NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 7 December 1976 | Thursday 9 December 1976
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F. D. ATKINSON, Commonwealth Government Printer, Darwin.

NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

First Assembly

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F. D. ATKINSON, Government Printer, Darwin.

PART I

THE DEBATES

Tuesday 7 December 1976

Mr Speaker MacFarlane took the Chair at 10 am.

LAW REFORM COMMISSION REPORT - ALCOHOL DRUGS AND DRIVING

Mr RYAN: I table the Law Reform Commission Report into Alcoholic Drugs and Driving. I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

REPORT ON REVIEW OF FUNCTIONS OF THE NORTHERN TERRITORY PRIMARY PRODUCERS BOARD

Dr LETTS: I table a report by James Mailath, Assistant Secretary to the Department of the Northern Territory. It is a review of the functions and purposes of the Northern Territory Primary Producers Board and it includes proposals for the provision of additional rural credit facilities in the Northern Territory. I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Dr LETTS: I move that so much of standing orders be suspended as would prevent the passing through all stages within the next 3 days of bills at present listed on the notice paper as orders of the day.

This motion is designed prinicipally for the bills relating to the transfer of powers and the expansion of the Northern Territory Public Service. The standing orders at the moment provide that there will be a space of one month between the introduction and the passage of bills. I would have hoped that this would be adhered to in all possible cases. In this particular case, there will be 3 weeks plus 2 or 3 days from introduction to their passage if my motion is agreed to. The consequential steps which need to be taken following the passage of the bill by this Assembly require a certain space of time for processes such as presentation, assent etc. In order to fulfil the target dates, it would be necessary for us to proceed at this sittings or otherwise continue a further week. I can only give an assurance to the Assembly that very long discussions have been undertaken by representatives of the people who are most affected by these bills and I am virtually in daily contact with them in trying to satisfy all their needs.

Motion agreed to.

PUBLIC SERVICE BILL

(Serial 159)

Continued from 18 November 1976.

Mr PERRON: I see this bill as an important foundation stone for the future of government in the Northern Territory. For too long now, we have had our destiny planned for us. It is time an elected government took over the reins and shaped the future around the aspirations, abilities and resources of Territorians. Ever since the Territory was handed back to the Federal Government by South Australia in 1911, we have had all major decisions relating to both administration and development made by politicians in Canberra and bureaucrats inside and outside the Northern Territory. These decision-makers no doubt have good intentions but unfortunately in many cases pay little attention to local opinion. Most importantly, neither Canberra ministers nor bureaucrats are accountable to people in the Northern Territory. This bill, together with the complementary Transfer of Powers Bill, lays down the basis for the decisions and initiatives relating to the transferred functions to be made by representatives who are accessible, responsible and, most important of all, accountable to the people of the Northern Territory. These decisions have to be made from an informed standpoint and must be implemented by an experienced and energetic local public service. This bill creates that public service from experienced Commonwealth personnel

and existing Northern Territory public servants. I believe we will see a renewed energy and enthusiasm stemming from the fact that the pyramid they work within will be smaller. The top will no longer disappear into the clouds, obscuring the results of their efforts.

Even within the short time since this bill was introduced, there has been extensive in-depth analysis by unions and others concerned of the provisions in the bill and amendments have been prepared to ensure that we start on the road to legitimate government in the Northern Territory with the support and backing of the new Northern Territory Public Service, content in the knowledge that the rights and entitlements of the individual are protected. I commend the bill.

Mr TAMBLING: There have been a number of references to an orderly transfer of powers that is to take place in January 1977. We are all aware of continued press reports that in the United States of America there is to be an orderly transfer of powers from a man named Ford to a man named Carter. We are at a point in history where we are going to be privileged to see an orderly transfer of powers from a man named Adermann to a man named Letts. This legislation and the two complementary bills, the Transfer of Powers Bill and the Interpretation Bill, are the result of previous efforts, the aspirations, the ambitions and the vision of many great political people in the Northern Territory over a long period of time. It has been a very hard and a very arduous battle. The Executive Member for Municipal and Consumer Affairs has referred to the frustrations and complications that have always been inherent in the administration of the Northern Territory.

The issue of constitutional development has been to the forefront of consideration by the people of the Northern Territory for a period going back to the 1971 election for this House when Mr Justice Ward, then Mr Dick Ward, stood for the ALP on a very strong ticket of constitutional development. The 1974 Assembly election highlighted the constitutional aspect that the Majority Party has since endorsed. The 1975 federal compaign really set in train the new principles and policies for constitutional development. We have come through a period of some 12 months when the Labor Government had got bogged down in inaction and had proved that it was incapable of carrying out the recommendations of the Joint Parliamentary Committee that it had formerly set up with a Labor majority. However, the Liberal and National Country Party took up the issue and in its policy for 1975 it stated:

> *The Liberal and National Country Party Government will take steps after 13 December to bring the Northern Territory to statehood. Our aim is that the Territory should achieve full statehood over the next 5 years. As a first step, and in cooperation with the Territorial Assembly, we would begin the immediate implementation of the recommendations of the Joint Parliamentary Committee on the transfer of powers to the Northern Territory. This report has been ignored for 12 months by the Whitlam administration. Our aim is the maximum degree of autonomy for the Northern Territory in the shortest possible time. During the transfer, the status and opportunities of the public service will be preserved. There will be full and proper revenue equalisation arrangements to enable the Territory to develop as it once was able to.*

The last 12 months have been a period of very solid hard work for the members of this Assembly and for our colleagues in the Federal Government. The timetable for transfer of executive functions was established several months ago in a Cabinet decision which in essence set out the transfer; that is, the important statutory authorities and boards, the Northern Territory Public Service, the police, prisons, fire brigade and the officers of this Assembly and the Administrator. Added to these were the various sections to be transferred from the Department of the Northern Territory and they included legislation services, local government, library services, civil defence and emergency services, grants for commun-

ity activities, motor vehicle registry, building section, weights and measures and the wildlife section. To that list was also added the water, electricity, and sewerage public utilities. The only one about which I have some reservation and concern is the public utilities section of the Department of the Northern Territory. We have already heard expressed this morning concern about the maintenance and operational problems that the electricity undertaking is currently experiencing. I am further concerned because I believe that the Department of the Northern Territory for a long time has neglected to look properly at the policies and the administration of these public utilities. They are in a sick and sorry state. Their financial and bookkeeping problems are massive. We still have the insurance issues to be settled as a result of Cyclone Tracy, and the staff support for the public utilities is totally inadequate. I cannot understand why senior officers of that department have for so long not been able to put their house in order in these public utilities. Unless we can receive in the next few weeks fair assurance of reasonable standards of both performance and policy and a much closer degree of cooperation in establishing the debts, the losses and the assets of those undertakings, then I do express a reservation as to whether they should be included in the transfer of functions for 1 January.

The provisions of this bill relate very largely to the public service requirements, and we should bear in mind that initially we are talking about approximately 1,450 people in the Northern Territory. That is 1,000 coming from the police, the prisons, the fire brigade and the various statutory authorities, 50 from the staff of the Executive, the Assembly and the Administrator, and 400 approximately to be transferred from the Department of the Northern Territory. That would leave the Department of the Northern Territory with an establishment of about 2,000.

The financial arrangements to be established with part of the transfer can be appropriately summed up if we look at the recommendation in section 85 of the Joint Parliamentary Committee's report. The committee recommended (a) that the Australian Government provide revenue grants of an amount that would enable a Territory Executive to provide services related to its functions at a standard broadly similar to the states, provided the Executive makes a broadly similar effort to the states in raising revenue and controlling expenditure and; (b) the Australian Government provide general purpose capital grants and specific purpose grants to the Territory on a similar basis as such grants are made to the states. The Australian Government will be asked to confirm its financial commitment to existing projects, programs, legal claims and the outstanding financial implications of Cyclone Tracy.

It is unfortunate that there have been a number of mischievous and misinformed statements with regard to the economic situation surrounding the transfer of powers. These largely result from people who have not studied or had the opportunity to look closely at the financial arrangements that do exist between the Commonwealth and the states. The impact on the community, when you compare the new arrangements that will come into existence, will not financially embarrass us. The important point is that priorities and responsibilities for expenditure will be transferred for these functions to this Assembly. The price for not having constitutional development is continued waste, inefficiency, remote control and public service policy being imposed.

Naturally, one of the points that a number of people have raised in discussions on this issue is the subsequent transfers to take place and their particular timetable. We have found the Minister for the Northern Territory very cooperative in looking at this issue and, early in the New Year, once we have coped with this initial transfer, we hope to be able to establish the subsequent transfer for all state-like functions for the Northern Territory.

Another most important development that has gone hand-in-hand with this phase of constitutional development has

been the attendance of Executive Members at Commonwealth and State Ministers' Conferences for the past 2 years, either with membership, observer or adviser status. This has had a major influence and impact, both in the information that is available to the Executive and the fact that we have been able to make major contributions in those councils.

I am aware that the Majority Leader has had considerable involvement with unions since the tabling of this bill and I have been associated in a number of those discussions. I believe that the unions have shown a very cooperative spirit. They have looked constructively at the 3 bills and have made a very worthwhile contribution. I am disappointed once again with the contribution that has been made by senior officers of the Department of the Northern Territory in that they have not supported us in the relationships that we have been able to establish with the unions inasmuch as the information that ought to be available to individual public servants affected by the transfer of functions should by now have been relayed to them. The tardiness in getting this done through the Department of the Northern Territory is regretted, and I would like to stress that the Executive has taken every action possible to ensure that as much information as possible has been made available at all times.

The statutory authorities have naturally reacted to the legislation in varying ways. They have in some cases expressed concern that there may be an erosion of their particular functions. I believe their fears are ill-founded and that we are going to see a greatly improved situation with the creation of the Northern Territory Public Service in that the individual employees of each of these statutory authorities are going to feel much more at home in the Northern Territory and make a much greater contribution across the board. The statutory authorities should also be mindful that there is no erosion of their duties and functions and that they will still be operated through their own principal ordinances.

The future is very exciting. It is posing a point of responsible selfgovernment through a fully elected parliamentary executive system. Policies for social reform and development will now quickly flow to elected politicians and not to ivory castle senior public servants. Mr Speaker, I look at these bills very optimistically and I believe that they are going to give the optimum level of development to the Northern Territory.

Mrs LAWRIE: I rise to support the Northern Territory Public Service Bill. I believe that the fears of the executive officers of the present statutory authorities regarding the erosion of their powers is an ill-founded fear. I believe that the creation of the North ern Territory Public Service will give greater protection, greater opportun ities for advancement, transfers, promotions and job opportunities for people who at the moment under the statutory authorities operate in a rather restricted field. I support the concept therefore of the welding of these various statutory authorities into the Northern Territory Public Service wholeheartedly.

Having said that, it is my duty to inform the Assembly that the Northern Territory Police Association has reservations about the present bill as outlined in the Assembly and has requested me to put some points of view to the Assembly and to the Majority Leader. Firstly, the Police Association has said that they do not wish to be considered public servants under the terms and conditions of this ordinance but realise that the timing is such that, for the time being at least, they shall be so considered,

There are some specific areas of disagreement. One in particular is that they feel very strongly that, if a policeman who has entered into the service in that role and no other, is found to be unfit for duty on medical grounds, he should be pensioned from the Northern Territory Police Force if he so desires with the option of seeking some type of part-time employment elsewhere as presently happens. He

should not be transferred to a clerical job within the Northern Territory Public Service against his wishes; he should have the option open to him at the moment of being retired on a pension benefit. That is the position adopted by the Police Association and I am speaking on their behalf.

They also have some grave reservations with the draft regulations. It would probably be more productive if I had consultation with the Majority Leader on those regulations. However, I would refer to an answer he gave me this morning which related to clause 28(2) of the bill and draft regulation 4. I should just read draft regulation 4: "For the purpose of section 28(2) of the ordinance a vacancy with a designation of superintendent or above in the Police Force may be filled by appointment, transfer or promotion made by the Executive Member." The comment the police wish me to bring forward is that there is no reference to the Commissioner of Police. They would like such a reference to be inserted in the regulations or in the bill.

They have some reservations about operating apparently under 2 sets of regulations: the regulations under the Northern Territory Public Service Ordinance and the regulations under the Police and Police Offences Ordinance. I have no doubt that this has received the attention of the Executive Member for Education and Law and the Majority Leader and I would like some advice as to what this position will be, what discussions are being held with the Police Association and what are the fruits of those discussions.

Turning aside from the police now, my one reservation with the Northern Territory Public Service Bill as presented is that we have one commissioner with practically supreme power for the purposes of setting up the Northern Territory Public Service. It is quite obvious that the bill has to go through in an amended form this week, therefore I would advise the honourable Majority Leader that I feel it would be better for the Northern Territory Public Service in the future if the present Public Service Commissioner, having set up the service, was to be augmented by two part-time commissioners. I have not had time to read his amendments which have just landed on my desk but, if something of this order is not thought possible at this stage, I would like it to be considered as soon as possible amendments could be drafted and presented to the House.

I understand that he and other Executive Members have had long talks with public service unions. I would like him to elaborate on transfers from the Northern Territory Public Service to the Commonwealth Public Service and the reverse - for what length of time will these continue and on what conditions? Are the Commonwealth public servants who are about to find themselves Northern Territory public servants, on secondment and, if so, what are the terms and conditions or are they de facto Northern Territory public servants without much chance of returning to the Commonwealth public service? I have no doubt that the points have been debated at length; I am merely asking that, in his final speech, the Majority Leader should advise the House as to those discussions in some detail.

It is relevant that, this morning, the Executive Member for Finance and Community Development, after months of questioning and with good will on his part, is still unable to provide answers as to the resumption of Commonwealth Public Service housing in the Darwin area. Nothern Territory public servants are not to be at a disadvantage with the Commonwealth public servants, therefore it would have been most relevant to know the terms and conditions of the resumption of the Commonwealth service housing. Until that is known, the terms and conditions of Northern Territory Public Service housing will remain obscure. This also has relevance when we realise that such Northern Territory public servants as police officers operate under a subsidised housing scheme; it is not completely free as they are taxed on the amount they would pay if they were paying rent on their public service homes.

I do commend the Majority Leader for the immense amount of time and effort he has had to put into this over the

last couple of months. It is a pity the timing is so short that it is really impossible for private members to introduce amendments and have them debated. We have to rest largely on the goodwill of the Majority Leader when he advises that the unions have reached agreement with him. In closing, I would just advise that, in the future, if he is not prepared to, I certainly would be prepared to introduce an amending bill to provide for two other part-time Public Service Commissioners. At the present, there is nothing more one can do than debate in committee the proposed amendments as they come up and to hope that the transfer of people to a Northern Territory Public Service will be painless.

Mr WITHNALL: It is my intention to support the bill at the second reading for much the same reasons as have already been expressed by the honourable member for Nightcliff. I am not in a position to introduce amendments, although there are one or two amendments which I would like to introduce in the committee stage. I do, however, want to take this opportunity of levelling some criticism at the bill itself. While the format of public service legislation is fixed, at least in the Australian states today, nevertheless, variations to suit local conditions are always possible. I suggest to the honourable member that some variation is possible here.

I would like, at the outset, to thank the Majority Leader for making the draft regulations available today but I regret that time has not permitted me to consider them at this stage. After all, if one considers the Commonwealth Public Service Act and the Commonwealth Public Service Regulations, one finds the act is just a pup when it is compared to the regulations. Most of the law relating to the public service is contained in the regulations. It is true that those regulations will have to be tabled here, but when one is considering what may be done under a particular ordinance, one likes to consider the extent to which regulations may implement the ordinance and, indeed, the extent to which regulations may sometimes control the ordinance. The example given by the honourable member for Nightcliff is one example. She referred to section 28 and, upon reading that section, because the power of prescription is completely unlimited, all vacancies may be described under "prescribed designation" and so subsection (2) may completely avoid the law which is expressed in subsection (1). I do not suggest that this will be done. It is an example of the sort of things I have been speaking about and an example of the need to consider proposed regulations at the same time as one considers the terms of the ordinance under which those regulations will be made.

My next comment relates to the statutory authorities which are to come under the Public Service Ordinance. I accept the reasoning that has been put forward by the Majority Leader, and which has been echoed by the honourable member for Nightcliff, that the employees from statutory authorities will have a larger field of employment available to them if they are gathered together under the wing of one public service. But I would like to express some very grave doubts about the future of statutory authorities if they are to come under the control of political leaders. Honourable members may not know this, but in the late 1950s and early 1960s, a certain Assistant Administrator by the name of Marsh and myself were responsible for the propagation of a policy in the Legislative Council which consisted of creating as many statutory authorities as we could for the purpose of getting the control of certain activities away from the hands of the Department of Territories. In that, we were indeed successful; the number of statutory authorities in the Northern Territory speaks something for the success of that policy, and the success of those statutory authorities also proves that the policy was well worth while. I am afraid, Mr Speaker, that if these statutory authorities come under the control of the Public Service Commissioner, and their policies have to be shaped and their administration from day to day dictated, not only by an Executive Member in charge of a statutory authority but by the Public Service Commissioner himself, the efficiency which those statutory authorities have shown is likely to be impaired.

Let me give you one example. The Port Authority was created by an ordinance of 1961 at a time when the public service organisation was showing losses on the operation of the port in the order of some millions of pounds each year. After the creation of the Port Authority, and although it had to pay the Commonwealth certain dues in respect of its use of certain facilities, the Port Authority has operated at a profit. Certainly in the cyclone year, it did not operate at a profit, but that particular reason was available to explain that year. The change from public service to statutory authority was very successful, and I very much fear that the change from statutory authority back to public service may indeed harm the efficiency and operation of these statutory authorities.

The further comment that I have to make relates to this Legislative Assembly. Under the ordinance as it is proposed, section 19(8) defines the status of the Legislative Assembly staff and the Speaker under the Public Service Ordinance. It says: "The Speaker of the Legislative Assembly has all the powers of, or exercisable by, a departmental head under this ordinance and the regulations so far as relates to employees employed as staff of the Legislative Assembly as if those employees were in a department for which he is responsible". That clearly means for which he is responsible as a departmental head. I am well aware that, because of the terms of the Commonwealth act under which this transfer of powers is to be achieved, it is impossible to make a department of the Legislative Assembly. That is regrettable and I think possibly some representation should be made to the Commonwealth Government to make this possible in future. I am very concerned that the provisions of subsection (8) of section 19 seem to make the Northern Territory Legislative Assembly subject in all matters of staffing and in all matters concerning the administration of the business of the Assembly outside of the Chamber subject to an Executive Member and, because of the terms of this ordinance, subject also to the powers of the Public Service Commissioner.

The need for complete autonomy and separate dealing for the staff and the functioning of the Legislative Assembly is seen when one examines the Public Service Act of the Commonwealth. Section 9 of that act sets both the houses of parliament aside and provides that all appointments and promotions to offices in the Senate and the House of Representatives are made by the Governor-General on the recommendations of the President or the Speaker as the case may be. The President or the Speaker from time to time may fix the periods of recreation leave which may be granted to officers of the parliament. I do not propose to go through the rest of the provisions of section 9, but they are very carefully drafted for the express purpose of making it quite clear that the Houses of Parliament and the staffing of the Houses of Parliament are not to be regarded as ordinary matters in the public service. They are to be regarded as matters that should be completely under the control of the Speaker, at least so far as staffing is concerned. In other matters, such as the supply of goods and services and buildings, other executive departments may be concerned. As regards staffing, I think it is most important to set the Assembly aside and make a special provision for it.

While it is not possible in the Public Service Ordinance to provide that the Speaker should be solely responsible for these matters - and the reason for this lies in the terms of the Commonwealth act - it is possible to make a provision in the ordinance saying that any power of the Executive Member or of the Commissioner under the Public Service Ordinance is presumed to have been delegated to the Speaker of this Assembly so far as those powers relate to the employment, promotion etc of officers of the Assembly. It is a simple provision. It is quite valid and quite constitutional and avoids the difficulty which we face because of the terms of the Commonwealth act relating to the transfer of powers to a local executive.

I do support the bill but I ask the honourable member to pay some particular attention to my comments and criti-

cisms relating to statutory authorities and to the position of this Assembly.

Dr LETTS: I would have appreciated the opportunity to examine in detail the remarks made by other members in this debate but the time constraints will not permit me to do that. It would be my suggestion to the Assembly that we should carry the second-reading vote but then allow at least another 24 hours or more in order to study the papers which have been circulated today.

The last 3 weeks or so have been 3 of the most interesting weeks in my working association with this legislature. I have met representatives of a large number of people concerned with this legislation and with the constitutional development of the Northern Territory. In that time, I spent almost 2 entire days talking to representatives of the Fourth Division Officers Association both locally and at a federal level and officers of the Combined Association of Government Employees Organisations and representatives of the Administrative and Clerical Officers Association. Both discussions were very fruitful and were carried out in a spirit of goodwill and cooperation. I did not reach agreement entirely with the people who are representing a large number of employees throughout the whole Commonwealth Public Service and those who are in the Northern Territory, but we did make a good deal of progress.

I do not suppose that I will ever reach agreement with the federal officers of CAGEO on some points because they hold a philosophy that state public services throughout Australia are perhaps unnecessary and that the Australian Public Service could more effectively and efficiently run this nation from Canberra. That is a point of view to which I will never subscribe and we may have to go on agreeing to differ on that.

One of the representatives from this large group of Commonwealth public servants had been closely associated with the recent Royal Commission into the Australian Public Service and public administration and he was keen to see adopted in Territory legislation some of the philosophies and points of view that were brought forward in the Coombs Report. I have undertaken to make an examination of those points but, at this stage, neither the Joint Council of Public Service Organisations which advises the Federal Government nor CAGEO itself has established an attitude and a policy with regard to a number of those Coombs Report recommendations. I do not believe it would be proper for us to be so avant garde as to start legislating for those provisions in advance of the actions of the service being known and consideration being given to them in the light of local circumstances.

I had further discussions with representatives of the Trades and Labour Council and the unions affiliated with that and, once again, they were very useful. In both cases, points have been taken on board which will be reflected in the amendments which have been circulated.

I had a number of discussions with the police associations and I will comment on the results of some of those discussions in a moment because they were specifically referred to by the honourable member for Nightcliff. There is some dichotomy of opinion in the statutory authorities depending on whether you are talking at the board level or at the staff level. What we have tried to do in this case is to get the best result for both groups. I will come to that when I deal with the remarks of the honourable member for Port Darwin.

Let me look at some of the matters raised by the police associations. There certainly is a feeling amongst a number of police officers that they do not wish to be considered as public servants. I am sorry about this. I can perhaps understand their attitude, but they are already part of the Northern Territory Public Service even though most of their terms and conditions of service are spelt out in another piece of legislation, the Police and Police Offences Ordinance. They are and have always been part of the Northern Territory Public Service and I believe that there is no substantial change in the position which we are adopting in rela-

tion to the police at all. Certainly, to my mind, there is no unit of administration which is more truly a public service than the police force and I am sorry that they find the name such an anathema.

What they have had some difficulty in understanding apparently is that, despite the fact that they receive an honourable mention in the new Public Service Bill as they did in the old ordinance, the terms and conditions which are laid down for them separately under the Police and Police Offences Ordinance by their tribunal will still stand and indeed prevail over any general references to the powers of the commissioner in this bill. Because of their concern that they could not quite understand the relationship between the bill and other pieces of Northern Territory legislation, I would ask the draftsman and my legislative advisers to draw up an amendment which would make it quite clear once and for all that the provisions of the Police and Police Offences Ordinance - or that area of legislation as we intend to amend it in the near future - will still continue to apply. I will be circulating, probably this afternoon, further amendments to clause 4. There will probably be a new subclause (6) to provide that, where there is an inconsistency between a provision of or made under this ordinance and a provision of or made under any other law in force in the Northern Territory, being a law that makes specific provision in respect of the designation, duties or conditions of service of an employee or employee included in the class of employees, that provision of or made under this ordinance shall be read subject to that provision of or made under that other law. As I said to the associations yesterday, it is a bit like signing a cheque twice, but if it does not destroy the structure and balance of the ordinance and it makes the police associations happier, we will try to do it.

What will generally happen is that all the existing determinations made by the tribunal in respect of the police will be picked up automatically by the commissioner when he takes up duty and starts writing his bylaws. What is intended is that the Public Service Commissioner, in preparing a bylaw, say, in relation to the police force, will simply do it by reference to the existing determinations that have already been made. That is probably relevant to the point made by the honourable member for Nightcliff about unfitness and pensioning out. Whatever the present position is in relation to the police as to the option to be pensioned out or continue on in service, that will be automatically picked up by this new ordinance on its commencement. If it is not sufficient or satisfactory to the extent that the police believe it should apply, then it will be up to them, as in the past, to make representation in terms and conditions of service to the people who decide on those terms and conditions of service - not to the Public Service Commissioner but to the Police Arbitral Tribunal. The ordinance specifically says that, if the Public Service Commissioner does ever make any sort of separate or new determination, it cannot take away from or be any less than those in existence.

As to the question raised about draft regulation 4 concerning the appointment of an officer of the rank of superintendent or above, I did refer to that briefly at question time. That position will be approved and filled by the Executive Member. As I understand the present position, it would be the Minister. There is no reference in the law to the Minister acting on the advice of the commissioner. I do not know whether the Minister does take the Police Commissioner's advice. I imagine he does in the filling of senior appointments, or most of them. But certainly, with the substitution of the Executive Member for the Minister or the Administrator, we will be in a position where we will have somebody locally who will undoubtedly take the advice of the Commissioner of Police in such matters. I regard it as an administrative matter to be taken care of administratively in the normal course of events rather than requiring a special amendment to the legislation. The Executive Member will undoubtedly consult with the Police Commissioner and will be in a so much better position to do so by virtue of the fact that they are living in the Northern Territory in close communica-

tion with one another. I have already tried to cover the point regarding the relationship between the Police and Police Offences Ordinance and this ordinance.

The next area which she referred to was the need or desirability of having extra commissioners. This undoubtedly will come in time. The present interim commissioner has an appointment for 6 months and it is quite clear what his duties will be in that 6 months. He will be taking determinations already laid down for individual classifications and groups of classifications from the Australian Public Service, from the Police Offences Ordinance and cataloguing the levels of positions, salaries, terms and conditions of the statutory authorities and merely transplanting those into consolidated schedules which will apply on day one, the 1st of January. That will be his first and most important task. He will, no doubt, also have to spend some time hearing representations and answering queries from individual people and members of associations. In that regard, I am trying to get some assistance from him at a senior officer level, somebody who has had experience in Public Service Board matters and also local knowledge.

I will look at the suggestion that more than one commissioner is desirable. The commissioner is not endowed with the degree of supreme power that the honourable member for Nightcliff suggested. The commissioner is well and truly under the oversight of the Administrator acting with his Executive Council. While I do not believe that it is proper for public service commissioners to be subjected to party political interference or that type of pressure, I do believe that it would be quite proper for the commissioner to be given access to the debates in this Assembly and to have some discussions with him so he may understand quite clearly what the intention of the Assembly was, what the spirit of this legislation is meant to be and all the things necessary in order not only to maintain efficiency in the Public Service in the Northern Territory but also to improve that efficiency.

On the question of the transfers back from the Northern Territory Public Service, this is open. No time limit has been set or suggested as far as I am concerned. It is the same arrangement virtually as that which applied to the postal services when they became a statutory authority, in that case the Telecommunications people. With the Australian Electoral Office, the provisions are virtually identical. It is the preservation of existing rights and the right to apply for transfer or promotion back into the parent service from which they came and no time limit was set as to when those rights expire.

I am not quite sure of the practical significance of housing for police officers. I will have a look at it since the honourable member has brought it up. The arrangement on housing laid down by a determination, tribunal or even administrative decision would be picked up by the commissioner automatically when he makes a determination. If there was something outside the tribunal determination, the police associations might get some advantage by talking to the Public Service Commissioner about it.

The housing position will be the same for those who transfer to the Northern Territory Public Service. They will retain existing housing or housing eligibility. The Department of the Northern Territory will be for the time being in the role of landlord and we will be a tenant organisation to some extent, like the Department of Health and the Department of Construction, until such time as a single housing authority policy is effected. It has been indicated that this will come under Northern Territory control rather than the Department of Northern Territory control. In the meantime, we would have representation on whatever council or committee in the Northern Territory Public Service will be presented along with those of the Department of Northern Territroy, the Department of Construction or whatever it might be.

The honourable member for Port Darwin spoke about regulations and referred to the voluminous regulations needed to make the Australian Public Service Act

work. I do not believe that ours will be in nearly as much detail as that. The ordinance and the principal regulations will cover most of the areas and there will be bylaws and determinations now and in the future which will spell out the conditions of employment for individual groups, levels and classifications.

He was concerned about the statutory authorities and their fears of political control and over-control by the Public Service Commissioner. Members of the boards and principals of the authorities have expressed those sorts of misgivings. Like the honourable member for Port Darwin, I believe that statutory authorities by and large have done a very good job in the Northern Territory. However, it is an administrative mistake - I have always been a little fearful about this and I have seen some illustrations of it - to create a body without any close ties or responsibility to an elected person at all. This has been a potential weakness of the system with statutory authorities in the Northern Territory. They have been created by this Assembly in the past and then we have ceased to have any further responsibility for them or they to us. We put in the ordinances which create them, the Minister for the Northern Territory, or whoever it is, a person who lives in a place far away, and if we looked at the relationship between the statutory bodies and their Ministers, they would be very lucky, I suggest, if they they had one hour of discussion with that Minister per year. This is not good enough. It means that there is no input of policy, of local policy, into the statutory authority from elected people in the Northern Territory, and no accountability back to an elected person except on the occasion of an annual report being tabled in this Assembly when it is open to debate. There is no other real executive action.

Dangers can arise in these situations. The statutory body could so easily become a club-type situation, taking to itself, in both staff and members, people they think will agree with their point of view. There has not been a proper relationship between a ministerial member, charged with executive responsibility and accountable to the public, and the statutory bodies. In bringing that about, no doubt there has to be more association with and more direction from the political arm than these bodies have had in the past. That is inevitable, and I do not believe it should be regarded as a bad thing. It is in line with the relationship between the parliamentary body and the stuatutory authorities throughout the states and the Commonwealth. The fears of over-control by the Public Service Commissioner, I do not believe will be realised at all in practice. The powers of delegation are very extensive and, as far as I am concerned, they will be exercised. If the Public Service Commissioner, having read what has been said, and having had discussion on this matter, does not understand or feels unable to comply with the spirit of this legislation as well as the precise lettering of it, then there is only one thing that the legislature could do and that is return to the legislation and correct any such deficiencies which may become evident in its early operation.

As far as the Assembly is concerned, I have had some discussions with you and with your worthy officers, I have had some representations, both verbally and in writing, and I am still looking at these. It has been my intention as far as possible to establish the same sort of relationship here as exists between the staff of the federal parliament, the Speakers and the Presidents, and the Minister for Administrative Services. We may not be able to get exactly the same form of wording or operation but that is the broad intention.

When I came to have a look at some of the provisions of the federal act, I did not find them to be quite as well drafted and specific as the honourable member for Port Darwin suggested they might be. The provisions, for example, with regard to leave contain some ambiguity. Certainly, I would be in favour of the Speaker or his delegate - an obvious delegate would be the Clerk - having the power to say when officers can go on leave throughout the year, but whether that should extend to saying they can have 6 months leave every

12 months or not, I do not know, but that is an interpretation that could be put on the present wording. I think we have to bear in mind that, whilst we preserve the freedom and independence of the parliamentary officers, we do not want to create absurd anomalies and inconsistencies which will cause disruption and grievance in the rest of the service. I am still having a look at the latest proposal which you put forward, sir, and if there are any further amendments, I hope we can pick them up in the next couple of days.

I once again would like to thank my staff who have worked far beyond the normal hours and call of duty to try to keep this proposal moving. I thank all those people who have made representations on behalf of various associations or bodies and who have, without exception, taken a constructive approach to this legislation and the transfer. I thank the honourable members for the expressions of support for the principle of the legislation and the constructive suggestions they have made in the second-reading debate.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

TRANSFER OF POWERS BILL

(Serial 158)

Continued from 18 November 1976.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

INTERPRETATION BILL (No. 2)

(Serial 160)

Continued from 18 November 1976.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

FIRE BRIGADE ARBITRAL TRIBUNAL BILL

(Serial 157)

Continued from 18 November 1976.

Mrs LAWRIE: I rise to express opposition to some parts of this proposed legislation. It will create yet another union-like association to deal with certain members of the fire brigade. The move these days is to have fewer unions, not more. In Australia, we have 280 registered unions with 6 million workers and in Western Germany there are 30 million workers and yet only 16 unions. I would have thought that the Executive Member responsible would have been working to mitigate against the proliferation of such unions rather than working to increase their number. However, I would have accepted the legislation if I thought that it was with the wishes and consent of all the members of the fire brigade likely to be affected. Having made certain inquiries, and having had certain discussions, I do not believe that this is the case. I would ask the Executive Member responsible, given the fact that I accept his second-reading speech in good faith, to adjourn this legislation after the second-reading, if in fact it goes that far, and find out exactly if his purpose will be met by the measures he has proposed.

The association formed by this particular legislation would have only 11 members but there could be expansion at a later time. Under the Conciliation and Arbitration Act, the Industrial Registrar will not grant registration to a group wanting to form a union with less than 100 members except in exceptional circumstances and then only if no other union exists to cater for their interests. Amongst those exceptional circumstances must be the requirement that three-fifths of the people eligible to be in such a union agree to its formation. My information leads me to believe that there are far fewer than three fifths of the people affected in favour of this particular aspect of the legislation.

The honourable Executive Member in his second-reading speech stated: "The legislation will serve the purpose of enabling the officers to form their federation. They have approached me and asked that these amendments be made to enable them to form an association and this will be done subsequently. I commend the bill". I said earlier that I believe that statement was made in good faith but I would ask the responsible member to check and he will find that only a very small minority of the people affected are in favour. The majority are not in favour and their interests would not be best served by forming a breakaway association or union. If there are officers within the fire brigade who feel their needs are not being met by the appropriate association, instead of splitting, they should bring pressure to bear on their particular union to recognise their needs.

I have suggested that the case is not as the honourable member would have us believe. The interest of these people would not be best served by forming a splinter group and the majority of the 11 members so affected are not in favour of that aspect of the legislation. There are other parts of the bill with which I am in favour; therefore, I would ask him to delay the proceedings to find out if the majority of the people affected want this legislation.

Mr ROBERTSON: I rise to support the legislation. It is quite obvious that there should be a separation in membership of unions in para-military organisations and I do not really think that you could describe a fire service which has a disciplined structure, which has officers, which has senior firemen and firemen, as anything but a para-military organisation. Most senior firemen or officers that I have spoken with agree that it is not appropriate to have your officers and your NCO's subject to the same association or union rules as those members whom they are supposed to control. It can give rise to very difficult situations. The person who is subject to the mass of union members within the union room happens to be the person who must give orders which must be obeyed. It is not conducive to discipline to have a unified association system.

That is my principal reason for supporting the legislation. Also, I have made inquiries of those affected now and those likely to be affected upon promotion. I am yet to come across one who does not favour this proposal. I wonder where the honourable member for Nightcliff gets the figure of 11 officers. I was led to believe this morning by the Executive Member responsible for the bill that there are in fact 16. Support for this type of thing goes beyond the actual officers who are serving now to encompass those who are most likely to become officers. As I have indicated to the Executive Member for Transport and Secondary Industry in the past, I believe there ought to be a second run of rank. I believe that we should have sub-officers as well for the purpose of shift control and therefore, under that scheme, they would go into this officers' association. However, that is a policy area in his department and I can merely express to him my view on it. It is for those reasons I do support the bill and I am quite unable to accept, from what I have learnt, that the majority of officers, present and future officers, are against this bill.

Mr RYAN: The honourable member for Nightcliff quoted me correctly. I thought I did mention that I had had a letter from the officers asking me to make the necessary changes to the legislation. I am quite satisfied that a majority of the officers of the Northern Territory Fire Brigade are in favour of forming their own association, contrary to the honourable member for Nightcliff's view. Her view seems to be similar to a view which would be expressed by a Labor member of the Assembly if we had one. This is not inconsistent for the honourable member for Nightcliff, of course.

The reasons for forming an officers' association was stated clearly by the honourable member for Gillen. We have a situation where, in a disciplined force, members of the union who are officers are subject to the union. This does not exist in the police in the Northern Territory; it does not exist with the prison officers. I do not know how many prison officers there are, but I would assume they would be fairly few in numbers as well. It is not necessary

for the organisation to be registered. As far as I am concerned, the legislation is quite in order and I feel that, particularly in view of the recent dispute in the fire brigade which was an exercise in futility, there might have been some steadying effect created by an officers' association.

I might add here that it does not necessarily mean that, because you have 2 associations, they do not agree. During the recent trip that I had in the southern states I found that, while they do have 2 associations in most fire brigades, the attitude of the firemen and the officers quite often is the same with regard to a dispute. When a dispute is of a fairly weak nature, you can have a situation where the officers do have some sort of restraining effect because they normally are a little bit more responsible.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr RYAN: I invite defeat of clause 5.

The definition currently in the bill defines "senior officer" and this interpretation was not one which we required. Throughout the bill now, the members of the Firefighters Association will be termed "firefighters" and members of the Officers Association, those ranks of station officer and above, will be referred to as "fire officers" and together they will all be referred to as "members".

Clause 5 negatived.

New clause 5:

Mr RYAN: I move that new clause 5 be inserted in the bill.

New clause 5 agreed to.

Clause 6 agreed to with amendments.

Clauses 7 and 8 agreed to.

Clause 9 agreed to with amendments.

Clause 10 agreed to.

Clauses 11 and 12 agreed to with amendments.

Title agreed to.

Bill passed the remaining stages without debate.

MEDICAL PRACTITIONERS REGISTRATION BILL

(Serial 155)

Continued from 18 November 1976.

Mr MANUELL: I rise to support this bill and, in so doing, I believe that the bulk of the comment necessary for its support has been made. However, there have been some amendments circulated and these amendments, along with the original draft, draw some comment from me. This new legislation permits a greater operational flexibility for the board in dealing with registration of practitioners within the Northern Territory. This is something that has been necessary and wanting for some time. It also enhances the opportunity of the board for registering additional medical practitioners within the Northern Territory.

Clauses 20A, 20B, 20C and 20D provide for registration of practitioners in provisional and conditional capacities outside full registration, pending and awaiting full registration by the board. Full registration appointees will be available after the compliance with internship consistent with terms set down in this bill and consistent with the practice adopted in other states.

The other unique part about this piece of legislation is that it provides for the establishment of a tribunal headed by a judge of the Northern Territory as outlined in clause 23. This tribunal is designed to consist of 3 members, the judge and 2 other selected from a roll of 3 appointed tribunal members being members of the Medical Practitioners Disciplinary Tribunal and nominated by the senior judge of the Northern Territory.

Mr BALLANTYNE: I rise to support the bill. This bill is to streamline the present ordinance, particularly clause 6 which makes structural changes to the members of the board in that the Director of Health now replaces the Chief Medical Officer and the Minister is replaced by the Executive Member. The Executive Member will be able to appoint a person to be the Registrar of the Board and the bill allows the board to have the power to send for witnesses and documents. Moreover, it appears a very democratic way of conducting a tribunal system or hearing.

Clause 16 defines the penalty for persons who appear before the tribunal and who refuse to be sworn or answer any questions relative to particular circumstances.

Clause 20B is provisional, full registration. This entitles a person to practise medicine in the Northern Territory, subject to conditions imposed upon that person by the chairman until such time, as I see it, the person is properly investigated as regards his experience and capabilities. It could also be used where you second medical officers from down south to take up immediate appointment. They could be placed on this register irrespective of their qualifications. I do not know whether there is any over-riding power there, but sometimes we have to get anaesthetists or special people to come here temporarily and, although they may be highly professional, they must be registered according to the registration of medical practitioners.

Section 22 provides that persons from prescribed countries can be conditionally registered and this is a very important measure. As I understand it, some check must be made on a person's qualifications so that a fit and proper professional person can hold a position in the Territory. Just recently, we had a case which made headlines in the paper, that the medical officers in the Territory were unqualified. One of my constituents came to me and said: "Mr Ballantyne, I am very worried. I have heard that all the doctors at the hospital are unqualified." That can be very disconcerting - this lady came from another country and she heard this rumour - to people living in a very isolated area. You often wonder when you hear these rumours whether they are true. It could well be that someone could slip through the system. In a case like this, you can see that the registration is there. People must have the proper qualifications and there is a certain way of going about being registered.

Clause 23 details the requirements of conditional registration and the subclauses relate to the skill and the character of those medical officers. It is very important to provide that the best personnel available in this field should be chosen.

There are clauses relating to full registration requirements and other clauses whereby those persons who are not observing the conditions according to their registration may have their registration cancelled. However, there is also an appeal clause whereby medical officers who may have acted improperly can appeal within 14 days of the complaint. Practising certificates will be issued and there are certain conditions written into the bill for that. I think that is a very practical situation.

Clause 31 allows for persons to lodge a complaint against the medical practitioner. The tribunal can listen to these complaints and issue a reprimand or suspension or impose a fine of up to $1,000. I only hope that it does not occur here in the Territory because to fine someone $1'000 for some act of negligence could go against that person's future career.

Proposed section 42B(1) gives the board power to issue certificates of good standing to a medical practitioner. By issuing the certificate to medical practitioners, it saves a lot of bother when they are applying for a job interstate. When that certificate is issued by the board, prospective employers do not have to go into too much detail when that person applies for a job. There are a lot of problems regarding a person's professional career, particularly those people who come from overseas to register. Sometimes they do not have full information with

them - where they got their degree and what sort of degree it is, etc. I think that is a very good clause.

There is nothing else that I can say except that I think that it is long overdue. Also, I would hope that it will stop any future rumours that the doctors in the Territory are unqualified.

Mr WITHNALL: I want to register my protest at the proposals in the bill to register medical practitioners on 4 distinct bases. We will have a register of registered medical parctitioners full, a register of medical practitioners provisionally full, a register of medical practitioners subject to conditions and a register of medical practitioners provisional and subject to conditions. The word "provisional" apparently means that the medical practitioners in those two registers will be registered only for a period of 3 months and no longer. The ordinance seems to be silent about the number of occasions on which the same person can be registered for this period of 3 months. I would assume from the spirit of the bill that a person who is registered provisionally under either of the 2 classifications would not be entitled to apply for further provisional registration otherwise there is very little point in restricting a provisonal registration for a period of 3 months.

One of the problems I have about this new scheme of registration in 4 different categories is that nowhere in the bill is there any provision for the public to ascertain whether a particular medical practitioner is either fully registered, provisionally registered or conditionally registered. If we are going to adopt this diverse system of registration, surely somebody ought to be able to find out just exactly what a particular medical practitioner's standing with the Medical Practitioners Board is.

The former honourable member for Victoria River in the Legislative Council was fond of saying that he had seen boards in India referring to a particular practitioner of law as LLB Oxford (Failed). I do not suggest anything like that is likely to happen here but, if we are going to have this diverse sort of registration, if we are going to have a person registered provisionally and conditionally upon the basis that he has some title or testimonial from some other country, that is really opening the field for practising medicine in the Northern Territory widely. A testimonial does not seem to me to be adequate to qualify somebody to take my appendix out. I am a little bit dissatisfied with the diversity of these registers and a little bit apprehensive that persons may be able to be registered on these registers and practise quite freely and fully without the public being aware of the nature of their registration and the limit of their capabilities.

I want to direct attention to 2 or 3 other minor matters which may be of some importance. Clause 16 of the bill introduces a new section 18 which relates to the protection of members of the board, tribunal, counsel and witnesses, and I raise a query about new section 18(3) which says: "Subject to this ordinance, a person summoned to attend or appear before the board or the tribunal as a witness has the same protection and is, in addition to the penalties provided by this ordinance, subject to the same liabilities, in any civil or criminal proceedings as a witness in proceedings in the Supreme Court". One of the liabilities of a witness in proceedings in the Supreme Court is the liability to be committed to jail for contempt. If it is intended that a person appearing before an administrative tribunal of this nature is to be subject to that sort of liability, then I object very strongly to the provisions of subsection (3) of the new section 18.

Just before I rose to my feet, there was circulated an amendment to this ordinance which, if it does anything, merely perpetuates the mistakes about which I have already spoken. The amendment is in schedule number 141 and it proposes a new subsection (4) of the proposed new section 18, providing that a person appearing before the board or tribunal in any capacity or present during the hearing of a matter before the board or tribunal is subject to the

same liabilities as a person appearing before or present during a hearing before the Supreme Court. This to my mind will be a further violation of the principle that only courts of record - and there is only one court of record in the Northern Territory and that is the Supreme Court - are the only courts and the only bodies to have the power to imprison for contempt or to punish for contempt. If these two amendments go through, then quite clearly for the first time in my knowledge in the whole of the history of the Commonwealth of Australia and the Northern Territory an administrative tribunal will have a power to jail for contempt of the tribunal or for refusing or failing to answer questions.

There is in addition a curious provision in proposed new section 31A(2)(b) which gives the tribunal power to impose a fine of not more than $1,000. It is not a matter for a tribunal of this sort to impose a fine. To start with, to whom is the fine payable? A fine ordinarily is payable to the Crown but that is provided for in the Justices Ordinance, an ordinance of the Northern Territory relating to the courts, and a fine imposed is not payable to any person. Furthermore, there is no sanction available in this ordinance for the failure of a person who is fined to pay that fine. I may perhaps be wrong but it seems that there is no provision for the enforcement of a decision of the tribunal to impose a fine.

The last comment that I have relates to proposed new section 30(2)(c). Section 30 relates to the sorts of complaints that may be made by any person to the registrar against a registered medical practitioner. The last paragraph in subsection (1) of the proposed new section 30 says that the complaint may relate to unprofessional conduct. Unprofessional conduct is defined in subsection (2)(c) to be "any conduct which may be considered to be unprofessional according to the standards of good medical parctice and professional behaviour and ethics of the medical profession". I am not at all averse to accepting that sort of standard, but I am very much averse to giving a member of the public the right to lay a complaint against a medical practitioner upon what he considers these standards ought to be. The section relates to complaints only by a member of the public and clearly, in the way it is presently drafted, the complaint could relate to any conduct which the member of the public considered to be unprofessional according to the standards of good medical practice etc. That seems to be the sort of subjective test which is wholely undesirable when it comes to complaining about professional conduct. The complaint of itself may be completely and utterly invalid but it may be completely and utterly justified because the person making it says "Well, that is what I thought the standard of good medical practice was supposed to represent".

I do direct the honourable member's attention to that difficulty and I do suggest that he take that clause into consideration in conjunction with other clauses to which I have spoken. I have no fundamental objection to the bill beyond the matters that I have discussed and beyond objection to the establishment of 4 registers which are not to be made available to any member of the public for perusal.

Debate adjourned.

MAGISTRATES BILL

(Serial 153)

Continued from 17 November 1976.

Mr WITHNALL: I do not support this bill; I am still very much opposed to it. The bill is introduced on the basis that legal decisions in South Australia will affect the Northern Territory. If that is the case, I would challenge the honourable member introducing the bill to produce any legal opinion that she may have which suggests that a decision in South Australia can apply to the magistrates in the Northern Territory. If there is no real basis for the promulgation of this bill, either as a matter of urgency or at all, one must look for motives behind it. I suggest to honourable members that there is a very real motive behind this bill and that is to make sure that the appointment of magistrates is a matter which

would be handled by the Attorney-General's Department in Canberra for ever. At the present time, the appointment of magistrates is a matter for the Public Service Board, and the hold of the Attorney-General's Department upon the appointment of magistrates is for that reason, since it is part of the public service, fairly insecure.

If this bill is passed, the control of the Attorney-General's Department and the grip of the Attorney-General's Department upon the appointment of magistrates will be very much more certain and very well secured. I suggest to the honourable Majority Leader that, if this bill is passed, his attempts to prise away any authority from the administration of justice in the Northern Territory from the Commonwealth Public Service will be made in vain. If this bill is passed, it will obviously be assented to very readily, and I think the honourable member himself will understand that, once you get a piece of legislation passed and assented to by the Commonwealth Government, the task of getting an amended ordinance taking away something that has been given to any arm of the public service is going to be a pretty impossible task. I say in all sincerity that, if you pass this bill you will have supported the Attorney-General's Department, and the Attorney-General himself, in their control over the administration of justice in the Northern Territory. You will give them such support that your attempts in the future to win back any authority over the administration of justice in the local courts or the courts of petty sessions will be met with the answer that you, after the proposal was made that you take over some functions, gave them back, that you assured and secured our title, you secured our right to appoint magistrates after the first move was made to create a central executive in the Northern Territory. If you now, knowing that the future is going to be concerned with a slow battle to win power back from the Commonwealth, if you now hand this power over and confirm at this stage that you do not want to handle the magistrates, then I despair for any success you may have in the future in achieving autonomy in other fields of governmental endeavour in the Northern Territory.

I have circulated amendments which propose to take the matter of appointment of magistrates out of the hands of the Governor-General, to take the control of the ordinance out of the hands of the Attorney-General, to make the Administrator in Council responsible for the appointment of magistrates and to make the Executive Member for Law responsible for such functions in the bill which are described as being the prerogative of the Attorney-General. In the circumstances, I can only regard this particular piece of legislation as one of the most backward steps that anybody has taken in the fight to secure for the Northern Territory some autonomy and some limited executive power.

Mr ROBERTSON: I rise to support the bill with some reservation and with some sympathy for what the honourable member for Port Darwin says. Before I proceed with my particular concerns in this bill, I might answer something that the honourable member for Port Darwin raised. He sought a motive in the legislation. He dismissed the South Australian Supreme Court decision as being a valid motive for this legislation. I do not entirely disagree with him, as I doubt in fact whether a similar situation to that which occurred in South Australia could occur in the Northern Territory.

As to the question of motive, I am quite sure the honourable gentleman would be very well aware of the old adage in law that justice must not only be done but it must be seen to be done. I recall the Labor days when the police were run by the Attorney-General's Department; correctional services were effectively run by Attorney-General's Department; defence was run by the Attorney-General's Department; the courts were run by Attorney-General's Department. What sort of an atmosphere is that for an accused person to go into court? It is no atmosphere at all. It certainly does not support the image of justice being seen to be done. Therefore the necessity for this legislation is not so much in the seeking of the motive, or in the fear of a magistrate disqualifying himself, or in appeal to the Supreme Court, but rather to create the image in the public mind that we want justice to be seen to be

done, that we insist upon isolating the judiciary and the magisterial service from the prosecution, from the public defence.

Mr Withnall: Hand the appointment over to the Administrator in Council.

Mr ROBERTSON: I quite agree. The honourable member and I have absolutely no argument on that score at all.

After all, what are a magistrate's tasks in the Northern Territory? His tasks, fundamentally, almost exclusively - with the exception of a few little things like air navigation regulations and orders and prosecutions of this nature - are the judicial side of the laws of the Northern Territory made here in this Legislative Assembly and in the Legislative Council before it, laws made for the good government and order of the Northern Territory. I fail to see why on earth it is necessary to have these appointments made by the Attorney-General. I totally fail to see what it has to do with the transfer of powers in terms of a smooth transition. These are my views on it and I am quite firm. I have argued this thing for a long time. Because of the necessity to get this legislation through, because of the necessity to show people that we want justice to be seen to be done as well as done, because of the absolute intransigence of the Attorney-General's Department and the Attorney-General - I make no excuse for the fact that I have been a Liberal since the age of 14 and a financial one and he is on my side of the fence; as far as I am concerned and this is not the party necessarily although I know there is a lot of ill feeling, I personally condemn him for his attitude - I will not kindly go along with what is happening. However, for the sole necessity of seeing a separation of functions and a separation of control and direction, I reluctantly support the bill.

Debate adjourned.

COUNTER DISASTER BILL

(Serial 152)

Continued from 18 November 1976.

Mr STEELE: I would like to make a few remarks about this bill. It has been long overdue and we welcome legislation that might assist us in any future disasters. We would want to see that our disasters are managed capably so I have to make a couple of comments about the legislation.

In the definition section, I was interested to see whether they still call it the civil defence program rather than an emergency service program. The honourable members for Port Darwin and Jingili were concerned about clause 23 the other day. I agree that authorisation for evacuation should not be left to one man and that it should be in the hands of the council itself. On the other hand, if there were no communications, you would probably find the sort of situation that General Stretton had to contend with. Perhaps it could be looked at in that light. It is an important piece of legislation and I commend the bill.

Mr POLLOCK: Whilst I support the bill, I do find some difficulty with some of the provisions relating to the organisation of the Counter Disaster Council. Looking through the proposed membership of that council, I find what one might call an interdepartmental committee. We heard this morning how it has taken 7 years for some decisions in relation to the disaster of the pilot farm projects. I find no provision in the bill for any members of the public to be on the Counter Disaster Council, even though the mayor of the town or a town management board chairman may be appointed. I find also that, whilst a member of the police force can be appointed to a regional council, who else will be on the council is left in the lap of the gods. Those provisions are not particularly satisfactory for areas which are outside the 40 kilometre radius area like my own electorate. They will find it difficult to be effectively provided for by the ordinance. It would be in many respects a disaster to start with.

The coordinator of the council is to be the Commissioner of Police. We heard this morning that, in 18 months, he has not been out of Darwin, to other centres outside of Darwin or to Alice

Springs. I find it quite unacceptable, quite shameful, his not having been outside Darwin and yet we have him as the coordinator of counter disaster activities. He is going to be coordinating things up there on the first floor. Some might wish there was a bomb under it, I suppose. I am not denying he did a good job last time in Darwin but I am not sure if he knows what Alice Springs looks like these days.

Mr Ryan: I don't think it has changed in the last 30 or 40 years, has it?

Mr POLLOCK: There is someone else who does not know much about the place either.

Otherwise, I recognise the need for the legislation. It is needed but it is disappointing that it is being rushed through today or tomorrow. I find some of the provisions in the bill difficult to accept.

Mrs LAWRIE: There seems to be a fair amount of gamesmanship abroad in this place today. I rise to indicate general support for the legislation in that there is a need for some overall control in the event of any emergency or disaster within the Northern Territory; someone has to accept responsibility for the organisational facilities which have to be brought into force. It is true to say that the great lesson we learnt from Cyclone Tracy was the need for an organisation to have at its fingertips methods of getting assistance to the community affected by the disaster, whether it be Alice Springs, Darwin, Tennant Creek, Katherine or any of the more isolated communities.

I find little quarrel with the constitution of the council, given the fact that the Executive Member is on the council, together with the Administrator and the Director who has the executive role and who properly would be in touch with the day to day running of such an organisation. We also have the permanent responsible head representing the senior Commonwealth department responsible in the Territory. That is necessary if we are going to rely on Commonwealth funds and assistance. We have the Territory co-ordinator, who is the Commissioner of Police, the senior officer of the department responsible for construction of Commonwealth buildings, the Chief Medical Officer - also relevant, necessary and logical. We also have the senior resident member of the Australian Defence Forces, again I think it logical and relevant, and we have other members.

I can appreciate that the members representing Alice Springs, Tennant Creek and Katherine may think there is insufficient representation if a disaster hits in their particular area. With the Administrator in Council having the power to appoint other members, one would imagine that the Executive Council will have regard to remarks passed in this place, and would appoint such members accordingly.

My main quarrel with the legislation is with section 23. Under section 23(1)(a), personal property may be requisitioned. I note that compensation may be paid if necessary and, as this legislation will only come into force by the direction of the Administrator in Council, I will at present accept that provision. But I find the greatest difficulty in accepting clause 23 (1)(c), that is that we may have to have a person directing the evacuation and exclusion of any person from any place etc. I will accept the argument that it may be necessary to evacuate people quickly from a building, a subdivision, a low-lying part of Darwin - it could be Ludmilla or parts of Nightcliff or Kahlin. It may be necessary for the power to be there, but at the moment the power is too wide and it is not specific. I fear very much the making of a law to be used in an emergency which will not have community acceptance. If you have a community objecting violently to a law and refusing to obey it, or even saying that if it ever happens it won't obey it, that law is a bad law. Citizens are generally extremely responsible; they do not have to be looked after like mental defectives or sheep or cattle. They may need direction, they may need assistance but the imposition of too much control will result in a backlash which may react against the better provisions of this bill.

Following Cyclone Tracy, a large number of people were under the impression that the evacuation of Darwin was a form of martial law and that they had no choice. We are all aware that this was a wrong impression nevertheless it was given with probably good intention by some people in authority to others who were shocked, distressed and disturbed. If honourable members will recall, a call went out to the general public who were ramaining in Darwin to register so that the civil authorities would know the numbers of people concerned and the amount of assistance that might be necessary. A large number of people in my electorate refused to register. They said: "We are not going to register because, if they do not know we are here, they cannot shift us". I found some sympathy with them.

One particular person came up from down the track with her family to register in Darwin that they were staying within the disaster area. Their farm had not been touched. They ended up south on the plane. She was under the impression that they had to go and to use her own words: "We were bundled on the plane and sent south". Her husband who was working out bush came to find her, found that she had been sent south, got a permit for her and the children to return, flew down to Adelaide to get her and was then told that, because of an administrative foul-up down there, he needed to apply for another permit. After some time and great distress, he eventually brought the family back to Darwin. I am aware that this is a particularly hard case but it is this type of thing which engenders in the community a reaction against being told that they must evacuate.

I agree that there has to be some power in a real emergency for some kind of evacuation but, with the greatest sincerity, I advise this House that, if the power is not limited and if it is not specific and if the bill goes through in its present form, people who suffered under the last evacuation, voluntarily or involuntarily, will not accept it. We must be careful to draft legislation which is acceptable because, if it is not acceptable, it cannot be invoked in an emergency. If the honourable member can draft amendments to tidy up that specific point, I find no great quarrel with any other part of the legislation.

Mr RYAN: I support the legislation because it is needed in the Northern Territory. There seems to be some concern from members down the track that too much of the control is vested in Darwin. I do not agree that this would be of any great inconvenience to them in a disaster because, as the honourable member for Nightcliff mentioned, the delegation is there and people can be very smartly given the necessary powers to conduct their own organisation wherever the disaster may occur.

The honourable member for Nightcliff once again raised the matter of evacuation and I disagreed with her on this particular point from day one of the cyclone. I believe that legislation such as this is designed to look after people after a disaster, an extraordinary event. In this particular case, you have to give people power which you would not ordinarily give them. After the cyclone, most people were in fact struggling to get out of the town. I certainly did not find too many who were staying here. I agree completely with that particular part of the bill. In the event of a disaster in the Northern Territory, to have our own legislation and our own Counter Disaster Council will be of great benefit. Regarding the Counter Disaster Council, I would just like to mention that I feel that the name is not appropriate. I think "counter disaster" is possibly not a good title.

Mr BALLANTYNE: I rise to support the bill in principle. However, there are a few things which I would like to mention, and I would have liked to have had a little bit more time to work with my constituents. Nhulunbuy is a company town and they have valuable plant in that area worth some millions of dollars. The township itself is owned by the Nabalco Company. I have had talks with the Executive Member for Education and Law who is putting the bill through, and also I have spoken to the draftsman on certain aspects of the bill.

Certainly there is a need for a bill such as this in the Territory, drafted in accordance with experience in the Darwin cyclone. There have been a lot of things talked about but I think that, if General Stretton had not come up here in the November prior to the cyclone, he might not have had a clue what the place was all about. It shows that there is a great need for some co-ordination. I feel sure that a lot of other people may agree that the co-ordinating role is one of the most difficult roles that you could possibly find, and I very much doubt if you could find someone who could co-ordinate perfectly.

Clause 13 sets out the functions of the Director of Emergency Services. It goes on to the local co-ordinators in the various regions which they probably will set up. You will have a regional co-ordinator. I think that in a lot of cases there is too much co-ordination because, if you have too many people to go through, communications are going to be your biggest problem. That is where you are going to have a foul-up.

I would like to see more power given to the local townships where you have a plant worth some millions of dollars actually away from the township. It appears that the police officer in charge will be the co-ordinator in that township or locality and, if there is no policeman in that locality, then somebody will be given that job of co-ordinator. Who these people will be, I do not know. I think they will have to be very highly-trained people because they will have to make decisions about people and about equipment of a very high value and perhaps one bad decision might wreck some piece of equipment or plant. In a mining area, he might make a complete foul-up through his power as a co ordinator. By the time you get the director or anyother regional co-ordinator, or the Territory co-ordinator, at the scene that person might have made decisions which could foul-up the whole thing. I stress that there should be some real co-ordination done before the co-ordinators are actually appointed.

In a place like the Territory, you have a lot of transient people. People are to be trained down at Mount Macedon; they could be trained through the National Disaster Scheme; but they might be here one day and gone the next so you have to turn around and train somebody else. The very week that he is away being trained some disaster might happen. Training will be one of the biggest things that I would find with regard to the co-ordinator.

I agree with the basis of the bill because there is no doubt about its necessity. I would agree, too, that clause 23, where it says that a co-ordinator, a member of the Police Force of the Northern Territory or authorised person, may, for the purpose of carrying out counter disaster activities, require the owner or person in possession of any personal property to surrender it or place it under the control and the direction of the person making the requisition, is very harsh, even for a policeman who may be trained in counter disaster work to make a decision like that over someone's possessions. It might be a little different where a person has been told to get off the scene because the place might fall down around him or is about to blow up or something of that nature; that is a different sort of thing. But property is one thing that I value very much. I happened to go down to the tip here during the cleanup and saw the waste that occurred there after the cyclone. I know that you have to clean up a place, but there was a tremendous amount of waste there. Some of the people who were cleaning up had a complete disregard for all sorts of appliances and equipment. I saw refrigerators, airconditioners, tyres, motor cycles, all sorts of equipment, just literally thrown in the tip. That is why I say I would like to see some work done on this clause before the bill eventually goes through.

I know that you must have authority. But sometimes I question the authorities on the matter of real decision. I think it should be a collective decision in a lot of cases, with the local authorities or whoever may be concern ed. I believe there are protection clauses for those people who are perhaps injured or miss their employment when absent through a disaster; they

are protected here. There is also compensation for personal injury during the course of training. They have to be directed by the director to take up a training course, but I believe that that is a very worthwhile clause. I believe that, if some property is damaged because someone who did not co-ordinate properly, the owner should have a right to claim some damages or the full damage from the government of the day.

I would still like to take the bill back to the Executive Member and ask her to review some of the clauses. I am sure that, from that, we will get a bill which would be suitable for any disaster which may occur in the Territory. I would also like to ask her to give the bill a new name. Most of the people I have been talking to ask what "counter disaster" means. I commend the suggestion by the honourable member for Transport and Secondary Industries that it be called the Disasters Ordinance. I think everyone would then know what it is about.

Debate adjourned.

TRAFFIC BILL

(Serial 136)

Continued from 17 November 1976.

Mr RYAN: In closing the debate on this bill, I will deal with some of the comments made by the honourable member for Port Darwin in his second-reading speech. Generally, we have come to expect that the honourable member for Port Darwin does come up with some constructive criticism. However, with this particular piece of legislation, I am afraid I was unable to recognise any constructive criticism during his speech and, having read the Hansard report of his speech, I still cannot find anything constructive in it. However, I will answer some of his criticism, particularly that in relation to the reasons for bringing in this type of legislation. He said that the main reason for bringing it in was to raise funds. This is not correct; the main reason was to enable the enforcement of minor traffic laws. At the moment, the police are inclined not to apprehend people for minor traffic infringements because of the problem of getting a particular case heard in the court and the time involved. The main reason was to make it easier for the police to apprehend people and enable the person to elect to pay the fine rather than go to court. If he so desires, he can contest the matter or plead not guilty. If he is really keen, he could go and plead guilty but I cannot possibly see that this would occur. The honourable member for Port Darwin was completely wrong in suggesting that this legislation is being introduced purely for the raising of revenue. I foreshadow some amendments which will tidy up the legislation.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

HOUSING BILL

(Serial 115)

Continued from 17 November 1976.

Mr VALE: In rising to speak in support of this bill, I would say that I am delighted at last to see some firm and continuing proposal to allow Housing Commission tenants, be they flat or house dwellers, to purchase commission homes. The Executive Member for Finance and Community Development and the officers of the Housing Commission are to be congratulated for the work that they have done in preparing this legislation. It is disappointing to note that purchase will not be allowed until after 5 years of satisfactory tenancy of a commission dwelling. As I understand the legislation, this is a cumulative residency. I do not argue against that or the requirement for satisfactory tenancy. My disappointment is with the 5-year requirement and I am bitterly disappointed with this requirement, as I am sure are commission residents who have been residents for much less than the 5 years. I am certain that these people would prefer to see this requirement reduced considerably. I support this desire.

Why not reduce the tenancy requirement to 2 years and, if necessary, increase the length of occupation before

residents can sell from 5 to, say, 8 years? People who want to purchase are not fly-by-nighters and have obviously indicated their desire and intentions to make the Northern Territory their home. The Executive Member referred to "a limited selection of homes for tenants to buy". I would draw his attention to the fact that, in Alice Springs, we have presently living in caravan parks, families who are on the waiting list for commission houses. In many cases, these families have enrolled their children in schools in the immediate area of the caravan park. Their desire to obtain a commission house in the same area so that the children's schooling will not be disrupted by a move to a new area is a natural and reasonable request. I seek the Executive Member's assistance in bringing this matter to the attention of the Housing Commission authorities.

The deposit requirements and interest rates set by scale according to income are quite reasonable, provided that account is taken not only of a family's income but also the size of that family. For example, a man with 2 children earning, say, $10,000 a year could be much better off than a man with 4 children and earning $12,000 a year. This factor should be studied closely by the authorities before any standard is set.

That section of the bill which will allow commission residents who purchase homes to have a portion of their rent paid during their 5-year rent tenancy credited against the purchase of the house is to be commended. I believe, however, that there are some doubts as to whether Treasury will agree to this proposal. Both Treasury and the Department of the Northern Territory should be criticised for the delay of many months in not announcing their intentions on this.

In essence, this bill will do away with the old pot luck system whereby commission residents may or may not have been lucky in gaining possession of a commission home which was for sale. Proposals in this bill will allow commission residents occupying a home under rental - but which the tenants propose to purchase, when qualified - to carry out additions and alterations to the building and the grounds during this rental period if they have written commission approval. These improvements will not be included in the value of the house and land when the final purchase price is decided. The bill will go a long way in assisting in the stabilisation of the workforce and the population. The unnecessary delay by the Treasury in indicating their intentions concerning certain financial aspects of this bill will obviously mean that the bill will not be in operation until after the first quarter of 1977. I support the bill and wish it a speedy passage through this Assembly.

Debate adjourned.

ADJOURNMENT DEBATE

Dr LETTS: I move that the Assembly do now adjourn.

Mrs LAWRIE: This morning, I asked the Executive Member for Consumer Services if it would be possible, given the likely continuation of power cuts in the Darwin area, to advise people over the radio on the possible duration of the cuts, their extent and the localities affected. Because it was a question without notice, it was not possible to fully elaborate on the scheme which I had in mind. By and large, when a major breakdown occurs, the power house staff are well aware of how long the disruption is likely to last and the areas affected. In fact, last Sunday, when we had a severe blackout, the competent staff were able to say when they would switch on certain areas of Darwin, switching off others to compensate. I do not want to take more than 3 minutes of the adjournment debate time, but I want to make it quite clear that what I was advocating to the Executive Member was that, given the knowledge that they have in certain circumstances, the powerhouse personnel be authorised to ring both radio stations to place community notices - if it is necessary for them to be paid for, let them be - so that people living in the northern suburbs, some of whom were without power for 3 hours, would know that power was available in the central business district and therefore take-away food was likely to be available in

that district. They would then know that their power had no likelihood of coming on for 2 hours, or as the case might be. People in areas such as Nightcliff and Ludmilla would then know that they were likely to have their power switched off for a period to enable the far northern suburbs to be switched on. That was the point of my question. I think it is a reasonable request and could be acceded to by the relevant authorities immediately.

Mr MacFARLANE: Last Friday, Saturday and Sunday, I attended the first Cattlemen's Union of Australia Convention in Rockhampton. This convention was well organised and on the Friday there were 1,000 people there, on the Saturday a few more than 1,000, and on the Sunday there were about 600. What interested me particularly was that all the resolutions passed were matters that have been brought up in this Assembly here without any result from Canberra. All these people want, really, is a fair price for their beef, and that is about all we in the Territory want too. In Queensland, they have a better chance than we have because they have a state government and also their Premier, who addressed the meeting, and their Minister for Primary Industries, who also addressed the meeting, are very sympathetic. I think that, if the Federal Government does not cooperate with Queensland, Queensland will bring in their own stabilisation scheme for beef.

As you know, Mr Deputy Speaker, this Assembly, over 18 months ago, passed a cattle price stabilisation scheme. As the honourable Majority Leader then said, this was unique in Australia, as far as orderly marketing of beef went, because that is what it is all about - orderly marketing of beef. The cattle price stabilisation scheme did not even hit the deck. You would not expect it to with the Labor Government but, since December last year, or for almost 12 months, we have had a government of our own choosing, a government which is of the same political persuasion as the majority of this Assembly, and yet we see that we have not been able to arouse a sympathetic smile from the Treasurer or anybody else. Actually the Treasurer was invited to the Cattlemen's Union Convention but he declined the invitation and said he would send his assistant, Mr Robinson. Mr Robinson did not turn up either; he had more important business. I do not know what more important business there would be in Queensland than cattle and the plight cattlemen are in. This convention was quite angry that it had been, as it considered, slighted.

The Minister for Primary Industry, Mr Sinclair, was there and it was only due to his experience and his sincerity that he was able to handle the 1,000 people who were there on the Saturday. They were angry. They feel, as cattlemen in the Northern Territory feel, that it is time something was done to straighten this mess out. Here in the Northern Territory, we are going into our fourth year of nil markets, of nil returns, and we are not doing a thing about it. Surely cattlemen should have learnt after the last 3 years that they must do something.

The amount of money that was given for carry-on this year was $600,000. The subsidy required to operate the bus service in Darwin is $388,000. Thus $600,000 is not a very big sum. Cattlemen do not want the individual sums of $15,000 carry-on. They must have it at this time because there is no market, but they do not want carry-on - they want markets. It is a simple situation. An average station is of about 1,000 square miles. It costs $64,000 to keep the Katherine Experiment Farm of about 10 or 12,000 acres in mothballs. You can see that the sum of $15,000 is not really adequate for a cattle station.

Getting back to the meeting at Rockhampton, there were many women there and they all said how desperate the situation was and is. They are a hell of a lot better off then we are up here, the Top End particularly. Luckily, Alice Springs has a bit of a market in Adelaide. I am very pleased that Alice Springs is not in dire straits like the Top End but we keep coming back to what these Queensland cattlemen want - a stabilisation scheme.

They said that they would press for every subsidy and handout until they

got cattle price stabilisation. I was impressed by their sincerity. They realise that they do not only have to fight the Treasurer and the Government, they have to fight the meat exporters because it is only business to buy as cheap as you can and sell as dear as you can. Meat exporters in 1976 have had a record financial profit. They do not want the cattle price stabilisation scheme in because it would bring the price of beef up, it would help the producer. The cry over there, and Rockhampton is considered the cattle capital of Australia, is that the cattle exporters and the big companies are deliberately holding the price of beef down so that they can buy more and more stations. You know who they buy them from? The owner-producer. This is what it is all about.

I suggest that before Christmas a cattle industry conference be called and I have taken some trouble to compile a list of who should be there. Naturally, the Assembly should be there because the Assembly is responsible for the whole of the Northern Territory. There should be representatives from each of the cattle organisations and the Cattlemen's Association of North Australia, the Centralian Pastoralists Association and the Northern Territory Pastoral Lessees Association. There should be representatives from the Primary Producers Board, particularly in the light of the report which was tabled this morning, representatives of the Primary Industries Branch and also the Department of Primary Industry in Canberra and representatives of the Bureau of Agricultural Economics. I insist that it is time now. We will not see too many more Christmases if we keep on going like this.

On Saturday, I went out to the plane with the Minister for Primary Industry so I could have a bit of a chat with him, and I found that he is adamant that he will not consider intermediate export licences which would allow abattoirs in the Northern Territory to export beef, providing they could find a market. From what the meeting said down there in Rockhampton, there are plenty of small markets; they are not very interested in them but we could be. We have 4 small abattoirs up here, McArthur River, Bullo River, Meneling at Adelaide River and Uralla at Katherine. We only produce 7,5 thousand tons of beef, 15 million pounds of meat. This means that if you could encourage 1 million people to eat a pound of beef a month they would eat all that up. All we have to find is a market for 15 million pounds of beef. And the market is there, close to us. We are geographically advantaged but I feel sure that the Minister is receiving advice from people who do not really care, do not really know the situation and we cannot get access to this market.

A lot of the beef you eat here in Darwin is killed in the Northern Territory and is certified fit for human consumption. It is good enough for you and me to eat but it is not good enough to send to Hong Kong or Timor - I do not think they can even get it to the Fretilin mob. But it is good enough for us. What a crazy situation this is when we are desperate for markets. We are still tied to the US market which does not really want our meat. They take it to mix with their own fat stuff. They do not really want our meat, they are only taking it as a token.

The matter I discussed with the Minister was a possible deputation of cattlemen to locate markets. I suggested at the last sitting that the Majority Leader, in his capacity of Executive Member in charge of primary industry. Mr Martyn Finger of the Department of the Northern Territory and Mr Bill Tapp of the Cattlemen's Association should make up a delegation. The honourable member for Stuart wanted to send someone from down south and I was quite happy about that. But the Minister, Mr Sinclair, said he could not get the money from Treasury. What kind of a go is this? It would probably cost $6,000 or $8,000; it might cost $10,000, but it might get the cattlemen in the Northern Territory off the back of the Treasury. You put in a few bob, and you might strike the jackpot. The Minister said he could not get the money and yet we find that one of the main functions of the Department of the Northern Territory is matters related to the production and marketing of beef and the production, processing

and export of minerals. I suggest they are not doing a thing about it.

So where do we go from here? It is a pretty dicky situation I can tell you, particularly if you are a cattleman. I say that this Assembly and this Govern ment is not doing what they should if they are not prepared to take a punt and look for markets and bring in the stabilisation scheme. After all, we have been guinea pigs for lots of other things like the Aboriginal Land Bill. Why not make us guinea pigs for the cattle price stabilisation scheme? See if it will work up here, iron out the troubles and then give it to the rest of Australia. This would be one time that I would be a very willing guinea pig. However, we strike this negative attitude all the time. They say things will be better, the EEC is coming back in and this and that and the other, but we have been hearing this for 3 years and we are going into our fourth year blind.

Motion agreed to; the Assembly ad-journed.

Wednesday 8 December 1976

Mr Speaker MacFarlane took the Chair at 10 am.

POLICY STATEMENT

Dr LETTS (by leave): I table a paper concerning the policy which the Majority Party seeks to adopt in relation to certain matters in the standing orders of the Assembly.

Honourable members will be aware that the Northern Territory (Administration) Act, No. 66 of 1976, provides for an Executive Council comprised of members of this Assembly who have been appointed to executive office. The number of executive offices to which members may be appointed will be fixed by the Administrator from time to time after consultation with the Minister pursuant to section 4ZE of the act. As you will have noted from reading the Public Service Bill 1976, provision is being made for 5 departments of the Northern Territory Public Service: The Department of Chief Secretary, the Department of Finance and Local Government, the Department of Law, the Department of Transport and Industry and the Department of Community Services. This means that there will be 5 Executive Members as defined by the act whereas at the present time there are 7 Executive Members under the standing orders of this Assembly.

Rather than disturb the status quo, and to provide as much responsibility as possible for administrative working of government within the Assembly, it has been decided to retain the larger group of 7 from within the majority group who will be responsible for administrative matters in much the same way as at present. As the term "Executive Member" has now acquired a particular meaning under the act, it has been necessary to find a term to replace it which will include those additional members who are not holders of executive office but are responsible to the Assembly for other matters. The term chosen is "Cabinet Member", a parliamentary term with a similar but not identical connotation in other parliaments. The majority group will have a Cabinet of 7, comprising the 5 Executive Members - or members of the Executive Council - and 2 others. In the Assembly, it is our intention to refer to "Cabinet Members" as such without distinction between whether they are holders of executive office or not.

This procedure is in line with the practice of most parliaments in that members of the Executive Council are a small group from within the ministry. We are precluded at present from using the term "Minister" and have chosen in its stead "Cabinet Member". I hope, Mr Speaker, this will be a precursor to being able to use the term "Minister" in the not too distant future as the transfer of functions takes place and is accepted and grows within this Assembly. To reinforce this procedural device it is proposed to ask the Assembly to make amendments to the standing orders.

TRAFFIC BILL

(Serial 92)

Continued from 7 December 1976.

Mr WITHNALL: I seek leave of the Assembly to withdraw this bill.

A bill was introduced by the member for Transport and Secondary Industry and the subject matter has already been covered, although with a somewhat unsatisfactory result.

Leave granted; bill withdrawn.

WILDLIFE CONSERVATION AND CONTROL BILL

(Serial 108)

Continued from 12 August 1976.

Mrs LAWRIE: I seek leave to withdraw this bill.

It is rendered redundant by the passage of the National Parks and Wildlife Bill under the sponsorship of the Majority Leader.

Leave granted; bill withdrawn.

ENVIRONMENT BILL

(Serial 144)

Continued from 6 October 1976.

Dr LETTS: I would like to indicate at the outset that we are much closer to agreement with the honourable member for Port Darwin in respect of the content and construction of this bill than we have been with earlier drafts. In principle, I still feel some uneasiness and doubt about this type of approach; that is to say, fragmenting legislation dealing with environmental matters and creating new public service elements to work separately although in parallel with other departments of the Executive. Speaking generally, in developing policy and administering environmental matters, we find throughout the states of Australia and at the federal level a somewhat similar pattern. We have parks and wildlife legislation dealing with certain aspects of the environment and departments or institutions set up to administer it. We have separate environment and pollution legislation with their own departments and branches to administer that. We have such things as a National Heritage Commission and its affiliated bodies dealing in part and having responsibility in part under federal and state legislation for aspects of the environment. I fear that, in all this overlapping, conflict and duplication could arise. I hope I am wrong but only time will tell.

During the past year, I have had the opportunity to attend both the Environment Ministers' Council and the Nature Conservation Ministers' Council meetings as an observer from the Northern Territory. These are 2 separate bodies representing Commonwealth and state ministers and their departments with responsibilities in those fields. Some efforts have been made to bring these 2 councils together to make them meet as one or, if that is not possible, to ask them to meet on consecutive days because more than 50% of the ministers who attend such meetings do in fact have dual responsibilities for environment and pollution aspects on the one hand and conservation aspects on the other hand. These efforts so far have been resisted, in particular by the departmental public service units who fall underneath the ministers, sometimes in 2 separate groups. Throughout it all, I have made the observation and gained the impression that the environment departments and ministers are at times scratching to find something to do to establish their place in the scheme of things and to justify their existence.

In any event, most states have developed or are developing separate legislation and administration. I have not been able to see yet just how the whole field in legislation and administration of the environment with all its various aspects and complexities can be practically and effectively integrated into one unit. While I have some doubts about the direction in which we are heading, I still must commend the honourable member for Port Darwin for his persistent and unremitting efforts to furnish the Northern Territory with suitable legislation for what I feel society today recognises as a need. This time it appears we will have a good chance of achieving the passage of the legislation through this Assembly and I propose to support the bill at the second-reading vote.

In saying that, I believe there will be some need for amendment to particular parts of the bill. I do not intend to go through it clause by clause and draw to the attention of the honourable member for Port Darwin every one of those parts that may require amendment. As an example of one area we would like to see improved, I refer to clause 13, which relates to an application for cancellation of an environmental protection order when it has been served on a person or organisation to do certain things because he is interfering with the environment. The time given to make an application for cancellation is 3 days. It iy felt by a number of people who are interested in this area that 3 days, particularly in the Territory situation, is too short. I think the time needs to be extended more realistically, I am quite sure the honourable member for Port Darwin would be prepared to consider an amendment such as that.

It is unfortunate that, once again, the people who should be most interested in and perhaps most affected by the application of this legislation, have been somewhat tardy in coming forward and making their views known. In going through the bill, I found 3 or 4 small areas in different clauses that I felt I should discuss and bring to the notice of the honourable member. Within the last 2 or 3 days, I have had fairly detailed representation from other people. I have had an 8-page submission from the Chamber of Mines which was only received by me last night at 5 o'clock and I immediately passed a copy on to the honourable member for Port Darwin. It is a little unfair to him and this legislature that representations have been so late in coming but now that they have been brought forward - and there have been others in the past 2 or 3 days they do merit serious consideration and, if they could improve the legislation, they warrant amendments being made. I believe that the same people who have made representation to me have also been in consultation and discussion with the honourable member for Port Darwin in the last 2 or 3 days. He will, no doubt, tell us whether he is prepared to accept amendments, whether he has found merit in the suggestions that these bodies have made to him.

I think there is room for further improvement. We need to bring forward amendments to certain clauses such as the one I gave by way of illustration. We will need a little time - perhaps the honourable member may have been able to get some of the drafting done - to consider the effect of amendments which will be required. I suggest that, following the anticipated passage of the second reading, we will be seeking to take the committee stage of the bill a little later in order to be able to give proper consideration to amendments which may be in the honourable member's mind. I support the bill.

Mr BALLANTYNE: I rise to support this bill. I was one of the original supporters of the bill when the honourable member for Port Darwin put it through on the first occasion. Since then, there have been 2 withdrawals and finally he has come up with this revised edition which has many changes to suit the people who are interested in the bill. I found that many people criticised the bill but they did not make much representation to the member for Port Darwin who has put a tremendous amount of time into the bill. He has read practically every book on the environment that is available to him. He has read most of the books on environmental studies and he has come up with a bill which, at first glance, looks to be a very harsh piece of legislation. It is harsh in one way and it is not in another. The whole thing boils down to the fact that the Director of the Environment will have to use a lot of discretion because this is the first time that a bill of this nature has been introduced in the Territory. For that matter, I could probably recommend it to other states, if they are looking for the type of legislation they would need to cover and control the environment.

As I said, discretion will have to be used by the director because, for many years, the Territory and other parts of Australia have been damaged by people who have had no regard for the environment. There have been pollutions of skies from chimney stacks all over the world in fact, not only here in Australia. There have been rivers polluted and even our own water supply here in Darwin I could not speak very highly of. There is a problem there that they have to get rid of.

These are the sorts of things a bill of this nature will perhaps bend into line. It is going to cost a lot of money to improve the environmental conditions around a mining industry. May I just say that the mining industry is very well aware of what has happened in the past, and I am sure that it has learnt a very bitter lesson from some of the companies that have come into the Territory and the states and dam aged the environment. You only have to look at Victoria, down in the area of Morwell, where they have an open cut mine for brown coal, to see the disastrous effect it has had on the environment there. That is a means of supplying power to the state of Victoria but, at the same time, it has left an ugly mass of destroyed environment.

I will not go into all the details that the member for Port Darwin went into in his second-reading speech. He covered all his amendments and I see there are a few more amendments which have been placed on the table. I see that in clause 20(1) he has agreed to omit - perhaps I should not talk about it now before the committee stages - "complaint by at least 6 aggrieved persons" and substitute: "receiving complaint from at least 6 aggrieved persons who, in the opinion of the director, are independent of each other". I think that that is a very worthwhile amendment.

The bill itself covers probably every aspect of environment from the person who might have a noisy exhaust on a motor cycle or a motor car to the emission of fumes from certain industrial places. I would like to thank the member for Port Darwin for the work he has done, and I am sure that when this bill does go through, the director will use a lot of discretion with his environmental officers and the actual running of the whole department. It will mean changes of thinking for people who perhaps will build new industry in the Territory. The mining industry is very aware of it. You only have to go down to Jabiru to look at the Ranger project to see the work that they have put into that project for future control of the environment. I am sure that, in the future, all the potential builders of industry will be aware of the Environmental Ordinance. I am sure they will work in with anything to keep Australia a cleaner and better place to work in, not only for now but for the long term future. I commend the honourable member for Port Darwin for the work he has done.

Mr EVERINGHAM: I must congratulate the honourable member for Port Darwin on the considerable amount of work he has put into this legislation. It is novel legislation and, as such, I approach it warily, somewhat like the bather who approaches a pool or bath and tries the water with one toe to start with to feel its temperature. In a way, I find the temperature of this bill rather too hot. Like the bather, I know it is the only bath available and I shall have to immerse myself in it whether I like it or not. As time goes on, the temperature may be lowered. Perhaps we will not find this piece of legislation perfect when we start but we have it in our hands to change those aspects of it which prove to be imperfect and lower the temperature by amending the legislation from time to time as circumstances indicate. I do support the legislation whilst being rather wary and cautious about it. It impinges on many areas of what we previously regarded as perfect freedom. We shall only find out from experience whether some parts of this bill are right or wrong and I fear that some of the experience will probably prove to be bitter. The only way is to jump in and find out.

There are a few amendments which I take the liberty of suggesting. In clause 13(1), the time provided for appealing against an environmental protection order is 3 days. I consider that that is a very short time. Whilst I have not seen the amendments proposed by the honourable member for Port Darwin, I believe a time limit of 28 days should be allowed there. Likewise, there should be a consequential amendment in 13(2). I too had the good fortune to be supplied with the proposals of the Northern Territory Chamber of Mines only last night. It is a bit hard to do anything constructive with them when you get them at that late stage, I have read them as best I can and it seems that there is some meat in some of what they say and no doubt the honourable member for Port Darwin recognises this. Amongst other things, they say that this bill will make the Director of the Environment potentially one of the most powerful officials in the Northern Territory and I cannot demur. However, I hope that the director will always exercise and ensure that his officers exercise this great authority in a responsible manner and, if this proves to be not the case, then obviously we will have to look at clipping his wings.

They also believe that provisions of this legislation may lead to the seeking of damages becoming an end in itself as has happened in the United States in anti-trust cases. I do not believe that myself and, if such should

prove to be the case, then that too can easily be cured. Later on in their submission, they refer to the arbitrary or unreasonable exercise by the Administrator in Council of the power to prohibit the use of specified machinery. They are certainly not seeking to get on the right side of the Administrator's Council in telling them at this stage that they anticipate that they will be acting in an arbitrary and unreasonable fashion. I personally do not believe that the Administrator's Council would act in an arbitrary and unreasonable fashion and I for one am perfectly willing to entrust to them the powers that have been suggested.

They would like an amendment of section 23(3)(b) to read: "The use is or is likely to be a source of serious or reasonably avoidable pollution of the environment". I feel that that is becoming a bit of a milk and water amendment and, at this stage, I would not support such an amendment.

I find some merit in what the chamber says about clause 37. This should relate back to clause 23(2) and I am sure that the honourable member for Port Darwin would agree that that is a reasonable suggestion.

They go on to talk about how we could be left without dumps because of the introduction of this ordinance and be forced to act in an illegal fashion. I do point out that the ordinance does not come into effect until it has been proclaimed in the Gazette and, in that time, the Administrator in Council should take the necessary steps to make provisions for the gazetting of these dumps at the same time.

Finally, they talk about recycling. I consider that adequate provision has been made to enable the director to take necessary action in relation to recycling. Recycling is more a matter for the individual. It is a conscientious individual or company that does its best to recycle. However, whatever the director could do to assist in that regard, I am sure clause 8(2)(a) gives him power to do that. It is a very broad power of initiating action for the protection of the environment. I would hope the director in his educational programs, which is largely all he can do on recycling, will encourage recycling where it is economical and desirable.

This has been fairly massive work on the part of the honourable member for Port Darwin. We have had 3 bills from him on this subject now. It has been easy for persons such as myself to criticise these bills. I would have done little in relation to the passage of this legislation as against the work put into it by the honourable member. My work has been minuscule. I am pleased to support in principle the passage of this piece of legislation.

Mr WITHNALL: I thank honourable members for their support for this bill. The suggestions which have been made for amendment by the Chamber of Mines came to my attention and, in much the same words, in another document I received yesterday. Thus, I had an opportunity not only of looking at the suggestions but of discussing them with a person concerned in the administration of the mining industry. The suggestions have been accepted in most respects. I have gone so far as to yield to the suggestion with which the honourable member for Jingili does not agree and that is that some sort of expression such as "serious or reasonably avoidable pollution" might be put into clause 23. I did that somewhat unwillingly because to limit the word "pollution" in clause 23 seemed to be an insult to the court which would have the task of administering it. Courts are very frequently concerned with litigation where there is an element of triviality and the courts do not like their time being wasted. The fact that the courts existed would be a sufficient safeguard in clause 23. I suggest to the honourable member for Jingili that, while I accept the view that he has, the probability is that some qualification of pollution would make the clause more acceptable and I do not think it would do any damage to the operation of the provision.

The Majority Leader referred to clause 13(1) and so did the honourable member for Jingili. I have accepted a proposal that the 3 days should be enlarged to 7. I am not prepared to agree

that it should be 28 days for the simple reason that, as the bill is now framed, the action on which complaint is made may continue during the time during which the making of an appeal can be considered. To say that what might be a very serious pollution can continue for a period of 28 days whilst somebody is thinking about appealing is wrong. The original period of 3 days did have the saving grace that it could be initiated by telegram, but I will agree that a period of 7 days may be suitable. I do that with some reluctance because serious pollution of the environment may be quite irreversible within a period of 7 days.

I direct honourable members' attention to the amendment schedule which has been circulated. I think most of the comments that they have made have been answered in that amendment schedule. I shall certainly be glad to discuss any other matter with any member of the Assembly.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

MEDICAL PRACTITIONERS REGISTRATION BILL

(Serial 155)

Continued from 7 December 1976.

Mr POLLOCK: I thank members for their support of this bill. The honourable member for Port Darwin raised the matter of provisional registration. He asked whether this provision would allow a provisional registration to continue in batches of 3 months. There is nothing in the bill that would stop that but it is not the practice for that to occur. The person who is provisionally registered must have all the qualifications required, whether it is for full registration or conditional registration, to receive that provisional registration until the subsequent meeting of the board. The provisional registration is granted by the Chairman of the Medical Practitioners Board acting alone. Until the subsequent meeting of the board to grant that registration, he provides a provisional registration. There should be no apprehension by the public that there is a lowering of any standards by that provisional registration.

He also raised the question of the public being able to see the registers and seeing what conditions may be placed on medical practitioners who are subject to conditional registration. It has been the practice for the registers to be available during normal hours for inspection by the public. I foreshadow that, in the committee stage, I will move an amendment to ensure that lists of medical practitioners who are conditionally registered will be published quarterly in the Gazette and that the 4 registers will be available during normal office hours for members of the public to examine free of charge.

The honourable member also raised the matter of the tribunal and its power to act in a like fashion to the Supreme Court. He mentioned that this would be a precedent in at least Australia. I am advised that this is not the case. In some acts and in other states of Australia, similar boards and tribunals constituted by a Supreme Court Judge and others have those powers. It must be remembered that a Supreme Court Judge acting on a tribunal because of his position as a judge, could not have his status lowered and he should be able to maintain all the same rights and privileges that he has when acting as a Supreme Court Judge. As a member of the tribunal, he is acting as a Supreme Court Judge. He does not cease to be a judge because he is a member of the tribunal.

The honourable member also raised the matter of complaint by members of the public, I would point out to the honourable member that members of the public who might make a complaint will make a complaint on a specific act or case and that complaint will go to the board who will categorise it into the respective area to which the board considers the complaints belong, because they are the people who know the area, and they will then refer that complaint on the specific ground to the tribunal.

The honourable member also pointed out that the tribunal may inflict a

fine of up to $1,000 but that the legislation provides no sanction to ensure that that fine is paid. I foreshadow an amendment to provide that a person upon whom a fine is imposed will be required to pay that fine; if he does not pay the fine, he may be deregistered and civil proceedings instituted against him to recover the fine.

There are a couple of other amendments foreshadowed which are basically machinery amendments. They provide that the tribunal hearings shall be in camera and ensure that the Supreme Court provisions that the honourable member referred to yesterday will be effected. I should perhaps advise the House that the Senior Judge of the Supreme Court has advised me that he has carefully examined the bill and considers it a good bill. He considers that the provisions relating to the tribunal are satisfactory and will work. With that endorsement, I commend the bill.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 15 agreed to.

Clause 16:

Mr POLLOCK: I move an amendment to clause 16 as circulated in schedule 141.1, to add at the end of section 18 a new subsection (4).

This clause, as amended, repeals section 18 of the principal ordinance which provides protection to members of the Medical Board for personal liability and for actions of the board. The new section 18 which replaces it extends the protection to judges, assessors, barristers, solicitors or other persons attending before the Medical Board or the disciplinary tribunal. The new section also places a person appearing before the board or tribunal under the same obligations and liabilities which he would have if he were appearing before the Supreme Court. I refer members back to my remarks at the second reading stage.

Amendment agreed to.

Mr WITHNALL: As I understand the honourable member's reply, he regarded the fact that there was a Supreme Court Judge sitting on the tribunal as being of some importance, but the Supreme Court Judge is only selected because of his office and does not bring with him the majesty of the Supreme Court or the functions of the Supreme Court or the powers of the Supreme Court, I still think, and would like to emphasise the view that I have already expressed, that the provisions of this section as amended are still most unusual and, indeed, could lead to some difficulty in administration.

Clause 16, as amended, agreed to.

Clauses 17 to 20 agreed to.

Clause 21:

Mr POLLOCK: I move an amendment to clause 21 as circulated in schedule 149.1.

As I mentioned in my second-reading speech, this provides for the registers to be published annually and the conditional register to be published 4 times each year, no longer than 3 months apart, and provides for members of the public, during normal business hours, to inspect free of charge any register kept by the board under this ordinance.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 to 24 agreed to.

Clause 25 agreed to with the addition of a new subsection (7A).

Clause 26:

Mr POLLOCK: I move an amendment as circulated in 141.3.

The bill at the moment provides for the nomination of 2 persons to join the Supreme Court Judge on the tribunal. The amendment increases this to 3 and the judge then selects 2 of the assessors to join him.

Amendment agreed to.

Mr POLLOCK: I move circulated amendment 149.2.

This provides for the recovery of fines which may be imposed by the tribunal by deregistration or civil action. It also provides for a medical practitioner to regain registration should he pay the fine.

Mr WITHNALL: I rise to emphasise that this is the first occasion that I know of, certainly in the Northern Territory, where an administrative tribunal has the right to impose a fine. It is a very serious departure from the concept that a person is not to be fined or suffer any punishment of this sort unless it is through a court. I am quite happy about the tribunal's right to deal with deregistration. That is fair enough. Suspension or cancellation of registration is quite a proper course to take but for a body of this sort to impose a fine is quite outré.

When the bill was at the second-reading stage, there was no provision for the recovery of a fine. The honourable member has introduced this amendment but it merely provides that the board may take proceedings to recover the fine in a court of competent jurisdiction as a debt due by the medical practitioner to the board. What is the board going to do with it? The board sits ad hoc on every occasion when the question of registration comes up. What is the board going to do with this fine when it gets it? It is not a body which receives money and spends money at all. There is no provision that it be paid to consolidated revenue. Eventually the board will finish up with an enormous trust account consisting of all the fines that have ever been paid. There is no way in which they can get rid of it. The honourable member surely must realise that he has not got himself out of the difficulty I raised but has also got himself into a further difficulty. It all springs from the fact that this provision is wrong and ought not to be in the legislation.

In clause 31, the sum of $10 is to be paid by any complainant as surety for the bona fides of his complaint. Ridiculous, isn't it? It means that I cannot complain to the board about a doctor unless I am prepared to put up $10. I notice there is no way to get it back either. There is a provision that says that the amount deposited with the registrar may be forwarded to the board if it is found there are no grounds for investigating the complaint. Surely if he is going to get it back, the legislation ought to say quite clearly that he shall and not build up this unspendable fund which the board is going to acquire.

Mr POLLOCK: We have heard quite a deal about the matter of the board or the tribunal being allowed to impose fines and that this is some revolutionary new procedure. I would just like to point out to the House that in 3 other Australian states provision is made for imposing fines on medical practitioners through the tribunals which operate in those states. I understand that, in New South Wales, there is provision even to fine lawyers for malpractice through a similar tribunal system. In relation to what would happen to these fines, I would refer the honourable member to section 19(2) of the principal ordinance which says: "Such fees and all penalties and other moneys recovered or realised under this ordinance shall be paid into the consolidated revenue fund". I think both his queries are answered.

Amendment agreed to.

Clause 26 agreed to with further amendments agreed to without debate.

Clauses 27 and 28 agreed to.

Clause 29:

Mr POLLOCK: I move amendment 141.6.

This is to provide for the serving of notices by certified prepaid mail rather than just prepaid.

Amendment agreed to.

Clause 29, as amended, agreed to with a further amendment agreed to without debate.

Clauses 30 and 31 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

REPORT OF STANDING ORDERS COMMITTEE

Mr SPEAKER: Honourable members, I lay on the table a report from the Standing Orders Committee.

Mr EVERINGHAM: I move that the report of the Standing Orders Committee be adopted.

Motion agreed to.

PUBLIC SERVICE BILL

(Serial 159)

Continued from 7 December 1976.

In Committee:

Clauses 1 to 3 agreed to.

Clause 4:

Dr LETTS: I move amendment 138.1, to omit from the definition of "Chief Executive Officer" in subclause (1) the words "within a department".

The purpose of that amendment and certain subsequent amendments is to enable the creation of units of administration which are not necessarily within a department. As the bill was presented, all units of administration must be within a departmental structure and there are obviously circumstances in which a small non-departmental structure unit is desirable for the efficient operation of the service. Even though the Cabinet decision was limiting to the extent that 5 departments are to be the original structure of the Northern Territory Public Service, I envisage that this will not always be the case. There will be some exceptions that might arise fairly early in the piece and it is wise for us to legislate for the future as well as for the present. One of these sorts of units which comes to mind is a possible office of ombudsman in the Northern Territory to look after complaints and problems arising from the Northern Territory Public Service. It would seem to be not compatible with the organisational structure of the public service for the ombudsman to be located within a department against which a complaint might be raised. Possibly the position of the Assembly as something outside a normal department will be made easier to establish in the future by virtue of this amendment which I have proposed.

Amendment agreed to.

Dr LETTS: I move amendment schedule 138.2 to remove the definition of "Executive Member" from subclause (1).

"Executive Member" is defined for Territory purposes in the Northern Territory (Administration) Act amendments made this year to relate to the transfer of executive powers. It is also picked up and defined in the Interpretation Ordinance which is a companion bill to this one. It is not necessary to have it in clause 4.

Amendment agreed to.

Dr LETTS: I move amendment schedule 138.3 to omit from the definition of "unit of administration" in subclause (1) "a department" and substitute "the public service".

This amendment again provides for the removal of special units of administration from the departmental structure with which we will commence the operation of this ordinance.

Amendment agreed to.

Dr LETTS: I move that clause 4 be further amended by adding at the end of that clause subclause (6) as circulated in schedule 144.1.

This subclause provides that, where there is an inconsistency between the provisions of this ordinance and another law in force in the Territory that makes specific provision in respect of designation, duties, conditions of service of employees, the Public Service Ordinance will be read as being subject to the ordinance which makes specific provision for employees' conditions. I have been assured by the draftsman and the legislative advisers that this provision was not really necessary; it is put in there largely

at my insistence because it was a bone of contention with the police associations in particular who seemed unable to comprehend or grasp that the distinction already existed and to give them reassurance and make the matter patently clear.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 13 agreed to.

Clause 14:

Dr LETTS: I move an amendment to clause 14 as contained in schedule 138.4, which is to omit from subclause (3) of clause 14 the words "give directions" and substitute the words "by general orders, give directions".

This form of amendment will occur several other times as we go along. The object of it is to clarify what is meant by directions in this sense. The unions and the people who are interested in the application of this ordinance had some fears that the Public Service Commissioner would be giving individual minute-by-minute, hour by-hour, day-by-day directions to the chief executive officers and members of the service by virtue of the expression used. That was never the intention. It was intended that the departmental heads and chief executive officers will run their own departments, and the form of directions which we had in mind with regard to the Public Service Commissioner was general directions which differ in the sense that they are general guidelines to other people who are giving specific directions and to that extent are different from the specific conditions which will be laid down in bylaws as applied to the staff. I think that this amendment helps to clarify it and removes some of the sting of the commissioner being the great dictator and ordering all the affairs of every department.

Amendment agreed to.

Dr LETTS: I move amendment 138.5 to insert the words, "colour descent, national or ethnic origin" after the word "race" in subclause (3).

This subclause refers to the duty of the commissioner in respect of giving general orders about discrimination in employment and, whilst a number of suggested reasons for discrimination are spelled out there in the sense that they are to be avoided, the extra words are inserted as a result of a suggestion by the Royal Commission into the Australian Public Service Administration, the Coombs Commission.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Dr LETTS: I move circulated amendment 138.6, to omit subclause (2).

In doing so, I would refer generally to the amendments to clause 15 which are all designed for the same general purpose: to lessen the onus on a person charged by the commissioner. I consider that, if the offence was serious enough, it would be taken up in a court and the full legal requirements as regards to making of statements, taking of evidence etc would apply. As a matter of internal discipline, there are stringent provisions in the clause which are somewhat overbearing.

The first amendment proposes to omit subclause (2) which provides that a person shall not make false statements etc to the commissioner and carries a penalty of up to $500. This type of provision could be applied, for example, to the wife of a public servant who, in some form of matrimonial loyalty, may be trying to cover up for a husband. On reflection, as it uses the term "a person", it was decided that the Public Service Ordinance should not go that far.

Mrs LAWRIE: In dealing with clause 15, if we take it in conjunction with the remarks made by the honourable member for Port Darwin concerning the staff of the Legislative Assembly, we see that the Public Service Commissioner can require any person - one would take, for example, the Clerk, the Deputy Clerk, the Sergeant at Arms - to produce documents within his possession or subject to his control. I would like

the Majority Leader's comments upon this, having regard to the fact that the documents likely to be in their possession deal with members' business.

Dr LETTS: The power or requirements to produce documents, as I understand it, refers only to a particular offence in connection with this ordinance and would not include the power to produce general documents which were not related to that offence.

Mr Withnall: It does not say that at all.

Amendment agreed to.

Dr LETTS: I move amendment 138.7 to omit from subclause (3) the words "burden of proof which lies upon him".

This again lessens the onus on the public servant. The provision was considered to be unduly severe and is now proposed to be omitted.

Amendment agreed to.

Dr LETTS: I move circulated amendment 138.8 which is exactly the same type of amendment as the one just carried.

Amendment agreed to.

Dr LETTS: I move amendment 138.9 to omit the present subclause (5) in clause 15 and to insert a different subclause in its place.

The new subclause says that nothing in this section shall be construed as compelling a person to answer a question or produce a document that may tend to incriminate him. The early provisions were considered to be unduly harsh. If the actions of the person were such as to require this type of provision, then once again the proper place for it to be used is in a court of law. The provision has been changed therefore to remove the requirement for him to answer questions or produce documents which could incriminate him. Naturally, the failure to answer questions or produce documents would give some indication of the course of events in a particular case.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16:

Dr LETTS: I move amendment 138.10.

This clause relates to reports by the commissioner. It was somewhat restrictive as it was originally drafted and the new subclause (4) will empower the Administrator in Council at any time to request the commissioner to report on any matter relating to the public service. New subclause (5) will empower the commissioner to report through the Executive Member to this Assembly on any matter that he considers should be brought to this Assembly's attention.

Amendment agreed to,

Clause 16, as amended, agreed to.

Clause 17, agreed to,

Clause 18:

Dr LETTS: I move the circulated amendment 138.11 to insert after "department" in subclause (1) the words "or other unit of administration".

This is to cover the amendment made earlier which envisages that there can be a unit of administration outside the departmental confines.

Amendment agreed to.

Dr LETTS: I have some difficulty with amendment 138.12. I had not noticed until today that in the redraft of this to incorporate subclauses (2) and (3) together in a new subclause (2) that a couple of extra words have somehow crept in. Previously it read, if I can just go back to clause 18(2): "There shall be at the commencement of this ordinance a department of" and so on. The draftsmen have changed it to "The first departments shall be", but then somehow or other, at the end of "community services", they have dropped the "s" off services, and they have tacked on the words "and welfare". I am not entirely happy that this was in line with the instructions and discussions I had with the draftsman, so I would seek, if possible, to postpone

the final consideration of that amendment 138.12 and to come back to it.

Mrs Lawrie: He has changed "community" to "consumer" too.

Dr LETTS: I move that further consideration of clause 18 be postponed.

Motion agreed to.

Clause 19:

Dr LETTS: I move amendment 138.13.

It is intended by this amendment to include the directions which will be given by the commissioner in clause 30(2) and this amendment takes note of that. The object of the subclause is to restrict the areas in which directions will be given. They will be given by general orders in those fields. Clause 30(2) is another clause in which the general directive approach is suitable and has therefore been included.

Amendment agreed to.

Mr WITHNALL: I rise to express my disappointment that the honourable Majority Leader has not seen fit to take some notice of the comments I made yesterday concerning the office of Speaker and the control by the Speaker of the staff of the Legislative Assembly.

We are supposed to work under responsible government, and responsible government, when you get down to a fine definition, is a government by people who are responsible to a legislature. This system of responsible government is necessarily British in character. It has grown up with the Westminster system, and one of the things that it emphasises is the independence and, if you like, the insularity of the legislature, and the fact that the Executive can be called into account in the legislature for its actions.

The office of Speaker and the control of the Speaker over the staff of the House of Commons goes back to the 14th century. In those days, the Speaker was the go between between the then existing parliament and the Crown. He literally was a "speaker" because he was the spokesman for the legislature and he took the views of the legislature, sometimes at grave risk of his head, to the Crown and requested the Crown to take cognizance of what the Commons had said. Since the 14th century, the British legislature has operated roughly on the same principle. The Speaker in Great Britain today is responsible for the control of the buildings in which the parliament sits and the control of the staff. So far as his office is concerned, he is subject to no direction and there would be something like a parliamentary revolution in Great Britain today if it was proposed, as this bill now proposes, that the Speaker should be subject to the control of an Executive Member.

This reverses responsible government; it means that the legislature, so far as the operation of its staff is concerned, is now responsible to a member of the Executive. I think honourable members are taking this step far too lightly. Although, in fact, what may in the future happen may very well be exactly what is happening now, it is wrong and improper to enshrine in law a principle that the Speaker and his staff are to be responsible to a member of the Executive, It is so far a departure from the Westminster system of government, so far a departure from tradition, that I find it surprising that it comes from the most conservative party in Australia. It is a revolutionary step and I am afraid I must condemn it. If this Legislative Assembly is to last, if it is to keep the respect of the people, if it is to keep that respect under the law, then it should not be seen to be controlled by the Executive. We do not have a separation of powers in Australia or in the Northern Territory but the independence of the judiciary and the independence of the legislature must not only be there in fact but must also be seen. I think it is disgraceful that a law is brought into this Chamber which, even in form if not in fact, makes the Speaker of this Assembly subject to the direction of an Executive Member.

Dr LETTS: I have been anxious from the outset to preserve the position of the Assembly, the Speaker and staff as

close as possible to that of state and federal parliaments in this country.

Mr Withnall: You have not done it.

Dr LETTS: I have discussed the means of achieving this on many occasions with the draftsman and with my legislative advisers and received certain advice and assurances on the matter. I am a reasonable man and, if there is a contention that the Assembly will not be able to operate with the reasonable degree of independence and flexibility that it can expect, then I am quite happy to look at any proposition which the honourable member for Port Darwin would put forward.

He mentioned the traditional role of the Speaker in controlling the buildings and the precincts. I think that this ordinance would not prevent that from happening so we are really talking in terms of staff. The Clerk, on behalf of the Speaker, has given to me a statement of certain elements for possible amendment to the legislation which I have not really had time to examine completely. Some of them, at first glance, I do not necessarily accept. There was one amendment which talked about all appointments and promotions of employees of the Legislative Assembly being made by the Administrator on the recommendation of the Speaker. I will have a look at that, but it seems to me to be taking away from the Speaker the powers which the ordinance itself may have given him in this respect because the bill does deem the Speaker to have the powers of a departmental head which are pretty wide as far as appointments and promotions ...

Mr Withnall: It puts him on the same level as the Commissioner of Police.

Dr LETTS: ... and things of this nature are concerned.

I did not take the point that the honourable member for Port Darwin made yesterday, and I still do not take it, that the form of words used in the federal Public Service Act is necessarily the best for the staff of the Assembly - that is to say, that the Speaker has complete discretion as to leave conditions, for example, that he may grant to the staff, not only when they may take their leave but in the extreme case they may take leave for 11 months of the year if he so deemed it to be required. The point I make is that there has to be some relationship between the terms and conditions of employment of everybody who works in this Northern Territory administrative unit. The more anomalous positions we have, the more friction between elements in the service will arise, and disparities, just for the sake of proving independence, are not necessarily good ones.

The honourable member speaks of the historical background to parliaments and their staff and the method of operation. This is not to say that everything that has happened and has been evolved is necessarily good and final. I suggest that the honourable member would not suggest that. That is the kind of argument that we heard in Tasmania when a Queensland delegate got up and said that, because the Constitution has remained virtually unaltered for 76 years, it must be a perfectly good document and no improvement could be made to it. We heard that argument down there and the honourable member certainly would not subscribe to that. Times change even in respect of legislatures.

Having said all that, I am still open to having a further look at this provision as far as it affects the Assembly and, if it is open to me, I move that further consideration of this clause be postponed.

Motion agreed to.

Clauses 20 and 21 agreed to.

Clause 22 agreed to with amendment.

Clauses 23 to 25 agreed to.

Clause 26:

Dr LETTS: I move amendment 138.15.

This amendment deletes the word "duties" from subclause (1) of clause 26. This is a matter that was brought to my attention by the spokesmen for the pub-

lic service unions with whom I discussed the bill virtually clause by clause. Some people may be surprised that they suggested that the word "duties" be taken out of the clause as far as the power of the commissioner to determine certain things was concerned. They suggested that this was more properly the function of the departmental head or chief executive officer and I could not agree with them more. That removes one step in what could easily be a red-tape process and puts the definition of "duties" back where it should be - in the hands of the departmental head.

Amendment agreed to.

Dr LETTS: I move amendment 138.16 to clause 26(1), to insert the word "allowances" after "salary".

Salaries are part of the general conditions of employees but allowances are special conditions. The word "allowances" is included to clearly empower the commissioner to make bylaws which relate to allowances.

Amendment agreed to.

Dr LETTS: I move amendment 138.17 which adds two subclauses (3) and (4) after subclause (2) in clause 26.

This empowers chief executive officers or the boards of prescribed authorities to prepare statements of duties for the employees under their control and to ensure that they are available for the information of those employees.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27:

Dr LETTS: I move amendment 138.18.

This defines paid employment so that the provisions of the sections are not avoided by a person coming to some arrangement for payment which would not fall within the normal understanding of the word "paid". I am sure in these days of unemployment that part of the object of the exercise is to make it go as far round as possible.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clause 28:

Mr WITHNALL: A little while ago the Majority Leader forecast the possibility that the Speaker of the House of Representatives might declare that the employees of that House would be entitled to 11 months leave out of every 12. The answer to that proposition was and is that no Speaker would ever be so irresponsible and that, when you make legislation, you necessarily trust the people to whom you give the administration of that legislation. I pointed out, and I think that the honourable member for Nightcliff pointed out, that section 28(2) could result in a complete evasion of the ordinary process of promotions of persons in the public service, because all vacancies could be vacancies with a prescribed designation, and the power to make regulations can avoid it. I have, however, examined the regulations which the honourable member gave me, and the draft regulation for the purpose of section 28(2) designates only a superintendent or above in the police force. I accept that the honourable member's government, when it comes into operation, will continue to exercise the sort of restraint that proposed regulation 4 shows.

Clause 28 agreed to.

Clause 29:

Dr LETTS: I move amendment 138.19 which picks up the expression "by general orders, give directions" which is consistent with a number of other provisions already adopted by the committee.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clause 30:

Dr LETTS: I move amendment 138.20.

The effect of this proposed amendment is to make it clear that the fitness of a person is only to be assessed against the position in which it is intended to

employ him and not in any other direction.

Amendment agreed to.

Dr LETTS: I move amendment 138.21.

This amendment requires the employing officer, if he does not think an applicant is a fit and proper person for appointment to the position, to so inform the applicant. It is one of the suggestions which came from the public service unions which I agreed to adopt.

Amendment agreed to.

Dr LETTS: I move amendment 138.22.

This is another use of general orders, rather than specific directions, as guidelines to employing authorities, consistent with the approach which I have been taking today.

Amendment agreed to.

Dr LETTS: I move amendment 138.23.

This picks up another suggestion made by the public service representatives. The new subclause would prevent a person being left indefinitely on probation, which could happen with the clause as it was originally drafted. It requires that, at the end of the second period of probation, the officer concerned must be appointed as soon as practicable or his appointment must be terminated as soon as practicable and he cannot be left in a temporary appointment basis indefinitely.

Amendment agreed to.

Dr LETTS: I move amendment 138.24.

This enables regulations to be made so that a person objecting to action on probation or application for a job may appeal against that action.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Dr LETTS: I move amendment 138.25.

This omits from the subclause "with the approval of the Executive Members concerned". Those words have been taken out of this and subsequent provisions of the bill to ensure that there will be no political interference in the operation of the Public Service of the Northern Territory. We in Australia have had a proud tradition of non-political interference. There have been times when there have been tendencies shown for the political arm to interfere with the executive arm and it has generally been frowned on by the Australian public, certainly by those in the employment of the service.

Amendment agreed to.

Dr LETTS: I move amendment 138.26.

The present provisions of clause 31 do not allow any appeal by an employee against his transfer under the provisions of this section. The proposed subclause gives the right of appeal to the employee against such a transfer.

Mrs LAWRIE: I notice an inconsistency in the proposed amendment which may be a simple drafting error or may not. We are talking about clause 31 - transfer of staff between departments - yet the amendment refers to transfer or promotion. "An employee may, within such time as is allowed by the regulations, apply in writing to the commissioner to decline the promotion or transfer on the grounds .." As the Majority Leader is well aware, there is a vast difference between promotion and transfer. Within the Australian Public Service at the moment, one cannot appeal against a transfer but one can against a promotion. I draw his attention to the inconsistency between the bill and the amendment.

Dr LETTS: I thank the honourable member for Nightcliff for drawing my attention to that. It does appear there is something not quite right in the drafting there. The new subclause is the only place in the clause where the word "promotion" is used. It probabl-needs a further look. I move that further consideration of clause 31 be postponed.

Motion agreed to.

Clauses 32 and 33 agreed to.

Clause 34:

Dr LETTS: I move amendment 138.27.

The purpose of this amendment is to make it clear that bylaws will not be made with respect to an individual employee but have application to classes of employees.

Amendment agreed to.

Dr LETTS: I move amendment 138.28.

This is a consequential amendment to the previous amendment.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clause 35:

Dr LETTS: I move amendment 138.29.

On consideration, it was decided that no restriction should be placed on the ability of an employee to appeal against a promotion. The alteration proposed will enable all employees to appeal against a promotion within the service.

Amendment agreed to.

Dr LETTS: I move that clause 35 be amended by omitting subclause (4).

This is consequential on the previous amendment. As any employee may now appeal, the subclause is unnecessary. However, provisions will be made in the regulations to take account of an employee whose appeal may be out of time.

Amendment agreed to.

Dr LETTS: I move amendment 138.31.

Honourable members will note that the provisions that were proposed in subclause (11) are different from those currently prevailing in the Australian Public Service in respect of payment for provisional promotion. At the very strong request and behest of the public service associations, the proposed new clauses 11 to 11(D) reinstate and equate the proposed provisions for the Northern Territory Public Service to those applying to the Australian Public Service and remove any friction or problems which might arise through disparities between the 2 services sitting side by side here.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36 agreed to.

Clause 37:

Dr LETTS: I move amendment 138.32.

If honourable members look at the commencement clause of this bill, they will see that the ordinance does not all commence at once. The commencement which relates to this clause is that which falls under section 2(2).

Amendment agreed to.

Dr LETTS: I move a further amendment 138.33 which is a similar amendment to the last one.

Amendment agreed to.

Dr LETTS: I move amendment 138.34.

This is to add a new subclause (3) which will clarify the position in respect of officers who were serving with the Northern Territory Public Service as seconded officers from the Australian Public Service at the time that this ordinance commences.

Mrs LAWRIE: This is not immediately clear to me. I agree that it is just a matter of trying to relate this back to the ordinance. It appeared to me that, by accepting this, a person seconded to the Australian Public Service shall be deemed to be appointed to that service.

Dr LETTS: I move that further consideration of clause 37 be postponed.

Motion agreed to.

Clauses 38 and 39 agreed to.

Clause 40:

Dr LETTS: I move amendment 138.35.

This amendment makes it clear that the salary payable to a transferred officer is a salary payable in respect of his substantive office.

Amendment agreed to.

Dr LETTS: I move amendment 151.1.

The words previously included in subclause (9) of clause 40 were "A transferred employee shall retain such rights, if any, and under the same conditions in respect of recreation leave, leave on the grounds of illness and special leave as have accrued to him as an officer or employee of the Australian Public Service." I have had very strong representations from the CAGEO people, 4th Division, ACOA and the Trades and Labour Council. In fact, after a long discussion with TLC, the only matter which really concerned them was this particular provision in clause 40. Put it this way: it was the only matter which concerned them sufficiently to write to me about. The concern seemed to be that 3 particular areas of rights and conditions were spelled out in the middle of this clause and they were concerned in case something else which was not specifically mentioned there might be avoided or might not be picked up, The Public Service Board gave assurances that this would not be so but those assurances have not altogether satisfied the unions, and particularly the TLC, on this score. They argue that, if you leave out the special conditions as set down there and read the clause in its generalities, it should pick up everything in the way of entitlements and conditions which might and should apply. It is our intention to do just that, so I have prevailed upon the draftsman to make this change. I do not know what the Australian Public Service Board will think about the change as yet. Anyway, Mr Chairman, I am not so concerned about that. It seems to be sensible, and it seems to satisfy the requirements and requests of a large number of unions, and that is the purpose of the amendment.

Mrs LAWRIE: I rise to support the proposed amendment. In my second-reading speech, I indicated areas of concern regarding such rights and conditions as housing. Unless I am completely wrong, this amendment would ensure that people who are in unusual circumstances, such as public servants accruing a points system, will take the benefits of that system across with them and their length of service in the Territory etc would be taken into account. If I am correct, then I fully support the proposed amendment.

Amendment agreed to.

Clause 40, as amended, agreed to.

Motion agreed to.

Clauses 41 to 45 agreed to.

Clause 46:

Dr LETTS: I move amendment 138.36.

This is another case where the approval of the Executive Member has been omitted to remove any inference of political interference.

Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47 agreed to.

Clause 48:

Dr LETTS: I move amendment 138.37.

As the clause stands at present, it seems that the commissioner could take only one of the actions possible under the clause. It may be necessary to take 2 or more of the actions in a particular case and the amendment will enable such actions to flow.

Mrs LAWRIE: This brings me to the point I raised in my second-reading speech where, as far as members of the police force are concerned, it may be that, due to injury or some physical cause, under the normal provisions they would receive a pension from the police force but, under this clause, at the discretion of the commissioner, they may be transferred to another part of the public service. I reiterate that the Police Association feel quite strongly against this.

Dr LETTS: The problem referred to by the honourable member for Nightcliff has been covered by the amendment which I made earlier in which any terms and conditions of service under the Police and Police Offences Ordinance will automatically be picked up and have stronger force than this ordinance. If at present the terms and conditions of employment of the police provide for options to be exercised in the way in which she has sought, that will continue. If they do not, then it would be a matter of getting those determinations made by the appropriate body which would be the Arbitral Tribunal.

Amendment agreed to.

Clause 48, as amended, agreed to.

Clause 49 agreed to.

Clause 50:

Dr LETTS: I move amendment 138.38.

This and the subsequent amendment relate to subclause (10) where there are incomplete references and it will show which sections those reference relate to.

Amendment agreed to.

Dr LETTS: I move amendment 138.39.

This is another correcting reference.

Amendment agreed to.

Clause 50, as amended, agreed to.

Clause 51 agreed to.

Clause 52:

Dr LETTS: I move amendment 138.40 to omit paragraph (e) from subclause (1).

Paragraph (e) of subclause (1) relates to conduct of an employee in his private capacity. This is not considered to be a proper matter for disciplinary action under the Public Service Ordinance. If his private conduct is such as to adversely affect his public service functions, then he would be charged under one of the other provisions of this clause and it has therefore been decided to omit the paragraph.

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 and 54 agreed to.

Clause 55:

Dr LETTS: I move amendment 138.41.

The effect of this amendment is that, instead of the total interest of the public service being taken into consideration when deciding whether a person should be disciplined, consideration will be given only to the duties of the employee.

Amendment agreed to.

Dr LETTS: I move amendment 138.42.

The words which are proposed to be added in that amendment were intended to be included in the original print of the bill but were inadvertently dropped from that print.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clause 56:

Dr LETTS: I move amendment 138.43.

The purpose of this new subclause (5A) is to clearly indicate that a disciplinary appeal board is not in any way restricted in its conduct of an appeal.

Amendment agreed to.

Dr LETTS: I move amendment 138.44.

This amendment is only a grammatical correction.

Amendment agreed to.

Dr LETTS: I move amendent 138.45.

This provision is simply strengthened by requiring that the appeal board shall give its decision as soon as it is practical to do so.

Amendment agreed to.

Clause 56, as amended, agreed to.

Clause 57:

Dr LETTS: I move amendment 138.46.

This is again a grammatical correction.

Mrs LAWRIE: I acknowledge that the amendment is a grammatical correction but I ask the Majority Leader if he can give an undertaking to the House that this particular provision was discussed with the various unions and was accepted by them and that the person on the disciplinary appeal board representing the employees shall be nominated by the commissioner. Is it in line with present practice?

Dr LETTS: This has been discussed with the unions concerned. The employees, by other provisions and by the regulations, are drawn from certain bodies which are appropriate to the particular classification of the officer concerned. Those persons who sit on this appeal board will come through the processes of the consultative committee.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58 agreed to.

Clause 59:

Dr LETTS: I move amendment 138.47.

Amendment agreed to.

Dr LETTS: I move amendment 138.48 which is again a grammatical correction.

Amendment agreed to.

Dr LETTS: I move amendment 138.49.

The proposed new subclause contained in this amendment makes specific provision for the general orders, which I mentioned earlier and which the committee has dealt with, to be used as guidelines for the employing authorities.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clauses 60 and 61 agreed to.

Clause 62:

Dr LETTS: I move amendment 138.50.

This again relates to the appropriate reference for the commencement of this part.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clause 63:

Dr LETTS: I move amendment 138.51.

This amendment merely extends the areas of service which will be recognised for periods of continuous service for a Northern Territory public servant.

Mrs LAWRIE: I seek further elucidation on this point. If, referring to Papua New Guinea, the person has had service in that service and is presently an Australian public servant, he is already covered by the carry-over provisions. Are we saying that people coming directly from the Papua New Guinea Public Service to the Northern Territory Public Service are to be covered? If they are in the Australian Public Service, they are covered anyway. I would like to know why specific mention has been made of Papua New Guinea and the United Nations.

Dr LETTS: I move that further consideration of clause 63 be postponed.

Motion agreed to.

Clause 64:

Dr LETTS: I move amendment 138.53.

The correct reference in this clause should be to a Chief Executive Officer which could include the departmental head.

Amendment agreed to.

Dr LETTS: I move the circulated amendment 138.54.

This requires the commissioner to give a written statement of the reasons for his decision and ensures that the commissioner's decision is enforced.

Amendment agreed to.

Clause 64, as amended, agreed to.

New clause 64A:

Dr LETTS: I move that new clause 64A be inserted in the bill.

There is already in the regulation-making power in clause 66, a reference to a consultative council but this is an important matter in itself. The public service unions regard the operation of a conultative council as being an important part of the administration of the public service and the legislation pertaining thereto. As it is an important matter in itself, it has been decided to make it the subject of its own provision separate from the regulation-making powers and to spell it out in some greater detail.

New clause 64A agreed to.

Claue 65:

Dr LETTS: I move amendment 138.56.

This omits from subclause (1) certain words which are unnecessary and confusing as there is more than one commencement date in respect of this bill.

Amendment agreed to.

Dr LETTS: I move amendment 138.57.

This also relates to the commencement period relative to this subclause.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clause 66:

Dr LETTS: I move amendment 138.58.

The words omitted are those relating to the establishment of a consultative council which are now included separately in a new clause which I moved and the committee carried earlier.

Amendment agreed to.

First schedule agreed to.

Second schedule agreed to.

Progress reported.

ADJOURNMENT DEBATE

Dr LETTS: I move that the Assembly do now adjourn.

Mr TAMBLING: The honourable member for Nightcliff asked a question seeking further information on the eligibility for the Home Finance Trustee loan scheme. I did give a partial answer yesterday morning and I have been able to obtain further information, particularly with regard to tenants of the Housing Commission. I am advised by an officer of the Home Finance Trustee that the Housing Commission has a list of tenants who had actually applied to purchase their homes prior to Cyclone Tracy and, either from this list or on a letter given from the Housing Commision, advice is given to the Home Finance Trustee of those who are eligible.

Miss ANDREW: I would like to provide some information for the honourable member for Jingili who asked me about a certain Freddy who was deemed to be a neglected child. He asked whether legal aid was made available to his mother. So far as I can find out, it was not made available. This was a matter for the Central Australian Aboriginal Legal Aid Service.

In answer to his question as to whether the Children's Court was told that the child's mother was in hospital, I am told that, during the course of sworn evidence in the major proceedings, a welfare officer said that the court had been told that the mother was in hospital.

Mr POLLOCK: I give information in relation to 2 questions asked of me yesterday. The honourable member for Stuart asked about the position of

Executive Director of the Central Australian Aboriginal Congress. I have made a request to the Department of Aboriginal Affairs for this information and they advised me today that the Central Australian Aboriginal Congress declines to provide the answers to the information requested as it is a privately funded organisation. Some of its funds do come from the Commonwealth Government through the Department of Aboriginal Affairs and, if the Federal Minister responsible requests the information, they will provide it to him. I have taken appropriate steps to ascertain the information.

Secondly, in relation to the Yirrkala Council House, I understand that an application was made to the Aboriginal Trust Fund for $15,000 to build a house at Yirrkala some time ago. This application has since lapsed and, at the present, there are no plans to build a council house at Yirrkala.

Mr PERRON: In the adjournment this afternoon, I would like to make some remarks on a report tabled in this House at the last sittings - the annual report of the Consumers Protection Council for the period covering July 1975 to June 1976. In the report, the Consumers Protection Council has some fairly strong words to say on administration and legislation in the Northern Territory on consumer protection and I will quote from section 6 of the report under a general heading of "Staffing and finance". The council says: "More importance is attached to consumer protection in the states and the Australian Capital Territory, and probably throughout the world, by parliaments of whatever political allegiance, than appears to be the case in the Northern Territory".

In an earlier section on legislation, they state: "There is no doubt that the Northern Territory sadly lags behind the states and the Australian Capital Territory in the matter of consumer protection legislation. Not one piece of legislation of this kind has been enacted during the period under review although the need is probably greater in the Northern Territorry than elsewhere".

I would like to pass some comments on this and other sections of the report. The answer to efficient consumer protection which, as the report says, most governments in the world these days agree is a necessary and desirable function of government, does not lie solely in the amount of legislation you have on the subject. The subject can be handled in other ways than just looking for every possible devious way that a person can end up with a bad deal and continually covering the situation with legislation. The answer, as I see it, lies in efficient legislation and the efficient policing of that legislation. We have quite a list - a short list but still a list - of consumer protection legislation in the Northern Territory that, if policed properly, would cover a lot of the problems that the council seems to believe exist.

There is extensive coverage of the Northern Territory under Part V of the Trades Practices Act which covers the Northern Territory even more than it covers the states. In the Northern Territory, the Trade Practices Act is enforceable upon individuals as well as corporations whereas in the other states of Australia only corporations can be taken action against. In addition to that, in the Northern Territory, we have the Sale of Goods Ordinance, the False Advertising Ordinance, the Hire Purchase Ordinance, the Door to Door Sales Ordinance and the Unordered Goods and Services Ordinance. No doubt some of these pieces of legislation need to be updated, and they will be, but they do provide quite a wide reaching coverage for consumers. Yet one sees almost daily breaches of those ordinances and many of the Consumer Protection Council's legitimate complaints concern breaches of those ordinances. I point out that the Trade Practices Act itself which is the mainstay of consumer protection in the Northern Territory provides some pretty severe penalties which at the moment are being reviewed by the Federal Government. They involve fines of up to $250,000 which means that the government which introduced that legislation really means business with these people. Specific prohibitions under the Trade Practices Act, and this

applies throughout the Northern Territory, are: false representation of goods or services, which is much the same as in our own False Advertising Ordinance; misleading conduct or statements; bait advertising; pyramid selling; and undue harrassment or coercion. Another important aspect of the Trades Practices Act is an implied warranty that services will be rendered with due care and skill and that goods sold shall be reasonably fit for the purpose for which they are sold. It is also worth noting that, under the Trade Practic-s Act, a person or company may be liable to pay for loss or damages as well as any fine a conviction may bring. That legislation is far more savage than legislation in almost any state in Australia.

I will not go into the very significant change in the Northern Territory brought about by the commencing of the Small Claims Court. The council has not referred to it in their report because it was commenced after the end of the period that this report refers to. I would mention that this is a very significant step forward and I understand it is operating quite well.

The Majority Party is working within its limited resources on new consumer protection legislation for the Northern Territory. We do consider that there are areas where it would be desirable to update the legislation and even bring in completely new legislation. I have attended state and federal consumer affairs ministers' conferences which have discussed at some length the problems of uniformity of consumer protection legislation throughout Australia. We are working along guidelines which are handed down at these meetings. However, there are very severe limitations on the resources of the Executive to get drafting done.

The council seems to infer that there is a whole range of areas that they feel we should be involved in. But, one must be careful not to over-legislate in some of these areas and we find that, to try to correct what may be a small problem, ends up needing a massive bureaucracy to control it. I cite the example of legislation like the motor vehicle dealers legislation and the real estate agents legislation in the states where they started out by registering the companies so that, if they are registered, they can be deregistered and therefore they will have to play ball. Whilst registering the company, the initial legislation provided that the company directors were registered as well and, in some cases, may have to reside within the state. It was found, as time went by, that this was not a sufficient deterrent for malpractice and so managers also had to be registered because they needed control in every little branch of a real estate agent's operations. That did not seem to cover every possible loophole either so now they register salesmen as well. Probably the next step will be to register the typists because perhaps the typists might type in a wrong figure or something which could possibly be detrimental to the consumer. We find that we are ending up in an absolutely enormous paper war in an area which is probably covered under various other laws already. I am not suggesting that we should not have registration of these people, I am suggesting that, when looking at this type of legislation, we have to be careful to see exactly where we are going when we start off.

Another small area I will mention here, and on which the report places some emphasis, is builders' registration. It suggests that, if we had had legislation to register builders and to control deposits prior to the cyclone or shortly afterwards, we might have avoided a lot of the problems which have stemmed from builders and other persons who have taken people's money in deposits and caused severe financial and other loss to them. I just point out that again it is not as simple as it seems. For example, a lot of money was taken off people who thought that they were paying a deposit on a house that they would have built on their land. In actual fact, it was not a deposit at all and legislation to require deposit moneys to be put in trust may not have covered the situation at all. The money was paid and in the terms of the agreement was actually to be paid back to the owner on completion of the dwelling. Strictly speaking, it was not a deposit at all.

The payer was merely purchasing for a short time his right to go on the list to have his house built on his land. In actual fact, there may still have been a situation where a person representing himself as a builder or a house seller could have run away with many thousands of dollars of people's money even if we had had legislation requiring that house deposits be lodged in trust accounts. That is another area that is not as open and shut as the Consumers Protection Council seems to infer.

The real answer for consumer protection, as is accepted by all states and most ministers that I have spoken to, is in education of the consumer himself. In actual fact, you cannot possibly cover in law every contingency where a person might end up on the bad end of the stick, as it were, and get taken for a ride. Most states now have very expensive and sophisticated consumer education programs. Fortunately, they get great co-operation from television stations and newspapers and it is working very successfully.

Much can be done in the Northern Territory to improve the consumer protection area and most of it will be done on an administrative level. We have certain legislation which is not being enforced as it should and it will be the job of the Executive Member concerned after 1 January next year to influence the department as far as policies are concerned, obtain sufficient staff and resources so that the section can operate efficiently and change direction a bit from the role it is playing at the moment. To date, the Executive has had no role to play in the administration of consumer protection in the Northern Territory. We have had charge of legislation in the House and that is as far as it goes. We have had no ability to influence policy or otherwise.

The Consumers Protection Council has been advocating that legislation be introduced concerning safety helmets for motor cyclists - people wearing helmets which were not up to an acceptable standard. Action was taken some time ago in the Assembly to cover this situation. The traffic regulations specify certain standards and certain brands of motor cycle helmets which may be lawfully worn when riding a motorbike in the Northern Territory. That fairly well covers that situation. If the council is inferring that all safety helmets which do not comply with those standards be banned from sale in the Northern Territory, I would suggest that they are taking the wrong stand on the issue altogether. There are a number of uses for protective helmets other than riding motorbikes and certainly, when riding motorbikes, one has to have a helmet of the highest possible standard - not one you can tear apart with your hands which they have found on the market. People use helmets for varying purposes. We have all seen helmets on construction sites and in the mining industry or on baseball grounds or for horseriding.

We would have to be careful not to introduce legislation saying that a helmet falling below an extremely high standard should be banned from the market in the Northern Territory. That is not being realistic. It is like saying that furniture that is cheap and nasty should be banned from the market because people buy it and it only lasts 12 months instead of 12 years. In actual fact, there is a price range this sort of furniture falls in and there are people who specifically purchase cheap furniture. They may be setting up house and they may be having some financial hardship. If we were to legislate that furniture, for example, should meet certain standards before it can be sold, we will only remove from the market products which satisfy a particular sector.

I do not wish to have my remarks construed as meaning that I criticise all of the Consumers Protection Council's Report because I do not. Much of the information in that report concerns details of complaints and this will serve a very useful purpose in informing the public of the type of thing that does happen in the community. I hope all honourable members do read this report. I merely wanted to record some reservations that I have with some aspects of the report.

Mr MacFARLANE: Yesterday, I spoke on the plight of the beef industry and I

mentioned some measures which I thought would help to get the industry out of the intensive care unit and back into operation. Possibly one of the greatest long-term measures would be the establishment of a central meatworks somewhere in the Northern Territory. It is obvious, when you look at the map and you see the Stuart Highway running down the centre of the Territory from Darwin to Alice Springs, the Barkly Highway running in from Camooweal, the Carpentaria Highway running in from Borroloola and the Buchanan Highway running in from Top Springs, that the ideal place would be somewhere around Elliott or Dunmarra which is the geographical centre of the Northern Territory.

The idea is to take the meatworks to where the cattle are. It would be no further to Elliott from Alice Springs that it would be from Darwin. A meatworks in this place could kill upwards of a 100,000 head of cattle provided it was operated properly. There seems no reason to have the whole establishment there. The cattle could be killed there and the quarters conveyed to Darwin and boned out there - or Camooweal, or wherever you like, wherever the population is. This is an idea which I do understand the Government is considering, but it is a longterm measure. Even if you started tomorrow with the drive of Dick Condon, the former manager of Northmeat, it would take at least 6 months, so that means that next year is out because you have not even got Treasury funding or government approval. That is a longer term situation.

Another scheme which I did not mention yesterday was the investigation of coastal rivers, like the McArthur River, to enable live cattle to be shipped out to overseas markets. The McArthur River comes in near Borroloola. Borroloola is served by 2 bitumen roads, one from the Barkly Highway which they call the Tablelands Highway and the other from Borroloola to Daly Waters which they call the Carpentaria Highway. If you could load live cattle onto barges or cattle ships somewhere near the mouth of the McArthur River, you could tap the Tablelands. We are talking about reducing the glut of cattle so that we counter the over supply and bring prices back to what they should be. Of course, the cattle price stabilisation scheme will do this but we have to fight the opponents of this scheme.

The other scheme which I mentioned yesterday is the introduction of intermediate export licences so that cattle killed at abattoirs in the Northern Territory can be exported to countries which wish to purchase that meat. There is a shortage of beef in our area - I go around in a circle of about 2,000 miles but it is much closer to us than it is to Sydney or Canberra. Geographical advantage must be used to our full advantage. Yesterday, I spoke about the Cattlemen's Union of Australia and how they put various motions before various ministers and how those had been mentioned in this place and in the Cattlemen's Association of North Australia up to 2 years ago.

The first motion was a pretty simple one and it might be a bit emotional but people when they are broke tend to get that way. When they see their life's work evaporating because of governmental neglect, they tend to get emotional and can you blame them? The present situation in the cattle industry has reduced producers to peasant status with ensuing social and economic problems affecting physical and mental health. "We ask the Queensland Government to provide specialised medical and social welfare assistance to people in these areas." I don't think people in this Assembly, and particularly those in areas away from primary production, realise just what tension there is on an average cattle station, just how tense the situation is day after day and year after year. We are going into the fourth year of this decline, this slump which was not brought on by us and not brought on by the Government. If you were in necessitous circumstances elsewhere, you get help. What real help has the Government given us?

The second motion was: "The Cattlemen's Union of Australia congratulates the Queensland Government on its beef stabilisation scheme. The Cattlemen's Union considers it to be a step in the

right direction and requests that the Queensland Government move for early implementation."

This is all very well too, but we have not got a state government so we are entirely dependent on the goodwill of Canberra. The goodwill of Canberra towards the cattle industry has been negligible. The abbesses of the abacus have shown us that they do not care a damn for us. The beef stabilisation scheme which was passed here 20 months ago did not get off the deck. This is not a loan; this is a "put-in, take-out" job - it is a stabilisation scheme. It is meant for orderly marketing but we are not only fighting the Government or public servants on this, we are fighting the meat exporter, the people who make a fortune out of beef. It is a remarkable thing that we cattlemen can spend 2, 3, 4, 5 years producing a beast to the stage when it is worth something and then we just hand it over to the processor and say, "Well, there it is; you take it, kill it and process it and give me what you like. Just give me back what you can," This is remarkable but this is not business. You can imagine Toyota sending out their cars from Japan and saying to Thiess Brothers in Australia, "We have produced the car; you sell it and just send us back what you can". This is not done anywhere else in the world.

Producers must control their own markets. This was the message expressed very clearly in Rockhampton over the weekend. Why not? Isn't it sensible? Who are we working for, the meat exporter or ourselves? "The motion is that the Queensland Government set up a producer orientated domestic and export beef marketing authority." This seems sensible. What this legislature has been fighting for for many years is only one thing - more involvement in its own affairs; that is all. We know we have to go to Canberra for money; we know all these things, but all we want is some involvement in the use of that money because we think that we can do it better, and this is what this third motion was about.

The fourth motion was: "This meeting of the Cattlemen's Union instructs the executive and delegates to press aggressively for a liveable price scheme for the slaughter of cattle". This goes back to your stabilisation scheme, and these people over there are adamant that nothing will suffice except a reasonable price. That is all they want. Does it not seem ridiculous to you that people should lose money producing cattle while beef exporters make record profits? Is this sensible? Does it not seem unreasonable that companies are buying up cattle properties all over Queensland, the Northern Territory and Australia while the owner-producer goes broke? There must be a moral in this somewhere surely?

The next motion was: "This meeting requests the council of the Cattlemen's Union of Australia to investigate and, if feasible, implement ways of entering the field of direct marketing of beef and live export cattle on two sides: (1) processing and/or handling; (2) retail marketing, in order to obtain the maximum return for its members from their products". Once again this is involvement, and you will find that cattlemen in the Northern Territory are reluctant to accept this because they say: "Oh, we will leave it to somebody who knows something about it". If you leave it to an agent and he charges 7.5% or whatever it is, he has to learn too. Certainly you might need the agent. But why shouldn't cattlemen involve themselves in this? They are going to do it in Queensland. Is a Queenslander any smarter than we are? I think they are as a matter of fact, but that is beside the point. At least, they are doing something about organising their industry. We are getting back once again to more involvement in our own affairs. Cattlemen for too long have sat back and taken what was dished out. For 10 years, I was fighting Dick Condon of the Katherine Meatworks for a fairer price for cattlemen, and I got very little support. If I had been in Queensland, I might have got more.

One of the main objections of the Federal Government to the cattle price stabilisation scheme as it would be operated in Queensland or in Australia on a national scale is that you must have a classification scheme. These people over in Queensland moved: "That

a classification scheme be introduced immediately for the benefit of both consumer and producer". I do not know very much about it because Top End cattle can only be classified in one way - third grade, and that is the price you get for them. They tell me that age, sex and weight, which are very easily worked out, plus the fat coverage, is all that is required, and they estimate that to set it up at any meatworks would cost about $14,000. This is one of the main objections of the Federal Government to the stabilisation scheme.

They said: "We convey to the Federal Minister for Primary Industry that the proposed Meat and Livestock Corporation is completely unacceptable." That is a fairly straight forward one too, isn't it? I wonder what he will do about that one? As far as I am concerned, the Australian Meat Board has been useless. We had 2 or 3 Meat Board members at the convention and they spoke very well. I have heard them in Katherine and other places. They are magnificient speakers, but they have not done a thing for the Northern Territory and, if you listen to the producers, they have not done much for Australia either. Why should there be meat exporters on a Meat Board anyway? Who produced the meat? These people are on the right track and I think we are too but, instead of being 18 months ahead of them, we are about 2 years behind.

"That the Cattlemen's Union of Australia investigate the possibility of joining with AMIEU for the purpose of purchasing and operating meatworks." The Cattlemen's Association of North Australia would not go along with this one. I proposed early in the year at Katherine that the Government, the meat workers or the unions and the producers combine to take over Katherine. We could not get to first base of course. I suppose we are fighting the wrong people; we are fighting the meat exporters. The fact of the matter is that Katherine only killed 13,500 this year and will probably not open next year. Mr Acting Speaker, I will continue my remarks tomorrow.

Mr BALLANTYNE: I rise to talk about a very important matter for the Territory and particularly my electorate - bilingual and bicultural education. Over the years, certain people have been doing a tremendous amount of work to build up this curriculum to assist the Aboriginal people. They have done much in the other states, particularly Victoria, to promote bilingual programs and help ethnic groups. When migrants come to Australia, they do not have a good knowledge of English. The idea is that they try to teach them their own language and, at the same time, gradually develop their knowledge of English. This is what is happening at Yirrkala and Nhulunbuy.

Bilingual education basically means what it says. A child is made literate in 2 languages his own language and English. Similarly, bicultural education means cultural development for the child in 2 fields - his own and the western culture. The main change in the system to that used in the past is that the child starts his education in his own language. For example, he learns to write and read in his own language first and then later the ability to read and write in his own language is used to make him literate in English. There are several reasons for this approach. One of the main ones is the interest that the children have shown in learning in their own language. I do not know whether many people have given thought to it but most Aboriginal people can speak their own language but they do not have any idea of the background of the language; they cannot read or write in many cases. Some of the adults are bilingual to a degree, but they cannot read or write in their own language and they have no real knowledge of this, that it is only through these types of programs where you are getting the younger people and the secondary school children as well who are given a better approach to their education through the bilingual system.

In the school, there are several administrative problems which have to be overcome. The Aboriginals have no written language of their own. Hence, the oral language has to be written down and, before it can be taught to the children, there has got to be a lot of preliminary work by linguists. To my

mind, it is very essential that the linguists talk to the various groups of Aboriginals to decide on the language they are going to choose for that particular group of Aboriginal tribes. In some tribal areas, you have up to 14 or 15 different language groups and the Aboriginals have taken upon themselves to suggest through their council representatives that a certain language be chosen which is perhaps similar to their own language.

Another administrative problem that the Aboriginal teachers have is that they do not have the necessary ability in the Aboriginal language. As you know, there is a lot of encouragement now for Aboriginal teachers through the system. The Minister for Education, Mr Carrick, has suggested that one of the first priorities is to train Aboriginal teachers. I agree with that wholeheartedly and I think the honourable member for Arnhem would be one of the first to agree, having had past experience as a teacher and with his knowledge of the Aboriginal people. The teaching of the language has to be done by Aboriginal teachers and to do this the teacher must be taught how to teach. Teacher training is very important. There has been a lot of this lacking in the last 12 months or even the last few years. Because of the staff ceilings, a lot of suffering has occurred with regard to the long term program of bilingual teaching.

Another thing is that they be made literate in their own language. There are no reading books available for children in their own languages. How are you going to do that? Out at Nhulunbuy or Yirrkala, this is being done today. The people out there on the bilingual program are making up books in their own languages to assist this program. They have to collect stories and legends from the local people and write them down. They have to illustrate them and produce them in book form. They have done this. They have quite a library of books necessary to help primary and secondary children in this program.

The bicultural side of the system means that the children are consistently exposed to 2 cultures. This means a close involvement of the Aboriginal community with the schools to give the child the impact of the Aboriginal culture. At Yirrkala, the school is entering its fourth year of the scheme. During the year, some children will leave the bilingual atmosphere of the infant classes and enter the primary school. This is chosen by the community. The language in this area is one that is common to all the language groups. Oral English is given to the children at preschool and writing and reading in English is introduced in the infant classes. The primary and the postprimary classes are not bilingual but their pupils are given Gumatj language lessons in these classes. Arithmetic is taught to the children in both languages using the number concept. For example, they might say one is bigger than and one is smaller than because the Aboriginals do not have many numerals in their counting system; they only count up to 5. These are taught in the Gumatj language and the number facts are then taught in English.

I would like to make it known to this Assembly that I would like to see further development of this particular bilingual system within the education system. It has been done in Victoria with other ethnic groups and there is no reason why many other languages could not be taught on the same basis. People who can only speak one language could be taught in the same way. While they are learning English, they could learn French at the primary school level. I would like to see that given some consideration.

I received a submission from the East Arnhem Teachers Federation asking me to support their submission to the Minister for the Northern Territory on single teacher accommodation. The present situation at Nhulunbuy is that the single teachers have no claim over any other accommodation; there is no other accommodation available. There is no private accommodation and to rent a house from someone moving away from the area is just not an economic possibility. The accommodation they are offered at the present moment is a single room 10' by 9'. I have spoken about this before. I have many times asked the Education Department to try to convert

the single accommodation rooms at the Commonwealth hostel at Nhulunbuy into 2-room units. This would not take very much in the way of finance and I am sure it would make the single teachers in the area much happier. I cannot see them lasting any more than 6 months or 12 months as it is today. Originally, Nabalco had single accommodation built and the Commonwealth followed suit and built the single units which are a complete and utter white elephant as far as I am concerned.

The single teachers have put a very strong claim to the Minister to try to rent houses on a share basis and I think this is a pretty good request. I know that married couples have to be given precedence over single people but, in some cases, it has forced teachers to enter into a de facto relationship just to rent a house. This is not acceptable in a lot of cases but it is acceptable to those people and it is their own problem. I do stress that there should be something done with regard to single teacher accommodation in the isolated areas. Would we like to live in a room 10' by 9'? A prisoner at any jail would probably be in better accommodation than the single teachers in that area. This problem not only applies to single teachers but to other Commonwealth employees and I just thought I would bring this to the attention of the Chamber today because I feel very strongly about it and I only hope that I can get the support of the Department of the Northern Territory through the Minister.

Mr Steele: You will be battling.

Mr BALLANTYNE: I know I will be battling but I feel very strongly about it and I only hope that some sense will reign. These people are not asking for a great deal; they just want to be made comfortable for 2 or 3 years in an isolated area. One chap said to me: "I like singing and playing the guitar but how could I possibly go back to my room tonight and sing a song or play the guitar when there are rooms all round me with single people? They would probably want me thrown out of the place." They cannot ever entertain friends. They cannot even bring somebody in for an evening because they have nowhere to put them. They have to come into a little room with one bed, a washstand basin and a couple of chairs. I hope that some sense will prevail, not only in Nhulunbuy but in other areas where it is essential that single teachers are not prejudiced with regard to accommodation.

Motion agreed to; the Assembly adjourned.

Thursday 9 December 1976

Mr Speaker MacFarlane took the Chair at 10 am.

AMENDMENT OF STANDING ORDERS

Mr EVERINGHAM (by leave): I move those amendments to the standing orders as set out in the schedule on pages 2 and 3 of the report of the Standing Orders Committee which was adopted yesterday.

I do not propose to read the proposed amendments in full and add to members tedium, nor do I propose to speak to the proposed amendments at any length. The report itself is self-explanatory and we have had the honourable Majority Leader's statement earlier in this session in relation to a measure of responsible self-government being handed over to the Northern Territory Legislative Assembly Executive. These amendments are proposed in the light of those developments.

Debate adjourned.

JUSTICES BILL

(Serial 161)

Bill presented and read a first time.

Miss ANDREW: I move that the bill be now read a second time.

Members will be aware that the provisions for the appointment of magistrates are presently contained in the Justices Ordinance. As these will be replaced by the new provisions in the Magistrates Bill, now before the House, it is necessary to repeal the provisions in the Justices Ordinance. The Magistrates Bill did provide for these amendments; however, this is contrary to accepted drafting practice in the Northern Territory - that is, to amend one ordinance in another ordinance - because that gives rise to hidden amendments. Consequently, it is proposed to delete the provisions contained in the Magistrates Bill and to insert them in the Justices Bill now before the House.

The only other matter dealt with in the Justices Bill is a consequential amendment to provide that a reference in any law to a special magistrate only includes a reference to a stipendiary magistrate unless the contrary intention appears. The Justices Bill, I trust, will commence at the same time as the Magistrates Bill. I commend the bill.

Debate adjourned.

REPORT OF ROYAL COMMISSION ON PETROLEUM

Mr TUXWORTH: I move that the Northern Territory Legislative Assembly, believing that considerations other than those relating to economic matters have not been treated by the Royal Commission on Petroleum (Fifth Report) in true perspective, and that the recommendation of the commission could be prejudicial to the development of Australia's natural resources generally and the central Australian economy in particular, (a) calls on the Federal Government not to accept the conclusion and recommendation of the Fifth Report of the Commission relating to the proposed Alice Springs refinery; (b) asks the Government to encourage, as soon as can be arranged, further exploration in the area; and (c) requests the Government to have the Mereenie crude oil and natural gas field reserves developed.

I regard this motion and the remarks I will make about it today as perhaps the most unfortunate and disappointing task that I have had to undertake in this Assembly so far. The contents of the Royal Commission Report are such that I will have to take exception to some of their conclusions and I regard that in itself as most unfortunate. The oil and gas fields that were discovered at Mereenie and Palm Valley in the early 1960s were evaluated by the Magellan and Oilmin exploration group until 1969. In that period, the company discovered a significant reserve, a reserve sufficient to give consideration to the establishment of an oil refinery in Alice Springs and even, perhaps, a pipeline to the coast, from Alice Springs to the Gulf of Carpen-

taria, to enable the export of natural gas to California and Japan. In 1969, the exploration group made a formal application to the Government to get its attitude towards the establishment of a refinery in Alice Springs and, until 1972, they met with very little cooperation. In fact, they experienced great antipathy from the Government and opposition from the major marketing companies in the area.

In 1973, the Government of the day formed a Royal Commission on Petroleum to investigate all aspects of the petroleum industry within Australia. Since then, any decisions by the Government relating to the Alice Springs oil refinery and the development of the Palm Valley fields have been held in mothballs. Advice that I have from both the Department of the Northern Territory and the Department of National Resources has always been that these matters I have raised should be held over and no decision made until the Royal Commission on Petroleum's report was tabled. Deferral on such items as the granting of leases is just one issue at point.

The fifth report produced by the Royal Commission was tabled in Federal Parliament some 4 weeks ago. Prior to a copy of the report being made available to this House, I received in the mail a publication by a major oil company that I did not quite understand at the time and put aside to read at a later date. This little booklet is a publication put out by a major oil marketing company, refuting some of the comments made by the fourth report of the Royal Commission on Petroleum, and it was not until I saw the copy of the fifth report that I realised why the company had gone to the trouble to refute some of the arguments in the fourth report.

The findings and conclusions of the Royal Commission on Petroleum in relation to the Alice Springs oil refinery were considered in 100 pages of a 500-page document. It is a project that will involve the development for $20m of reserves worth some $400m, and I believe that the Royal Commission on Petroleum has not done justice to the proposal. The Majority Party believes that the findings are not in the national interest and that, in particular, they will be detrimental to the industrial development of Central Australia.

Mr Speaker, this country imports 33% of its natural crude and, by 1981, when the existing fields in Bass Strait have been exhausted, we will be importing 100%. We are, therefore, of the very firm conviction that every contribution made to the maintenance of supply of Australia's fuel, by however large or small a refinery or field, should be encouraged, and that this proposal in particular is in the national interest.

The development of the refinery project in Alice Springs will give continuity and guarantee supply. It will bring additional industry to the town, it will employ some 80 to 100 people, and it will give further encouragement to further development by the exploring companies who have not drilled a hole in the last 5 or 6 years and who have little reason to go back to the area. Those people who have had the experience of Alice Springs will remember that the oil exploration activity in the town during the 1960s played a vital part in the town's economy.

The Magellan Petroleum-Oilmin proposal was made to the Government in 1969 to get their attitude. It was not a proposal on the details and particulars that would be involved in building a refinery; it was a proposal that the company put forward because they could justify the establishment of a refinery to work the reserves they had found and they were looking for an attitude from the Government towards this development. Up to date, they have never had an attitude from the Government towards this development and this is most regrettable because, before any development can proceed in the Palm Valley Basin, the company must have from the Government an attitude on such things as royalties, the wellhead price they can collect for their product, the field, the Government's attitude on the establishment of a pocket refinery in a very remote area, the issue of decentralisation and the attitude of the Government towards future petrol subsidies.

I will now deal with the recommendations and conclusions of the Royal Commission and I would like to say that the first one is one that I would like recorded in Hansard for I believe that it is commendable and the very basis on which such a project should be commenced. The Royal Commission in its first recommendation said: "The idea of using an isolated resource in a highly decentralised industrial context is very attractive. Understandably, many people, residents and others who are interested in Alice Springs and Central Australia, see hope in the opportunities that even relatively small investment brings with work, money, development and security of supply". My colleagues and I are in complete agreement with this recommendation and we would like to see this as the major basis for any future development.

In its second recommendation, the Royal Commission concludes: "Security of supply in Central Australia has been an intermittent problem and it seems that this will not prove to be a continuing problem as road and rail access from the north and south are being substantially improved". I believe that it is a very brave man who would put his head on the block and make any forecasts about the future of supplies and the continuity of supplies in Central Australia over the next 10 years. While I would be unable to prove that the Royal Commission's attitude is right or wrong, it would also be extremely difficult for them to prove that they were on firm ground in making that statement.

The third recommendation of the Royal Commission refers particularly to the reserves assessed by the company in the basin and accepted by the commissioners as a fair and reasonable estimate of the amount of wealth in the ground. On page 461, this report accepts that Magellan and Oilmin have proven reserves that will enable the company to pump 4,000 barrels of crude a day for the next 40 years, and that the proposal for the small refinery was built around the concept that this amount of oil could be pumped. There seems to be very little doubt or confusion about that figure. The company has also alluded to the fact that there is a further 0.3 trillion cubic feet of gas in this basin which can be removed for the use of the people in the area.

Then the Royal Commission contradicts itself. On page 541, the commission says: "The field remains essentially unproven". I find it very hard to accept the argument that there is a proven delivery of 4,000 barrels from an oil field and then in the next breath for the commission to say that the field remains essentially unproven. I think it would be a fair comment to make that every resource in this country is unproven until it is exhausted, because while private exploration people are prepared to look they will always continue to find things.

The fourth conclusion reached by the Royal Commission deals with the market and the possibility of getting rid of all the products that can be produced from any refinery. On page 501, the report says, in relation to a submission by Energy Management Australia, that the commission's view is that whether there is a demand sufficient to support either refinery is quite open and cannot in the absence of field work be resolved either way. While I have reservations about that statement, because I am aware of the detailed studies that some marketing organisations and Magellan Petroleum have undertaken in the area between the years 1969 and 1972, I would be prepared to accept that an updating of the market demand and the assessment would be more than reasonable. However, on page 541 of the report the commission goes on to say that it entertains a very serious doubt as to whether a market exists, without having any basis for having made that statement. The Royal Commission could, without any doubt, have established the amount of fuel consumed in the Alice Springs area by asking the Controller of Customs for a one-line figure on the total market consumption. It is regrettable and remiss that the Royal Commission should have not taken this action because it would have dispelled beyond any doubt exactly what market capacity is available in the area.

The fifth conclusion reached by the

Royal Commission is that it has very serious reservations about the cost of a refinery and that Oilmin and Magellan did not give enough detail in their submission relating to this matter. I have been advised by Oilmin and Magellan Petroleum that it was never their intention to give a detailed statement of the cost of building the refinery and that the oil industry, like any other industry, has methods of ascertaining roughly what projects will cost. If we go to a builder, he can tell us that the building cost for a project will be $4,000 a square; a roadmaker can tell us that roads cost $50,000 a mile; and the oil industry can tell us that projects that turn out 4,000 barrels a day cost approximately $9m to $11m. The Magellan Petroleum attitude was that the rough calculation they had made was more than satisfactory for the arithmetic they had to undertake.

In its sixth conclusion, the Royal Commission enters into the argument of making the refinery a topping plant. It is not quite clear what the commission was getting at when they did this, because the principle of Oilmin and Magellan Petroleum at no stage indicated their interest in making the project a topping plant; it seemed to be an exercise that had very little bearing on the submission made by the company.

In the seventh conclusion, the Royal Commission expressed a preference for the development of a refining capacity by Energy Management Australia, in preference to the submission put forward by Magellan Petroleum and Oilmin. This I will quote from the report. It says: "The EMA scheme is based on administrative arrangements that are well known in the industry, and which as a consequence have a much enhanced prospect of ready acceptance by the industry". The only remark I can make about that conclusion is that I have no idea what it means, and neither do the principals of the firms involved.

The eighth conclusion deals with the possibility of government financial support for such a development. The Royal Commission says: "It does not recommend government support for the refinery. The criteria for such a decision are to be based upon standards applicable to refining". Here, I understand them to mean the standards of refining which would relate to the capacity of the refinery to turn out an 89 or a 93 octane fuel. But there are very important criteria other than these, criteria related to policy decisions on decentralisation, the creation of employment opportunity, the development of the north and the utilisation of this country's natural resources. These I believe are a much more important consideration than the cracking capacity of a refinery.

The company has indicated to the Government that it would like the Government to underwrite the development loan for this project because governments in this day and age now involve themselves in the energy field in a very comprehensive way; in fact they make a lot of noise and carry out a lot of activity in the field because the utilisation of our fossil fuels is becoming more important to this nation daily. I would like to propose that it is not unreasonable for any government to be asked to underwrite a loan. The proposal is very simply, that there is no cash outlay by the Government, no commitment other than it would pay out losses if the refinery failed and became bankrupt.

One of the multi-nationals made a reference to the fact that this would be a dangerous precedent. The question I raise is - Dangerous to whom? We already have in Australia an accepted practice where the government of the day guarantees loans for Ansett and TAA to buy jet aircraft. We have seen state and federal governments underwrite loans for the establishment of the Moomba gas field development and pipeline. We have seen a state government come to the rescue of the Greenvale nickel project by underwriting a loan. We have, in several states, instances where state governments come to the aid of tourist development in remote areas and underwrite the loans made by private enterprise. In return for this guarantee, which I believe is not unreasonable, Magellan Petroleum is offering, as security, 67 million barrels of oil and 0.3 trillion cubic

feet of gas which on today's market prices, at the wellhead, would be worth $400m. In business terms, this would be a most acceptable risk and indeed it is to the bankers, provided they can get a government guarantee, because the stroke of a ministerial pen these days can change the operation of industries and render various projects bankrupt and useless. This is the only guarantee that private enterprise is looking for.

The ninth conclusion of the report refers erroneously to the extraction of either gas or oil from the refinery. It is my understanding that it is a world-wide practice that, wherever oil and gas occur in the same basin, it is not acceptable to take one or the other. By means of conservation, it is essential that both resources be extracted and to do this the oil is taken first and the gas is taken after. The Royal Commission, on several occasions in the report, makes a reference to the extraction of one or other of the components in the basin and is quite firm in its attitude that only one or the other would be extracted and perhaps this disadvantage could prejudice the development of the reserves. I would like to emphasise that by the fact that we have to take both factors out of the basin there is no reason for the project to be prejudiced. In fact, the removal of both oil and gas will lessen the risk involved to investors.

In the tenth conclusion, the commissioners recommend what I believe is a very fair formula for assessing the viability of the refinery. It appears to people I have spoken to to be a good common-sense formula and it is consistent with management practice.

In the eleventh recommendation, after making these conclusions, the commission, in one sentence, says that it does not recommend the acceptance of either application as made by Oilmin or Energy Management Australia as an acceptable proposal for the development of the field. I think, in the interests of the Northern Territory, that it is most important that the people of the Northern Territory understand the implications of such a statement, because I believe this document in the course of time will become the bible under which the public service and the Government operates. If we do not take this opportunity to refute what we believe are inconsistencies, then we will be stuck with the attitude of the Royal Commission for all time and we would never have a refinery in Alice Springs.

In concluding my remarks, I would say that, from the Northern Territory point of view, this project is most significant. In the years to come, within the next 5 to 10 years, the price of crude oil on the international scene will be fixed by the cartels at a price that is equivalent to the extraction of petroleum from coal, and on today's cost that is equivaent to $15 a barrel; the international cost is $8-$9 a barrel and our home purchase at the Bass Strait wellhead is $3,40 a barrel. We are living in what might be regarded by some countries as a paradise, to be able to purchase oil for $3.40 a barrel, but those days are coming to an end and very quickly. If this project had been started in 1972, as had been proposed, it would have been built and paid for by now with the natural increase in the price of oil on the overseas market. We are in a situation where we are dilly-dallying. If the government of the day had then written a contract with the principals of the refinery to purchase fuel for the Alice Springs and Tennant Creek powerhouses at a fixed price for a period of time, and the price was the ruling price on the date the contract was written, the Northern Territory administration would be currently saving $900,000 a year on the cost of fuel for those two powerhouses.

I believe that every day's delay in this project is one that costs the Northern Territory dearly and I believe we should make our feelings known to the Commonwealth Government in the strongest possible terms.

Mr ROBERTSON: In supporting the honourable Executive Member for Resource Development in his comments, I would ask the House to bear with me and indulge me a little. My copy of the Royal Commission's Report I think has been through about 8 different hands because of its cost; it is scribbled all over; it is rather hard to even see

the print and much more difficult to see the sense in some of it.

The original discovery in the Mereenie field was made in 1964, and by January 1969 the group of companies, Magellan and Oilmin combined together, were in a position to make their first submissions to government. These submissions were made in that year to the then Deputy Prime Minister. In the same year, the Prime Minister, I think it was Mr Gorton at that time, became involved, as too did the Minister for National Development, in consultation with the companies.

In April 1970, the Department of Customs and Excise became involved, and since that time so have the Treasury, the Department of Customs, the Department of Urban and Regional Development, the Department of Housing and Construction, the Department of Environment, the Department of Transport, the Department of Minerals and Energy, the Department of Northern Australia - and, of course, the Department of the Northern Territory later on, not to mention the Department of Aboriginal Affairs.

All these organisations, this great proliferation of departments, have made submissions to the Royal Commission. Let us briefly examine what those submissions contain, other than comment totally favourable to the Royal Commission's report. What I am trying to get at is how on earth the commission came up with the conclusions it did on the basis of the submissions provided by the departments.

We start off with the Treasury. That would be the most absurd piece of information, or non-information, I have ever come across from a department, although I suppose one is to assume it is always possible to get this sort of drivel from the Treasury. The Royal Commission itself considered the Treasury's submision of such import that I notice it is virtually the only one that they have actually quoted verbatim. What is the first paragraph of the Treasury's report? In essence, that paragraph says that the reason these sorts of refineries could not exist in the past was because of the petrol price stabilization scheme. But of course that no longer applies, and indeed their last sentence says it no longer applies; the subsidies have been removed. In the second paragraph, to justify the Treasury's contention that the Government should not guarantee a loan, they say, to make it sound as if a Liberal government is against guaranteeing any loan: "... was advised in 1970 by the Minister of the then Government that it was not thought that the Government itself would be willing to make or guarantee a loan".

It is to be remembered that at that time the subsidy was in, so on the one hand we are told that it has been considered always not viable because there was a petrol price equalisation scheme, but on the other hand we are told that it is not viable because it has been removed. I do not think there is any sense at all to be found in the Treasury's submission. If that is the best the Treasury can do, surely it is proper that the Government should support this vitally needed industry.

We move on to the Department of Police and Customs. Again it is with utter amazement that I read their comments. This is the commission's opinion of the submission of the Department of Police and Customs; it simply says: "Its direct involvement and interest commences only as the operational stage approaches. This is because of the requirement for the refinery to be licensed under the Excise Act and also, for certain refinery products, there would be duty payable under the excise tariff". So we have a government department that is only interested in private enterprise for what it can get out of it. Is that the way we are to read the comments of the Department of Police and Customs? I suppose that is the only way you could read that. "We are not really worried about helping it get established but, if it happens to get established, we are quite prepared at that stage to come in and take our goodies away from the till." So much for that submission.

The Department of Urban and Regional Development does say that it favours the establishment of a refinery in Alice Springs. There is no other way

you can read it. It points out that, although the levels of employment will not be significant, it will make a significant contribution to the area. The only thing that is mentioned is the refinery. It does say, however, that the department does express the desire for a full impact statement being published on the environmental effects of the proposed development. What on earth has that got to do with the Department of Urban and Regional Development? Immediately underneath that we have a submission from the Department of Environment which says it is not interested in an impact statement being made because it is quite happy that the environment is well protected on the information it has. The Department of Environment's readout occupies exactly 5 lines. It has no objection in principle to the establishment of an oil refinery, as proposed, at Alice Springs. Nevertheless, the Department of Urban and Regional Development wants a full impact statement. If the commissioners were confused, I can understand why. Perhaps I can partly forgive them for the content of their report.

The Department of Transport had as its secondary concern the quality requirements for aviation fuel, including turbine aviation fuel and high octane aviation fuel. They believe the refinery would have grave difficulties in coming up to the required standard. They do point out, however, that the department occasionally approves concessions for the release of isolated batches of fuel having minor variations to the less important aspects of a specification. It is absolutely nowhere to be found in the Department of Transport's submission that the variations are anything but minor. What is the problem? It is an isolated area. The honourable member for Alice Springs even more than myself is very conscious of the strict necessity for the highest possible quality controls on aviation fuels. We are not talking about quality. We are talking about technical specification variations. That is what this is about. That, in itself, is nonsense.

What is the principal contribution of the Department of Transport? All the Department of Transport is really interested in, other than its justifiable concern about fuel quality control, is that the existence of a refinery in Alice Springs will have the effect of reducing revenue returns on the new Central Australia Railway. It is there in black and white. The department also states, however, that the Government, having committed itself to considerable investment to improve transport services in Central Australia, sees strong grounds for opposing any move which would protect the proposed refinery from competition of fuels and oils brought into Alice Springs from other areas. Its sole purpose is to protect its own investment. What an extraordinary thing when we have a government of the Commonwealth of Australia whose interest is its own revenue at the expense of private industry! I am not sure of exactly what stage of political history that was put in, but one can only hope that is was put in during the reign of Labor.

Mr Withnall: 1974.

Mr ROBERTSON: In 1974. I guess that figures. What an extraordinary thing it is.

The main thing that the Department of Minerals and Energy comes up with is a recommendation to the commission that it give very serious consideration to the establishment of a refinery. Looking through the rest of it, it does point out that there is going to be some difficulty with industrial relations and that, being an isolated refinery, it would be very easy for industrial action to have a very serious effect. Good heavens, aren't we already subject to this threat? Aren't we already subject to it in refineries 2,000 miles away? Aren't we already subject to the threat of industrial action on the trucks that take it to the rail, on the rail that brings it to us, on the depot staff that deliver it to the bowser? Surely, with the threats we are already under from industrial action, it is not valid to say that we may be under some sort of threat by refinery staff. It is utter nonsense.

The Department of the Northern Territory - this was when it was the Department of Northern Australia prior to becoming again the Department of the Northern Territory - goes through a list of things it would like to see done for it to support the refinery. Most of them are so easy as to be laughable. "Land and lease aspects" - that has already been done. They have already picked out a second site which, on my understanding of the matter, had been perfectly satisfactory. They have already picked out the lease conditions and the direction for the pipeline. "Timing and desirability of utilisation" - what better time could there be than now? Get it on stream now because petrol prices on the imported crude market are not going to decrease. It will become more viable as time goes by. Their own submission says so. "Alternative avenues for the supply of local markets" - a good point; I do think that that is necessary. "Royalties" - can anyone tell me what the Department of the Northern Territory has to do with royalties? "Wellhead aspects" - who are their engineers to worry about wellhead aspects; who are their seismologists and geologists and oil rigging engineers to be concerned about wellhead aspects? "Project finance" - that is what the whole Royal Commission has been dealing with; surely that has been covered sufficiently? "Government-provided services" - for an extra 150 people? Surely the town is not going to go into a logistic nightmare over another 150 people? I cannot see any difficulty there.

The Department of the Northern Territory's submission, when it came onto the scene after the Department of Northern Australia, is found on page 532. I will not go into it but I would ask honourable members to read it. It is the most incredible back-patting scene you have ever seen. What it does, virtually, is take out its opinion of what the Northern Territory (Administration) Act empowers it to do, and nothing more. It is utterly irrelevant. And yet, extraordinarily enough, apart from the quote taken from the Department of Treasury, it is the only one that is taken in full context. I really do not know what the commissioners were thinking about. I honestly do not know.

The department anyway does get down to a reasonable level of nittygritty. They agree entirely with every member in this House, no doubt, that the establishment of a refinery in Alice Springs would expand the local workforce, would broaden the skill of the workforce, and would encourage further exploration in the region, particularly for petroleum. Good heavens! there has been one now for years. Surely it is about time somebody encouraged it. To my mind, the only way it can be encouraged is to give its discoverers a reasonable return for their product so that they can rechannel those funds into further discovery. "It may attract investment for service industries and associated activities". Of course it will. But, basically, the Department of the Northern Territory, with one expection which I will get to finally, is in favour of it without any real reservations at all. They have no great concern.

The Northern Territory Reserves Board submission is a very important one and I think it is important that I actually read the last sentence on page 535: "The proposed pipeline route does not intrude on existing reserves and national parks. In addition, the proposed MacDonnell Ranges National Park, on the present indications, does not interfere with the pipeline, and neither, as earlier stated, does the refinery site affect anything to do with the Northern Territory Reserves Board". Yet under the same heading on the next page - compliments of the Department of the Northern Territory - in relation to the Northern Territory Reserves Board: "The environment must be protected in general which may be affected by the proposal and in particular to protect existing national reserves and national parks". How on earth is anyone to read that and come up with a proper logical conclusion? I utterly fail to see how anyone can make any sense out of it at all. Indeed, if the commission has made an error, perhaps it is the result of the nonsense they have been fed.

Mr MANUELL: I am more than happy to support the motion as proposed by the honourable Executive Member for Resource Development. I also compliment the honourable member for Gillen on the remarks he had made on the

inconsistencies in this report; it relieves me from having to make similar observations.

I am really quite concerned with what appear to me to be inconsistencies of this commission's findings. The fifth report concludes that there is little future, if any, in the oil and gas fields in the Amadeus Basin, that, in fact, they should not be developed. I fail to understand this, particularly in light of a report this morning on the national news that the commission's sixth report tabled yesterday in the Federal House recommends that no further exports of LP gas be made from Australia. I just fail to understand how this marries up with the fifth report and its recommendations that the Mereenie and Palm Valley gas fields and oil fields not be developed. Frankly, I am bewildered by the continuing amounts of money that appear to be spent on establishment of royal commissions of inquiry into aspects of national development in this nation and the continuing negative reports and conclusions that they come up with.

It confounds me that we cannot as a nation do something positive for once. I am of the opinion that 1976 will possibly go down in our history book as a year of reverses, at a national level anyway. Perhaps the Legislative Assembly has made some positive move.

Before turning to the report, I would like to inform the House that one of my companies is involved in the marketing of fuel products in Alice Springs and it is associated with a multinational producer. It does not in any way cloud my feelings towards this report. I would like it clearly understood that any comments I make are not designed to protect the interests of either my own company or those that it represents. I would point out, though, that, with many years in the industry, I believe my experience to be of value and of assistance in enabling me to constructively assess and evaluate this report. There is a distinct lack of perception in this report. Certainly, this is apparent in the conclusions drawn in relation to the siting of a refinery in Alice Springs. I would have thought that it is nationally desirable to look at all aspects of establishing a refinery in such a remote area and not limit the consideration to plain and simple economic advantage or equation.

My comments should also not be seen to favour one producer as against another. My concern is local development and national resource utilisation. I am concerned, however, that there is a tremendous investment cost that has been implanted by companies involved in exploration and, at this stage, there is no apparent benefit rising from that exploration investment undertaken. The lack of confidence produced by the Federal Government's present policy on land based petroleum exploration is hard to equate in the light of recent devaluation and an ever-decreasing pool of international hydrocarbon resources. Australia's rapidly diminishing known reserves of oil and gas must be of concern to us as individuals. There is a continuing lack of stimulation to explorers. We are running out of time in this country in the exploration of important and necessary hydrocarbons.

The Magellan Oil consortium has made no less than 11 reports, submissions and feasibility studies and presented them to various governments, ministers and government agencies. The Royal Commission suggested that a further feasibility study be undertaken for reconsideration. How many studies do we have to make? How many studies have to be undertaken before a move can be made in a positive direction? We need exploration, not studies. The conclusions will be forthcoming automatically once continuing exploration is made. Feasibility can only really become known after we make the continual exploration of the oil and gas fields in this region. This means only one thing - additional drilling. The explorers cannot be expected to carry on proving up without some assurance of marketability. I am certain that no explorers and potential producers are at all likely to ask the Government for financial support if they themselves find during their proving up that it is not an economically viable proposition to market and produce. The only cost to the Government in setting up a refinery in Alice Springs or in any other remote area is the cost of giving the propon-

ents the green light to go ahead. There is no cash outlay.

Let us look at the benefits likely to occur to the district and they have been covered briefly by the earlier speakers. It is essential that the centralian region look towards independence of supply. It must have guaranteed supply of fuel resources at a power generation level and at a transport level. In the last 3 or 4 years, we have seen the central Australian region brought to a halt and I read with interest some of the remarks in the report. The Royal Commissioners remarked that transport systems into the area are gradually being upgraded. By the time they are upgraded sufficiently to guarantee us continuing supply by road or rail transport, some of us will have very grey beards.

It is admitted in the report that the economic aspects have been the major consideration and the inquiry did not give them the opportunity of looking at any other aspect. It occurs to me that it would be of national importance that the establishment of an oil refinery in Alice Springs should be considered of defence strategy value. There is also the aspect of employment and, whilst the refinery itself would not employ a great number of individuals, there would be a definite and distinct spin-off in terms of employment created by back up industry. Alice Springs and the central Australian region at the moment are dying on their feet at a cash flow level. The tourist industry is said in the report to be an ever-increasing business. At the present moment, the tourist industry is declining in Alice Springs. The pastoral industry may be regarded as non-existent in terms of cash flow. The commercial areas of support to the tourist and pastoral industry are non-existent. It is not so long ago that there were about 30 exploration companies actively engaged in the central Australian region exploring for minerals. At the present moment, there would be no more than 5 and the Magellen group is in mothballs. Additionally, there is no doubt that a light industry allied to the fuel refinery could develop and there is something sadly lacking in Alice Springs in relation to steel fabrication and minor industrial activity. The reactivation of exploration in this area will in itself generate additional cash flow, hence supporting those industries which are at present engaged in trying to offer support to the tourist industry and pastoral industry, both of which are at a low ebb.

On page 480, the report says that the commission concludes that security of supply is a factor, but far from a critical factor, in determining the need for a new refinery. I covered that remark in an earlier statement and I would like to draw the attention of this House to that remark and identify the page number for recording in Hansard.

I would like briefly to touch on the question of Australian equity in the considered activity of the area. There has been an expression by the major international companies of non-support and yet in other areas there are conflicting reports where they are identified as having provided support in argument. But the type of Australian ownership which is available in the Magellan-Oilmin group as it is established at present is clearly indicated on page 463 of the Royal Commission's report. This is not to say that that percentage could not increase if it was desirable. But amongst those leases which are already granted, there is no less than 46.68% Australian ownership in the activities.

The report also identifies my colleague, the honourable member for Stuart, in his previous capacity as an employee of the Magellan Petroleum company. Let me assure this House that whilst the report attempts, in part through the Department of the Northern Territory, to question the accuracy of some of the material provided by Mr Vale in his submissions through his company to the Royal Commission and also to the Government in a previous report - they attempt to throw cold water on some of the observations and assessments of market potential - let me assure this House that, at the time I knew the honourable member in his previous capacity, he conducted a very intensive and very energetic study into

the market potential that existed in the area considered to be the service potential by the refinery. I have some objections to the remarks made by the Department of the Northern Territory in their questioning of the accuracy of the honourable member for Stuart's data, because they simply make the observation that they question its accuracy and yet they have not themselves mounted any form of study that would prove anything to the contrary. They say that the market has declined. There is no doubt about that, and it will continue to decline as from the time that Mr Vale did his study because there are certain clear events that have occurred. The Tennant Creek mining operation undertaken by Peko-Wallsend has closed down although there is the potential for it to re-open. It may well be more attractive for it to re-open if the oil was produced from the wellhead and refined in Alice Springs, possibly making a cheaper price because undoubtedly the Peko activity at Warrego has been influenced by the increase in price, making it less attractive to sell their copper on the world market.

The Executive Member covered the conclusions adequately enough. My closing remark is that I am certain the residents of Alice Springs, apart from the company itself and its investment in Alice Springs to date, will be extremely disappointed if the initiative is not taken by the Government to establish a refinery in this area, thereby providing additional activity in the area, increasing the cash flows and offering some security to industry and private indivuduals needing a supply of petroleum products. I draw attention to a remark made by Sir Reginald Swartz who in February 1970 was the Minister for National Development: "It is government policy and in the national interest to have remote fields developed". I wonder what change has taken place in terms of needs since that time. I would think that our needs for this type of national resource utilisation have increased. I have very much pleasure in supporting the motion.

Mr POLLOCK: The proposed pipeline and the proposed refinery site would all be within my electorate. I fully support the motion and I support the moves which are being taken to develop this project as it would be very worth while for Central Australia. Also, it would have side effects for the whole country. In relation to the proposed site, there seems to be a great diatribe in this report about where it might be. I do not think there is any shortage of land in the Central Australia area. A minimum of about 50 acres would be needed and I can assure the commission that there is plenty of land suitable for the project. The development of the project would provide an opportunity to remove from Alice Springs itself the tank farms as they are called. Some of these are practically in the heart of the town area and are a constant cause of concern to people in town, and of course limit the further development of those particular projects in the locations where they are. Other industry, light industry and associated activity, I am sure could be planned in conjunction with the refinery on the land which would be available south of Alice Springs, adjacent to both rail and road facilities, at very little additional cost or inconvenience to the Government. The local economy would be considerably stimulated.

I do not regard the economy of Alice Springs quite as bleakly as the honourable member for Alice Springs indicated to the House a short time ago, but I believe this would be a valued stimulus to the local economy. Apart from the oil refinery itself and the employees it would have, it would have the transport effects and so forth. It would also have a continuing drilling program for the development of more wells and site works in the Mereenie basin where the oil, and later the gas perhaps which would be extracted, is located.

This does go to another area of course, the location of these fields. They are located on an Aboriginal reserve, the Haast Bluff Aboriginal Reserve west of Alice Springs, and this was referred to by the Woodward commission on Aboriginal land back in 1973-74. Perhaps it might be worth while to report to the House some of the comments made in the second report in April 1974 of the Aboriginal Land

Rights Commission. Amongst other things the Magellan company told Mr Justice Woodward:

Any provision of means to satisfy the reasonable aspirations of Aborigines to rights in, or in relation to, land are properly to be accomplished at the public expense or by means of conditions attached to the grant of future concessions for exploration for minerals or petroleum. Provision of such means cannot, with due deference to the rule of law, be accomplished by the exploitation of the existing vested proprietory rights of individual persons or corporations. The wellhead and other facilities which will be required to be installed for the production of the Mereenie and Palm Valley fields will occupy a negligible proportion of the surface area of the lands in question. The exploitation of these fields, therefore, would not interfere with the vesting in Aborigines of surface rights to the land which contains these fields.

That is what the company said to Mr Justice Woodward, and Mr Justice Woodward said in his report:

I do not see the future development of either of these fields as constituting any great problem in the field of Aboriginal land rights. The financial interests of the Aborigines would be well served by the appropriation of the 10% royalty payment for their benefit. There are ample powers in the Government to control the way in which any development takes place. The Government will no doubt use these powers to see that Aboriginal interests are protected; in particular any damage to sacred sites can be avoided by these means. In view of the nature of the work and the small numbers of workers involved in mining ventures, there will probably not be any substantial opportunities for Aboriginal employment. However, the oil companies would no doubt be prepared to offer jobs to local Aborigines wherever it is possible to do so. This could be made a requirement of their lease.

The other points in relation to the inconsistencies in the report have been well taken care of by previous speakers. There seems to be a great deal of emphasis put on the whole matter of precedent. I do not think any progress is effected without precedent.

Mr VALE: It is with much pleasure that I rise to speak in support of this motion and I should indicate to the House that I am a former employee of Magellan Petroleum but I have no financial ties with any of the companies involved in the proposed project.

Anyone speaking on the oil companies' entry into the Amadeus Basin, the exploration, subsequently the discovery of crude oil and natural gas and then the long and fruitless quest for government permission to evaluate the discovery and produce the valuable natural resource, could well start his speech with - "Once upon a time"; the proposed development of the Mereenie oil field has taken on all the appear ance of a fairytale. Oil explorers are, by their very nature, supreme optimists. They are optimistic that they will make a discovery and optimistic that they will be able to produce and sell that discovery.

The first well at Mereenie was drilled in February 1964. That is almost 13 years ago and, while I am not superstitious, who could blame these companies and the residents of the Northern Territory for now becoming just a little bit pessimistic? The delay in evaluation and development of the Mereenie crude oil is a national disgrace. It is a disgrace which must be shared by the present and previous federal governments of both political colours. It bears testimony to the bungling bureaucracy, unwilling and, I suspect, unable, to make recommendations to the relevant cabinet ministers. The no-action status of the Mereenie pro ject is symbolic of government by committees, commissions and more committees.

In seeking to clarify the present status and the long period of frustration pertaining to the proposed Alice

Springs refinery, I seek leave to have 2 documents incorporated in Hansard. The first is entitled, "Summary of the history of the exploration of the Mereenie crude oil and natural gas field" and the second is entitled, "Chronology and summary of discussions with marketers, financiers, Royal Commission on Petroleum and government".

Leave granted.

SUMMARY OF HISTORY OF EXPLORATION OF THE MEREENIE CRUDE OIL AND NATURAL GAS FIELD

The Magellan group of companies commenced exploration activities in Australia in 1955, when an interest was acquired in a central Queensland oil exploration permit. In June 1960, the group's attention focused on the Amadeus Basin. The area had previously been held by Frome Broken Hill Pty Ltd - a very strong exploratory combine involving two major international oil exploration companies (BP and Mobil) and Interstate Oil Limited, a partly owned subsidiary of CRA. Frome Broken Hill conducted semi-reconnaisance, stratigraphic and structural investigations in the basin during 1958 and 1959, and then withdrew from the area after concluding that pretroleum source rock conditions were generally unfavourable.

On the recommendation of Magellan's consultant geologist, Dr D.A. McNaughton, two oil permits totalling approximately 50,000 square kilometres were acquired over the most promising parts of the basin. Despite the various problems posed by the remote locality, Magellan immediately launched into an intensive exploration program and has since been joined by a number of partners, principally Oilmin NL (formerly Exoil) and Freeport of Australia Inc (which has no interest in Mereenie).

These efforts were rewarded in February 1964, when the first well drilled on the Mereenie Anticline, approximately 225 kilometres west of Alice Springs, flowed large quantities of "wet" gas. Subsequent drilling established the presence of a major deposit of natural gas together with substantial reserves of oil. The following year a second gas discovery was made at Palm Valley, 120 kilometres to the east, thus confirming this huge basin as an important petroliferous province.

Activity to date in the Amadeus Basin has included extensive geological field investigations, the acquisition of approximately 3,000 kilometres of seismic profiling and the drilling of 23 wells. Costing in excess of $18 million, this work has resulted in two important discoveries - Palm Valley and Mereenie - and the detailing of a number of other anomalies having potential for the entrapment of hydrocarbons. In addition, several other wells, particularly Alice No 1 and Ooraminna No 1 encountered significant hydrocarbon shows in rock strata of different geological ages, thereby increasing the range of exploration targets meriting further investigation.

In 1962 a number of exploration agreements were entered into between Magellan and various groups brought together by Oilmin whereby the latter company ultimately agreed to drill a well on each of eight previously delineated Amadeus Basin prospects. The first two wildcats drilled by Oilmin, Ooraminna No 1 and Alice No 1, were completed as dry holes after encountering showings of hydrocarbons in Proterozoic and Cambrian rock strata, respectively. The next well, however, Mereenie No 1, encountered gas zones in both the Pacoota and Stairway sandstones of ordovician age. Due to mechanical problems, this well was abandoned without penetrating the entire prospective section. Prior to that, it had flowed "wet" gas at a rate of 11 million cubic feet daily for a 13 day period, thus strongly indicating the presence of a large gas accumulation.

The Mereenie oil and gas field is contained in a partially exposed northwesterly trending anticline, having indicated maximum length and width dimension respectively of approximately 35 kilometres and 4 kilometres. Estimated reserves in

place based on the limited number of wells drilled to date, are in the order of 0.5 trillion cubic feet of gas and 300 million barrels of 47 degrees API gravity crude.

Five wells drilled along the crest of the structure have established production potential in the gas zones over a minimum distance of 25 kilometres. In addition to the discovery well, a further seven holes have been drilled on the field of which four have been completed as shut in gas-condensate wells and one as a shut-in oil well. The best gas flow to date - 30 million cubic feet per day - was obtained from east Mereenie No 1, drilled in 1964.

Most of the successful gas wells also intersected a 100 metre thick oil column in the lower Pacoota formation. However, the production capability of the oil zone is inhibited due to the relatively low permeability and porosity of the rocks in this part of the stratigraphic section and their susceptibility to formation damage from drilling mud. The only hole completed as a flowing oil well is east Mereenie No 4, which has recorded maximum daily oil flows of 350 barrels. This well was drilled at a location selected to penetrate the more porous reservoir sands in the oil column, which were then subjected to remedial treatment, in the form of acidizing and fracturing to eliminate, to a degree, the formation damage sustained during drilling, other wells which have intersected the oil column have not received such remedial treatment.

The results from east Mereenie No 4 demonstrate that oil can be produced from the Pacoota sandstones at Mereenie. Supplementary information on the producing capability of the oil reservoir would be provided by the first development phase envisaged for the refinery project, that is, the drilling of approximately five additional wells. The expenditure of further capital for such activity is not warranted, however, until a suitable market is available.

During 1973/74, further extensive geophysical work was conducted in the Amadeus Basin. A number of additional seismic and gravity profiles were recorded on and adjacent to the Mereenie field. This work indicates that both the northern and southern flanks of the Mereenie anticline are controlled by fault trends. There is reliable evidence of cross faulting towards the southern extremity of these features and some speculative indications of similar faults in the northern area. These fault structures provide opportunities for separate hydrocarbon traps in association with the main Mereenie reservoir and represent interesting exploratory targets.

Victorian Comparison

The first Bass Strait gas discovery, Barracouta, was made in February 1965 and was brought fully on stream in October 1969. Corresponding dates for the two main oilfields were: Kingfish June 67/April 71 and Halibut July 67/March 70.

Basic royalty is 10% split 40/60 between federal and state government. In addition, where permittee opts to retain more than 5 of the 9 blocks comprising a "location", an override royalty, ranging from 1 to 2.5% is payable to state government.

Total Bass Strait royalties to end of this year would be of the order of $190 million comprised as follows:

Year	*Payment (Millions of Dollars)*
1969	*4.0*
1970	*16.5*
1971	*23.7*
1972	*25.2*
Actual to 31/12/72	*69.4*
1973	*27.0*
1974	*28.5*
1975	*30.0*
1976	*34.0*
Estimated to 31/12/76	*188.9*

Estimated for period 1972/1976 based on 1972 figures plus allowance for higher sales (particularly gas) and price increase from September 1975. This amount is obviously lower than it should be because of the Government's indigenous crude oil pricing policy. If Bass Strait crude attracted full import parity, present annual royalty would be of the order of $200 million.

CHRONOLOGY AND SUMMARY OF DISCUSSIONS WITH MARKETERS, FINANCIERS, ROYAL COMMISSION ON PETROLEUM AND GOVERNMENT

Jan. 13, 1969

C.W. Siller - Chairman of Oilmin approached the Deputy Prime Minister, Mr J. McEwan (now Sir John McEwan) requesting assistance with the project.

Feb. 26, 1969

The first draft of a feasibility study ("The Utilisation of Mereenie Crude Oil") was completed. This report studied four possible ways of utilising Mereenie crude, and concluded that at least one method would be profitable.

May 13, 1969

Siller received reply from McEwan stating that the Government was prepared to examine submission.

July 10, 1969

Siller received letter from Prime Minister J. Gorton advising group to contact Secretary of Department of National Development, L. Boswell, to discuss the project.

July 28, 1969

L. Gross (a Dallas based Consulting Chemical Engineer) travelled to Australia to attend a preliminary meeting with Boswell.

Sept. 2, 1969

A formal submission (attachment 1) was made to the Minister for National Development, Mr D. Fairbairn. Basically this submission requested Government assistance with respect to the folloing matters:

(1) Retention of subsidy and switch to Mereenie products. (Note - this would only apply if scheme is reintroduced.)

(2) Availability of finance.

(3) Marketing arrangements.

(4) Suitable roads between Mereenie and Alice Springs. (Note - this request has since been dropped.)

Jan. 14, 1970

Following the October 1969 election Fairbairn was replaced by Sir Reginald Swartz as Minister for National Development. Sir Reginald wrote to Siller concerning the submission and requesting a copy of the draft feasibility report. He also raised problems regarding finance and subsidy.

Feb. 27, 1970

A meeting was held in Brisbane between Messrs. McFadyen and Clark (Department of National Development), Siller and L. Doggett (Director of Oilmin) and R. Hopkins and Sir Charles Davidson (Managing Director and Director, respectively, of Magellan Petroleum Australia Limited). At this meeting the Government asked for further information on:

(1) The consortium's case for subsidy redirection.

(2) The attitude of the marketers with respect to accepting products from the refinery.

Sir Reginald commented that (a) it was Government policy, and in the national interest, to have remote fields developed; and (b) the major oil companies were well aware of this policy.

April 13, 1970

The first complete report, entitled "Technical and Economic Feasibility

of Processing Mereenie Crude Oil at Alice Springs", was submitted by K. Lidgerwood (Pipe Tech) and Gross.

April 17, 1970

A meeting was held in Canberra between ten Government representatives from the Departments of - National Development, Interior and Customs and Excise on one side, and Siller, Hopkins, Gross and Lidgerwood on the other. As a result of this meeting the three departments agreed to study Government policy relating to subsidy and indigenous crude utilisation while the consortium agreed to examine further:

(1) The nature of Mereenie crude and products to be produced.

(2) The attitude of the marketers.

(3) The availability of suitable finance.

May 25, 1970

Siller wrote to Sir Reginald detailing discussions with one leading marketer who had asked for a 3-5 cent a gallon discount. Siller pointed out the absurd nature of this suggested discount and again requested Government assistance in arranging acceptable contract with existing marketers.

July 2, 1970

Sir Reginald replied to Siller requesting a more comprehensive investigation into marketers' attitude and asking that the consortium conduct further financing investigations - suggesting as one possible avenue the Australian Resources Development Bank.

July 23, 1970

Siller advised Sir Reginald that arrangements had been made for meeting with the ANZ Bank officials who advised on:

(a) Reserve Bank policy.

(b) Procedure for approaching ARDB.

(c) The Government and marketer assurances that would be required before an application for loan funds could be considered.

Sept. 10, 1970

Siller wrote to Sir Reginald advising of discussions with bankers and expanding on problems expected to be encountered with the marketers.

Dec. 1, 1970

Letter from Sir Reginald to Siller which expanded on complex issues involved in particular areas of Government policy and raised a number of queries.

Dec. 10, 1970

Siller replied to Sir Reginald answering his queries and advising that Gross would visit Australia to answer any technical questions the Government may have.

Dec. 15, 1970

Government announced total indigenous crude oil absorbtion policy.

Dec. 17, 1970

Gross held technical meeting in Canberra with nine Government representatives from the Departments of National Development - Fuel Branch, Interior and Customs and Excise. The lenghy meeting dealt with numerous technical problems, all of which appeared to be answered to the satisfaction of the Government representatives.

Dec. 24, 1970

A further meeting was held in Canberra between twelve Government representatives (same departments as Dec. 17 meeting) and Messrs Siller, Doggett, Lidgerwood, Hopkins and Balckwood (Magellan Controller of Finance). Despite consortium protests that the exercise was futile, the Government insisted on a more comprehensive investigation of marketers' attitude and possible avenues of financing the project.

Feb. 8, 1971

In compliance with the Government's request, a letter was sent to all marketers (attachment 2) inquiring where they were prepared to negotiate an arrangement whereby they would draw their light fuel product requirements from the proposed Alice Springs refinery.

July 1, 1971

Having received replies to the Feb. 8, 1971 letter, Siller, Gross, Lidgerwood and Hopkins held meetings with Shell, Mobil, BP, Sleigh and Caltex in Sydney and Melbourne. As had been predicted, their response was basically negative.

July 8, 1971

Siller wrote to Department of National Development detailing results of inquiries to, and meetings with, marketers and again soliciting Government assistance in advancing the project.

July 13, 1971

R. Vale (Magellan's Research Officer) met with three Federal Country Party Members of Parliament - Messrs Anthony, Hunt and Calder - to discuss the project. Anthony stated that he favoured the project from a decentralisation viewpoint.

July 27, 1971

Gross submitted report entitled "The Mereenie Project - Status at July 1971", which re-assessed project in the light of marketers' reactions.

July 31, 1971

R. Hunt and S. Calder visited proposed refinery site.

Aug. 26, 1971

Siller met with officers of the Department of National Development in Canberra to discuss project.

Aug. 27, 1971

W. Ricketts (Acting First Assistant Secretary, Department of National Development) wrote to Siller requesting copies of letters from marketers (permission sought from marketers).

Oct. 1, 1971

Ricketts again wrote to Siller and on this occasion requested:

(1) Details of structure of consortium.

(2) Evidence of the attitude of the marketers.

(3) Evidence of the attitude of finance houses.

(4) An up-dated feasibility study.

Oct. 12, 1971

Siller forwarded to Ricketts copies of letters from those marketers prepared to have their correspondence released.

Oct. 14, 1971

Siller wrote to Ricketts providing answers to his October 1 letter and suggesting that new feasibility study be delayed until Government gave indication of co-operation. He also requested details of "import parity" at Alice Springs.

Dec. 14, 1971

F. McKay (First Assistant Secretary, Department of National Development) wrote to Siller acknowledging letters of October 12 and 14, and discussing "import parity" - conclusion: none at Alice Springs.

Jan. 1, 1972

Gross commenced up-dating refinery study.

Jan. 7, 1972

Siller wrote to McKay concerning the

"import parity" problem and advised that Gross had commenced work on up-dating study.

April 5, 1972

Up-dated report completed and forwarded to Department of National Development (report dated March 23, 1972).

April 7, 1972

Gross again visited Australia and attended Canberra meeting with eleven Government representatives from the Department of National Development, Interior and Customs and Excise. Messrs Siller, Doggett, Vale and Hopkins also present. Government representatives questioned validity of market projections.

April 12, 1972

Gross and Vale had further meeting with W. McFayden (Department of National Development) feasibility study.

April 18, 1972

Vale was instructed to undertake comprehensive study to confirm validity of market projections based on increase in consumption since first feasibility report.

June 17, 1972

Vale's research activities caused one major marketer to solicit their customers not to supply market volume information. The consortium view this action as indicative of efforts by at least one marketer to prevent the project reaching fruition.

July 11, 1972

Siller forwarded to McKay a further report from Gross which answered technical queries raised during April, 1972 and indicated that even with zero growth the refinery would break even (report dated June 16, 1972).

Aug. 4, 1972

Vale submitted to B. Major (Department of National Development) a study entitled "Report on the Market Volume of Selected Products within Alice Springs/Tennant Creek area". This report confirmed the validity of earlier market growth predictions but indicated that the marketers had made some re-allocation of supply arrangements which had reduced the area served by the Alice Springs and Tennant Creek depots (report dated August, 1972).

Aug. 11, 1972

Vale met with representatives of Departments of National Development, Interior and Customs and Excise for discussions on his report.

Sept. 18, 1972

Blackood and Vale met with Deputy Prime Minister, D. Anthony, in Canberra to discuss lack of progress on project. Anthony promised to do all he could to help.

Sept. 19, 1972

Vale met with Sir Reginald and Calder in an effort to advance the project further.

Oct. 31, 1972

Sir Reginald announced that the Government would act to ensure that the establishment of a refinery at Alice Springs would not be inhibited by the application of the petroleum products subsidy scheme. This represents the consortium's only success to date in securing Government assistance and has since been negated by the abolition of the subsidy scheme.

Dec. 2, 1972

Change in Commonwealth Government.

Dec. 19, 1972

R. Connor was appointed as Minister in charge of newly created Department of Minerals and Energy.

Dec. 21, 1972

Siller advised new Government that

Gross would again visit Australia to answer any unresolved queries.

Feb. 6, 1973

Newly created Department of Northern Development wrote to Siller requesting additional data relating to:

(a) Capital costs.

(b) Operating costs.

(c) Revenue.

(d) Finance.

(e) Reinvestment.

Feb. 26, 1973

Siller replied to Department of Northern Development advising that data would be prepared.

April 24, 1973

Gross completed Environmental Impact Study (EIS) of proposed refinery.

May 3, 1973

Letter received from Sir Lennox Hewitt (Secretary, Department of Minerals and Energy) instructing that, in future, all correspondence pertaining to refinery be directed to his department with copies to Department of Northern Development.

May 14, 1973

Gross and Vale held informal meeting in Canberra with representatives of Departments of Minerals and Energy and Northern Development to seek clarification of some of the questions contained in Northern Development's letter dated February 6, 1973.

May 17, 1973

Gross completed latest report prepared in response to Northern Development's letter dated February 6, 1973. Report entitled "Certain Supplementary Information on the Alice Springs Refinery Project".

May 23, 1973

Siller wrote to Hewitt forwarding copy of latest Gross report and requesting early meeting to discuss same.

May 30, 1973

Gross and Vale met with two representatives of Department of Minerals and Energy to review the two latest Gross reports. Government representatives advised that early full-scale meeting with Government unlikely.

June 8, 1973

Government advised, per telephone, they were satisfied that latest Gross reports answered all outstanding queries and that they did not require him to attend further meetings in the near future. Accordingly, Gross returned to the USA.

June 8, 1973

Hewitt wrote to Siller advising that Government had appointed special Cabinet Sub-committee to "look into many aspects of the oil industry in Australia including the question of additional refinery capacity".

June 13, 1973

Siller wrote to Hewitt suggesting that since capacity of proposed refinery was insignificant in the overall Australian scene it should not be delayed by a national inquiry.

Aug. 22, 1973

Budget reduced application of fuel products subsidy scheme.

Sept. 12, 1973

Government established Royal Commission on Petroleum.

Oct. 4, 1973

Hewitt wrote to Siller suggesting that consortium might wish to make submission to Royal Commission.

Dec. 10, 1973

Siller wrote to Connor detailing previous investigations and discussions, and soliciting his assistance to get the project underway. He also submitted that the project should not be delayed by the Royal Commission.

Jan. 24, 1974

Connor wrote to Siller stating that the entire refinery concept was "very much a matter for the Royal Commission on Petroleum".

Mar 18, 1974

The "Big Wet" in the "Centre" during the summer of 1973/74 caused serious disruption of supply routes into Alice Springs and further emphasised the value of a local refinery. This prompted a number of prominent Territorians to write to both Connor and Prime Minister Whitlam inquiring about progress on the project. Those who wrote included the Alice Springs Mayor - B. Martin, the Federal Member for the Northern Territory - S. Calder, the President of the NT Legislative Council - T. Greatorex and the Legislative Council Member for Alice Springs - B. Kilgariff. The Government replies were similar to the contents of Connor's letter to Siller dated January 24, 1974.

Aug. 1, 1974

The Government allowed the petroleum products subsidy scheme to lapse.

Sept. 30, 1974

A summary report entitled "A History and Status of the Alice Springs Refinery Project as at September 30, 1974" was compiled for presentation to the Royal Commission on Petroleum.

Oct. 2, 1974

The Royal Commissioner, Mr Justice Collins, visited Magellan's Brisbane Office for informal discussions with consortium representatives concerning various aspects of the proposed refinery project. He was accompanied by:

Mr W.K. Fisher, Q.C.
- Counsel assisting the Commissioner.

Mr C.S. Sheller
- Assistant Counsel.

Mr J. Kane
- Secretary to the Commission.

Mr I. Binns
- Technical Officer, Engineering.

Mr H. Harris
- Marketing Consultant (Arthur Little & Co, Boston, Mass.)

Jan. 8, 1975

A formal submission was presented to the Royal Commission on Petroleum. The main element of the submission was a request: "that the Commission make consideration of the proposal the subject of an interim report, such that, should the Commission's findings be favourable, Oilmin and Magellan can at an early date seek the assurances and guarantees from the Commonwealth Government which would enable planning for the development of the Mereenie field to proceed".

June 26, 1975

The Royal Commission invited submissions from interested persons or parties with regard to the proposed Alice Springs Refinery. It is understod that, among others, the following people made submissions:

Mr B. Martin
- Mayor of Alice Springs.

Mr I. Tuxworth
- Executive Member for Resource Development in the Northern Territory Legislative Assembly.

Mr R. Vale
- Member for Stuart in the Northern Territory Legislative Assembly.

Sept. 9, 1975

The Royal Commission advised that it was currently assessing the various submissions and would subsequently decide on the need for and timing of public hearings.

Oct. 13, 1975

Royal Commission wrote to consortium requesting details of any further talks with marketers, financiers and government subsequent to September 30, 1974.

Nov. 10, 1975

Consortium replied that there had been no such talks and the matter was in abeyance.

Jan. 19, 1976

The consortium wrote to the new Minister for the Northern Territory, E. Adermann, enclosing a history of the Alice Springs Refinery Project. The letter also sought various assurances which the consortium consider are prerequisites to updating feasibility studies and drilling further wells at Mereenie.

Jan. 28, 1976

Messrs Hopkins and Siller met with Minister Adermann in Canberra to discuss the consortium's January 19 letter. The Minister said he would take the matter up with the Deputy Prime Minister and Minister for National Resources, D. Anthony.

Feb. 28, 1976

Messrs Hopkins and Siller met with D. Anthony in Canberra for further discussions aimed at reactivating the project. An officer of the Department of National Resources, G. Tredennick, was also present.

Late Feb., 1976

I. Tuxworth, the Executive Member for Resource Development in the Northern Territory Legislative Assembly told the Assembly: "Hell or high water is not going to stop the establishment of a refinery in Alice Springs." He also said he had made representations to E. Adermann in relation to the project.

April 27, 1976

E. Adermann noted in writing to Messrs Siller and Hopkins that the project is under investigation by the Royal Commission on Petroleum, and due to uncertainties of the outcome of the Commission's deliberations, and of aspects to do with Aboriginal lands, suggested that it may be wise to defer discussions on the refinery project for the time being.

Mr VALE: The details contained in these documents are damning to our federal government and their public service. In using the words "public service", I do so advisedly. I pay respect to the members of the public service who have taken a genuine interest in the Mereenie project and have actively tried to encourage the development of the field. After 16 years of exploration in Central Australia and after spending in excess of $18m in the exploration and market investigation work, the companies, their shareholders, and Northern Territory residents, are entitled to some reward for their efforts. The rewards may be a return for money spent, cash flow to reactivate exploration in Central Australia, reliability of fuel supplies, royalty payments for the Territory coffers, the provision of certain petroleum products at a cost less than the present Alice Springs price, valuable savings in the price of fuel for the Alice Springs and Tennant Creek powerhouses and, last but not least, a large and permanent work force for Central Australia.

In questioning the credibility of the Royal Commission on Petroleum, it is interesting to note that, to the general public, Royal Commissions take on the appearances of supreme and superior beings whose findings are beyond question. Let us go back a few years to the disaster involving two Royal Australian Navy vessels, the Voyager and the Melbourne. There was a Royal Commission which criticised Captain Robertson of the Melbourne and, after much public

and parliamentary debate, a second Royal Commission laid the blame on a navigational error on the bridge of the Voyager and Captain Robertson was vindicted. That will indicate that Royal Commissions can make mistakes.

You would think that one of the problems which occur in Royal Commission reports and at departmental level in all government offices is in putting the cart before the horse. They continue to do this, and inevitably someone is going to shoot the horse, or they are going to go broke and walk away from the project. I think this should be set straight. What the companies seek from the Federal Government is an assurance that if they go back into the field and spend $4m in further drilling and evaluation of the wells and find that crude oil is producible, if the chemical characteristics are such, they will be permitted to build a pipeline and refinery. The arguments against the chemical analysis of the crude oil, the economics, the market demand, the product demand, are all questions which must be argued later after, hopefully, successful evaluation of the well. The Royal Commission referred to this as having become a circular argument. Mr Speaker, it has been going on for so long that it is now a non-stop bloody merry-go-round.

The details concerning the EMA proposal, which is mentioned in the Royal Commission report, should be discussed briefly. In any project such as this there are 3 aspects to take into account. You have your crude oil characteristics, your market demand, the percentage of motor spirits, automotive distillate, bottled gas and so on, and in between that, after chemically analysing your crude oil and analysing the market, you build a refinery and design equipment to take that crude oil and supply as much as possible of that market. It was interesting to note that some years ago senior officers from the Department of Natural Resources in the Fuel Branch in Melbourne were complimentary of Lewis Gross, the consultant to the Magellan-Oilmin Group, for the way he had taken that Mereenie oil and utilised it, almost complete utilisation of a barrel of crude oil supplying that market. However, in this report, the EMA proposal is to bring in second-hand equipment from Sydney, to put a refinery up in Central Australia without having done very much market investigation work and, to my knowledge, not having even consulted with the owners of the field as to whether or not they are prepared to go in with this venture. The EMA could accurately be described as a fly-by-nighter or someone who has the backing of one of the large and major oil companies, possibly Ampol.

There are various references made as to whether or not the proposed refinery can supply AVTAR to the specifications set down by the Department of Defence Standards Laboratory in Melbourne. They are quoting out of context. There is no question as to whether or not the quality and standard of AVTAR will be lowered. The companies sought a proposed waiver on one of the specifications which would not lower the quality of the product, it would only reduce the amount of fuel that the airline companies could take on.

The petroleum companies presently marketing in Alice Springs and Tennant Creek should be criticised for delaying this project. They have taken a very negative approach to it. They put up some very flimsy arguments. For example, at one stage, they said that, if we take petroleum from Alice Springs, we are going to have certain of our refinery equipment on the seaboard go slack. The Alice Springs refinery was estimated in 1972 to be able to produce 0.26% of the total Australian refining capacity. Divide that between the 5 companies in Central Australia and they will not have very much equipment go slack.

Gross, the Magellan consultant, says on page 522 of the report - and the companies are also on record as questioning the economics of the proposal - Gross: "As a matter of record, it can be shown that the majors themselves have built and operated refineries of a comparable size in special circumstances". On the one hand, you have the marketers saying that a small refinery could not be economical and, on the other hand, it is shown that

they have done the same thing in special circumstances themselves.

On page 554, there is a quote. Again, I refer to the fact that one Royal Commission questioned the findings of the first Royal Commission. I think this quote is symbolic of the mistakes and technical error contained in the whole of the report. This raises my question as to whether or not the engineers attached to the commission knew exactly what they were talking about. Before I quote that section, it should be noted that there are 2 fields in Central Australia which may be confusing to the general public. One is at Palm Valley, about 80 miles southwest of Alice Springs, and that is a natural gas field only. The other, the Mereenie field, about 200 miles southwest, is a combined crude oil and natural gas field, and it is proposed by the companies to produce the oil first, using the gas to lift it. But the Royal Commission says: "It is to be noted as probable, that either gas or oil is to be produced but not both". That comment goes against all known petroleum engineering practices in the world. As I said before, if you have a combined field of oil and gas, you produce your oil, using the gas to lift it, and then re-inject the gas into the field when the oil field is played out; you would then start to produce your gas. After reading the report from cover to cover and after 2 years delay while this Royal Commission came up with their findings, the only comment I can make is that the Royal Commission, in essence, have come up with no findings at all. I support the motion.

Mr TUXWORTH: I thank the honourable members who have supported this motion. Before I close my remarks, I would like to expand on several comments made by the various speakers, particularly in relation to evidence given by the Department of the Northern Territory which I regard as unfortunate and negative.

It was suggested in the Department of the Northern Territory's submission that development should not go ahead until houses were ready for people to live in. We can thank God that our forefathers did not have that attitude in 1770. I believe, as the honourable member for Alice Springs has said, that the department's criticism of the feasibility studies done by the company, without providing any of their own, was quite unwarranted.

One point touched on briefly by the member for Stuart, and one that I think has a lot to do with the restrictive action that has been placed on this refinery for some time, is the attitude of the major oil companies. Their evidence seems to me to suggest that they have taken a very self-interested attitude without any due regard for the Northern Territory, its people or its development. They say that they do not like the principle of a pocket refinery in Australia. However, they would be prepared to buy fuel from the refinery if they got an incentive of one or 2 cents or even up to 5 cents per gallon to purchase at the refinery gates. It is very interesting to note that the very major companies that made this claim operate pocket refineries of their own in various places throughout the world. It seems to me that pocket refineries are a good deal as long as they own the field and the refinery, but if they do not own the field they do not want to have anything to do with it. I think that approach is totally unreasonable. I appreciate their attitude about having an incentive, but at no stage do they mention passing this incentive on to the consumer which I would have thought was of paramount importance.

My final remark would be in relation to the government guarantees. I believe that it is not an exception for government to sponsor these projects. In fact, we have instances in the past where the Commonwealth Government has undertaken to purchase all its requirements for 5 years from some refinery projects that have been established in this country. I again thank honourable members for their support and commend the motion to the House.

Motion agreed to.

STATEMENT - DARWIN ELECTRICITY SUPPLY

Mr PERRON (by leave): I wish to read

a brief statement prepared by the Department of the Northern Territory and follow with information of my own. The department has supplied to me a document which is a brief report on the condition of Darwin's electricity supply, what service consumers can expect in the future and what action is being taken to correct the current problems.

The Stokes Hill Power Station has a nominal capacity of 94 megawatts with all sets functioning. The maximum demand on the system to date has been 53 megawatts, compared with 47 megawatts before Cyclone Tracy. There is also a gas turbine which provides an additional 8 megawatts in emergencies. On 26 November 1976, No. 5 unit, a 23.5 megawatt unit, suffered damage to the turbine blade system requiring its immediate withdrawal from service. No. 3 unit has been out of service since August 1976 for modifications to reduce air heater corrosion and improve flue gas emission quality. This modification has been outstanding since 1974 and was only commenced after No. 6 unit, commissioned in March 1976, was operating satisfactorily. Without Nos. 3 and 5 units, the nominal capacity of Stokes Hill Power Station is 54.5 megawatts. However, the actual output is less than 50 megawatts at the present, necessitating the running of the gas turbine for several hours per day. Until No. 1 unit can be taken out of service for about 8 hours for cleaning of condenser tubes, its output is almost 4 megawatts below its normal output. No. 3 unit has been on line this week but has not yet taken full load as adjustments to the new burner system are still being made. No. 3 should be in normal service shortly and the immediate crisis will be over, allowing No. 1's condenser tubes to be cleaned and some other maintenance to be carried out.

Units Nos. 7 and 8 are due to be commissioned in March 1978 and September 1978 respectively. It is proposed to install the turbine blade system for No. 7 unit in No. 5 unit and to have it in service by the end of February 1977. The blade system for No. 8 unit will then be installed in No. 7 unit, allowing it to be commissioned as scheduled, in March 1978, with No. 8 unit following, as scheduled, in September 1978. Provided there is not another major breakdown, generating capacity will then be adequate until 1981-82. After this time, additional generating capacity will be required.

The 66 kilovolt transmission system was put back into service after Cyclone Tracy with damaged conductors, substandard supports and inadequate switching facilities. In the past 12 months, 66 kilovolt lines have fallen to the ground on several occasions where damaged conductors have failed. This can occur again, particularly during storms. Even a moderate cyclone would destroy several sections of the 66 kilovolt line with substandard supports, particularly in the Rapid Creek and McMillan's Road areas.

The McMinn's line and the Casuarina Zone Substation are connected to the same circuit from the Snell Street Zone Substation. As a consequence, line faults on the McMinn's line which are very common during the wet season, cause interruption to supplies to the northern suburbs supplied from Casuarina Zone Substation. To relieve this situation, the construction of the 66 kilovolt line in Rothdale Road is proceeding as a matter of urgency. The construction of the Snell Street to McMinn's Zone Substation 66 kilovolt line is also a matter or urgency. This line was originally programmed for completion in 1976 but was deferred and is now scheduled for completion in 1977.

The permanent rehabilitation of the distribution system is a major task which has not yet commenced. Reports to the DRC in 1975 were updated in August 1976 and November 1976. A decision is still to be taken whether the permanent distribution system would be underground or remain overhead in existing and new suburbs. The distribution system was patched up to restore it to service as quickly as possible to meet the demands of individual areas during 1975. As a result of this, we have many areas where low

voltages are occurring because the number of substations installed is inadequate for the load, which has increased during 1976. This situation is worse in the Winnellie industrial area and in some residential areas where rebuilding is occurring. The number of isolating switches and ties lines are completely inadequate in the present situation. For this reason, faults take longer for operating staff to isolate and areas affected are larger than necessary in normal conditions. Inconvenience to consumers will therefore continue until the distribution system is permanently restored to an acceptable standard.

The Electricity Supply Division is well under the staffing level necessary to provide a reliable electricity supply and cope with the growth in demand and number of consumers. Connections to new and rebuilt houses alone have averaged over 120 per week in recent months. Design and construction as well as operation and maintenance performance is below par because of the lack of personnel. The shortages of staff are due to a combination of factors, present restraints on recruiting, lower wages than electricity supply authorities in other parts of Australia, the high cost of living in Darwin, and the housing situation.

Mr Speaker, I would like to add my own remarks to those the department has supplied. The primary aim at present is to upgrade the 66 kilowatt transmission system so that damage to remote lines does not affect supply in urban areas around Darwin. At the same time, work has to continue to maintain as reliable a supply of electricity as possible under the difficult circumstances the staff of the Electricity Supply Undertaking find themselves. Despite the action which is being taken, it is obvious that the size of the task and the physical resources available will prevent us having a satisfactory service for a long time. Even if the Government allocated the many millions of dollars required to bring the transmission system up to scratch tomorrow, it would still take years to complete. We just do not have the contractors, the ESU manpower, or the equipment to do the job quickly.

I have prepared a letter to the Minister for the Northern Territory outlining the problems as I see them and proposing that, as the end of the DRC home building program is in sight, arrangements be made to provide accommodation at Tracy Village for a large workforce of southern electrical contractors who might be attracted if large sections of the work were let by tender. The proposal would be a crash program of construction intended to complete the work within 2 or 3 years instead of the 5 years as is the current estimate.

Consumers must bear in mind, however, that any program to upgrade will cause considerable disruption to supply as the replacement of poles, lines and associated equipment necessitates cutting off the supply. In regard to a new power station for Darwin, and considering the long period between design and completion of the ne- power station, it seems that work will have to commence very soon if we are to meet the 1982 deadline for generation from East Arm. Projected demand curves indicate that expensive gas turbine generators may have to be installed before then to match demand. I sincerely hope that projected demand is not conservative as it has been in the past. If work does not commence shortly on a new power house for Darwin, consumers may face power rationing before 1982.

As I see the overall situation, many problems will only be overcome by the formation of a statutory authority to administer electricity supply throughout the Northern Territory.

Mr Withnall: Hear, hear!

Mr PERRON: At present, the Electricity Supply Undertaking is a division of the Department of Construction which in turn acts as an agent for the Department of the Northern Territory. If we throw in there the Darwin Reconstruction Commission, it is little wonder that we have problems.

There have been severe cutbacks made to rehabilitation programs put forward by ESU engineers. It must be borne in mind by everyone who decides to cut

back on forward estimates for electrical work that the nature of the industry is such that forward commitment of expenditure is essential. You cannot build a large power house in 12 months. Design and planning of a power house has to commence many years before the actual electricity is required. There are so many people able to change priorities in the current system that it is a wonder that we get very much done at all.

At the moment, power houses are designed and built by one group, augmentation of an existing system is carried out by another group, electrical installations and inspections for consumers are carried out by the ESU, yet applications, meter readings and accounts are handled by the Department of the Northern Territory. Manpower, recruiting and wage determination are also handled for the ESU by people outside their organisation. In conclusion, I believe the arrangement that exists at the moment is counter-productive and the sooner we have a statutory authority which can handle all aspects of the supply of electricity in the Northern Territory the better.

Mr WITHNALL: I move that the statement be noted.

I have not had time to study the statement which was made by the honourable member and I do not therefore feel myself fully armed to deal with the subject matter as a whole. I do want to say 2 things. First, I want to say that the mere fact that there has been this trouble in Darwin points up 2 sorts of defects that ought not to have been permitted. It points up, first, that the Darwin Reconstruction Commission has not given attention to what probably was one of its first and foremost tasks - to see that the money available was channelled into providing a certain and secure electricity reticulation system for the city of Darwin. That clearly and obviously has not been done and I suggest to the Darwin Reconstruction Commission that this has been a major failure in its function, More than that, it has been something to which they have apparently given no attention at all. It has merely been left to the Department of Housing and Construction to do whatever it could do to ensure the supply of electricity to Darwin.

The other thing that really puzzles me is the unprecedented failures of a number of generating units at the same time. I have not had the opportunity of studying the statement by the honourable member - and in case I am being unkind, I merely state that I am only guessing - but I think that the equipment has been ordered upon the old Treasury and Stores principle of getting the cheapest deal you can. The equipment which was installed and which has failed is apparently made in Sweden. Sweden is a country of tremendous industrial potential and produces some of the finest electrical equipment in the world. I have no information about the suppliers of the equipment which has failed, I merely have the name, but I do suggest to honourable members that it is an unprecedented thing that all this equipment should fail so very quickly and apparently all at once.

Taking up the remark of the honourable member in making his statement, that it was about time somebody in Darwin or in the Northern Territory had control of the generation of electricity, I can only support him and support him to the hilt. If these things have happened, and if some of my guesses are correct, they would not happen if somebody here locally was concerned to see that the power generation in Darwin was adequate for its needs - somebody here who was able to have his body available to be kicked if it did not; but not, I hope, his soul to be damned.

The present situation of electrical power supply in Darwin is frankly dreadful. It is likely to be more dreadful in the future because there is no guarantee in the statement that the honourable member has read that the remedies to be applied will be effective. The statement talked about alterations already in the 2 new generators, Nos. 7 and 8. No. 8 generator has already had to shed part of its equipment to No. 7 to make it work. I find that most strange.

Mr Steele: It is called cannibalisation.

Mr WITHNALL: I thought of cannibilisation, but I always thought that was a term applied to worn-out equipment, not to new equipment, and obviously No. 7 generator now here is so defective that we have got to get parts out of the No. 8 generator to be delivered shortly so that the No. 7 generator can work.

Mr Ryan: No. 6 generator is crook, and they are taking the parts out of No. 7.

Mr Steele: Cannibalisation.

Mr WITHNALL: "Cannibalisation" is a lovely word. I trust the honourable member will remember it because I can see that members of his party will start eating themselves very shortly.

Mr Ryan: There is no way we could eat you, that is for sure.

Mr WITHNALL: I thoroughly agree with the honourable member. I would be too hard a mouthful for any of you. I do not propose to take the matter further. I support the remarks made by the honourable member and I do hope he spoke confidently about electricity supply coming over to local control. If that happens, I think the probability is that we will not receive the sort of unfortunate and ineffective service that we have had before.

Motion agreed to.

AMENDMENT OF STANDING ORDERS

Continued from page 899.

Mr WITHNALL: These proposed amendments of standing orders are entirely consequential upon the decision taken in the party room. In future the seven members now known as Executive Members will be known as Cabinet Members. The word "cabinet" is an expression that I have never seen anywhere in law before. I have never seen it in standing orders but it is apparently now going to be, as far as the Northern Territory is concerned, elevated into a position where it is to be enshrined as an office. I can be charged with being conservative, I am very frequently charged with that, but nevertheless I do not think that the expression "Cabinet Member" is a good expression. I would ask the Majority Leader why we could not have gone back to the very simple expressions "secretaries" and "under-secretaries". These expressions are well known; they are used today in American politics and they are not really in the ark are they? "Secretary" and "under-secretary" are well-known expressions in the British Parliament and have been used in the British Parliament at least since the 19th century. I wonder why the honourable member wants to introduce the new term.

I would ask you, Mr Speaker, however, with respect to the amendment of standing order 90, why the proposal is that the standing order should read that 90 questions may be put to a cabinet member.

I direct attention, finally, to the second part of the motion, that the amendments should be effective from the date on which the Northern Territory (Administration) Act 1976 comes into operation. As far as I can see, amendments of standing orders can only be effective on a sitting day of the Council and they will not be effective when that act comes into operation. They will be effective from that day because it is a provision regulating the conduct of this House and not a provision which comes into operation apart from a day on which the House is sitting.

Motion agreed to.

COUNTER DISASTER BILL

(Serial 152)

Continued from 8 December 1976.

Miss ANDREW: I would just like to reply to some of the amendments that have been made, I am very disappointed in the lack of response from the general public to the circulation of this bill. There has been adequate time. The bill was under discussion for some weeks prior to its introduction and, since its introduction, there have been 3 weeks to circulate it. Everybody was aware of the importance of time and I am a little disappointed that more

people did not make representation to their local member, I would especially like to thank the Port Authority, the Police Commissioner and the Darwin Citizen's Council for their suggestions. Members will find one suggestion from the Darwin Citizen's Council included in the amendments. This relates to aircraft and ships.

In reply to the honourable member for MacDonnell, he must realise it is impossible to be too prescriptive in legislation such as this because of the differing circumstances. Two examples would be flooding at Avon Downs as compared to a cyclone disaster in Darwin. By the very nature of the operations, the responsible body must be a council such as the one prescribed in the bill. Administration can and would appoint their departmental representatives who have expertise. The representatives on the council have Northern Territory-wide contact and obviously people living in the local area do have a special knowledge and understanding of that area. However, the people who make the planning decisions under which the coordinator would operate must be responsible in the end to government.

I am sure the honourable member for Nightcliff will be pleased to see that clause 23 to which she referred has been amended. Other representations have been made in line with the concern at the local policeman being in control of major towns or areas. I think that people have to use a little common sense in this area and realise that, if a cyclone hit one of the major localities on the north coast, quite obviously the full resources of the Northern Territory Government and the Federal Government would be brought into play and it would go way beyond being a local concern.

I think the reference to transients by the honourable member for Nhulunbuy was somewhat irrelevant; the more people who can attend the courses at Mount Macedon or the courses that are starting to be conducted locally, the more people the community will have with expertise. I was a little confused in listening to this particular part of the member for Nhulunbuy's speech. Planning goes from local regional councils to the Northern Territory council, and that is where the plans are finally ratified.

Members must realise that it is impossible to legislate for an unknown quantity. We do not know what disasters we are talking about. But the keynote of any disaster plan is the saving of life and responsibility for the decisions taken in the event of a disaster must be vested in the people.

Motion agreed to; bill read a second time.

In Committee:

Clause 1:

Miss ANDREW: I move amendment 153.1.

In inviting defeat of this clause, I draw members' attention to the substitution of the new clause to change the name of the bill.

Clause negatived.

New clause 1:

Miss ANDREW: I move amendment 153.2.

I trust the honourable member for Port Darwin takes note of the new title so that he is no longer in the haberdashery department.

Mr WITHNALL: I suggest that I am very happy no longer to be associated with the honourable member in the haberdashery department. May I point out to the honourable member that, although she has changed the short title, she has not changed the long title and we still have this rather curious long title providing for the training of counter disaster and civil defence personnel etc. I understand from one of the things that she proposes, that civil defence is now not going to be a terribly important part of the bill, and I suggest to the honourable member that the long title of the bill might really be given some consideration as well as the short title.

Mrs LAWRIE: I wish to draw the sponsor's attention to the fact that, having been led astray by the member

for Port Darwin, she will in future be known as the Executive Member responsible for introducing Northern Territory disasters.

New clause 1 agreed to.

Clauses 2 to 5 agreed to.

Clause 6:

Miss ANDREW: I move amendment 153.3.

This changes the appointment of the mayor, local authorities etc from "may" to "shall". This means that the Administrator must, in the event of a disaster in a particular area covered by this legislation, appoint such a person.

Amendment agreed to.

Miss ANDREW: I move amendment 153.4.

This clarifies the fact that the Administrator may appoint the additional members of the council and for such periods as he considers necessary.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Miss ANDREW: I move amendment 153.5.

This is so that directions can be given to the coordinator as well as the director.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 16 agreed to.

Clause 17:

Miss ANDREW: I move amendment 153.6.

This invites defeat of clause 17 because it is redundant.

Clause 17 negatived.

Clause 18:

Miss ANDREW: I move amendment 153.7.

This will ensure total cooperation and consultation.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Miss ANDREW: I move amendment 153.8.

"Director" was wrongly inserted in there. The term should be "Territory Coordinator".

Mrs LAWRIE: I think the person proposing the amendments should really say that the deletion of clause 17 and this proposed amendment is actually ensuring that the coordinator, who is the Commissioner of Police, has overall control and has assumed more control from the Director. Is that correct?

Miss ANDREW: That would be at the time when a disaster had in fact been declared.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20:

Miss ANDREW: I move amendment 153.9.

This inserts after the words "counter disaster" the word "planning". Planning is a vital part of any disaster or any legislation covering a disaster.

Mr WITHNALL: The amendment as I have it circulated proposes that, after the words "counter disaster", the words "planning and counter disaster" be inserted. This is obviously a clerical error. I do not know whether the honourable member, by inserting the word "planning" after "counter disaster" is going to correct that error because it will read: "in counter disaster planning activities". I do not think the words which are contained in the circulated amendments are going to achieve the result which we all hoped for.

Miss ANDREW: I think this should read "counter disaster and planning activities".

Amendment agreed to.

Clause 20, as amended, agreed to.

Clauses 21 and 22 agreed to.

Clause 23:

Miss ANDREW: I move amendment 153.11.

This has been brought in to ensure the safety of the public. It came from a suggestion that it would be better for the general public if places of business, worship or entertainment were closed down to ensure that the maximum number of people would be encouraged to go to their homes.

Mrs LAWRIE: Whilst agreeing with the principle of the amendment, I am not sure that the amendment is worded correctly. I would just ask the honourable member moving the amendment to explain a little more clearly exactly what is envisaged because in moving 153.11 she in fact needs to refer to the coming amendment 153.12. In consideration of 153.11, one has to consider the effects of 153.12 if it is accepted by the committee.

Amendment agreed to.

Miss ANDREW: I move amendment 153.12.

This is to insert new subclause (1A) which gives the Administrator in Council the power to declare that a municipality or a town area should be evacuated or that entry to it should be denied. I feel very strongly that any such decisions, following the experiences after Cyclone Tracy, must be political and made by people who are responsible to the public. As such, I feel that the Administrator in Council is the only appropriate body to make such a decision.

Mrs LAWRIE: May I just express my reservations still about the way this amendment is drafted and the way in which the bill is likely to be assented to. Whilst I realise that the sponsor of the bill is trying to ensure that, if an order has to be made that a town becomes a prohibited place and the people can be evacuated from it or refused entry to it, it shall be a local, political one. I still have the gravest reservations and the gravest doubt that that power should lie anywhere, and I would ask the honourable sponsor if in fact such legislation exists anywhere else in Australia. I still strongly feel that, no matter what the Administrator in Council may say and may order, if people do not wish to obey, in a large municipality such as Darwin you will get civil disobedience on a massive scale. They are just as likely to ignore the Adminiwtrator in Council as they would anybody else, and in such a serious matter as this I do want to know if anywhere else in Australia such provisions can apply.

Miss ANDREW: I am not able to give the honourable member for Nightcliff full assurance, but I can only tell her that my understanding is that such powers exist in Tasmanian legislation. I consider that, with the unique situation of isolation that exists in the Northern Territory, it is important that the powers to evacuate are left in this bill so that, in the event of a necessity to evacuate, it is there. I have explained my reasons for putting that power in the hands of the Administrator in Council.

Mr WITHNALL: I have another query. The new subsection (1A) is meant to be a protecting section so that the powers which are conferred upon people in relation to evacuation are not exercised except by the Administrator in Council. The expression is "to a municipality or town". First, disasters happen in other places than municipalities or towns. Secondly, within a municipality such as the municipality of Darwin, apparently the Administrator in Council cannot declare that specific parts of the municipality or town shall be evacuated or that entry should be denied to them. It would seem that nobody else can take such action. I appreciate that the amendment proposes to make evacuation on a large scale subject to the Administrator's Council decision, but I think evacuation on a large scale can still happen within a municipality without involving the whole of the municipality. If a declaration to evacuate the city of Darwin had been made by the Administrator in Council on 26 December 1974, it would

have been impossible to carry out because, necessarily, people had to stay here. If the declaration empowering the Administrator in Council relates only to the whole of the city of Darwin, because it is the one municipality, then the power to order evacuation surely is left emasculated.

Mrs LAWRIE: Whilst I accept the goodwill of the sponsor of the bill, I do express my opposition to this power to evacuate. I point out that the penalties for refusing to comply with such an order are fairly severe - $500. Going on past experience, I can only assure her that a large proportion of the electorate of Nightcliff are likely to be up for $500 each, if they can find a magistrate to convict them. I do fear this particular section of the bill and regard it, notwithstanding the goodwill of the people involved, with the gravest suspicion.

Miss ANDREW: I find the opposition of the honourable member for Nightcliff somewhat surprising. I made it quite clear that the keynote of this bill is the impossibility of trying to legislate for the unknown. There could come a time when, owing to circumstances we cannot envisage, a particular area or municipality would need to be evacuated. As far as I am concerned, the only people who should be making these decisions are people elected by the public, where there can be definite recourse. I am sure that this clause in the bill would at all times be used only very much as a last resort, especially after the experience of Cyclone Tracy and evacuation, but I feel that it should be there because we are legislating for the unknown.

Amendment agreed to.

Miss ANDREW: I move amendment 153.13.

It is to omit in (a) the words "and civil defence" because civil defence is now included in the general overall definitions and, secondly, the regional controller is no such animal. In this case it needs to be the regional co-ordinator - a correction of term.

Amendment agreed to.

Clause 23, as amended, agreed to.

New clause 23A:

Miss ANDREW: I move amendment 153.14.

This is a new clause included at the request of the Port Authority and the Darwin Citizen's Council who have suggested that there could be, in time of a disaster, a need for the saving of lives on properties and that directions be given to put aircraft, vehicles, ships, boats, barges in a safe place so that, firstly, they do not lead to the destruction of both themselves or other vehicles as happened in the cyclone, but, more importantly, there is a minimising of the possibility of the loss of life. These measures are safety measures, especially important in the impending disaster period.

New clause 23A, agreed to.

Clauses 24 to 26, agreed to.

Clause 27:

Miss ANDREW: I move amendment 153.15.

It is important that a direction lawfully given is as important as an order lawfully given, and consequently this is included in my amendment.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 31 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr WITHNALL: I rise to comment only on one matter. I thoroughly support the observations made by the honourable member for Jingili. The hunger of the draftsman for outre expressions has been thwarted so far as the title of the ordinance is concerned, but it has not been thwarted so far as the long title is concerned, so far as the definition of the council is concerned in section 3, nor so far as the

establishment of the council is concerned in section 6. I would have thought that if we were going to abandon the ridiculous expression "counter disaster" he could have abandoned it over the whole face of the bill and not just in the short title.

Mrs LAWRIE: In rising to say that I support the third reading of this bill, given the particular time of the year, I hark back to the remark that the sponsor of the bill made, that she found difficulty in understanding my opposition to the evacuation provisions. Perhaps I should reiterate that my opposition is because I believe a law which can be made in such wide terms and which is likely to be ignored by a large number of people is a bad law. It may be that at the next sittings of the Assembly the honourable sponsor of the bill, or any other person responsible, will listen to the idea of an amending piece of legislation which will tidy up the point which so distresses me and a large number of the people in my electorate.

One of the reasons people are so much against a power to compulsorily evacuate a city in this Northern Territory is because of the permit system which was introduced and which prevented their return last time. People would not mind so much evacuation in an emergency but they will no longer tolerate an open-ended evacuation when they do not know when they can get back. I have said twice in the committee stages that I accept the goodwill of the sponsor of this bill, but this legislation is there to stand for the next 100 years and it is unlikely that in 100 years' time she will be responsible for its operation. It does need tidying up. It may be passed and assented to now but I would like all honourable members who suffered under the evacuation and the permit system to remember my remarks at this third reading.

Miss ANDREW: I would like to draw the honourable member for Nightcliff's attention to the part of the bill which provides that the Administrator in Council can only declare a state of disaster initially for 7 days and subsequently for 14 days. As for her concern about an open-ended evacuation, this would be unlikely to go on for an indefinite period of time such as happened after the cyclone. There is a necessity for the Administrator's Council to meet at least every 14 days to review the situation. I feel that she is perhaps over-concerned and is placing too little faith in elected representatives of the people, which is exactly what the Administrator's Council are. If the disaster was bad enough that it warranted such drastic measures, the decision to evacuate would no doubt be made. However, I am sure that the general public, in the following election, when they are allowed to pass their opinion on such a particular course of action, would be only too eager to do so. Therein we have responsible government.

Bill read a third time.

PUBLIC SERVICE BILL

(Serial 159)

Continued from 8 December 1976.

In Committee:

Postponed clause 18:

Dr LETTS: I do not wish to proceed with the circulated amendment 138.12. I have circulated today further amendments under the schedule 152.1 and 152.2. I seek leave to withdraw amendment 138.12.

Amendment withdrawn by leave.

Dr LETTS: I move amendment 152.1 to omit subclause (2).

The problem that I had with the amendment yesterday was the proposed changing of the name of the Department of Community Services. I don't know how that came about. I saw no reason for it. The only change I really sought was in relation to the introductory wording.

Mrs LAWRIE: On a point of order, Mr Chairman. Is the Majority Leader talking to amendment 152.1 or 152.2 because 152.1 omits subclause (2) of clause 18 which has nothing to do with the names

of the various departments. That is the next amendment.

Dr LETTS: Subclause (2) is omitted because that particular matter is fully covered by the Northern Territory (Administration) Act and, with the commencement of that act, not only the name of the department and the name of the Executive Member in charge of that department but also the functions of the department will be spelt out. It is unnecessary to have it here.

Mrs Lawrie: You are talking about deletion of subclause (2)?

Dr LETTS: Yes.

Amendment agreed to.

Dr LETTS: I move amendment 152.2.

This is the subclause in which I wish to preserve the name of the title of the department as being the Department of Community Services, rather than the name that was suggested yesterday. The only amendment proposed is the rewording of the introductory phrase "there shall be at the commencement of this ordinance".

Amendment agreed to.

Clause 18, as amended, agreed to.

Postponed clause 19:

Dr LETTS: I have taken heed of the remarks made by the honourable members for Port Darwin and Nightcliff and some of my own colleagues regarding the operation of clause 19, in particular the role of the Speaker of the Legislative Assembly and the general effect of this clause upon the position of the Assembly and the staff of the Speaker. After consideration, I am prepared to make some clearer definition of the role of the Assembly and the Speaker to clarify the elements of flexibility and independence which should be in that department. I have circulated an amendment in schedule 154.1 which is in fact a new clause. I just get up to say this for the information of the committee so that they will not think that I have ignored the suggestions in relation to clause 19. I am not proposing to amend that actual clause itself, but rather to deal with the matter in the form of a new clause as circulated and we will come to that in due course.

Clause 19, as amended, agreed to.

New clause 19A:

Dr LETTS: I move amendment 154.1.

That is for the insertion of a new clause 19A after clause 19. Following the comments made yesterday, I went to the trouble of examining the old Northern Territory Public Service Ordinance again in some depth. I refreshed my memory that a good deal of independence has been achieved by the Department of the Legislative Assembly under that ordinance. Certain powers and privileges for the Speaker have been hard-won over a long period of years, hard-won and put in whenever they could be, whenever the climate appeared to be suitable, to such an extent that it is a bit like a person covered in band aids and there are some problems in interpretation. By no means does the present Northern Territory Public Service Ordinance give the Speaker any sort of carte blanche; he is restricted in many ways. The appointment of the Clerk under section 8 is made by the Minister on the Speaker's recommendation. Section 15 of the present ordinance givew the Minister the power of creating offices, abolishing offices, raising or lowering classifications and gradings. The Minister also has the power in relation to temporary assistance provided to the staff of the Speaker and for what periods that will be provided. In relation to regulation making, I must admit I finished up fairly confused about who was able to do what between the Speaker and the Minister. It seems as though they both have a pretty fair hand in that. Not only that, but the Administrator in Council makes regulations dealing with certain salaries and conditions for the staff. It is a pretty confused picture but even so there are a number of functions which are still carried out by the Minister and the Administrator in relation to that ordinance.

I accept to a large degree the remarks the honourable member for Port

Darwin and other people have made about the need for the independence of the office of Speaker and the staff that come under him from political and public service type administrative interference. At the same time, I do not think that anybody in this situation should have complete carte blanche and be subject to no checks and balances. I suppose that when the people of Rome went along with making Caligula the Emperor, they did not expect him to finish up turning his horse into a consul.

Mr Withnall: They did not go along with it either.

Dr LETTS: They did in the beginning because he was a good guy at first. If the honourable member will check his ancient history he will find out he was very successful in his early days. It was only later that he managed to get into trouble with horses and consuls.

Whilst the present Speaker, with his admirable judgment and sense of propriety, would not I am sure do the wrong thing, you never know whether one day one of them just might run off the rails and might bring in a retiring age of 35 for clerks or something like that. Somewhere along the line, I felt there had to be checks and balances. When we came to examine the total effect of the ordinance in the light of certain words which the honourable member for Port Darwin suggested that might be incorporated, we came up with the form of words represented here. I thank the honourable member for Port Darwin for his contribution.

At the same time, the determinations made by the Speaker will be in a sense similar to the determinations made by the Public Service Commissioner in other fields and will be in effect subject to the same processes of going before the Executive Council, the Administrator's Council and finally this Assembly as they relate to terms and conditions of employment. This in itself is a safeguard against any completely aberrant, anomalous or eccentric effects which a Speaker or, by delegation, a Clerk might seek to achieve at any time. In the very nature of things, a Speaker does have to delegate a good deal of authority to the Clerk and I suppose some day a Clerk might shake a bolt or a nut loose too and we have to be prepared against such an eventuality. All in all, the matter has been very carefully reconsidered at considerable length and I believe that we will now satisfy the desires of virtually all parties in the matter.

Mr WITHNALL: One would think from the way in which the honourable member has presented his amendment that it is a fully unwilling amendment. From conversation with him, I am quite satisfied that he does espouse the form of the amendment. May I say that I am satisfied that this achieves what I wanted it to achieve - that the authority of the Speaker would be automatically recognised. He should not depend on some other person graciously or ungraciously signing a document of authority authorising the Speaker to exercise powers over the staff. I have no doubt that, under the system proposed by the existing section 19, the Speaker would have been given authority to deal with matters relating to the staff of the Assembly but, under this amendment, the Speaker's authority is recognised as automatic. That is my chief aim because, if it is recognised that the Speaker has this authority as a matter of law, interference with that authority is likely to be rare and only exercised upon some very serious occasion.

New clause 19A agreed to.

Postponed clause 31:

Dr LETTS: Yesterday, I proposed amendment 138.26 to clause 31. This dealt with the transfer of staff between the departments and prescribed authorities and added some additional subclauses. The honourable member for Nightcliff pointed out that, in the subclause, the word "promotion" was included whereas it was not referred to elsewhere in that section. The further amendment to the amendment 138.26 which I now propose is schedule 152.3. This will omit from the proposed new subclauses 3 and 4, the words "the promotion or transfer" and substitute the word "transfer".

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Clause 31, as amended, agreed to.

Postponed clause 37:

Dr LETTS: The honourable member for Nightcliff asked what "former service" meant and whether there was any ambiguity in this expression. The provisions of amendment 138.4 relate only to an officer of the Australian Public Service who is seconded from the "former service" which has a specific meaning as defined in the definitions clause - the Public Service of the Northern Territory. It does not apply in reverse.

Mrs LAWRIE: I hope that I am not being unusually dense. I just seek further clarification. I only want clarification that, by the adoption of this amendment, a person who was seconded for a period of time is now not secured in that job without the right of return to his previous employment.

Dr LETTS: The situation is not as the honourable member suspects it might be. Secondment does not mean that they are lost for all time. They still have the right to transfer back.

Amendment agreed to.

Clause 37, as amended, agreed to.

Postponed clause 63:

Dr LETTS: I am speaking again to the amendment schedule 138.51. This refers to recognition of other service and gives the commissioner the power to determine what part of a period in which an employee is on a leave of absence without salary shall be reckoned as service in the public service for such purpose as the commissioner specifies - leave entitlement, furlough entitlement etc. It is a complex provision in so far as it refers to a number of other parts of the ordinance and it also has some relationship to the Public Service Act. It is a subclause required in there in pursuance of provisions of the Commonwealth Public Service Act and was brought to our attention by the public service unions.

Essentially, the existing provisions of clause 63(2) provide that an officer transferred to the Northern Territory Public Service from the Australian Public Service who is, at the time of transfer, under authorisation under the Public Service Act performing duties for a Commonwealth authority is deemed to be on leave of absence without pay from the Northern Territory Public Service for the duration of that authorisation. On the termination of that leave of absence, the commissioner shall then determine what portion of that leave shall be reckoned as service in the Northern Territory Public Service. The obvious areas of concern are long-service and sick-leave entitlements. Similar provisions are made for the Northern Territory public servant on leave of absence from the Northern Territory Public Service to work for the Commonwealth or a state or overseas country. In determining what part of that leave shall be counted for service, the commissioner will undoubtedly consider the conditions of service in the area where the employee worked. Each case will have to be examined in relation to the particular conditions which were arranged.

Amendment 138.51 adds to the list of other areas of employment Papua New Guinea or the United Nations. This will provide for similar consideration for either Australian public servants so serving at the date of transfer or Northern Territory public servants granted leave of absence for such service.

Amendment agreed to,

Dr LETTS: I move amendment 138.52.

This amendment provides that service in New Guinea before independence or in a public authority in New Guinea shall be treated as public employment under the use of that term in this clause to maintain continuity of service which is an important matter for long-service and sick-leave accrued.

Amendment agreed to.

Clause 63, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported.

Dr LETTS: I move that the bill be recommitted for further consideration of clause 59.

Motion agreed to.

In Committee (on recommital):

Clause 59:

Dr LETTS: I move amendment 152,4.

There are 3 amendments, 152.4, 152,5 and 152.6, which are interrelated. I will move them separately, but I will address my remarks to the 3 amendments collectively.

Yesterday, clause 59 was amended by making a grammatical correction to subclause (5). Unfortunately, the subclause which should have been corrected was subclause 6. It is necessary, therefore, to amend subclause (5) back to its original and proper wording and to make a grammatical correction to subclause 6.

Amendment agreed to.

Dr LETTS: I move amendment 152.5.

Amendment agreed to.

Dr LETTS: I move amendment 152.6.

Amendment agreed to.

Clause 59, as amended, agreed to.

In Assembly:

Bill reported; report adopted.

Dr LETTS: I cannot let the occasion pass without making a couple of comments on the third reading. The first one relates to a point raised by the Executive Member for Finance and Community Development during the second-reading stage. He said that we had made a request to the Minister for some clarification on financial arrangements. I am pleased to be able to inform the Assembly that a letter has been received from the Minister. I have a couple of extracts from it which will throw some light on the situation.

The Minister says: "The Government would expect that arrangements and understandings of the nature dealt with in the Executive Member's letter would be considered in the context of the development of a separate Northern Territory fiscus. In the meantime, it is proposed that the financing of the Northern Territory should continue under the current arrangements. You will, of course, be aware that consultations with the Treasury have commenced with a view to providing the Northern Territory Executive greater authority over financial priorities in respect of transferred functions through the use of single line appropriations in 1977-78. It is implicit in this approach that the Government accepts its responsibilities for the financing of the Northern Territory in accordance with established practice and in the light of prevailing budgetary conditions and is not seeking, in connection with the initial transfers of functions, to impose on the Northern Territory Executive capital or other financial liabilities as a condition of the transfer." The Minister concludes: "Given the policy objectives of advancing the Northern Territory to statehood, it follows that the Government will seek, over the longer term, to place the financing of the Northern Territory on a similar basis to that applying to the states. This is consistent with recommendations contained in the Report of the Joint Committee on the Northern Territory". He refers also to the establishment by the Government of an interdepartmental committee to advise on the future financial arrangements which should apply in the Territory and says that he expects that committee will enter into early discussions with appropriate officers of the Northern Territory Public Service, as they are appointed, in order to establish firm guidelines, including financial arrangements, under which further transfer might proceed. We will be happy to make the full text of that letter available to honourable members.

The second matter relates to executive re-arrangements which I plan to make on commencement of the Northern Territory (Administration) Act and the commencement of this ordinance. We have already amended standing orders which will now fit into whatever new arrangements are proposed for the executive business of this chamber. When the promulgations are finally made, I do not think that there will be very much change to the arrangements which have applied before. We previously had 5 executive members who were members of the Administrator's Council and those same 5 people would be people whose names I would put forward to the Administrator and the Minister for recognition in the new Executive Council - namely, apart from myself, the member for Fannie Bay, the member for Sanderson, the member for Barkly and the member for Millner. The additional 2 members in the Cabinet will be as before - the member for Stuart Park and the member for MacDonnell.

There is some change in nomenclature which will be proposed to fit in with departmental titles and that will possibly require some renaming on the desks. Some people will be carrying out new duties because the 5 members of the Executive Council will be concentrating their attentions virtually solely on the transferred areas of powers. The details of the functional areas which will be picked up by the Northern Territory (Administration) Act will be available in the near future. We have accepted the titles in the bill at this stage. The other 2 members of the cabinet will retain the resource development title in one case and the title of education and planning in the other case. That gives the Assembly a preview of what I anticipate will happen. Those matters will not become final until they are adopted under the act and with the commencement of this ordinance.

Finally, I had a phone call at lunch time today from the Premier of Western Australia who is writing to me and also to the Prime Minister. He is making an offer of assistance from the Western Australian Government in any areas of administration or staff help where we may want additional resources which may not be readily available from other quarters. The Premier offers to assist us in whatever way he can towards the successful realisation of this first major step towards responsible self-government in the Northern Territory. I am sure that members will appreciate that news and will be pleased that this bill is about to pass its third reading.

Mr ROBERTSON: It seemed to me that, during the second-reading stage of this bill, there was little point in my speaking, for the simple reason that it would be obvious to every member here how whole-hearted my support is to the principle of this bill and how much I have looked forward to its passage. However, there were a couple of clauses with which I had some concern but since I was chairman in the committee stage I was unable to speak on them. What has happened during the course of this bill's passage has singled the Assembly out as unique. This is because of the sensitivity of the Majority Leader. At the risk of forming a mutual admiration society, although I doubt it may be mutual, I want to say that the Majority Leader at all times has been willing to talk with me as a backbencher about clauses on which I had some concern. He has been willing to talk with the 2 Independents. That sensitivity has resulted in complete satisfaction of members in this Assembly. I would like to commend the Majority Leader for the tremendous effort he has put into this and wish him well in the effort he will still have to apply. As long as the Majority Leader of this Assembly has the willingness to listen to people like myself and other members, and to vary his ideas in accordance with our wishes, then I do believe the Northern Territory is going to be in good hands.

Bill read a third time.

TRANSFER OF POWERS BILL

(Serial 158)

Continued from 7 December 1976.

In Committee:

Clauses 1 to 5 agreed to.

Clause 6:

Dr LETTS: This is a very peculiar bill and it will be very difficult to deal with it in committee as far as the amendments are concerned. There are a number of amendments circulated and honourable members will not have the original reference material in front of them.

Speaking to the amendment schedule 139.1, among the executive powers to be transferred according to the Federal Government's decision, are the appointments of trustees of recreation reserves under the Crown Lands Ordinance. These will also involve the transferring of land reserves under the Crown Lands Ordinance to the Reserves Board. These matters were all included in the bill but advice was sought from the Attorney-General's Department concerning the effects of making such amendments in relation to the powers of assent to the bill. The Attorney-General's Department advised that it would be safer in the circumstances to reserve the bill for the pleasure of the Governor-General if the original provisions are included. They argue that it is not beyond doubt that the references to land matters attract from provisions of section 4W of the Northern Territory (Administration) Act and, in view of the importance of this bill as a companion bill to the Public Service Ordinance and the Northern Territory (Administration) Act, it is not wise to risk any challenge to its legality.

I accept that argument temporarily and I do not wish to have any of this group of 3 bills reserved unnecessarily. The short period available before the target date in January set by Cabinet would lead to considerable difficulty in having all the consequential actions required after the passage of this legislation carried out before that date.

The specific amendment to clause 6 under 139.1, and also 139.2 which I will move subsequently, tighten up the terms of the savings clause in the bill and relate them to action taken under the amended ordinances before the commencement of this ordinance. The words used in the original bill are "purported to have been taken or done". We should actually only be talking about actions which have been taken, not purported to be taken.

Amendment agreed to.

(See Minutes for further amendments to clause 6 and the Schedules agreed to without debate.)

Title:

Dr LETTS: I move an amendment to the long title as circulated in scheduled amendment 151.1, namely to omit "relating to the transfer to the Legislative Assembly of certain executive powers" and substitute "relating to the transfer to the Executive Members of the Assembly of certain executive powers". The executive powers are not being transferred to the Assembly as a whole but to the Executive Members.

Amendment agreed to.

Title, as amended, agreed to.

Bill passed the remaining stages without debate.

INTERPRETATION BILL

(Serial 160)

Continued from 7 December 1976.

Bill passed the remaining stages without debate.

MAGISTRATES BILL

(Serial 153)

Continued from 7 December 1976.

Miss ANDREW: In closing the debate, I would like to make a couple of clarifications. Firstly, I would like to answer a challenge issued to me by the member for Port Darwin. He challenges me to produce any legal opinion I may have which suggests that a decision in South Australia can apply to magistrates in the Northern Territory. Whilst I am not privy personally to such educated legal opinions that the honourable member would have, I would in turn challenge him with the fact that this position has never been test-

ed in Northern Territory courts. That is a matter of fact. Secondly, I would like to draw his attention to the fact that this bill did not suddenly fall down like manna from heaven as a result of the South Australian High Court decision. A bill suggesting that magistrates be removed from the public service was circulated during the days of the Whitlam Government in Canberra, at which time the magistrates were to be put in a statutory authority set up under a Commonwealth act. The bill itself was called the Magistrates Service Bill. Following the election last year, Mr Ellicott took up this suggestion and discussed the matter with me earlier this year. I suggested to him that, rather than doing this by Commonwealth act, perhaps it would be more appropriate in the light of constitutional development that such a bill be passed through the Northern Territory Legislative Assembly. He agreed to this. I will agree with the honourable member that, as a result of the South Australian decision, this bill was perhaps brought on more quickly than intended. However, the fact of the matter is that it did not suddenly appear at that point.

I would like to thank honourable members for their comments and declare that much soul-searching has gone on into looking at this bill with special reference to the way in which the magistrates are to be appointed when this bill becomes law.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

(See Minutes for formal amendment to clause 3.)

Clauses 4 to 6 negatived.

Clause 7:

Miss ANDREW: I move amendment 143.2 which is to insert in subclause (1)(b), the word "other". This is a formal amendment.

Amendment agreed to.

Miss ANDREW: I move amendment 143.3.

It has been decided to make the chief magistrate a stipendiary magistrate. This is the present position under the ...

Mr Withnall: He would have to be.

Miss ANDREW: ..., ordinance, and it is advisable that this be continued to avoid problems where other ordinances refer to a stipendiary magistrate but not a chief magistrate.

Amendment agreed to.

Mr WITHNALL: I move that there be omitted from subclause (3) of clause 7, the word "Governor-General", and that there be substituted for that expression, the expression "Administrator in Council".

Honourable members would be aware that, at the second reading stage of this bill, I objected very strongly at this stage of the Northern Territory's search for autonomy to the transfer of this power to the Attorney-General's Department. I have a number of amendments to move which are practically all in the same terms, either amendments substituting "Administrator in Council" for "Governor-General", or substituting the word "Administrator" for "Governor-General" and "Attorney-General", as the case may be.

I can only reiterate the view that I have expressed before, that I see this as an attempt by the Attorney-General's Department to secure control over the administration of justice, particularly in the lower courts of the Northern Territory, and I think that any attempt to secure control over the administration of any matter which is of a completely local concern to the Northern Territory should be resisted. I have no complaint about the appointments that have been made to the magistracy by the Attorney-General's Department. I have none whatever, I know all the magistrates here, and I am quite happy to say that I think that they are very capable and, much more, damned hard-working people. But I think that when one is looking at the advancement of the Northern Territory from a stage of

being a very poor colony, as far as administrative affairs are concerned, of the Commonwealth of Australia, we should not be giving away power; we should rather be seeking to ensure it.

At this stage, every step that can be taken to secure power over such local things as the administration of justice should be taken, and taken firmly. The Commonwealth of Australia has never been noted for its generosity in transferring authority away from its own officers and I think this lies principally at the seat of the public service. As far as justice is concerned, I know that the Attorney-General's Department and certain officers in the Attorney-General's Department are responsible for this attitude. I urge members of this committee not to accept that the power to appoint magistrates be taken away from local people and the local administration and given to the Commonwealth administration which, in view of the circumstances which have existed in relation to this Assembly and the former Legislative Council, could almost be described as a foreign government.

Mr EVERINGHAM: I accept, in fact I endorse, the remarks of the honourable member for Port Darwin in relation to the magistrates of the Northern Territory. I too know them all and I know they are hardworking diligent men who often work in rather trying conditions in the administration of justice in some of the outer reaches of the Northern Territory. I cannot see how the appointment of magistrates by the Administrator in Council could in any way lessen the dignity of the office, and it is for that reason that I intend to support the amendment proposed by the honourable member for Port Darwin. I believe that the honourable Executive Member for Education and Law has performed her part of the undertaking. The undertaking to the Government, when introducing legislation, is that the legislation will be introduced. There is no undertaking that this party will support all aspects of any piece of government legislation. I certainly intend to support the amendment proposed by the honourable member opposite.

Mr ROBERTSON: I think all honourable members of the committee would be very well aware that I have great pleasure in supporting the honourable member for Port Darwin's amendments. I think they would be well aware of that from the second-reading debate. I do take some umbrage with him in relation to his attachment of some cladestine plot on the part of the Attorney-General in proposing to us that, through his department the Governor-General has responsibility for the appointment of the magisterial service. However, I do believe that it must be a result of the Attorney-General's very heavy burden of office that he really could not have thought about what he did unto us.

I believe that there is probably a very firm resistance within the Department of the Attorney-General to the loss of any of its ivory tower and enshrined powers. I, like the honourable member for Jingili, can see no threat, in fact only enhancement of the magisterial service, in having its appointments made here in the Northern Territory - not Melbourne, not Canberra, not Brisbane, but by the people and laws of the Northern Territory. And how utterly wrong it would be for this legislature to hand over to someone else, remote from this place, the power of appointment of our magisterial officers. I find myself again, for the second time, standing here and paying tribute to this legislature in its flexibility and, indeed, in its determination to follow its own course. In fact, I would describe what has happened with this Magistrates Bill as a sort of coming-of-age of this legislature. I hope the pleas of the honourable members for Port Darwin and Jingili and myself will persuade the committee to pass these amendments. It will be a form of coming-of-age, because the day has now departed ...

Mr Everingham: It will be your silver-tongued oratory.

Mr ROBERTSON: Yes, no doubt it will.

I think the day has now come when we are no longer going to be dictated to by Commonwealth Government departments. I totally support the amendment.

Miss ANDREW: I would like to indicate my support for the amendment proposed by the honourable member for Port Darwin. The decision that I have come to has not been reached lightly. I have explained my stance to the department as the sponsor of this government legislation. I just would like to clarify, however, one matter which the Attorney-General's Department does seem to misunderstand. The decision of this legislature in relation to apointments to magisterial posts will in no way mean that we are seeking to instantly take over control of the courts. The appointments which are made throughout various departments which have branches or sections within the Northern Territory, outside the Department of the Northern Territory, has gone on for some considerable time, and indeed, under the Justices Ordinance, justices of the peace can be appointed by the Administrator as well as by the Governor-General. A decision to support the amendment will be taken simply to keep the attitude of this Assembly in line with the constitutional development and the transfer of powers and I hope, like the honourable member for Gillen, that it will not be seen as a plot to immediately take over every aspect of every branch this instant. Nor do I see the Attorney-General's Department's approach as the clandestine plot that perhaps the honourable member for Port Darwin does. However, I rise to speak to indicate my support for this amendment.

Amendment agreed to.

Mr WITHNALL: I move that subclause (3) of clause 7 be omitted.

Subclause (3) relates to the Governor-General's not being able to make appointments unless he has considered a recommendation from the Administrator in Council. In view of the amendment to subclause (1), subclause (3) is quite inappropriate.

Amendment agreed to.

Miss ANDREW: I move amendment 143.5.

This inserts after "ceases to hold the" in subclause (4) the word "former". This is consequential to the amendment.

Amendment agreed to.

Clause 8 agreed to.

Clause 9:

Mr WITHNALL: I move that from clause 9 there be omitted the expression "Governor-General" and there be substituted for that expression the expression "Administrator in Council".

Clause 9 relates to terms and conditions of appointment and under the proposed amendment this would be determined by the Administrator in Council and not by the Governor-General. Of course, having regard to the policy of government there is no doubt at all that the Administrator in Council, acting as it certainly will, within the fabric of Northern Territory and, indeed, Australian conditions, will take just as much account as the Governor-General would of ruling Territory conditions with the appointment of magistrates.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:

Mr WITHNALL: I move that there be omitted from clause 11 the words "Governor-General" and that there be substituted for that expression "Administrator".

Members may notice that in some cases the amendments that I propose relate to the Administrator and some relate to the Administrator in Council. This variation in terminology relates entirely to the seriousness of the proposals which are made. For instance, in clause 11, which is now before the committee, the proposal is that a magistrate may resign his office in writing, signed by him and delivered, as it will I hope be amended, to the Administrator. To deliver it to the Administrator in Council is a difficult task and it is much more appropriate to deliver it to a person.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr WITHNALL: I move that from subclauses (1), (2), (5) and (6) of clause 12 there be omitted the words "Governor-General" and there be substituted the expression "Administrator in Council".

I do not propose to deal with these sorts of amendments at all, but merely to inform the committee that it is in accordance with the principles I have already enunciated.

Amendment agreed to.

Miss ANDREW: I move amendment 143.6, which omits from subclause (6) the word "happened" and substitute "happens". It is a formal amendment.

Amendment agreed to.

Mr WITHNALL: I move that there be omitted from subclause (7) the expression "Governor-General" and there be substituted for it the word "Administrator". The reasons are before the committee.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 agreed to with amendments.

Clause 14:

Mr WITHNALL: I move that there be omitted from subclause (2) the expression "Attorney-General" and that the word "Administrator" be substituted.

This is in line with the rest of the amendments that I propose which will substitute a local control of the magistracy in the Northern Territory rather than the control which presently exists and which is proposed in the bill as introduced, control by the Attorney-General's Department.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clauses 17, 18 and 19 agreed to with amendments.

Clause 20 agreed to with amendment.

Clause 21:

Miss ANDREW: I move amendment 143.7, to omit subclause (4).

This subclause is now unnecessary in view of an amendment under 143.3, which provides that the Chief Magistrate is a stipendiary magistrate.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Clause 23:

Miss ANDREW: I move amendment 143.9, as circulated.

This is a minor amendment to make it clear that an oath is taken whereas an affirmation is made. This is the same for 143.9 to 143.13 inclusive.

Amendment agreed to.

Miss ANDREW: I move that amendments 143.10 to 143.13 be taken as a whole as they are for the same reason.

Amendments agreed to.

Clause 23, as amended, agreed to.

Clauses 24, 25 and 26 agreed to with amendments.

New clause 27:

Miss ANDREW: I move amendment 143.7 which is a new clause necessary to cover the position under other ordinances which refer to magistrates appointed under the Justices Ordinance.

New clause 27 agreed to.

Schedule agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

JUSTICES BILL

(Serial 161)

Continued from page 899.

Miss ANDREW: Mr Speaker, I move that so much of standing orders as will prevent the passing through all stages this day of the Justices Bill 1976, serial 161, be suspended.

Motion agreed to.

Bill read a second time.

Bill passed the remaining stages without debate.

TRAFFIC BILL

(Serial 136)

Continued from 7 December 1976.

In Committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr RYAN: I move amendment 140.1.

This amendment has been inserted so that it cannot be said that a new offence is being created by the section. The schedule therefore merely refers in short form to existing offences.

Amendment agreed to.

Mr RYAN: I move amendment 140.2.

This amendment is made for the same reasons as the previous amendment. It ensures that the penalty is one applicable only to the new section and is not designed to replace an existing penalty for an offence to which an infringement relates. In sub-paragraph (a)(ii), this makes the paragraph read less ambiguously, and in paragraph (b), this avoids the obligations to prescribe any further matters. Prescription of further matters is optional only.

Amendment agreed to.

Mr RYAN: I move amendment 140.3.

This subsection has been redrafted to allow for the withdrawal of a traffic infringement notice by one of two persons - the officer who booked the offender or a police officer specifically authorised by the commissioner. The previous provision for any member of the police force to withdraw a notice was too wide.

Amendment agreed to.

Mr RYAN: I move amendment 140.4.

Subclause (6) of the printed bill is, in the light of paragraph (b) of the previous amendment, no longer necessary. The new subclause (6) deals with the time when a notice of withdrawal comes into effect, thus removing any doubts. Subclause (6A) facilitates the proof of authorisation to withdraw a traffic infringement notice.

Amendment agreed to.

Mr RYAN: I move amendment 140.5.

Paragraph (a) is formal to correct an error.

Amendment agreed to.

Mr RYAN: I move amendment 140.6.

This amendment is again designed to make the reference more specific.

Amendment agreed to.

Mr RYAN: I move amendment 140.7.

This amendment ensures that, where a cheque is tendered in payment of a penalty and the traffic infringement notice is withdrawn before the cheque is cleared, the clearance of the cheque is payment, notwithstanding withdrawal.

Amendment agreed to.

Mr RYAN: I move amendment 140.8.

This amendment brings the provision into line with the existing provisions in the ordinance. For example, parking in section 36F.

Amendment agreed to.

Mr RYAN: I move amendment 140.9.

Subsection (13) is considered unnecessary.

Amendment agreed to.

Mr RYAN: I move amendment 140.10.

This amendment brings the provision into line with the existing provisions in the ordinance, section 36G.

Amendment agreed to.

Mr RYAN: I move amendment 140.11.

This amendment is designed to introduce a provision that will obviate the need, if a prosecution is intended to be launched after the issue of a traffic infringement notice, to serve a notice of intention to prosecute. The issue of an infringement notice suffices, even if it has been withdrawn for the purposes of commencing proceedings.

Amendment agreed to.

Mr RYAN: I move amendment 140.12.

This amendment extends the power to ask for both name and address.

Amendment agreed to.

Mr RYAN: I move amendment 140.13.

This changes the short form to coincide with the actual offence desired to be covered.

Amendment agreed to.

Mr RYAN: I move amendment 140.14.

This amendment introduces an infringement which is a logical extension of the immediately preceeding infringement.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 agreed to with amendment.

Title agreed to,

In Assembly:

Bill reported; report adopted.

Mr STEELE: I think it is important that I have recorded in Hansard that some penalties in the schedule will affect a lot of people in my electorate. This is in respect of Wells Street which is one-way and in respect of Bagot Road which is a very difficult place to park along. If there is an abuse of the fund-raising aspects of the legislation, I will be seeking to have some changes made in 1977.

Mr WITHNALL: I do not think I should let this occasion go past without expressing once again my objection to the proposal that policemen should be able to detect an offence, to prosecute the offence, and in effect, armed with this ordinance, to determine what the penalty would be.

Mr Robertson: That is nonsense. The penalties are provided by legislation.

Mr WITHNALL: The honourable member says it is nonsence. The penalties are provided by legislation but it gives the police an opportunity to take the matter of determination of the penalty away from the ordinary courts of the land and to use this ordinance almost to the exclusion of the ordinary courts of the land with regard to offences specified in the schedule. The imposition of penalties automatically as a result of administrative action is always to be deplored and I cannot let this opportunity go past without emphasising my objection to the principles of the bill.

Mr RYAN: The honourable member for Ludmilla is, I think, concerned with the section of the schedule which says it is an offence to drive a motor vehicle on a footpath. I have asked for some advice on this and I am of the opinion that it would be unlikely for a policeman to use this particular piece of legislation against people who have parked their vehicle on the footpath. For a start, if the car is on the footpath, how does the policeman know that you drove it there? You might have put

it there with a crane. As to the comments of the honourable member for Port Darwin, I am afraid that he is just going to have to bow to progress.

Bill read a third time.

ADJOURNMENT DEBATE

Mr POLLOCK: I move that the Assembly do now adjourn.

Mr Speaker, just before we close the last sitting before Christmas and the New Year, I would like to take this opportunity to extend to you and to the staff of the Assembly all the best for the festive season and to express the hope that we see you all here again next year.

Mr EVERINGHAM: Mr Speaker, I would also like to extend to you and to your Clerks and staff all the best - I am sure on behalf of all members of the Assembly - for the Christmas season. I am sure that we will all be around next year to join battle once again.

I feel compelled to speak on the adjournment about a matter which occurred in Alice Springs last year in respect of a young Aboriginal child called Freddy. It is very hard for me to say a great deal more than is expressed in the judgment of his Honour Mr Justice Forster, the Chief Judge of the Supreme Court of the Northern Territory. I cannot say much more because the transcript of these proceedings has been ordered not to be published. In fact, I have not even seen the transcript. I am not involved as a solicitor in the matter at all. I hasten to add that I am not grinding any personal axe. I have just read this judgment and it appears that there are over-zealous officials in the Welfare Branch of the Department of the Northern Territory in Alice Springs. It also appears that the Central Australian Children's Court may have acted hastily on this occasion. I do not know of any other occasion; I certainly hope there has not been any other occasion.

I feel sure that such an occurrence will not happen again. To make sure that it does not happen again, I am giving an airing to some of the statements made by His Honour in his judgment. His Honour said that on 8 and 9 May 1975 there occurred a number of things which reflected little credit on the Welfare Branch or the Children's Court in Alice Springs - and those are very strong words to come from a Supreme Court Judge. On 8 May, an application was made by a Welfare Officer to the Southern District Children's Court for a declaration that Freddy be declared a neglected child. It was served upon his mother the same day. Freddy was in the Welfare Receiving Home and his mother was in hospital with a broken leg. The application stated that the hearing was to be at 2 pm on 9 May. There was no possibility of the mother getting out of the hospital to attend the hearing and the hearing took place on an ex parte basis. The Welfare Officer concerned agreed that, at the time she gave evidence in the Children's Court, she knew that the mother was in hospital and had no way of attending the court. She also said that the magistrate knew the mother was in hospital but that does not appear in the Children's Court files. The judge said: "To give one day's notice only, of a hearing with such important possible results seems quite inadequate. And to give such notice to an illiterate, full-blood, tribal Aboriginal woman, knowing that even if she understood the notice she was physically unable to do anything about it, seems to me to constitute a denial of justice of a particularly serious kind". No reason was given by the Welfare Branch or any of its officials for acting with such haste and the judge was unable to find one. After the mother came out of the hospital, she tried for several months to find the child. She went to the Welfare Receiving Home on a number of occasions and there she was told nothing. She asked Sister Frances, now Sister Frances Northrop - I am sure all members from Alice Springs would know her; she and Sister Eileen Heath are two deaconesses of the Anglican Church who perform dedicated work in Alice Springs amongst all sections of the community and I could only describe them as saintly women - to assist her. Sister Frances asked on a number of occasions where the child was and she was also refused information. She is a white Australian

and might be expected to be more sophisticated than the full-blooded Aboriginal mother. The judge made a finding that he was satisfied that the mother did all she reasonably could to discover where the child was after she came out of hospital.

It would not have been really necessary for me to go much further in this matter had it not been for the answer that was provided to the Executive Member for Social Affairs by his departmental advisers when he said that the charge of neglect arose from police finding the child abandoned outside the Alice Springs Hotel - "It was the fifth time in the period of 6 months of the life of the child that it has been found abandoned or had been returned to hospital". The judge found that there was no admissible evidence tending to show that the mother either abondoned or deserted Freddy. I am unable to reconcile the information provided by the department to the Executive Member, which was passed on in good faith, and the finding of the Supreme Court Judge. The judge found that Freddy did not do well as a young baby and suffered from feeding problems. Certainly, his mother drank more liquor than was good for her and she was not infrequently drunk. It may be that her conduct contributed to his poor progress, but it is by no means satisfactorily proved and he could not be satisfied that there was an adequate casual link between the boy's poor progress and any conduct of his mother's. He bore in mind - and there was evidence - that Freddy's attendances at hospital were largely as a result of his mother's actions in taking him there. He was unable to find that she persistently neglected him, whether he adopted an objective or a subjective standard.

The other point that I wish to raise, arising out of the judgment is that the child was fostered to a white couple, an American couple, in Alice Springs. I have the greatest sympathy for this couple who have been put in an extremely difficult and invidious position. It has now apparently been decided that mixed race adoptions just do not work out. The judge accepted evidence that it is considered that all adopted children at some stage or other have a problem of identity; this is compounded when the child is of different ethnic origin from the adoptive parents and therefore it is important that the child should have access to people of his or her ethnic origin. I understand that the Department of the Northern Territory was represented by its Welfare Branch at a conference and apparently assented to recommendations of the conference which decided that adoptions between persons of different ethnic groups should not be acceded to in the future. I wonder why, then, it continues to foster, and apparently approve for adoption, children who may be Aboriginal or of a different colour to white parents when apparently it has accepted the principle that this type of adoption just does not work out in practice.

I accept that many welfare officers are dedicated people. I think in fact that they are all dedicated people, but where the status of the child in relation to its parents is concerned, there is not any room for over-zealousness and not abiding by the letter of the law. It is for that reason that I am standing on my feet this afternoon. I certainly hope that there is no recurrence along these lines anywhere in the Northern Territory. Should there be a recurrence, then I for one certainly would hope that the matter is not let lie as this matter probably will be.

Mr MacFARLANE: I rise for the third time in a row to bring forward the troubles of the cattle industry at the risk of boring the Assembly and driving the reporters away. I feel that the matter is far too important to the Northern Territory to gloss over. Too many people live in Darwin and do not know the troubles in the bush. In Queensland, we have seen that they do appreciate the value of the beef industry; it is bigger there, but it is not more important relatively.

One of the recommendations to the Minister for Primary Industry was that the cattle industry is in danger of total collapse over there; it is worse off here. "We request the Federal Goverment, in the initial period of the beef stabilisation scheme, to use a portion of the $530m foreign aid

allocation for the purchasing of beef to be sent in some form to countries presently receiving aid". I brought this up to the Minister - I forget which Minister - but it received a very cool reception and you can understand why. Some people do not want beef; they want money. The point of it is, who do we help first - those at home in need or those overseas in need? Are we trying to buy friendship overseas or are we trying to help develop our country? The only way the beef industry will get up off its knees is through some practical assistance. We have the cattle; we want the market. It is as simple as that.

A further motion moved was that the cripping weight of loan interest is holding back the beef industry over there. They propose that interest bills on existing loans be paid by the Government or any lending authorities which would be prepared to carry cattlemen, allowing people in debt to carry on and wait for a sensible marketing system to be implemented. I suggested 20 months ago that a moratorium should be introduced and debts frozen when cattlemen have no possible chance of getting any income and were being financed $15,000 maximum by the Government. On the one hand, you have the Government providing this kind of aid and, on the other hand, you have your interest bill doubling because the interest rate jumped from 5.5% to 11.5% or 14%, I am frightened to worry about mine. This is a realistic approach. Everyone says that the beef industry is coming back. Many producer-owners will not be here to see it. There was a motion - it was not put before the Minister for Posts and Telecommunications, the Minister representing the Treasurer, because he saw fit not to attend - but it was about devaluation. That has happened so that is solved. But it does show that the Cattlemen's Union over there was right on the ball.

Another one was: "That the Cattlemen's Union of Australia totally opposes the concept of the administration of the proposed federal rural bank by pastoral firms, insurance houses or other institutional lenders, and seeks a categorical assurance from the Prime Minister that, in spite of his reported statements, no such action will be taken". Any form of rural bank would be good. You will remember, Mr Deputy Speaker, that it was an election promise and I think it would be getting close to reality. We are fighting for survival along with other people and, to use a good old government saying, it is a matter of priority. Too true! Will the cattle industry get the priority it has earned and deserves? I do not know, but I hope so.

"We ask the Minister to investigate and to take action to alleviate the excessive costs imposed on rural dwellers by (1) rapid increases in telephone and postal charges; (2) reduced mail services. We point out to the Minister that the charges for weekly mail services which bring in such essentials as school correspondence courses, medicines and other essential items are as high as $27.50 per landing. That would be considered dirt-cheap. When Connair stopped calling at Moroak, I think 2 or 3 years ago, it was because we refused to pay a fee of $50 a landing. So they are getting it pretty easy over there in Queensland.

There was another one: "That the Cattlemen's Union of Australia supports the submissions made by other primary producers and state government organisations for the restoration of a fuel equalisation payment, recognising that the price of fuel is a basic contributor to all costs outside the metropolitan area". This is a matter that has been brought up time and time again. It is interesting to read the criticism of the Labor Government by the Opposition when these concessions and subsidies were removed. It is also interesting to note that, a year after, nothing has been restored except the superphosphate bounty which did not affect us up here.

On the Sunday, it was moved before Senator Cathy Martin who was very popular with the meeting, possibly because she looked a bit better than some of the male speakers, "That this convention request the Chairman of the Federal Committee on Education to work with the Federal Minister for Education for the adoption of the following as a matter of urgency: an increase in the

basic federal correspondence boarding allowance; and that all education grants be tied to the cost of living index". This is a pretty simple, straight-forward suggestion. We have been fighting for it for a long while.

Over there, they have the matter under control and they are pressing for it much more effectively than we are. When I say "we" I include myself. I have not been effective - it is quite obvious. This Assembly has not been effective. The Cattlemen's Association has not been effective and neither has the Cattle Producers' Council, nor has the Department of the Northern Territory, and it would seem that the Ministers concerned have not been effective. I refer to the Minister for North Australia, Doctor Patterson, and the present Minister. It would seem that, because of the fact that it would be a federal responsibility, we get the last bite of the cherry. It is about time that these recommendations were implemented. I do commend them to honourable members and I do hope that, particularly the cattle price stabilisation scheme and the moratorium on debts, will be considered immediately and given full recognition. Additional markets will mean that the cattle industry will come back very quickly.

Mr MANUELL: I take the opportunity to express my personal good wishes to the Clerk and his staff and all members of the Assembly for a very happy festive season.

The member for Elsey has spoken to me on a couple of occasions following some remarks I made at the last session during the adjournment debate when I ran out of time shortly after I had started. I was making remarks on some observations I had made while in the south Pacific and eastern Asian area on a 10-day trip. I made some observations about the export opportunities for the cattle industry and it does come to my mind there are export opportunities available to producers of cattle in the Northern Territory but more particularly if we could draw a line across Australia, perhaps through the Central Australian region and, say, the northern part of Australia, including Western Australia and perhaps Queensland. These market opportunities do exist. They exist for both slaughtered cattle and boned meat; they exist for live cattle of both manufacturing quality and stud quality; and there are also considerable markets available for end products in hides and byproducts - meat meal and bone meal.

I have taken great interest in what the honourable member for Elsey had to say in his remarks about the Cattlemen's Union meeting in Rockhampton, but it appears to me that there may be need for activity by the industry on an individual basis as opposed to that which is presented by the industry as a whole or on its behalf through the Department of Primary Industry. Privately, I have made some remarks to the honourable member for Elsey along those lines, that if there is no apparent assistance forthcoming from the Department of Primary Industry and the Department of Overseas Trade, there is a need for individuals or groups of individuals to undertake export activities. I did ask the honourable Executive Member for Transport and Secondary Industry the other day whether there was a rebate system available to individuals who undertook export activity to cover their fares and time they spend overseas. Whilst the honourable Executive Member has not been able to come back to me with a clear-cut answer, I know for certain that there is a rebate system available through the Department of Overseas Trade once a successful contract has been gained for export of the produce of Australia.

I do support the remarks that the honourable member for Elsey made and his claim that there should be a system forthcoming from the Department of Primary Industry and also the Department of Overseas Trade in promoting the sale of beef products overseas. I am certain that there is still ample potential that is so far unexploited by the Department of Overseas Trade in markets that are as yet untouched. I encountered a good number of individuals who were interested both in purchasing meat of manufactured quality and also meat that was still live for manufacturing overseas. There is an abattoir in Manila that has recently been completed and is government owned.

The abattoir in Manila is leased out to private butchers; the meat is purchased by the butchers either from overseas or from local producers and is slaughtered locally. However the Philippine Government does import a good deal of manufactured meat. So I am certain that there is a potential there.

I spoke to the Trade Commissioner in Singapore and he outlined the system that the Singapore Government has, a government participating abattoir in which the Government of Singapore owns 70% of the share capital and an Australian representative representing Australian interests, 30%. There is live meat shipped from Australia to that abattoir and there is also quartered meat shipped by air from Australia to the same abattoir for final boning out for sale.

It comes to my mind that the Northern Territory, being close to the market in southeast Asia, has a potential that is not utilised. The Katherine meatworks is an abattoir that has an export licence but operates on a limited killing season and therefore there is not a continuous marketing opportunity available to it, thus supporting the surrounding industry in the Top End. In the Alice Springs region, we have an abattoir which is, as the honourable member for Elsey made comment the other day, able to kill and satisfy local consumption for meat but is unable to export meat. If there was sufficient support available to that local abattoir and its representatives were to undertake an export investigation and enterprise along with the application of an export licence, there would be considerable sales available to it. I do not think that the honourable member for Elsey would have any dispute with me over the fact that the Alice Springs or Centralian region is probably able to produce on a more consistent basis a better quality meat than the Top End. I would not say that was the case for each producer but it is generally the case. Of course, Alice Springs has the benefit of having an airstrip no more than 10 miles from the abattoir. The meat could be killed or the live beef could be herded and loaded in the Alice Springs region and transported straight to southeast Asia. Also there are the useful byproducts of meat meal and bone meal which the southeast Asia area is crying out for as a source of protein.

Mr BALLANTYNE: I would like to join the other members who wished the staff of the Assembly all the very best for Christmas and the New Year. Also, I would like to extend my best wishes to the Speaker and his officials in this Assembly.

The subject I have chosen today is one which has caused much concern in Nhulunbuy since the inception of Commonwealth houses there. It is the matter of airconditioning. There are about 92 houses in Nhulunbuy built by the Government and those houses already have ducting and electrical wiring to take airconditioners. However, only 8 of those houses have airconditioning and they are used by the Health Department to house their medical officers. They also have 6 other houses which are used by various paramedical people and those houses do not have airconditioning. Thus, there is discrimination between one group of people in the Health Department and another.

A chap in Nhulunbuy has spoken to me about this many times and he has also written letters. I will give you an indication of the number of letters that he has written on this matter. On 18 May this year, he wrote one letter for the paramedical officers in Nhulunbuy complaining about unfair discrimination in housing and lack of airconditioning. There was another letter on 24 May from the Director of Health acknowledging the need for airconditioning, but pointing out that, as they are tenants of the Department of the Northern Territory, they can only represent their case to the Department of the Northern Territory. Another letter on the 24th stated that Health had sought and obtained ministerial approval for airconditioning if the house construction committed residents to airconditioning. There was another letter on 29 July from the paramedical officers advising that it is unlikely that the Department of the Northern Territory will aircondition all the houses and requesting the Department of Health to do so as it had approved airconditioning for the dental officer; he

has to pay electricity whereas the other medical officers do not have to pay electricity charges. This is pointed out as being unfairly discriminatory. We have another letter on 30 September, another on 30 October, another on 8 November and another one on 15 November which gives a lot of details on temperatures, barometric pressures and threshold readings in a certain house over 2 or 3 months.

A couple of months ago, I asked a question of, I think, the Executive Member for Social Affairs, asking him if there was a maintenance program for the 92 Commonwealth houses at Nhulunbuy and if so would a plan be implemented in the future and would he seek to have all houses installed with airconditioning in the forthcoming budget appropriation. He came back with an answer from the department saying there was an appropriation of funds - I think it was about $9,000 - but that, because of the window treatment of those houses and because they have ceiling fans, there was no future planning for airconditioning. Yet those houses were designed by an architect, through the Commonwealth - and architects are pretty wise people, they know what is required - and they have put ducting through those houses yet they have not got airconditioners. I just do not know what the story is all about. It seems to me that the architects must have had something in mind. Perhaps someone told them that, if they designed the houses with ducting, they would later on try to get an appropriation of money and get the airconditioners put in at a later date.

I believe that there is a policy in the Territory that if one area gets airconditioning other areas must also get it, so they will not give it to anybody. Yet they have given it to some 6 houses already and that shows there is some discrimination.

These houses are just not made for our conditions with just ceiling fans alone. That is what I would like to point out. The statistics I have here were taken over a period of 3 months. The humidity was taken in a room of a house with the windows open and the fans operating. There is also a lounge temperature reading over the same period. There are barometric pressure readings and a threshold reading. This is the terminology they use; I understand this is a standard of the United States Army, threshold normal working readings, and I believe the normal working readings in a house with those conditions is about 140. The percentage of humidity is added to the temperature reading and that is how they get their factor. If those houses had a breezeway like some of the houses designed over here, I do not think they would be complaining. We know what it is like in this place when the airconditioners are not working. We had to go out of here yesterday because we could not stand the heat. It is the same thing for these people in these houses with small windows. They have no cross-ventilation. Those houses are designed for airconditioners - it is as simple as that.

I will give you some idea of the temperatures over a period of 3 months. The average temperature in houses owned by Nabalco - I must add that all the Nabalco houses are airconditioned - is 20°C. Some have 4 bedrooms, some have 3, and they do have a variation because of their size. In a certain house the temperature was taken at 7 am. The temperature in September was 26°, another one in October went up to 29° then jumped down for the first time in October to about 23° - and that is just below the recommended temperature of 25°. There is a mean of about 28° which is 8° higher than normal temperature. This is a very uncomfortable temperature for a small, confined room. The barometric reading varied over that period with an average of about 111 millibars. The recommended humidity is about 60% to 65% but in these houses at 7 am, when these readings were taken, it averaged around about 70% to 75% which is quite a difference.

The threshold is a standard used widely. It is a term used throughout Australia and is probably taken from US standards and British standards. The reading of the airconditioned homes at Nhulunbuy averages around about 130. Undesirable conditions are about 140 when even the most leisurely action provokes excessive perspiration and discomfort from which there is no

escape, day or night. If there is a young couple with a child or a couple of children in those houses, they have no relief. They cannot go to any other person's place unless they have a next-door-neighbour who happens to be employed by Nabalco and has a nice air-conditioned home. But a lot of these people do not want to move out of their own homes; they want a house that they can live in comfortably. If we had some sympathetic view from people in the department to go out and do a bit of work as that person has done, that is all these people want, some recognition of their claim. Do not just go on writing letters - as I say, 7 letters from May to November. That is the sort of thing that continually goes on; you have people in the department, junior officers, giving decisions on major things, when all you have to do is send the right people out and get some agreement on it, make a decision on it, make some recommendation to perhaps upgrade these houses.

I am bringing this to the attention of the Assembly because I think it was a very worthwhile project by that person and also I have sympathy for those people; I have known for a number of years now just how those people have suffered. My next-door-neighbour has had to come in and take refuge in my place because she just could not stand it any more; she is just about reduced to tears because of her uncomfortable house. This sounds a bit of a real grief session, Mr Speaker, but I think that these sorts of things should be brought to attention so that if someone reads Hansard he will know that at least someone knows what he is talking about. They have got to get off their tails and come over there and see the people, go to those houses and get some logical thinking into their future ideas as far as design goes.

Mr SPEAKER: Before the Assembly adjourns, I wish all honourable members, the Clerks and the staff a happy festive season. I thank them for their cooperation and assistance and I hope to be able to repeat this to you all next year.

Members: Hear, hear!

Motion agreed to; the Assembly adjourned.

Tuesday 21 December 1976.

Mr Speaker MacFarlane took the Chair at 10 am.

SENATOR B.F. KILGARIFF

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of a distinguished visitor to the Assembly. I refer to Senator B.F. Kilgariff who was a former member and a former Speaker of this Assembly. I hope that he will enjoy his stay here and I extend to him a courteous welcome.

Members: Hear, hear!

AUSTRALIAN CONSTITUTIONAL CONVENTION RESOLUTIONS

Dr LETTS (by leave): I table the resolutions adopted at the Australian Constitutional Convention held in Hobart on 27 to 29 October 1976. I move that the resolutions be adopted.

I draw honourable members' attention to 5 of the 20 resolutions which directly concern the Northern Territory - numbers 1, 17, 18, 19 and 20. Some of these were moved by either myself or the honourable member for Port Darwin at that convention. The Territory matters generally received very strong and wide support although we were surprised to find some opposition to resolution No. 1 which says that the convention recommends that the electors of the Australian Capital Territory and the Northern Territory should be given a vote at referenda for the alteration of the Constitution. Opposition came only from the Queensland delegation and only from part of that delegation. Our surprise that there was such opposition diminished somewhat when it became clearer that this particular part of the Queensland delegation was opposed to most of the other items on the agenda anyway, if not all of them. Their theory seemed to be that anything that stood the test of time for 76 years must be perfect or very close to it. Indeed, one of the chief spokesmen for the Queensland delegation was so consistently opposed to change, I find it hard to imagine how he ever gets to sleep between clean sheets at night.

I do believe that the Northern Territory delegation would be seen by others present as making a significant contribution to upholding the convention as a worthwhile institution. Partly as a result of our efforts there, I believe that we will see the continuation of the Australian Constitutional Convention in Perth next year. It is the only time in Australia where the 3 tiers of government are represented together - federal, state or territory, and local government. If a proposition to amend the Constitution receives a strong majority support or even a unanimous support, then one can feel it would have some hope of gaining Australia-wide support from the electors at the referendum which would be necessary to change that particular part of the Constitution. Once the views of the states and local government and Commonwealth have been canvassed and there is a strong consensus, then the chances of a referendum being carried are much better. Without that kind of exchange and mutual understanding, history has shown that changes to the Constitution through referenda are very difficult to achieve, and I think that this is one of the chief reasons why we in the Northern Territory support the conventions so strongly. We are aware of the present deficiencies of the Constitution as far as the people here are concerned, and we did find at the convention, generally speaking, a very strong sympathy from state and local government representatives and delegates for our cause. I would like to take this opportunity of thanking my colleagues who attended, the Deputy Clerk and the honourable member for Port Darwin for the support they gave. I am sure that their work was responsible for the Territory image shining fairly brightly at the convention.

Mr WITHNALL: I support the motion and in doing so express my contentment at the result of the convention in Hobart. That the Australian Constitutional Convention has now subsisted for 3 years is an answer to those people who at the beginning regarded it as not worthwhile and likely to secure very little indeed. In terms of practical amendments to the Constitution, of course, it has achieved very little. Some referenda have been put to the people, and have

been rejected by the people. But more than anything, I think that the work of the convention has produced some sort of cohesion between the various governments in the states, and the Commonwealth Government itself, and has resulted in an airing of views and the exchange of ideas, which of itself is very valuable. I think that, apart from the Queensland delegation, there was no ojection by anybody on any basis for any motion which dealt with matters relating particularly to the Northern Territory. The Queensland delegation, as the Majority Leader has said, was opposed to practically every amendment to the Constitution, and when the chairman on one occasion called for a speaker against a motion, one almost automatically looked in a certain direction for a certain member to rise and go towards the rostrum. On one occasion, as the member volunteering to speak against a motion passed the Western Australian delegation, I distinctly heard someone say, "Oh, but he would be against the sun coming up tomorrow", and that seemed to be true so far as the Queensland delegation was concerned.

I think that the continuation of the Australian Constitutional Convention is now assured, and as it comes to tackle, in greater detail and with greater vigour, certain very deep and underlying problems in the Constitution, the sooner we will be able to raise the basis on which all our laws are made well into the 20th century instead of continuing as we do now on ideas which were fashioned in the 19th century.

Motion agreed to.

MEMBERS' CABINET RESPONSIBILITIES

Dr LETTS (by leave): By the combination of the amendment to the Northern Territory (Administration) Act, which has not yet received assent, and the legislation passed at the last sittings of this Assembly, which also has not received assent, it is the prerogative of the Administrator to accept or decline certain advice in relation to these matters and it is his prerogative to make a gazettal at the appropriate time to confirm any such arrangements. In the meantime, we are continuing with the past arrangements as far as the Assembly is concerned. Without in any way preempting the role of the Administrator and his rights in the matter, I wish to give members of this Assembly some idea of what my recommendations in the matter to the Administrator would be.

The Northern Territory (Administration) Act will provide for 5 executive councillors and for 5 departments to be created and for various functions to be assigned to those departments. My recommendation will be that the first such office and department will be that of the Majority Leader and Chief Secretary and his department would be known as the Department of the Chief Secretary. The functions which he would cover would include constitutional development, legislation, servicing of the executive council, coordination of government administration, environment and conservation, parks and wildlife, public service, Aboriginal liaison and some functions in relation to the Speaker in respect to administrative issues relating to staff establishment and finance. I anticipate, Mr Speaker, that I would be fulfilling that role.

The next position to which I refer is that of the Executive Member for Finance and Local Government. The name of the department to come under him would be the Department of Finance and Local Government, and the functions that would be picked up there would be finance, housing and local government. I would be recommending that the Deputy Leader, the honourable member for Fannie Bay would occupy that position.

The next position within the cabinet is that of Executive Member for Law to be responsible for the Department of Law with functions of various aspects of law and justice - but not including those which are still administered by the Attorney-General's Department - the Police, Civil Defence and Emergency Services, Correctional Services and Parole.

The fourth unit comes under a Cabinet Member for Transport and Industry, and that would be the name of the relevant department. The functions included would be aspects of transport and

communications - those which are included amongst the transferred functions - certain aspects of commercial affairs, fire services, bush fire control, liaison with the Department of Construction, particularly in relation to those functional areas which have capital works arising out of the transfer within our control, tourism, ports and the Motor Vehicle Registry.

The fifth unit is that of the Executive Member for Community Services, running a Department of Community Services which will include certain aspects of the public health functions, liaison in welfare services, consumer protection, libraries, museums and art galleries, lottery and gaming, liquor and licensing, weights and measures, community grants and responsibility in relation to matters pertaining to trustees of recreation reserves.

I have not been giving the names as I went along. I dropped out after the second one. As for the Cabinet Member for Law, the recommendation I will make in respect to that is that the honourable member for Sanderson occupy that position; Transport and Industry the honourable member for Millner; Community Services, the honourable member for Barkly. The 2 other members of the Cabinet will be the member with liaison responsibility for resources and within his area of resource development these will all be functions which are not subject to the first stage transfers - rural land, primary industries, mining, forestry, fishing and water resources. I propose to use the services of the honourable member for MacDonnell in that capacity.

The remaining area, which again includes functions outside the transfer responsibilities, will be the Cabinet Member with liaison responsibilities for education and planning. This will include education, industrial relations, rent and price control, town planning, urban land and, for the moment, water and electricity supply and sewerage. The honourable member for Stuart Park will have responsibilities for those areas.

As I said, most of that information will be subject to acceptance by His Honour the Administrator. The latest information is that the Northern Territory (Administration) Act is intended to commence on 1 January and the swearing in of any Executive Council which the Administrator appoints will not take place until then. As we did not intend to meet until March, I thought it only reasonable to give some indication, subject to final confirmation by His Honour the Administrator, that this was the basis on which I would be making recommendations to him. Legislation for which this Assembly has responsibility will be divided among those 7 cabinet positions. It would take too long and be too wearisome to go through all that here and now. If any honourable member wishes to see how the legislation breakdown looks, I will be only too happy to provide that information.

SUSPENSION OF STANDING ORDERS

Dr LETTS: I move that so much of standing orders be suspended as would prevent the passing through all stages this day of the Transfer of Powers Bill (No. 2) 1976 (Serial 166), the Public Service Bill (No. 2) 1976 (Serial 165) and the Territory Parks and Wildlife Bill (No. 2) 1976 (Serial 164).

The reasons for bringing this legislation before the Assembly at short notice will become evident as each bill comes forward. The bills are very short and easily understood. I have given copies to honourable members as far in advance of the meeting as possible, but that was only yesterday. As they are short bills, I hope they have had some time to have a look at them and will be ready to debate them and indicate their views on them today.

Motion agreed to.

TRANSFER OF POWERS BILL (No. 2)

(Serial 166)

Bill presented, by leave, and read a first time.

Dr LETTS: I move that the bill be now read a second time.

Prior to the passage of the Public

Service Bill, Serial 159, in this Assembly on 9 December, I indicated that the Majority Party viewed the public utilities in a somewhat different light to the other functions proposed for transfer. Whilst these utilities would normally be regarded as the important part of the machinery of regional government, close to the people and appropriate for early transfer, they are also business ventures in the sense that they are expected to pay their way. In the Territory, they are far from achieving that position at present, particularly the Electricity Supply Undertaking.

Under the responsibility of the Commonwealth Government in recent years, with different arms of management, within different departments and different geographical locations, the utilities have run into serious difficulties, difficulties which were compounded in the aftermath of Cyclone Tracy. The scale of these problems really first became evident to us in the middle of 1976 when we, not only the Majority Party but this Assembly collectively, had a responsibility in relation to the fixing of new charges for the supply of services. The serious deficit position and the uncertainty about the accuracy of the information contained in statements from which we had to work caused great concern. We asked the Minister to authorise further investigations and to approach the Government to establish a realistic policy in relation to the deficit. Further information, which has come to hand since the decision was made to include these utilities in the first group of transferred functions, has added to our concern. For example, we now know that the accounting system for issuing and collecting accounts is not up to the mark and will not reach a satisfactory position without more staff. An asset register, with a valuation of assets, is not available.

The reason behind some of these deficiencies are traceable. There have been evident problems with computer programming, lack of accurate lists of subscribers, and insufficient staff to cope with the work. The reasons that lie behind other aspects of the problem are more conjectural. It is difficult for many of us in a legislative body such as this, to gauge the merits and wisdom of all the decisions of government to install certain types of equipment in various parts of the Territory, not only Darwin, all of which are now to become part of our inheritance. What is clear is that these decisions were made and this situation has developed under previous Commonwealth Governments. We judge it to be in the best interest of the paying public of the Territory to start the new chapter of local management with as near as possible to a clear slate, with ledgers balanced and ruled off. To do this requires certain decisions from the Commonwealth Government which it has not yet been possible to obtain.

Accordingly, I advised the Minister during the sittings earlier in December that we did not wish to accept the transfer of the public utilities at the same time as the other functions, that we needed more time to have the picture clarified. It was not an easy decision to make and we did not come to it lightly. Having waited so long for executive responsibilities to be transferred, it was not easy to say, "Not just yet" in respect of any of them. But prudence in the public interest counselled us not to enter blindly into these business undertakings. The interests of the people who would be involved in the transfer had to be considered. The temporary uncertainty of their position has to be balanced against the more rewarding position that they will have if the show and its various components can be restored to a better basis for a fresh start.

I believe that the Government will only come to an early, firm and satisfactory decision after receiving further recommendations from its advisers, and we will take the opportunity to put our point of view to these advisers. We expect the committee on finance to examine the position of these utilities as a priority matter early in the new year. We believe that considerable benefit could come from lessons learnt from the transfer of such functions in the Australian Capital Territory, from departmental to statutory authority control. Mr Speaker, I have heard you say, and other members say, that we do

not want to be equated with the Australian Capital Territory but I understand the way the job was done there has led to a satisfactory situation.

In the passage of the Transfer of Powers Ordinance on 9 December, special qualifications in relation to the supply of services legislation were inadvertently overlooked and I now seek to rectify this. The method of approach in the bill that I have presented today is not a rejection of our willingness to take on these utilities. The method of approach is to leave the reference to the Supply of Services Ordinance in the schedules of the Transfer of Powers Ordinance as a clear indication of our desire to accept this element of regional government in line with the Cabinet decision earlier this year, but to qualify that acceptance to a degree by setting the acceptance to be at a date to be fixed by the Administrator in Council. This date I expect to be as soon as possible after the key issues referred to earlier in my remarks have been satisfactorily resolved. I believe that this approach does not run counter to the terms and spirit of the Government's decision on the transfer and I have no reason to believe that this bill will prejudice assent by his Honour the Administrator to other legislation already passed or to this bill.

Mr WITHNALL: I cannot support the bill before the Assembly and I think that its introduction is a retrogressive step. On 7 November 1957, I said "It was with this in mind that the committee concluded that the first essential step in the progress of the Northern Territory from its present state to eventual self government is the localising of executive and administrative power and for that purpose the establishment of an executive". The history of the Northern Territory Legislative Council in the 19 years that have passed since that select committee report was introduced has been one of bitter struggle against the Commonwealth Government to obtain some sort of executive and administrative control over at least part of the field of governmental activity in the Northern Territory.

It is therefore with some bitterness that I hear the Majority Leader proposing the postponement of the acceptance of power in such a local field as the supply of services. When the history of the twentieth century Australian politics is written, one of the things that will be noted in the last 30 years will be the decline in political courage. There has been an increasing tendency for government decisions to be made by committees or outside bodies of every sort. While to some extent we have seen that in the Northern Territory, I would have thought that the Majority Party would have been most anxious to demonstrate at this stage that they do indeed have courage and confidence in their own ability and they are prepared to take over the administrative and executive functions as quickly as possible.

The introduction of this bill today will do an enourmous amount of damage. It will do damage to the honourable members' credibility because the 20 years' struggle that has gone on to obtain some local autonomy will be seen by members of the public to have climaxed in an action of postponement rather than an action of eager acceptance. The supply of services is inexplicably bound up with the everyday lives of the people. Whether the administrative arrangements with respect to all these authorities are in perfect condition or not, the people are entitled to have honourable members opposite redeem their pledge that they will take over these functions and the public expects that, if these organisations are not very well run at the present time, the honourable members opposite will take them over as quickly as possible and see that they are run efficiently and well.

The honourable member talks about a $30m debt. I don't know whether the honourable member is serious but it is not possible for the Federal Government, under the arrangements as they exist at the moment in law, to charge the Northern Territory with the debt. The deficit was incurred in administration and it is not, and never has been proposed, in any takeover proceedings

that I have ever heard of, that the debts go along with the transfer.

There is another very grave objection to the postponement of the takeover of these utilities and that is it will destroy the credibility of the new administration, so far as the Commonwealth Government is concerned, right at the outset. I do suggest to honourable members that the refusal to take over immediately will be taken as a sign of weakness. If the Northern Territory Executive goes to the Commonwealth Government in future for a further transfer of powers, there will certainly be some hesitation and almost certainly some sarcastic remarks to the effect that it is more than likely that the honourable members will change their minds as soon as they know something about it. It is idle to talk of the Commonwealth Government remedying the situation in which the public utilities exist now. If the Commonwealth Government has not been able to manage them in the past, does the honourable Majority Leader really think that all the defects of the past can be cured so that the handover can be wrapped up in gift paper with the ledgers ruled off? How long does the honourable member think it will take to clean up a mess which probably has existed for 20 or 30 years, and certainly since the middle 50s? To say that you want to wait until everything has been cleaned up so that it can be handed over neatly and cleanly is nonsense because, if you really want that, I suggest to honourable members that they will be waiting 20 years from now. If you postpone your takeover in this fashion, you will find yourself in exactly the same position you are in now. At that stage, you will regret having thrown away this opportunity and you will then have to explain, when you do take them over, why this long delay has produced so very little. I oppose the bill. I do not think any bill introduced in this chamber has disappointed me so much.

Mr TAMBLING: In the debate in this chamber on 7 December relating to the constitutional development issue, I did express reservations as to whether the public utilities ought to be included in the transfer of functions for 1 January. In the 2 weeks since then, I have had the time and the opportunity to discuss the problems relating to this issue, and to do a great deal of study and research. I have been pleased and surprised at the community interest towards our stance and also the response that has been forthcoming from a number of departmental officers who have sought to volunteer quite a considerable amount of information.

There are two main areas of concern relating to the public utilites. Firstly, there is operation and maintenance and, secondly, questions relating to policy, finance and administration. I appreciate that operation and maintenance is a continuing problem. It is an embarrassing problem and it is a very inconvenient problem for the people of the Northern Territory. The problems of operation and maintenance have been greatly compounded since the cyclone. However, they are soluble and I would see no barrier whatsoever in the operations and maintenance area to a transfer of powers even on 1 January because I would dearly like to participate in that area.

However, I do have grave concern with regard to policy, finance and administration. The inadequacy of the system reflects primarily on the Department of the Northern Territory and particularly on the administration of the Labor Government for the past 3 years. In the Auditor-General's report of 30 June 1975, reference was made to a departmental review in June 1973 which disclosed a number of instances where sewerage charges had not been raised.

Mr Withnall: The Labor Government was only 6 months old in June 1973.

Mr TAMBLING: It did not do much about it.

Mr Withnall: It did not create it either.

Mr TAMBLING: The 1976 Auditor-General's report has a section relating to the Northern Territory headed "Accounting and Internal Controls Standards" which says: "The absence of experienced and competent staff is reflected in the poor standard of accounting and internal control in Darwin and the Northern

Territory generally. This unsatisfactory position continues to be a cause of serious concern to my office, more particularly because there are few indications of any prospect for improvement". That June 1976 report, referring specifically to electricity, water and sewerage charges, states: "My 1973-74 and 1974-75 reports referred to a number of instances where sewerage charges had not been raised. Inquiriew of departmental officers have not established that these charges have been raised during 1975-76. Recent audit investigations into accounting and control aspects of electricity, water and sewerage provided in the Darwin area have resulted in a number of unsatsifactory features being raised with the department, inlcuding lack of effective action to etablish the revenue due for electricity, water and sewerage services and to identify and render accounts to all users, inadequacies in accounting and administrative control and departmental follow-up practices, and failure to take prompt and effective recovery action regarding outstanding debts. According to depart mental records, outstanding debts at 30 June 1976 comprise: electricity, $2,763,496; water, $627,554; and sewerage, $178,769".

As the Majority Leader has mentioned, in June of this year when tariff increases were being considered, it became very apparent to the Executive that there was very unsatisfactory figure work in the information provided from the Department of the Northern Territory. We were able to satisfy ourselves that the increases were substantiated, but we could do nothing but reflect on the questions of future increases and the extent to which policy ought to be geared for the future. I am aware that for the past few months the Minister and the department have been attempting to identify and to correct this situation as one of urgent consideration. But time and the totally inadequate resources within the Department of the Northern Territory, mainly in the management areas, has beaten them.

The motive for introducing this bill and the deferment of transfer of functions on 1 January lies solely in the interests of the Northern Territory consumers. I admire the stance that the honourable member for Port Darwin has taken for 20 years, in his judgments and in his assessments that transfer ought to take place as quickly as possible. However, I believe we must take transfer of power in a responsible manner and not in a hasty grab for power. From my assessment of the last few weeks, I believe there are 5 major areas to be resolved before a responsible transfer to the Northern Territory can be effected. Firstly, in the area of accounting procedures, the present procedures are not suitable, accurate or reliable. In fact, in many areas, they are years in arrears of compilation. There is no real budgetary control or certification of correctness of guaranteed information that would be available.

The second area is that of staff and administrative support. It was proposed that 36 employees would be transferred from the Department of the Northern Territory to the Northern Territory Public Service. This would have been totally inadequate; at least 50 heads would have been required to carry out that function. Indicative of the problem is the fact that, in the last few days, the Department of the Northern Territory has swung 12 temporary relief interdepartmental people onto the job of special problems and have indicated that they propose to employ an additional 12 temporary employees. The indication they give is that, even with those extra 24, it would take at least 3 months to get the administrative mechanisms to some reasonable degree of satisfactory performance. I think you are all aware that the presentation of accounts to consumers in the Northern Territory has been very tardy, slack and in arrears for a long time. It is accepted that the Department of the Northern Territory is terribly weak in the area of commercial accounting and very obviously they have to look carefully at this particular area.

The third area that worries me is that of capital liability and asset valuation. This is compounded because of the cyclone insurance damage and repair problems but, unless we can establish a starting point, then we must

look carefully at the imposition that could be imposed on future tariffs. There needs to be an expert revaluation of all of the assets and liabilities relating to public utilities. Such a revaluation must take into account the deterioration of the present capital asset components. It must take into account the reliability of the standards and the systems that are now proposed for inheritance by the Northern Territory. It must take into account the real asset life of particular assets; for example, the Darwin River Dam was built obviously with an asset life far into the future, looking at future populations and community growth. The asset appreciation that is put onto our books must be well established. Such a revaluation must also take into account what the existing Commonwealth-state financial subsidy arrangements are for major capital works in the states, to ensure that such an application does apply to the Northern Territory and that we do not find ourselves with book values that are unreal.

The fourth area of concern is that of accumulated losses. Past losses, cyclone loss of revenue and irrecoverable debts are major figures to be looked at. We must make sure again that the Northern Territory consumer is not expected to pick up the tab for someone else's past mistakes. The department must look very carefully at the nature of the Northern Territory consumer. Obviously, there are a number of landowners who are permanent residents of the Northern Territory, who will always be traceable and will always meet their liabilities. However, there are a large number of transient people who move very quickly through a number of tenancies. Perhaps the system has to accommodate a deposit from people who seek to have connection of service and yet are not able to offer a stable situation.

The fifth area that worries me is the continuing trading losses of each of the public utilities. Given the tariff increases of last June, there is no way that these undertakings can operate on a break-even or a profitable basis. The interdepartmental committee on future finances has agreed to meet early in the new year to look at the future financial principles for transferred functions. They must marry this up with the principles espoused in the Joint Parliamentary Committee's Report, that charges ought to be no greater than those charged in the states for a similar service. The effects of inflation and more recently devaluation on the trading situation must also be taken into account to make sure we are in a satisfactory business condition for running these undertakings.

The question of the future is easy to establish. The Majority Party is keen to take over all of the public utilities as soon as possible. However, the rider that we add is that the management and professional assessments must be brought into line to ensure a full protection of interests for Northern Territory consumers. We see this as part and parcel of any responsible move for constitutional development in the Northern Territory.

Mr PERRON: The bill before us is an indication to the Federal Government and the people of the Northern Territory that the Majority Party's commitment to the transfer of powers is both responsible and sincere. We do not seek local control at any price, nor do we seek to delay the transfer of any powers because they carry with them awesome responsibilities and problems. What we do seek is an agreement with the Federal Government whereby the basis of any transfer is clearly understood and acceptable. It would be an abrogation of our responsibilities if we were to take on the supply of services throughout the Northern Territory without knowing either the financial commitments involved or the condition of the assets. Although much of the information we have on the water, sewerage and electricity services has been gleaned unofficially, we know enough to consider them suspect.

Inherent in the supply of services at present are severe staffing problems, ineffective communications equipment, defective generators, a flimsy, overloaded transmission system, water storage tanks that leak, substandard water quality, insufficient sewerage treatment ponds and a computerised account-

ing nightmare. Despite these problems, none of which is insurmountable, if we were to take over the supply of services on January 1st, we would have no idea how much the assets are worth or how much interest has to be paid on those assets, or who will pay the accumulated losses which exist, and they exist partly as the result of a failure by the Department of the Northern Territory to adopt tariff increases recommended by a consultant in 1974 and again in 1975. We have no details of how much rehabilitation work will be paid for by the Federal Government as cyclone insurance. There has been no figure put on the losses resulting from the moratorium charges after Tracy and for the bad debts incurred since the evacuation of Darwin. These sums run into many millions of dollars and we cannot afford to rely on a simple assurance that everything will be OK: "Just sign on the dotted line and we will fill in the details later". A journalist put it quite well recently when he said it was like buying a used car after being refused a test drive. I would go a bit further than that; we are not only suspicious of how it drives, we don't know how much the owner wants for it. Who would sign a contract under those conditions? I support the bill.

Dr LETTS: I don't believe I have ever been regarded as anything but extremely concerned about getting some executive responsibilities for the people of the Northern Territory. As I said before, to have to pause on this particular matter comes very hard to me, as much or more so than it would to most people in my position. Of course, it is easier for someone who will not have the executive responsibility for administering a particular function, such as the honourable member for Port Darwin, to criticise the view that we have taken. I believe that if he had the job ahead of him as the executive member responsible for these utilities, his view might well have been more like ours. I find also some inconsistency in the attitude which he has announced this morning and the hesitation which he and other members of the old Legislative Council showed in September 1972 when there was an offer from the previous government for transfer of certain executive powers and responsibilities to this legislature. At that time, I seem to recollect that the honourable member for Port Darwin was one of those who counselled a "wait and see" policy in the hope that perhaps a better offer might be forthcoming in the next few months. Today, it suits him to take that particular stance. In 1972 his stance was somewhat different.

I believe that a local administration which would take the step of accepting blithely, without hesitation or demur, the situation that the public utilities are in at the moment might well be thought to be happy and contented with these utilities as is and where is. The fact is that decisions have to be made in relation to the present position arising from past history, particularly the past history of the last 3 or 4 years. Those decisions have to be made at the Cabinet level, and have not yet been made. Our best endeavours should be to ensure that the position is put to the Federal Cabinet as early as possible in the new year. I have little doubt that the attitude we have taken of being willing to accept the powers, but with qualifications, as soon as clarification occurs, will bring about the speediest resolution of this problem and the transfer of the functions to the Northern Territory within the life of the current Assembly.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

PUBLIC SERVICE BILL (No. 2)

(Serial 165)

Bill presented, by leave, and read a first time.

Dr LETTS: I move that the bill be now read a second time.

The Public Service Ordinance (No. 1) 1976, as passed at the last sittings, is a complex piece of legislation and, as I said at the time, it would not be surprising if some early adjustments were needed. It is made more complex because of its relation to the Northern

Territory (Administration) Act amendments which were processed in another place.

I draw to the attention of honourable members that, in addition to the short bill as distributed, there is a further amendment which has been circulated and which will be dealt with in the committee stage. I am taking the opportunity of these sittings to put before the Assembly a couple of small amendments to make the legislation work properly. The amendment proposed in this bill to section 39 of the principal ordinance comes about because the draftsman did not have in front of him at the time the amendments to the Northern Territory (Administration) Act which in fact were being drafted and processed in Canberra at the same time as our man was working in Darwin. The Public Service Act which needs to be read in conjunction with this bill uses the term "an authorised person". When the Minister, in conjunction with the Australian Public Service, is examining our legislation to see whether certain transfers of people from the Australian Public Service into the new Northern Territory Public Service are appropriate, then the Northern Territory (Administration) Act lays down that the Minister and the Public Service Board will consult with the appropriate authority in the Northern Territory. As our ordinance stands at the moment, the only appropriate authority in this context would be the Chief Executive Officers of the 5 departments and these officers will not be appointed until after the act is commenced and until after the Public Service Commissioner is appointed. The proposal in this bill is to make the commissioner an "authorised person" with whom the Minister and the Australian Public Service Board will consult. Essentially the bill takes care of an important cog of machinery related to the timing of the commencement of both the Northern Territory (Administration) Act and the Northern Territory Public Service Ordinance.

The further amendment involves a correction to a definition in section 4 of the principal ordinance and will redefine "Administrator" to use the term "Administrator in Council" instead of the Administrator acting with the advice of the Executive Council. This will pick up the fact that the Executive Council will not be appointed and sworn in until some time in the new year.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

New clause 3A:

Dr LETTS: I move new clause 3A as circulated.

The present definition of "Administrator" in section 4 of the principal ordinance means the Administrator acting with the advice of the Executive Council. This amendment proposes to substitute that "Administrator" means the Administrator in Council. There are some appointments under the ordinance which will be made before the main body of the ordinance is commenced. There is provision for commencement of certain parts of the ordinance before the main body is commenced. An appointment such as the Public Service Commissioner needs to be made before the main body of the ordinance is commenced and possibly before the swearing in of the Executive Members. Those appointments will be made by the Administrator in Council as at present constituted and, in order to effect the machinery smoothly, it is necessary to make this amendment.

New clause agreed to.

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 3)

(Serial 164)

Bill presented, by leave, and read a first time.

Dr LETTS: I move that the bill be now read a second time.

We take the opportunity of this meeting today to make a further adjustment to the Territory Parks and Wildlife Ordinance which has been passed by this Assembly. It is our hope and desire that this legislation will come into effect at the same time as the transfer of powers, but advice has been received from the Attorney-General's Department that section 12(6) of the principal ordinance as it stands is in conflict with federal powers under the Seas and Submerged Lands Act. Some adjustments of this type were made at the last sittings.

Section 4 of this bill amends section 12(6) of the principal ordinance to remove any possible conflict of powers by deleting all reference to the sea or seabed. The passing of this simple amendment should remove a further impediment to achieving Executive Council assent - that is, at the federal level - to this important Territory legislation and I would hope that the way is now clear for the assent to be granted.

There is still some discussion between the Attorney-General's Department, the Department of Environment and ourselves about the method of declaration of Kakadu and possibly Ayers Rock as national parks under the federal act. There was a desire of certain Commonwealth officers for us to remove the reference to those areas from our legislation. However, to do so before they come under the effect of the federal act would be to leave a vacuum in relation to them and any such action should be done concurrently. It is possible that it may not anyway be necessary but in these matters we have undertaken to cooperate with the Commonwealth to do whatever is necessary and I am very hopeful that in view of this they will now, with the intended passage of this amendment, be able to see their way clear to the assent and commencement of this very important piece of legislation. I commend the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

ADJOURNMENT DEBATE

Dr LETTS: I move that the Assembly do now adjourn.

In doing so, I would take this opportunity of wishing you, sir, and all honourable members, the compliments of the season, a happy Christmas and New Year, and look forward to seeing them again in the new year. I also take the opportunity to extend special Christmas wishes to our Clerk who is at the moment ill in hospital. I am sure we all look forward to a speedy recovery and a restoration to health for Mr Walker.

Members: Hear, hear!

Mr DONDAS: I wish to speak briefly about the Department of Social Security with reference to the compensation claims paid out to cyclone victims after the cyclone. Whilst the department did a very good job, a press release was issued recently by Senator Guilfoyle, stating that property claims were closing on 31 December of this year. They had so far processed something like 14,000 claims and some $26m has been paid out by the Government to people who suffered damage and were uninsured. However, I would like to raise a couple of points where the failings of that particular department have upset some people.

One chap's cheque was made out by Treasury on 20 April 1976 and forwarded to him. He was at the address which he gave on his application but, unfortunately, the cheque was returned to the department unclaimed. In about June of this year, I took up his case with the department, approached them in Canberra, wrote letters to Canberra, and they said that they would try to sort it out in another month or so. It is now December, 6 months later, and this gentleman is still waiting for his cheque for $15,000 that was sent to him but finished up back in Consolidated Revenue. It has taken that department 6 months to get it out of Treasury again.

I have a constituent who put his application in last year, and on February this year it almost reached its final stages. This was for $14,500. He still has not got his money. You ring up, you write letters and the only answer that you can get is: "We have to get the determination out of Treasury to approve the funds and then we can pay that gentleman his money". Whilst they talk about $26m being paid out, I find it very hard to conceive that two people that I know of - and there must be many others - are waiting, between the 2 of them, for $30,000. The situation is disgusting.

Applications close, according to this press release, on 31 December; yet they closed in September 1975. What has happened between that date and December 1976, 15 months later? A press release came out which said that they were not going to consider any further applications for compensation yet this particular press release states that people still wishing to claim should write to the Department of Social Security when consideration would be given to each case depending on the circumstances of delay in lodgement of an application and that no new claim would be accepted after 31 December. I know a lot of people who arrived back in Darwin between January this year and the present time and who were not aware of being still able to put in a claim for uninsured losses. I do not know how it has happened but it has.

The Minister said that a period of 2 years had now elapsed since the cyclone and it was felt that sufficient time had been given for victims to have lodged their claims. I know of another person who last year put in an application and was told by an assessor that he was young enough to start again and he would not process the claim. So I feel at this stage of the game, even after the $26m had been paid out that the whole situation has become farcical.

I would like to take this opportunity to wish you, sir, a merry Christmas and a happy New Year. I would also like to extend my personal greetings to the Clerk and wish him a speedy recovery. I wish all members a merry Christmas and a happy New Year.

Mrs LAWRIE: It is almost too much for me, I am not going to wish everybody a merry Christmas and a happy New Year. All I can say is that, from the announcements in the paper, it does not look as though it is going to be a very happy new year and it would make more sense if the people in this place devoted their energies to finding out just what the present Treasurer is doing to us.

On Thursday 16 December, Mr Lynch, the Treasurer, announced that the Federal Government had cut its spending this financial year by $250m. The Australian of Friday 17 December reported the Treasurer as saying that spending on some projects planned for this year have been deferred, but he would not give any details. Obviously the cuts in capital works must be known, or most of them, so why this secrecy? We went through this whole thing last year when the Federal Government cut its spending by a large amount and refused to give details. Time and time again, I tried to get details of how it would affect the Territory. I now have to start again this financial year; $250m is no small amount.

I see that somebody agrees with the Executive Member for Finance and Community Development that it is chicken feed. On Friday 17 December, there was a headline in the NT News: "Little concern over $250m cut". The article re=fers to statements made by the Exe cutive Member for Finance and Community Development. I quote from the NT News: "A cut of $250m on a national level really is not all that much. I have not seen the actual analysis but we will have to wait until each individual department is ready to come up with a list of proposed cuts". He then went on to make "let us wait and see" noises. I do not think it is good enough for this House to sit back and wait and see.

The Executive Member for Transport and Secondary Industry was unable to give details of any cuts in the capital worky program. He stated that he did not know if any would be in the Territory; he does not know if all of them will be. No one knows a blasted thing and I will not sit down here and see this Chamber becoming an apology for

any Federal Government; I do not care what political colour they are or what colour the people in this House are.

It would have been more relevant, instead of wishing each other a merry Christmas and a happy New Year, if the Executive Members, who on 1 January are going to have responsibility over a lot of decisions that affect the lives of the citizens in this Territory, had gone to Canberra or Nareen or any other pertinent place, nailed the Treasurer and the Prime Minister and said, "We demand to be involved in deciding where these cuts will take place". It is not their money; it is the taxpayer's money. They have made the decision and we have to live with it, but we want to be involved in where the cuts will come when they affect the Territory. I regard it in the worst possible light that people sit back here laughing and joking and carrying on.

The Executive Member for Law and Education has been unable to get any assurance that Dripstone High School will be brought forward. Not for one minute do I think that it is from any lack of trying on her part. Members of this Assembly, students, responsible community leaders, have all voiced their concern over the capital works program as it affects us, and by "us" I do not simply mean Darwin, I mean the entire Territory. Other members have dealt with the problems affecting primary industries and the development of the Territory. We do have big problems. Here we have the Treasurer saying that the Government has slashed its spending this financial year by $250m. "The Treasurer, Mr Lynch, announced the cuts yesterday after extensive reviews which touched every government department".

Members interjecting.

Mr SPEAKER: Order!

Mrs LAWRIE: They do not like it do they? The report in The Australian says: "'The figure of $250m involves all departments and areas of government.', a spokesman for Mr Lynch said yesterday. 'It would be an extremely complicated exercise to identify all areas'. The Government has slammed the lid on public spending to try to head off some of the inflationary effects of devaluation. 'A firm fiscal policy remains an integral part of the Government's anti-inflationary approach', Mr Lynch said. 'No new proposals involving expenditure in 1976-77 will be countenanced unless there are urgent and extraordinary circumstances making the deferment inescapable'."

The honourable members opposite seem to have missed my point. I am saying that they should be in Canberra or Nareen lobbying intensively to see that the cuts, if they are to be in the Territory, have the minimal effect, and not sit back congratulating each other in a warm, cosy, club atmosphere. That is not what this place is all about.

Mr KENTISH: I asked a few questions this morning concerning the electorate of Arnhem in particular. In 1968 when I first came to this Chamber and looked about the Arnhem electorate, I was disturbed very particularly about the settlement of Maningrida. That was about 8 years ago. There had been very substantial expenditure there, compared with other parts of the electorate of Arnhem, but in spite of the expenditure there seemed to be very little to show for it.

Once again, there is an enormous inflow of money and, after 8 years, the circle has gone right round. It is a different sort of money this time, mainly social welfare money. There appears to be very little happening around the place. There has been a European forestry appointment but I am unable to find out if there has been any progress in forestry work or anything being done there. I believe that it is difficult to find a work party for normal maintenance around the place. Perhaps the one exception to this is the Housing Association which seems to be able to plod along. Thus, I begin to ask questions about what is happening there.

As well as this overall uneconomic situation, there seems to be quite a downturn in the situation regarding alcohol, not only in this one place but also in other places in my electorate. The original law that it is an offence

to take alcoholic liquor into a reserve seems to have been practically annihilated now with the various ways of getting around it. Some places still have reasonable control but there appears to be none at all at Maningrida. I have a report, and I asked a question about it this morning, that personal permits to take liquor into the reserve are now issued from Nhulunbuy and without reference, in some cases, to the Town Council. I am not certain about the extent of the supplies but I am disturbed about this.

I begin to wonder what action is being taken to implement the findings of the liquor inquiry. I am not quite sure which liquor inquiry we should call this, whether it is the Mark VI or Mark VII liquor inquiry, but it is one of many that have been held: I refer to the most recent one which came up with substantial recommendations. We have heard no more about this. The situation has not improved. In fact, I am convinced that it is possibly even worse. We wonder what to do next - whether the Government should take an overall look at the situation in some of these settlements or whether we should have another liquor inquiry to find out why the findings of the last liquor inquiry are not being implemented. I regret that the remarks I have made today are inconclusive but they introduce a subject which should not be forgotten in this Chamber.

Mr SPEAKER: Before the Assembly adjourns, I wish all members and staff a very merry Christmas and I will convey the Assembly's best wishes to the Clerk.

Motion agreed to; the Assembly adjourned.

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