NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 2 December 1975
Wednesday 3 December 1975
Thursday 4 December 1975

Part I—Debates
Part II—Questions
Part III—Minutes
Part IV—Bills Introduced

F. D. ATKINSON, Government Printer, Darwin

PART I

THE DEBATES

Tuesday 2 December 1975

STATEMENT

Resolutions of the Assembly

Mr SPEAKER: Honourable members, I have to report on action taken in relation to three resolutions of the Assembly. On 15 October it was resolved that an address be presented to the Australian Senate. Through the good offices of the President of the Senate, this was achieved on Tuesday 4 November. Pursuant to the terms of the resolution of 16 October, petitions were presented to the Senate and the House of Representatives on Tuesday 4 November by Senator Webster and Mr Calder respectively. Senator Webster also gave notice of motion seeking an invitation for a delegation from this Assembly to be heard at the Bar of the Senate. This notice has, of course, since lapsed.

The third resolution referred to difficulties in the provision of health services for the Territory and all honourable members should be in possession of a copy of a letter received by me from the Director General of Health relating to this matter.

Referring to my visit to Canberra, I would like to place on record my thanks for the courtesy and assistance received from the President of the Senate and his officers, the Speaker of the House of Representatives and his officers, Senator Webster, Mr Calder and many others too numerous to mention.

STATEMENT

Executive Members

Dr LETTS (by leave): Mr Speaker, I have already advised you that, following the resignation of the honourable member for Alice Springs, Mr G. E. Tambling, the member for Fannie Bay, has been appointed Deputy Leader of the majority group in this Assembly. I wish also to advise the Assembly that I have designated Mr Marshall Perron, the honourable member for Stuart Park, to be an Executive Member under standing order number 2 for the purpose of carrying out certain responsibilities in relation to this Assembly. These changes have necessitated a certain amount of re-arrangement of the particular responsibilities which fell within those executive areas and I advise honourable members of the Assembly of these changes as follows. The honourable member for Fannie Bay and Deputy Majority Leader will be now assuming the title of Executive Member for Finance and Community Development, taking from the former area of the honourable member for Alice Springs the finance responsibilities. His functions will now be finance, housing, urban land, town planning. I remind honourable members that he is also the Assembly's nominee on the Darwin Reconstruction Commission.

The honourable member for Sanderson will take over the law section of the former portfolio of finance and law and will now be called the Executive Member for Education and Law. Her areas of responsibility will include education, law and order, and libraries.

The honourable member for Stuart Park will be called the Executive Member for Municipal and Consumer Affairs. He will take over the local government area formerly the responsibility of the honourable member for Fannie Bay, the consumer protection responsibility and the responsibility which I call recreation and culture. Rent and price control matters, water, sewerage, electricity matters and industrial relations matters will go into the new portfolio of Municipal and Consumer Affairs.

The honourable member for Stuart Park has only assumed these new responsibilities this morning and he is not fully au fait with the matters that had been previously handled by other executive members. I believe that for the purpose of today's question time—that is why I sought leave to make this statement at this stage—there are many matters on which probably the Executive Member for Finance and Community Development or the Executive member for Education and Law would be able to provide information on behalf of the new executive member.

I also foreshadow Mr Speaker that at a later stage of this morning's proceedings there will be some changes required in responsibility for handling the legislation standing at present in the name of the honourable member for Alice Springs. Leave of the Assembly will be sought at the appropriate time for the transfer of responsibility for the carriage of those particular pieces of legislation.

LOCAL GOVERNMENT BILL

(Serial 44)

In Committee:

Mrs LAWRIE: I move that the committee report progress. There are circulated amendments to this particular bill and I also have

amendments which will not be ready before tomorrow. If it is the will of the committee, I prefer my amendments to be circulated so that all the amendments will be seen together.

Dr LETTS: I have no doubt that the honourable member for Nightcliff has some amendments to put before the committee. I am not actually rising to oppose the reporting of progress at this stage but the more normal procedure is to proceed in committee until we come to a clause on which the honourable member may wish to seek amendment. She could then explain her proposed amendment to the Assembly and we would have the opportunity to think about the criticism that she is making. I don't think that the Assembly should interrupt its work without some reason being put forward and, even if we only deal with 2 clauses of the bill, I would be prepared to go that far. If the honourable member makes her move at the appropriate time, she will probably get sympathetic consideration. I oppose the motion.

Mrs LAWRIE: I would point out that there are amendments which I have just seen. There are amendments to the substantial clauses of the bill. It appears that the amendments concern clause 2 and it seems to be a bit silly to just go through clause 1.

Motion negatived.

Clauses 1 and 2 agreed to.

Clause 3:

Mr WITHNALL: I move that clause 3 be amended by omitting the words "incorporated under the Associations Incorporation Ordinance".

This amendment and 2 further amendments are designed to widen the scope of the bill. As the bill was presented to the Assembly, it applied only to sporting organisations with the possible addition of the Show Society. It seems to me that other bodies carrying out charitable or community affairs ought to receive consideration and, as a consequence, I propose to enlarge the scope of the bill by including organisations which are incorporated for cultural purposes, for the promotion of the health and welfare of the public, for the advancement or encouragement of agriculture and for the provision of recreation or amusement for members of the public. The last class will include the associations which were originally the sole concern of the bill. The clause may not apply to organisations such as Red Cross, the Show Society and the St John's Ambulance and any other society whose concern is looking after public affairs without obtaining a profit from their organisation. If members will examine a further amendment, they will see that the association must apply its income for the purposes specified. In order to achieve my object, it was necessary to recast section 165A completely and insert a new subsection (6) providing a definition of "association".

Amendment agreed to.

Mr WITHNALL: I move there be omitted from clause 3 the words "and is from time to time made available for the recreation and amusement of the public". This opens the way for a definition of "association" to be later removed.

Amendment agreed to.

Progress reported.

DARWIN TOWN AREA LEASES BILL
(Serial 74)

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

CROWN LANDS BILL
(Serial 73)

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

CONSTRUCTION SAFETY BILL
(Serial 55)

Mr PERRON: There is an urgent and pressing need to have a construction safety bill introduced into the Northern Territory. This bill will replace the Scaffolding Inspection Ordinance which is currently in force in the Territory. One of the factors pointing to the need for this legislation is the high accident rate within industry in the Northern Territory. It is probably one of the highest accident rates in Australia. No doubt some jobs in the Northern Territory are pretty safe as the workers don't move fast enough to injure themselves, however that is not the case generally. The cost to this country of industrial accidents runs into many millions of dollars in lost time, damaged equipment and personal suffering. A reflection of this high accident rate in the Northern Territory is the extremely high cost of worker's compensation premiums and in many industries an employer has to pay around 30% of an employee's salary to

cover him comprehensively for accident on the job. In some industries, it is as high as 70% to cover a worker against accident. In other words, if the man gets a $100 per week, it costs the employer $170 just to cover him for insurance. Many industrial accidents can be avoided by adherance to proper standards and conditions and the provision of certain preventative safety equipment. Unsafe equipment and unsafe practice in a variety of situations would be very difficult, if not impossible, to completely cover by written regulation alone. Therefore, this bill provides for various inspectors with a wide range of powers to assess each situation in isolation and they can issue instructions to rectify potential trouble spots. In addition to these inspectors, clause 13 provides for safety supervisors to be appointed on certain sites to ensure that the provisions in the bill are adhered to. The accent of the bill is on the prevention of industrial accidents and so it should be.

Mr WITHNALL: I agree with the proposal that a law of this nature should be introduced into the Northern Territory because there is a very real need for some action to be taken fairly urgently to control the use of rigging and to control construction work in the Northern Territory. However, when I come to examine the bill, I find its form to be not quite satisfactory. My first impression is that it is going to add a good deal to the already high cost of building in the Northern Territory but I suppose that is inevitable. I think it will probably add a good deal to the bureaucratic edifice that we have so carefully built up in the Northern Territory and certainly in the city of Darwin, but I suppose these things must be accepted.

My main comment on the bill is that it seems to go wider than it ought to. If one examines section 18 which talks about the provision of amenities to a person working on a site to which the ordinance applies, one finds that it is a provision more appropriate to a factories ordinance than to an ordinance relating to the safety of construction, because it provides for amenities for workers. It seems to me that a provision of that sort is fairly well hidden in a bill that deals with construction safety and I would urge the honourable member in charge of the bill to seriously consider whether a provision such as section 18 really has any place in a bill of this nature.

I would also refer honourable members to section 11. It seems to me that it will be honoured in the breach rather than in the observance because it will be a very difficult section to comply with. It provides that "the constructor, with respect to work to which this ordinance applies shall, at least 24 hours before the commencement of the work or if this is not practicable as soon as practicable thereafter, give or cause to be given to the Chief Inspector notice in writing, accompanied by the prescribed fee for inspection, specifying the place where and the date upon which it is intended to commence the work and such other particulars as are prescribed". The number of occasions upon which it will be feasible to give notice 24 hours before the commencement of work are not likely to be very many at all in places other than perhaps Darwin, and Alice Springs if there is an inspector to be stationed there. I would imagine that there will be no inspector in Katherine and probably no inspector in Tennant Creek or in any of the other places in the Territory where such work is ordinarily carried on. Consequently, it will inevitably be the case that the work is either commenced, or indeed may even be finished, before notice has been given to the Chief Inspector. The section might possibly have a chance of working a little bit more certainly if some provision was put into the section providing that the notice could be given by telegram but, even in that case, if 24 hours is the notice required and a telegram is sent from a place such as Katherine, it is highly unlikely that an inspector can ever get down there to inspect the site before the work has actually commenced or, indeed, before the work has concluded in the case of work which involves minor rigging or minor entrenchment.

The only other comment I have relates to the very wide powers given to the Administrator in Council in the making of regulations. In some respects a wide regulation-making power is quite desirable, but the scope of the regulation-making power here seems far too wide because a good deal of the real operation of the ordinance is going to be in the regulations itself and not in the ordinance. If one looks at section 28, the powers to make regulations include regulations relating to the standards of rigging, scaffolding, power-driven equipment, shoring, the qualifications of drivers, the qualifications of operators, the provision of standards of protective equipment and protective or safety measures, the provision of standards of artificial lighting

and the licensing of operators. A whole licensing scheme is to come into operation merely by force of a regulation and there is no provision in the ordinance indicating the sort of licensing scheme that is required or that may be made under the regulations.

Paragraph (i) talks about more standards, and I agree that standards cannot be prescribed in the ordinance itself, but paragraph (j) appears to go too far. It permits the making of regulations to confer additional powers and duties on inspectors, safety supervisors and riggers; that is to say, it is a regulation-making power which says: "Just in case we have forgotten something, let's give ourselves power to make more regulations about it". I don't like an ordinance which gives the Administrator in Council, in effect, the authority to enlarge the scope of the ordinance. I think that is entirely wrong and I would object to the provision contained in paragraph (j).

Apart from the comments I have made, it seems to me that the ordinance is necessary and I will certainly support it at the second reading but I have indicated that I am not very happy about one or two provisions.

Mr BALLANTYNE: I rise to support the bill. For many years now, there has been a need for some protection for the workmen, for the people who employ the workmen, and to bring out some bill where all the necessary requirements are written down for major construction jobs, minor construction jobs, and even for your own house if you want someone to do a job at your own house.

The honourable member for Port Darwin brought up a few points which in some ways I could agree with but in other ways I feel that there are things in the bill, particularly in the regulation side of it, where you can go a little bit overboard and stretch it too far. If you have the regulations set according to standards to meet the requirements of scaffolding and such, at least you are putting it in perspective to bring about the safety of the workmen and other people who are walking around the areas. Many accidentts have happened where people have been walking by and not observing what they are doing and something has fallen or collapsed on them. If this is brought into the proper perspective and proper regulations are drawn up according to standards, I am sure it will augur well for the future of construction jobs and construction generally in the Territory.

There have been quite a number of accidents; I believe there was recently an accident in the Territory where someone was in a trench and it collapsed on him. They can cause deaths. In this particular case I believe it did cause a death. We have to protect people in their jobs and give them job satisfaction too. There are provisions in the bill for the inspectors to have powers for the safety angle. A lot of firms in the Territory and some of the bigger mining industries have their own safety engineers and safety people, a department which each week brings out new slogans trying to inform the workmen and the staff generally on the safety aspects of working within certain areas. Generally in everyone's daily life, we should think of safety and I think that these are the sort of bills that enlighten us as to what can happen in industrial accidents.

The foreman in some cases will be given the power to act as inspector and safety officer which I feel is a very good thing because some firms are only small and they haven't got the resources to set up their own safety department. People are roving around from place to place doing construction jobs and they can't afford to have inspectors and safety officers and all that goes along with it. Anyone who has a small staff can combine the job of inspector and safety officer. Mind you, I think he still has to have some qualifications and I'm sure that when they are looking at these inspectors they will be qualified in that particular job so that the relationship between the workers and the staff is always in line with this ordinance.

I like the welfare section of the bill. I can't agree with the honourable member for Port Darwin about some of these amenities which are written in there. No matter how small the organisation is, you must have certain standards in the way of sanitary conditions, mess conditions, protective clothing and first aid equipment. It doesn't matter how small you are, you should have these to protect your workmen. You must have these follow-up things which bring it into some perspective. As I have said, job satisfaction is very important. If a person working for a construction firm finds that these things are adhered to, I'm sure he will get much more satisfaction out of his job and that particular firm or business can be some way praised for looking after its staff.

The regulations are far-reaching, as the honourable member for Port Darwin said,

but if you have a look at them you can see that it has got the things that are most needed. In clause 28(1)(a) you have the qualifications required of an applicant for a certificate as a rigger, a scaffolder. These are the sorts of things you have to have. You can't get any type of person to act as a rigger. These riggers take risks; they are the men who take the risks before the workmen go onto the job. They install equipment, platforms, general scaffolding, which is a meccano type of thing that goes together with quick release attachments, and so forth. These people are expert at it and they are the ones who risk their lives some time before the men go onto the job. You have got to have a qualified man otherwise you might be sending someone off to a job which he is unable to handle and he could cause an accident. Doing those sorts of things can sometimes affect the morale of the men working with them. Naturally, the rigging and the scaffolding gear, hoisting appliances, cranes have to come under standards and I am sure that every employer is well aware of that.

Clause 28(1)(j), "additional powers and duties of inspectors, safety supervisors and riggers", I think is one of the most important provisions because from time to time ideas change and new regulations apply throughout the whole of Australia with regard to safety and also to the duties. Giving the additional powers and duties of inspectors, safety supervisors and riggers will bring some perspective. I'm not worried whether they bring in too many regulations because I think sometimes there is a need for them.

There are a lot of other clauses here that I could speak on but I think that the bill in itself is something that has been needed for some time and I have to compliment the Executive Member for Transport and Secondary Industries for his work in bringing about the drafting of this bill; I give my full support to it.

Mr EVERINGHAM: I agree with the honourable member for Port Darwin and the honourable member for Nhulunbuy that legislation of this type in the Territory is long overdue. The Territory must possibly be the most backward of the Australian states and territories, and possibly in the whole western world, in the provision of legislation of this type, and I hope when this legislation does go through it will be administered fiercely and fully. I have been engaged in the practice of a solicitor in the Northern Territory for some years now and my colleague, the honourable member for Port Darwin, and I have been on opposite sides of some fights about damages for people who have been injured on construction sites, particularly in mines. Although this bill does not apply to underground workings, if what has gone on underground in the Territory in past years is anything like what has gone on above ground, the situation has been pretty bad.

There are certain provisions of the bill which I hope whoever administers the ordinance will draw to the attention of the public generally and in particular to contracting firms and to their workmen by advertisement in newspapers. These sort of people don't read legislation of this nature and they don't fully know the requirements of it. Perhaps their professional associations and their unions should let them know but often this does not happen. I hope that the ordinance will be administered by the Executive Member for Transport and Secondary Industry. We now have a promise from the former Minister for the Northern Territory, Mr Paul Keating, that the former Labor administration accepts in full the provisions of the Joint Parliamentary Committee's report which they had managed to stall off accepting right up until they were kicked out of office and, of course, we have the promise and undertaking freely given many months ago by the Liberal and National Country Parties that they would be giving immediate attention to the transfer of powers to this Assembly once they were elected to office. I think we can confidently say that no matter who gets into power after December 13, providing they honour their promises—and I don't know about Mr Keating who seems to be a bloke who mends his fences and trims his sails—then Mr Ryan, the Executive Member for Transport and Industry will be placing those advertisements in the paper. I ask him to particularly draw attention to what is provided by clauses 18 and 19 of the bill, that a constructor shall keep a copy of the ordinance including the regulations available for inspection by his workers at all reasonable times at his principal place of business and on any site where there are more than 20 workmen.

Debate adjourned.

FIREARMS BILL

(Serial 76)

Motion agreed to; bill read a second time.

Committee stage to be taken later.

WILDLIFE CONSERVATION AND CONTROL BILL

(Serial 67)

Motion agreed to; bill to be read a second time.

Bill passed the remaining stages without debate.

INSPECTION OF MACHINERY BILL

(Serial 54)

Mr EVERINGHAM: The import of this bill is that this Assembly is concerned to enfranchise women fully so that, once the passage of this bill is secured, this Assembly will be responsible for women being able to take up positions as greasers and engine drivers if they so wish. I feel that it is significant that this Assembly, with a majority of 17 Country-Liberal Party members, has taken this stand on women's liberation. I don't think there is much more I can say.

Miss ANDREW: I am delighted to support my rather chauvinistic colleague, the Executive Member for Transport and Secondary Industry. I am delighted to do so because it seems that he is recognising the capacities of females and their equality. I did not think we would ever reach that point. Unfortunately, I consider that his intentions are not entirely honourable. However, this legislation seems to be one of the last pieces of blatant discrimination amongst Northern Territory ordinances. I trust that if any discriminatory legislation is left that executive members will take the example of the honourable member for Millner in immediately removing the inadequacies of legislation under their care. All members at times have purported to subscribe to the philosophy of equality and I am glad to see that one of the more chauvinistic of them is acting on it. I commend the bill.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

CRIMINAL INJURIES (COMPENSATION) BILL

(Serial 68)

Miss ANDREW: Mr Speaker, I seek leave of the Assembly to assume control of this bill which was introduced by the now resigned member for Alice Springs.

Leave granted.

Mr WITHNALL: At least 18 months ago, I introduced into the former Legislative Council a bill entitled the Criminal Injuries (Compensation) Bill. That bill was passed by the Council and so far as I know is still lying somewhere in limbo waiting for assent to be given to it. I was informed that the former Attorney-General was concerned with one section of the bill which provided that a court might make an order for the payment of compensation where a person received an injury to his property as well as an injury to his person. The bill which is now introduced covers the same field as my bill which became the Criminal Injuries (Compensation) Ordinance 1973. There have been a number of changes made to the form of the bill to secure the end that it applies now in respect of injuries to the person only and has no effect upon injuries to a person's property. The reason behind the objection of the former Attorney-General was that a person ought to be prudent enough to ensure his property and he ought to be able to recover any injury to property through insurance and may obtain compensation on two occasions and thus make a profit in respect of the injury. The Attorney-General also was very concerned that the provisions of section 5 might be applied in respect of injuries to the property of a person so that the Commonwealth of Australia might be responsible for payment of such injuries. I must protest that the bill has come back into this Assembly with the provisions relating to compensation for property removed. I think that the objections made by the former Attorney-General could very well have been met by some amendment of the bill in order to make sure that no order was made where there was insurance available. At least the bill would have contained the provision that the criminal himself would be liable to make a payment in respect of any injury to property to the person concerned. Even though in a large number of cases that would prove to be a very barren order, the provision would have been of great use to the courts in making sure that compensation was paid to persons whose property had been injured and it would have been available also in addition as a deterrent to the criminal himself. Therefore I protest that the bill has been emasculated but I indicate that, since the bill contains some of the principles to which I adhere, I will support it.

Mr EVERINGHAM: I would just like to say a very few words in commendation of the provisions of this bill. It is a provision that has been long overdue for introduction in the Territory. It has been in operation in New South Wales for some years now. To hold out for

compensation for loss of property is a case of losing the whole loaf when at least you can have half at this stage and perhaps get the whole later. Whilst we have stuck out stubbornly for both sides, that is injury to the person and injury to property, those persons who have suffered injury to themselves over that period of time have had no recourse except directly against the inflictor of those injuries. Now, if they suffer property loss, they will still go without unless there is insurance or unless the person inflicting it was a person of some substance, and in most cases of course that just isn't so. Now they will at least be able to get some small compensation, up to $4,000 which in many cases is grossly inadequate, for the wrong that has been inflicted upon them.

I understand that an amendment to section 9 is going to be introduced. I was concerned that section 9 would not permit a person to enforce an order of this sort in the normal way. For instance, there is no provision in section 9 for taking bankruptcy proceedings and what is the use of having an order where a person against whom you have the order is a man of straw? A warrant of execution or a writ of fi fa is of absolutely no use. Registering the order under the Real Property Act against any interest in land is of equally little value. I understand this amendment that is to be introduced by the sponsor of the bill will provide that all normal recourse on the order or judgement may be taken.

Debate adjourned.

PHARMACY BILL

(Serial 61)

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

POLICE AND POLICE OFFENCES BILL

(Serial 71)

Miss ANDREW: Mr Speaker, I seek leave of the Assembly to assume control of this bill which was introduced by the member for Alice Springs.

Leave granted.

Debate adjourned.

LOCAL COURTS BILL

(Serial 63)

Miss ANDREW: I seek leave of the Assembly to assume control of this bill which was introduced by the member for Alice Springs.

Leave granted.

Mr ROBERTSON: I would like to remind honourable members of the purpose of this bill. It is quite a simple bill. It merely empowers a magistrate upon application—the form of application I would envisage would be an interlocutory application to the magistrate in chambers—to take certain action in relation to security for costs in circumstances where the magistrate believes upon good grounds that the action is one of a capricious nature or where for various other reasons he believes it just that a party should provide security for costs.

There is an amendment to be introduced later in the name of the Executive member for Education and Law which strengthens the provisions a little further in that it would provide for the magistrate to make an order, either adjourning the matter indefinitely until security is made or, in circumstances again where he thinks just, having the matter struck out. It would seem to be of little benefit to either party, particularly the defendant, in an action of this nature to have the matter stand over his head indefinitely and to have the threat continually there. Where the magistrate thinks it appropriate, he will make an order simply striking the matter out.

Mr EVERINGHAM: I rise to say a very few words in support of this bill. It seems to me that if there is provision whereby a plaintive can require a defendant to provide security for costs of an action, there is no reason why the contrary situation should not also prevail, where opportunity is afforded, with the best intention in the world on the part of solicitors and legal aid authorities, for people to prosecute actions which are in some cases frivolous and which in many cases are not followed through. This results simply in a course of persecution rather than prosecution. The matter may be withdrawn before trial and these people leave the Territory. Transients and so on can so easily avail themselves of legal services—and I don't say that that is wrong—but in some cases they should have to put their money where their mouth is. This provision will permit a court to make an order that they do put up money into the court trust account. If the plaintive is successful then he will get that money back and he will get the costs against the defendant. They are no

worse off; they simply have to put their money where their mouth is.

Debate adjourned.

UNIT TITLES BILL

(Serial 64)

Mr TAMBLING: I seek leave of the Assembly to assume control of this bill which was introduced by the former member for Alice Springs.

Leave granted.

Mr EVERINGHAM: The provision of unit title is something that is long overdue in the Northern Territory. It has been available elsewhere in Australia for many years. New South Wales was the leader in the field of this legislation and it quickly spread to Victoria. When I was an articled clerk in Queensland, we used to get around the fact that there was no unit title legislation by forming companies, allotting shares and granting 99 year leases to units. This is not a satisfactory situation. I don't think that it has ever been tried in the Territory because there are such tight controls on leases. Each time you want to register a lease, you have to get the Administrator's consent. Without the Administrator's consent, you can't register a 99 year lease.

Units are a necessity these days. They should be available for elderly people, retired persons, widows, widowers and young people. I would hope that all Australians raising families would still aim to own their own home but costs are preventing many people from owning their own home. Increasingly, families are buying units in the large cities. More and more amenities are being provided with blocks of units which one would never have thought of in the past. For instance, I know of blocks of units in Brisbane that were built to 10 or 12 storeys and the actual boundary of the building touches the footpath. There was no swimming pool or grass. The people would walk straight in off the street or drive into their concrete car parks and go up in the lift. They could never put their feet on grass. They went to work in the city and got out of the car onto bitumen. I think that to relax and rest when you get home, you must have a bit of greenery somewhere. I would hope that provision for adequate rest and recreational areas contiguous to units will be insisted on by the administering authority. I would hope that we would learn by the experience of the southern states where permits to erect blocks of units were granted to speculators and they used up every square inch of the land. We must see that people who live in units are properly catered for recreation-wise and that their children do not have to walk a mile down the street through the traffic to use the public park and, if there are more than a certain number of units, swimming pools should be provided and so on. I don't think that it is at all out of the ordinary these days for people to have a swimming pool and, where you have a group of people gathered together, it is much better to have a pool on the site and so reduce the strain on the public pools.

I understand that there is substantial body of amendments coming forward but I am not completely au fait with them. I only had a quick glance at them this morning so if some of the amendments make me look a monkey, I trust that you will overlook that. Clause 14 of the bill relates to common boundaries and there is no provision there to provide for a minimum thickness of the boundary wall. In my opinion, that should be provided in the legislation. If you leave it to the Building Board, you will soon find that you will have fibro walls with a bit of fibreglass stuffing as boundary walls. That is not good enough when you are introducing this concept of separate titles to parts of the building. There must be definite provision for a minimum thickness of concrete, brick or some like substance so that we will not build fibro and fibreglass pigstyes for blocks of units.

Clause 15(1)(b) provides that the proposals will be approved by the Administrator if the registered proprietor is not in breach of a covenant contained in the lease or a provision of the ordinance under which that lease was granted. I would have thought that that could be suitably amended in the Darwin situation where the provisions of many leases are not complied with at the moment so that, rather than rebuild their house and then apply to the Administrator for a permit to erect units, they could do it whilst their lease covenants were not complied with. It could also apply in other situations where the place is so old that it no longer complies with the covenants. Some amendment there could be usefully made.

In clause 25(5) I would have reworded it to say "an easement created by this section may not be extinguished" rather than use the phraseology that is there at present. Further, I wonder if the phraseology of clause 28 could

be reworded. I would have put it round the reverse way.

In clause 33(1) I would add the words, "and no others" at the end of that clause.

Clause 35(3) provides that monies of a corporation shall not be invested in mortgages of land. Why not?

Clause 37(3) states that a request under this section for financial information from the records of the corporation which holds the joint property of the units shall be in writing and shall be accompanied by a fee not exceeding $2 fixed by the corporation. What is $2? If you are going to have a fee, you might as well make it the real cost and I can assure you that the books of this corporation would be kept by accountants who for an extract of information would want $75. Either have no fee at all or have the actual fee that is payable to the accountants.

Clause 38 states that a corporation shall comply with any reasonable request for the names and addresses of its committee men. What is a reasonable request—a request from the Readers Digest Corporation so that they can circularise the members? I think that some redrafting of that section is needed.

Clause 80(2)(b) provides for an aggregate amount of liability for insurance for loss as a result of an accident on the common property. $100,000 is provided as a minimum amount. I don't think that is sufficient; I think that at least a quarter of a million dollars should be the minimal amount. It costs very little more and I know of a number of actions in the Supreme Court of the Northern Territory at this stage where settlement offers of $150,000 have been made and I don't particularly want to see these units going into liquidation for lack of an appropriate amount of insurance. In fact, it might not be a bad idea if the minimum amount were even to be fixed from time to time by regulation rather than having to amend the ordinance each time that we wanted to put it up a bit.

Going back to clause 9(b) of the bill, there is a reference that a unit subsidiary shall be read as a reference to either a part of a parcel being a building or part of a building consisting only of the utility room, laundry and so on. This definition appears to endeavour to be exhaustive but I wonder why areas such as lift wells are omitted. Perhaps the words "purposes ancillary to the general benefit of the unit holders" could be incorporated there. It may not be necessary but I simply draw these matters to the attention of the House.

On the whole, if I were asked at the moment to pass the bill without amendment, I should probably go right ahead and agree to it because I think it is long overdue. The matters which I have raised, apart from the boundary wall, are piddling and I don't intend at all to be critical. I am pleased to see the bill in its present form and I commend it to honourable members.

Mr KENTISH: I do not profess to have a very good grasp of this bill at all, and I have had very little experience of living in units. There seem to be some practical considerations that puzzle me a little. These units are designed for a particular kind of owner. I stress the word "particular". At the present time in Darwin, we find that the Housing Commission is dealing with perhaps 4 kinds of tenants. They are dealing with tenants who are suitable at the present time to live in a caravan, tenants who have suitable family arrangements to live in a demountable, tenants who may suitably occupy a flat and other tenants who may occupy a suburban house of 2 bedrooms or 3 bedrooms. The Housing Commission look carefully at the type of tenants to which they would let any of these particular things. Obviously a person who can live comfortably in a caravan is a particular type but the person who needs a 3 bedroomed house with a yard would not be a suitable tenant to put in a caravan.

It is reasonable to assume that people who bought these units would be buying something to suit themselves. I was rather puzzled at a remark by the member for Jingili that, having bought these units for a particular purpose, they would provide themselves then with all the facilities that the suburban housewife would want—lawns, swimming pools, gardens etc. This seems to be a mixed up concept to me; you are mixing the caravan dweller with the suburban house-dweller and they just don't go together. I hope the sponsor of the bill will tell me why a person who is suited to a strata unit would want all the facilities of the suburban house dwellers. Which of the ten people in the strata building looks after the swimming pool? You have got to be at them about twice a day with chemicals etc.

The other thing that concerns me is whether the same concept could not be applied to a rural block of land whereby strata titles could be taken out by a number of

people who wish to dwell on a block of land. For instance, at the present time there is a law that 20 acre blocks may not be broken up any further if 20 acres is the minimum subdivision. Perhaps four or five people could take title to a 20 acre block and put up their buildings or a single building and dwell on that block. I am just wondering how wide this provision may go.

Debate adjourned.

REAL PROPERTY (UNIT TITLES) BILL

(Serial 65)

Mr TAMBLING: I seek leave of the Assembly to assume control of the bill which was introduced by the former member for Alice Springs.

Leave granted.

Debate adjourned.

STABILIZATION OF LAND PRICES BILL

(Serial 60)

Mr WITHNALL: I am very pleased to see this bill and the bill on the succeeding order of the day introduced into the Assembly so promptly. Honourable members will remember that the recommendations of the select committee which was set up to have a look at the provisions of the bill originally brought into the House of Representatives urged that action should be taken as soon as possible to provide for a scheme in the Northern Territory both for the stabilization of land prices and for the acquisition of land for Territory purposes. It is refreshing to find that such urgent attention has been given to this proposal. As the honourable member introducing the second bill said, it is not possible to put the scheme into operation at present because of the absence of authority in the Legislative Assembly to pass the Lands Acquisition Bill until an amendment has been made to the Northern Territory (Administration) Act. The fact that these two bills have been introduced into this Assembly is an earnest of our concern and ought to operate as an assurance to the Senate that we accept their co-operation in matters such as this and that we are quite earnest about our intentions when we are given the opportunity as the Senate has given us in this case. Mr Speaker, I have no comments on the bills. They follow generally the terms of the select committee and, when the time comes for the bills to be considered, they will have my support.

Debate adjourned.

LOCAL GOVERNMENT BILL

(Serial 56)

Mr TAMBLING: Mr Speaker, I seek leave of the Assembly to asume control of this bill which was introduced by the former member for Alice Springs.

Leave granted.

Mr POLLOCK: I rise to speak briefly on this bill which is to increase the amount from $4 to $5 which might be applied by a municipality—in particular at the moment the Municipality of Darwin—in relation to a breach of bylaws in relation to traffic matters. The way the ordinance is worded at the moment, each time that the city council considers that the amount to be recovered is rather low—and I can see that $4 is; I think that $5 is pretty low too considering the cost of recovery in monetary values today—they have to come back to this Assembly to increase the amount of the fine. To expedite the matter and to comply with the wishes of the city council in Darwin. I am quite happy to go along with this amendment, but next time I think we should give consideration to giving a bit more discretion to the city council in imposing an upper limit on the amount that the fine might be.

In Alice Springs, we don't have any bylaws even though the municipal council there has been operative for nearly 4½ years, so the matter of what the fine will be doesn't really apply because in 4½ years they don't seem to have any bylaws to control anything; in relation to parking and so forth it is a bit of a mayhem down there. It is not much better in Darwin at times because people regard the $4 fine as rather trivial. The number of tickets issued around town that you can see on windscreens indicates that I don't think the increase is going to deter many people from breaches of parking regulations and consideration for other road users, but I support the bill.

Mr TAMBLING: I think the general principles of this bill have been well outlined by former speakers. I would like to comment on one point that was raised by the Majority Leader, about the sidenote that related to the proof of parking offences. I can assure members that the particular provision deals essentially with proof of evidence. The particular provision that the penalty be raised from $4

to $5 is where a person elects to pay the fine instead of proceeding to court action. On that basis the sidenote is correct.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

LANDLORD AND TENANT (CONTROL OF RENTS) BILL

(Serial 62)

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TRESPASSERS (TEMPORARY PROVISION) BILL

(Serial 79)

Mr WITHNALL: I accept the terms of this bill with one single exception which I think is a very serious exception indeed. I refer to the provisions contained in clause 8 of the bill and particularly to the provisions contained in paragraph (b) of subsection (1). Section 8 deals with an application to a magistrate for the making of an order for the ejectment of a trespasser and subsection (1) deals with things with respect of which a magistrate has to be satisfied if there are reasonable grounds for his belief. The second matter which he has to be satisfied of is "that the land is required for immediate occupation or for repair with a view to immediate occupation by a person who is not a trespasser or that substantial damage is being caused or is likely to be caused to the land or to the improvements or property on the land". That sounds very much like a suggestion that trespassers can be left lawfully on the land. I would always understand that a trespasser at any time may be removed and it is most peculiar indeed that we are making a provision that a magistrate has to be satisfied of something before he can make an order removing a trespasser. We have established under paragraph (a) that he is required to believe that the applicant is entitled to possession of the land and why in the name of goodness should he now be required under paragraph (b) to find that the owner has justified himself in getting back on the land? He has to show not that he is entitled to the land and therefore ought to be on it but to show that the land is also required for immediate occupation. I suggest that paragraph (b) be completely and utterly condemned by this Assembly.

The other remark that I have to make about clause 8 is contained in subclause (2): "A magistrate may, having regard to all the circumstances of the case, refuse to make an order if he considers that the making of an order will be unduly harsh or oppressive against a trespasser. I can very well understand in the situation that exists in Darwin today that the eviction of a family from a place where they have taken temporary shelter may cause them a good deal of discomfort and, in some circumstances, the making of an order would be unconscionable but I do not think that the provision of subclause (2) should be in the form in which it is. Why not make a provision that the magistrate, having regard to all the circumstances of the case, may make such conditions, including a condition as to time of removal from the premises, he thinks fit, not merely provide that he may refuse to make any order at all. The fact that he can refuse to make any order at all seems to be publishing an encouragement to people to stay in possession of land to which they have no right of title whatsoever. Let us start off with the proposition that the magistrate will make an order and, if there is any difficulty anticipated in so far as the order being oppressive on the person against whom it is made, let him make conditions to remove the cause of that oppression. Let him not simply say that he won't make any order at all because that is tantamount to saying, "You may still continue in possession of these premises for as long as you like". I object to that very much and I suggest to the honourable member that very serious consideration be given to the amendment of clause 8.

Dr LETTS: As I mentioned at the outset of this debate, this bill was introduced into the Assembly at the request of the Government and there has been wide recognition of the problem of people trespassing on land in Darwin sometimes quite against the interests of the legal owner/occupier who wishes to repossess the land. There has been a need to have reinforcing legislation to deal with this principle. The Assembly is being asked to consider whether it agrees with that particular principle.

The honourable member for Port Darwin has raised a number of interesting and quite possibly valid points, particularly in relation to clause 8 of the bill. I would agree that these points need further consideration. As recently as about 2 minutes ago, I was passed some comments from the Council of Civil Liberties.

While I still support the principle of the legislation, if the second reading is carried, I will propose that the committee stages be later taken so that further consideration can be given to the arguments which have been raised during this debate.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADJOURNMENT DEBATE

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

Mr DONDAS: Normally the adjournment debate is a time for discussion of matters of concern in our various electorates. Today, I would like to speak on what I consider to be a serious matter not only for my electorate but for the whole of Australia. For years the various governments have stated that Darwin is the first line of defence but what have they done about it? A mere token of an armed force is stationed here. Honourable members, we must get ourselves involved in this policy of defence. We must make ourselves aware of the danger that is ever present. We must insist that the federal government includes representations from this Assembly in defence discussions because we have both the duty and the responsibility to our citizens. In the past week the subject of statehood for the Territory has been mentioned. What a wonderful opportunity to expand our defence force here! What a wonderful opportunity for the Territory to get a greater slice of the defence budget and to increase our population and, if we must enter into the sphere of federal politics, to make sure that they know what we want.

Recently at a conference I attended in New Delhi one of the most important issues was of the Indian Ocean as a peace zone. This subject came under considerable attack because the United States wants to put a base on a little island called Diego Garcia. The United States has come to some arrangement with Britain for this purpose just because they want to maintain a fleet balance in the area. Commonwealth countries that are in the Indian Ocean were very very unhappy about this idea and they have been screaming blue murder. These countries don't complain when the USSR increase the size of their fleet in the Indian Ocean. Unfortunately, at this conference there were no federal members present to put Australia's point of view forward. However, one cannot help but feel worried about the future.

The Indian Ocean is important to Australia's trade and communications. Some 60% by volume of Australia's total exports, 90,000,000 tons, and about 40% by value come across the Indian Ocean, including petroleum from the Persian Gulf—about 40% of Australia's consumption. The gulf area is also increasing in trade and importance to Australia. Of the forces in the Indian Ocean, the United States has one amphibious command ship and 2 destroyers and the Soviet Union has one large destroyer, one escort, two mine sweepers, one submarine, 10 support ships. Britain has one destroyer escort and several oilers. The Prime Minister of Australia, Gough Whitlam, had discussions on the Indian Ocean during his visit to South Asia and Europe in late 1974. He referred to the Indian Ocean issue in his subsequent report to Parliament. On 11 February, he said: "I took the opportunity of my visit to Moscow to refer to this matter at the highest levels in the Kremlin. The Soviet government understands our attitude. In a joint communique issued after my visit to Moscow the Soviet government endorsed its readiness to participate in seeking a favourable solution to the problem of making the Indian Ocean an area of peace". The Prime Minister went on to say: "In urging mutual restraint on the great powers, we are on the correct course. To support any further development of bases in the Indian Ocean for any long term development in the area is to support escalation and heightening of tension in the region. We regret this course". The Prime Minister of Australia had to ask the Russians about what we were to do in the Indian Ocean. I think it is quite wrong.

A detailed account of Soviet naval activities in the Indian Ocean between August 1973 and November 1974 was contained in a reply by Mr Barnard, the Minister for Defence, to a question on notice by Dr Forbes on 12 November 1974: "The following extract sets out details of this presence in terms of actual vessels and terms of number of ship days to the extent that such information is publicly available: cruisers including one helicopter cruiser 4, destroyers 8, submarines diesel powered 4 and nuclear powered 3, mine sweepers 4, landing ships 2, auxiliary 29 and miscellaneous vessels employed in mine

sweeping operations in Bangla Desh and the Red Sea 20".

The United States installations in the Indian Ocean include long range communication bases at Cagnew, Asmara, Eritrea and in the north-west cape of Western Australia. In view of the recent coup in Ethiopia the future of the base at Cagnew might well be in doubt but the current position is not clear. The most controversial of the United States base facilities is at Diego Garcia, a vee shaped coral atoll approximately 14 miles in length. There is no indigenous population on the island which is located some 1,000 miles south of India. In 1965 the British constituted Diego Garcia and other Indian Ocean islands under their control into what is now known as the British Indian Ocean Territory. In exchange of notes in 1966, the United States and Britain agreed that these islands would be available for the defence service of both governments for a period of 50 years. In December 1970 both governments agreed to the establishment of a naval communication facility on the island which included an airfield and some anchorage for vessels. Last year, the Defence Department asked Congress for $29,000,000 to extend the facilities but they are only getting $18,000,000. The project specified included increasing of fuel storage capacities, the deepening of lagoons to provide an anchorage which could accommodate an aircraft carrier and its escorts and the lengthening of the existing 8,000 foot runway. In addition, personnel quarters were to be constructed to accommodate a total of 609 people. I don't think 609 people are really going to constitute any great worry with regard to a force in the Indian Ocean unless it has some very large support ships to go with it. This island cannot cater for large support ships. It is only for refuelling operations.

I feel that the Northern Territory is part of the Indian Ocean. We are situated closer to the Asian countries than any other part of Australia. I feel that a larger defence base than the one we have should be expanded here for many reasons. I sincerely hope that in the future this will be possible.

Mr POLLOCK: I would like to refer to the township of Kulgera. Fortunately, the Stuart Highway is being constructed south from Alice Springs to the South Australian border; it is being upgraded and sealed. At the moment, the road is sealed to the Ayers Rock turnoff—some 125 miles. There is another 18 miles primed and ready for sealing aggregate but the sealing aggregate won't be available for another couple of months. Roadwork generally proceeds south and it is all pegged out right down past Kulgera to the South Australian border. The Kulgera community is basically a homestead, store, motel and police station. The road passes some 150 yards to the west of that community. Instead of passing in front of this store and the police station, it is going to go through the airstrip and through some flatter country that is not affected so much by the creek. This means that the airstrip has to be extended and there is a great deal of rock to be blasted away. A service road has to be constructed into the township of Kulgera and there will be quite a deal of inconvenience. Practically all traffic travelling the Stuart Highway south of Alice Springs would require services of fuel and refreshments from the store.

The bitumen road is going to pass behind the store. After several months of representations to the Department of Housing and Construction, they finally conceded that a service road will be provided to the store and police station. This will be constructed in association with the present work but they will only form and gravel the service road which will be some mile in length. It won't be sealed like the rest of the road; this short strip of road which is going to service up to 95 per cent of the traffic will only be gravel. They haven't got any money to seal that little bit of road. They will maintain it but every other time there is a piece of road that requires some maintenance there is never a grader in the area and it costs too much to get one there. This will be like the causeway which services the Heavitree Gap farm area and the Emily Gap Road farm area at Alice Springs. There is a concrete single lane causeway across the Todd River. Last year, it was severely damaged and needed repair so a strip of roadway beside it was gravelled and surfaced whilst the concrete causeway was repaired. After it was repaired, there was a two way access across the Todd River—the concrete single way causeway and a single lane of gravelled roadway. However, the gravel roadway has deteriorated over the last 12 months. It wasn't really meant to be a roadway at all and therefore it is not maintained.

It will cost far too much money to get a grader to do that 100 or so metres of roadway at Kulgera which is some 170 miles from Alice Springs. This piece of roadway will soon be a mass of potholes, ditches and an absolute

horror section. It will receive very little maintenance and attention despite the assurances from the Department of Housing and Construction and others. I would ask that the Transport Planning Section really get down to the nitty gritty of it and seal this section whilst they are building the main road. The cost now would be minimal compared to the continual cost of maintenance of the section.

Along the Stuart Highway south from Darwin at places like Wauchope and Tea Tree and out on the Barkly Highway at Frewena, the Department of Northern Territory constructed a series of public toilet blocks. There was one to be constructed at Kulgera. In fact some 3 years ago, the Regional Engineer went down from Alice Springs and he even selected the site in consultation with the local community. The storekeeper at Kulgera gave an assurance that he would supply water and, if need be, electricity to the facility and that he would keep an eye on it in relation to cleanliness and maintenance. It's a bit rich to expect the storekeeper at Kulgera to provide public facilities for the travelling public. In the August school holidays more than 100 buses went through Kulgera and nearly all of them would stop there for use of the conveniences. Thus, about 4000 people in a couple of weeks wanted to use the facilities of the store and the hotel. The facilities at the store just cannot cope. The situation is quite chaotic but the Department of Northern Australia says that the question of providing public toilet blocks in the Northern Territory has been closely examined and departmental policy laid down that facilities will only be considered in towns where there are sufficient residents to undertake a cleaning and maintenance contract. Because Kulgera is a small community they have not really gone into the matter of seeing if anybody there is prepared to undertake a cleaning and maintenance contract; they just shelved the idea; they wanted to save money and asked the local people there to provide facilities for the general travelling public. It is not good enough.

The other matter I would like to raise is in relation to radio reception and radio services provided by the Australian Broadcasting Commission during this period of daylight saving. We have for some time now been having assurances from the Australian Broadcasting Commission or Telecom that the local ABC station in Alice Springs was to be upgraded to some 2,000 watts and therefore people in the outback areas would be able to listen and receive the broadcast from that station. This service has not eventuated as yet. The paper war about the matter is getting higher; it will soon be nearly high enough to put the mast on, but as yet there is no sign that anything is really happening about improving the frequency and the output of the Australian Broadcasting Commission station at Alice Springs.

The other aspect in relation to daylight saving is the news broadcasts. We have in Australia people who have been genuinely proud of the service provided by the Australian Broadcasting Commission in relation to news. However, with daylight saving, the news seems to be history by the time we get it. History was created in Canberra a few weeks ago when, rightly so, the regime was ousted and Mr Fraser was asked to form a government. This happened within an hour at least before the 1.15pm Australian Broadcasting Commission news service which was broadcast here. It was right around town that the situation had occurred but there was not a word in the news because the news had been recorded an hour and a half beforehand. The situation in Alice Springs is that we have the same news at 5.30 as the whole Territory does. The same news is broadcast at 6.30 and same news is replayed again at 7 o'clock on the television. I just do not think this is good enough; we are just being used up in the Territory. We appreciate the service which is generally provided but I think that, with daylight savings, the news service provided for the Territory has slipped drastically and they have nothing to be proud of in that relation at the moment.

Mr TUNGUTALUM: Mr Speaker, just a short comment on the Land Bill. Entry permits for non-Aborigines to go onto Aboriginal land will still be needed and it states in that bill that any person who is a member of the Aboriginal race of Australia does not need a permit. I say it is discrimination between black and white. If this bill passes after the election, whoever gets into power, it will cause violence. I hope the members of the Assembly in Darwin will ask the Government, if the Liberal-Country Party take power in Canberra, to transfer the Land Bill to the Northern Territory because it is a Northern Territory Aboriginal Land Bill.

Miss ANDREW: Immediately after the cyclone, the accent in the world of electricity

was on the reconnection of services. Connection was made in a variety of circumstances. For example, if the installation was undamaged, it was reconnected; if it was partly damaged, the damaged section was disconnected and the installation reconnected; if more seriously damaged, a service was provided whereby at least one light and two power points were made safe and the minimum installation reconnected. If the house was a wipe-out and people were living under the house, supply was restored through a pole and box erected in the front garden. However, it seems to me that most people have now either decided to rebuild or that they are going to continue to live under the floorboards. If they have already rebuilt, then the installation has got to the point where it must be inspected. If people wish to continue to live under the floorboards, a more permanent installation must therefore be established. While the use of leads in the situation is basically safe, extensions, double adapters, home-grown connections, are certainly not.

The Electricity Supply Undertaking have investigated the situation arising from the improper use of some of these facilities and the situation in toto is not good. At the moment, most people have been paid their insurance and they can afford to make their installation safe. However, I know of cases where there has been gross over-charging for even minor repairs. The Electricity Supply Undertaking, in the light of these inspections which they feel they must make, do not wish to place the public in a position where they are at the mercy of the contractor who might overcharge them. In the last few days, a representative of the ESU and myself have had discussions with the Master Builders Association and the Electrical Contractors Association to see if we could come to some common approach to this problem. The master builders do not wish to make an official statement on costs for a number of reasons, principally because an indicated price becomes, magically, the figure and the minimum. They feel that the best approach is to ask people who obtain a price which is considered excessive to contact the master builders for assistance or they can contact the Electricity Supply Undertaking so that the complaint can be passed on. The regulations preclude the Administrator from undertaking works on a consumer's premises. Most supply authorities are able to do this work but it is not common practice, and has not been for many years, for the ESU to compete with private contractors; therefore, the electrical contractor must be relied on. The public can go to the Master Builders Association if they feel the price is excessive.

An inspection of these connections is going to begin shortly because in some cases people are living in danger but the Electricity Supply Undertaking are most concerned that people use their common sense in having their connections made safe. They will be carrying out an extensive public relations campaign on these inspections and I wish at this point to draw to the attention of the public that it will take place and urge them to seek assistance if they feel the contractor that they engage is grossly overcharging.

Mr BALLANTYNE: I rise to speak on a very important matter, one which is important to each of us as Australians, and that is Aboriginal health. I refer to an article I saw on Sunday 30 November in a southern newspaper which says: "Australia's Shame—60% of all Aborigines more than 60 in the centre of Australia are blind". I am concerned as an Australian and I am astounded that, despite all the money that is being spent on social welfare, on health and Aboriginal affairs, I just cannot comprehend why. We still have the past government, Mr Whitlam's government, which has astounded us all and shown us that it is absolutely inhumane and has complete disregard for the general health and wellbeing of the Aborigines. I refer, too, to the past Minister for Aboriginal Affairs, Mr Johnson. When one looks at the past Minister, it is unbelievable that he has not made statements about the health of Aborigines. Surely he must know, Mr Speaker. Was he blind to this very important matter? I am sure that every Australian wants immediate action, not tomorrow not the next day, but now. I invite each member of this Assembly to read this article and refer it to the Department of Aboriginal Affairs.

A lot of us in the Territory know that there are problems with the health of Aborigines. It has been going on for a long time but I am sure that all will agree that the time has come when we must have a big campaign in the Territory on the health of Aboriginals. We must start doing something about it today. This article really astounded me. Perhaps I am a little bit naive. I live over in Nhulunbuy where we have Aborigines who live by the sea and perhaps do not suffer the same health

problems as they do in the centre where it is perhaps a little less healthy than by the sea. However, there are problems there which we have rectified with a medical health centre at Yirrkala Mission and I am sure that health there is in pretty good shape for people who are not educated to the health problems. We have a very good Assistant Director of Health who has in the past couple of years run a big health program. He is teaching the Aborigines to look after themselves as well as the Health Department looking after them.

I would like to refer to some parts of the article and I quote: "The startling facts were given by Dr Trevor Cutter, a physician who is working in Alice Springs on a research grant from the Department of Social Preventative Medicine at Monash University. He said that 20% of all Aboriginal children are suffering from malnutrition, 50% are partly deaf and 60% more than 60 in the centre of Australia are blind. So shocked was a local business man who had overheard the interview that he immediately asked Dr Cutter if he was prepared to address the Alice Springs Rotary Club. Dr Cutter said, 'Many of the Aborigines have skin sores and what we call groaning chests which are respiratory complaints. You have most probably noticed that a lot of the kids are coughing all the time and their eyes and noses are running'." I do not think that only applies to Aboriginal children but it does show that there is a concern on the respiratory problems and the nose and eye.

What made me really look at this article is that an Aboriginal leader, Charlie Perkins, was instrumental in getting Dr Cutter to Alice Springs to start the Central Australian Aboriginal Congress Medical Centre in a side street in the town. I know it is hard to get Aboriginal people to co-operate because they are shy; they are not always easy to bring to medical centres because they get frightened when they see the size of the place. Something must be done to help these people. There are medical centres at Warrabri and other places where Aboriginal nursing aides work with trained nurses and these are doing a very good job. However, we must move in and do more than that; we must have some mobile units and perhaps educate Aboriginal children so that it is not frightening for them to go into these places. It is even frightening for Europeans to go to hospitals. Any time you go to a hospital you see children or people who are apprehensive about going into a hospital.

I would like to also read the section under the heading of "skin sores". It says that many Aborigines have flecks of pus clinging to their eyelashes and a conglomoration of half dried mucous extending from their noses to their upper lips and flies sticking to the discharge in both places. Dr Cutter pulled a child's soiled briefs away from the skin to reveal a line of skin sores. He said that infections such as this could eventually lead to kidney disease and heart conditions. These are the biggest killers in Australia and down in the centre it seems that we are fostering these things.

I would also like to refer to another section headed "fly infested". Evidently, they were sitting by the Todd River: "Beneath the black fly infested surface, I got glimpses of red meat and realised with horror and revulsion that it was their lunch. A mongrel dog with its eyes half closed with disease and moving at a snail pace because of worm infestation went up and sniffed the meat but was sent scurrying away by a woman before it could grab what I learnt later was a blackened piece of emu meat". These are the sort of conditions that these people have to live in. I know the Aboriginals have their own way of life but surely with all the modern techniques and all the modern ways that we have of moving in mobile units we could try to educate these people. It is not good saying that they do not understand. They can understand like anybody else if you have the time and patience. It should be a challenge for us to go out and try to help these people. I do not care how much we spend on them so long as we get these people in good health so that they can enjoy a good life and have the proper things that they deserve.

They also have other problems such as gastro enteritis which is common. A lot of these diseases are brought about by their lack of facilities for garbage disposal. They do not understand; they just live amongst it and we should be appalled to think that we have not got some sort of campaign there. We are approaching 1976 and we have all the communications in the world. We can communicate with every other place in the world in minutes. These people are living at a very short distance from major centres and they can be helped. Perhaps you might have to coerce them a little bit but there are trained people to do that with the modern techniques of radio and TV around them. We must get rid of this mess and I quote the last few lines

in the article: "What a mess! What a disgusting, shameful mess! After more than 30 years of white man's influence and only 2 hours by plane from our doorstep do these things occur".

Mr EVERINGHAM: I should like to draw to the attention of members the problems still being experienced by persons in several electorates throughout Darwin in relation to obtaining finance to rebuild their properties in the primary and secondary surge areas. Some people appear to be able to get money from the Home Finance Trustee Scheme to rebuild in the secondary surge area but others appear to have difficulties. I believe that the policy is that they should be getting finance and I hope that that policy in future will be rigidly adhered to. That still leaves the many people in the primary surge area who just cannot get money anywhere to rebuild except perhaps money at most expensive rates. We know that no decision of this nature can be taken at the present time by the caretaker minister for the Northern Territory as it is a matter of policy. I hope that as soon as the position is resolved after December 13 and no matter who comes to power, they will have pity on these people whose lives are being ruined. Twelve months after the cyclone they are exactly where they were on 25 December except that they are much worse off financially. I plead humbly to some minister to do something about it and do it damn quickly on December 14.

Motion agreed to; the assembly adjourned.

Wednesday 3 Dec mber 1975

PAPERS TABLED

Reports of Darwin Cyclone Relief Trust Fund

Mr EVERINGHAM: Mr Speaker, I seek leave to table two papers, the reports for the months of August and September of the Darwin Cyclone Tracy Relief Trust Fund.

Leave granted; papers tabled.

MOTION

Mrs LAWRIE (by leave): I move that the tabled papers relating to the Cyclone Relief Trust Fund be noted and seek leave to continue my remarks at a later date.

Leave granted.

Debate adjourned.

STATEMENT

Sittings of the Assembly

Dr LETTS (by leave): Mr Speaker, some months ago I indicated to you my intentions regarding the sitting program of the Assembly and on 8 October this year you circulated a memorandum indicating that this first session of the Assembly would probably be prorogued and that a ceremonial opening to the second session would probably take place on 17 February 1976. Since then there has been a dissolution of both houses of the Federal Parliament and the result of the election to be held on 13 December could have an effect on the program of the Assembly. I would now like to indicate that, unless unusual circumstances intervene, these will be the last sitting days before February but the question of whether or not the Assembly will be prorogued must for the time being remain unresolved.

TRANSFER OF EXECUTIVE POWERS BILL

(Serial 69)

Mr DONDAS: This bill is perhaps the most important ever to be presented in this Assembly. The date of commencement has been long awaited. Clause 3(1) states that the Administrator in Council may by notice in the Gazette appoint a member of the Legislative Assembly to be an executive member. This is a necessary formality. In the federal scene, the Labor caucus elects from its members in both houses of parliament those who are to be formally appointed to mininsterial office by the Governor-General. Prime Minister allocates the respective portfolios to those members elected to be a minister. A non-Labor Prime Minister can choose his ministers and allocate the portfolios. The Governor-General exercises the executive power of the Queen. Under these circumstances, it would be a simple matter for the Administrator in Council to appoint members to the executive.

Clause 3(4) is in keeping with convention. However, there are provisions in section 64 of the constitution that a minister of state shall not hold office for a longer period than 3 months unless he or she becomes a senator or a member of the House of Representatives. I find nothing at all regarding this in subclause (4). Subclause 5 relates to the resignation of executive members.

Clause 4 subclauses (1) and (2) relate to executive responsibility. I shall endeavour to discuss this section as a whole. Ministers of state are members of parliament and responsible to parliament in a parliamentary system of cabinet government developed in Britain and inherited throughout the world. In Westminster style parliamentary democracy, these ministers are responsible to parliament for the execution of the law of the state. The bill before us is not for ministers; however, there is a distinct resemblance to the duties that our executive members must perform. The intention of clause 4 is that an executive member accepts the responsibility of a state-like minister at half the salary at the direction of the Administrator in Council.

I find nothing abnormal with the contents of clause 5. The fact that the sponsor has taken acting appointments into consideration is heartening and this clause will act as a safeguard in the event of any unfortunate eventuality and thus avoid any neglect in an area of responsibility.

Clauses 6 and 7 define the areas in which the executive members may operate and are the whole substance of this bill. I have no doubt in time that there could be other amendments.

I have to refer back to clause 3(2) which is most important and necessary. In the past, there has been some confusion in regard to the titles of the various executive members.

Before concluding my remarks, I shall add that the granting of executive powers has been a long time in coming and one cannot forget the negotiations and the frustrations

that have occurred in the past year. One cannot forget the broken promises and one cannot forget the struggle of this elected body in obtaining a greater say for the citizens of the Northern Territory.

Mr WITHNALL: The Legislative Assembly Executive Responsibility Bill is a necessary piece of legislation although the provision in the Commonwealth Constitution dealing with executive authority and the setting up of a council consists of one section which merely says that there shall be an Executive Council to advise the Governor-General on the execution of the constitution. The situation of the Northern Territory is markedly different from that of the Commonwealth because our constitution at the present time is limited to legislative authority without executive authority. Consequently, the bill now before the Assembly cannot be operative until some executive authority is incorporated either in the Northern Territory (Administration) Act or by amendment of ordinances by this Assembly to confer power under particular ordinances upon the executive set up under this one. Consequently, the bill is escrow because it simply cannot operate until a further act is taken either by the Federal Parliament or this Assembly and with the consent of the executive government of the Commonwealth of Australia.

As such an ordinance, I find its form very much what I would have expected. I find it not to be exceptional. On the subject generally of executive responsibility, one has heard of the proposal by the Liberal-Country Party organisation to grant statehood to the Northern Territory within 5 years. While I might have a good deal to say upon that course, I am bound to say that the reasons advanced by Mr Keating and Mr Whitlam for a denial of that course seem to me to be wholely wrong. The remarks made by those 2 persons saddened me very much because, if they mean anything, they mean that there is no intention on the part of the Labor Party to give this Northern Territory any status as a state and indeed it probably means that there is no intention on the part of the Labor Party to give the Northern Territory any real say in its own government at all. I regret that the remarks seem to have that trend.

I regret more particularly that the statements that have been made by those 2 persons are not true and they are made in defiance of the findings of the Joint Parliamentary Committee which pointed out clearly that the Northern Territory would not be in any different position financially to other states because the states grants provisions were available and because the amount of money which the Commonwealth Government would spend in the Northern Territory will be spent whether it be spent through a local organisation or a central organisation such as the Commonwealth Government. I think it is my duty to reassure the members of the public that the grant of statehood to the Northern Territory will not mean more taxes. It will not mean any change at all in the taxation structure of the Northern Territory except some minor changes which would bring the taxation structure to something like the level in other parts of Australia. To say that it will cost the people so much more is in my view false.

Mr EVERINGHAM: Once more we weary ourselves on the subject of the transfer of executive responsibility to the Legislative Assembly. I say weary ourselves because we have been thrashing away ever since October last year and getting absolutely nowhere. The timetable speaks for itself. The first report of the Joint Parliamentary Committee on Constitutional Development for the Territory was handed down in November last year. What happened before the cyclone? Nothing constructive at all. What did the then Minister, Dr Patterson, do? He did nothing except, through his permanent head Mr Allan O'Brien, have a division of constitutional development established within the department to further expand the already overloaded bureaucracy. I think the establishment for that division was 15. Then we had the cyclone which was a breathing spell for the Minister and the department. The bureaucracy was safe for the time being because there was no possibility of the implementation of the parliamentary committee report. It was referred back to the JPC hearings in March 1975.

The second report came out in April 1975. What happened? Did Dr Patterson immediately take steps to implement the provisions of the report? He did not. He and his permanent head virtually remained secluded against the Majority Leader. They refused to set up any committee, to take part in any committee to join in the devolution of powers to this Assembly. We have heard the humbug and hypocrisy from Mr Jock Nelson the other day, a man whom I had regarded as honourable.

The remarks attributed to him were: "I believe Labor has done everything possible to speed the devolution of executive powers to the Northern Territory Legislative Assembly". What a complete load of humbug from a man who is clearly in a position to know the true facts! They will say anything to win an election. What have we got from Mr Keating? Nothing else!

They claim that the present fully elected Legislative Assembly is a step forward for the Territory. I say that it is a step backward because there are no bureaucrats here to answer to us and our executive members have no power so they can't answer. This Assembly is a step backward. There are no responsible officials in it and our executive can do damn-all about bringing anyone to account. The purpose of this bill is to show that we are ready to take over the reins of the powers that the Joint Parliamentary Committee has said that this Assembly is fit and able to take on. Of course our executive members can do the job. I can see nothing particularly wrong with the drafting of this bill. As my colleague the member for Port Darwin said, the provisions seem to be perfectly suitable providing amendments can be made to the Northern Territory (Administration) Act.

Dr LETTS: The members who have spoken to the bill have all spoken in support of it. One or two points have been made which I will just briefly touch on in reply. There was a reference by the honourable member for Jingili to the long delay in the declaration of acceptance of the report of the Joint Parliamentary Committee on the Northern Territory and indeed there has been considerable activity on this particular matter in the last 4 weeks since the federal election was declared. The Liberal-Country Party on the one hand gave a firm and clear target for statehood for the Northern Territory and indicated a period of time in which it might be possible to achieve this. I was particularly delighted with this statement because it is the first time since 1910, when we lost our rights to statehood, that somebody in federal government has finally said: "That's what we want; we want you to get back to the democratic rights which citizens in states enjoy and some of which the citizens of the Territory don't enjoy". At least that side of the thing was extremely welcome; it should be welcome to all Territorians. As you know, Mr Speaker, my politics are more Territorian than anything else, and the right of Territorians to enjoy the same democratic privileges and responsibilities of other people in Australia has long been one of my main causes, together with other members of the former Legislative Council and of this Assembly.

The other principal party, the Labor Party, have now said that they accept the Joint Parliamentary Committee's report. I can only say that I was in Mr Keating's office within a week of the double dissolution and, at that stage, he told me that the Joint Parliamentary Committee's report had not been accepted by Cabinet. It had been referred back to him and he sought my advice as to what he should do with it from there on. Those are the facts as they were on November 11. If they have since agreed to accept the report, very good. If this election has done nothing else for the Territory, it has at least stimulated all major parties to give certain undertakings which I think they will find difficult to withdraw from about the question of self-government here.

The question of finance was referred to by the honourable member for Port Darwin. I have been greatly disturbed by some of the exaggerated statements that have been made about the costs of political development and even of statehood to the Northern Territory. Some of these statements are quite absurd and either show ignorance of the true position or an intention to mislead the public. As we know, the blueprint for political development in the Northern Territory, accepted by all federal parties, is now the Joint Parliamentary Committee's report and on the questions of finance the Joint Parliamentary Committee's report has 6 pages of guidelines. I don't think that some of the people who have been making these statements about finance have ever read the Joint Parliamentary Committee report or know anything about those guidelines that were laid down. The first principle in that report is clearly stated and those who now say they accept the report must accept that principle. It as as follows: "The citizens of the Territory should not be treated differently to citizens of the states in respect of the standard of services they receive. This would mean in broad terms, as the Northern Territory is financially less endowed than the states, that the Territory would receive relatively larger amounts of revenue assistance to ensure that the standard of services in the Territory and the states is comparable".

The whole system is quite simple to understand and it does not need a lot of facts and figures to explain it to anyone. There is no

state in Australia that internally raises the revenue which it needs to provide for its annual budgetary requirements. The larger, more affluent states raise more in the way of internal revenue percentage-wise than the smaller states, but the biggest state, New South Wales, in fact only raises 25% of its annual budgetary requirements from its internal taxes, fees, fines and revenues of that sort. An intermediate state like South Australia raises approximately 15% of its annual financial requirements by these internal revenue sources and the smallest state, Tasmania, which is possibly most comparable with the Northern Territory, raises 10% of its annual requirements in the form of internal revenue and most of the other 90% is provided by Commonwealth loans and interest on money received and held for state expenditure purposes. We would be in exactly the same position. Tasmania, in fact gets special grants because of its special needs and its financial position and our federal leaders have said that the same will apply here. They have given that undertaking publicly and in writing, and no Assembly made up of elected representatives of the people of the Northern Territory would ever think of proceeding along the lines of undertaking more responsibility from year to year according to a negotiated and agreed program unless the financial guarantees were there.

How would you like to go to the ballot box if you were in the middle of putting the Northern Territory into bankruptcy as some of these visiting politicians and even local would-be politicians have said? You wouldn't last 5 minutes. I have said that, as far as any influence I have on my party in the future, I have tried to commit them that they will not undertake any transfer of responsible powers where financial commitments are involved without the necessary guarantees being given.

It is all quite clear; there is nothing very special or new about it or different from the Tasmanian situation. In a normal year, the Territory's internal revenue is running at something between $29m and $30m. On that basis and using a similar formula to Tasmania, our annual financial provision for expenditure in the Northern Territory would be in the order of $300m. That is without any special extra grants. If one takes off the current financial year the $100m in round figures which has been provided for the special purpose of unusual restoration in Darwin, one comes back and finds out that is exactly where we are now; we would clearly balance the books.

There has been a lot of nonsense talked and I would like to get into our Hansard record some of the facts that relate to this kind of situation. The big advantage we would have, as Tasmania has, is that we would have a considerable amount of say on how the money in the Territory is spent. At the moment, we have absolutely no say. The money, the estimates, the Budget, the expenditure—the whole thing is decided as a departmental exercise. While we have a number of experienced and knowledgeable public servants engaged in that exercise, I do know many occasions where the priorities have been "feet up". If Northern Territory people and elected people responsible to Northern Territory people had been involved the priorities would have been different and better and I'm sure everybody knows of dozens of these cases. What it means is we get no less money, we are not taxed any more heavily but, as Tasmania and other states do, we will have a say in how the money is spent. We will have some financial responsibility for decisions in spending the money and surely that is a tremendous advance and one which we have been looking for for 65 years.

This small bill which is before us goes along in that direction in anticipation. I would hope that in 1976, in view of all the things that have been said, we will be able to look at another bill which confers substantially more authority on the Assembly and the executive than this one does, but at least this is a step which is possible for us to take ourselves. As the honourable member for Port Darwin said, the combination of this bill, plus some consequential amendments to Northern Territory ordinances which we can make ourselves here in this Chamber, could provide for the transfer of statutory authorities to the Executive Members of this Assembly. It is up to the government of the day as to whether they will assent to that combination of bills or not, but the least we can do is show our good faith and our willingness to serve and accept responsibility by passing this bill first and then the consequential amendments to other legislation which will follow. In the light of what has been said by our Canberra based friends and opponents, let us see what they do about assenting or refusing assent to this bill and later companion bills.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

INTERPRETATION BILL
(Serial 70)

Bill passed the remaining stages without debate.

INSPECTION OF MACHINERY BILL
(Serial 54)

Bill passed the remaining stages without debate.

MOTOR VEHICLES BILL
(Serial 58)

Mrs LAWRIE: I rise to express qualified support for this bill. One particular omission from my support is the proposed section which would amend section 10A(2) of the principal ordinance by omitting 2 years and substituting 1 year. Honourable members will recall that that particular section of the ordinance is the one dealing with provisional licences. In consideration of that particular section, one would have to consider all of 10A which deals with the issuing of a provisional licence: "Where an applicant for a licence under section 10 has not previously in the Territory or elsewhere held a licence to drive a motor vehicle, has not held such a licence for a period of at least 12 months preceding the application, or does not hold such a licence for reason of being disqualified from holding such a licence or having had such a licence held by him cancelled, a licence granted by the Registrar under that section shall be provisional only with effect as provided by this section". It goes on then to say that a provisional licence granted to a person remains provisional for a period of 2 years from and including the date of the grant. There are certain restrictions upon people holding a provisional licence, the main one being that such a person shall not drive a motor vehicle upon a public street at a speed exceeding 50 miles per hour. They also have to carry the P plate on the car or they are guilty of an offence.

I intend in committee stages to oppose lowering of the statutory time for the holding of a provisional licence from 2 years to 1. My reason for believing it should remain at 2 is that, under Northern Territory law, under certain circumstances, people who have attained the age of 16 years under the student driving scheme may obtain a provisional licence. I have supported that all along and in fact some honourable members will be aware that I attempted to lower the driving age for all young people having done a suitably qualified course to 16 years of age. One of the arguments I used in attempting to lower the driving age was that for 2 years they would hold this provisional licence and there would be certain restrictions placed upon them. Statistics have proven that it is not necessarily the age of people which make them good or bad drivers; with one only qualifying factor, young people have better reflexes, learn faster, usually have better eyesight and are in a better physical condition to drive. The only trouble is they tend to drive too fast because the one thing they lack perhaps is maturity and want to show-off, to beat their mates. I would go so far as to say that I would lower the driving age to 15 if the child could demonstrate that in all other respects he was capable of driving safely and well. The honourable member seems appalled by this. Most of the 15-year-old kids I know, and I probably know more than he does, are expert drivers and would be safer on the road than their drunken larger brothers and sisters, which is something that should occupy his mind more. The one qualifying factor is that the younger people getting a licence, by being restricted for 2 years to a speed limit of 50 miles per hour, about 85 kilometres per hour, can't exercise the one factor in which they consistently fail, and that is maintaining a proper speed.

In seeking to lower the provisional licence period from 2 years to 1 year, I note that the honourable member has not referred it to the Road Safety Council. When I introduced the legislation providing for L plates and P plates, we had as the President of this Chamber a gentleman who was also chairman of the Road Safety Council, who had considered the legislation for some months, had referred it back to the Road Safety Council and they pressed their strong views. They were then in favour of the 2 years—from memory and I may be wrong—because of the low age at which kids in the Territory can obtain a licence.

I ask all members of the Majority Party to consider what I have said before this bill goes into committee. I have asked the parliamentary counsel to draft an amendment which would omit this clause and would have the purpose of retaining the 2-year provision for provisional licences. I have not spoken other than yesterday with the sponsor of the bill so I have no doubt he has not had time to refer it back to his party but I do remind the Majority

Party that kids of 16 in the Territory can get a licence and I think they should; by and large, they are far better drivers than people of 66 who have no such restrictions placed upon them. I am also aware that someone will get up and say that this applies to all people getting their first licence, not just to young kids. That is a valid comment but is it such a restriction to say that for the first 2 years of your driving life, however old you are, you can't go faster than 85 kph on the road? I don't think that is an undue and severe restriction. I express support for the rest of the bill but indicate I would want the committee stages taken later to give time for my proposed amendment to be circulated.

Mr POLLOCK: I rise briefly to speak on the subject of the bill and the P plates generally. We often find that motor registry don't have a supply of P plates for people to use anyway. That is not a reason for reducing the period from 2 years to 1 year at all and it is perhaps a watering down of the provisions, as are the provisions of the bill generally. The matter of young people driving is a matter of continued public debate, especially as week after week we see the figures on the road toll appearing in the paper. I think in South Australia last week it was just about a blood bath over all the state. Here in the Territory this year we have record fatalities and accidents, principally contributed to by speed and alcohol. It has been said that people at 15 or 16 would be better drivers than older people because they don't drink. I don't accept that at all because unfortunately when they are 15 and driving they will think they are man enough to be drinking too and they will be at it just the same as their older brothers and sisters.

Two years is a considerable period to be required to carry a P plate on a vehicle. One year is half that period, but I think that it is a sufficient time to carry the P plate. Driving licences generally in the Territory are issued for periods of 1, 2 or 3 years anyway. I think that generally 1 year is sufficient to carry the P plate. I don't really know of any people that have been prosecuted in the time that this bill has been in operation for not carrying the P plate so perhaps at times we wonder whether really the rigours of the law are being applied to the people. I suppose if somebody was prosecuted for not carrying a P plate after 22 months of driving there would be a great hue and cry, "This person nearly made it but he's back to square one". I think 12 months is sufficient time. If this is rigorously enforced, people will be a lot more aware of their responsibilities on the road in relation particularly to speed and alcohol.

Mr RYAN: The question raised by the honourable member for Nightcliff is something that was considered by myself and other people. As I mentioned earlier in question time, I had referred it to the police force. The provisional licence currently extends to 2 years, in which period the holder has to observe certain provisions of the ordinance and display a P plate. I don't believe that the time between 12 months and 2 years has any extra effect. In fact, the honourable member for Nightcliff said that the 15-year-olds are better drivers than 60-year-olds who don't have P plates. That is the way I read it; she quite clearly stated that she felt that the 15 and 16-year-olds are better drivers. I don't agree at all with the honourable member for Nightcliff with regard to lowering the age for obtaining a licence; in fact, I looked very closely at raising it. Having discussed it with members of the police force, I felt that the young people who acquire licences under our student driving course in the Northern Territory are pretty competent drivers. I didn't receive any adverse comment from people that I spoke to so I didn't proceed along the lines that I had originally intended and make a licence holder be at least 17 years of age.

Another consideration covered the provisions of a person who lost his licence having to once again become a provisional driver. I took this into account at the same time. It covers a wider range of reasons for losing licences. A person can commit a pretty serious offence and he could lose his licence for any number of years. However, he could lose his licence under the new provisions of this amendment for a period of 3 months in which case he then becomes a provisional driver again and I felt under circumstances like this 12 months is sufficient time for a driver to have to display P plates after having lost his licence for a period of time. The other states' laws are: New South Wales and Queensland have a 1-year period; Victoria has a 2-year period; Western Australia has a 3-year period, displaying the plates for 1 year; South Australia has no provisional driving licence. There doesn't appear to be any great difference between the quality of drivers in various states as a result of the fact that the P plate provisions change from state to state. The reason for bringing it back to 12 months

is that it is felt that that is sufficient time for a provisional driver. If a person can't handle a car after 12 months driving, he will never be able to handle a car.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

LOCAL GOVERNMENT BILL
(Serial 44)

In Committee:

Clause 3:

Mr WITHNALL: I move that clause 3 be further amended by adding a new subsection (5) to the proposed new section 165A.

(See Minutes for text of new subsection).

I have already indicated to the committee the basic reasons behind this amendment and, if members of the committee will examine the words that I propose to have inserted, they will see that the range within which the new section 165A can operate is widened to include such organisations as the Red Cross, St John's Ambulance and any show society in any town.

Amendment agreed to.

Mrs LAWRIE: I move that new section 165B be added after proposed section 165A.

(See Minutes for text of new section).

The purpose of this amendment is simply to advertise in the paper when a council has made such a determination, the name of the association for whom it was made, a description of the land, the percentage of the full rates, the period of operation—which can be quite important—and other particulars. The second part of my amendment ensures that, at the same time as a council in the Territory publishes its budget for the coming year, it will publish a statement giving the details specified in the previous part of my amendment. The amendment simply seeks to make the public aware fully of any such determination made by a council, the period of time for which it will operate and how in fact it will affect the general rate struck by the council which, after all, is a taxpayer's burden. This is a method of getting across to them the results of the determinations made by the councils that they will not otherwise be able to obtain.

Mr TAMBLING: Whilst we have only had a brief time to consider this amendment, I have perused it and I find no inconsistencies with the intent of the original bill. The publishing of the information I am sure will be met by city corporations. At their annual declarations and times of making available their rates and their full information, they do endeavour to incorporate the fullest possible information for people in the community. The addition of this statement will certainly enhance that information. I accept the amendment.

Amendment agreed to.

Clause as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

CONSTRUCTION SAFETY BILL
(Serial 55)

Mr ROBINSON: I wish to speak very briefly on the bill. It is one that I understand has been widely distributed. I circulated it among the building industry in Alice Springs, to various architectural firms, to the Department of Lands Architectural Branch, to the Master Builders Association and to the works supervisor of the Alice Springs Town Council. I have got absolutely nothing back from any of them so I suppose they are completely happy with the whole bill. I am rather surprised actually; I thought that I would have got a better response. There were a couple of comments while I was actually with these people that have been handed on to the executive member in charge of the bill and a series of amendments have been made which will be forthcoming.

I have no doubt that legislation of this type in many sections of the building industry in the Northern Territory is long overdue. I would say from my own observations that the majority of the larger firms in Alice Springs would have standards way beyond those which are called for by this bill. It is probably unfortunate that when legislation of this type does come forward, the only person it really penalises is the person whose standards are higher already than those called for under this sort of legislation. It is a pity that such firms have to be put to the inconvenience of all the red tape and machinery that necessarily goes with the implementation of legislation of this kind. I am aware, however, that it is usual for the good to be inconvenienced by the bad. It is unfortunate that as a society becomes more complex its rules of government must become more complex and those who have always played the game are those who end up confounded by the red tape. There is quite a lot of

red tape in this bill. I have examined it at length and I cannot see any immediate way of overcoming the problem. However, I will be keeping an eye on it in the future. I will remain in consultation with those who must work under it and perhaps in due course we may see amendments where unnecessary inconvience is being caused.

I am aware of one rather large firm in Alice Springs which probably receives a major share of government contracts, particularly in the 2-storey Housing Commission and government housing projects and which, on my information, is probably one of the most irresponsible in the Territory. It is that type of company to which this sort of legislation is directed. It is interesting to note that the person who owns this company has shown what I understand to be gross irresponsibility towards the welfare of his workers and it is fascinating to note that he is one of the most ardent supporters of the Labor Party, a socialist, a person who supports workers. The hypocrisy of some people never fails to amaze me.

In regard to the bill itself, I think most of my queries have been fixed to my satisfaction and, I am only hoping, to the satisfaction of those who never bothered to contact me after I distributed the bill to them. My only real criticism is that it seems to have an abundance of red tape. We shall see how this operates if the bill becomes law but, because of an obvious need for it, I support the bill with apologies to those who will be unfortunately but necessarily inconvenienced by it.

Mr KENTISH: I support this bill. In fact, I think that everyone in the Territory would want to see better provision for safety at all points of the work program in the Territory. This bill is particularly aimed at the building construction but it can have a wider effect than that. I understand that it can be concerned with things outside the building industry. The first paragraph says that it is an ordinance relating to the safety and welfare of persons engaged in construction and other work and for other purposes. Perhaps the application of the other work and the other purposes is spelt out to a degree in the body of the bill. We notice that compressed air work is mentioned. However, that has a wide application.

Although the object of safety should and would apply to all aspects of any work, construction and otherwise, there could be times when the regulations and stipulations in this bill would cause considerable hardship in remote areas because of the necessity to advise inspectors and to wait until they turn up. It may not be a practical proposition yet it would appear to be a legal proposition if this bill is passed. The bill mentions work in sinking or lining a well or a bore hole. This sort of thing quite often takes place in remote areas and the stipulations of this bill would apply. The practicability of having inspection work done in these areas should be considered before this bill is passed. Someone digging a well out at Seven Emus may be severely inconvenienced by a bill like this. However, the object of safety should not be ignored. It is hard to make the 2 things compatible.

We see in clause 4(1) that unless contrary intention appears, building or other structures includes a wall, chimney, fence, bridge, dam, reservoir, walk, jetty, earth works, reclamation or other erection. Reclamation could apply to everything and reclamation would not be governed by this regulation depth of 1.5 metres; reclamation more often means filling in rather than digging. Fencing pastoral and agricultural properties anywhere at all would apparently come under that. Dam building would nearly always exceed 1.5 metres. Thus, most dam building would be included in the regulations of this bill. This may be quite a practicable proposition but, when you relate it to remote areas, it will need close examination before we give this bill the final clearance in the Assembly.

Mr RYAN: I would like to thank the honourable members who have shown an interest in this legislation. Their comments have been listened to and we are already taking steps to amend certain provisions in the bill and to try to make the definitions a little more clear. The honourable member for Port Darwin expressed his concern that the bill would increase costs to the building or construction industry which would reflect down to the ordinary person. I have been very conscious of this. Whilst the bill did originate from a government source, I have been in close consultation with the department concerned and have spared no effort to see that the provisions of the bill, wherever possible, will not increase the cost of building in Darwin and in the Northern Territory. This is not the only area in which it is expensive to build. It is a problem that we have throughout the whole of the Territory. I don't think that it will increase the cost of the building to any

large extent. A safety supervisor could be appointed by 2 contractors on a site. He can be the foreman, a leading hand or any other person nominated by the constructor providing he has had 12 months experience in the construction industry. The safety supervisor really is only a contact for the inspector so that the inspector can be notified of a particular person with whom he can talk. A safety supervisor is only needed on sites where more than 20 men are employed.

The honourable member for Port Darwin also referred to clause 11 relating to giving notice about proceeding with the building. I do not consider that this is a great problem. Most people know that they are going to commence a job well in advance of the starting date. The honourable member mentioned that he felt that it could possibly bring problems but, when a construction job is about to begin, they are well aware of it some time prior to the starting date. They will be able to take the necessary actions to conform with the ordinance.

We all agree that in the past much has been needed to bring our safety provisions up to somewhere near the standards of the southern states. We have not brought in provisions that are as strong as those in the southern states and we have done this on purpose. We are still in a situation in the Northern Territory where it would be very difficult to enforce the all-encompassing provisions of South Australia and much of the content of this bill came from South Australian legislation.

There has been some question concerning the definitions. This has given us our biggest headaches. When you start talking about excavations and tunnels, you get unto the areas of digging a dam, sinking wells and mine shafts. While we want the provisions of the ordinance to cover all construction, we realise that there are certain areas which are already adequately covered, certainly mining. To this end, the bill does say in clause 5(1) that "the Administrator in Council may by notice in the Gazette declare that as from a date and in an area specified in the notice". That in itself was restricting to a certain degree as to where the provisions of the ordinance would apply. We have a further amendment which will clarify it even further.

In preparing the legislation, I asked that copies of the bill be distributed to those people that we considered would be interested. This included the employer organisations such as the Master Builders Association and the Chamber of Industries as well as the unions. We sent copies of the draft bill and the final copy of the bill to these organisations. The Master Builders Association came up with quite a few amendments and these were discussed with the Department of Northern Australia. We receive from time to time a lot of criticism from the unions that they do not receive consideration. I have spoken to executive members of the unions on at least 3 occasions by telephone and I have ensured that the draft legislation got into their hands. I have received absolutely no word or contact from the unions with regard to this bill. It does not say very much for their concern for their workers because the whole aim of this bill is to protect the workers. Maybe they think that we are quite capable and we can take this as a compliment; maybe I do have the confidence of the unions after all and they are quite happy to accept what I could come up with in this bill.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ENVIRONMENT BILL

(Serial 75)

Mr WITHNALL: I seek leave to withdraw this bill.

In explanation, I have already given notice of a motion of another bill which will be the same in general terms. However, the language has been improved and it has been amended in accordance with a number of suggestions made by members of the public and by persons representing certain industries. As a convenience to members of the Assembly, I thought it better to present them with a clean copy rather than have them go through the rather agonising business of wading through about 12 pages of amendments.

Leave granted; bill withdrawn.

ENVIRONMENT BILL

(Serial 81)

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

Mr WITHNALL: I move that the bill be now read a second time.

I have already indicated the policy behind this bill but perhaps a few references to the amendments that are made may assist honourable members. Most of the amendments relate to an improvement of language

but, where this does affect policy in any way, I shall point it out to honourable members.

A number of changes have been made in definitions. The only one that I propose to refer to is that I have taken the definition of "deleterious substance" out of part 4 and made it a definition which affects the whole of the ordinance. I have done this because there will be a further reference to a deleterious substance in the provisions relating to the disposal of wastes. I have amended clause 3(2) to improve the language because as the clause was originally drafted it was not only inaccurate but it may have led to difficulties in interpretation.

From clause 7(1)(b) I have omitted the words "or is likely to cause". The duties and functions of the director are set out in clause 7 and the original wording was far too wide and I have now limited the powers of the director to the powers contained in new clause 8: "to exercise control over public and private nuisances and pollution". Previously, I had given the director power "to prevent". A similar amendment has been made to subclause (2) of the old clause 7.

I have amended clause 8(2)(a) to limit the power of an inspector to examine and inspect equipment or machinery which is likely to be causing or to contribute to a nuisance. I have substantially redrafted subclause (6) of clause 7 and I direct honourable members' attention to the redrafted form which now appears as subclause (6) of clause 9. This was the provision relating to the duty of an officer not to disclose any information acquired by him. The clause as it is redrafted creates a further limitation upon the officer and widens the nature of the subject matter which he is bound not to disclose.

I omitted to direct attention to what may be regarded as a fairly serious amendment in the old clause 7. I have omitted from paragraph (h) the words "and to carry out such further functions as may be prescribed". This was done in pursuance of the principle that I referred to yesterday, that one ought not give the power to the Administrator in Council to enlarge or widen the scope of the ordinance itself.

The old clause 12 of the bill has been redrafted having regard to some criticisms that I had relating to the effect of an environmental protection order. Honourable members may remember that the earlier provision was that, upon the service of such an order, the activity the subject of the order was required to be stopped immediately. It has been pointed out that this is in many cases quite impossible; a process set in chain in some manufacturing industries and in the mining industry cannot be stopped immediately. Consequently, I have had to modify the provision of old clause 12 to take care of this fact. I have added a new subclause to clause 12 requiring a person to comply with any environmental protection order as amended by the board.

Clause 15 has been altered to give the person seeking to enforce the provisions relating to a private user the option to go to the Supreme Court or the local court. Clause 19 has been amended. This was the clause which gave the director power, upon a complaint by a person relating to a private user, to take over that complaint and to prosecute it and to sue in the local court for it. In order to protect members of the public from what might possibly happen with an over-zealous or officious director, I have amended clause 19 so that action may only be taken by the director if he has complaints from 6 persons living in a neighbourhood. That is to say, if the nuisance affects a community, the director may act. If it only affects one person, that person is the only one who has the right to take any action under the bill.

I have amended clause 22 to take into account the fact that persons may establish dumps on private land. Clause 30 makes it an offence to place any deleterious substance in or on any place from which it may gain access to any soil. Obviously, dumps will be deleterious substances and they may gain access to soil. Thus, I have created an exception in clause 22 and provided a defence to a prosecution under clause 30 if the deleterious substance was placed in accordance with clause 22.

I have made a number of other minor amendments which I will not bore the Assembly with at this stage but the bill substantially complies with the policies I enunciated when I read the former bill.

Debate adjourned.

CRIMINAL INJURIES (COMPENSATION) BILL

(Serial 68)

Miss ANDREW: The principles of this bill have been expanded at length not only here but in the previous Legislative Council. By virtue of the Governor-General returning the bill which was passed in the Legislative Council with the proposed amendments limiting compensation to be payable only to personal injury, the previous government made an undertaking to accept the principle of this bill. Whilst it seems from what has been said here that the Legislative Assembly would wish property to be included, already too many people have suffered without compensation during the past 2 years. Let us achieve what is attainable. The member for Jingili has foreshadowed the only amendment proposed. It is to clause 9(b) which does not at the moment comply with the practice of registration under the Real Property Act and Ordinance. The amendment will provide the grounds for enforcement of any judgment on the defendant.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 8 agreed to.

Clause 9 agreed to with amendment.

Mr WITHNALL: I direct attention to the provisions of clause 9 of the bill which was passed by the former Legislative Council and which I introduced into that Council. One of the provisions of clause 9 in that bill read as follows: "Where an order is made under section 3 of this ordinance, the order renders unlawful and void any attempt to transfer a property of the convicted person except as against the purchaser who establishes that he is a bona fide purchaser for value without notice of the making or existence of the order". For some reason, this had been omitted and I would like again to point out that it is a provision which in my experience is quite valuable. I can remember one occasion when I had an order for the recovery of money from a person who had fired a number of shots at a car and actually injured the person against whom the shots were directed. I had an order there for the payment of the sum of $2,000. When I went to enforce the order immediately after acquiring it, I proceeded on the information I had that the person who had been convicted of the offence had a very valuable motor vehicle and that that should be available. When I went to find it, I found that it had been sold to that person's father for a nominal sum. I could not set the transaction aside as being a fraud of creditors because at the time of the sale there were no creditors so the transfer of the vehicle for no substantial money at all deprived the person for whom I was acting of his right to obtain compensation. It was with that situation in mind that I provided that an order made under this ordinance should render unlawful and void any transfer of any property except as against a bona fide purchaser for value without notice. I ask the honourable member for Education and Law what the reasons were for the leaving out of this provision and whether she will give serious consideration to adjourning the committee stages of this bill so that a provision in similar terms can be inserted in this bill.

Dr LETTS: The honourable member for Port Darwin has raised a question which requires an answer. It is a point which definitely is worthy of further consideration and so that our legal advisers and draftsmen may have a look at it, I move that the committee report progress.

Progress reported.

MOTOR VEHICLES BILL

(Serial 58)

In Committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mrs LAWRIE: I move that clause 4 be amended by omitting subclause (2).

By the omission of subclause (2), the time for a provisional licence will remain at 2 years. If my amendment is defeated, the time for which a provisional licence will remain in effect will be reduced to one year.

Mr RYAN: I do not feel that the 2 year period is significant with regard to provisional licences. One year is sufficient time for a driver to become accomplished. He will be further accomplished in the second year but I think the first 12 months is the most important time.

The Committee divided:

Ayes	Noes
Mrs Lawrie	Miss Andrew
Mr Withnall	Mr Ballantyne
	Mr Dondas
	Mr Everingham
	Mr Kentish
	Dr Letts
	Mr Perron
	Mr Pollock
	Mr Robertson
	Mr Ryan
	Mr Steele
	Mr Tambling
	Mr Tungutalum
	Mr Vale

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

POLICE AND POLICE OFFENCES BILL

(Serial 71)

Mrs LAWRIE: Some time ago the offence of public drunkenness was removed from the statute books with general consent of all members of the Legislative Council. It was then anticipated that an alternative form of caring for these people would be provided, that so-called detoxification centres would be provided. Several governments have attempted to do this yet none has come up with a solution. The honourable member for MacDonnell seems to blame the problem of public drunkenness on the Labor government. If he looked a little more closely at his history, he would find that no state government has adequately come to grips with this. We might have a little more reason from the honourable member for Social Affairs if he thinks about that.

Unfortunately, no other facilities have been provided and it is obvious that honourable members have felt that something had to be done about public drunks. This bill is an expression of that wish. It is not correct to assume that public drunks won't be swept off the streets. If we look at clause 4, although it says that a member of the police force has to have reasonable grounds for believing that a person is intoxicated with alcohol or drugs in a public place, it is plain that one or more of the conditions can be easily met. Because there have not been alternative facilities provided, I can't at this stage oppose the legislation.

Subclause (8) says "to be able to adequately care for himself and is not likely to be cared for by any other person". All that means is that he is lying there drunk. If they are lying there drunk, they are incapable of adequately caring for themselves. I will at this stage support the bill but I would hope that proper facilities will be provided within 2 years and then certain provisions of this particular legislation would need to be repealed. This is no more than a stopgap measure because nothing else has been provided.

I am worried that people may be deluded into thinking that it is calling a rose by another name and the rose is therefore the sweeter. We are sweeping the drunks off the streets. Drunks lying there are a cosmetic problem. The society in which we live does not accept them. Some societies throughout the world do. In Japan, drunkenness is not an offence; you simply step over them and continue on your merry way. In Australia, we don't like to do that and I do believe in all good conscience that it shouldn't be done. It is unreal to expect a caring person to step over a hopeless drunk and say, "He is not my problem". Clearly he is somebody's problem. The previous Council hoped that it would be accepted for what it is—a social problem—and that the other facilities would be provided. At the moment, the only way in which we can see these people taken into some reasonable care is through using the police, an agency which should not be used for simple drunkenness.

Mr BALLANTYNE: I rise to support the bill. Like other members of the chamber, I have spoken on the withdrawn bill. Now we have amendment to the Police and Police Offences Ordinance to include the clauses relative to the Drunkenness Bill. I think that this is a much better way of doing it under the circumstances. A new subsection (1) is added to section 33A to give the police power to remove persons when they have reasonable grounds for believing that the persons are intoxicated with alcohol in a public place or trespassing on private property. The police will now have power to help these people. Just because a person is staggering around the street, it doesn't necessarily mean that he is in fact drunk. He could be under the influence of a drug or he may be a diabetic in need of treatment.

Drunkenness is a social problem. It is one that we are all aware of. We are always talking about what we can do for them and what we ask the government to do. We really must

try to do something in the long term along the lines of Dr Millner's report. This will not make it easy for the police force because the police already have enough work to do to keep law and order in this town and, in some cases, the stations are not properly manned. At least, it will be a deterrent against people who are drunk. They can be offensive sometimes. Somtimes they can be quite happy and free but they are in fact a nuisance. They can be taken into custody and their valuables can be kept aside for safe keeping. I think that is a way to help people to overcome their drunken state. It is a way of keeping an eye on them because many of these people are sick people; they can't be helped unless someone keeps an eye on them.

I think that the clause which says that the person of a woman shall not be searched except by a woman is a good clause. I don't know who she is going to be searched by or helped by but perhaps some policewoman or some other social worker may be able to help there. It will mean a lot of hard work for these people. I still maintain that we should have some sort of a detoxification centre here but no action has been taken. If we get executive powers in the Territory, we may be able to have some building set aside to set up a detoxification centre. We may be able to have a public appeal to get funds to man the centre and relieve the police from doing this work.

We have all spoken strongly about it in the past. We know that it is a social problem, particularly in warmer climates. Dr Millner found that we drink more per head than people in the southern states. That is a record that we should not be proud of. The Executive Member for Social Affairs stated that there has been a high rate of road fatalities caused by drunken drivers. We don't have to spell out exactly what that means. Many of these people who are picked up for drunkenness could be potential killers. They don't realise it themselves; they are in such a state that they just jump in their car. We have seen them all over Australia. They come out of a hotel, stagger into a car and drive down the road at a great speed not knowing what they are doing because they are intoxicated. Perhaps this will lessen the road fatalities around here. There was a terrible accident just recently on the highway. People were attending an accident when another driver came along and killed one of these people. I believe that person was a drunken driver.

Those are the things that I am most concerned about. This is an interim measure. Later, we can streamline things and perhaps look towards detoxification centres for the future.

Mr POLLOCK: I would agree with the honourable member for Nightcliff that these proposals are, hopefully, a stopgap measure. What she has failed to realise is that this stopgap measure is required because she and other members of the former Legislative Council were conned by Senator Murphy when they decriminalised drunkenness—and I don't necessarily disagree with that—but they failed to provide any method for the custody and treatment of persons affected.

We have heard mention of the Millner Report and the Drunkenness Bill which was introduced into this house earlier this year. I would report to the Assembly that a steering committee was set up consisting of the Departments of Health, Northern Australia, the Attorney-General's Department, Police and Customs, the Education Department, representatives of the Legislative Assembly, municipal authorities, the Northern Territory Council for Social Services, Aboriginal people, and in particular the Central Australian Aboriginal Congress which is operating a pick-up service in Alice Springs, and the Department of Aboriginal Affairs. Representatives of those bodies met in October and again yesterday when the Northern Territory Council on Alcoholism and Drug Dependency was formed with the aim of formulating a policy and working towards facilities to cater for the severe alcoholism problem and increasing drug dependency problem which we have here in the Northern Territory community. Particular mention has been made of Darwin and that is a bit unfortunate because the problem is all over the Territory.

The Regional Council for Social Development in Alice Springs has just recently conducted a survey. The interim report on that survey was made available yesterday and it does reveal quite a number of facts. Some of them are not altogether new because, as the member for Nhulunbuy said, the road toll is directly attributable to excessive use of alcohol. Examination of autopsy records in Alice Springs from mid 1973 to 1975 show that 52% of fatal motor accidents were associated with alcohol. That is quite frightening in itself. However, many people fail to realise this and just go on their merry way.

The measures which are provided in this bill will help alleviate the problem. I am sure that all of us will be striving to maintain this as a stopgap measure until some legislation or organisation comes forward to treat the problem in a much more advanced fashion. I should mention too that the Northern Territory Council for Social Services has before the government an application for funds and a plan which will establish in Darwin a detoxification centre where persons who are picked up by the police and others can be taken. The Central Australian Aboriginal Congress is working on a farm project which will be a centre where persons with alcoholic problems may be taken and possibly treated. These are projects which are being worked on. The problems in relation to alcohol are recognised but everybody will agree that there is a lot of work to be done.

Miss ANDREW: As has been stated, we don't have facilities in the Territory for the care and treatment of drunken people. This legislation simply modifies and improves the present conditions empowering police to take into custody an intoxicated person and hold him while necessary but not charge him with an offence. It is not new legislation and the honourable member for Jingili and the now resigned member for Alice Springs are to be commended on the research and work that they have done before this legislation was presented. It offers more humane provisions for drunken persons and provides for family, friends or an interested person to take over the responsibility. It has been stated that this is merely making do with what we have. Some states have shown us precedents—Victoria and Western Australia.

I foreshadow some amendments. Most of them simply tidy up the bill. However, there are provisions clarifying the power given to police not only to remove the drunken person for his own safety and the safety of others but also to keep him because he is intoxicated. I draw attention to the amendment which will provide that police may not release the person into the custody of others against his or her wishes. I also call for immediate action to establish detoxification centres.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

Clause 4 agreed to with amendments.

(See Minutes for amendments to clause 4 agreed to without debate.)

Title agreed to.

Bill passed the remaining stages without debate.

LOCAL COURTS BILL

(Serial 63)

Miss ANDREW: The provisions of this bill have been fully outlined by previous speakers. I think it is quite clear to every one that the purpose is not to prevent an action being brought before a court. The court must be convinced that sufficient grounds exist before making such an order and the order is to ensure that costs as determined by the court when hearing the action are available. New section 116 of the bill provides merely as it stands to stay the proceedings until security has been given. The amendment which has been circulated allows a judge or senior stipendiary magistrate to order the action to be struck out if it is not given in reasonable time. Already examples of nuisance actions have been made and people have suffered great inconvenience and incurred costs associated with an action which may never be brought to bear. I see this as a remedy and commend the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without further debate.

(See Minutes for amendments agreed to without debate.)

UNIT TITLES BILL

(Serial 64)

Mr PERRON: The bill before us is long overdue. The concept of strata titles has operated successfully in other states of Australia for many years now, but being the little sister who is still tied to mother's apron strings in Canberra, we in the Territory are last on the list again. As the original sponsor of the bill, the former member for Alice Springs, stated in his speech, he has been asking the Government to introduce strata title legislation for over 10 years. If this is as fast as the Federal Government can work, then let us have state government.

The concept of strata titles is very appealing to a large section of the community. Many people desire to own their own residence but don't want to buy a house in the outer suburbs sometimes many miles away from the

centre of the city where new subdivision is usually taking place. Other people don't want the task of caring for a garden or a quarter acre of lawn.

Of particular concern in strata title legislation are elderly people who have had their homes destroyed by Cyclone Tracy. They are living under floor boards at the moment and they are just not in a position to be able to borrow any money from either government finance or from private sources because of their age. These people at the present time are facing a very difficult situation. However, one option will be open to these people hopefully in the future when and if this legislation is passed and developers take advantage of it; these elderly people will have the opportunity to sell their existing block and to purchase a home unit for much less than it would cost to build a house. The town planners working with the DRC operated on the assumption that the Territory will eventually have strata title legislation and all residential zones except R1 under the DRC planning scheme for Darwin can have strata title units built on them. I believe that the bill before us will assist in developing the Territory by encouraging a more stable population, by allowing more people to own their own residence. I support the bill.

Mrs LAWRIE: I support the bill. This will come as no surprise since the previous member for Alice Springs and myself used to alternate in asking questions of the official members of the Legislative Council as to when such legislation would be introduced. I was extremely pleased that the member for Alice Springs was able to introduce this legislation, something which had been close to his heart for many years. As he said, for 10 years or so he had been trying to push the government, that amorphous group of people of no matter what shade of colour, to take some action.

One of the outstanding reasons for needing strata titles in the Territory is that there has been no public housing scheme available to single people without dependants and a very limited supply of public housing available to couples without children. There is a great social pressure quite unfairly put upon people to produce children whether they want to or not simply because it is a means of getting housing. This is an incredible situation and one which has existed in the Territory for years. There are many people to my knowledge who have been here for 20 years or more—I was with them in the Mitchell Street hostel many years ago—who are still living in poor accommodation, who have no intention of ever leaving the Territory and who have no wish to buy a normal villa. They didn't want the burden of looking after a garden; they couldn't compete for the land which was in short supply; they had no way of obtaining Housing Commission accommodation and the accommodation offered through the public service to permanent public servants was very restricted. Time and time again, I have asked when more flats would be built for single public servants. It has been what could only be described as a trickle and they were never allowed to purchase those flats. There wasn't the necessary legislation but it was made pretty clear that, even had there been, they would not be entitled to purchase their accommodation even though married people in the public service could do so. This is one of the areas that this bill will meet. I don't believe in there being any compulsion on people to marry or to produce children; that should be a matter of their own choice.

Perhaps many members of this Assembly will not believe me when I say that I know of people who have decided to start a family expressly to become eligible to get accommodation to buy because they want to remain in the Territory, not for speculative purposes but because they want to live here and because it is a generally accepted tenet of Australian life that people like to own their own home or they like to think they own it through the bank or some other mortgaging authority. It is there as security for the future; it is a stake in the place, something they can leave, something on which they can capitalise perhaps. For the first time perhaps, when this comes into operation, single people or people without dependants will be able to own accommodation in the Territory of the type they prefer, not a house on a large block of land but a home unit. Some time ago I complained bitterly to a federal minister that we should pluck the ACT ordinance out of the bin, cross out ACT and put NT. If this bill had not been presented, I would have been inclined to do that. There are anomalies and difficulties with the ACT legislation but it would have stirred a somnolent department to amend such a bill, to at last get something into operation in the Territory.

I know there are large number of amendments to be brought forward which I have not studied. Therefore, in the second reading I don't intend to go into detail of the bill itself; I

can only reiterate that the bill is long overdue and it has my complete support.

Mr TAMBLING: I have listened with interest to the comments on this and the associated Real Property (Unit Titles) Bill. All who have spoken supported the principles of the bill and I join with them in commending the former member for Alice Springs, Mr Kilgariff, in having this important piece of legislation finally introduced for consideration. I am sure all members appreciate the effort and the vision of Mr Kilgariff in this regard.

Since its introduction, the bill has been widely distributed to interested groups of people and departments throughout the NT. The response has been good in that people have looked at the studies of the bill and a number of minor amendments will be proposed in the committee stage which look at the more formal amendments that are necessary. The Department of Northern Australia, ironically, has been forced to do its homework in one month, after 10 years of having to run around chasing its own tail. They did put a detailed submission to us and at last were able to respond to initiatives we took in this regard.

The honourable member for Port Darwin stressed the importance of clause 23 with its provision for automatic transfer from existing to individual freehold title. It is an important provision and there is no reason why it should not work. As explained by Mr Kilgariff, security is necessary before an applicant for unit titles could be prepared to go to the heavy expense involved in construction of a unit titles complex. As this provision removes the need for the administrative procedures under the Freehold Titles Ordinance, the $100 fee for administrative expenses need not apply. The honourable member's comment on freehold title and estate in fee simple were noted and amendments are proposed accordingly. Other amendments correct incorrect references as noted by the honourable member for Port Darwin.

The honourable member for Jingili raised the question of the thickness of common boundary walls between units. Obviously, details of the nature and structure of the walls are matters for final consideration by the Building Board when considering detached plans and specifications. However, I take the honourable member's point and an amendment is proposed to clause 14 to require the minimum width of such a wall to be 11 cm, that is the width of a standard home brick. Obviously, the Building Board, when considering final plans, would take note of that requirement. With reference to the member's remarks concerning unit ancillaries in clause 9(b) where he requested that lift wells etc. also be included, I point out that lift wells are part of the matters common to all units and not one particular unit so no action is proposed. The question of insurance for liability was considered. It is agreed that $100,000 is not sufficient for the potential liability of a strata complex. I propose an amendment to increase this to $250,000.

The honourable member asked why clause 35(3) prevents the corporation from investing in mortgages. This provision is common to most similar legislation and an obvious reason is that a mortgage ties up money and is not always readily realisable to meet operating costs of the corporation. I do not therefore propose any amendment in this area. I accept the remarks concerning the cost of meeting requests under clause 37. I propose an amendment to make the costs the actual costs of complying with the request. I leave it to the corporation to decide what is a reasonable request for the purposes of clause 38.

Finally, as regards the remarks of the member for Jingili, I consider that a person who wishes to apply for approval for strata purposes should first act to see that his lease title is in order. If he is in contravention of the covenants, he should make up the breach or seek covenant variations so that he will no longer be in breach. Methods to achieve this exist in existing law. I propose amendments to state that the Administrator may not approve applications where the construction of unit title would be contrary to a town plan or the covenants to a lease. Similar circumstances exist here. A would-be applicant must first seek variation of lease covenants or an amendment of the town plan. Applications for unit title purposes will only be dealt with where the town plan or the lease covenants accord with that purpose.

I also foreshadow amendments to clause 96 to insert material which was inadvertently dropped from the print of the bill. There will be amendments to the term "Registrar" to restate it as Registrar-General to accord with Territory practice.

The honourable member for Nightcliff mentioned a number of disadvantaged

groups in the community who have not been able to gain access to normal housing that has been made available in the Northern Territory. The provisions of this bill, when used by private enterprise and the real estate markets in any town, I am sure will go a long way towards meeting the requirements of many people who, whether it be by age or marital status, are at present disadvantaged in obtaining suitable housing. I consider the proposed amendments will improve the bill and make it a usable and effective piece of legislation. We are all aware of the need for this legislation in the Territory and I hope it may be completed through the course of this meeting, assented to and brought into operation for the benefit of the Territory.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

REAL PROPERTY (UNIT TITLES) BILL

(Serial 65)

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADJOURNMENT DEBATE

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

Mr BALLANTYNE: I rise to draw the attention of this House to a petition I have received. Unfortunately, it did not meet the requirements and the procedures of this Assembly so I would like to talk about its contents and bring it to the attention of the members. It is a petition from the Gove District Hospital and it has 35 signatures. Most of the medical staff and the nursing staff have signed it and with it is a letter which I would like to read to you:

> Enclosed is a petition signed by all employees of the Gove District Hospital who are affected by the present pay system. We find the present system of being paid from Brisbane entirely unsatisfactory. The continuous of stream of complaints of incorrect penalties or absence of them and the numerous other pay upsets which the hospital secretary is obliged to telex to the Brisbane pay office must raise an extremely large telephone account for the department and bring absolutely no satisfaction to us. There is no just reason why we cannot be paid here locally, from our own hospital, instead of forever having to chase after our pays. This system of being paid from an office hundreds of kilometres away from one's employment may not be found anywhere else in the country except in one or two places in the Territory, and we are not prepared to be one of these centres any longer.

I can fully sympathise with these people. I know there have been problems since the cyclone with regard to payment of hospital employees and schoolteachers, for that matter in most of the departments in the Territory, but I can't see why there should be simple mistakes. People have to chase their overtime; they have to be an office worker themselves, going around chasing their pays, finding out what has happend to their time sheets, whether they were sent, whether they came back. Even when they get their pay slips there is nothing on them. It just has the amount they have received and that doesn't tell them anything. The provisions are there in the system. It is a computer system I believe and somewhere along the line the computer is not doing the job. I am not blaming the particular department for all those things but somewhere along the line they are not programming that machine properly. You must get the information back to the people. We have enough problems out there at the Gove Hospital with regard to the nursing staff in trying to get people to work there, let alone having these sort of things happen. I bring this to the attention of the Assembly and I am sure that other members will agree. It is about time they sharpened up their principles. They have brought in all this technical equipment to process the pays on a computer but for some reason or other it is still left to the people themselves to come and tell the hospital secretary who looks after all the payments. He is for ever ringing up. God knows what the bill will be at the end of the year for the telphone calls and telexes! If there is someone listening in the Assemby who can do something for these people, I will pass this letter on to him and I hope that we can get some action.

Mrs LAWRIE: At the last sittings of this Assembly, I raised the matter of the wickedness being perpetrated by a particular insurance company in the matter of worker's compensation. I said that, if the matter was not well resolved, I would name the company. The matter has not been resolved and I am quite happy now to state that the company behaving in what I believe to be a most reprehensible manner is Commercial Union. I will again give a few details of the case. A

Territory worker was killed on the job. He died 4 days after the injuries received on the job. Shortly after, his widow entered into negotiations with Commercial Union. Negotiations were not fruitfull as they did not accept that she was entitled to 100% payout for herself and three dependant children. The case went to the Workmen's Compensation Tribunal and a determination was handed down. It stated that she was eligible for 100% benefit under the ordinance; she was entitled to a full payment for herself and continuing benefits for the children until they reached the relevant age. A precedent was cited and this was the judgment given. Years later, Commercial Union are still hanging on; they are still refusing to pay the woman the 100%. They have gone from offering 60% to 85%. She is in extremely difficult circumstances. Commercial Union know this and I believe they are playing on it and saying to her: "Take what we offer or wait". As I explained in my earlier adjournment speech, they have instructed their solicitors to see if an appeal is possible and there is no time limit on these appeals under the Workmen's Compensation Ordinance. This is a matter which has to be fixed through this Legislative Assembly. Although the man was adequately covered by worker's compensation, his widow and dependent children are being denied their just deserts by Commercial Union.

This is not unusual. Insurance companies in the Territory have a record of doing this. Don't let us believe that it is merely Commercial Union. They carry on like this the whole time. If any honourable member here wishes to check with the legal offices around Darwin, he will find that I am speaking the truth. Honourable members of the Country Liberal Party constantly support free enterprise. It is about time they had a close look at the way the insurance industry is operating and realise that this so-called free enterprise industry is blatantly working against people who have properly insured. This is a case of a company holding out against a woman who has gone through the proper channels and who has been awarded due compensation. They are sitting back saying: "Take what we offer or wait, lady, wait".

I have received a further communication from this poor woman. She can hardly afford to wait but I have asked her to because I think it is about time these rotten insurance companies were brought into line when they act against the wishes of the public who are properly insured. I am going to read you some parts of the letter. If any member of this Assembly wishes to peruse the letter in full, he is welcome to do so. The only reason I am cutting some parts is because they are more personal than others and I don't feel that I should put all this woman's personal details into Hansard. To allay any suspicion that I am editing the letter to suit my case, it is freely available to any member of this Assembly. She states:

> Mrs Lawrie, I rang you some time ago while in Darwin on business about my problem. I have received a letter yesterday (she names her solicitor) as follows: "Their solicitors have indicated they are willing to settle the action on the basis that they will pay the sum of $12,325 to settle the claim. As you are aware you are entitled to $14,500 and the Tribunal has ordered that this amount be paid. Would you please attend the office to discuss this matter."

There is no hope of the poor woman attending; she is now living in Tasmania. She has asked me to take up the case as I see fit on her behalf. I'll read in her own words how she feels:

> Now living in Tasmania I am unable to attend in so-and-so's office, which he knows, so thought it best if I write to you and to him as well but as you would know well by now this was settled in court and now they want to go back on their word. I'm entitled to $14,500; I'm sitting it out until I get that too. I have 3 children—5 years, 4 years and the other 3 years. My husband has been deceased 2½ years. The children and myself still haven't received what we are entitled to. You lose all faith in this cruel world as far as insurance companies go. It is O.K. for them to take the money, big time, when, as they usually do, they con you into insurance and what good is it? It's no good to me so far.

And that's a pretty accurate description of the rotten insurance industry that is operating in the Territory at the moment.

> I might add that I have had my youngest in hospital. He goes back tomorrow for an operation. How is a one parent family to cope? I'm waiting on this money so that I can house the children but do insurance companies worry? Oh no. Dawn, I don't think . . . I feel I have to fight for my children not myself. I'm big and old

> enough but can't work as I have a duty with the children and of course getting a pension you are not allowed to work, like it or lump it. This is a very nasty business and if you could mention it . . .

She goes on to mention it to her doctor. She doesn't know how she is going to carry on but she is going to try. This is not the only case of which I have been appraised but it is one of the more glaring examples of an insurance company holding out on a benefit which has been decided in court. They have all the money and all the time in the world, that is the most important part. They have all the time in the world to sit back and negotiate. She doesn't have time. This woman is getting desperate.

There is another little racket apparently the insurance companies are up to now. I'll read you another letter received from a Darwin resident:

> Dear Mrs Lawrie, further to our telephone call last Friday regarding insurance of my contents in a government caravan, you asked for the names of the insurance companies that would not give me any coverage at all. The companies are T & G, MLC, National Mutual, Vanguard. After talking to you, I rang AMP which offered me coverage at a rate of $75 per $1,000 which I consider to be excessive and must rank as the poorest odds ever offered, 13⅓ to 1—bookmakers at Fannie Bay of a Saturday would bet better odds than this.
>
> What this means is that while we are living in caravans or houses that are not to cyclone standard, we cannot get any storm and tempest cover. I think that this would affect over 50% of the Darwin population. I'm seeking your help in obtaining this coverage at a sensible price.

The rest just repeats that. The interesting thing is that a large number of Housing Commission tenants are offered only caravan accommodation and there is none other available. They have been taking this accommodation if there is nothing else available. If they can't get any reasonable insurance cover for their contents, then don't let me hear anybody say that we shouldn't have an Australian Government insurance office. Someone has to offer them reasonable cover. Insuring against loss is what we expect. They don't have other accommodation to go into; they only have caravans but they can't get insurance cover on contents. If the private companies won't offer it, then it is time the government set up an agency to offer this.

There is a little further twist to this. I have spoken to a couple of insurance brokers who have said: "We can get it for them. If we go to the insurance companies, they will give it straight away". The insurance broker has got the big stick: "I give you a million dollars worth of insurance a year, you'll take it or I'll withdraw it". Did they but know it, these people could get their cover but through another intermediary. Is this the way that insurance companies in 1975 should behave? Of course they were hit hard by Tracy, harder than a lot of them ever expected or anticipated or could have believed but the result has been to withdraw all cover to bona fide people trying to exercise what is a responsibility

Mr Speaker, as you can gather, I don't have a lot of time for insurance companies because I have been in receipt since cyclone Tracy of so many documented cases of companies either trying to ignore, wriggle out of their responsibilities, withhold just payments or seizing any excuse to refuse to re-insure a whole range of people, not just people they may consider bad risks in one way or another but a whole cross-section. It may be stated that this is an insurance company's right. They are not prepared to carry risks again. I repeat that someone has to and if they are not game, let them not squeal when the government sets up some agency to carry this cover. Someone has to do it.

Mr EVERINGHAM: I have listened with some interest to the out-pouring of emotion on the part of the honourable member for Nightcliff and I think it can be objectively described as simply an out-pouring of emotion because there is very little logic and objectivity behind what she has said. I wouldn't want it to be thought that I am a defender of insurance companies. In fact, I'm known in legal circles as a plaintiff's man and I enjoy taking money off insurance companies and I enjoy taking insurance companies to the cleaners. At least, I can view the situation objectively which the honourable member for Nighcliff can't because she has admitted that she holds no brief for insurance companies and that she enjoys getting stuck into them.

Since Cyclone Tracy, there have been many complaints about the conduct of insurance companies. My word there has and probably about 500 complaints would be justified. The

number of complaints in toto would be somewhere in the order of 2,000 to 2,500 and these arise because the ordinary person is a subjective person when he is viewing his own problems. He is in trouble and he puts in the largest claim that he can and, when they don't allow the claim in full, a dispute arises and this is the situation that has occurred as a result of Cyclone Tracy. There are 1 or 2 companies, perhaps 3, that are deliberately obstructing payment of claims in many cases but I, in company with most honourable members here assembled, have been active in getting stuck into these companies and turning the heat on them for any constituent who has come near us. This has usually led to a settlement of the claim.

Turning then to the workmen's compensation matter which the honourable member for Nightcliff raised at the outset of her emoting, the story I would like to hear, rather than the complaints over delays, is why there is a dispute if the tribunal has made an award. We have just heard complaints about delay, delay, delay. What about the solicitors for the claimant, where do they figure, why have they let it drag on so long? I just fail to understand this. I have dealt with Commercial Union over the years; I have screwed thousands out of them for plaintiffs, injured people, workmen, and the Commercial Union pays up and pays up quickly. All I can say is that I would reckon that the Commercial Union has some reason. I will stand up for the Commercial Union Assurance Company because I believe that it has a good name and it has done good business in the Territory and paid its claims promptly. Certainly, it hasn't been one of the ones that I have had any trouble with after the cyclone and I think that the honourable member for Nightcliff might like to go a bit deeper into this one before she sounds off so belligerently and subjectively.

Having dealt with the topic of insurance, I should like to tell you the story of two poor saps who live in my electorate. These two poor people came to me to get various things done. Both people required action out of the Department of Northern Australia. A Mr Whitters who lives in Moil but owns a block of land in Jingili electorate came to see me on 7 August about getting electricity connected to his block. He had made application ages before and I'll read you the text of the first telex that I sent to the Department of Works:

> Attention Electricity Supply Undertaking re Phillip William Witters. This man complains that having made application as far back as 20 June for electricity supply by pole and box to lot so-and-so he has now been told that supplies have run out. Request that you look into the matter and advise me why the application took so long to process and whether the position can be now rectified.

The Works Department wasn't so slow at all. They replied to me on 11 August and said: "Try the Department of Northern Australia". I then wrote a long letter to the Department of Northern Australia on 9 September after I had learned a lot more facts from Mr Whitters and had sent 2 telexes in the interim to the ESU. Since 9 September, I have sent a further telex. I sent a telex because I had not heard from Mr Whitters and understood that he had the power connected simply because I had not heard from him. I heard from him again the other day and he still didn't have the power connected and I didn't have a reply to this letter. On Monday, I sent another telex to the secretary of the department telling them I was going to raise the matter in this Assembly and I still haven't heard from the secretary of that stinking department. I don't expect to because he treats us with the contempt which he thinks we deserve.

On 2 October a chap—an ordinary sort of chap—called Mick Gill, who was the tenant of a government house at Lot 1024 Norcock Place Rapid Creek, came to see me. I would like to read you this letter because it shows the depths of degradation and red tape of our bureaucracy:

> Mr Gill, who is an employee of the CSIRO, has been in the Territory for about 7 years having lived at Humpty Doo for about 4 years and having lived at 1024 Norcock Place Rapid Creek for the last 3 years until the cyclone. He was obliged, although his house was only slightly damaged, to take his family to the south because of his wife's mental condition after the cyclone. Apparently, after Mr Gill left Darwin, the house in which he had been up to then the tenant of the Commonwealth was given on a temporary basis by CSIRO to a Mr So-and-so. Apparently Mr So-and-so was only given the use of the house because he had lost his own place and he had no idea when exactly Mr Gill would be returning.

I might mention that Mr Gill and his wife have 4 young children ranging in ages between 11 years and 3 years.

> In April, Mrs Gill was well enough to return to Darwin and apparently only after this was Mr Gill terminated as the legal tenant of the premises at Norcock Place Rapid Creek and these premises allocated to some other person. It appears that some time about this, an arbitrary decision was made without contacting Mr Gill that his tenancy of the premises should be cancelled and they should be allocated to someone else, apparently a Mr X who up to that point has no connection with the premises at all. I am informed that Mr Gill was not contacted, either directly or through his department, and he was not in arrears of rent as this was being deducted from his pay. In fact, the illegal occupants of the house were benefiting by the use of the house on which Mr Gill was paying the rent. I am surprised and appalled at such scant regard . . .

Of course, the letter was thrown in the waste-paper basket. Then I sent another telex on 31 October as I hadn't heard and another telex on 1 December. I still haven't heard. That is the way that I am treated continuously by the Department of Northern Australia. I must say the Housing Commission is fairly prompt in its replies but the Northern Australia Department is absolutely hopeless.

Miss ANDREW: Mr Speaker, I would like to answer two questions. I was asked yesterday about the opening of the Alawa Preschool. Subject to the weather, there are plans to re-open in February 1976.

The honourable member for Port Darwin asked about Seatoun. I am informed that no prosecution has been made. Books have been seized and investigations are continuing but as yet no prosecution has been made.

Mr WITHNALL: I wish to raise questions relating to the Darwin Reconstruction Commission. I may say at the outset that, as far as I am concerned, the Reconstruction Commission is now coming down to earth and getting to a more realistic understanding of their task and a more realistic attitude towards the reconstruction of this city. However, some more realism has to be injected into the commission. I refer to the standards which they are presently enforcing for the protection of houses against cyclonic winds. In my view and in the view of many persons with technical qualifications with whom I have spoken, the commission has been guilty of gross over-reaction in the standards which it has required people to comply with in the rebuilding of houses. The standards apparently are put upon the basis that there can never be any possibility that a house will be blown down or damaged. That is fair enough if the government was spending its own money, but the result of that policy means that the cost of building houses and rebuilding houses in Darwin has risen to such a figure that it is practically impossible for a person to finance the amount of money required to do the rebuilding.

I will give you the example of the house that I am living in. I have had a number of complaints by other persons but I am giving you this example because I am most familiar with these figures. The house that cost the Commonwealth £6,970 to build in 1964 was severely damaged in the cyclone but it can be rebuilt from the floor upwards. Although subjected to the worst of the winds coming across the harbour, the house had half of the superstructure remaining, the piers were not moved at all and the concrete under the house was not cracked. I am informed that, because of the possibility of another cyclone, I have to provide holes in the ground around the house 9 feet 9 inches deep into solid rock, those holes are to be filled with concrete and a 2 inch galvanised steel pipe is to be inserted into the concrete and carried to the bearers above the pier and the bearers fastened to the pier in a fashion which I suggest even a combined cyclone and an earthquake could not shift. Apart from that, the house, when it is built, is going to look like a damn bird cage. The cost is so enormous that it is impossible for me to rebuild my house consistently with being able to service a loan and I have a fair amount of cash which is available in addition to any loan that I may require.

This is quite absurd and I know a number of people who simply say, "I cannot possibly rebuild to those standards; I am going to live under my house the way it is now." What will have been achieved? Only a great deal more discomfort for a number of people living in Darwin, only a great deal more danger if you like if a future blow should strike premises already deteriorated by the last one. Surely somebody has to come down to earth and start thinking in a realistic way about what people can afford and what they cannot

afford. The Darwin Reconstruction Commission up to date has been noted for its obstruction and not its reconstruction. It has been noted for trying to stop people from doing things and not trying to help them. I think and hope that that era has passed but hope that the commission will give some consideration to this enormous burden that they are placing upon the people because they are driving them away from Darwin. If you talk to the commission about this problem they say, "We must insist on it because your house may blow away and damage somebody else's". There are a large number of houses in Darwin which have been repaired but not to these standards, a large number of houses that survived the last cyclone and are still in the original condition and a large number of houses that are not now required to be repaired because they were temporarily roofed and the owners have done repairs themselves. We are not achieving a safety factor by insisting upon these very high standards for rebuilding. We are not achieving a safety factor at all becuase there are so many other premises which have been rebuilt and which are just as dangerous as all premises in Darwin were before the last cyclone.

I say to the Darwin Reconstruction Commission that it is good enough that they are starting to think now about the people but they must think a little about the cost of rebuilding to these absurd standards. Do not drive people away, do not force people not to build because of the enormous cost of the measure that you are proposing. Adopt a real standard and try to help them to rebuild and not force them either out of the town or into substandard dwellings underneath the house.

Mr PERRON: I will be a little bit broader this afternoon than the previous speakers and speak for a short time on society itself. Some of the problems I would like to speak about concern society's preoccupation with material wealth while at the same time we hear a constant demand that our quality of life be improved. The phrase "quality of life" has come to be commonly used when people are referring to a wide variety of social ills. We speak of sprawling cities, rising crime rates, high noise level, smog or a thousand other problems we face. It seems clear that any of those who seek the new social goals of a higher quality of life are not prepared to make any sacrifices in order to achieve those goals. We all use the fuel, the minerals and the chemicals which are claimed to be destroying our planet. We all drive the cars which cause the congestion and pollute the atmosphere. We build ugly houses and then cry that the suburbs are unfit to live in. The smoker who pollutes his own lungs a thousand times more than any factory might pollute the air, demands that the factories' emission of smoke and chemicals be controlled or stopped. The driver who warns us about the world's oil reserves running out, refuses to use public transport in order to extend those reserves.

As consumers we gobble up material possessions at a fantastic rate. We change cars often, fill our houses with every conceivable appliance and toss out tons and tons of garbage in the form of packaging and containers. We waste millions of gallons of water. We waste electricity and we pour tons of harmful fertilizers on gardens and lawns. Being willing partners in the consumer cult, we now search in vain for someone to crucify in order to vindicate our lust for self-satisfaction. This superficial search has led us into industry—that anonymous segment of society which is seen by some as evil profit-grabbers who are tearing up the earth and living off the rest of us like parasites. Industry is being told to continue to produce the material goods now in use because we will not ease our demand, to increase the supply of those goods to accommodate both rising population and increasing aspirations and to do these things in a way which does not effect social goals, pollute the environment or increase prices.

In addition to keeping the world clean, whilst still producing the goods society demands, industry has to contend with changes in the work ethic which are unprecedented. Many people hold the view that a man has an inalienable right to a particular job and that he should not be required to change either his employer or his skill. Trade unions demand that, if a man does become redundant, he should receive monetary compensation from his employer even though he may be able to secure another job and suffer no real loss from the change. In other cases, change is prevented altogether. There is no point in upgrading machinery or building modern ships, installing automatic equipment, unless it cuts costs, including labour costs. When a union insists upon maintaining original manning levels, costs savings are lost and investments stifled. The motives of some of these unions are difficult to analyse. It seems that they have a hatred of management, a dislike

of change of any kind, a fear of unemployment, and unwillingness to adapt to technological improvement, and an almost childlike faith that the system will somehow continue to provide for them. The dropout, who once would have been regarded as a social outcast, now enjoys society's tolerance while either rejecting work altogether or working only when he wishes to. Society no longer takes the view that it has no responsibility for such a person if he does not work. Indeed, society makes elaborate provision for his care and sustenance. Others have such security of employment that they need not work at all; as long as they turn up to work each day, they will get paid. The sole grounds for dismissal in many jobs these days is abusing the supervisor or perhaps thieving something. Employers are becoming increasingly responsible for their employees' welfare with the consequent significant effects on the costs of production. Medical and dental care, maternity leave, paternity leave, education leave, training of union representatives, compensation payments during jury service—these are just a few of the demands now being made upon employers.

Another area of social activity gaining importance to industry is consumerism. Industry is being placed under increasing pressure to conform to standards. The state is being asked to protect the so-called defenceless buyer from the so-called powerful producer. No longer is there general acceptance of the saying "Let the buyer beware". Industry is being forced into large additional costs in order to defend itself or make redress. We have restrictive practices legislation, advertising control, price control and prices justification tribunals which have all been introduced to protect the consumer. In many instances this has resulted in business having to set up whole departments containing lawyers, accountants and staff whose job it is to compile evidence justifying price increases. Obviously, this had to add considerably to the costs of production.

Industry is called upon to conform to all the demands made upon it in the name of the environment and the protection of the individual and, at the same time, it must increase output but do so without price increases. What is being overlooked is that environmental protection and social security is a community goal for which the community as a whole must be prepared to make sacrifices. If we want our environment protected, the world's finite resources preserved and the lazy cared for and continue to wallow in self-indulgent bliss, relying on inflated security, then we must be prepared to pay dearly because the bubble is going to burst.

Motion agreed to; the Assembly adjourned.

Thursday 4 December 1975

PAPER TABLED

Aboriginal land delegation

Dr LETTS: I table papers relating to the Aboriginal Land Delegation appointed by this Assembly at its last sitting. They consist of 3 documents and I wish to speak to the first one, the principal document, called: "A Report from the Delegation to the Federal Government on The Aboriginal Land Legislation".

On 16 October 1975, the Minister for Aboriginal Affairs, Mr Johnson, introduced the Aboriginal Land (Northern Territory) Bill into the House of Representatives and on 22 October this year the Legislative Assembly carried without dissent the following motion:

> That this Assembly is of the opinion that the passage of the Aboriginal Land (Northern Territory) Bill 1975, at present before the Federal Parliament should be delayed at least until the last week in November to allow the people of the Northern Territory to express their views on it; that a delegation comprising Dr Letts, Mr Pollock, Mr Tambling, Mrs Lawrie and Mr Whitnall be appointed to attend upon such ministers of the Federal Government as they deem necessary for the purpose of conveying to them the views of this Assembly and of the people of the Northern Territory on this matter; that the Majority Leader be empowered to appoint additional members to the delegation if he deem it necessary; and that the delegation be authorised to undertake travel which it deems necessary to inform itself of the views of the people of the Territory and to convey those views to the Government.

There is not in that motion or in the terms of reference given to us any requirement to report back to this Assembly on our findings. Indeed it had been anticipated that the work of the delegation may well have been brought to a head before this meeting of the Assembly but, because of changed circumstances, I think that it is desirable to indicate to members in general terms what the delegation has done and in broad terms only what our preliminary findings have been. Should the delegation continue its work, as I believe it should, and produce a submission to federal ministers, then the contents of that submission will necessarily be more pointed and more detailed than this interim report.

During the debate we had on that motion, it was pointed out that there had been no discussion on the bill between the Assembly and the Minister or the Department prior to its introduction and that, at the time of introduction, copies of the bill were not available to Assembly members or the public in the Territory. This was considered to be a departure from the recommendations of the Joint Parliament Committee on the Northern Territory regarding legislation. Apart from that, I would consider it to be a departure from the proper procedures and the proper relationship which ought to exist between a federal legislature and this Territory legislature. At the first meeting of our delegation on 23 October, we agreed to order 200 copies of the bill for use and distribution—they were duly received and distributed—to make a rapid analysis of the bill and to visit a number of centres, a cross sectional sample both within and outside reserves in the Northern Territory. A copy of the delegation's notes on the bill are attached.

I mention in the report that the itinerary and meetings are attached. The Clerk has prepared an itinerary but it is not present amongst these papers. I inform the Assembly that the delegation in whole or in part visited Bathurst Island, took evidence in Darwin and visited Maningrida and Yirrkala. We visited Groote Eylandt where we saw two Aboriginal communities at Anguruku and Umbakumba and also talked to people at Alyangula. We went to Katherine where we talked to Aborigines from Bamyili and also to residents of Katherine. The delegation also visited Alice Springs and some of the delegation went to Hermannsburg. We had discussions with various groups in Alice Springs. Some of the delegation went to Tennant Creek within the limited time available to us.

While we were engaged on the northern part of our circuit, the bill was proceeding through the committee stage in the House of Representatives and before that part of our itinerary was completed the double dissolution of the national parliament occurred. It was decided to continue the work of the delegation in anticipation of a future Australian government's likely intention to proceed with Aboriginal land legislation.

The Aboriginal community centres we visited, where discussions were held with representatives and leaders, would collectively embrace a population of from 6,000 to 7,000. Discussions were held in English and

through interpreters and the main themes that were raised in these discussions were: (a) whether there had been sufficient time for study and opportunity for consultation on the bill amongst the Aboriginal people and with their advisers, (b) the definition of "Aboriginal" used in the bill, (c) the relationship which should exist between the traditional owners and the land councils with respect to matters such as the permit system and land use decisions, and (d) the question of the control of coastal and inland waters.

About point (a) most of the northern Aboriginal groups visited were in two minds. They were anxious to avoid further delay in the passage of land legislation but agreed that they had not had enough time to discuss this bill among themselves and with others located at out stations centred on their particular communities. Our contact with central Australian Aborigines was more limited than it was with northern Aborigines but they appeared to be satisfied that they had a reasonable understanding of the legislation—that is, the ones we saw. The second point was the question of the definition of "Aboriginal" and the reaction to that definition varied. The most common view was that the term "Aboriginal" could extend to a person of mixed race where that person identified with and was accepted by a particular community in the Northern Territory. On the question of the relationship between the land councils proposed to be set up by the bill—I have used the term "traditional owners" but probably a better term there would be "local communities"—the most consistent attitude was revealed on the relationship between local communities and land councils. All groups that we spoke to raised queries on the provisions of the bill which cover this aspect of administration of Aboriginal land. It was generally thought by these communities that too much power lay with the councils and insufficient authority with the traditional owners down to the clan levels. A common view was that the land councils should more properly have a limited role as a secretariat and that individual communities should control their own permit systems. We were told that, if the present provisions were retained, nearly every separate, identifiable community—particularly in the northern part of the Territory—would seek to establish its own land council to get away from the central bureaucracy.

The honourable member for Arnhem, the honourable member for Tiwi and myself spoke to a number of tribal elders who thought that the government should deal directly with the present titleholders—as they regard themselves—in granting new titles and not through a third or fourth party such as a land council or a land commissioner. About (d), the question of the coastal waters control and inland waters control, there appeared to be considerable confusion and lack of understanding of the effects of and reasons for the provisions relating to the control of coastal waters. Our interpretation of the general view was that Aborigines were not concerned about the passage of vessels through offshore waters; their concern began when people came ashore. I might add that there were several groups who specifically said that in the case of Darwin-type land claims where the waters of Darwin Harbour would be affected by the control and permit systems, most of those Aboriginal communities that we spoke to on that particular aspect of this problem thought that that situation would not be tolerable and would not be reasonable.

Individual groups raised particular issues, often of local significance. For example, Groote Islanders discussed misgivings about sections of the Councils and Associations Bill which is closely related to the Land Bill. There are several sections of that bill which the people on Groote Eylandt queried quite strongly and felt would require some amendment. On Groote Eylandt, they favoured a more stringent permit system than that which would enable any Aborigine from anywhere to enter their own land. The Bamyili people on the other hand had quite a different, more urban and flexible view on the permit system. They would be quite happy to just have the power to remove people making a nuisance. The information we got was that they were inclined to encourage visitors to their area.

The Northern and Central Land Councils, both of whom were interviewed to some extent by our delegation, appeared to hold the view that the bill should be passed without delay in its existing form with any necessary amendments being made later. Discussions were also held with European advisers and non-Aboriginal community groups at Nhulumbuy, Katherine, Alice Springs and Tennant Creek. These latter groups usually expressed deep concern about the dividing effect which the law and its administration would have on the Northern

Territory communities as they saw it. Their misgivings were heightened by the fact that many of the people we met had little or no access to the bill previously. Certain, but not all, of their objections were based on the misunderstanding of what was in the bill or lack of knowledge of what was in the bill. Your delegation sought from the Interim Land Commissioner details of claims already lodged as we believe these are important in understanding the whole picture and the effect of the bill. I say in this report that we are still awaiting the information. It actually arrived yesterday afternoon and so it is included as a paper attached to this report and members will see there are some details of where land claims have been made and will note that in toto there appear to be 160 land claims made, 101 of which are for living areas on pastoral properties.

There is no doubt that more time is needed yet for Northern Territory people to complete their examination and understanding of the bill and to make their reactions known to the Government. Your delegation intends to continue its work with a view to the preparation of a more detailed report early in 1976 aimed at securing more practicable, permanent and generally more acceptable legislation in this important area.

MOTION

Aboriginal Land Delegation Report

Mr KENTISH: I move that the report be noted.

I support this report by the leader of the delegation on the Aboriginal Land Bill. I won't go through the report again but I agree with the details of it quite thoroughly. I will just highlight one or two items in the report. The delegation visited several northern towns and settlements and several groups and towns in the centre. Particularly on the coast, the attitude of the people who were interviewed was fairly uniform throughout; there is very little variation whatever with them. It seemed very clear that the town councils that we interviewed and other people—the meetings we had were not only for town councils but for anyone who wished to attend—had insufficient knowledge of the implications of the bill. That means they had insufficient understanding of the bill itself. Of course, in most cases they hadn't even seen the bill but someone on their behalf had reported that they were very pleased with it and wanted it pushed through immediately. This is one of the things that was uniform amongst them—their impatience that after 3 years they still seemed to be no closer in their minds to having title to lands and they are in a hurry. Nevertheless they were in not so much of a hurry that they wanted to make mistakes that could be disastrous to them. It seemed clear on questioning that they were in disagreement with some of the provisions of the bill and for this reason it is almost providential from their point of view that the bill is held up for a while to allow further understanding and discussion, particularly amongst the groups that it will affect so strongly.

Mrs LAWRIE: In speaking to the motion to note the report of the delegation, I commend the chairman for the fair and unbiased report which has been presented to this Assembly which is in fact something which one would have expected from the honourable member for Victoria River, given his long association with people of the Territory no matter what their colour. As a member of the delegation moving around, it became obvious that recommendations which were made in the Woodward Report had not been fully discussed by the people of the Northern Territory. One recommendation in particular had been largely ignored and I blame myself as much as anyone else. That is the provision relating to the control of off-shore waters, the contentious section 74. I have a personal feeling about that section which I made known to members of the communities which we visited; I can't agree that control of waters should be given exclusively to a group as the bill suggests. But, in fairness, I must say that my views were not shared by some of the Aboriginal communities. Some indeed, I would say nearly all, were not so worried about the passage of vessels through the water but there were strong feelings expressed on at least 2 occasions by members of Aboriginal communities living on the coast. They did in fact want to retain section 74.

In discussion of that and other issues, it was pretty clear that Europeans were very much against certain provisions of the bill. It is a fair comment to make that legislation regarding Aboriginal land rights cannot be drafted which will sastisfy all the doubts of the European community. To say that the legislation is discriminatory is true. But it appears that there is no other way of drafting land rights legislation for Aboriginal people other than in a discriminatory form one way or the other. There are sections of the European

community which will have the greatest difficulty in accepting the legislation in its discriminatory aspects but I can see no way out of their difficulty.

All the parties have indicated support for the Woodward Report and for the legislation which arose from that report. It is true that there are going to be amendments suggested and, whichever party is returned to power, full consideration will be given to those amendments. But it is also true that the amendments, by and large, won't affect the main principles of the bill and they should not affect them. The bill is, by and large, good legislation. It is what the people whom it affects want. Certainly it is not what a lot of Europeans want but any land rights legislation giving control of their own land to the Aboriginal people will disaffect Europeans. My only comment is they have to bite the bullet and accept it. This is legislation which Australia has needed for a long while, which is finally in legislative form and which has come as a shock to all of us, myself included.

One of the aspects which was discussed at length with Aboriginal communities was that dealing with the permit system. In the main, I agree that the communities want a closer control themselves than the original bill would envisage. They want to say who will come onto their land. In discussions about people of mixed blood coming onto the land, perhaps we were a little remiss in not pointing out that under present legislation part-Aboriginal people have access to Aboriginal reserves. By and large, they haven't taken up that right. Very few part-Aboriginal people attempt to enter reserves and, more specifically, attempt to enter without having the courtesy to seek the opinion of the people on the reserves. Having studied the bill and having studied the effects of past legislation, I am now of the opinion that it is highly unlikely that people having no relation to tribal land will seek to exercise the right of entry willy-nilly. I can assure them that if they did want to exercise that right their reception would be rather hot. The Aboriginal people at least in the northern parts of Australia are becoming jealous of their land, jealous in its true sense, and it is no wonder.

One of the strongest community reactions, in my opinion, was expressed at Nhulunbuy. The European people at Nhulunbuy have a specific grievance. They feel they are under siege, so they are and so they must be. They have permissive occupancy of that land for as long as Nabalco continue to operate. In fact they don't have rights as Europeans to live there, they only have rights as employees of the company. I feel very sorry for them but it was expressed to us by the people at Yirrkala that they are prepared to grant 12-monthly permits to the people of Nhulunbuy to go to certain areas and I believe that, through the good graces of the member for Nhulunbuy and his close contact with the people of Yirrkala, the European people of Nhulunbuy will not be as disadvantaged as they have felt themselves to be in the past. But that is not to say that the Yirrkala people and the other tribes in that area, under this legislation, won't exercise control over what will become their land; they will. I believe that because of the sensible way in which they are looking at it—and I congratulate the member for Nhulunbuy for the obvious effort he has put into maintaining dialogue between the two communities—the position is not as dreadful as many of the people at Nhulunbuy appear to feel and I pay him due consideration for his efforts.

There was fear expressed by members of the Aboriginal community that the Northern Land Council and the Central Land Council would exercise an undue control over the local communities. However, as the legislation clearly expresses, the Minister may—it doesn't say "shall" certainly—given certain conditions create new land councils. I only wish to make the point that, with the passage of the bill, groups will make the approach to the Minister for the setting up of new land councils. One of the difficulties is that such approaches can't be met and nothing can be done until the legislation is passed. One can't put the cart before the horse. The way it is drafted, it must go through and then various groups make their approaches to the relevant minister for the setting up of new land councils. It is my honest belief, and I think the belief of other members of the delegation, that the groups will make that approach. I think that some amendments will be proposed. I hope that, when those amendments are proposed to the federal legislature, they will be well canvassed and that they will be made public before they get to the drafting stage so that the Aboriginal people are made aware of what amendments are going to be proposed because they no doubt will have very strong views. For this reason, if for no other, I am happy that the delegation of this Assembly is to continue because we have a duty to inform

all the citizens of the Northern Territory, not only of the effect of the legislation as printed but of proposed amendments. Having made the initial survey through the Territory with some haste, it will be a very clear responsibility to make known the import of any amendments which are intended to be introduced into the federal house when next it sits.

I found throughout the Aboriginal people a strong desire for the legislation to proceed. It was very obvious that the issue had touched them deeply and that they would brook no undue delay. The Aboriginal people of the Northern Territory would be bitterly disappointed if similar legislation was not introduced when parliament again resumes after 13 December. I believe that the majority party in this Assembly would share the view that similar legislation is needed and that the people of the Territory have a right to comment. The European members are going to feel disadvantaged because, although we had the Woodward report available, no one really realised what it would mean until we saw the legislation. Having viewed the legislation, having spoken to the Aboriginal and European people, I am still of the opinion that by and large it is good legislation.

Motion agreed to; report noted.

BUILDERS REGISTRATION BILL (Serial 82)

Bill presented and read a first time.

Mr TAMBLING: I move that the bill be now read a second time.

All honourable members are aware of the acute pressure on the building industry in Darwin and of the desperate wish of many people to have a house constructed for them as soon as possible. Practically anyone who holds himself up to be a builder can get a contract for building or repairing houses. In general, the building industry has responded well and properly to this demand and there are many satisfied owners in Darwin as proof of this. Unfortunately, however, the high level of demand has attracted others who call themselves builders or agents for builders and who do not have the necessary capacity, skills or, in some cases, intention to do an honest, efficient job of building houses. Most members will be aware of cases where a person has paid money and got little in return for it beyond further misery.

The need for legislation to control building in the Territory is long standing. The proposals for a full and detailed registration scheme have been under consideration but they have their problems and cannot be worked for some time. To meet the needs of the current situation, a modified version of the detailed proposal has been prepared and forms the subject matter of this bill. The application of the bill is not proposed to be restricted to the Darwin area. Home building is common over both the length and breadth of the Territory and as this bill proposes to ensure some protection for the home builder against incompetent, inefficient or dishonest builders, it is considered appropriate that the protection be offered to all people in the Territory.

The principles of the bill are simple. The application of the bill is limited to building for residential purposes. It proposes 2 classes of builders: one capable of building any type of residential building of whatever type of construction and of any height and the other limited to detached dwellings not mainly comprising reinforced concrete, reinforced masonry or structural steel to a maximum of 2 storeys—the usual private home. Additionally, there will be provision for an owner builder, a person who wishes to be responsible for the building of his own home either by personal effort or by employing labour or sub-contracting. He may, under his permit, build to the level of the lower class of licence.

The bill will require all persons wishing to build for residential purposes to apply to a Builders Registration Board created by the bill to be licensed for the required class of building. They are required to submit with the application for licensing all relevant information to enable the board to make a decision. The board may grant a licence, grant a licence of lower standard if it considers the builder's ability to warrant this or refuse to grant a licence. A person may appeal to the Supreme Court against a decision of the board and the board shall accept the decision of the court.

The bill will make it an offence for a person other than a licensed builder or an owner builder to undertake building for residential purposes. The licensed builder shall only build within the class approved by his licence. All building by a licensed builder shall be pursuant to a signed contract of an approved type. Two types are specified and both of these are readily available in the Territory. They are standard contracts, one of the type

with architect supervision and the other without. Additionally, the board has the power to approve other forms of contracts. It is quite reasonable that many of the larger builders will have their own form of contract which contains all the necessary provisions and is quite acceptable. There are also simple typed contracts which have been used and which offer little or no protection for the purchaser and the board would not approve such a contract. Additionally, all contracts entered into will be deemed, irrespective of their conditions, to include a warranty of performance; that is, the house will be constructed in a proper and workmanlike way in accordance with the approved plans and specifications.

The bill makes it an offence to take money for building except by a licensee or an agent of the licensee and pursuant to a signed approved contract. The bill empowers the board to cancel or suspend licences for particular reasons and these are spelt out in clause 21. These include, false information, faulty building work, deception or attempted deception of authorised persons, non-compliance with laws relating to building etc. The board shall give the licensee a right to be heard before it acts. The board may cancel or suspend a licence or reprimand the licensee. An affected licensee again has the right of appeal to the Supreme Court and the board shall accept the decision of the court.

Essentially, the bill boils down to a system of registration of builders who may undertake residential building in accordance with the class of building they may undertake. No person other than a registered builder may build a residential building and he may only take money for that purpose pursuant to a signed approved contract. The bill has been discussed with representatives of the Building Board and with representatives of the Master Builders Association. In essence, they are not opposed to the bill and the builders have no fears about the registration requirements as they are not designed to keep out honest, competent builders. The Building Board appreciates legislation which will assist in making builders comply with building legislation in force in the Territory. Although it is a builders' registration bill, I suppose in some aspects its purpose is consumer protection. Administration has been deliberately simplified; there are no fees or prescribed forms so that there will be as little administrative delay as possible. It can offer the would-be home builder some confidence that the licensed builder he gets to build his home has satisfied a responsible board of his competence and ensures that the owner has the protection of a proper contract before he pays out any money.

Debate adjourned.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL

(Serial 83)

Bill presented and read a first time.

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

I probably take the prize for presenting the biggest bill in the Assembly this year and also one of the most important that we have had in the Assembly this year. At present under Northern Territory law, all wildlife matters are controlled under the Wildlife Conservation and Control Ordinance while parks and reserves are controlled by the Reserves Board under the National Parks and Gardens Ordinance. In many respects, this is an artificial division. Wildlife does not exist independently of its environment and part of the attraction and interest of our parks and reserves is the wildlife that inhabits those areas. Discussions have gone on for many years between officers of the Wildlife Branch of the Department of Northern Australia, right back to the time when I was Chief Inspector of Wildlife, and the Reserves Board concerning the desirability of bringing the 2 sets of legislation together in some common law and one commom administration. It has been agreed in principle for some time that this should be done. With the creation of the federal National Parks and Wildlife Act and the creation of a federal Parks and Wildlife Service, there is an obvious need to revise our control and administration of both wildlife and reserves so that the Territory is able with authority to liaise and co-operate with the federal body on all matters relating to wildlife and reserves. Inevitably, as powers devolved upon the Northern Territory under the transfer of powers and new constitutional arrangements that have been proposed, the logic of the situation would have led to a single administration for these 2 areas. The action in the Federal House last year has probably accelerated the need to do this and to produce a bill such as the one I have introduced today.

This bill is a result of a lot of hard work by a number of people and I cannot say that the bill is in a final form that all those associated

with the work are completely satisfied with. The principles and practice have been worked out in adequate detail for all interested persons to understand what is proposed and to be able to make comment and suggestions in respect of it. I know that the legislative draftsman would have liked more time to have been able to give the legislation a final polish. For example, the saving and transitional provisions which will comprise clause 4 are not yet drafted and included in the bill. In view of the importance of the subject matter and certain things which are under consideration in Canberra in relation to the administration of national parks and wildlife in the Northern Territory, I consider it necessary to introduce the bill now so that it may be widely distributed and discussed in our community and concerned persons and groups can make their views known. If necessary, the bill can be amended and passed finally in a form acceptable to the Territory and capable of effective implementation.

I have had discussions with the Reserves Board and with officers of the Department of Northern Australia engaged in the national parks and wildlife side and many of the thoughts and suggestions which are included in the bill come from those sources. Once again, I cannot pretend that there is complete agreement in the views and attitudes of all interested parties. For example, the Reserves Board appeared to be quite keen on the combination of the national parks and wildlife administration well down the line until one came to specialised groups. On the other hand, the view of the Department of Northern Australia may be more to the line that, while you have one piece of legislation and one top administrating authority, there should be some separation into parks and wildlife higher up the administrative tree. They say that in New South Wales, where they have one authority, some problems have emerged in that type of approach. However, this bill is put forward now as more of a sounding board to get the view of all interested parties and so that it can be brought back and considered later and put into a final form.

The bill creates a statutory body to be known as the Territory Parks and Wildlife Commission. The commission shall consist of a Director of Territory Parks and Wildlife who shall be chairman, a nominee of the Minister for Environment, a nominee of the Minister for Northern Australia and 2 other members appointed by the Administrator in Council. The director is to be a full-time appointment and shall be appointed by the Administrator in Council for a term of up to 7 years and shall be eligible for reappointment. The council may not appoint a person to be director unless he has qualifications and experience in connection with national parks or conservation to make him suitable for such appointment. His terms and conditions of employment will be determined by the Administrator's Council. Other members will be part-time members and will be paid prescribed seasonal allowances as in the case of our other statutory authorities.

The commission is empowered to manage parks and reserves, conserve wildlife, conduct relevant surveys, co-operate with state and federal governments on parks and wildlife matters, provide training and skills in wildlife and park management, carry out research and investigation and recommend to the Administrator's Council in respect of the establishment of parks and reserves and the conservation of wildlife in the Territory. The commission shall have the power to employ persons on terms and conditions approved by the Administrator's Council and, with the council's approval, to engage persons to perform services. There is also power for arrangements to be made for the performance of functions under the ordinance by officers of the public service or by an authority of Australia. The commission shall appoint wardens and rangers and each police officer is deemed to be a warden. Each warden shall carry proper identification and is provided with powers of search and arrest in the execution of his duties and with powers of seizure of vehicles and equipment used in the commission of an offence against this ordinance. I understand that the present thinking in the Wildlife and National Park Service is that the system of honorary rangers which was in existence under the old ordinance and not widely used has not proved very effective and that the intention will be to have properly trained full-time professional rangers and wardens working in this area.

The commission is to operate from a fund into which is paid money appropriated for the purposes of the commission and revenues from fees, licences, leases etc received by the commission. The operations and accounts of

the commission are subject to audit and other reports are to be tabled in this Assembly. The power to establish parks and reserves is invested in the Administrator in Council; that council may declare an area to be a park or reserve, name it, and declare part or all of it to be a sanctuary or wilderness area. Where an area is declared to be a reserve, the declaration may specify the purpose for which it is reserved.

Revocation of the establishment of a park or reserve may be made by the Administrator in Council but only in accordance with the resolution passed by the Legislative Assembly and after considering a report from the commission on that matter. In preparing the report, the commission shall advertise its intention and invite representations from the public and shall take these into consideration when making its report to the Administrator's Council. Honourable members will appreciate that there will be no possibility of such a revocation without the widest possible consideration in the community, in this legislature, by the commission and at the Administrator's Council level. There is no point at all in having wildlife and conservation areas sequestrated and set aside for this purpose if they can be easily changed back into something else. In general, revocation would be a power which would be used to a very minor degree. In fact, one would hope in most cases it would never be required to be used. However, there could be circumstances in which revocation would be reasonable and logical. I could quote an example. Somebody might find a small colony of night parrots in the Simpson Desert area. It is a small desert bird which is believed to be extinct and hasn't been seen for 60 or 70 years. If somebody came across a small colony in the Simpson Desert, it may be that a reserve would be declared around that particular area. However, if the colony in time became extinct and the purpose for which the reserve was declared was no longer required, then there would probably be no great point in having a small piece of desert set aside for time immemorial. Thus, in some circumstances, revocation might be necessary and should be made according to very tight procedures where people can know the reasons and express their view.

Parks and reserves shall be managed under a plan of management and it is required of the commission that it prepare and submit to the Administrator's Council as soon as possible after the declaration of a park or reserve a plan of management for it. In preparing a plan of management, the commission shall advertise its intention and invite representations and these shall be considered when drawing up the plan. The plan is to be adequately detailed and specify existing and proposed buildings and development, any proposal for mineral extraction and conditions to be applied to such extraction and a division of the area into zones and the conditions under which each zone shall be maintained. General rules are listed for the commission to follow in drawing up a plan of management. The commission shall have regard to the encouragement of the use of a park by the public, the use of a reserve for the purpose for which it was reserved, the preservation of the natural condition of the parks and reserves and special features within them and the conservation of wildlife in them and their protection against damage.

The plan of management shall be first submitted to the Administrator's Council which may accept it or refer it back to the commission with proposed alterations. When the plan is accepted by the council, it shall cause it to be tabled in the Legislative Assembly and shall specify any alterations from the commission's proposal. The Assembly will be the final arbiter and may pass a resolution disallowing the plan of management. If it does so, the exercise can begin again. The commission must prepare a new plan of management and follow through the same procedure. If on the other hand, the Assembly does not pass a motion of disallowance within the statutory period, the plan of management comes into force and the commission shall administer that park or reserve in accordance with the plan of management. If it decides to vary the plan, the full process of a submission with public participation from the commission to the Administrator's Council and from the Administrator's Council to the Legislative Assembly with the right of disallowance must be followed. It is a procedure which is taken in part from the national act.

It sounds a complex procedure and I suppose it is but members should recall that the plan of management will detail the way the park or reserve will be administered, the development plans, the nature and manner of any mining that is permitted and the facilities to be installed. The plan will remain operative until revised by similar action and the whole

concept of the plan of management is to involve the public of the Northern Territory as far as is reasonably possible without undue delay or undue paperwork and red tape in having a say in the management, design and use of the area set aside for public recreation, enjoyment and conservation.

To assist the commission, there will also be a Territory Parks and Wildlife Advisory Council consisting of the director who is also chairman of the commission and 8 other members. Its object is to get a wide representation of Territory people, particularly people with special skills or knowledge that may be of use, and use that body to ensure that the commission is informed of the views of Territory people and to recommend to the commission in respect of all matters covered by the ordinance.

The bill is quite specific in respect of mining and the taking of timber in parks or reserves. No operations for the recovery of minerals or the taking of timber shall take place in a park or reserve except in accordance with an approved plan of management. Obviously, mining and forestry operations are of importance to the Territory and, generally speaking, action to restrict them should not be lightly taken. If, for some particular reason in the national interest, an extracting operation does take place, it will be strictly controlled to ensure that it does not damage the area and destroy the purpose for which the area was reserved. The final say on these matter again will lie with the Assembly.

The bill goes on then to deal with provisions regarding animals and wildlife. In this respect, it differs from and I believe is an improvement on the federal National Parks and Wildlife Act. All the provisions relating to wildlife in that act are contained in the regulation-making powers and there is nothing spelled out in the main legislation as guidelines on animal and wildlife conservation. You will recall that our old ordinance did set out in some detail various approaches and principles of wildlife conservation and we have adopted that approach in this bill. It is necessary for public information not just to leave everything to regulations but to speli a good deal of this out in the bill itself.

The bill divides animals into five classes: protected, partly protected, game, pests and prohibited entrants. All animals are declared to be protected animals unless they are declared by regulations to be partly protected, game, pests or prohibited entrants. No one may take, kill or possess a protected animal. An exception is made in respect of Aboriginals who may need protected animals for traditional hunting or food purposes but an Aboriginal may not trade in or dispose of a protected animal to another person who is not an Aboriginal. The bill provides for the declaration by regulation of animals to be of a class other than protected. The regulations may also provide for such a declaration to apply in part only of the Northern Territory or for part only of the year and, in respect of game, may declare limits on the number that may be taken. This is to ensure flexibility. An animal may be protected in one part of the Territory but be game, partly protected or a pest, possibly even a prohibited entrant, in another part. An animal may be protected in the Territory for part of the year and be declared game for the remainder of the year with limits declared as to the number that may be taken. Most of these things are similar to provisions in the existing Wildlife Ordinance.

Permits may be granted by the director for a person to take, kill or have in his possession a partly protected animal. The permit may be limited as to number, age, sex, size or the area or period in which it may be exercised and may be further endorsed with conditions that the director considers necessary, such as conditions relating to sale or export of the animal. The possessor of a permit is required to comply with the conditions of the permit and a heavy fine is provided for non-compliance. Animals which are declared to be game may be taken in accordance with the declaration. The regulation may specify the time and parts of the Territory in which the animals are game and may prescribe a bag limit as to such numbers which may be taken in any one day. It is an offence to sell game animals and a penalty is provided for non-compliance.

In respect of declared pests, no restriction is imposed. A power is given to the Administrator to declare a pest control area and a warden or person under his control or instruction may enter such an area and do all things necessary for investigation and control of declared pests. The power is given to the Administrator and not to the Administrator's Council because immediate action may be necessary. A dangerous pest could, for example, escape from a ship in port and immediate action for its eradication becomes

necessary. The immediate declaration of the concerned area may be required to give authority to the necessary action. There is also power to require landholders to take action to eradicate pests on their land and a power for the director to assist the landholder by the provision of materials or services for that eradication. Controls on the manner and method of use of poison for this purpose are also included. All prohibited entrants are pests and may not be brought into or possessed in the Territory or that part of the Territory in respect of which they are declared except by permit. The director may issue such a permit and restrict it in any way he considers necessary for the importation of a prohibited entrant. The power is only likely to be exercised for strictly controlled scientific purposes. There is a power for the Administrator to declare an animal to be a prohibited entrant but that power lapses 7 days after the meeting of the Administrator's Council subsequent to the declaration. The power would only be used if an animal hitherto unknown in the Territory was found, to enable immediate action by the Administrator. I remind honourable members of the cane toad episode in 1974. The action of the Administrator then requires confirmation at a subsequent meeting by the Administrator's Council and the declaration of that animal by regulations. The bill also makes it lawful for a person to keep in a domesticated state any animal if that animal has been lawfully taken or bred in captivity.

The bill provides extensive bylaw-making powers to the commission. As honourable members will be aware, the Reserves Board at present has quite extensive bylaw-making powers. Their role will be taken over by the commission which will be empowered to make bylaws for the powers and duties of rangers, the conservaton of wildlife, the protection of parks and reserves, controlling access to parks and reserves, controlling camping, regulating conduct and imposing fees and charges, traffic control and the removal of vehicles. There is also provision for on-the-spot fines in lieu of prosecution in accordance with specified penalties for littering or traffic offences in parks and reserves. That kind of approach, the on-the-spot fine, has been found effective and is widely used in national parks overseas. Bylaws must be confirmed by the Administrator in Council and come into effect on the date of publication of the confirmation in the *Gazette* and shall be deemed to be regulations.

Finally, it is a very large bill and members are going to have some homework to do in our recess. It is a large and important subject. The natural resources of the Northern Territory which are represented in our parks and perhaps future parks, are very important both from the future conservation point of view and also from the economic point of view as they have potential for the development of tourism. I still believe that the operation and administration of Territory parks and reserves, other than those which are obviously of truly national and international significance, should be in the hands of Territory statutory authorities and Territory people and this legislature. This bill is a futher attempt, added to various pieces of legislation that we have had before us over the last 2 or 3 years, to secure the interest of Territory people in a sound, modern and intelligent way to national parks and wildlife administration. I see it more as a companion bill at the operational level to the federal National Parks and Wildlife Act, a service which I think, by and large, should be principally used for coordination purposes.

I have not attempted to examine the bill clause by clause but to give honourable members an outline of the main features. I recommend that they now take this bill to their electorates and talk to all interested people there. I will welcome any criticisms and suggestions concerning the bill. I ask all persons and organisations in the Territory interested in national parks and wildlife matters to study the bill and make their views known. It is hoped that such an approach will lead to legislation effective for Territory purposes and reflecting the views of Territory people.

Debate adjourned.

TRESPASSERS (TEMPORARY PROVISION) BILL

(Serial 79)

In Committee:

Clauses 1 to 3 agreed to.

Clause 4:

Dr LETTS: I move that clause 4 be amended by omitting from the definition of "owner" the words "of land".

Amendment agreed to.

Dr LETTS: I move that clause 4 be further amended by adding at the end of the clause

the following subclause: "(2) For the purposes of this ordinance, Australia shall be deemed to be a body corporate by the name of 'Australia'."

I don't quite understand the legal implication of this but I was informed by departmental advisers that the bill would only be effective in half the cases if this is not included.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 7 agreed to.

Clause 8:

Dr LETTS: I move that clause 8 be amended by omitting paragraph (b) of subclause (1) and omitting subclause (2) and substituting a new subclause (2) as circulated.

These amendments are designed to take care of the comments of the honourable member for Port Darwin. I trust that they will in fact meet the objections which I recognised as being valid at the time.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 14 agreed to.

Schedule agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

CONSTRUCTION SAFETY BILL

(Serial 55)

Bill passed the remaining stages without further debate.

(See Minutes for amendments agreed to in committee.)

FIREARMS BILL

(Serial 76)

Bill passed the remaining stages without debate.

UNIT TITLES BILL

(Serial 64)

Bill passed the remaining stages without debate.

(See Minutes for amendments agreed to in committee.)

REAL PROPERTY (UNIT TITLES) BILL

(Serial 65)

In Committee:

Mr TAMBLING: Mr Chairman, I seek leave to make a statement with regard to the proposed amendments to this bill.

Leave granted.

Mr TAMBLING: There is a large schedule of amendments to this bill which has only just been placed before honourable members. I apologise for the problems in getting the information to them. Some will be concerned that adequate attention and understanding cannot be given to them. I would remind honourable members that this bill does not establish any new policy. This bill is really to provide the mechanics of registering the dealing with unit titles. The bill itself is largely based on registration practices as evident in similar Australian legislation. It has been closely exmined by officers of the Attorney-General's Department and the Registrar-General to determine its appropriateness, having regard to registration practices in the Northern Territory. The schedule of amendments results from their examination and, in essence, they amend the bill so that the registration machinery accords with registration practices in the Territory. The only additional material is the proposed amendment to clause 8. This provides that an easement over land which is converted to unit titles continues as an easement in respect of the common property in that title. It is obvious that such a provision must be included. Consequential flow-on amendments will be necessary in clause 9, while the proposed amendment to clause 11 is in the reverse situation, on cancellation of a units plant. Easements held in respect of common property will be continued as easements in respect of the new proprietor of the estate. A high proportion of the amendments consist of changing the reference from "Registrar" to "Registrar-General", as was done in the Unit Titles Bill and to accord with Territory practice. The 2 pages at the end of the amendment schedule do that and there are other such amendments in the body of the schedule. Examination of clauses of the bill has shown some incorrect references to forms and sections; these are also corrected. Examples are clauses 6, 7, 8, 9, 16. Members will appreciate, therefore, that these amendments do no more than adjust the terms of this bill to make it workable in the circumstances in Territory registration practices.

Bill passed the remaining stages without further debate.

(See Minutes for amendments agreed to in committee.)

CRIMINAL INJURIES COMPENSATION BILL

(Serial 68)

In Committee:

Clause 9:

Miss ANDREW: I move that clause 9 be amended by omitting from paragraph (a) the word "and".

Amendment agreed to.

Miss ANDREW: I move amendment 81.2.

This is the paragraph that the honourable member for Port Darwin had in his earlier bill. It has been considered in the light of the situation he stated and no objection is seen to its inclusion in the bill. I point out a slight alteration in the wording. His paragraph read: "renders unlawful and void". The word "unlawful" has not been included. Further, a requirement for application for that voiding by the person in whose favour the order is made has been inserted.

Amendment agreed to.

Clause 9, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr WITHNALL: In the former bill, there was a clause 8 which provided that, where a payment was made by the Administrator pursuant to an order, the Administrator had the right of the aggrieved person to recover under the order. I don't know why this was omitted and I intended to raise the matter in committee but unfortunately the committee proceeded too quickly. It seems to me that the omission of this clause may have the result that a person who has an order against a convicted person and has been paid by the Administrator may still go ahead and recover something from the convicted person as well. It also has the result that, if the convicted person has a windfall and has means from which the order could be recovered, the absence of this clause will leave the Administrator with no chance of recovering it and leave the person in whose favour the order was made with every chance of being paid twice. I can't imagine why clause 8 of my bill was omitted but I bring it to notice because I think it may very well be a matter for amendment at some later stage.

Bill read a third time.

PREVENTION OF CRUELTY TO ANIMALS

(Serial 57)

Mr ROBERTSON: I have made some examination of this bill and I find myself very much in favour of concepts which are being aimed at by the honourable member for Nightcliff. Indeed, I commend the honourable member for her work on this. It seems that such legislation has been overdue. Often, such important bills as this are perhaps overlooked because of the pressure of business that prevents them from being brought on. I am pleased to see that the honourable member for Nightcliff has had the opportunity to do it.

Looking at the definitions, I entirely concur with her when she proposes to remove the word "cruelly" in respect of the word "ill treat". I cannot imagine how else you could ill treat an animal or bird other than cruelly. The word is quite superfluous and its omission removes a loophole which would otherwise be available to anyone prosecuted under the ordinance. I find nothing else greatly objectionable in the definitions save that I wonder about the qualifications of the policeman to conduct the role of an inspector under this ordinance. I realise that you would never have sufficient qualified inspectors appointed to properly administer an ordinance such as this. However, she did mention on an number of occasions during the course of her second-reading speech that a qualified person would be required to make certain directions. The police could hardly be described as qualified. For instance, on page 4 of Hansard of Wednesday 15 October: "A qualified inspector should have the power to require a person who has control of an animal to do certain things to mitigate its suffering". I would like to hear how she proposes that this qualification be granted.

Moving on to clause 4, I certainly believe that something is necessary to clarify the position in relation to drought. The present position is that during drought, if an animal was inadequately fed or watered and incurred suffering as a result, the lessee of the pastoral lease would be liable to prosecution. I have spoken with the honourable member on this and I understand that she has prepared a satisfactory amendment to overcome this problem.

A number of other points in the bill trouble me. Clause 9 of the bill relates to section 17 of the principal ordinance. It states that an inspector may stop any vehicle, vessel or aircraft. I can just imagine the inspector standing on Casuarina Beach waving his fist at a jet travelling at 31,000 feet, saying: "Come down you bounder". It is a very minor point nevertheless I don't think that it is quite practical.

I am somewhat concerned about a reference in clause 9 that will relate to section 17(4). The bill says that evidence obtained by an inspector to exercise by him a power under subsection (1) shall be not admissible in a prosecution under this ordinance unless the required report referred to in subsection (3) has been duly forwarded. This particular clause relates to the provision to the Administrator of a report in respect of any actions of entry taken by an inspector in the course of his duty pursuant to his reasonable suspicion that an animal is being subjected to suffering. Honourable members might give some detailed thought to the possibility of making it mandatory on the inspector or the police officer exercising the functions of an inspector to actually provide this report. This seems to open the way for what could be high-handed, capricious and unnecessary action by the inspector. It is possible that what that section is meant to imply is that the action cannot be commenced until such time as the report is furnished. That could possibly be the intention.

Mrs Lawrie: He has to make it.

Mr ROBERTSON: I have already alluded to the pastoralist. I would note though, in section 21 of the principal ordinance, the wording currently is "by doing an act or act done". I would suggest to her that she should insert the words "or omitted to be done". By not doing something, he could be equally as negligent as by actually doing an act.

I would go along wholeheartedly with her proposal in clause 12 whereby she provides that an inspector under the ordinance may provide to the extent of $50 immediate relief to alleviate the suffering of any animal found to be in a condition of deprivation. I wonder really at the merits of limiting it to $50. If we are to take the situation of 30 or 40 horses that are starving, then $50 may not be enough. I would imagine her reasoning for that is to prevent lavishness by an overzealous officer. I would ask her to explain her reason for the limitation of $50. It would also seem from her second-reading that, in respect of that section, she would hope that prosecutions perhaps would not follow. I don't know whether that is exactly what she intended to say. It would seem to me that, if you had a situation where an inspector must come in and expend up to $50, it would be rather pointless if the prosecution did not follow. If someone has caused unnecessary suffering to animals to the extent that money must be expended to alleviate the suffering, one would think it right and proper that the prosecution should be launched and the offender punished according to law.

Turning now to the provisions of registration, we have a proposal to register private zoos, boarding kennels and stables. I would think it certainly proper that private zoos be registered. However, I would certainly question the need for the registration of stables unless honourable members have examples of very poor treatment of horses in these. I can only go by the nature of the stables being run in the Alice Springs area and I think invariably they are excellently run. I am raising this point purely because our society seems to becoming one complete conglomeration of permits. I do believe ultimately that we are going to reach the stage that we will need a permit to sneeze or to walk down our footpaths. I question the necessity of this type of registration. This is a matter that honourable members will perhaps examine more closely in relation to their own electoral requirements. I would also expect that the honourable member for Nightcliff will again educate me as to why she believes these are necessary. However, having seen a few zoos in backyards, I am inclined to agree that that may be an appropriate one.

I would also wonder why the necessity for registration is made available if the purpose of the registration is to allow access by inspectors to properties. By clause 28, an inspector may at any reasonable time enter and inspect any private zoo, boarding kennel or stable within the meaning of sections 24, 25 and 26. It is quite unnecessary to have registration for that purpose because there is another provision in the bill which empowers an inspector to enter upon any property anywhere and at any time if he has a reasonable suspicion. Therefore, it would seem to me that there is no reason to have these particular private organisations registered.

I do support very strongly the concept of the bill. I commend the honourable member

for Nightcliff and I have no doubt that she will explain to us the reasons for these particular clauses which are somewhat doubtful.

Mr KENTISH: I do support the bill; it is a concept that all right-minded people would support. Needless cruelty to animals should be eliminated wherever possible. However, there are a few points in the bill that I would like to draw to the sponsor's attention.

Clause 4(c) reads: "being the owner or person in charge of a dog, including a bitch, which is tied up or kept in close confinement, fails to exercise or cause that dog to be exercised by releasing or walking it for a period of not less than one hour in any period of 12 hours". That is a reasonable clause but there are some difficulties. If it came to a summons concerning this, the matter of close confinement would appear to be a matter of opinion unless there is some distinct stipulation laid down as to what area a dog or a bitch would require. With quite a number of animals, we have a stipulation that they would require 50 square feet of floor space or 30 square feet. It may be necessary to arrange an area for 2 sizes of dogs—small dogs and large dogs. Obviously, a large dog would require much more room than a small dog. I just don't know how a court case would proceed on the matter. Then there is the matter of the one hour of release or walking in every 12 hours. This is quite reasonable of course but who times the person in the case of any complaints about him? Does the inspector put a watch on him or rely on pimps to state that the dog only had 40 minutes exercise. These things would make that particular clause difficult to enforce. The concept is reasonable but a law that can't be enforced or proved in a court appears to be weak.

Clause 4(2) reads: "A person shall not be guilty of an offence under subsection (1) if, in the opinion of the court, he had a reasonable excuse for doing the act or failing to take the action that resulted in him being charged". This appears to be a very good thing. I have had a painful experience of this sort of thing and I have seen a miscarriage of justice. I remember an occasion where a man shot at several dogs which were savaging young calves in a paddock near where he lived. One of the dogs went home with a bullet wound and he was fined £50 or £60 for cruelty to a dog. No one gave any thought whatever to what was happening to the calves in the paddock. At the court, the man was given no opportunity to state his case at all. I am pleased to see that clause there. I have also been called to account myself for castrating a stallion which someone reported as an act of cruelty. I have been doing this on and off since I was about 20 years old and it was just one more of a long list of animals that have had to be treated like this. Nevertheless, I was brought to book by the inspectors for castrating a colt. There was an inquiry about it; veterinary officers inspected the colt to see whether the operation had been well performed and they conceded that it had. The clause is very necessary and I commend the sponsor for putting it in the bill.

Clause 8 states that section 16 of the principal ordinance is repealed and another section substituted to the effect that a veterinary surgeon, medical practitioner or an inspector may kill an animal that he considers on reasonable grounds to be injured or behaving in a savage manner or diseased. This may be a reasonable situation within the town boundaries of Darwin but if we move out down the road and find a horse or cow with broken legs, how long are we to wait to find a veterinary surgeon, medical practitioner or an inspector before destroying the animal? It may be necessary to divide this requirement into 2 cases: in the case of an emergency a person without exposing himself to criminal proceedings may destroy an animal which is obviously beyond repair; secondly, an animal that is diseased or likely to be of danger may be inspected by the veterinary surgeon or the medical practitioner or the inspector.

In clause 9 new section 17 states that a person in control of a vehicle or vessel shall cause that vehicle or vessel to stop when called upon to do so by an inspector acting in pursuance of his power under section 17. We have debated in this Chamber the situation where a person in plain clothes could pull up a vehicle anywhere on the road. A vehicle inspector perhaps from the vehicle registration office could pull up a vehicle anywhere on the road and demand that he inspect the vehicle and put the vehicle through certain tests anywhere at all. At that time, we considered that it was impractical for the person in plain clothes to pull up a vehicle. These days people have a fear of hi-jacking and violence, particularly out on roads away from town. There would be a tendency for them not to pull up if they did not know the person who was trying to wave them down and if he was not in uniform. I would suggest that the sponsor of the bill consider more carefully this section 17(1)(a).

I haven't noticed in the bill—perhaps this is due to the fact that I haven't looked at it thoroughly in every line—anything concerning abuse of an inspector. There may be something about interfering with him in the execution of his duties. It is quite possible that an inspector may find himself subjected to abuse or physical violence in the execution of his duties. Sometimes the inspector would be a policeman under the provisions of the bill but I am just wondering what protection an inspector has. Perhaps it is there but I have not noticed it. There is an arrangement, of course, which we have seen lately, that a person is allowed one hit at a policeman or to do a policeman over once with a suspended sentence; it may be that the same provisions might be extended to an inspector under this bill.

There is a further point, the registration of stables. It is a point that I have a somewhat divided mind on. Like the member for Gillen, I dislike the proliferation of permits for this and that, and I am just wondering at what stage I might have to get permits for my stockyards, if stables also have to be placed under a permit. There seems to be some requirement that stables be kept in a reasonable condition, but whether this requirement is a health requirement or whether it is more rightly concerned with cruelty to animals I am not certain.

Debate adjourned.

ENVIRONMENT BILL
(Serial 81)

Mr BALLANTYNE: I support the bill. The bill is a very comprehensive piece of legislation and probably one of the most important pieces of legislation of this type that we have had in the Territory. It has been drafted in a way that I think most people will see the meaning behind it. It is a meaningful piece of legislation and to me an exciting one.

There is provision for a director, this is an appointment by the Administrator's Council, whose title will be Director of the Environment. It gives him the full responsibility for administration and sets out the conditions of his employment, his duties and functions. The director's main duties will be to protect the environment with his best endeavours and he has powers to delegate authority by writing under his hand as in clause 6. He will exercise control over public and private nuisances and pollution, coordinate all activities, plan, protect, advise, communicate, set standards, and, create good public relations within the scope of the ordinance. The director has a big job, probably one of the most important in any field, because it covers a multitude of subjects: health, welfare, safety, security, engineering, chemical, electrical, mechanical, electronic, nuclear, civil—you name it, this bill will cover all these facets. The Director of Environment's job will be infringing on other existing laws, particularly on public health, industrial relations, the business world, both local and federal government bodies, and the private sector. However, at all times he still will be keeping within the powers of this ordinance.

There will be a board called the Environment Protection Board which will consist of 3 members, all appointed by the Administrator's Council. One of them will be a legal practitioner of at least 5 year's standing and another will be a qualified engineer. The appointment of the engineer will be most important and I am sure that the originator of this bill has given consideration to the type of persons we would need to exercise the powers and to be members of that board. The bill describes the conditions and terms of office of members of the board in clause 11 and I must say to the honourable member for Port Darwin that I believe that this is a very commendable step.

Clause 12 outlines the functions of the board which will be basically to advise, control, review, recommend, hear and determine the problems and implement measures to be taken for the control of pollution and noise within the scope of the ordinance. The board will meet at least 4 times a year as well as holding meetings to hear and determine applications for the cancellation of the environmental protection orders which are handed down from the director.

Jobs will be carrried out by environment officers who will be appointed by the Administrator. Their job has wide powers and combines inspecting, examining, analysing, sampling, making enquiries, taking photographs, writing reports, keeping records, and asking questions. They, above all, will need to be men of high integrity. Moreover they must not disclose any information acquired by them in the course of their duties. There is a penalty for anyone who infringes that and the penalty is high: the penalty in this case would be $1,000 or 6 months imprisonment or in some

cases it would be both. The penalty is high and, when we look at clause 9(4)(a)(ii), we can see why. It is well known that when you are given powers to enter land or property or factories and allowed to have access to records, plans and maps of a private and personal nature, the strictest confidence must be adhered to. Those provisions are vital.

There are other provisions in the bill to protect a person. Clause 13 provides that, where the director delivers an environment protection order to a person, the person may within 7 days apply to the board for a cancellation of that order, and this can be done by writing or a telegram. This is very necessary as I am sure that the honourable member for Port Darwin is aware of repercussions that can occur if someone was asked to close down some plant. There are many processes in the mining and manufacturing industries where it is not always possible to shut down immediately. It is impossible. It would involve high costs. It also could severely damage machinery and other equipment and it could cause an industry to come to a complete standstill, not for a short period but sometimes for a longer period.

There is an old saying that if you remove the cause you cure the complaint but this is not so in every case. In many cases the director, when issuing environmental protection orders under the ordinance, will have to use his discretion. We must remember that we have been polluting the country for years. Australia has been polluted; all our rivers, creeks, water supplies, land have been polluted. We have noise problems. And all of a sudden we bring in a piece of legislation which is the size of this and has all sorts of powers; that is why I say that the director must use discretion.

I return to part IV of the bill, "Control of Industry". Clause 21 refers to the use of dangerous substances which is a very important thing in industry and for that matter in the private sector. All sorts of substances could be put in water supplies or it could be noxious smells coming from an area of an industry. The provisions of clause 21 cover all the facets of that. Control of industry could come also from the people in industry themselves. They have a job to do and, before we actually ask the director to do something about a certain problem, I think it is up to the business world to look at the health and pollution side of things when they go into an industry. If they can keep down the pollution and the noise and all the things we are faced with today, it will make the director's job of controlling it much easier and we will get a better understanding, better industrial relations between the various sectors.

There are provisions covering the pollution of waters. I am sure that everyone here understands the problem we are facing in pollution of waters, the sea, lakes rivers, streams, water courses, billabongs, marsh or swamp whether permanently, temporarily, or occasionally flowing or filled with water, fresh or salt. We don't need to go into all the aspects of what can happen. It is all covered here. If the direction comes down from the director in the proper manner, I'm sure that we can have better control of our water systems here. We might even look into the local water supply and see why we can't even have a cleaner water supply. I was here the other day, turned on the tap and this brown water came out. I said to the person, "Is that your pipework?". He said, "No, it's the town water supply". To me it didn't look too good. It has probably been tested but to me it just didn't look right.

There are a lot of problems in the pollution of air. We don't have to go into that; we have been monitoring factory stacks, chimney stacks and all that sort of thing for years. The local councils in some cases are given this job and they have a terrible job. Some days when the wind is blowing you can't even see the smoke and the people think it's lovely but the next day, when the wind is not blowing, you have a smoke-filled atmosphere polluting the skies every day of the year, 24 hours day. There are ways you can overcome that. There are modern methods, electrostatic precipitators and other things you can use to collect the particles to reduce the smoke content and also use techniques in controlling the furnaces and chimney stacks generally.

This is a bill that I can recommend to anybody right throughout the whole of Australia. If any other state is looking for something to suit their needs, I'm sure by reading this they will get a lot of facts. There are a lot of things that we are probably overlooking. There are a lot of things that we need to add and perhaps revise. I'm sure in the next month or two when we all have a second look at it, we will probably see other things. There are all sorts of problems with garbage dumps, tips, sludge deposits at sites and all waste disposals. These are the sorts of things we have got to keep under control. There are other bodies now looking after them but it will be better if it

comes back into one body and we don't get all these outside bodies coming in–Health Department, Mining, Water Resources and all these people–trying to control various areas. If it were under one director we could control the pollution and we could control the noise. We have problems with aircraft; we have problems with the next door neighbour's lawn mower; we have problems with air conditioners; we have problems with electric fans; we have got problems with everything. What the noise level that will suit most people is I don't know. Those are the sorts of things we have got to have administered properly, that have to be looked at with a lot of discretion by the director.

I commend the honourable member for Port Darwin for the work he has done. To draw up a bill like this must have taken him a tremendous amount of time and research and I'm sure he has done that. I commend him for it and I also have no hesitation in supporting his legislation.

Debate adjourned.

ADJOURNMENT DEBATE

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

I first would like to provide information in relation to a question asked me yesterday by the honourable member for Tiwi concerning the outbreak of fruit fly on Bathurst and Melville Islands. The details I have obtained from the departments are as follows. I haven't any specific information about how the outbreak came about or how they think it came about. At present, there is intensive activity on Bathurst and Melville Islands and on the mainland in the Darwin area to try and locate and eliminate infestation by the oriental fruit fly. An overall survey commenced in April this year at 9 sites in the top end of the Territory as part of an Australia-wide survey on fruit fly. In recent weeks, bad weather has hampered the continuation of this survey to some extent but it is now known that the southern section of Melville Island near Paroo and Pickertaramoor are quite widely infested. There have also been recordings at 2 sites north of Snake Bay and the fly has also been found on the southern coastline of Bathurst Island. No recordings of the fly have been made at Snake Bay itself or Garden Point and none on the mainland around Darwin. At this stage Cobourg Peninsula and the Gove areas have been found to be clear.

To control and eradicate the fly, several measures are in hand. At this stage, a spray is to be used over infected areas consisting of a protein hydrolosage, which is a bait, and malathine, which is an organic phosphate pesticide. The spray is used at the rate of one pint per acre. At the start of the next dry, a male annihilation program will be instituted. This is done by dropping strings, 10 per hectare, with a bait comprising a sex lure and malathine. I think that there seems to be some kind of sex discrimination in this matter which we might have a look at further at a later stage; the male seems to be getting the bad end of the stick here. The departments concerned are working in close consultation. I am informed that the oriental fruit fly is potentially quite dangerous; it can live in virtually any climatic area and attack a large range of fruit. If it were to get onto the mainland, experience overseas shows that it would replace the Mediterranean fruit fly in Western Australia. Bathurst and Melville Islands have been placed under quarantine; no fruit, vegetables or plant materials in general can be brought to the mainland. Signs are being placed at places like the airport and quarantine officers are meeting arrivals from the declared areas.

I would like to refer briefly, Mr Speaker, to the letter which you received from the Health Department and circulated to honourable members earlier this week concerning the problems of that department, particularly in regard to staff. I hope I am not usurping the authority of the Executive Member for Social Affairs here altogether, but there are some aspects of this letter which I felt to have some constitutional and public service ramifications which come into my area too. It is a little disappointing to find that a resolution of this Assembly going to a minister is replied to by the public service, although I suppose there are extenuating circumstances here in so far as the reply was drafted during the changeover period in parliament. I hope this is exceptional and that in future we can expect to have a minister's reply when this Assembly addresses a request by formal motion to a minister.

I find also that the information supplied in the reply is hardly adequate to meet the critical situation that exists in the health services. I am disappointed to see a phrase like "A Joint Public Service Board-Department of Health working party has been set up to consider possible courses of action which could be

taken to rectify the current serious staff situation or at least any worsening of the situation". That seems to be hardly a dynamic enough approach to the problem, just trying to prevent any worsening of it. It is so bad now that I believe the health services of the Northern Territory are in jeopardy and positive action is needed to improve them, not to carry out any sort of holding exercise. The Public Service Board and the Department of Health, we are told, are pursuing some courses of action in order to go some way to alleviate the present position. In fact, with dute respect to Dr Howells who I think is an interested permanent head, the letter is not positive enough; it does not give enough indication that the matter is being treated seriously and will be rectified.

In conjunction with the kind of attitude expressed there, I refer to the report made by the Minister for Health about the possibility of setting up a health commission in the Northern Territory which we received at the last sittings. Honourable members who had a look at it will realise that that report is slanted very much towards the kind of commission which will have a strong public service bias and influence and be virtually part of the public service. It seems to me that this is no way to answer the problems of the Health Deparment. We are told the problem arises in part because the salaries of our doctors here are tied by wage indexation guidelines to what they were at some certain base date in relation to other salaries. Unless we can break that situation, then the critical deterioration of health services in the Northern Territory can't be improved. It seems to me that there would be considerable merit in considering a type of health commission which is more of an autonomous statutory body like the statutory bodies of the Reserves Board or the Housing Commission which get away from public service ties and binds and can determine conditions for the health services for the Northern Territory, for doctors and nurses and people like that, which are appropriate to our unique situation in the bush, in Darwin and the towns. It is not sufficient just to make overtime adjustments and some of the things that are suggested in this letter; we need a whole new look at the kinds of salaries and overall conditions of accommodation and everything else that a health service in the Northern Territory requires. It may be that we have to go to a more independent statutory authority to obtain this and thereby circumvent these regulations and ties of the Public Service Board that have put us into the situation that we are in now. If we did have an autonomous health commission in the Northern Territory, I am quite sure we could make arrangements with health services around Australia, state and Commonwealth, for secondment of medical officers from time to time who could come and work in that service at appropriate terms and conditions and could then elect to go back to their parent body if and when they so desire. That is the only kind of approach which will really bring about a solution to this long festering problem of health services and health staff problems in the Northern Territory.

Mr RYAN: The honourable member for Jingili asked whether, in his absence, I would pass on information he received concerning comments made by the honourable member for Nightcliff yesterday with regard to the Commercial Union Insurance Company. The honourable member for Jingili has been in touch with the insurance company who claim that the honourable member for Nightcliff has never approached them on the subject of the particular claim in question. They did make the suggestion that they would like the honourable member for Nightcliff to make the claims outside the Assembly but would also like to talk to the honourable member should she like to do so.

Over the last couple of weeks, I have found it quite amusing to see that the previous Prime Minister, Mr Whitlam, has asked that he be referred to as the Majority Leader. I am quite sure that our own Majority Leader has no sympathy for the fact that this man who claims that he is the Majority Leader in the parliament has no powers because our Majority Leader has had a quite significant majority in this Assembly over the last 12 months. This other gentleman who now claims that he is the Majority Leader has been quite instrumental in preventing our Majority Leader from exercising any real power. Whether or not the other Majority Leader, as he prefers to be named, comes out of this situation a much wiser man, he certainly may have some sympathy for the Majority Leader in this House.

Tomorrow is the last day of the school year. We have had a bad year in the Northern Territory as far as road accidents are concerned. The statistics aren't good. Last year from February to November, we had a total number of 744 road accidents in which 477

people were injured and 23 people killed. From January to November 1975, we had 838 accidents. There has been a reduction in the number of persons injured to 395. There doesn't appear to be any reason for this. We can only assume that in the cars or vehicles that were involved there were fewer people travelling. The number of persons killed up until November this year was 25. We can see that our record is getting worse and we must bear in mind that this year we have in fact had a reduced population. We can only presume that had we had the full population in Darwin we would have had more accidents.

What we have to do is to impress upon people the need for courtesy. I mentioned this in a recent adjournment debate and I feel that courtesy is the most important part of driving a car next to the ability to actually make the vehicle move. A person can be a very courteous, likeable person and you put him in a motor vehicle and immediately he wants to drive over the top of everybody who gets in his road. This appears to be a worldwide situation when people get behind the wheel of a motor vehicle. People on motor bikes are not so aggressive because they do not have the protection nor the weight to assert their authority on the roads. However, I think that people must wake up to themselves. They must realise the danger on the roads during the wet season when we have poor visibility. People must become more courteous on the roads otherwise we are going to reach the situation where more people will be killed each year.

The main causes of the accidents would appear to result from lack of care, speed and alcohol. Alcohol is covered fairly well with the implementation of the breathaliser. In a report that I heard on the news, the number of people convicted this year as a result of the breathaliser was in excess of 900. The breathaliser should be reducing the number of people under the influence driving on the roads. Unfortunately, due to the pressure that is being placed on the draftsmen, we were unable to introduce an amendment to the Traffic Ordinance with regard to the amphometer. It was only a minor amendment and it is a bit unfortunate that we were unable to introduce this legislation. The shortage of staff made it completely impossible. An amphometer is a device to deter people from speeding because they can be caught by this particular instrument. Unfortunately, that will not be used over the Christmas period. While I guess it is not really a good idea to publicise the fact, I thought that I should mention the reason why we were unable to introduce that legislation. No doubt the police force will be taking extra precautions to see that people don't take advantage of this fact and it is hoped that, with more patrols on the road and maybe a bit tougher hand by the police over the Christmas period, we may be able to keep our accident rate down.

In closing, I once again stress the fact that people on the roads should be courteous as this is a very important part of our daily life. Somebody else in a car has just as much right to be on the road as we have.

Mr POLLOCK: As it appears that there is nobody else wishing to speak this afternoon, I thought at this late stage with the approach of Christmas it might be appropriate to extend to you, Mr Speaker, and the staff the season's greetings from myself and other members of the House.

Members: Hear, hear!

Mr TUNGUTALUM: Just a brief word o thanks on behalf of the Humpty Doo Rura. Association. I am pleased to say that funds will be made available this financial year to provide electricity supply to the entire subdivision of section 353 comprising 53 blocks: section 462, Skewes Subdivision–$71,000; section 331, Dwyer Subdivision–$43,000; section 360, Noondoo Estate–$42,000. The Humpty Doo Rural Association express their gratitude and sincere thanks to the Deputy Secretary of the Department of Northern Australia, Mr Dwyer, for solving one of their problems although there are still a lot of problems. For myself, I would like to thank the Secretary of the Department and all the people who are involved.

Miss ANDREW: In reply to a question asked by the honourable member for Jingili on power cuts in the Darwin City area, I would like the information to be included in Hansard. It is too long to read out:

Leave granted.

Power Cuts:			
19/11	1 –5	Planned	Maintenance
21/11	1 –5	Planned	Maintenance
21/11	16.10–16.15	Accidental	Fault
22/11	8.40– 9.35	Accidental	Fault
25/11	7.19– 7.27	Planned	Repairs
25/11	14.20–14.27	Accidental	Fault
29/11	13.00–17.00	Planned	Construction
30/11	13.00–17.00	Planned	Construction
1/12	15.30–15.56	Accidental	Fault

1/12	17.51–18.21	Planned	Repairs
2/12	Time not known yet	Accidental/ Planned	Repairs due to damage by lightning & vandals (40 insulators damaged by shooting/others damaged by lightning)

No cuts planned for the city area in the near future. There will be cuts though, due to lightning strikes and weather in general.

Mr SPEAKER: I would like to extend to honourable members, the Clerk and all the staff, my best wishes for the festive season. I thank honourable members for their co-operation and I thank the Clerks and all staff for their patience and loyalty under extremely trying conditions.

Motion agreed to; the Assembly adjourned.

INDEX TO MEMBERS' SPEECHES