect the intention of granting the site exclusively to Unions NT, but he did not.

When the department provided Minister G McCarthy with the final Cabinet Submission for lodgement on 24 May 2012 it still recommended an expression of interest process.

²⁷⁴ [Crown Lands Act \(NT\), p. 10.](#)

²⁷⁵ [Legislative Assembly \(Members’ Code of Conduct and Ethical Standards\) Act 2008.](#)

²⁷⁶ [Timeline and actions, Information for Inquiry into Stella Maris Folder 10, no. 1 \(2014\).](#)

²⁷⁷ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 135-137.](#)

On Friday 6 July 2012, Minister G McCarthy likely approved the submission for lodgement, although he was at the Alice Springs Show on that day.²⁷⁸ An email from Mr Wolf Loenneker on Monday 9 July 2012 to Minister G McCarthy shows that Minister Lawrie intervened to bring the Cabinet Submission forward: 'She [Minister Lawrie] asked that it go to Cabinet tomorrow so that Cabinet can approve the grant of the site to Unions NT.'²⁷⁹

I am satisfied that Minister G McCarthy would not have lodged the submission for the 10 July 2012 Cabinet meeting if Minister Lawrie had not intervened.

It is unlikely that Minister G McCarthy would have read the submission on 6 July 2012, when he apparently authorised his signature stamp to be placed on the submission, given he was at Alice Springs show. However, it is likely that he was familiar with the submission's contents at some point before that.

Minister G McCarthy was not at the Cabinet meeting on 10 July 2012, and therefore was not able to introduce his submission or have any input into discussion on the submission's content. He was not able to explain to his Cabinet colleagues that he didn't support the preferred recommendation. He told the Inquiry that he did not agree with the recommendation in the submission, but only allowed the submission to proceed in the way it did so his Cabinet colleagues would know of the department's preference for an expression of interest process to be conducted.²⁸⁰ He had no input into or control of the outcome at the Cabinet meeting. Ultimately, Cabinet made the decision without him. As the responsible minister, he was then required to exercise his ministerial responsibilities taking into account Cabinet's decision.

While not conceded by Minister G McCarthy,²⁸¹ the fact that he let Minister Lawrie take control of his submission and its passage to the Cabinet meeting, through his own advisor, does not support Minister McCarthy's assertion that he was in control of the process.²⁸² His lack of involvement in the Cabinet process, coupled with the upcoming election and links between the ALP and the union movement, significantly heightened the need for Minister G McCarthy to ensure he and his department adhered to the well-established community land grants business process, especially if there was to be no expression of interest process. This did not occur.

Prior to making the lease offer to Unions NT on 3 August 2012, Minister G McCarthy had knowledge of: (1) the 2009 application from Unions NT; (2) his own Cabinet Submission, which included just one reference to the Unions NT's proposal at paragraph 30; and (3) a ministerial briefing and letter of offer submitted by the department on 2 August 2012, which flagged that due and proper process had not been followed, namely a public advertisement had not been made.

I cannot see how Minister G McCarthy could make a fair and reasonable decision based on the information available to him.

If Minister G McCarthy was relying on the Cabinet outcome alone, he was relying on an outcome that was questionable as to why it rejected advice to hold an open and transparent expression of interest process. Minister G McCarthy had the opportunity, notwithstanding the Cabinet decision, to ensure that he had all the available

²⁷⁸ [Stella Maris Inquiry, Telstra phone records and summons to produce documents.](#)

²⁷⁹ [Department of Corporate and Information Services, DCIS documents, p. 4.](#)

²⁸⁰ [Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 02:28, 13 March 2014](#)

²⁸¹ [ibid, 02:48:25, 13 March 2014.](#)

²⁸² [ibid.](#)

information and had followed due and proper process. It is my view that he must have known that he did not have all the necessary information and that proper and due process had not been followed.

Many community groups had expressed interest in taking over the site after it was surrendered to the government in 2007. Minister G McCarthy should have known this and, if he did not, could have found out with limited inquiry. In a letter to Chief Minister Adam Giles in 2013, it is clear that Minister G McCarthy was not aware of other community groups' historical interest in the site,²⁸³ even though his Cabinet Submission contained an option to grant the site to the National Trust or Unions NT. This demonstrates a lack of awareness on Minister G McCarthy's behalf.

As such, in making his decision, Minister G McCarthy did not act with accountability, responsibility or with proper consideration of those likely to be affected by his decision, namely the numerous community groups who had expressed interest in the site over a long period of time.

There was no public advertisement, no media release and no way for the public to know that a Crown lease had been offered to Unions NT until a notice was published in the Government Gazette on 26 September 2012. This lack of public information deprived the public of its entitlement to know that Minister G McCarthy had made a decision and the reasons why that decision was made.²⁸⁴

The Cabinet decision and upcoming caretaker period are not adequate justifications for Minister G McCarthy's departure from due and proper process. The chair of Cabinet, who was also the Chief Minister, expected due and proper process to be followed.²⁸⁵ Minister G McCarthy must also take responsibility for the actions of his senior lands advisor, Mr Loenneker, whose behaviour was not of the high standards expected.

Finding 9

I find that having considered all the factors in relation to the decision to offer a Crown lease to Unions NT for the site, Minister G McCarthy's conduct was not accountable, responsible or in the public interest.

Performance of Minister Delia Lawrie

Minister Lawrie had a positive association with and fondness for the site.²⁸⁶ She had a love of the union movement²⁸⁷ and conceded that by 2009 she had formed the view that Unions NT should exclusively be granted a Crown lease over the site.²⁸⁸

From her time as Minister for Planning and Lands in 2007 up until the Cabinet meeting of 10 July 2012, Minister Lawrie acted in a bias way by favouring Unions NT in its attempts to be granted a lease for the site.

²⁸³ [Documents from Tabling Office, Letter from Minister Gerald McCarthy to the Chief Minister, p. 1.](#)

²⁸⁴ [Legislative Assembly \(Members' Code of Conduct and Ethical standards\) Act 2008, p. 7, section 9.](#)

²⁸⁵ [Paul Henderson, Stella Maris Inquiry Hearing, time point: 41:00 – 44:00, 17 March 2014.](#)

²⁸⁶ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 06:30, 14 March 2014.](#)

²⁸⁷ [ibid. time point: 13:12, 13 March 2014.](#)

²⁸⁸ [ibid. time point: 29:30, 14 March 2014.](#)

Mr Loenneker's interventions, on Minister Lawrie's behalf, with the department in 2009 were not proper.

Again, on 6 July 2012, Minister Lawrie intervened through Mr Loenneker to have the Cabinet Submission brought to Cabinet on 10 July 2012. This is corroborated by an email Mr Loenneker sent to Minister G McCarthy on 9 July 2012, clearly outlining Minister Lawrie's intentions:

Gerry

The Cabinet submission on Stella Maris is on the business list for tomorrow. I discussed this with Delia on Friday [6 July 2012] and she asked that it go to Cabinet tomorrow so that Cabinet can approve the grant of the site to Unions NT. The recommendation in the submission is that Cabinet approve option 2 and release the site through an expression of interest process for low scale community use or commercial development.

However, to allow the site to be granted directly to Unions NT (Delia's preference), Cabinet needs to approve option 3 in the submission and approve the grant of a Crown lease for a term of ten years to Unions NT. I have advised Delia of this and hopefully it will all go through as planned.

Regards Wolf²⁸⁹

When shown this email and other documents, Minister Lawrie conceded to the Inquiry that she intervened to bring forward the Cabinet Submission because she was concerned that with the upcoming election and related caretaker restrictions there was a real risk of a change of government.²⁹⁰ Minister Lawrie explained that such a situation would have resulted in the incoming Country Liberal Party (CLP) selling the site for commercial or residential purposes and the site would have been lost for community use:

Commissioner John Lawler: *What was the risk in doing expression of interest?*

Delia Lawrie: *We lose the site. We lose the site altogether because the caretaker mode happens, that there's a change of government and the new government comes in and says, 'you know what, this will be commercial residential', and we've seen that.²⁹¹*

Without Minister Lawrie's direct support and intervention, I am confident that Unions NT would not have been offered the exclusive Crown lease over the site on 3 August 2012.

Key to Minister Lawrie's arguments in supporting Unions NT was its long association with the site, the financial contributions the International Transport Workers Federation (ITF) had made in earlier years, Unions NT's capacity to improve the site without being an impost on the government, and her belief that there were no other community groups with the capacity to manage the site as well as Unions NT.

As detailed under Term of reference 1, I believe that some of these key arguments have been exaggerated when linked to the application of Unions NT.

Notwithstanding her knowledge of the Northern Territory, Minister Lawrie could not have possibly known who else might have expressed an interest in the site and what partnership arrangements that might have involved.

²⁸⁹ [Department of Corporate and Information Services, DCIS documents, p. 4.](#)

²⁹⁰ [Delia Lawrie, Stella Maris Inquiry Hearing, time point: 03:17:30, 14 March 2014.](#)

²⁹¹ [ibid.](#)

If Minister Lawrie was so biased as to be unable to allow other interested community groups to advance their proposals to be compared and properly assessed against Unions NT's application, then she should have excluded herself from participating in the Cabinet decision-making process.

The approaching caretaker period, the potential for a change of government and a view that this would mean the site would be used for commercial/residential high rise, does not adequately justify Minister Lawrie's conduct.

As such, I find that Minister Lawrie exerted influence over the Cabinet process and over Minister G McCarthy and his office in a way that was designed to further her view that Unions NT should be offered an exclusive lease to the site. By acting in such a way, Minister Lawrie deprived the public and other community groups of an opportunity to have their claims for the site properly and fairly considered.

As the Minister for Planning and Lands, Minister Lawrie must also take responsibility for the actions of her senior lands advisor at the time, Mr Loenneker, whose conduct was not of the high standards expected.

Finding 10

I find that, notwithstanding Minister Lawrie may have genuinely believed that granting the site exclusively to Unions NT was in the public interest, the way she involved herself in the process was not proper and was unfair to the public and other community groups.

Recommendation 6

I recommend that the Legislative Assembly consider whether there has been an alleged breach of the Northern Territory of Australia Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008, by Ms Delia Lawrie MLA and Mr Gerald McCarthy MLA, and whether under the provisions of s. 5(1) it wishes to refer any alleged breach of the code to the Privileges Committee.

Performance of Mr Wolf Loenneker

On the testimony of Minister G McCarthy, Minister Lawrie and others, their offices were well supported by senior lands advisor, Mr Wolf Loenneker. However, analysis of the facts surrounding the granting of the proposed Stella Maris Crown lease calls this into question.

Mr Loenneker, an experienced officer familiar with the community land grant process, should have ensured that proper process was followed in relation to the proposed Stella Maris land grant. He should have ensured that, when Unions NT sought to advance its application through the ministers, the application was provided to the department. He should have also advised Unions NT on the process and directed it to the department to make an application in accordance with the proper business requirements, as Minister Lawrie believed it had.²⁹² This did not occur.

²⁹² [ibid. time point: 01:23:49, 14 March 2014.](#)

Mr Loenneker's oral instructions to departmental officer, Ms Jackie Stanger, to change the Cabinet Submission in 2009 to include an option to offer the site direct to Unions NT without an expression of interest and to exclude the Department of Natural Resources, Environment, the Arts and Sport (NRETAS) and Tourism NT from the process was inappropriate and should have been conveyed in writing to a more senior officer.

Mr Loenneker had been long-serving officer in the department, a departmental liaison officer in the minister's office, and a member of the ministers' staff. This placed Ms Stanger and others in a difficult power imbalance position. This was particularly evident when Mr Loenneker provided instructions on what was to become of the accommodation building on the site, and his subsequent involvement in advising the department that Mr Alan Paton was the Unions NT contact point, while Mr Paton was still an advisor to Minister Robert Knight, prior to taking up his new role with Unions NT.²⁹³

Recommendation 17

I recommend that the Northern Territory Commissioner for Public Employment regularly promulgate clear advice to agency CEOs on how to manage the interface between ministerial advisors and departmental officers.

I am particularly critical of the response from Mr Loenneker to the department on 17 July 2012.²⁹⁴ The department was presented with the Unions NT application for the first time seven days after the Cabinet decision on the future of the site was made. It was an application completely out of context, being three years out of date and containing significant errors. The department could not have used it as a valid application. Mr Michael Wells from the NRETAS Heritage Branch, accurately critiqued the application as a sham.²⁹⁵ The attempt by Mr Paton to belatedly rectify the application's obvious shortcomings was equally unprofessional. Mr Wells commented later that the Department of Lands and Planning had been directed to provide the site to Unions NT and was trying to make the process fit the result.²⁹⁶

Mr Loenneker should have been more transparent and briefed the department more fully on the outcomes the ministers and Unions NT wanted.

Mr Loenneker should have ensured that Unions NT followed due and proper process in submitting its application to the department.

Finding 11

I find that although Mr Loenneker's conduct was not covered by any statute or code of conduct at the time, his behaviour fell well short of the high standards expected of a senior ministerial advisor.

²⁹³ *Department of Lands, Planning and the Environment, Chronology of lease, p. 159.*

²⁹⁴ *ibid.*, pp. 159–168.

²⁹⁵ *Adrian Buck, File note (2012), p. 2.*

²⁹⁶ *ibid.*

Performance of Mr Paton

Mr Paton was employed as a ministerial advisor with Chief Minister Henderson from 14 July 2008 to 28 March 2010.²⁹⁷ Mr Paton had a roving liaison officer role where he was responsible for arranging meetings between stakeholders and the Chief Minister.²⁹⁸ Unions NT were one of these stakeholders.

Mr Paton was employed with Minister Knight from 29 March 2010 to 20 July 2012,²⁹⁹ before becoming the Secretary for Unions NT. While in Minister Knight's office, Mr Paton continued to support other ministers, including the Chief Minister, in a broader liaison function.

Minutes of May and June 2010 meetings of a sub-committee established to advance Unions NT's interest in gaining a Crown lease for the site records Mr Paton's attendance.³⁰⁰ This sub-committee was renamed from the Stella Maris Sub-committee to the NT Workers Club Sub-committee on 25 May 2009. This reflected Unions NT's intention, at that time at least, to recreate the social facilities that had previously existed on the site under the auspices of a NT Workers Club.

It is clear from the meeting minutes that Mr Paton attended and was an active participant of the sub-committee, during working hours and while a member of Minister Knight's staff. Mr Paton also discussed Cabinet matters relating to the site at a meeting of the NT Workers Club Sub-committee and provided directions to Mr Loenneker that clearly favoured Unions NT position, namely requesting that the department not demolish the accommodation block so Unions NT could use it as rented office space. This was inappropriate.³⁰¹

Mr Paton briefed Minister G McCarthy about Unions NT's application in 2011 while still employed as a ministerial advisor and with an ongoing interest in the site as either a former or current member of the NT Workers Club Sub-committee.³⁰² This was a clear conflict of interest. Given the lack of clarity around when Minister G McCarthy was briefed and the ongoing role of the NT Workers Club Sub-committee, the Inquiry was unable to establish if Mr Paton was an active member of the sub-committee when he briefed Mr G McCarthy in 2011.

Mr Paton advanced the Unions NT application between 17 and 20 July 2012 as the incoming Unions NT Secretary while still employed as a ministerial advisor. This was clearly inappropriate and should not have occurred.³⁰³

As the Secretary of Unions NT from 23 July 2012 when the application was being scrutinised by the department, Mr Paton knew about the briefing Minister G McCarthy received in 2011 and that the Minister had been provided with Unions NT's 2009 application. Mr Paton also had knowledge of the background of Unions NT's involvement in the proposed grant of the Crown lease of the site. Mr Paton knew that the application was out of date and had been submitted to the department on 17 July 2012, and knew that it did not detail the true intentions of Unions NT, in terms of wanting to relocate its operations from 38 Woods Street to the site. Mr Paton should have ensured a higher quality application was available to the department.

²⁹⁷ [Teresa Hart, Letter to Greg Lade regarding the employment history of Alan Paton, \(2014\).](#)

²⁹⁸ [Paul Henderson, Stella Maris Inquiry Hearing, time point: 24:30, 17 March](#)

²⁹⁹ [ibid.](#)

³⁰⁰ [Unions NT, Meeting minutes and records, p. 90.](#)

³⁰¹ [Alan Paton, Stella Maris Inquiry Hearing, time point: 54:00, 18 March 2014.](#)

³⁰² [Gerald McCarthy, Stella Maris Inquiry Hearing, time point: 2:12:08, 13 March 2014.](#)

³⁰³ [Department of Lands, Planning and the Environment, Chronology of lease, pp. 180–181.](#)

Finding 12

I find that although Mr Paton's conduct was not covered by any statute or code of conduct at the time, he was conflicted and his behaviour fell well short of the high standard expected of a senior ministerial advisor.

Conflicts of interest

Minister Lawrie and Mr Paton had conflicted positions in a broad sense in the way they conducted themselves throughout the proposed Crown lease grant of the site to Unions NT. These positions have been discussed in more detail in other parts of the report. However, under the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008, conflicts of interest are restricted to financial benefit and gain. Under the provisions of this Act, Minister Lawrie did not have a conflict of interest.

In addition, a suggestion was raised in the Legislative Assembly about a connection between the ALP linked company, Harold Nelson Holdings Pty Ltd (ACN 068036135), and Chief Minister Henderson that may have given rise to a conflict of interest on the Chief Minister's part. Chief Minister Henderson was a Director of Harold Nelson Holdings from 1997 to 2000. Harold Nelson Holdings is the part owner of the premises at 38 Woods Street, along with the Northern Territory Trades and Labor Council Inc. (Unions NT) and four other entities.

The Inquiry examined whether Harold Nelson Holdings and the other owners of 38 Woods Street would have benefited as a result of the granting of the lease to Unions NT. The only entity that stood to gain in such circumstances was Unions NT. As a result, it is my view that Chief Minister Henderson's prior association with Harold Nelson Holdings was not a conflict of interest.

Finding 5

I find no evidence that any member of the Cabinet in making the decision in relation to the site had any declarable conflict of interest as detailed under the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008.

Performance of Unions NT

It was perfectly reasonable for Unions NT to meet with and lobby Minister Lawrie. That process began in a transparent way, with a letter from then Unions NT Secretary, Mr Matthew Gardiner,³⁰⁴ which led to a meeting between Minister Lawrie, her staff and Unions NT representatives on 27 May 2009.

At this meeting, Minister Lawrie received Unions NT's hastily completed application for the site, dated 26 May 2009. This may partly explain the inaccuracies in the application and, more importantly, the information it did not contain regarding Unions NT's intentions for the site. This misleading application played a critical role in subsequently informing ministers and the department and, as detailed in Term of reference 1, it reflects poorly on Unions NT.

Finding 13

I find the Unions NT Executive had a responsibility to ensure that the application submitted on its behalf to the ministers was of a high standard and reflected Unions NT's true intentions. It did not.

Between 2008 and 2012 while Unions NT was pursuing the Crown lease for the site, it was hoping for a number of outcomes. The primary purpose was to, '...increase / broaden income base of Unions NT through building development, additional programs and enterprise development'.³⁰⁵

Early planning at Unions NT supported using the site for an NT Workers Club. The Council of Unions NT authorised the name change of the Stella Maris Sub-committee to the NT Workers Club Sub-committee.

Testimony and documentation obtained by the Inquiry confirmed that Unions NT was intending to relocate its operations from 38 Woods Street to the site. The accommodation block which Unions NT wanted to retain, was most likely intended to house its own operations, along with other smaller unions to deliver additional rental income.³⁰⁶

Moving out of 38 Woods Street presented two advantages for Unions NT. The first was the opportunity to lease out its office space at 38 Woods Street to generate rental returns. Conservative calculations, based on rent paid for a neighbouring office space, places the annual rental return for this option at \$41 830.99 per annum (including GST).³⁰⁷ The other opportunity related to the redevelopment of the site at 38 Woods Street, which is in Darwin's central business district (CBD). Based on documents obtained by the Inquiry, there had been discussions with the other tenants at 38 Woods Street as well as with experts on building development and finance. These discussions had not reached a point where a proposal had been formulated. However, such a development, if successfully undertaken, could have potentially produced a significant financial benefit.

³⁰⁴ *ibid.* p. 102.

³⁰⁵ *Unions NT, Draft Strategic Plan 2012/13, p.4.*

³⁰⁶ *Alan Paton, Stella Maris Inquiry Hearing, time point: 49:30, 18 March 2014.*

³⁰⁷ *Unit 7 (142 sqm) returns \$232.40 per sqm. Therefore Unit 2 (Unions NT) at 180 sqm returning \$232.40 per sqm = \$41 830.99 inc GST.*

Finding 14

I find on balance that Unions NT would have received a financial benefit as a result of the community land grant for a Crown lease for the site. Given the variable information and different use scenarios it is not possible to quantify exactly that financial benefit.

Performance of the public sector

The key departments that played a role in the proposed grant of the Stella Maris lease were the Department of Lands and Planning and the Department of the Chief Minister.

The Department of Lands and Planning had processes and policies in place; however, these policies and processes were not well coordinated and had not kept up-to-date with the technology required for a department managing such high volumes of sensitive land allocation projects. There should also have been a stronger governance regime in place, along with structures to ensure that due and proper process was followed.

Significant work has been undertaken by the department (now the Department of Lands, Planning and the Environment) since 2012, which will improve how community land grants and direct land sales are processed.³⁰⁸ These improvements include a move to a centralised policy and ministerial briefing function producing coordinated policy responses, and up-to-date reports for the Minister and department management. This should address the weaknesses identified.

Despite the issues identified, the department was able to provide the Inquiry with extensive hard copy files consisting of five folders of documents in date order that indicated a robust hard copy document management process. Without such documentation and the linked chronology, it would have been difficult, if not impossible, to recreate the sequence of events surrounding the considerations of the site, and ultimately the roles played by Cabinet and Minister G McCarthy to propose the grant of a Crown lease over the site exclusively to Unions NT.

Ms Stanger's process of making detailed file notes following irregular oral instructions received from the Minister's office is to be commended. Without these file notes the intention of the Minister's office with regard to the development of the Cabinet Submission options would have likely been lost to the Inquiry.

Clearly, the inconsistent application of due and proper process, namely whether applications were received, fees paid or applications advertised within the department—not only for the proposed Stella Maris community land grant but also for other grants over a number of years³⁰⁹—is not acceptable and responsibility must rest with the relevant department Chief Executive Officers at the time.

³⁰⁸ *Department of Lands, Planning and the Environment, Letter from John Coleman to John Lawler, pp. 6–7.*

³⁰⁹ See Appendix F.

Finding 17

I find that the department has not followed its own due and proper processes in relation to other community land grants. This has led to inconsistencies in how applicants are dealt with.

The Department of the Chief Minister, through the Cabinet Office, plays an important role in public administration in the Northern Territory through its administration of the Cabinet process. The Cabinet Office had a comprehensive administrative file which supported Cabinet Submission 4033, 'The Future of the Stella Maris site', and the related Cabinet decision 4856.

A detailed examination of the process surrounding the Cabinet Submission uncovered some anomalies which relate to record keeping by the Cabinet Secretary.

The Acting Secretary to Cabinet, Mr Rodney Applegate, did not make note of the changes in the Cabinet record of attendance at the Cabinet meeting in question. This resulted in an inaccurate attendance record. Telephone records indicate that Minister Knight did not phone into the meeting, as listed in the attendance record. Minister Vatskalis left the meeting just as Cabinet reached the point of deliberating Cabinet Submission 4033. Minister G McCarthy was also not present for the meeting.³¹⁰ Despite his emphatic challenges to the Cabinet attendance record, it was ultimately established that the record was accurate in recording Minister G McCarthy as absent.

Given the Cabinet decision departed significantly from the recommended option, the Cabinet notebook should have contained at least some record explaining why Cabinet took the decision. It did not.

Recommendation 15

I recommend that the Cabinet Handbook contain specific guidance for the Cabinet Secretary on what must be recorded to ensure the proper maintenance of the official Cabinet records.

Finally, the decisions taken and the conduct of all those involved led directly to public concern in relation to the proposed grant of the Crown lease of the site exclusively to Unions NT. This could have been avoided by Cabinet agreeing to the recommended option in the Cabinet Submission and ministers and ministerial advisors following proper process.

Finding 2

I find the public disquiet—as highlighted by the media, along with the decision to conduct this Inquiry—could have been avoided if the then Cabinet followed the recommended option in 'The future of Stella Maris site' Cabinet Submission and if the then Minister for Lands and Planning and his office followed transparent, due and proper process when offering the community land grant for the site to Unions NT.

³¹⁰ *Department of the Chief Minister, Miscellaneous Cabinet documents, p. 51; Stella Maris Inquiry, Telstra phone records and summons to produce documents, Information for Inquiry into Stella Maris, Folder 1, no. 1 (2014).*

Term of reference 4

The adequacy and effectiveness of the regulatory regime in ensuring transparency, good governance and community input into the process of leasing or granting Crown land.

Terms of reference 1, 2 and 3 cover the background and issues that have a bearing on the adequacy and effectiveness of the regulatory regime.

The Inquiry into Stella Maris (the Inquiry) examined in detail the proposal to grant a Crown lease to Unions NT of the Stella Maris site (the site). This was a way of testing whether the current regulatory regime for the direct sale and granting of Crown land is fit for purpose. My view is that it is not.

The regime proved inadequate in providing transparency, good governance and community input into the proposed granting of the Crown lease. The reasons for that are laid out in other terms of reference in the report.

Finding 18

I find that the community land grant regulatory regime was inadequate.

Detailed inquiries in relation to other direct sales of Crown land or community land grants that occurred in the recent past are outside the scope of this Inquiry. However, witnesses before the Inquiry have encouraged the Inquiry to examine other land grants. They have cited inconsistencies, lack of transparency and lack of good governance in relation to decisions made by governments in the Northern Territory over time. This request is outside the Inquiry's terms of reference.

The Inquiry did, however, request an analysis of the community land grant applications the Department of Lands, Planning and the Environment (the department) received for the period 2010–13. This analysis is in Appendix F. The analysis exposes inconsistencies in the community land grant process. Current senior management at the department agreed that this was unsatisfactory.

There is sufficient material available to the Inquiry to justify the strong additional recommendations I have made on improvements to the regime (see Term of reference 6). If these recommendations are adopted, it will reduce the likelihood of such situations occurring again.

Term of reference 5

The provision and accessibility of relevant information to affected stakeholders and the public in relation to the proposal and purported decision to grant the lease of the site to Unions NT.

It was very difficult for the public and community groups to find any information about the decision to offer a Crown lease over the Stella Maris site (the site) to Unions NT. The first opportunity was on 26 September 2012, more than two months after the Cabinet decision, when a notice was published in Northern Territory Government (the government) Gazette.³¹¹ However, this notice was published to meet the requirements of Crown Lands Act,³¹² not to provide any meaningful information to the public to justify why the site would be granted to Unions NT and what Unions NT intended to do with it.

Minister G McCarthy had a responsibility to explain the reasons for his decision under the Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008.³¹³ Part 2, s. 9 of the Act (Accountability) states:

The people of the Northern Territory are entitled to know why the Assembly or a member has taken a particular policy position.

Accountability fosters integrity and probity in official decision-making, good governance, and the prevention and detection of corruption. It encourages public confidence and trust.³¹⁴

Importantly, the community land grant business process required a public advertisement followed by a 14-day period for community comment on the application.³¹⁵ This critical part of the process of providing accessible and relevant information to the community was also critical to allow the department to provide advice to Minister G McCarthy on the public response to the application. This process was not followed.

This was noted in the covering ministerial briefing the department sent to Minister G McCarthy on 2 August 2012, which accompanied the letter of offer to Unions NT. In this briefing the department made it clear that, 'This proposal has not been publically advertised'.³¹⁶ This ministerial briefing was stamped with Minister G McCarthy's signature and dated 3 August 2012.

Leaving everything else aside, Minister G McCarthy must have known at this point that due and proper process had not been followed in relation to the proposed grant to Unions NT.

He had the option to follow the proper process at this point, and advertise the application. However, he chose not to do so. Instead, he had his office signature stamp the letter of offer to Unions NT and deliver it. As a result, another important opportunity to advise affected stakeholders and the public was lost.

Further, Minister G McCarthy could have informed the public through a media release, a common practice within the government at the time. During testimony,

³¹¹ [Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 \(2012\), p. 4.](#)

³¹² [Crown Lands Act \(NT\).](#)

³¹³ [Legislative Assembly \(Members' Code of Conduct and Ethical Standards\) Act 2008 \(NT\).](#)

³¹⁴ [ibid. p. 7.](#)

³¹⁵ [Department of Lands, Planning and the Environment, Community land grant business process, p. 1.](#)

³¹⁶ [Department of Lands, Planning and the Environment, Chronology of lease, p. 190.](#)

Chief Minister Henderson stated that he would have expected the responsible Minister to have made public comment on what he considered was an entirely good news story to tell.³¹⁷ When asked why it did not happen, Minister G McCarthy told the Inquiry, 'They say any media is good media and I missed a good opportunity there, Commissioner'.³¹⁸

Another possible explanation is that, given the upcoming election, it was considered by Minister G McCarthy, or his office, that it was better to stay silent on the issue for fear of providing the then opposition with an opportunity to criticise the government.

Minister G McCarthy's own department warned in the Cabinet Submission of this potential outcome:

*Option 3 [Offer leasehold tenure (Term or Perpetuity) of the site to the National Trust of Australia (Northern Territory), Unions NT or other community group]... is not the preferred option as Government may attract criticism for dealing preferentially with select groups for such a high profile site.*³¹⁹

This criticism could have been quite damaging for Minister G McCarthy and the government in the lead up to the election.

Interestingly, Unions NT did not make any public statement or announcement in relation to the proposed grant despite the fact that the Unions NT application claimed strong community linkages.

Another major issue was the lack of information provided to the community groups that had expressed an interest in the site since 2007. In a letter to Chief Minister Adam Giles on 2 December 2013, Minister G McCarthy wrote, 'It is important to note that, as I understand it, over this period Unions NT was the only organisation to take any real interest in the heritage values of the site'.³²⁰ This is not accurate.

Minister G McCarthy's Cabinet Submission included an option of granting the site directly to the National Trust, which had indicated an interest in the site in 2007. This option was not recommended, for the same reason granting the site directly to Unions NT was not recommended: '...as Government may attract criticism for dealing preferentially with select groups for such a high profile site'.³²¹

From late 2007 up until 2012, multiple community groups and individuals made unsolicited approaches to the government about the future of the site (see Term of reference 1). None were provided with information about the government's intention to grant the site to Unions NT, even though it would appear that this was the intention—at least in Minister Lawrie's mind—from as early as 2009.³²² When told about this, Mr Brad McIver, who had approached the government about using the site as a men's hostel when he worked for Mission Australia, said it would have saved his organisation a lot of time and effort if they were told up front that the site was not available.

³¹⁷ Paul Henderson, *Stella Maris Inquiry Hearing, (2014), time point: 02:29:00, 17 March 2014.*

³¹⁸ Gerald McCarthy, *Stella Maris Inquiry Hearing, time point: 03:26:00, 13 March 2014.*

³¹⁹ Department of Lands, Planning and the Environment, *Chronology of lease, p. 151.*

³²⁰ Documents from Tabling Office, *Letter from Minister Gerald McCarthy to the Chief Minister, p. 1.*

³²¹ Department of Lands, Planning and the Environment, *Chronology of lease, p. 151.*

³²² Delia Lawrie, *Stella Maris Inquiry Hearing, time point: 47:44, 14 March 2014.*

None of the community groups that showed an interest in the site were informed directly of the decision. Instead, they found out about the decision from newspaper reports. This is confirmed in testimony from Planning Action Network representative, Ms Margaret Clinch,³²³ Music NT representative, Mr Mark Smith,³²⁴ and National Trust representative, Ms Elizabeth Close.³²⁵

All of these groups, particularly those that had made a formal submission, should have been informed that government intended to offer the site to Unions NT. If this intention was arrived at as early as 2009, as stated by Minister Lawrie, then that is when the other groups should have been informed. This would have been a fair thing to do. If the government believed that Unions NT was the right group for this site, it should have had no difficulty in telling the public or these other community groups about their intention and the reasons on which it was based.

While I do not conclude that it was a deliberate strategy to withhold information, the lack of any public information would cause some to question whether it was. It was as though there was complete information 'blackout.' The fact is the public was deprived of any information until the Government Gazette Notice of 26 September 2012,³²⁶ a notice that the wider public would not have known about. This is completely unsatisfactory and does not encourage public confidence and trust in government decision making.

Finding 16

I find that there was a distinct lack of publicly available information about the decision to grant the site to Unions NT and what Unions NT's intentions were. This information void reflects poorly on the government and is not an example of an open and transparent decision making process.

³²³ [Margaret Clinch, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 1:20:28, 12 February 2014.](#)

³²⁴ [Mark Smith, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 16:20, 12 February 2014.](#)

³²⁵ [Elizabeth Close, Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(2014\), time point: 28:58, 14 February 2014.](#)

³²⁶ [Northern Territory Government, Government Gazette Notice 2012, Information for Inquiry into Stella Maris Folder 1, no. 2 \(2012\), p. 4.](#)

Term of reference 6

Any measures that might help ensure transparency, good governance and community input into the process of leasing or granting Crown land with particular reference to the purported decision to grant the lease of the site to Unions NT.

I have found the regulatory regime was inadequate in ensuring public accountability and confidence concerning the decision to propose the grant of a Crown lease of the Stella Maris site (the site) to Unions NT. As such, it logically follows that there are a range of measures that could sensibly be implemented to improve the regime.

Some of the changes contemplated have a broader application beyond land disposal processes and go to the heart of integrity and reasonableness in Northern Territory Government (the government) decision-making.

I have given careful consideration and sought advice, as to whether it would be appropriate and effective to recommend legislative change to s. 12(3), of the Crown Lands Act (NT) in isolation.³²⁷ I have decided against this course of action, notwithstanding the section is confusing and difficult to clearly understand. The section provides a very broad discretion to the Minister in relation to dealing with Crown land. In my view, there are currently insufficient checks and balances to ensure this ministerial discretion is exercised accountably and transparently, as has been demonstrated through the proposed Stella Maris Crown land grant process. I have commented in Term of reference 2 on the risk factors to be balanced in meeting the desired outcome of transparent, accountable and fair decision-making.

The current provisions place the onus on an aggrieved party to take court action against a minister and their decision for redress. Community groups and the general public will not normally have the resources to mount such a court action. On the other hand, a framework that fosters spurious litigation and challenge to decisions of government or processes that create unnecessary red tape are to be avoided. The Minister needs discretion to enable flexibility to ensure the land disposal process operates efficiently, and discretion not to make a public announcement on the rare occasion where it is not in the public interest.

The most effective way to achieve this proper balance is to introduce criteria to guide decision-making against a 'reasonableness' test.

It is for the legislative drafters to formulate how this is best achieved. However, the Northern Territory Civil and Administrative Tribunal legislation, which is currently being drafted, may present an opportunity to legislate in a broad way to enhance the decision-making requirements across government legislation. Criteria that articulates what is required to meet a 'reasonableness' test should be at the core of any changes.

³²⁷ *Crown Lands Act (NT)*, p. 10.

Recommendation 7

I recommend that the government considers legislative change that sets out criteria to support a 'reasonableness test' in guiding ministerial decision-making. Such a test would aid accountability and be used as a mechanism for judging decisions made.

It is important that any changes to the community land grant process are equally applied to the direct sale of Crown land process, which presents similar risks of poor governance and accountability.

A key factor in ensuring transparency is the proper advertisement of decisions in a way that gives the public a genuine opportunity, at the time, to be aware of decisions made through the exercise of statutory power. The use of websites to advertise decisions at the time may be an efficient way to keep the public informed. In my view, publishing a notice in the Government Gazette advising the community of decisions retrospectively does not satisfy this transparency and accountability test.

The community land grant and direct sale of crown land processes need to be included in the Crown Lands Regulations to ensure they are given standing and taken seriously by all concerned.

This would make the process, including the public advertisement that did not occur in relation to Stella Maris, required under the law. A failure by the Minister or the Department of Lands, Planning and the Environment (the department) to follow the process under the regulations would have the additional potential effect of making any subsequent decision unlawful. We know from the Stella Maris process, given the wide discretion of Minister G McCarthy, that he acted in accordance with the provisions of the Crown Lands Act, albeit arguably, not reasonably nor with the levels of transparency and accountability the community expects.

Recommendation 8

I recommend that the community land grant and direct sale of Crown land business processes be included under the Crown Lands Regulations (NT).

One of the areas that caused concern was the role of the Ministers' office in being the quasi applicant for Unions NT. Minister Lawrie received Unions NT's application in 2009, however, it was only forwarded by Minister G McCarthy's office to the department after the Cabinet decision had been made in 2012. This placed departmental officers in an unnecessarily difficult position when the proper process was not followed. It needs to be made clear in the Crown Lands Regulations that a minister or minister's office cannot act in any way for the applicant. An application must be lodged and supported by the applicant.

Recommendation 9

I recommend that only the applicant should be able to make an application for a community land grant, or direct sale of Crown land and that a minister or minister's office should have no role in the application process.

Additionally, the department's processes did not specify where in the business process a Cabinet decision should be identified. As is proper, public servants expect that when Cabinet makes a decision it is their job to implement that decision. Of course, this does not mean the decision should be implemented at the expense of proper process. In this case, former Chief Minister, Paul Henderson, made it clear that following the Cabinet decision, he expected the department's due and proper processes to be followed.³²⁸

Cabinet plays an important role in the Westminster system of government. However, in a strict legal sense, Cabinet could not remove the statutory responsibility of Minister G McCarthy to properly exercise his power in a reasonable and considered way in the land grant process according to s. 12 of the Crown Lands Act.³²⁹ To avoid confusion and ensure clarity, if a Cabinet decision is made in conjunction with a Crown land grant or direct sale of Crown land, then the full business process should start from that point.

Recommendation 10

I recommend that with any future Cabinet decision, made in conjunction with a community land grant or direct sale of Crown land, that the Cabinet decision should be the starting point in ensuring the full departmental business process is followed, as reflected in the Crown Lands Regulations (NT) (as amended in accordance with Recommendation 8).

Through the Cabinet process, government regularly endorses enhancements to policies. Cabinet last examined and endorsed the Northern Territory Government Land Sale Policy on 5 February 2002. In light of this report, the legislative changes recommended, and the anomalies identified between the land sale process and the Cabinet-endorsed policy, it is timely for Cabinet to reconsider a Cabinet Submission on the Northern Territory Government Land Sale Policy once it has been updated.

Recommendation 11

I recommend that the department prepares a Cabinet Submission updating the Northern Territory Land Sale Policy.

Strategies within the department to support the Crown land disposal regulatory regime, including the Crown Lands Act, include the Cabinet-endorsed policy and the business processes. These strategies ensure the necessary capacities for the regime to be responsive, dynamic and able to be given full effect. The department's work to

³²⁸ [Paul Henderson, Stella Maris Inquiry Hearing, time point: 41:00 – 44:00, 17 March 2014.](#)

³²⁹ [Crown Lands Act \(NT\), pp. 10–11.](#)

advance the use of technology to improve records management, online reporting and governance is to be commended.

I believe even more could be done to use the web and virtual communication portals to notify the public of applications for land sales or grants.

The department is also focusing on induction, training and succession management of staff. These business improvements will greatly assist the accountability improvements sought by the government. The changes underway are set out in Appendix H and should continue to receive attention by the senior leadership group within the department.

Recommendation 20

I recommend the department fully implement the necessary business improvements as set out in Appendix H.

Ministers, members of the Legislative Assembly and senior executives of the Northern Territory Public Sector often face challenges in understanding and contextualising integrity in decision-making and in managing conflicts of interest, both real and perceived. Further enhancing the Ministerial Code of Conduct will help in this understanding.

New ministers, who may not have been exposed to these challenges before entering the Legislative Assembly, are vulnerable. Ensuring an experienced person is available to provide advice in dealing with these issues is an important preventative strategy in ensuring good governance and accountability.

Recommendation 18

I recommend the Northern Territory Commissioner for Public Interest Disclosures, with additional support, be appointed the Northern Territory Integrity Commissioner to provide advice to ministers, the Legislative Assembly and Northern Territory Public Sector similar to the role of the Integrity Commissioners in other jurisdictions.

Recommendation 19

I recommend the Integrity Commissioner (appointed as per Recommendation 18) provide advice to government on any further legislative or other changes that would further strengthen the Northern Territory's Integrity frameworks.

It can be difficult for governments and departments to remain focused and see changes through to completion, particularly when measures are complex or take a long time to implement. To aid that process and ensure the recommendations accepted by government are implemented, an independent examination of progress is warranted. The Auditor-General's office confirmed it is well placed to undertake this progress review.³³⁰

³³⁰ *Stella Maris Inquiry, File Note: Meeting with Auditor General Frank McGuiness, Information for Inquiry into Stella Maris (10 April 2014).*

Recommendation 21

I recommend that, with extra support, the Auditor-General conducts a performance management system audit, in consultation with the Inquiry Commissioner, on the effectiveness of and progress made in implementing the recommendations of this Inquiry that are accepted by government.

I recommend that the Auditor-General presents a report to the Speaker for tabling in the Legislative Assembly by 26 October 2015.

A range of other measures are highlighted in other sections of the report. I believe if the recommendations are comprehensively implemented and the findings reflected upon, it is less likely that Territorians will see another instance of poor governance, poor accountability and lack of transparency in Crown land disposal and management that was seen with the proposed grant of a Crown lease for the site to Unions NT.

Term of reference 7

Any other suggestions or recommendations the Commissioner considers relevant to the above matters.

A detailed overview of the Inquiry into Stella Maris' (the Inquiry's) investigation, methodology and strategy is provided below. I suggest that this investigational overview be used as guidance for any future inquiries under the provisions of s. 4A of the Inquiries Act (NT).

The Inquiry process identified weaknesses in the Inquiries Act that should be rectified. Further, to fully appreciate the Inquiry's report, one needs to understand the various phases of the investigative context and the considerations in reaching a final position on relevant matters. It is hoped that this overview will save many hours of planning in any future Inquiry.

Inquiry investigation, methodology and strategy

The Inquiry commenced on 6 January 2014 with a staff of two and delivered its report on schedule to the Administrator in accordance with the provisions of the Inquiries Act.

The overriding strategy was to conduct the Inquiry in accordance with the provisions of the Inquiries Act, particularly s. 6—namely, to conduct a thorough investigation, in a transparent way, that gives full access to the public, is fair in how it treats all those involved, and is efficiently undertaken. I believe the Inquiry was conducted in accordance with the strategy.

The Inquiry was undertaken in line with standard investigative methodology, in four phases. It is important to note that the four phases of the Inquiry should not be viewed in isolation, but as activities that merge and overlap as necessary.

Phase 1: Planning and administration

(6 January 2014 to 9 February 2014)

This phase is the most critical stage in any investigation. It involved the selection of staff and the identification of other external skills that would be required to successfully complete the investigation.

I worked with the Department of the Chief Minister, which initially identified two staff to aid me in the Inquiry: Mr Christopher Stewart, a Research Officer with a strong communications background; and Ms Emily Bonson, an experienced Executive Assistant. Both officers, while extraordinarily professional and hard-working, had never been involved in an investigation of the type we were about to embark upon. The coordination role of the Department of the Chief Minister and particularly Mr Gary Barnes, Ms Teresa Hart, Ms Julie Nicholson PSM and Mr Andrew Cowan, was pivotal to the success of the Inquiry.

We also identified a requirement to have high quality support, given the potentially complex legal matters under consideration. Adding to the complexity was the need to settle the summons forms and other coercive processes, which were undertaken for the first time according to the provisions of the Inquiries Act. The Northern Territory Solicitor-General, Mr Michael Grant QC, agreed to provide advice on the application of the Inquiries Act and its process, but not on the substance of the Inquiry itself. Subsequently, Solicitor Mr Paul Maher and Mr Michael Maurice QC were briefed to provide advice in relation to aspects of the Inquiry.

It was also necessary to have investigative expertise, particularly in relation to gathering information under coercion. Mr Gregory Lade APM, a former senior Northern Territory Major Crime Detective, was brought onto the Inquiry to assist in this role. He remained with the Inquiry for six weeks and was subsequently replaced when phase two of the Inquiry was completed. Ms Alana Morley, a Northern Territory Public Sector (NTPS) graduate, joined the team on 10 March 2014 to assist with phase three and four.

The physical location of the office was an important consideration. We settled on the Met Building, Level 2, Stage 5, Cascom Centre, 13–17 Scaturchio Street, Darwin. The major benefit of this location was the hearing room on Level 1, which had formerly been the Drug and Alcohol Court. With the support of the Department of the Attorney-General and Justice, the Inquiry was able to successfully conduct 48 hearings over 17 days, sharing the hearing facility with Northern Territory Consumer Affairs.

Planning commenced for the management of the semi-formal hearing process. For efficiency and to avoid an adversarial environment, I decided to conduct the hearings without Counsel Assisting, as would normally be the case in an Inquiry such as this. This worked well and was assisted by Counsel who represented some of the witnesses appearing before the Inquiry. Given the likely costs, which were estimated in excess of \$60 000, we decided to avoid using hard copy transcripts in favour of the audio recordings of hearings. The Inquiry was subsequently able to link audio footnotes in the report with the audio recordings on the website for ease of reference for the reader.

We very much appreciated the support of staff from the Darwin Magistrates Court who provided the audio recording equipment and operated the equipment on hearing days. Planning also took place to support public and media attendance at the hearings.

Management of information is crucial, and the selection of the right computer network to use during the Inquiry was important. For obvious reasons the Inquiry needed to be independent but supported by the Northern Territory Government (the government). As a result, we used the government computer network for our document control, email and website. The document storage was provided by a secure compartment within the Total Records and Information Management System (TRIM). Only authorised Inquiry team members had access to the data holdings.

All documents received by the Inquiry from many sources received a unique TRIM identifier. Whether they were received in electronic form or hard copy, in the case of the later documents, they were saved into the Stella Maris file holdings in a PDF format for analysis. TRIM keeps a version control manifest of documents that have been accessed and edited within the Inquiry. Document categories and indexes enabled documents to be readily located within the system. Regular backups of the computerised filing system were made and other business continuity processes were undertaken.

A website was established at www.stellamarisinquiry.nt.gov.au. As of 7 May 2014, the Inquiry website had received a total of 1531 sessions from 390 unique visitors who viewed a combined total of 6949 website pages. The average visit duration was five minutes and 11 seconds which is above the average when compared to other government websites. This highlights the importance of the Inquiry to the general public.

The website provided the public the ability to contact and interact with the Inquiry remotely. This was particularly important given the Northern Territory context. All public submissions and documents received by or tendered at the Inquiry, along with

relevant audio recordings can be accessed through the website. Importantly, names and hearing times for witnesses due to appear before the Inquiry were posted on the website before their appearance. Internal working documents have not been posted on the website.

I engaged with the media early and conducted a number of radio, television and print media interviews that outlined the Inquiry's objectives. The Inquiry released a number of media statements, with the media also attending most days of the hearings. I remained accessible to the media throughout the Inquiry.

Security considerations within the Inquiry were a point of early focus and throughout the Inquiry. Physical security aspects received attention through the use of lockable cabinets within a lockable office with swipe key access and housed in an out-of-hours secure building. Protective security practices in relation to information received close attention with the appropriate use of security markings on documents and clear desk policies enforced. Each member of the Inquiry team, including part-time members, were authorised in writing under the Inquiries Act, received security briefings and signed individual security undertakings. These briefings included advice on dealing with conflicts of interest, making contact reports, responsibilities on the non-disclosure of information and how to interact with the media. These are important aspects underpinning the integrity of the Inquiry. No security breaches, including unauthorised disclosure of information, occurred during the Inquiry.

Finally, in this phase we gave specific attention to the preparation of comprehensive planning documents, including the Investigational matrix, Possible Sources of Information document, detailed chronology, and to preparing and settling the form of the various notices requiring persons to produce documents and/or attend at the hearings. In addition key witness profiles were formulated along with background research. Detailed consideration was also given to potential legal issues the Inquiry could face and to planning potential responses.

Considerable effort was placed into early and detailed planning. There is no doubt this benefited the Inquiry throughout the following three phases, leading to an efficient and thorough Inquiry process.

Phase 2: Information gathering

(10 February 2014 to 21 March 2014)

Once the planning was complete, our focus shifted to gathering all available relevant information. The first step was to identify who would likely possess that information, both in physical and electronic form. This fell into a number of broad categories: the public; former and current Northern Territory Public Sector (NTPS) employees; former ministers and their staff; and former and current Unions NT staff and officials.

We decided the most efficient way to engage with the public was through a website (www.stellamarisinquiry.nt.gov.au) where information was made publicly available on a regular basis. A call for information and public submissions³³¹ was made through the website and local media. A total of 12 submissions were lodged and considered by the Inquiry.

Gathering the critical information required to support the Inquiry needed be done in a way that followed the requirements of the Inquiries Act, followed proper process,

³³¹ *Commissioner John Lawler, Stella Maris Inquiry, Call for Public Submissions, Media Release, 31 January 2014 (2014).*

and was fair. I decided that all agencies and individuals would, to the extent possible, be treated in the same way. They were all to be served with formal summons or other coercive means in gathering the information the Inquiry required. In all, 65 summons and notices to produce were issued, and one access notice was executed during the Inquiry.

An initial broad request for information was sent to the Chief Executive Officer of the Department of the Chief Minister (CEO DCM), Mr Gary Barnes, asking for a request for information regarding Stella Maris to be made of all NTPS agencies. This request sought to establish quickly which agencies held information so that summonses could be effectively served. The list of agencies canvassed and their responses are included in the spread sheet at Appendix G.

The key agencies identified included the Department of Lands, Planning and the Environment (DLPE), the Department of the Chief Minister (DCM) and the Department of Corporate and Information Services (DCIS).

In agreement with the CEO DCM, single points of contact were set up with each key agency and formal requests for information sent.³³² The responses from the key agencies were comprehensive and aided the Inquiry.

Ultimately, the key agencies produced a range of documents which were the foundation of the Inquiry, being as it was, based around the documentary record. I am very complimentary of the documentary records that the Cabinet Office and DLPE were able to produce.

The request to DCIS was in context of that department's role as the custodian of the government information systems. DCIS was asked to identify all possible electronic records relating to the Stella Maris Inquiry.³³³ This included records from backup email tapes and records that had been deleted from the system. Unfortunately, the systems in place at the time did not allow this process to be undertaken to the extent I would have liked.³³⁴

Finding 19

I find that the Inquiry was hampered in not being able to retrieve all the relevant documents in existence in 2012 due to technical limitations with the Northern Territory Government's computer systems. Work is currently underway to rectify this situation.

The formal hearings began on 12 February 2014, where I read an opening statement onto the record.³³⁵

A total of 43 witness provided testimony to the Inquiry. Eleven of those did so via the telephone while the remainder appeared in person. All witnesses provided the testimony either by oath or affirmation.³³⁶ Four witnesses were represented by Counsel, who were approved to take part in the Inquiry.³³⁷

³³² [Commissioner John Lawler, Letter to Gary Barnes, \(2014\).](#)

³³³ [Commissioner John Lawler, Letter to Kathleen Robinson, Department of Corporate and Information Services \(2014\).](#)

³³⁴ [Kathleen Robinson, Letter to Commissioner John Lawler in response to request for information \(2014\).](#)

³³⁵ [Commissioner John Lawler, Opening statement to the Public Hearing \(2014\).](#)

³³⁶ [Oaths, Affidavits and Declarations Act \(NT\).](#)

³³⁷ [Inquiries Act \(NT\), p. 3.](#)

One witness was also questioned by Ms Lawrie and Mr G McCarthy's Counsel under the provisions of s. 7 of the Inquiries Act. All witnesses who were summonsed attended the hearings.

The hearings were managed in the following way. A receptionist greeted witnesses and members of the public and managed the limited seating within the hearing room. A technician from the Magistrates Court managed the recording equipment and operation of the microphones. The technician also noted the time and point in the testimony on the audio hearing log. A hearing support officer from the Inquiry prepared witness summaries for later ease of reference. Finally, an Inquiry officer reviewed the testimony during the hearings as it was taking place, and advised me of any additional matters that might need to be raised.

Before each hearing, detailed interview plans were prepared to guide the hearing process. These plans included a schedule of documents that would be shown to each witness. A consistent introductory explanation of the Inquiry and the witnesses' role and their responsibilities was read to each witness before their formal testimony began.

Witnesses summonsed to the Inquiry were given the opportunity to be briefed prior to their testimony. Given that the Inquiry was largely documentary based, witnesses were shown the documents and advised of the likely line of questioning in advance. By adopting such an approach, there could be no suggestion of witnesses being disadvantaged or surprised. This allowed witnesses to refresh their memory and circumvented any need for delay during the hearing process for witnesses to read documents. It was also an important procedural fairness mechanism. While a potential risk, there was no evidence that any witnesses used this process to concoct or collude in relation to their testimony. In all, this strategy provided an efficient way to manage the hearings.

I decided early that I would, where necessary, take testimony via teleconference. This enabled the most relevant witnesses to provide testimony to the Inquiry notwithstanding their physical location. This also saved time and costs associated with travel and accommodation.

Two legal issues—legal professional privilege and Cabinet in-confidence protections—arose early in the Inquiry, causing us to consider carefully how these issues should be resolved.

With the important assistance of the Solicitor-General, Mr Michael Grant QC, it was agreed that where members of the NTPS identified documents that could be the subject of legal professional privilege claims, they would consult the Solicitor-General. The Solicitor-General agreed he would assess the material in question and advise me of his view on the privilege claim. This process worked well and enabled the Inquiry to quickly and transparently resolve the status of documents that could be the subject of legal professional privilege claims.

A more difficult issue was how to deal with Cabinet in-confidence documents and testimony arising from those documents. The Inquiry needed to address two competing interests.

The first was for the public to know how their elected representatives and public servants had conducted themselves in relation to a matter of high public profile. The second was to maintain long-standing conventions on protecting Cabinet in-confidence documents and discussions. My default position was for the Inquiry's work to be undertaken in full public view.

Following legal advice from the Solicitor-General, I decided that actual Cabinet deliberations would not be the subject of examination during the Inquiry. This was based on the view that if an aggrieved party claimed such deliberations attracted public interest immunity, that claim would likely be successful. By effectively sidestepping this issue, the risk of protracted and expensive legal dispute was greatly reduced.

Importantly, s. 16 of the Inquiries Act contemplated dealing with such sensitivities and provided that I may direct the whole or any part of the Inquiry be held 'in camera' (in private), if I considered it in the public interest to do so. The Inquiries Act also contemplated creating an environment where witnesses felt protected in providing testimony that may be private, controversial or that they felt might protect them from recriminations at some future point. Such issues were live in the Inquiry.

For example, where the Inquiry was tabling or discussing 'Cabinet in-confidence' matters, there was a strong public interest immunity argument that those documents or testimony should not be made public. I decided on balance to hold in camera proceedings where there were specific references to Cabinet in-confidence matters.

This decision was taken at the beginning of the Inquiry, and I believe with sound basis. However, it was challenged in a submission by Ms Lawrie and Mr G McCarthy, who asserted:

We believe that this inquiry cannot be conducted properly or fairly if the public is excluded from any of the hearings and not allowed to see and review all of the documents and other evidence which is given to the Commissioner.³³⁸

I sought advice from the Solicitor-General who advised that there was no legal basis, as distinct from a policy basis, why proceedings as they relate to Cabinet in-confidence matters should not be conducted in public. Given the former ministers' involvement in the Cabinet decision and their assertion that they would not be treated fairly, I acceded to their request and conducted the remainder of the Inquiry in public. The Cabinet in-confidence documents were also placed on the public website.

The Inquiry also considered how information would be gathered from the three key stakeholders. The NTPS had been engaged with my advance letter of 16 January 2014 to Mr Barnes, and follow up summons to produce documents. Most documents from former ministers and ministerial staff are destroyed with the change of government, so these needed to be accessed via DCIS and the backup tape system. Key ministers were also summonsed to produce documents relevant to the Inquiry. Unions NT was issued with an access notice, given it was outside the government system.³³⁹

The access notice was executed on 13 February 2014, at Unions NT's premises at 38 Woods Street by an authorised officer from the Inquiry. Two authorised officers with computer forensic skills from the Northern Territory Police assisted. The office was searched and documents relevant to the notice were copied. The Inquiries Act was deficient in that the documents identified as relevant to the Inquiry were not allowed to be seized. A mirror image was taken of a computer hard drive located in the office, for further computer forensic analysis. A large number of documents that assisted the Inquiry were located as a result of executing this access notice.

³³⁸ *Lawrie, Delia and McCarthy, Gerald, Submission in relation to the Inquiry, <http://www.stellamarisinqury.nt.gov.au/subs/submission%20Gy20Ms%20Lawrie%20and%20McCarthy%2010.03.2014.pdf>*

³³⁹ *Inquiries Act (NT), p. 3.*

Mr Matthew Gardiner Secretary of United Voice, subsequently complained that the notice³⁴⁰ was unnecessary and heavy handed, and said if Unions NT had been asked it would have produced the required documents. The Inquiry was not to know Unions NT's position. Standard investigative methodology required the access notice to be executed so that there was no opportunity for any material to be lost to the Inquiry. To do otherwise would not have been in accordance with s. 6 of the Inquiries Act and would have also attracted criticism and potential commentary around favouritism. Other weaknesses in the Inquiries Act were discovered.

This phase of the Inquiry, the most time consuming and complex, was completed on schedule on 21 March 2014.

Recommendation 12

I recommend that the Inquiries Act (NT) be reviewed and amended to allow for the seizure of documents and to provide a penalty for breaches of s. 8(4) of the Act.

Phase 3: Analysis, assessment and consolidation

(22 March 2014 to 11 April 2014)

This third phase involved thoroughly examining the material gathered and cataloguing it for file.

This included a detailed comparison and weighting of known facts and processes with oral testimony and documents provided to the Inquiry. Where the Inquiry identified inconsistencies, we sought clarification through further hearings and other investigative activity.

Phase 4: Report preparation

(12 April 2014 to 26 May 2014)

Detailed planning took place for proofing, desktop publishing and eventual uploading of the report onto the Inquiry website.

Attention was given to ensuring maximum public access to the Inquiry's work and where possible a seamless interface between the report and Inquiry's website. A focus has been to ensure that, if necessary, the Inquiry's work could be recreated through the proper indexing and archiving of all the files, both hard copy and electronic.

Based on learnings from earlier Inquiries, the Inquiry's work does not finish when the report is delivered. Issues that remain to be dealt with include ensuring access to material and providing information to interested stakeholders, including the media. The Inquiry has planned for this contingency.

The physical closure of the office, formal acknowledgement of assistance provided during the Inquiry, and the completion of Inquiry staff assessments, conclude this final phase.

³⁴⁰ *ibid.*

Other relevant matters

The Apostleship of the Sea (AOS) Darwin Inc had a lease arrangement with the then Darwin City Council (now City of Darwin) over a small parcel of land, Lot 6597 Town of Darwin, which added to the usability and ambience of the site. When Lot 5260 was surrendered to the government in late 2007, Lot 6597 was also surrendered.

Indeed, when considering how it would use the site, Unions NT also approached City of Darwin to explore whether it could obtain a lease over Lot 6597.

For any future use of the site to provide maximum utility, it would seem sensible that the department hold discussions with the City of Darwin to see if there is an opportunity to enter into a partnership arrangement regarding the leasing of Lot 6597. This lot also contains the historically significant 'Travellers walk' which importantly should be retained as part of Darwin's history. It may be beneficial to undertake a sub division to give this proper effect, but it seems clear that such an arrangement would enhance the utility of Lot 6597 and the overall appeal of Lot 5260.

Recommendation 3

I recommend that consideration be given to a partnership arrangement with the City of Darwin, with a view to including in the formal expression of interest process (as per Recommendation 2), part of Lot 6597 (approximately 317 square meters) which would enhance community access and overall utility of the site.

Recommendation 4

I recommend that the 'Travellers Walk', part of Lot 6597, be retained as a separate and important part of Darwin's history.

Bibliography

1. [Administrator, The Honourable S. Thomas AC. "Inquiries Act Appointment of Commissioner." p 2: The Northern Territory of Australia, 2013.](#)
2. [Applegate, Rodney. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(21 February 2014\).](#)
3. [Australian Valuation Office. "Documents provided by Mark Harris." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)
4. [Banks, John. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(14 February 2014\).](#)
5. [Barnes, Gary. "Letter to John Lawler regarding Cabinet Handbook." Information for Inquiry into Stella Maris \(31 March 2014\).](#)
6. [Buck, Adrian. "File Note". \(3 August 2012\).](#)
7. [Burns, Christopher. "Opening statement." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)
8. [Burns, Christopher. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(19 March 2014\).](#)
9. [Clifford, Leah. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(14 February 2014\).](#)
10. [Clifford, Leah. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(17 February 2014\).](#)
11. [Clinch, Margaret. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(12 February 2014\).](#)
12. [Close, Elizabeth. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(14 February 2014\).](#)
13. [Coleman, John. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(19 February 2014\).](#)
14. [Collard, Angela. "Stella Maris Inquiry hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(20 February 2014\).](#)
15. [Cook, Michael. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(11 March 2014\).](#)
16. [Darwin Port Corporation. "Building proposals and meeting minutes." Information for Inquiry into Stella Maris Folder 1, no. 2 \(2014\): 1–7.](#)
17. [Darwin Port Corporation. "Correspondence documents." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\): 1–20.](#)
18. [Darwin Port Corporation. "Miscellaneous." Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\): 1–50.](#)
19. [Department of Corporate and Information Services. "DCIS documents." Information for Inquiry into Stella Maris Folder 1, no. 2 \(2014\): 1–5.](#)
20. [Department of Corporate and Information Services. "Ministerial briefing on granting of Crown lease to Unions NT." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\): 1–16.](#)
21. [Department of Lands Planning and the Environment. "Analysis and capital ongoing running letter." Information for Inquiry into Stella Maris Folder 8, no. 1 \(2014\).](#)

22. [Department of Lands Planning and the Environment. "Apostleship of the Sea Lease documents." Information for Inquiry into Stella Maris Folder 5, no. 1 \(2014\): 1–176.](#)
23. [Department of Lands Planning and the Environment. "Cabinet documents relating to Stella Maris submission draft." Information for Inquiry into Stella Maris Folder 1, no. 4 \(2014\).](#)
24. [Department of Lands Planning and the Environment. "Chronology of lease." Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\): 1–329.](#)
25. [Department of Lands Planning and the Environment. "Community land grant business process." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\): 1.](#)
26. [Department of Lands Planning and the Environment. "Community land grant policy, application and brochure." Information for Inquiry into Stella Maris Folder 7, no. 1 \(2014\): 1–9.](#)
27. [Department of Lands Planning and the Environment. "Draft Cabinet Submission April 2009." Information for Inquiry into Stella Maris Folder 1, no. 5 \(2014\).](#)
28. [Department of Lands Planning and the Environment. "Letter from John Coleman to John Lawler." Information for Inquiry into Stella Maris Folder 9, no. 1 \(24 March 2014\): 10.](#)
29. [Department of Lands Planning and the Environment. "List of DLPE officers involved in Stella Maris lease offer." Information for Inquiry into Stella Maris Folder 1, no. 2 \(2014\): 1.](#)
30. [Department of Lands Planning and the Environment. "Miscellaneous documents." Information for Inquiry into Stella Maris Folder 3, no. 1 \(2014\): 1–134.](#)
31. [Department of Lands Planning and the Environment. "Miscellaneous documents 2." Information for Inquiry into Stella Maris Folder 4, no. 1 \(2014\): 1–265.](#)
32. [Department of Lands Planning and the Environment. "Organisational charts." Information for Inquiry into Stella Maris Folder 6, no. 1 \(2014\): 1–12.](#)
33. [Department of Lands Planning and the Environment. "Sales and land grants." Information for Inquiry into Stella Maris Folder 2, no. 1 \(2014\): 1–368.](#)
34. [Department of Lands Planning and the Environment. "Timeline and actions." Information for Inquiry into Stella Maris Folder 10, no. 1 \(2014\).](#)
35. [Department of Natural Resources, Environment, Arts and Sport. "Heritage report on Stella Maris Hostel, Darwin: Background Historical Information." Heritage Branch Northern Territory Department of Natural Resources, Environment, the Arts and Sport, Darwin \(2009\).](#)
36. [Department of the Chief Minister. "Cabinet Decision 211 and Cabinet Submission 147." Information for Inquiry into Stella Maris Folder 1, no. 4 \(2014\).](#)
37. [Department of the Chief Minister. "Cabinet documents." Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\): 1–75.](#)
38. [Department of the Chief Minister. "Cabinet Handbooks March/November." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\): 1–70.](#)
39. [Department of the Chief Minister. "Miscellaneous Cabinet documents." Information for Inquiry into Stella Maris Folder 1 no. 2 \(2014\): 1–51.](#)

40. [Documents from Tabling Office. "Letter from Chandler to Vaughn." Information for Inquiry into Stella Maris Folder 1, no. 2 \(2014\).](#)
41. [Documents from Tabling Office. "Letter from Coleman to Paton." Information for Inquiry into Stella Maris Folder 1, no. 3 \(2014\).](#)
42. [Documents from Tabling Office. "Letter from Minister Gerald McCarthy to the Chief Minister." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)
43. [Evans, Jack. "Documents on the Stella Maris story." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\): 1–19.](#)
44. [Fern, Leslie. "Submission in relation to the Inquiry."
http://www.stellamarisinquiry.nt.gov.au/leslie_fern.html.](#)
45. [Fraser, Ian. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(17 March 2014\).](#)
46. [Fyfe, Father Malcolm P. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(17 March 2014\).](#)
47. [Gardiner, Matthew. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(11 March 2014\).](#)
48. [Gardiner, Matthew. "Submission in relation to the Inquiry."
http://www.stellamarisinquiry.nt.gov.au/matthew_gardiner.html.](#)
49. [Gardiner, Matthew. "Supplementary Submission in relation to the Inquiry."
http://www.stellamarisinquiry.nt.gov.au/documents/subs/supplementary_statement_matthew_gardiner.pdf.](#)
50. [Halfpenny's Lawyers. "Submission in relation to the Inquiry."
http://www.stellamarisinquiry.nt.gov.au/Halfpennys%20submission.pdf.](#)
51. [Hancock, Richard "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(11 March 2014\).](#)
52. [Harris, Mark. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(21 February 2014\).](#)
53. [Hart, Teresa. "Letter to Greg Lade regarding the employment history of Alan Paton." \(6 March 2014\).](#)
54. [Henderson, Paul. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(17 March 2014\).](#)
55. [Horman, Trevor. "Stella Maris Inquiry Hearing." Information for Inquiry into Stella Maris Folder 1, no. 1 \(12 February 2014\).](#)
56. [Horman, Trevor. "tabled documents." Information for Inquiry into Stella Maris Folder 1, no. 1 \(2014\).](#)
57. [Hosking, Christopher. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(20 February 2014\).](#)
58. [Joseph, Keith. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(20 February 2014\).](#)
59. [Knight, Robert. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(11 March 2014\).](#)
60. [Lampe, Adam. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 \(11 March 2014\).](#)

61. Lawler, Commissioner John. "Letter to Garry Barnes." (16 January 2014).
62. Lawler, Commissioner John. "Letter to Kathleen Robinson Department of Corporate and Information Services." (28 January 2014).
63. Lawler, Commissioner John. "Opening statement to the Public Hearing." (12 February 2014).
64. Lawler, Commissioner John. "Stella Maris Inquiry - Call for Public Submissions Media Release." Media Releases (31 January 2014).
65. Lawler, Terrance. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (26 February 2014).
66. Lawrie, Delia. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (13 March 2014).
67. Lawrie, Delia. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (14 March 2014).
68. Lawrie, Delia and McCarthy, Gerald. "Submission in relation to the Inquiry." <http://www.stellamarisinquiry.nt.gov.au/documents/subs/Submission%20by%20Ms%20Lawrie%20and%20Mr%20McCarthy%2010.03.2014.pdf>.
69. Leonneker, Wolf. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (19 February).
70. Leonneker, Wolf. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 March 2014).
71. Lourensz, Garry. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/garry_lourensz.html.
72. Maher, Paul. "Advice on Crown Lands Act." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).
73. Martin, Claire. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 March 2014).
74. McCarthy, Gerald. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (13 March 2014).
75. McCarthy, Gerald. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (1 April 2014).
76. McCarthy, Malarndirri. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (17 March 2014).
77. McIver, Bradley. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (20 February 2014).
78. Money, David. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (19 February 2014).
79. Independent Commission Against Corruption Act 1988. 27th February 2014.
80. Nicholson, Julianne. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (21 February 2014).
81. Crown Lands Act (NT). 28 August 2013.
82. Northern Territory Government. "Government Gazette Notice 2008." Information for Inquiry into Stella Maris Folder 1, no. 1 (2008).

83. Northern Territory Government. "Government Gazette Notice 2012." Information for Inquiry into Stella Maris Folder 1, no. 2 (16 September 2012).
84. Northern Territory Government. "Government Transparency, Accountability and Fairness." Information for Inquiry into Stella Maris (22nd October 2008).
85. Heritage Conservation Act (NT). 1 July 2008.
86. Inquiries Act (NT) 16 March 2011.
87. Legislative Assembly (Disclosure of Interests) Act (NT)2008. 12 August 2009.
88. Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act (NT) 2008. 9th October 2009.
89. Legislative Assembly (Powers and Privileges) Act (NT) 2011. 21 September 2011.
90. Oaths, Affidavits and Declarations Act. (NT) 1 August 2012.
91. Public Interests Disclosure Act 2013. 1 January 2013.
92. O'Riordian, Maurice. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (21 February 2014).
93. Paton, Alan. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (18 March 2014).
94. Planning Action Network Inc. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/planning_action_network_submission.pdf.
95. Queensland Government. "Integrity Act 2009." (13 November 2013 2009).
96. Richardson, Edward. "Documents provided by Edward Richardson." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).
97. Richardson, Edward. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 February 2014).
98. Rickard, Diana. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/diana_rickard.html.
99. Ritchie, David. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (19 February 2014).
100. Robertson, Jamey. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/jamey_robertson.html.
101. Robinson, Kathleen. "Letter to Commissioner John Lawler in Response to Request for Information." (31 January 2014).
102. Ryan, Jodie. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder1, no. 1 (21 February 2014).
103. Scarborough, Brian. "Documents provided by Brian Scarborough." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).
104. Shepherd, Peter. "Documents provided by Peter Shepherd." In Information for Inquiry into Stella Maris, 2014.
105. Shepherd, Peter. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (19 February 2014).
106. Shepherd, Peter. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (28 February 2014).

107. Smith, Mark. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 March 2014).
108. Stanger, Jacqueline. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (20 February 2014).
109. Stella Maris Inquiry. "File Note: Meeting with Auditor-General Frank McGuiness." Information for Inquiry into Stella Maris (10 April 2014).
110. Stella Maris Inquiry. "Telstra phone records and Summons to produce documents." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).
111. Summers, Dean. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/dean_summers.html.
112. Tan, Anne. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (21 February 2014).
113. Unions NT. "Documents returned by Matthew Gardiner." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014): 1-282.
114. Unions NT. "Draft Strategic Plan 2012/13." Information for Inquiry into Stella Maris Folder 1, no. 4 (2012/2013): 1-13.
115. Unions NT. "meeting minutes and records." Information for Inquiry into Stella Maris Folder 1, no. 3 (2014): 1-149.
116. Unions NT. "Territory Business Growth subsequent application form and relevant documents." Information for Inquiry into Stella Maris Folder 1, no. 2 (2014): 1-41.
117. Vatskalis, Konstantine. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 March 2014).
118. Vatskalis, Konstantine. "Travel documents and conference flyer." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014): 1-2.
119. Victorian Government. "Independent Broad-based Anti-corruption Commission Act 2011." (2011).
120. Watson, Lucinda. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/lucinda_watson.html.
121. Wells, Michael. "Documents provided by Michael Wells." Information for Inquiry into Stella Maris Folder 1, no. 1 (2014).
122. Wells, Michael. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (12 February).
123. Wells, Michael. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (20 February 2014).
124. Wesley-Smith, Robert. "Submission in relation to the Inquiry." http://www.stellamarisinquiry.nt.gov.au/rob_wesley-smith.html.
125. Zoellner, Donald. "Stella Maris Inquiry Hearing." Interview by Commissioner John Lawler AM APM Folder 1, no. 1 (28 February 2014).

Appendix A: Acronyms and references

ALP	Australian Labor Party
AOS	Apostleship of the Sea
AVO	Australian Valuation Office
BSC	Budget Sub-Committee
CEO	Chief Executive Officer
CBD	Central Business District
CLP	Country Liberal Party
DCC	Darwin City Council
DCM	Department of the Chief Minister
DCIS	Department of Corporate and Information Services
DHLGRS	Department of Housing, Local Government and Regional Services
DLP	Department of Lands and Planning (former agency name from 2009 to 2012)
DLPE	Department of Lands, Planning and the Environment (agency name from 04/09/2012 to current)
DOJ	Department of Justice
DPI	Department of Planning and Infrastructure (agency name from 2005 to 2009)
ICAC	Independent Commission Against Corruption
ITF	International Transport Workers Federation
NRETAS	Department of Natural Resources, Environment, the Arts and Sport
NT	Northern Territory
NTG	Northern Territory Government
NTPS	Northern Territory Public Sector
PLAN	Planning Action Network
TRIM	Total Records and Information Management System

Additional references

Relevant ministries:

- Sixth Martin Ministry (11 July 2005 to 31 August 2006)
Christopher Burns, Minister for Planning and Lands
- Seventh Martin Ministry (1 September 2006 to 6 August 2007)
Delia Lawrie, Minister for Planning and Lands
- Eighth Martin Ministry (7 August 2007 to 25 November 2007)
Delia Lawrie, Minister for Planning and Lands
- First Henderson Ministry (26 November 2007 to 29 November 2007)
Delia Lawrie, Minister for Planning and Lands
- Second Henderson Ministry (30 November 2007 to 14 February 2008)
Delia Lawrie, Minister for Planning and Lands
- Third Henderson Ministry (15 February 2008 to 30 June 2008)
Delia Lawrie, Minister for Planning and Lands
- Fourth Henderson Ministry (1 July 2008 to 17 August 2008)
Delia Lawrie, Minister for Planning and Lands
- Fifth Henderson Ministry (18 August 2008 to 3 February 2009)
Delia Lawrie, Minister for Planning and Lands
- Sixth Henderson Ministry (4 February 2009 to 8 February 2009)
Delia Lawrie, Minister for Planning and Lands
- Seventh Henderson Ministry (9 February 2009 to 5 August 2009)
Delia Lawrie, Minister for Planning and Lands
- Eighth Henderson Ministry (6 August 2009 to 3 December 2009)
Delia Lawrie, Minister for Planning and Lands
- Ninth Henderson Ministry (4 December 2009 to 8 February 2010)
Gerald McCarthy, Minister for Lands and Planning
- Tenth Henderson Ministry (9 February 2010 to 27 October 2011)
Gerald McCarthy, Minister for Lands and Planning
- Eleventh Henderson Ministry (28 October 2011 to 28 August 2012)
Gerald McCarthy, Minister for Lands and Planning

Note: After the General Election on 25 August 2012 there was a change of government.

Finding audio recording:

We use references to a 'time point' extensively in the footnotes of this report. When reading the report online, click on the footnote to link to the relevant audio recording. This will take you to the specific 'time point' within the recording. To listen to the complete audio recording, click on the relevant link in the bibliography.

Finding a document:

The footnotes in the online version of this report are hyperlinked to PDF versions of the documents. You can access the PDFs by clicking on the footnote or bibliography reference. You can then find the relevant page number within the document. Note that the page numbers in the footnotes refer to the actual page numbers of the PDFs (rather than the page numbering that may be printed on the original documents).

Appendix B: Public submissions

DATE RECEIVED	SUBMISSION
11 February 2014	Mr Rob Wesley-Smith
13 February 2014	Ms Diana Rickard
14 February 2014	Mr Matthew Gardiner
14 February 2014	Mr Leslie Fern
14 February 2014	Mr Garry Lourensz
14 February 2014	Mr Dean Summers
14 February 2014	Halfpennys Lawyers on behalf of Ms Delia Lawrie and Mr Gerald McCarthy
17 February 2014	Ms Lucinda Watson
17 February 2014	Ms Margaret Clinch, Planning Action Network
18 February 2014	Mr Matthew Gardiner (supplementary submission)
24 February 2014	Mr Jamey Robertson
10 March 2014	Ms Delia Lawrie and Mr Gerald McCarthy

Appendix C: Witness list

DATE APPEARED	WITNESS
<p>Wednesday 12 February 2014</p>	<p>Mr Trevor Horman, Friends of the North Australia Railway and the National Trust</p> <p>Mr Michael Wells, Department of Natural Resources, Environment, the Arts and Sports, Heritage Branch</p> <p>Mr Ted Richardson, Apostleship of the Sea</p> <p>Mr Mark Smith, Music NT</p> <p>Ms Margaret Clinch, Planning Action Network</p>
<p>Friday 14 February 2014</p>	<p>Ms Elizabeth Close, National Trust</p> <p>Mr John Banks, City of Darwin</p> <p>Ms Leah Clifford, Department of Lands, Planning and the Environment</p>
<p>Monday 17 February 2014</p>	<p>Ms Leah Clifford, Department of Lands, Planning and the Environment</p>
<p>Wednesday 19 February 2014</p>	<p>Mr John Coleman, Department of Lands, Planning and the Environment CEO</p> <p>Mr David Ritchie, Former Department of Lands, Planning CEO</p> <p>Mr Peter Shepherd, Owner of Business & Community Development Pty Ltd</p> <p>Mr Wolf Loenneker, Former Ministerial Advisor</p> <p>Mr David Money, Former Ministerial Advisor</p>

DATE APPEARED	WITNESS
<p>Thursday 20 February 2014</p>	<p>Mr Brad McIver, Mission Australia Ms Angela Collard, Tourism NT Mr Michael Wells, Department of Natural Resources, Environment, the Arts and Sport Ms Jackie Stanger, Former Department of Lands and Planning employee. Mr Chris Hosking, Department of Corporate and Information Services The Very Revd. Dr Keith Joseph, Christ Church Cathedral</p>
<p>Friday 21 February 2014</p>	<p>Ms Anne Tan, Department of the Chief Minister Mr Maurice O’Riordan, 24 HR Art Mr Rod Applegate, Department of the Chief Minister Ms Julie Nicholson PSM, Department of the Chief Minister Ms Jodie Ryan, Department of Treasury and Finance Mr Mark Harris, Valuer Australian Valuation Office</p>
<p>Wednesday 26 February 2014</p>	<p>Mr Terry Lawler, Former Unions NT employee.</p>
<p>Friday 28 February 2014</p>	<p>Mr Peter Sheppard, Owner of Business & Community Development Pty Ltd Mr Don Zoellner, Director Group Training NT</p>

DATE APPEARED	WITNESS
<p>Tuesday 11 March 2014</p>	<p>Mr Rob Knight, Former Minister Mr Matthew Gardiner, Former Secretary Unions NT Mr Adam Lampe, Former Secretary Unions NT Mr Michael Cook, Former Ministerial Advisor Mr Richard Hancock, Former Department of Lands and Planning CEO.</p>
<p>Wednesday 12 March 2014</p>	<p>Mr Wolf Loenneker, Former Ministerial Advisor Ms Clare Martin, Former Chief Minister Mr Konstantine Vatskalis, Former Minister</p>
<p>Thursday 13 March 2014</p>	<p>Mr Gerald McCarthy, Former Minister Ms Delia Lawrie, Former Minister</p>
<p>Friday 14 March 2014</p>	<p>Ms Delia Lawrie, Former Minister</p>
<p>Monday 17 March 2014</p>	<p>Mr Paul Henderson, Former Chief Minister Ms Malarndirri McCarthy, Former Minister Mr Ian Fraser, Director, Harold Nelson Holdings Fr. Malcolm Fyfe, Vicar General, Diocese of Darwin</p>

DATE APPEARED	WITNESS
Tuesday 18 March 2014	Mr Alan Paton, Former Secretary Unions NT
Wednesday 19 March 2014	Mr Chris Burns, Former Minister
Friday 21 March 2014	Mr Mark Harris, Valuer, Australian Valuation Office
Tuesday 1 April 2014	Mr Gerald McCarthy, Former Minister

Appendix D: List of documents

Darwin Port Corporation

Darwin Port Corporation documents section 1
Darwin Port Corporation documents section 2
Darwin Port Corporation documents section 3

Department of Corporate Information and Services

Department of Corporate Information Services documents Section 1

Department of Lands, Planning and the Environment

Folder 1 of 5, Chronology of lease offer
Folder 2 of 5
Folder 3 of 5
Folder 4 of 5
Folder 5 of 5
Organisational charts 2007– 2014
Community land grant process 2014
Community land grant business process flow chart
List of Department of Lands, Planning and the Environment staff involved in Stella Maris Project

Department of the Chief Minister

Department of the Chief Minister documents section 1
Department of the Chief Minister documents section 2
Department of the Chief Minister documents section 3

Tourism NT

Tourism documents section 1

Department of Education

Response from Mr Ken Davies and schedule A
Department of Education documents section 1

Tabling Office

Letter from Gerry McCarthy to Hon Adam Giles, 2 December 2013
Letter from Mr Peter Chandler to Hall Payne Lawyers, 22 November 2013
Letter from Mr John Coleman (DLPE) to Unions NT, 26 November 2013

Mr Jack Evans

Letter from Mr Jack Evans to the Inquiry, 26 March 2014
Overview, Opening of Stella Maris Darwin
Overview, St Vincent's involvement with Stella Maris
The Stella's Story 1979 to 1997
The Stella's Story, Timeline from 1967 to 1996
List of Committee Members from 1980 to 1997

Unions NT

Documents submitted by Mr Matthew Gardiner
Strategic Planning Unions 08
Meeting minutes and records
Draft Unions NT Strategic Plan 2012–13

Father Malcolm Fyfe

Documents submitted by Father Fyfe

Dr Chris Burns

Curriculum Vitae
Opening statement provided in testimony, 19 March 2014
Letter from the Inquiry into Stella Maris to Dr Chris Burns, 3 March 2014
Letter from the Solicitor-General to Dr Chris Burns, 6 March 2014
Ministries, Legislative Assembly of the NT
Information, Liberty Square

Mr Gerald McCarthy

Opening statement provided in testimony, 13 March 2014

Mr Michael Wells, Northern Territory Heritage Branch

Ministerial briefings, repair and maintenance program to Northern Territory
Government owned heritage assets
Schedule 1 and 2, Details of Lot 5260 Town of Darwin
Declaration of Heritage Place, Stella Maris Site, 9 December 2005
List of repairs and maintenance works on Old Railway House, 2008 to 2011
List of successful applicants in 2004–05 for the Northern Territory Heritage Grant
Program

City of Darwin

Letter from Ms Margaret Clinch to the Lord Mayor of Darwin, 23 October 2007
Darwin City Council Report, Stella Maris Site Future Use, 6 November 2007
Council Meeting, Item 3 Stella Maris Site Future Use, Decision No. 19\5285,
26 November 2011
Council Meeting, Item 17.1 PLAN seeking support from Council for Stella Maris Site
for community purposes, Decision no. 19\5390, 11 December 2007
Email Chain Ms Anne Burton and Ms Sharon Hinton relating to the Stella Maris Lease
and Travellers Walk, 8 January 2008
Letter from Ms Margaret Clinch to Lord Mayor of Darwin, 19 April 2008
Darwin City Council Report, Stella Maris Future Use, 2 May 2008
Letter from Darwin City Council to Margaret Clinch, Stella Maris future use, 26 June
2008

Trevor Horman, Friends of the Railway

Submission to the Stella Maris Inquiry from Mr Trevor Horman, 12 February 2014
Application form 2005/06 NT Heritage Grant Program, Works on the North Australian
Railway historic house at Stella Maris
Application Form 2006/07 NT Heritage Grant Program, Restoration works on the
North Australian Railway historic house at Stella Maris

Appendix E: Chronology

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
1930–39 2014/98-3~7	Stella Maris Hostel, Darwin, background historical information	Australian National railways (the Commonwealth) construct the house. The house was used as an employee house for certain rail employees and their families.	Mr Michael Wells, Heritage Branch Mr Trevor Horman, Friends of the North Australia Railway and National Trust
2014/69-5~1	Stella Maris Hostel, Conservation Management Plan 2006		Mr Adrian Welke, Troppo Architects Mr Michael Wells, Heritage Branch
1970s 2014/98-3~7	Stella Maris Hostel, Darwin, background historical information	During the late 1970s the Australian National Railways Commission handed the Stella Maris site over to the Darwin City Council to negotiate a lease for the Roman Catholic Stella Maris organisation, the Apostleship of the Sea.	Mr Michael Wells, Heritage Branch Mr Trevor Horman, Friends of the North Australia Railway & National Trust
2014/69-5~1	Stella Maris Hostel, Conservation Management Plan 2006		Mr Michael Wells, Heritage Branch
1979 2014/69-5~1	Stella Maris Hostel, Conservation Management Plan 2006	The building was leased to the Stella Maris organisation in 1979 for use as a licensed club.	Mr Trevor Horman, Friends of the North Australia Railway & National Trust

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
1990s	n/a	<p>In 1990, a Crown lease term was first issued over the site to Stella Maris, the Apostleship of the Sea.</p> <p>In 1991, a new Stella Maris bar building was completed, and the old railway residence was used as an annexe.</p> <p>In 1996, the former lease was exchanged for a new perpetual Crown lease that was issued to the Stella Maris, the Apostleship of the Sea.</p> <p>Ref: Chief Minister Adam Giles' speech in Parliament, Hansard transcript, 5 December 2013, page 21.</p>	
Early 1990s 2014/73-2-24	Email: Mr Ted Richardson, former National Director of the Apostleship of the Sea, dated 31 January 2014	Email states Stella Maris closed and then reopened after three months, previous management was not operating within guidelines.	Mr Ted Richardson, Apostleship of the Sea
27 September 2003 2014/73-2-24	Email: Mr Ted Richardson former National Director of the Apostleship of the Sea in email of 31 January 2014	Stella Maris site closed permanently as a facility for Seafarers.	Mr Ted Richardson, Apostleship of the Sea

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
2 December 2003 2014/69-7-1	Heritage Advisory Council 2003-04 Annual Report	On 2 December 2003, the then Minister for Environment and Heritage wrote to the Heritage Advisory Committee asking for an assessment of the Stella Maris Hostel as a potential heritage building.	Heritage Advisory Council Mr Michael Wells, Heritage Branch
May 2004 2014/69-7-1	Stella Maris Hostel, Darwin Heritage Assessment Report, Compiled by Heritage Conservation Services	Report provides an assessment of the cultural significance of the Stella Maris Hostel to consider whether the site should be registered as a heritage place under the Heritage Conservation Act.	Heritage Conservation Services
2004-05 2014/69-7-2	Heritage Advisory Council 2004-05 Annual Report	The Apostleship of the Sea received a \$12 500 grant under the Northern Territory Heritage Grant Program for 'preparation of a conservation and management plan for old railway house (Stella Maris)'.	Heritage Advisory Council Mr Michael Wells, Heritage Branch
21 December 2005 2014/69-3-6	Gazette notice	Gazette notice from the then Minister for Natural Resources, Environment and Heritage (Marion Scrymgour) declaring the Stella Maris Site as a Heritage Place. Relevant legislation: Heritage Conservation Act (now Heritage Act).	

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
20 October 2006 2014/69-8-1	Australia Labor Party (ALP) Annual Return 2005-06	ALP Annual Return lodged with the Northern Territory Electoral Commission. Return includes receipt of \$33 000 from Group Training NT to Harold Nelson Holdings for rent at 38 Wood Street, Darwin, Northern Territory.	Mr Ian Fraser, Harold Nelson Holdings
2006 2014/69-5-1	Stella Maris Conservation Management Plan	The Stella Maris Conservation Management Plan was prepared under a grant from the Heritage Conservation Services for the Apostleship of the Seas (Darwin) Inc. Report prepared by Mr Adrian Welke (Troppo Architects) with assistance from Ms Lena Yali. Provides background on the history of the building.	Mr Adrian Welke, Troppo Architects
2006-2007 2014/69-7-4	Heritage Advisory Council 2006-07 Annual Report	The Apostleship of the Sea received \$13 700 under the Northern Territory Heritage Grants Program for 'restoration works on pre-war NAR house at Stella Maris Hostel, Darwin'.	Heritage Advisory Council

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
22 February 2007 2014/98-3~15	Letter: Fr Malcolm Fyfe to Mr Brian Davey and Mr Greg Lambert dated 22.02.2007	Committee meeting of the Apostleship of the Sea (Darwin) Inc.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea Mr Brian Davie, Department of Infrastructure, Planning and Environment Mr Greg Lambert, Department of Infrastructure, Planning and Environment
22 February 2007 2014/98-3~15	Letter: Fr Malcolm Fyfe to Mr Brian Davey and Mr Greg Lambert dated 22.02.2007	References initial meeting with Mr Brain Davey and Mr Greg Lambert from Department of Planning etc.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea Mr Brian Davie, Department of Infrastructure, Planning and Environment Mr Greg Lambert, Department of Infrastructure, Planning and Environment
22 February 2007 2014/98-3~15	Letter: Fr Malcolm Fyfe to Mr Brian Davey and Mr Greg Lambert dated 22.02.2007	Letter seeks further information and valuation.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea Mr Brian Davie, Department of Infrastructure, Planning and Environment Mr Greg Lambert, Department of Infrastructure, Planning and Environment

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
2007 2014/98-3~23 (9)	Surrender of whole of Crown lease 27.09.2007	The Apostleship of the Sea surrendered the Crown lease over the Stella Maris site to the government in 2007. The government paid the Catholic organisation \$630 000 in compensation for improvement works that had been carried out on the property. Ref: Chief Minister Adam Giles' speech in Parliament, Hansard transcript, 5 December 2013, page 21.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea
7 August 2007 2014/98-3~23 (03) Page 14-22	Memorandum: Acting Executive Director Lands and Planning to Minister, Ministerial Reference 072140	No 3 DLPE documents. Recommending compensation of \$630 000 and letter to Fr Malcolm Fyfe.	Mr Vic Stephens, Acting Director Land Administration Ms Delia Lawrie, Minister for Planning and Lands
16 August 2007 2014/98-3~23 (03) Page 14-22	Minister Planning and Lands Notes the memo 072140 and signs letter to Fr Malcolm Fyfe.	Memorandum regarding the terms to surrender the lease and an offer for compensation of \$630 000 to Apostleship of the Sea.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea Ms Delia Lawrie, Minister for Planning and Lands

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
30 August 2007 2014/98-3~23 (02) Page 6-13	Letter: Mr Steven Eland on behalf of 24HR Art, Centre for Contemporary Art, to the government	No 2 DLPE documents. 24HR Art, Centre for Contemporary Art writes to Government about the future use of the Stella Maris site. Ref: Attorney-General John Elferink speaking in Parliament, 5 December 2013, Hansard transcript, page 39.	Mr Steve Eland, Director, 24HR Art Ms Claire Martin, Chief Minister
3 September 2007 2014/98-3~23 (03) Page 14-22	Letter: the Minister Planning and Lands to Chief Minister Martin Ref: 072140-DLP	No 3 DLPE documents. Regarding the surrender of the Crown Lease. Notes interest from 24HR art Board.	Ms Delia Lawrie, Minister for Planning and Lands Ms Claire Martin, Chief Minister
5 September 2007 2014/98-3~23(2) Page 6-3	Ministerial correspondence, Brief and Reply Ref: 072481DPL	Mr Steve Eland expressing interest in using Stella Maris as a short-term accommodation, 24HR Art.	Mr Steve Eland, Director, 24HR Art
20 September 2007 2014/98-3~23(2) Page 6-13	Memo: Acting Executive Director/ED lands and planning to Minister for Planning and Lands	24HR expressing interest in using Stella Maris.	Mr Jim O'Neill, Acting Executive Director Lands and Planning Ms Delia Lawrie, Minister for Planning and Lands
21 September 2007 2014/98-3~23 (3) Page 14-22	Acting Chief Minister Stirling notes CMM073406	Mr Sid Stirling requests this be brought to the attention of the Chief Minister upon return.	Mr Sid Stirling, Acting Chief Minister Ms Delia Lawrie, Minister for Planning and Lands

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
23 September 2007 2014/98-3~23(04) Page 23 -30 2014/98-3~14	Letter: Ms Margaret Clinch (PLAN) to Ms Delia Lawrie Ref: 072766-DPL	No 4 DLPE documents. Planning Action Network (PLAN) expresses views and interest in Stella Maris.	Ms Margaret Clinch, Convenor, PLAN Ms Delia Lawrie, Minister for Planning and Infrastructure
27 September 2007 2014/98-3~23(9) Page 50 – 53 2014/98-3~17	Surrender of whole of Crown lease, Stella Maris	Common seal for the Apostleship of the Sea was affixed.	Fr Malcolm Fyfe, Public Officer, Apostleship of the Sea
1 October 2007 2014/98-24~1	ABC radio interview	Discusses options government will consider over site, small community groups.	Ms Delia Lawrie, Minister for Planning and Infrastructure Ms Julia Christensen, Reporter, ABC
2 October 2007 2014/98-3~23(05) Page 31–33	Instructions: Chief Minister to Minister for Planning and Lands	No 5 DLPE documents. Chief Minister Claire Martin instructs Minister Lawrie to prepare a 'note for cabinet please on all the issues to with future of Stella Maris.'	Ms Claire Martin, Chief Minister Ms Delia Lawrie, Minister for Planning and Lands
4 October 2007 2014/98-3~23(04) Page 23–30	Letter: PLAN received by Minister Lawrie	PLAN wants Stella Maris to remain as Crown land, open space, community use.	Ms Margaret Clinch, Convenor, PLAN Ms Delia Lawrie, Minister for Planning and Infrastructure
8 October 2007 2014/98-3~23(02) Page 6–13	Letter: Ms Delia Lawrie to Mr Steve Eland	Minister Lawrie notes 24HR Art's interest. Site has not been handed back.	Ms Delia Lawrie, Minister Planning and Lands Mr Steve Eland, Director, 24HR Art

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
11 October 2007 2014/98-3~23(06) Page 34 2014/98-3~13	PLAN, Notice of Public Meeting on site, Stella Maris	No 6 DLPE documents.	Ms Margaret Clinch, Convenor, PLAN
19 October 2007 2014/98-3~23(04) Page 23~30 2014/98-3~14	Letter: Ms Nicky D'Antoine to Ms Margaret Clinch, PLAN	No 4 DLPE documents. Minister Lawrie's reply to Ms Margaret Clinch's letter dated 23 September 2007.	Ms Nicky D'Antoine Acting Director Land Administration Ms Margaret Clinch Convenor, PLAN
23 October 2007 2014/98-3~23(07) Page 35~40 2014/98-3~18	Email and attached letter composed on 19.10.2007 sent from the National Trust, Ms Elizabeth Close to Minister Lawrie	No 7 DLPE documents. National trust has an interest in the property and its potential management.	Ms Elizabeth Close, Director, National Trust Ms Delia Lawrie, Minister Planning and Lands
1 November 2007 2014/98-3~23(9) Page 50~53	Surrender of whole Crown lease, Lot 5260 Town of Darwin	Surrender of lease in perpetuity by the Apostleship of the Sea (Darwin) Inc.	Fr Malcolm Fyfe, Public officer, Apostleship of the Sea
8 November 2007 2014/98-3~23(08) Page 41~49	Memo: on behalf of Mr Rod Applegate for Ms Delia Lawrie to Cabinet Colleagues, 072761DPL (Attachment A)	Cabinet options.	Mr Rod Applegate, Acting Chief Executive Officer Ms Delia Lawrie, Minister Planning and Lands
10 December 2007 2014/98-3~23(08) Page 41~49	Cabinet memorandum CSD 07080 from Acting Chief Executive Officer DLPE to Minister Lawrie with (Attachment A) Memo 072761DPL	No 8 DLPE documents. Not endorsed by Minister Lawrie, DPI to create working party with Heritage & Tourism to scope options and provide advice around the use of Stella Maris.	Mr Rod Applegate, Acting Chief Executive Officer Ms Delia Lawrie, Minister Planning and Lands

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
19 October 2007 2014/69-8~2	ALP Annual Return 2006–07 lodged with the NT Electoral Commission	Return includes receipt of \$30, 820 from Group Training NT to Harold Nelson Holdings for rent at 38 Wood Street, Darwin, Northern Territory.	Mr Ian Fraser, Harold Nelson Holdings
8 November 2007 2014/98-3~23(8) Page 41-49	Memorandum: Acting Chief Executive Officer, Planning and Lands to Minister	Recommends endorsement of attached Memo to Cabinet signed by Minister Lawrie 10/12/07.	Mr Rod Applegate, Acting Chief Executive Officer Ms Delia Lawrie, Minister for Planning and Lands
12 December 2007 2014/69-3~3	Gazette notice	\$13 488 contract awarded to Mugavin Contracting for 'construction of Stella Maris storm water drain' page 19, reference SD5152/08 T07-1990.	
2008 2014/69-9~1	National Trust website, 2008	Our Heritage at Risk, Northern territory 2008, Stella Maris site.	Ms Elizabeth Close, Director, National Trust
December 2007 to January 2008 2014/98-3~23(10) Page 54–56	Northern Territory Government, Stella Maris Working Party	Working party comprising staff from DPI; Heritage & Arts; and Tourism staff. Working party to scope options for the future of the Stella Maris site and provide advice back to Cabinet by mid-2008.	Ms Janette Steele(DPI) Ms Sharon Hinton (DPI) Mr Stephen Ashford Mr Michael Wells, Heritage Branch Mr Richard Austin and Ms Claire George, Tourism NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
8 January 2008 2014/98-3~23(11) Page 57–59 2014/98-3~20	Email: Ms Anne Burton to Ms Sharon Hinton	Darwin City Council (DCC) lease part of the Travellers Walk, Lots 6597 to Apostleship of the Sea. DCC to cancel lease of Lot 6597 due to Lot 5260 being handed back to government.	Ms Anne Burton, Property Officer, Darwin City Council Ms Sharon Hinton
10 January 2008 2014/98-3~23(12) Page 60	Letter: Ms Lyn Allen to Ms Nicky D’Antoine	No 12 DLPE documents. Approval of all work listed in Section 7 of the Stella Maris Conservation Management Plan.	Ms Lyn Allen, Executive Director, Environment, Heritage and the Arts Nicky D’Antoine, Acting Director Land Admin
28 February 2008 3.16pm 2014/98-3~23(13) Page 61–62	Email: Mr Jason Sydenham expressing commercial interest in the Stella Maris site	No 13 DLPE documents.	Mr Jason Sydenham Ms Helen Gordon Ms Janette Steele, Acting Manager, Crown Land Management
3 March 2008 8.44am 2014/98-3~23(13) Page 61–62	Email chain: Ms Janette Steele to Mr Jason Sydenham	Ms Janette Steele responds to Mr Jason Sydenham expression of interest — Government is still considering options.	Mr Jason Sydenham Ms Janette Steele, Acting Manager, Crown Land Management
7 March 2008 2014/98-3~23(14) Page 63	Email: Minister’s office, Mr Wolf Loenneker to Ms Janette Steel	Mr Wolf Loenneker queries the department of the status of Stella Maris.	Ms Janette Steele, Senior Projects Officer, Land Administration Mr Wolf Loenneker, Ministerial Advisor Ms Delia Lawrie, Minister for Planning and Lands

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
8 March 2008 5.59pm 2014/98-3~23(13) Page 61–62	Email: Ms Janette Steele to Mr Jason Sydenham	Mr Jason Sydenham's request for a short-term lease until a decision has been made around the long-term use of the site is rejected.	Ms Janette Steele, Senior Projects Officer, Lands Administration Ms Jason Sydenham
1 April 2008 4.42pm 2014/98-3~23(15) Page 64	Email chain: Ms Jacinta Stanford to Ms Nicky D'Antoine Cc Mr Wolf Loenneker	National Trust puts forward suggestions for the use of the site.	Mr Jacinta Stanford, Department Liaison Officer, former Department of Natural Resources, Environment, the Arts and Sport (NRETAS) Ms Nicky D'Antoine, Director, Land Administration
1 April 2008 5.02pm 2014/98-3~23(15) Page 64	Email chain: Ms Nicky D'Antoine to Ms Janette Steele, cc Mr Brain Dobie and Ms Jackie Stanger	Stella Maris Cabinet Submission due to Cabinet by June 2008, suggestions from National Trust to be considered in Cabinet options.	Ms Nicky D'Antoine, Director, Land Administration Ms Janette Steele Mr Brian Dobie Ms Jackie Stanger
30 April 2008 2014/69-3~4	Gazette notice	\$35 000 contract awarded to Jatate Pty Ltd for 'Old Stella Maris Hostel – Elevated Residence – removal of asbestos and demolition of all ground floor area of building' page 8, reference SD5329/08 T08-1263.	
8 May 2008 2014/98-3~23(16) Page 65–67	Email: Birds Australia to DLPE	No 16 DLPE documents. Birds Australia expresses interest in Stella Maris site.	Mr Steve Hughes, Birds Australia Ms Sharon Hinton, Senior Project Officer, Crown Land Management

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
13 May 2008 12.13pm 2014/98-3~23 (16) Page 65-67	Email chain: Ms Sharon Hinton to Mr Wolf Loenneker	Sharon forwards Birds Australia's expression of interest to the Lands and Planning Minister's office. The Department is supportive of the application.	Ms Sharon Hinton, Senior Project Officer, Crown Land Management Mr Brian Dobie, Manager, Crown Land Administration Mr Wolf Loenneker, Ministerial Advisor
14 May 2008 7.36am 2014/98-3~23 (16) Page 65-67	Email chain: Mr Wolf Loenneker to Ms Sharon Hinton	Mr Wolf Loenneker not supportive 'Not a good idea. Other groups have expressed interest, so why are we giving preference to Birds Australia. We should wait until Cabinet has considered the future use of the site before giving any group exclusive access'. Mr Wolf Loenneker notes in testimony that it is sometimes hard to get a group out once they are in.	Mr Wolf Loenneker, Ministerial Advisor Ms Sharon Hinton, Senior Project Officer, Crown Land Management
14 May 2008 8.38am 2014/98-3~23 (16) Page 65-67	Email chain: Mr Brian Dobie to Mr Wolf Loenneker	'This is the only formal expression of interest received by us'.	Mr Brian Dobie, Manager, Crown Land Administration Ms Sharon Hinton, Senior Project Officer, Crown Land Management Mr Rod Applegate, CEO Mr Wolf Loenneker, Ministerial Advisor
19 August 2008 2014/98-6~22 Folio 6 of Cabinet documentation	Cabinet Decision 3509	Conflict of interest with respect to Cabinet Business.	Ms Julie Nicholson PSM, Director, Cabinet Office

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
27 August 2008 2014/69-3~1	Gazette notice	\$29 150 contract awarded to International Corrosion Control Pty Ltd for 'Old Stella Maris Hostel – Elevated Residence – removal of asbestos and removal of 1st floor lining and cladding page 6, reference SD5032/09 T08-1561.	
20 October 2008 2014/69-8~3	ALP Political Party & Branch Annual Return 2007–08 lodged with the NT Electoral Commission	Return includes receipt of \$33 000 from Group Training NT to Harold Nelson Holdings for rent at 38 Wood Street, Darwin, Northern Territory.	Mr Ian Fraser, Harold Nelson Holdings Mr Don Zoellner, Top End Group Training
21 October 2008 2014/98-12~1(01; 02 & 03) Pages 1–17	Unions NT Strategic Plan 2008–10, Final		Mr Matthew Gardiner, Unions NT Mr Peter Sheppard, Business & Community Developments Pty Ltd
22 October 2008 2014/69-1~14	Paul Henderson Media Release	Media Release, Government Transparency, Accountability and Fairness, 22 October 2008.	Mr Paul Henderson, Chief Minister
24 November 2008 2014/69-1~10	Delia Lawrie Media Release	Henderson Government delivering major reforms — open, transparent and accountable.	Ms Delia Lawrie, Minister Planning and Lands
8 December 2008 2014/98-12~1(03) Page 20	Unions NT Executive Meeting Minutes	Recommends Subcommittee be formed to explore the Stella Maris proposal further.	Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
3 February 2009 2.15pm 2014/98-3~23(18) Page 70	Email: Ms Jackie Stanger to Mr Mark Meldrum cc Mr Brain Dobie	Draft Cabinet Submission for comment prior to formal circulation.	Ms Jackie Stanger, Acting Assistant Director, Land Administration Mr Mark Meldrum, Director, Strategic Lands Planning Mr Brian Dobie, Crown Lands & Leases Manager, DPI
6 February 2009 2014/98-3~23(17) Page 68–69	Email: Ms Claire George, Tourism NT to Ms Sackie Stanger	No 16 DLPE documents. Comments on Draft Cabinet Submission.	Ms Claire George, Investment and Strategic Policy, Tourism NT Ms Jackie Stanger, Acting Assistant Director Land Administration Services
16 February 2009 2014/98-3~23(19) Page 71	File Note, Cabinet Submission 2009: Future of Stella Maris site	No 19 DLPE documents. Heritage NT supportive but File Note details non-support for bouquet hotel.	Ms Jackie Stanger, Acting Assistant Director Land Administration Services
31 March 2009 2014/98-12~1 (15) Page 51	Letter: Mr Matthew Gardiner to Ms Delia Lawrie	Requesting meeting to discuss proposal to develop Stella Maris Site.	Mr Matthew Gardiner, Secretary, Unions NT Ms Delia Lawrie, Treasurer
6 April 2009 2014/98-3~23 (22)	Ministerial correspondence; letter from Mr Matthew Gardiner and email chain.	Department to provide Minister Lawrie notes for meeting with Unions NT.	Mr Matthew Gardiner, Secretary, Unions NT, Mr Wolf Loenneker, Ministerial Advisor, Ms Lyn Lewis, Secretariat (DPI)
9 April 2009 2014/98-3~23(23) Page 106–109	Covering Memo and attached Meeting Brief, Unions NT	Minister's meeting with Unions NT on 22 April 2009 and notes around Unions NT's proposal.	Ms Sharon Hinton, Acting Manager Crown Land Administration Ms Leah Croke, Executive Director, Lands Services

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
9 April 2009 11.15am 2014/98-12~1(16) Page 52	Email chain: Mr Terry Lawler to Mr Glen Williams, Mr Trevor Gauld, Mr Matthew Gardiner cc Mr Alan Paton, Mr Matthew Gardiner to Mr Terry Lawler and others	Meeting with Ms Delia Lawrie on 22 April 2009 3.00pm in her office, confirm attendance, Mr Matthew Gardiner in Katherine.	Mr Terry Lawler, Industry Development Officer, Unions NT
15 April 2009 2014/98-3~23(23) Page 106 – 109	Meeting brief to Minister Lawrie	No 23 DLPE documents. Meeting confirmed. Advised not to commit and advised that previous applications had been received for the site's use.	Ms Delia Lawrie, Minister Planning and Lands Ms Leah Croke, Executive Director, Lands Services
Late April 2009 2014/98-12~8(16) Page 31	The NT Workers Club, Unions NT documents	Subcommittee meeting guidelines. Draft on this date.	Mr Matthew Gardiner, Secretary, Unions NT Mr Glenn Williams, Maritime Union of Australia Mr Mick Huddy, CFMEU Ms Andrea McDonald, IEU
4 May 2009 2014/98-3~23(20) Page 72 – 74 2014/98-3~10 2014/98-3~11	Letter: Mr Brian Dobie from Ms Margret Clinch	No 20 DLPE documents. Responded to by Ms Jackie Stanger 20 May 2009. Requesting information about Stella Maris and Travellers Walk and maintaining as a community asset.	Ms Margret Clinch, Convener PLAN Mr Brian Dobie, Crown Lands & Leases Manager, DPI
11 May 2009 2.01pm 2014/98-12~1(17) Page 53	Email: Mr Glen Williams to Mr Terry Lawler	NT Workers Club Subcommittee meeting, dot point from meeting discussions.	Mr Glen Williams, Maritime Union of Australia Mr Terry Lawler, Industry Development Office, Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
11 May 2009 2014/98-12~1(18) Page 54	NT Workers Club Subcommittee Meeting minutes	Meeting with Minister Lawrie confirmed for 11:00am 27 May 2009.	Mr Terry Lawler, Industry Development Office, Unions NT
15 May 2009 2014/98-12~1(19) Page 58	Industry Development Office (IDO) Report 46 by Mr Terry Lawler	Meeting with Minister Lawrie 27 May 2009. Mr Peter Sheppard to finalise concept proposal for Council endorsement.	Mr Terry Lawler, Industry Development Office, Unions NT
20 May 2009 2014/98-3~23(20) Page 72 – 74	Letter: Ms Jackie Stanger to Ms Margaret Clinch Ref:DLM2007/0069	Ms Jackie Stanger's replies to Ms Margaret Clinch's letter dated 4 May 2009, provides required documents.	Ms Jackie Stanger, Acting Assistant Director Ms Margaret Clinch, Convener, PLAN
25 May 2009 2014/98-19~2	Unions NT Proposed redevelopment of the Stella Maris Site, incomplete	Prepared by Mr Peter Shepherd and given to Unions NT to complete.	Mr Peter Shepherd, Business & Community Developments Pty Ltd
25 May 2009 2014/98-12~8(15) Page 23	Unions NT proposal for the redevelopment of the Stella Maris site	Unions NT document tabled in Parliament by Chief Minister Adam Giles. Ref: Chief Minister Adam Giles' speech in Parliament, Hansard transcript, 5 December 2013, page 21.	Mr Peter Shepherd, Business & Community Developments Pty Ltd
25 May 2009 2014/98-12~3(06) Page 20	Unions NT Council Meeting Minutes 25 May 2009	Stella Maris sub- committee changed to NT Workers Club sub-committee.	Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
25 May 2009 10.22am 2014/98-12~1(14) Page 49	Email: Mr Peter Shepherd to Mr Terry Lawler	Initial budget complete and some ideas around the staged development of the Stella Maris/NT Workers Club site.	Mr Peter Shepherd, Business & Community Developments Pty Ltd Mr Terry Lawler, Industrial Development Officer, Unions NT
26 May 2009 Key Document 2014/98-3~9 2014/98-19~2 2014/98-12~8(15) 2014/98-3~23(37)	Proposed re-development of the Stella Maris site	Ref: SMD/V1/May 09/ PS. Completed by Mr Peter Shepherd in conjunction with Unions NT Sub Committee.	Mr Peter Shepherd, Business & Community Developments Pty Ltd Unions NT Members
27 May 2009 2014/98-12~3(06) Page 20	Unions NT Council Meeting Minutes 25 May 2009	Reference Meeting with Minister Lawrie scheduled for 27.05.2007.	Unions NT Ms Delia Lawrie, Minister Planning and Lands
31 May 2009 8:24am AEST 2014/98-12~1(08) Page 3	Press Release	ABC News, Roadwork's threaten Darwin's oldest house.	Ms Margaret Clinch, Convener, PLAN
12 June 2009 2014/98-3~23(21) Page 75 – 100	Memo: Acting Executive Director Land Services to Minister for Planning and Lands	Details of the Stella Maris Site and a response letter to PLAN, signed by Minister Lawrie 05.08.2009.	Ms Leah Croke, Acting Executive Director Land Services Ms Delia Lawrie, Minister Planning and Lands
26 June 2009 2014/98-12~1(11) Page 35	Letter: Mr Matthew Gardiner to Lord Mayor Graham Sawyer	Requesting a meeting to discuss Unions NT proposed use for Stella Maris site.	Mr Matthew Gardiner, Secretary, Unions NT Mr Graham Sawyer, Lord Mayor

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
29 June 2009 2014/98-12~3(08) Page 27	Unions NT Council Meeting Minutes 3.30pm 29 June 2009	Verbal update on the meeting with Treasurer given, Northern Territory Government has given support to Unions NT proposal and will make formal recommendations to Cabinet.	Unions NT
29 June 2009 2014/98-3~23(24) Page 110 -111	Email chain: Ms Jackie Stanger and Mr Michael Wells re use of the site, Redraft Cabinet Submission	No 24 DLPE documents. Cabinet Submission returned to reflect Expressions of interest for community use rather than commercial development.	Mr Michael Wells, Director, Heritage Branch Ms Jackie Stanger, Acting Assistant Director, Land Admin Services
28 July 2009 2014/98-12~1(09) Page 32	Quotations and Tenders Online, Quote No. T09-1850	Old Stella Maris Hostel – replace roof, decking, flashings, fascia and Minor repairs to rafters – Inspection on 23.07.2009.	Department of Planning and Infrastructure
27 July 2009 11.51am 2014/98-12~1(12) Page 36 – 37	Email: Mr Terry Lawler to NT Workers Club committee members	Agenda for meeting 31 July 2009 and references the previous Unions NT meeting held on 25 May 2009 which was held to prepare for the meeting with Minister Lawrie to discuss Stella Maris.	Mr Terry Lawler, Industry Development Office, Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
29 July 2009 2014/98-3~23(25) Page 112	File Note: Ms Jackie Stanger addressed to Paul regarding the Stella Maris Cabinet Submission	No 25 DLPE documents. Overview of the current situation of Stella Maris Cabinet Submission.	Ms Jackie Stanger, Acting Assistant Director, Land Admin Services
30 July 2009 2014/98-3~23(26) Page 113	File note: Ms Jackie Stanger re telephone call with Mr Wolf Loenneker	No 26 DLPE documents. Mr Wolf Loenneker advised that the Site would be offered to Unions NT and not as an expression of interest. Tourism and NRETAS would not be consulted. Ms Jackie Stanger notes concerns around not including NRETAS. This was in contradiction of the Chief Minister's earlier direction.	Ms Jackie Stanger, Acting Assistant Director, Land Admin Services
31 July 2009 9.00am 2014/98-12~1(13) Page 37	NT Workers Club Sub Committee Meeting Agenda	Agenda and attached proposed redevelopment of Stella Maris.	Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
5 August 2009 2014/98-3~23(21) Page 75 – 100	Signed memorandum and letter to Ms Margaret Clinch	No. 20 DLPE documents. Ms Delia Lawrie took nearly 2 months to respond. Letter makes comment that its future use will take into account community consideration. Ms Delia Lawrie had already shown support to Unions NT by during this time.	Ms Delia Lawrie, Minister Planning and Lands Ms Leah Croke, Executive Director Land Services Ms Margret Clinch, Convener, PLAN Ms Jackie Stanger, Acting Assistant Director, Land Administration Services
10 August 2009 11.08am 2014/98-12~1 (10) Page 33	Email chain: Mr Terry Lawler to Mr Wolf Loenneker Cc Mr Peter Shepherd & Mr Alan Paton	Mr Terry Lawler on behalf of Sub- committee thanks Mr Wolf Loenneker for meeting with them. Mr Terry Lawler requests details of the boundaries of the site and what stakeholders should be included in the Working Group.	Mr Terry Lawler, Industrial Development Officer, Unions NT Mr Wolf Loenneker, Ministerial Advisor Mr Peter Shepherd, Business & Community Developments Pty Ltd Mr Alan Paton, Unions NT
11 August 2009 8.16am 2014/98-12~1(10) Page 33	Email chain: Mr Wolf Loenneker to Mr Terry Lawler Cc Mr Peter Shepherd & Mr Alan Paton	Wolf provides advice regarding boundaries of the Stella Maris Site and will confirm Working Group information from Minister Lawrie.	Mr Wolf Loenneker, Ministerial Advisor Mr Terry Lawler, Industrial Development Officer, Unions NT Mr Peter Shepherd, Business & Community Developments Pty Ltd Mr Alan Paton, Unions NT Ms Delia Lawrie, Minister Planning and Lands

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
24 August 2009 2014/98-12~1(07) Page 29	Extract, Australian Library Collections, Record ID 44204588	Stella Maris Hostel formerly North Australian Railway Employee House.	Supplied by Mr Matthew Gardiner, Unions NT
24 August 2009 9:00am 2014/98-12~1(06) Page 28	Agenda NT Workers Club sub-committee meeting		Unions NT
24 August 2009 3:30pm 2014/98-12~3(09) Page 31	Unions NT Council Meeting minutes	Item 5 – Committee Report (Stella Maris) Attempting to get site plans and aerial views, email received from Treasurer Lawrie giving support to process tabled.	
1 October 2009 12.15pm 2014/98-3~23(27) Page 114 – 115	Email: Ms Jackie Stanger to Mr Michael Wells regarding Stella Maris site	Caretaker on site will not work, an increase of security patrols until Crimsafe mesh fitted to the building. Mention made of Unions NT occupying the site.	Ms Jackie Stanger, Assistant Director Lands Administration Services Mr Michael Wells, Heritage Branch
1 October 2009 1.23pm 2014/98-3~23(27) Page 114 – 115	Email chain: Mr Michael Wells and Ms Jackie Stanger re Stella Maris site	No. 27 DLPE documents The Heritage Branch would discuss requirements and negotiate an outcome regarding the Heritage aspects of the Site. Mr Michael Wells thought it unlikely that NRETAS would provide a 'clean blue' and that if Unions NT is granted the lease without the opportunity for other organisations to bid; it would be likely there would be controversy.	Ms Jackie Stanger, Assistant Director Lands Administration Services Mr Michael Wells, Heritage Branch

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
2 October 2009 2014/98-3~23(28) Page 116-117	Email: Ms Jackie Stanger and Ms Kirrily Chambers cc Ms Sharon Hinton– Ms Jackie Stanger provides an overview of the history and current situation regarding Stella Maris Cabinet Submission	No. 28 DLPE documents. Stella Maris History including decision to offer lease to Unions NT (Mr Wolf Leonneker). Nothing much seems to happen between now and May 2011.	Ms Jackie Stanger, Assistant Director Lands Administration Services Ms Kirrily Chambers Ms Sharon Hinton
19 October 2009 2014/98-12~5(01)	Unions NT Industry Development Officer report, IDO Report 50	Mr Terry Lawler reports that a thank you letter to Minister Lawrie is attached for Council endorsement. Arranging confirmation of a working group to explore issues related to Unions NT's development proposal.	Ms Terry Lawler, Unions NT Ms Delia Lawrie, Minister Planning and Lands
20 October 2009 2014/69-8~4	Political Party & Branch Annual Return 2008–09 Financial Year	ALP Annual Return lodged with the NT Electoral Commission. Return includes receipt of \$30 000 from Group Training NT to Harold Nelson Holdings for rent at 38 Wood Street, Darwin, NT.	Mr Ian Fraser, Harold Nelson Holdings Mr Don Zoellner, Chairperson, Top End Group Training

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
30 November 2009 2014/98-12~1(05) Page 26	Letter: Mr Matthew Gardiner to Ms Delia Lawrie	Thanking her for meeting with Unions delegation on 27 May 2009 to discuss concept proposal. 'Your support is appreciated and your vision is one we share – the site should be community focused and preserve social, cultural and heritage value.'	Mr Matthew Gardiner, Secretary, Unions NT Ms Delia Lawrie, Minister Planning and Lands
4 December 2009	Portfolio change, Planning and Lands	Planning and Lands Portfolio changed from Minister Lawrie to Minister McCarthy.	Ms Delia Lawrie, Treasurer Mr Gerald McCarthy, Minister Planning and Lands
4 December 2009	Agency name changed from Department of Planning and Infrastructure to Department of Lands and Planning	Department of Lands and Planning (DLP).	
November 2009 2014/98-3~7	Stella Maris Darwin, Background Historical Information	Prepared by the Heritage Branch.	Mr Michael Wells, Heritage Branch
18 February 2010 2014/69-1~9	Media Release: Ms Delia Lawrie	New Whistle blower Commissioner appointed.	Ms Delia Lawrie, Minister Attorney General
March 2010	Unions NT Secretary	Unions NT Secretary changes from Matthew Gardiner to Adam Lampe.	Mr Matthew Gardiner, Unions NT Mr Adam Lampe, Secretary, Unions NT

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
12 May 2010 11.38am 2014/98-12~1(25) Page 68	Email: Mr Terry Lawler to Members of NT Workers Club sub-committee	Change of Chair, Mr Alan Paton contacts Mr Terry Lawler re Donga on site as NTG may remove it, roadwork's also be carried out, may affect our plans.	Mr Terry Lawler, Unions NT NT Workers Club Committee members
26 May 2010 11:00am 2014/98-12~1 (27) Page 71	NT Workers Club Sub Committee Meeting	Mr Alan Paton reports that Cabinet Submission on the future of the Stella Maris will go to Cabinet 8 June, Mr Wolf Loenneker has carriage of the project in Minister McCarthy's office.	Mr Alan Paton, Unions NT
4 June 2010 2014/98-12~8(28) Page 49	Draft Minutes, Workers Club Sub-Committee	Mr Didge McDonald and Mr Alan Paton met with Mr Wolf Loenneker on 28 May. Mr Loenneker advised Cabinet Submission on Stella Maris would be with Cabinet within weeks. At Unions NT request Mr Leonneker will instruct DLP not to demolish accommodation building.	Mr Didge McDonald (Glenn) Mr Alan Paton, Unions NT Mr Wolf Loenneker, Ministerial Advisor

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20 October 2010 2014/69-8-5 Page 6 20 October 2010 2014/69-8-5 Page 6	Political Party & Branch Annual Return 2009-10	ALP Annual Return lodged with the NT Electoral Commission. Return includes receipt of \$27 500 from Group Training NT to Harold Nelson Holdings for rent at 38 Wood Street, Darwin, NT.	Mr Ian Fraser, Harold Nelson Holdings Mr Don Zoellner, Top End Group Training
18 January 2011 2014/98-3-25 Page 43	Email chain: Ms Kerri O'Brien to Ms Olivia Schmidt re a phone call from Mr Brad Mclver	Mission Australia interested in leasing Stella Maris site. Note: Mr Brad Mclver would like to outcomes of Government decision.	Mr Brad Mclver, Community Services Manager, Mission Australia Ms Kerri O'Brien, Project Officer Ms Olivia Schmidt, Acting Assistant Director Land Administration Services
28 March 2011 2014/98-12-7(02) Page 3-6	Unions NT Council Meeting	Stella Maris Committee Report, 'P Morris advised Minister Chris Burns said it had not been brought up yet?'. Stella Maris listed on agenda for next Advisory meeting. Suggested use as a Training/Resource Centre, Mr Adam Lampe to send motion to Executive to approve.	Mr Chris Burns, Minister Mr Adam Lampe, Unions NT
31 May 2011 2014/98-3-23(29) Page 118-120	Meeting brief with Unions NT prepared by the DLPE for Minister for Lands and Planning.	No 29 DLPE documents. Background information on the Site and the draft Cabinet Submission options.	Ms Leah Croke, Executive Director Land Services

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
30 June 2011 2014/69-8-6	Political Party and Branch Annual Return 2009-10	Amendments to the ALP Annual Return 2009-10 lodged with the NT Electoral Commission.	Mr Ian Fraser, Harold Nelson Holdings
17 August 2011 Key Document 2014/98-3-23(30) Page 121-123	Ministerial brief prepared by Mr David Ritchie for the approval to circulate the draft Cabinet Submission Department Ref: CSD110061 References July 2009 meeting with Unions NT. (no record of that) was a possible meeting rescheduled for late April	No. 30 DLPE documents. Approval for Draft Cabinet Submission to be circulated. Revised submission now includes the option of offering the Site directly to Unions NT (requested by the previous Minister). Ministerial Brief signed by Minister G McCarthy.	Mr David Ritchie, Chief Executive Officer Mr Gerald McCarthy, Minister Planning and Lands
18 September 2011 2014/98-3-23(30) Pages 121-123	Minister McCarthy receives the submission CSD 110061 and signs (received stamp)	One month turnaround. Draft Cabinet Submission approved for circulation.	Mr Gerald McCarthy, Minister Planning and Lands
18 October 2011 2014/69-8-7	Political Party Branch Annual Return 2010-11	ALP Annual Return lodged with the NT Electoral Commission.	Mr Ian Fraser, Harold Nelson Holdings
2 December 2011 2014/98-3-23(31) Page 124-127 2014/98-3-19	Email chain: Ms Elizabeth Close and Ms Sharon Jones seeking use of the Stella Maris site for National Trust to utilise as an Art Exhibition.	No. 31 DLPE documents. Interest in utilising the Railway House for an exhibition.	Ms Sharon Jones, Manager Lands Administration Services Ms Elizabeth Close, Director National Trust

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
16 December 2011 2.21pm 2014/98-3~23(31) Page 124-127 2014/98-3~19	Email chain: Ms Elizabeth Close to Ms Sharon Jones	Ms Elizabeth Close provides more information around the Art Exhibition.	Ms Sharon Jones, Manager Lands Administration Services Ms Elizabeth Close, Director National Trust
22 December 2011 2.57pm 2014/98-3~23(31) Page 124-127 2014/98-3~19	Email chain: Ms Sharon Jones to Ms Elizabeth Close	Email advising that the NTG is considering a number of options regarding the future of the site (Stella Maris). Ms Elizabeth Close should apply with a month or two of the Exhibition to be considered.	Ms Sharon Jones, Manager Lands Administration Services Ms Elizabeth Close, Director National Trust
10-11 January 2012 2014/98-3~23(32) Page 128-129	Email chain: Mr Mark Smith, Mr Michael Wells and Ms Sharon Jones	No. 32 DLPE documents. Mr Mark Smith enquires about using Stella Maris for a one off musical event and the option for long term office space.	Mr Mark Smith, Music NT Mr Michael Wells, Director, Heritage Branch Ms Sharon Jones, Manager, Lands Admin Services
1 February 2012 9:39am 2014/98-3~44	Email chain: Mr Wolf Loenneker to Secretariat DLP	Minister's office amended paragraph 12 Cabinet Submission, Stella Maris, CSD110061.	Mr Wolf Loenneker, Ministerial Advisor
6 February 2012 2014/98-3~40	Final Cabinet Submission, CSD120043	Minister Approved Circulation.	Secretariat DLP Mr Gerald McCarthy, Minister Planning and Lands
7 February 2012 2:50pm 2014/98-3~42	Email: Secretariat DLP, Draft Cabinet Submission for comment: Future of the Stella Maris site, Lot 5260	Cabinet Submission, Circulation.	Ms Lyn Lewis on behalf of Secretariat DLP

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15 February 2012 2014/98-6~20 Folio 7	Treasury Yellow	Background Briefing regarding the future of the Stella Maris site.	Ms Delia Lawrie, Treasurer Ms Julie Nicholson, Director, Cabinet Office
16 February 2012 2014/98-3~38	Cabinet Blues	Agency Comments Received.	DCM DOJ NT Treasury DHLGRS NRETAS Tourism NT
February 2012 2014/98-6~9 Ref: R2-3 Page 57~58	Budget sub-committee of Cabinet	Role and procedures, 2012.	Prepared by the Chief Minister Provided to the Inquiry by Ms Julie Nicholson, Director, Cabinet Office
March 2012 2014/98-6~23 Folio 10	Guidance on Caretaker Convention		Ms Julie Nicholson, Director, Cabinet Office
March 2012 2014/98-6~25 Folio 12	Cabinet Handbook March 2012		Ms Julie Nicholson, Director, Cabinet Office
12 March 2012 10:30am 2014/98-3~43	Email chain: Ms Lyn Lewis to Mr Sharon Jones	Department of Justice request of 15 February 2012 for significant change to Cabinet Submission CSD110061~0014 which would result in change to the recommendation and causes delay to progress of Cabinet Submission.	Ms Lyn Lewis, Senior Ministerial Liaison Officer, DLP Ms Sharon Jones, Manager, Land Administration Services, DLP

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23 April 2012 2014/98-3~23(33) Page 130-133	Memo: Ms Sharon Jones to Ms Leah Croke Ref: DDPI2008/0247	Meeting on 27 April 2012 with Department of Justice and Department of Chief Minister to discuss DOJ comments of the Stella Maris Cabinet Submission.	Ms Sharon Jones, Manager, Land Administration Services Ms Leah Croke, Executive Director, Land Services Mr Rodney Applegate, DCM Mr Alistair Shields, DOJ Mr Greg Shanahan, Chief Executive Officer
9 May 2012 2014/98-16~1	Valuation Report	Stella Maris.	Mr Mark Harris, Australia Valuation Office
24 May 2012 2014/98-3~41	Ministerial Briefing, CSD120043	Ministerial requesting approval to lodge Cabinet Submission, 'Future of the Stella Maris Site – Lot 5260.'	Mr David Ritchie, Chief Executive Officer Mr G McCarthy, Minister Planning and Lands
6 July 2012 2014/98-6~14 Folio 1	Stella Maris Cabinet submission	Signed by Minister G McCarthy 6 July 2012.	Mr G McCarthy, Minister Planning and Lands, Ms Delia Lawrie, Treasurer
6 July 2012 2014/98-3~23(34) Page 134-155	Ministerial briefing to Mr G McCarthy seeking approval to lodge the Cabinet Submission for 10 July which is approved.	No 34 DLPE documents. References options supporting expressions of interest.	Mr David Ritchie, Chief Executive, Mr G McCarthy, Minister Planning and Lands
6 July 2012 2014/98-6~19 Folio 6	Memo: Mr G McCarthy to Mr Paul Henderson Ref: 2012/0923-GJR	Seek approval to waive the six day lodgement rule relating to submission to Cabinet to be considered at Cabinet meeting of 10 July 2012.	Mr G McCarthy, Minister Planning and Lands, Mr Paul Henderson, Chief Minister

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6 July 2012 2014/98-3~23(34) Page 134–155	Email: Ms Lyn Lewis to Ms Sharon Jones, Mr Craig Bradley and Ms Leah Croke	No. 34 DLPE documents. A waiver sought from Chief Minister for the Cab sub on Stella Maris to go to Cabinet.	Ms Lyn Lewis, Senior Ministerial Liaison Officer Ms Sharon Jones, Manager Lands Administration Services Mr Craig Bradley Ms Leah Croke, Executive Director, Lands Services
9 July 2012 2014/98-6~9 Ref: R2-4 Page 54–57	Ms Jodie Ryan calendar and notes from BSC Meeting	Diary entries - Pre-Cabinet Meeting and Budget Sub-Committee Meeting schedule on 9 July 2012 and notes from BSC Meeting.	Ms Jodie Ryan, Deputy Under Treasurer
9 July 2012 3.56pm 2014/98-25~1	Email: Mr Wolf Loenneker to Ms Delia Lawrie Cc Ms Sonia Peters	'Stella Maris is on business list for tomorrow' Recommendation is Option 2 – Expression of Interest; To grant directly to Unions NT, Cabinet needs to approve option 3.	Mr Wolf Loenneker, Ministerial Advisor Ms Delia Lawrie, Treasurer Ms Sonia Peters
9 July 2012 4.17pm 2014/98-25~3	Email: Mr Wolf Loenneker to Mr Gerald McCarthy cc Mr Kieran Phillips regarding Cabinet, Stella Maris	Mr Loenneker advises Minister McCarthy of discussion with Minister Lawrie on Friday (06.07.2012) – she asks that it go to Cabinet tomorrow (Tuesday 10.07.2012) so that Cabinet can approve grant to Unions NT which will be option 3 (Delia's preference).	Mr Wolf Loenneker, Ministerial Advisor Mr G McCarthy, Minister Planning and Lands Ms Delia Lawrie, Treasurer

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
10 July 2012 2014/98-6-14	Cabinet Submission on the options for Stella Maris goes to Cabinet.	Cabinet Submission 4033.	Mr Paul Henderson Ms Delia Lawrie Mr Chris Burns Mr Kon Vatskalis Mr Rob Knight Ms Malarndirri McCarthy Mr G McCarthy Mr Karl Hampton
10 July 2012 2014/98-6-15	Cabinet decision 4856 in relation to submission 4033.		Mr Paul Henderson Ms Delia Lawrie Mr Chris Burns Mr Kon Vatskalis Mr Rob Knight Ms Malarndirri McCarthy Mr G McCarthy Ms Karl Hampton
10 July 2012 2014/98-6-16	Cabinet Meeting No. 479, Business List	Item 5 – Stella Maris site.	Mr Paul Henderson Ms Delia Lawrie Mr Chris Burns Mr Kon Vatskalis Mr Rob Knight Ms Malarndirri McCarthy Mr G McCarthy Mr Karl Hampton
10 July 2012 2014/98-6-17	Cabinet Meeting No. 479, Attendance record	Attendees: Chief Minister Henderson; Lawrie; Burns; Vatskalis; Knight (by phone); M. McCarthy – Absent – Hampton & G. McCarthy.	Mr Paul Henderson Ms Delia Lawrie Mr Chris Burns Mr Kon Vatskalis Mr Rob Knight Ms Malarndirri McCarthy Mr G McCarthy Mr Karl Hampton

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
10 July 2012 2014/98-6-18	White Cover sheet, hand written note on bottom	Note written by Ms Ann Tan and endorsed by Mr Rod Applegate, 'No white required. Recommendation superseded by subsequent events and BSC decision'	Mr Rod Applegate, Chief Executive Officer Ms Ann Tan
10-11 July 2012 2014/98-3-23(36) Page 157-158	Email chain: Ms Leah Clifford, Mr Craig Bradley, Ms Sharon Jones and Ms Olivia Schmidt re actioning cabinet decision.	No 36 DLPE documents. 'Wanting decision signed off prior to care taker if possible'.	Ms Leah Clifford, Executive Director Lands Services Mr Craig Bradley Ms Sharon Jones, Manager Lands Administration Services Ms Olivia Schmidt, Acting Assistant Director Land Administration Services
12 July 2012 2014/98-12-9 Folios 01-20	Email: 38 Woods Street redevelopment	Mr Ben Halliwell from Halliwell Group & Mr Matthew Gardiner, United Voice.	Mr Matthew Gardiner, United Voice Mr Ben Halliwell, Halliwell Group
12 July 2012 2014/98-3-23(35) Page 156	Email: Secretariat DLPE to Ms Anne Marie Dooley	No 35 DLPE documents. Handwritten note confirmed with Mr Wolf Loenneker Rent = Nil. Dated 2 August 2012.	Mr Ann-Marie Dooley, Senior Projects Officer Mr Wolf Loenneker, Ministerial Advisor
13 & 17 July 2012 2014/98-3-23(37) Page 159-168	Email chain: Ms Anne-Marie Dooley to Mr Wolf Loenneker responding to request further information from Unions NT.	No 37 DLPE documents. Proposed redevelopment of the Stella Maris site - SMD/ V1/May09/PS dated 26.05.2009 provided to Ms Anne Marie Dooley by Mr Wolf Loenneker electronically on the 17.07.2012.	Ms Ann-Marie Dooley, Senior Project Officer Mr Wolf Loenneker, Ministerial Advisor

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
19 July 2012 2014/98-3~23(38) Page 169-179	Email: Ms Ann-Marie Dooley to Ms Gemma Gooley cc Land Admin Group address regarding Community Land Grant application Lot 5260	No. 38 DLPE documents. Requesting comments on the proposed Community Land Grant to Unions NT.	Ms Ann-Marie Dooley, Senior Projects Officer Ms Gemma Gooley, Environmental Assessment
19 July 2012 12.20pm 2014/98-3~23(39) Page 180	Email: Ms Ann-Marie Dooley to Secretary Unions NT	DLP requesting full business details of Unions NT.	Ms Ann-Marie Dooley, Senior Projects Officer Mr Alan Paton, Secretary, Unions NT
19 July 2012 2014/98-3~23(40) Page 181	Email: Mr Alan Paton and Ms Ann-Marie Dooley Ref:D-LAP2012/0013~0013	The Mr Alan Paton email is a direct copy/paste of the 2009 submission from Unions NT for the Community land Grant application. Dates have been changed - 2013 substituted from 2010. The 2009 timeline has been removed.	Mr Alan Paton, Secretary, Unions NT Ms Ann-Marie Dooley, Senior Projects Officer
23 July 2012 10.51am 2014/98-3~23(41) Page 182-184	Email chain: Mr Gerhard Visser response to Ms Ann-Marie Dooley's email of 19.06.2012 requesting urgent comment around the Land Grant application from Unions NT	Mr Gerhard Visser expresses some concerns regarding parking at the site and flow of traffic.	Ms Ann-Marie Dooley, Senior Projects Officer Mr Gerhard Visser, Principal Strategic Planner

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
23 July 2012 4.56pm 2014/98-25~2	Email: Mr Wolf Loenneker to Mr Gerald McCarthy cc Mr Kieran Phillips	Mr Loenneker advises Minister McCarthy of outcome of Cabinet meeting 10 July, Unions NT to get lease of Stella Maris, outline of Cabinet decision outlined in email.	Mr Wolf Loenneker, Ministerial Advisor Mr Gerald McCarthy, Minister Planning and Lands Mr Kieran Phillips
26 July 2012 2014/98-3~23(42) Page 185	Letter: Mr Thanh Tang response to Ms Ann-Marie Dooley's email of 19.06.2012 requesting urgent comment around the Land Grant application from Unions NT	Gives details of what power is supplied to Stella Maris site, limited capacity of power supply and any upgrade will be at the developer's expense.	Mr Thanh Tang, Manager Distribution Development, Power & Water Ms Ann-Marie Dooley, Senior Projects Officer
30 July 2012 2014/98-3~23(43) Page 186	Letter: Mr Paul Purdon to Ms Ann-Marie Dooley, Reference NR1251 Strong rejection of the application as it provides insufficient detail.	No. 43 DLPE documents. The Heritage Branch of NRETAS does not support the proposed application. Requests application to be resubmitted.	Mr Paul Purdon, Acting Executive Director, NRETAS Ms Ann-Marie Dooley, Senior Projects Officer
31 July 2012 4.16pm 2014/98-3~23(44) Page 187-196	Email: Ms Rebecca McAlear from Ms Renee Kulda cc Ms Ann-Marie Dooley with attached Ministerial Brief to Minister McCarthy from Ms Leah Croke	No. 44 DLPE documents. Approval to offer Crown Lease term over Lost 5260 to Unions NT in accordance with Cabinet Decision 4856.	Ms Leah Croke, Executive Director Lands Services Mr Gerald McCarthy, Minister Planning and Lands Ms Rebecca McAlear Ms Renee Kulda Ms Ann-Marie Dooley, Senior Projects Officer

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31 July 2012 4.16pm 2014/98-3~23(44) Page 187-196	Email: Ms Renee Kulda to Ms Rebecca McAlear Cc Ms Ann-Marie Dooley with attached Letter of offer to Mr Alan Paton from Mr Gerald McCarthy	No 44 DLPE documents. Letter of offer for a Crown lease over Lot 5260 with Lease Conditions for CLT 2413 and notice of determination of proposed Grant.	Mr Gerald McCarthy, Minister Planning and Lands Mr Alan Paton, Secretary, Unions NT Ms Ann-Marie Dooley, Senior Projects Officer
1 August 2012 8.34am 2014/98-3~23(45) Page 197-198	Email chain: Ms Gemma Gooley to Ms Ann-Marie Dooley	NRETAS response to application.	Ms Gemma Gooley, Environmental Assessment Ms Ann-Marie Dooley, Senior Project Officer
2 August 2012 10.05am 1014/98-3~23(45) Page 197-198	Email chain: Ms Ann-Marie Dooley to Ms Gemma Gooley	Advises that lease to Unions NT was a Cabinet decision. Provides conditions around the heritage listed, Old Railway Residence, Unions NT will need to seek approval from Heritage Branch if they wants to alter structure in any way.	Ms Ann-Marie Dooley, Senior Policy Officer Ms Gemma Gooley, Environmental Assessments
2 August 2012 2014/98-3~23(46) Page 199-203	Email chain: Ms Ann-Marie Dooley to Ms Annarie Visser Response around to Ms Ann-Marie Dooley's email of 19.06.2012 requesting urgent comment around the Land Grant application from Unions NT	Ms Annarie Visser expresses concern around traffic, access and parking on the Site.	Ms Annarie Visser, Roads Network Division Ms Ann-Marie Dooley, Senior Policy Officer

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
2 August 2012 2014/98-3~23(47) Page 204–215	Ministerial brief D20120304LP and attached letter dated and apparently sent to the Ministers office	No. 47 DLPE documents. Determine to offer Crown lease term over Lot 5260 to Unions NT in accordance with Cabinet Decision 4856. Signed by Minister McCarthy 3 August 2012.	Ms Leah Croke, Executive Director Lands Services Mr Gerald McCarthy, Minister Planning and Lands
3 August 2012 2014/98-3~23(47) Page 204–215	Ms Leah Clifford, Community Land Grant Business Process	Minister G McCarthy considers application.	Ms Leah Croke, Executive Director Lands Services
3 August 2012 2014/98-3~23(47) Page 204–215	Minister G McCarthy signs the letter of offer, the notice of determination and the Ministerial brief agreeing to its contents Referenced in email from Ms Paula Timson, 10/10/2012 6:39pm	No. 47 DLPE documents original signed copy. Contract signed that same day and returned to the Lands and Planning Department, with a payment for a paperwork fee of \$422. Ref: Chief Minister Adam Giles' speech in Parliament, Hansard transcript, 5 December 2013, page 22.	Mr Gerald McCarthy, Minister Planning and Lands Mr Alan Paton, Secretary, Unions NT Ms Leah Croke, Executive Director Lands Services
3 August 2012 2014/98-3~23(48) Page 216–221 2014/98-3~23(49) Page 222	Signed letter: Mr Alan Paton, Unions NT accepting the offer with common seal including acceptance of lease conditions Ref: Receipt, Document preparation fees \$442 Receipt No. 6712041936	No. 48 DLPE documents. Unions NT accept on the same day offer was received by Minister McCarthy.	Mr Alan Paton, Secretary, Unions NT Mr Gerald McCarthy, Minister Planning and Lands

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6 August 2012	n/a	Northern Territory Government goes into 'caretaker' mode. Relevant legislation: Electoral Act Ref: Guidance On Caretaker Conventions document.	
9 August 2012 2.44pm 2014/98-3~23(49) Page 222	Department of Lands and Planning Receipt No. 6712041936 issued to Mr Alan Paton	Document preparation fees \$442.00.	Mr Alan Paton, Secretary, Unions NT
25 August 2012	n/a	Northern Territory election held, which resulted in a change of government.	
7 September 2012 2014/98-3~23(50) Page 223	Memo: Ms Ann-Marie Dooley to Mr Craig Bradley Ref: Notice of Determination 13 September 2012 by Mr Craig Bradley	Notice of Determination of Proposed Grant of Lease, Lot 5260 to Unions NT.	Ms Ann-Marie Dooley, Senior Project Officer Mr Craig Bradley, Director Lands Administration
4 September 2012	Agency name change from Department of Lands and Planning to the Department of Lands, Planning and the Environment	Department of Lands, Planning and the Environment (DLPE).	
13 September 2012 2014/98-3~23(51) Page 224-225	Notice of Determination of Proposed Grant Lease of Crown Land signed by Mr Craig Bradley	No. 51 DLPE documents. Notice of Determination of Proposed Grant Lease of Crown Land.	Mr Craig Bradley, Director Lands Administration

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
26 September 2012 2014/98-3~23(51) Page 224–225	Gazette notice No.G39	No. 51 DLPE documents. Gazette notice from the then Minister McCarthy proposing the granting of a Crown land lease over the Stella Maris site to Unions NT. Relevant legislation: Crown Lands Act	Mr Gerald McCarthy, Minister Planning and Lands
September 2012 2014/69-11~1	Unions NT Strategic Plan 2012/13 Final Draft dated September 2012	Unions NT Strategic Plan 2012/13 Final Draft, reference UNTSP/V3/230908/PS. Strategic Plan from Unions NT's website (note that it is titled as a final draft) available on the website in early January 2014.	Acquired from Unions NT website Mr Peter Sheppard, Business & Community Developments Pty Ltd
17 October 2012 5.48pm 2014/98-3~23 (52) Page 226–227	Email: Ms Ann-Marie Dooley to nttlc@inet.net.au (Amanda) Cc secretary Unions NT generic email	No. 52 DLPE documents. Outstanding documents, Lot 5260, stamp duty; development proposal/approval; obtaining approvals from Heritage re any proposed alterations.	Ms Ann-Marie Dooley, Senior Project Officer Ms Leah Clifford, Executive Director Land Services

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
19 October 2012 2014/69-8-8	Political Party Annual Return 2011-12 Ref: LABis-AR3	ALP Annual Return lodged with the NT Electoral Commission. Return includes receipt of \$25 000 from Group Training NT to Harold Nelson Holdings for rent from 38 Woods Street.	Mr Ian Fraser, Harold Nelson Holdings Mr Don Zoellner, Top End Group Training
29 January 2013 1.13pm 2014/98-3-23(53) Page 228	Email chain: Development Assessment Services to Mr Peter Shepherd	Application not accepted, needs owners authorisation and floor/elevation plans.	Ms Ann-Marie Dooley, Senior Project Officer Mr Peter Shepherd, Business & Community Developments Pty Ltd
30 January 2013 4.10pm 2014/98-3-23(53) Page 228	Email chain: Mr Peter Shepherd to Ms Anne- Marie Dooley	Following up on Stella Maris letter, other docs submitted.	Mr Peter Shepherd, Business & Community Developments Pty Ltd Ms Ann-Marie Dooley, Senior Project Officer
4 February 2013 4.30pm 2014/98-3-23(53) Page 229-231	Email chain: Ms Anne Marie Dooley to Ms Melissa Chudleigh cc Mr Craig Bradley and Ms Olivia Schmidt	Advising that Mr Peter Shepherd is chasing his letter of authorisation to Lodge Development Application.	Ms Melissa Chudleigh Ms Ann-Marie Dooley, Senior Project Officer
4 February 2013 5.49pm 2014/98-3-23(54) Page 229-231	Email chain: Ms Melissa Chudleigh to Mr Ken Davies	Unions NT wishing to progress their development application. Melissa seeks clarification around whether Unions NT were approached by the former government to lease or if they were simply offered. Melissa to ask Department for proposed development plans and market value of the site.	Ms Melissa Chudleigh Mr Ken Davies, Chief Executive Officer

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
4 February 2013 9.28pm 2014/98-3~23(54) Page 229-231	Email chain: Mr Ken Davies to Ms Melissa Chudleigh	Mr Ken Davies requests check for previous correspondence between old Government/ Departments to be able to provide Minister as much background as possible.	Mr Ken Davies, Chief Executive Officer Ms Melissa Chudleigh
5 February 2013 9:42am 2014/98-3~23(54) Page 229-231	Email chain: Ms Ann-Marie Dooley to Mr Craig Bradley and Ms Olivia Schmidt	Cabinet decision 4856 stated Crown lease term be offered to Unions NT. DLPE verbally advised lease would be at nil cost. Minister office provided copy of Unions NT application and details. Development Application will not be formally accepted until suitable authorisation is provided by DLPE.	Ms Ann-Marie Dooley, Senior Project Officer Mr Craig Bradley Ms Olivia Schmidt, Acting Assistant Director Land Administration Services
07 February 2013 10:50pm 2014/98-3~23(56) Page 241-244	Email: Ms Sheryl Murray from Ms Melissa Chudleigh cc Ms Sharon Jones, Mr Craig Bradley and Secretariat DLPE Ref: Email of 4 February 2013, Mr Ken Davies requests check of correspondence to provide background information on Stella Maris to Minister Chandler	Includes information on market value, history of application process and development application.	Ms Sheryl Murray Ms Melissa Chudleigh Ms Sharon Jones, Manager Lands Administration Services Mr Craig Bradley Secretariat DLPE

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
11 February 2014 1:02pm 2014/98-3~23(56) Pages 232–240	Email: Ms Lucinda Watson to Minister Chandler	Ms Lucinda Watson expresses concern around crown lease arrangements and potential damage to the heritage Railway House.	Ms Lucinda Watson Mr Peter Chandler, Minister
12 February 2013 6.15pm 2014/98-3~23(56) Page 241–244	Email: Ms Melissa Chudleigh to Mr Craig Bradley	Urgent, Cabinet Submission required to include, current market value; estimated value in 10 years' time; what are the options of the site at the end of 10 years; approx. \$300K spent on site, where did money come from, submission to go 'under the arm'.	Ms Melissa Chudleigh Mr Craig Bradley
14 February 2013 5:13pm 2014/98-3~23(56) Pages 232–240	Ms Kerry Heness on behalf of Minister Chandler responds to Ms Lucinda Watson's email of 11 February 2013	Acknowledges receipt and correspondence is being actioned.	Ms Kerry Heness, Personal Assistant Ms Lucinda Watson
26 February 2013 9.12am 2014/98-3~23(59) Page 247–249	Email chain: Mr Peter Shepherd to Ms Ann-Marie Dooley	Following up progress of delegate signing letter for Planning application.	Mr Peter Shepherd, Business & Community Developments Pty Ltd Ms Ann-Marie Dooley, Senior Project Officer
27 February 2013 9.05am 2014/98-3~23(59) Page 247–249	Email chain: Ms Ann-Marie Dooley to Mr Peter Shepherd	No response from delegate to date – provides numbers for Peter Shepherd if he wanted to take it further.	Ms Ann-Marie Dooley, Senior Project Officer Mr Peter Sheppard, Business & Community Developments Pty Ltd

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
6 March 2013 2014/98-3~23(55) Page 232–240	Signed Ministerial briefing, Chief Executive to Minister for Lands, Planning and Environment File No. DLAP2012/0013	Recommending that Minister sign attached letter to Ms Lucinda Watson explaining Government is considering options for Stella Maris Site.	Mr Ken Davies, Chief Executive Officer Mr Peter Chandler, Minister Lands Planning and the Environment
15 March 2013 2014/98-3~23(55) Page 232–240	Letter: Minister Chandler to Ms Lucinda Watson	Advising that NTG is considering its options for the Stella Maris site.	Mr Peter Chandler, Minister Lands Planning and the Environment Ms Lucinda Watson
26 April 2013 2014/98-3~23(61) Page 251–268	Cabinet decision no. 203 regarding Stella Maris site	Advising Unions NT that Government not prepared to proceed further with the existing agreement to grant a Crown Lease.	Extracted by Ms Lyn Lewis
28 May 2013 2014/98-12~1(30 & 31) Page 101–103	Email chain: Ms Erin Blockey to Secretary Unions NT 1.56pm with attachment letter from Mr John Coleman	Attached letter from Coleman (30).	Ms Erin Blockey, Executive Information Coordinator Mr John Coleman, Chief Executive, DLPE Mr Alan Paton, Secretary, Unions NT
28 May 2013 2014/98-3~23(63) Page 272 and 2014/98-12~1(30) Page 101	Letter: Mr Alan Paton (Secretary Unions NT) from Mr John Coleman – Reference DLAP2012/0013	Withdrawing the former offer of a crown lease to Unions NT.	Mr Alan Paton, Secretary, Unions NT Mr John Coleman, Chief Executive

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
31 May 2013 2014/98-12~1 (31) Page 103	Email: Mr Alan Paton to Ms Erin Blockey 31 May 2013 4.37pm	Attached letter from Mr Alan Paton to Mr John Coleman, page 106.	Mr Alan Paton, Secretary, Unions NT Ms Erin Blockey, Executive Information Coordinator Mr John Coleman, Chief Executive
Undated letter (late May 2013) 2014/98-3~23(64) Page 271	Letter: Mr Alan Paton to Mr John Coleman	Addresses the withdrawal of offer.	Mr Alan Paton, Secretary, Unions NT Mr John Coleman, Chief Executive
1 July 2013 2014/98-12~1(32) Page 110 and 2014/98-3~23(66) Page 274	Letter: Mr John Coleman to Mr Alan Paton	Explanation of Process, expression of Interest.	Mr John Coleman, Chief Executive Mr Alan Paton, Secretary, Unions NT
16 October 2013 2014/98-3~23(68) Page 277-329	Ministerial Correspondence marked urgent	Response to letter from Hall Payne Lawyers regarding Stella Maris, Unions NT. Includes Ministerial briefing and all docs relating to offer of the site to Unions NT.	Mr Peter Chandler, Minister for Lands, Planning and the Environment
17 November 2013 2014/98-12~9 (01-20)	Emails: 12 July 2012 to 17 November 2013 38 Woods Street documentation	Redevelopment of 38 Woods Street, Traffic between Mr Benjamin Halliwell of Halliwell Group and Mr Matthew Gardiner cc to other tenants at 38 Woods Street.	Mr Benjamin Halliwell, Halliwell Group Mr Matthew Gardiner, Unions NT
22 November 2013 2014/98-12~1(33) Page 112	Letter: Mr Peter Chandler to Ms Avril Vaughan of Hall Payne Lawyers	Result of requested review.	Mr Peter Chandler, Minister for Lands, Planning and the Environment Ms Avril Vaughan, Hall Payne Lawyers

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
26 November 2013 2014/69-6~1	NT News article	Title: Stella: Labor Gave Building Rent-Free To Unions News article about the granting of the Stella Maris site to Unions NT.	
26 November 2013 2014/69-1~7	Media release (Minister for Lands, Planning and the Environment Peter Chandler)	Title: Union Deals, Done Dirt Cheap Media release about the Stella Maris matter.	
27 November 2013 2014/98-24~9	NT News article	Title: Stink Over Stella Deal News article about the granting of the Stella Maris site to Unions NT.	
27 November 2013 2014/69-1~6 and 2014/98-12~1(34) Page 114	Media release (Minister for Lands, Planning and the Environment Peter Chandler)	Title: Shady Deal Was A Strategic Decision Media release about the Stella Maris matter.	
28 November 2013 2014/69-6~3	NT News article	Title: A Nice Little Earner News article about the granting of the Stella Maris site to Unions NT.	
30 November 2013 2014/98-24~13	NT News article	Title: Labours Murky Site deal News article about the granting of the Stella Maris site to Unions NT.	

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
2 December 2013 2014/98-12~1(35) Page 115 2014/98-1~1	Letter: Member for Barkly to the Chief Minister	Obtained from Unions NT Obtained from Tabling Office. Ref: Attorney-General John Elferink speaking in Parliament, 5 December 2013, Hansard transcript, page 39.	Mr Gerald McCarthy for Barkley Mr Adam Giles, Chief Minister
3-5 December 2013 2014/69-4~1 2014/69-4~2 2014/69-4~3	Hansard transcripts	Government launches the Stella Maris Inquiry during sittings. Relevant legislation: Inquiries Act	
4 December 2013 2014/69-6~6	NT News article	Title: Labor Caught Out On The Stella Maris Site News article about the granting of the Stella Maris site to Unions NT.	
4 December 2013 2014/98-12~1(36) Page 118	The Legislative Assembly of the Northern Territory passed a resolution to establish an Inquiry into Stella Maris (the site) under provisions of s. 4A(1) of the Inquiries Act (NT)	Inquiries Act (NT)	
5 December 2013 2014/69-1~13	Media release (Attorney-General John Elferink)	Title: Hysteria From Delia Lawrie, Again Media release about the Inquiry.	

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
5 December 2013 2014/98-12~1(37) Page 195	Media release (Opposition Leader Delia Lawrie)	Title: Giles Misuses Power To Stage Star Chamber Stunt Media release in response to the announcement of the Inquiry.	Obtained from Unions NT.
5 December 2013 2014/69-1~4	Media release (Chief Minister Adam Giles)	Title: Inquiry Called Into Labor Land Deal Media release announcing the launch of the inquiry.	
8 December 2013	The Administrator appoints Mr John Lawler to lead the Inquiry.		
18 December 2013 2014/69-1~1	Media release (Chief Minister Adam Giles)	Title: Stella Maris Inquiry Head Appointed Media release announcing the head of the Stella Maris Inquiry and the terms of reference.	
19 December 2013 2014/69-6~9	NT News article	Title: Lawler To Investigate Stella Deal News article about the appointment of the head of the Stella Maris Inquiry.	

DATE	DOCUMENT TYPE	DESCRIPTION/ COMMENTS	RELEVANT PERSON(S)/ COMMENTS
29 January 2014 2.00pm 2014/73-2~11	File note: Phone call between Mr John Lawler and Mr Ted Richardson	File Note regarding ITF/ Stella Maris.	Mr Ted Richardson, Apostleship of the Sea Mr John Lawler, Commissioner, Inquiry into Stella Maris
February 2014 2014/98-6~24 Folio 11	Chronology of Cabinet process and documents		Provided by Ms Julie Nicholson, Director, Cabinet Office
14 February 2014 2014/98-20~1	Public submission	Submitted by Mr Matthew Gardiner	Mr Matthew Gardiner, Unions NT
18 February 2014 2014/98-20~2	Public submission, supplementary	Submitted by Mr Matthew Gardiner	Mr Matthew Gardiner, Unions NT
27 February 2014 2014/73~1	Letter to Stella Maris Inquiry from Mr Don Zoellner		Mr Don Zoellner, Board Chair, Top End Group Training
6 March 2014 2014/98-6~28	NTG employment history of Mr Alan Paton	Mr Alan Paton, employment history records.	Provided by Ms Teresa Hart, Executive Direction, Department of the Chief Minister
10 March 2014 2014/98-14~10	Half Penny Lawyer's submission on behalf of Ms Delia Lawrie and Mr G McCarthy		Mr G McCarthy Ms Delia Lawrie

Appendix F: Community land grant applications 2010–13

APPLICANT	PURPOSE	PROPERTY DETAILS	REFERRED CABINET	REFERRED BY MINISTER	APPLICATION DATE	APPLICATION FEE PAID	DATE ADVERTISED IN NEWSPAPER	DATE OF OFFER	DATED ACCEPTED	DATE ADVERTISED IN GOVERNMENT GAZETTE	CURRENT STATUS	COMMENTS
Darwin/ Palmerston												
City of Palmerston	Waste Transfer Station	Part Section 4258, 3402 and 4259	No	No	27/10/2008	Nil	Not Advertised	15/05/2013	20/05/2013	In process - Under Offer	Under Offer	The applicant and DLPE are in the process of complying with the conditions of offer for this lease.
Cornerstone Christian Fellowship NT Inc	Church and Ancillary Uses	Section 6343, Hundred of Bagot	No	No	5/01/2011	\$690	18/07/2012	17/04/2013	29/04/2013	In process - Under Offer	Under offer	The applicant and DLPE are in the process of complying with the conditions of offer for this lease. The Department is currently finalising the subdivision of the land which is one of the conditions.
Catholic Church of the Diocese of Darwin Property Trust	Education Establishment	Part Lot 4250 Town of Palmerston	No	No	26/10/2008	Nil	Not Advertised	09/02/2011	08/03/2011	23/03/2011	Lease granted 29/03/2011	Application submitted and processed. Crown Lease Term issued expires 28 March 2015.
The Salvation Army	Operate a Rehabilitation and Respite Centre	Section 6209 Hundred of Bagot	Cabinet Sub – approved	No	No formal application received.	Nil	File to be located prior to confirming advert date	19/08/2010	File to be located prior to confirming acceptance date.	01/09/2010	Lease granted 2/9/2010	06/10/2009 - Cabinet approved the Minister for Planning and Lands noted the request from Osborne Family Holdings to consider a proposal for commercial development to occur on CLP2166 in line with the guidelines for commercial development on land that is subject to community purpose lease.
Squash NT	Squash Facility	Part Section 5826, Hundred of Bagot - proposed Section 6236	Cabinet Sub – approved	No	No formal application received.	Nil	Not Advertised	06/06/2011	09/08/2011	07/09/2011	Lease granted 5/12/2013	04/04/2011 - Budget Sub-Committee of Cabinet approved funding of \$4 million for the construction of a new squash facility and the grant of a CLT, convertible to a CLP, to Squash NT over the subject land.

APPLICANT	PURPOSE	PROPERTY DETAILS	REFERRED CABINET	REFERRED BY MINISTER	APPLICATION DATE	APPLICATION FEE PAID	DATE ADVERTISED IN NEWSPAPER	DATE OF OFFER	DATED ACCEPTED	DATE ADVERTISED IN GOVERNMENT GAZETTE	CURRENT STATUS	COMMENTS
Balunu Foundation Ltd (ACN 112 954 698)	Operation, maintenance and management of a residential camp facility for youth and families	Section 37, Hundred of Bray	No	Yes	No formal application received.	Nil	Not Advertised	11/08/2011	23/08/2011	12/10/2011	Lease granted 27/09/2011	The Balunu Foundation advised the NTG that they could only obtain philanthropic and Federal funding to operate a youth camp if it held a lease over the land. However, to comply with the Community Land Grant requirements an organisation needs to demonstrate it has obtained funding to develop and maintain the land prior to the grant. Ultimately, the then Minister granted a lease over the subject land to allow Balunu to obtain funding for the youth camp.
The Gathering Inc	Youth Station – Supporting Youth Accommodation	Section 3505, Hundred of Strangways	No	No	03/04/12	\$704 - Reimbursed	Not supported - File Closed	Not supported - File Closed	Not supported - File Closed	Not supported - File Closed	Not supported	Applicant advised that in accordance with Government policy it was required to fully utilise its existing CLP at Section 4568 Hundred of Strangways prior to seeking the grant of additional land – File Closed.
The Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties (FORWARD)	Residential Drug and Alcohol Rehabilitation Centre	Part Section 4228, Hundred of Bagot	No	No	16/04/12	\$704	23/05/2012	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	A full application submitted. Currently awaiting advice from Department of Health regarding Alcohol Reform to assist in assessment of application.
Good Shepherd Lutheran college	Extension to existing educational facility	Part Portion 2818 - Section 6343 and Section 6344 - Hundred of Bagot	No	No	27/05/2013	Nil	31/05/2013	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	Application submitted, offer currently being prepared for Ministerial consideration.

APPLICANT	PURPOSE	PROPERTY DETAILS	REFERRED CABINET	REFERRED BY MINISTER	APPLICATION DATE	APPLICATION FEE PAID	DATE ADVERTISED IN NEWSPAPER	DATE OF OFFER	DATED ACCEPTED	DATE ADVERTISED IN GOVERNMENT GAZETTE	CURRENT STATUS	COMMENTS
Unions NT	Community Centre and Offices	Lot 5260 Town of Darwin	Cabinet approved	Yes	No formal Application received	Nil	Not Advertised	3/08/2012	3/08/2012	26/09/2012	Subject of Inquiry	10/7/2012 - Cabinet stated that a lease would be granted to Unions NT.
Sikh Association Northern Territory Inc.	Place of Worship and Ancillary	Section 5792 Hundred of Bagot	No	No	15/10/2013	\$738	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	Application submitted - liaising with the applicant to substantiate its financial position.
Hindu Society of the NT	Car Parking	Lot 6652, Town of Sanderson	No	Yes	2/12/2013	\$738	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	<p>The Hindu Society holds CLP1258 over the adjoining property, Lot 6985, Town of Sanderson, for the purpose of a Hindu temple and ancillary.</p> <p>The Hindu Society first submitted an expression of interest for Lot 6652 in 2010 but was unable to demonstrate it could meet the Community Land Grant criteria and the file was closed – 21/10/2013.</p> <p>28/06/2013 - the Minister's Office referred a further expression of interest to DLPE for processing. The Hindu Society submitted a formal application in December 2013.</p>
Katherine												
Roper Gulf Shire	Swimming pool.	Proposed Lot 920	No	Yes	06/05/2010	Nil	In process – Awaiting native title resolution	In process – Awaiting native title resolution	In process – Awaiting native title resolution	In process – Awaiting native title resolution	Awaiting native title resolution	Federal Government initiative - 'No school, No Pool' a swimming pool was built on land set aside to DoE. After members of Cabinet and agency CE's visited Borrooloola in October 2009 it was proposed to transfer the pool to Roper Gulf Shire Council as a CLP. The parcel has been subdivided but the Department is awaiting resolution of native title before preparing a recommendation to the Minister.

APPLICANT	PURPOSE	PROPERTY DETAILS	REFERRED CABINET	REFERRED BY MINISTER	APPLICATION DATE	APPLICATION FEE PAID	DATE ADVERTISED IN NEWSPAPER	DATE OF OFFER	DATED ACCEPTED	DATE ADVERTISED IN GOVERNMENT GAZETTE	CURRENT STATUS	COMMENTS
Katherine Town Council	Extension to Katherine Museum grounds.	Part of Lot 3006, Town of Katherine	No	No	12/08/2010	Nil	Katherine Times – 3/10/2012	In process – Awaiting native title resolution	In process – Awaiting native title resolution	In process – Awaiting native title resolution	Awaiting native title resolution	Land subject to native title. Once this is resolved an offer to the Council will be forwarded to the Minister for consideration.
NT Agricultural Association Inc. (Now NT Farmers Association Inc.)	Administration office and ancillary agricultural extension service.	Lot 1345, Town of Katherine	No	No	4/11/2010	\$600.00	Katherine Times – 17/11/2010	2/08/2012	28/09/2012	3/10/2012	Lease granted 21/03/2013	An offer of a lease to the NT Agricultural Assn was signed by the Minister on 28/07/2011; however this was later rescinded as the Association amalgamated with NT Horticulture Assn and created NT Farmers Assn. A second offer to the NT Farmers Assn was signed in 2012.
Jilkminggan Community Aboriginal Corporation	To consolidate with the community's land.	NT Portion 4456	No	No	02/01/2013	Nil	In process – Awaiting land claim resolution	In process – Awaiting land claim resolution	In process – Awaiting land claim resolution	In process – Awaiting land claim resolution	Awaiting land claim resolution	Pending Land Claim Resolution.
Wurli Wurlinjang Aboriginal Corporation	Extension to Wurli Wurlinjang Health Service.	Lot 2920, Town of Katherine	No	No	28/06/2013	Payment was made for an earlier app. over the same parcel.	Katherine Times – 13/11/2013	24/02/2014	25/02/2014	12/03/2014	Awaiting satisfaction of the conditions of the offer	Offer subject to Wurli Wurlinjang obtaining funding for the proposed development and resolution of native title that may impact the subject area.
Alice Springs												
Alice Springs Town Council (ASTC)	Laneway	Lot 5707 Town of Alice Springs	No	No	3/06/2008	\$1, 539	Not advertised	4/06/2013	26/07/2013	Not Gazetted	Freehold Granted	Was a remnant parcel of vacant Crown land following a statutory road closure for the creation of a pedestrian mall in or around 1980. The land is utilised by the public as a pedestrian walkway and maintained by ASTC.

APPLICANT	PURPOSE	PROPERTY DETAILS	REFERRED CABINET	REFERRED BY MINISTER	APPLICATION DATE	APPLICATION FEE PAID	DATE ADVERTISED IN NEWSPAPER	DATE OF OFFER	DATED ACCEPTED	DATE ADVERTISED IN GOVERNMENT GAZETTE	CURRENT STATUS	COMMENTS
Battery Hill Mining Centre Association (BHMCA)	Museum and ancillary	NTP 565, Tennant Creek location	Cabinet Approved	No	3/06/2008	Nil	Not advertised	12/05/2010	7/06/2010	30/06/2010	Lease Granted	3 June 2008 Cabinet approved the Northern Territory entering into arrangements with BHMCA and Julalikari Aboriginal Corporation to establish a new management entity, Tennant Creek Foundation to be administered by Department of Housing Local Government and Regional Services, DHLGRS requested the Crown lease be issued to BHMCA for 15 years.
Finke Desert Race Incorporated	Motor Sports Facility	NT Portion 6333	No	No	31/12/12	Nil	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	Waiting for Management Deed from FDR and CADRA. Once approved deed received, an offer of a Crown lease will be recommended to the Minister.
Alice Springs Town Council (ASTC)	Expansion of aquatic and Leisure facilities	Lot 8079, Town of Alice Springs	No	No	27/08/2013	Nil	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	In process – Assessment phase	Assessment phase	Council requested Freehold as adjoining parcels associated with aquatic centre.

Appendix G: Northern Territory Public Sector agency responses

AGENCY	NO RECORDS LOCATED	RECORDS LOCATED	DETAILS/COMMENTS
Department of Treasury and Finance		X	Refers to Cabinet Submission comments in 2012 and 2013, copies not provided
Office of the Commissioner for Public Employment	X		
Department of Health	X		
Northern Territory Police, Fire and Emergency Services	X		
Department of Business	X		
Department of the Attorney-General and Justice		X	Agency advised: Search certificates, Solicitor for the Northern Territory commercial files (Legal Professional Privilege claimed on some)
Department of Correctional Services	X		
Department of Infrastructure		X	Agency provided list of documents (prior to 2012) held
Department of Education		X	Email received and two bundles of documents (legal privilege claimed and legal privilege not claimed). Provided email to Inquiry (minus attachments). Stella Maris Inquiry issued summons
Department of Children and Families	X		
Department of Lands, Planning and the Environment		X	Provided information directly to Inquiry following Summons
Department of Land Resource Management	X		
Department of Corporate and Information Services		X	Letter provided detailing types of records and progress report on search; information provided direct to Inquiry following Summons

AGENCY	NO RECORDS LOCATED	RECORDS LOCATED	DETAILS/COMMENTS
Department of Transport		X	Agency advised: emails, memos, Ministerial correspondence (1999), Unions NT submission (2009); NTG form, record of Administrative Interests and Information
Department of Local Government and Regions	X		
Department of Housing	X		
Department of Primary Industry and Fisheries	X		
Department of Mines and Energy	X		
Department of Community Services	X		
Tourism NT		X	Agency advised it does hold some documents. Stella Maris Inquiry issued summons
Department of Arts and Museums		X	Nil response regarding terms of reference however located 2007 correspondence and 1993 study
Department of Sport, Recreation and Racing	X		
Darwin Port Corporation		X	Corporation advised: emails and attachments relating to Seafarer's Committee and building plans held
Power and Water Corporation		X	Corporation advised: records relating to Dial Before You Dig and removal of easement held
Parks and Wildlife Commission	X		
Department of the Legislative Assembly	X		
Aboriginal Areas Protection Authority	X		
NT Auditor-General's Office	X		

Appendix H: Improvements to community land grant process

ACTION	PROVIDES FOR	STATUS
<p>Establish an organisational structure in the Department to create a Secretariat and Policy Unit.</p>	<p>Central service and repository of all Department policies including those relating to the grant of Crown land. Policy Officer identified to lead review of policy priorities for the Department.</p>	<p>Organisational structure approved and in place.</p> <p>Policy register developed and in place.</p>
<p>Instigate Regular Policy Workshops</p>	<p>A central forum where work groups and regions can collaboratively review and develop policies for Minister consideration.</p>	<p>Regular reoccurring Land Development Workshops with high level of attendance has been established.</p>
<p>Developed and implemented an Apex Project Management Database</p>	<p>Project Management database (spatial) Development and in place which provided for project reporting in Land Administration.</p>	<p>Developed and to commence April 2014. The Project Management Database provides for regular reporting to the Minister and Government (as required) on land grants and applications received.</p>

Table 1 – Actions Taken Since August 2012

ACTION		PROVIDES FOR	STATUS
1	Review the checklist for land grants (Direct Sales and Community Land Grants) and ensure alignment with the business process.	Ensures clear alignment between the file and application stages against the business process.	Commenced.
2	Ensure the business process and checklist for land grants contain hold points for the delegate of the Minister to sign off the stages of the application.	The Director and/or Manager to have regular reviews of project files and ensure application is tracking to process.	Commenced.
3	Review Induction Program and Induction Checklist to ensure that staff are aware of legislation, policy and business processes that relate to the grant of Crown Land.	Formal legislation, policy and process documentation.	Commenced.
4	Review central IT drive and ensure land grant policies are current and up to date.	Readily accessible and contemporised policies and process documentation.	Commenced.
5	Develop an online application system for the grant of Crown land.	Applications are complete and accompanied by the relevant fee payable.	In design. Online application first week in April prototype.
6	Review the business process (land grants) to ensure that where a decision of Cabinet is made regarding the land grant that transparency in the process is maintained.	Continued transparency and good governance in the process.	Commenced.

ACTION	PROVIDES FOR	STATUS
7	<p>a] Review the Direct Sale and Community Land Grant Policy and Brochures and provide advice to Government on policy improvements for consideration.</p> <p>b] Refine Application Fee Policy.</p>	<p>Aimed at ensuring that policy is dynamic and responds to the needs of the current environment of commercial and non-commercial dealings and the criteria associated with such.</p> <p>Commenced.</p>
8	Develop and train staff.	<p>Develop an internal training course for staff on Land Administration and Development.</p> <p>Commenced via policy workshops. Further training to be implemented.</p>
9	Review all policies associated with the administration of the Crowns Land Act and recommend amendments where required.	<p>Up to date policies that reflect the current environment.</p> <p>Commence with the land grant policy and process.</p>
10	Identify any policy gaps associated with administration of the Crown Lands Act and make recommendations to Government on new policies to be implemented.	<p>Enhance the policy framework for the grant of Crown land.</p> <p>Commence with the land grant and policy and process.</p>
11	Provide Land Grant Project Reporting.	<p>Provide regular report to the Minister on new applications for land grant and status of land grant applications.</p> <p>Apex system in place.</p>
12	Review Delegations.	<p>Ensure the appropriate authorities are in place and up to date to reflect current process.</p> <p>Commenced.</p>
13	Review records management.	<p>Seek advice on records management, hard and soft files.</p> <p>Commenced.</p>

