ISSN 0705-7601

NORTHERN TERRITORY OF AUSTRALIA

## LEGISLATIVE ASSEMBLY

Fourth Assembly
First Session

# Parliamentary Record

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G. L. DUFFIELD, Government Printer of the Northern Territory

## NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Fourth Assembly
First Session

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|---|---|
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| Chief Minister and Minister for Industrial Development and Tourism | Paul Anthony Edward Everingham |
| Opposition Leader | Bob Collins |
| Deputy Chief Minister and Minister for Health, Youth, Sport, Recreation and Ethnic Affairs | Nicholas Manuel Dondas |
| Treasurer and Minister for Lands | Marshall Bruce Perron |
| Minister for Mines and Energy and Minister for Primary Production | Ian Lindsay Tuxworth |
| Attorney-General and Minister for Transport and Works | James Murray Robertson |
| Minister for Education | Tom Harris |
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# PART I

# DEBATES

# DEBATES

Tuesday 5 June 1984

Mr Speaker Steele took the Chair at 10 am.

## MESSAGE FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I have message No. 1 from His Honour the Administrator:

> *I, Eric Eugene Johnston, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the Northern Territory (Self-Government) Act of 1978 of the Commonwealth, recommend to the Legislative Assembly a bill for an act to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending 30 June 1985.*
>
> *Dated this 29th day of May 1984.*
>
> *E.E. Johnston*
> *Administrator*

Honourable members, I lay on the table a letter received from the Official Secretary to His Honour the Administrator conveying the text of a letter he received from the Official Secretary to the Governor-General, advising that His Excellency has forwarded the expression of loyalty of the members of the Legislative Assembly at the opening of the Fourth Assembly to London for Her Majesty the Queen's pleasure.

## STATEMENT
### Broadcasting of Proceedings

Mr SPEAKER: Honourable members, I advise that, despite all efforts during the last week, through a technical fault, the normal broadcasting of proceedings to the rooms and to the press gallery will not be possible today. It is hoped to have the fault rectified before tomorrow's sittings. This technical difficulty will not interfere with the broadcasting of question time by 8 Top FM radio. Arrangements have been made for members of the press to be accommodated in the public gallery today.

## MOTION
### Broadcasting of Proceedings

Mr B. COLLINS (Opposition Leader)(by leave): Mr Speaker, I move that the resolution of the Assembly relating to the broadcasting of proceedings passed on 7 March 1979 and amended on 31 May 1979, 19 August 1981 and 17 March 1983 be further amended by the insertion of this additional resolution: 'That this Assembly also authorises the broadcasting of proceedings to the electorate office of the Leader of the Opposition'.

Motion agreed to.

## MOTION
### 'Seven Years On' - Report by Mr Justice Toohey

Continued from 1 March 1984.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I guess it would be appropriate to say at this stage: here we go again. We are once again debating what needs to be done to the federal Land Rights Act. The only difference between this and the previous detailed and long debates that have occurred in this Assembly on the subject is that, on this occasion, we will have more people participating in the debate who know less about what they are talking about. Indeed, if we keep on discussing it, I dare say we will be in that classic situation of knowing more and more about less and less until we end up knowing everything about nothing because I imagine that nothing new will be said in the debate here this morning.

Mr Speaker, I do want to make one reference to the Northern Territory government's submission in response to the Toohey Report which has been printed in an attractive little document with the smiling face of the Chief Minister on the front page. It is interesting in terms of a very significant omission. There have been a number of interesting contributions to the whole question of land rights lately. One delivered recently was that of Hugh Morgan who spoke at length on the philosophy which has now become known as the 'Divine Right of Miners'. Indeed, I felt, having read the 17 pages of speech delivered by Mr Morgan, that he did the mining industry a grave disservice by the ridiculous use of references to cannibalism and so on. He distracted attention away from the major problems that are occurring in the mining industry because of the Land Rights Act. Indeed, I thought it was rather cute of Mr Morgan, as I told him when I debated with him on radio, to talk about cannibalism, infanticide, Manichaean doctrines, St Paul's letters to the Corinthians and so on, and then complain afterwards that the press did not get the message that he was trying to get across.

There has been an even more interesting contribution to the debate published recently by the Northern Territory News which, we were all told yesterday on the front page, is a winner. The Northern Territory News appears to have found a fitting replacement for Francis Xavier Alcorta who of course has gone to loftier things. Instead of putting words in the mouth of John Hogan, he is now putting words in the mouth of the Chief Minister of the Northern Territory.

The NT News printed an article by Tom Milner. I must say it is one of the more interesting and indicative statements on the question of land rights that has appeared in the Northern Territory. I might add that this is totally irrelevant to the submission of the Northern Territory government, as I will explain in a minute. I will just read a couple of references from this article which was published last Saturday. Tom Milner says: 'Ask any relatively long-term resident of the Northern Territory when he first heard of a sacred site and he will answer 15 years or maybe 20 years ago'. Of course, what Tom Milner has done is that, with the stroke of a pen, he has immediately dispossessed 25% of the Territory's population of being long-term residents in the Northern Territory. They do not even impinge on his consciousness as being residents of the Northern Territory. The Aboriginal long-term residents of the Northern Territory have known about sacred sites for a long time. Just in case we are in any doubt that Mr Milner is in fact asserting that Aboriginal people are less than human, he in fact ties that right down later in the same article where he says: 'Over all these thousands of years, the Aborigines appear to have lived a simple nomadic existence in some form of balance with nature and the other wildlife'. If you had any lingering doubts, Mr Speaker, Mr Milner has removed them.

He then went on to say: 'Sacred sites to him' - that is, the Aboriginal - 'are linked with his mythological past' - he simply is asserting an Aboriginal

view on those sites - 'his story of creation; to the tourist, they suggest a wonderful subject for his camera, to the geologist they hint at mineralisation, while to the land rights lobby they are "sacred"... Why now has it suddenly become essential that Aboriginal sites should be protected and respected?' His final statement was: 'Finally, let me make it perfectly clear that "sacred" is far too emotive a word to use in describing sites of special significance in the mythological past of the descendants of any primitive race, and while they are on the job, they could ask Canberra to explain why there are no sacred sites where the Catholic missions hold sway'.

I could debate with Mr Milner on the factual inaccuracies of that statement if I considered it was worth while doing so, which I do not. His ground rules are that Aboriginal people are less than human. It might be interesting to some members to note that this is far from a unique viewpoint. But it is interesting to find it so contemporaneously expressed. When I worked at Maningrida some years ago, I ran a club for young people. We used to get films from Darwin. Because we did not have any money, we used to get them through the DAA film library which supplied them for nothing. In fact, I will find out where all those films have gone. On one occasion, we had a film called: 'Brown Men and Red Sand'. It was based on quite a famous book of the Mountford expedition into central Australia. It was a colour film but silent. Like all silent films, it had captions in between the segments of the film. We showed this film to 400 Aboriginal people in the club. At the beginning of the film, the Mountford expedition is leaving Alice Springs. They were all mounted on camels. The caption appeared on the screen: 'Here are our native companions'. After an appropriate time on the screen, there was a line of Aboriginal people walking past the camera, smiling and waving. The caption then appeared on the screen: 'And here are our human companions'. Then there was a line of people wearing pith helmets and mounted on camels, also smiling at the camera. I can remember that John Hunter, the Superintendent of Maningrida, turned round and said to me, 'Urgh, what price to join the human race?' I have never forgotten it. I hope that film is still around somewhere in the Northern Territory because in fact there are a number of people who really do think that Aboriginal people's viewpoints, religion and philosophy are not worth considering or even taking into account. It is fascinating that this kind of thing is still appearing in print in 1984.

The reason I am saying it is that there is a direct link between what I have just pointed out and the attitude of the Northern Territory government as expressed in its official publication. I will read from this document, which is under the smiling photograph of the soon-to-be CLP candidate for the Northern Territory, our Chief Minister of the Northern Territory. The opening paragraph says:

> *Few pieces of Commonwealth legislation have had such an effect on the Territory as the Aboriginal Land Rights (Northern Territory) Act 1976. Whatever one thinks of its principle, the act has caused a great many legal and administrative difficulties for the Northern Territory government and has inhibited Territory development in certain areas.*

There is a definitive statement from the Chief Minister as to what the Northern Territory government thinks about the Land Rights Act.

Mr Speaker, whether you agree with it or disagree with it, it is a fact that the actual thrust of the act and the purpose for which it was brought into parliament was to bring considerable benefit, as it has done, to 25% of the Northern Territory's people - the Chief Minister's people, if I could be so bold

as to say it. That does not receive the slightest acknowledgement in that statement. I recall a statement by Rumpole of the Bailey which sums it all up. He said: 'It is never the answers, Hilda. It is the questions that are important'. And it is true. Quite often, it is what is not said that reveals more clearly attitudes and philosophies towards a subject than what is said. I would have thought it would have been reasonable to have made an introduction, even if the Chief Minister wanted to be grudging about it, by saying: 'The Northern Territory did not enact this act. Whilst it has provided considerable benefit to the Northern Territory Aboriginal people, it has caused a great many legal...'. There is not even an acknowledgement in that statement that the act has provided some Territorians - whether you agree with it or not - a substantial part of our community, with considerable benefits. The Northern Territory government sees it only as a problem for administration and a bar to Northern Territory development.

Mr Speaker, if one quarter of the Northern Territory's people who are beneficially affected by this legislation does not even rate so much as an acknowledgement in a document based specifically on this bill, then that simply demonstrates once again that Aboriginal people in the Northern Territory are a very long way behind the political 8-ball.

The reason that I am discussing these broader issues in this debate is that I have only 20 minutes to speak. There is no need for me to address the Toohey Report in detail. There are a great many pages of Hansard from last year which outline our position on the changes needed to the Land Rights Act. It is outlined in great detail. You will remember, Mr Speaker, that not only did we debate this motion once during the session, we debated it twice. On one occasion, I can remember standing on my feet here for 4 hours and outlining the position. That was at the invitation of the Chief Minister. I remember that, the following week when another motion was brought forward, I protested at some length that we had debated it the week before. The Chief Minister carried on like a demented pre-school child who had lost his frisbee when the Speaker agreed with me. I had to suggest that the Chief Minister move a suspension of Standing Orders but he refused to seek leave to introduce his motion.

Both debates were extracted from Hansard and produced in a neat little document and sent off to every member of the federal parliament. I regret to say that, to quite a number of the members of the federal House on the conservative side of politics as well as Labor, it must have been considered to be junk mail because I have never found anyone yet who bothered to read those debates. I think that is a pity but the reality is that those people who want to follow this debate and who are interested in participating in it will avail themselves of the Hansard records of the Assembly anyway.

Mr Speaker, so far as the Toohey Report is concerned, we have outlined very clearly, in considerable detail and at length, where we think the Aboriginal Land Rights Act should be amended. Our position on that has not altered. I gave a submission to Mr Justice Toohey. To save the time of the Assembly, Hansard and everyone else involved, I will be happy to make a copy available to anyone who wants it because there is nothing in it which is inconsistent with or additional to what I said in the Assembly during the major debate on this last year. It was very much a personal submission. I prepared it myself and said in the covering letter to Mr Justice Toohey:

> *Dear Sir, I refer to the current review you are undertaking of the Aboriginal Land Rights (Northern Territory) Act 1976. On behalf of the parliamentary Labor Party of the Northern Territory, I have set out below proposals in respect of this matter. These proposals*

*were developed as a contribution towards resolving many of the difficulties and shortcomings of the existing legislation. Without doubt, the most contentious and politically sensitive issues in the Northern Territory since self-government have been uranium and Aboriginal land rights. Unfortunately for the Aboriginal people of the Northern Territory, they have been at the very centre of both issues. Self-government for the Northern Territory has also produced an inevitable tug-of-war between the federal and Northern Territory governments as to the division of responsibility in administering Aboriginal affairs in the Northern Territory.*

*Many of these administrative and political changes, whilst they may be highly satisfactory, have, in my view, been established for too long to effect any major change in the division of responsibility. I am aware that a number of organisations and individuals would like to see the Northern Territory complementary land rights legislation repealed and placed in the framework of the Commonwealth act. I cannot say too strongly that this should not happen. It would result in a constitutional war between the Northern Territory and the federal governments of major proportions with the Aboriginal people of the Northern Territory being placed directly in the firing line.*

*Without doubt, the review that you are conducting is the most important examination of land rights in the Northern Territory since the original work of Mr Justice Woodward. During a major debate on the Aboriginal Land Rights Act in the Legislative Assembly on Wednesday 24 November 1982, I read into the Hansard some of the major recommendations that Mr Justice Woodward made in his final report. I believe that the Woodward Report still stands as the most thoughtful and accurate written statement on this matter that was ever made in the drafting of legislation in respect of the provision of land for Aboriginal people. The underlying principle should be that enunciated by Mr Justice Woodward in paragraph 50 of his report and I quote:*

> *Any scheme for recognition of Aboriginal rights for land must be sufficiently flexible to allow for changing ideas and changing needs amongst Aboriginal people over a period of years. This is so for a number of reasons. Surrounding circumstances may change; for example, local employment opportunities or the needs and aspirations of the community may alter as the result of increasing contact with the outside world.*
>
> *Further, certain widely held expectations about, for example, the ease of reaching a consensus on certain matters may prove false. For all these reasons, future generations should not be committed by this generation's ideas any more than is necessary.*

*I confess that, due to the press of other commitments and lack of resources, this submission is far from being as complete or exhaustive as I would wish. It is merely an attempt to assist in the resolution of some of the problems associated with this most difficult area of legislation.*

As far as the submission itself was concerned, Mr Speaker, the detail is very largely that which was enunciated by me last year in the Assembly, but I will touch on a few areas that I commented on. I spoke about difficulties arising from the operation of the act in terms of running land claims and about the need to increase the number of land commissioners and the resources available to expedite these claims. The only major recommendation that Justice Toohey made with which we disagree - and I will discuss it in more detail in a minute - is that there should be no cut-off date for land claims. I disagree with that recommendation.

I talked about the problems with the land councils. I talked about the need to regionalise operations of the land councils and I see Justice Toohey has supported that position and has so recommended. I talked about the problems with the funding of land councils. I might add that most of this is very much in line with the current attitude and approach of the Northern Territory government.

I talked about mining. There is a basic position on this of course. One can assert either that Aboriginal people should have no control over mining whatsoever on their land or one can assert that they should have some control over mining on their land but, of course, a debate can then ensue as to what role this control should play. My own view and the view of the opposition is that there should be some Aboriginal control over mining. That is a simple argument; you either agree with that proposition or you do not.

I talked about disjunctive agreements. In respect of the comments that the Northern Territory government submission makes, I cannot state my position any more clearly. I concede that disjunctive agreements have problems associated with them. However, I did not make this submission until after I had had exhaustive discussions not only with the Aboriginal communities but also with the mining companies that operate in the Northern Territory. Indeed, as the Minister for Mines and Energy would know, there is divided opinion within the mining community on disjunctive agreements. They are not universally opposed. Many mining companies think that it is a worthwhile proposition to explore. In my submission, I took the same careful approach toward it. I quote from the submission:

> *I am aware that this is a very contentious matter. Both the Aboriginal people and the mining company representatives I have spoken to are divided on the issue of whether section 40 of the Land Rights Act should be altered. Most of my constituents unaffected by mining so far, particularly those living in outstations, still greatly fear the prospect of mining. A very large component of this sentiment is, without doubt, a fear of the unknown. The prospect of the intrusion of large numbers of non-Aboriginals and often non-sympathetic people onto their land is often a greater factor than the prospect of the mine itself. They are also aware of the consequent arrival of roads, airstrips and the inevitable demands for 'normal recreational facilities' for the miners. This has all happened at Oenpelli. On the other hand, however, there is also the prospect of the certainty and peace of mind of being left alone if no minerals exist.*
>
> *There are several well-defined phases of mining exploration. There is the broad, overall survey and focusing in, with intensive exploration and drilling on the good prospects, possibly discovered by the first phase. It may be useful to all parties to explore the possibilities of legislating to provide for disjunctive agreements covering the first, non-intensive*

*phase of exploration. This would have to be done without abrogating any of the protections for landowners against mining currently provided by the act.*

Mr Speaker, I cannot state it much more clearly than that. It was an honest attempt on my part to assist in resolving a difficulty on the ground in my electorate. In every sense of the word, Aboriginal people 'fear' the intrusion of mining and they have good reason to when they see what has happened at Oenpelli. If mining companies are given and take up an opportunity to demonstrate to Aboriginal people that they can operate and respect the Aboriginal lifestyle and places that Aboriginal people hold very dear - sites of extraordinary significance to the religious way of life still practised in Arnhem Land - that may alleviate a very difficult situation. That was suggested in my submission and I see that Justice Toohey has provided for it in a recommendation.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr LEO (Nhulubnuy): Mr Speaker, I move that the Leader of the Opposition be granted an extension of time to complete his speech.

Motion agreed to.

Mr B. COLLINS: Mr Speaker, I concede that the whole question of disjunctive agreements is a difficult one. I think it is worth attempting to find out if it will resolve some of the difficulties providing that, in line with the Northern Territory government's submission, the other option is still available to the mining companies should they wish to exercise it under section 40 as it is currently drafted. I agree with the Northern Territory government on that.

I spent some considerable time in the submission talking about the distribution of mining royalties. In fact, I was interested to read - and I had forgotten this - that I referred to the late and unlamented Nicholas Blake in the submission, albeit not by name, when I talked about some of the problems that have occurred with the operations of Aboriginal associations in distributing money. I am delighted to see that Justice Toohey has suggested that some of these difficulties could be resolved. I will read out that section of my submission:

*Difficulties have arisen due to the lack of controls over local associations which distribute royalties. These difficulties will reach dangerous proportions if not immediately arrested by making the associations more accountable. Lack of accountability in Aboriginal organisations has been, and continues to be, widespread. An executive officer of an Aboriginal association who recently made a rapid departure to regions unknown was a passionate advocate of Aboriginal self-determination. He challenged the current Minister for Aboriginal Affairs at a meeting at Oenpelli to state if he believed that self-determination included the right of Aboriginals to make mistakes. As is now obvious, the mistake to which he was referring was his own employment. The definition of 'self-determination' provided by the Whitlam government has stood the test of time. 'Self-determination' was defined as 'Aboriginal communities deciding the pace and nature of their future development within the legal, social and economic restraints of Australian society'. The last important part of this definition is often conveniently forgotten. Self-determination is a convenient*

*peg on which many a hat has hung. It has often been used, in my experience, as an excuse for incompetence and downright dishonesty.*

I am not sure, Mr Speaker, how more forthright one needs to be than that. I spent some time talking about that and I note that Justice Toohey has recommended that the situation be redressed.

Mr Speaker, I covered most aspects of the Land Rights Act. I simply state in conclusion that - and I concede that those sections dealing with mining particularly are most important - all of this submission is completely consistent with the detailed statements that were made in the debate in this Assembly as to the Labor Party's position on how this legislation needs to be amended.

I will conclude, Mr Speaker, with Justice Toohey's recommendation that there be no end to land claims. The opposition rejects that recommendation. Personally, I disagree with it very strongly. I do not subscribe at all to the look-out-for-the-white-backlash line which is often run on this particular matter. It has been used successfully and consistently to intimidate Aboriginal people into not pursuing their case. In fact, one of the most classic examples of it on record is the speech that was made by the then Manager of the Northern Land Council, Alex Bishaw, who is now the Director of the Northern Territory's Conservation Commission, to the meeting of Aboriginal people that ratified the Ranger agreement at Red Lily Billabong near Oenpelli. The reason I raise this is that I was asked just the other day by a land council if I could provide it with a copy. I had not listened to it for years and, in fact, I had to record it for the land council yesterday. It stands as one of the classic speeches on intimidating Aboriginal people with this white backlash theory. The guts of the speech was quite simple. Alex Bishaw recalled - and let me tell you that it struck a chord - that 'all the people who come off pastoral leases and come from Katherine know that white fellows can be bloody hard'. In fact, Alex Bishaw succeeded in frightening the daylights out of every Aboriginal person at that meeting.

Honourable members would recall the 6-part adjournment speech that I delivered detailing these events. The basic question was whether Aboriginal people should sign the agreement or whether they should exercise their right to take up those sections of the act which were put there for their use. The Manager of the Northern Land Council said: 'All you mob, particularly those people that come from Katherine and off pastoral leases, you know that white men can be bloody hard. If you don't agree to this, and if you attempt for the first time ever to utilise the specific provisions in the Land Rights Act that have been put there for you to use, the federal government will simply change the law and wipe them out'.

The white backlash line is an old line. As I say, that statement has to stand as being one of the most successful and definitive uses I have heard. If you exercise your legal rights, forget about it. They are not there for your use. If you do, the white man will simply come in and change the law and knock you off. I do not subscribe to that theory; I do not believe that it is a theory that Aboriginal people should ever buckle at the knees in the face of, even though it has been applied so often in the past.

But I believe that there does need to be an end to land rights. The continuing friction that is generated in this community by each succeeding claim is to the disadvantage of all sections of the Territory community. The major problem created by the current position is the uncertainty that is created by it. The pastoral industry, for example, has faced continuous financial difficulties

for the 100 years it has operated in the Northern Territory. That industry is entitled to certainty in respect of land rights amongst others. There is no reason why this cannot be done without disadvantaging any Aboriginal group in the Northern Territory.

The procedures for the processing of land claims should be improved, and I have gone into some detail in my submission as to how this could be done. I do not believe that it is desirable or necessary to place a time limit on the completion of claims but I do on the lodging of claims. The aim should be to complete this entire process by 1986. The reason that I have chosen that date is because I believe it is an achievable target. In other words, Mr Speaker, 10 years on. This would allow all sections of our community to benefit from the positive effects of this act. It would allow the land councils to get on with what should be their major function: to assist their clients to manage their land for their own benefit under what has already been to the considerable economic benefit of the Northern Territory.

The Land Rights Act has been operating for 7 years. If the issues surrounding land rights can be resolved substantially within a decade of its enactment, it will in fact be a significant political and social achievement for the Northern Territory.

Mr TUXWORTH (Mines and Energy): Mr Speaker, in rising to comment today on the Chief Minister's remarks on the Justice Toohey inquiry into the administration of the Land Rights Act, I preface my remarks by saying that I will be concentrating on the mining aspects of the act - how it affects the mining industry in the Northern Territory and the administration of land. I make my remarks against the background that the act has now been in place for 7 years. During those 7 years not once has there been a real period of quiet, of acceptance or of achievement. In fact, the only difference between this year and 1976-77 is that the land rights debate is not only occurring in the Northern Territory, but it is raging all over Australia. In fact, some of the more unsavoury comments that are being made, and these were referred to earlier, and some of the advertisements that you see being inserted by various sections of the community are not doing a great deal to help the Northern Territory or land rights.

Mr Speaker, I am also making my remarks against the background that I believe Territorians, both black and white, are tired of tearing themselves apart over land rights. The majority of people whom I meet just want the Land Rights Act to work so that it is good for everybody and so that everybody gets a fair go. When I say that, I should elaborate on the fact that making the Land Rights Act work can mean different things to different people. So far as mining is concerned, for some people the Land Rights Act is working properly when there is absolutely nothing happening. For some Aboriginals, who have concluded agreements, who want the act to work and who do not have a mine, it is not working terribly well at all. If you are a mining company that is trying to negotiate but not getting anywhere, it is not working. If you are the minister trying to administer the land administration function of the Land Rights Act for all of the community, it is not falling into place at all.

I think we must ask ourselves whether the federal legislature and this Assembly believe that the current controversy - and by no means do we have any agreement on a wide front - should rage. Is it good for the Aboriginals? Is it good for land rights? Is it good for Territorians? Is it good for anybody? I submit that the current controversy which has continued for many years is destructive.

I take exception to the point the Leader of the Opposition raised that, because we talked about it last year, it is a waste of time talking about it this year because it has all been said before. If we could talk about it every day for a month and get rid of it forever, I would be happy to stand here and do that. If debates like this contribute to the resolution of this problem, and it is a problem for us all, then let us get on with the debates.

Mr Speaker, the exploration and mining provisions of the Aboriginal Land Rights Act, on the evidence and the experience to date, are unworkable. This is the key point that I wish to raise today. The Age newspaper put its finger on the problem in an article on 14 May when it said: 'The debate under way over mining on Aboriginal land for the most part need not be an argument about whether or not to mine. It should be about the mechanisms and processes for organising such mining'. I think that is what I just heard the Leader of the Opposition agree to. I think we all do.

If Mr Holding, the federal Minister for Aboriginal Affairs, and other proponents of the act believe that there are no problems, that there are no unresolved issues of principle, and there is no detriment, then let them introduce national land rights legislation based on the Territory model. If the federal minister is not prepared to do so - and I do not believe he could because it would not work - then let him at least acknowledge the detriment to Territorians and the disadvantage which we suffer and try to resolve the problems.

From evidence presented to Mr Justice Toohey in his review of the Aboriginal Land Rights Act entitled 'Seven Years On', it is apparent that the provisions of the act and the administration of the act are severely impeding mining activity in the Territory. Justice Toohey himself noted this fact and Mr Seaman QC, in his discussion papers on the Western Australian Aboriginal Land Inquiry, is of the view that legislation based on the Northern Territory model would be inhibiting to exploration activity and would have an adverse effect on the Western Australian economy.

While critical of the act in many respects, the Northern Territory government has consistently put recommendations forward as positive suggestions to make the act work. There are those, particularly the current Minister for Aboriginal Affairs, who refuse to acknowledge the extent of the problem, and it is a very wide and serious problem. There are even those who claim that the act is working. For some people, because nothing at all is happening, they regard that as an indication that the act is working.

Claims made recently by Mr Holding when he cited 40 cases of cooperation with mining interests are not pertinent to the issue. Such references have no relevance to exploration interests on Aboriginal land and, so far as I can see, the only test of the success of the Aboriginal Land Rights Act so far as it applies to mining is the number of agreements concluded by Aboriginals and miners, and the results are abysmal. When I say 'agreement', I do not necessarily refer to the fact that people agree to mine. They might agree not to do anything, but at least there has been a negotiation and there has been a resolution. That is better than a hiatus.

Mr Speaker, a report has been prepared by the Department of Mines and Energy backed up by a survey of the 42 companies which received offers for some 165 exploration licences back in June 1981, just 3 years ago. The statistical findings of that survey qualified our belief that exploration on Aboriginal land has literally ground to a halt and this log jam is due primarily to the unworkable nature of the current legislative provisions and administration of

the Aboriginal Land Rights Act. The disconcerting reality is that, to date, no agreement for exploration on Aboriginal Land has been finalised and indeed we know that negotiations for an agreement have commenced with only one company. No exploration has occurred on Aboriginal land in the Territory for over 10 years and, so long as Aboriginals control mining on Aboriginal land and are able to exercise all the powers that go with this control, no significant commitment on Aboriginal land to exploration activity is expected. I do not say that with any malice; it is just regarded by the industry as a fact of life.

Mr Speaker, I would like to table a copy of the report prepared by the Department of Mines and Energy on its survey so that honourable members can see how the study was prepared. It was prepared with the intention of solving a serious problem. Since the act came into effect, only 6 agreements for development projects have been completed. That is over a period of 7 years. All relate to projects for which exploration was concluded before 1972 and which did not require Aboriginal consent under the act. Negotiations concerning these agreements involve considerable time and cost to companies concerned. As the Leader of the Opposition has just said, a couple of the agreements were concluded with a fair bit of arm twisting by certain people in certain places to get the projects off. If people regard that as an example of the act working, then I have difficulty understanding them.

Mr Speaker, those mineral projects which are moving towards development or are being developed in the Territory are on ore bodies discovered prior to the introduction of land rights legislation. In addition, projects such as Argo, Enterprise and Woodcutters, which are on non-Aboriginal land, are progressing towards the development stage. Land rights today have prevented similar developments on Aboriginal land. This lack of action is also inhibiting the Territory's ability, pursuant to the Memorandum of Understanding, to lessen its economic dependence on the Commonwealth. The mining industry is losing interest in investing in the Territory. A number of companies have withdrawn from the Territory and have placed their exploration dollars elsewhere. The impact of the Aboriginal Land Rights Act is such that some companies will not operate in the Territory and others have closed their operations or are maintaining only a watching brief. Examples of these companies include Esso, Mobil and Geopeko.

Mr Speaker, there is little doubt that sooner or later the Commonwealth will have to face head on some of the key questions inherent in the land rights legislation, and the message is coming across from parts of our country that the issues will have to be addressed sooner rather than later. We have to face up to the facts. Who, if it is not the Crown, is to exercise ultimate control over the nation's resources and the development of the resources? What is effectively at issue here is whether the development of mineral resources which are located or may be located on Aboriginal land can or will ever be exploited.

Justice Toohey has aptly documented the practical difficulties encountered with certain key provisions of the legislation. I refer particularly to paragraph 40(1)(a). The Leader of the Opposition also spoke on this paragraph - consent to the grant of a mining interest - the arbitration provisions under section 45 and the substantial accordance provision of section 40(2). Some of Justice Toohey's proposals offer potential for some improvement in the situation. In particular, his proposals in relation to questions concerning the registration of sacred sites, the definition of group consent, right to access and consideration of detriment and a clearer definition of matters to be considered by an arbitrator would lead to distinct improvements. While these peripheral issues are a move in the right direction, his recommendations in general do not provide solutions to the fundamental problems. The main reason why the act is

not working in relation to its exploration and mining provisions is the veto that Aboriginals can exercise over the exploration for and mining of Crown minerals. If, as the terms of reference for Justice Toohey's review suggest, such a veto remains, then significant changes beyond those proposed by Justice Toohey will need to be addressed.

Justice Toohey does not address a number of fundamental concerns of the Territory government in regard to resource management policy. As such, his recommendations will not solve the key problems of delays, uncertainties and costs. These uncertainties, delays and extra costs inherent in the land rights legislation, and in its application, are a major constraint to the orderly development of the Territory's mineral resources. The Territory has consistently called for a full review of the act yet, over the years, we have had foisted on us reviews which have been so constrained in their terms of reference as to ensure that the key problems are not addressed.

There are a number of basic principles that are fundamental to the Territory approach to the Land Rights Act, particularly as it affects the development of mineral resources. The redrafting of the legislation to improve the principles in law would not, in our view, water down the Land Rights Act and its intention to protect Aboriginal interests and to provide compensation for disturbance of the land.

Firstly, let me deal with the principle of Crown ownership of minerals of the land - this is paramount. The Aboriginal Land Rights Act in section 12 reinforces the concept of Crown ownership of minerals, but the right of veto in section 40 negates this principle and makes the operation of the act difficult because of the ambiguity. There needs to be a decision taken on whether the Crown will be responsible for the administration and development of the minerals or whether the Aborigines, by virtue of the veto in clause 40, will be given that right. When that question is decided, much of the heat in this act will go because most of the argument is over the fact that the Crown, on the one hand, has the right to develop minerals but, on the other hand, Aborigines have the right to say that it shall not. That position has been untenable since 1976 and it should be resolved.

Secondly, if there is a consent to explore, in principle this should embrace subsequent mining and such consent should be separated completely from the question of specific conditions of compensation. The principle there is that, if we agree to explore, then by implication we agree to mining at a later date and the conditions of that later development are to be negotiated. As it stands at the moment, it is very difficult for the companies to talk about exploration because they immediately become locked in a discussion about what will be in it for Aborigines if they find a deposit. That becomes a nonsensical discussion and argument and it is something we should get rid of.

Thirdly, the intent and scope of the existing provision with respect to exploration and mining should be spelt out more clearly in order to reduce the opportunities for obstruction. I refer here to the fact that, on occasion, when companies have sought to negotiate for exploration on Aboriginal land, the immediate response was: 'If you give us a cheque for $100 000, we can start to discuss your exploration licence'. It is very difficult for companies working in such an environment to feel secure about anything. If that matter could be cleared up in the act, many of the problems that we have before us would go away.

Fourthly, the arbitration provisions in the act should be very clearly defined so that both Aborigines and companies can go with full knowledge and

confidence to arbitration if the interests of either party are unreasonably dealt with. I was advised formally at a land council meeting and I have been advised formally by mining companies on 2 separate occasions that each party was frustrated with the other's position in the negotiation and that they were not prepared to go to arbitration because they did not know who the arbitrator would be, they did not know what his terms of reference would be and they did not know how the arbitration would be conducted. Rather than go into a minefield like that, the best thing to do is to sit at home and refuse to talk. If people argue that that is the act working, then I reckon it is just baloney and humbug.

Fifthly, the ability of Aborigines to make repeated land claims has added a great deal of uncertainty. If there is no cut-off date for claims, claimants should be required to establish a prima facie case for the second or subsequent land claims before they are lodged. I do not know how the people who draft the act or the people who work with it or the people who will be beneficiaries of it can expect companies who are involved in a 10-year exploration program with a $300m or $400m development cost to enter into all of that with the knowledge that, in 5 or 7 or 2 years' time, they will be confronted with another land rights application over their area because the first one failed. The truth is that bankers financing these projects will not wear that. All it means is that we will not have investment; people will go to other places. We need to resolve that issue. The Leader of the Opposition gave us a clue this morning on his attitude. I agree that it has to be settled if we wish investment in the Northern Territory mining industry to come.

Sixthly, the act needs to specify clearly the criteria upon which compensation agreements are to be based. It is essential that the difficulties faced by the land councils in identifying traditional owners be overcome. There are 2 points there and they follow on from the other things that I have said. People are looking for a clear and explicit definition of their position in relation to the law. At the moment, they feel as though they are in a Dutch auction.

Seventhly and lastly, Mr Speaker, in an effort to provide for the orderly development of our mining industry, it is essential that the concept of consent be separated from the question of compensation.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, I move that an extension of time be granted to the Minister for Mines and Energy to allow him to finish his speech.

Motion agreed to.

Mr TUXWORTH: Mr Speaker, I do not particularly advocate legislative change to the Aboriginal Land Rights Act merely for the sake of change; I am advocating that the act be made to work. If somebody can tell us how to make the act work, administratively, without change, I will be perfectly happy with it. But the reality is that we need some legislative change to the act.

Mr Speaker, there are many who would argue that to change the Aboriginal Land Rights Act is to sell out Aboriginal interests. I would put the argument that to persist with an administratively poor piece of legislation that has caused great division in our community is not wise. The Northern Territory government does not seek change for the sake of change or to redress some mythical injustice. We want to see the act work for all Territorians as it

should and as it was designed to do. The land councils have argued consistently that they do not have the resources to administer their act. I have never heard anybody deny their plight, but I do know that very little has been done about it. By chance, I came across a publication put out by the Northern Land Council recently in relation to the issue of mining on Aboriginal land and the problems the council itself has with it. The document does not give the impression that the land council is totally happy with the situation either. The Northern Land Council too has its share of problems. Generally, the comments in it reek of an attitude that it too would like to stop the frustration and the division we have in the community over the matter. But, Mr Speaker, I think it is interesting that honourable members have access to that circular because it is very helpful in understanding the Northern Land Council's position at least. It gives me an insight that it too could use some help in what it is supposed to do under the act and that the burden placed on it, with its fairly limited resources, is not as easy to bear as one would think.

Although there is still much to be done to help the land councils, it is fair to say that the mining companies have argued their plight and demonstrated their frustration over the years. Judging from his report, I believe Justice Toohey found some sympathy for the mining companies' argument but there is little that Justice Toohey recommended in his report that will end the frustration that the miners have. The Northern Territory government, for its part, has sought change over a long period to facilitate the function of land administration to try to iron out in the act the ambiguities that cause a great deal of ill-feeling because different groups read into the act what they see as support for themselves and then, in other parts of the act, that support is taken away. In the middle, the lawyers and the advisers are having a field day and the Territory as a whole is suffering great dislocation at a social level.

It is also interesting to note that the state governments in Australia, including Labor state governments, have all rejected our system of land rights because they think it does not work or it is discriminatory or it restricts development. Despite all of these signs, those who have the power to do something about rectifying our act will not do anything to bring about the improvement that we need.

Mr Speaker, earlier this year, when outlining the government's program, His Honour the Administrator said: 'The Territory has much more to contribute to national prosperity and progress if it is given both the means and the freedom to make that contribution'. That is what we want, Mr Speaker, as a government: the freedom to get on with the job, not necessarily at the expense of any particular section of the community but certainly to be able to do something. I would say that the Commonwealth government and all of those who believe in a bandaid approach to this act need to think again.

In conclusion, Mr Speaker, I would like to emphasise the remarks that I made earlier. We, and myself in particular, are not on an anti-land rights campaign. I am on a campaign of 'let's make land rights work'. If somebody has a suggestion on how to do that, a suggestion that will be acceptable to the whole community, then I would be only too pleased to listen to it and give it some support. I do not think it is unreasonable that this Assembly debate the land rights issue on any occasion that we deem necessary. Certainly, the tabling of Justice Toohey's Report is an apt reason for us to debate the issue again. I hope that, as a result of our debates and the debate going on all over the country, some rationale will come into the system that will enable us to get on with living our lives as Territorians and end any disharmony in the community.

Mr BELL (MacDonnell): Mr Speaker, the Minister for Mines and Energy says that he wants to diminish conflict, that he wants the Northern Territory government to have the freedom to get on with the job and he wants to act against disharmony in the community. Let me say this at the outset: I do not believe a word of it. He may be saying it and he may actually believe it but I am quite sure that, if he examines his own heart and the political consciousness of his conservative colleagues, he will find that what he actually wants is very far from any diminution of disharmony or any diminution of conflict. The fact of the matter is that the reason behind this debate is purely political. The Leader of the Opposition quite rightly observed this morning that there was nothing more to be added in the context of this debate today, and this is certainly my feeling.

In this debate, I wish to make various comments on the actions of the Chief Minister and some of his ministerial colleagues within my electorate. Let me say at the outset that this debate will be essentially non-productive in terms of what the Minister for Mines and Energy has said that he wants to see come to pass because the very essence of the political strategy of the Country Liberal Party in the Northern Territory is the active production of fear and ignorance in the white community in the Northern Territory in relation to the operation of the Aboriginal Land Rights Act. Let me place on record initially that that is the CLP's sole, mean, base political strategy. Far be it from me to say, Mr Speaker, that all the people who confront me here are mean and base; I do not suggest that for one minute. What I am saying is that they are lending their support to a political strategy the effect of which, if they examine it carefully, and I dare say that few of them have, is essentially mean and base.

Xenophobia and ethnocentrism are deep in the human psyche. They lie deep in the Australian consciousness. Dare I draw a comparison between the reasons for this debate and a recent debate in the federal parliament about the issue of immigration. Let us be under no illusion that there are no clear connections between these. The reason for this debate is that the Chief Minister is seeking candidacy for the House of Representatives. Let us be under no illusion that the reason for this debate is to form part of a campaign for the Chief Minister. It is to maintain exactly that fear and ignorance, exactly that xenophobia and exactly that ethnocentrism to which I refer.

Mr Vale: Is that Greek?

Mr BELL: For the benefit of the honourable member for Braitling - and I quite appreciate that his vocabulary is restricted to a few hundred words of basic English - 'xenophobia' is the mere fear of foreigners and 'ethnocentrism' is a determination to be centred only on one's own ethnic beliefs. I trust that explains it sufficiently well for the honourable member.

Mr Speaker, I said that I would draw a parallel with the recent debate in the federal parliament on immigration. To the eternal discredit of the federal colleagues of the people opposite, they have departed from a bipartisan approach on the issue of immigration in this country for precisely the reason that they believe there are few votes in it. It is precisely for that reason that this debate has been instituted today. Because the federal opposition is in strife, it is prepared to appeal to the worst sentiments of the Australian people. That is precisely what the Chief Minister is doing and precisely what the Attorney-General did when he was speaking on television last night. Contrary to what the minister said, he was not seeking to create harmony in the Territory community but, as usual, to maintain that sort of fear, to encourage that xenophobic reaction and to encourage people to refuse to come to terms with the

cultural variousness of the Northern Territory. I find that highly contemptible, Mr Speaker. The Chief Minister has used exactly the same tactic in his bid as a candidate for the House of Representatives as has the federal Leader of the Opposition. I understand the Chief Minister does not hold the federal Leader of the Opposition in too high regard, but it is at least nice to see that there is some area where there is some unanimity between them.

Mr Speaker, I turn to some of the comments made on the Toohey Report and the Chief Minister's response to it. I would suggest that the issue of the alienation of land is particularly germane to this debate. In the publication to which the Leader of the Opposition referred earlier today, the Territory government's response to the Toohey Report, I note the section on the alienation of land under claim. If the Minister for Mines and Energy wants any clue to the difficulties that have been experienced with the administration of the Aboriginal Land Rights Act in the Northern Territory, he can do no better than turn to this section. Whoever wrote this publication said that Mr Justice Toohey recommended that the Land Rights Act should be amended specifically to prevent the Territory government from alienating land under claim by Aboriginal people. In his view, once a claim has been lodged, the Territory government should not be able to deal with the land until the claim has been heard by the commissioner. In heavy black type after it, we have: 'The Territory government opposes this recommendation since, amongst other things, it means that large areas of the Territory remain locked up and cannot be developed until all relevant land claims have been resolved'.

Mr Speaker, I have been a member of this Assembly for 3 years - not a long time. It is less than half the period in which the Aboriginal Land Rights Act has been in operation. During that period, I can think of no less than 4 occasions when the Chief Minister - within the bounds of my own electorate, I might say - has actively sought to make the administration of the Aboriginal Land Rights Act more difficult. I will begin with the most celebrated one. It has been the subject of an election. Of course, it is Ayers Rock. I will not comment on it any further except to say that the Chief Minister could not believe how lucky he was in being able to kick along an issue surrounding alienations of land.

A further clear example of bad faith on the Northern Territory government's part relates to an issue that arose during the first sittings in which I was present in the Legislative Assembly. How apposite it is that the honourable Leader of the House should join us again because, at the time, he was the Minister for Lands, and he behaved in a thoroughly disreputable way by alienating land that was the subject of a claim. I notice that no longer do we see reference, as we did in the Chief Minister's notorious 10-point package, to any attempt to restore the bad faith created by the alienation of that Lake Amadeus claim. Since it seems to have passed the attention of the Leader of the House, I point out that he will find it there. I will not bother to quote it now but I suggest he look it up just to refresh his memory because they were the views being expressed by the Chief Minister at the time. That is the second area in which the Chief Minister and his cronies have behaved in such a way as to create the sort of bad feeling that makes administration, of which the Minister for Mines and Energy has complained, extremely difficult to say the least.

I turn to another occasion which received absolutely no publicity and I am sorry that the Chief Minister is not here. I refer, of course, to the claim on the Finke stock reserve, the area around the community of Finke. As the Chief Minister is probably aware, in the context of the operation of the Aboriginal Land Rights Act, currently there is considerable concern among not

only the Aboriginal community at Finke but also surrounding pastoral lessees about what may or may not happen with claims on stock routes in that area. What should be brought to the attention of every member of this Assembly and of the Northern Territory public is that the Chief Minister has received representation that he accede to the claim over the Finke stock reserve so that the problems with claims over stock routes may be negotiated.

What do you think, Mr Speaker, was the response of the Chief Minister to that eminently sensible request? What do you think was the response of the Chief Minister to that request that surely fell within the ambit of reasonable negotiations under the Land Rights Act, the absence of which the Minister for Mines and Energy was so bemoaning? The response, Mr Speaker, of the honourable Chief Minister was to say no. Why do you think he said no? I will tell you why he said no. He said no because he wants to make it as tough as possible. He wants to make sure that his election chances are as good as possible. He wants to make the non-Aboriginal Territorians as afraid as possible. He wants to keep them in the mushroom club. He wants to make sure that they know as little as possible about what is going on, the realities of a recognition of Aboriginal land rights, because he believes that his electoral chances thereby will be enhanced. What a grubby little motivation that is.

Finally, Mr Speaker, let me turn to the fourth area where the alienation of land by the Northern Territory government has been a problem. I refer to the subject mentioned in question time this morning: the question of the beautiful Anarula - Gosse Bluff - about which the Chief Minister has misled this Assembly, and I trust that some sort of apology in that respect is forthcoming from the Chief Minister. However, I do not want to dwell on that; that is for consideration at some later time. What is for consideration in the context of this debate is the despicable manner in which, entirely without negotiation, the Chief Minister behaved in this regard. During the September sittings of this Assembly, the Chief Minister tabled the Northern Territory Development Land Corporation (Vesting of Land) Bill 1983, serial 365. In that bill were a number of parcels of land, one of which included Gosse Bluff, Northern Territory portion 937, I believe, Mr Speaker.

Being a conscientious local member, as I am, I had been through this particular bill noting the areas within my electorate and I observed that Gosse Bluff was to be part of this. Then, of course, the events of November and December overtook us and, with the new Assembly, we found that the draft bill that was tabled during the March sittings contained no reference to Gosse Bluff. Again, being a conscientious local member, I decided to seek further information whereupon I asked the Chief Minister whether it was the government's intention to alienate Gosse Bluff and he said: 'At this stage, I cannot say with any certainty whether we will be alienating Gosse Bluff or any other area in the Northern Territory. It could be possible that there will be amendments made to the Aboriginal Land Rights Act which will preclude the necessity for the Northern Territory to alienate Gosse Bluff'. Not only, Mr Speaker, has the Chief Minister misled this Assembly, he has also made the administration of the Land Rights Act that much more difficult. He has muddied the waters that much more.

I might turn for a minute to the comments of the Minister for Mines and Energy. I will say this in his defence, lest I appear to be entirely negative, Mr Speaker: I dare say I am more aware than the minister of the ins and outs of negotiations surrounding the Aboriginal Land Rights Act within the context of my electorate and I am prepared to agree with him that there are problems with the administration of the Land Rights Act. What I am not prepared to concede to the minister is the entirely negative view that he took that there have been no

benefits; that it is all negative. What I believe is the case - and the member for Stuart as well as the minister would be well aware of it because they were at the ceremonies associated with the signing of agreements for Mereenie oil and agreements for Palm Valley gas - that the Land Rights Act is substantially working. It is substantially working to the benefit of the Aboriginal Territorians and that is a fact that, regrettably, the minister has chosen to ignore. He has chosen to paint the bleakest possible picture for the very reasons that I pointed out before. He has chosen to paint such a bleak picture because he is attempting to gain the best possible opportunities.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr LEO (Nhulunbuy): Mr Speaker, I move that an extension of time be granted so that the honourable member may continue his speech.

Motion negatived.

Mr McCARTHY (Victoria River): Mr Speaker, despite the remarks of the Leader of the Opposition, which were backed by the member for MacDonnell, that it has all been said before, both of those members went on to entertain us with lengthy dissertations on their own thoughts on this subject. I want to add a few words.

It is a great pity that the Leader of the Opposition's friends in Canberra and Mr Justice Toohey himself apparently do not support his belief in what is a basic necessity of any reform to the land rights legislation. I refer, of course, to the need for a cut-off date to claims. I was pleased to hear that the Leader of the Opposition reaffirmed his support for this reform. Unlike the Leader of the Opposition, I believe that, unless this is achieved, there is a very real likelihood of a backlash against the Aboriginal people from a significant portion of the Territory and Australian community. For this reason, I caution the Aboriginal people to act with wisdom and restraint in their quest for land rights and to weigh very carefully the advice that they receive from advisers to their cause which is not always in accordance with their own thinking. There is much in the Toohey Report which, if adopted, will be an improvement on the existing legislation. I do not intend to go through the report item by item but I want to voice my concerns and some of these come from Aboriginal friends.

First, let me say that I support the concept of land rights and the majority, if not all, of the land claims so far approved. However I, and I believe most Territorians, cannot accept the long-term wisdom of inalienably granting to one group of people large tracts of land surrounding towns that will be required for the expansion of those towns or for the services to those towns or for land required for public use and pleasure. If Mr Justice Kearney's statement, cited in Mr Justice Toohey's report, regarding the reality of Aboriginal land rights is given its full import, it is possible that Aboriginal people will refuse absolutely to allow the use of the land that is required in the future for the benefit of the wider community, whether for mining or any other purpose. As much as I support the justice of land rights, I cannot accept any wisdom in the actions of the minister and the immovability of Mr Justice Toohey in this regard.

Mr Speaker, having said that, I noted with pleasure that a clear anomaly has been recommended for change. This situation whereby traditional Aboriginal owners may claim alienated land held by Aborigines is a clear discrimination against Aborigines holding land in their own right. If in fact it has been assumed, as I suspect it has, that Aboriginal people holding land in their own

right would gladly give it up to another Aboriginal who is the traditional owner, I can only say that it shows a clear naivety on the part of the advisers to the original draftsmen of the Land Rights Act and those who approved it. This throws some doubt on the overall value of the legislation.

I must voice concern as to the future of the Northern Territory as an emerging state if in fact we accept a dual system of law relating to land within our borders. It seems to me that, unless Territory laws apply equally to Aboriginal land as to other land in the Territory, we can only develop a divided state. I cannot imagine that any of the present states would tolerate this situation to exist over potentially 50% or more of their land.

Likewise, the possibility of years of stagnation while awaiting the settlement of land claims would, I believe, be totally unacceptable in the states. There are sound reasons why the point of view of potential developers, mineral or others, of Aboriginal land should be put directly to the owners. In this way, the point of view of advisers within the land councils can be balanced face to face by another not necessarily opposing point of view. I can see no problems but only benefits if this were the case.

The Northern Territory is victimised and stripped of flesh while it is tied by the thumbs to parts of the present Land Rights Act. Those words are not too strong. I believe this situation to be unacceptable to most Territorians, black or white. Mr Justice Toohey's report provides some very limited relief; that is, if it is accepted. Unfortunately, for the future of the statehood and viability of the Northern Territory, it does not go far enough.

Mr EDE (Stuart): Mr Speaker, I am profoundly disappointed that the Northern Territory government has decided to join the miners in this latest attack on land rights. I am rather bemused by a few of the remarks of the member for Victoria River. His statement, which implied that the majority of Aboriginal people were not in agreement with land rights, would indicate he has yet to visit all sections of his electorate and have a yarn to all of the members of that area because I think he will find that he is very much mistaken.

I can understand the miners' stance in this. They would probably prefer to be able to dig anywhere. They probably would be able to justify that on the basis of their obligations to their shareholders. I find it very hard to understand why they scream and shout so much about the degree of involvement that Aboriginal people have in the negotiations. I have been involved in negotiations with mining companies overseas and they had many laws and various levels of government that they had to satisfy before they were able to get their mines operational. However, they quite happily negotiated and eventually a number of mines were established. Negotiations in countries like the Central African Republic and the Gulf states would have been hindered by problems that do not exist here. However, they have continued negotiations in those areas. I have yet to see how the private ownership of mineral rights in the United States for example, has affected the growth of that economy. However, it would appear that, because we are talking about Australia, somehow these things are not to be countenanced.

I believe that, if this government had spent a bit more time determining the facts of the matter before leaping so eagerly to the defence of the miners, this debate would have been settled quite some time ago. The facts show that there is no case for denying Aboriginal people control of mining and exploration on Aboriginal land. I have some figures from the Bureau of Statistics on private exploration expenditure over the last 10 years. They indicate that, from 1974-75 to 1981-82, in every year the dollar level of private exploration

expenditure increased in the Northern Territory. It decreased from 1981-82 to 1982-83, probably because of the federal government which we had at that stage. However, it only decreased by 19.9% against an overall Australian reduction in that year of 23.9% so I do not believe that the bald statement that the Land Rights Act has affected mining over all the Northern Territory can be borne out at all.

It has been stated that somewhere in the vicinity of 180 exploration licences or ELAs have been blocked by land rights laws and the behaviour of the land councils. This does not take into account the freeze which, for perfectly sensible reasons, CLP governments, at both federal and Territory level, instituted at the time of the transition. That freeze related only to new ELAs. The prior arrangements that were in existence continued and much exploration continued on Aboriginal land during that period. To simply say that 180 ELAs have not gone through since the date the freeze was lifted does not give the true position.

What is the true position? I will concentrate on the Central Land Council area because I know that area better than the Top End. There were 27 ELAs in that area which were held by 6 different corporate groups. Of those 6, 2 were for uranium and they are not pressing proposals at all. We have another 3 which have yet to present exploration proposals and you can hardly blame the Central Land Council for not negotiating when it has not received anything. The one company that is pressing a proposal is North Flinders Mine. It has indicated that it is interested only in those ELAs surrounding the current mining development at the Granites. For fairly obvious reasons, it is trying to work out from 1 mine into the areas surrounding it. That company has stated publicly that it is perfectly satisfied with the current method of operation under the Land Rights Act and the right of traditional Aboriginal owners to decide at the outset whether exploration should or should not proceed. The land councils have been building up their own administrative structure to handle these ELAs. I am not going to say that everything has been perfect and no improvements can be made; very definitely, improvements can be made. I am pointing out that the current picture is not so bleak that we have to rush into precipitous action simply for the sake of having some activity occurring.

The Central Land Council has set up a mining industry task force. Its research and legal divisions have enabled it to recruit some of the most competent people available in this area. This will give it the ability to continue what I believe is a very solid record in dealing with these companies. It has worked with Pancontinental, Magellan and Weeks Petroleum and, over the last 4 years, has cleared over 4000 km of seismic lines for survey work both on and off Aboriginal land. I think that is quite an achievement. Some of the companies they have worked with during that period have been BHP, Ashton, CRA, Negri River, Amoco Minerals, Geo-North and Mobil.

I think the real problem that the miners are facing is a commercial one. The copper price fluctuations have devastated the copper industry. If you stop to think for a moment, you may realise that there is a very real possibility that this may be a long-term situation. One recalls the various items around the house that used to be made of copper which are now made of polythene etc. There is a very real belief that copper might be on a very long-term downward trend. I do not think that that can be blamed on the Land Rights Act and nor can the closure of Peko's copper smelter on 2 separate occasions over the last 10 years.

There are many issues relating to the uranium industry and the economic viability or otherwise of nuclear power plants. In America, I believe there is

very little activity by way of new uranium plants being established there. The price for uranium has dropped substantially over the last few years. There is a very strong anti-uranium lobby around the world which has had an effect on the uranium industry. I do not see why the Land Rights Act should be blamed for the problems of that industry. I do not think that the Land Rights Act can be blamed for another very essential point in the problem: the remote nature of the Territory and the fact that most of the exploration and development has to occur in very remote areas and at very high cost. Later, I will be talking in the adjournment on costs as they relate simply to living in some of the more remote areas of my electorate. However, the costs of getting essential services out there for the exploration and mining people adds significantly to its cost and makes the Northern Territory a less attractive place for the more risky elements of exploration during a period of economic downturn. People have a tendency during an economic downturn to pull back into those areas where they can operate at a lower cost and where they have more base data by which to decide whether they have a reasonable chance of getting a return. The wildcat years occur when they are in a much better financial position.

The creation of certain national parks is also fairly important and should not be overlooked in this debate. But again, that is a different issue from the Land Rights Act. It has been stated that Mobil pulled out of here because of the Land Rights Act. I do not see how you can dismiss the fact that Mobil lost $53m last year and say that it pulled out because of the Land Rights Act. I think that it might have had financial problems. It was reported on ABC News that Geopeko decided to close its offices as a result of land rights. Geopeko lost $70m in 1982 and I think that there is a possibility that it is still digesting that little disaster. It is saying that it is pulling out over land rights. However, from the discussions that I have had with the land council, it would seem that there is only one exploration activity of Geopeko in the Territory on Aboriginal land and that is on the Kaititja-Walpiri land claim area. The Central Land Council was advised informally by Geopeko that it was extremely disappointed with the results that it had had in that area.

I think that we should be very wary about taking at face value some of the statements of the mining companies. As I have said, they would like to see all of these things out of the way so that they can just have open slather. I do not think that we should accept that. We have been told that 5 exploration companies have pulled out of the Territory because of land rights. I do not know who the other 3 are. I have heard only of Geopeko and Mobil. However, I would doubt that there is any mining company in the world that would walk away from a good economic prospect in a country that is as safe and sound as Australia is - even if it does close its Darwin office. If in fact it did walk away from an economic mining prospect, I do not believe that it was on the basis of land rights. I believe that it was pulling back to its lower cost areas.

I do not think that the charge that land rights laws have blocked exploration has been proven at all. As I have stated, only one has submitted an exploration proposal, and that is North Flinders Mine. It said it is quite happy with the situation. In the Centre, the Palm Valley gas pipeline has gone ahead. The gas field itself is coming on stream. The oil field is being negotiated down there. North Flinders Mine and the Central Land Council have negotiated the Granites agreement. In all of these instances, the results have had the substantial backing of the traditional owners who were involved in the negotiations.

I think that the fact that the land councils are devoting substantial parts of their resources to the sorting out of these exploration claims is an indication that Aboriginal communities are substantially in favour of mining,

provided that it is carried out in a way that does not destroy their own cultural heritage. In my electorate, that is very much the case. I believe that proper consultation will produce a result which will allow the long-term development of the mining industry in the Northern Territory. If we were to take the member for Victoria River's point, and take the land councils out of the act and have open slather, I feel that we would be in a situation within a year or 2 where the people would be saying: 'Look, we have had enough of this mining mob. They come in here. They do not negotiate. They see a few blokes, give them a few bucks and then we bear the consequences'.

I think that the current setup can be improved but the basic principle in the Land Rights Act that Aboriginal people have a right to veto ensures that the miners negotiate an agreement which is to the long-term benefit of both themselves and the Aboriginal people on that land. When the data is presented objectively and we stop the hysterical outbursts of some of the mining companies, we will be able to negotiate a few minor changes to the Land Rights Act which will allow us to develop a strong and stable mining industry right throughout the Northern Territory.

Mr VALE (Braitling): Mr Speaker, it is interesting to note the comments of the member for Stuart in qualifying the fact that the Aboriginal Land Rights Act is working. In saying that the Granites Goldfield, Palm Valley and Mereenie are all going ahead, he should have pointed out also that they have been delayed, and delayed considerably, for some years despite, I believe, the wishes of the companies involved and the Aboriginal communities. The things that have delayed those projects from proceeding more quickly are land rights legislation and certain white advisers with land councils in central Australia.

Mr Bell: I wonder what North Flinders say, Roger?

Mr VALE: You would not know what a goldfield looks like.

Mr Speaker, I had intended to participate in the debate on 'Seven Years On' by Mr Justice Toohey but, having read the report and the restrictive terms of reference set for the inquiry by the federal Minister for Aboriginal Affairs, Mr Holding, I can only say that whole report has been a gigantic waste of money and time. The terms of reference set by the minister have completely pre-empted the findings of the inquiry. Pre-emption seems to be the minister's style, having introduced an Aboriginal Heritage Bill into the federal parliament last week despite a request from the Western Australian government and others to await the findings of the Seaman Inquiry in that state.

I can only say that the Toohey Report was looked forward to by all sections in the community in an attempt to come to grips with the many problems associated with the administration of the Aboriginal land rights legislation. I believe that the Toohey Report is purely and simply an inquiry set up for window-dressing purposes by the federal government. I have never before read a report whose findings were so predetermined by the inquiry's terms of reference. With the greatest respect to Mr Justice Toohey, who has a fair degree of expertise in the land rights area, I believe that this report is a useless document and I would not waste any more time of this Assembly by discussing it further.

Mrs PADGHAM-PURICH (Conservation): Mr Speaker, this debate is about land rights and how it has affected people living in the Northern Territory. The Minister for Primary Production said that, 7 years ago, land rights became an accepted fact yet, 7 years later, we are still talking about it. That seems to me to point to one thing. Usually when legislation is enacted, it is accepted

by the community and that is the end of it. This legislation may have been accepted by some people in the community but it has not been accepted by everybody.

Mr Speaker, I wish to speak about the Conservation Commission's relationship with the Land Rights Act and how it has affected parks and national parks in the Northern Territory. I will only refer to certain portions of this report. I preface my remarks by looking at our national parks. With the climate of opinion engendered by the Land Rights Act, the Northern Territory has lost vast areas of land. I do not think anybody realises how much land has passed out of the control of the Northern Territory government because of the climate of opinion engendered by the Land Rights Act. It came as a surprise to me today to tot up how much land has passed out of the control of the Northern Territory government. It has passed from the control and management of the Conservation Commission and hence the Northern Territory government.

Mr Bell: That is wrong. You should get across your portfolio.

Mrs PADGHAM-PURICH: Mr Speaker, Uluru has an area of 126 132 ha; Kakadu stage 1 - 616 000 ha; Kakadu stage 2 - 687 800 ha; and the proposed Kakadu stage 3 - 672 600 ha. This makes a total of 2 102 532 ha. To continue the comparison further and make it easier to understand, it is a pretty good approximation to say that stages 1, 2 and 3 of Kakadu are equivalent to the area of Tasmania. That land has passed out of the control of the Northern Territory.

It is all very well to say that I may not be across my portfolio. I do not think that is correct, Mr Speaker. What it is correct to say is that, as Minister for Conservation, I have no control, and neither has the Conservation Commission, of that important area in the Northern Territory. It is true that the Conservation Commission works with the Australian National Parks and Wildlife Service but only in a very minor way. We do not have any managerial responsibilities at all through our rangers. The Conservation Commission has a minor operational role only.

The Land Rights Act does not affect only Aboriginals in the community; it affects everybody. Many people in the community are saying that there should be land rights for everybody. From listening to people in my electorate and elsewhere in the Northern Territory, it is my belief that many people in the community are not happy with the land rights legislation as it stands now.

To turn back to the national parks, Mr Speaker, we want our parks to be run our way for all Northern Territory people. I am not digressing, but I point out that there is one park in the Northern Territory that is run under Northern Territory law, and that is the Cobourg Peninsula National Park. It has not been in operation for very long. In fact, it may be the subject of an adjournment debate at a later date. The running of that particular park shows that black and white people can work together harmoniously. Everybody in the community in the Northern Territory wishes that. The Conservation Commission wishes it and I wish it personally. We all want to work together harmoniously. We want to maintain that harmony in the community but we want it under our law. I do not think that this is too much to ask for.

In relation to the report by Mr Justice Toohey, I would like to deal with paragraphs 76 to 78 which recommend that the act be changed to provide for the establishment of living areas for Aboriginals on parks, reserves etc and that they be established under the Territory Parks and Wildlife Conservation Act. The comment that I would like to make here is that these recommendations envisage a situation which is not entirely new in the Northern Territory,

particularly in the case of pastoral leases and also to some measure on some parks; for example, Kakadu and Uluru. Cobourg Peninsula could also be given as an example of an area containing Aboriginal settlements and being managed as a national park.

The benefits that would be derived from these recommendations include, firstly, tourism. In the case of Kakadu and Uluru, which are federal parks that are partly staffed and managed by the Conservation Commission, the Aboriginal presence in the area is seen as being of benefit to tourism. Special arrangements have been made for the use of Aboriginal guides and for the resident Aboriginals to have some input into park management. In both parks, Aboriginal rangers are employed. The second benefit is employment. Apart from ranger employment, there is also potential employment for Aboriginals in other areas of park management. It should be noted that, as yet, it may not be possible to provide employment opportunities such as this on parks and reserves which are not managed by resident rangers. The third benefit is Aboriginal industry. This again is in the field of tourism. In parks with high visitation rates, there may be a demand for the sale of Aboriginal artefacts which would create the catalyst necessary for the setting up of an Aboriginal cottage industry.

Mr Speaker, I now wish to speak about detrimental effects. When we are considering Aboriginal living areas in national parks, the first detriment is the consideration of wildlife and native flora. To some degree, the continued presence of an Aboriginal group within a confined area but with access to the larger area of a park could be detrimental to the environment generally, especially in so far as wildlife and native flora are concerned. We know that hunting and food gathering is a part of the tribal Aboriginals' traditional way of life and, if these activities are carried out by traditional means, there may not be conflict with park management objectives. Experience has shown, however, that this is generally not the case as Aboriginals nowadays hunt by using anything but traditional methods. They use modern firearms and modern vehicles. This being the case, it is obvious that a constant drain on the natural resources of a particular area by a resident group will quickly bring about the depletion of those resources, either by slaughter or destruction or by native fauna moving to other areas where they are safe from disturbance.

In respect of the native flora of any area, especially trees, experience has shown that firewood collection, particularly in central Australia in the vicinity of permanent Aboriginal communities, has had the effect of completely denuding the countryside of most vegetation for some distance around the community unless stringent controls are exercised. This is very difficult.

The second detriment is the introduction of animals. Attendant to all Aboriginal communities is the inevitable assortment of dogs which come in all shapes, sizes and breeds. Often, little care is taken of these animals and it is my experience, as well as the experience of the Conservation Commission, that there is very little control exercised on the number and breeding of these dogs. There is literally a dog population explosion in many places. In addition, the animals are left largely to fend for themselves and they therefore attend to this in the only way known to them, namely, by scavenging or hunting. The latter activity spells danger for native fauna, especially rare marsupials and other small forms of wildlife.

Our normal park bylaws discourage the presence of uncontrolled dogs in parks and powers are given to rangers to destroy animals which are causing the destruction of native fauna. The destruction of dogs, the property of an Aboriginal group resident within the confines of a park, may affect adversely

relationships between the Aboriginals and park management. In relation to the keeping of dogs in large numbers, there is a further problem which has not been mentioned by the Conservation Commission but of which I am personally aware. In any area where there are large populations of domestic dogs in close proximity to dingoes, it is inevitable that there will be cross-breeding between dogs and dingoes. This brings attendant problems which are greater than the presence of either dingoes or domestic dogs.

The third detriment is control of movement. The establishment of a permanent residential area within a park may not be feasible on many parks in the long term. Except in very few instances, the area of individual parks would be insufficient to allow the establishment of a community area of adequate proportions without detracting from park value. In any case, even where the area may be contained within the confines of a park of adequate proportions, there remains the problem of controlling movement outside of the area set aside for community use, together with not only domestic dogs but other domestic animals under consideration. There may be problems arising also from the original group of Aborigines expanding in size and creating a need for more land and more services.

The next detriment is fire control. Without dwelling too much on this topic, the potential risks in this regard are only too obvious and would create a need for added precautions on the part of the Conservation Commission, precautions which may well prove to be most expensive.

The next detriment is the use of title. Although Mr Justice Toohey's report does not indicate that this will be the case, there is the real danger that the type of title may well allow the use of land for purposes other than community living. Such uses may not be in any way compatible with the purposes of a park or reserve.

The next consideration relates to applications. Amendments to the act as proposed would possibly bring about a flood of applications for the excision of areas from parks and reserves which hitherto have not been available for claim. In paragraph 139 to 158, Mr Justice Toohey reaffirms his view expressed during a land claim hearing that public purpose land dedicated under a Northern Territory Act was unalienated and therefore available for claim. His report goes on to recommend that land that has been reserved for a public purpose should be subject to lease-back arrangements in the event of a successful land claim. At the moment, the Northern Territory government is trying to combat that view. Whilst for the Conservation Commission, and indeed the Territory, this would mean that the land is not entirely lost to public use, no doubt restrictions would be placed on free movement of the public through some areas of a park. This is already manifest in both Uluru and Kakadu parks. Considering paragraphs 213 to 253, little if anything of benefit can be seen for the Conservation Commission arising from the recommendations contained therein.

The speech that the Chief Minister made when the report was tabled in the Legislative Assembly on 1 March 1984 highlights the real danger to the Territory in the locking up of large areas of land. The effect of this on the Conservation Commission is the same as that on the Territory generally, namely, that the land may be virtually unusable ad infinitum because of continuing land claims. In the case of the Conservation Commission, this may preclude us from ever declaring certain areas of public purpose land for park purposes.

In summary, Mr Speaker, whilst there may be a few points of benefit in Mr Justice Toohey's report for the Conservation Commission in its operations in respect of parks and reserves, the main thrust is of grave detriment to it.

Mr LEO (Nhulunbuy): Mr Speaker, I will only take a short time as I think most points have already been made ad nauseam and ad infinitum. I wish to comment on a few of the things that the Minister for Conservation had to say. I assume that it is her views and, optimistically, not the Conservation Commission's views that she has just enunciated. I will proceed on that assumption.

Mr Speaker, I heard much of what the minister had to say about the possible damage to flora and fauna by Aboriginal people living in groups in various parts. I would hate to think what her solution would be; perhaps they should all be packed off. Maybe that is what the minister was trying to intimate. It indicates that there are real problems. Certainly, I can appreciate that the Conservation Commission does have real problems but, where I come from in Nhulunbuy, in the far east of Arnhem Land, I must assure the minister that probably the people who are most aware of the environment and the need for conserving the environment are the Aboriginal people. They are continually making requests to the Conservation Commission and to the Northern Territory government for financial and other assistance in building roads so people with 4-wheel drives do not travel all over the sand dunes or conduct any other activities which are detrimental to the environment.

The minister also had some very curious comments that, somehow or other, the Aboriginal camp dogs would lead to the destruction of the dingo population either by breeding them out or eating them out. I am not too sure how it was to be achieved. I make an observation for the minister's sake. Until the mining company and European people came to Nhulunbuy, I can assure her that there were no dogs there. If there is to be some control on dogs, I would ask her if she would care to go out to Wonderland in Darwin and ask all the good old suburbanites if they are prepared to face fines if they dump their dogs at the dump because, quite certainly, that is where the biggest problem area is out here in Wonderland.

As has been said by most speakers today, there are certain problems with the Land Rights Act. The Leader of the Opposition reiterated his support for those amendments which the opposition suggested last year in its 13-point package. That is a continuing support. We do not make a deal one day and forget about it the next as seems to be the inclination of some people opposite. These debates are just going on and on. I agree with the member for MacDonnell that one wonders at their purpose at times. One wonders why it is necessary to repeat this all the time. When one looks at it demographically, the Chief Minister is on a winner. It is a great little vote catcher for him. He can afford to successfully alienate 25% of the population but that leaves him a nice round 75%. I can understand that being done when there is a Territory election. It is not very nice of course; I do not think that anybody particularly likes it except perhaps the Chief Minister and those people who are picking up seats here in Wonderland. I can understand it when there is a Territory election but it seems that we are now using this Assembly when there is a federal election around the bend.

It is absolutely ludicrous if this Assembly is to behave in this manner every time the Chief Minister decides to snap his fingers and wants to move somewhere or increase his poll rating. It is a shame that the Assembly is being used in this manner. I appreciate that there are some new members who have not had the chance to speak in this Assembly on this matter and I appreciate that they have views on Aboriginal land rights which they feel should be expressed in the Assembly. I am sure that there are adequate opportunities in adjournment debates to express those views. To have the time of the Assembly taken up in this ongoing campaigning - and that is all it is - for the Chief Minister is

absolutely ludicrous. I agree with the member for Braitling who said that the issues in the Toohey Report have been discussed before in one form or another many times in this Assembly and I certainly agree with him that it does not bear discussing any longer.

Mr HANRAHAN (Flynn): Mr Speaker, I rise to address the Toohey Report with some trepidation because it would appear from the comments made by honourable members opposite that the debate has already been held in this Assembly. I have availed myself of the opportunity of reading the debates and especially the booklet that was produced and tabled for members in the House of Representatives and the Senate in 1982. It is interesting to note that most of the debate revolved around the fact that the Territory was proposing a 10-point package and members of the opposition did not see fit at that stage to address themselves to the serious points of issue that confront us all in our society today except to make personal attacks and move certain amendments. In fact, the whole debate published in that particular booklet revolves around the question of whether there was or was not agreement between certain members of the federal government and the Territory leaders on excisions. Excisions from pastoral properties will no doubt form a major part of another debate in this Assembly during this sittings.

Mr Speaker, I would make the observation that at least half - and that may be a slight exaggeration - of the debating time of this Assembly is taken up on issues relevant to Aboriginal land rights and the seemingly never-ending issues of conflict. I really could not fathom how the member for MacDonnell could say to the Minister for Mines and Energy: 'I do not believe a word of it even if he believes it. If he follows his own heart...'. The honourable member for MacDonnell certainly has a closed-shop mentality on the subject. In fact, he sees every debate on the issue of land rights in this Assembly as no more than a political debate to further the aspirations of the Chief Minister. The member for MacDonnell should be made aware that there are issues confronting us in our community that do not receive the respect that they deserve in this very forum. On previous occasions and in previous debates, I have said that we have an Aboriginal and a European society within Australia that is fast approaching a point of confrontation and the reasons for these increased tensions are worth discussing.

The Leader of the Opposition stated this afternoon that he holds the white backlash syndrome as something to be despised in all circumstances. There is a certain amount of truth in what he says because, if one views the white backlash as some great overbearing enemy that will descend on our Aboriginal population, similar to a gun held to somebody's head, one can imagine the fear that that would create and that would not really solve the problem. However, to say that there is no white resentment or that there is no possible backlash appearing within Australia is an untruth. To deny that is to deny the very feelings that are out there in the community. I believe that the welfare and the fortunes of Aborigines in this country have increased dramatically over the last few years. That has come from a recognition of certain rights plus the recognition of their disadvantaged state. No other state or territory has felt the effect of land rights legislation or has come to realise its shortcomings and failures in certain instances so much as the Northern Territory.

We have before us a review entitled 'Seven Years On' by Mr Justice Toohey which, in effect, results from the Woodward Reports of 1973 and 1974 and the subsequent Aboriginal Land Rights (Northern Territory) Act of 1976. I believe that the review before us was necessary but it was also important that specific issues be addressed in light of the mounting tensions and conflicts. In this latter instance, I believe the review by Justice Toohey has failed. I would

remind the Leader of the Opposition and the honourable member for MacDonnell that it was Justice Woodward who originally said that any legislation affecting and governing land rights should always be viewed in the light of changing society and circumstances. Justice Toohey's review was certainly timely because times have changed and changes are needed.

Before addressing points of Justice Toohey's review specifically, I would like to raise some points and questions. I trust that the member for MacDonnell will bear with me. These result from conversations that I have had with constituents, both Aboriginal and non-Aboriginal, during the last 2 or 3 months and it is the very issue that I am talking about. These are the feelings that I have had put to me. I do not quote them as the views generally but I quote them as a means of reference to try to portray the feelings that are generally felt in the community and in an attempt to try to put some reason into it.

The issue of aboriginality, land rights and sacred sites has in fact created a huge bureaucracy. The cost to the taxpayers of Australia is immense. The people in the community have asked me why it is necessary to duplicate various welfare and community welfare departments that operate under one legal system. Basically, it stems from the fact that it is the Aboriginal people supposedly who are best suited to determining their own future. If that is the case, I will also query this. We have had a great escalation in the number of land claims in the Northern Territory. As I have said previously, there is concern that the expense of servicing these bureaucracies could be better used to provide for the welfare needs of the Aboriginal people - namely, health, housing and education needs. That is a general concern throughout the community.

One of the other major social issues that I believe this country will need to address itself to in the next decade - and this is of concern to all Australians - is simply the question of who is an Aboriginal. The very act under which we operate has never addressed that question. I ask the following question: are the traditional versus non-traditional arguments that are bubbling away under the surface evidence of the fact that the original intentions of the act have been lost in a sea of opportunism to the detriment of a full-blood Aboriginal?

It is also a fact that the society we live in is changing. It is not changing fast enough to accept the demands and rights sought by certain Aboriginal people. If you try to force it to change, it will change direction and that is exactly what is happening Australia-wide. The so-called European society does have genuine fears. The best way that I could describe those fears, as expressed to me, is that the creation of separate and distinct laws is doing no more than creating a covert system of apartheid that is actively promoted by minorities to the detriment of us all. I am certainly not saying that applies across the board to all Aboriginal people but there is a reactionary nucleus out there that I do not believe seriously represents the viewpoints of Aboriginal people at all. The conversations I have had reveal that there are few people who deny Aboriginal people their rights to land, but not all of it. They agree that there is a genuine need to protect their culture and that their living standards and social standing need improving. The question that begs to be answered is whether we are going about it the right way.

Mr Speaker, the Aboriginal Land Rights (Northern Territory) Act of 1976, in all instances, undeniably protects the rights of Aborigines and their culture. It is seen by the community that the various aspects of that legislation cut right across and infringe on various reasonable things that any given society that hopes to approach some modicum of compatibility would need to accept. It

is certainly not accepted by the Aboriginal people and their organisations. I opened my remarks by emphasising that a changing society must be reflected in all legislation. I regard the review by Justice Toohey as a catalyst to promote discussion and hopefully solutions to the problems experienced in the area of mining and mineral exploration. There exists no area of similar significance to the Territory economy that is so inextricably bound by the frustrations of the bureaucratic workings of the land rights legislation. In recent weeks, deficiencies in land councils' administrative processes have been highlighted by comments by the federal Minister for Aboriginal Affairs. Hopefully, his assurances can be heeded and there will be a speeding up of the system which is so damaging to the mining exploration industry in the Northern Territory.

Land rights legislation in its present form is an unaffordable luxury opposed to economic stability. Changes are needed. How do we achieve changes on a rational basis, particularly in the Northern Territory, when political decisions are based on party ideology to suit people who are far removed from the harsh realities? The answer is apparently simple: consultation. That must be the answer because everybody agrees consultation will lead to solutions.

However, I had hoped that the report by Mr Justice Toohey would be used by the federal Minister for Aboriginal Affairs as the basis of future negotiation to changes to the Northern Territory Land Rights Act. But I now believe myself to be a little naive to even hope that some form of consultation and negotiation will ever occur. One example of federal legislation recently introduced to the federal parliament is the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill of 1984. Such an introduction is basically contrary to the recommendations of Justice Toohey who sees no need for such legislation unless Territory legislation is demonstrably inadequate or is not working effectively.

Mr Speaker, past experience has shown that any explanation by the federal Minister for Aboriginal Affairs can be taken with a grain of salt. If the proposed legislation becomes law, the Northern Territory can expect to bear the full force of its inadequacies. So far-reaching are the ministerial powers contained in the proposed bill that the people of the Northern Territory and Australia can expect in a very short time to be suppressed under the particular minister's personal ideals and aims. I believe I am being a little too kind in describing the present federal Minister for Aboriginal Affairs as a walking timebomb with the world's shortest fuse, hellbent on destroying our society with his ideology as the vehicle.

Mr Speaker, the recommendations in the Toohey Report really do no more than extend the rights and privileges of the Aboriginal people to a degree that will cause confrontation if implementation through the legislative process occurs without sincere negotiation.

The Aboriginal people have been very vocal in demanding their rights and in many instances they are right to do so. But, they must realise that any continued demands that basically affect the land and the economy of a nation and cause frustration, loss of employment opportunities and financial loss will eventually rebound at an alarming rate and destroy any headway made over recent years. As representatives of the people of the Northern Territory, we need to realise that what is being created under federal law has in fact been found to have many faults and impracticalities. I trust that one day soon they will begin to listen.

Mr PERRON (Lands): Mr Speaker, the issues involved in administering land rights and the provisions of the Aboriginal Land Rights Act are without doubt of

considerable concern to most Territorians today. The act as it stands is the most racially divisive legislation that exists in Australia. Unfortunately, it also appears to be an act which, despite its acknowledged deficiencies, federal politicians have been reluctant to amend substantially. The report by Mr Justice Toohey now before the Assembly, whilst making a number of useful and constructive recommendations for improvements, also makes a number of recommendations which, if adopted, would aggravate the public disquiet already expressed.

When introducing the Aboriginal land rights legislation back in June 1976, the sponsor of the bill, Mr Viner, quoted the charter of the former Aboriginal Land Rights Commissioner, Mr Justice Woodward: 'To satisfy the reasonable aspirations of Aboriginals to rights in or in relation to land in the Northern Territory'. The key words are 'the reasonable aspirations of Aboriginals'. Later, in the second-reading speech, Mr Viner referred to his government's objectives: 'To secure conditions in which all Australians can realise their own goals in life, to find fulfilment in their own way consistent with the interests of the whole Australian community'. These quotes leave Territory politicians to decide for themselves what are reasonable aspirations of Aboriginals and how far can land rights can go and still be consistent with the interests of the whole Australian community.

My judgments can only be made having regard to reading the voluminous documents now available on land rights and listening to the views of my constituents and other Territorians, black and white. To that input I believe I can add several years' experience as a minister looking down the road of where the Territory is going under self-government in its quest for greater economic and social self-sufficiency. We know that the extent of land which is claimed and granted under the federal act already far exceeds the expectations of the government which introduced the act. I refer of course to Mr Viner's often quoted statement from 1978: 'No more than 28% of the Territory is likely to be claimed and rumours that 50% is the likely figure is dangerous to future racial harmony'. Mr Speaker, if rumours of 50% turn out to be fact and the rumours are revised to be 70%, 80% or 90% of the Territory which could become Aboriginal land, how dangerous would that be to racial harmony?

Given time and money, the expressed policy wishes of the land councils and the ADC are to progressively purchase pastoral leases and apply for conversion to inalienable freehold. Although it was very disappointing to read Mr Justice Toohey's recommendation that there be no cut-off date for land claims, including the conversion of pastoral leases, there was one unusual indication that the judge himself recognises that a limit applies to the extent of the Territory which should be claimable. On page 34, in recommendation (b), he says: 'If those applications grow significantly in number, the matter should be reconsidered'. The question the judge is posing here is how much is too much Aboriginal land. At what point do we say to Territory Aboriginals: 'Enough'? We know Mr Viner's view. I think it is very significant that there is a clear indication that the writer of this report sees that the question of the degree of conversion of land to alienable freehold is an issue which must be addressed.

Either because of his own deliberations or by being constrained by the terms of reference, the judge found that there should be no cut-off date for land claims, that repetitive claims should be allowed, that land reserved for the public by the Northern Territory government should be claimable, that grazing licence areas should be claimable, that land subject to claim should not be alienated and that mining companies meet with land councils as if they are dealing with Aboriginal land. The most important and serious recommendation put forward by the judge is that we virtually regard all land under claim in the

Northern Territory as claimed land until such time as the hearing is completed. As we are aware, there are claims that have been in the pipeline for years.

Mr Speaker, if these recommendations are accepted, the Territory's prospects for a viable pastoral or mining industry will be further severely eroded. There would also be the social consequences of perpetuating the injustice perceived by many non-Aboriginal Australians who feel that the existing land granted to Aboriginals at their expense is more than enough. We must bear in mind that the cost of Aboriginal claims and those claims being heard is borne by the taxpayer and that the land which is granted is passed to the claimants free of charge. There is no compensation to the taxpayer nor to the Territory government for these compulsory acquisitions of Crown land. The inalienable title issued is not available to any other person or group in Australia and there are plenty who would seek to be so immune to the public interest. Other landowners do not have mining veto powers or royalties. Other Australians are denied those benefits because it is not in the public interest.

Mr Speaker, is it any wonder that people are saying: 'Enough'? The member for Nhulunbuy, during the last sittings, told us how he represents citizens who have no rights. He will recall it well, I am sure. It is in Hansard. He said they have no right of access, limited rights to purchase housing and restrictions on the use of vehicles. He is right of course. He does represent an area where people have restricted rights. The rights are restricted because the provisions of the Aboriginal Land Rights Act affect the mining agreements and mining tenure over the area in question. I suggest that the citizens of his electorate will continue to face further uncertainty about their long-term future. They cannot regard themselves as being in the same situation as any other group of people in Australia. They live on land which is held in escrow until the existing mining company's lease runs out. There is an option for a second 42-year period of tenure by the mining companies. I am advised that the second 42-year period is subject to section 40 of the Aboriginal Land Rights Act. Of course, that covers the veto powers that can be exercised by Aboriginal landowners. Certainly, the restrictions on the citizens of Nhulunbuy are a good example of how this act affects the rights of some Australians - their rights to purchase housing, their rights of access and the restrictions on the use of their motor vehicles. I cannot see it changing so he had better get used to it.

Mr Speaker, if the exercise undertaken by Mr Justice Toohey was aimed at seeking a balance of the controversial issues bound up in land rights, his recommendations taken together will certainly not achieve that balance. I trust that the federal minister will weigh very carefully the judge's recommendations before accepting them because his decision will have serious and far-reaching effects on all citizens of the Northern Territory, white as well as black. Mr Speaker, Aboriginals need a hand up, not a hand out.

Mr MANZIE (Community Development): Mr Speaker, I rise to speak about Mr Justice Toohey's review of the Land Rights Act, the act that has been with us now for 7 years. Members of the opposition have brought to the attention of this Assembly that there is nothing new to say and that we should not be saying anything about the Land Rights Act. I believe that the fact that there has been a review by Justice Toohey which has been forced upon the government by the public is indicative that we should be talking about what is occurring with land rights. The history of any legislation shows that there is need for amendment. Things go wrong in the drafting of legislation. Parliaments right around the world continually amend legislation to ensure that it is doing what it was intended to do and to remove problems that are occurring as a result of that legislation. However, for some reason or other, the Land Rights Act appears to be a Holy Grail.

The Leader of the Opposition said that there is need for amendment in certain areas and that there are problems. He raised one that is particularly important to the Northern Territory: the problem of no cut-off date for land claims. But the member for MacDonnell, in particular, trotted out the old bogy that anyone who contradicts the land rights legislation is a racist.

Mr Bell: Oh nonsense!

Mr MANZIE: He denies it. If he reads Hansard tomorrow, he will see what he said. Doesn't he realise what he is talking about when he opens his mouth? Anyone who contradicts the Land Rights Act is anti-Aboriginal. That sort of criticism of people who are speaking up about the problems they see in the Territory is not warranted in this Assembly. I was particularly disappointed to hear those sorts of comments.

We know the problems that the Land Rights Act is causing. It is operating in the Northern Territory. It is not operating in Victoria or New South Wales or Canberra. We are the ones who are working under it. We see the problems that are occurring. We all see the problems. The members of the opposition see the problems. The member for MacDonnell sees the problems. Some of us put our heads in the sand and that does not do anyone any good. Most of us can see the problems and, as the Leader of the Opposition said, there are changes that need to be made.

Before I go any further, I would like to point out that I believe that all Territorians, or 99% of them, basically accept the principle of land rights for Aboriginal people. I believe that most Territorians think that this is something that should be occurring. The problem is in the way the legislation has been framed, the problems it is causing and the fact that nobody will seriously address himself to those problems. If anyone dares to suggest that there is need for change, we have people like the member for MacDonnell calling him racist.

I would like to comment on a couple of problem areas within the Department of Community Development. One is of particular concern to me - and it certainly gave me a bit of a fright when I first came across it: the fact that the ownership of fixed assets which are provided on Aboriginal land by the Northern Territory government passes from the Northern Territory government but not to the community for which the assets were placed. Ownership goes to one of the land councils. For example, if a developing community has an asset such as a power-station erected there, it is not able to charge for a service that it supplies to the members of that community. As Aboriginal communities develop, they will not be able to levy the normal charges in respect of services that all other Territorians are required to pay for.

Mr Leo: And more in the case of Nhulunbuy.

Mr MANZIE: And more in the case of Nhulunbuy, as the honourable member for Nhulunbuy points out.

Actually, if the government built any sort of building on land that did not belong to it, that would be deemed to be irresponsible because it would lose the right to that asset. Any asset that the government puts on Aboriginal land, it actually gives away.

There is another rather interesting occurrence and that is the request for monetary compensation for land used to provide essential services to Aboriginal communities. I find it rather strange that a community can request the

government to provide a power-station or sewerage facilities and the land council can then request on behalf of a traditional owner to be paid money for the right to place that particular service on the land. These are the sorts of practical problems that the current Aboriginal land rights legislation is causing day by day. I am certain that that was not the intention of the act in the first place, Mr Speaker. However, by the fact that I dare to raise it, I am sure the member for MacDonnell will call me a racist.

Another problem is the lack of authority that the NT government has to deal directly with the Aboriginal communities involved in the provision of services. Under the act, the government is required to discuss the provision of services with a land council. However, quite often, the bureaucracy of the land council has no real knowledge, nor time to obtain that knowledge, of detailed requirements or what the feelings are of a particular remote community. The day-by-day negotiations in relation to the siting of certain services and the building of those services cannot be carried out by using the land councils as a middleman although we are required to do that. That is one of our problems in trying to provide services in a satisfactory manner on Aboriginal land to those communities. We cannot liaise with those communities; we have to go through a third party.

They are only a few points but I think that all Territorians are well aware of the problems the Land Rights Act is causing administratively and in practical, day-to-day matters. I am sure that I speak for most Territorians when I say that land rights is something that we all believe in. We are not against the basic principle of land rights. We want changes to make the act work in such a way that we do not have the sort of white backlash that has been mentioned in this Assembly and we do not have the confrontation that has started to occur over the last several years. In my belief, Mr Speaker, this must result from the current Land Rights Act.

## PERSONAL EXPLANATION

Mr BELL (MacDonnell)(by leave): Mr Speaker, in his comments, the Minister for Community Development said that I used the term 'racist' and that I said that anybody who contradicts the Aboriginal Land Rights Act is a racist. I am not sure what he means by contradicting the Aboriginal Land Rights Act. If he means by 'contradict' that there are problems with it, I think that everybody in this Assembly today has contradicted the Aboriginal Land Rights Act. I would like to place on record that at no stage did I use the word 'racist'. What I did say - and I believe that this is worth while placing on record - is that the very reason for bringing on this debate is because the Northern Territory government seeks to obtain political advantage...

Mr SPEAKER: Order! The honourable member will resume his seat.

Debate adjourned.

## ADJOURNMENT

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that the Assembly do now adjourn.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, in the last week or so, I drove up the track to Darwin and back again to Alice Springs. That seems to be a popular thing to do. I did not seek publicity and I think a certain person who sought such publicity in the past might be regretting it. One thing that really appealed to me was that, on that particular trip, I noted a rather large number

of wedge-tailed eagles on the road. I am sure the Minister for Conservation would be delighted. This species which seemed almost extinct in the Territory seems to be increasing in considerably large numbers. In fact, last Sunday, about 50 km out from Alice Springs, I turned a corner and saw an eagle standing on something in the grass. As I came closer and the vehicle disturbed the bird, no less than 10 wedge-tailed eagles flew up. It was truly a magnificent sight. I wished then that I had my camera there and time to try to capture that. I am sure that is the sort of thing that the tourists who make that rather arduous journey between the Centre and Top End would get a great deal of pleasure out of.

On that same journey, I was stopped by a policeman travelling north who asked if I had seen a particular truck that had apparently been stolen. Unfortunately, I had not noticed the truck and it occurred to me, looking at the thickness of the bush, just how easily it must be to hide a stolen vehicle. It led me to think about one of my favourite subjects, namely, flying. You would know, Sir, the cost of conventional aircraft these days is extremely high and there are rather excessive requirements in relation to landing and other conditions. Recently, I received a bulletin from the British High Commission which has been sending out bulletins about various things that have been happening in England, particularly in the trade area. One of these mentioned an ultra-light aircraft which was not a hang-glider with a motor on it. The one in question was called the Shadow. I sent away for some details on it. This aircraft can take 2 people, can land in about 48 m and can take off in 69 m. That is a very short distance. It has a high wing. From all accounts, it will achieve airworthiness which will mean that it will be registerable. The interesting thing about it is that the aircraft, complete with a motor and an air speed indicator which is very basic instrumentation, has a price in England of $A9000.

I recall seeing a TV program where surveillance of people's backyards was done by a policeman riding one of these ultra-light aircraft. The aircraft is capable of having a radio and other aircraft instruments put into it and has an operating cost of about $6 an hour. It seems to me that such an aircraft, which would be fairly easy to learn to fly, should be considered by our police force for work such as looking for stolen motor vehicles that are often abandoned in the bush. It causes a great deal of distress to the people who lose those vehicles. I will pass on the information that I have to the appropriate minister for his consideration.

Mr SMITH (Millner): Mr Deputy Speaker, 10 days or so ago the Northern Territory News said in an editorial: 'The Gardens Hill development which was finally announced by the Treasurer was born in controversy and now seems destined to continue in the same vein'. The Northern Territory News hit the nail right on the head. The recently-announced government proposals on Gardens Hill seem destined to continue the saga of public comment and public concern about what the government has done with the Gardens Hill development.

As I mentioned at the last sittings, this saga began on 26 March 1982 with the announcement by the minister of a direct land grant. I pointed out in March this year, 2 years later, that no Crown lease had been signed for that development and no development proposals had been put forward. Despite the fact that we now have development proposals, a check with the Registrar-General today revealed that still no Crown lease has been signed for this particular block. I would ask the Minister for Lands when he expects a Crown lease might be signed for this particular block so that the proposed work - and I might say that we had proposals in 1982 - that is expected to begin this dry season can commence.

Mr Deputy Speaker, those of us who have been in Darwin for most of the last few weeks will be aware that the proposal is for a 4-stage project costing

approximately $12m. The first stage, as I understand it, is for pensioner accommodation for the Housing Commission. Then there will be a further stage each year until final completion in June 1988. The details provided in the honourable minister's press release on stages 2, 3 and 4 are a little vague. Again, I would ask him whether stages 2, 3 and 4 are to be designed for the Housing Commission and taken over by the Housing Commission or are for the general public to purchase separate from the Housing Commission.

Mr Deputy Speaker, I think it is fair at this stage for the opposition to take some credit for the action that has taken place since March. It is quite clear that, if the opposition had not raised this matter in March, there would still be no progress on the Gardens Hill development even though the plans that have been announced are far from the original plans that were announced. To get a feeling for what those plans were, I read again from a letter from Mr C.J. Lewis to the newspaper in March 1982 in which he was very fulsome in his support of the project: 'By allowing a project like Gardens Hill to proceed under the auspices of a group of reputable developers under a lease which will demand speedy progress' - we still do not have a lease - ' the government is ensuring that upmarket residential accommodation will be available at the earliest possible time'.

Mr Deputy Speaker, I have already pointed out to you that the first stage as announced by the government is for pensioner accommodation for the Housing Commission. Undeniably, there are upmarket pensioners. Certainly, I read about a few of them from time to time in the press. But I do not think it will be the Housing Commission's role to provide upmarket pensioners with accommodation at Gardens Hill. I get the very clear impression in fact that the government is not in the upmarket accommodation area for its pensioners but is looking at quite basic accommodation for pensioners on that particular site. I invite the Minister for Lands to say if there is to be upmarket accommodation in stages 2, 3 and 4 or will we have basic Housing Commission accommodation. If in fact there will be upmarket accommodation, it seems to me to be a bit strange that we are starting off with pensioner accommodation on that block. I am wondering what that will do to the values of the upmarket accommodation if it ever occurs.

It is quite clear that this is another situation of the government trying to save itself from embarrassment by propping up a development company. We heard this morning from the Chief Minister that the government is very close to a situation where it will prop up Burgundy Royale in the Darwin Performing Arts Centre. Quite clearly, it has taken a decision to save itself embarrassment and prop up an associated company of Burgundy Royale on the Gardens Hill development. What is particularly disturbing is that we do not have the information available on the extent of this prop or the extent to which public money or government guarantees have been given to this company to proceed. There are some specific questions that we need answers to and I expect that the minister is in a position to give us those answers.

We want to know, for example, the cost to the taxpayer of this cosy little arrangement that has been arrived at between the government and the developer. We want to know whether interest-free or low interest loans have been extended to the developer. We want to know whether in fact the Housing Commission will advance it money for the construction of these pensioner units. If that is the case, it is a pretty good deal for the developer: from a stage of having no money - and it is fairly obviously stretched for money - to have all the money it wants to build these units. Since the Housing Commission is involved, will it follow its normal practice and call for tenders for construction of the units? We want to know how the price that the Housing Commission pays for the units will be determined?

Mr Deputy Speaker, these matters are of great concern to the opposition. It appears that we have another situation where, because things have gone wrong, the original purpose for which the government has given this land has been left in abeyance. I made the point in the March sittings that so much time has passed. It was quite clear that the developer could not fulfil the original concept for which the block of land was granted. From developments since, I think it is quite clear that that is the case and that the government should have faced up to the embarrassment and taken the land back and reoffered it. That is not the case - and obviously the government has made that decision - but it is certainly incumbent on the government in this situation to come clean and to provide a full explanation to this Assembly and to the public in general about what is going on and about what its financial obligations are in this matter.

Mr PERRON (Lands): Mr Deputy Speaker, I rise to speak on another matter but I will say a couple of words about the issue the member for Millner raised. I do not have details before me this afternoon about the particular arrangements. I cannot tell him exactly when a lease will formally be signed. He would no doubt appreciate that there is a fair bit of paperwork that goes back and forth between parties prior to leases actually being drawn up. I can assure him that the developers have contributed a substantial sum on money out of their pockets towards the purchase of the land. The deal is being finalised.

He wants to know who has upmarket units and who has downmarket units and so on. We have a $12m project, which admittedly has taken 2 years to get off the ground, and nobody has been banging on the door, saying: 'Set these guys aside and let me at this piece of land'. Yet he suggests that we should have taken the land back and reoffered it. To whom? The particular parcel of land sits alongside another parcel of land, if I recall rightly, which is zoned exactly the same, is exactly the same size and is serviced as well. It could have been offered at any time. These interested parties have had their various problems through changes in the economy. As prudent investors, they have been watching the various unit markets in the town. What possible point would have been served by picking up our ball and taking it home? We would have driven them away. They would have said: 'If that is your attitude, so be it. We will invest our funds elsewhere'. We would then have on our hands yet another scruffy block of Crown land in Darwin. We have enough of them already. Whilst I am happy to obtain the details and provide them to the honourable member, I ask him to take an overview on these things otherwise the Assembly will have its time taken up arguing over the colour of the curtains in these dwellings. Perhaps the standard of the cutlery is not quite up to scratch.

Mr Deputy Speaker, I wish to comment on an item shown on the ABC program Territory Tracks last night because I believe there is a need to set the record straight, at least for honourable members. The item gave a misguided and onesided account of attempts by a mother of a paraplegic 4-year-old child - whose name I will not mention - to obtain funds from the TIO for air fares to take her daughter to the UK for treatment. The program attempted to depict the mother and child as caught up in the TIO web of bureaucracy and of being prevented from receiving necessary treatment just because it was in another country and a relatively new form of treatment.

The program could also have given the impression that the TIO's unsympathetic refusal to provide the funds was corrected by a judge. Any parent would sympathise with and understand the desire of a young mother to do everything possible to obtain what she believes to be the best medical treatment for her paraplegic child. However, a mother in that position may experience an understandable inability to see beyond the immediate needs of the child and

would not normally have much interest in the wider issues involved in the administration of a scheme such as the Motor Accidents' Compensation Scheme. I believe the ABC was wrong in presenting only one side of the story and not giving equal weight to these broader factors. While it may make an interesting TV program to depict a young mother being prevented by an allegedly unsympathetic bureaucracy from getting necessary medical treatment for her child, that was an incorrect and false version of the actual events. It does not constitute responsible journalism and does no credit to the ABC nor Mr Rick Powell, the program's director.

I want to acquaint the Assembly with the full facts of the case. In September 1983, the vehicle driven by the injured child's father was involved in a vehicle accident on the Mandorah Road, as a result of which the child became a paraplegic. The TIO subsequently determined that the child would receive $100 000 for pain and suffering, the maximum benefit under section 5 of the Motor Accidents Compensation Act, and arrangements were made to place this in trust for the child. This payment was in addition to the child's entitlements under section 13 which will start at age 18 and increase to age 25 to the equivalent of $257 per week. These amount to a total of $586 000 in present values over the child's lifetime. In addition, the child is entitled to medical expenses up to $50 000 and alteration to housing up to $20 000. The TIO has already bought a car for the transport of the child and installed air-conditioning in the child's home.

In February, the mother of the child approached the TIO to pay for the cost of air fares to the UK for the child and the mother in order that the child could receive a new form of treatment called functional electro-stimulation. The application was made under section 18 of the act which allows payments up to a total of $50 000 for medical treatment and travel to obtain such treatment. The treatment in question is a new form being developed by engineer, Dr Hugh Grenfell. It involves electrical stimulation which is claimed to help reduce wasting of muscle, calcification of bones and other complications associated with paraplegia. In a child, it is claimed to assist in preventing uneven development of the child's body during the formative years. The treatment is still in the developmental stages but newspaper and other reports have claimed that it is a promising form of treatment.

The TIO told the mother that, since the treatment was new and little known, the office would need to obtain expert medical advice before approving the expenditure. Inquiries were made of 5 specialists, 3 in the UK and 2 in Australia, and all 5 replied saying that they would not recommend the treatment as it was relatively untested and had not yet produced consistent reproducible results. They said that the mother was better advised to obtain treatment for her daughter at recognised spinal units in Australia. An Australian specialist wrote: 'I think, under the circumstances, one can only say at the present time that this is a hopeful method of the future by which some patients may be helped. At the present, I could not therefore recommend you be responsible for sending this child to Great Britain for care. It would be much more valuable if the child had periods in spinal cord injury units in Australia'. A specialist in the UK replied: 'I confirm that I am conversant with the work carried out by Dr Grenfell and others in the field. In all units, this work is in the early experimental stages and offers no useful means of mobility at present or in the foreseeable future. In other words, at this stage, it is a laboratory toy involving a great deal of heavy and expensive equipment which it would be quite impractical for a 4-year-old to cope with'.

Another specialist wrote: 'I would not recommend that she requires any medical treatment outside Australia'. A UK specialist responded: 'The clinical

trials of FES of which you speak are currently in progress and it is too early to draw any firm conclusion'. Finally, another UK specialist replied: 'I feel strongly that there is no justification whatsoever for the child to travel to Britain or indeed outside Australia in search of treatment. Such journeys will be very expensive, socially disruptive and lead to the raising and ultimate dashing of hopes. They are counterproductive. The child should continue in her home environment under the supervision of Australian spinal injury specialists who are amongst the world leaders in this field. Frankly, we believe the subject to be in a research stage and we certainly do not feel that the child will benefit from this treatment. One of our bio-engineers, Mr John Stollard, is visiting Sydney this year and I propose that the child be taken to see him'. This is correspondence, Mr Speaker, relating to the TIO seeking the advice of the best specialists it could find.

On the basis of this advice, the TIO decided not to approve travel to the UK but offered to pay for fares and accommodation to meet the UK engineer in Sydney on 9 June. The mother rejected this offer. It is understood that, subsequently, she contacted one of the Australian medical specialists who had formerly written to the TIO who then wrote another letter to the TIO saying that, although the effectiveness of the treatment in the UK was in doubt and he thought that Dr Grenfell did not fully appreciate the child's level and degree of spinal cord injury, he said he now thought the trip to the UK could be justified. This contradictory advice was discounted by the Territory Insurance Office. However, it was only this revised medical advice that the mother chose to mention on the Territory Tracks program last night. The mother made further representations seeking to have the TIO decision changed. As it was obvious that she was determined to take her daughter to the UK, it was suggested as a compromise that part of the $100 000 provided under section 5 for pain and suffering be used to fund the trip. The $100 000 was in the process of being placed by the TIO in trust for the child and this involved a court order payment. Therefore, the TIO instructed its solicitors not to object when the mother applied to the court for $10 000 to be set aside for the trip to the UK. In no sense did this order overturn the earlier decision of the TIO.

Although the section of the act under which these funds were provided is to be abolished, Mr Speaker, a similar arrangement could have been put in place using section 17 benefits which the government proposes to increase to $50 000. I might refer at this point to the criticism by the mother of the time it took to obtain funds for this trip - 4 months. It was not an unreasonable length of time in the view of the TIO considering the fact that it was necessary to obtain medical opinions from the UK. Mr Speaker, the TIO does not have medical specialists on its payroll and therefore it cannot and does not make its own judgments about the value or lack of value of any particular form of treatment. It readily assists injured people in receiving standard and conventional medical treatment but, in the case of unorthodox or new forms of treatment, it must rely on the advice of medical specialists as it has very properly done in this case. The demands of parents, relatives and injured persons themselves, no matter how sincerely and apparently logically based, cannot be the only grounds on which the decisions are made to finance international travel for medical treatment. If it were, there would be the risk of motorists contributions to the accident compensation scheme being used on costly travel to all parts of the globe in search of treatment which, in many cases, may only prove fruitless, ineffectual and disheartening to those whose hopes were falsely raised.

It is regrettable that the ABC has latched onto this sad case in an attempt to paint an unfair and distorted picture of the Territory Insurance Office and as a backhanded way of criticising the government's amendments to the Motor Accidents Compensation Bill on the eve of its debate in this Assembly. It

is regrettable, particularly from the point of view of the many good people who work in the TIO and who have to administer the scheme for Territory motorists. Their job is the often thankless one of giving fair and reasonable financial assistance to the injured whilst keeping the cost of the scheme to Territory motorists within reasonable bounds. The program was regrettable also because it introduced elements of emotionalism into a debate about a complex piece of legislation that affects many Territorians in different and often conflicting ways, and in which solutions can only be reached by balancing these various opposing interests. Such matters are always difficult to debate and it is invariably difficult to reach just and equitable solutions. That process is not helped by irresponsible, one-sided media presentation.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the Treasurer's contribution this afternoon in relation to Gardens Hill is proof positive of just how difficult this Assembly finds it to scrutinise the way in which the Northern Territory government commits us in terms of our financial expenditure. Indeed, I think I am just about to demonstrate that our concern goes far beyond the cutlery or the colour of the curtains.

If the Chief Minister had said in respect of the Myilly Point development that it is proceeding, it is being negotiated and he would tell us about it in due course, I would have copped that because I think that is a reasonable stand to take while it is being negotiated. But, in fact, the Chief Minister said nothing of the sort and I now need to remind him of precisely what he did say on ABC radio. I have the transcript here and it was quite an extraordinary statement. The Chief Minister said at one point in the interview:

> *We won't actually be putting, Allen, I think, one penny into it. We will be standing behind it, though, the TDC, and giving assurances and comfort to the people who are making loans to the project. If we put any money into it, it will be in the form of roads or kerbing or channelling or sewerage and so on...*

He then said in another part of the interview in response to a question as to how it will be financed:

> *Well, it is going to remain unclear until the agreements are finally entered into, as I said at the press conference. I repeat what I said then. Obviously, in putting the project together, the government is standing behind it and we are going to involve ourselves to the minimal degree, other than the fact that we are going to end up with 33.33% of the profit, I think it is, of the development project in return for the fact they will probably ask us to put in roads and sewerage and for that we will be asking 33.33% of the profits.*

Now that statement in itself is extraordinary enough but then he went on to say in the same interview:

> *You know the government has directly funded the Yulara tourist development and Ayers Rock because no private enterprise people would become involved and that is costing us $150m.*

Then, after talking about Yulara, about Myilly Point he said:

> *We will be employing the same tactics with this project on the old hospital site and the golf course in Alice Springs.*

Mr Speaker, if we were not legitimately concerned about that kind of nonsense, I am sure that we would not be doing our jobs as an opposition. I will just reiterate what was said by the Chief Minister in that one interview. Firstly, 'We won't be putting a penny into it'. Secondly, 'We are going to end up with 33.33% of the profits in return for the fact that they will probably ask us to put in roads and sewerage and for that we will be asking for 33.33%'. Thirdly, he said, 'The government has directly funded Yulara. That is costing us $150m and we will be employing the same tactics with the old hospital site and the golf course in Alice Springs'. If you can make any sense out of that, you are better than I am.

Mr Speaker, I have a Pratt Hotels document. It is not a final document nor would I seek to give it that kind of status, but it is a document from Pratt Hotels which outlines in some detail the direction in which this financing is going. The document is entitled, 'Propinvest SA'. It is dated May 1984, and it is headed with the name of a Pratt Hotels executive who has recently been in the Northern Territory. Mr Speaker, I am glad the Chief Minister has not risen this afternoon because he will be able to respond to this. It contains details which are so dramatically at odds with everything that was said by the Chief Minister in question time this morning and, indeed, with at least half of what was said at the interview. It is very much in line with what was said in the other half of the interview but it does require to be aired in the Legislative Assembly. I will read it out. It is headed 'Propinvest South Australia, David G. Tucker, May 1984':

*The Northern Territory Propinvest Trust (The Trust) will be formed for the purpose of acquiring the physical assets currently owned by the Federal Group of Companies. These assets consist of an hotel/casino complex in Darwin, an hotel/casino complex in Alice Springs, and the monopolistic rights of gaming in the Northern Territory of Australia.*

*The Trust will also purchase a to-be-constructed casino in Darwin.*

*Of the total required $55m (?) approximately $26m will be in the form of Governmental loans at 6%. The remaining $29m will be underwritten 2/3 abroad and 1/3 from Australian sources. The Australian sources will acquire the voting rights of 51% of the Trust.*

*After the Trust has been formed and has purchased the assets belonging to the Federal Group, the Trust will rent these assets and all attached rights for a period of 15 years for a sum to be equal to 10% of the total price of the Federal acquisition and the cost of the new casino in Darwin. The operator of the casinos will pay to the Trust, in addition to the 10% rent, a sum equal to 5% of the casino's Drop. (The Drop is defined as the gross income before any taxes, expenses or cost of any sort).*

*The Northern Territory Government will guarantee the 10% rent as a triple net rent (10% net to the Trust for this 15-year periods.*

*The operator will be exempted from any and all gambling (gaming) taxes for a period of 15 years and will enjoy exclusive gaming privileges for 30 years from the date of the Trust's acquisition of the Federal assets. Also, the N.T. Government will guarantee that the 10% rent will in no event be greater than the lowest tax as expressed in percent of the Drop, in the jurisdiction where the operator currently pays the least gaming tax. (Define more clearly!)*

*Concurrently with the formation of the Trust and the 'Acquisition' a second Trust will be formed which will be owned 2/3rds by Propinvest Group and 1/3rd by Northern Territory Development Corporation (N.T.D.C.). This second Trust (The Developer) will own all of the Developed profits to be derived from planned projects in Darwin and Alice Springs (The Projects). These currently planned projects are as follows:*

*1) ALICE SPRINGS: To be described and completed by Bob Gray*

*2) DARWIN:*

*The stated intent of the Partners (The N.T.D.C. and Propinvest) is to see that the projects produce a net 21% developers' profits, based on the sell-out price of each unit within the project. As the Government is both Master lender to the Project as well as working partner this 21% profit goal is considered to be achievable.*

*Concurrent with the acquisition by the Trust Propinvest will be obliged to exchange 50% of its ownership in the Project for a 1/3 interest in the Trust. Therefore the Trust, which will then be owned 33.33% by Propinvest, will own 33.33% of the Projects. The profits from the Development Projects are expected to be about $A80m.*

*The three sources of profits to the N.T. Propinvest Trust are:*

*1) 10% net rent based on total monies invested by the Trust.*

*2) 5% of Drop on all gaming in the Northern Territory (see Appendix A).*

*3) 33.33% of total profits to be derived from the planned development projects in both Darwin and Alice Springs. (see Appendix B).*

*Redemption Features:*

*At the end of five years all investors into the Trust may redeem their investments up to 100% of the monies originally invested. This redemption is guaranteed by the N.T. Government.*

*At its sole discretion the N.T. Government may, on a year to year basis, extend the five year period up to a maximum of eight years.*

*1. Monopoly to be extended (30 years?)*

*2. Monopoly to include <u>all</u> games of chance where money is involved.*

*3. Where are casinos currently operative in Australia and where are casinos currently being planned?*

*4. No gaming taxes for 15 years except as 8% (?) Drop being used to pay 10% rent exceeds such 10% rental.*

*5. Visa or resident permits - could they be obtained for large investors.*

6. *Clarify the 'Trust' structure.*

7. *Rental income guarantee to be continued by Government for 10 or 15 years or to such time as 8% of the Drop is equal to or exceeds the 10% rental guarantee.*

8. *Should the Development Company also be in the form of a Trust?*

9. *If the Trust pays 6% to the N.T. Government for the money borrowed to complete the Federal acquisition and this loan is interest plus capital repayment, with the 6% being payable annually on the capital outstanding, and the difference between that and the 10% income be applied to the loan would be payed up:*
*as ± 15.4 years.*

Mr Speaker, the list of questions attached to this document all relate to the document itself. It is a list of questions obviously by Pratt Hotels that have to be answered during negotiations that are no doubt taking place in respect of the quite detailed proposals that are laid out in the document. Mr Speaker, let me assure you that I would not be approaching the matter in the way that I have approached it if it had not been for the unbelievable statement of the Chief Minister on ABC radio. This morning in the Legislative Assembly, he said again that the involvement of the Northern Territory government in this proposed Myilly Point development will be minimal.

Mr Speaker, the opposition - and it will not surprise the government to know this - is not opposed to the use of public money to stimulate private industry in the Northern Territory but I would point out that the Northern Territory's Chief Minister, in his statement on ABC radio, went to some length to describe the incentives that have been offered by the South Australian and, I think, the Western Australian governments. I am familiar with those projects and I am familiar with the assistance offered. We are not objecting to that in principle. But, let me say this, Mr Speaker: if in fact it turns out that the details in the Pratt Hotels document are substantially correct, then these overseas operators and potential investors are being offered a sweetheart deal like none other that has been heard of in this country or even in Singapore where they offer considerable tax incentives and so on. Even the Singaporeans would blink at a commitment, prior to the operation even starting, to a 15-year tax holiday on all gaming taxes in the Northern Territory.

Mr Speaker, we have heard from the government on previous occasions about how much these casinos would contribute to the Northern Territory's economic life by gaming taxes and, in fact, the casino operation in Alice Springs was given a tax relief when its taxation was cut down for a period from 15% to 5%. Although I have not checked on it, I understand that it has now been restored to 15% in Alice Springs even though that casino is suffering some difficulties in its operation. I would point out the reason why this is being raised. We had a statement from the Chief Minister on ABC radio - and I am happy to provide him with a transcript if he wants it, but his own sophisticated media service will take care of that.

I reiterate what he said in that interview: 'We won't be putting a penny into it'. That is also what he said in question time this morning. Really, Mr Speaker, the Chief Minister's statement requires explanation because it is patently absurd: 'We are going to end up with 33.33% of the profits in return for the fact that they will probably ask us to put roads in. For that, we are going to ask for 33.33% of the profits for a minimal involvement'. Patently,

that is nonsense. I will also point out to the Chief Minister that it does not sit very well with a general statement that, in fact, this is not very far along the road, that it is a soup that has the water in it and the ingredients are waiting on the table. It has yet to be resolved yet the Chief Minister can be quite specific as to the extent to which the Northern Territory will profit because he wanted to gild the lily. Obviously, Mr Speaker, that is why he said it. In the same interview, he said the government has directly funded Yulara and that is costing us $150m and, a little bit further down the page, we will be employing the same tactics with the project on the old hospital site and on the golf course in Alice Springs.

Mr Speaker, have a look then at what this document outlines as potentially being discussed and arranged in so far as Pratt Hotels are concerned: a $25m governmental loan at 6%, a 15-year total tax holiday for the operations from all gaming taxes, a 30-year gambling monopoly, a 3-generation gambling monopoly guaranteed by this government, guaranteed rents and a one-third direct purchase by the Northern Territory Development Corporation. Honourable members will recall the Chief Minister's own public statements. We know what will happen: an original trust will be set up to purchase the casinos and a second trust will be formed to operate them.

According to this document, the Northern Territory government will put up almost 50% of the working capital of the first trust, and directly purchase a third of the second, and the Chief Minister says 'not a penny will be spent' and there will be 'minimal involvement'. This document describes the Northern Territory government as being the master lender and working partner of the project. There is a total redemption feature which I would love to get a share of whereby all private investors will be able to get a 100% return on their investment at the end of 5 years when it will be obvious if the project will make a billion dollars or fold, and that total redemption is to be guaranteed by the Northern Territory government.

Mr Speaker, I am happy to provide the Chief Minister with a copy of that transcript and a copy of this document. Some answers need to be given in this Legislative Assembly - and not the pathetic statements about the opposition worrying about the cutlery and the colour of the curtains that we just had from the Treasurer in respect of the Gardens Hill development. This deserves to be answered. The internal contradictions in the Chief Minister's statement need to be explained and I want some clear indication as to who is kidding whom. Is the Chief Minister kidding the Assembly or is he kidding Pratt Hotels?

Mr EVERINGHAM (Chief Minister): Mr Speaker, since no one else seems anxious to take the floor at this stage, perhaps I should rise to my feet. I hope that, in 15 minutes, I can do justice to the subject. It is not just from the opposition's side that one sees problems in relation to property developments in the city of Darwin. Last Saturday morning, a particularly pathetic case was brought to me in my electorate office where some elderly people in this city, believing the uranium mines were going ahead at Jabiluka and Koongarra, had been advised by their bank manager and their architect to redevelop a site on East Point Road and build quite a large number of what I would call upmarket home units. Unfortunately, because the uranium mines have not gone ahead because of the policies of the current federal government, there has not been the market for this particular type of what one could only describe as luxury home units. The people concerned, who had taken business decisions on the basis of the best advice that they could get, have been left in a particularly difficult position with their financiers and bankers who are now preparing to move to foreclose on them. Of course, it is this sort of thing that is doing a great deal of harm to the Northern Territory economy at present - the sort of rumours and innuendos

that the opposition spreads, the doubt that the honourable member for Millner has been casting on the Gardens Hill project for as long as he possibly can. There is a project, as the Minister for Lands said, that has a covenant on the title of some $8m. There is a covenant on the title that these people have to build at least $8m worth of improvements and, of course, a few carping real estate agents who did not get the chance to sell the block of land around town decried the whole project and said the land was worth much more. It would be worth much more if it were given out with a covenant of $1m or $2m on it. With a covenant of $8m on it, that land is not worth a penny more than the Northern Territory government could get for it then or get for it now. The market in units in this town has steadied. There has been absolutely no rise in the property values of units in this town since the current federal government came to power. That is what has slowed down this type of project and has brought to my office people such as the elderly couple who came to see me on Saturday morning. We are lucky that that company will go ahead with the Gardens Hill project almost in any form because it will provide work and a bonus to the construction industry. As the Treasurer said, there is land of identical size lying vacant right beside that block. The member for Millner, who has conveniently gone away, absolutely refuses to recognise the fact that there is an identical block next door that has been vacant for the whole time - land not a soul has made an application for. Should we withdraw the offer to Burgundy Royale? Do we want to put projects off?

Let me tell you of another project. There are some blocks of land on the Esplanade, a bit past that hostel that is now run by Michael Anthony, the unsuccessful candidate for Lord Mayor. We have had those blocks on offer to a particular company to build a hotel for 2 years. I do not propose, and I am sure that my colleague does not propose - and we work together on these things because he is the Minister for Lands and I am the Minister for Industrial Development - to withdraw that offer because the company who has them on offer might well be able to put together the deal that builds the hotel. Certainly, no one else has come to us and asked for them. Not one soul has come to us and asked for that block of land at Gardens Hill. No one has an alternative use for it. There are some speculative land dealers in this town who would like to get hold of it for peanuts and sell it for big dollars. They are the people for whom the member for Millner is spokesman. He is just aiding land speculation so that sales can take place but no improvements will occur on that land.

Let us move on to what the Leader of the Opposition was talking about. The Leader of the Opposition obviously has got hold of documents, no doubt through the good offices of some unhappy person, probably in Federal Hotels or somewhere like that where this person stayed. Communications were made through the hotel and apparently some of these communications were intercepted and copies found their way into the hands of the Leader of the Opposition. As far as I am concerned, Pratt Hotels' negotiating documents have no bearing on the position of the Northern Territory government. The position of the Northern Territory government, as I said this morning, is to obtain the best commercial advantage for the Northern Territory. I thank the Leader of the Opposition for handing me the transcript which he has because I do not have it.

I would like to repeat for the benefit of all honourable members the commercial advantage that the developers of the Hilton Hotel are getting out of the South Australian government and the commercial advantage that the people who will build the casino and operate it in Adelaide will get out of the South Australian government. These people are operating in the capital city of a state which has a couple of million people. The capital city has a population of 1 million or 1.5 million people. It is these sorts of conditions that the Dunstan Labor government gave to establish the Hilton Hotel on Victoria Square,

Adelaide - one of the prime addresses in this country, not the old hospital site site, Darwin. This is Victoria Square, Adelaide, with a million and a half people as a captive market, not a captive market of, at the most, 80 000 people. The government gave to the developers of the Adelaide Hilton a lease of the whole site at a peppercorn rental for 99 years with an option for a further 20 years. In effect, it gave title to the site in Victoria Square to the developers of the Hilton Hotel, free of all charges whatsoever. There was to be no water or sewerage rates for 5 years from the opening of the hotel and no land tax for 10 years. In addition, the Dunstan government gave a $5m last-resort guarantee to the construction financier. Of course, Mr Speaker, as you have no doubt experienced when you have stayed at the Hilton Hotel in Adelaide, it also gave them an exemption from all parking requirements of the Adelaide City Council. You cannot park your car there; you have to park at a parking station about 2 blocks away. That is another thing that is not mentioned in the prerequisites that the developers received. There were absolutely no parking requirements imposed on them by the City of Adelaide.

Mr Speaker, then we have the incentives for the railway station development on North Terrace in Adelaide. The owners are to be the South Australian Public Service Superannuation Fund Investment Trust and a Japanese company. The Premier of South Australia has committed - and he went to Japan to negotiate the arrangements - his state's public service superannuation fund investment trust which will be putting $15m into the joint venture by way of equity funds and $43.5m by way of loans.

Mr B. Collins: But did he tell his parliament that he was going to do something completely different?

Mr EVERINGHAM: Mr Speaker, I have told my parliament nothing about this project other than what I intend: that the people of the Northern Territory get the best possible deal. May I just touch on a minor point. The Leader of the Opposition referred a couple of times to the hospital site project and the project on the golf course at Alice Springs. The project on the golf course in Alice Springs is a parallel project with the project in Darwin. The Darwin project itself is expected to realise 1600 permanent jobs in the tourist industry.

We have here - and I cannot read the 4 pages all at once - a negotiating document: '1. Monopoly to be extended 30 years?' The Leader of the Opposition did not put in the question mark.

Mr B. Collins: I did as a matter of fact.

Mr EVERINGHAM: 'Monopoly to include all games of chance where money is involved' and so on and so on. 'Clarify the trust structure'. 'Should the development company also be in the form of a trust', and so on. These are questions that these people want to ask. If they want to ask for 30 years, they can ask.

Mr Speaker, I undertook and I still undertake that there will be a seminar for the people concerned with the negotiations of this particular project, including myself. All members will be invited as will representatives of the Darwin City Council and the Town Council of Alice Springs. I want people to know the full terms of this project. But I cannot negotiate in a climate like this. I came back from overseas and I had to make the announcement. People knew I went there to do something. I made the announcement. The Leader of the Opposition has cottoned on to this thing about a third of the profits.

Mr B. Collins: You said it.

Mr EVERINGHAM: Yes, I said it and I do not resile from it. Let me say that the Leader of the Opposition, in pursuing this matter at this moment, is not helping the Northern Territory's negotiations.

Mr B. Collins: I was waiting for that one.

Mr EVERINGHAM: I say that...

Mr B. Collins: Did you offer them $26m at 6%?

Mr EVERINGHAM: Mr Speaker, I can answer that flatly: no!

I do not know yet what particular terms our negotiating team in London has arrived at on any particular point. I know that certain broad principles were arrived at in the discussions that I had overseas. We secured agreement in principle. There are several stages of negotiation. If the Leader of the Opposition ever gets into government, he may appreciate it. There is the agreement in principle. Can you imagine how difficult it is, Mr Speaker, to bring all these parties together, keep them together and keep the thing quiet when there are 2 public companies involved, both of whom have stock exchange and securities industry requirements?

I came back and I spoke about the broad principles that we arrived at. We are now negotiating towards heads of agreement with all those various parties, including purchasing Federal Hotels interests in the Territory. I am not resiling from that one-third. The whole thing is that there are 3 stages: the principle, the heads of agreement and the final agreement. The Leader of the Opposition can cut and run as fast as he likes like a butterfly from one point to the other during these stages. The least said by the Northern Territory government until it is ready to put on the seminar, which it offered through me the first day we announced this, the better it will be.

Mr B. Collins: I am waiting.

Mr EVERINGHAM: You will get it. The Leader of the Opposition grabs at anything to try to make political capital. This is a negotiating document prepared by one of the parties. They can try for all they are worth and they can ask for anything they particularly want but that certainly does not mean that they will get anything like that.

Mr COULTER (Berrimah): Mr Speaker, I rise to speak about the recent announcement by the federal Labor government to extend Kakadu National Park to include the pastoral leases at Gimbat and Goodparla. This should be treated by every member of this Assembly with the utter contempt that it deserves. The previously declared stages 1 and 2 of Kakadu National Park already cover an area of 13 000 $km^2$, an area where all resource exploration has been banned. I ask you where else in the world would you find a situation where it is estimated that a resource of up to $40 000m worth of potential uranium deposits will never be explored? By extending the park by a further 7000 $km^2$ to include Gimbat and Goodparla, the federal government has dealt yet another blow to the Northern Territory's mining and resource industries. The declaration of the whole area as a national park would seriously inhibit the utilisation of resources availiable for development within the Territory.

While there is no question about the need to arrange for conservation of further land within the Territory, it is essential that this be done in a rational manner and having regard to achieving a balanced development in each region. The Gimbat-Goodparla areas are considered highly prospective for

uranium deposits as well as other minerals, including copper, lead, zinc, gold, silver, tin and tungsten.

Less than one-third of Gimbat and Goodparla leases have been explored so far but an indication of the perceived mineral potential is reflected in the number of mineral and exploration leases held prior to the declaration of the mineral reserves. A number of small, high-grade gold and uranium deposits were worked prior to the freeze on mining and new exploration in the early 1970s. The deposits yielded 927 t of uranium oxide and 11 000 ounces of gold. The excision of 5 mineral leases for Dampier Mines within stage 1 of Kakadu attests to the highly prospective nature of the area. The mining industry has a key role to play in the development of the Territory by providing major capital investment, jobs, export earnings and the economic basis for our ancillary industries. Accordingly, I would like to think that there is not one member of this Assembly who does not believe that mineral exploration should proceed unimpeded to adequately assess the potential of the area and that there is adequate NT legislation in place to safeguard the river catchments should mining be proven and allowed following environmental assessment.

The Gimbat-Goodparla areas also have a high potential for tourism and recreation without the encumbrance of a national park status over the whole area. The value of the area as a national park has been the subject of several reports and they are of the opinion that the area included in Kakadu stage 3 does not represent an example of a physical environment even worthy of a national park status. With the use of aerial photographs, topographical maps and Landsat studies, an estimation of the proportion of different land forms has been made of Kakadu stage 3. As you would be aware, Mr Speaker, Kakadu stage 1 is famous for its wet land environments and kombolgie sandstone escarpments.

However, these environments represent only 20% of stage 3. The wet land areas of stage 3 are not good examples of this type of environment and are restricted to the north of stage 3 along the South Alligator flood plain. In comparison to the wet land areas between Cooinda and the South Alligator estuary in Kakadu stage 1, the wet land areas of stage 3 are simply not worthy of national park status. The kombolgie sandstone produces spectacular escarpments in Arnhem Land and Kakadu stage 1. However, these escarpments are actively developing and so produce a sheer face. In Kakadu stage 3, only 5 km show a sheer face. Kombolgie sandstone plateaus are well represented in Kakadu stage 1 and also in the Katherine Gorge National Park. The cretaceous sandstone plateau is covered by thick sandy soils and tall open forests. The topography is flat and monotonous and represents 8% of stage 3. The majority of stage 3, 72%, is represented by the Koolpinyah land form system which comprises undulating land with striped ridges and is typical of other areas - in fact, some 66 000 $km^2$ of similar land forms can be seen elsewhere in the Pine Creek geosyncline. The only areas of scenic beauty in stage 3 are UDP Falls and an area along Koolpin Creek. UDP Falls is covered by a reserve and the scenic areas along Koolpin Creek are only accessible to four-wheel-drive vehicles. Kakadu stage 3 is therefore not spectacular, unique nor indeed the best example of land forms and cannot be justified as a national park.

With regard to tourism, the federal government has repeatedly stated that it envisages that the Kakadu National Park as it presently stands - and presumably any addition to it - will become a focal point of tourist attraction. During the Prime Minister's visit to Darwin late last year, he announced a Commonwealth program to spend something like $70m to develop facilities for tourism in Kakadu National Park. He indicated that his government had a major commitment to the promotion of tourism in the region and that a program to implement this commitment would be initiated without delay. So far as I am

aware, nothing has been done to advance this election promise on behalf of the unsuccessful Northern Territory Labor Party.

In the meantime, the Northern Territory government's efforts to promote the tourism potential of the Kakadu region have been totally frustrated by Mr Hawke's colleagues, the Ministers for Home Affairs and the Environment, and Aboriginal Affairs. The effect has been to prevent any real progress in the development of the region's tourism potential notwithstanding that this is an objective of both the Commonwealth and Territory governments. Members may recall that preparations were well advanced for a major seminar on tourism in the Kakadu National Park scheduled for February of this year. The planning for this seminar was being jointly undertaken by officers of the Commonwealth and Territory governments and a great deal of interest had been expressed by the tourist industry. Senior executives of all major industry organisations invited to attend had accepted the invitation, as had representatives of Aboriginal organisations. It is extremely regrettable that this seminar was aborted following a belated decision by 2 federal ministers not to support it. This was contrary to assurances given to the Chief Minister much earlier by the Minister for Home Affairs and the Environment that he supported the seminar and would participate in it. The Chief Minister endeavoured subsequently to initiate planning for the seminar to be held during the dry season and has written to the Minister for Home Affairs and the Environment urging his support. The minister has not replied and one can only conclude that the Hawke government is not willing to support any efforts to make real progress towards promoting tourism in the Kakadu region.

On the other hand, the development of the Kakadu region from a tourism point of view is long overdue. This is recognised by the Aboriginal people who have taken the initiative to upgrade facilities at Cooinda. It is the priority of the Northern Territory government and it is an integral part of the overall efforts to boost the Northern Territory's tourism industry. It is right and proper that tourism should be encouraged in the Kakadu National Park. It is appropriate that adequate tourist infrastructure be provided in the area so that the tourism potential can be realised. However, it is also appropriate that the negative or destructive aspects of tourism be pointed out as well. It is a fact that the tourist activity is difficult to control in such a large area as Kakadu National Park stages 1 and 2 without exaggerating the problem by adding another 7000 $km^2$ to it. The creation of new tracks by four-wheel-drive vehicles, desecration of Aboriginal sacred sites, the removal of flora and the disruption of fauna, bushfires, and the introduction of exotic flora and fauna and the littering of the countryside is inevitable.

On the other hand, mineral exploration and mining, generally speaking, is carried out by a highly professional group of people and is strictly controlled by both federal and Northern Territory legislation. Indeed, it could be argued that the NT mineral exploration and mining industries are the most over-regulated industries in Australia if not the world. It is often conveniently forgotten by those who would place resource conservation before development that the impact of a mine is usually only very local indeed. For example, the Ranger uranium mine and mill site occupy an area of only 3 $km^2$, less than 0.1% of the area of stage 1 of Kakadu National Park. Importantly, the impact of the mine on the environment is local and very strictly controlled by both federal and Territory legislation. Significantly too, it is often forgotten that it was the Ranger uranium mine itself which opened up Kakadu National Park for tourism, at no cost to the federal taxpayer. The catalyst for increasing the tourist interest and activity in the area was the privately-funded, all-weather road to Jabiru. If the Australian National Parks and Wildlife Service is prepared to accept the negative impacts of tourism on the Kakadu National Park, it would be

intellectually dishonest to reject mineral exploration and mining in the area, particularly when one bears in mind the nature of mining operations and the legislative framework within which the industry must work.

In the longer term, there is the potential for both animal and crop production on both the pastoral leases. To realise this, the extensive grazing of cattle as permitted under the original leases is no longer appropriate and stricter control of stock will be necessary. The stricter control over stock will allow differentiation of land for improved pastures. What I am advocating, and in fact what every elected member of the Assembly must support, is the return of the 2 pastoral leases to Territory control to allow investigation into the best mix of land-use for the pastoral properties, and their proper placement within the Territory resource bank. There are questions that must be addressed by members present today, and indeed all Territorians concerned with their future. Why does the federal government insist on claiming additional land for Kakadu National Park? Why does the federal government continue to introduce policies which effectively stultify resource development within the Northern Territory? Why does the Hawke government not honour its commitments to further the establishment of the tourism industry in the Kakadu National Park?

Mrs PADGHAM-PURICH (Conservation): Mr Speaker, I rise today to make an important announcement. It is incumbent on me, as Minister for Conservation, to announce that today is World Environment Day. This is a day for remembering the importance of environmental issues in our lives and, indeed, the global importance of these issues. It is only in relatively recent times that ecology, the study of the interaction of the living world with the inanimate world, has assumed the status of a major science.

Ecology is a science that has captured the imagination of the public. There has been a universal realisation that our planet's resources are finite, that waste discarded into the air, waterways and soil will eventually have a deleterious effect on the whole ecosystem. Chemical pesticides and fertilisers, which have been responsible for significant advances in agricultural productivity this century, are finding their way into food chains with sometimes disastrous effects. Traditional methods of energy conversion from sources like wood, coal or oil are having adverse effects on the environment in certain situations. Indeed, the planet earth has been likened to a spaceship on which the overuse of one resource will disadvantage all other passengers and the wastes of another passenger will continue to circulate on the spaceship interfering with the freedom and health of all passengers. I would like honourable members to consider that for a little while.

We should not, however, throw the baby out with the bath water. Scientific and technological advances have been responsible for a standard of living and health that is unprecedented in the history of the human race. The nature of man and woman, although I do not think sex should come into it these days - we are all persons - is such that we will always strive to improve our lot. History has shown that our inherent inventiveness has managed to solve problems as they occur in the ever upward climb to a better quality of life. I view the present difficulties with the use of uranium in just such a mood of optimism. Uranium, after all, has been repeatedly shown to be the cheapest and safest source of energy available to us at this time. Obviously, however, we must temper the use of potential pollutants with care and remain aware of the danger of the overuse of non-renewable resources.

Last year, the theme of World Environment Day was soils and erosion. The Conservation Commission display on this theme toured the Territory show circuit and met with a high degree of public interest. As a direct consequence of the

1983 display, the Conservation Commission received many inquiries from the public about soil conservation with the result, we hope, that soil in the Territory is now a little more effectively conserved. Since then, the display has toured Territory schools, raising children's awareness of the importance of soil conservation.

This year, the theme of World Environment Day is 'Chemicals Can be Hazardous. Take Care Here in the Northern Territory'. The Conservation Commission, together with the Departments of Mines and Energy and Health, is supporting national and international efforts to stop the misuse of chemicals by making people aware of the hazards and encouraging them to take basic safety precautions in the ordinary everyday use of chemicals and artificial things in the home.

To mark the day, officers of the Territory's Conservation Commission have taken part in radio and television interviews, mounted a display at Casuarina shopping centre and placed advertisements in the local paper. Kits and teaching materials on the potential hazards associated with chemicals have been distributed to schools and the Conservation Commission display for the Territory show circuit will continue to push the theme. We hope that it will match the success of last year's display. Chemicals are, of course, universal. In fact, everything and everyone is made up of chemicals. There are 70 000 different chemicals available throughout the world, 20 000 in Australia, but only 5000 in common use.

All of these different chemicals are useful to mankind in some way but, at the same time, they can be dangerous if they are used incorrectly. One can drown in a cup of water. Some will react with combustible materials causing fire or explosion. Others may give off dangerous gases when exposed to air. Others can cause burns to the flesh, cancer or nervous and respiratory complaints. While some chemicals can be neutralised and rendered harmless, others are persistent and more difficult to get rid of. In most if not all cases, it is much easier to get the so-called intractable wastes as opposed to the biodegradable wastes into the environment than out of it.

In the past, the misuse of chemicals has led to disaster. Now, more and more people are concerned about what we are doing to the world around us and to ourselves. It is simple to misuse chemicals but the results are usually not so simple. Large-scale misuse by industry and agriculture is a terrifying process and indeed has been responsible for tragedies which have widespread implications. The United States Environmental Protection Authority has already recognised that chemical waste disposal is the single most critical environmental issue facing the world today. The member countries of the Organisation for Economic Cooperation and Development, including Australia, produce two-thirds of the world's chemicals. About 10% of their trade is in chemical products. It is well known that chemical hazards are not confined by national boundaries, so members of the Organisation for Economic Cooperation and Development have agreed to develop standard procedures to test, assess and decide on the use of chemicals and to exchange information.

Australia's system of managing chemicals is designed to be consistent with international practice and the spirit of international cooperation. However, it is not an issue that concerns only governments. It concerns us all, even in the province of our homes. Let me mention some of the measures that could save lives or prevent injury when dealing with chemicals. We should always read carefully the label on anything we use in the home, whether it is a pesticide or a deodorant. Store such chemicals safely away from children, pets and food and keep them away when using these chemicals. Make sure you are using the right

chemical for the purpose you intend and, when using a chemical, wear the recommended protective clothing - rubber gloves when mixing and spraying pesticides, for instance - and refrain from eating, drinking or smoking whilst handling the chemical. Take care not to spray chemicals on any plant, animal, food, seed or any surface likely to come into contact with these and be careful not to overuse the chemical. Twice as much is not twice as good. Dispose of unused chemicals and empty containers judiciously, not down the drain. Never mix products as an explosion or poisonous gas may result. Report any large spills resulting from transport container accidents to the police and fire brigade immediately and, in general, think about accidents before they happen.

I would like to tell honourable members that, if any of their constituents have any doubt about the hazards of any chemical, please ring the Environment Unit of the Conservation Commission for information. I urge all honourable members today, on World Environment Day, to take the opportunity to change their habits in relation to handling chemicals no matter how innocuous they seem. It may save them and their family some serious injury or illness and may be a major step towards protecting the environment.

Mr VALE (Braitling): Mr Speaker, in this afternoon's adjournment debate, I would like to take the opportunity of complimenting all successful candidates in the recent local government elections across the Territory but, in particular, in Alice Springs. I look forward to working with those newly-elected aldermen in Alice Springs for the next 3½ years.

From time to time, Alice Springs has worn - and unfairly, I believe - the tag of a racist town. Usually, this tag has been placed on it by people based interstate. I suppose the most infamous statement was made by Senator Cavenagh, the then Minister for Aboriginal Affairs, in the late 1970s: 'Alice Springs is the most racist town in Australia. The Aboriginals use one footpath and the whites use another'. Of course, anyone who has lived in or visited Alice Springs would know that that is totally absurd. I think it is interesting to note that 2 of the successful candidates in the recent elections in Alice Springs are a person of Chinese descent, Richard Lim, who topped the poll, and a person of Aboriginal descent, Bob Liddle, who polled well and finished in ninth position. So much for the unfair racist tag.

Mr Speaker, in March, I received a document from the Northern Territory Development Corporation. It is interesting reading. I should point out that the comments that I will make pertaining to this document are in no way directed at the minister responsible for the Northern Territory Development Corporation. On the back page are listed a number of projects. The heading reads: 'Recently completed NT major projects'. Mr Speaker, whilst we are very proud of the development of the Northern Territory, it would appear from the list of completed projects that the printing of the NTDC is a little bit ahead of progress. For example, it lists halfway down the page: Desert Springs Country Club Estate, Alice Springs - $8m. That is the golf club which is still far from completed. A little bit further down we find: Vegas Motel, Alice Springs - $2.8m. That was planned some years ago, never commenced and, to my knowledge, will not proceed. A little bit further down we find: oil and gas field development, Mereenie - $50m. Whilst the development of the oil and gas field at Mereenie is well advanced, I am advised by the field developers the total amount spent to date is $21m, not $50m. Last, and certainly not least, is the total expenditure on a recently-completed major NT project: the natural gas pipeline from Mereenie to Alice Springs - $32m. That will not be a natural gas pipeline. It will be for oil. As well, it will not cost $32m, and construction has not yet commenced.

Mr Bell: What are you reading from?

Mr VALE: I was reading out the major projects in the Northern Territory as printed and published by the Northern Territory Development Corporation.

Mr Ede: 1985 to 1986.

Mr VALE: You're better educated than I am, Brian.

Mr Speaker, on another topic, I received in my office in April a press release issued by a minister, whom I will not name. It starts off: '1984 Darwin Telephone Directory'. The heading on our telephone directory in central Australia reads: '1984 Northern Territory Telephone Directory'. We are a little bit parochial down there; maybe some of the people up here are parochial. In any event, I have in my hands a 1954 telephone directory, printed and published by the Postmaster-General's Department. It is quite an interesting document and there are some interesting names in it. It is amusing too. For example, boldly printed on the front page is, 'Not for sale'. However, immediately inside it says: 'Additional copies may be purchased from the post office for 6d'.

It says on the front page: 'Qantas Australia's Overseas Airline'. It was referred to in those days as Qantas Empire Airways Limited. I am going to skip through the Darwin section because there were only a couple of pages of it in those days and I do not know many of the names. But in the central Australian section there are some rather interesting names. One of the first is 'Alice Springs Art Centre, Signwriters and Painters - Undoolya Road, Alice Springs'. It is just across the river. Two of the 3 proprietors in those days were George Brown and Butch Peverill. George Brown was a fairly distinguished looking fellow with short back and sides and no beard. He was an excellent cricketer. George Brown was referred to in the early days in central Australia as Alice Springs' first hippie.

Mr Speaker, listed further down in the Alice Springs section is 'Chapman C.H. - Irrigation Farmer'. The listing is Pearly Gates, Alice Springs. Pearly Gates, for the information of honourable members, is now the site occupied by Pitchi Richi. Mr Chapman is famous for building the first Alice Springs swimming pool and establishing the Centralian Advocate. He was the owner in those days. He also developed the Granites Goldfield which was subsequently shut down.

Another well-known name was that of Launce Coppock, who in later years went into the air-cooling business in central Australia. He is listed in this book as a timber miller and operated out through the farm area. We battled for years up to 1970 to get a private dental surgeon in central Australia but 2 men are listed in 1954: 'Drury and Mildrum, Private Dental Surgeons, Railway Terrace.

Another name of interest is 'Hanrahan T.V.'. I am advised that that is the honourable member for Flynn's grandfather. Then there is 'Kilgariff B.F. - Poultry Farmer, Gap Road'. The person who gave me this document wrote on it: 'Kilgariff appears - B.F. poultry farmer. He is still poultry farming in Canberra'. I think he was joking. At least, I hope he was.

Mr Speaker, L. Penhall was listed in Alice Springs in those days living in Renner Street, East Side. Of course, Les Penhall went on to become a senior public servant and worked for many years in central Australia before coming north. 'T.J. Rice, Solicitor, Todd Street, Alice Springs' is there. Of course, he is now a judge in Adelaide. Further down is 'G.A. Smith, Reliable Launderers and Dry Cleaners'. George went on to become our mayor. Two other famous names

are 'Ward and Hargrave, Barristers and Solicitors'. Those 2 people went on to become members of the Legislative Council. The late Dick Ward of course went on to become a judge in the Northern Territory. Another one of interest is 'Windle P. - Garage Operator'. He swapped for a pack saddle, 3 blocks of land in Todd Street now occupied by Fosters Electrical Store, Cooks Travel and the Reg Harris Lane. After he had swapped these 3 blocks of land, the new owner sold them for in excess of £10 000 in 1952 or 1953.

Mr Speaker, I mentioned those points because I think it is of interest historically. I am certain that some other members would be interested. I would be more than pleased to hand this document around at a later stage.

Mr HATTON (Nightcliff): Mr Speaker, I would like to talk this afternoon about a matter of serious concern for the Northern Territory. It concerns 2 small coral atolls and the exposed peak of a submerged mountain, these being located some 3000 km to 3700 km from Darwin in the middle of the Indian Ocean. I am referring of course to the Cocos-Keeling Islands and Christmas Island. You would be aware, Sir, that over the last several months it has become known to the people of the Northern Territory that the federal government in its wisdom has decided to incorporate those locations into the Northern Territory electorate for the purposes of federal elections. This was transmitted to us by way of correspondence from the Prime Minister. There were 2 differences from the Yulara circumstances. This time, unbeknowns to us, people were being incorporated into an electorate. Secondly, we were informed by letter rather than telex.

In the course of correspondence backwards and forwards, it became known to the Northern Territory government that these islands were not to become part of the Northern Territory but were to be included only for the purposes of a federal Northern Territory election. All administrative controls would be retained by the federal government through the Minister for Territories in Canberra. Naturally, the Northern Territory government, through the offices of the Chief Minister, asked: why the Northern Territory? The look of amazement on the faces of people when this letter first arrived was not surprising. The first question that had to be answered was: which Christmas Island, in the Pacific or the Indian Ocean? There are two. Then we had to grab a map and find out where they were. That is the level of contact there has been between the Northern Territory and those areas.

Having carried out an investigation, we found that all the people on these islands tend to be related and have contact with Perth in Western Australia, that being the only point where there is a direct airline link with the Australian mainland. We asked why these islands were not incorporated into Western Australia with which they have a sense of identification. They own some land in Western Australia. It is where they make contact with Australia. We were advised that there are constitutional problems as a consequence of the fact that Western Australia is a state. There are serious constitutional problems in incorporating territories within a state division.

The next question was asked after further research. We found that a report had been prepared in 1982 by Mr Sweeland after an inquiry into the long-term future of Christmas Island. On page 4, paragraph 5, the report says:

> *The Christmas Island residents, who are Australian citizens, be permitted to vote in federal elections by attaching Christmas Island to one of the Australian Capital Territory electorates, either Canberra or Fraser.*

Further to that is the fact that the administration of Christmas Island comes directly from the minister based in Canberra and the public service based in Canberra. In fact, many of the public servants on Christmas Island and the teachers who are working on Christmas Island generally come from Canberra. That seemed to us to be a more logical attachment, particularly considering that Norfolk Island is attached to the ACT for the purposes of federal elections. The answer from the Prime Minister was that the federal government thinks it is more appropriate that it should become part of the Northern Territory electorate.

Not surprisingly, the view abroad in the Northern Territory is that this was nothing more than an attempted gerrymander, and a gerrymander of the most cynical kind, to prop up the ailing fortunes of the sitting NT member in the House of Representatives. I believe that this can be the only logical explanation. I am sure that the NT people and the Christmas, Cocos-Keeling Island people will answer the attempted cynical abuse of their democratic process just as the NT people gave a message to Canberra in December of 1983.

Despite this, however, we are faced with what is effectively a fait accompli with these islands now being linked to the Northern Territory. That raises a number of issues and questions which are of serious concern to the government and this Assembly. The Northern Territory is proceeding along a path of constitutional development towards eventual statehood. Presumably, if the Cocos-Keeling and Christmas Islands cannot be attached to Western Australia because of difficulties in attaching them to the state and these islands are not part of the Northern Territory government administration, what will happen to these islands after statehood has been gained by the Northern Territory at some time in the presumably not-too-distant future? Secondly, what will happen to the process of evolution towards statehood now with this added, if you like, attachment to the Northern Territory? It is more like a limpet mine. I am not being derogatory to the islands. I had the opportunity to visit the islands and meet the people there; they are a delightful group of people. Nonetheless, I think they feel exactly the same: why is there to be this half-attachment to the Northern Territory?

That question needed to be examined. To examine the question, it was felt that it was important for the Northern Territory government representatives to visit the islands and find out what was going on there. At Christmas time, we did not even know where they were. We now find they are to be flung together with the Northern Territory by the federal government in some obscure political link. We needed to find out what they were about, what the interconnection is, whether there are matters of common interest between those islands and our community, what would be the effect on Territory representation in Canberra, whether there are commonalities of interest or whether we are totally diverse, would the people in those islands be adequately represented by a person in the Northern Territory and whether the needs of servicing those regions would affect adversely the ability of a member to adequately service the Northern Territory. We know only too well the effect of having very poor representation in Canberra from our experience over the last 18 months.

Additionally, of course, we know that a third of the workforce is being retrenched. It has been well publicised. Where are they going? Are the stories of enormous payouts of retrenchment pay correct? Are those people interested in coming to the Northern Territory and possibly investing here? All these questions were matters of interest, given that we would have been brought together by an action of the federal government. Further, of course, there is a basically social reason. If we are being flung together by the force of political circumstances, we should at least get to know each other. What can be done to facilitate that? For example, is it possible to develop sporting,

educational and cultural links? After all, should we treat fellow Australians who are now linked to the Territory in a less favourable fashion than we do our nearby foreign neighbours?

All these reasons led a group of representatives from the Northern Territory government to proceed to Christmas Island via Cocos Island last week. For all those Territorians, particularly in Darwin and Alice Springs, who complain about isolation, can I say that it is a salutary lesson to take a trip on the only flight - a company charter which leaves once a fortnight from Perth - to do the 14-hour trip to Christmas Island. It is a 14-hour journey during the night to arrive there from Darwin. You must go via Perth across to Cocos Island and from Cocos Island to Christmas Island. To get out within a reasonable time, you must then fly internationally via Singapore on Royal Brunei - again a charter flight - to connect with normal commercial flights to get back to this part of the Northern Territory. The radio telephone service is something else altogether. I think they have one line out of Christmas Island and, if you send a message, within half an hour everyone on the island knows exactly what you have said anyway.

Mr Deputy Speaker, in the brief time that is left, it may be worth while to note some of the observations that we made. We took the opportunity to meet a wide cross-section of the community: company management, trade unions, government officials, the Administrator, the Malay community, the Chinese community and people generally around the clubs and the workplace. Over a period of time, we found them quite receptive and interested in the Northern Territory. The first thing we noticed was that they were as bemused as we in the Northern Territory about the linking. They could not quite comprehend it. Equally, they could not quite comprehend why, having been linked with us for the purposes of federal elections, they are not fully linked to the Northern Territory. Because we were only on a fact-finding mission, it was a continuous effort on our part to avoid commenting and involving ourselves in many of the issues that were raised. Members may be interested to note, however, that there are some very serious problems on Christmas Island. One can understand why the federal government was so keen to keep us out because one could almost say that there is a national scandal hiding out there waiting to explode in the national press if the media ever has an opportunity to investigate closely what is going on.

We found that the federal government's Australian National Line has done an even better job of holding the local economy to ransom than it tried in the Territory last Christmas. ANL ships load coal from Newcastle at $10 per tonne for transport to India. They then call at Christmas Island to backload phosphate for Australia at a charge of $27 per tonne. The union and the management claim that phosphate could be transported far cheaper on other ships but the government insists on the ANL contract to the detriment of the job future of Christmas Island workers. There is not one square inch of privately-owned or leased land in this 52 square mile island, which means that there is no private housing, no village shops and no market gardens. The company's losses of $1m a month make it disinclined to build more houses. There is a critical housing shortage on the island. Island-born residents, young teenagers and people in their early 20s who go to the outside world and wish to return must have a sponsor and the approval of the federal Department of Territories and Local Government, even if the sponsor is a parent of the person wishing to return. Island-born young people have no priority housing and some young married couples are forced to live apart from their spouses in their respective parents' homes because of a lack of housing. There are 285 married people living separately while awaiting married accommodation on that island - a lovely environment.

Because of the lack of political and social development under successive federal governments, the Union of Christmas Island Workers has taken on many local government responsibilities. There was nobody else to do it. I will not go on to talk about normalisation because I think that is a matter of very close and intense negotiation; it is a very emotive issue on the island. On the advice we received, the voluntary redundancy on that island will spread to the entire management structure right down to the supervisor level, almost in toto - almost the entire administrative system - leaving the island and non-English-speaking, unskilled people to run the company. That is the process of voluntary redundancy that is taking place on Christmas Island today. There is a need for serious re-evaluation and anyone involved in industrial relations would look askance at some of the processes that are taking place on that island at the moment. As I say, on a fact-finding mission, one listens, asks questions and makes no comment. That is what we did.

I raise these points because these people are now being linked to the Northern Territory. The federal representative will have an intense job in making representations on behalf of those islanders in the federal parliament where their masters live. That will detract from that representative's ability to cover the Northern Territory totally except for someone with extreme energy. It may also affect his influence on the constitutional development of the Northern Territory.

Mr BELL (MacDonnell): Mr Deputy Speaker, I was a little disappointed that the Chief Minister failed to address the comments I made and the question I raised with him during question time in relation to Gosse Bluff and his clear misleading of the Legislative Assembly during the last sittings. I could quite understand that it has slipped his mind because of the obvious discomfort that had been caused him by the points raised in relation to commercial developments in the Territory by the Leader of the Opposition. However, I hope that he is prepared to address this question at some later stage, and that can be left for the morrow.

I want to place on the record of this Assembly, Mr Deputy Speaker, the questions associated with the school facilities at the Walunguru community in the Kintore Ranges out on the Western Australian border. It was to that end that I raised the question with the Minister for Education. I thank the Minister for Education for his clear evidence of goodwill in this matter. I appreciated the opportunity to see at first hand with him and to spend time both with him and officials of the Department of Education to show them what is clearly - and what the Minister has accepted - to be an intolerable situation at that place. However, I would like to make a couple of comments in relation to the answer that he gave today.

He referred, quite rightly, to the fact that the Walunguru community has been of considerable size since 1981, some 3 years ago now. Clearly, it is a community that is determined to stay there. I will be quite frank and admit quite openly that it may have been reasonable to have some concern that the people may not have been prepared to stay in that area but I think that, at this stage, it is quite clear to all concerned that those people are out there to stay and they deserve considerably better facilities for the schooling of their kids than is available to them at the moment. In his answer to my question, the minister referred to the problems of providing outstation schools and cited a figure of $1.75m for such outstation schools. I am not sure what facilities are provided within that $1.7m but I want to place on record the very urgent need for facilities that cost considerably less than $1.7m.

In order to explain to honourable members exactly why what is required is considerably less than $1.7m, let me just refer to a copy of a submission for

educational facilities at Walunguru that had been presented to the Regional Superintendent of the Southern Region of the Department of Education. I presume this document has been made available to the minister. It is available through his department. Basically, there are 5 items that, as the submission says, are required to alleviate the stated problems. The first is an old caravan presently on site which could be offered on a rental basis at a price to be determined - not an expensive item. The second is a suggestion for the construction of a stone house similar to those being erected by the community members. Of course, this dovetails really with the suggestion made by the minister during question time this morning that there needs to be a school building program that starts from the ground up, not only in the physical sense but also in the sense of involving the community as well.

In that context, I draw the minister's attention to a letter sent by the coordinator of the community, Mr Ben Ryan, and the president of the council, Mr Riley Major, to the Department of Education in Alice Springs. The letter says: 'To assist in providing a reasonable standard of accommodation for our visiting teachers, the Walunguru Council Housing Association is prepared to provide any labour necessary to construct interim temporary accommodation until such time as a permanent school is provided by your department at Kintore'. Clearly, the community there is more than happy to be involved in a construction program that starts in the community.

The third suggestion that has been put forward to alleviate problems in the short term relates to an old demountable building at Papunya School which could be trucked to Walunguru to provide a classroom and some storage. The fourth requirement was a smaller, more transportable caravan incorporating necessary features of accommodation for cooling, storage and ablutions facilities. I hasten to add that, during his trip out there, the minister would have perhaps been unable to experience the joys of ablutions at Walunguru. I spent a few days there and I put it on record that the people out there are working under particularly arduous conditions and the prospect of having to go over the hill to perform one's ablutions is certainly a constraint that few people would be prepared to tolerate. When associated with all the other difficulties, it is clearly indicative of the dedication of the people who are working out there. The final suggestion for something urgently required, the fifth suggestion, involved the construction of a second shed, also for storage.

I think there are 2 points there. Clearly, the financial requirement there is far short of $1.7m. I fail to see how much more than $25 000 or $30 000 would be required in the short term to alleviate what is clearly an extremely difficult situation.

Mr Robertson: $25 000 to $30 000?

Mr BELL: I notice the Leader of the House is choosing to disparage the expenditure of $25 000 or $30 000.

Mr Robertson: It is the possibility of doing it for $25 000 or $30 000. It is not possible.

Mr BELL: I suggest that he comes across. He is most welcome to have a look at this particular submission on the things that are required urgently by these people. If he is able to come up with a figure much in excess of $30 000, let alone $1.7m, he certainly shops at different places from the ones I frequent. I note with interest and I bless the activities of the honourable minister in writing to his federal counterpart, Senator Susan Ryan. However, I believe it needs to be put on record here, Mr Deputy Speaker, that the Northern Territory

government has a statutory obligation to provide educational facilities of a decent standard for the children at Walunguru. I do not have the Education Act with me and I am not able to spell that out but, given the controversies that surround the provision of schools, I found it a little bit surprising that the Minister for Education finished his answer to my question with a note of high dudgeon by comparison with his previous sweet and welcome reason. He ended on a note of high dudgeon when he said that, if Susan Ryan would answer his letter, he would be able to get on with the job. I really cannot accept that. I understand that the honourable minister is acting to improve this situation. I will not say that I am dissatisfied with the endeavours of the minister but, as I noted at the meeting which the minister attended out there, the fact is that, 10 years ago under the administration, dare I say it, of the dreaded Commonwealth, better facilities would have been provided more quickly at Walunguru than are being provided now. That is a matter of concern and the honourable minister will bear testimony to the fact that that issue was raised and it was confirmed by the officers of his department at that meeting.

Mr Deputy Speaker, I have said all I need to say about this. On the one hand, I welcome the endeavours of the honourable minister. However, while on the one hand I was heartened to hear for the first time during this debate that the minister was acting to provide for immediate needs - cabinets and poisons were cited - I was also heartened to hear he was acting to provide some sort of accommodation for visiting teachers out there. I hope that can be done well before the next financial year. With those few comments, Mr Deputy Speaker, I will resume my seat.

Motion agreed to; the Assembly adjourned.

Mr Speaker Steele took the Chair at 10 am.

## PERSONAL EXPLANATION

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, during question time yesterday morning, the honourable member for MacDonnell claimed that I had misled this Assembly in an answer I gave to a question I was asked in this Assembly on Wednesday 7 March 1984 relating to Gosse Bluff. With the assistance of the honourable member for MacDonnell, whose Hansard contribution I have in my hand, I will attempt to explain the position.

Mr Speaker, I think we would all agree that to mislead the Assembly is a pretty serious thing. But, to mislead, one must be possessed of information and one must attempt to convey a false impression to other honourable members. I do not really want to read my answer of 7 March but I do not think that any reasonable person could suggest that I attempted to mislead the Assembly. I said:

> *I cannot give the honourable member for MacDonnell an immediate answer to his question. I have been having discussions with officers and we hope to have further discussions with Commonwealth officers. It may be that, as a result of our discussions with Commonwealth officers, it could be possible that there will be amendments made to the Aboriginal Land Rights Act which will preclude the necessity for the Northern Territory to alienate Gosse Bluff or any other particular area.*
>
> *At this stage, I cannot say with any certainty whether we will be alienating Gosse Bluff or any other area of the Northern Territory to preclude claims being lodged thereover. I can say that it is the policy of the Northern Territory government, in a general sense - and it is certainly a principle we would like to adhere to but by force of circumstances are prevented from doing so - that public purpose land and national parks should be held in right of the Crown for the benefit of all the public. Offhand, I cannot say whether Gosse Bluff is a Conservation Commission national park or not but, if it is a Conservation Commission national park, then I believe that, in principle, it should be held by the Crown for the public in general.*

The question I was answering was: 'I preface my question by referring him to Gosse Bluff ...'.

Mr Speaker, I hope that you and other honourable members will accept that I did not know whether Gosse Bluff had been alienated or not when I rose to answer that question because, to mislead this Assembly intentionally, is something I would not like to do.

## TABLED PAPER

Report of the Racing Industry Working Party - April 1984

Mr PERRON (Treasurer): Mr Speaker, I table a report by the Racing Industry Working Party of April 1984. I understand most members have individual copies. A few are available if they have not.

The Racing Industry Working Party was established on 16 September 1983 with 3 major aims. Briefly stated, they were: firstly, to examine the structure and funding of the racing industry in the Territory; secondly, to examine the options for the development of the racing industry; and, finally, to report to

the Treasurer and make recommendations having regard to the best interests of the community as a whole. The terms of reference are detailed in the report which has been circulated to members.

On 10 April 1984, I received a report from the working party and released it to the public on 1 May, primarily as a result of community interest. The report is wide ranging and touches on many facets of the racing industry, including the nature of employment, the administrative problems associated with greyhound racing, the need for promotion of the industry, the breeding of racing animals in the Territory and the future viability of clubs and offcourse betting facilities.

Having recognised the scope of the information in the report, I will confine my comments to the controversial aspects of future funding of the industry and offcourse betting facilities. The government is involved in the racing industry only because people choose to gamble on horses and dogs and such financial activity forms an attractive tax base. The income generated by any betting system is government revenue and its disbursement is entirely at the option of government. This fact seems to have been overlooked by club managements which see the funds, or at least a fixed proportion of them, as their money by right.

The report states that the racing industry in the Northern Territory has a long way to go to obtain viability irrespective of the system of offcourse betting or the level of return to industry of government revenue derived from that system. Additional funding is needed to ease current financial pressures on the clubs. The basis for the longer-term success of the industry is no different from that of other businesses. It is the people who are involved in the industry who must ensure its viability in the long term. Government can only be a facilitator but will not be sole benefactor.

Mr Speaker, I do not intend to cover old ground in what has been done for the clubs since self-government. It is sufficient for me to say that the facilities are better than ever and the image of racing has improved but the industry needs more promotion to enable it to compete with other leisure and sporting activities which are increasing all the time.

Cabinet has accepted in principle the working party's recommendation that the industry should be supported and encouraged to attain viability. The report contains several projections of revenue which would accrue from changes to the present offcourse betting system. Revenue to the government would be optimised under a system of full TAB. However, to accept the recommendation, the government would have to be cognisant of further recommendations relating to the attendant needs for a police task force to cope with illegal bookmaking activity which, it is expected, would result from shutting down offcourse bookmakers. The recommendation that mandatory imprisonment be introduced for first-offence, illegal bookmaking would be inconsistent with other penalties under Northern Territory law. Concern about the social and philosophical implications persuaded the government to seek further reports from Treasury and Racing and Gaming Commission officials and the police. Further examination is needed of the option of a dual TAB and offcourse bookmaking system. The report has not dwelt on the benefits of retaining offcourse bookmakers as a deterrent to illegal operations commencing. Other information not contained in the report has been sought so that benefits of linking possible TAB arrangements with interstate systems can be addressed. On the basis of that additional information, and debate in this Assembly, the government will be better placed to make a decision in the best interests of the community as a whole.

Mr Speaker, in tabling this report, I indicate that it would be preferable

if the matter could be brought forward for debate next week so that the government can have the views of members prior to making final decisions on this matter. I move that the Assembly take note of the statement.

Debate adjourned.

## MINISTERIAL STATEMENT
### Employment

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, the latest ABS labour force survey figures paint a dramatic scenario and, on superficial examination, a cause for grave concern. They indicate that 13 000 fewer people were employed in the Northern Territory in April 1984 than in July 1983, a fall of 20%. The survey showed 900 more people looking for work, a 16% increase. It is tempting to say 'lies, damn lies and statistics' but ABS figures are the best guide we have on labour force trends. Or are they?

I have no problem with using ABS figures. I have used them in the past when they were consistent with other economic indicators but, I am afraid that, this time, the figures are just not believable. This is not a case of using statistics when they are rosy and damning them when they are not but simply that there are too many inconsistencies. If the number of people who are employed has dropped by 13 000 since July 1983, what has happened to those people? They have not registered for jobs with the Commonwealth Employment Service. CES figures from June 1983 to March 1984 show a drop of 1572 in the unemployed. I would add that these are the same CES figures that the federal member for the Northern Territory said recently were beyond question. Of course, in itself, that is a nonsense; administrative decisions alone can vary CES figures by thousands. The Department of Employment and Industrial Relations says of its own CES figures that they are 'subject to major qualifications as indicators of overall movements in the labour market'.

It is clear that the 13 000 people have not registered with the CES for job placement. Are those 13 000 people on the dole? They are not. Over the period, the Department of Social Security figures remained relatively steady and, as at 18 May 1984, showed a drop of 378 from the July 1983 figures. Are the 13 000 looking for work, according to the ABS labour force survey? No, they are not. The April 1984 figures indicate that, since July 1983, there has been an increase of some 900 people looking for full or part-time work. In fact, since July 1983, there have been times when the situation seemed to have improved remarkably and there were over 3000 fewer people looking for work.

If the 13 000 have not registered for jobs, have not sought unemployment benefits and are not looking for work according to the ABS survey, have they left the Territory? There are no other indicators to suggest that they have. School enrolments, receipt of family allowances and ABS estimates of resident population have all shown a steady increase. Mr Speaker, I have some empirical evidence of the situation because you will have read in Monday's Northern Territory News, in the bottom left-hand corner of the front page, that you are on a winner if you buy the Northern Territory News because the Northern Territory News is again amongst the highest circulation-growth daily newspapers in Australia. For the 6 months to 31 March 1984, the increase was just on 1000 extra copies daily, a growth of 5.9% over the corresponding period in the previous year. Only the Daily Sun in Brisbane exceeded this increase with 7.8%. We know that that is a new newspaper and it has to go up or go out. That is something that one can draw on as independent, objective evidence that there are now more consumers of what Curly Nixon calls his favourite sausage wrapper. It is well outside normal seasonal variations so that is not the answer.

The April 1984 level of employment is between 8000 and 9000 lower than average wet season employment in recent years. Perhaps people are discouraged and have given up but CES figures show that job vacancies in March 1984 were up 70% on those in June 1983. There is an interesting fact that does not make much sense. Perhaps people out of work have turned to education and further training. About 500 or, at the outside, 1000 could be explained in this way. Perhaps some women previously in 2-income families have lost jobs and cannot get the dole but the ABS figures suggest that the part-timers who have dropped out, together with married women who are no longer employed, would account for no more than about 2500. On a most pessimistic view of these figures, we could argue that around 3000 people may no longer be in the workforce and also not on the dole. Even on these calculations that still leaves 10 000 unaccounted for.

What then is the explanation? I am sure honourable members will agree with me that it is hard to accept that between 10 000 and 13 000 Territorians have lost their jobs in the last 10 months and are now sitting mutely at home without seeking new work or unemployment benefits. A more reasonable proposition is that the ABS labour force survey is wrong. This is certainly borne out by other indicators. There has been an increase in Northern Territory Public Service employment, and Australian Public Service employment and local government employment has remained steady yet public administration and Defence, according to ABS figures, have suffered a loss of 2700 jobs since last May. There has also been an increase in the number of employees on whom payroll tax has been paid since July 1983. In view of this, the ABS figures are indeed odd. If public sector and payroll tax employees are not decreasing, it means that the 13 000 lost jobs must have been in that part of the private sector not covered by payroll tax - in other words, the jobs of the self-employed or those working for small businesses with an annual wage bill of less than $150 000. I simply do not believe that that many jobs could be lost in small businesses without the community being aware of them. You would expect a major impact on a large number of self-employed contractors in the building industry. However, the latest building commencement figures for the September and December quarters of 1983 show average commencement of 545 new dwellings, and average total building worth $59m. This compares with an average for the previous 4 quarters of 473 commencements worth $41m. The rate of building approvals up to March 1984 is at similar levels to previous years. The disaggregated ABS figures themselves show that jobs in construction have held steady.

Wholesaling and retailing is another sector where many jobs are in small businesses. According to the latest ABS figures in this area, employment in February was down 800 on last May's figures but up 1500 on those of August 1983. Even these volatile fluctuations do not accommodate 13 000 lost jobs. The ABS figures show a loss of 1900 jobs in the mining sector between August 1983 and February this year. This does not accord with advice from the Department of Mines and Energy or the advice given to officers in my department by the Chamber of Mines and the Australian Mines and Metals Association. They estimate roughly, I am told, that there may have been a decrease of about 100 jobs for the period and those are primarily in exploration. Of course, disaggregated figures for the Territory are unpublished and subject to even greater error than labour force totals.

Clearly, the ABS figures on lost jobs simply do not add up. In looking at the numbers of unemployed, there are 3 related measures: the ABS labour force survey, the Department of Social Security figures for those on the dole and the CES-registered unemployed. Each series has its deficiencies. From mid-1983 to March 1984, which is the latest date for which figures for all 3 series are available, the Social Security figures show 300 more people receiving

unemployment benefits whereas the CES figure indicates 1570 fewer after jobs and the volatile ABS figures show there are 600 fewer unemployed looking for work than in July 1983 when employment peaked.

With labour force statistics, one is between the devil and the deep blue sea. They can fluctuate widely from month to month although, on the figures I have discussed, I believe it is reasonable to suggest that there may have been no significant change in unemployment or employment. Certainly, if we use a 12-month moving average to level out the ABS unemployment figures, we see that the NT unemployment rate in the last year was in the vicinity of 6% to 8% compared with the Australian unemployment rate over the same period of 8% to 10%. Using this method to compare this April with last April shows a decline in employment of 1.2% and an increase in unemployment from 6.34% to 7.6%. A reasonable interpretation of all the available data is that employment growth may have slowed while population growth, in large part through migration, has continued, thus contributing to unemployment.

None of what I have said should be construed as meaning unemployment is not a major problem for Australia and the Territory and a major concern of this government. It is because of its importance that we must have better information than we receive at present. The ABS figures are based on a survey of 1% of Territory households. This miniscule sample size in the Territory leads to margins of error that are just not good enough. For instance, if the ABS figure for NT employment for a particular month were 50 000, the sampling error would be plus or minus 1700. This means that there are 2 chances in 3 that actual employment would be between 48 300 and 51 700 and 1 chance in 20 that the real figure would be outside an even larger range, 46 600 to 53 400. Because we are making month-to-month comparisons, the potential for error in both figures makes them even less reliable.

I am sure honourable members will agree that this level of uncertainty is undesirable. It is worth remembering also that the sample taken in the Northern Territory is 1 in 100, the same as for Western Australia and South Australia, yet in Tasmania it is 1 in 60. The fact is that the Northern Territory is in receipt of the least reliable labour force figures that the ABS provides. New South Wales and Victorian figures are 7 times more reliable than those for the Northern Territory and Tasmanian figures are over 4 times more reliable. Over the years, the Territory government has sought improved statistical services for the Territory. In doing so, we have not tried to reinvent the wheel nor should we have to prove that wheels are useful. It is obvious that the NT, as a self-governing body politic with budget decisions to make, needs reliable figures. What we need is a level of accuracy at least as good as Tasmania's. This is a modest goal. Ultimately, we should aim for the same reliability levels as that enjoyed in the more populous states even if this is at some cost to the frequency of reporting.

My colleague, the Treasurer, has written to the federal Treasurer in these terms urging him to take initiatives in this matter. Taking initiatives, of course, means appointing a few more staff to the office of the statistician. Hopefully, the new survey of employers which replaces the discontinued civilian employees survey may prove of use. The first issue is expected later this month and will cover the last 4 quarters. It may add to the confusion and strengthen our case for a better statistical service. We will wait and see.

Irrespective of the accuracy of the figures or the extent to which unemployment is imported, one thing is clear: unemployment figures both for the Territory and Australia are higher than any of us would want. While labour force statistics remain clouded in uncertainty, it does not mean that we can

afford to adopt a head-in-the-sand attitude. Although the exact magnitude of the problem is uncertain, it is clear that there is a problem. It is primarily a national one and one that the Territory cannot be isolated from. Ultimately, it is Commonwealth policies on industrial relations, budget strategies and resource development that will create the climate which will either foster or stifle productivity and growth and, therefore, jobs.

In the Territory, however, we have been particular victims of irrationality in Commonwealth policies and broken promises. I do not need to remind Territorians that at least 2000 jobs are going begging as long as the Alice Springs to Darwin railway promise remains broken. Nor do I need to remind honourable members that 2000 construction jobs and 1000 ongoing jobs are available right now but are lost for as long as the Commonwealth government continues to draw some arcane distinction between uranium in South Australia and uranium in the Northern Territory. Uranium has the potential to provide even more jobs in the medium term. On the basis of the success rate in that part of the Alligator Rivers region that has been explored, we could have expected at least 6 new mines and 3000 to 4000 jobs in that park but they cannot be explored because of Commonwealth policies. Even now, further extensions to Kakadu National Park are in the pipeline without serious consultation and without any attempt to gauge the resources that, effectively, will be lost. I refer, of course, to the proposal to gazette Gimbat and Goodparla as Kakadu stage 3.

Territorians need no reminding that the impracticable nature of Commonwealth land rights legislation is costing jobs. Exploration and possible mining development on Aboriginal land were frozen for 10 years, affecting about 45% of the Territory land area. On the basis of the exploration success rate in other areas, quite apart from uranium, we could reasonably have expected one major mine and several small mines to have been discovered during those 10 years providing up to a 1000 more jobs. Exploration licences have been offered since June 1981 but, because of the difficulties involved, none of the $19.3m worth of proposed exploration expenditure on Aboriginal land has been undertaken. This represents a loss of about 200 exploration jobs for 2 years.

Tourism is a key job generator. It is employment intensive and, as I have said before, offers job opportunities for women and Aboriginal people and a means of bringing unskilled and semi-skilled young people into the workforce. However, unilateral decisions were made about the ownership of Ayers Rock with no thought as to its impact on the Yulara development or on this critical industry. Seven months after the promised Commonwealth tourist development, the Commonwealth blocked the joint seminar on tourism in Kakadu planned for February and has still not given a firm date for a future seminar. These attitudes and delays cost jobs. I have also put an extensive package of initiatives to the federal government that would boost tourism but with little result to date.

The Prime Minister has said: 'Any return to the full employment conditions of the post-war generation will be a long, slow and difficult process'. I accept that proposition, particularly as the Commonwealth government seems dedicated to ensuring its truth in the Northern Territory. In the face of Commonwealth decisions which stifle job-creation opportunities, the Northern Territory is relatively powerless. Nevertheless, since self-government, successive budgets have been growth-oriented and development-based. The current capital works program is generating thousands of jobs and providing the infrastructure that will enable growth in the Territory. The deferred-payments initiatives of the last budget have made additional projects possible this year. The NTDC, the Vocational Training Commission and the Tourist

Commission, all reflect this philosophy of employment through development and the creation of an environment in which investment opportunities can be realised. Where land development has been unfettered by Commonwealth restraints, we have seen new industries develop. To the extent that we can, we have to be quick to plug the holes in the dyke that Commonwealth policies create.

My government's efforts in the tourism field are an example of what is possible and what must be achieved if the Territory's promise is to be realised. Projects involving over 2000 new, international-standard hotel rooms are on the horizon. The jobs generated in the construction phase alone will be in the thousands. A modest growth in tourism of 7.5% per annum in this decade - and we hope for a lot better, of course - will create 6000 new jobs by 1989-90, by which time a total of some 12 700 jobs will be due to tourism.

Our economic policies are geared to creating employment but it is necessary to focus on specific problem areas also. The government has done so and, I am happy to say, with some measurable degree of success. At the end of April 1984, an all-time record number of 1174 apprentices were in full-time employment in the Northern Territory despite a national downturn of some 30% in apprentice numbers. The Northern Territory has maintained positive growth and I believe that this is a direct result of government initiatives.

School leavers are another particular concern. In the October sittings of the Assembly last year, I announced the formation of a task force to advise on measures to assist school leavers in 1984. The initiatives introduced included scholarships in administration and finance and teaching, the reservation of base-grade jobs in the public service for school leavers, apprenticeships, traineeships and subsidies for local government. We have been able to employ 260 school leavers in the public service, the base-grade entry being restricted only by the level of turnover in the NTPS itself. Of the scholarships offered, 76 were taken up. To the best of our knowledge, every eligible school leaver who was interested received a scholarship.

While they can be useful and of value to the participants, job-creation programs are stop-gap measures only. They are no substitute for permanent and productive jobs. Nevertheless, the Northern Territory has cooperated fully with Commonwealth programs and has entered into a constructive partnership providing jobs for long-term and other disadvantaged unemployed. We have done this so successfully that the Northern Territory, unlike the states, has reached its target in this financial year. Nevertheless, there is no point in spending hundreds of millions of dollars in short-term, make-work, job-creation schemes if, at the same time, genuine opportunities for the development of long-term jobs through real growth in the economy are frustrated. This is the problem that we face in the Northern Territory. The Northern Territory will do its bit but it is only through a single-minded dedication on the part of the Commonwealth to the objective of creating real jobs that the problem can be overcome.

Mr Speaker, I move that the Assembly take note of the statement.

Mr SMITH (Millner): Mr Speaker, we saw this document for the first time this morning. I guess we should have expected that it would come because the government seems to have developed a practice of presenting a document on employment or unemployment during every sitting of the Assembly. Obviously, it has a broader intent from the government's point of view than merely addressing unemployment questions.

However, Mr Speaker, I would like to begin by sharing in the concern of the Chief Minister at the paucity of statistics available in the Northern Territory.

It is frustrating from a government's point of view, no doubt, and it is equally frustrating from an opposition's point of view to have these wildly fluctuating figures from the Bureau of Statistics. Certainly, the government has our wholehearted support in its attempt to provide a more reasonable base for the bureau in the Northern Territory to come up with its figures.

However, I would point out to the government that it is in a position to improve the quality of debate on economic matters in the Northern Territory. I refer to my speech in the last sittings concerning the amount of information that the government provides to this Assembly, and to the public in general, in its budget papers. Again, I say to the government that, if it is seriously concerned about the quality of debate on issues like employment and unemployment in this community, it too has an obligation to increase the amount of information that it provides to the public in the Northern Territory.

Mr Speaker, the crux of the problem in the Northern Territory is not mentioned until page 10 of this statement. After all the preliminary pages, on page 10, Chief Minister comes to the crunch and says that 2 things are happening in the Northern Territory: the amount of unemployment is rising and the number of jobs is decreasing. He did not say that the number of jobs is growing at a decreasing rate but that the number of jobs in the Northern Territory is in fact decreasing. Obviously both those matters are of great concern to everybody in the Northern Territory, particularly as they are in contradiction to the national trend of a falling unemployment rate and an increase in the number of jobs available.

Mr Speaker, it is very convenient for the government, when things are going badly in terms of unemployment in the Northern Territory, to blame somebody else. Of course, when things were going well and employment opportunities were increasing at a great rate, the government was very happy to take the credit for all the initiatives that it had taken. Now that things are going badly, it is looking for a scapegoat and has chosen the federal government. Obviously, some policies that have been implemented by the federal government have restricted development in the Northern Territory. We, on this side, accept that. But it is strange that, in a document where the government admits that the number of people in jobs in the Northern Territory has actually fallen, it does not admit any problems with its own policies that may have contributed to that circumstance.

I refer now to a specific sector of the Northern Territory economy which is being badly hit by current government policies. It is not something new. I talked on this matter in the previous Assembly. It relates to the provision of work on government contracts to local businesses. Today, I want to provide a number of examples of projects in which local businesses have missed out in the awarding of contracts and, more particularly, the opportunity to supply materials for contracts that have been awarded. I want to talk primarily about air-conditioning ducting, windows and aluminium framing.

A number of major contracts in the Northern Territory have been issued in the last 12 months to 2 years. I will start with the Berrimah Police Complex. For the Berrimah Police Complex, all of the windows, most of the guttering and the downpipes, and the air-conditioning ducts came from southern suppliers. For the Marrara sports complex, all of the air-conditioning ducts came from southern suppliers. For the Darwin Community College project, all of the aluminium window frames came from southern suppliers. In Katherine, a contractor who has been granted a Housing Commission contract for 20 to 25 houses has imported everything from the biggest items to the last nail. He has imported everything on that contract from the south. Local suppliers have gained no

benefit whatsoever from that contract. On the Darwin Centre project, all air-conditioning ducts again have come from the south.

Mr Speaker, if one did not know the situation, one could be led by what I have just said to believe that no companies in the Northern Territory produce air-conditioning ducting. But there are at lease 5 major companies: J.R. Wylley which employs approximately 25 people, including 5 apprentices; Action Sheet Metal which employs 20 people, including 5 apprentices; Frigrite which employs 25, including about 5 apprentices; and Airducter which employs about 6 people. These producers of air-conditioning ducting employ a total workforce of approximately 88. In the Northern Territory situation, it is one of the largest manufacturing areas that we have. Yet these firms are being crucified at this stage by government policy - perhaps more accurately, the lack of government policy - that does not provide them with sufficient protection from outside interests. We are not arguing for complete protection but there is a case to put. We have local firms in a manufacturing area. We have heard so much about encouraging them yet they have no protection at all apart from this 5% preference policy which everybody realises has never worked. It is of no practical use to anybody in the Northern Territory.

These firms take their obligations seriously. Between them, they have taken on approximately 20 apprentices. They have established workshops. They make as much of their own material as possible in the Northern Territory and yet they are being beaten by outside firms that do not have offices in the Northern Territory. In addition, such Territory firms experience difficulties if they seek to expand interstate. The owner of one of these companies paid a visit to Kununurra recently because he is an entrepreneur and wants to expand his Territory business. He went to Kununurra and spoke with officers of government departments there. He was told: 'Sorry mate, no office and no workshop in Western Australia - no job'. That situation does not apply in the Northern Territory. If this government is serious about creating employment opportunities, it is about time that that policy applied here too.

We all recognise that it is hard enough to compete in the Northern Territory because of the high cost of overheads we have in so many areas. However, the government expects these firms to compete and will not offer them any protection. Across the border in Western Australia, there is a much bigger market because there is a larger metropolitan area which makes things easier. Western Australian firms have all the preference that they require.

Mr Speaker, I will speak briefly about windows. There are approximately 12 companies making windows and window frames in Darwin, including Dowell Aluminium, Darwin Glass, Neata Glass, Berrimah Aluminium and Top End Aluminium. Again, we have the same problem. For too many important projects in the Northern Territory, these people are being ignored. There is not enough support for them.

As I have said, the government has been aware of the problem. It has a local preference system but I think everybody, including the government, would agree that it has not worked. To be fair, I think the government has attempted to come to grips with the problem but it has not done enough. In my view, the system is falling down at present at the middle-management levels of the public service where decisions are made on the awarding of contracts and the sort of commissions local suppliers will receive.

Mr Speaker, there needs to be a radical rethink of the system. I would suggest that an appropriate place to start is at the level of government that ensures that a certain proportion of any tender must have local content. I am

not going to suggest what that proportion should be but I would provide members with a very good example of how a preference system can work well. It is from a completely unrelated area: the television industry. Commercial TV operators in this country mainly ran overseas programs for years and years. After being dragged kicking and screaming before the Australian Broadcasting Tribunal, they were told that they had to supply a certain amount of local content and, as a result, some of the best TV programs in the world come out of Australia now. That is because the Australian Broadcasting Tribunal made those companies produce local programs. Mr Speaker, you could apply that to the Northern Territory. We have the people and the resources here; all we need is a bit of support from the government.

Mr Speaker, I am pleased that we have had the opportunity to debate this statement. It has allowed me to get something off my chest that I feel very strongly about. I hope that when the government comes up with its next employment statement in the next sittings, as it obviously will, it will provide us with some better information on what it is doing in the key manufacturing areas in the Northern Territory which it is so obviously neglecting now.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I will not take very long with this. There is very little I can add to what the honourable member from Millner has said except to press the government to look closely at the problem. Recently, I was told a quite extraordinary story about door frames - it beggars the imagination. The reason I will not relate the story here is that I do not want to embarrass people. I have not asked specifically if they would mind if I raised this in the Assembly. However, it really was an extraordinary story. A lot of money was involved. I am very pleased to say that that particular situation was redressed but only through the extraordinary efforts of the companies involved in Darwin.

I want to touch briefly on something I was going to raise in question time this morning. A number of letters have been written to the editor of the NT News recently on the question of Territorians looking for employment. I have had approaches also. I am not sure whether these were from the same people who wrote letters to the editor. However, on checking out the complaints that were made to me, I found they were justified. We have raised this in the Assembly before. I know there is no argument with the Northern Territory government on it. I have heard the Minister for Mines and Energy speak in public forums about this same matter. It involves the employment practices of some of the larger Northern Territory companies or Australian companies that are operating in the Northern Territory.

I have had 2 specific instances brought to my attention in recent weeks of Territorians who were in skilled trades. They were unemployed purely because the particular contract they had been working on had finished. They applied for jobs on operations which were being carried out in the Northern Territory by large Australian companies and, despite the fact that they were highly-qualified and skilled workers, they were told simply: 'Sorry mate. Our personnel management is being done interstate'. In one case, it was through a Sydney office. In one case that I investigated, it was true that of the 15 or 20 appointments this particular company had made - and this has only come to my attention in the last few days and I intend to write to the government about it - the appointees had all been signed-up interstate. I do not have a narrow view. I am not a Territory chauvinist. I do not believe that the Territory stops at its borders. I am an Australian. But, really it is not supportable that people who have been thrown out of work in the Northern Territory are told by very large Australian companies: 'Look, there is no need to apply.

The job is in the Territory, but all our personnel management is being conducted interstate'.

I am not attacking the government on this because I know that the government's view is precisely the same as mine on this matter. I have heard the minister discuss it before but still it has not been redressed. I am not expecting the government to do other than draw to the attention of these companies that it is extremely displeased with the practice. It is very frustrating that this sort of thing is still continuing in the Northern Territory.

So far as the actual statement is concerned, I must admit that I read it with a fair amount of humour because I had no disagreement with anything that was said about the ABS figures or the Social Security figures. As the Hansard record will show, I have said that in this Assembly for years. The reason I raised it was that it was in complete contradiction to the statements that were being made by government ministers, using the ABS figures, to beat their chests and say, 'What a wonderful job the Northern Territory government is doing'. It is ridiculous to put in this statement: 'This is not a case of using statistics when they are rosy and damning them when they are not'. The government's record in this Assembly shows that that is the precise situation. I agree with this current stand that the Chief Minister is taking on these figures and I reiterate that it is nonsensical in the Northern Territory to use percentage-based statistical data in any respect because of the low population and the small manufacturing base that we have in the Territory.

Honourable members will recall that I have raised this matter in the Assembly a number of times before. One example I remember giving was of a publication which I read relating to the ADMA scheme, a scheme which I want to see go ahead. It contained this lovely statement: 'Agriculture is booming in the Northern Territory. The Northern Territory, for example, has doubled its acreage under sorghum in the last 12 months'. Indeed, it had. The year before there had been 200 acres and that year there were 400 acres.

Members of the government know that this happens. It indicates in a fairly extreme way that percentage-based data for the Territory is very misleading because there are enormous troughs and gaps. However, let me say that this is a refreshingly new approach for the Northern Territory government to be taking on a matter that I have been speaking about for at least 5 years. The only reason I ever raised it was to comment on Northern Territory government ministers using the very figures they are now condemning and saying: 'Look at the wonderful picture that has been created in the Northern Territory'. Indeed, the more reliable figures - and they have their problems too on unemployment - are the social security figures which indicate the actual beneficiaries of unemployment benefits. As the Chief Minister pointed out, and I could have told him, the way in which the ABS operates in the Northern Territory is that it samples some 2500 households. The Chief Minister referred to 1 in a 100 but there are about 2500 households right across the Northern Territory in both rural and urban situations.

I specifically checked on that at one time to see if there were any anomalies in the figures from that point of view but ABS spreads the samples out. Those households are sampled on a regular basis. When using a population base as low as that in the Northern Territory, it is hardly surprising that these extraordinary results are obtained. In New South Wales, Victoria or anywhere else in Australia, from a mathematical, statistical point of view, it is not a bad base to operate from and it produces reasonable trends - and that is all it is meant to do. It does not provide hard evidence of the way in which

things are going. However, when that same scheme is applied to 130 000 people who are scattered across one of the largest pieces of real estate in Australia, anomalies occur and will continue to occur. I am pleased that the Chief Minister has made this statement because it will provide a basis for government ministers to be careful in future before they use such figures to say what a wonderful job the Northern Territory government is doing. Those statistics are not reliable enough and I cannot agree with the Chief Minister more on that.

There is one final thing I want to take up and I might as well do it in this debate because it is mentioned here.

A number of federal government policies inhibit development in the Northern Territory. One of those concerns uranium. Mr Speaker, you will get no argument from me on that particular matter, nor has there been any argument from me on it for at least 2 years. So far as the Labor Party is concerned, I have the scars to prove it. Mr Speaker, when talking about employment in the uranium industry, one is not talking about waste disposal or the problems of nuclear waste, nuclear proliferation or anything else. The subject is employment.

It would be crass stupidity of the worst kind even to attempt to mount a defence that this policy is not inhibiting employment in the Northern Territory. Of course it is. As I have said - and it is something that is dear to my heart - to all those anti-uranium people who have brought me pamphlets and books on alternative employment, solar energy strategies and so on, I have read every one of those documents with a great deal of care. Apart from finding statements about how desirable it is to explore the possibility of this, that and the other, I have found no concrete options that would allow me to go out to Jabiru and say to the workers there: 'There is no need to work at Jabiru any longer. I have alternative employment for you'. I said that on one occasion in a forum within the Labor Party. Until somebody provides me with hard evidence on that one aspect of the uranium debate - that there is viable alternative employment available to the uranium miners in the Northern Territory - then that argument simply does not stand up in my view. I have no argument with the Northern Territory government on that.

There is one matter on which the record needs to be set straight. The Chief Minister has touched on it in this statement. There are also serious problems in connection with land rights and mining, particularly exploration. But the inference, the attitude and the impression that is created by statements like that cannot be left to stand without correcting the record. The land council most directly affected by the largest number of exploration licences - and this is on page 15 of this statement - is the Northern Land Council. The Central Land Council has far fewer exploration licence applications. The figure that has been kicked around is 165. Everyone is familiar with it, and it is accurate - a total of 165 ELAs over Aboriginal land. The impression has been created falsely, but I do not necessarily say deliberately because the figure has just been allowed to hang in the air, that there are 160 mining companies champing at the bit to carry out exploration programs on Aboriginal land, and that they are being prevented from doing so by the Aboriginal Land Rights Act. There are 165 applications and, supposedly, they cannot get on with the job. The fact is that that is not the case nor is it anywhere near the case. I want to make it perfectly clear that not only do I concede that the mining companies are having problems, just as the Aboriginal people are having problems on the other side of the fence, but that I am attempting to do as much as I can to resolve those problems through the avenues that are available to me.

Let us have a look at the facts. I can assure honourable members that it is a matter with which I am very familiar. Currently, there are 4 ELAs before the Central Land Council. The NLC has the lion's share of ELAs. Of those 4 ELAs currently before the Central Land Council, all are being actively operated on and considered. But I consider that to be a minor matter. The majority of ELAs are with the NLC. A lot of these used to be in my own electorate so I can assure honourable members that I am very familiar with this. Of the 165 exploration licence applications that are with the Northern Land Council, only 13 companies have actually proceeded to the point of placing proposals for exploration before the Northern Land Council.

I am sure honourable members are familiar with the way in which this process operates under Northern Territory legislation. First, the companies apply to the Department of Mines and Energy which processes the applications and picks out the wheat from the chaff. A recommendation on the successful company then goes off to the land council to be negotiated. That is the procedure. Of the 165 applications, 13 companies have proceeded to the point where they have put proposals and, of those 13, only 4 companies are actually in the situation where they are aggressively pursuing those exploration proposals on a formalised basis.

Mr Speaker, I concede completely that that is no reason whatever to say that there are no problems in the mining industry - quite the contrary. For the 4 companies which are actively pursuing ELAs, and I might add that I have had discussions with the executives of each of those companies, there are problems that have to be resolved. The 13 companies that have submitted actual proposals and started the process with the NLC also have problems that need to be resolved. But it is necessary to correct the record. It is not 165 mining companies beating down the door of the Northern Land Council because they want to get on to Aboriginal land. That is the score so far - 13 out of 165 and 4 actively pursuing.

So far as the rest of the statement is concerned, I will sum up by saying, firstly, that there is no argument from me that ABS figures and Social Security figures are misleading in the Territory context. They always have been and, until we get a population base approaching 0.5 million in the Territory, they will continue to be. Perhaps that could be used as a guide for the frontbench opposite in future debates in the Legislative Assembly. Secondly, it is absolutely clear that the government has an avenue available to it which it can have a close look at - and that has been outlined by the member for Millner. Indeed, the same problems have been brought to my office.

There is a further problem the government can have a look at. I will write to the responsible minister detailing approaches that have been made to me. The government could have another look at the operations of companies in the Northern Territory that are doing all of their recruiting interstate for Northern Territory government projects. Mr Speaker, I am not suggesting it is a huge problem. Only 2 people have come to me about it but it is a problem that should not exist.

Mr Speaker, I conclude by saying that the opposition joins with the government in expressing continued concern. I see nothing wrong with debating the matter of employment at every sittings of the Legislative Assembly. The opposition expresses its concern about the continuing need for both parties in this Assembly and, indeed, the Territory community to continue to ensure that the Northern Territory workforce is employed in the best manner possible and to the benefit of its members and the Northern Territory.

Mr ROBERTSON (Transport and Works): Mr Speaker, there are a couple of observations which I ought to make in noting this statement by the Chief Minister. It may be somewhat newsworthy for the honourable member for Millner to know that the type of policy which Western Australia has and, indeed, an almost identical one which Tasmania has, is the same as that which this government has brought in as a result of an election undertaking given last year. It was brought into effect early this year. Basically, it is a register of those businesses or companies which have demonstrated in the past or, alternatively, in the future will demonstrate, commitment to the Northern Territory so that they become acceptable tenderers for the purposes of Northern Territory government contracts.

Mr Speaker, many people in the business community believe that this type of internal state or territory protectionism is not in the national interest. It is something which has been debated widely throughout this country. We see this not only in terms of contracts issued by governments but, of course, specific arrangements entered into by some states in respect of overseas purchases of products such as coal, iron ore and steel. I know that the last federal government had, and this federal government has, some reservations about that practice. After all, the federal government sees - and, as an Australian, I see - that we are one nation, not 7 sovereign nations. There is an argument that, in the national interest and in the interests of the best value for the taxpayer, we ought to regard ourselves as a nation. Nonetheless, due very largely to the extremely depressed economic circumstances of the southern capitals, in particular South Australia and to some degree Western Australia recently in the manufacturing and construction areas, in order to prevent cross-border flooding, many states - Tasmania in particular - have very rigid protectionist policies indeed. As soon as is reasonably possible, I would like to see all Australian governments phase themselves out of this policy. However, in places like the NT, northern Tasmania and the north of Western Australia, where there is significant economic growth as opposed to the lack of such growth in the southern centres, there is a need to assist local industries over this difficult period. I hope that these types of policies around the country are short-term.

Nonetheless, members will be aware that many of the projects under capital works that the Northern Territory government hands out via the tender mechanism are, in fact, substantially if not wholly funded by the Commonwealth, and the Australian Bicentennial Roads Project trust account project is one example. The Roads Grants Act allocations for roads, bridgeworks and civil engineering associated with communications is another. That can extend to such things as major urban bus terminals which are of a straight bricks-and-mortar-type capital works program. Each of those state policies and the policy of the Northern Territory government for protection fails in the consideration of the Commonwealth and I can understand the Commonwealth position with it. There were some classic examples recently in the state of Tasmania where the Commonwealth simply refused to allow that as being a fair and reasonable proposition to those who pay taxes to the Commonwealth. I find some difficulty in equating the Bicentennial Roads Program with normal taxation revenue effort. Nonetheless, the Commonwealth has that attitude and I must confess I have some sympathy with it.

There was a contract in relation to upgrading the Plenty Highway. Through the proper tendering system, I inadvertently approved a contract to go to a local company on the basis of the 5% benefit differential which would attach to that company only to be told - and I am not grizzling about it - by the Commonwealth Minister for Transport: 'If you want to do that, call your own tenders. Do not ask us to pay for it'. As a result, an interstate company had to get the work.

While we have these policies, in my view, they do not necessarily serve the country well in the long term. Certainly, they are necessary in the short term for the reasons that I have outlined. Nonetheless, there are difficulties in their application. I would remind the opposition that, in respect of manufacturing components, it is not a 5% local preferential differential but 10%: 5% for doing the work and an additional 5% if they manufacture materials.

Nonetheless, the opposition has pointed out the difficulties in local manufacturers obtaining contracts. It seeks to blame lack of policies of the Northern Territory government for those unfortunate consequences. But there is a limit to the bureaucratic regulation which any government is able to put in place to encourage people to trade and be involved in the construction industry in the Northern Territory without making it so ridiculous that it has the opposite effect and drives people away.

There are some difficulties and I would like it recorded in Hansard that it is my intention to do something about them if I can, particularly in light of the types of difficulties outlined by the opposition. The scenario goes something like this. A locally-based company has an office in Darwin, Alice Springs or wherever. It is eligible in all respects for consideration for preferential treatment provisions. What happens is that that company - and I am not saying all companies are doing it although it is quite widespread - then uses local manufacturers or trade companies, such as electricians, plumbers, glass fitters or aluminium manufacturers, who become the subcontractors to the tendering company for the purpose of putting the tender to the government. Once that is done, the subcontracting company goes to considerable expense and time to put in the subcontract documents in order to allow the major tenderer to get the contract. Having regard to all of the local expertise and all of the homework that is done to facilitate the preparation of a tender to go to a government agency, by and large, the contract is prepared through the hard work of all the subcontractors. Their local knowledge, time, skills and money is used to earn for the major tenderer the right to do the work. Regrettably, a very widespread occurrence in the Northern Territory, on my very recent information, is that companies in that situation then use the documents, which subcontractors have prepared, to shop around the southern cities where the marketplace is very depressed. They have the local prices and information on materials availability. It is all documented. They use that down south to try for a better price. Once they have done that, they inform the subcontractors who have done all the work that they are no longer needed because they have given the work to interstate companies.

How we address ourselves to that quite improper, discriminatory and, from the Northern Territory's point of view, completely unacceptable practice, I do not know. The only answer is further regulation. But, surely, there must be a limit to that sort of thing. I suppose initially it falls to me to have discussions with the various trade associations and bodies which represent building and manufacturing industries to organise their own members to see that such practices stop. I can understand the economic motivation behind it. Of course, the Master Builders Association comprises something like 20% of the people who ply in the building industry so that does not become a self-regulatory vehicle either.

The problems are there. They disadvantage Northern Territory entrepreneurs, manufacturers and trade companies, people who employ apprentices and who have committed themselves to the Northern Territory. There is no doubt at all about that. However, the solutions are not quite as easy to find as we would like. Considering all of those things together, I recognise some elements of what the opposition has had to say. I think that it attaches blame in the

wrong place. There are difficulties born of and fostered by national economic problems, particularly in our case where we have economic growth despite the Bureau of Statistics figures. We have clear economic growth. Indeed, further than that, we have a very great economic future. In some of the southern capitals, there is absolutely no prospect on the horizon of improvement and therefore border-raiding is inevitable. Having regard to things like section 92 of the Australian Constitution and the fact that we are a nation, there is a limit on the policies and legislative solutions available to us. Nonetheless, we will continue to examine all options available in order to provide the best possible deal for Northern Territory companies. However, it will be much more difficult to find a solution than it is to stand here and criticise.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a few comments on the statement. At the outset, it is probably worth noting that this is rather a dog's breakfast. It is headed 'unemployment', but it has one section laying into the ABS figures that have been capably analysed by the Leader of the Opposition. It then goes into the customary litany of sins of the Commonwealth government. I rather feel that the Chief Minister is not doing the Northern Territory a great deal of good by his indiscriminate Canberra-bashing and one is forced to question his motives somewhat in this regard. I hasten to add that I am prepared to add my voice when I believe that justifiable criticism can be levelled at my federal colleagues.

Mr Perron: We have been waiting a long time.

Mr BELL: If the Treasurer had been reading his newspapers and listening to his radio, perhaps he would have heard me voicing some concern about recent statements by the federal Minister for Resources and Energy.

However, I do not wish to digress and take up the Assembly's time this afternoon in that way. In fact, taking up the Assembly's time is a matter of considerable concern because I believe that that has been the chief interest of the Chief Minister here. I do not believe he had a particularly good purpose in making this statement. To dignify it as a ministerial statement is to rather overblow it. In fact, it is another election speech but I suppose we will have to get used to these. It is another attempt to get some copy on the front page of the NT News or a mention on the ABC or Channel 8 news.

I would like to comment briefly, as opposition spokesman for transport and works, on what the minister had to say and to congratulate him earnestly on his comments. I believe it is one area in which there has been a degree of sincere bipartisanship, to use a word that has been abused in political comment in recent weeks. There has been a great deal of bipartisanship on allocating Northern Territory government contracts to maximise employment in, and growth opportunities for, firms that are prepared to contribute to development in the Northern Territory. Even if this happens to be a somewhat infrequent occurrence, it gives me a great deal of pleasure to place on record my congratulations to the honourable minister in that regard.

I would like to comment on this statement as the member for MacDonnell. The issue of employment and unemployment is not one that I have eschewed in debate in this Assembly. In fact, I have raised it rather frequently. It is a problem in the Northern Territory that has worsened recently but, in my electorate, it is endemic as it is throughout Aboriginal Australia. It is a problem of the north. Again, I will not take up the Assembly's time to repeat what I have already said but I have mentioned before that unemployment in

communities in my electorate varies between a high 40% and an outrageously extreme 80% or 90% in some communities.

The Minister for Community Development may or may not be aware of a question I placed on notice in this regard after the last sittings. I sought information about the number of employment opportunities funded by his department in my electorate. I do not have the reply to that question to hand. Suffice to say that it is a matter of some concern to me that the level of employment in those communities as it relates to those employed by the Department of Community Development has decreased. That is a matter of some concern to me and I commend it to the minister's attention.

While I am on the subject of the question which I placed on notice and the minister's response, I will say that I was somewhat disappointed that the Department of Community Development and the Minister for Community Development seemed generally uninterested in the level of unemployment in those communities. I will not address the issue further today. I am writing to the honourable minister in response to his answer to that question on notice. I hasten to assure him that my interest in this regard is entirely constructive and I believe that his is as well. I would urge him to give earnest consideration to the need to monitor levels of employment in those communities, and not only the levels, for it is not only the figures that count - it is the effects of unemployment, the damaged lives, the people who have to take refuge in alcohol abuse and spend time in totally unproductive ways. Those are the sorts of issues that I believe are important for the Minister for Community Development. It should not just be Community Development with a capital C and a capital D. He should be concerned equally with community development with a small c and a small d. I am sure that he is and I hasten to add that I mean no criticism of him in that regard. I wish to bring it to his attention.

To sum up, Mr Speaker, I reiterate my concern that, whereas I feel the Chief Minister's interests in raising this particular issue are somewhat less than sincere and rather more motivated by his putative electoral chances, I direct those comments to the Minister for Community Development and I offer my congratulations to the Minister for Transport and Works. Before I offer any more congratulations, I will take my seat.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, I was going to mention the business of protection raised by the member for Millner but I believe the Attorney-General has disposed of that one in a very apt manner. I would say, however, that there is only one safe means by which businesses in the Northern Territory can survive and that is through a determination to compete and to make every use of their local advantage, which should be considerable. Darwin is 2000 miles away from Adelaide, for example, and it must be tremendously costly to bring men and materials to the Territory to compete. People who are already established here with homes for their workers and so on must have an advantage. We must learn that we must compete on the grounds of the quality of workmanship and materials produced, prices and, of course, the ability to supply. If a local firm cannot supply at the rate that is needed for a big contract, obviously that will slow down the work and cost the company a lot of money - and time certainly is money. Many people tend to forget that.

I would agree with the Attorney-General and the federal minister about governments giving people who live within a particular state advantageous terms for contracts. It was quoted at that time that about $330m was being paid by the taxpayers of Australia for this element of protection. I believe

very firmly that the consumer has the right to shop around. Just as we have the right to shop around in small ways, big consumers also have the right to shop around to obtain the best deal. Some contractors in Alice Springs have said to me that either it must be made to work properly or they would rather this thing was dropped Australia-wide. In essence, I think we do it because the rest of Australia does it. Maybe it needs a joint decision to drop this form of unconstitutional protection for people within a state.

I would liken the Australian economy to an aircraft flying at the point of stall. Recently, in a Weekend Australian, a foreigner made the comment that Australia seems to be a land that is always on the verge of a great promise but never quite makes it. For a moment, I would like to refer to the difficult economic problem of a monopoly because it will illustrate the point I am trying to make. If a firm has a monopoly, then it has a problem which many firms in a competitive market do not have - where to fix its price in order to maximise its profits. I will give an example. Members will realise I am taking 2 extreme cases. Let us consider an airline operating up and down the Centre. If the airline decided to charge nothing for its flights, it would fill its aircraft but it would go broke. If it chose to charge $10 000 a ticket, it would not fill any seats and again would go broke. Somewhere between those 2 extremes, there has to be a point where, at a given time and with given economic conditions, the airline can maximise its profits. Given the constraints of the size of aircraft used, it needs to try to find the price which will fill its aircraft. If it increases its price any more, it will not achieve full passenger loads.

This point can be found only by experimenting and there are big difficulties because conditions change. One of the reasons why there are problems on the milk run is that, particularly between some Territory centres, such as Katherine and Darwin, we now have a very good road. In 3 or 4 hours, one can drive to Darwin and have one's vehicle there. That is another form of competition and, to compete effectively, the airline would have to drop its price. However, there is a point where it receives the maximum profit.

The government, in its collection of tax, is also a monopolist. I am talking about the federal government in particular. If the federal government charged 0% tax, it would collect no revenue. On the other hand, if it charged 100% of income in tax effectively that would be slavery and we would not wear it. It would again receive zero revenue. Somewhere between those limits, under given conditions, there must be a point where the amount of money the federal government can pick up reaches a maximum. A good government should be trying to find that particular point. But, like the monopolist, it can only really do it by experimenting, by trial and error.

I would divide the taxation graph with revenue on the vertical axis and percentage taxation on the horizontal axis into positive and negative areas. It would be somewhat like an upturned boat in shape. The positive area is such that, if the government increased the percentage tax, it would gain an increase in revenue. But, once that maximising point, wherever it may be, has been passed, an increase in the percentage of taxation would decrease the revenue. That, I believe, is the mistake that is being made. Why is there a negative area? I think everybody appreciates the fact that, when tax starts to become fairly heavy, particularly with our shared system of taxation, incentive is killed. Why work harder when you will only get 40% of the profits you make?

Another area is that of tax cheating. One of the biggest growth industries in this country is tax avoidance. Schemes are worked out to try to minimise the

amount of tax paid; for example, the bottom-of-the-harbour scheme. Then there is plain, straightout cheating. People think it is worth taking the risk. Of course, once a business has gone past the threshold where it is just hanging on, the government decides that it needs more money and makes the mistake of increasing taxation. It squeezes that business too hard. The business folds or puts off one employee and pulls the belt in. That leaves another person who is not contributing to the revenue of the country but is making demands on social benefits. Another asset is psychological. If people are worried about the situation, they will spend less. They will try to save for a rainy day. In the process, that guarantees a business downturn and more people will be out of work. That is an undesirable situation.

As you can see, Sir, I believe that we are on the negative side of the graph. According to The Australian, our taxation last October was about 46% on average, which is a fairly high percentage. The peaking point would be somewhere around 20% to 30%. Being a former school teacher, I wish I had a blackboard to draw it. If we could draw this graph with a horizontal line representing the 46% mark, there would be a point where the government could get the same amount of revenue for a considerably lower taxation percentage. That would put incentive back into the Australian economy for the people with a myriad good ideas. There are many such people. I bet every member here has some pet idea that he would love to have put into practice but has not done so because of constraints. If he did do well in it, we could well find that most of his profits would go down the taxation gurgler anyway and his incentive would be killed.

I come back to my original example. I believe our economy is like an aeroplane at the point of stall. I know several of our members here are involved in the flying game. We have our nose up, we seem to be pointing in the right direction but we are not climbing; we are wallowing. The tendency for someone new at flying who is told to make an aeroplane climb is to pull back on the stick. But anyone who flies will know that the opposite would happen. You would wallow and possibly even go into a dive. Mr Speaker, I believe the way out is fairly uncomplicated; stick forward and nose down. In economic terms, keep the taxation rate down and give people more money in their pockets. That would encourage them. Initially, the government would have to weather a bit of a rough passage but, having weathered it, the people would believe that the government was fair dinkum and would not turn to water and charge more tax. The economy would get up its own steam, gain forward momentum and be in a position where it could climb again.

Experimentation should go on. There should be a long-term reduction in taxation so that people would be satisfied psychologically that the government was fair dinkum. The government should then reduce that taxation rate little by little until it reaches the stage where its revenue is actually decreasing. In other words, it should be back on the positive side of the graph. If you decrease taxation, you actually decrease revenue.

The federal government, as the main tax collector, has nothing to lose. In fact, it has everything to gain. It would have more money for itself. The employees of this country would find they had less tax to pay. We could then make a very reasonable case to demand fewer wage pushes. In fact, I think the employees of Australia are waking up to the fact that, every time there is an increase, the government is the only winner. It has been that way for a long time. I doubt whether there would be a problem with the employers. Everybody would have a chance to gain. It just needs the pilot of this machine to have the courage to let the people put their ideas into

practice. They need the encouragement and incentive to put Australia back on its feet. In the process, they would cure the cause of this debate today - unemployment.

Mr HATTON (Nightcliff): Mr Speaker, I rise to speak on this paper. I would like to address myself to some of the comments made by the honourable member for Millner, particularly those on the term 'local preference'.

Before I do that, I would like to make a point. The honourable member referred to page 10 of the paper that was circulated to us. He quoted the first paragraph on that page. I think that it would be appropriate to say that that quotation has really been taken out of context. I suggest the honourable member should have taken into account the second paragraph.

> *A reasonable interpretation of all the available data is that employment growth may have slowed while population growth, in large part through migration, has continued, thus contributing to some unemployment.*

In fact, the first paragraph, which referred to an indication of decline in employment and an increase in unemployment, was an extrapolation of certain parts of the statistical data to which the Chief Minister was referring, and not to his interpretation of that data.

In respect of the further comments of the member for Millner concerning the question of local preference, he has addressed an important issue and, possibly unbeknownst to himself, he has opened a discussion on one of the most complex questions facing industry and facing the government in the Northern Territory in relation to its dealings with business. It is one in which there is almost no commonality of viewpoint. The issue is of such complexity that it may be beneficial for members, and in particular for the member for Millner, if we note a few of the points.

Firstly, he referred specifically to what could be defined as capital works contracts. That reduces the field of discussion somewhat as that is dealt with through the Capital Works Tender Board. Therefore, we presume that he was not discussing the different and equally complex problems associated with direct purchases by the government through the General Tender Board. With the Capital Works Tender Board, there are preferences of 5% and 10%, as the Minister for Transport and Works indicated. However, those preferences apply only to a contractor who has a local business. The first point of controversy arises from the question of what constitutes a local business. Does it mean a locally-owned and operated business or does it mean a business that has capital invested in the Northern Territory? Are they the same thing? For example, does a locally-owned and operated agency have preference over an interstate manufacturer? The agent does no more than process paperwork. Should a local supplier be given more preference than an interstate manufacturer? Then there is the question of manufacture. When is something a Territory product? At what percentage of value added does it become a Territory-manufactured article? That seems to be reasonably well defined now through the Northern Territory Products Symbol Act and its application.

Having dealt with the question of preference, one then has to argue how one should assess preference and, for example, what percentage should be placed on preference. Is there an argument in favour of preference? There

is certainly no unanimity of viewpoints on that. After 8 years of arguing on behalf of industry in the Northern Territory and driving certain members of this frontbench crazy over that time on this question, and having discussed it within industry, I can assure members there is no common viewpoint within industry as to whether there should be any preference at all. Nonetheless, the majority of industry certainly is in favour of some support for local businesses which have invested capital and put their faith in the Northern Territory. There is an economic argument in favour of some form of preference. It goes beyond simply the question of jobs even though that is certainly a very important consideration.

The big problem, however, is that the preference tends only to apply to the prime contractor. How does one, in practical terms, create a circumstance whereby a major contractor can be tied to using local businesses for subcontract work? It is simply not good enough to make a comment that there must be some proportion of local content. That could be labour or materials. What part of materials? Are they available locally? There is the problem of the actual preparation of the tender documents, the technicalities of the operation of those tender documents and the liability that may be imposed on the prime contractor in seeking to overcome these problems. These questions are being addressed within the Department of Transport and Works. I know of many submissions and arguments that have been put to that department on these questions.

The Minister for Transport and Works referred to the fact that a contractor will tender for a contract and incorporate certain major subcontractors, be they mechanical, electrical, plumbing or structural field subcontractors, and certain major suppliers of materials. They go into the tender but those subcontractors do not then have a contract with the contractor. Perhaps the minister may consider the possibility that, when tender documents are submitted, the tenderers themselves stipulate who their subcontractors are and they become an integral part of the tender document and therefore a condition of the eventual contract. This would avoid the despicable practice of horse trading that occurs. It is a fairly widespread practice. It is not simply horse trading interstate; it has been the practice of major contractors to horse trade among manufacturers and suppliers around the Territory and around Darwin. When those practices were being overcome by the suppliers and manufacturers seeking to participate in that process, those organisations simply went interstate. Thus, we had a drift interstate.

The other problem is the point at which you say that you would no longer give support to local businesses. For example, would it be appropriate for a contractor to accept a local subcontractor where its price is 30% or 40% higher than the lowest tenderer from interstate? One might say that that is ridiculous. It so happens that, particularly over the last 2 years, with the recession biting deeply down south, businesses with no infrastructure in the Northern Territory have taken the opportunity to come here and to tender. Providing they had gained, to some extent, over their operating and variable costs for a project, they were able to obtain some contribution towards their fixed costs interstate and thus minimise losses. Even though they may have made a gross loss on a job, it was still preferable to sell at that price than to miss the contract completely. That is why, in many circumstances, including the air-conditioning subcontract area, businesses have come here and tendered up to 40% below local prices. That option is not available to the local business because this is its traditional market and it must cover all its costs through contracts.

It is not a simple problem to overcome. All the complications of

responsibilities through the Auditor-General and back through the federal government are applicable, particularly when one is talking of a 30%, 40% and 50% difference in prices. It is one way that the recession flows through into the Northern Territory. Of course, there is another problem with taking the lowest price. I may be digressing slightly but I think this is an opportunity for me to put a couple of points on record.

Mr B. Collins: We won't stop you till you start talking about aeroplanes.

Mr HATTON: I was wondering whether we might want to hold some discussions on airships.

Often, Mr Speaker, when one takes the lowest price, there is a very strong argument which says that the tenderer must live with the costs and responsibilities of that price. If they send him broke or create difficulties in his performance, that is his problem but he has a legal obligation to fulfil the contract. When those lowest prices have been taken and those contractors have not met their commitments often it has become necessary to foreclose on a contract. The government then incurs the additional cost of recalling tenders.

Of course, the government may wish to consider the advantages of 2-stage contracting whereby, in the first stage, tenderers submit details prequalifying themselves for a capacity to perform the work. At the second stage, those contractors who have prequalified would be able to compete fully and equally on price alone. There has been a slight move towards that by the government in recent times. I refer to the comments made by the Minister for Transport and Works regarding the adoption of the Western Australian system.

I could go on forever on this issue. There has been a continuous debate on wide-ranging subjects and in minute detail. I do not intend to proceed any further except to point out that, should members wish to examine this issue in more detail, I suggest they do more than put forward simplistic suggestions. Rather, they should examine the issues in detail and seek to come forward with practical, workable solutions that also overcome the unscrupulous practices that have been known to exist from time to time whereby businesses exploit any system that is devised no matter how honourable that system is.

The question of local preference is more than simply job creation. It has a further function. It can be a support mechanism for businesses to develop to the point where they become net economic contributors to the Northern Territory. It can help them overcome their development phase and break through what could be called a chicken-and-egg situation so that they become established and competitive. It is simply not good enough to say: 'You can come in and fight on the best price'. No small business will become established if it is not given some support. The fact is that often manufactured products can be transported to the Northern Territory more cheaply than they can be made in the Northern Territory.

If one takes a decision to support the development of businesses that have a potentital for viability in the medium to long term, then one needs to take the additional step of examining exactly what cost disadvantage they are suffering so they are not simply padded out to create an Australian GMH in the Northern Territory. If there were compensation for actual cost disadvantages - for additional wages bills, energy costs, low turnover or higher stock volumes required because of low cyclical turnover of stock - if there were a direct cost compensation by way of preference, then one could

argue that that was legitimate support from government that still made the business fight to maintain its efficiency. Of course, that will not address the problem in this immediate period which has led to the sort of issues which have been raised this afternoon. That problem is that the rest of Australia is in serious recession and the Northern Territory has become a dumping ground. If it had occurred in an international situation, one would be taking countervailing action. However, within the Commonwealth of Australia, we are not in a position to do that and our businesses suffer as a consequence of dumping practised by interstate companies.

Motion agreed to.

## MINISTERIAL STATEMENT
### Commonwealth Funding for Outstation Assistant Teachers

Mr HARRIS (Education)(by leave): Mr Speaker, I am aware that there is interest and concern on both sides of the Assembly with the situation that has arisen regarding the funding of many of the assistant teacher positions for outstation classes. The establishment of outstation communities has been supported by DAA since the beginning and funding has been primarily a Commonwealth responsibility. The NT government's responsibility has commenced when an outstation community has sought the establishment of a normal school.

Since the Northern Territory government assumed responsibility for education, larger groups of Aboriginal people have begun new settlements in central Australia. Much of this movement is related to Aboriginal communities acquiring land under the Land Rights Act or the purchase of pastoral properties on their behalf. These people have expressed a desire for facilities and the presence of non-Aboriginal teachers. The desire for these facilities and services presents government with major responsibilities and capital and recurrent costs.

In February 1982, education programs were being conducted at the request of the communities in 29 homeland centres. Aboriginal assistant teachers were funded by DAA and the NT Department of Education provided a range of assistance. The homeland centres movement commenced in the 1960s, accelerated in 1973 and has gained momentum ever since. In the period from 1973 to 1979, the Aboriginal people generally were adamant that they did not wish to have permanent building structures or the presence of European teachers. Their major desire was to follow their traditional lifestyle. This desire of Aboriginal people was confirmed by the extensive work done by the then Commonwealth Department of Education's anthropologist, Dr Marie Brandl. Generally, this attitude was associated with communities in the northern part of the Northern Territory. My department has recruited and trained the DAA-funded local Aboriginal community members to run classes, designed and produced a special series of booklets entitled 'The School of the Bush' for use by students and teachers, deployed, as visiting teachers, suitable staff from central, regionally-located schools, bought boats and outboard motors, specific-purpose vehicles and radio equipment and chartered aircraft on a regular basis in a committed attempt to deliver a reasonable education service.

By March 1984, the number of centres had increased to 46 and the potential exists for many more to be established and serviced. Excluding the cost of salaries for the local Aboriginal teachers, to which the Commonwealth Department of Aboriginal Affairs has been contributing, the provision of the services I

have described is costing the Northern Territory government in excess of $600 000 per year. This is more than twice the Commonwealth contribution and it is rising steadily. Indeed, it must rise if the quality of education programs is to satisfy more than basic education requirements and if Aboriginal staff are to obtain the training and teaching qualifications they need to accept responsibility for schooling in these places. There are up to 400 small groups which may, in time, demand services. The remoteness of many of these groups represents a significant cost factor in providing and, more importantly, maintaining essential services.

It is the government's responsibility to provide education services. At the moment, approximately 10% - that is, 3000 of our Aboriginal people - live in homeland centres. It is clear that there will need to be a staged approach given the limitations of the Northern Territory's financial resources and of the Commonwealth funds provided under relevant programs for the provision of services, including education, as these centres establish their permanency.

The flexibility expected of my department as a result of the mobility of the outstation movement demands more staff and funding than does a more orthodox school situation. The real unit cost is increasing due to the lower numbers at any one place - although this can vary - and the frequency of student movement. To achieve our goals and to ensure that children are not excluded from access to secondary and tertiary education as a result of their time in these remote centres, we need full Commonwealth support for this funding.

It is doubtful that, in any one of the centres where education programs are being provided, the transfer from Commonwealth to Territory responsibility can be predicted accurately. An arbitrary and total cut-off in funding after a 2 to 2½ year program is certainly not appropriate. Transfer depends on a community having stabilised and developed a reasonably comprehensive resource and services support system. At that time, the Northern Territory government would expect to assume wider responsibility.

Mr Speaker, if we cannot attract additional Commonwealth funds, the alternatives are grim. To find an additional $300 000 to $400 000 beyond our already heavy commitment would require the pruning of other important programs in our education budget, such as a delay in opening a number of new schools at a time when we are planning to provide services at new locations including Kintore, Harts Range and Waite Creek. This is unacceptable as would be any proposal that we reduce services to those classes in homeland centres which are either extremely remote or difficult and costly to reach. However, this latter option could be the only course left open to the government if continued support from the Commonwealth is not forthcoming.

Mr Speaker, many members know at first hand the cost in time, money and equipment in providing health, education and general community services to these small centres which are at the end of tenuous supply lines. They are aware also of the commitment and effort necessary to maintain these services under difficult conditions, and of the conscientious efforts being made by many people, both Aboriginal and European. I believe we have the quality of staff and community members to cope with the emerging needs of these communities if we can attract the level of financial resources from the Commonwealth government which we need to support them.

I believe that, in this Assembly, we have the knowledge and concern necessary to convince the Commonwealth government of the need for additional assistance and I seek the support of both sides of this Assembly in an approach to the Commonwealth on this issue. Mr Speaker, I move that the Assembly take note of the statement.

Debate adjourned.

## REPORT
### Subordinate Legislation and Tabled Papers Committee - Third Report

Mr HATTON (Nightcliff)(by leave): Mr Speaker, I present the Third Report of the Subordinate Legislation and Tabled Papers Committee. Copies are being distributed to honourable members. Mr Speaker, I move that the Assembly take note of the report.

The Standing Committee on Subordinate Legislation and Tabled Papers has agreed to the following report. At a meeting on 5 June 1984, the committee considered Tabled Papers Nos 8, 9, 10, 17, 29, 51 and 59 to 86 inclusive. Attached as appendix A to this report is a schedule of these papers which were considered and accepted by the committee. Whilst no further action is recommended on any of the papers, the committee makes the following comments.

At a previous meeting of the committee held on 6 March 1984, the committee expressed concern at some of the provisions contained in papers 8 and 9: Regulations 1983 No 42 - Jabiru Town Development (Roads and Public Places) Bylaws, and Regulations 1983 No 43 - Jabiru Town Development (Community Hall) Bylaws respectively. Explanations of matters of concern were sought from the Chief Minister as the minister responsible. In his reply, the Chief Minister undertook to have action taken to amend the bylaws relating to 'Licences and Permits' and 'Motor Horns' and requested the authority to consider the incorporation of a maximum period of prohibition of, say, 6 months in bylaw 61 'Removal of Persons from Public Reserves'. The Chief Minister has undertaken also to have the 'Acceptance of Hire and Cancellation of Hire Agreement' bylaws in the Jabiru Town Development (Community Hall) Bylaws amended in response to the committee's expressed concern. Copies of correspondence between the committee and the Chief Minister are attached as appendix B.

The committee also wrote to the Minister for Housing and Conservation concerning the intention of bylaw 62 of the Territory Parks and Wildlife Conservation bylaws contained in paper no 29 Regulations 1984 No 1. The minister's reply clarified the intent of the legislation to the satisfaction of the committee and copies of correspondence between the committee and the Minister for Housing and Conservation are attached as appendix C. The committee recommends no further action on any of these 3 regulations.

One of the committee's tasks, pursuant to Standing Order 19, is to consider 'whether there appears to have been unjustifiable delay in the publication or laying of the regulations, rules or bylaws before the Assembly'. The committee draws the Assembly's attention to the comment of the Auditor-General relating to the poor accounting methods used by the Darwin City Council. It is understood that action has been taken subsequently to rectify this. The committee undertakes to monitor further reports with a view to ensuring that these problems are overcome.

The committee draws the Assembly's attention to paper No 79, 'Financial Statements 1981-82 Darwin City Council'. The committee also

expresses its serious concern at the inordinate delay of over 20 months before the paper reached the Legislative Assembly for tabling. The committee noted and draws the attention of the Assembly to the fact that the financial statements of the Darwin City Council for the 1982-83 year have yet to be tabled. The committee endorses the view of the Auditor-General that prompt reporting of the financial affairs of the council is an essential ingredient of the public accountability process. Whilst the committee accepts that the delay in reporting has been caused by accounting system problems, it believes that such a delay in presentation is unconscionable. The committee notes this delay with concern and hopes that the situation will be rectified in the very near future.

The committee also notes that the financial statements of the Alice Springs Town Council for 1981-82 were similarly late in presentation. However, unlike the Darwin City Council, the Alice Springs Town Council has caught up and its financial statements for 1982-83 have been tabled in the Assembly and considered by the committee.

In conclusion, the committee expresses the view that, as part of the public accountability process, all statutory authorities should be able to make their reports to the Legislative Assembly at least within 6 months of the end of the financial year.

Mr B. COLLINS (Oppostion Leader): Mr Speaker, I rise briefly to indicate the opposition's support for the report of the committee. I serve on the committee myself with a great deal of reluctance, Mr Speaker, which is due only to an unfortunate lack of numbers in the opposition. No one else would touch it with a 10-foot pole.

Mr Speaker, the committee handles much tedious but extremely important work for the Legislative Assembly. It has played a useful role. As the report states, we got up on motor horns and killed them on the Jabiru town hall. One thing I want to say is that it has really made me feel useful. I must say the committee is working effectively.

The reason I have risen is that I want to express some concern about the comments that were made by the Auditor-General in respect of the accounts kept by the Darwin City Council. I join the chairman of the committee in expressing some concern about the Auditor-General's remark that he was not able to complete an audit for some 17 months because of the failure of the council to provide him with the documents that he sought. A number of anomalies still need to be rectified. He was concerned also about the delay in the presentation of the financial report from the Alice Springs Town Council.

I really do not think that it would be unreasonable for the ratepayers of Darwin to expect to receive an audited statement from our council not later than 12 months after the expiration of each financial year. I do not think that would be too much to expect. We have a newly-constituted Darwin City Council and a newly-elected Lord Mayor now and I hope that this council will be a little more punctilious on behalf of its ratepayers and present its financial reports in proper time in future so that the Auditor-General does not have the same difficulty on the next occasion as he had on this one.

Motion agreed to.

## PRINTERS AND NEWSPAPERS BILL
(Serial 33)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, I believe that the principal objective of this type of legislation should be to provide a means of identification of printers and publishers in cases where civil or criminal action against such persons may justifiably be contemplated. Examples of court actions would include civil suits for libel or criminal proceedings for contempt where material prejudicial to a pending trial is published. The 1928 act of the Northern Territory, which presently stands on the statute books, is obscure, confusing and ineffective. Because of the large number of amendments required, this bill repeals the present legislation and proposes an entirely new act in its place.

The bill preserves the basic requirement that printers print their names and addresses on any works that they publish. In the case of newspapers, publishers have a similar obligation. In the case of a paper or a book, the printer is required to keep a copy of the work and on it place the name and address of the person who employed him to print it. Failure to comply with these basic requirements will render offenders liable to penalties which have been increased in line with similar penalties in South Australia, Western Australia and the ACT.

The definitions section needed attention. Some of the old definitions, while legally valid, are in a confusing format. For example, the old definition describes a newspaper as including a publication costing 10¢ or any lesser amount. At first glance, it would appear that no newspaper published in the Territory would be covered by the act because of the reference to price. The word 'includes' in the definition shows, however, that the description is not intended to be exhaustive and free newspapers or those sold for more than 10¢ are covered. Nonetheless, the format of the old definition led to widespread misapprehension as to its effect. Accordingly, the definitions have been revised and updated. In addition to the revisions, definitions of 'duplicating machine', 'printer', 'printing press', 'proprietor' and 'publisher', hitherto missing from the act, have been included.

The old requirements for registration of newspapers and printing presses have been deleted as they serve little purpose. The requirements for printers and publishers of newspapers to enter into recognisances against penalties inflicted on conviction for publishing blasphemous or seditious libel have been abolished also.

I believe that, while a simplified procedure should be received favourably by publishing enterprises, the retention of the basic requirement for publication of the names and addresses of printers and publishers, together with the provision of realistic penalties, should protect the public interest. I commend the bill to honourable members.

Debate adjourned.

## SUPPLY BILL
(Serial 43)

Bill presented and read a first time.

Mr PERRON (Treasurer): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent the passage of the Supply Bill 1984-85 through all stages at this sittings.

By way of explanation, Mr Deputy Speaker, the procedures of the Assembly do not require that notice be given of the Supply Bill. It can be introduced at any time and traditionally is passed at the one sittings because it has to be implemented prior to the commencement of the financial year.

Motion agreed to.

Mr PERRON : Mr Deputy Speaker, I move that the bill be now read a second time.

Authority to spend moneys under the 1983-84 Appropriation Act lapses on 30 June 1984. Legislation is therefore necessary before that date to provide for expenditure between then and the passage of the 1984-85 Appropriation Bill. The Supply Bill provides for expenditure during the first 5 months of the financial year with sufficient funds being provided to ensure the continuation of capital works programs, road works and normal services of government. It does not foreshadow the budget for 1984-85 although the manner of calculation of the provisions made in the Supply Bill must have regard to the estimated cost of on-going services.

The bill provides for a total expenditure of $436.5m allocated by division and subdivision to the various departments and authorities. The significant items include: capital works sponsored by departments - $47.5m; repairs and maintenance, including roads, highways and buildings - $14m; the construction and loan programs of the Housing Commission - $28.1m; education, including colleges - $65.8m; and health - $47.6m. In addition, the bill contains an appropriation of $15m as an 'Advance to the Treasurer' from which the Treasurer may allocate funds for the purposes specified in the bill, including the provision for cost inflation. I commend the bill to honourable members.

Debate adjourned.

## EVIDENCE (BUSINESS RECORDS) INTERIM ARRANGEMENTS BILL
(Serial 41)

Bill presented and read a first time.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the bill be now read a second time.

This bill seeks to provide, on an interim basis, for the greater admissibility of evidence of computer material. The legislation is long overdue. We have been holding off because of the fact that the Australian Law Reform Commission has been working on new evidence provisions in this area. Those provisions have not been finalised, and it is considered desirable that we wait to see their final form before taking more radical steps in the evidence law reform. The Australian Law Reform Commission is contemplating a uniform Evidence Bill as a model for all jurisdictions in Australia.

In the meantime, the approach we have adopted is to borrow the relevant New South Wales business law provisions. These provisions follow the lines suggested by the NSW Law Reform Commission and appear to be working very well in that particular jurisdiction. Sections of our Evidence Act are based upon the NSW provisions and it is considered that it would be a preferable step to adopt the New South Wales law reform provisions substantially as is rather than go it alone and adopt draft provisions on the basis of the uncompleted proposals of the Australian Law Reform Commission.

Mr Deputy Speaker, it is a fact that increasing use is being made of computers and complex mechanical means of collecting, collating and storing information in business and in government. The growing prevalence of this inanimate means of recording details of business and government operations has created a practical problem for the civil courts and litigants and for the criminal courts and parties to criminal proceedings. The hearsay rule, in its present application to documentary evidence, might be tendered as proof of a statement if a person who made the statement in the document can reasonably be expected to have a recollection of it. A party could thus find that, although having reliable documentary evidence, he must rely on a witness whose testimony is inconclusive. Inherently reliable business records should be able to be admitted to evidence of themselves and should be given the evidentiary weight that is appropriate to them. The administration of justice is done no favour if reliable evidence is kept from a jury, say, simply because of rules of law that have become inappropriate through advances in technology. These provisions will apply to both civil and criminal proceedings whether conducted with or without a jury.

As this bill is fairly technical in nature, I will outline its provisions in broad detail only. Clause 3 provides that this bill should be read into the Evidence Act. Clause 4 provides certain definitions. One of them is of 'business' which includes a business, occupation or calling carried on by the Crown or an individual. Clause 5 outlines some general provisions relating to admissibility. A document is admissible as evidence of a fact or opinion if it forms part of business records whether or not the business existed when the question arose. The statement must be made by a qualified person, as defined by the bill, or reproduced from information from a recording, measuring or accounting device. This is in spite of the general evidentiary rules against hearsay but does not allow otherwise inadmissible statements.

Clause 6 provides some restrictions to inadmissibility. Clause 7 provides some general restrictions to admissibility in criminal proceedings. These restrictions are designed to protect the civil liberties of litigants. Clause 8 provides that, where there is a dispute about the happenings of an event and the business has kept records of the events, evidence from that business of the non-happenings can be produced including the whole of the record concerned. If this happens, the court can reject the evidence. As you may be aware, Mr Deputy Speaker, the court can look not only at the question of admissibility of evidence, but must also consider the weight that is to be given to it.

Clause 9 enables certain things to be considered to test the accuracy of a statement. This includes, in the case of a statement reproducing information delivered from or derived from a device, the reliability of the device. In relation to clause 8, which deals with disputes about the happenings of events, clause 10 provides that regard may be had to all relevant circumstances including whether a person concerned with the system had an incentive to omit recordings of a happening in question.

Clause 11 deals with the credibility of the making of a statement including such matters as inconsistency of statements, clause 12 allows the court to draw inferences from the content of documents and clause 13 deals with ancillary evidence.

Mr Deputy Speaker, clause 14 is important. It deals with the manner in which documents are to be produced. For the purposes of clause 5, it enables the production of a copy of a document or the material part thereof or, in the case of a document which is designed to be used to reproduce the statement in the form of visual display or sound, the playing of it to the court. A record of information made by the use of a computer may be proved by the production of a document produced by the use of the computer. Clause 14 enables authentication as prescribed or as the court otherwise approves.

Clause 16 enables the court to reject evidence produced pursuant to the provisions of this bill on the basis of the weight of the evidence being so slight or too slight to justify admission or, alternatively, its low utility or that it would be unfair to the other party or mislead the jury. Therefore, Mr Deputy Speaker, there are some restrictions on what it can do. This clause does not apply to the evidence law generally.

Clause 17 would enable the court to withhold a document from a jury during its deliberations if the court felt that the jury might give it undue weight. Clause 18 provides that a statement admitted pursuant to clause 5 shall not be treated as a corroboration of a statement made by a qualified person pursuant to another law or rule of law in force in the Territory. Clause 19 provides that, in spite of this bill, the court still exercises its power to reject evidence which would be unfair to the defendant. Clause 20 enables the court to make orders concerning the admissibility of evidence at any time. Clauses 21 and 22 deal with the making of regulations and rules of the court.

Mr Deputy Speaker, I feel that this bill is a great step forward, widening the admissibility of evidence but, at the same time, seeking to protect the rights of the parties to proceedings. As I said, it is only an interim bill but it should make a significant improvement in the evidence law of the Northern Territory. I commend the bill to honourable members.

Debate adjourned.

## WILLS AMENDMENT BILL
(Serial 35)

Bill presented and read a first time.

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that the bill be now read a second time.

This bill seeks to provide for the situation where a person makes a will which is technically deficient. Concern has long been expressed by the legal profession as well as by the general public and the judiciary that a testator's testamentary intentions can be thwarted merely because of some comparatively minor drafting faults in the testamentary document.

Ideally, all persons, on making a will should consult a solicitor or visit the Public Trustee. I prefer a solicitor, Mr Deputy Speaker. The problem stems essentially from some homemade wills or wills where the testator

alters a validly made testamentary document, for example, by crossing out and initialling the bequest of, say, a car or boat subsequent to the making of the will where the car or boat has, since the will's execution, been sold. By such a step, he can throw the validity of the whole of the will into doubt because of the strictness of the Wills Act requirements in relation to formal execution.

This amendment bill arose initially from a report prepared by the Northern Territory Law Reform Committee. I thank that body for the great work it does. It seeks to provide an answer but, at the same time, not allow for a situation where a will has been fraudulently altered and could thereby be admitted to probate. These amendments are based on similar changes to the South Australian Wills Act on which our Wills Act is based.

Clause 4 of the bill is a technical clause relating to powers of appointment. A power of appointment gives the donee the right to create or modify interests in property. Very few wills give power of appointment but the concept needs to be provided for in this bill. Clause 5 is the key clause providing that, where executed in accordance with the act, a will is valid. It also provides that a document purporting to embody the testamentary intentions of a deceased is valid notwithstanding that it has not been executed in accordance with the formalities generally required by the Wills Act. On application to it, the Supreme Court must, however, be satisfied that there is no reasonable doubt that the deceased intended the document to constitute his last will and testament.

Clause 6 provides for a schedule which amends certain provisions of the act by making them subject to the above provisions. Clause 7 provides that the new provisions may apply where the testator dies after the commencement of the act. Thus, where a testamentary document was made before the act commenced but the testator later died, these provisions would apply. As we are basing the bill on South Australian law, cases decided in the Supreme Court of that state may prove relevant precedents. The South Australian provisions have received favourable comment in law journals published in Australia and overseas, both for their innovation and improvement on the existing law. This bill should be similarly welcomed by legal authorities.

Mr Deputy Speaker, before I commend the bill to honourable members, I might say that it does not go as far as the Western Australian bill goes which, in our view, could well lead to a rather frightful set of circumstances created by undue influence. This bill is not designed to encourage undue influence of the sick and ailing such as to have their will imposed on them by others, particularly those who are looking after them. I commend the bill to honourable members.

Debate adjourned.

## CREDIT UNIONS AMENDMENT BILL
(Serial 34)

Bill presented and read a first time.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the bill be now read a second time.

The essential purpose of this bill is to allow for the Credit Unions Advisory Committee to be expanded to include a nominee of the Treasurer and

a consumer representative. The Credit Unions Advisory Committee was established under the Credit Unions Act to make, amongst other things, recommendations concerning the effective operation of credit unions, review relevant legislation and to give the Attorney-General advice on matters referred to it by him or her. As the act was drafted, this advisory committee consists only of the Registrar of Credit Unions and 2 persons I consider fit to represent the interests of credit unions. A committee has not yet been appointed although I am considering nominations.

However, I believe that the Credit Unions Advisory Committee should be further expanded to include a nominee of the Treasurer and a person to represent the interests of consumers so that a proper balance is achieved. The Treasury oversees general financial policy matters and it is appropriate that one of its officers or a person nominated by the Treasurer be on the committee. To give balance to the committee, a person should also be appointed to put forward the consumer viewpoint. This would be a person I felt to be suitably qualified to represent consumer interests. There would be many such suitable persons in the Territory.

Mr Deputy Speaker, if I can digress and go to the problems of the Road Safety Council, while I say there are many people who would be suitable for the appointment, of course, they must apply. In due course, I hope that suitable applicants will be forthcoming. The Building Societies Advisory Committee presently contains a consumer representative and a Treasurer's nominee and they provide valuable input to its deliberations. The Credit Unions Advisory Committee should be similarly constituted.

Clause 4 of the bill amends the act to provide for the inclusion of a Treasurer's nominee and a consumer representative on the committee. It also provides that an alternative to the Treasurer's nominee shall be approved by the Treasurer before being appointed by myself or whoever may be Attorney-General. The act allows me to appoint alternatives to persons nominated to the committee. Clause 4 also repeals the redundant subsections (3) and (4) of section 35. Mr Deputy Speaker, I commend the bill to honourable members.

Debate adjourned.

## COMPANIES AMENDMENT BILL
(Serial 32)

Bill presented and read a first time.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the bill be now read a second time.

This is a short bill which stems from a suggestion made by His Honour the Chief Justice of the Supreme Court whom I thank for his assistance in bringing this matter to our attention. There have been an increasing number of company liquidations. This is unfortunate, but it appears to be a national trend. As the Companies Act stands, the Supreme Court, upon a liquidation, may summon before it company officers or other relevant people and examine them about the affairs of the company. If required the proceedings of the examination can be conducted orally or in writing but, if conducted orally, the proceedings can be reduced to writing. These examinations are very useful as a wide range of pertinent information can be collected.

Under the existing legislation, a Supreme Court justice can conduct this examination or, should the court so direct, a stipendiary magistrate. The Supreme Court justices have a very heavy workload. It is felt that judges could sometimes be more usefully occupied hearing cases.

Accordingly, it is considered that, if the court believes it would be appropriate in the circumstances, the Master and Deputy Master of the Supreme Court should conduct such examinations publicly if the court so orders and clause 3 of the bill allows for this. Both the Master and Deputy Master are senior legal officers who have had wide experience in conducting examinations such as those in bankruptcy. It is felt that they would have the necessary investigative skills to conduct many of these investigations. By this amendment, these officers would not conduct all such examinations necessarily but only where the court so directed. A judge of the Supreme Court could still, if he felt it appropriate, conduct the examination himself or require a stipendiary magistrate to conduct it.

I would point out, Mr Deputy Speaker, that this power would not extend to the conduct of public investigations under section 250 of the act. It is conceded that a judge or stipendiary magistrate should conduct such examinations. Mr Deputy Speaker, I commend the bill to honourable members.

Debate adjourned.

## SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent - (a) 3 bills relating to the criminal law being presented and read a first time together, and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and consideration of the bills separately in committee and (b) the passage of the bills through all stages during this sittings.

Motion agreed to.

## CRIMINAL CODE AMENDMENT BILL
(Serial 37)
## SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) AMENDMENT BILL
(Serial 39)
## JUSTICES AMENDMENT BILL
(Serial 38)

Bills presented and read a first time.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the bills be now read a second time.

Mr Deputy Speaker, honourable members will be well aware that considerable discussions, culminating in March, took place between the Northern Territory and Commonwealth governments leading to the Northern Territory government's decision to amend the Criminal Code which came into operation on 1 January 1984.

Mr Deputy Speaker, I think it would be helpful if I outlined the background of the present bills. On 18 November 1983, the Prime Minister, Mr Hawke, wrote to the Chief Minister demanding that the Territory government consider

certain amendments to the Criminal Code. Mr Hawke indicated that his concerns fell into the following categories: (a) matters which he claimed might breach Australia's international obligations; (b) matters which, in his view, appear to affect adversely or unfairly the Aboriginal community; (c) according to him, matters significantly limiting the rights of individuals in a manner inconsistent with current legislative trends, and (d) matters which may be thought more appropriately dealt with by the Commonwealth. We shall come back to those matters later, particularly the area of international obligations.

Mr Deputy Speaker, Mr Hawke referred to specific areas of concern: (1) intoxication, contained in section 7; (2) intoxication as an aggravation of penalty in section 154; (3) abolition of dock statements; (4) mandatory life sentences; (5) attempted suicides; and (6) terrorism and proscribed organisations.

On 15 December, the Chief Minister replied to the Prime Minister and addressed all of those matters raised by him. On 29 February 1984, the Chief Minister received, via a press release from the Prime Minister's office I might add, further correspondence from Mr Hawke. After consideration of the Chief Minister's letter, the Prime Minister's concerns were now down to 4 areas: (1) section 7; (2) terrorism; (3) section 383; and (4) unsworn statements from the dock.

In relation to section 383, which allowed for the imposition of costs on persons acquitted solely and specifically on the grounds of intoxication, it should be noted, as was accepted in Mr Hawke's original letter of 18 November, that the Territory was already considering amendment of that section. Mr Hawke and his advisers had, in reality, acknowledged the purpose of section 383 and felt that, with minor amendments, there was nothing wrong with it. Mr Deputy Speaker, I raise the issue of section 383 now because originally it did not form part of Mr Hawke's letter of 18 November. It had now become a major concern with his letter of 19 February. Why I say it had now become a major concern is because, while Mr Hawke may have indicated in the earlier part of his letter that he wished to achieve consensus, it was obvious from the last part of his letter that the consensus was to be on his terms.

Mr Hawke indicated his willingness to destroy the principles upon which self-government was based if we did not agree with his view. He threatened to intervene in a matter in which the Territory has executive authority, an authority which has now been repeatedly confirmed by himself and his Attorney-General in respect of the conviction and confinement of a certain person in Darwin Prison. He used the words: 'We cannot and will not intervene'. The Chief Minister immediately telexed the Prime Minster, and later confirmed this telex by a letter dated 1 March, requesting that information be supplied as to what international treaties were breached, in what way and, in particular, how provisions might operate harshly against Aboriginals.

To divert again for just a moment, mention was made in that letter that the federal Attorney-General had failed to avail himself of the opportunity which had been offered to him to discuss the code with Des Sturgess. I consider that a wholly distorted picture of the code was presented to the federal government by many of the opponents of the code. There is absolutely no doubt that that detracted significantly from what could have been a very constructive discussion on the code, not just for the federal government but generally. The Territory government at no time said that this code would be perfect. It acknowledged that changes would probably be required. Many

opponents of the code destroyed what could have been useful and constructive. They condemned the code outright on grounds which, by and large, did not exist either in fact or in law.

The Prime Minister acknowledged this in his letter of 18 November when he said:

> *At the outset, I should make it clear that I readily accept that, not only have most aspects of the code given rise to no expression of concern but that it contains many provisions which have been recognised as working substantial improvements in the law.*

Later, he said:

> *I readily acknowledge that a number of complaints about the provisions of the code have been found, upon examination, to lack substance.*

With such acknowledgements, I would have thought that Senator Evans would have seen fit to avail himself of the opportunity to meet with Des Sturgess and discuss the code with him. Of course, Senator Evans and the Prime Minister did meet with us in Sydney. I must say that I would not attack the conduct of Senator Evans in relation to this matter.

Returning to the events that occurred subsequent to the Prime Minister's letter of demand of 19 February, a meeting was arranged in Sydney between the Prime Minister, Senator Evans, the Chief Minister and myself. In its correspondence, the Commonwealth had continually referred to what 'might be breaches of Australia's international obligations'. This is what it was hanging its hat on, Mr Deputy Speaker. It was reluctant, however, to be specific and reluctant to state in writing what, in fact, the code did to breach those obligations. The equivocations of these issues are important for they show that the Commonwealth acknowledged it was on shaky if not untenable ground.

It was suggested that the Commonwealth should place the matter before the High Court if it considered that there were breaches of international obligations. The Commonwealth said it could not. As it well knew, for all its talk of possible breaches, there was no complementary federal legislation in place to implement the convention upon which it sought to rely.

Members of the Commonwealth government have talked of possible breaches, not categorical breaches, of these obligations because they knew, in relation to the terrorist provisions of the code, for example, that a specific proviso had been placed in the International Covenant on Civil and Political Rights in Articles 19, 21 and 22 in relation to laws - and I will quote from that document: 'which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), acknowledge the protection of public health and morals or the protection of the rights and freedoms of others'. They knew that if they argued our code was in breach of international obligations, then precisely similar arguments could be used against the Commonwealth's own Crimes Act.

They knew, for example, that section 7 was not in fact in breach of Article 14 as it did not offend the right to be presumed innocent until

proven guilty according to law. Indeed, in its report on the International Convention of Civil and Political Rights, Australia said this of the provision which shifts the burden of proof:

> *This common rule has been replaced by statutory provisions that shift the evidentiary burden of proof to the accused under certain limited circumstances. Such provisions apply only in situations where it could be extremely difficult for the prosecution to prove facts known to the accused, and where it is considered that the interests of the public outweigh the interests of the accused (eg the presumption under the prohibited drugs legislation that the possession of certain amounts of the prohibited drug is possession for the purpose of sale or supply to another person unless the contrary is proved). The provisions referred to do not reverse the presumption of innocence - they make the existence of certain situations, which have first to be proved, presumptive evidence of guilt only. The burden of proof 'on the balance of probabilities', ie a lesser standard than the proof of 'beyond reasonable doubt' which applies to the prosecution.*

Indeed, if its argument were correct, mustn't it argue that the presumption of sanity offends article 14, for the effect of the presumption in cases of defences of insanity and diminished responsibility is to place the burden of proof on the defendant? I shall deal with those matters more fully later. It was agreed that the prohibition of unsworn statements from the dock be retained. There was no agreement to disagree as suggested by the federal Attorney-General.

With regard to section 383, that issue had been resolved long before our meeting. Indeed, I sorted that out with the federal Attorney-General in Adelaide weeks before the hullabaloo that gave rise to the meeting in Sydney. As was stated earlier, the Commonwealth had no objection to the intent and purpose of section 383; it wanted some cosmetics done. We had agreed that it seemed highly inappropriate that the federal government should consider intervention under the Self-Government Act as this provision was no longer really an issue. I will now turn to the specific amendments.

Mr Deputy Speaker, before proceeding, I advise that, given that the Territory has agreed to amend the code as a result of discussions with the Commonwealth, we have decided to take the opportunity to amend certain other areas of the code to rectify some procedural, evidentiary and technical matters which I will discuss more fully when dealing with particular clauses of the bill. Incidentally, I must acknowledge, with thanks, the efforts being put into the exercise by members of the Supreme Court bench. I wish it had been done by members of the Law Society months before the bill came before this Assembly as I asked them to do.

Clause 1 of the bill is the short title. Clause 2 provides for an amendment to the definition section of the code to include a definition of 'person similarly circumstanced'. The law throughout Australia is that a person similarly circumstanced does not extend to a person similarly intoxicated. I refer honourable members interested in the question to R v Croft 1981 3 Australian Criminal Reports at 307. To give clear effect to that principle of law, we have included the definition of 'person similarly circumstanced' to not include 'a voluntarily intoxicated person'.

Clause 2 also includes definitions of 'committal for trial' and 'trial' which I will discuss in further detail later.

Clause 3 provides an amendment to section 7. What the new section 7 will provide is that, in cases of voluntary intoxication, it shall be presumed evidentially that a person foresaw the natural and probable consequences of his conduct. Basically, that means that a jury may - not must - draw an inference if it considers it appropriate in light of the facts of the case that a person foresaw the natural and probable consequences of his conduct. Honourable members should note that the conduct does not extend to accidental occurrence and that natural and probable or ordinary consequences do not extend to extraordinary consequences. Section 7 deals with conduct the accused had led himself to do and the inference is only available if the consequences of that conduct are the natural and probable consequences. As was stated by Mr Justice Murphy in the case of R v O'Connor 29 Australian Law Reports 449 at page 486, this presumption is a 'practical intellectual instrument'.

Mr Deputy Speaker, opponents of the code have suggested we should adopt the rule in O'Connor's Case - that is, intoxication may provide a defence to all crimes. Given the tragic level of alcohol-related crime in the Territory, we could not tolerate such a law unless the anomalies produced by the O'Connor decision were addressed. I note the majority of the court in O'Connor's Case highlighted these anomalies and in reality called for the various legislatures to address these anomalies. It seems strange that some Australian jurisdictions would allow the despicable acts of such people as O'Connor - and Lipman who, while under the influence of drugs or alcohol, strangled a girl as he claimed whilst thinking she was a snake - to pass without sanction. We have chosen to accept the decision in O'Connor but we have addressed the anomalies with section 154, which has been discussed on numerous occasions both in this Assembly and outside. In the Territory, persons like O'Connor would be subject to criminal sanction as the public has the right to demand.

Let me again state, Mr Deputy Speaker, that the intoxication provisions are on trial, as it were. We will be examining their effectiveness closely. Let me assure honourable members that the alternative to these provisions is not the O'Connor rule but the rule in Majewski's Case which is applied in Western Australia, Tasmania, Queensland, England, Canada, the United States and most other common law jurisdictions throughout the world. That rule is that intoxication may provide a defence to crimes of specific intent but not crimes of basic intent. One effect would be that an intoxicated person could be acquitted of murder but would not be acquitted of manslaughter on the basis of intoxication, that being a crime of basic intent. Even with section 7 as it stands without this amendment, an accused would be far better off than he would be within the Majewski rule, which was the law throughout most of Australia previous to the O'Connor decision and still is the law in most jurisdictions. I question the critics who condemn section 7 without noting that the accused would be in a much better position under it than he would have been with the Majewski rule. We are very concerned about the relationship between alcohol and violent crime. The government is attempting to address the serious problem of alcoholism, not in this code for that deals with the consequences of alcohol-related violent crime but with other measures such as rehabilitation centres, funding of groups dedicated in the field of rehabilitation, awareness programs and in many other ways.

Mr Deputy Speaker, we are also concerned with the effect of such things as the increasing availability of hallucinogenic drugs and crime which may

result from such use. What is a police officer to do when, 3 weeks after the crime has been committed, he confronts the person who committed the crime and that person says: 'I didn't know I was so high on LSD at the time'. How can the police prove the crime? How can they meet the community's demands to bring criminals to justice? Section 7, as it stood, was an attempt to deal with those types of issues. I expect that, in the not-too-distant future, when such problems become more prevalent, as I expect they will, others will look at section 7 and say that indeed it was a worthwhile attempt to deal with the problem. Is it too draconian to ask that a man acting under the influence of liquor or drugs be put in a position where he should explain his actions to a jury if intoxication is his defence? That is important, Mr Deputy Speaker.

Section 7, however, is to be amended although my perception of the jury's attitude is that, in reality, it expects the accused to explain his actions if intoxication is his defence. Finally on this point, I would like to point out what I consider to be the public's attitude towards alcohol-related crime. Generally, it believes alcohol is no excuse at all and it should be a circumstance of aggravation. In framing our laws, we must consider those attitudes and attempt to achieve the best possible balance in the interests of justice. I refer honourable members who doubt my perception of the public's attitude to a recent paper by the Victorian Law Reform Commissioner entitled, 'Intoxication and Criminal Responsibility'.

Clause 4 of the bill deals with the terrorism question. Mr Deputy Speaker, I think some further background is required before I deal with the specific amendments. The existing provisions of the Criminal Code allow for the proscription of organisations that Executive Council considers to have as their object the use of violence or which have shown a propensity for violence. Subsequently, regulations may be made by the Administrator to that effect. In the existing code, 'violence' is defined to mean violence of a kind that causes or is likely to cause the death of, or grievous harm to, a person. By definition, therefore, the terrorism provisions are applicable only in cases of extreme violence directed towards a person. Within 14 days of the making of such regulations, this Assembly must be called together because the proscription lapses unless this Assembly resolves that the regulations remain in force.

I believe, if others opposite do not, that this Assembly is a responsible arena. Its members are responsible to their electorates. I believe that members of all persuasions take their responsibilities seriously. With an issue such as terrorism and the ratification of regulations proscribing terrorist organisations, I would anticipate only the most serious and responsible approach. This government does not consider the issue of terrorism to be a party political issue in the slightest way. We are concerned with extreme acts of violence and the need for urgent action. As regards the proscription of an organisation, I anticipate that the Leader of the Opposition would be advised and consulted throughout. Indeed, that is standard practice in the national scene. This government was not out to proscribe organisations which might not agree with its views as was so absurdly suggested by mischief makers. It is only concerned about extremely violent organisations. Indeed, the current provisions allow only for the proscription of such organisations.

Under the current legislation, if a non-violent organisation had ever been proscribed, apart from the question of whether that proscription would have received ratification by this Assembly, I would have confidently predicted

that prerogative writs would have been available against that proscription and restraining injunctions issued within minutes. Of course, any government which chose to proscribe an organisation that was not violent, or which the electorate considered was not violent, would be answerable to an outraged electorate. I consider it important that this Assembly should note that it would not have been answerable to the electorate when considering the alternative suggested by the Commonwealth, which I will come to shortly.

Mr Deputy Speaker, the Territory government still considers that the approach taken in the code is the best available. The Commonwealth was insistent that a judicial review mechanism be contained within the legislation. While expressing grave reservations in relation to such a proposal, the Territory government initially accepted a compromise solution which allowed for a system of judicial review. Before going further, perhaps we should examine the criticisms of those who oppose the code and the Commonwealth's position. Many of the code's opponents argued that adequate Commonwealth legislation existed to deal with the question of terrorism. One prominent legal critic, well known for turning electoral losses into an art form, suggested that substantive offences, such as assault, dealt adequately with terrorism.

The opponents condemn a provision which allows proscription by Executive Council. The Commonwealth, however, acknowledges the need for terrorist legislation. It recognises that there are terrorist activities which can occur in a state or territory and which are beyond the jurisdiction of the Commonwealth. It considers that the Commonwealth Crimes Act contains inadequate and inappropriate terrorist legislation and is reviewing that act. The Commonwealth has no objection to a provision which allows for proscription of an organisation by Executive Council. At first, the Commonwealth contemplated a judicial review of the Assembly's ratification of the regulations proscribing an organisation. To the Territory, that was totally unacceptable. It would be completely repugnant to place the judiciary above parliament. If there were to be a judicial review, then the Territory would only countenance a review of Executive Council's decisions, a procedure now well established by the courts.

On careful consideration of the judicial review of Executive Council's proscription, the Territory has found that approach to be fraught with danger; it is cumbersome and unworkable. Look at what has to be achieved. Initially, the decision does not involve a criminal matter. No civil consequences flow from it either. It is a straight decision for Executive Council to decide whether the organisation is violent. Nothing is really achieved until someone is arrested, for example, for being a member of a proscribed organisation. Under the current code, the Territory's role then comes into play in the normal way. It deals with a criminal offence; that is, being a member of a proscribed organisation and, from its decision, flow all the usual appeal benefits existing under the criminal law.

I consider it more appropriate that this initial decision - that is, that an organisation be proscribed, - not rest with the court. I see it as essentially an executive decision for which the Executive Council and the Assembly should bear and accept responsibility. I suggest the Executive Council and the Assembly are best equipped to deal with such matters. They would not be strictured in the way that the court would inevitably be in relation to considerations of evidence. It would allow for swift action, as would be required, whereas, with judicial review, it might be expected that delays would be inevitable. Given the nature of terrorist organisations, proscription of organisations could impose considerable danger on members of

the Executive Council and the Assembly. I consider the executive and parliament should accept those risks but I do not consider that the judiciary should be asked to accept them.

To allow for judicial review creates many other difficulties. The Territory was considering the establishment of a tribunal of 3 Territory judges to hear any judicial review so as to satisfy Commonwealth requirements. But, given the number of Territory judges, it would seem that, if the tribunal were ever to consider a review, which is unlikely, it would result in delays in other areas; for example, criminal sittings would have to be suspended. There are many other questions. What evidence should the tribunal consider? What should be done about information gained through informants? What sort of protection could be given to witnesses? What of national and international security problems? Should the court be closed in full or in part? The questions are limitless. The only conclusion which can be reached is that to allow for a judicial review and to provide answers to all of the questions would be a ridiculous exercise. If the tribunal hearing were closed, one group would scream that it is a sham. If it were open, another would ask about security breaches. We have concluded that judicial review of proscription is not a viable proposition.

It is considered that, as the Commonwealth considers ratification by the Assembly as provided for in the present code inappropriate, and we consider judicial review unworkable in these circumstances, the only satisfactory alternative is to provide that the organisations that use or threaten to use or advocate the use of violence are to be unlawful per se. There is no need for any proscription by Executive Council, no need for ratification by the Assembly and no need for a judicial review of an Executive Council proscription. A person who is a member of an organisation that uses or advocates unlawful violence may be arrested for being a member of an unlawful organisation. He may be charged, brought before the court for that offence and have available to him all the usual protections and appeal remedies of the criminal law.

All violent organisations, as defined, are unlawful whereas, under the current law, only those which have been considered an imminent threat would have been so proscribed. The approach adopted is not new. Its origin is to be found in section 30A of the Commonwealth Crimes Act. Mr Deputy Speaker, to give effect to that, clause 4 provides a new definition of 'unlawful organisation'. As stated, those directed towards unlawful violence will be unlawful per se. We have also chosen to amend section 51 of the present code. It is now not necessary as it is repealed by clause 5. Clause 5 also gives effect to an amendment to section 52. It will become section 51 and the section will incorporate a concept of knowledge. A new section, to become section 52, will assist in proof of that knowledge. Honourable members should note that the new provision states that the fact that a person has belonged to an organisation for 28 days or longer is evidence, not proof, that he knew it to be an unlawful organisation. Clause 6 provides for a technical amendment to clause 53 to take into account the amendments which now provide for unlawful organisations, not proscribed organisations.

Clause 7 amends section 154. Again, we have taken this opportunity to address an anomaly which has come to light since the introduction of the code. Currently, section 154(5) provides that intoxication is relevant only to penalty. It can be argued that this prevents the introduction of evidence of intoxication in relation to a charge under section 154 as part of, say, the Crown case to establish the dangerous act. It may be extremely relevant

to a charge under this section relating to driving if the driver was drunk when he drove at excessive speed. Mr Deputy Speaker, the use of the phrase 'serious, actual or potential danger' has caused some confusion, a matter raised by the opposition at the time. We consider an amendment to reword that phrase to become 'serious danger, actual or potential' should avoid further confusion.

Clause 8 again addresses the technical question in relation to evidence. Charges of aggravated assault under section 189 are meant to involve common law assault with aggravating circumstances. Further, it was intended that a charge under section 189 could include a number of circumstances of aggravation and allow for a conviction on some or all of those circumstances. It can be argued that the code, however, has not properly achieved this and, accordingly, sections 188 and 189 are restructured into one new section 188. Otherwise, a person must be charged with numerous specific offences to avoid arguments of duplicity. Following on from this amendment are amendments to sections 315 and 319 dealt with by clauses 13 and 14, the reasons for which I discuss later.

Mr Deputy Speaker, following from this amendment are amendments to the Justices Act and Sexual Offences (Evidence and Procedure) Act dealt with by the cognate bills. The references to section 189 in these acts must be amended to read section 188.

Clauses 9 and 10 permit the introduction of a new provision, section 297A, which allows for a 'no true bill' to be presented. In cases where a person has been committed for trial and it is not intended to put the person on trial, a Crown Law officer may sign a certificate to that effect thus putting an end to the matter. An example of its use would be where a Crown Law Officer considers the evidence to be insufficient to warrant trial of the accused due, say, to the complete unavailability of a witness. The presentation of a 'no true bill' will allow a convenient method by which to end the matter. Otherwise an indictment must be presented and, subsequently, a nolle prosequi filed.

I shall deal with the amendment to section 296 as provided for in clause 10 later as it is consequent upon a later amendment to section 336 and the inclusion of the new definitions of 'committal for trial' and 'trial'.

The amendment to section 299, as provided for by clause 12, has a twofold purpose. Firstly, the amendment proposed in paragraph (A) is consequent upon a later amendment to section 336 and the inclusion of the new definitions of 'committal for trial' and 'trial'. Secondly, by paragraph (B) it is intended to remove any doubt as to whether a person, having been committed for an offence, can be charged with an additional offence or offences, or an offence in substitution of the offence for which that person has been committed. Quite often, the required evidence for such only becomes available at the committal hearing. With this amendment, it is anticipated that there should be no such doubt.

As mentioned earlier, the amendment to section 315, as provided for by clause 13, follows from the amendment to section 188. An examination of the proposed amendment to section 188 reveals that the offence dealt with by that section consists of a simple offence (common assault, section 188(1)), and various crimes involving assault with various circumstances of aggravation (section 188(2)). The inclusion of the new subsection 315(2) takes account

of the different offences arising out of proposed new section 188 and allows, in cases where an alternative conviction is available, for a person to be convicted of that offence with or without the circumstances of aggravation prescribed by that offence. An example might be a case where, upon an indictment for sexual assault, a person could be convicted alternatively of indecent assault upon a girl under 16 or just common assault, as the circumstances dictate.

The amendment to section 319 provided by clause 14 picks up the very example I have just given. In a recent case before our Supreme Court, a judge expressed concern as to the effect of section 332 of the code. Section 332, as it now stands, allows a person committed for trial at any sittings of the court after his committal to make application to be brought to trial. If he is not brought to trial at the next sittings following the sittings in which he has made his application, he is entitled to be discharged. Discharged does not mean the person is acquitted. It means that the person is discharged from his warrant of commitment. The person may be re-indicted and brought before the court again to be dealt with for the offence. Firstly, there is a difficulty because, technically speaking, the provision allows the person to make the application during the sittings of the court which is earlier than the sittings to which the person was committed. Under our Justices Act, a person is committed to the first sittings of the Supreme Court next held after a period of 14 days after the date specified by the justice. Under section 332, the application may be made at any sittings of the Supreme Court after the committal. Consequently, the application may be made earlier than the sittings to which the person has been committed. Secondly, section 332 gives no discretion to the court. If the application is made and the accused is not brought to trial within the required time, then the accused must be discharged.

It is pointed out that generally it is in the interests of the accused, as much as in the interests of the Crown, for the accused not to make an application under this provision on the first available occasion. In some cases, the Crown may require further investigation to be carried out. This could result in the accused not being indicted at all. However, the provision permits an importunate accused either to hasten the procedure - that is jump the court list at some other accused's expense - or to obtain a discharge. As indicated earlier, discharge means that the accused is no longer bound as to his attendance before the court upon bail and, if subsequently it is proposed to bring the accused to trial, he must be indicted again and a warrant for his arrest must be obtained and further public moneys and official time consumed in endeavouring to reapprehend the accused.

Whilst I consider the intent of this provision is admirable, I am also informed that a number of applications have been made under this provision of late, and this has resulted in the court calling for the matter to be brought to my attention. Unfortunately, with court lists as they are, inevitably there will be situations where, to comply with provisions of existing section 332 - that is, bring the defendant to trial within the time allowed - would be most difficult. To do so could result in one defendant jumping the list at another's expense. That is not desirable. I should point out that a similar provision exists in Queensland and I understand that that provision has not created any real difficulty there. In the Territory, however, our court has given an interpretation of a later related provision - that is, section 336 - which differs from the Supreme Court of Queensland's interpretation of it. This has resulted, I consider, in a different interpretative approach to section 332. I am not criticising the court in any way for its observation. Indeed, I am unsure whether the interpretation given in Queensland was based

upon the same arguments as those put forward in the Territory. Perhaps, if they had been put forward in Queensland, their interpretation may have been different. This matter could not have been anticipated at the time of drafting the code for the reasons given.

However, now we have the court's view and a call from the judiciary for legislative attention, we must address the matter. It is considered that, in the circumstances, the court should have a discretion as to whether it should discharge an accused. Accordingly, the amendment proposed to section 332, as set out in clause 15, allows for an application by an accused for an indictment to be presented so that he may be brought to trial. He may make such application during the sittings to which he has been committed or any subsequent sittings. The court may then adjourn the application, order an indictment to be presented or discharge the accused. I would add that the proposed form of this section does not, I think, in any way lessen the capacity of the accused to bring the matter on as speedily as circumstances will permit. Hopefully, this will satisfy the court's call for legislative attention as regards this provision.

The amendment to section 333 in clause 16 gives the court a similar discretion to that proposed in the amendment to section 332. Mr Speaker, the amendment in clause 17 has a twofold purpose. In the first instance, it is proposed that the term 'trial' should have a wider meaning than trial by jury - which is the interpretation it has been given in the Territory. Under section 332, as it now stands, the accused must be brought to trial or, as it is to be amended at some point, an indictment must be presented so the accused may be brought to trial unless the matter is adjourned or the accused discharged.

The purpose of section 332 is to enable the accused to have his matter brought before the court so that it can be dealt with. With section 336 as it stood, given the court's interpretation, the provision does not come into operation until there is a trial by jury; that is, the accused is not brought to trial until there is a trial by jury. This was not what was intended. It was intended that the accused be deemed to have been brought to trial when he was called upon to plead to the indictment, as may be the case, on an arraignment day. Consequently, if the accused is called upon to plead to an indictment, he is deemed to be brought to trial for the purpose of section 332 and is not entitled to a discharge under that section.

The amendment, as proposed, is not intended to defeat the operation of section 332, however, because the question of the adjournment of the trial still remains. That remains a matter for the court at its discretion. If the court is not satisfied that the circumstances justify an adjournment, it can require the Crown to proceed or to inform the court that it will not proceed further. Hopefully, the amendment to section 336(1), coupled with the amendment to section 332, achieves the required result.

Mr Speaker, the second part of the amendment dealt with in clause 17 follows a call for amendment by the court. Although the question is by no means settled, the court considers that the practice - pre-code - whereby one judge may accept a plea of guilty from an accused and call for a pre-sentence report and, subsequently, another judge sentence that accused and, further, that one judge may take a plea and another judge preside at the trial of the issues before a jury, cannot be achieved with the code as it stands. With the inclusion of new subsection 336(3), as provided by clause 17 and with an amendment to section 338, as provided by clause 23, which I shall deal with later, the pre-code practice will be reinstated. The inclusion of definitions of 'committal for trial' and 'trial' proposed by clause 2 of the bill also

clarifies this issue. They further ensure that the meaning of 'trial' is extended. Consequent upon these new definitions, some minor adjustments to other provisions are required. By clause 10, section 296 is amended to take into account the wider definition of 'trial'. Clause 12(A) provides a similar amendment to section 299.

Mr Speaker, clause 18 addresses a cross-reference error in the code. This error, and those corrected by clauses 20 and 24, are unfortunate but some members of this Assembly may recall that, when the code was passed during the August sittings last year, instead of proceeding with a large number of committee stage amendments, it was agreed late in the piece to withdraw the bill before the Assembly and introduce a new bill incorporating what would have been the committee stage amendments. Unfortunately, these cross-references were passed over inadvertently in that exercise. This is regretted.

Mr Speaker, clause 19 amends section 357(1) and is consequent upon the extended meaning of 'trial'. In situations where the question of an accused's unfitness arises, other than at a trial of the issues by a jury, the question may not necessarily merely encompass his ability to make a proper defence. For example, the question of defence would not seem to arise where the question of unfitness arose at the time of sentence. Accordingly, the word 'response' is substituted for 'defence' to allow for a wider interpretation to be given. As mentioned earlier, clause 20 deals with a cross-reference error.

Clause 21 proposes an amendment that has been on the drawing board for some time. Some honourable members will recall that I indicated in earlier speeches given to this Assembly, that this provision really related only to property offences. That is now clearly provided for with the addition of the words ' charged on indictment with a property offence'. On reflection, it is considered the word 'fine' in subsection (2) of section 383 is not suitable and the word 'reparation' is more appropriate. Subsection 383(3), as it now stands, is not needed. The effect of section 383 otherwise remains the same. It is a sensible provision. It allows for a person to avoid the stigma of conviction which, if former Chief Justice Barwick's proposal in O'Connor's Case or the English Criminal Law Review Committee proposal or the Canadian Law Reform Commission proposal had been accepted, would have been unavoidable. Again, I emphasise that the imposition of reparation or compensation is at the court's discretion and only follows a specific finding of the jury that the sole reason for acquittal was intoxication. Mr Speaker, 2 new subsections (4) and (5) allow for reparation to be made payable by instalments and for the debt to be recovered as a debt due to the Territory, as would have been the case if the section still related to a fine.

Mr Speaker, the court indicated that it considers the administration of the allocatus - where an accused is asked whether he has anything to say why sentence should not be passed upon him - is inappropriate in the Territory, given that nearly all accused are legally represented and certainly are in criminal matters. Accordingly, the provision is repealed by clause 22. Again, it follows the pre-code practice.

Section 338(2) is amended by clause 23. It follows the amendment incorporating proposed new section 336(3). This particular amendment allows, for example, different judges to take the plea and pass sentence. The amendment provided by clause 24 again addresses a cross-reference error.

Clause 25 amends section 396. Firstly, it allows for crimes, other than murder, to be taken into consideration with the consent of a Crown law

officer. In practice, this would be helpful in situations where an accused faced a number of charges, for example, of robbery under section 211(2). The sentence could be dealt with more expeditiously if some of the offences were taken into account under this section.

Mr Speaker, clause 22 amends section 396(3) and allows a court of summary jurisdiction to take into account an offence of a type over which it had jurisdiction to deal under the Justices Act. It allows for a more practical approach for disposing of a number of offences which otherwise might have to come before a superior court to be dealt with; for example, unlawful entry under section 213. It will be of benefit to all parties. Clause 26 amends section 406(3) and (5). The amendment to 406(3) follows the proposed amendment to section 357. The amendment to section 406(5) takes account of the proposed amendment to section 383. The final amendment provided by clause 27, amending section 438, again takes account of the new definitions of 'trial' and 'committal for trial'.

Mr Speaker, 3 amendments arise as a direct result of our discussions with the Commonwealth on the code. Mr Hawke's threat of intervention apart, at least the negotiations were carried out on a reasonably constructive basis with Senator Evans. There was no need for a threat of intervention. The amendments now proposed are an example of what can be achieved through balanced, constructive discussion.

Mr Speaker, I still welcome criticisms of the code, particularly from the Law Society and the Bar Association. I hope a constructive approach is still adopted. The code is something to work with, not against. Since the code commenced, legal practitioners in general seem to have adopted just that approach - work with it. I am sure that they have found that, in reality, the code has not effected much change and has many benefits. I would specifically request practitioners to continue to examine the procedural aspects of the code and to see how they work in practice. Some difficulties in procedural areas have already come to light and have been addressed in amendments before this Assembly today. It is an area where we had hoped for considerable input from practitioners before the code commenced. Unfortunately, little criticism was forthcoming in that regard. Perhaps it is also true to say that to be realistic, you have to try it before you can make comment on it. Perhaps having to work with the new procedures will prompt practitioners to come forward with suggestions for improvement. They might find some of the new procedures better. I would like to hear from them.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

## MOTOR VEHICLES AMENDMENT BILL
(Serial 20)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Speaker, in rising to address this bill, I note that the chief area of concern relates to pneumatic tyres. To some perhaps, this is not a gripping subject,

Mr Leo: Oh no, it fell flat!

Mr BELL: Fell flat! Yes, I apologise for the frivolity. Let me assure the member for Nhulunbuy that I will not allow my ego to become inflated by any applause I may receive.

I note that the effect of this bill is to change and expand the definition of 'pneumatic tyre'. Evidently, there was a rather inventive fellow who came before the court and sought to argue that his pneumatic tyre was not, in fact, a pneumatic tyre because it was not filled with air only but with a combination of air and gas and, therefore, did not come within the definition of a pneumatic tyre under the act. The purpose of this particular amendment is to take account of the various agents that may be used to fill a tyre. It comprises a reasonably comprehensive list of air, a gas other than air, a combination of air and another gas or, in case there is any doubt about it, a prescribed substance, whether with or without an inner tube. We note also that there is a technical change in that the subject of compliance under the act has been varied as has a particular area concerning evidence, specifically evidence by averment as was mentioned by the honourable minister in his second-reading speech.

With those few comments, Mr Speaker, it is with great pleasure that I indicate that the opposition supports this bill.

Mr FIRMIN (Ludmilla): Mr Speaker, I also rise to support the bill and I intend to be brief. The simple amendment to section 51 will correct a small technical deficiency in the act which has caused some difficulty to all parties either attempting to comply with or to enforce the act. The previous definition of 'pneumatic tyre'was, basically, a flexible shell filled with air. That wording was too limited and narrow to cope with emerging and current technology, such as new methods of inflation, particularly with large road trains, which include the use of foams and gases such as nitrogen. I understand these new methods have considerable spinoffs to the industry in lowering tyre temperatures which, in our climate, are particularly high, thereby reducing tyre wear and leading to considerable savings in operating costs over a year. I understand that the Shell Company in the Northern Territory has been trialling this method with departmental officers for some time and, whilst it costs $12 per tyre to fill it with nitrogen, if the cap is sealed with silicone, and barring punctures, the tyre pressure remains constant over the life of the tyre. Research to date shows that a net gain of an additional 30 000 km is likely on the life of each tyre. This bill will provide the basic framework within which regulatory adjustment can be made from time to time to allow for technological change. It will achieve this aim without compromising the loadings that can be placed on the roads.

Mr Speaker, the amendment to section 51(1) of the principal act removes the confusion in the previous definition which could have been interpreted so that a nonconforming vehicle, by the very nature of the definition, became a conforming vehicle and thus not subject to penalty for nonconformance. The averment clause has been included so that, in the absence of proof discounting the tyre was pneumatic, it shall be taken to have been so. This adds weight to the spirit and intent of the act. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## TRAFFIC AMENDMENT BILL
(Serial 19)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Speaker, we pass from pneumatic tyres to helmets. It is worth observing for the benefit of honourable members that the effect of this bill is to vary the circumstances under which people will be required to wear safety helmets while riding in sidecars of motorcycles. It was derived, in fact, from an opposition bill that was put forward by the honourable member for Millner during the previous Assembly. I believe that congratulations are in order for the government taking up what was assuredly a constructive suggestion by that honourable member.

Currently, the act requires that all people riding in sidecars shall wear helmets. My understanding is that this has caused some problems for people. The member for Millner assures me it meant that people who had gone to considerable expense to purchase their motorcycles and further expense to purchase sidecars were, in some circumstances, put not only to expense but difficulty in obtaining the safety helmets required for them to comply with the act as it currently stands. I understand this applied particularly to young people and children. I believe that, even within Australia, the supply of helmets is a difficult process. It is only from the southern capitals, so viciously calumniated by the Leader of the House earlier today, that such safety helmets may be purchased. Under certain circumstances, even those much-calumniated southern capitals are unable to offer the safety helmets that are desired by the people seeking to comply with this particular act.

The amendment provides for exemptions. Subject to conditions that the registrar deems fit, a young person, a child or an infant under the age of 12 months may, where the registrar is of the opinion that no suitable protective helmet has been prescribed for that young person, child or infant, not be required to wear such a protective helmet. We note that this gives the registrar considerable discretionary power but, for the benefit of the people who are disadvantaged in the way I have described, the opposition has no problem in supporting the power being granted to the registrar. We are of the opinion that the registrar will be able to exercise this discretion in a suitable manner to the benefit of the whole Territory community.

In his second-reading speech, the Minister for Transport and Works referred to a system of exemptions which would be capable of being upgraded over time as better products became available, not only elsewhere in Australia but hopefully in the Northern Territory as well. I have a question I would like to put to the honourable minister concerning this bill. It refers precisely to this system of exemptions. I would be interested to know if the minister and his department have given consideration to any such system of exemptions and its potential for being upgraded. Perhaps the honourable minister has nothing to offer in the context of this debate, but it would be of interest to me, as I am sure it would be of interest to the motorcycle and sidecar fraternity of the Northern Territory.

There is another provision in this bill which refers to a further power to be conferred upon the registrar. I refer to the exemptions that he will be able to allow for processions. Along with many members of this Assembly, and many residents of the Northern Territory - particularly in the major population centres and possibly in other slightly smaller centres - I have enjoyed processions. In closing, let me say again that the opposition has no hesitation in offering its support for this bill.

Mr VALE (Braitling): Mr Speaker, after the honourable member for MacDonnell's wholehearted support for the bill, perhaps I should review my attitude. However, I support the 2 amendments contained in the bill. The first gives the registrar the ability to exempt, on application, the requirement for children or infants being carried in sidecars attached to motorcycles to wear helmets or protective headgear. I hope that these applications will be few and far between. Whilst the amendment refers to sidecars, I wonder if the same exemption will apply to pillion passengers. I would appreciate the minister's advice on this.

Mr Speaker, although this is not directly related to this bill, I am of the opinion that the compulsory wearing of helmets by cyclists is not too far away. Given the number of cyclists who use their bikes without any lights after dark on unlit roads, I am amazed that the accident rate has not been much higher. Whilst governments do not enjoy placing too many restrictions on citizens, their hands may be forced because of the irresponsibility of some cyclists.

Mr Speaker, the second amendment allows the registrar discretion as to whether safety helmets will be required to be worn in processions, including funeral cortèges. I support this proposal. In his second-reading speech, the minister mentioned the Alice Springs branch of the Northern Territory Motor Cycle Association's christmas toy run for underprivileged children which is conducted annually in Alice Springs in conjunction with the Salvation Army. Mention of a motorbike club conjures up pictures of Hell's Angels, leather jackets and other horrors. I would like to pay tribute to the Alice Springs club for being one of the most responsible community groups based in central Australia that I know of. Mr Speaker, I support the legislation.

Mr SMITH (Millner): Mr Speaker, I too rise to indicate my support for the bill and to thank the government for taking carriage of the bill from me. It certainly achieves most of what I wanted to achieve. Its main amendment concerning the wearing of helmets affects only a very small number of people but it is a real problem for those who have sidecars and small children. The problem was that proper helmets were not available and, even if they had been available, as the kids grew, their heads grew too, and the helmets had to be replaced quite regularly. I think the bill is very worth while.

Representations were made to me in the first instance by the Northern Territory Motor Cycle Association in Darwin and I would like to pay tribute to its members. It is a very active body and runs very good training courses. I know its members have been to the government on a couple of occasions to obtain financial assistance to enable it to expand its training courses and I hope that, at the appropriate time, the government will consider providing that assistance. Although I have not participated in the courses, I have seen them and they are very worth while.

Something that concerns me is the recent statements by the Chairperson of the federal parliament's Road Safety Committee, Miss Elaine Darling, about the whole question of safety helmets and the Standards Association of Australia. As I understand it, the Standards Association of Australia has been approving safety helmets which, in fact, when examined closely, do not meet the requirements of that association. That is a disturbing matter in my view. I hope the government will make itself aware of the views expressed by Miss Darling and that, if they prove to be genuine and of real concern, the government will add its weight to the demand that when the association

sets standards, it enforces those standards. In that way, people who purchase items that have the Standards Association stamp can know those items are up to scratch.

Mr FIRMIN (Ludmilla): Mr Speaker, in view of my previous attachment to the Road Safety Council, I would like to speak briefly to this bill also. Whilst I am the last person to support a slackening of controls in road safety matters, it would be remiss of me not to support legislation aimed at a commonsense approach and that is what this bill is all about.

The first part of the bill provides for exemptions to be given by the registrar from those provisions whereby all persons being carried on a motorcycle or in a sidecar are required to wear a prescribed helmet, and the conditions which could apply to such exemptions. Where he thinks fit or where he considers that no suitable, prescribed-standard helmet is available, the registrar may exempt infants, children and young persons from the existing law. For the purposes of clarity, the legal definition of a 'young person' is 'a person between 8 and 14 years of age'. 'A child' is 'a person from 1 year of age up to 8 years' and 'an infant' is defined as 'aged under 12 months'. These ages are based on legal responsibility in line with the existing age groupings laid down under the seatbelt legislation and so add to the uniform approach to safety matters generally.

Helmet equipment for infants, children and young adults is either not available, not practical or prohibitively expensive, bearing in mind the need for regular replacement. The regulatory power granted by the exemption provides the registrar with a mechanism to change the requirements as technology and commerce catch up with existing needs. It also allows him to monitor the demand and assist in generating interest in the motor accessories trade to attempt to fill these gaps. I understand this approach has been canvassed nationally and it is highly likely that, in due course, the federal Road Traffic Act will be amended to take up this innovative approach.

Mr Speaker, the second part of the bill addresses the need for a sympathetic consideration of the particular needs of motorcyclists arising during street processions or funerals. Personally, I think that, during these mass gatherings, a greater example could be set to the public by compliance with the wearing of helmets provision. Nevertheless, I am sympathetic to the arguments put by participants in that the extremely low speeds and the unusually lengthy time in a parade or cortege means that it becomes uncomfortable or, in some cases, nearly unbearable to wear a helmet due to the sun and restricted air flow. In that respect, I agree that the registrar should be permitted to deal with the matter sympathetically and I commend the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## SUPREME COURT AMENDMENT BILL
(Serial 7)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Speaker, in rising to support the Supreme Court Amendment Bill, the opposition notes that this amendment enlarges the regulation-

making power under the Supreme Court Act to enable the prescription by regulation of fees for the taxation of bills of costs. The opposition also notes that, as the Attorney-General mentioned in his second-reading speech, this is the usual manner of prescribing such fees and is the most practical and is the normal practice elsewhere in Australia. For that reason, the opposition has no hesitation in supporting the bill.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, I will be very brief. The member for MacDonnell has covered the main points of this very short bill. We seem to have introduced a loser-pays system which, of course, is the case down south and that is fair enough. I would make one further comment. Hopefully, this may encourage the possibility on certain occasions that people will settle out of court. If that is done, it will be considerably cheaper all round for the taxpayers of this country.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## MOTOR VEHICLES AMENDMENT BILL
(Serial 6)

Continued from 29 February 1984.

Mr BELL (Macdonnell): Mr Speaker, I rise to endorse this bill and to place on record the opposition's support for it. We note that this amendment corrects a particular anomalous situation with regard to the operation of motor vehicles that are available for hire. I understand that certain somewhat unscrupulous operators have been conducting hire car operations without paying the appropriate fee. It appears that some people have been using the business classification for motor vehicles and then allowing these vehicles to be used for hire. I understand that the differential is some $270 or so. The business rate for registration of motor vehicles is $151 whereas the figure for hire-and-drive vehicles is $424. That means that the people who are operating such hire car firms are depriving the Northern Territory public purse of this amount in the case of each vehicle. Therefore, the opposition welcomes the fact that this loophole is to be closed and, hopefully, henceforth such operations will all be above board.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the Assembly do now adjourn.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I am often comforted in my role in this Assembly by the thought that there is certainly one politician in this country with a more difficult job than mine and that is the leader of the federal opposition, Andrew Peacock. At the moment, I have some particular sympathy for poor old Andrew because it must be bad enough being shot in the backside by your enemies without being shot in the backside by your friends. Now that the Chief Minister has succeeded in shooting the Leader of the Opposition in the backside, I am told that he has given instructions to Moustachio Pete, the Enforcer, to search Australia high and low for a professional foot shooter so that he can take care of the Prime Minister as well.

Mr Speaker, I note on page 3 of the Northern Territory News what I consider to be a truly fascinating political story. Of course, we all know that the Chief Minister is no mean politician, and I am the first one who is prepared to acknowledge it. The leader of the federal opposition, in fact, has set a record by becoming the most unpopular Liberal leader in Australia's history. He has now plummeted to a percentage of 36% of his own party supporters preferring him as opposition leader. The interesting thing about it is that he has dropped 3%. The interesting thing about that figure is that there was a new man on the scene at the time when this Gallup poll was conducted: none other than the man we all know and love so well, the Chief Minister of the Northern Territory. The fascinating part about it is that the Chief Minister of the Northern Territory, even before he has obtained CLP nomination, while he is still sitting in here and is not even down in Canberra, achieved in the same poll a 4% approval rating as potential opposition leader. That is not bad at all and I acknowledge it.

But, Mr Speaker, the interesting thing about it is that there is not the slightest doubt that, statistically speaking, it is a reasonable assumption that 3% of those 4% who are supporting Everingham formerly supported Peacock. It is fascinating to me to see that Peacock has dropped 3% and achieved what obviously will be dreadfully damaging to him as a Liberal leader by being the most unpopular Liberal leader ever. It is not unreasonable to assume that those 3% are now among the 4% who are supporting Paul Everingham.

I find it extremely ironic that the leader of the government in the Northern Territory, the CLP colleague of Andrew Peacock in Canberra, has been responsible even before he is nominated for causing Andrew Peacock to set a record by being the most unpopular leader the Liberals have ever had. I imagine that what that will mean for Mr Everingham, should he go to Canberra, will be that, if it is a Howard shadow ministry after the election, then someone in that shadow ministry will find a seat for Mr Everingham somewhere on the front bench. If it is a Peacock shadow ministry after the election, I imagine someone will find a seat for Mr Everingham in the parliamentary toilets because...

Mr Hanrahan: Where are you going to put Reevesie?

Mr B. COLLINS: Mr Speaker, the honourable members opposite obviously need to equip themselves with hearing aids because I said 'should' the Chief Minister be successful at the elections. I think a person would be very foolish indeed, particularly if he were a politician, to take any sure bets on that just yet.

Mr Speaker, yesterday, I spoke at some length, in the time that was allowed to me, about some concerns that I have about developments in the Northern Territory. Predictably enough, the Chief Minister decided to take the tack of more in sorrow than in anger - how sad it was to see the Leader of the Opposition attempting to prejudice negotiations and so on. I had never heard the Chief

Minister adopt the line of Johannes Bjelke-Petersen in Queensland and then, for the first time, this morning on ABC radio I heard him do it. It is the first time he has ever done it. It was a very significant thing indeed because the Chief Minister of the Northern Territory has never before adopted that line. It consists of no answers at all when you have not got any. You give a pat on the head and tell people to trust you and leave it with you. That is exactly what he said this morning on Territory Extra. Of course, I was interested when I heard that he was to respond to what I had said because, in fact, he failed signally to answer a single thing that I raised in the Assembly yesterday. I was hoping to get those answers this morning after the Chief Minister had the opportunity to think about it overnight. But his response this morning was simply: 'Trust me. Leave it with me and do not worry about it. It will be all right'.

What the Chief Minister is trading on unmercifully - and he knows it and I know it, because I have no doubt that he received the same poll results as I did - is that he has an extremely high popularity rating in the electorate. I do not think it is particularly admirable that the Chief Minister has now fallen back on that ploy. I might add that it was the first time in his political career as Chief Minister that I have witnessed that he provided no answers and simply said: 'I know that you like me out there. You trust me. Leave it with me because I have no answers'.

Some answers need to be provided. I ran out of time last night but I want to point out another glaring discrepancy in the statements the Chief Minister has made about financial matters that are of grave concern to the Territory and, indeed, for future Territory parliaments, whatever their constitution, and future Territory budgets. I pointed out some gross anomalies and discrepancies in statements that the Chief Minister has made but there was another one yesterday that I did not have time to cover and I come to it now.

There is a development at Gardens Hill. The company involved is Burgundy Royale. The government announced 2½ years ago that it would be a grandiose plan - upmarket, highrise development, inner city living and so on. We have waited for 2½ years and, as the honourable member for Millner pointed out yesterday, despite the government's most recent announcement, the lease documents have still not been finalised. All of a sudden, that development has become Housing Commission pensioner flats. I would like to know more about it and perhaps the honourable Treasurer can respond this afternoon on that. We are not interested in the cutlery or the colour of the curtains. We are waiting with anticipation for the answers that have been promised to us as to what the deal is on those Housing Commission flats. Has a letter of comfort been given to Burgundy Royale bankers simply saying that the Territory government guarantees to purchase those flats as soon as they are built or whatever? What is the involvement of the Housing Commission? We are still waiting.

The same company is in all kinds of trouble on the Esplanade; it is millions of dollars behind in payments to contractors. We had an extraordinary statement from the Chief Minister yesterday morning in question time which was totally at odds with a statement that he made on ABC radio. I have pointed out the discrepancies in his statement already. He said in that interview that the Northern Territory government was not going to put a penny into the casinos at Darwin and Alice Springs. He said in the same interview that we will get a third of the profits - and he subsequently stood by that and insisted that it was so - in exchange for putting in some minor public works such as roads and sewerage services. That was a nonsensical statement in itself and he compounded it by adding that the government would use the same tactics with this casino

operation as it had with Yulara. That was despite the fact that he himself acknowledged that the deal on Yulara was that the Northern Territory government would directly finance it to the tune of $150m. The interviewer picked it up very quickly and said: 'Does that mean, Mr Everingham, that in this deal we will be tying up $100m for the next 5 years?' The Chief Minister's answer was enlightening and I refer you to it. He said: 'No. No need to worry about that because banks are falling all over themselves to lend money to this project'. He said that he had talked to the Westpac Bank and to the Australia Bank. He went on to say that support for this development in the Northern Territory was so enthusiastic that one of the banks offered to lend every single dollar required for the project.

I do not doubt that that may be accurate but, as members of this Assembly, which is supposed to scrutinise the government's financial operations, I ask you all to stand that statement alongside the answer he gave to me yesterday in respect of Burgundy Royale on the Esplanade. I said: 'Is the government going to bail out Burgundy Royale?' He gave me a long, convoluted answer but the gist of it was that the government was considering bailing out Burgundy Royale and offering it comfort.

Mr Speaker, so that members are not fooled by that word 'comfort', there is a precise financial meaning to it. A letter of comfort is not simply a smiling photograph of the Chief Minister saying, 'I will give you a hug if you get into trouble'. It is a common affair in financial circles. An example in my own electorate that I am familiar with was that the Groote Eylandt social club obtained a loan from a bank for $1m because a letter of comfort was provided by BHP backing it. What we are talking about is guarantees for Burgundy Royale to let it overcome its current financial difficulties. The Territory is helping it out on the Esplanade and at Gardens Hill to an extent which this Assembly does not know a thing about despite the fact that we are supposed to be able to get answers in here on the commitment of public money. Why are we doing it? What was the explanation given? I quote the Chief Minister:

> *Asia North started back in 1980 and things have changed since then. I might add, as I understand it, Australian banks have been approached to lend money to the project. I am told the shareholders have subscribed 50% of the total capital for the operation and Australian banks have refused.*

Mr Speaker, you can usually borrow money if you are prepared to subscribe a third or even a quarter of the total required.

> *Australian banks have so little confidence in the Territory that they have veered away from support for this project. I will not name any of them here although I understand the 3 largest Australian banks have been approached over the years. I believe the company may well be approaching the government not for cash but for some comfort in relation to the situation, some guarantees, some promise from the government that they are going to back it.*

I stress those words. Mr Speaker, he did not say that Australian banks have little confidence in the Burgundy Royale project on the Esplanade. Have a look at the Hansard. What he said was that Burgundy Royale is in trouble through no fault of its own. The reason why the government is considering helping it out again - it has already helped it out at Gardens Hill - is because 'Australian banks have so little confidence in the Territory that they have veered away from support of this project'.

With all this being delivered in 48 hours, it would be very strange if the opposition or, in fact, any member of this Assembly did not want a reasonable explanation to be given by the Chief Minister. I am not saying that the Chief Minister's statements in respect of the bankers who want to support the old hospital site casino are false or wrong. He says that the banks are falling over themselves to put money into that project. I am not saying that is false. He said that one bank offered to finance the lot. I am not saying that is false but, how does that stand alongside the explanation he gave this Assembly yesterday that the government is considering assisting Burgundy Royale on the Esplanade because the Australian banking system has no confidence in the Northern Territory? Any reasonable person would have to admit that those statements are so wildly at odds that an explanation is required of the Chief Minister and I hope that he gives it tomorrow. I am prepared to say that his statements about support from Australian banks for the hospital site are probably accurate. In that case, could he please explain why he gave the explanation he gave yesterday in respect of Burgundy Royale?

An interesting situation is developing here at the moment. The Chief Minister said on ABC radio that the government guarantee on Yulara is to the tune of $150m. I know that project is to extend over 20 years. It is obvious that the government's total contingent liabilities in respect of that project will be considerably greater than $150m. I know the government is backing Sheraton Hotels. In fact, I further understand that, not only is it guaranteeing and underpinning the project, it is also providing a guarantee for the income so that, if the income to Sheraton falls below a certain figure, the government will prop that up. We have deferred payment schemes that the government is running in the Northern Territory at the moment. Now we have negotiations in respect of a $200m development at the site of the old Darwin hospital.

I am not suggesting that these projects should not go ahead. What I am saying is that, as a result of the response that we had from the Northern Territory's Treasurer - and it has not been corrected or expanded upon - on the Gardens Hill development and the nonsensical and contradictory statements given by the Chief Minister, I have some considerable concern. It is about time our Chief Minister and our Treasurer got on top of the financial situation and the financial deals this government is committing itself to or, if they are on top of it, they should give us a clear and concise explanation.

Mr HANRAHAN (Flynn): Mr Speaker, there has been much in the news recently about the ABC. During the weekend, over which its national bulletins were full of stories on the controversy over how actions of the Four Corners team caused a serious diplomatic incident involving Australia, New Guinea and Indonesia, Territorians could not obtain results of local government elections because the local ABC could not afford to put the bulletins to air between Friday night and Monday morning. This highlights one of the ABC's apparent problems. There are news sections, current affairs sections and administrative sections yet nobody seems to take responsibility even on a section-by-section basis. This lack of direction from the top may be responsible for the formation of a left-wing women's cadre in Northern Territory ABC offices with the taxpayer footing the bill for what amounts to a Labor Party propaganda machine monopolising the public air waves.

Some time ago, ABC management embarked on an Australia-wide program of positive discrimination towards unemployed females and invited applications for training in broadcasting. At least 3 people who scored taxpayer-funded jobs in the Darwin ABC offices have a lot in common. They have impeccable credentials, are left-wing activists and, in 2 of the 3 cases, spouses already

on the public payroll. The first trainee, Margaret Gillespie, has a track record stretching back for years: a convenor of the so-called peace movement, an activist in the anti-uranium movement and an active demonstrator in the anti-B52, anti-American alliance movement. She was involved in the Women for Survival group which featured at Pine Gap last year and, last but not least, is the spouse of a former ABC journalist in Darwin who now works for the taxpayer-funded Aboriginal Development Corporation.

The second trainee is Vicky Gillick, an activist in the radical feminist movement, Women for Survival, and apparently any other left-wing vehicle which happens to be going past at any given time.

The third is Therese Czarnecki. I do not know of any particular left-wing posture adopted by this lady, but her employment in this cunning scheme seems to be a case of continuation of that good old Labor Party tradition of jobs-for-the-boys or, in this case, girls. She is the spouse of the press secretary for John Reeves MHR, Canberra's man in the Northern Territory, and her previous employer was Labor Senator Ted Robertson. That is interesting in itself as I understand these people were supposed to have been unemployed for some time prior to becoming eligible for this ABC training scheme whereas this lady came straight from the office of Senator Ted to the ABC.

Mr Speaker, the ABC current affairs section in the Territory has a long record of employing Labor Party hacks. A few years ago, central Australia had to rely on our area being exclusively covered on public affairs radio by Meredith Campbell and Duncan Graham, both former press secretaries to Jon Isaacs, the late lamented Leader of the Opposition, predecessor to the current Leader of the Opposition who, no doubt, will go the same way after next weekend's ALP conference.

With the positive discrimination policies of the ABC in the Territory, it appears that, if you have a staunch radical Labor background, you come in for more positive treatment than other people. If you are already associated with a public-paid journalist, you get the chance to double dip in the public purse. The constant complaints that budgetary constraints and staff shortages prevent ABC coverage of most events outside Alice Springs and Darwin sound a little hollow when you look at ABC management in the Territory. If anybody goes to the Telford International, he has a big chance of falling over an ABC public affairs staff member as they have been living in rather luxurious circumstances there for up to 18 months. The only difference between normal dwellers and ABC broadcasters is that the latter are on permanent temporary deployment which brings in $70 or so a day in travelling allowances, and that is every day of the week. That is the reason why the employees of the impoverished ABC can afford to live permanently in hotels.

The irony of the situation is that these highly-paid hotel dwellers spend much of their time worrying publicly about the plight of homeless people, underprivileged women, dispossessed Aborigines and the other ills of the world, none of which, I would suggest, touch them personally outside of working hours as they are closeted away in their permanent hotel suites for which you and I are paying. If boredom becomes a problem while they are in acting positions in the Northern Territory, these people are taken away from their hotel rooms and flown south 3 or 4 times a year to home base. One cannot help thinking that, if ABC management stopped all this rubbish about sectionalisation in the ABC, pulled these people out of hotels and put them into some of the 3-bedroom houses owned by the corporation and currently occupied by single officers, it could afford to give the taxpayer normal services such as local news broadcasts at weekends. While it is at it, it could select training applicants on the basis

of need and ability and not on the basis of the applicant's credentials as a 'lefty' or, Mr Deputy Speaker, as a 'righty'.

Mr BELL (MacDonnell): Mr Deputy Speaker, I knew there would be problems when we increased the size of this Assembly. I think the opposition has adumbrated many of those debates in the old Assembly. I do not think that anybody could have envisaged this particular problem. It is clearly a result of the fact that the member for Flynn now has to canvass votes over a far smaller area than he had to when he was an alderman on the Alice Springs Town Council. If he is going to waste the time of this Assembly with diatribes like that, the least he can do is have the courage of his convictions - if he has any - and repeat them outside this Assembly. I look forward to hearing him make what would quite clearly be extraordinarily slanderous comments if they were expressed outside. I look forward to hearing him do that and I look forward to hearing of the writs that will follow. That is not what I wish to speak about in this adjournment debate.

Mr Deputy Speaker, what I want to talk about in this adjournment debate is Gosse Bluff. It has already been mentioned in various contexts in this sittings. Honourable members will be aware that I have made a case - and a good case, I believe - for saying that the Chief Minister has misled this Assembly. I note today that the Chief Minister said that he did mislead the Assembly but he did not know about it. I note that the Chief Minister claims not to have possessed information about the alienation of Gosse Bluff. He said that he hoped that the members of this Assembly would accept that he did not know whether Gosse Bluff was alienated or not when he rose to answer my question because, in his words, he would not like to mislead this Assembly intentionally.

Mr Deputy Speaker, perhaps at some future stage when a few more questions have been answered, I might be prepared to accept that the Chief Minister did not mislead this Assembly intentionally. I am prepared to accept that it is possible that he misled the Assembly quite inadvertently. I asked him a question about a spectacular spot and the Chief Minister, as is his wont, chose to attempt to appear omniscient in all regards and fell flat on his face. He fell flat on his face in such a way as to convey the impression that the department for which he was responsible had not alienated Gosse Bluff. Unfortunately, he will have to do a bit better than that because the alienation of Gosse Bluff was not done by some bottom-of-the-line clerk in the Department of Lands. The lease that was granted for the Gosse Bluff area on 14 November 1983 was, in fact, signed by one Godfrey Alan Letts and another Martyn Rudolf Finger - not A4 clerks in the Department of Lands, Mr Deputy Speaker.

Mr Palmer: Lands does not hold the lease.

Mr BELL: The honourable member for Leanyer said that the Department of Lands does not hold the lease. He is quite correct in that regard. He may have been in this Assembly long enough to be aware that the lease was granted and drawn up by the Department of Lands. For his information, it was Special Purposes Lease No 579 granted on a fateful day. That fateful day was not 11 November but, in fact, 14 November, the day on which the Chief Minister issued writs.

I can envisage either the Leader of the House or the Chief Minister leaping up today and saying: 'Oh, I had a great many things on my mind - issuing writs for elections'. Let me put a slightly nastier construction on the issue of this lease, one that, on the basis of the behaviour I have seen on the part of the Chief Minister, I dare say, is somewhat closer to the truth. The Chief Minister and his cronies were thrashing around for an issue to trigger an election. They

had Ayers Rock handed to them. As we have noted, it returned dividends in spades. My belief is that this little stratagem of alienating Gosse Bluff was devised for the same reason. I see the Leader of the House smiling. He gave away the lease down by Kings Canyon, and that put administration of land in that area into total chaos for several years. Here we find the Chief Minister seeking to do it once more in an area close by.

Mr Deputy Speaker, what possible reason could he have for doing it? Let me tell you. He was looking around for an election issue. What could be better than to stir the pot in the manner we described yesterday. Stir the pot, upset Aboriginal communities, upset traditional owners, upset the land councils and all the white fellers will vote for you - no problem at all. That, I suggest, was his reason for alienating this land. If it was not, perhaps he could explain the reason why this particular bit of land was in a bill he introduced into this Assembly in September and then omitted from the draft bill that he tabled in March this year. I refuse to accept that that Special Purposes Lease was granted without the cognisance of the Chief Minister. It is probably a question the honourable Leader of the House - smirking over there - can answer right now because I would be very surprised if this was not a subject of Cabinet discussion. If it was a subject of Cabinet discussion, it is very difficult to accept that the Chief Minister alienated this particular block of land unintentionally.

Mr Robertson: Oh, you know we cannot talk about what goes on in Cabinet meetings.

Mr BELL: It is very lucky that he cannot, isn't it? However, I will not go on much longer. I appreciate that everybody has engagements. But, let me just finish with this question for the Chief Minister to answer. Did he, as Minister for Lands, direct the Director of the Conservation Commission and the Secretary to Cabinet to sign that lease?

Mr EDE (Stuart): Mr Deputy Speaker, I would like to refer to a publication compiled by the Ceremonial Hospitality and Public Relations Unit of the Department of the Chief Minister. It is called 'Who's What Where'. Given that the member for Braitling discussed a telephone directory yesterday, I thought I would discuss a different sort of directory today. I think anybody who has read this one has found that it is quite a handy document. It has over 100 pages of information on things like postcodes, organisations, airlines, clergy, press, service clubs, banks, civil marriage celebrants, schools, sporting clubs etc. As I said, it is a mine of useful information.

It is, however, deficient in one area of particular concern to me: its listing of Aboriginal organisations, community councils out bush and the various organisations that exist on those communities. It concerns me, for example, that, in the Alice Springs section, 2 Aboriginal organisations are listed. One is the Aboriginal Advisory and Development Service which is a mission organisation. It does admirable work up here in the Top End but is virtually defunct in central Australia. The other is the Aboriginal Sacred Sites Authority, a Northern Territory statutory body. These are the only 2 such organisations listed.

It would appear to me that, in spite of the fact that the Chief Minister himself is very well aware of the existence of the Aboriginal organisations in central Australia, this awareness has not filtered down to the staff of his department. Apart from anything else, if these organisations were listed, it might increase the chance of some people talking to them and lessen some of the problems that we have been having in respect of land rights.

I will not go through all the organisations that are not listed because there is a fairly significant number of them. The Central Australian Aboriginal Congress, for example, conducts health, welfare and alcohol rehabilitation services. The number of patients it sees per year is in excess of 30 000. It copes with some 16 000 welfare cases per year. It is not exactly a small organisation. It is considerably larger than the Central Australian Caravan Parks Association which is listed. The Central Land Council, which we discussed yesterday in the framework of the Land Rights Act debate, is not thought highly enough of by the Chief Minister's own department to rate a mention in 'Who's What Where'. There are many other organisations: the Institute for Aboriginal Development; the Tangentyere Council, which employs well over 100 people; the Pitjantjatjara Council; the joint Aboriginal Management and Information Service, of which I had the honour to be the Managing Director before I came to this place; and the large number of community councils that operate in the various Aboriginal communities around the Centre and in the Top End. Quite apart from anything else, I think it would be extremely useful to have listed the names of the people involved in those organisations - their radio telephone numbers and addresses - because it might encourage people to talk to them more.

I think it would be reasonable for the people who have been so neglected to feel that it is an indication of what the Chief Minister thinks of them. However, it is further borne out by another failure that I highlighted recently in the media. A government organisation was so unaware of the sensitive nature of the material that it was publishing that certain videos had to be recalled. I refer to materials put out by the Aboriginal Liaison Unit which I believe employs some very highly-paid people. They are anthropologist communicators and are not expected to make this sort of mistake. However, of the 4 the unit has put out so far, one has had to be recalled and another 2 have created such a furore that people will not show them. That is not a very good record for the Aboriginal Liaison Unit which is supposed to know about these things.

Mr Speaker, I said that these organisations fulfilled valuable roles in the Aboriginal community. Unfortunately, I feel that the fact that they were overlooked is indicative of the attitude of some of the people in this government. Frankly, they did not even give it a thought. They published a list of very admirable people who work in many fields throughout the Northern Territory but did not think that it was worth worrying about the fact that the Aborigines missed out. I hope that this will be rectified in the next edition. If not, I think that possibly the directory should be renamed from Who's What Where to Who's White Where. That might be the answer.

Mr DALE (Wanguri): Mr Deputy Speaker, I thought that, at this stage, we might have a little drink to cool ourselves down. I would like to read from the Drug and Alcohol Bureau Newsletter issue No 6 dated April 1984. It is headed, 'Swan Special Light Lager':

> *On Wednesday 4 April 1984, Mr Nick Dondas, the Acting Chief Minister and Minister for Health, launched a new beer on the NT market, Swan Special Light Lager. In doing so, he stated that the NT government endorses the introduction of the product as its use could contribute to reducing the Territory's high level of alcohol-related road crashes. Swan Special Light Lager contains only 0.9% alcohol by volume compared with approximately 5% in the case of standard strength beers and a little under 3.5% for most reduced-alcohol beers. Not only is it very low in alcohol, its energy content is low. It contains approximately 295 kJ per can compared with normal beer which has around 600 kJ to the can.*

*Another feature of the beverage is how it will be marketed. Legally, it can be sold by people who do not hold liquor licences. It is not liquor under the NT Liquor Act. The manufacturer and distributor state, however, that they will supply Swan Special Light Lager only to NT companies licensed to sell or supply liquor. In addition, the retailers will be urged to display it in the same locations as other alcoholic beverages and to sell it only during the hours when they sell liquor. This reflects the Swan Brewery Company's policy that the beverage is beer and should be marketed as such, even though it does not meet the legal definition of 'beer'.*

*Swan Special Light Lager has been a commercial success in Perth where it was introduced last year. It appears that, even prior to the release of this beverage, a high proportion of package beer sold in the Northern Territory is reduced alcohol compared with the total Australian percentage. It will be interesting to see what impact Swan Special Light Lager has on the drinking behaviour of Territorians.*

Mr Deputy Speaker, undoubtedly, as the Minister for Health suggested, Swan Special Light Lager has contributed towards reducing the Territory's high level of alcohol-related road accidents. Also, I hope it plays a significant role in reducing the number of Territory citizens brought before our courts and charged with drink driving offences. The point I want to make is the apparent lack of interest displayed by the liquor industry, particularly hotels and restaurants, in playing their part in supporting the theme behind this product. Because its alcohol content is so low, no excise tax or liquor licence fees are payable. This means that the wholesale price of the product is significantly less than that of other beers. The wholesale price by the way is around 42¢ per can and about 43¢ per stubbie. As I said, no licence fees are paid and there is no sales tax. However, at one popular hotel, takeaway, it costs approximately 60¢ per can. At the 2 larger retail stores around town, it costs 55¢ per can. The average supermarket or corner store is charging slightly more than that. One local hotel charges $1 per stubbie at the bar. However, one of our more famous establishments in town charges $1.50 at one bar and $1.60 at another. That represents a markup of approximately 300% on the wholesale price.

Mr Deputy Speaker, the AHA has been arguing for some time over various ways in which the Liquor Commission in this government can take steps which would encourage people to drink at their establishments. A large proportion of people who drink alcohol prefer to do so at a hotel where they can enjoy the fellowship of other customers. Their numbers in recent times have dwindled due mainly to their awareness of the dangers of driving while intoxicated. The restrictions on the sale outlets by the manufacturer of this lager gave hotels the chance to attract customers back and still sell a beverage acceptable to a large number of people. Why some of the outlets did not put a reasonable markup on this product is beyond me. They could have a person at their establishment all day and he could still drive home safely. However, they chose to put an unreasonable slug on the product so people who might like to go out for a drink still drink at home where they can do so at about a third of the price.

Mr Deputy Speaker, I call on members of the AHA, owners of restaurants and, for that matter, managers of any liquor outlets charging an unreasonable price for Swan Special Light Lager to have another think on prices or come out with a public statement to explain why they are doing so much to encourage people to stay away.

Mr COULTER (Berrimah): Mr Deputy Speaker, I rise to speak on a subject that the member for Stuart spoke on yesterday when we were discussing land rights. He spoke about the fact that Mobil had lost $53m. He said that was one of the reasons why it was leaving the Territory and that it was not because of Aboriginal land rights. He did not go on to say that it was the first time in 89 years that Mobil had incurred any loss at all, a track record which is not bad for a company operating in Australia. That loss includes $27m which is attributable to petrol pricing in 4 states. There is no need for me to tell you which 4 states they are.

Government intervention in pricing in the mining industry has increased over the last decade because of the combination of land rights, environmental considerations and foreign investments, just to name a few. But there seems to be a perceived government view that it should control the industry. New legislation has imposed additional complexities on company decision-making processes and requires additional negotiations with public service departments.

Mr B. COLLINS: A point of order, Mr Deputy Speaker!

Mr DEPUTY SPEAKER: What is the point of order?

Mr B. COLLINS: The honourable member would know that, if he is going to quote from a document in the Assembly, he must identify the document he is quoting from. I would be interested to know what it is but, apart from that, it is a requirement. He must identify the document.

Mr Tuxworth: What Standing Order is that?

Mr B. COLLINS: The honourable member is quoting from material in the Assembly. I would ask the honourable member, under Standing Orders, to identify the document from which he is quoting. I just want to know what it is.

Mr DEPUTY SPEAKER: There is no point of order but, to oblige the Leader of the Opposition, would the honourable member for Berrimah reveal the identity of the document?

Mr COULTER: Mr Deputy Speaker, I will give it to him later. It is important that the consequences of growing intervention be recognised. Australia has become constipated by an unending stream of laws and regulations, many of which are designed to restrict, or otherwise impede productive activity. Hundreds of new laws are passed every year but few are repealed. The effect of this on the productive sector of the economy is a vicious circle which will not be broken until the non-productive sector realises that it is literally choking the economy to death. Of 27 federal departments, 10 have a direct role in the management of the mining industry. Add to that the local and state government roles and the obstacle course emerges for a mining company attempting to obtain the necessary leases, permits and approvals to get on with the job.

I will quote now from the Northern Territory Department of Mines and Energy, if I may. Yesterday the honourable member for MacDonnell interjected when the Minister for Mines and Energy was speaking on the effects of land rights on mineral development. He said: 'What about Mereenie and Palm Valley?' According to the book that has been supplied to the Assembly, the mining application for Palm Valley was lodged in October 1976. Members might say that we did not have a Land Rights Act then but there were Royal Commissions and individuals examining the question of Aboriginal land rights. Palm Valley started in 1976. The date the company signed the agreement was November 1982. That is quite a few years. The one for Mereenie is even worse. It started in

October 1973 and the agreement was not signed until November 1982. If you are talking about the Granites, the mining application was lodged in October 1975. The agreement was not signed until 1983. That is quite a few years difference considering the millions of dollars in investment and all the expertise waiting to get on with the job.

Mineral resources policy should be based on 3 basic assumptions: firstly, a recognition of the indispensability of mineral requirements to the nation's industrial base and national security; secondly, the need for balanced mineral development with our conflicting national policies; and, thirdly, the commitment by leaders and institutions to a steady, long-range policy implemented with consistency, which we do not have in this country at the moment and which certainly does not operate in the Territory.

Mr Deputy Speaker, I am quoting from an article in The Australian, Tuesday 20 March, by James Strong, the Executive Director of the Australian Mining Industry Association and every member of this Assembly should support what he has to say.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I happen to know the gentleman who wrote that article. Although I do not believe everything I read in newspapers, I know Mr James Strong and his sentiments do bear listening to sometimes.

Mr Deputy Speaker, the opposition does not support the way a certain government policy is being implemented in isolated areas. I am talking about the policy requiring contractors who receive government contracts valued at $100 000 or more to employ apprentices. That is fine. It is certainly a policy that the opposition supports. It is quite achievable in Darwin and Alice Springs which have an apprentice training pool from which contractors can employ apprentices. However, if you were a small contractor in Nhulunbuy or Katherine or Tennant Creek, I imagine you would face some degree of difficulty in complying with those requirements. There is also the problem that $100 000 worth of contract in Nhulunbuy is substantially less than $100 000 worth of contract in Darwin. The cost of getting equipment to Nhulunbuy, the general cost of living and the cost of housing all contribute to make contracting a very expensive business in that part of the Northern Territory. I would imagine people in other isolated communities share those problems.

I would ask the government to review or assist those small contractors in isolated communities who find themselves in difficulty. Because of these problems, they simply cannot tender for contracts worth $100 000 or more. Of course, they get to the ludicrous situation of putting in a tender for $99 999.99 and, inevitably, they cannot fulfil the contract. Sometimes they put on apprentices but cannot keep them when the contract expires. They put them off as soon as the contract expires. It is a ludicrous situation. Certainly, I do not think that is what the government intended and it is not what the opposition intended when it supported the government's initiative in this area.

As I say, it is a policy which the opposition supports. There is a definite need to train apprentices but there are anomalies which need to be addressed seriously. Unfortunately, most of the tender work is handled by the Minister for Transport and Works. He is not here but I hope that one of his colleagues will point this out to him when there is an opportunity. I will refer him to Hansard tomorrow because it affects small contractors in the area that I come from.

Mr SMITH (Millner): Mr Deputy Speaker, I feel compelled to rise to make some comment on the quite disgraceful remarks of the honourable member for Flynn.

He has done the Assembly a disservice. Unfortunately, the reputation that parliaments have developed as being cowards' castles has been enhanced today.

I do not object to comments about particular members of the ABC if he feels that they have done something wrong. Of course, he has not demonstrated those he mentioned have done anything wrong at all. His speech was a real character assassination by association, something that was very prevalent in the 1960s when we had the great anti-communist scare. That is something that I thought most of us had grown out of. If we have specific complaints about the way people perform and the way people operate, we tell those people or we make public those comments but we do not attempt to assassinate their work performance just by virtue of the fact that they have different personal characteristics or different lifestyles that we do not support personally. Mr Deputy Speaker, as I said, I am disgusted.

I will make one final point. This government has found the ABC a good training ground for some of its ministerial staff. If my memory serves me correctly, at least 2 of the present press secretaries came directly from permanent positions in the ABC. I think it should be borne in mind that the 3 people that the member for Flynn was talking about are on a limited Commonwealth employment project, funding for which, as I understand it, only goes for 13 weeks.

Mr Deputy Speaker, basically what I want to talk about tonight relates to my questions to the Minister for Housing and Conservation this morning. I am disappointed that she has not taken the opportunity in these sittings to attempt to put the record straight on the quite serious questions that I asked about the sale by the Housing Commission of the house at 22 Conigrave Street and its repurchase 2½ years later. As I said this morning, a search of the Registrar-General's records revealed that, on 17 June 1981, the Housing Commission sold the house at 22 Conigrave Street for $78 200 and, on 13 December 1983, only 2½ years later, it repurchased that house for $185 000. Mr Deputy Speaker, the capital gain to the occupant of that house over a period of 2½ years was $106 800. It may not be as simple as that but, certainly, on the face of it, it appears that that person has done very well indeed. There are a number of questions to which we require answers on this particular one.

The first is the question that I asked of the honourable minister this morning which she was not able to answer. Is it true that, even though this person was $106 000 better off in 2½ years, that the minister - either the present minister or the previous minister - waived the penalty interest provisions that apply under the Housing Commission Act, section 29, where a property is sold within 3 years of purchase? Mr Deputy Speaker, we would also like to know if a valuation was received for the house before it was sold back to the Housing Commission. We would like to know why such an expensive property was purchased by the Housing Commission, the rent charged by the Housing Commission to the lucky occupant of this, hopefully, luxurious residence at this stage and if there was an agreement with the owner of the house, the person who bought the house in 1981, that he could upgrade it and at a later date sell it back to the Housing Commission. In our view, those are very important questions and we would certainly appreciate the honourable minister doing the job that she is supposed to do and getting on top of the matter and reporting back to this Assembly.

I want to raise one other housing matter quite briefly. It concerns the possibility of a review of rents for Housing Commission homes. As I understand it, the Housing Commission is at present undertaking a review of its rents and that is obviously a legitimate exercise. It has been almost 2 years since

Housing Commission rents were last raised. I also understand that, in the process of that review, it is attempting to come up with different sets of rents for different types of houses. In other words, the better the house that you have, the higher the rent that you pay. Again, that is a principle with which I have no problem.

But I would ask the Housing Commission and the honourable minister in considering that to have particular regard to the people in the inner suburbs of Darwin who suffer, in my view, from a couple of disadvantages. One is that many of them have electric hot water systems. It has become Housing Commission policy that solar hot water systems be installed in new houses. I think that is a post-cyclone development but, unfortunately, many of the tenants in my electorate and other inner suburban electorates are stuck with electric hot water services. I think we all realise that that imposes a greater electricity bill on them. We have investigated the possibility of the Housing Commission replacing electric hot water heaters with solar hot water heaters but it involves a cost of about $1200 and is a major job. I understand that that idea has been rejected but, certainly, I would ask the Housing Commission to have a look at the possibility of building in a rental reduction for those people to compensate for the extra electricity that they pay for.

Of course, they occupy older houses, many of which are showing their age somewhat. The other major distinction that I am aware of between the older houses and the newer houses is that most of the newer houses have carports. I would hope that all of those matters are considered by the Housing Commission in its rent review and that people in the inner suburbs can expect a slightly more favourable rent as a result of that.

Mrs PADGHAM-PURICH (Housing): Mr Deputy Speaker, I have been waiting to reply in full to the question that the member for Millner asked me this morning but, until I received some information, I could not do justice to his question. He asked me this morning about the waiving of an interest penalty on the sale of a home by a certain gentleman. I prefer not to name names. In asking that question, the honourable member focused on one individual who has had interest repayments waived under section 29 of the Housing Act. In focusing on an individual, he ignores the fact that, in the 12 months operation of the scheme up until April 1984, there have been 70 such waivers out of 76 resales considered - scarcely a rigidly applied provision. The reason for this is clear. Most people do not fall into the category the provision was designed to catch - that is, the deliberate profiteers.

The reasons for exemptions have been diverse and include that the impact of charging penalty would have caused financial loss to be sustained by the borrower, transfer of employment, irretrievable marital breakdown, medical grounds, repurchase by the Northern Territory Housing Commission, further education requirements, bankruptcy and transfer of the mortgage under the portability of mortgages scheme. I would like to assure the member for Millner that the government has nothing to hide in this matter.

The reasons I have listed for waiving penalties should not be regarded as exhaustive. Waiving is the subject of ministerial discretion. Any guidelines at this stage are just that: guidelines. They have been evolving since the scheme's introduction and there is no reason to believe that all possible reasons for exemptions have been canvassed or all possible circumstances have yet arisen to test the guidelines. New ones seem to come up every week. That sort of process cannot be expected to be refined until the scheme has operated for some years. For instance, one area that I am concerned about currently is whether partial waiving can be developed as a concept. I have asked the Housing Commission to examine this matter.

The overriding concern of the provision is to prevent deliberate profiteers taking undue advantage of the generous Northern Territory Home Loans Scheme. I think all members would concede that it is a very generous scheme. My colleague, the Treasurer, when speaking to the bill to introduce this measure in November 1982 said:

> *All the measures are aimed at deterring profiteering, trafficking and malpractice by mortgagors to obtain housing finance through concessional loan sales schemes administered by the Northern Territory Housing Commission on the government's behalf. Obviously these matters, like any policies, need to be applied with common sense and justice and that is the intention. Mortgagors who abide by the spirit of the generous scheme and who do not attempt to take advantage of their concessional terms have nothing to fear.*

Certainly, when we look at the particular situation mentioned this morning, the gentleman in question could scarcely be described as a profiteer or as a person who has used temporary residence in the Territory to abuse this scheme. He purchased his property from the Housing Commission at a price determined by the Valuer-General. He sold his property to the Housing Commission at a price determined by the Valuer-General. Let me read what the Valuer-General had to say:

> *Lot 2953, 22 Conigrave Street, Fannie Bay NT 10/1815.*
>
> *Lot 2953 is a regular-shaped block of 1226 square metres well located in the prestige suburb of Fannie Bay. It is surrounded by fair quality, ex-government and privately-built dwellings although the property immediately adjacent, lot 2952, comprises the wreck of a pre-cyclone elevated dwelling which has been enclosed at ground level by asbestos cement cladding. The unimproved capital value of the block, as at 1 January 1982, is $48 200.*
>
> *Erected on lot 2953 is a government-built C20-style elevated dwelling which has been extensively renovated and extended to form an executive-style, 2-storey residence. The ground floor is clad on the whole with face brick and the first floor is clad with metal. Accommodation on the ground floor comprises an entry foyer, kitchen, family room, dining area and formal living room. A storeroom, toilet and laundry/shower room are located at the rear of the main dwelling. Accommodation on the first floor comprises master bedroom with ensuite bathroom, 5 other bedrooms, bathroom, toilet and separate shower room.*
>
> *The original elevated dwelling was built in 1978 and the extensions added in 1979-80. The standard of construction is good and the accommodation provided is excellent although the area of the first floor, which comprises the original dwelling, still maintains its standard government appearance. Other improvements include a covered verandah off the family room, concreted entertainment area, in-ground swimming pool, concreted carparking area under the main residence, full concrete driveway, well-established garden and fencing to all boundaries.*
>
> *The current market value of the property is considered to be $185 000 which includes an amount of $55 000 for land.*

This gentleman's circumstances in themselves were unusual. He has a large number of children and the requirement for a particular sized house. In order

to develop a house to meet his needs, he incorporated at least $40 000 worth of improvements. This fact in itself is reflected in the additional price he was able to achieve on the sale of his property. I am sure honourable members would not equate making a profit with profiteering. What is at issue, to a large extent, is the intent of the person at the time of purchase. In itself, this is no easy matter to determine.

I hope this satisfied the honourable member. I would like to assure the honourable member that I have the operation of this scheme under review. I am happy to offer further details to the honourable member should he feel that it is necessary, bearing in mind a person's right to privacy in such personal matters as marital breakdown, health etc.

Motion agreed to; the Assembly adjourned.

Mr Speaker Steele took the Chair at 10 am.

## DISTINGUISHED VISITORS
### Chief Minister of Sarawak and Party

Mr SPEAKER: Honourable members I draw the attention of honourable members to the presence in the gallery of the Rt Hon Chief Minister of Sarawak, Datuk Patinggi Haji Abdul Taid Mahmud and officers of his government. I welcome our distinguished visitors and hope that their stay in the Northern Territory is an enjoyable one. With the concurrence of honourable members, I invite the Rt Hon Chief Minister to take a seat on the floor of the Chamber. Serjeant-at-Arms, please escort our distinguished visitor.

## MINISTERIAL STATEMENT
### Oil and Gas Reserves

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, a matter of vital interest to this Assembly and of some importance to the Northern Territory is the proposed north-south natural gas pipeline. I think it is timely to give honourable members an update on this project.

In September last year, the government called for expressions of interest in reticulating the Darwin central business district to gas. One company submitted a proposal which addressed much wider issues than local gas reticulation. It suggested than natural gas from the Amadeus Basin could be utilised at the Channel Island Power-station. I must say that this concept was not a new one by any means. An early 1981 study looked at the feasibility of using Amadeus natural gas but the level of proven gas reserves and the pipeline costs ruled out that option. Coal was selected as the fuel for Channel Island.

However, it has always been the government's position that, if at any time any Northern Territory natural gas can be used at Channel Island, this would be seriously considered. This policy is reflected in the fact that the coal-fired generating units intended for Channel Island will have the capability for a later conversion to gas.

Mr Speaker, as a result of the government's call for expressions of interest, there was a consortium formed to study the feasibility of a 1500 km natural gas pipeline from the Amadeus Basin to Darwin. The consortium is headed up by Westpac and includes AMP, AGL, CSR, Nabalco, Moonie Oil and Boral. Honourable members will note the major Australian companies that are involved in the feasibility study. The consortium contains the combination of financial capacity and technical expertise that is needed for an undertaking of this kind. The consortium wrote to the government in April 1984 and offered to conduct a study to determine the viability of the pipeline. The feasibility study covers several important areas: the possible route, suitable design and estimated cost of a pipeline from the Amadeus Basin to Darwin. In conjunction with NTEC officers, a further study will take place into the load growth, generation and distribution options that would become available if gas were piped to Darwin and the comparative economics of gas and coal fuel generation by NTEC, projection of an additional gas market, or markets, and industries that could be established or developed as a result of the Territory's indigenous gas reserves being developed, and finally the consideration of the various financing options that may be employed to fund the proposed project.

Mr Speaker, this study will cost around $0.5m and has been undertaken by a large number of economists, financiers, engineers and scientists at the expense of the members of the consortium.

I wish to add that NTEC is not the only possible beneficiary of the proposed pipeline. Honourable members will also be aware that Nabalco uses expensive imported fuel to generate steam which is utilised both in the bauxite processing plant and the generation of company and public electricity. When you consider that Nabalco consumes more than twice as much fuel oil as NTEC, it is not difficult to understand that Nabalco also has a vital interest in the project.

With regard to power-station capital costs, readily available commercial information indicates that an order of magnitude cost for an open-cycle or combined-cycle, gas-fired power-station is $650 000 per megawatt. For a coal-fired power-station, it is $1.25m per megawatt. For a 300 megawatt power-station, such as Channel Island, this translates to around $200m for gas and around $375m for coal in capital costs.

I also wish to draw the Assembly's attention to the fact that, once the proposed pipeline is in place, the transportation cost of gas will remain fixed. This, of course, does not apply to coal transportation from the eastern states. Rail freight, handling and shipping rates have risen sharply in recent years and there is every reason to suspect that this trend will continue.

The government has agreed to a moratorium of several months on coal-associated activities for the Channel Island Power-station. The consortium has until September to demonstrate the viability of a gas-fired power-station. We should know whether to proceed with the gas or coal options at that time.

A decision for or against any Territory natural gas basically depends on the answers to the 2 questions which precluded gas in 1981: are there adequate natural gas reserves in the Amadeus Basin and how much does it cost to get gas to Darwin?

Since the 1981 study, the Dingo Field has been discovered in the Amadeus Basin. The question now is how much gas is in the Dingo, Palm Valley, Mereenie and other Amadeus fields, and action has been taken by Pancontinental Petroleum to drill a step-out well at Dingo 2 and Magellan Petroleum is reassessing its Palm Valley reserves in an effort to provide the information we need.

Mr Speaker, advances in pipeline design technology and construction techniques have reduced the real cost of gas pipelines. Recent industry advice is that much narrower pipelines than previously considered are now seen as viable options for an Amadeus Basin to Darwin pipeline.

With regard to a pipeline route, there are several options. It could follow the Stuart Highway or the surveyed railway easement. The Darwin pipeline on both routes would avoid Aboriginal land and a spur line could head north-west from around Mataranka to Nhulunbuy. This would of course necessitate consultation with traditional owners who would also benefit by the provision of this resource. The railway easement and highway routes would also pick up Tennant Creek and Katherine. Alternatively, a direct Amadeus Basin to Darwin pipeline could be constructed. This route should also avoid Aboriginal land and would reduce the total pipeline length but would bypass Tennant Creek and Katherine.

Honourable members will appreciate the benefits to the Territory that such a project would bring. There would be an increase in local employment and economic activity. Gas royalty revenues would accrue to the Territory rather than coal royalty to an eastern state. Natural gas would be available to Tennant Creek, Katherine and other points along the highway. A specific

application in Tennant Creek and Katherine may be conversion of the local power-stations from diesel to natural gas. Use of Territory gas by NTEC and perhaps Nabalco would reduce dependence on imported petroleum products and ensure security of supply. Fuel for the Territory's electricity generation would not be subject to the uncertainty of disruption to supply through union action. Setting aside any union action, the possible disruptions to the Territory in its processing operation at Gove and the generation of power in Darwin is very much in our minds at the moment with the dislocation at present in the Middle East. I would venture to say that, if that problem in the Middle East escalates to any degree, and fuel ceases to be pumped out of that area, there are going to be some very uncomfortable people around this world. The Northern Territory will be amongst the most uncomfortable to suffer from any dislocation.

Mr Speaker, ultimately the development of the offshore Petrel gas field may supplant Amadeus Basin natural gas. Petrel reserves are sizeable and estimated at 141 billion cubic metres. Previous discussions with Aquitaine have centred around the feasibility of an export LNG facility near Darwin.

However, the development options have now expanded. One option is to develop petrol early using new sub-sea technology. This gas would be supplied to Darwin only. The possibility of a north-south pipeline means that Petrelgas may be able both to take over from Amadeus Basin gas and feed into a national pipeline grid to supply the southern states. Another development option is to make synthetic fuel such as methanol and or motor spirit from the gas. A New Zealand project, to convert natural gas to motor spirit by the Mobil process, has recently been inspected. A plant of much the same size would supply most of the Northern Territory motor spirit demand. Still another development path is to process the gas so that it can be used as chemical feedstock in producing ammonia or fertilisers for instance. The government is encouraging Aquitaine to actively pursue all of the current development possibilities.

Mr Speaker, the prospect of a north-south natural gas pipeline is an exciting one for the Territory. The outcome of the Westpac consortium feasibility study is eagerly awaited. I think honourable members would share in that enthusiasm.

Mr Speaker, on the Mereenie development, I would like to announce that the Mereenie oil field will begin producing in August this year. Honourable members will no doubt be interested in the history of this field and its future production plans. The Mereenie oil field was first discovered in 1964 and simple arithmetic will tell you that it has taken 20 years for Mereenie to enter the production phase. You could not exactly say that we have rushed into it. Early development was prevented by cost factors associated with remote location, Commonwealth pricing policies, the structure of oil levies and delays associated with Aboriginal land rights.

The Mereenie production leases were awarded in November 1981 and, since then, there have been 12 appraisal wells drilled bringing the total number of Mereenie wells to 20. At present, West Mereenie 5 is being drilled. Appraisal drilling has shown that the oil occurs in 3 distinct pools. One of these is new oil for the purposes of the Commonwealth oil levy and recoverable reserves are estimated at 28 million barrels of oil and 10.6 billion cubic metres of gas. Field development was approved in April 1984 and construction of gathering lines and a crude oil stabilisation plant is well advanced. As stated earlier, the Mereenie joint venture hopes to begin production in August. It is anticipated that 1800 barrels a day will be extracted from the wells initially.

Early oil production will be refined at the Port Stanvac refinery in

Adelaide. The oil will be roaded to Alice Springs then railed to Adelaide. By March 1985, a distillation plant of 13 000 barrels per day will be operating at Roe Creek near Alice Springs. The additional crude oil production will continue to be refined in Adelaide, and this plant will produce distillate and fuel oil for consumption in the Territory - a small step for the Mereenie partners and a giant step for the Northern Territory.

At present, the joint venture is undertaking a technical and economic feasibility study into the construction of a small integrated refinery of 5000 barrels per day capacity. I am confident that the outcome of the study will be favourable and we should see motor spirit being produced for the Centralian market.

It is essential that the refinery be recognised by the Commonwealth as an inland refinery for the purposes of the petroleum products freight subsidy scheme. Otherwise, we could see subsidised distillate imported from Singapore being cheaper in Tennant Creek than non-subsidised distillate refined in Alice Springs.

An application has been received under the Energy Pipelines Act for a permit that allows survey and design of an oil pipeline from the field to the proposed refinery site. On completion of the pipeline, oil production will be increased to 3800 barrels per day and piped to Alice Springs. At that stage, 1300 barrels a day will be processed in Alice Springs and the remaining 2500 railed to Port Stanvac.

As honourable members were informed earlier, there are substantial gas reserves at Mereenie. However, the gas cannot be produced in commercial quantities before oil production is complete. The reason for this is that extraction of the gas would reduce pressure in the oil reservoirs and oil production would not be maximised.

As associated issue is the need for cheap and reliable fuel supply at the new Yulara tourist complex. In common with most Territory remote communities, diesel-powered electricity generators are used and 20 000 L of diesel are consumed per day at Yulara. This is equivalent to 21 600 $m^3$ per day of gas. The government is currently investigating the possibility of piping natural gas from the West Walker well or other suitable gas finds. West Walker is a small, unproven field and would require further drilling or flaring to prove up the reserves, but there is the possibility that the necessary gas may be available from this field. It is probably uneconomic to sink a further well and flaring would significantly deplete the resource. It is thought that there may be gas available in the Mereenie field which would form a backup to the West Walker resource and this is being more closely examined at the moment. If this is borne out, a pipeline could be run connecting the 2 fields and from there to Ayers Rock.

The production of oil from Mereenie is long overdue and a welcome development. It is indicative of the bright petroleum development future of the Northern Territory.

Mr Speaker, I now wish to talk about the Jabiru oil field. Honourable members will be aware of the stock market speculation and high hopes held for the development prospects for Darwin following the discovery of the Jabiru oil field in the Timor Sea permit area NT/P26.

In September last year, the Jabiru 1A discovery well flowed oil at the rate of 7300 barrels per day, higher than that achieved by any other well in

Australia. Present stockmarket estimates of the recoverable reserves range from 200 million barrels to 1000 million barrels. The optimism was replaced by gloom when, first, the Eclipse wildcat well in permit NT/P2 and then the Jabiru 2 step-out well both failed to find significant shows of hydrocarbons. Both attitudes, optimism and gloom, are common to speculators interested in oil industry investment. Fortunately, the professional operators are well aware of the risks and are likely to continue exploration and development in a rational manner despite the occasional disappointing result.

A realistic assessment of the Jabiru discovery was prepared by the Department of Mines and Energy in March prior to the drilling of the Jabiru 2 well. The report, which rightly concluded that the recoverable reserves were uncertain until step-out wells were drilled, makes forecasts of the impact of the discovery on the Darwin regional economy.

Mr Speaker, I seek leave of the Assembly to table a paper prepared by the Department of Mines and Energy on the implications of the Jabiru oil discovery.

Leave granted.

Mr TUXWORTH: The implications of the 1984 exploration program planned by BHP have been evaluated in the report. This program will involve 7 wells and create employment in the Territory for 85 to 90 people with BHP and its contractors and a further 135 to 145 jobs in servicing and supply companies through second-order effects. The 7 wells are expected to cost $100m. About one-third - $39m or $45 000 per day - should be channelled through Darwin-based firms and a significant portion of that - salaries, operating costs and the profits of local suppliers - will be retained in the Territory. However, exploration employment is mobile and those jobs will only result in permanent employment growth for Darwin if our offshore regions remain prospective, and that means discoveries must be made.

At Jabiru, another step-out well, Jabiru 3, is planned. Authority to spud that was issued this week. Until that is drilled, the reserves remain uncertain. On the evidence available, it remains likely that the Jabiru field will prove commercial and that it will be brought into early production. Production facilities seem likely to be based on a converted tanker, permanently moored above the wellhead as a floating production and storage platform, with the crude transported to one or more of the 5 large refineries in Singapore.

Mr Speaker, this does not preclude some time in the future the establishment of a Darwin refinery. However, before that can be considered, large oil reserves need to be proven.

The operation I have described would create about 80 to 90 jobs directly and about 135 jobs through multiplier effects. Wages and salaries alone for Darwin-based employees should exceed $5m per annum. In addition, several specialised oil industry service companies will be attracted to the Territory, and indeed several companies have been attracted already. The direct flow-on effects will be noticed throughout Darwin.

The opportunities available through BHP's exploration and development program include: the movement of men and materials between Darwin and Jabiru by sea and air; the supply of food, probably in excess of 1000 t per year; drilling materials and chemicals; personal consumables; water; cement; sanitary services; entertainment; land; and housing. This is not pie-in-the-sky dreaming but a list of just some of the realistic opportunities which will be open to Darwin with success in the offshore oil search. Already, for example, BHP has

purchased 6.6 ha of land at Berrimah, is building 6 houses and is in the market for more. Possibly more noticeable, activity at the airport and port has increased.

Benefits can also be expected from the programs of other companies. Last year, some 6000 km of seismic was shot in the Northern Territory's adjacent waters. Three wells were drilled in the Arafura Sea but without success. Tricentrol expects to spud the Jacaranda 1 well in the Bonaparte Gulf this month.

On the continental shelf, the Jabiru discovery caused immense excitement and interest in offshore exploration. Major companies are keen to explore the Ashmore-Cartier region. However, in that respect there remains a problem, the result of Commonwealth policies. I must say that these policies have been going on for 10 years and I would not suggest that they are anything to do with the present Labor government, although the option for change is there and would be greatly appreciated.

Much of the prospective acreage that we have out there has not been made available to explorers because of the Commonwealth's wish to proceed with its ill-conceived proposals to introduce a resource rent tax and a cash-bidding permit allocation system. Other areas are affected by the sea boundary dispute with Indonesia. That has surely been going on for 10 years and it is time that we settled that.

Mr Speaker, 6 months ago, the Territory made representations to Canberra to speed the resumption of exploration in areas which will be of benefit to the Territory. We are still hopeful that the areas may be released before the current exploration programs lose momentum. With some goodwill on both sides, I am sure that could happen. I welcome the opportunity to present this report to the Assembly. If members wish any additional briefing, I could arrange that.

Mr Speaker, I move that the statement be noted.

Mr VALE (Braitling): Mr Speaker, I wish to speak in support of the minister's statement. When discussing the topic of energy in the Northern Territory, and indeed the world, it is difficult to know where to start and where to finish because of the highly technical nature of the search, the discovery, the transportation and the refining through to the marketing of crude oil and natural gas. The energy crisis of the 1970s is clearly remembered by many Australians. Whilst Australia suffered only in terms of pricing, other western nations were not so fortunate as their supply lines were severely disrupted for several years. While many people tend to believe that this was overcome with additional supplies from other areas, new discoveries or alternative energy supplies, they delude themselves. I might add, Mr Speaker, that politicians, particularly federal politicians in Australia, are included in this group. The queues outside of service stations and oil refineries cleared for one reason and one reason only: the Middle East went ape with its pricing and oil shot from around $2 per barrel to $32 a barrel in a very short space of time. This pricing was the major single factor which caused the worldwide economic slump. With this slump came a huge slackening in the demand for crude oil as industry and the individual geared down their demands.

Mr Speaker, Australia could have stayed well clear of this price hike, but the federal government plunged headlong into this pricing crisis and declared that Australian crude oil would be costed at the world import parity level. This additional revenue raised by the federal government was not ploughed back into continued exploration and development or research into alternative energy sources. It was used purely and simply to balance the federal budgets and federal governments of both political parties must share the blame as they both adopted this as government policy.

The industry and, ultimately, the consumer now face the heavy burden of additional cost with a proposed implementation of the resource rent tax. It should be noted that, during the past 8 years, without any additional tax on crude oil, Australia has barely managed to maintain its self-sufficiency level of around 60% to 70%. This federal government proposal should possibly be called the retrospective resource rent tax as it will apply to all discoveries made after 1975 and will dramatically retard the Australian oil industry's attempt to maintain its present self-sufficiency level, let alone increase the level and move into the next century with adequate reserves.

Australia should pay heed to the fact that the world is now slowly starting to recover from the economic slump which will dramatically increase demand. Coupled with the present problems in the Middle East, this could again force up the world price of crude oil and could disrupt supply lines. The Australian government must now desist from increasing the price of indigenous crude oil. In recent years, there has been a growing tendency by all governments - federal, state and local - to grab greedily at the oil and gas pie and this has had a dramatic effect in deterring Australia's potential to maximise both the exploration of the continent and our coastline and to develop our full potential to obtain complete self-sufficiency for decades to come.

There is now a need for a full national inquiry into the taxing, pricing, refining and distribution costs associated with Australian crude oil. This inquiry, God forbid, should not be a Royal Commission but comprise representatives of all tiers of government and the oil industry. One of the most closely guarded secrets in the Australian business field is the price of petroleum products at the refinery gate; that is, the price they are invoiced out of the refinery gate into wholesale depots across the nation. I believe this inquiry should look into that because there is a rip-off occurring between the wellhead, pipeline costs of crude oil and the refinery gate prices. Given our known reserves of crude oil, our new discoveries and the lead time between discovery, field and pipeline development, Australia is living on borrowed time. For this reason, I believe a national inquiry is now most urgent. As a nation, we have frittered away in the past our ability to develop as a fully-independent energy country.

At the national level, there is one more point I wish to raise that concerns lead-free petrol and liquid petroleum gas. For years, LPG or bottled gas, as it is commonly known, has simply been exported by refineries because it was regarded virtually as a waste product with a limited demand in Australia. LPG is obtainable from crude oil and most natural gas reserves. Because it is relatively cheap to refine or skim out of crude oil, it was exported for many years at ridiculously low prices. Several years ago, this price altered dramatically with the conversion of motor vehicles from petrol to LPG. Refineries discovered a new market and up went the price. The federal government, which suffered a loss of revenue from the excise duties applied to motor spirits because of the decreased sales, applied excise charges to LPG. This, of course, has slowed the conversion rate from petrol to LPG. Today, we are still exporting huge quantities of LPG and, if the federal government would remove its tax fingers from this product and if refineries would make this product available to Australian motorists at the same price as they export it, this would encourage thousands of motorists, particularly in the large capitals, to convert to LPG. Thus, we would help solve the environmental problem associated with leaded petrol. This in turn could, or should I say would, have prevented the unnecessary cost of refinery and car conversions to provide lead-free petrol.

Mr Speaker, the Northern Territory's energy status, at least until 1978, was very much the result of remote control by a Canberra-based government which

simply could not have cared less about the development of the Territory's oil and gas industries. Proposals to pipe natural gas across the Northern Territory from Palm Valley, the construction of an oil refinery in central Australia utilising Mereenie crude oil and supplying the Alice Springs to Tennant Creek area market with refined petroleum products at best received lukewarm reception in Canberra and, at worst, total opposition despite the fact that both of these projects would not have cost the government a cent. This opposition, coupled with the Royal Commission into the refining industry and the passage of the Aboriginal land rights legislation - an inquiry and legislation which some people may argue were necessary - placed the Northern Territory's oil and gas industry into mothballs for over a decade. It is only now starting to recover with new gas discoveries at Dingo and West Walker Creek in central Australia and oil offshore in the Jabiru field.

Mr Speaker, there are 2 points that I wish to raise concerning this. The opposition to the Alice Springs refinery in the 1970s came about for 2 reasons and 2 reasons only: the inability of the federal government and its senior public servants to accept the concept of an inland oil refinery away from the coastal areas and the tremendous pressure that the federal government - and I am talking about a Liberal government in those days - came under from the major oil companies in Australia in total opposition to the project. Some of the arguments that those companies put up were, for example, that small inland refineries were simply not economical, despite the fact that the same companies that put forward that argument had owned and operated small inland refineries on the same scale elsewhere in remote areas of the world.

Mr Speaker, the chairman of one of the oil companies told the Mereenie partners, straight out and without any coercion, that that company was not going to take crude oil or refined products from the Alice Springs-based refinery because 'they were making money out of the petroleum freight subsidy scheme'. I will name that person now because he has long since retired and he was honest enough to say it to us. He was the then Chairman of Mobil Oil. It is a known fact that, for many years in the Northern Territory, big road tankers operated out of Darwin by the Shell Oil Company were referred to by all and sundry in the oil industry as subsidy 1, subsidy 2 and subsidy 3. I believe that the subsidy is much needed for inland Australia, but I believe that it requires much closer policing by government.

The minister commented on the economics of the proposed refinery in central Australia and the fact that it is now economical but was not in the early 1970s. It should be pointed out, and I would have thought that his department would have had copies of the engineering and economic studies done in the 1970s, based on 1970 dollars, both for the development costs, pipelining costs and the crude oil price that was then ruling. Whilst it would be true to say that, based on today's crude oil price, it would probably be more economical now to develop, the fact is that it was still an economic goer in the early 1970s.

Mr Speaker, the Territory's full potential for oil and gas discovery and development is only now starting to be realised. But we must be wary and ensure that the economic and other restraints that were placed on the industry in the 1970s are not revisited because this industry is quick to wind down and it is an extremely slow process to encourage back into Australia the trained men and sophisticated machinery needed in the exploration and development industry. For the first time in its history, the Territory is now able to plan for continued development in all industries with energy, the vital cog in any development, being available from within the Territory.

Mr Speaker, let me warn that there is no such thing as cheap energy but oil and gas from the Territory's own fields will be of immense value in stabilising

costs and providing reliable supply. The proposed natural gas pipeline from Palm Valley to Darwin is the largest and most expensive single private enterprise project ever planned in the Territory. The economic benefit during its construction and on completion will be immense.

There are some points I had proposed to raise concerning ownership of this pipeline. However, I will defer those to a later day.

The minister has indicated that the main purpose of this pipeline is to supply Territory powerhouses with natural gas. I believe that a later study could or should be made into the possibility of a petro-chemical industry in Darwin given the possibility of feedstock from Palm Valley, Jabiru and the Petrel fields. It is this industry which will also suffer this time if world supplies are disrupted and the price of crude oil again escalates. Few people in this Assembly would realise that the carpets on the floor, the desk tops, the ink in the pens, indeed your wig, Mr Speaker, and many other items in this Chamber are derivatives of the petro-chemical industry.

Mr Speaker, I entered this Assembly in 1974 with 2 main aims: to see an oil refinery constructed in central Australia and the south road sealed. Thankfully, after 10 years, both of those projects are nearing completion. The Northern Territory's potential in the oil and gas industry is tremendously exciting. We must now ensure that we do not now falter or fall back and that we do everything possible to assist this industry to continue exploration and development. I support the statement.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I rise to speak briefly on the statement. I had not intended to speak but I wish to congratulate the honourable member for Braitling on that speech. With the honourable member's permission, I will send a copy of that speech to the federal Minister for Energy, Senator Walsh. I do not suppose that we should be surprised that the honourable member spoke as he did because, as we know, he has a background in the industry and I think that was demonstrated in the speech he just delivered.

Personally, I was extremely surprised when the gas pipeline concept popped up because I had read very carefully the report on the NTEC investigation that was carried out into the fuel options available for the Channel Island Power-station. That was only completed and presented to the government a short 12 months before. In that NTEC report, gas was very firmly ruled out as an option and it was pointed out that there was a danger in delaying the decision to finally adopt one or the other because of the potential problem it would cause for electricity supplies in Darwin some years hence.

The only reason I was alarmed at that was because it came as something of a surprise to have it suddenly jump out of the woodwork that we were considering constructing what is, without a doubt, an exciting prospect - an enormous pipeline from central Australia with the obvious advantages of fuelling our own power-station from our own indigenous fuel supplies. Having investigated the matter since then, I can perfectly understand why this is happening. As I guess everyone else is, I am anxiously awaiting news of the basis on which this entire thing will hinge - the gas reserves being proven up sufficiently to make it an economically-viable project. We will just have to keep our fingers crossed, as I suppose the Jabiru operators are.

Mr Speaker, the reason I was interested in this particular matter is that the former federal Minister for Minerals and Energy in the Whitlam Labor government, Rex Connor, had very many failings in my view. He had a great capacity to be an extremely rude person to people in the energy industry when it

suited him. However, there is no question at all that anyone would ever doubt his motives or the vision that he had for Australia. I think I touched on this in an earlier debate in the Assembly. I can remember only too well Mr R.F.X. Connor showing me a map of Australia which had upon it a national gas pipeline going through the Northern Territory, connecting the gas fields in Western Australia with the Palm Valley field and going off to the east. Mr Speaker, Rex Connor realised, as the honourable Minister for Mines and Energy and we all realise, the extraordinarily nationalistic, if you like, importance of energy resources and the need to be self-sufficient in those resources. Unfortunately, the honourable Minister for Minerals and Energy went about financing that dream and vision in a most extraordinary way and, of course, it came apart. When Rex showed me all those maps that he used to keep in his office and speak about so enthusiastically, I thought what an extraordinary advantage to the Northern Territory that pipeline would have been. Without being too fanciful about it or optimistic about it, the prospect of the Territory taking a reasonable step along that road by constructing a pipeline that may eventually lead to the eastern states is a pretty heady prospect indeed.

Mr Speaker, I had some discussions with the principals of the BHP operations in the Northern Territory. As people in the mining industry generally are fairly pragmatic and feet-on-the-ground people, I was interested to compare what they told me about Jabiru with the stories that were appearing in the Northern Territory News and various other papers around Australia at the time. Obviously, they were stimulated, and reasonably so, by what was going on in the stock market. Those stories did not really bear much resemblance to the actual situation at Jabiru. However, I was pleased to hear from the Minister for Mines and Energy this morning that those exploration programs will continue to go steadily and solidly ahead. Again, one hopes that eventually the prospects at Jabiru will be proven up. If the arrangements come off, I do not think that anything is more likely to change the economic prospects of the Northern Territory and its attractiveness to industry more quickly than this particular program.

Mr Speaker, one of the great disadvantages of the Territory's economy is that we have virtually no manufacturing base in the Territory at all. One of the reasons for that is that we burn diesel fuel to produce our electricity. I do not think that I am letting any cats out of the bag; the figures I have are dated. However, I remember being advised at Nhulunbuy quite a number of years ago - and these are very rough figures - that, out of a total budget of $100m a year to run that operation - that is, for salaries and wages and everything else - $60m of that $100m was expended on fuel oil. It is a staggering figure and, of course, the relative cost of power generation in the NT is a great bar to manufacturing industry in the Northern Territory. The prospect is that power sources will become more and more expensive because, as the member for Braitling quite correctly said, there is no such thing as cheap energy and there will not be any until there are some extraordinary technological breakthroughs that do not appear to be achievable at least in the next 20 years. With that happening everywhere else in the country, and with the possibility of proving up considerable indigenous resources of energy in the Northern Territory, the Territory's attractiveness for manufacturing industry to establish here will be much greater. If this happens, that position will improve in a very short span of time.

I would conclude simply by saying that it is foolish, particularly for politicians, to be carried away with grandiose statements about what might happen but I think it is fair to say - and that is certainly so on this side of the Assembly - that we are waiting with a great deal of anticipation to find out whether this project can be realised. If it does prove up, I have no doubt at

all that it will prove, in the short term, to be one of the most dramatic boosts to the Territory's economy that could be possible.

Debate adjourned.

## DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
### Planning for Alice Springs Housing Needs

Mr SPEAKER: Honourable members, I have received the following letter from the Deputy Leader of the Opposition, the honourable member for Millner:

*Pursuant to Standing Order 81, I intend to raise this day the following matter of definite public importance for discussion in the Assembly: the government's failure to adequately plan for the future housing needs of Alice Springs.*

Is the honourable member supported? The honourable member is supported.

Mr SMITH (Millner): Thank you very much, Mr Speaker. I was contemplating this morning that most of the positions that I have held in the 10 or 11 years that I have spent in the Northern Territory have demanded that I take a close interest in housing matters. It is probably fair to say that hardly a week has passed in the last 10 or 11 years when, for some reason or other, I have not been concerned with housing issues. I am pleased to begin this debate on a positive note by saying that, compared with 10 or 11 years ago, there have been quite significant improvements in the housing situation in the Northern Territory. Obviously, the prime example is what the government has been able to achieve in the Darwin area, particularly with the satellite city of Palmerston. Although I have some quibbles about the way Palmerston has been developed and is developing, certainly no one can query that the right decision was taken to cut the urban sprawl and set up a completely new satellite area. Similarly, in other centres in the Northern Territory, we have seen significant improvements in the housing situation. It is my understanding that the housing situation in Katherine has reached some sort of equilibrium. Also, I would like to put on record my appreciation that the government has managed finally to find a way to enable the constituents of my colleague, the member for Nhulunbuy, to buy their houses. Certainly, that is a significant improvement.

However, when we look at the situation in Alice Springs, it is almost a question of deja vu for me because, basically, the situation has not changed much in the last 9 to 10 years. There is still a problem with the availability of serviced land in Alice Springs. There is still a problem with the price of the land, the price of the houses and the high level of rents paid in Alice Springs. Mr Speaker, in our view, the amount of forward planning in relation to land and housing development in Alice Springs is inadequate to the point of negligence. I think there are 2 basic reasons for this and both of them involve the government changing its mind at a very late stage on housing developments. One is changing its mind on stage 2 of Desert Springs and the other much more important one is changing its mind on the Mount John subdivision.

The current situation in Alice Springs is as follows. The Sadadeen housing estate is all but sold out. The Larapinta housing estate is a very small private estate and there are only 1 or 2 blocks available. In the Desert Springs estate, despite the fact that it was 9 months late, stage 1 is nearly sold out and stage 2 was dramatically curtailed in size at a very late date. It is ironic that the government took compulsory acquisition action to provide

stage 2 of Desert Springs to the developer and then, a few months later, is in the process of taking compulsory acquisition action to take that land away again from the developer. Let it be clear that we are not opposed to the land being taken away and used for tourist development but it should have been thought about earlier. If it had been thought about earlier, there would not be this land and housing crisis in the Alice Springs area.

The Araluen subdivision is virtually sold out. The subdivision of an area adjacent to the farm area is being proposed. I understand that this proposal has antagonised farm area residents as it is seen to be inconsistent with the nature of the farm area. There is also a small White Gums subdivision. I understand that that is an exclusive and therefore expensive rural estate housing subdivision. In the next 12 months or so, we will have the Dixon Road subdivision which will take 120 to 130 houses.

Mr Speaker, I think a fair summary of the perception of people in Alice Springs that they have a housing crisis and a housing problem is in an advertisement from Asreal on Friday 11 May 1984. It is talking about the Desert Springs Country Club Estate: 'Only 10 sites remain to be sold in stage 1 priced from $25 000'. It goes on to say: 'Apart from the above, there are virtually no building allotments currently available for sale in town'. Despite the fact that Asreal may be exaggerating slightly, it is quite clear that there is a dramatic shortage of land in the Alice Springs area. It is equally clear that there is nothing within the space of 9 to 12 months that the government can do to alleviate that shortage. Even then, it will be a very temporary alleviation because the only area that is sufficiently advanced to get on the drawing boards in that time is the Dixon Road subdivision. We have heard nothing from the government about other areas that it intends to develop.

Mr Speaker, the parameters for planning in the Alice Springs area were laid out in a 1981 publication called 'Alice Springs - Planning the Future'. It has a nice foreword by the then Minister for Lands and Housing, the present Minister for Transport and Works. Mr Speaker, I would draw your attention to the preface of this government publication which notes that tourism is increasing and 'also increasing is the size of the permanent community and the built-up area of the town'. That is obviously true and what is equally true is that the projected population figures for Alice Springs have been closer to the mark than those for other areas in the Northern Territory. Alice Springs continues to increase its population at a greater rate than other areas in the Territory.

The foreword says: 'At the current rate of growth, by the end of the century the town may have to accommodate 3 times its present population. The aim of the Territory government is to ensure that Alice Springs expands in such a way as to enhance the present qualities of the town and that the expansion is both economic and orderly. This requires careful forward planning'. That is very true, Mr Speaker. It continues: 'Some important decisions have to be taken quite soon by the Territory government to pave the way for orderly and efficient long-term growth'. In the context of those important decisions that the government was considering taking at that time, there was specific mention of the Desert Springs proposal and the Mount John subdivision.

Mr Speaker, I now turn my attention to the current capacity and future demands of Alice Springs. I would note initially that the report asks how the Alice is coping with the current demands for houses and industrial and commercial sites to meet expansion pressures and what the future demand levels will be. The report notes that the 1980 population, which was 17 200, was not far short of the full capacity of the existing services and committed residential areas, and that those areas would be fully occupied by 1986. Those

areas include: the Bradshaw-Gillen area which includes North Larapinta Drive, Morris Soak and Araluen, with a population of 7400; the racecourse and Head Street area which includes Mount Nancy and west of Head Street - population 4700; the east side and east side valley area with a population of 3600; the central sector with a population of 3300; south of the Gap with a population of 1800; and Sadadeen with a population of 3600. That totals 24 400.

I repeat that, assuming a growth rate of about 5% - and that growth rate has been fairly constant over the last few years - all the areas I have mentioned will be fully occupied by 1986. Obviously, the need for longer-term plans was clearly evident then and still is now. As an aside, this publication asserted: 'Taking into account present unsatisfied demand, plus further demand expected in the next 2 years, these new housing completions are expected to meet demand fully by the end of 1982'. That is demonstrably untrue, as the increase in land prices, the shortage of land, the number of caravan dwellers and the high rental levels would seem to suggest. In other words, what you can draw from that is that this document, put out as it was in 1981, has in significant areas underestimated the demand for land in the Northern Territory.

Mr Speaker, as noted, the report assumed a 5% to 6% growth rate. Based on that assumption, Alice Springs would grow to 28 900 within 10 years; that is, in the period from 1980 to 1990. Land suitable or committed for residential development, close to the existing development areas of Alice Springs, could be exhausted. The report goes on to say that substantial new areas must be found. It is absolutely vital this time to note that this population capacity for 1990 includes a population of approximately 500 on the golf course and approximately 4000 - I repeat, 4000 - in the Mount John area.

If we look at the golf course estate in a little more detail, we will see that the land in question was made available to developers and an estate was planned in 2 stages. As I have already said, the 80 lots in stage 1 have already all been sold. Stage 2 was initially planned to be about 100 blocks but, because of the government acquisition, this has been reduced to 31 blocks. The government acquired 12.38 ha of land which it gave to those developers for the purpose of housing. It is clear that the nett result is that there will be about 66 fewer homesites.

Under the heading in this document, 'future housing position', it is stated that the development of the Mount John area could produce a further 200 homes per year over a 5-year period starting in about 1983. Mr Speaker, 1983 has come and gone and so it would seem has Mount John. Based on Department of Lands projections which would meet the demand until 1990, the population capacity of Alice Springs is about 4200 short of the estimated population, a shortfall of about 1000 homesites at Mount John and 66 at Desert Springs. Assuming that Mount John and the golf course went ahead as planned, all available land would be used by 1990.

What then is the situation in view of the shelving of Mount John and a scaling down of the housing component of Desert Springs? Population projections suggest a population in Alice Springs by 1990 of 30 000. Committed areas plus the golf course and Mount John can cater for 28 900. With the reduction of the golf course estate by 40% and a shelving of Mount John, the capacity is for a population of 24 700. The shortfall by 1990 will be in the order of 5000 unless substantial subdivisions come onto the market between now and then. But so far, to replace the large Mount John proposal, we have had only very small subdivisions announced. These are Dixon Road and, as I said before, a planned subdivision adjacent to the farm area. Quite clearly, these subdivisions are totally inadequate to meet the demand.

Mr Speaker, in order to demonstrate the seriousness of this problem, I would again quote from 'Alice Springs - Planning the Future': 'Where major urban development involving new major trunk services is contemplated, a decision to proceed is required 6 to 7 years in advance of completion of the first houses'. This time span, commonly called the lead time, is not peculiar to Alice Springs or even to Australia. If it is decided to proceed with the development of Undoolya, for instance, to provide housing for the year 1990 onwards, then the decision must be taken within 3 years from now. That is what the report said in 1981. The choice of area must be correct as some 3 to 4 years of thought, planning and public money will have to be committed before any income or benefit is derived from the area.

Therefore, without getting emotional about it, it is quite clear that, even within the terms of the government's own publication, the government has bungled the Mount John subdivision and has bungled the future housing development of Alice Springs.

Mr Speaker, the importance of making a decision, and the right decision, is quite clear. In view of the Mount John debacle, clearly, Mount John cannot have been the right decision. Because Mount John has been shelved, there is no way that the shortfall in demand for serviced land can be met. As an aside, I would note that part of the rationale for the casino causeway, built on terms very favourable to the casino owners, was that the causeway was headworks for Mount John and the residential development that was planned there. Ironically, the section on development lead times concludes: 'It is equally clear that the decision must be made at the right time so that the housing and community services are not delayed'.

Using its own criteria, this government's attempt at planning has been inept in Alice Springs. I would note that the 3 years mentioned in the quote, in which time the decision must be taken, are almost up. We are almost out of time.

Mr Speaker, the planning booklet suggests 2 possible options for the future of Alice Springs. The 2 suggested are Undoolya and the Larapinta Valley. The report suggests that reasonable populations for Undoolya are 6200 at the low estimate and 10 500 at the high estimate. For Larapinta Valley, it is 4800 at the low estimate and 12 400 at the high estimate. With the low estimates, Larapinta Valley and Undoolya would meet growth demand until 1993 and 1996 respectively, if each were developed with the other. At the high estimates, the areas could serve until 1999 and 1997 respectively.

However, I would reiterate that these projects assume an inaccurate capacity for the Desert Springs Country Club Estate and the development of the Mount John subdivision. In the absence of Mount John, it can be seen that Larapinta Valley would barely compensate for the loss of housing allotments on the low figure and Undoolya only just exceeds the capacity of the shelved Mount John. I would point out though that no decision has been announced in relation to the development of either Larapinta or Undoolya and, from that announcement until the availability of serviced blocks, on the government's own information, it must be many years down the track.

In the interim, the housing prices in Alice Springs can only get worse. I would note also that, according to the Department of Lands, 'both areas cannot reasonably be developed at the same time, or even overlap, as the total amount of foreseeable developments would not sustain an adequate growth rate in each area, and the public cost of servicing both areas together would be enormous. Clearly, a choice is needed'. What is needed is not a choice but a decision - a decision that should have been taken some time ago.

It is of benefit only to a very few people to have a situation of supply and demand such that the prices of houses and land leap upwards and rents remain at excessively high levels. I note, from 'Alice Springs - Planning the Future', that a great deal of work must be done before decisions are finally taken and, once taken, there will follow a tight program of development work before construction of the first home has begun. Investigations to be carried out include: more refined population projections and economic base studies; investigations of alternative sewerage systems and methods of sewerage treatment; drainage studies to determine areas fit for development and the design of the main stormwater drainage system; studies of water requirements and sources of supply; main roads links required; public transport requirements; and detailed analysis of the needs for shops, schools, community services, playing fields, public gardens and so on. Additionally, the special needs of the various groups within the community - for instance, the Aboriginal community and those who want to live in a rural environment - must be taken into account.

Mr Speaker, I call on the government to provide some facts on exactly where it is at in relation to these examinations or investigations. I would ask when proposals for future development of Alice Springs would be forthcoming, and I would seek an assurance that at least some attempts are being made. I would also ask how much time and effort and money were spent in relation to Mount John and for a full explanation of why the subdivision was shelved. What plans, if any, does this government have for Alice Springs to expand in such a way as to enhance the present qualities of the town and that the expansion is both economic and orderly?

Mr PERRON (Lands): Mr Speaker, this so-called matter of public importance, as is usually the case with opposition-sponsored matters of public importance in this Assembly, is without real substance at all. The member for Millner claimed that the government is not planning for the future in Alice Springs, then concluded his long diatribe by asking what the government is doing in regard to planning in Alice Springs. One would have thought that he would have known what the government was doing as far as planning in Alice Springs is concerned if he was sponsoring such a motion and taking up the time of this Assembly. Quite clearly, he has not done his homework because he needs to have such information. It is a shame that he did not take the opportunity to elicit information by way of letters, questions on notice or questions without notice. But no, the opposition really does not want to know the story. It just wants to invent issues.

I agree that housing has been an issue of public interest in the Northern Territory for quite a number of years. That is one of the few things on which I will agree with the member for Millner. The reason for that is pretty simple - it is a problem that governments face as a result of extremely high growth rates.

Most members will know that, largely as a result of this government's policies over the years since self-government, the Northern Territory has had a remarkable growth rate in its population. Of course, there are the problems of trying to accommodate additional people coming to make the Territory their home. I think that, in relation to some areas in Australia, we are lucky to have the problems of growth rather than the problems of stagnation. One has only to look at the government's capital works program to see how much of the program is taken up with projects for water and sewerage services, roads, electricity expansion, additional schools - goodness me, the rate at which we build schools every year is incredible. This places a lot of pressure on the budget and quite often, of course, government is a little behind with the provision of these things and can only do its best. It is a problem of growth and development for

the Territory and we should bear that in mind when we look at the housing situation.

The opposition claims that there is a housing crisis in Alice Springs. Over the years, I guess I have heard the words 'housing crisis' used by the opposition so often that it is a little like crying 'wolf' now. The words are simply meaningless when used by these people. If we had believed them several years ago when the first 'housing crisis' was alleged to have been upon us, where people were lying in the streets, physically unable to get out of the wind and the rain...

Mr B. Collins: We had one last year, don't you remember?

Mr PERRON: We had one last year, did we? That was a short-lived housing crisis. The honourable members opposite seem to think - and it shows their lack of experience in government - that we should have a system whereby houses are being turned off at the rate people are walking over the borders into the Northern Territory. That would be an idyllic situation but no government could afford such extravagance. However, that seems to be what they are suggesting.

I will touch on a few of the points raised by the honourable member for Millner. He mentioned a subdivision proposal in the farms area which caused much concern in Alice Springs. I am advised that it was not a subdivision proposal at all; it was a rezoning proposal to allow more rural residential housing in the area. The residents' objections were based on not wanting more people in the area. I accept that. It is typical of the matters which come before the authority. But he was wrong. Still, we are used to that.

The honourable member quoted a possible figure of 60 000 in the year 2000. As I understand it, those are maximum projections in the booklet that he has been using. The policies that we are working on are based on a projected population of about 50 000 maximum in Alice Springs by the year 2000. The report that he also quoted from was distributed a while ago for comment from the public and this is the first indication we have had that the ALP is even interested in the document. If the ALP had such an enormous interest in the provision of land and housing for people in the Territory, it could have responded formally as well as in here.

Mr Speaker, Alice Springs has some fairly special problems which are probably unique to it. It has developed amongst a number of ranges. The ranges add a very unique feature to Alice Springs and make it what it is - a very desirable place to live, very picturesque and beautiful. However, it places constraints on urban subdivision because of the limited availability of suitable land. One tends to look towards the flat lands in the bottom of valleys to expand the town. We have had difficulty in the past with planning for the expansion of Alice Springs. In one case, planning was in process for about 2 years. I refer to planning for a particular subdivision in what has been called the Sadadeen Valley. After a lengthy process of publicly exhibiting plans etc, this came to a fairly abrupt halt when surveyors attempted to go into the valley to survey a major road. The area was alleged to have contained sacred sites.

Despite the fact that agreement to enter this valley had been reached some time earlier with some Aboriginals, the problem resulted in the government delaying plans to proceed with a subdivision in this particular area. It caused us a great deal of consternation. We wrote to the federal government at the time - and I am going back a couple of years now - explaining the problem. We said that, if we were unable to proceed with the proposed subdivision, and had to seek alternatives, the result would be an increase in capital costs of about

$1.7m simply because we could not go into the Sadadeen Valley. We asked whether the federal government was prepared to assist us with costs and to find alternatives in these circumstances. It wrote back telling us that it was our problem and we should handle it as best we could.

Mr Speaker, there certainly is no legal doubt about the sacredness of sites in the Sadadeen Valley, but there is legal doubt about the validity of the Sacred Sites Authority's action in registering this particular area. Despite that, for the time being the government has not forced the issue any further. That is just one example to illustrate the problems being caused every day in Alice Springs by sacred sites. Specifically, those problems are affecting the availability of urban land for expansion. I guess there would be no other town in Australia that suffers those sorts of problems.

There are specific problems in the planning phases of subdivisions and land turn-off because planning is a long, slow process. The evaluation of land to find out if it is suitable for subdivision and the various proposals for rezoning subdivisions take considerable time. If it is not discovered until fairly late in the piece that individuals have objections, it can throw planning into disarray. That is what happened to us a little while back. As I said, we have left that particular area for the time being.

The cost to the taxpayer of abandoning projects is enormous. Roads must be altered. Building sites become unavailable in a subdivision because a sacred site is on it. We must try to cope with these sorts of things. They do not make life any easier. They only occur with any frequency in Alice Springs.

Mr Speaker, I will just run through a couple of items that we have on the drawing board at present. At Bourke Street in Alice Springs, there is a lot capable of subdivision into 12 residential allotments which will be auctioned in August this year. At Dixon Road, I think, 8 R1 allotments will be serviced in July or August this year and will be made available for over-the-counter sale. Also in the Dixon Road subdivision, invitations for the private development of 19.59 ha were advertised on 30 May 1984. The potential yield is 125 R1 and 3 R2 lots. The Department of Lands will be acquiring some 80 lots from this subdivision by way of buy-back, as we do regularly throughout the Territory, for selling to the Housing Commission. At Larapinta stage 1, documentation has been prepared for the private development of this area. The potential yield is 50 R1 and 6 R2 lots, and invitations will be advertised in October this year. For the time being, we have decided that there should be no subdivision on the range side of Larapinta Drive and that we will subdivide only to the north of it and try to preserve the vista of the ranges when one goes along the road. The development of stages 2 and 3, which are the areas to the north of Larapinta Drive, is presently subject to consultant studies for which expressions of interest have been called. The potential yield for stages 2 and 3 is 500 R1 lot lots and invitations could be advertised in November 1984.

Mr Speaker, the Larapinta area will probably be able to hold Alice Springs for some time as far as land turn-off is concerned. I understand that there is room for between 500 and 1000 blocks in additional stages at Larapinta. At present, negotiations are being held with the Sacred Sites Authority with a view to having the area cleared - that is the term usually used. It means sacred sites are identified and discussed with a view to seeing what sort of constraints they place on urban subdivision in a particular area. All going well, and indications are that there should be no particular problems in this area, it may be possible to hold the Alice Springs land situation for some 3 to 5 years just with Larapinta.

Mr Speaker, I think the member for Millner mentioned that the real problems would arise after 1986.

Mr Smith: No, I didn't say that.

Mr PERRON: Well, he says he did not say it. I guess we will see in due course. However, after 1986, I think that there are unlikely to be very many problems with land turn-off in Alice Springs at all because of the Larapinta turn-off plus a few others. I am advised that the private developers of the golf course estate decided over the last week or so to proceed with the balance of their stage 2 development on the land remaining after the government's acquisition for its tourist developments. Immediately following on that they will proceed with stage 3, which was an area they had planned to bring on line some time later. As a result of their decisions, they expect to have an additional 50 blocks of land available in Alice Springs by February next year.

The honourable member for Millner, in a barbed throw-away line, mentioned the price of the land on the golf course estate as starting at $25 000. I do not know what he expects people to do when planning a subdivision which is very magnificently laid out on an Alice Springs golf course. It is not what you would call intensive development by a long shot. It might be called upmarket land. The fact that you can get blocks on a golf course estate starting as low as $25 000 per block is really quite attractive. On the subject of land prices, the honourable member implied that, because of all this pressure on land in Alice Springs, land prices have increased considerably. In fact, the Valuer-General's figures would indicate...

Mr SPEAKER: Order! The honourable member's time has expired.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, I move that an extension of time be granted to the honourable member.

Motion agreed to.

Mr PERRON: Mr Speaker, on the subject of land prices, it was implied that, because of the government's lack of planning and a lack of land in Alice Springs, land prices were rising dramatically. The Valuer-General's figures indicate that house and land prices since 1981 in Alice Springs have risen at a rate less than that of inflation. One could expect that there may be some upward pressure on prices even just to catch up with inflation itself.

Further private land with the potential for subdivision in Alice Springs is in the vicinity of the Temple Bar-White Gums area where possibly up to 3000 blocks could be turned off. That in itself could cater for the entire land demand of Alice Springs for a considerable time. At present, proposals have not been made formally to the department but it is certainly being discussed.

The long-term future of Alice Springs will be considered in a formal structure plan which Cabinet has asked the Department of Lands to prepare. This will address the question of where Alice Springs goes after the Larapinta Valley. One long-held favourable option is a portion of Undoolya Station to the east of Alice Springs. Alice Springs would do a jump through the ranges and really start again, a little like Darwin and Palmerston but a bit closer together in the latter case. Another option - and a favourite of yours, Mr Speaker - is to go south of the airport onto the flat lands and start Alice Springs again in that area which almost looks like a billiard table. No doubt that will be considered as an option in a structure plan for the future progress of Alice Springs. Whilst people in the farms area would not be keen on close urban

subdivision in their area, I understand there is a potential there for considerable land turn-off in a normal urban sense. No doubt the structure plan will examine all of these options and make recommendations. Hopefully, the plan will be commissioned in about 2 months. I do not know how long it will take to prepare but I undertake to keep the public informed on that matter.

Mr Speaker, the honourable member for Millner asked why we chose not to proceed with the Mount John subdivision as proposed. Considering the development on the western side of the Todd, such as the casino, the new Sheraton and the golf course estate, the government believes the valley has the potential to become, in the longer term, a most attractive venue for further high-standard and creative tourist development. There are all sorts of possibilities for the future such as additional golf courses and appropriately-styled hotels. There have been suggestions that we should try to make Alice Springs the tennis or bowls capital of Australia. Many of these suggestions have some merit. In due course, it could certainly become the convention centre of Australia. I am sure that the Minister for Tourism will make some announcements on that at a later time.

By and large, we feel that it would be a shame not to preserve the valley for as long as possible in its present developmental environment and extend that. Otherwise, in 6 or 10 years we may end up with another tourist centre of hotels and golf courses stuck somewhere else in Alice Springs. We should try to keep them together. That will assist the local residents.

Mr Speaker, I reject the opposition's allegations that the government has not planned for the future of Alice Springs as far as land turn-off is concerned. It clearly has not done its homework. It took no opportunity to ask specific questions on this matter before raising it in the Assembly today. It is simply trying to get a little more publicity.

Mr BELL (MacDonnell): Mr Speaker, that was a fairly clear indication of how important it is to have an effective opposition in this Assembly. It is fortunate that we do have one. We might only be a quarter of this Assembly, Mr Speaker, but, by golly, we are serving it up to them. The Minister for Lands is certainly staggering around looking for excuses if that 25-minute offering is the best he can come up with.

As the master of understatement that the honourable minister has clearly shown himself to be, he said that housing has been an issue of public interest. I invite him to come and have a look at my files on constituents and on people who are not constituents who come to see me about this. I invite him to actually go and talk to the people who are living in caravan parks around Alice Springs, paying $80, $90 and $100 a week to live in them, and then have the gall to say that housing has been an issue of public interest and there is no such thing as a housing crisis. I concede that everybody is affected by the housing crisis. I think that the honourable minister has spent too much time commuting between Doctor's Gully and the Chan Building. He really does not understand what is going on out there in the rest of the Northern Territory.

As for his allegation that this matter of public importance is of little substance, he really should do better. Let me just sum up in a couple of sentences what this matter of public importance is about. This discussion is about land development in Alice Springs. It has been triggered off mainly by the decision that was made by the honourable minister in relation to the Mount John subdivision.

Let us be quite clear on what we are not objecting to. We are not objecting to the government reserving land for tourist development. We are not

objecting to the government making suitable planning arrangements to provide infrastructure for the tourist industry in any way whatsoever. What we are objecting to is manic 'ad hoc-ery'. Let us be quite clear about this. This was put out in 1981. Three years later, we have the government staggering round, changing its mind, changing its alternatives and then having its spokesman have the gall to get up in this Assembly and talk about a few odds and sods of land that are to be turned off in Alice Springs and pretend that that will go near to satisfying the need for developed land in Alice Springs. Let us be quite clear about that.

Before I turn to the substance of my speech, let me just make one further comment. The honourable Minister for Lands cannot help himself. He really cannot help himself. He had some sensible things to say about development constraints but he really cannot resist that evergreen excuse of sacred sites. Mountain ranges and various other concerns are reasonable planning constraints but sacred sites cannot be considered as a reasonable planning constraint. The honourable minister, along with the rest of his cronies, cannot be bothered finding out what the truth of it is.

Turning to the substance of my speech, I want to have a look at the consequences of some of the effects of inadequate government policy in relation to the availability of serviced land in Alice Springs. In so doing, I will refer honourable members to the government's own report on housing needs that we have already cited. The contributors to this document were the Department of the Chief Minister, the Department of the Treasury, the Department of Lands and the Northern Territory Housing Commission. In particular, I will look at the price of land in Alice Springs and the conclusions and recommendations of the Report on Northern Territory Housing Needs in relation to land.

Mr Speaker, the Northern Territory government's Report on Northern Territory Housing Needs of November 1981 notes that, from 1979 to 1981, the shortage of subdivided land for residential development had been a major constraint to improving housing supply in the Territory and it contends that current programs of land subdivisions are geared to overcoming this constraint. It contends that existing programs, specifically for Sadadeen and Araluen subdivisions in Alice Springs, will provide sufficient land to meet requirements over the next 5 years. Mr Speaker, 5 years on from the issue of the Housing Needs Report would take us to the end of 1986. Accordingly, the contention that the existing programs for Araluen and Sadadeen are adequate is demonstrably incorrect.

Currently, there is one block available for resale in Araluen - one block - and at a huge increase on its original price. In Sadadeen, the subdivision is sold out although titles will not be available until July. At least the speculation is that the titles will be available in July, and hopefully that is July this year. Very few, if any, blocks are available at Larapinta. Stage 1 of Desert Springs is nearly sold out and stage 2 has been greatly reduced in terms of the number of allotments. Builders are bidding against each other in order to secure somewhere to build. It is noteworthy that these estimates assumed a growth rate in Alice Springs of 5.5%. That projection is reasonably accurate. Contrary to what the honourable minister said earlier, growth rates have not been exceeded to the extent he was implying. It would seem that the suggestion that Sadadeen and Araluen would meet demand for 5 years is clearly astray; the planning was clearly inadequate.

Mr Speaker, the Housing Needs Report noted that the price of residential land in the Territory had risen sharply over recent years. Indeed, it has and it continues to do so. In Alice Springs, in 1978 and 1979, the average price

for an allotment was $6400. A year later, in 1979-80, it had risen to $10 000, an increase of 56.3%. By 1980-81, it had risen to $14 000, a further increase of 40%. While comparative figures are not available from the Valuer-General for the current financial year, an examination of current prices is informative. In the Centralian Advocate of 23 May this year, the only block advertised for sale at Sadadeen is $25 000. This block was originally on the market for $17 000. The only block advertised for sale at Larapinta is $27 500 and the block advertised for sale at Araluen is $24 000. This latter block originally would have been on the market for about $17 000.

In the Centralian Advocate of 18 May, only one block was listed for sale. At the Desert Springs Country Club Estate, prices in stage 1 started at $20 000. In stage 2, it is projected that allotments will be priced from $32 000 upwards. These prices, and the rate of increase in prices, clearly reflect the lack of available serviced land in Alice Springs. In case the critics opposite argue that Desert Springs is an upmarket estate - as the Minister for Lands argued - and high prices should be expected as a result, I would point out that this estate is just about the only land available for private residential development and is advertised as such. The rate of increase in prices since 1978-79 is massively in excess of the rate of inflation and is a consequence of government policy or lack of it.

Mr Speaker, the Housing Needs Report asserts that the increased availability of residential land will help to contain further price escalation. Quite clearly, this has not happened in Alice Springs. There is an acute shortage of serviced land and prices have escalated. The report included a discussion of the rationale for private development. It asserted that the increased availability of residential land will help to contain further price escalation and it argued that the rationale for private development is competition and the efficiency that is produced by competition.

The report considered such questions as whether there is sufficient competition among developers to provide real choice and alternatives for land buyers, whether the geographical, institutional or other constraints in the Northern Territory work against genuine competition and whether the size of the market and the anticipated rate of land development is sufficient to sustain genuine competition. After posing those questions, the report said: 'These are questions which can only be answered circumstantially on the basis of observed performance'.

Let me attempt to answer these 3 questions for honourable members on the basis of observed performance. The answer to the first question would be a flat no. There is insufficient competition among developers to provide real choice and alternatives for land buyers. This assumes, for the moment, that one accepts the theory that competition will create downward pressure on prices. There is no real choice. The alternatives are to buy wherever you can, if there is anything available and if you can afford it. The answer to the second question is yes. There are geographic, institutional and other constraints in the Territory which work against genuine competition. The primary constraint is government policy. Specifically, as we have outlined in this discussion, it is inadequate planning and indecision. The answer to the third question is no, and for various reasons. The size of the market in the Territory and the rate of the land development is not sufficient to sustain genuine competition. In summary, in colloquial terms, those developers who are involved have the game sewn up. Land is developed at such a slow rate that demand for allotments, housing and rental accommodation inevitably pushes prices up.

Mr Speaker, the Northern Territory report stressed the need to produce allotments. It stated that 'land development programs are adequate to produce

sufficient land and it is essential that the programs are achieved so that the pressure on land prices is eased'. I have not observed any easing of pressure on land prices and quite clearly the Mount John targets, for example, have not and will not be achieved. Land development programs are inadequate simply because of inadequate planning.

I see my time is running out, Mr Speaker, In closing, I would like to reinforce the particular point about the inadequate decisions that this government has made which have been shown clearly in perspective through its decision about Mount John. It shows an extraordinary contempt for the people of central Australia. It shows an extraordinary contempt for the unfortunate people who are attempting to make a contribution to development in the Northern Territory and, in doing so, are forced to put up with inadequate accommodation in caravan parks in particular. Clearly, the government takes the vote of central Australians for granted. It is no accident that this decision to postpone the Mount John subdivision had to be taken early in the government's new term because you can be sure that it would not have had the guts to do it in October last year.

Mrs PADGHAM-PURICH (Housing): Mr Speaker, in rising to speak in this debate, I would like to preface my remarks by accepting those nice comments made by the honourable member for Millner who said he has been in the Territory 11 to 12 years. I have not taken down the exact content of them but from memory they were quite complimentary with respect to the Housing Commission.

I have been here about twice as long and my remarks will be even more complimentary. I have seen the Housing Commission right from the start, so to speak. I have seen the houses that were built then and the extent and design of the houses that are built now. The only thing one can say about this is that the Housing Commission is doing a pretty good job in housing the people who come to the Territory and in the quality of housing that it provides.

Mr Speaker, I would like to comment on some of the remarks made by the honourable member for MacDonnell. He reacted unfavourably to the 25-minute contribution of the Minister for Lands in this discussion. It appears that, in his view, quantity is more important than quality. I think that, if he had really listened to what the Minister for Lands had to say, he might have learnt something. He commented unfavourably on the fact that the Minister for Lands mentioned different areas in Alice Springs and denigrated them as odds and sods. Again he was not listening because the Minister for Lands listed all the areas where development is taking place quite comprehensively.

The member for MacDonnell commented about people living in caravan parks, the waiting times and the extensive catalogue of queries in his office from people wanting accommodation. He asked us all to go to his office to inspect these requests that he has received. A little later on I will say something about the waiting times for accommodation in Alice Springs and compare them to waiting times in Darwin...

Mr Bell: It is totally irrelevant. Don't waste our time.

Mrs PADGHAM-PURICH: ... and in other parts of Australia.

Mr Dondas: You didn't make one point, Neil.

Mr Smith: It upset you though.

Mrs PADGHAM-PURICH: The honourable member for MacDonnell is at his old trick of pointing again. He knows he has a pretty flimsy argument so he is

trying to add weight to it by pointing which is a well-known public speaking ploy. His ego is so inflated, it passes all comprehension.

He was commenting on a paper about observations made in 1981. The situation was assessed at that time together with what the expectations of ordinary people should be for the future. I would like to say that, in the few years that that publication has been out, I think that land turn-off, land development and the housing turn-off has pretty well met those expectations.

He commented unfavourably about builders bidding against each other for development and forcing prices up. I think he has taken the wrong view of that because, in my opinion, builders bidding against each other for tenders and contracts is what a free market is all about. Rather than putting prices up, it brings them down. It keeps the prices down. This Housing Commission is doing what other housing commissions elsewhere in Australia do not have as part of their charter. The Housing Commission tries to encourage the small builders. We let our tenders out in small numbers to encourage the small builder in order to encourage the stability of the building industry. I think the honourable member for MacDonnell would have us forget about this system and go to the large-scale developers, which we see in other parts of Australia. It is all very well having large-scale developers in areas which have much larger populations. We are talking about thousands of people in the Northern Territory; in the states, we are talking about millions.

He would have us go to the larger developers of the size of John Holland and Jennings. I have nothing against these reputable companies but the place for them is not in the Territory. Instead of accepting a tender in lots of 10 or 15, they might be able to deal with a tender for a couple of hundred houses at a time and the prices might be down on that tender. But while this is happening, think of all those small builders who will go out of business because they will not be able to compete with the price of Holland, Jennings and other big companies. The small builders will be out. They will leave the Territory. The base of our stable building industry will be eliminated in the Northern Territory and a monopoly situation will be created. Prices will not stay down; they will go up.

The honourable member for MacDonnell commented on a block at Larapinta. He said that it was priced at $27 000. I might have misheard him but he seemed to imply that this R1 block was $27 000. My information is that it is an R2 block. He commented on an asking price of $25 000 for an R1 block in Sadadeen. That was a larger-than-normal block in a private area on raised ground and was a pretty good block. The asking price for land in the sold-out stage 2 Sadadeen was around $17 500 per block.

With regard to the situation in Alice Springs this year, as I see it, the proof of the pudding is in the eating. The proof of the pudding in this case lies in the times that people have to wait. It is all very well to talk about development but it comes down to the fact that land is developed for people to live in houses on it. If you were in Alice Springs, Mr Speaker, and you wanted a 1-bedroom flat, you would wait 12 months; for a 2-bedroom flat, 14 months; for a 3-bedroom house, 18 months; and for a 4-bedroom house, 14 months. That compares with the Darwin waiting times respectively of 17 months, 15 months, 16 months and 7 months. That is not a bad comparison, and only in the last category, that of a 4-bedroom house, is there a great discrepancy. Compared to the situation in other areas of Australia, the waiting times are quite favourable, The proof of the pudding is that we are housing people in the Northern Territory this year and it will continue. For a 2-bedroom or 3-bedroom house in New South Wales, the waiting time is 34 months; in South Australia, 36

months; in Victoria, 36 to 48 months; in Queensland 36 to 48 months; and in Western Australia, 30 months. Mr Speaker, a pensioner in Victoria will wait 4 years for a house and would probably be pushing up daisies before then.

Mr Speaker, for 1984-85, the program envisaged for Alice Springs is about 230 houses and units, budget constraints being taken into account. The details are: 50 R1 lots will be purchased from Malcolm and Heath Real Estate in Sadadeen, stage 3; 80 R1 lots will be purchased from the Department of Lands early in 1985 in the Dixon Road subdivision; 30 R1 lots will be purchased from the Department of Lands in several small pockets including Larapinta Valley; 2 R2 sites will be purchased in July; 4 R2 sites will be purchased in July and 1 R2 and 1 R3 sites are still being negotiated. As can be seen from those figures, the provision for the 1984-85 program is well under way and we do not envisage any delays. The figures for 1983-84 and for 1984-85 period are good.

I will project those figures another 5 years on, taking into account the average growth rate which most people accept is about 5%. For 1985-86 in Alice Springs, the opening balance of those on the waiting list is 913. We have 913 applications and, as always, there will be cancellations. A total of 334 cancellations are envisaged and the dwelling handovers are expected to be 214. The expected vacation of dwellings during that period is 373. We come down at the end of 1985-86 to 923, which is not too bad compared with the opening balance of 1985-86. This figure is always of that order because it always takes into account cancellations of applications. The number on the waiting list is added to applications. We take off the cancellations, new dwelling handovers and normal vacations and we obtain a closing balance.

If I could extrapolate this further, Mr Speaker, at the end of 5 years, we will have a figure of 853 which compares with the figure of 923 at the end of 1985-86. I will not go through the figures for 1986-87, 1987-88 and 1988-89 but it can be seen that the Housing Commission has the housing of the population well in hand. These figures are based on expected turn-off of land. The Minister for Lands has explained in some detail that the turn-off of land is expected to take into account the future population growth.

The member for MacDonnell would have us build houses willy-nilly. I think even he would consider that Alice Springs is a unique place. The Minister for Lands mentioned the scenery, the tourist attractions, the sacred sites and the quality of life generally. There are beautiful views around Alice Springs and the ranges. The member for MacDonnell would have us build up and down every range so that we could not see these scenic attractions. He would have us just build houses without regard for the quality of life.

The honourable members for Millner and MacDonnell did not mention an important subject of discussion in Alice Springs at the moment. This relates to soil quality and water availability. Both of these subjects are very important, especially when one is considering where one will put future subdivisions. They are both subjects under consideration by the Conservation Commission. When one turns off land, one does not only consider building houses, one must consider the supply of services. Tied up with the supply of services, especially the supply of water, to any subdivision, is a consideration of the quality of the soil.

Mr Speaker, with the projected Housing Commission turn-offs in the next 5 years, together with the land development turn-offs that the honourable Minister for Lands has mentioned, I think it could be said that this is a matter of importance but the government is addressing it. As I said earlier, the proof of the pudding will be in the eating. I do not think people next year, the year

after, in 5 years or in 10 years will be any more disadvantaged in Alice Springs or anywhere else in the Northern Territory. If anything, the quality of life will improve and Alice Springs in 5 or 10 years time will be one of the better places in Australia to live.

## STATEMENT
### New Parliament House Competition

Mr SPEAKER: Honourable members, I wish to advise of progress in the new parliament house competition. As honourable members will be aware, the closing date for registration for the architectural competition for the new parliament house was 1 June 1984. Documents were to be sent to those architects who had registered on 6 June. Yesterday, documentation was sent to all architects who had registered and had paid the required $200 fee.

In all, 253 registrations were received. Of those registrations, 7 were from overseas from architects who are registered in the Australian states or territories, 14 registrations were from the Northern Territory, 51 from Queensland, 75 from New South Wales, 47 from Victoria, 13 from South Australia, 20 from the ACT, 4 from Tasmania and 22 from Western Australia. Entries are to be lodged by 24 August 1984 and it is expected that the assessing panel will have completed its task by the end of September. It is also expected that the winning designs will be announced in October 1984.

## SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent 3 bills, namely, the Aboriginal Community Living Areas Bill 1984 (Serial 30), the Northern Territory Development Land Corporation (Vesting of Land) Bill 1984 (Serial 40) and the Fences Amendment Bill 1984 (Serial 52) - (a) being presented and read a first time together, and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and the consideration of bills separately in the committee of the whole, and (b) being passed through all stages at this sittings.

Motion agreed to.

## ABORIGINAL COMMUNITY LIVING AREAS BILL
(Serial 30)

## NORTHERN TERRITORY DEVELOPMENT LAND CORPORATION (VESTING OF LAND) BILL
(Serial 40)

## FENCES AMENDMENT BILL
(Serial 52)

Bills presented together and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that the bills be now read a second time.

Mr Speaker, in seeking the suspension of Standing Orders, I indicated that I was seeking that suspension so that the bills could pass through all stages at this sittings. Unfortunately, that was an oversight on my part. It is certainly not the government's intention to pass the legislation through all stages at this sittings, even though it has been on the table since the last sittings and is substantially the same as when it was tabled. I must say that I

have had no comment on it from any honourable member opposite. The Minister for Aboriginal Affairs in the federal parliament contacted me late last week with a view to holding a meeting to discuss the legislation during the week commencing 18 June. As I have agreed to hold that meeting with the Minister for Aboriginal Affairs, obviously it would be premature to pass the legislation through all stages at this sittings.

No doubt there will be some comment on this legislation in the debate that will ensue during the course of this sittings because it is proposed by the government to take the bills up to the second-reading stage. However, the pity is that no comment for the improvement of the legislation has been received by me from any quarter in the intervening period of months.

Apart from a few minor amendments, the Aboriginal Community Living Areas Bill, now introduced into the Assembly, is the same as the bill that I tabled during the February sittings. The purpose of tabling the proposed legislation then was to allow honourable members to consider its contents and to enable the public to comment upon it. Honourable members will recall that a similar bill was introduced into the Assembly in October 1983. It lapsed with the prorogation of the Assembly.

Mr Deputy Speaker, ever since the report of the Gibb Committee in 1971, successive Commonwealth governments, and more recently the Territory government, have been considering means by which Aboriginal people could obtain title to land upon which they live within pastoral leases. Twelve excisions have been negotiated but it has taken 8 years to achieve this number and, in the absence of any legislation to provide for such excisions, each one has had to be separately and voluntarily negotiated between the Aboriginal community and the pastoralist concerned. The Territory government has, for some time, recognised the need for a proper legislative mechanism to enable excisions for community living areas to be achieved more smoothly.

The purpose of the Aboriginal Community Living Areas Bill is to create the means whereby Aboriginal people can obtain title to community living areas on pastoral properties. It is intended that the title will be freehold. There is no suggestion that applications for land under the bill can, or should be, treated as Aboriginal land claims as provided by the Land Rights Act.

Aboriginal people who are ordinarily resident on a pastoral property when the act commences, or who were resident some time previously, will be able to apply for an excision of the community living area. Alternatively, whether resident or not, Aboriginal people can do so with the consent of the lessee. An application is made to the minister who can then agree to grant it forthwith subject only to a public advertisement of his intention. This will usually be the case where all parties, including the pastoralist, agree. If this is not the case, the minister may appoint a conciliator to bring the various parties together to see if an agreement can be negotiated.

Whatever happens, if the minister has not approved an application within 90 days or as soon thereafter as he has had a reasonable opportunity to consider submissions resulting from the public advertisement, it must be referred to a tribunal established under the bill.

A tribunal consists of a chairman who must be the Chief Justice or a Supreme Court Judge or a barrister of not less than 5 years standing, one member who will be nominated by the relevant land council and a third member who will be nominated by an approved organisation which, for the purposes of the bill, will be a body representing the interests of pastoralists. The members to be

nominated by the land council and the approved pastoral organisations will be appointed on an ad hoc basis to constitute a tribunal in respect of the particular application.

The bill sets out the various functions of the tribunals and their procedures. In short, a tribunal will consider an application referred to it, listen to all parties and report to the minister with a recommendation as to whether or not the land applied for or any other land within the lease should be granted. It is, of course, for the minister to decide whether he will accept the recommendation just as it is for the federal minister to decide on the Aboriginal Land Commissioner's report under the Land Rights Act. In making its report, the tribunal must have regard to the economic and social needs of the applicants and their historical associations with the area, the length of time they have lived on the land, the benefits that will come to them if the land is granted, the costs involved in establishing a living area on the land, their interest in any other land already granted to them or applied for and the extent to which the economic viability of the pastoral property will be affected by an excision. A tribunal can also consider and comment upon any other matter it thinks fit.

If the minister approves an application, the land must be acquired. Fair compensation must be paid and it will be necessary for the Territory and Commonwealth governments to reach agreement on payment of compensation and survey costs. The Territory government cannot be expected to bear these costs itself. Separately, an amendment to the Fences Act will make it clear that a pastoralist is not liable for any extra costs for fencing which results from excision of land from his lease. Any land granted under this legislation will be held by land trusts which will not be able to alienate it by sale or lease without the approval of the minister except that the trust can lease out land to an Aboriginal for a period not exceeding 5 years without the minister's consent. Northern Territory law will, of course, apply to land excised under this legislation. The bill will prevent repetitive applications under the same lease. Where an application fails, a similar application may not be entertained for a minimum of 2 years.

Mr Speaker, Mr Justice Toohey looked at the legislation proposed by the Territory to provide for excisions last year in his review of the Land Rights Act. In this report, 'Seven Years On', the judge generally supported the approach taken by the government. He agreed that excisions from pastoral leases should be provided through Territory rather than Commonwealth legislation. The recommendations of the judge and the contents of this bill differ only slightly with one important exception. The exception relates to Judge Toohey's suggestion that our legislation should be extended to allow Aboriginal people to apply for excisions from national parks. My government does not support this recommendation. We are quite prepared to negotiate for the provision of living areas in national parks and discussions have been held from time to time with both the Northern and Central Land Councils on this point. This legislation, however, relates to pastoral properties and we do not intend to extend it to other areas.

Mr Speaker, the Northern Territory Development Land Corporation (Vesting of Land) Bill is directly connected to the Aboriginal Community Living Areas Bill just introduced into the Assembly. As with that legislation, it was first introduced in October 1983 but lapsed on prorogation. In February 1984, I tabled this bill also. The vesting of land bill is made necessary because of the anomalous situation in which Aboriginal people can lay claim to public purpose lands. By this, I mean stock routes, quarantine reserves, commonages, water conservation reserves and the like, not to mention national parks and

recreation reserves. The Territory government has fought hard to persuade the Commonwealth government to amend the Land Rights Act so as to prevent these claims. So far we have been unsuccessful. The Territory government has presented ample evidence to the Commonwealth in support of its argument that the federal parliament did not originally intend that public purpose land should be claimable.

The most recent indication of the Territory's position is found in paragraphs 146 and 147 of Judge Toohey's report to which I referred earlier. Mentioning the report of the Aboriginal Land Rights Commission in 1974, Judge Toohey said:

> *146. It is a reasonable inference from the report that, as the Territory government submits, Woodward J. did not contemplate the transfer of government reserves to Aboriginal ownership except subject to some leasing-back arrangement.*
>
> *147. The question of land set apart for a public purpose under the law of the Northern Territory arises both in regard to existing reserves and land that may at some future date be set apart. At present, land so set apart includes public parks, camping areas, stock routes and reserves, commonages, public water areas and police stations outside towns.*

Several years ago, Aboriginal land councils decided to take advantage of this unintended result of the Land Rights Act and laid claim to dozens of pieces of land which, until then, everyone regarded as set aside for public purposes. In the case of stock routes and stock reserves, the land councils' argument for so doing was that there was no law in the Territory to provide for the excision of community living areas from pastoral leases except with the agreement of the pastoralist. The Territory government will be meeting this need in the Aboriginal Community Living Areas Bill. Unfortunately, the land councils seem to want it both ways. They want to be able to get excisions from pastoral properties and, at the same time, claim stock routes. The Territory government finds this situation incredible.

The Minister for Aboriginal Affairs, Mr Clyde Holding, has objected to the Territory introducing an alienation bill of the kind I have now tabled. He does not seem to understand that the Territory government has been forced into it by his government's refusal to change the Land Rights Act so as to ensure that public purpose lands are not claimable. The vesting of land bill would be unnecessary if common sense prevailed with the minister.

The enactment of this bill will have the effect of vesting the public purpose lands described in the schedule as estates in fee simple in the Northern Territory Development Land Corporation. By so doing, those lands will be removed from the category of land over which claims may be made under the Land Rights Act. If the same land had been set aside under Commonwealth legislation, it would not be open to claim. Such a situation is unreasonable. The care, control and management of the land will be vested in the Northern Territory Development Corporation, not the Northern Territory Development Land Corporation, and the minister will direct the Northern Territory Development Corporation as to how the land will be managed.

The schedule to this bill does not include public purpose land which has already been recommended for grant by the Aboriginal Land Commissioner or public purpose land which forms part of a land claim already heard by the commissioner but not yet reported on or now being heard by the commissioner. Nor does it include the national parks.

Honourable members will observe that there are 3 places in the Aboriginal Community Living Areas Bill where the continued operation and effect of the Northern Territory Development Land Corporation (Vesting of Land) Bill is made a condition precedent to the continued operation of the bill and the power to take certain actions under that bill. It is the government's intention that the living areas bill should cease to have effective operation if the vesting bill ceases to have full effect. As I said earlier, the 2 pieces of legislation, so far as this government is concerned, are inextricably bound together.

Mr Speaker, I commend the bills to honourable members.

Debate adjourned.

## LIQUOR AMENDMENT BILL
(Serial 25)

Bill presented and read a first time.

Mr DONDAS (Health): Mr Deputy Speaker, I move that the bill be now read a second time.

This bill to amend the Liquor Act has 3 objects. Firstly, it will provide for liquor licences to be renewed at the end of this financial year. Secondly, the new bill proposes that licensees provide returns of their liquor purchases on a quarterly basis. Thirdly, the bill provides for a penalty clause if a serious understatement of licence renewal fees is detected.

When the Liquor Commission was established, there were administrative reasons for staggering renewals of liquor licences throughout the year. This meant that, at the end of each quarter, a group of liquor licences would be renewed. For example, all hotel licences run to the end of December, and the renewal period for clubs finishes at the end of September. With the acquisition of electronic data processing equipment and some streamlining of renewal procedures, there is now no need to spread the licence renewals throughout the year. In fact, the situation is now reversed. It would be more efficient to renew all liquor licences at the end of the financial year.

Clause 4 of the bill refers to section 30 of the act, dealing with duration of liquor licences. Mr Deputy Speaker, at present, holders of liquor licences have an option of providing a written record of their liquor purchases to the commission for each quarterly period or for a period of 12 months. Almost every licensee elects to provide the return and pay the fee at the end of the licence year.

There are 2 important problems with this procedure. Firstly, there is a strong demand for statistics on the total amounts of alcohol purchased by licensees. Unfortunately, the commission must frequently explain that some of the figures are inaccurate because of the different licence years for different types of licences. The second problem is related to the commission's capacity to ensure that all licence fees are in fact paid. At present, unless the commission regularly inspects the bookwork of licensees, some licensees will not regularly record liquor purchases or will attempt to update their bookwork and prepare returns only at the time the licence is renewed.

Mr Deputy Speaker, in order to provide an accurate assessment of the amount of liquor being purchased for retail sales and to ensure that the licensees' records are kept up to date at least over a period of 3 months instead of 12, liquor purchases returns should be provided at the end of each quarter. This

will mean a slight inconvenience to some licensees. However, for those licensees who keep full and up-to-date records, the provisions of quarterly purchase returns will not be an imposition.

Clause 7 amends section 113 of the principal act by removing the licensee's option of providing purchase returns at the end of a 12-month period. Clause 6 is consequential on that amendment. This amendment means that the only option left in the act is for the licensee to provide the purchase returns at the end of each 3-monthly period.

The third objective of the bill is to provide a penalty for a serious understatement of the amount of purchases declared to the commission. At present, when understatements are detected, the commission merely informs the licensee that his returns are inaccurate and an adjustment is made. If the commission encounters what it believes to be a deliberate fraud, the police are asked to investigate the matter. If, at the other extreme, the commission detects simple errors, for instance in arithmetic, the licensee is simply informed and asked to pay the increased fee. The real problem is that occasionally the commission detects an error which is very substantial in the terms of understated purchases and it does not indicate a deliberate fraud. The error could rise from carelessness, incompetence or wilful disregard for the need to maintain accurate records so that the correct fee can be assessed.

Mr Deputy Speaker, this bill provides for a penalty to be imposed where an understatement in excess of $750 is detected. The bill provides for a decision by the commission after an investigation and perhaps a hearing. The commission is not obliged to impose the whole or any part of the penalties but the bill does give the commission power to impose a penalty of an amount equal to the value of the understatement.

Clause 9 inserts new sections 113AA and 113AB to provide for this penalty.

Mr Deputy Speaker, I commend the bill to honourable members.

Debate adjourned.

## SUSPENSION OF STANDING ORDERS

Mr PERRON (Treasurer): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent 4 bills, namely, the Casino Licensing and Control Bill 1984 (Serial 53), the Casino Licence and Control Amendment Bill 1984 (Serial 54), the Casino Development Amendment Bill 1984 (Serial 55) and the Lotteries and Gaming Amendment Bill 1984 (Serial 56), being presented and read a first time together and one motion being put in regard to, respectively, the second-reading, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

## CASINO LICENSING AND CONTROL BILL
(Serial 53)

## CASINO LICENCE AND CONTROL AMENDMENT BILL
(Serial 54)

## CASINO DEVELOPMENT AMENDMENT BILL
(Serial 55)

## LOTTERIES AND GAMING AMENDMENT BILL
(Serial 56)

Bills presented together and read a first time.

Mr PERRON (Treasurer); Mr Deputy Speaker, I move that the bills be now read a second time.

Mr Deputy Speaker, the progress made in negotiations for an agreement in relation to the future management and operation of the Territory's 2 casinos has been a subject of comment and answers to questions in the Assembly during these present sittings and I do not intend to reiterate what has already been said, except to say that considerable progress continues to be made.

It is expected that the negotiations will be completed and an agreement reached before the next sittings of this Assembly and that there will be a transfer of ownership and control effected as a result. It will be necessary to have in place the necessary legislative machinery under which the change can be smoothly brought about. For this reason, I will be seeking approval from the Leader of the House for the passage of these bills through all stages during these sittings.

As earlier announced, the new casino arrangements will ensure at all times that Australians have the majority of control in any new ownership operation.

The gist of the major bill in this package, the Casino Licensing and Control Bill, is to allow the minister to enter into an agreement setting out the conditions to which a licence for the management of the 2 casinos shall be subject - clause 3 of the bill - and allowing him to grant such a licence when the current licences are surrendered by Federal Hotels. That is clause 4.

The bill perforce leaves in the hands of the minister a great deal of discretion relating to those terms and conditions and, because of this and the fact that the agreed conditions will prevail over conflicting provisions and certain laws of the Territory, it is thought appropriate the bill compel the minister to table the agreement in this Assembly. A copy of the agreement entered into is required to be tabled within the Assembly within 3 sitting days. All going well, this should be done during the August sittings.

The other main provisions of the bill, parts III and IV, are similar to the general provisions that apply in relation to the existing licences and give power, set limits and impose obligations in relation to such things as the agreement to surrender the licences, the recovery of fees and taxes, the control of entry and the exclusion of persons from casino premises, penalties and prosecutions for offences.

The second and third bills in this cognate group simply insert into their respective principal acts provisions which will allow the Administrator, by notice in the Gazette, to cause them to expire when their force is spent. There is a cross-reference in section 46B of the Lotteries and Gaming Act to a licence granted under the Casino Licence and Control Act. It will now be necessary to extend the reference to include a licence granted under the new act so that casinos operating under the new licences do not become places for unlawful gaming within the meaning of the Lotteries and Gaming Act. The fourth bill in this package deals with this matter.

Mr Speaker, it is in the Territory's own interest to effect the change of ownership and operation of the casinos as soon as arrangements can be concluded

with new operators and with Federal Hotels, the existing owners. As the Chief Minister has announced recently, these changes are the catalysts for the Northern Territory's biggest tourism project so far - a development that will be centred in both Darwin and Alice Springs and will cost in the vicinity of some $300m.

Honourable members are well aware of this government's commitments to tourism. We have reached the stage now of, in one step, raising the Territory's facilities to a higher plane which will place the Northern Territory on the international tourist map far more significantly than before. I commend these bills to honourable members. As I mentioned, I will be seeking the passage of these bills during this sittings. It is essential that the ability to effect the change is there because it is anticipated that settlement with Federal Hotels will be concluded before the next sittings.

Debate adjourned.

## OIL REFINERY AGREEMENT RATIFICATION BILL
(Serial 44)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I move that the bill be now read a second time.

Mr Deputy Speaker, production this year at the Mereenie oil fields now look certain. I have already approved the construction of permanent production facilities at the field and Oilmin, the operators for the Mereenie joint venture, have embarked on a $6m program of investment to treat recovered petroleum at the field in preparation for transmission to refinery and market. It has always been the objective of this government to see production from Mereenie refined and sold in the Territory. The Territory needs industry and jobs. The central Australian oil refinery provides both immediately and may sow the seeds for further industrial growth in the long term. The recent sad events in the Persian Gulf also reinforce another reason for this government policy: security of supply from the Middle East can no longer be taken for granted.

Mr Deputy Speaker, production leases were granted to the Mereenie joint venture in November 1981. As this Assembly has already been informed, a 2-year period of test drilling then went into effect. This period is now over and it is because of the encouraging nature of the results that the approval has been granted for commercial production. When those leases were granted, there were conditions attached. The producers were required to enter into a collateral agreement concerning the building of an Alice Springs oil refinery. The agreement provides that the government may give the producers written notice requiring them to build a refinery within 3 years or alternatively prove it is uneconomic. If they fail to do so, substantial damages of at least $3 per barrel of production are payable to the Territory. This was the big stick: the Territory's right to require that producers should build that refinery unless it was demonstrably uneconomic to do so.

In addition, the agreement contained a number of provisions of a more collaborative nature specifying how government and producers would work together to plan the provision of the necessary land and infrastructure to allow the refinery to be built. I am pleased to be able to tell honourable members that plans for a refinery are proceeding apace. Land has been allotted and infrastructure provision is under way. The joint venture will be installing some refinery equipment probably this year, producing diesel fuel for the Alice

Springs and Tennant Creek markets, fuel oil for NTEC to burn at Stokes Hill and naphtha for further refining in South Australia. Looking further downstream, the producers have commissioned a feasibility study for full-scale refining operations. The results of this will be available within a year and we expect that a full-scale refinery will be built based on the results of that study.

Mr Deputy Speaker, the collateral agreement I referred to carries a number of provisions, principally of benefit to the producers, that would not be enforceable in a commercial agreement between individuals and companies. A recognition of this provides that the whole agreement is of no force and effect unless and until it is ratified by an act of this Assembly. The time is now ripe for this agreement to facilitate the exciting phase of central Australian development and to help wean the Territory from its historic dependence on imported fuels. I commend the bill to honourable members.

Debate adjourned.

## SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent 5 bills - the Aboriginal Land Amendment Bill (Serial 46), the Bushfires Amendment Bill (Serial 47), the Fences Amendment Bill (Serial 48), the Stock Diseases Amendment Bill (Serial 49) and the Summary Offences Amendment Bill (Serial 50) - being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

## ABORIGINAL LAND AMENDMENT BILL
(Serial 46)

## BUSHFIRES AMENDMENT BILL
(Serial 47)

## FENCES AMENDMENT BILL
(Serial 48)

## STOCK DISEASES AMENDMENT BILL
(Serial 49)

## SUMMARY OFFENCES AMENDMENT BILL
(Serial 50)

Bills presented together and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that the bills be now read a second time.

Ever since the Aboriginal Land Rights Act of 1976 came into force, past and present federal governments have agreed that Territory law does and should apply to Aboriginal land. As part of the package of legislative amendments agreed to in 1982 between the then Minister for Aboriginal Affairs and the Territory government, changes would be made to certain Territory laws to make it clear that a person who had a statutory right to enter upon another person's land under particular circumstances would also have the right to enter Aboriginal

land under those circumstances without the need to obtain a separate permit under the Aboriginal Land Act to enter Aboriginal land. Thus, for example, where a person has a right to enter upon someone's land under the provisions of the Bushfires Act, that right should extend to Aboriginal land also.

Mr Deputy Speaker, the simple amendments proposed in these bills will make it clear that particular provisions in those 4 acts - the Bushfires Act, the Fences Act, the Stock Diseases Act and the Summary Offences Act - should apply to Aboriginal land. From previous discussions with Commonwealth officials and the land councils, the government believes that these bills are non-controversial in character and I commend the bills to honourable members.

Debate adjourned.

## MOTION

'Seven Years On' - Report by Mr Justice Toohey

Continued from 5 June 1984.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, it has been interesting listening to the debate on the Toohey Report. It is only a shame that the report was not one that Mr Justice Toohey was completely free and unrestricted to write.

The Leader of the Opposition made a number of constructive comments. Some termination of land rights claims is wished for by almost everyone in the Northern Territory, except perhaps the land councils themselves, as an end to what really amounts to a process of community division. One hopes that Judge Seaman QC, in reporting to the Western Australian government, will recommend some method for making grants of land to Aboriginal people similar to those methods adopted by the South Australian government which has simply made the grants by legislative process.

The Leader of the Opposition did make a couple of points which I would like to reply to. He said that Aboriginal people have good reason to fear mining when they see what has happened at Oenpelli. This rather contrasts with the apparent desire of the Aboriginal people in that area for the commencement of mining at Jabiluka and Koongara. I would be very interested to know what has happened exactly to the Aboriginal people at Oenpelli, even though many people have studied them and written about them. I think one of the greatest complaints of the Aboriginal people at Oenpelli is simply that they are so pestered by people who want to treat them as some sort of social experimental igloo.

The second matter raised by the Leader of the Opposition that I would like to reply to was that he acknowledged that the major problem of the current situation as far as the pastoral industry was concerned, vis-a-vis the Land Rights Act, was its uncertainty. He used the words: 'the uncertainty facing the pastoral industry'. Well, Mr Deputy Speaker, if uncertainty faces the pastoral industry, surely even more uncertainty faces the mining industry. I would think that, if the pastoral industry is entitled to certainty, so too is the mining industry. The biggest problem facing the mining industry is really just not knowing where it is going. So many things are not stipulated either in the legislation or the regulations and they are left completely in the hands, at the whim virtually, of the land councils.

In tabling 'Seven Years On', I said that, while I was pleased to note that some of the Northern Territory government's recommendations had attracted

Mr Justice Toohey's support, the report contained a number of other recommendations which will continue to make the administration of the act difficult. Specifically, I mentioned repeat claims, Aboriginal control over mining exploration and mining and the series of recommendations contained in the report which, if accepted, could lock up permanently a large area of the Territory at the whim of the land councils. In short, I said, although there is much in Judge Toohey's report which would make the act easier to live with for all Territorians, there is still much to be concerned about.

Mr Deputy Speaker, how could it be otherwise? Mr Justice Toohey was forced to produce a report under extraordinarily restrictive terms of reference. I would like to address myself to those terms today so that there is no misunderstanding in anyone's mind on the real limitations put on Judge Toohey's report.

The terms of reference given by the Minister for Aboriginal Affairs were based on 5 principles: that Aboriginal land was to be held under inalienable freehold title; that there was to be protection of Aboriginal sites; Aboriginal control in relation to mining on Aboriginal land; access to mining royalty equivalents; and compensation for lost land to be negotiated. These were rigid principles from which the judge could not depart in his investigation of the 5 points of reference which were: meeting the needs of Aboriginals who are unable to claim land under the act sufficient for communtiy living areas; resolving administrative and procedural difficulties arising from the operation of the act; reducing any detriment to Aboriginals which might result from the provisions and operations of the act; reducing any areas of conflict or inconsistency between the administration of the Northern Territory (Self-Government) Act of 1978 and the act; and the extent and type of land available for claim by Aboriginals.

Mr Deputy Speaker, I suggest that, while Judge Toohey was asked to undertake a very broad investigation of important aspects of the Land Rights Act, the principles were too narrow and restrictive, and too rigid for such an investigation to solve the problems that we have encountered with the act. Indeed, all the more vexing problems still remain. Mining will still be severely inhibited. There is still no cut-off date for claims. Claims over parks will still go ahead and there is still no agreement between the federal and Territory governments on excision legislation.

But the terms of reference for this report are something more than a straitjacket on the Territory. They are the articles of faith on which the dogma of land rights has been established. Not just is the Chief Minister responsible for the good governance of the Territory but, as an Australian, I ask: should we not question at least some of the assumptions and premises behind those 5 articles and see whether they are sustainable? Do we not have a clear duty in this parliament to raise issues of fundamental importance for present and future Territorians?

Mr Deputy Speaker, allow me, therefore, to raise a few points. On the first principle, there appears the word 'inalienable' which I interpret as 'in perpetuity'. The word is central to the Land Rights Act of 1976 and has become a sacred cow, not to be questioned or doubted. But it should be because 'in perpetuity' also means 'forever'. I ask: is that what Aboriginal people really want? It is true, of course, that land rights are designed to give Aboriginals the chance to keep their culture alive and to restore at least part of their lost patrimony. However, it also institutionalises racial and cultural differences that Aboriginal may not want institutionalised forever. Given the changing character of our society, including Aboriginal society, the word

'inalienable' I believe is most unwise because implicit in it is the assumption that Aboriginal society will not change, that it will remain the playground of anthropologists and others who seek the Rousseauistic ideal through their observation of the noble savage roaming nature in perfect ecological balance. It is this kind of nonsense that has inflicted a permanent division upon Australians. Perhaps there is justification for this division today but will it be justified tomorrow? I suspect not.

What are we to make of the third and fourth principles which give Aboriginals control over mining as well as royalties for mining? In the Australian context, this is giving one group of people rights and privileges that are not enjoyed by the rest of the community. So far the principles have done enormous damage to the mining industry in the Northern Territory and, consequently, to the creation of jobs in the Northern Territory. If adopted nationally, Australia could end up losing a large chunk of its export income and there would be subsequent detrimental results for all Australians, including the Aboriginals themselves. The mining royalties should be interpreted as a confiscatory tax on miners. That is what they are. That is what they should be called. If the Aboriginals are deemed to be a deprived minority, surely it is the responsibility of the whole community to bear the corresponding burden of positive discrimination not just the mining industry. The principle here, if one is needed, ought to be one of improvement of services, not straight out cash payments for the discovery and exploitation of resources that belong to all Australians through the Crown.

The fifth principle, dealing with compensation for lost land, is such an open-ended principle that it demands serious rethinking. It goes to the very heart of white settlement in Australia and unless its obscure ambiguity is explained and cleared up, the Commonwealth and state governments may be confronted by a staggering compensation bill. Mr Deputy Speaker, you may say: 'But we have known the principles for a long time. Why question them now?' My answer is that, for a long time, my government has tried to find accommodation with the federal government and with Aboriginal representative bodies on matters arising from land rights. Again and again, we have been stymied in our efforts to seek solutions to the many problems associated with the administration of land rights by the inflexible attitude of those who prefer preaching the benefits of dogma to rational discussion. Now is the time to question the premises that have brought us the dogma.

I remain committed to land rights but, like most Territorians, I look forward to a far more sensible approach than has been the case in the past. Let us have a package that works, not one that aims to divide us permanently and bring nothing but bitterness and economic stagnation in its train. I believe it is incumbent on the federal government to establish an independent committee of inquiry, made up of people not so heavily involved in Aboriginal affairs and working free from undue constraints, to report on Justice Woodward's original views. It is only through such an inquiry that the Territory can leave the straitjacket of the present legislation.

Motion agreed to.

## LONG SERVICE LEAVE AMENDMENT BILL
(Serial 14)

Continued from 29 February 1984.

Mr SMITH (Millner): I rise to speak on the Long Service Leave Amendment Bill. It has been so long coming on that I feel like I need long service leave

just for waiting for it. It does a number of simple things and, in our view, one controversial thing.

First, it prohibits any employee claiming a double entitlement. Obviously, we have no concern about that. It also empowers the minister to approve long service leave agreements if they are not less favourable than those under the act. There has been a change to the wording 'not less favourable' from the wording 'not more favourable'. Again, we do not have any problem with that. It increases the period for the retention of leave records from 2 years to 3 years and it limits to a period of 3 years the time in which prosecutions under this act can be made. We have no problems with any of those.

However, Mr Deputy Speaker, the one that is somewhat controversial is the proposal for the payment for long service leave where termination is for serious misconduct. The Chief Minister said in his speech that not only should such a provision be inserted, but it is also accepted practice around Australia that it is only pro rata payments which are affected when serious misconduct is involved. We would suggest that the Chief Minister is wrong in making that assertion. All states provide that there is no proportionate payment for long service leave in cases of termination for serious misconduct where the initial entitlement has not accrued. In the Northern Territory situation, if a person's employment is terminated for serious misconduct up until the completion of his 10th year, he receives no long service leave payment. Thereafter payment is proportionate on a period of service. In other words, in the other states, if a person is dismissed for serious misconduct, long service leave is proportionate to the period of service. If you have completed 18 years and are dismissed in your 19th year and you have already had your 10-year entitlement, you get 8 years long service leave entitlement.

Mr Deputy Speaker, that is contrary to what the Chief Minister stated. Only Queensland and Western Australia follow the procedure outlined by the Chief Minister. People who know about these matters recognise that Queensland and Western Australia are not really 20th century models to be followed in this area. In our view, his statement is not true.

We also have problems with the fact that, within the act, there is no definition of 'serious misconduct'. It may well be said in reply that this matter comes before legal bodies quite often and perhaps, under the law, the parameters of serious misconduct are fairly well spelt out. I am a great believer that terms that are vital to the conduct of an act should be defined in the act itself. In the situation that we are talking about, employers and, more probably, employees will not be experts in the operation of the act and will not necessarily know where to look for precedents. It would be much better to have spelt out this matter of serious misconduct. In our view, it is a grave weakness that that is not there.

Our basic objection to the insertion of the clause that, if you are dismissed for serious misconduct, you lose out on your pro rata entitlements is contained in the examination of the philosophy of long service leave. In other words, what is long service leave all about? In our view, long service leave is about a person being entitled to additional leave over and above annual leave after a set period of time for adequate service. It is not a carrot; it is a reward for satisfactory service. That is the basis of what we are saying. If a person is in his 19th year of service and is dismissed for serious misconduct, that person has completed 18 years to the employer's satisfaction - otherwise, by definition, he would not be in the job. If he is to be dismissed in his 19th year, it is our strong view that that reward in the form of long service leave for the previous 8 years service should be paid to him.

The punishment, if you like, for his serious misconduct lies not in removing his long service leave entitlement but in removing his job. I would think that that is punishment enough. In most cases, we are talking about people who are getting on a bit. Not many people under 35 would be affected by this legislation, and most would be older. We all know that, over the 35 to 40 age group, it gets harder and harder to find employment. The penalty is losing the job. We do not think it appropriate that an additional penalty be imposed in the form of removal of long service leave credits when those credits have been accrued over a lengthy period of time during which, obviously, the employee's service has been most satisfactory.

Our other objection is that it is possible that unscrupulous employers could use the provisions of this bill to reduce their obligations. This is becoming increasingly more difficult as employees become more aware of their rights and as they are more prepared to exercise their rights. However, I still have vivid memories of a person who was treated unfairly by his employer when I was still a youngster. This person had given his employer long and satisfactory service as a worker in a timber mill. Within a couple of months of his initial long service leave entitlement coming up, he was dismissed. It was quite clear from the evidence that the only reason for his dismissal was because his company wanted to avoid having to make him a long service leave payment. He was an older man. The reason he was only in his first 10-year period of accrual was that long service leave did not apply in the timber industry until he was well into his working life. In fact, he had spent 30-plus years working in this particular timber mill and they gave him the axe a couple of months before his long service leave was due. That sort of thing is harder under the present act and with the greater awareness of employees about their rights, but it is still possible if an employer really wanted to do it and his employee was not fully aware of what his entitlements were or what he could do about it if he was dissatisfied.

Mr Deputy Speaker, for those reasons, we urge the government to reconsider its approach on this matter of serious misconduct and to withdraw the clause that I have spoken about.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, this bill does a number of things. I believe it achieves the aims that were outlined in the Chief Minister's second-reading speech. First, we must remove any ambiguity or any chance that someone can try and get 2 draws at long service leave. Obviously, that is acceptable all round.

One of the things that does please me particularly about the bill before us is the fact that long service leave can be delayed. Certain delays are allowed for in the act as it stands. If both parties agree that long service leave can be delayed for a period, then it is allowed. I believe governments are often thought to be totally inflexible. This adds an element of flexibility which I am sure the community and all members of this Assembly will support.

The protection for the employee in this particular bill is that any agreement made between the employer and employee must be approved by the minister. The minister acts as watchdog. If there were any complaints about fulfilling the agreement, the minister would hear about it. He would no doubt act.

I am also pleased to note that the family situation is clarified. If an employee dies while in employment, the family of that deceased employee will benefit from whatever had accrued to him at that time.

Another improvement is the fact that the time limit on prosecutions has been increased from 6 months to 3 years. I believe that is a much fairer deal and prevents the possibility of someone trying to pull a shady one.

The honourable member for Millner has raised the one contentious issue. I would agree with some of what he said. If an employee is dismissed for serious misconduct, he would receive pro rata payments for the first 10 years only. As the Chief Minister explained, if someone has been employed for 17 years, he would not miss out on his first 10 years long service leave entitlements. However, he would miss out on the remaining 7 years. The honourable member for Millner said that, if someone was dismissed for serious misconduct after 19 years, then obviously he must have had an unblemished record for the previous 18 years. That is not necessarily true. A smart employee could have been ripping off the firm for years. That is just another side of the coin. I do not disagree with him totally. There will be cases when someone has given good service. On the other hand, someone could have been guilty of serious misconduct for a very long time but only found out after 19 years.

As for employers being unscrupulous, we have all heard about employers trying to dismiss employees simply because they were nearing the end of their time and would be due for long service leave. That is partly the reason for the pro rata leave provisions. I think 7 years is when that applies. In any event, it would be a fairly game employer who would try that one on.

Mr Deputy Speaker, I feel that this bill will achieve what it has set out to do: protect the employee, tidy up certain administrative areas and add a degree of flexibility.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I would like to add my support to the comments of the honourable member for Millner who has shadow responsibility on this side for industrial relations.

As the member for Millner said, of the 9 clauses in this bill, the opposition has no difficulty with 8 of them. However, we do have difficulty with clause 6. Clause 6 provides that an employee can lose his long service leave entitlement, if he is dismissed for serious misconduct, for those years accrued after the initial 10 years service.

Mr Deputy Speaker, I note that the member for Nightcliff will speak next in this debate. I am sure that he will recall the times when I was a union delegate for our former common employer. There were times when I could have been quite justifiably dismissed for serious misconduct. Fortunately, industrial relations being what they are there, I managed to stave off that event.

However, there are areas in the Northern Territory where industrial relations have not quite reached the stage where employees enjoy that degree of protection. There still are areas in the Northern Territory where unionism is still quite uncommon and people have yet to form an organised industrial front. Indeed, I know of people who have been dismissed for supposedly serious misconduct when there was no way that their misconduct should have been judged serious enough to warrant dismissal.

Nine times out of 10, it is not the articulate or the younger people who are dismissed in those circumstances. Usually, it is the inarticulate or migrant people. Migrant people in particular are affected by these unscrupulous practices. Migrants employed in contracting areas are often the subject of these unscrupulous practices. There are instances where people have been

dismissed after 7 years service, before their 10 years are up, ostensibly for serious misconduct. Their pro rata long service leave has been lost to them. The same situation can now occur for those years accrued after 10 years service.

As the member for Millner pointed out, there are only 2 states in Australia that have similar provisions: Queensland and Western Australia. He also pointed out that neither of those states' legislation could be considered to be in any way modern. It is very difficult to see how either of those examples could be considered as innovative industrial relations legislation.

I would ask the Chief Minister to consider withdrawing his proposed clause 6. There is certainly no need for it. I do not know the potential number of employees who could be affected. I do not know how many people it could affect. But I do know that the people who will be most affected, the ones with 11 to 19 years service, will be the least able to protect themselves. Generally speaking, they will be migrant workers or the less articulate members of our working community.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I note that the opposition spokesmen on this particular piece of legislation have expressed no objections to any provisions of the bill except the one dealing with the question of pro rata payments for long service leave as they affect circumstances in the second and subsequent 10-year periods of service. On that basis, there is little to be achieved by consuming the time of this Assembly by addressing myself to the other clauses. If I may, I will concentrate my attention on those points made both by the member for Millner and the member for Nhulunbuy.

In discussing this, there needs to be some understanding of what long service leave is. There was some convoluted attempt at explanation by the member for Millner. He said that it was not a carrot but that it was a reward. I do not understand the difference in those terms. The historical origins of long service leave derived from a consideration that, after extended periods of continuous and good service with an employer, employees needed a period of rest and recuperation somewhat in excess of that which was normally provided by way of annual leave. As a consequence of that, provisions which became known as long service leave were introduced. It is certainly true that it was introduced and supported by employers, in some circumstances, as an incentive for employees to continue in a particular employment for long periods. Nonetheless, that was the reason for the provision of long service leave.

The second thing about long service leave is that, in industrial relations terms, it is what is known as a pop-up provision. That means that, until you have achieved the desired level of service, you have no entitlement to anything. This applies, for example, when a person goes on annual leave. Not until one has completed 12-months service does one have any entitlement to any annual leave. Similarly, with this long service leave, until one has completed a 10-year period of service, one does not have any entitlement to any long service leave.

A provision is built into the legislation, which operates in a situation where a person, through no fault of his own, finds he has to leave his employment; for example, through retrenchment. Under those circumstances, there should be some provision for pro rata long service leave on the premise that, had all things been equal, he would have completed that service and been entitled to long service leave. Quite legitimately under those circumstances, the legislation excludes from entitlement to that privilege anybody who is terminated for serious misconduct. It is not a right. I emphasise that, Mr Deputy Speaker. It is a privilege granted to a person because of unforeseen

circumstances that led him to being unable to continue his employment, and not where the services are terminated as a consequence of his own actions in contravention of his employment contract. On those premises, there is no argument to say that any person dismissed for serious misconduct should be entitled to any pro rata long service leave.

The opposition referred to this second period of service as if it is different to the first period of service, and that unscrupulous employers would dismiss people somewhere between the 7th and 10th years of service to avoid meeting the long service leave requirements. If that argument had validity - and it has very little validity - it would have equal validity in the first 10 years period of service because the same circumstances would exist. Once a person has completed 10 years service, he then has an entitlement to a full 3-months long service leave after which, when he returns from that long service leave, he then commences to accrue a further 10 years service towards eventually receiving yet another entitlement to long service leave.

Therefore, the arguments presented by the opposition come to naught. If it accepts the premise that the provisions of the legislation in respect to the first 10 years are valid, and given that they are separate and distinct 10-year periods, then it must also accept the argument in respect of the second period of 10 years. The person who is dismissed for serious misconduct should have no right to gain the additional privilege when his services are terminated as a consequence of his own conscious misconduct.

In respect of the opposition argument that some employees do not understand their rights and obligations, and that there are unscrupulous employers, one could reverse the argument and say that there are employers who do not understand their rights and there are unscrupulous employees. Both are true. There is no doubt about that. However, when we are drafting legislation, we must draft it in consideration of the rights that do exist for people. The opposition members who have spoken are well aware of the common law rights, and in many cases the award rights, of people to defend their positions in the event of wrongful dismissal and where dismissal is summary because of serious misconduct.

Mr Leo: There is no award.

Mr HATTON: Whether there is an award in existence or not, the right to defend through the legal processes does exist, and speaking from personal experience it has been exercised on many occasions.

Mr B. Collins: Relevant experience is a little bit shaky there.

Mr HATTON: No it's not.

Mr Deputy Speaker, to continue on this point, the rights are there for employees through the courts of summary jurisdiction or through the Conciliation and Arbitration Commission for a person to defend himself against wrongful dismissal where the accusation is serious misconduct. That is the only circumstance under this legislation where a person does not gain the privilege of getting pro rata payments for long service leave in the event of termination of employment.

Those same opposition members would be well aware that there are many other circumstances in common law and in awards that would justify summary dismissal which are not included in the legislation. I would suggest that, in fact, the legislation is quite generous in restricting itself to issues of serious misconduct.

To bring the point home that it is in fact a privilege granted and not a right, and that the non-application of this provision to people whose employment is terminated for serious misconduct is not a penalty, I must reiterate that nobody has any right to any long service leave until he has completed the stipulated 10-year period of service. On this occasion, there is no 10-year period of service. In some circumstances, people are entitled to receive payments on a pro rata basis. There is no justification in the argument of the opposition about the second period of service because it is no different from the circumstances that apply in the first period of service. Each period of service must be seen as a separate and distinct 10-year period.

To explain that a step further, after 10 years service, a person has his full 3-months entitlement which he takes, or he may come to some arrangement for taking it later. Then a new 10-year period starts and the employee goes back to square 1 and starts accumulating towards the right to long service leave after a further 10-year period of service. The provisions of this bill are now consistent step by step. They will remove any inconsistency that exists in the legislation. It is not uncommon for persons who are not familiar with the details of industrial relations to use the references and the comments that are often abused by those who seek to represent them; for example, from the trade unions. I am somewhat surprised at the references from those speakers in the opposition. They were not aware that there is no accrual of rights at all in this form of benefit.

The member for Millner suggested that there should be a definition of 'serious misconduct'. Such a definition would probably add, if it were comprehensive, an additional 100 pages to this piece of legislation. The accumulation of interpretations of what constitutes serious misconduct goes back, in some cases, hundreds of years. There are so many circumstances that exist in a workplace that it is recognised universally that it cannot be defined. One would not find any piece of industrial legislation, award or employment contract that attempts the task of comprehensively defining what constitutes serious misconduct. In fact, it is dealt with most efficiently and effectively through the processes of common law. That has worked satisfactorily and it would be inappropriate to seek to put some statutory definition in the legislation. It would simply make the legislation more complex and more difficult to interpret and apply because one would be cutting right across decades of common law application of what constitutes serious misconduct. It would be a seriously retrograde step in the effective application of this legislation.

I would like to deal with the question of union membership and whether it has any relevance here. I would suggest that it has no relevance to this piece of legislation. The point was made that, where persons are not in a trade union, they miss out on their rights or are unable to enforce their rights. There probably have been occasions when that has occurred just as there have been occasions where employers who have not been members of employers' organisations, and have been facing trade unions, found that they missed out on the correct application of their rights. I do not think it is appropriate for legislation to consider that.

This Assembly should be considering whether or not individuals have the right to redress in the event of actions being taken against them which are improper or contrary to their entitlements. Those rights are well and truly in place, either through awards or, more particularly, through a person's common law rights associated with his contract of employment. He does have a right of redress through the courts, particularly the magistrates courts. There have been numerous circumstances in this town where matters of that nature have been

brought before the courts and they have been resolved. Equally, there have been instances where persons were not members of trade unions but, as soon as a difficulty arose, they have immediately joined trade unions and achieved the representation that - I am sure members of the opposition would agree - they should have sought in the first place. I would suggest that those arguments should be totally discounted and that this legislation should stay as it is. It is a consistent and proper application of well-established industrial principles.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, there does not seem much left for me to answer. The member for Millner raised his point and I think the member for Nightcliff has satisfactorily disposed of it. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr LEO: Mr Deputy Chairman, I would like to reiterate our opposition to this clause. Contrary to what the Chief Minister said, the member for Nightcliff did not dispose of the opposition's comments or observations on this particular clause. In fact, the member for Nightcliff and, it would appear, the Chief Minister are out of step with at least three-quarters of the Australian population by taking this retrograde step concerning an employee's entitlements for long service. The member for Nightcliff may have some justification in pointing out that the various organisations to which employees and employers belong should have little bearing on how we draw up our legislation. Nevertheless, it does have some bearing on the application of legislation. I do not think that any member of the Assembly could deny that.

Undoubtedly, the people most affected by this will be those least able to protect themselves. That is undeniable. I have yet to hear the member for Nightcliff or the Chief Minister refute that. Those people who are least able to protect themselves - the migrant workers and the Aboriginal workers within our community - will be most affected by this. There is absolutely no doubt about that and neither of the 2 government speakers bothered to deny it. It is a simple fact of life and I would ask the Chief Minister to withdraw clause 6.

Mr HATTON: Mr Deputy Chairman, I do not wish to go over the points I made in the second-reading debate except to reiterate that there is no difference in the provisions and the effect, as the member for Nhulunbuy has referred to it, between the operation of the second 10 years, the third 10 years or the tenth 10 years from the first 10 years. If the opposition accepts the fact that the provisions in respect of the first 10-year period of service are acceptable, then it can have no argument that the provisions as they apply in respect of the second 10-year period of service should not be equally acceptable. All the fears that it is expressing now are equally applicable and I would ask that the clause stand as printed.

Mr LEO: Mr Deputy Chairman, I do not doubt that the member for Nightcliff has considerable experience in the area of representing employers in industrial relations matters. Indeed, I have been fortunate enough to confront him in that role. It was quite an enjoyable experience all told.

However, three-quarters of the Australian population disagree with him. The New South Wales government disagrees with him, the Victorian government disagrees with him, the Tasmanian government disagrees with him and the South Australian government disagrees with him. I will not reflect upon the Queensland government but it happens to agree with him and the Western Australian government, much to its detriment, also happens to agree with him.

This is a retrograde step. We are going backwards in terms of industrial legislation in Australia. It is a backward step. It is not a forward step. Industrial legislation is supposed to be positive not negative. This is a backward step in terms of industrial legislation in the Northern Territory. I would ask the Chief Minister to withdraw that clause.

Mr EVERINGHAM: Mr Deputy Chairman, there is no likelihood that I will withdraw this clause. I would like to comment though on a couple of points made by the honourable member for Nhulunbuy. When he had his first bite at the cherry, he said that only disadvantaged people would be affected by this provision. They certainly will be disadvantaged if you take it that they have been dismissed for serious misconduct because they are the only people who will be affected - people who are dismissed for serious misconduct.

The second point raised by the honourable member for Nhulunbuy was a specious one. He said that Victoria, New South Wales, South Australia and Tasmania have different legislation or legislation the way he would like it. I suppose that I can equally easily say that that is why industry is fleeing from those states and establishing itself in Queensland, Western Australia and the Northern Territory. We can go on and on. But as far as I am concerned, this certainly is positive legislation.

Clause 6 agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

## JABIRU TOWN DEVELOPMENT AMENDMENT BILL
(Serial 23)

Continued from 29 February 1984.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, although this bill is not a particularly complicated one, it is certainly going to be a very welcome one for the residents of Jabiru. It would be surprising if the opposition did not support this bill as indeed it was the opposition, and in particular the honourable member for Millner, who first raised the issue of providing this form of self-government for Jabiru. The bill quite simply does that. It introduces local government to Jabiru. Currently, municipal functions lie with the Jabiru Town Development Authority but, once this piece of legislation passes through all stages in the Legislative Assembly, this will change.

The residents currently have a voice through an advisory town council and the bill enables the authority to delegate functions to a town council. Of course, the elections have been held. I think the council will be formally and legally constituted on 1 July.

The council will be composed of 3 government-appointed members and the 5 members who have recently been elected. The bill contains provisions for the

minister to do away with the appointed members when that is desirable and so on. There are no contentious or involved aspects of this legislation. The opposition supports it unreservedly.

Perhaps it would be appropriate simply to advise the Assembly that the election of the members who will constitute the council has been carried out at Jabiru. There was, I regret to say, a disappointing turn out of voters. It was the first time such an event had occurred at Jabiru and, of course, voting was not compulsory.

But I am sure the Legislative Assembly would express its congratulations to all of those people who were elected at Jabiru. I have no doubt that there will be representatives of the Northern Territory government, and no doubt the responsible minister, present at the first formally-constituted meeting of the council in July. I am sure that all of us would wish it well in its deliberations and that it helps Jabiru to improve and prosper.

There are a few technical problems which are stopping Jabiru from prospering still further. I am sure that, in due course, that will be attended to. I look forward to joining the government representatives at the meeting of Jabiru's first town council.

Mr FINCH (Wagaman): Mr Deputy Speaker, in speaking briefly to this bill, it is important to note that the provisions have been included as a positive response to the aspirations of the Jabiru community itself. There is no doubt that it is a most important ingredient for the ultimate development of any community for it to have an active participation in its own management. The town has not yet been able to develop to its full extent, as mentioned by the Leader of the Opposition. Certainly, we wish him well in his visit to Canberra later this month. However, it has been able to reach a reasonable level of stability applicable to the current level of mining development in the area.

The town's population has now stabilised to the extent that many families and residents consider Jabiru their home and the early transient nature of the construction days are fairly over, at least until we have a further go ahead on the mining side which will mean additional construction work and some extension to the town's facilities. Already many community organisations and groups have been established - sporting, recreational, cultural and service groups. These are providing a valuable contribution to the lifestyle of the residents. With this growing stability, the residents have now indicated, and justifiably so, that they desire a greater voice in their own civic affairs. They naturally desire a greater say in the running of their own town through a democratically-elected municipal council.

Mr Deputy Speaker, the proposed legislation takes into account the special financial and management requirements applicable to the Jabiru situation. It has been developed in consultation with the Jabiru Town Advisory Council. It will allow a positive means for people to have a significant contribution to their own affairs. Undoubtedly, this will be to the benefit of both the community itself and the government administration as a whole. The proposals, which are based on the principles of the Local Government Act, will provide a sound basis for the ultimate long-term development in the Alligator Rivers area. Just as many other established Territory communities have and rightfully desire an involvement in their own local affairs, the town of Jabiru has now indicated that it is ready. I commend the bill to honourable members.

Mr EDE (Stuart): Mr Deputy Speaker, I rise to support this bill as I support the extension of local government throughout the Northern Territory. I

would only mention that it is unfortunate that it is another example of the 'ad hoc-ery' which surrounds the provision of local government in the Northern Territory. I note that the honourable member for Wagaman made a virtue out of necessity by saying that it was specifically designed for the people of Jabiru. It is specifically designed for the people of Jabiru because the Local Government Act in the Northern Territory is inadequate to cover situations such as this. I mention merely that I am looking forward to the day when the review of the Local Government Act is complete to such an extent that we will be able to cover situations such as this. I hope that I can live long enough to see that day. In general, I support the bill and commend it to honourable members.

Mrs PADGHAM-PURICH (Conservation): Mr Deputy Speaker, I could not let this occasion go by without making a couple of comments on what members of the opposition have said. As honourable members would know, the town of Jabiru was in the electorate of Tiwi before the electoral redistribution. It is no longer in my electorate but, nevertheless, I still would like to say something about local government at Jabiru.

The Leader of the Opposition mentioned that this idea originally came from the opposition. I think he was jumping to conclusions there a little. Because the government did not come out with the legislation earlier, it does not mean that it was not being considered. The government prefers a more stable and prosaic approach to something as important as this. The honourable member for Stuart used the slick term 'ad hoc-ery'. I think he was really up a wattle there because, if anything, the bill that the opposition introduced was 'ad hoc-ery' at its worst. It was diving in off the deep end into local government. The approach that the government took was not to go straight into full local government but to go into the form of local government which best suited the people's wishes at the time. It formed the Jabiru Town Development Advisory Council. There has been a logical progression from the advisory council to local government.

The member for Stuart made some other derogatory remarks. What he has to remember is that local government has to meet the needs of the people. It is a matter of horses for courses. There are different local government needs at Bathurst Island, Jabiru, Nhulunbuy, Alice Springs and Darwin. It is all local government but it is all the local government that the people want. They do not want it imposed on them by big brother.

Mr Deputy Speaker, the township of Yulara will be looking at a form of local government to be adopted in the future. It is considering several options. It will be looking at local government in other centres in the Territory. I have asked them to look at local government in Jabiru to see how it could affect the people at Yulara if a similar form of local government were introduced there. Above all, the local government must reflect the views of the people for whom it is administered.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, there is not too much more to add. Everybody seems to support the bill. I rise mainly to speak in envy of the residents of Jabiru; I am absolutely green with envy. The Minister for Conservation says that people want to select their own form of local government. That may be the case but, unfortunately, my constituents are not able to do that. She also pointed out that she does not think that people like to be told what to do by big brother. I agree with her but, unfortunately, my constituents have no choice about that. They are very much told what to do by big brother. I look forward to the day when the Local Government Act is changed to enable Nhulunbuy to achieve some degree of local democracy.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to support the bill. It is a long-awaited stage in the development of Jabiru. I cannot let this occasion go by without expressing a view that I have held for a number of years in respect of the township of Jabiru. I refer to the constrictions that are placed on this government's ability to proceed towards full local government in the area, particularly as a consequence of the artificial constraints that are placed on that township and its population. Any person who has been involved in industrial relations, particularly in respect of mining towns - and I note the honourable member for Nhulunbuy has already expressed a view consistent with what I am putting now - would appreciate the problems which arise in properly developing full local government and the difficulties that exist as a consequence of a town being based around one particular employer and the stratification that exists within such communities. In such communities around Australia, there is a desire to broaden the social and economic life within the township and provide diversity, which is an essential element in the quality of life, and also provide for the development of political representation in the form of local government.

This legislation provides the mechanism to develop along that path as far as possible. The point of particular concern and anger to me has been the way in which those involved in the decision making in respect of the establishment of that township and province have considered everything except the needs of the people who actually work on that mine site and live in that town. These are artificial constrictions on population size and lifestyle.

People have tried to establish small businesses in the town, businesses which would have provided services, but they were unable to obtain a lease of land because it was in contravention of the sublease that existed in respect of that township or contrary to policy to have a particular small business. Many other small towns had them but they did not fit into the plan of management that was devised for that township. Again, that is a restriction on the ability of the town to evolve towards normality.

I think it should be a concern of this Assembly that such restrictions are allowed to continue. They have been exacerbated by the failure to allow any further development in the area, and I note that the Leader of the Opposition alluded very delicately to that point in his statement. It is important. It is critical for the future of that township and the wellbeing and lifestyle of the people in that township, as well as for the economy of the Northern Territory, that the other mines in that area be allowed to develop. It will create new employers in the area. It will start to expand the social structure of the community by providing diversity of facilities in the township. Now that this town has been in operation for some years, some attention needs to be paid, particularly by the federal government and the Australian National Parks and Wildlife Service, to re-evaluating attitudes towards this township.

In preparing for this, I read through a few of what are almost ancient documents now. The Second Report of the Ranger Uranium Environmental Inquiry talked about the need to cut down and hold back the development of tourism in Kakadu and the need to stop Jabiru developing as a regional centre because it would impact on people in the park. The government's decision that backs that and the Kakadu National Park Plan of Management put into effect a sublease back through the Northern Territory government to the Jabiru Town Development Authority. All these factors impact on the families, the workers and the kids living in that town. It is about time that the do-good people in Canberra started thinking about some of the people who live in the town and not simply the birds and animals - although they need to be considered too. I am not attacking that, but they cannot ignore the people living in that town and it is

about time they started allowing those people to develop a proper and useful lifestyle.

Equally, they should start to break down some of their strange attitudes towards the development of alternative facilities and tourist facilities in that township. I note that, in 1982-83, people tried for over 12 months to get 6 rooms of motel accommodation built in that town simply to accommodate people so they could stay overnight. For example, as a representative of employers, I could not spend any time there visiting my membership in the area. People with business in Jabiru or visiting the area had nowhere to stay. One had to drive out in the morning, get through as much work as one could during the day and drive back at night. That sort of constriction and limitation is detrimental to the people and their proper development as members of the wider Northern Territory community.

Mr EVERINGHAM (Chief Minister): There is not a great deal to say, Mr Deputy Speaker. The underlying principles to which the bill relates have been well and truly chewed out but I would like to take up the honourable member for Stuart's cry that the Northern Territory government's approach to local government is mere 'ad hoc-ery'. The member for Stuart said that we are making a virtue out of a necessity, which I am quite prepared to do if I have to. However, in this case we are dealing with possibly the strangest situation ever facing any government wishing to devolve local government on a community anywhere in Australia. The member for Nightcliff has referred to some of this. I can remember some years ago debating in this Assembly the regulations that were to be imposed on Jabiru by the Australian National Parks and Wildlife Service. I seem to recall being advised by the then Solicitor-General that the people of this community were not going to be allowed to grow cabbages. That is the sort of place it is. The federal government has intervened in the community of Jabiru to the level of passing special regulations relating to the grant and or refusal of liquor licences. The federal government has come down to that level of interference in the life of an ordinary community. Where every other part of the Northern Territory is subject to our Liquor Act, Jabiru is subject to the overriding control of a federal minister or a director of national parks in relation to liquor licences.

To take up what was said by the member for Nhulunbuy, what happens to Nhulunbuy is in the hands of his federal colleagues. As soon as the federal government decides to repeal the act that currently constitutes the situation at Nhulunbuy, and on the footing that a Northern Territory Act is passed in its place, then the sooner the Northern Territory can do something about the situation at Nhulunbuy. Despite that, we have been trying. I went to the opening of the high school at Nhulunbuy about 3 years ago. The honourable member was there and he heard me offer the people of Nhulunbuy local government upon whatever terms we could possibly negotiate with them.

The fact is that nobody, or nobody except the honourable member for Nhulunbuy, seems to want local government. The Leader of the Opposition bore out the fact that, in many cases, it is a minority of a community that wants local government and very often they only want local government because of a particular emotional issue that arises at some time. They all get behind it and are swept into local government. Nhulunbuy does not want local government, or certainly not at this time. But if it does, and if the honourable member really represents his constituents, then he can talk to his masters in Canberra and have them repeal that act, as we have asked the federal government to do for years.

We are accused of 'ad hoc-ery'. We have to deal with the greatest tangle of federal bureaucratic mumbo-jumbo, gobbledegook and red tape in any part of

this country - a country that is held back by a city that is dedicated to red tape and bureaucracy, a city that is peopled largely by citizens who have nothing better to do in many cases than stop things or slow them down or get their fingers into pies that do not concern them when the rest of the country is out and about trying to make a buck to pay the tax dollars that keep that city of monuments in existence.

For the benefit of the honourable member for Stuart, that is the situation with local government in the Northern Territory. Local government in the Northern Territory is a mess because the Territory is a mess because the Territory is subject to all this rubbish that is fed to us from those people down there.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr EVERINGHAM: Mr Deputy Chairman, I move amendment 4.1.

The purpose of the amendment is to extend the scope of the constraints imposed by clause 5 to include the authority's powers in relation to the number and classification of staff employed by the council and the conditions under which they may be employed.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendments 4.2 and 4.3.

These correct minor drafting errors.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 15 agreed to.

Clause 16:

Mr EVERINGHAM: Mr Deputy Chairman, I move amendment 4.4.

The purpose of the amendment is to expand proposed section 28A in order to allow the council, with the approval of the authority, to accept loans from the Territory.

Amendment agreed to.

Clause 16, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill reported; report adopted.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I want to make some comment on what the member for Nightcliff touched on and the Chief Minister mentioned subsequently in respect of restrictions placed by the ANPWS or any other park authority on the residents of Jabiru. I think that it is indicative that all parties have conceded that, as life develops at Jabiru and in Kakadu National Park, restrictions of all kinds on accommodation or otherwise will have to be reviewed, as indeed they have been. I remember the early debates, which now seem to be ancient history, when there was no accommodation at Jabiru. Now a motel for visitors is being established in Jabiru. I recall the debates on the restrictions on growing this, that or the other.

However, Mr Deputy Speaker, I want to point out this cautionary note that, in respect of restrictions, I think that a situation where all the restrictions are lifted from Jabiru would be very undesirable indeed. We do have to be careful for commercial, if not for other reasons, that we do not cut our noses off to spite our faces. We have a very valuable resource in Kakadu National Park. The hotel development that will occur in Darwin will depend very largely on it.

I spent 3 years working in the national park as a CSIRO wildlife officer and it was a matter of constant annoyance and indeed anger for all of us working out there to see the depredations that are wrought in national parks, particularly by feral cats. We used to shoot every one that we saw. They wreak havoc on small mammals, birds etc and there are many of them out there. The rangers shoot them as a matter of course. Obviously, we do not want a similar situation to the BTB program, where rangers go around removing exotic flora and fauna from the national park - and I include buffalo in that category - and then run a risk of having all the effort and money spent on this work undone by allowing people to bring further cats back into the middle of a national park. Of course, inevitably, it does not matter how well you look after them, they will get out and breed again.

I remember that the original restrictions were too tight but we need to have some kind of general control over the introduction of exotic flora and fauna into parks, otherwise parks very quickly lose the enormous potential they have. That is not just for tourists. There is also a very big market for the specialists interested in wildlife. Already they have had one major convention that I can remember with people from all over the world who fit that category. I attended it. From memory, some 250 ornithologists from all over the world held a convention here and visited Kakadu as the focal point of their trip. That kind of specialist attention has a flow-on value to tourists, so we need to be careful, when we are talking about removing restrictions, that we do not go so far as to wilfully and legislatively create a situation whereby we will destroy the future natural and economic value of the park itself.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to make the point that the comments made by the Leader of the Opposition are well-founded. I would like to put on record that I do not oppose those suggestions. I would reiterate that those who are responsible for making the laws and those who are responsible for imposing the conditions on this government and, through this government, onto the people in that township must start to consider the needs of the citizens who live there. Certainly, there is a need to protect the resource that we have in Kakadu National Park but it should be with the emphasis that this government placed on it before the federal government heard of Kakadu National Park.

This Assembly should not do anything to damage it but, equally, we must consider the fact that we have citizens living in the township who have the same right as other Australians to live a reasonably diverse and enriching life. Wherever possible, we should remove artificial restrictions that are imposed on their lifestyle. When I say 'artificial' I mean those that are not necessary for the protection of the park as a consequence of environmental controls over uranium mining etc that obviously affect that area. That is the point I wish to make because I do not think it has been stressed sufficiently in the past. It is probably quite timely to make that comment because of the rumours that the federal government, at some stage in the near future, may change its policies in respect of the future development of uranium mines. If that were to happen, we would be walking into even more serious problems so far as that township is concerned. If one goes back through what was referred to as the ancient history on this, one will find that there were even proposals in those days that, once the population reached 3500, any other people would be bussed in and out from somewhere outside the park. That would create even more social pressures and industrial relations problems too.

Bill read a third time.

## FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL
(Serial 8)

Continued from 29 February 1984.

Mr SMITH (Millner): Mr Deputy Speaker, this is a very simple bill. I understand that it provides a power for the Auditor-General, on the instruction of the minister, to undertake special inquiries as ordered by the minister into the activities of particular departments or statutory bodies. It is certainly a power that this opposition supports. We think that, as the activities of government and the activities of statutory corporations become more and more complex, the power of the Assembly and the power of the government to control those activities needs to be looked at from time to time. It is a desirable strengthening of those powers for a minister to have the ability to order the Auditor-General to undertake a special inquiry if the minister has some doubts or wants to be reassured that all is well in that particular department or statutory corporation. With those words, the opposition supports the bill.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, I would like to clarify some points that the member for Millner made. I do not often get a chance to pick him up on technical points. He said initially that this bill was to give a power to the Auditor-General to do some auditing. He corrected it later. The amendment will empower the minister to order the Auditor-General to audit a particular government department or a statutory authority. I think that needs to be clarified. The Auditor-General has the power, at any time, to audit, as he sees fit, any particular government department or authority. With the present act, if the minister feels an audit should be carried out, he cannot order that it be done. That is what we are about to change.

I dare say the reason why it was not included in the original legislation is simply that we like to respect the autonomy of the Auditor-General. We believe that his role is a very important one. However, there is a need for government to know the situation. The government is ultimately responsible to this Assembly and to the people of the Northern Territory. It needs a method to respond to evidence that may be put before it or rumour that may circulate. Of course, sometimes rumour is very strong and will not be put to rest unless there is some inquiry. I feel that it is a good thing that the government is seeking this power for the minister to direct the Auditor-General.

I fully expected the opposition members to support this amendment. It is in line with the theme that they have maintained that they want to know more. In this bill, there is a clause which says that the Auditor-General's report will be put to this Assembly within 6 sitting days of its receipt by the minister. It will thus be open to debate by the members of this Assembly. There are clear lines of action and I believe it passes the wise parliamentary test: you should not give your government powers that you would not like the opposition to have if it were in government. I realise that the idea of the opposition being in government is very hypothetical but, even if it were, it is something that I would not oppose it having the power to do. The bill has my total support.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

## MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 24)

Continued from 7 March 1984.

Mr SMITH (Millner): Mr Deputy Speaker, this bill covers a number of areas, some controversial and some not. I will deal with the non-controversial areas first.

Firstly, the bill provides for the coverage of the act to be extended by broadening the definition of 'Territory resident'. This is supported by the opposition as it makes it easier to establish residency and hence to prove entitlements under the act. Secondly, it permits the prescription by regulation of amounts currently specified in the act; that is, lump sum schedule benefits, death and funeral benefits and maximum amounts for medical and rehabilitation benefits. Although we disagree with the setting of maximum amounts in some of those cases, we certainly think that it is right and proper that, where amounts need to be specified, they should be set by regulation rather than be contained in the act. Thirdly, it expands the list of lump sum scheduled benefits to include deafness in one ear, loss of taste or smell, loss of finger, toe or joint, and a couple of other things as well. This brings the operation of this part of the act into line with workmen's compensation. Firstly, it corrects an anomaly in section 10 to ensure non-entitlement to those driving during the commission of a crime. For example, it excludes a driver whose wife is killed in an accident while the driver was involved in criminal activity. Under the act as it operates at present, he is able to claim for her death, and we support the government's decision that that is inappropriate.

Mr Deputy Speaker, that is where our concurrence with the government ends. There are 3 areas that we do not support. The first is a change to section 9 which expands the existing exclusion from benefits to those whose intoxication the TIO believes contributed to the accident even where there is no conviction. I could find no mention of this proposal in the second-reading speech of the honourable minister. Certainly, no justification was provided for it. More and more, we are finding proposals put forward by the government in legislation for which no justification is provided. Even today there have been a couple of instances. The opposition believes that it is incumbent that a person be convicted of intoxication before benefits are removed. Removal of this very basic principle in law would provide enormous powers to the TIO board - powers that we cannot support. I would ask the minister to provide in his response, or at least attempt to provide, some justification for putting forward this proposal.

Clause 38 of the bill seeks to extend the TIO's right of recovery to cover drivers convicted of drink driving offences. The amendment could permit the

offending driver to be bankrupted, the family home to be sold up etc. It should be noted that, under the Bankruptcy Act provisions, only personal effects, necessary household property and tools of trade are excluded. Obviously, that is of extreme concern.

I note with some pleasure that the government has proposed an amendment in this area, but we still have concern with the principle that the government seeks to establish. It is the opposition's view that, where there is a serious driving offence, the appropriate avenue for action to be taken is under other legislation, and not under this legislation. In other words, for a conviction for culpable driving, we are saying that the driver should be penalised under the Traffic Act or wherever appropriate but his or her family should not be penalised by the harsh financial penalties in this proposal.

Mr Deputy Speaker, that brings us to the most controversial area of this bill and that is the proposal of the government to remove completely the already limited common law rights for Territory residents. Those of us who are familiar with the bill will know that, at present, I think under section 5 of the legislation, the common law rights of Territory residents is limited to $100 000 and the government has proposed that this be removed completely.

We are gravely restricted in our comments on this by a lack of information. On 14 April, I put some questions on notice to the Treasurer concerning some very important information that we needed. On Tuesday, I was given a draft response from the Treasurer. He informed me at the time that he could not understand what the response was. I must admit that I cannot either. I would submit to the honourable Treasurer that there are serious errors in the draft that he has shown me and that it does need to be looked at. More accurate information does need to be provided.

For the record, I will read out the questions and members will see that the government's failure to provide us with information on these questions must limit our ability to make judgments on the government's claim on what is costing the TIO what and in which particular areas. The questions that I put on notice are:

*The 1982-83 annual report of the Territory Insurance Office showed that claims incurred under the Motor Accidents Compensation Scheme amounted to $11 513 520.*

*(1) Of that amount, how much was: (a) paid out in common law awards to non-Territorians and how many claims did this involve; (b) set aside for common law awards to non-Territorians and how many claims did this involve; (c) paid out under section 5 of the Motor Accidents (Compensation) Act and how many claims did this involve; (d) set aside for claims under section 5 of the Motor Accidents (Compensation) Act and how many claims did this involve; (e) paid out under section 13 and how many claims did this involve; and (f) set aside for claims under section 13 and how many claims did this involve?*

*(2) Of that amount, how much can be attributed to mature claims from accidents in preceding years?*

*(3) Excluding common law awards to non-Territorians, how many payouts by the TIO under the Motor Accidents Compensation Scheme involved benefits in excess of the limits set in the Motor Accidents (Compensation) Act?*

There is a similar set of questions for the period 1 July 1983 to 30 March 1984. As I have said, answers to these questions in an accurate form and a form that can be understood is essential for an intelligent discussion in this debate. Despite the fact that 2 months ago we asked the government to answer these questions, we do not have them. I think it is fair to say that I am most disturbed by this. It has always been a habit of this government to provide answers to questions on notice 1 or 2 days before the Assembly sittings. In this case, the best it can do on this very important issue is to provide a draft which no one can make any sense of.

Under those circumstances, and as we have to debate this bill, we have to rely on the annual report of the TIO for 1982-83 and the minister's comments in introducing the bill. In the annual report of the TIO for the year 1982-83, the honourable Treasurer stated that the $3m loss of TIO was due to the necessity to make some large provisions for possible common law awards for pain and suffering under section 5 and also the possibility of large payouts under the weekly earning provisions, which is section 13 of the act. Mr Deputy Speaker, the large provisions for possible common law awards are, by definition, all for non-Territorians. It is by definition because the awards for Territorians under the act as it stands are limited to $100 000.

The Treasurer in his second-reading speech went on to say that one section 5 case may result in one payout of $1m. I quote: 'There are a number of others with possible payouts in the range of $600 000 to $800 000'. It would only take 3 of these in this range, together with the $1m claim, to account for the $3m loss that the TIO incurred in 1982-83. I say again that these cases all involved non-Territorian claims against the TIO. Territory residents' common law claims are limited to $100 000. Unfortunately, there is nothing this government can do by way of legislation to limit common law claims of non-Territorians. But we are left with the conclusion that Territorians are being asked to reduce their prospective benefits by $3m whilst the rights of non-Territorians are not being affected. I would submit that that is a pretty high price for Territorians to be expected to pay.

In return, Territorians do get something under the provisions of this bill. As I have said, the list of lump sum scheduled benefits are increased. The value of scheduled benefits rises from a maximum of $28 000 to a maximum of $50 000.

But what do we miss out on? By the removal of the common law provision, any Territorians involved in a motor car accident miss out on any compensation for pain and suffering. If anyone is unfortunate enough to suffer a mysterious back injury - and heaven forbid that anyone gets a mysterious back injury because no one ever has any sympathy for you - or if anyone is unfortunate enough to suffer from whiplash in a motor car accident, which is one of the most painful and common motor car injuries and often gets worse as the years go by, under this proposal that person will not get a thing. He will not get a cent because it is not a scheduled benefit and we have taken away the right to go to common law to sue for pain and suffering. So those poor people who suffer whiplash are going to be whipped all right. They will be lashed for the rest of their lives because they are not going to get any compensation. All of us know of people whose whole lives have been affected by motor car accidents in which they suffered nothing worse than whiplash. Under this proposed bill, we are not going to compensate them.

We also have a situation where, due to an amendment that we passed at the last sittings, the TIO's discretion to vary the prescribed amounts in cases of hardship is limited to twice the scheduled amount; that is, it is limited to

$100 000 all up. Unfortunately, we have had a number of examples in the Territory where a severely-injured motor accident victim has become a quadraplegic and needs medical treatment for the rest of his or her life and continuous help from a paid helper. But we are saying under the provisions of this bill that the maximum that person can get is $100 000. What makes it worse is the fact that, in the now infamous Territory Tracks interview given by the honourable Treasurer, he was not even aware of this restriction. He did not know that it was there despite the fact that it was his government in the last sittings that passed it. I would hope that, now he is aware of it, he will consider changing it so that, in a situation where a person is a quadraplegic and is confined to a hospital bed for the rest of his life, at least he can do it in reasonable comfort.

Mr Deputy Speaker, not until there is a proper no-fault scheme, which does away with arbitrary limits on expenditure and treats all accident victims as individuals who should be properly compensated, should we even look at the possibility of doing away with the limited - and I repeat it - the limited common law rights that we have at present. The present scheme that we have, and is proposed to be amended under this bill, obviously does not do this. Instead, it is an attempt to squeeze Territorian's benefits in favour of non-Territorians.

Instead of doing this, the government ought to be working at a national level for the introduction of a national no-fault scheme, if that is the way it wants to go. The national level noises are encouraging. We will all be aware of the comments made by the federal Attorney-General, Senator Gareth Evans, about his desire to introduce a national no-fault scheme. We will all be aware of the New South Wales Law Reform Committee Report which advocates the introduction of a no-fault insurance scheme. Yet this government, from what I have seen, has made no attempt to talk to the federal government or to the New South Wales government about such an introduction. It has gone off on its own and, unfortunately, Territory residents are suffering.

That brings us to the question of cost. It is clear that any government has to be concerned when large increases in costs and charges are considered necessary. The choice the honourable Treasurer has placed before us in this bill is reduced benefits or increased premiums. It is the view of this opposition that we cannot accept the situation where benefits are reduced for Territorians for the benefit of non-Territory residents. The McNair Anderson survey, which was carried out as part of the Bradley inquiry into motor accidents compensation, indicated that people in the Northern Territory are not prepared to have benefits reduced just to keep premiums down. It also indicated that people wanted to retain at least some common law rights. Mr Deputy Speaker, I challenge the Treasurer in this debate to provide figures that will clearly demonstrate that the abolition of the limited common law rights for Territorians will solve the TIO's financial problems. I challenge him to demonstrate that the huge payouts we pay to non-Territorians are not the reason for TIO's problems. I ask him in the context of that to justify why Territorians are expected to carry that burden in terms of reduced benefits. I ask him also to comment on what plans the government has for reducing weekly payments. In the last sittings he gave notice that the government would next move on the question of weekly payments. As yet, we have not seen anything along that line.

Mr Deputy Speaker, the opposition quite clearly has real concern with this bill. We ask the government, during the remainder of this sittings, to consider carefully its position on the items that we have raised and hopefully to accept the comments that we have made and adjust the bill accordingly.

Debate adjourned.

## REAL PROPERTY AMENDMENT BILL
(Serial 4)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Deputy Speaker, the opposition notes that this amendment permits the issue of a qualified certificate of title under the Real Property Act. It is a feature of the Torrens system of land titles, which operates under the act, that the title to land is guaranteed. As a consequence of this, details on the title must be accurate. Unfortunately, it appears that this often leads to delays in the conversion of land to Real Property Act title and denies the owners the benefit of title under the act for often lengthy periods.

The opposition appreciates the difficulties involved, hence we do not oppose the introduction of the concept of qualified titles which will permit more speedy conversion of title with the concomitant benefits.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, gaining title to land provides the psychological incentive for people to carry out what they want to do with the land. Anything which will speed up that process certainly has my full support.

As has been said, this bill allows for qualified titles where there is some concern that the survey has not been done to the satisfaction of the Registrar of Titles. The present indefeasibility implies that the Territory guarantees the title and, if there are any errors, the Territory must make good any deficit. Compensation may have to be paid so one can appreciate why the Department of Lands and the Titles Office act very cautiously indeed. Qualified title should help overcome that caution and hopefully reduce unnecessary delays.

I can appreciate that large areas like cattle stations have very special problems. But, in general, surveyors are the least of the trouble. They get their work done quickly. Delays have been caused by inaction, particularly from lawyers who are often too preoccupied in other areas of the law. Of course, they have a monopoly in the conveyancing area. When they do not respond to the pleas of people who are trying to get things done, lengthy holdups occur. I could go into my own frustrating experience. I dare say my particular case is only one of many. I look forward to the time when we can break this nexus where the lawyers effectively have a monopoly on conveyancing.

There is a very strong case for different agencies, such as the Western Australian Settlement Agency. I have been reassured by authorities that 95% of cases should be straightforward. There should be no need for the long delays. Lawyers should not be involved.

I was hoping to present some material. It has been delayed in the post. It is about one case in the south where the lawyers had a field day at some poor lady's expense. According to someone who knows how the Western Australian Settlement Agency operates, her work could have been completed for around $150. The fees charged overall from the various agencies amounted to $1500. I hate to see that sort of rip-off happening to Territorians. It happens far too often.

I hope this bill will speed up the registration of titles. Any details that need to be straightened out will be straightened out in due course.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL
(Serial 3)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Deputy Speaker, the opposition fully supports this bill. We note that the bill protects from liability any employee who commits a tort for which his employer is vicariously liable in his role as employer. This affords to employees an obviously needed protection. Any sensible employer will carry insurance to cover these risks. It would be ludicrous to have a situation where the employer or his insurer could seek reimbursement from the employee for something which occurred in the course of his employment.

Protection is excluded, we note, where the employee's act was a result of serious misconduct. This is an appropriate exclusion. It is also naturally excluded where the employee has insurance which covers the liability. We note that the transition provision gives retrospective effect to the bill to cover all relevant situations where an amount has already been recovered by an employer. As a matter of practicality, we accept this approach. Thankfully, there would be few cases where recovery had been sought.

Mr Deputy Speaker, this legislation exists in some other states and we therefore welcome its introduction in the Territory.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## EVIDENCE AMENDMENT BILL
(Serial 2)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Deputy Speaker, the honourable Attorney-General will no doubt be relieved to know that the opposition does not oppose this bill. It makes practical sense to deal with matters with which the jury is excluded before the jury is actually empanelled. Otherwise, often the jury would be hanging around for long periods waiting to be readmitted to court. Witnesses are also subject to similar inconvenience. All of this naturally involves cost to the community.

With this amendment, the whole operation of a hearing should be more efficient. Where it can be foreseen that questions of law or the admissibility of evidence will arise, and these must be dealt with in the absence of the jury, these can be heard in advance before the jury is empanelled. The opposition supports this bill and indeed any amendments which will contribute to streamlining the legal process.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, this bill permits the court to allow questions of admissibility of evidence and points of law to be resolved

before the empanelling of a jury. I support the bill wholeheartedly. However, I would much prefer if the word 'must' was used instead of the word 'may'.

It has been a source of constant complaint in Alice Springs that people have been empanelled on a jury and have sat around while points of law and the admissibility of evidence were being decided. I believe a great deal of cost can be saved for small businesses. The definition of 'small business' is a one-man show. If you happen to be one of those people, and you are taken away from your business, it will be costly to you.

I believe very strongly in the jury system. The trial of people by their peers is an essential plank in our whole constitution. But, wherever possible, we must prevent the drain on the resources of these people. Losing employees is also costly. I have never been on a jury. The taxpayers' money can be saved.

The situation is the same for witnesses. They should be allowed to get on with their business while the decisions are made. The courts know their game far better than I do. I am the first to admit that. However, I hope that they will take the opportunity wherever possible to determine the admissibility of evidence and points of law before they empanel the jury or call the witnesses.

This bill really pleases me. It deals with something that has been the subject of complaint in Alice Springs for many years. I believe it will get wholehearted support from that area.

Mr FIRMIN (Ludmilla): Mr Deputy Speaker, I also rise in support of this bill. I have sat on many juries and listened to considerable evidence. I can remember a certain learned judge who determined that the evidence was in question and that the matter was to proceed between the parties while the jury was absent. In fact, we were absent from the court for 2 days in a 4-day hearing. We were absent from the court for long periods of time while the point was being argued. It cost time and we were unable to attend to our business.

Mr Speaker, there is another important point. Whilst jurors receive compensation from the courts, and the loss of income to themselves may not be particularly heavy, nonetheless it is an income loss to their employers. Perhaps the most important loss is to those persons who have to produce expert witnesses. Over many years, I have had to produce expert witnesses to support evidence. Some of those expert witnesses were brought to Darwin at considerable expense and they charged very high daily fees. That amounted to an enormous expense. Several of those related to evidence being produced under the Motor Vehicles Act. This amendment will result in a savings in that area as well.

The additional court time is another matter of concern. By this proposed amendment, the court will have discretion, before a jury is empanelled, to address itself to any question relating to admissible evidence on a question of law which may affect the conduct of the case. If this discretion is exercised, considerable time will be saved and inconvenience to jurors and witnesses will be reduced. I commend the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## SHERIFF AMENDMENT BILL
(Serial 21)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Deputy Speaker, we note that this bill will clear up some technical problems relating to the specification of the functions of the Sheriff of the Supreme Court. It appears that doubts have arisen as to whether certain functions are strictly covered in the act which empowers the Sheriff. These amendment are intended to rectify the situation. The opposition does not oppose the bill. It supports all steps contributing to the smooth running of the legal system. Anomalies such as this could be disruptive and hence we have great pleasure in supporting the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the Assembly do now adjourn.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I wish to turn my attention this afternoon to the honourable member for Flynn. Whilst I regret the honourable member himself is not here, there is a particular reason why I want to make these remarks and this will become obvious in a moment. I would urge the member for Flynn to return to the Chamber forthwith, although he may, of course, take up the option of responding to this next week.

Mr Deputy Speaker, the member for Flynn came to this Chamber covered with distinctions. He was formerly an alderman on the Alice Springs Town Council and I understand that he was Mr Public Speaker 1981 or 1982, or something like that. I paid particular attention to the honourable member's maiden speech. It is reasonable to say that every one of us has taken more care in presenting our maiden speeches than possibly any other speech we ever make. It is an important foundation stone to lay for the rest of your parliamentary career. As was commented by the NT News, among others, the standard and the quality of maiden speeches in that first sittings of the Fourth Assembly was extremely high. However, there was one quite extraordinary exception to that and that was the maiden speech of the honourable member for Flynn. I will read some of it and I will be very careful, Mr Deputy Speaker, to take none of it out of context. He said:

> *A point I have noticed and witnessed talked about at length, especially during the Address in Reply debate, is one that I certainly do not treat lightly and on which I hope my views will receive the respect that I place upon them; that is, racial harmony... I dare to suggest that the very laws in existence today are largely to blame.*

He went on to say:

> *I suggest, for example, that, when drinking rights were granted for Aborigines, it was seen as a great step forward for equality of rights and social change. Now I believe it to be the root cause of many of*

*the problems with shattering social consequences among Aboriginal communities.*

Mr Deputy Speaker, I was flabbergasted when I heard those words. Here is a man, in his maiden speech, calling upon the Assembly to take note that he wants us to consider legislative change in this Assembly on that situation.

I do not want to dwell on this for too long. Suffice it to say that there is only one example that I need to use to show what an extraordinarily limited view of the world is held by the honourable member for Flynn. It is a famous case, concerning a famous person - a senior citizen of the Northern Territory in every respect, not just in years but in distinctions. I talk of course about Don Bonson, who will be known to many people here. The Don Bonson story helped to change the situation that this honourable member exhorted us to go back to in his maiden speech in this Assembly. That case was a milestone in Territory legal history. I will just recall what happened. Don Bonson senior - and this happened in the 1930s - was taking a bottle of beer to his father while he was out playing football one afternoon. He was about 17 years of age at the time. He was arrested by the police and charged with possession of liquor - the dreadful thing that the honourable member referred to. He was taken to court. He was defended by Tiger Lyons in an extraordinary defence. In fact, I take my hat off to the magistrate at the time. He had to convict him because he had broken the law as it existed but he convicted him without penalty and made a number of remarks from the bench as to how he felt about having to do that.

After that event, a half-castes' association was formed to lobby the government to be given citizenship. As a result of the lobby, the government moved a little. The Aboriginal Ordinance of 1918, which prevented Aboriginal people from drinking - the law the honourable member says he would like to see come back - was amended in 1936 to allow for part-Aboriginals to be exempt from its provisions.

I quote the gazettal for Don Bonson that was published in 1936: 'I, Cecil Evelyn Cook, Chief Protector of Aboriginals, do hereby declare that Donald Harold Bonson shall not be deemed to be a half-caste for the purposes of the said Aboriginal Ordinance 1918 as amended in 1936'. That caused Don Bonson extraordinary anguish, particularly because of the effect that it had on his part-Aboriginal mother, and he still talks about it. I leave honourable members to speculate as to what that effect would have been.

He was in the extraordinary position of being a typesetter at that time with the Northern Territory Standard. Don Bonson had to set the type for his own gazettal notice in that newspaper. Mr Deputy Speaker, Don Bonson is a senior citizen of the Northern Territory in every respect, not just in years. He has been made a life member of 5 organisations. He is a life member of the Workers Club, a life member of the Waterside Workers Federation, a life member of the Buffalo Football Club, a life member - and there are not very many of them - of the Northern Territory Football League. I had the pleasure of seeing that man being given life membership of the Australian Labor Party by the Prime Minister, Bob Hawke, only a short time ago. This is the man that this newly-fledged public speaking champion said in his maiden speech he wants to put back in the situation of being controlled by the Aboriginal Ordinance of 1918.

I let it go, Mr Deputy Speaker, because I thought he might improve with time but I now see that I was wrong. In the adjournment last night, we witnessed an extraordinary performance from that member. I want to be precise about this. I rise in the adjournment this afternoon, quite specifically, to defend Theresa Czarnecki. I make it clear that that is what I am doing because

I am not even going to get involved in defending the other poor people the honourable member named, such as Margaret Gillespie. But I rise to defend Theresa Czarnecki, whom I do not know, and all other people who are in the position of being maligned, particularly under privilege, because of whom they happened to be married to.

I recall the honourable member's words: 'a left-wing women's cadre in the Darwin ABC offices which amounts to a Labor Party propaganda machine monopolising the public air waves'. He then went on to name the 3 women who comprise the left-wing women's cadre in the NT, this Labor Party machine - Margaret Gillespie, Vicky Gillick and number 3 - and I will read it out: 'The third member of this left-wing women's cadre is Theresa Czarnecki. I do not know of any left-wing posture adopted by this lady but her employment in this cunning scheme is a case of the continuation of the good old Labor Party tradition of jobs-for-the-boys or, in this case, girls. She is the spouse of the press secretary for John Reeves'. That was the evidence on which this woman's name, under privilege, was maligned in this Assembly last night.

It happens to be a fact that I do not know Theresa Czarnecki very well. I know of her because I have seen her curriculum vitae as well as her husband's in job applications. I happen to know that she is a graduate in journalism. She has a BA in journalism from Adelaide University and, having gone to the trouble of taking tertiary qualifications in journalism, she then went off to become a practising journalist and is employed as a trainee at the ABC. I imagine that she has to go somewhere in some media organisation if she wants to be a journalist, after obtaining a degree in it. I might tell you, Mr Deputy Speaker, that not only is Theresa Czarnecki not a member of any left-wing organisation, this woman, who was accused of being 'a member of a left-wing women's cadre in the ABC and a Labor Party propaganda machine', is not even and never has been a member of the Australian Labor Party.

The cold hard fact is that that woman was vilified in here, under privilege, purely on the evidence that she happened to be married to another graduate in journalism who is the press secretary to the federal member. I do not know but they may have met when they were at university. On that evidence alone, she was named and vilified in here as being a member of a left-wing cadre running the ABC. She is not, and never has been, a member of the Australian Labor Party. The member himself even acknowledges that he has no evidence other than that she happens to be married to someone.

Mr Deputy Speaker, it is about time this sort of nonsense stopped in 1984. It is a continuation of the extraordinary philosophies of the honourable member, which he expounded in his maiden speech, of wanting to bring back the 1918 Aboriginal Ordinance and stop Don Bonson from having a beer. That woman deserves an apology from that honourable member and that is why I want him in here. Forget about Margaret Gillespie and Vicky Gillick and all the rest. I do not know them either. I am only assuming that the honourable member has some evidence that they oppose B52s, and why shouldn't they? But Theresa Czarnecki was named, under privilege in this Assembly, because she was married to someone who works for John Reeves.

It was an interesting exercise for me this afternoon when I decided to do this because I had to send out this afternoon - having employed him for over a year - to find out if my press secretary was a member of the Australian Labor Party because I did not know. I did not even wonder until today whether he was or not. It turns out he is not. I have never asked him in the year he has been employed by me. I employed him because I knew he was a good journalist and, although I happen to know what his wife does, I do not care. This is guilt by

association and it is about time it stopped, especially this particular aspect of it. The member has not distinguished himself in this Chamber by making the remarks that he made last night.

The reason I want to say this this afternoon is that, this afternoon in the federal parliament, a very important report is being tabled. It is being tabled by the parliament's Standing Committee on Privileges and the Chairman of that committee is a Liberal Party member from New South Wales. There is a story about it in today's Australian. The report is a very important one. It has taken 2 years to put together. I read from The Australian today:

> *People maligned by MPs under the cloak of parliament should have a right of reply, according to a report to be tabled in parliament today. The Standing Committee on Privileges will also recommend reforms to the power of parliamentary privilege which has not altered since federation. The Chairman, Mr John Spender, Liberal, New South Wales, made it clear last night that the committee was determined to bring privilege into the 20th century. The committee is expected to criticise the kangaroo court that applies...*

It goes on to make one very good recommendation that I think is supportable. I would like us to have a look at introducing it into the Northern Territory because it seems both practical and reasonable. One of the recommendations is that individuals who are maligned or accused in some way under privilege in parliament should at least have the right of reply in a statement to be included in the Hansard as a permanent record. The problem, of course, is that these debates are transitory things. They are forgotten 5 minutes afterwards but it remains in the Hansard as a public record forever - and how often do we refer to it? We refer to it in 5 years time or even 10 years time. It seems to me to be a more than reasonable proposal, particularly in the light of that contemptible performance last night, that people who are maligned in such a way, people who are named as being members of a left-wing cadre Labor Party propaganda machine, and who are not even members of the Labor Party and never have been but are graduates in journalism doing a traineeship in journalism with a media organisation, deserve some protection. It has just got to stop.

It is important that politicians use privilege to discuss the real issues. It must not mean that somebody can come in here, pull out of the hat the name of an individual who, as far as I know, has done nothing to harm the honourable member personally, and name and vilify that person under privilege for no reason other than she happens to be married to the wrong husband according to the member. It is a disgrace. Mr Deputy Speaker, I want to hear the honourable member this afternoon. Forget about the other people he named. I want to hear him apologise this afternoon to Theresa Czarnecki whom, I am sure, he does not even know. I do not know her. I have not spoken to her about this. I did not tell her I was going to do this, but I feel very strongly about this disgraceful performance.

I want to give some gratuitous advice to the honourable member for Flynn, Mr Deputy Speaker. Of course, standing here as I am, as a dramatically unsuccessful politician, he can ignore the advice if he wishes to. But I give it to him anyway. It is painfully obvious that the honourable member is an ambitious man but I am prepared to say with confidence that, while he continues on the line he adopted in his maiden speech, his chances of getting on the frontbench of any CLP government in the Northern Territory are zero. He had better start moderating his approach; he has to wear what he says. Maybe those words were manufactured. Maybe those bullets were put there by someone else who got someone to carry them in here, but that is no excuse.

I think it would be a good start to have Theresa Czarnecki put a statement in Hansard. Have a look at the frontbench. There are not any radical right-wingers on it. The closest you would get is the honourable Treasurer, and he is a non-event, as we all know. I would suggest that, if the honourable member wants to see his painfully obvious ambitions realised, I suggest he takes a good hard look at what he said in his maiden speech and what he said about Theresa Czarnecki last night. He would not like to hear me, for example, talking about any positions adopted by his electorate secretaries, either present or past. I am sure he would agree that that would be contemptible and I would not do it. I would like to hear that member at least acknowledge that he was wrong in what he did and take the opportunity he now has in the adjournment debate to place on the public record his apology to that badly and unnecessarily maligned person.

Mr PALMER (Leanyer): Mr Deputy Speaker, I rise to talk about the fishing industry in the Territory. I may not be as exciting as the Leader of the Opposition. More specifically, I wish to speak about the potential for growth and job creation within the Territory that that industry presents.

Australia has a coastline of about 37 000 km and, in consequence, a fishing zone of almost 9 million $km^2$ - larger than the area of continental Australia and of the same magnitude as the economic fishing zone of the United States. However, Australia imports nearly 60% of its fish requirements. Being both arid and geologically very old, Australia's soils are poor in phosphates and nitrates and, therefore, there is a very low discharge of these essential nutrients from the land mass to the sea. However, the fact that Australia is catching only about 4% of the total US catch cannot be attributed solely to the low level of nutrients.

Traditional concentration on agriculture for our daily needs can accept much of the blame for Australia's lack of effort in developing commercial fisheries. Of course, we have developed high value fisheries in species such as crayfish, prawns and barramundi. The waters off our northern coast, although like other Australian waters suffering from a lack of nutrients, have nutrient levels higher than might be expected. It has been suggested that water from the Banda Sea and subsurface water coming from the Gulf of Carpentaria between November and March may contribute to higher nutrient levels and it is because of those higher nutrient levels that our northern waters are able to sustain larger amounts of marine life.

The major fishery being exploited currently in northern waters is the northern prawn fishery. But, although sustaining an annual yield value estimated at between $80m and $130m, and largely occupying waters adjacent to the Northern Territory, it was estimated that, for the fiscal year 1980-81, the northern prawn fishery's value to the Territory was only $17m.

The prawning industry has a sorry history of overexploitation, with operators showing scant regard for the future of the industry and in search of the quick quid. Overexploitation of the resource has led to the situation where catches cannot be guaranteed which, in turn, leads to higher operating cost per unit of product landed. This overexploitation, combined with advances made overseas in the art of prawn farming, has thrown a shadow over the future of the prawning industry and, therefore, I do not think we can look to that industry to provide the impetus for future growth or job creation. Outside the prawning industry, a major effort being expended in Australia's northern fishery is by the Taiwanese joint venture gill-netters. Again, that is an industry which accrues limited benefit to the Territory by way of job-creation opportunities.

What is required is to encourage development of an industry that is based in the Territory, that lands its products for further processing in Territory

ports, is resupplied and reprovisioned in Territory ports and which, hopefully, in the long term, will have its replacement vessels constructed in Territory yards. A number of studies and reports have identified that pelagic and shark fisheries are the most likely to provide the catalyst for wide and rapid expansion of the industry. The waters off northern Australia are known to contain a massive resource of shark. A conservative estimate is an annual sustainable yield in excess of 10 000 t which is twice the current Victorian consumption.

To give some indication of the extent of the shark resource and the potential it presents, I draw honourable members' attention to the fish report number 12 prepared by the Fisheries Division of the Department of Primary Production and entitled 'Northern Australia's Multi-species Shark Fishery'. The report is a result of surveys undertaken by the Fisheries Division into the shark fishery and covers a diversity of subjects, including vessel and gear design, processing, marketing and general economic evaluations. In its economic evaluation, the report uses, as an example, the motorised fishing vessel Rachel, a purpose-built gill-netter of steel construction about 21 m in length and with an all up displacement of some 97 t. The Rachel is a proven operational unit in the northern shark fishery. The estimated annual operating costs of the Rachel gill-netting for sharks - including gear, fuels and lubricants, repairs and maintenance, wages and other ancillary costs and charges - are in the order of $186 000, although that does not account for the type of stores normally associated with sailors or fishermen, nor does it account for interest or capital repayments on the initial investment of $400 000. However, it can be expected that a vessel of Rachel's ilk would land about 1 t of product per day or between 225 t and 250 t of product per year. Today's price for shark at the Melbourne fish market ranged between $4 and $5 per kilo. That is somewhat of an improvement on earlier years or earlier this year but I think it would be safe to assume that shark will return at least $1 per kilo to the fishermen. For a vessel like Rachel, that would be $225 000 to $250 000 per annum - a potentially lucrative business.

To further paint the picture, it has been shown in other comparable economies that, for every fisherman at sea, another 3 jobs are directly created on shore and up to another 9 indirectly. Using those figures, 10 000 t of shark per year would require the effort of at least 40 Rachels, all employing 3 crew - all up providing 1400 jobs in the shark fishery alone. Unfortunately, the picture is not that rosy. The development of the fishery is not just a matter of jumping into boats and sailing off into the wild blue yonder. It takes time, planning and considerable amounts of money.

The Northern Territory has had an unfortunate experience with the barramundi. I will not detail here what I see as the problems we have with the barramundi fishing industry. Suffice it for me to say that, in southern market-places, there is a general mistrust of the Northern Territory and that is the result of what I will loosely term disorderly market practices. To take full advantage of our enormous fish resource, we must ensure that the product is landed and processed in the Territory and that the product is properly presented in the marketplace and that any value that can be added to the product is added within the Territory. As I said before, the 2 major northern fisheries - prawning and Taiwanese gill-netting - accrue only marginal benefits to the Territory and that is primarily because the product is either not landed in the Territory or it is landed and transhipped without any value being added.

The Northern Territory is in the invidious situation of having no fishermen, no markets and no purpose-built fishing port infrastructure in the more populous or accessible areas. All we have, to use a local colloquialism, is 'big mobs of

fish'. I think that, when looking at the exploitation of a resource such as we have in the northern fishery, one can take a lesson from the story about the young bull and the old bull. For the benefit of those members who do not know it: there is a young bull and an old bull grazing together. The old bull said to the young bull: 'Let's go down and do the lot'. With regard to the shark fishery, we could run in and net everything, sell it off and make some profit or we could walk in, control the netting effort, establish orderly marketing procedures and make lots of profit.

However, our lack of markets, port facilities and fishermen can work to our advantage. It provides us with the opportunity to develop in time a fully-integrated, efficient industry which will maximise the benefits to the Territory. To ensure the industry develops along those lines, the government unfortunately must be involved in all 3 facets of development. There will be need for the government to become involved in the training of fishermen. It may be required to give assistance by way of loans for guarantees for the purchase and rigging of vessels. It will be required to develop suitable port and on-shore support facilities. The government will need to be involved and apply strict controls to the marketing of the product.

All in all, in the northern fishery we have a tremendous resource offering almost unlimited benefits to the Territory by way of job creation and the provision of impetus for the major expansion of our industrial base. Not only will the development of the necessary capital infrastructure be of benefit to our fishing industry, it will attract interest from foreign fishing fleets and there is every possibility that those fleets will land and process products in the Territory. To give an example, the San Diego tuna clippers operate within 90 hours steaming of Darwin yet, to land product and reprovision, they steam all the way back to San Diego. A purpose-built Northern Territory fishing port will attract those clippers. In closing, I urge honourable members to support the government in whatever initiatives it takes to develop what clearly is an industry that will be of lasting and continuing benefit to the Territory and all Territorians.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I certainly do not need to defend the honourable member for Flynn because he is quite capable of looking after himself. In any event, I do not have the details here tonight to answer in any detail what the Leader of the Opposition said but you, Sir, and every honourable member would realise that his interpretation of the honourable member for Flynn's remarks in his maiden speech is a sheer distortion of the proposal that the member for Flynn was putting. I think it is to the credit of the honourable member that he is so concerned at the problems that excessive drinking and abuse of alcohol have brought amongst our Aboriginal community in the Northern Territory. To equate the remarks of the honourable member with the Bonson case, which we would all decry, is really to draw the long bow.

Mr Deputy Speaker, I do not often agree with the Premier of Queensland but he once made a remark that has a fair bit of truth in it: 'If you fly with the crows, then you have got to expect to get shot with the crows'. The Leader of the Opposition seems to think that he can shoot at my press secretary any time he feels like it. Simply because the man works for me, my press secretary has become a political target for the Leader of the Opposition. Of course, my press secretary is fair game. The Leader of the Opposition seems to want to have one law for himself and one law for my press secretary. What is sauce for the goose, to use another expression, is sauce for the gander.

What I want to talk about in some detail tonight is an incident that happened some 10 days or so ago at Kakadu where you will recall that a group of

Americans were refused permission to fly over Deaf Adder Gorge in a helicopter and film from the air. That incident takes me back more than a few years ago, to at least 1979, when I spent 2 weeks in the United States promoting tourism, actually gumshoeing around making 2 or 3 calls a day on travel wholesalers and agents to sell the Territory and going to seminars at night. I have to say again that the greatest, indeed almost the only, hope of large-scale job creation in this Territory in the short term lies with the tourism industry.

Our domestic market in Australia is limited. The overseas market is limitless but, in any overseas marketplace, we are one of several hundred competing destinations. In North America, where the Australian Tourist Commission is making a special effort at the moment, Australia - not even Queensland or the Northern Territory or Sydney or the Gold Coast individually - is one element of what they call the South Pacific and we compete within the South Pacific market with all the other states of Australia, New Zealand - which for a long time has done much better than Australia - Tahiti, Fiji, Samoa and New Guinea and lesser destinations. To create jobs here in the Territory, we have to sell packages in that market. Overseas visitors generally want to see as much as they can in the normally short time - the average is 10 days or so - that they have to see the whole South Pacific. The Territory is lucky to get 2 to 3 days and mostly that is spent in the Centre. It helps us overseas if we can market with Queensland as our attractions complement each other. We are still educating both the market and Queensland to this. When, after many years of hard work and cultivation, we have a wholesaler who is interested in marketing northern Australia and who is so interested in the Territory that he has visited Kakadu not once but 5 times, I value him.

But first, to give you some idea of the job potential of tourism in Kakadu, let me give you not my figures but those of honourable members opposite and their Canberra masters. I would like now to circulate a list of extracts from various newspapers and press releases for the period of the election in November-December last year. They are all about what the federal government and the local opposition would do in Kakadu. You might notice some inconsistencies. The figures for expenditure vary from $20m to $500m but at least the jobs remain steady at 1300 to 1500. In fact, on the same day, 18 November, the Leader of the Opposition is reported as using both those figures for the number of jobs that would be created by the federal government's proposals for infrastructure in Kakadu.

At your leisure, Mr Deputy Speaker, I suggest that you and other honourable members read this catalogue of deception and deceit. On page 10, I draw your attention to Mr Cohen's statement that Aboriginal people were well informed. I will just read a little of it:

> *We have made a great deal of preparation to put a considerable amount of Commonwealth funds into the area to create a tourist infrastructure which will promote a large number of permanent jobs. Moves are also under way to include Gimbat and Goodparla Stations in Kakadu.*
>
> *Both Mr Hawke and Environment Minister, Mr Barry Cohen, dismissed suggestions that the federal government had failed to consult with both the NT government and Aborigines. 'Aboriginal people were well informed', said Mr Cohen. 'Mick Alderson was delighted', Mr Cohen added. Mr Alderson is one of the many traditional owners in the Kakadu area.*

Just for interest as well, Mr Deputy Speaker, you might be interested in the honourable member for Millner's statement on page 25. That is one that he

has carefully embalmed and buried in a pretty deep tomb. We will be very pleased to see the honourable member for Millner carry out his promises contained in that press release of 20 November to establish a regional office of the Department of Housing and Construction in Darwin. Just for the interest of honourable members, I have put in a letter dated 29 May this year that I received from the Minister for Housing and Construction.

Well, we now know what has happened with all that money, that $500m, all that infrastructure, all those jobs - absolutely nothing. Prior to the election, the Northern Territory suggested to the federal government that there be a seminar of all interested parties to provide input on infrastructure required for Kakadu. The Northern Land Council and the Gagagju Association were part and parcel of the seminar, and Galarrwuy Yunupingu was to be the principal Aboriginal speaker. If Aboriginals did not want tourism in Kakadu, who better to say so than themselves.

We all know the sad story of the cancelled seminar last February - the raw politics of it and the petty spitefulness shown by the federal ministers. I protested to Mr Cohen. I sent him several telexes and I tried to phone him many times, but I have had no answer to my correspondence nor would he return my phone calls.

On 16 February, however, Mr Cohen made a press release which was carried on the 7.25 am ABC News. Remember what he said on 18 December, less than 3 months earlier, at a joint press conference with the Prime Minister. Have a look at the photo of them together on page 9. Both Mr Hawke and the Minister for Home Affairs and Environment, and I quote from the NT News of 18 November 1983, 'dismissed suggestions the federal government had failed to consult both the NT government and Aborigines'.

Now let me read the transcript of the ABC News: 'The federal Environment Minister, Mr Cohen, has suggested that the Kakadu National Park tourism development seminar, which was to have taken place next week, may now be held in May or June'. Well, time is running out. If it is going to be held, he had better do something pretty quickly. I will carry on with the quote:

> *Mr Cohen said the seminar could not take place until the Aboriginal people affected by development plans for the park had time to consider their position. The Minister delivered a strong attack on the Chief Minister accusing him of ruthlessly trying to exploit the postponement of the seminar for his own political purposes and of trying to bulldoze Aboriginal interests when we have the Northern Land Council and Gagagju Association both involved.*

That sort of deceit and duplicity in the federal government is not confined to Mr Cohen. Furthermore, it is Mr Cohen admitting his own maladministration because he should not have announced the plans if there had not been adequate consultation. This is another example of deceit. At the recent annual Tourist Ministers' Council in Adelaide - there will not be another one until May next year - I had Uluru and Kakadu listed on the agenda. John Brown announced that he had arranged a meeting of the Aboriginal Affairs Minister, Clyde Holding, Mr Cohen and himself on 22 May, 4 days later, to discuss the subject of Uluru. I asked the minister if we could discuss Kakadu also. He agreed so I did not pursue the agenda items. No such meeting of the 3 ministers and myself has taken place. There never was any meeting even planned. All I have had is a phone call from Brown regretting what he called his error. It is hard to imagine an error about such a meeting involving 3 ministers but, I guess when you have 2 unwinnable agenda items coming up, you have to get rid of them somehow.

Those are the sorts of ministers we are dealing with - men who deal lightly with the truth.

I now come to last week's incident involving Dr Richard Ryall from the United States. The Leader of the Opposition spoke here earlier this afternoon about the importance and the value of naturalists and nature conventions, especially in the Kakadu area. It is important that you know about Dr Ryall because knowledge of his background is important to you as it was to me at the time this incident blew up. Dr Richard Ryall is a Doctor of Physiology and a Doctor of Biophysics. He advises the government of Peru on the effect on the introduction of tourism to remote areas, native people and the environment. He provides the interpretative service for the Galapagos Island's national park for the government of Ecuador. He has special facilities, including access to remote areas provided for his expeditions by the Papua New Guinea government. Amongst his staff, he has 3 people with masters degrees in environmentally-related subjects. He has been to Kakadu 4 times previously and had met and become friendly with Nipper Gabarriji.

Let me circulate his brochures if I may, and I want these returned. Have a good look at the last page of the one on Australia. That is what he promotes: northern Australia, in a brochure like this. Have a look at them all. They are works of art in themselves. If you read his brochure, you will see that we get his people for 8 days, not 2 or 3 days - 8 days in the Northern Territory. This man is marketing northern Australia and to a most discerning clientele: scientists, naturalists and environmentalists. Let me circulate also the magazine of the prestigious National Audubon Society of the United States. You will see that he is licensed to operate their international explorations. He is a man of good repute and was visiting Kakadu for the fifth time with his wife and a small camera crew, taking videos.

Although I have talked with him since, in Alice Springs, the first I heard of any problems was a telex I received after 3 pm in Canberra last Tuesday. This telex, which came from my office, inferred: 'Permission to film Deaf Adder Gorge had been refused Dr Ryall because he had been buying drinks for Aboriginals and exerting undue influence on them to allow filming'. I point out that he had been filming Sunday and Monday with no problems.

Knowing that he had been refused permission for whatever reason, and knowing who he was and what he meant to the Northern Territory, I immediately decided to ring Minister Cohen's office. We must remember that Dr Ryall was on a tight schedule of 3 or 4 days in the Top End and a couple of days in the Centre. I sought more details from my office but not much more was known than in the telex. The story that had been sold to my press secretary, and which came through strongly from him, was that Ryall had subverted a traditional owner with liquor to get permission to film at or above Deaf Adder Gorge. The Leader of the Opposition, in the incident, has continued his private vendetta with my press secretary. Let me make it quite clear that I took this matter to the press because, once again, I was left with no other recourse. I would like members to know that, with all the Ayers Rock filming problems, I have tried first to give the federal government a chance to fix things on each occasion. Last time, with Simon Townsend's Wonder World, I tried John Brown. His staff would not put me through to him and on 2 occasions over 24 hours I spoke to his private secretary but nothing happened so I went to the press. I think John Brown said at the time on AM, after it opened up in the press, that he spoke to me. He never spoke to me at the time at all. That is the loose way he handles the truth.

Anyway, this time I tried Cohen again. I had to leave Canberra at 5 pm for appointments arranged well before in Melbourne that evening and early morning

before flying to Alice Springs for an unbreakable commitment. I wanted to tell Cohen about Ryall's operation and ask him to intervene to save loss of business. By the way, no Northern Territory officers were with Ryall at any stage of his visit to Kakadu, although the Tourist Commission had arranged a helicopter for him for the aerial filming of Deaf Adder Gorge. Let me place on record that the Tourist Commission has never applied for permission for any film crew to work in Kakadu although the practice has been for the film crews to call in at park headquarters as a matter of courtesy.

Cohen's line was engaged for some time and I got through after 4 pm. His phone was answered by a female voice and the conversation went something like the following. 'Barry Cohen's office'. I said: 'It's Paul Everingham, Chief Minister of the Northern Territory. Can I speak to Mr Cohen?' The woman replied: 'He is engaged on a call at the moment'. I said: 'It's urgent and I will hold on'. She said: 'He has another call waiting. Can he call you back?' I said: 'Look, I am in the building, can I walk around?' She said: 'Sorry, he has someone with him and another appointment waiting'. I said: 'Look, I have to leave Canberra at 5 pm. This is pretty important. Can you have him ring me in the next quarter of an hour or so because I have to catch a plane to Melbourne?' She finished up: 'I will do my best'.

Cohen did not call back and his office denies I even rang. But fortunately for me, I was in someone else's presence when I made the call - Liam Bathgate, senior private secretary to Ian Sinclair. After the response, I knew I would be getting no change out of Cohen so I phoned my press secretary to set things rolling and, as I went through Kings Hall...

Mr DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr EVERINGHAM: Thanks, I will continue on Tuesday.

Mr BELL (MacDonnell): Mr Deputy Speaker, it is certainly praiseworthy loyalty on the part of the honourable Chief Minister to get to his feet and attempt to defend the indefensible. I do not intend to make any lengthy comments about the disgraceful performance of the honourable member for Flynn again this evening. I did say last evening he should have the courage of his convictions and say publicly what he said in here or else he should be prepared to make an apology.

I found rather cute the Chief Minister's attempts to criticise the Leader of the Opposition's remarks by saying that he was criticising a press secretary in the same way as the Leader of the Opposition has criticised press secretaries. However, there is one small point that the Chief Minister should make note of. The Leader of the Opposition may have mentioned in debate - 'criticise' is hardly the term I think - the press secretary to the Chief Minister, Mr Peter Murphy, by name and by deed. However, the Chief Minister will be aware that the Leader of the Opposition has never mentioned the press secretary's wife and never mentioned the occupation of the wife...

Mr Everingham: His wife doesn't work.

Mr BELL: ... of his press secretary. That is exactly what we are complaining about here.

Mr Everingham: I am sure if Murphy's wife worked she would get it in the neck from the Leader of the Opposition.

Mr BELL: Well, the honourable Chief Minister has said that, if she did work, she would get it in the neck from the Leader of the Opposition. Mr Deputy

Speaker, when the Leader of the Opposition does that, the Chief Minister is most welcome to criticise him. Right now he ought to be going and having a word to his backbench to make sure that they are kept under control.

Mr Everingham: If I had you on the backbench, I would push you off it.

Mr BELL: Mr Deputy Speaker, I turn to a rather sad topic. I refer to the death since the last sittings of Pastor Frederick Wilhelm Albrecht. The name of Albrecht would be well known to all honourable members from central Australia. I would be surprised if it was not known to honourable members from elsewhere. The former superintendent of the Finke River Mission at Hermannsburg, Pastor Albrecht passed away on 16 March 1984 in Adelaide.

Pastor Albrecht was the Finke River superintendent from 1926 until 1952. He worked at Hermannsburg during those dates and he subsequently worked in Alice Springs prior to his retirement to Adelaide in 1963.

Mr Deputy Speaker, I was privileged to speak with Pastor Albrecht and his wife prior to his death. It was a most enjoyable experience; a most fruitful experience on my part. Pastor Albrecht was intimately acquainted with the history of the area west of Alice Springs. As well as being superintendent of the Finke River Mission, he conducted patrols out as far as Docker River and much of the area in between.

The Finke River Mission has existed for over 100 years now. There are many things that can be said about it. It seems to me that one of the most important things that can be said about it is that, in human terms, there are many Aboriginal people who are alive today who would not be alive if it had not been for the efforts of the Finke River Mission. Pastor Albrecht was very much a part of the endeavours of that particular mission.

I commend to honourable members a particular volume I have here: 'Hermannsburg - a Vision and a Mission'. It was produced at the centenary of the Finke River Mission in 1977. It contains 3 sections which are divided into the 3 periods during which the mission was first established. There is a second period, written by Pastor Albrecht himself - from 1926 to 1962. Then there is a modern chapter which talks about the subsequent and current work of the Finke River Mission in central Australia. I commend it to honourable members.

The chapter written by F.W. Albrecht has interesting headings. He talks about the establishment of Haasts Bluff, Papunya and Areyonga. He talks about the search for water and the Kaporilje Spring. He talks about the art movement and the work of Albert Namatjira. He talks about a number of initiatives and a number of problems. He talks about the problems of isolation being overcome and gives a very descriptive account, a highly evocative account, of the work of Mr Alfred Traeger who is well known to Territorians. He speaks very graphically of the first pedal radio transmissions. I think that a couple of sentences from this particular chapter illustrate the work of Pastor Albrecht.

He commences very simply the second chapter of the book by saying: 'On 19 April 1926, late on a Friday afternoon, my wife and I landed at Hermannsburg, the place to which we had been called to spend the working days of our life'. Certainly, the account of the difficulties, the trials and the successes are worthy only of admiration. I think that a fitting peroration is the closing paragraph where Pastor Albrecht says: 'Our Finke River Mission has a unique history. Several times it looked as if the point had been reached where the whole undertaking had to be abandoned, yet our God pointed a way out of every difficulty so that we may face the future with the assurance that our God still

speaks a definite yes to the work of this mission'. With those words, I will conclude my comments on this subject.

Mr FINCH (Wagaman): Mr Deputy Speaker, I rise to speak very briefly on a matter far more concrete - readymix concrete, in fact. I have had quite an association with the readymix concrete industry. Commencing at day one, my father was involved with what was then the largest readymix concrete group in Australia. He worked with that organisation for 30-odd years and spent the balance of his working time as an owner-operator of a readymix concrete plant in New South Wales. In addition to that, obviously I have been involved in the design of works involving concrete and am well aware of the importance of that commodity. It is different to the importance that was placed on the commodity when I first arrived in Darwin by a good friend of mine of Italian descent who had a mould for the making of concrete boots. Perhaps I should wait outside afterwards and take measurements or orders accordingly.

However, there is a serious matter that has been brought to my attention and that is the cost of supply and delivery of readymix concrete in the Darwin metropolitan area. It is certainly a problem that I have been well aware of for some time. With the number of readymix concrete companies in the town, one would assume that there would be sufficient competition to keep the pricing reasonable. But, in comparison with other major centres in Australia, we rate top of the ladder as far as cost of the supply and delivery of concrete is concerned.

Those costs are made up by a number of components. They include the supply of materials. As we are well aware, the main 3 ingredients are cement, crushed aggregate - which occurs naturally but in our case there is a cost for crushing and delivery - and the fine aggregrate which is usually in the form of naturally-occurring sands. I guess that the cost of raw materials comprises the major component of the total cost.

When we analyse the cost of those raw materials as supplied in Darwin, we can certainly see that the cost of supply of the bulk cement to the Darwin operators is by far the highest in Australia. In fact, it is about $134 per tonne compared to $100 to $115 elsewhere. That in itself provides some explanation for the cost differences we suffer. However, by analysis, it accounts for only about $6 per cubic metre of readymix.

The coarse aggregate is crushed and delivered over a fair distance. That is no different to anywhere else in Australia. However, except for the Sydney area, it is some $10 per tonne more expensive. One of the key materials in the supply of readymix concrete is sand or the fine aggregate. The reason I say 'key' is that it is usually the lack of options that sets the price of delivery and supply of sand. In our case, we are not paying quite the highest in Australia but, if you compare it with Perth, which obviously has a great abundance of naturally-occurring sand, we are paying $13 as opposed to $2.60. When you compare it to the average run of major cities other than Perth, we are in line with their supply costs. Thus, in that component, there is no explanation of why the major differences occur.

As I mentioned, there is some explanation for the total cost of the supply of the raw materials but that nowhere near explains the considerable difference in supply costs to us. If you take the margin between supply cost and material cost, Darwin does not have quite the highest but certainly well amongst the highest in Australia - some $20.30 difference as an average against many other capital cities that have only $11 or $12 mark up difference. That difference covers delivery and profit. There is no explanation if you look at the delivery

costs in Darwin where we have no hills and only small distances compared, say, to Sydney or Brisbane. We have no hills and no traffic jams to the same degree. We have easy access to properties and to construction sites. We do not have delays in city areas with multi-storey buildings, cranes and all those other factors that come into the delivery cost. We cannot find an explanation in that particular area. We need to assess just what is happening that leads us to what is a $20 or $10 excess over the norm in our supply of readymix concrete.

As I am well aware from some of my father's dealings in earlier times, it is caused by this lack of access to options on supply of raw materials. A situation that exists elsewhere, particularly in Sydney's western suburbs, is the presence of only one supplier of crushed metal. That particular supplier calls the shots as to the total cost of concrete to the consumer. He does that by a very obvious and effective means.

I put it to you, Mr Deputy Speaker, that what we need to do in Darwin is to analyse who is the recipient of this inexplicable difference between the cost of materials, the cost of transport and the cost to the consumer. I would suggest that the answer might lie perhaps with some alternatives for the supply of raw aggregates.

Mr COULTER (Berrimah): Mr Deputy Speaker, I would like to draw the Assembly's attention to the recent death of Anita Flockhart, who died in Darwin on 28 March of this year, aged 67. She was well known to people in the Top End, particularly in the equestrian world. Indeed, she devoted most of the latter part of her life to children, in particular in the equestrian arena. She was born in Dublin, Ireland, and during World War II served as a nursing sister and a radiographer. She, her husband and small sons came to Australia in 1954 and, after travelling around Australia for about 9 months, decided to settle in Darwin.

Mrs Flockhart joined the Department of Health and served there as a senior radiographer in charge until 1964. During that period, showing what sort of sports lady she was, she played in the department's water polo team. Those of you who knew her in later life might not appreciate just how active she was. The love of horses was her real sport and, in 1964, she left the hospital to take up the promotion of her Berrimah riding school. She taught generations of Darwin children how to ride and kids came from everywhere to learn to ride at the Flockhart's. With her love, care and devotion, they prospered. Some went on to become the top riders in the equestrian world of the Top End. Others simply went home, never to return, content with the fact that they had sat on a horse's back. Her emphasis was on producing a neat, safe rider with all the basic fundamentals of riding.

Her foundation stock included Welsh ponies which she purchased from Brunchilly Station. They came up on the train to Berrimah siding and from there she walked them to her farm. She held gymkhanas with open and junior divisions in keeping with her philosophy that everybody should participate in the love of horses. The very young and inexperienced juniors were sometimes led around the course, simply in order to compete. The handicapped kids received free tuition at the Flockhart's and she made sure that nobody was ever discriminated against. Her life was cut short by an accident when she was knocked down by a horse in March of this year. Life ended for her in the Top End, as it began, at the Darwin Hospital, except it was 'Royal' when she passed away. She received magnificent care and attention from the staff and doctors in the intensive care unit, which was befitting of one of the greatest ladies I have ever met. The term 'royal' could easily have been coined just to apply to her.

Mrs Flockhart's husband, Alex, died in 1979 and she is survived by 3 sons, Richard, Kevin and David, and 4 grandchildren.

Mr EDE (Stuart): Mr Deputy Speaker, today I want to say a few words about something which I have termed the great rural rip-off. Initially, I would like to quote from the late J.F. Kennedy in his historic speech on consumer rights. He announced 4 rights of consumers which have become a universal minimum program for consumer groups throughout the world. These are: (1) the right to safety - to be protected against the marketing of goods which are hazardous to health or life; (2) the right to be informed - to be protected against fraudulent, deceitful or grossly misleading information, advertising, labelling or other practices and to be given the facts needed to make an informed choice; (3) the right to choose - to be assured, wherever possible, access to a variety of products and services at competitive prices, and in those industries in which competition is not workable and government regulation is substituted, an assurance of satisfactory quality and service at fair prices; and (4) the right to be heard - to be assured that consumer interests will receive full and sympathetic consideration in the formulation of government policy and fair and expeditious treatment in its administrative tribunals. I would also note, Mr Deputy Speaker, that certain consumer groups now regard the right to redress, to obtain compensation and the right to consumer education as basic.

Mr Deputy Speaker, these noble words are a far cry from the reality in Stuart. There is a very definite need for us to find ways which will allow the Consumer Affairs Branch to become more active and effective. We have an obligation to stop the outrageous exploitation that has been dished out to people in rural areas. They have been grossly disadvantaged because of isolation and availability of food items while great profits are made by the storekeepers, either in actual cash or by their own expenses being subsidised by the excessive prices paid by the community. The old argument is made that the cost of freight causes a higher price for items in isolated areas. However, from the Northern Territory Inquiry into Freight and Related Costs, dated February 1984, the association between mark-up and freight costs is quite unrelated. In a graph comparing mark-up and freight percentages, we see, in some instances, average mark-up percentages of around 70% yet the freight percentage of that mark-up was only 8%. The freight argument just does not hold. It is a big rip-off.

It is also interesting to note in the report of the inquiry that the index mark-up of a basket of food in these communities is extremely high. At Mt Allan, for example, there is an increase of 150%. At Yuendumu, it was 130%, and so on. I said that these are high but, from first-hand knowledge, I can tell you that the overall figures are quite tame in comparison to some store mark-ups on some very basic items. Mr Deputy Speaker, how would you like to pay $3 for a tin of corned beef, $3 for a small packet of plain biscuits or $4 for a loaf of bread? These are not isolated cases. The exploitation goes on all the time. It is not associated with just those few items. The exploitation goes right across the range of goods sold throughout the 3 types of outlets which basically represent the service provided in my electorate: hawkers, pastoral stores and community stores.

I would like to consider them individually. Community stores typically are owned by the community under some form of incorporation under either the Northern Territory or the federal act. However, in some cases, they are not incorporated. The ownership by the community is justified by the idea that the profit made from them will return back to that community and be able to be used to improve services. The reality, however, is that bad managers and bad controls have led to a situation where they go broke. However, they don't go

broke in the same sense as a store in town does, where it goes bankrupt and then somebody else starts up. They go broke and then the community has to try to trade them out. It is the people who suffer. I have seen instances where managers have justified the increase in the margin they have had to put on goods by saying that the bloke before them ripped the community off and everybody is broke. Because they did not provide you with the reports that you needed to see how you were going during the period, it would continue for some 6 to 9 months, by which time the bloke has gone himself and there is a new manager who says that he has to increase the prices because the last bloke ripped them off. There is a basic lack of good management in those stores.

I recall a problem that I had once when addressing a number of these managers. I suggested the very moderate idea that they do monthly stocktakes. I thought that, if I could obtain a monthly stocktake, at least the problems that they were trying to overcome would be only something like 6 weeks out of date. I had a great deal of difficulty even to have them agree to a limited 3-monthly stocktake. I was told by some of the funding bodies that they found it impossible to get annual stocktakes.

Mr Everingham: You can't get your elbows into the till if you have that monthly stocktake.

Mr EDE: That was the major difficulty. People did not like anything which restricted their ability to get into the till. However, I am happy to say that the current steps taken by the ADC, whereby it has traded off its assistance in getting stores out of difficulties for a set of controls, means that we now have a community-accepted gross profit margin. In that way, the ability to make increased profits is removed from the gross profit margin and put into areas like having a better line of stock, reducing inventory costs, increasing turnover and reducing recurrent costs. It has also instituted monthly stocktaking and reporting procedures which I hope will work to the extent that the community stores come good in time.

However, the next area that I will talk about is the hawkers. I recall going into a community in my electorate some 2 or 3 months ago just as a hawker was coming out. An old lady there was unpacking a tape-recorder. A few of us gathered around to have a look at the tape-recorder. I asked: 'How much did it cost?' She said: 'Oh, my cheque'. This struck me as rather strange because the tape-recorder was a very basic model without a radio. You can buy them for about $20-odd in town but I found out that the cheque she had paid for this was somewhere in the vicinity of $120. What worried me most about that was that she did not regard it as anything abnormal. She had wanted it. He asked for the cheque and she gave him the cheque. That was her old age pension cheque, by the way, for those members who are not aware of the colloquial term.

Hawkers, with their low overheads, can stifle the growth of community stores in smaller communities. In some communities where small stores have tried to start up, they have gone in and charged low prices, but then charged very high prices in another community which did not have a store. In other words, they set up their own cross-subsidisation to enable them to kill little stores. It is not enough to say that we should get rid of the hawkers because there are many very small communities which need them. That is the only way that those people have access to foodstuffs. We are considering the possibility of setting up our own hawkers operations. However, we are very short of managerial skills, as always, and the complete solution to that one will have to wait.

I am particularly worried about the pastoral stores although I must impress strongly that I am not talking about all stores on all pastoral properties in

central Australia. I am referring to a significant number of them. There are a couple of deals that work in these stores.

Mr Tuxworth: Why won't you name them for us, Brian?

Mr EDE: I may name them in time but I am hoping that the effect of getting the word around generally might save me the necessity of doing so. Typically, a place like that is able to employ core staff at relatively low wages by having the staff buy foodstuff through the store. It sells to the staff at below cost. This would mean a loss for the stores except that it charges another set of prices to the community at a very high profit margin. It is then square overall and does not have to pay tax on the profits of the store. It is able to break even on the store through that artificial device and it transfers profitability to the station where it is easier to get tax deductions. By this means, it gets a fairly good deal for its staff, it saves on taxation and the only people who cop it in the neck are the people who are least able to fight back: the local Aboriginal community.

There is a very big problem with pastoral stores and on small communities everywhere: the lack of an adequate social service delivery service, if I could call it that. People believe that, because they have set up a big office in Alice Springs, that is enough. Consequently, different things have happened. Pastoral stores have, very generously, offered to assist the people by becoming their conduit for social security benefit cheques. However, the people themselves rarely see those cheques. They disappear into their accounts at the store and they are able to book up goods for a while. The people themselves never receive a breakdown as to where they are with regard to those accounts. They simply know that, for a while, they can book up goods and, towards the end of the week, they are told that they cannot book up any more. There are no invoices and no details. The most unfortunate thing about this is that people have no alternative. It would be very easy for us to say: 'Let us form a joint bulk-buying set-up where we would purchase large amounts from down south and bring them up and distribute them around'. I think we would end up creating a bureaucracy which would not really solve the problem.

Mr Palmer: How is the price of their petrol every 6 months? You have not mentioned that.

Mr EDE: Many of these places do not provide a petrol service, unfortunately, and the other services they supply are fairly limited.

I am merely stating all this now. I have not yet worked out what I am going to do. Possibly, initially, I will be sending around to all those stores a comparison of the prices that they are charging as against those that are available in towns. I hope that we can exert some form of pressure on them by appealing to their goodwill and bring prices down to a realistic level. If not, I may be forced into pushing for something which I am not really in favour of, even though it may be appealing: some form of price control on very basic items in rural areas. I hope it does not come to that, Mr Deputy Speaker.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I appreciate the problems that the member for Stuart is enunciating. The problems of retail competition also affect the electorate of Nhulunbuy. I share his concern about lack of competition and no legislative means of controlling retailers who take full advantage of their circumstances.

I will spend a few minutes of the Assembly's time this evening addressing a few questions to ministers, all of whom are, unfortunately, not here but I am

sure they will read the Hansard. The minister who is here has already told me in the Assembly that, when he receives some information on the matter of NTEC subsidies for the residents of Nhulunbuy, he will pass it on to me. I would ask him if he could include in that the circumstances under which Nabalco has a licence to sell electricity and the circumstances that have developed around Nabalco's licence to sell electricity to the community in Nhulunbuy. In 1979, when NTEC was introduced, Nabalco was forced to increase its price by 17% as the former member for Nightcliff, who has since left, would well know. That was to comply with the requirements of NTEC. I would be pleased to know what the circumstances are now under which Nabalco's licence is granted to sell electricity to the community of Nhulunbuy.

There is also a pressing need for a dog pound in Nhulunbuy. Unfortunately, the Minister for Community Development is not here. A dog pound would serve a number of useful community purposes in Nhulunbuy. For a start, we could put all the dogs in it. Outside of that, it would enable a practising vet to be located in the community and perform a number of services which are sorely needed. I would ask the minister and his department to cooperate with the Nhulunbuy corporation to alleviate in some way what can in some circumstances be the very expensive problem of caring for a dog in Nhulunbuy.

Yesterday, in another debate, the Minister for Conservation suggested that Aboriginal people's views on conservation were in some way not in tune with what European people feel are the requirements of conservation and the environment. One of the traditional owners in the area of Nhulunbuy, and I have no hesitation in using the man's name, is Mr Roy Marika, who is a very hard worker for his people. He has worked very hard and very long for his family over there. He has persisted with his attempts to conserve much of the countryside that he has some authority over and a right to speak on behalf of it.

He has approached the Conservation Commission on many occasions. He has used me and whatever other vehicle he can to bring his claims and, indeed, his fears for the environment around Nhulunbuy to public notice. He has come up with some excellent and extremely workable ideas on how it can be preserved. I know that he has made applications to the Conservation Commission for some roadworks there. Perhaps the minister, at her leisure or at least at some time during these sittings, could reassure me and indeed Mr Marika that the Conservation Commission has taken note and will make some capital available to develop those necessary works in order to protect the environment but still allow people to enjoy some of the beauties of that part of the world.

Recently, I think the member for Millner said that we had conferred upon the Housing Commission tenants in Nhulunbuy the right to purchase their homes. The circumstances are somewhat unclear but the price is definitely not: about $63 000 a home. I would ask the Minister for Housing if she could give me some details of how the prices for those houses were arrived at. They all have the same price even though the age, quality and design of the homes is somewhat different. A number of my constituents have asked me how that price structure or valuation on those dwellings was arrived at.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, on a trip back south by road recently, I stopped to purchase petrol at Elliott. Of course, the price of petrol in those places is a little more expensive than it is in the major areas. On the window of the store, there was a breakdown of the money which was paid for each litre of petrol and who got what. It was very informative; how much went to the company, the wholesaler, the retailer and the government.

On a similar line, I would bring to the attention of the Assembly an organisation which is meeting in the Sydney Town Hall at this particular moment.

The Australian Adam Smith Club is celebrating Tax Freedom Day for 1984. This day, 7 June, is the day when the average Australian taxpayer, whoever he may be, ceases working for government and starts working for himself. I think a great celebration should be made of this day because, at last, we start to put the money in our own pockets and get on with the job. It should be a day of great encouragement but not a day that I would call for a holiday. A lot of people think there are too many holidays now. It should be a day when we roll up our sleeves and get stuck into it. Tax Freedom Day, I suggest to members, is something which we should celebrate and promote.

Mr SMITH (Millner): Mr Deputy Speaker, I wish to refer to a couple of matters. Yesterday, I raised with the honourable Minister for Housing the question of a house in Conigrave Street. In her response, the minister said that the government had nothing to hide on this matter. Yet this morning, when I asked the honourable minister a question concerning the reason why the penalty interest repayment had been waived in this particular case, she said, in fact, it was a private matter.

Mr Deputy Speaker, the purchaser of the house bought it for $78 000 and, according to the honourable minister last night, spent about another $40 000 on improvements and then sold the house for $185 000 - which meant, in effect, that he made $67 000 within 2½ years, which is not a bad little capital gain over that period of time. When I consider those facts, I find it difficult - in fact impossible - to accept that the honourable minister could waive the penalty interest payment in that case and not have a very good reason which she should be prepared to give to this Assembly. After all, we are talking about government revenue that has been lost in the sense that the interest, if it had been imposed, would have meant more money to the government. She has a responsibility to this Assembly to be accountable for her actions and her decisions.

Mr Everingham: They were not her decisions.

Mr SMITH: They were not her decisions. Well, at least we are finding out a little bit as we go along.

Mr Everingham: Go and check the dates and you can see who was the minister at the time.

Mr SMITH: The house was sold on 13 December. I had assumed that by then she had taken up duty. Anyway, I do not particularly care who was the relevant minister at the time but I would like an answer. I think it is a legitimate subject for this Assembly to be informed about and I can assure the honourable minister, in her absence, that we will continue to pursue the matter until we receive a satisfactory answer.

The second matter I wish to raise tonight concerns a question I asked the minister this morning. It concerns the Housing Commission. I understand it is starting to build duplex units on R1 land in Palmerston. The minister did not seem to know much about that so I will give her some more information. As I understand it, on lots 284, 281, 288, 130, 1338 and 67 at Palmerston, the Housing Commission called for tenders to construct duplex units. The contract was awarded to a local firm. That local firm commenced laying concrete slabs and the associated plumbing works. However, I am advised that a Palmerston Development Authority person who happened to be wandering around the neighbourhood discovered, quite by accident, that it was R1 land and those duplexes should not have been there.

I understand that the ingenious Housing Commission is considering turning those duplexes into executive houses. I guess that is one way of making the best of a bad job. However, the point is that it is quite likely that a significant amount of government money has been wasted. Somebody has to be responsible for this incredibly stupid decision. We intend to pursue this matter in the Assembly until we receive a full explanation from the honourable minister.

I would like to just briefly address an issue that has been taking place for some time in my electorate: the question of the residents versus Lim's Hotel. There has been some concern over the last 18 months from residents in the Lim's Hotel area at what they have perceived as the changing nature of the hotel. For those of us who have been around a while, Lim's Hotel has been basically a family-oriented hotel with a family restaurant.

More recent changes include the now famous or infamous cage bar. That is part of the campaign to get a new market that the previous management and the present management have been conducting. That market basically is the young or not so young rager.

However, what has basically changed in the last 18 months is that, on Sundays, the hotel has bands which means very big crowds which actually spill out of the hotel onto the lawn and sometimes onto the road. This has caused parking problems and has also brought some offensive behaviour problems which I will not spell out at this time.

The residents were quite concerned and have developed a very effective action group. That action group has been responsible for contesting at the Planning Authority plans submitted by the hotel owners for changes. It has been quite successful in getting those plans modified to a significant extent. As well as that, the residents group has just been through an exercise where it appeared before the Liquor Commission to object to certain aspects of the renewal of the Lim's Hotel licence. Again, it was quite successful. It certainly did not achieve everything that it asked for but the Liquor Commission's conditions, when implemented by the hotel, will result in a much better environment for the people living around the hotel.

I think it shows that residents who can organise themselves are able to have a significant impact on planning and Liquor Commission decisions. I think that the government needs to be congratulated because it is quite clear that the procedures that it has established do allow residents to have a say at the Planning Authority level and also at the Liquor Commission level. The residents found it a bit daunting to appear before those bodies but they were able to and they received considerable assistance from the staff of both those organisations.

I think the fact that they were able to represent themselves, particularly at the Liquor Commission hearing which was a much more formal hearing, augurs very well for other residents groups which might want to conduct a similar sort of exercise should they have problems with liquor licences in their area.

Motion agreed to; the Assembly adjourned.

Mr Speaker Steele took the Chair at 10 am.

## MINISTERIAL STATEMENT
### Australia's Role in the Nuclear Fuel Cycle

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I table a report by Mr Ralph Slatyer.

Mr Speaker, I rise to contribute again to the international debate on uranium mining and the future of the nuclear cycle and the impact it has on the Australian community. We have had many such debates in this Assembly over the years, but today I wish to note the report on the nuclear fuel cycle prepared by the Australian Science and Technology Council which was headed by Professor Ralph Slatyer of the Australian National University. This report is a most significant document because it will have an impact on Australia's technological, political and financial position for the next 50 years as it relates to the nuclear fuel cycle. The most significant aspects of the report are: who commissioned the report and why; who made the report and what the council focused on; the continuing use of uranium for electricity throughout the world; Australia's role in providing uranium for power generation; the storage of nuclear waste; the involvement of the Northern Territory in the nuclear fuel cycle; and the role of Territory politicians in encouraging the introduction of the nuclear cycle to the Northern Territory.

Mr Speaker, the report was commissioned by the Prime Minister because Mr Hawke and the Labor Party, for many years, have objected to the mining of uranium in Australia. Although the Prime Minister and some of his colleagues have come to appreciate the importance of uranium mining and Australia's important place in the world market, many of the Prime Minister's colleagues still have their head in the sand. They prefer to stick with party dogma rather than think of political, social and international realities. The Prime Minister needed - and with this document has been given - a very good rod to beat his opponents around the ears with. In having the ASTEC undertake the report, the Prime Minister sought the advice of a group of Australians whose credentials were very suitable for the task. I attach for the benefit of honourable members a list of the ASTEC participants so that we can all be aware of their expertise. In essence, they are a group of Australians whom all of us would regard as sensible, competent and realistic, and the sort of people we would have no hesitation in turning to for advice whenever the occasion arose.

It is not surprising that such a report comes down with the recommendations that it does. The report elaborates on the continuing use of uranium throughout the world for electricity generation. I think the most significant page in the entire document is page 84 which shows a table of the number of nuclear power generators that are currently being used and constructed throughout the world. The report shows that 297 nuclear power reactors are in operation throughout the world and another 216 power units are under construction. The significance of these numbers lies in the fact that the nuclear reactors are being built in over 30 countries. They represent both eastern and western blocs, and both developed and undeveloped countries. Collectively, the power generated by these 513 units would supply electricity to billions of people. It is important to note that many of the people who are receiving power from nuclear reactors do so because it is their best option and they will continue to receive power from this source for hundreds of years.

What the Slatyer Report does is put paid to any suggestion that Australia's withdrawal from the nuclear cycle will affect in any way at all the future

expansion in the nuclear power use. On that basis, we are most likely to have an influence by being involved in the cycle instead of withdrawing from it completely and having nothing to do with it.

The Australian role in the nuclear cycle is emphasised in a table on page 89 of the report. This shows that there are 1 585 000 t of yellowcake available in 23 countries throughout the world for international consumption. The table even shows that about 617 000 t is available from the same countries. Australia's share of this market, as one can see from the graph, is in the order of 750 000 t - a small percentage of a very large and well diversified supply line. Again, I make the point that the supplying countries represent developed and underdeveloped countries and nations from both the eastern and western blocs. To me, the table demonstrates that any withdrawal by Australia from the international sale and supply of yellowcake for the generation of electricity throughout the world is not wise. In fact, it verges on irresponsibility.

The other interesting graph in the report is on page 86. It shows that, by the year 2000, nuclear energy production in OECD countries will be equivalent to the use of 650 million tonnes of oil per annum, and amply demonstrates that the use of nuclear power is going to triple in that period. Given these figures, I put to members of this Assembly that it would be absolutely futile to persist with the anti-nuclear stance that so many people have held for the last decade. I think the report ASTEC made on this matter should help many people clarify their thinking. To me, the most significant part of the report is the way it focuses on areas of the nuclear cycle, in particular the storage of nuclear waste to which about 100 pages of the report is devoted.

It would seem to me that this report is not so much a document to enable the Prime Minister to justify the existence of uranium mining in this country but it is a report clearly designed to point the way for Australia to move in the years to come. I refer to the possibility of Australia becoming involved in hexafluoride production, processing and fabrication and the storage of nuclear waste. Although it is not said in so many words, I believe that the ASTEC report is indicating that, if Australia wishes to maintain a responsible attitude and guarantee the non-proliferation of nuclear supplies in this world, one way to do that is to ensure that any uranium yellowcake that is sold from this country is totally accounted for. By returning the waste for storage, we could most certainly do this. It has been estimated by people involved in the industry that the income for Australia through storing nuclear waste on behalf of other countries would be in the order of $20 000m per year.

For the Northern Territory, it is time for us to again look at our options. We have said it a dozen times and it is worth saying again: it is essential Jabiluka and Koongarra be allowed into the uranium market as soon as possible so they have the opportunity to secure markets in the longer term and so that early construction can start to make jobs available for the many Australians who would dearly love to work instead of receiving dole queue handouts.

Mr Speaker, we have discussed before the opportunity for hexafluoride production, uranium enrichment and rod fabrication - industries that could most benefit the Northern Territory in our early development stage. There is no doubt in my mind that the general population of the Territory wants to see more mines and the further processing of Australia's uranium production. There is no doubt in my mind either that, given the right environment, we could establish this industry in the Northern Territory. What will prevent us from establishing this industry is not the financial or technological aspects of it but the irrational and selfish attitudes of some politicians in this country who have no interest in the Northern Territory.

On many occasions in this Assembly, the Leader of the Opposition has spoken strongly and bitterly about the Territory's involvement in the uranium cycle, and we have both had our words to say over the years on the respective positions that we hold. In earlier times, the Leader of the Opposition has used his office and position to try to stop any development of uranium at all because of his personal attitude. We have seen that the Leader of the Opposition has eaten his words in recent times and has said that, after the last election, lessons had been learnt. But, the same no longer applies to the principle supported by his left-wing cronies in the party, as was aptly demonstrated over the long weekend.

The Leader of the Opposition had the bucket tipped on him at the Territory Labor Party Conference and, if the Labor reds have their way, things will not smell right for Territorians for a long time to come. I think it is to the Leader of the Opposition's credit that he is prepared not only to turn 180 degrees on the matter, but he does it in the face of unions within his own party which spend a fair amount of their time trying to embarrass him and force him from office. As a result, the Leader of the Opposition has been removed from the federal executive of the ALP, is under siege as the leader of his party and appears to have very little political future left to him in the Territory because he is surrounded by people who wish to close Northern Territory uranium mines and see that no new jobs are developed.

While on the subject of how Territory interests can best be served, the federal member, Mr Reeves, has an anti-uranium background that is well known to us all. His former membership of the Friends of the Earth Society and bitter public statements about the development of uranium in the Northern Territory are not news to this Assembly. This man has been able to switch 180 degrees on uranium in the name of political survival. But while his public position may fool some Territorians, it has certainly not fooled members of his party.

Mr Speaker, to show their lack of confidence in their local member, the Labor Party last weekend dumped the federal member as a representative of the national Labor conference and put in his place an anti-nuclear member of the union movement on whom we can all rely to cause as much havoc as possible as he goes about his daily business. As left-wing Labor sees it, Mr Elliot's most important task at the annual conference will be to ensure that those involved in uranium mining lose their jobs and, further, that no new mines are created to help those who want to work.

It is puzzling to think that the Prime Minister and the Northern Territory Labor Party expect the rest of the Territory to vote for the federal member when they are not prepared to vote for him themselves and have him represent them at their annual conference. We even hear tell that the federal member is so far out in the cold among his colleagues that he is throwing away his union ticket. If he cannot get on with his Labor colleagues, how can he be depended upon to represent us in Canberra. This political charade must stop. It is absolutely essential that Labor members of the Northern Territory Assembly stand on their feet and tell the people and their members where they stand regarding such a report and the future of the uranium industry so that Territorians can see for themselves what ALP members want.

Mr Speaker, the members on this side of the Assembly have a long public record of strong support for the development of the uranium industry. We would have dearly loved to have been involved in the enrichment study carried out some years ago and, in the past, we have sent recommendations to the federal government supporting hexafluoride production for Australia. We believe that the involvement of the Australian people in the whole cycle is inevitable if we are ever to have any credibility in the rest of the world.

Mr Speaker, it is not sufficient for Australia to be critical of the French for exploding bombs in the Pacific or to pass judgment on the Japanese for dumping nuclear waste on the sea bottom. If we wish to be regarded as responsible members of the community, we need to become involved fully in talks that surround the whole nuclear fuel process. It was the Leader of the Opposition himself who not so long ago in a talkback program interview said that we are better off maintaining our position on that very influential body, the International Atomic Energy Agency, and using Australia's role in that to try to keep the proliferation of nuclear weapons contained.

Mr Speaker, the sceptics within our community may regard it as the coincidence of all coincidences that Mr Richard Butler, the Australian Ambassador for Disarmament to the United Nations, should arrive back in Australia this day with a message to the Australian people urging the continued participation of our country in the uranium cycle. This participation is imperative for Australia to have any impact on the nuclear non-proliferation of weapons and the ultimate achievement of world peace. Mr Speaker, only a fool could disagree with one word of what Mr Butler has to say.

On the issue of uranium, Australia needs a bipartisan policy, and if there are any members on the other side of the Assembly who would like to join with us in formulating a bipartisan policy on uranium for the Northern Territory, we would be only too pleased to discuss it with them. We have a bipartisan policy on such things as foreign affairs and, as the matter of uranium is of such international and strategic importance, it is perfectly reasonable that we have a similar policy for this matter. To the members of the Labor Party in the Legislative Assembly, I would say this: the Territory has enormous resources of uranium and our role in the world in the next half century will become more important. The role we will play will depend on the intestinal fortitude of us all. All members on the other side of the Assembly should state exactly where they stand so that there is no doubt in the public's mind and, if they cannot reconcile their differences, they should work strenuously to turn their party around or even consider the possibility of leaving it. In any event, Mr Speaker, it is not reasonable to have such an important issue in our community and to have a bob each way on it.

Mr Speaker, I move that the Assembly take note of the statement.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I will debate this issue briefly now so that we do not have it on the Notice Paper again. Uranium has been on the Notice Paper enough times. I detected a faint whiff of an attack on myself in that speech. I say a 'faint whiff' because it felt like a peck on the cheek to me. If an attack like that had been made on me at an ALP conference, I would have assumed immediately they were about to offer me life membership of the Australian Labor Party afterwards. I cannot understand how the CLP gets away with putting such a bunch of cream puffs as these in the Legislative Assembly. The Minister for Mines and Energy would not even get through the door of an ALP conference, let alone survive on the floor of one. It is all a question of competition, Mr Speaker.

Mr Speaker, the Minister for Mines and Energy has spoken about the Slatyer Report. I wish to join him in saying that I reject completely the statements that have been made by various people within the Labor Party recently that the Slatyer Report was a set-up job. I know the circumstances that were behind the decision to appoint that body to investigate and I said at the time, in public statements, that, leaving aside the whole uranium debate, it was a timely exercise in any case. It has been said correctly before in the Assembly that the only organisation that would involve a higher degree of technology than the uranium

industry or require a higher degree of technology would be the NASA space program, and I think that is probably correct. In this area of rapid advance and change it was timely that a report was conducted into the current status of the industry. That is precisely what motivated the Prime Minister to commission the report, which I have read with a great deal of interest. Without doubt, the report is a fairly significant contribution to the whole question of uranium mining in this country.

The one thing that I do take some issue on, in a political sense, with the honourable Minister for Mines and Energy is the question of nuclear testing in the Pacific by France. A number of significant figures in the Australian uranium industry have indicated clearly that they agree with me on this. I do not believe that, despite the extremely high level of support for uranium mining that exists in Australia and the overwhelming level of support for uranium mining that exists in the Northern Territory, that the Australian electorate at large is still prepared to cop supplying uranium to France while France continues to exercise those few shreds of colonialism that it is hanging on to by using colonial possessions of the former French overseas empire in the Pacific Ocean to carry out nuclear tests which, obviously, it is not prepared to make on its own soil, despite the protests of every Pacific nation. Not only Australia but also New Zealand, the government of New Guinea and all other Pacific nations have been protesting about it for years.

In fact, the indications that I get in the community are that there is a considerable degree of support for a position that Australia took on that. I feel that the uranium industry, generally, is extremely embarrassed and can see the problem that the French tests in the Pacific cause it. An even more horrendous situation in terms of public relations for the industry is the proposal to dump Japanese waste in the Pacific. As we know, some 2 years ago, the Japanese government atomic energy agency laid the keel of a special ship to be constructed for that very purpose. I am sure that that vessel would have been completed long ago given the efficiency of Japanese shipyards. But the Japanese government has stopped that particular program because of domestic opposition within Japan. They have put it on ice.

Mr Speaker, I have to say that, in terms of the uranium debate, not in the Labor Party but in the Australian community as a whole, it would be a very bad move for the uranium industry, particularly in Australia, from a public relations point of view, if the Japanese government at some stage took that proposal off the ice and proceeded with it. It is bad enough having nuclear tests conducted in our region of the world without a government loading a ship with waste, carting it many thousands of miles from its own shores and deliberately dumping it off the coast of the Marianas Islands. The reason it would be taken there, of course, would be so that it would be deposited in the sea currents that flow away from Japan. It would cause very severe difficulties for the uranium industry in terms of public perception of that industry within this country. There is no question at all that, if polls were taken in Australia on that specific question, that would be the result. I would say that, for the sake of the uranium industry and for the sake of the debate that is going on constantly about the serious problems that are posed by high-level waste from the industry, the Japanese government should not proceed with what would be a very damaging course of action for Australia in terms of its own domestic problems.

I think that the principal problems that I have in terms of the uranium argument in the Labor Party were highlighted at the ALP conference at the weekend. This Assembly has an admirable set of Standing Orders controlling debate here and, in all respects, it was really lovely coming in here this morning. It was just like going to a tea party actually. As I said, we have

only these cream puffs on the benches opposite to cope with. I think the problems that I have with the debate in the industry were highlighted at the weekend.

I would like to take up one of the interjectors opposite on the sins of changing positions on uranium mining, Mr Speaker. The honourable member will know to whom I refer. I have never actually been in the position of a member of government representing the Northern Territory at important overseas forums and working against the best interests of the Northern Territory. But, the Minister for Health has certainly done that, Mr Speaker. Honourable members will recall that I raised that in a previous debate. Indeed, the Minister for Health, on a previous occasion, went overseas to represent the Northern Territory at an important international forum, a meeting of the Commonwealth Parliamentary Association and, when speaking on behalf of the Northern Territory, he said, quite specifically, that he hoped that the Northern Territory uranium would stay firmly in the ground. I recall the honourable member's words because he referred to a contribution made earlier in the debate by the delegate from Canada. He said words to the effect that, having heard the argument put forward by the delegate from Canada, he was firmly of the opinion that, despite the fact that the Northern Territory has a significant percentage of the world's reserves, he hoped that our uranium would stay in the ground. Honourable members will also recall from the same speech that he provided this international forum with the fascinating observation that there were more kangaroos than people in the Northern Territory.

Mr Speaker, in fact, I am pleased to say that probably the most significant contribution that was ever made by a representative of the Northern Territory Legislative Assembly at a CPA conference was in fact made by me in Zambia. Indeed, Sir, I recall, when you were formerly a member of the government's front bench, a report on an overseas visit that you made and a discussion you had with a Commonwealth CPA secretary in which you mentioned that, and the Hansard will show it. The honourable member interjected at the time that I raised this with the cry: 'Can't a person change his mind?'. Mr Speaker, not only can a person change his mind, but he should do so. I would be horrified if any of us in this Assembly were so blinkered on any issue that we were not prepared to consider arguments that have been put forward. I am prepared to and I have no hesitation in doing so. I have said so in the Assembly before and I think that would be conceded by the Minister for Mines and Energy. At the time when I was debating uranium in this Assembly, I was the member for Arnhem. I take the task of representing my electorate very seriously. We all have different perceptions of how a politician should represent an electorate. I would say that the majority of the government members would probably take the view that they have an advocate role to play but they have also been delegated a power by their electorate. Once the electorate elects those members, they are very much free agents and can put forward their own views. I have always held the view that a member has a very solid responsibility to represent what he or she perceives - and of course it is a value judgment - to be the feeling of the majority of the electorate. I have said in the Assembly before that probably one of the saddest things for me personally is to have seen a dramatic shift of opinion in my current and, indeed, former electorate on the question of uranium. It is not very difficult to work out the reason for that.

Mr Speaker, when I was speaking in the most effective way I could on behalf of my constituents, I would stand up in this Assembly and say, honestly, without exception, that there was not a single constituent that I had at that time who was other than totally opposed to the mining of uranium in that electorate. I saw it - and I have said so in the Assembly before - as being very much my role to attempt to put that view as forcefully as I could in the Assembly and elsewhere.

I conceded at the time, and again the Hansard will show it, that, when that change of attitude towards the industry occurred in my electorate, I was perfectly happy to stand up here and say so. Indeed, my habit of being up-front about these things often gets me into a considerable amount of hot water. Perhaps I am not the devious sort of politician who likes to work behind the scenes and who can emerge relatively unscathed from either fence-sitting - which is something I do not think I could ever be accused of doing - or of not being prepared to state forcefully his views on any particular subject.

The fact is - and I am prepared to concede it again - there has been a significant shift of opinion towards the industry amongst the Aboriginal people in my electorate who are affected directly by uranium. There is no question about that. However, the one thing I find highly offensive, and I said so at the conference at the weekend, is these continual references to 'the Aboriginal people' and a number of delegates to the ALP conference ran that absurdity once again. It is quite extraordinary that these wonderful socialists we have in the Labor Party are not prepared to concede the same degree of individuality to Aboriginal people that we take for granted for ourselves. As I said at the conference, when I was fighting uranium with 100% support from my constituents, I heard those people described by the uranium industry on a daily basis as tools of the anti-uranium movement. Only a month ago, I heard them described by Dr Helen Caldicott as tools of the uranium mining industry. As I pointed out to the conference, those people were not, at any time, the tools of either the anti-uranium movement or the uranium industry. They were simply people with an interest in land and they wanted to see particular things happen to that land. That is still not conceded.

Of the Aboriginal people at Maningrida in my electorate and the Aboriginal people at Galiwinku and Milingimbi in the honourable member for Arnhem's electorate, areas which are largely untouched by mining activity, it would still be fair to say that they are, in the main, opposed to mining operations - not just uranium mining operations, but mining operations on their land. The one thing that I could never get across to the anti-uranium movement, even at the height of my role in those days, was to look behind silly sloganeering like 'Land Rights not Uranium' because that was never the argument as perceived by the Aboriginal people in my electorate. It was the mining activity itself. We heard those same arguments run again this weekend. We also heard arguments that there was nothing wrong with our policy, that it was my fault because I was not able to sell it and I made certain allusions as to how I felt about that particular accusation as well.

Mr Speaker, on the whole question of positions on the uranium industry or any other issue, I would hope that no honourable member of this Assembly would be blinkered or set in his opinions but would be prepared to consider arguments from all sides of the fence. On the question of nuclear proliferation, there is not the slightest doubt what the most effective way of controlling concerns would be. It is a highly contentious issue. Quite simply, the most effective way of controlling concerns about nuclear proliferation would be to have the entire nuclear cycle contained within this country and, indeed, the Slatyer Report touches on that. If you are concerned about the end product of the material, the most effective way of ensuring that there is no problem is to control it. The only way that we would be able to do that would be if we had facilities in Australia capable of producing the end product and then taking it back afterwards. The reason I raise that is that it is not a simple argument. I feel, and I think I would be proved right, that if polls were taken in Australia on whether we should take back the wastes and reprocess them in this country, a significant drop in the percentage of support for the uranium industry would be obtained.

I remember one disastrous public relations exercise of the uranium industry in Australia where an expert was brought to this country and visited the Northern Territory. I think he was brought out here by the Australian Atomic Energy Commission. I cannot remember his name but I remember his serious suggestion that the Territory would be an ideal place to dispose of high-level waste. In fact, he had inspected, as an engineer and geologist, the most ideal repository he had ever seen which he thought was called Ayers Rock. His proposal at a press conference was that holes be drilled through the top of Ayers Rock and that an enormous amount of commercial benefit could be gained by the Territory taking high-level waste from all over the world and putting it into Ayers Rock. I must say that even the pro-uranium lobby in the Northern Territory leapt out the nearest windows screaming and I thought: 'What a very funny thing for the Australian Atomic Energy Commission to do'.

Mr Speaker, I simply put these points to the Assembly because, as the Minister for Mines and Energy knows, the uranium debate is not quite as simple and uncomplicated as he would have us believe. It is not simply a question of 65% of Australians or 80% of the people living in Darwin wanting to see the industry mined and therefore all the wraps can be taken off and we can proceed to do all the things that are required, including - and the honourable minister made reference to it - allowing France to explode bombs in the Pacific and still purchase Australian uranium and the Japanese to dump wastes on the seabed.

Mr Speaker, certainly, I have changed my position on uranium and, I might add, I have advised this Assembly of that fact almost on a regular basis. The industry itself concedes that the problems that are associated with uranium mining are not quite as simple as the Minister for Mines and Energy would have us believe. I conclude by focusing on one particular point. I hope for the sake of the Australian uranium mining industry that the Japanese government does not proceed with the proposal to dump its wastes in our backyard. Mr Speaker, the Japanese have not abandoned the proposal at all, as the honourable Minister for Mines and Energy knows. They have simply responded to domestic political pressure and have put the project on ice and, I dare say, have done something else with the ship built for that purpose. Japan is in almost daily contemplation of reintroducing this policy. For our sake, Mr Speaker, I hope that it does not.

Debate adjourned.

## STATEMENT
### Request for Urgency

Mr SPEAKER: Honourable members, I received the following letter from the Chief Minister.

*My dear Speaker, concerning the Oil Refinery Agreement Ratification Bill. Pursuant to Standing Order 153, I request you to declare the above bill to be an urgent bill. Passage of the bill will ratify agreements between the government and the Mereenie Oil field joint venture partners concerning the construction of an oil refinery and provision of associated infrastructure. Any delay will cause hardship as time periods provided for in the agreements concerning the conclusion of the project cannot commence to run until the bill is passed.*

*Yours sincerely,*
*Paul Everingham.*

Honourable members, pursuant to Standing Order 153, I declare the bill to be an urgent bill.

## ENERGY PIPELINES AMENDMENT BILL
(Serial 45)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

The Energy Pipelines Act regulates the construction, operation and maintenance of pipelines for the carriage of energy-producing hydrocarbons. To date, one Territory pipeline has been licensed under this act - the high pressure gas line from Palm Valley to Alice Springs. Further pipelines at the planning or feasibility study stage include a pipeline from the Amadeus Basin to Yulara, an oil pipeline from the Mereenie field to Alice Springs and a high pressure gas line from the Amadeus Basin to Darwin. I will keep the Assembly informed of the progress of each of these projects as information comes to hand. I mention them at this stage merely to explain the context of the legislation before the Assembly today.

Mr Speaker, as I said, the Palm Valley gas pipeline has already been laid and will deliver high pressure to the power-station in Alice Springs. The line is designed to take methane gas at a pressure of some 7000 kPa, about 1000 pounds per square inch on the old scale. The pipeline has been designed, laid and buried in accordance with exacting and rigorous standards set by the national and overseas bodies. No amount of careful design, however, will protect the pipeline from careless human practice. Some years ago, in Spain, a semi-trailer carrying gas exploded after being ruptured. The devastation was horrifying and, while not directly comparable with the consequences of damage to a high pressure gas line, it does give some idea of the potential hazard.

Against that background, Mr Speaker, you will appreciate that it was of some concern to me when I learned of a number of incidents involving potential damage to our pipeline. The pipeline runs through Heavitree Gap, along the Todd River and crosses towards the power-station upstream at Tuncks Road. The safety procedures that are already in place have been drawn up with a good deal of thought. Markers are placed along the pipeline at every change of direction and every 200m in the town section. The markers give a 24-hour telephone number for queries. The operators, TNT Bulk Ships, employ permanent staff in Alice Springs who patrol the pipeline route daily looking for signs of interference. Of necessity, other services have to be provided in the town area and a number of problems have arisen to date where excavation has occurred uncomfortably close to the pipeline without prior consultation.

The purpose of this legislation is to give inspectors appointed under the act power to order work which may constitute a danger to a licensed pipeline area to cease. Also, it will make it an offence to excavate or bring vehicles or equipment into the pipeline licence area without prior consent. Obvious exceptions are made for vehicles on public or private roads. In addition, there are some 6 housekeeping amendments, none of which changes the intent of the act in any way. These amendments are designed to enable my officers and the pipeline operators more effectively to ensure the safe operation of energy pipelines. I commend the bill to honourable members.

Debate adjourned.

## MEDICAL PRACTITIONERS REGISTRATION AMENDMENT BILL
(Serial 1)

Continued from 29 February 1984.

Mr EDE (Stuart): Mr Speaker, I rise to support this bill. The Department of Health and the Medical Board have been pressured for some time around Australia, as well as here in the Northern Territory, to allow doctors to become incorporated. I believe that this incorporation will give them some advantages for taxation and business purposes. There are only 2 concerns. One is to do with professional conduct and medical ethics. We have been assured that proposed new section 42C(4) covers this area. Registered medical practitioners are jointly and severally responsible for their liabilities. There are a few doctors who are worried about the traditional doctor-patient relationship and feel that this may in some way be interfered with by incorporation. However, on the whole, the profession is for it. It is a direction in which most professions are moving. I can see the time when physiotherapists etc will also be pushing for something similar.

Mr Speaker, the bill is essentially a good one. It covers the various problems regarding medical liability and I would commend it to honourable members.

Mr VALE (Braitling): Mr Speaker, I wish to speak in general support of this legislation. The minister indicated in his second-reading speech that doctors who apply for incorporation will do so under the Companies Act and their activities generally will be subject to the provisions of that act. Their professional conduct and medical ethics will now be covered by one of these amendments which will allow the Medical Board to control an incorporated medical company in the same way as it presently exerts control over individually-registered practitioners. I have no argument with this proposal and support the amendment.

My one area of concern with this legislation is the amendment which will allow a patient to sue all medical practitioners associated with the company and not just the doctor who is allegedly at fault. The feeling of doctors whom I have spoken to is that, if one doctor is professionally negligent, why should other doctors in the same medical practice also be required to face legal action and possibly suffer a slur to their standing in the community? If cost recovery was a factor in drafting this proposal, I am advised that doctors are obliged to have a professional indemnity insurance cover. I would appreciate the minister's advice on this amendment.

I support the proposed section dealing with the extension of time from 1 to 3 months for dealing with a complaint or complaints. With the exception of the question I have just raised, I support the legislation.

Mr DONDAS (Health): Mr Speaker, in picking up the honourable member for Braitling's point in relation to medical practitioners insuring against malpractice, proposed new section 42C(4) makes each medical practitioner who is a shareholder in a medical company jointly and severally liable for the debts of the company to the full extent of his personal assets and not simply to the extent of his investment in the company. Most of us would be aware of $2 companies or shelf companies. If things go wrong, the person who has been disadvantaged has no recourse. This amendment will ensure that the company, while not being overburdened with funds, certainly has assets which allow the disadvantaged person to take normal legal steps to obtain funds that are owing.

Motion agreed to; bill read a second time.

Mr DONDAS (Health)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## CROWN LANDS AMENDMENT BILL
(Serial 15)

Continued from 29 February 1984.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a number of comments on this bill and to advise that the opposition intends to move amendments to the Crown Lands Act in the context of this bill. One of these amendments bears directly on the subject of the bill itself. Concern has been expressed that the minister may be empowered to create easements without compensating lessees for the creation of these easements. To that end, I direct honourable members to the amendments standing against 8.3 in the schedule that has been circulated. It inserts a paragraph which will ensure that nothing in the amended section enables the minister to acquire land or an interest in land. The minister would be unable to do this under the Crown Lands Act but he would be able to do it under the Lands Acquisition Act which would require that due compensation be provided. I assume that that is an uncontentious amendment.

Somewhat more contentious are the amendments that stand against 8.1 and 8.2 in the schedule. A separate story lies behind each amendment. The story behind 8.1 relates to the Gardens Hill development and the sheer incompetence of the government in announcing that a lease was to be given over this area and more than 2 years later still not to have proceeded to issue that lease. I am sure that all Territorians expected that a lease thus announced should have been issued within a suitable time. Two years ago, a valuation was made of the area. Clearly, if such a period is allowed to elapse, that valuation becomes irrelevant. All Australians are aware that inflation is with us. Yesterday's prices will rise today. What will be the case with prices offered 2 years ago?

Mr Perron: They might go down.

Mr BELL: The Treasurer has suggested that values might go down. I suggest that that is a fairly frightening statement to hear from somebody who is responsible for our finances in the Northern Territory. It indicates a certain air of unreality on his part.

The member for Millner in the March sittings drew attention to exactly that problem. On 6 March this year, he asked a question of the Minister for Lands. He asked whether it was a fact that no Crown lease had been issued to Gardens Hill Development Pty Ltd for lot 5299 town of Darwin, despite the fact that intention to issue such a lease was gazetted on 26 March 1982. For a man who is usually somewhat fulsome in debate, the minister gave a somewhat less than comprehensive answer. He replied: 'It is a fact that no lease was issued to that particular company'.

On the same day, the member for Millner pressed a further question to the Minister for Lands. He asked whether the particular Crown lease had been offered and whether it had been accepted or rejected. Again, the honourable minister replied somewhat briefly and in a somewhat more airy fairy manner when he said: 'I recall that an offer was certainly made to the company concerned'. He went on

to say that such offers are made at the same time as gazettal notices appear in the newspaper under the Direct Land Grant Scheme. He indicated somewhat less than an encyclopaedic awareness of the lease to be offered over that particular area.

It is to that end that the opposition has moved this amendment standing against 8.1. We are suggesting that, where a determination that such a lease should be offered has been made, such an offer should remain in force only for 18 months. Although there may be contention about the actual Gardens Hill development, I can only assume that there will be no contention about the requirement that such a determination that a lease should be offered should have a clear date on which it should expire.

I draw honourable members' attention to our amendment 8.2 which says that a grant to a statutory corporation should be notified in the Gazette. Some honourable members may be aware of the particular story behind this particular amendment. Whereas they may have some disagreements about the construction I may put on events and actions on the part of the Chief Minister, again I hope that they will not simply rule this amendment out of order. Let me speak immediately on the purpose of this amendment before I give some details of the background to these particular amendments.

Quite clearly, we are talking about the propriety of the process of gazettal. If we have the responsibility in this Assembly either to disperse or to invigilate the dispersal of public lands, I believe that, without this particular amendment, we are seriously hampered in doing so. I do not think that any honourable member here would suggest that it should be anything but a process of notifying the public when the Minister for Lands chooses to make some determination about the sale of public land. That, I can only assume, is an noncontentious proposal. I hope that, if anybody on the government benches is to vote against this proposal, he will be well aware of what he is voting against. What he would be voting against is the proposal that a Minister for Lands ought to be allowed secretly to give away public lands. I trust that all honourable members will exercise their vote with due thought and due discretion in that regard because clearly that proposal is noncontentious.

Mr Perron: Giving it away to whom? To the Crown?

Mr BELL: The Treasurer has asked me to whom I am giving it away. He has further interjected that he is giving it away to the Crown. Perhaps I can answer his question a little more clearly if I relate the particular instance because, quite clearly, he has not been listening to debates in this Assembly during these sittings with the care that one would expect of a government frontbencher in an Assembly of this nature.

Mr Perron: Leave the lessons alone. Get on with the debate.

Mr BELL: The Treasurer is totally unaware of the actions of the Chief Minister and I will seek to enlighten him in that regard. The clear example that comes to my mind within my electorate is the recent secret gazettal of...

Mr Perron: Gazettal. Exactly!

Mr BELL: I am delighted to hear that honourable members are listening so intently. It was a secret alienation of land in my electorate. Quite clearly, there were distinct improprieties in this regard.

Mr Robertson: You are getting close, mate.

Mr BELL: The honourable Leader of the House suggests that I am getting close. All I can say is that, if he is not satisfied that there are improprieties, many people living at Hermannsburg, many people living at Gilbert Springs and many people living in other places in that area are satisfied that it was not only an impropriety but an outrageous impropriety.

Mr Speaker, on several occasions last year, there were debates and bills tabled that centred around the issue of Aboriginal land. We recall the concerns about land alienated in the vicinity of Tennant Creek. We recall the bill that was tabled in September of last year which would have alienated various sections of land. As I described to the Assembly during these sittings, one of these blocks of land was in my electorate. I was extremely put out, to say the least, that I was unable to find any mention of it even after zealous reading of the gazettes. The Chief Minister, then Minister for Lands, had removed this particular area from that bill without any notice to the public. The only possible way that I could have found out that that public land had been alienated in that way was by carrying out a title search. As far as I am concerned, it is quite outrageous that such alienation should be able to be carried out. I referred to it previously in these sittings.

I will conclude what I have to say merely by drawing to honourable members' attention that, if land is to be alienated, if the status of land is to be changed, and if the ownership of title to Northern Territory land is to be changed, there is a responsibility on the Minister for Lands to provide advice to the public that that is the case. I trust then that honourable members will accede to the opposition's amendments to the Crown Lands Act and, when the bill comes up for consideration in committee, they will vote in favour of these 3 amendments.

Mr PERRON (Lands): Mr Speaker, I will respond to the matters raised by the honourable member for MacDonnell. He concentrated primarily on the amendment schedule that he circulated this morning. I would like to point out that, whilst we have had a reasonably close look at the amendments that he is sponsoring in the time since this schedule was made available, we received it at short notice. I will not complain further than that. I merely mention it because, at times, we are guilty of circulating matters later than they should be in this Assembly.

Of the 3 amendments that the honourable member for MacDonnell proposes, I find that 2 cannot be supported and 1 of them can be in the interests of peace. We do not believe that it is particularly necessary but it does make matters somewhat clearer so we will agree with amendment 8.3. Basically, it says that nothing in the section empowers the minister to acquire land or an interest in land. As I understand it, this addition is not strictly required but it will put the matter absolutely beyond doubt.

In relation to amendment 8.1, the requirement proposed is to have an expiry period of 18 months whereafter the matter would have to be looked at anew and perhaps a new deal struck. If the government proposed to continue to deal with the same group of people on the same subject, that could give the applicants for that particular parcel a slightly stronger hand because the matter would have to come up for renegotiation. At present, there is no time limit to these offers other than that stipulated in offers themselves. From my recollection, virtually all the offers that have been made for Crown land under this section, including the original offer for the Gardens Hill development, normally have had a 40-day period within which the applicant could write back to accept the terms of the

offer and then to fulfil the requirements by paying money and so on. An offer can be extended by the minister if there is reasonable cause.

Of course, in the Gardens Hill offer, that occurred on quite a number of occasions. We were very tolerant with the particular applicants as far as their coming to the trough and drinking water is concerned. That has brought criticism from the opposition. I can only reiterate that the government still feels very strongly that it acted properly in that case, notwithstanding that it went on for 2 years or more. There was no other pressure on that land. There was no other party seeking it. At any time during that 2-year period, if the government felt that it could have struck a better deal elsewhere because the applicants were fussing around or using delaying tactics, the offer could simply have been withdrawn. A new offer could then have been put to those proponents or the block could have been placed back on the market for auction or tender or it could have remained in the government's hands for some future use. At present, the system we operate is a very flexible one. We can tailor it to meet the circumstances of the time.

The honourable member mentioned that these offers should expire because the value of the land could get out of hand and a person could be taking up an offer a couple of years after the original value had been set. I can assure him that, in offering an applicant a 40-day period within which to respond, any extension to that period can have a condition that the land offer is subject to revaluation at any time the minister so decides. We have considerable flexibility which I believe has served us well in the past. I think that the amendment as circulated will tend to restrict that situation and I do not think it will serve any particular purpose.

In relation to amendment 8.2, the member for MacDonnell seemed to use as his prime example for the need for this amendment the government's action in regard to issuing a lease under the Special Purposes Leases Act, probably for Gosse Bluff. As he is no doubt aware, there is no requirement under the Special Purposes Leases Act for notification to be given in that regard. What he is proposing to do by this amendment is in fact to affect the Special Purposes Leases Act through an amendment to the Crown Lands Act. If this Assembly wanted to amend the Special Purposes Leases Act, it would sponsor an amendment to do exactly that. It would not do it in an indirect fashion even though I am advised that an amendment such as this could technically be passed through the Assembly and obviously would take effect.

In amending the Special Purposes Leases Act in this fashion, he is also proposing that it apply only to a statutory corporation. He is saying that the Special Purposes Leases Act should have incorporated in it a provision whereby, when the minister alienates land to a corporation, it shall be gazetted but not in any other case. That would seem somewhat unusual if one accepted the principle that, in such sales or leases, there should be a requirement for notification. Presumably, that should apply in almost all situations and not just to statutory corporations. I will oppose that second amendment as well. Other than that, I think the bill, which covers a whole range of amendments to the Crown Lands Act and tries to make it a more effective document, seems to have general support.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr BELL: Mr Chairman, I move amendment 8.1.

I would like to comment briefly on the shortage of time about which the minister complained. I am quite happy for this bill to be adjourned for further consideration. Clearly, the minister has given my amendments some consideration but I am not really satisfied that his backbench has done so. If that is a matter of concern, as the honourable minister seems to have suggested, I really cannot accept what he had to say when rejecting the time limit on proposals. This has been the subject of debate in this Assembly and, unless my memory serves me ill, this is the first time that the minister has come anywhere near explaining that there have been any negotiations between his department and the consortium which is proposing the Gardens Hill development. My recollection is that not only did the member for Millner raise this issue at some length in March by way of 2 questions that I quoted this morning, he also addressed it at considerable length in an adjournment debate in the same sittings.

What I would like to see is some justification for this 40-day period having been waived in the manner that the honourable minister has suggested - and I bear in mind that there have been a couple of changes in the Ministry for Lands. I believe that, in 1982, the member for Fannie Bay was Minister for Lands. However, if my memory serves me correctly, the Chief Minister was the Minister for Lands during the period in 1983 when negotiations about Gardens Hill were continuing. In my reckoning, Mr Chairman, 2 years make a heck of a lot of 40-day periods. Let us say 2 years at 360-odd days each. That would be 9 40-day periods a year and, over 2 years, that means there have been 18 waivings by the honourable minister.

Mr Dondas: There is a leap year.

Mr BELL: The Minister for Health reminds me that there has been a leap year and it could well have been nearer to 20.

I would like more explanation from the minister. What exactly have been the negotiations with this particular consortium in this regard? That is the first question I have for the honourable minister. The second question is: why he has taken so long in explaining to this Assembly the ins and outs of those particular negotiations? My third point, which I stressed in the second-reading debate, is that, if the price that was negotiated in March 1982 has not been renegotiated in any regard, I do not believe that the people of the Northern Territory have been given a fair go. We had debates only last week in this Assembly about the increase in the value of land in central Australia. Honourable members on the other side of the fence are only too happy to explain to us fulsomely that, in the ghost state of the Northern Territory, the value of land is increasing rapidly. Why isn't the Crown in the right of the Northern Territory able to benefit from that by more assiduous negotiations with the consortium involved in this particular deal?

Mr PERRON: Mr Chairman, I do not know that there is a lot to answer. The honourable member should refer to Hansard. The debates about Gardens Hill, including those in this current sittings of the Assembly, have been quite extensive. We have gone many times over the subject of the land, the availability of land alongside it and the size of the market for land with an $8m covenant. That market is almost non-existent. The fact is that the price of the land over the 2-year period has not altered enough to go back to the developers and tell them that they must pay more than the half million dollar price that was put on it in the first place.

To our knowledge, the only people interested in the particular parcel of land we are concerned with are the people we are dealing with. It is no good talking about having more astute government negotiators so that the government can screw a few more dollars out of the developers just because they have sat on it for a long time. They know that there is a block alongside for the same price and that the government can offer it at any time if there is anyone interested.

In fact, the price of the land may in fact have gone down during that period. The honourable member might care to ponder that point which he scoffed at this morning when I interjected. The price of land fluctuates upwards and downwards in response not only to demand and supply but in response to things like the economic climate in the country. If he thinks that the price of land has never gone down, he should do a little more reading. It was suggested to me at one stage that it might be in the developers' interests for the government to auction the block next door with an $8m covenant on it. The developers might then find that they are paying more than they need to at half a million dollars. Who knows? I decline to take that option.

Mr Chairman, I think that the question has been covered adequately in respect of Gardens Hill. As far as the 20 or so 40-day offers are concerned, I said nothing about recurrent 40-day offers. I said that, with the initial offer, the developers were usually given 40 days within which to respond. Depending upon their response, the government would decide what to do next. I did not say anything about offers thereafter at 40-day intervals. In some cases, the matter is left open awaiting advice from the developers on specific bits of information prior to the formal requirement of the offer being renewed for a fixed term on new conditions. I think that that probably says enough to cover the honourable member's point.

Amendment negatived.

Clause 6 agreed to.

Clause 6A:

Mr BELL: Mr Chairman, I move amendment 8.2.

I really do not have a great deal more to add to what I said about this in the second-reading debate. All I want is one answer from the Minister for Lands: has Gosse Bluff been alienated or not?

Mr PERRON: Mr Speaker, I believe the answer is yes. Can I say, without the specific details before me, Gosse Bluff has been subjected to a variety of statuses. That might be the wrong way to term it. Certainly, fairly recently, a special purposes lease was issued over the area and that would no doubt alienate that particular parcel of land. I can advise the honourable member that I understand that a special purposes lease was the only form of tenure which could be issued over a reserve.

Mr EDE: Mr Chairman, I would like to ask a question: why not? We have not had an answer from the minister on that. The only thing that he will give us is: 'If we are going to do that, we should waste the Assembly's time by introducing another bill'. This seems to me to be a fairly efficient way of introducing a provision into the act which will allow the public to have a mechanism by which to know just when an estate in fee simple or whatever has been issued over such lands. I do not see what the government could object to in having that gazetted. It seems to me to be a perfectly logical and sensible provision.

Mr PERRON: I guess it does seem like a logical and sensible provision to the honourable member for Stuart, Mr Chairman, and that reflects his short time in the Assembly. It would seem a very odd way to go about amending legislation to put forward an amendment to another act in this fashion. We are debating the Crown Lands Act. The amendment is related primarily to the Special Purposes Leases Act and he has not explained yet why we should consider amending not only the Special Purposes Leases Act in this indirect way but, specifically, why we should amend it to require the notification of land alienated to a statutory corporation and not to any other party.

Mr BELL: Mr Chairman, if the minister is happy to amend the Special Purposes Leases Act in order to require such public notification of leases to statutory authorities, I am quite happy to withdraw the amendment.

Amendment negatived.

Clauses 7 to 10 agreed to.

Clause 11, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

## BUSHFIRES AMENDMENT BILL
(Serial 13)

Continued from 29 February 1984.

Mr LANHUPUY (Arnhem): Mr Speaker, the opposition supports the government amendment to the Bushfires Act to increase the number of representatives on the Bushfires Council. However, the opposition will be proposing that the council be required to have an Aboriginal member on its board and it will be introducing an amendment to that effect in the committee stage.

Mr COULTER (Berrimah): Mr Speaker, in rising to speak to this bill, may I first pay tribute to the government's concern for the problems associated with bushfires on a regional basis and, in particular, the establishment of a new fire zone to be known as the Vernon region which includes the rural block dwellers south of Noonamah which is becoming one of the Territory's fastest growth areas. The bill recognises that fire control problems vary considerably from region to region and, consequently, the need for each region to be represented on the Bushfires Council. This will enable the council to develop an overall perspective of the Territory fire control situation whilst, at the same time, it can appreciate the problems which are peculiar to a particular area.

Previously, there were 6 fire control regions: Alice Springs East, Alice Springs West, Gove, Wauchope, Tennant Creek District, Barkly Tablelands, Victoria River and Gulf. The northern region was originally established by the old Bushfires Control Ordinance. The changes in the distribution of the various regions have precipitated the need to alter section 7 of the principal act by increasing the maximum number of members on the Bushfires Council from 12 to 14 in order to cover the unrepresented areas and enable the chairman to be excluded from representing sectional and regional interests.

Clause 5 proposes to repeal section 8 of the principal act. This would remove the requirement that at least 4 members of the council shall be employees within the meaning of the Public Service Act, thus removing an unnecessary

constraint on the government's ability to appoint members as it sees fit and in response to the fire control measures within the NT.

Clause 6 proposes to repeal section 2 of the principal act. This is a follow-up from the proposed repeal of section 8 where the requirement to have a minimum number of public servants on the council would be repealed. As there would be no specific requirement to have public servants on the council, there is no need to have a specific subsection to deal with the removal, by the minister, of the member of the council who, in the opinion of the minister, is guilty of misbehaviour or incompetence, if that member was a public servant. The general power the minister would have under the proposed bill to remove members of the council under these circumstances would then apply to all members of the council.

In short, the bill seeks to recognise the new regions, provide greater representation and obtain membership from a wide range of experts in the field of bushfire prevention and control, without any unnecessary constraints of sex, ethnic origins or anything other than ability, interest and merit in fire control. Land council nominations or, for that matter, any nominations from any organisations or individuals will be considered in an attempt to attract the widest possible representation and expertise in the field. I support the bill.

Mr VALE (Braitling): Mr Speaker, I rise to speak briefly in support of the Bushfires Amendment Bill. This legislation proposes to give regional representation on the Bushfires Council to 2 areas in the Top End of the Territory which, because of various administrative actions, are no longer represented. Because of the diverse nature of the Territory from region to region, I believe it is essential for all rural sections to be represented on the Bushfires Council. For this reason, I support the increase in members of the council from 12 to 14.

Mr Speaker, 2 major problems face the whole of the Northern Territory from time to time - flooding and fires. Whilst, in many cases, little can be done to avert flooding, the damage caused by fire can be minimised by sound and practical management of the rural area. As such, membership of the Bushfires Council must be made up of people with a detailed knowledge of the region in which they live and who may be required, on occasions, to clamp down on people who are not prepared to pull their weight in exercising a commonsense approach to fire control.

Mr Speaker, the second part of this legislation does away with the requirement that a number of the council members must be members of the public service. Because the Bushfires Council has the authority to seek expert advice available from the Department of Primary Production, the Department of Lands and the Conservation Commission, this amendment will allow the government more flexibility in the appointment of council members. Mr Speaker, I support the legislation.

Mrs PADGHAM-PURICH (Conservation): Mr Speaker, I thank honourable members for their contributions to this debate. I would like to thank the honourable member for Arnhem for his support for this bill. In giving his support to this bill, he has negated his proposed amendment. As I said in my second-reading speech, the reason for this amendment to the Bushfires Act was to do away with the requirement to have 4 public servants on the Bushfires Council and to take cognisance of the fact that the number of Bushfire Council regions has increased from 6 to 8. If we take away the public servant membership on the Bushfires Council, as public servants, the same logic should apply to having Aboriginal members simply for the reason of their being Aboriginal.

I think we can be very proud of our Bushfires Council and the way it is run in the Northern Territory. The Northern Territory is the largest area in Australia where effective control is undertaken by one body only - the Bushfires Council. It is the only place in Australia where regional, pastoral fire control is undertaken. In the states, there is regional control but not in a pastoral sense. It is undertaken where there is intensive agriculture. The Bushfires Council has such a good name in the rest of Australia that the states have asked it for advice in a number of matters over the years.

I thank honourable members for supporting this bill. In the committee stage, I will be speaking further on the amendment proposed by the honourable member for Arnhem.

Motion agreed; bill be read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr LANHUPUY: Mr Chairman, I invite defeat of clause 5.

I believe that many people representing Aboriginal views would express certain concerns as outlined by the Minister for Conservation. It is extremely interesting to note that certain areas in the Northern Territory are starting to become of interest to Aboriginal people. It is for that reason that I have expressed this concern. Mr Chairman, it is not only my concern but that of my constituents and, I believe, people in Mr Chairman's electorate.

Mrs PADGHAM-PURICH: The honourable member for Arnhem was seeking defeat of clause 5. Clause 5 relates to the repeal of section 8 of the principal act. Section 8 of the principal act says: 'not less than 4 members shall be employees within the meaning of the Public Service Act'. The repeal of clause 5, whilst it can be considered in isolation, is tied up with the amendment the member for Arnhem wishes to put. I have said in my summing up that I would oppose the amendment when he put it and, therefore, I oppose his intention now.

Clause 5 agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill reported; report adopted.

Mr BELL (MacDonnell): I would like to place on record my sorrow that the honourable Minister for Conservation was unable to accept the amendment put forward by my colleague, the honourable member for Arnhem. I was considering rising during both the second-reading debate and the committee stages of this bill but, since the die is evidently cast, I thought I would rise and speak at this stage.

I noticed that, in her second-reading speech, the minister said that she could not see any reason why there should be Aboriginal people on this particular council. She said that there was no point in having them there just for the sake of having Aboriginal members. Let me speak on the basis of my experience in my electorate. I am very disappointed that somebody with such a penchant for rural pursuits and who has fulminated so frequently in this Assembly on the joys of rural existence and the joys of the Australian bush should be so unaware of one

of the unique aspects of Australian-ness that is involved in this. In fact, one is forced to doubt the bona fides of the honourable minister if, in spite of her frequent diatribes on rural living, she is unaware of the understandings that Aboriginal people have of the bush and the part that fire has played in it.

Quite honestly, I am staggered that, in an Assembly that justifies its existence on the basis that it is sensitive to northern Australia, that it is sensitive to the varying conditions that apply in northern Australia, that the honourable minister is so lacking in imagination that she is able to give such a pathetic response to a well-thought-out and clearly constructive amendment as this. I find it is on the point of being obscene, Mr Speaker - quite obscene. In fact, one is forced to wonder whether this Assembly is well-served by the offices of that particular minister if that is the best that she can come up with.

The Northern Territory, as the minister may or may not be aware - judging from her contribution in this regard, I think if she were placed 10 or 20 miles off the Stuart Highway between here and Katherine, she would be lost - the Northern Territory has essentially 2 regions, climatically and geographically. It has an arid southern region with which she would be far less familiar and her sojourn as a frontbencher in this Assembly has demonstrated a clear lack of interest in addressing it. Of course, it has a northern section that is characterised by entirely different topography. I am rather less familiar with the geography and the climate of the Top End. However, I am acquainted with the arid Centre and with the processes that Aboriginal people used traditionally to conserve their country, and continue to use. I am aware of the understanding they have of plants that require the onslaught of flames to germinate them. The honourable Minister for Conservation surely must be aware of these and of the understanding that Aboriginal people have in this regard. I find it distinctly distressing that she is unable to take a more constructive view of the amendment put forward by my colleague. I did not shake my finger either.

Mrs PADGHAM-PURICH (Conservation): Mr Speaker, it always amazes me when the honourable member for MacDonnell rises but, at least, he has learned one lesson. Probably my teaching has had more influence on him than his teaching has had on me because, at one stage, I was a teacher and I believe he was also. I must thank the honourable member for his geography lesson, but he forgot the middle of the Northern Territory and I suppose there is a middle somewhere if there is a top and bottom.

I think his understanding of the bill falls short of his fulmination. It is a pity the 2 did not keep up with each other. He has lost sight completely of the fact that the bill does not preclude Aboriginals from putting their names forward and being nominated to fill those 6 positions on the Bushfires Council. In fact, Mr Speaker, if any Aboriginal person wished to put his name forward, and is considered fit and proper by the rest of the community in a bushfire region, he could be accepted as a representative of a particular region. The honourable member always becomes very emotional about these sorts of things. It probably shows that he has had artistic rather than scientific training. He becomes so emotional that I am tempted to weep or wring my hands sometimes. He talks about being disappointed in me and being sorrowful about a situation. If that is not emotional, Mr Speaker, I do not know what is. He queried my bona fides. For the honourable member's information, I do not think my bona fides could be any better than they are. I like to think I am the dinky-di thing and I take pride in being what I consider is a true ocker representative of my electorate. I do not consider myself anything special; I am just a good ocker, dinky-di Australian.

The honourable member also suggested that I was lacking in imagination. Mr Speaker, I am not lacking in imagination; he has too much. I appreciate the member for Arnhem's reason for proposing the amendment but let me tell him that the bill does not preclude Aboriginal people from being appointed as the 8 people representing bushfire regions nor as the 6 people appointed to bring the total number on the Bushfires Council up to 14.

Bill read a third time.

## MEAT INDUSTRY BILL
(Serial 9)

Continued from 29 February 1984.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the Meat Industry Bill is welcomed by the opposition. It is the product of the problem with the kangaroo meat scandal in the United States. What that problem indicated is that we have a beef export industry in Australia, worth some $800m per annum, which was placed at great risk by some most unfortunate occurrences in the meat industry. It indicated the need for much tighter and much more consistent controls over the operation of abattoirs and the whole chain of the operations of the Australian meat industry. Australia cannot afford to put at risk the enormous export potential that the beef industry supplies in this country. We in the Northern Territory cannot expect to escape our responsibility to enact a piece of legislation which is consistent with legislation in the states.

Mr Speaker, I do not believe that the Northern Territory government - and perhaps this is an assumption which the Minister for Primary Production would have to inform us on - would have any political objections to having the inspections carried out by a national authority rather than a Territory authority. Possibly that is considered to be a reasonable approach by the Northern Territory government but, obviously, we must provide reasonable controls in the interim.

The original bill had some problems. A number of public seminars, which I attended, were held on the legislation. In fact, Mr Speaker, may I commend the department for the way in which that was conducted. On particularly contentious legislation, it is extremely useful for the government to provide a public forum with officers of the relevant department available so that the public can put forward objections or suggestions. We end up with better legislation as a result. Indeed, the seminar that I went to was extremely well attended.

Most of the objections that the opposition had originally to this legislation have been addressed. The bill is now a reasonable piece of legislation for controlling the industry, and it is essential that we do control it. The Northern Territory's economic base is very narrow. The beef industry faces periodic problems with its finances but, despite the attractions of the uranium industry and the promise of the agricultural industry in the Northern Territory, the beef industry has been the backbone of the Northern Territory's economy for a century. It is the one industry that has always been with us. It continues to be with us and contributes significantly to the Territory's economy. We have to protect that industry and this legislation is a significant step in doing so.

In conclusion, Mr Speaker, I would like some guidance from the Minister for Primary Production as to what the attitude of the Northern Territory government is to the eventual control of meat inspection in the Northern Territory by the federal authorities as has been done in other states. I am certainly of the view

that, in the case of such an important national export industry, it is to everyone's benefit that a single set of rules apply to the whole industry nationally and that the inspection services be provided by an arm of the federal government. The opposition supports this legislation.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, when we talk about the meat industry in the Territory, we are talking about the cattle industry. We do have a few buffalo in the Top End, but it is cattle that we are talking about. In many ways, this is an industry that is in some degree of trouble. I would like to suggest a few insights as to why the cattle industry is in trouble. I will be making use of an article by the former Minister for the Navy, the Hon Bert Kelly, in the Bulletin of 29 November 1983. It was entitled, 'Killing the Goose that Lays the Red Meat Egg'. Those who are fortunate enough to know Bert Kelly will appreciate 2 things about him: his ability for clear thinking and also his ability to mix in a little humour which helps get the message across.

In this article, Mr Kelly says that, in 1979, there were 180 major abattoirs in Australia and, since that time up until November 1983, no less than 35 had closed down and 20 of those had export licences. There were some 6000 employees displaced in an industry which had 45 000 employees. In tendering his reasons as to why this has happened, he says there are certainly fewer cattle available for slaughter. In other words, the supply is down. He reasons further that fluctuations have been fairly steady in real money terms. However, as illustrated by the graph, the cost of slaughter has risen during this time. In other words, the difference between the cost of producing the slaughtered meat and the return to the grower is getting less, so growers were opting out of the cattle industry. There were fewer cattle available for slaughter which meant there were fewer jobs. The difficulty for the Territory cattleman is that it is not so easy to diversify by growing wheat or other crops.

All this would lead one to think that, if there were less people in the cattle industry, then there would be less competition and the price would increase. However, in practice, this does not happen. The reason has to do with substitutes. I do not want to alarm anybody. I am talking about the meat substitution racket. I am talking about the economic substitutes available to consumers. The price of beef is contained, so Mr Kelly contends, by the price of chickens. If you try to push up the beef price, then the buyers exercise their options and buy more chicken. It just is not possible for the price of beef to rise and allow the industry to meet the increased killing costs. In other words, his contention is that, if the industry is to survive, it must contain slaughtering costs and other allied costs.

He mentions the Industries Assistance Commission report and commended the commission for not suggesting that the government should interfere with the rationalisation process of abattoirs closing down. However, he criticised the commission for not tackling the tally system. At this point, I might read from his article:

> *Under the tally system, the highly-skilled slaughtermen and boners get paid for a full day's work after they have finished their tally, which is the number of animals that has been set down by arbitration as the number that can be killed comfortably in an 8-hour day. However, frequently, they complete their tally in 5 or 6 hours. Then the 'followers', the unskilled men on day work, also get paid for a full day after they have put in about half an hour cleaning up after the slaughtermen have gone home. So everybody gets paid for 8 hours' work after working about 5 or 6 hours.*

He goes on to say that, if sheep shearing stopped after the shearers had averaged 100 sheep a day, we would all go broke, particularly if we had to pay the shed hands a daily rate for cleaning after the shearers. He continues:

> *But that is the way they operate abattoirs. It is not surprising they are closing down all over the place. The tally system also discourages innovation in the industry because the operators know that, if a new hide puller is invented, the slaughtermen will skim off most of the benefits.*

In other words, they would go home an hour earlier if they had a hide puller which made their work easier. It is a problem which I believe must be tackled and some rationale in this regard be brought into the system. Of course, the people who are suffering in the long term are those employed in the industry as it makes the industry uncompetitive and hence on a decline.

The other thing that Mr Kelly mentioned was that we are overblessed with inspectors in the meat system. In addition to those tally problems, the industry is cursed with more meat inspectors than are needed. These people sit around in the sun, destroying the morale of the real workers. In my limited experience with abattoirs, Mr Speaker, I have seen that this is indeed the case. No doubt, these people are necessary but I hope that, when we talk to the Commonwealth people about the Commonwealth undertaking the inspection, it will be done with a clear intention to reduce the number of inspectors and the extra costs which must be borne by the industry. The government can play a part there. The inspection must be done and it must be done properly but it has to be done efficiently and with as small a number of personnel as possible.

Mr Kelly went on to say that, if things continue the way they are going, the cattle industry will be governed by small abattoirs, people who are interested only in supplying meat to the local area. He predicts something like family shows where the family is not bound by the tally system. They will be able to beat the tally system, put in their sweat and labour, keep their costs down and be competitive in the local market with limited costs for transportation. If they keep on the path they are going, the big abattoirs will crumble and fall. In a sense, it sounds almost like a return to a feudal type of system.

The bill itself, which has the opposition's support, makes the meat industry squeaky clean. There are wide powers there to ensure that it is a top-class industry in relation to quality and hygiene and should satisfy the most stringent demands imposed upon us, particularly by the US export market. I suspect that the demands put upon us by the US are politically influenced by the American cattlemen's lobby. It is in its interest to try to make it as difficult as possible for Australia to export meat there. I have heard some stories from people who have been to the United States that some of the standards in abattoirs there are, to say the least, somewhat questionable.

The one problem that I have with the bill is a personal one and the strength of that objection depends on how it is handled. It relates to limiting the number of licences as proposed in the bill. I hardly see that as a free market approach. I support what Mr Kelly said: if the industry is not supporting the number of abattoirs and some of them go out of business, that is fine. Of course, there is a lot of money involved in these and people have to make their own decisions about getting into the business. They should be free to get into the business. As a personal opinion, I do not think that limiting the number of those involved is a free market approach. I am not keen on it. As long as the government makes it perfectly clear to someone who wants to start up an abattoir that the government will not be there to bail him out if he gets into trouble, I believe that

should be a freedom that he should have. There are sufficient controls in the 3 stages which are in this bill for gaining a licence to run an abattoir. With the selection of a location, the point is made that, if it is near a town, neighbours will want to have input. Then plans and specifications must be submitted for approval and, of course, very little money is expended up to that stage. The building can then go ahead and, providing the specifications are met, a licence will be granted. I believe the government has sufficient control in that particular area.

The government must do all it can to contain costs and I hope that, in future, when this act has been in effect for some time, we can look at the inspection system. Perhaps we can do something about the tally system in order to keep down the cost of producing the meat and to maintain this industry which, for 100 years, has been very much the backbone of the Territory. I support the bill.

Mr PALMER (Leanyer): Mr Speaker, I rise to speak in support of this legislation. I promise to be brief and I will not be quoting from Kelly the Butcher.

The passage of this bill through the Assembly will lay the foundations for the inclusion of the Northern Territory in a single Australia-wide integrated meat inspection service. For many years, beef production was the mainstay of the Northern Territory economy. However, in recent years, the development of the beef industry to its fullest extent has been somewhat overlooked in favour of the more popular tourist and mining industries. One of the ways in which the Territory beef industry suffered was when the access to some of the southern markets was denied because our inspection services did not meet the criteria of the states. That is not to say that our inspection services were inferior to those of the states; it was just that the criteria were not met and it was a way of protecting southern producers. That sort of protectionism, generally high costs and other historical factors have led to the situation we have in the beef industry today.

The Northern Territory annually exports live interstate or overseas the major portion of its beef cattle production and, therefore, the greater part of the benefit that could accrue to the Territory through the slaughter of beef cattle is bled off to those states. During years 1982-83, the Northern Territory produced about 325 000 head of slaughtered cattle. Of those, 188 000 or 57% went elsewhere for slaughter. That means that 57% of the job potential of the Northern Territory slaughter or meat processing industry went interstate. When you consider that those cattle, in an unprocessed state, represent a value in excess of $42m and that much of the benefit that accrues to an economy through the beef cattle production is actually gained on the slaughter floor, you realise the enormity of the potential earnings lost to the Territory through the export of live cattle interstate. For its part, the Territory killed 137 000 head, representing a gross value of about $20m. Of those 137 000 head, 117 000 or 85% were killed in licensed export abattoirs, primarily in Alice Springs, Tennant Creek and Katherine.

The statistics I have just quoted concern me in 2 ways. Firstly, there is the interstate slaughtering of Territory cattle and, secondly, the almost total domination of the Northern Territory slaughtering industry by the 3 major export works. The tendency to have cattle slaughtered interstate probably has its roots in the early days of the cattle industry when, through lack of refrigeration or suitable overland refrigerated transport, it was necessary to transport live stock to places of greater population, and therefore markets, prior to their slaughter. I do not think that equation applies any longer. It is a

fact that beef travels better in boxes. It fits in tighter, it is less susceptible to bruising and other travel-related disorders. It does not require spelling, watering, feeding or dipping and it is far more tractable to load than are live beasts. Northern Territory abattoirs can put beef in boxes much closer to the station gate than can their east coast and southern cousins and, therefore, must be able to offer substantial transport savings, whilst cutting losses incurred through deaths and bruising en route.

The domination of the Territory industry by the 3 major works, whilst not necessarily bad in itself, is brought about by the accessibility of their product to markets, and that accessibility is conferred on them mainly by the export status which primarily relates to their servicing by the Commonwealth inspectorate. Anything which can be done to broaden the market base of Territory abattoirs and allow them to compete more competitively pricewise for the cattle can only serve to benefit the interests of the Territory. The introduction of an Australia-wide integrated inspection service will help to open up markets to our smaller abattoirs allowing them to offer better prices for cattle and, perhaps, helping to apply the brakes to the flow of Territory cattle interstate.

I am not holding this legislation as the panacea for all the slaughtering industry's woes. However, I believe that it will serve as an incentive to small operators to expand their operations, maybe to attract more operators into the industry and give them the confidence to compete with the big boys assured of the market acceptability of their product, all leading to a more stable, broadly-based Territory slaughtering industry employing more Territorians.

Mr Speaker, I support this bill and commend it to honourable members.

Mr McCARTHY (Victoria River): Mr Speaker, uniting as it does all the activities of the meat industry, from the farm gate up to but excluding retail meat outlets, I believe this legislation will gain support. The meat industry has been a troubled one over the years. The inadequacy of previous legislation and the potential for criminial collusion along the chain of processing have provided headaches for those charged with responsibility for the safer handling of meat for human consumption. The proposed provisions for limiting the number of licences of a specified type - and I do not agree with the honourable member for Sadadeen in this regard - in a particular area are essential to the future viability and control of meat processing. The necessity for approval of plant and specifications for new facilities to conform with requirements of the act in a staged program of development to a licensing stage is also a welcome provision.

Mr Speaker, it is a pity that we are unable to legislate for a commonsense approach from unions towards the meat industry in the Territory. The present pressures by the opposition-backed unions, which affect a number of abattoirs in my electorate, are a serious burden on the operations of these abattoirs. Of course, the unions do not have the support of the meatworkers involved who, under the present arrangements, are able to earn very good money - and I will not mention how much; they might not like it - working under contract with hours and conditions that suit them and keep the industry viable. If the unions continue their pressure, I believe that they will succeed only in putting meatworks out of business and meatworkers out of work and, so saying, I support the bill.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

## FISH AND FISHERIES AMENDMENT BILL
(Serial 10)

Continued from 29 February 1984.

Mr LEO (Nhulunbuy): Mr Speaker, this bill is precisely the same as serial 355 which was introduced in 1983. Unfortunately, but for the prorogation of the Assembly, it would have been passed by now.

The opposition has absolutely no difficulty in supporting this amendment. It gives the government certain powers to control various operations within the fishing industry and is complementary to some Commonwealth legislation. Specifically, the bill requires that the Director of Fisheries maintain a register of licences and boats which operate within the Northern Territory's waters and also requires that the judiciary take notice of that register. The opposition has no difficulty at all in supporting these amendments. It is in line with Commonwealth legislation and will enable the Territory government to control a very vital resource within the Northern Territory - our fishing resources.

Mr PALMER (Leanyer): Mr Speaker, I rise to speak in support of this bill. Although it is not a large bill, the amendments it proposes to the Fish and Fisheries Act of 1979 are of great importance and reflect the continuing need for the Northern Territory to monitor very closely and continuously the management regimes of our fisheries. As the minister mentioned in his second-reading speech, the Fish and Fisheries Act makes no provision for the declaration of gear restrictions and the size, amount, design, construction material and any other things which the minister may think fit. This declaration on gear restrictions may also be related to specific areas or to a specific time. These provisions are particularly important for effective management and will allow the Territory legislation to be complementary to the Commonwealth Fisheries Act which manages the Commonwealth waters adjacent to our shores.

Members will note that the penalty provisions are quite high: a fine of $2000 or 12 months imprisonment for contravention of the declaration. Again, I feel this reflects the seriousness with which the government views the need for effective management controls in our fisheries.

Because I have been interested in the Territory's fisheries for some time, I am aware of the Minister for Primary Production's stance on the over-exploitation of our fisheries, particularly in the northern prawn fishery. I believe there is a vital need for a reduction of effort in the prawn fishery. The minister has made continued representation to the federal government, especially through meetings of the Australian Fisheries Council, to try to introduce measures to reduce effort. Although I understand some restrictive measures have been introduced through resolutions by the Australian Fisheries Council, the minister's stance is that a large reduction in boat numbers is still required so that a sound basis of management of the fishery can be pursued. I am advised by the minister that this matter will be raised again at the forthcoming Australian Fisheries Council meeting at the end of July.

Against this background, the bill provides an avenue for the Territory to be able to restrict effort in the fishery in line with current management plans administered by both the Northern Territory and the Commonwealth. These proposed amendments to the Fish and Fisheries Act will enable the Fisheries Division to manage our resources more effectively. Likewise, the proposed provisions requiring the Director of Fisheries to maintain a register of licensees and fishing vessel registrations, and clause 4, which makes provision for a register

to be maintained for judicial notice to be taken by any court of the register, are further avenues through which government reflects the need to enforce stricter management controls in the fishery.

It is my belief that the Northern Territory fisheries have an immense potential for development. I refer here particularly, as I have done so before, to the reef and mackerel pelagic fisheries and to the shark fishery. Members may be aware that the government has recently contracted the world-renowned Norgaard Consultants to undertake a study of the Territory's fishing potential as well as advise on the direction for fisheries infrastructure to support the development of these fisheries. I believe this is a giant step forward in laying the foundation on which the basis of the Territory's fishing potential can be built. I for one will be anxiously awaiting the outcome of Norgaard's study as I see the Northern Territory's potential in this area as one of the most exciting prospects for the next decade.

Given this framework and the vital need to ensure adequate management regimes are in place and can be policed through administration, I wholeheartedly support the provisions of the bill before us and commend it to honourable members.

Motion agreed to; bill read a second time.

Mr TUXWORTH (Primary Production) (by leave): I move that the bill be now read a third time.

Motion agreed; bill read a third time.

## ADOPTION OF CHILDREN AMENDMENT BILL
(Serial 12)

Continued from 29 February 1984.

Mr EDE (Stuart): Mr Speaker, there is very little I can say about this act except that I support it. People have been waiting for many years to be considered as married persons so far as the operation of the Adoption of Children Act is concerned. This act now gives an Aboriginal person who has been married under traditional law the right to consider that marriage a marriage for the purposes of the Adoption of Children Act. I wholeheartedly support it.

Mr McCARTHY (Victoria River): Mr Speaker, if this amendment had not been proposed, this legislation would have continued with a flaw in it. It is only reasonable to accept that Aboriginal people who have been united in a traditional marriage should benefit from the same laws that govern all other ethnic groups, each with its own laws of marriage and religious beliefs. There can be little doubt that, where possible, it is important that Aboriginal children who are available for adoption should be placed with Aboriginal families. Aboriginal couples without children should not miss out on the chance of adoption simply because of their religious belief. Neither should Aboriginal children awaiting adoption be forced to remain in institutions without the chance of adoption simply because our law does not fit their situation.

I assume that all reasonable steps will be taken to ascertain that the traditional marriage is in fact geniune. This appears to be covered in that the marriage must be recognised as traditional by the community or group to which either Aboriginal belongs. No doubt, section 14 of the principal act will provide the normal protection to the child and the parents' or guardians' wishes in that this section requires: that the applicants are of good repute, and are

fit and proper persons to fulfil the responsibilities as parents of a child; that the applicants are suitable persons to adopt that child, having regard to all relevant matters including the age, physical appearance - although I do not know why that comes into it - state of health, education, if any, and religious upbringings or convictions, if any, of the child and of the applicants and any wishes that have been expressed by a parent or guardian of the child in an instrument of consent to the adoption of the child with respect to the religious upbringing of the child; and the welfare and interests of the child will be promoted by the adoption. Mr Speaker, I support the bill.

Motion agreed to; bill read a second time.

Mr MANZIE (Community Development)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## TERRITORY DEVELOPMENT AMENDMENT BILL
(Serial 27)

Continued from 7 March 1984.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition supports the amendment to the Territory Development Act. It provides that small businesses be recognised for the purposes of financial assistance in times of need. Small business plays a very large part in any community. Indeed, in the Northern Territory, it is perhaps the mainstay of our economy. While large businesses are very attractive, small businesses support the majority of income earners within the Northern Territory. For these reasons, it seems appropriate that they be recognised under the Territory Development Act for the purposes of assistance. We support the bill.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, it is said that, when big companies like BHP or General Motors sneeze, the government catches a cold. When these big companies make their demands about protection, subsidies and the rest, then the government sits up and takes notice and often buckles under the pressure. When these companies threaten to put off 1000 employees, then it is major news.

However, in any one year, thousands of jobs are lost in the small business sector. Of course, as small businesses go to the wall, others start up in different areas. It is a natural evolutionary process as I see it. Nobody notices very much; nobody seems to care. The small business owners themselves are not organised because they have to spend their time trying to keep their businesses running, particularly when there is only one owner. In that situation, he must do everything - financing, management, stock control etc. He has a very great workload.

It is pleasing that small businesses are starting to become organised. In the future, we will have to take far more notice of the small business sector. If I asked how many different jobs there are, the list would be huge. How many different services and goods are supplied? One can get a better indication by looking at the yellow pages in the phone book. There is an amazing list of goods and services which people offer to their fellow man. These people are out there competing in a free market situation. There is plenty of competition and the prices that they charge are controlled by that competition. These businesses provide what people want. If the pace changes and if conditions change and a company does not adjust to the changing conditions, then it is likely to go under. As I mentioned before, I see it as a natural evolutionary process. For companies

to survive, they must take notice of the demands of the consumer. I have always believed that the consumer should be the king in a free society.

The small business sector provides most jobs in Australia. The big companies receive all the press coverage. When they sneeze, government and the media jump. But, so many real jobs are created by the small businesses run by people with considerable energy who have the intestinal fortitude to make sacrifices. They go without their own comforts and spend many long hours working to make a business. They do this for the satisfaction offered. They pit their wits against the rest of the world. Because of the hours they put into it, some small business owners are working on very low wages indeed.

Small businesses are affected by 2 things: an overabundance of well-meaning regulations and excessive taxation. Many unemployed people in this country could be employed in the small business sector. We need to give it every bit of support that we can. In that regard, I would like to pay particular tribute to the Small Business Advisory Service of the NTDC. I believe that it is doing an excellent job. It is well received by people in the community. It is rather difficult to expect someone who is starting up a business to be an expert in every area. He is more likely to be an expert in one. However, it is the financial side that most people fail in. The Small Business Advisory Service is doing an excellent job and is well received in the community.

Government can best support the small business sector by examining the regulations and asking the question: do we really need all these regulations that have been put forward? They come in so many ways. One small regulation might only mean a 5-minute job every so often, but many regulations could be a great burden.

I am pleased to belong to a government which is keeping its fees for small businesses down as much as it possibly can. I believe we must resist pressure from the federal government to raise these fees because, in so doing, we are likely to turn small businesses away from the Territory. Instead of raising more money, the reverse could result. If we can keep fees low, we can attract industry to the Territory in spite of our many disadvantages such as a small population and large distances to overcome. The Territory would be a cot death victim if it bowed to the pressure of the federal government, and not just the present one but governments of all political colours.

This government has created the climate for small business to flourish. I welcome the increased membership of the NTDC as proposed in this bill. I note the words 'at least one small business representative'. I hope that is interpreted such that there is room for many more. In fact, under a system of proportional representation according to the wealth created by business in the Territory, we would have considerably more than 1 out of 8 from small business. I welcome the changed function of the corporation and I support the bill.

Mr EDE (Stuart): Mr Speaker, I sat here quite amazed listening to the member for Sadadeen. For the first half of his speech, I thought I was actually agreeing with him. But then he started to imply that his government and governments of his colour have been supportive of small business. However, one of the great anomalies of the situation is that the various complaints that I have received have been from people who have said that the NTDC does not care for them. It only cares about big business in the Northern Territory. The government has been categorised in the same manner. It is generally accepted by those members of the small business community whom I have talked to that the Labor Party, both at a federal and Territory level, has had a far better small business policy than the CLP or its Liberal counterparts.

Mr Speaker, it is a well-known fact that the vast majority of small businesses fail in the first year. Any moves that the government can make to give further support to them, both through the NTDC and the Small Business Advisory Service, I would support. As the member for Sadadeen said, they form the backbone of the Territory as they form the backbone of Australia. I am constantly worried about the big businesses in the Northern Territory which have been enticed here by grandiose deals worth hundreds of millions of dollars, often at great expense to the government. Often the effect is that the small business sector suffers. I refer honourable members to the situation in the entertainment and food industry in this town. Many small cafes and places of entertainment are either on the point of folding or have folded because of the pressure from big business.

I do not say that this amendment will solve their problems. It most probably will not bring any business back which has already failed. I hope, however, that it will allow a point of view as to the effect some of those other developments have on small business and put some rationality back into the debate. I support the bill.

Mr FINCH (Wagaman): Mr Speaker, in the Chief Minister's second-reading speech, he highlighted the importance of the small business sector to the Northern Territory's economy, and rightfully so. Small businesses are not only employers of a significant number of people but, probably more importantly, they represent a more efficient and more productive sector of the community. In line with the CLP election policy in December, this legislation is being introduced to provide a more positive involvement in the decision-making processes of the Northern Territory Development Corporation. It specifically includes as one of the functions of the corporation the development of small businesses.

Last week in the Assembly, we had lengthy debate about protection of local businesses through percentage preference systems. It is in all of our interests, both locally and nationally, to concentrate our efforts on developing and promoting viable self-sufficient businesses. There is no doubt in my mind that any form of long-term propping up in a superficial fashion is undesirable. There is a need, however, to ensure that all of our businesses and industries are capable of standing on their own. To this end, the time for assistance is more critical prior to establishment and during the early days of a business.

The honourable member for Stuart correctly pointed out that a great majority of businesses fail in their first year. However, he failed to mention that they fail in their first year mainly through financial pressures. These pressures are caused by federal taxation laws as they relate to the setting up of a small business. I have experienced this myself. If the member for Stuart had been in a similar situation, he might have agreed with me. In setting up your own business, developing markets and carrying the costs of wages and consumables etc are not the only pressures. Provisional taxation requirements and other such penalties create a lot of pressure. That is the danger period. It is this period that we should be paying attention to in helping businesses to become established on a proper basis.

Businesses need to develop management and operational skills that will ensure that they not only survive but prosper as well. The more critical ingredients for long-term success include efficient and well-trained staff. Whilst there are facilities through the Vocational Training Commission and the community colleges, they only assist by developing the technical skills that are required for staff training. However, I believe that training should go well beyond the technical and administrative areas. Staff need to understand

and be trained in areas of public relations, work attitudes and efficiency. These aspects often have greater significance on the success of a small enterprise than the virtues of the products they sell. Sound administrative practices, including proper cost accounting, purchasing procedures, stock control and all those other things result in a well-balanced establishment.

Also of significance are those numerous statutory requirements, which were alluded to earlier, that people need to get on top of. They include Companies Office requirements, taxation and other charges, departmental requirements and procedures etc. There is also a need to develop and adopt good business practices, including marketing schemes, cash flow, projections, work programming techniques etc. In addition to all of these, I believe that probably the greatest determining factor in the success of any business is its ability to perform. Price is only one component in clients' selection procedures. Last week in the Assembly, we heard much about local protection and percentage preference systems. It is this performance criteria that is often the key to the selection of suppliers, contractors, consultants or whatever. This applies particularly in the private sector where the end or total cost depends also on interest payments, early commissioning of the product, accessibility to proper maintenance facilities etc. Many of these ingredients for success can be developed with the support of government and or self-help organisations.

Mr Speaker, it is correct for this government to recognise the potentially valuable contribution which can be provided by the small business sector of the Territory and, to this end, I support the legislation.

Mr HATTON (Nightcliff): Mr Speaker, I rise to support the bill. I think it is important that this Assembly realises that, whilst this bill is an important step and is a fulfilment of another of the Country Liberal Party election promises, it is not the first action taken by this government to support small business. In fact, this government has a very proud record of support for small business which dates back to self-government. I will allude to that in a moment.

I was interested to hear the member for Stuart. He began quite rationally and reasonably by discussing the problems of business failures in the early stages of their development but he then demonstrated his ignorance of the subject. In particular, I note his comments in respect of big business. I make this point because far too often members of the opposition perpetuate this process of disinformation about many of the economic development thrusts of this government and about some of its policies for development. The end result is confusion and concern within the business community. The fact is that much of the development of larger industries is essential to the current and future survival and prosperity of the small businesses because the small businesses develop their markets from the growth in the economy and the expanded markets that are generated by the large propulsive industries. They are not of themselves propulsive industries but are a consequence of the flow-on effect from the developments that arise from major industries. This continuous assault on this government's actions in developing large projects and large industries should be scotched here and now. Those developments are a major contributing factor to the growth and prosperity of small business.

That has been very adequately supported for some time now by the Northern Territory Development Corporation, in particular through the Small Business Advisory Service. I note that the Chief Minister, in his election campaign speech, said that, of $30m worth of financial assistance provided by this government, some $20m had gone to small business concerns. On my arithmetic, that adds up to something like two-thirds of the loans approved by the Northern

Territory Development Corporation, and that is no small feat in supporting small business development. I note also from the Northern Territory Development Corporation's 1982-83 annual report that there are sections referring to the Small Business Advisory Service and perhaps some of the figures in cryptic form may help to emphasise the point that I am making. In that year, the Small Business Advisory Service conducted a total of 1085 interviews in all major Northern Territory centres. I should note that 43% of those inquiries were from persons interested in commencing businesses and some 57% from established small businesses. They were seeking advice on a wide range of areas from general management, legislation, accountancy, finance, taxation, marketing and other matters. Inquiries came from a wide range of industries, including retail, food and entertainment, business services, manufacturing, construction, agriculture and others. The success of that service was demonstrated by a performance appraisal survey that was conducted by the Small Business Advisory Service during the course of that year. In excess of 90% of clients of the Small Business Advisory Service expressed satisfaction with the service they are receiving from the Small Business Advisory Service.

Further to that, I should note that that organisation ran some 71 workshops which were attended by some 854 people. It provided educational and advisory services to small businesses. This was alluded to by the member for Wagaman and indicates the support that is being provided and has been provided by the Northern Territory government to small business. The development of the shop-front information service that is very close to being completed will further expand the services being made available to the small business community. That will be a fulfilment of a commitment of this government which has a proud record of honouring its election promises unlike the government of another political colour in the federal area. We cannot comment about the Northern Territory. They have never had, and one hopes they never will have, an opportunity to break their promises here.

Mr Speaker, in summary, I would like to make a brief comment on one additional aspect of the bill which I think is most beneficial. I refer to clause 6 in respect of acting appointments. The provisions will ensure that, where a person is appointed to replace somebody who is casually away from the board, he must be a person who has the same qualifications for appointment as a member. That will ensure that, at all times, there will be somebody with small business experience and the ability to represent small business at board meetings of the Northern Territory Development Corporation. Quite obviously, the other areas of expertise will also be assured of continued representation. Mr Speaker, this bill is a further step along the continuing path of this government towards providing a wide range of services and support for the small business community. I commend it to the Assembly.

Mr EVERINGHAM (Chief Minister): Mr Speaker, there seems to be really little that I can add in reply because I think my colleagues have dealt with any matters of substance that have been raised by the opposition. However, I want to make an important point in reply, Mr Speaker. This government believes that people have to be left free, if they so choose, to have the option of sending themselves broke. That is usually the problem with small businesses that fail. Small businesses usually fail because of a lack of knowledge of business procedures or because they have moved into an area of the market that appears to be attractive and yet in which there is an oversupply. All the education, all the money, all the king's horses and all the king's men will not keep those businesses afloat. It is usually small businesses that are in financial trouble. For instance, if there are 30 frock shops in a town, we will not be able to stop - nor would we want to stop - additional frock shops from opening. If there is an oversupply of frock shops, that makes it hard for all

the frock shops. Unfortunately, that is what happens in the Northern Territory and elsewhere throughout Australia from time to time. You will never be able to educate some people to the fact that it really is not just a matter of walking in, renting some shop space, buying some stock, hanging up a sign and the pot of gold is at the end of the rainbow.

Mr Speaker, this government has allocated something like two-thirds of the total loans available through the NTDC over the period to small business. This government has courses of training for small business people at the Darwin Community College and those courses are not very well supported. This government is establishing a shop-front information service for small business people to try to bring this to their attention. This small business assistance has always been available in the building where the NTDC is located on the Esplanade. I believe that the Small Business Advisory Service, as distinct from the NTDC itself, has 4 staff.

Mr Speaker, I received a letter this morning from the Small Business Council, I think it is called. I do not seem to have a copy of the letter here. The council wrote to me this morning asking me to make amendments to the definition of 'small business' in the bill. We have given some consideration to the proposal but it was not possible to give it detailed consideration in the short time available. I deplore the fact that the request for the amendment turned up at my office this morning when the bill was introduced, as I recall it, on 7 May this year. At this stage, I see no reason for a change because the definition used in the bill is that used nationally by the Department of Industry and Commerce. The NTDC is conducting a wholesale review of the act at its leisure and it may be that new legislation will be introduced perhaps later this year or, more likely, next year if it is found to be necessary. Certainly, the NTDC will consider these suggested amendments to the definition of 'small business' in the course of that review. In my opinion, it is better at this stage to stick with the nationally-accepted definition of what is a small business. I commend the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## STATUTE LAW REVISION BILL
(Serial 26)

Continued from 7 March 1984.

Mr BELL (MacDonnell): Mr Speaker, as with similar bills in the past, the opposition notes that there are no issues of principle in the Statute Law Revision Bill and that it contains essentially technical changes. Therefore, the opposition has no hesitation in supporting it.

Mr COULTER (Berrimah): Mr Speaker, when the Chief Minister presented this bill in the last sittings, he explained the purpose of a Statute Law Revision Bill for the benefit of myself and other new members. He said the Statute Law Revision Act, by whatever known name, is a device used in virtually every legislature to correct minor errors and inconsistencies that occur from time to time in our statute books. He went on to explain that there errors and inconsistencies may be brought about in a number of ways, such as a gradual change of drafting style, the overlooking of insignificant consequential

amendments to acts resulting from change, the replacement of a major piece of legislation, sequential numbering or provisions being upset by amendments, and just plain error.

Mr Speaker, the other day in the adjournment debate, I mentioned that statute law whilst often made is seldom repealed and I would like to warn honourable members of the possibility of a series of Statute Law Revision Bills being introduced into this Assembly in coming sittings. Members will be aware that there is a government committee, one of the functions of which is to review, amongst other things, the old South Australian legislation which is still on our statute books. The work of the committee has progressed to a stage where shortly it will be in a position to recommend the removal of quite a large number of these old statutes. Statute law revision bills are one of the means by which this might be done. Even if another means is adopted to deal with the bulk in hand, the ongoing nature of the exercise will ensure that there will continue to be grist for the statute law revision mill.

I note, Mr Speaker, that the opposition has no objections to the technical change proposed in the current bill. I also support the bill.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr EVERINGHAM: Mr Chairman, I move amendment 5.1.

This adds another repealing provision.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Schedule 1 agreed to.

Schedule 2:

Mr EVERINGHAM: I move amendments 5.2, 5.3 and 5.4 together.

These add further provisions to this schedule, Mr Chairman.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## DARWIN PORT AUTHORITY AMENDMENT BILL
(Serial 29)

Continued from 7 March 1984.

Mr BELL (MacDonnell): Mr Speaker, I rise to speak briefly on the Darwin Port Authority Amendment Bill. I note that this makes appropriate arrangements for land tenure in the Port of Darwin consequent upon the construction of the new electricity-generating facility at Channel Island. I note that the Darwin Port Authority Act describes the boundary limits of the port and that these have to be altered because of the involvement of the Northern Territory Electricity Commission at Channel Island. It will gain ownership over the island itself consequent on the construction and management of the Channel Island power-station. It is clear that this bill is non-contentious and the opposition has no hesitation in supporting it.

Mr FINCH (Wagaman): Mr Speaker, I speak in support of the bill. As indicated by the minister in his second-reading speech, the purpose of the amendment to schedule 1 of the Darwin Port Authority Act is to remove Channel Island from the port boundary limits. Removal of the island from the port limits, so far as the act is concerned, will enable the Northern Territory Electricity Commission to take over effective ownership and management control of the area in question for the construction of the power-station. Effective ownership will allow the commission the flexibility necessary to carry out its very broad responsibility - the construction of a major power-station which will ultimately cost in excess of $600m.

For example, the commission will be in a position to take security measures over the main construction site in the interests of public safety. Areas of danger to the general public, such as high voltage switch yards, excavated ash ponds etc will be covered and fenced. I understand from inspection of the model of the station, however, that the public will have every opportunity to view construction progress on the site from a high vantage point immediately adjacent. A public car-park is to be built outside the fenced construction site area and a road will be constructed providing access to the hill viewing area. This viewing area will also provide viewing facilities for future tourist and technical visitation.

Longer-term plans, once the power-station is built, are to include recreational walkways to Sandy Beach on the north side of the island and to points of historical interest located in the northern sector of the island. It is important for NTEC to have effective control of the area to ensure that these developments, for the benefit of the general public, can be carried out in a balanced and efficient way. Mr Speaker, I support the bill as a logical step towards the orderly, well-managed development of Channel Island as a power-station site.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Transport and Works)(by leave): I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 24)

Continued from 7 June 1984.

Mr FIRMIN (Ludmilla): Mr Speaker, in speaking to this bill, the opposition touched on areas it saw as non-controversial and some it saw as being controversial. The first area the honourable member touched on was the definition of a 'Territory resident' and I agree this change will give persons resident in the Northern Territory an easier and earlier establishment of residential status to enable a claim to be met should a need arise. Also it reduces the time scale over which a non-resident can claim visiting motorist status thereby claiming additional benefits that may accrue from other states' legislation which is not as clear-cut as ours - and I will touch on this point later.

The member for Millner finds himself at odds with several areas in which he believes the act is unsupportable. The first is the change to section 9 which he sees as expanding existing exclusions to people whose intoxication the TIO believes contributes to the accident even where there is no conviction. Mr Speaker, this is not correct. The TIO does not decide on the question of the 0.08 reading. The police submit their evidence and the courts are the final arbiters. The procedure is that, in some cases, the police charge the driver but, in some cases, it is not practicable for police officers to charge a seriously injured person even if the alcohol level is over 0.08. It is normal for police officers and or medical officers to carry out a blood-alcohol reading after an accident and it is this certificate that is vetted as a matter of course by the insurance claims officers.

Mr Speaker, it is interesting to note that, in the 6 months from August 1983 to January 1984, I have been advised that there were 1088 positive readings of 0.08 or above. During this period, there were 154 accidents involving 0.08-plus and 8 fatalities occurred. Some of these people were not charged and, in respect of those not charged and over 0.08, the compensation scheme would have to pay. In the case of the act, a conviction determines whether the benefits will be paid or not. This restriction conflicts with other states where a refusal to indemnify occurs if the person is charged with driving under the influence. There is also a standard exclusion on all private motor vehicle policies, whether government insurance offices or private insurance companies, denying liability in the event of an alcohol charge being proven as giving rise to an accident. Motor Accident Compensation Act benefits should be no different to other states' compulsory third-party or private insurance policies on this point. If, however, there is a dispute on this question of denial of benefits, the injured party has a right of appeal against a Territory Insurance Office decision under section 29 and a tribunal constituted by a Supreme Court judge has the power to override the previous ruling.

The honourable member's concern at clause 38, allowing the Territory Insurance Office the right of recovery leading to bankruptcy, led me to reflect on the 6 or more years that I was Chairman of the Nominal Defendant Committee, the committee set up under the old compulsory third-party scheme to handle uninsured motor vehicle accident claims. We had the right, in fact it was part of our major role, to attempt to recover losses paid out on behalf of uninsured and often unregistered and unlicensed owners and drivers and I am enbarrassed to confess that our recovery rate was so small as to be not worth recording.

As to bankrupting, the honourable member no doubt knows that a civil hearing takes place before a judge and any recovery that may take place is dependent on the cost and the ability of the person to pay, bearing in mind

normal living requirements. History reveals that courts do not bankrupt people lightly or capriciously and, to this date, I am unable to locate one case where bankruptcy resulted from a recovery under a motor accident compensation scheme.

Mr Speaker, the honourable member believes the most controversial part of this bill is the removal of the common law benefits. He went on to claim non-Territorians were the major drain on the scheme. Let me point out, Mr Speaker, that this Motor Accident Compensation Act scheme is the most forward-looking piece of legislation of its type in Australia today and is supported by many review committees whose governments do not have the guts to institute it themselves. In the report of the Premium Fixings Committee to the South Australian government, Mr Justice Sangster said:

> *In my opinion, the starting point for all reform in the law relating to compensation for road traffic victims must be the abolition of common law liability for negligent handling of a motor vehicle because (a) the foundation of moral wrongdoing is not really applicable to the modern traffic court case and (b) the old rule that the wrongdoer pays has been excluded by compulsory insurance.*

He went on to state categorically the need for the abolition of common law liability: *'I am certain, beyond a shadow of a doubt...'*.

The New South Wales Law Reform Commission, in its report to parliament last year, listed 6 major reasons why it suggested that common law negligence action is inappropriate for compensating transport accident victims and followed these points up with 12 pages of evidence to support its proposal. Needless to say, Mr Speaker, I will not take up the time of the Assembly today to elaborate on all those weighty arguments.

Let me now turn to the non-resident or visiting motorist claim. Certainly, where these claims arise on the part of the visiting third party, and it is the third party only who is able to claim under his state of origin legislation, there have been, and there will continue to be until the other states wake up to themselves, some very large claims. However, we are looking at our scheme and it is a matter of historical record that our Northern Territory residents generate many more claims than those from interstate and the dollar value of their claims far exceed the value of the claims by non-residents. Further, the Motor Accident Compensation Act pays the resident full benefits, particularly weekly benefits and all other various benefits under the act from day 7 after the accident but non-Territorians do not receive any benefits whatsoever until either they have negotiated a Commonwealth settlement or they have succeeded in a court case. This could take years. In fact, one case reported to the New South Wales parliament by Professor Sackville was not settled for 15 years. Clearly, the trade-off for Territorians is in the ability to meet their continuing commitments as quickly as possible and not live the life of a second-class citizen following an accident on the hope that, at some time in the future, they may receive a large settlement.

The question raised by the member for Millner, in his reference to common law benefits, of the motor accident victim missing out on his compensation for whiplash or back injuries should also be answered. Certainly, the injury of whiplash or back injury is not covered in the schedule as a specific item nor is any partial loss of an ability of any part of the body particularly referred to in the schedule. Remember that whiplash is only partial damage to the upper portion of the body and back injury to the lower. As in workers' compensation cases, medical evidence is given to assess the loss of use of the body taken as a percentage of the whole. I believe it to be the appropriate method to assess

these types of injuries in this scheme.

It is about time, Mr Speaker, that the honourable member realised that we are leading the way in Australia in the development of our scheme and, certainly, we will have to make technical adjustments to it from time to time. But, at least, we are committed to doing just that. As the honourable member so rightly pointed out, several states in Australia have had working parties advocating no-fault schemes like ours. They have had them for years, and they will keep on having them until the unhappy day when they can no longer foot the bill for past losses. What he forgets is the basic philosophy of insurance: the sharing of risk. It is no good crying out for more compensation if not enough people contribute. The honourable member either conveniently forgets or never knew that the Chinese developed insurance in about the year 900 when traders carrying cargo on the Yangtze River could lose all their cargo from ravages of nature, piracy or other serious perils, and suffer severe depredation as a result. By coming together as a consortium and sharing their cargoes amongst all the vessels trading up river, they sheltered themselves from total loss by spreading the risk.

This principle still applies as much today as it did then. While this principle is easy to understand, unfortunately in recent years the underlying understanding of the community of this risk sharing has been lost. Unfortunately the community at large today - and also the honourable member - seems to think that insurance companies have bottomless pits of money and that every claim should be fought to its maximum for the most material gain on the part of every claimant. One must remember that the Territory Insurance Office is only the collection point for the motorists' dollar and that the distribution of claims is paid from this pool after some small administrative charges.

The 2 major factors the government addresses itself to on behalf of the public are the level of premium and the level of compensation. The level of distributed compensation needs not only to meet the needs of the community, but still be of such a level that the premiums to be paid do not become so onerous as to be untenable or lead people into avoidance actions as we have seen in the past. Unfortunately, over the 5 years of the scheme, with the common law aspect as it stands, the expectations of the community have been based on claims that have been previously made and were settled for high sums and, unfortunately, heavily publicised. This expectation of a large court settlement by most claimants has led to a serious breakdown of negotiation and settlement of claims in most actions and has seriously increased the costs of investigation and legal fees and, as a result, has caused severe strain on the scheme. Since the present scheme was adopted, approximately 50% of all payments made related to those for common law and loss of earning capacity and a large portion of those payments could have been made under sections 13 or 17 but for the heightened expectations of the large sums involved. I note the opposition's support for the increase in the maximum benefits to bring them in line with the Workmen's Compensation Act and the other technical amendments which have been made to the scheme to allow for a smoother administration and a more equitable balance to be kept. I commend it for that. I support the bill, Mr Speaker.

Mr PERRON (Treasurer): Mr Speaker, once again this afternoon, I am taken somewhat by surprise. I understood that the opposition felt fairly strongly on this matter and would have had at least another speaker during the second-reading debate. However, I guess it falls to me to respond primarily to those matters raised by the member for Millner who was the opposition's only speaker on this most important matter.

Mr Speaker, the Territory has particular problems in regard to motor accidents and some unfortunate characteristics of our driving. I would like to cite a few figures for honourable members' information. This is by way of information, but I think it is important to get them on the record. The statistics I have are for 1982 which was one year for which I could obtain complete statistics. Of the total road accidents in the Northern Territory, over 50% resulted in injury and 3% resulted in death; 25% of all accidents were considered alcohol-related; 75% of road accidents involving fatalities were alcohol-related; Darwin has 50% of the Territory population but only 15% of accident fatalities; 38% of road accident fatalities are Aboriginals; 83% of road accident fatalities are male; 77% of road accidents involve single vehicles, which is an amazing figure; and 54% of injury accidents are single vehicle accidents. They are just a few statistics for the use of honourable members in talking to their constituents. These statistics will have a bearing on the types of claims which will come before the Territory Insurance Office in administering the motor accidents compensation scheme.

By Australian standards, the Northern Territory does have a high accident rate. For whatever reason, we are a bit shoddy on the road. In the Territory at any given time quite a large percentage of the population is comprised of tourists. Because the Territory has a very low population base and a high visitation level, we have many interstate persons on our roads at any given time. As honourable members are aware, those interstate persons must be covered by an insurance system which provides to them the rights they would have in their own state.

A great many Territorians travel interstate. Most people in the Northern Territory are from somewhere else and they tend to travel as often as they can afford back to their home state. This increases their risk of injuring a person in another state in an accident. Again, the Territory picks up the cost if a Territory driver is sued interstate for injuring a person in that state. The Territory has a youthful population. This means that any compensation scheme in the Territory will bear proportionally higher costs in respect of compensation for loss of earning capacity. Because of the numbers of young people in the Territory, and because our scheme covers loss of earning capacity to age 65, the burden on the Territory is quite great. As I mentioned before, the effect of alcohol on our road accident statistics is frightening - 75% of all fatal accidents in 1982 were alcohol-related. No wonder we get very cranky about people who drink and drive.

Mr Speaker, the central area of disagreement between the government and the opposition is the proposed abolition of the right of Territory residents to sue for pain and suffering under section 5 of the existing act. Essentially, the opposition claims that the amendment will not do much to improve the financial viability of the scheme because it affects only Territorians and their rights are limited to $100 000 whereas non-Territorians continue to have unlimited rights. The opposition argues that, not only will the amendment fail to effect the necessary savings in the scheme to get it out of the red, but it will also penalise Territorians to the benefit of non-Territorians.

Let me take these 2 propositions in turn. Whilst the honourable member is correct in pointing out that interstate common law claims can be for higher amounts than for Northern Territory claims, he is incorrect in believing that their effect on the profitability of the scheme would therefore be greater. Although some interstate common law claims are for very large amounts, the average dollar amount of such claims is only 2.3 times the size of the average Northern Territory claim. However, the number of common law claims by Territory residents is 5.5 times the number of interstate claims. It is the large number

of Territory common law claims that is important. This more than offsets their smaller size.

The detailed information provided in the draft answer is the same in the formal answer, and it is on its way to the honourable member. It should enable him to verify what I have said and establish for himself that the savings resulting from this amendment reduce substantially the prospect of further losses in the scheme. That information allows one to estimate that there would have been a saving of $4m in the current financial year if the amendments now before the Assembly had been in operation from the start of the year. The honourable member has invited me to explain how these savings will be obtained and I do so now.

The figures provided in answer to question on notice number 23 show that, for the 9 months to 30 June 1984, section 5 common law payments to Territorians amounted to a little under $1m. Claims outstanding at the start of that 9-month period amounted to $5.983m. Claims outstanding at the end of the period were $8.053m. Claims outstanding are the commitments that the scheme will have to meet on claims but which have not actually been paid out as yet. It represents the debts of the scheme.

As honourable members will be aware, the viability of an insurance scheme such as the motor accidents compensation scheme is essentially a matter of earning enough in premium income to match the claims incurred. Claims incurred are calculated by taking claims outstanding at the end of a period, deducting claims outstanding at the beginning of that period and adding claims actually paid during the period. If the honourable member for Millner does that calculation using the figures quoted in answers, it will be seen that claims incurred under section 5 in respect of Territorians amounted to over $3m for the 9 months to 30 June 1984. Over the full financial year, this would have been equivalent to $4m.

This means that, had the amendments now before the Assembly been in effect on 1 July 1983, the costs of the scheme in 1983-84 would have been some $4m lower. Honourable members will be aware that the loss made on the scheme during 1982-83 was $4m. The conclusion is obvious. Quite clearly, the motor accidents compensation scheme is still losing a considerable sum of money this year as it did last financial year. Losses will continue until such time as we take remedial action.

I now turn to the question of the entitlements of non-Territorians under the scheme. It is true that these amendments do not affect the rights of non-Territorians. Constitutionally, the Territory government cannot legislate to lessen the rights of people who are residents of another state. Even if it were constitutionally possible to do so, such amendments would ultimately be to the disadvantage of Territorians because they would invite retaliatory legislation by governments of other states, thus lessening the rights of Territorians to sue under the motor accidents compensation legislation existing in those states. Territorians involved in accidents interstate in which the resident of another state can be shown to be at fault are entitled to sue for compensation under the existing legislation in that state. This right would be put at risk were the Territory to attempt to interfere with the rights of interstate residents visiting the Territory.

The honourable member for Millner suggested that the government should be working at the national level for a no-fault scheme. This seemed a little odd considerating that he opposed the amendments now before the Assembly to abolish the common law ability to claim at common law in the Territory legislation. It

is federal Labor Party policy to introduce no-fault compensation and abolish common law claims throughout Australia. However, I would point out that, in spite of that policy, Labor states appear to have done very little to implement it.

In my second-reading speech introducing these amendments, I pointed out that the NSW Law Reform Commission had recommended the abolition of common law in that state and the introduction of a no-fault scheme. I even quoted from the report and do so again to remind members of the strength of the commission's view: 'There is an urgent need to develop a more efficient system which provides adequate compensation to victims at the lowest cost to the community'.

I also point out that the Chairman of the South Australian Premium Fixing Committee, Mr Justice Sangster, also argued for a no-fault system. Those reports were made over 12 months ago yet, to my knowledge, there has been no action in those states to move away from the present common law system to a no-fault system. With Labor governments in NSW, Victoria, South Australia and Western Australia, as well as a Labor government at the national level, I cannot understand why they have not moved to implement Labor policy in this area. If ever the time was right, it is now. Were that done, the cost to the Territory's motor accidents compensation scheme for accidents involving non-residents would be greatly reduced and there could be scope to effect reductions in premiums.

Honourable members can be assured that, as soon as our amendments are passed in this Assembly, I will be writing to various state governments to inform them of the progress the Territory has made in this regard and urging them to take similar action. However, with its claimed excellent links with the federal government, the Territory opposition could do the Territory a very great service by similarly lobbying for the abolition of common law interstate. I invite it to take this positive action on behalf of the Territory.

Mr Speaker, I now move on to consider other questions raised by the member for Millner. He pointed out that no provision was made in the scheduled benefits for whiplash and similar injuries and that, with the abolition of common law, people with such injuries would not get a cent. This is blatantly untrue. In cases where an injury is not specifically covered in the schedule, the Territory Insurance Office obtains medical advice as to the percentage debilitation of the body as a whole. In reference to clause 17(3) of the bill, he will find that that clause allows the TIO to make payments for the partial or total loss of bodily functions which are not covered in the schedule itself. The TIO, on medical advice, can and does make assessments of the degree of disability and can make compensating payments.

Much play has been made of the fact that the amendments to the act assented to in April this year limited the powers of the TIO board to exceed the limits contained in the act by a factor of 2. It has even been unkindly suggested that I was unaware of this change. The honourable member for Millner implied that I had been caught out on television, which I confess to. Whilst being questioned in an interview, I could not recall some piece of detail of what is in fact quite a technical act. I accept that it did not come across too well. However, having had a proposition put to me by an ABC interviewer, whom I would not trust to lie straight in bed, I was not going to accede to his interpretation on the spot. Not being prepared to accede to his interpretation, I chose to express a view on it at the time.

Mr Speaker, the amendment that was passed in the Assembly means that the limit now in the act for hospital and rehabilitation expenses of $50 000, in

cases of special hardship, can be increased to $100 000 but not beyond. That amendment needs to be considered in the context of what previously has been an open-ended arrangement. It also needs to be looked at in the context that most medical expenses would ordinarily be covered under Medicare and the provisions in the motor accidents compensation scheme are in addition to that scheme.

Concerning the amendment to section 38, allowing recovery by the Territory Insurance Office, the member for Millner argued that it is inappropriate to take action under this act to penalise people in that way. There are 3 things that I would like to say about that. First, I have stressed previously, and I do so again, the fact that the TIO would not itself be determining how much was recovered. If a matter could not be negotiated and it became necessary for the TIO to sue for recovery, a court would determine the amount to be recovered. In making such determinations, courts ordinarily have regard to the effect on the welfare of the person concerned and his family. However, to make this point doubly clear, the government has decided to introduce a committee stage amendment which clearly leaves the discretion for the court in determining the amount that is recovered and requires the court to have regard to the ability or likely ability of the person to pay. Secondly, it is not unusual to find provisions for recovery in motor accidents compensation legislation. The relevant Victorian, Queensland, Western Australian, South Australian and Tasmanian legislation have contained such provisions for many years. But, to have listened to the Leader of the Opposition going on in the press after the introduction of this piece of legislation, you would think it was the first time it ever appeared in the Westminster system that recovery action could be taken under such legislation.

Mr B. Collins: There was nothing wrong with that answer. It was the question that threw me, Marshall.

Mr PERRON: Thirdly, it is not a question of penalising people but defining how far the act should go in providing cover. The logic is simple. Driving a motor vehicle involves certain risks, as we all know. Driving under the influence of liquor increases those risks. There is greater community awareness now of that fact and greater intolerance of persons who take those risks and so raise the risks of driving for others. Indeed, they raise the risks of walking for some people. Why should the motorist who causes injury to others while driving under the influence be fully protected from the liability of meeting the financial consequences of his actions? The government believes this amendment to be fair and generally acceptable to responsible members of the community.

Mr Speaker, honourable members may like to hear a couple of items from a list of instances in other states' motor accidents legislation where recovery action can be taken. It makes the Territory scheme look fairly tame. Action can be taken to recover from a driver where an accident has occurred and payouts have been made for: driving under the influence - Victoria, Queensland, Western Australia, South Australia and Tasmania; illegal use of a motor vehicle - Victoria, Queensland, Western Australia and Tasmania; culpable driving - Victoria; dangerous driving, murder or manslaughter - Tasmania; using a vehicle to commit a felony - Victoria; driving an unsafe vehicle - Queensland and Western Australia; uninsured vehicle or no insurance premium paid - Western Australia and Tasmania; using a vehicle for an indisclosed purpose - I am not really sure what it means - Queensland; accident not reported - Western Australia; and, late notification of an accident - South Australia. Mr Speaker, in South Australia, a person who gives late notification of an accident falls then into the category of persons against whom recovery action can be taken and that can be his sole guilt in that question. Action can be taken for racing a motor

vehicle in Queensland.

Mr Speaker, the amendment to section 9, dealing with denial of benefits under sections 13 and 17 to persons with blood-alcohol levels in excess of 0.08, extends the exclusion to cover persons who have been shown by valid tests to have such readings but who, for various reasons, may not have been charged and a conviction recorded. Such reasons may include situations where a person is not charged with driving above 0.08 but is charged with, say, manslaughter but subsequently not convicted. It covers cases where a person is taken to hospital for treatment and subsequently leaves and cannot be found by the police within the statutory 6-month period for charging him. A person may be so badly injured in an accident that he will never drive again or, indeed, never walk or talk or whatever again. In that case, there would hardly be any point in the police bringing a person before a court on a charge of 0.08 when, in fact, he will never be in a vehicle again for the rest of his life. I am advised that, in such instances, charges are laid but never brought to court as a formality.

Mr Smith: Why take the money away from them when they are that bad, eh?

Mr PERRON: The honourable member for Millner has finally confessed his gross ignorance. He is looking at the entire set of amendments to this important legislation in terms of the degree to which a person is injured, not the degree of blameworthiness, the degree of contribution through his own behaviour...

Mr Smith: It is a no-fault scheme.

Mr B. Collins: Talk about disclosing gross ignorance.

Mr PERRON: In all these cases, Mr Speaker, the fact that the person has not been formally charged and convicted is due to a practical or technical difficulty in so doing. It should be stressed that any decision by the board to deny benefits on those grounds is appellable to the appeals tribunal under section 29 of the act.

Mr Speaker, this particular aspect has been made great play of by the opposition and an enormous amount of nonsense has been said about it. What the opposition members are saying is that a person who is terribly drunk and is involved in a single vehicle accident and wipes himself off against a tree on a motor bike should be covered by the Motor Accidents Compensation Scheme. That person, under our no-fault scheme, and I am sure under the modified no-fault schemes of 2 other states in Australia, would not have a hope of receiving scheduled benefits nor would there ever be any intention of giving that person any compensation in that situation.

Mr B. Collins: What has that got to do with a conviction?

Mr PERRON: It has plenty to do with a conviction. At present, under the act, he would not be entitled to benefit if he is convicted. We are removing the words 'and is convicted' and it will make an enormous difference to the costs of the scheme because of the cost of serious injury.

Finally, Mr Speaker, I wish to respond to remarks made by the member for Millner regarding the results of the McNair survey taken in 1979. This is one of those cases where you can make the result of such a survey mean almost anything you want it to. The honourable member believes they mean that people were not prepared to have benefits reduced just to keep down premiums. The fact is that 67% of persons said they believed that the then current premium rates

were too high and 63% said they preferred a no-fault scheme with a premium of $120 per annum, which was the premium at the time of the introduction of the present act, compared with the third-party scheme with a premium of $154 per annum - the old third-party premiums. 64% of people said they regarded the premium of $120 as about right. These results clearly showed that people were concerned with the premium levels. Allowing for wage movements, the government believes that those results point to a premium in the vicinity of $160 as about right at present. However, we strongly believe that people would find unacceptable a premium as high as $204 which is the premium that would have to apply if the common law elements in the scheme relating to residents are retained.

Mr Speaker, the government's moves in introducing and streamlining the no-fault accident compensation scheme in the Territory over the past 5 years not only have made us the leaders in Australia in the field but have proved, in practice, to be an outstanding success in terms of keeping premiums at manageable levels whilst giving injured persons fair and reasonable compensation. The facts speak for themselves. In the 5 years from 1973 to 1978, the last years of the old third-party scheme, premiums on class 1 vehicles rose from $25 to $154. That was an increase of 520%. In the 5 years since the no-fault scheme has been in operation, premiums have increased from $120 to $156, including the increase proposed to go into effect from 1 July this year. This is an increase of only 30% over 5 years.

At the same time, we believe that Territorians injured in motor vehicle accidents, while no longer being compensated with more money than they know what to do with, are getting fair and reasonable compensation. The present amendments further refine the scheme and we will continue to make such adjustments as are necessary to give motorists in the Territory a fair balance between manageable premium levels and reasonable compensation.

Mr Deputy Speaker, can I conclude by asking the member for Millner, who clearly cannot understand the figures that were given to his question on notice, to read carefully the speech that I have just given in Hansard tomorrow morning so that he will be able to understand it a little better. We have agreed to defer the committee stage because the opposition has been slack in getting its amendments prepared. That will give him an opportunity to read it thoroughly.

Motion agreed to; bill read a second time.

Committee stage to be later taken.

## EDUCATION AMENDMENT BILL
(Serial 31)

Continued from 6 June 1984.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, the opposition is opposed to this legislation for one simple and logical reason. I am sure that honourable members will agree when I point it out that the clear conflict of interests which the bill proposes to set up is not only unacceptable but unnecessary. The bill sets up a situation whereby schools are registered in the Northern Territory by the secretary of the department and appeals against the non-registration of such schools can be lodged with the minister. In his second-reading speech, the minister quite clearly attempted to establish that this was a normal situation which applies elsewhere in Australia. Can I assure the honourable minister that this in fact is a situation which will apply nowhere else in Australia except the Northern Territory and for very good reasons. The arguments that have been put forward by the department for these amendments

hinge in part on the supposed concern that the structure for the registration of non-government schools in the Northern Territory should be brought into line with mechanisms present in other states. That is a laudable aim and we would support that except that, as I pointed out, this situation that the bill proposes to bring about applies nowhere else in Australia.

I would like the honourable minister to give some explanation of this. It appears from the explanations that I have been given that the Australian Education Council is recommending this particular course of action. In fact, in the report of the Australian Education Council on the registration of non-government schools, it recommended that 2 general principles should be used as the basis for the registration process. I commend these principles to the minister because they are based on common sense and should be acceptable. One is that the process should involve clear guidelines and be administered in a disinterested manner - 'disinterested', of course, in the truest sense of the word. The second is that there should be a broad consistency on the registration procedures between the states.

Mr Deputy Speaker, from the investigations that I have made, it appears that 2 mechanisms for registration of non-government schools in Australia were identified in broad terms: firstly, where the registration is decided by a separate statutory authority or board and, secondly, where registration is decided by the state minister on the basis of advice from his departmental officers. On the subject of appeals as the result of the refusal to register or deregistration, the Australian Education Council identified 2 broad guidelines: firstly, that the grounds for appeal needed to be stated clearly and, secondly, who should hear the appeals needed to be decided. In addressing those 2 questions, the very sensible recommendations from the AEC were as follows: firstly, where the Minister for Education decides on registration, the appeals should be made to an independent body - for example, the judge of a court - and, secondly, where registration is decided by an independent body, the appeal should be heard by the minister. I would support either of those situations. They are the 2 broad categories which are used in every other state in Australia.

I would refer the minister to his second-reading speech. Whether it is on advice of his department or otherwise, he appears simply to have accepted that the arrangements which are to be introduced into the Northern Territory under this bill are similar to those which apply in the states. I ask the minister to defer passage of this bill until the next sittings of this Assembly because, as the honourable minister knows, no one will be disadvantaged by that course of action. We do not have a line of non-government schools beating down the doors for registration. There are some serious problems attached to this course of action. I would ask the minister to consider deferral of the bill so that we can perhaps have a look at providing a better system. I assure the minister of my complete support in trying to do what the minister in his second-reading speech says he wants to do and that is to bring procedures in the Territory in line with those generally adopted by the states. I am suggesting to him that this does not do it.

I repeat again what the Australian Education Council recommends. Where the minister registers, appeals should be made to an independent body; for example, the judge of a court. Where an independent statutory body registers, then the appeal should be heard by the minister. Nowhere is there a suggestion that the mechanism proposed for appeals in the Northern Territory - that is, registration by the secretary and appeal to the minister - is in practice anywhere else in this country, nor is it recommended by the Australian Education Council. It is quite the reverse. In fact, since the Australian Education

Council recommends, as a principle, an independent body as one of the main principles of registration, either one or the other, the Northern Territory model can be seen to be in flagrant disregard of the AEC's very sensible recommendations on this matter. I point out why.

It is a very logical problem we have here. By his very job description and the role that he plays, the Secretary of the Department of Education is the chief adviser to the minister on educational matters. It is obvious that, if the secretary refuses to register a school and an appeal is made to the minister, the person on whom the minister, in the normal course of events, would be relying upon as the source for his formal advice would be the very person who had caused the appeal to be made in the first place - the secretary. The secretary could not be described in any way as a disinterested party. In order for the minister to overcome this - and I am suggesting that there is absolutely no need to put him in a position where he needs to - he would have to seek professional educational advice from someone other than his own secretary. I assure the minister that this situation does not occur in any other state in Australia. In every other state in Australia, you either have a situation where the minister registers and appeals are heard by a body which is independent of the minister and the education department or, where the independent body registers, appeals can be made to the minister.

The honourable minister knows that the registration or non-registration of non-government schools is an extremely contentious matter. I have not the slightest doubt that the minister, by proceeding with this bill, is quite simply making a rod for his own back in a totally unnecessary way. He can avoid what inevitably will be future conflict brought about by this situation - a unique situation in Australia - whereby he will have to seek professional advice on an educational matter from someone other than the secretary of his own department. That is a nonsensical position to put a minister in because he will be asking his chief executive for advice on a matter that the secretary himself has brought about, either rightly or wrongly, by the fact that he has refused to register in the first place.

I would suggest to the minister that, if he is relying on what he said in his second-reading speech, then the impression that has been created by his speech is wrong. I ask honourable members, particularly those government backbenchers who have looked at this matter, to consider the simple logic and common sense in what I have described. Why would any minister want to put himself in a position whereby, in order to preserve what must be seen as being a disinterested examination of the rights or wrongs of a registration, he has to go outside the professional advice available to him through the secretary of his own department to preserve that impartiality? What nonsense it would be. A school goes to the secretary for registration and the secretary refuses to register the school. An appeal is then made to the minister. Obviously, the minister would not presume, and neither would I in the same position, to be a professional educator. He does not need to be; that is what he has a department and a secretary for. In order to obtain educational assessment of the value or otherwise of the case that has been put to him, he would be forced to go to the very person who has refused to register the school. Quite simply, that will not satisfy anybody and nor should it. People so aggrieved, quite rightly, would claim: 'How can the minister possibly seek the advice of the very person who refused to register the school in the first place on the merits of registering the school?'

Hopefully, there would be a body of educational evidence available to the minister as to why he should overturn such a decision. The position the minister is trying to put himself in is one where he would have to make a political decision as to whether the school should be registered or not or he

will have to go outside his own department to seek advice on whether the people who are claiming to be aggrieved by non-registration are justified in an educational sense or not. It is a silly position. I hope the minister will consider carefully what I have put to him and have a look at the situation in other states. There is nothing elsewhere in Australia similar to what the minister is proposing.

I would be happy to support any proposal which would bring about one of the following results: either the registration is conducted by an independent body and the appeal is made to the minister or, as in other states, the minister is the person who registers and an appeal can then be made to an independent body. There is no need at all to set up yet another committee because the arrangement could be made, as the Australian Education Council suggests, for the disinterested party to be a judge of the court. As we all know, this is not a matter that will arise every second week. It will arise only infrequently. But, it is important that, when it does arise, the minister assists by not putting himself in a situation that is bound to cause contention and dissatisfaction no matter which way the result goes. I am trying to assist the minister to avoid that. It is not necessary. In the light of the clear conflict of interests that exists and in the light of the fact that the Australian Education Council has set down 2 broad guidelines that are in complete contradiction to the direction the government wants to go in this matter, I ask that the government consider deferring this piece of legislation - which would cause no injury either to the government or any other party - until the next sittings of the Legislative Assembly.

Mr COULTER (Berrimah): Mr Speaker, I would like to assure the Leader of the Opposition that there is nothing wrong with being unique in education in Australia. We do not have to accept the role of other states; we do have to accept past mistakes of the other states and hope to improve the wheels a little bit.

Mr B. Collins: I would like to hear some educational arguments advanced in your address actually.

Mr COULTER: I found myself agreeing with the Leader of the Opposition on a number of occasions during his speech, including being against the establishment of yet another bureaucratic organisation to handle school registrations. I also agree with him on the fact that it is not something that will occur every second week. However, there are a few things on which I disagree with him.

Prior to 1979, we did not have this problem in the Northern Territory because there was no formula for registration of schools and that is one way of handling the problem. When it did come into force, there were in fact 12 schools operating in the Northern Territory quite efficiently and effectively. They included 6 mission schools and 6 schools which could be classified as independent schools. These 12 schools were all granted registration as soon as registration procedures had been put into effect. Since then, 5 schools and 1 pre-school have been granted registration and 1 organisation has indicated that it wishes to seek formal registration.

Mr Speaker, throughout Australia, in recent years, there have been numerous instances of schools appealing against the decision to have their registration not granted or taken from them. Registration is not to be taken lightly, nor is it perpetual. Standards and specific criteria must be maintained along with the school's viability being ensured, in the first instance, and continuity of financial support must be demonstrated. The number of non-government schools in the Territory in contrast to southern states does not warrant yet another

bureaucratic expansion of statutory bodies, such as the Bursary Endowment Board of New South Wales, to deal with appeals. If there is one thing that can be said for such bodies, it is that very few appeals have had to resort to the court. In fact, in the Territory, only in one case has it been necessary to resort to the court. If there is one resource that is underutilised in the Northern Territory, it is that of our size. We are small enough to ensure that we can provide a very personal contact and reaction to individual proposals.

Having said that, it would be better for the Secretary of the Department of Education to register schools. After all, as the Leader of the Opposition said, vested in him is the responsibility to ensure the smooth running of the Department of Education and to implement government policy with the ultimate responsibility residing with the minister who is responsible to the government in general and the people of the Northern Territory to ensure educational standards are maintained. Therefore, he should be the source of appeals within the Northern Territory. Standards will be maintained or at least checked by the inspectorial system outlined in this bill which is lacking in the principal act.

Finally, the bill provides also for prosecution of parents who send their children to an unregistered non-government school or persons involved in setting up such a school in an attempt to ensure that children receive a proper education. That is what this bill is about, Mr Speaker: to ensure that that happens. I support the bill.

Mr EDE (Stuart): Mr Speaker, I sat fairly bemused through the speech of the honourable member for Berrimah. I do not think that he really came to grips with the issue at all. The issue is, basically, that it is not because it is new or because it is different that we are objecting to it. We are objecting to it because it is wrong in terms of public administration. You do not set up a system where you have the departmental head taking a decision of this nature and then give the appeal to the minister and say that that complies with the principle which the Australian Education Council was so keen to establish and that 2 different bodies are involved in it. They are fundamentally one and the same. It is the right hand and left hand of the same entity - the education system. By saying that you want an appeal from the left hand to the right hand is not an appeal at all, Mr Speaker.

There are 2 different alternatives here. One is the possibility of an appeal from the minister to the court and the other is having an appeal to some outside body. The argument was made that we do not want to set up any more of these types of bodies because of the cost. I do not think it necessarily has to be extremely expensive to have a body of 3 educationalists who meet once every 3 or 4 years when something like this happens. I fail to see the logic in that.

The statement has been made that, because Yipirinya went to appeal, somehow that is wrong and we have to stop that. I am rather sorry to hear that that attitude has been taken and I hope that it will be withdrawn. I have received various telexes from the Yipirinya School Council and from other Aboriginal organisations in Alice Springs. I would like to read part of this telex out. First, it refers to a communication to the Minister for Education from Yipirinya School:

> *It is with concern that Yipirinya School Council has read the proposed amendment to the Northern Territory Education Act regarding the registration of non-government schools. The proposed amendments, if passed, will put the future development of innovative, independent, community-*

*based education in the Northern Territory at risk. It will mitigate against the right of parents to choose a suitable educational program for their children when and if their cultural values differ from those of Anglo-Australian society. Particularly affected will be the future of independent Aboriginal education. This is extremely important in a state where 30% of the population is Aboriginal with a world view radically different from that held by western culture.*

I must point out at this juncture, Mr Speaker, that Aboriginal enrolments in primary schools are well over one-third of the total. We are not dealing with a small minority. We have a fairly substantial minority here.

*Due to the serious implications of the proposal, we would urge you to postpone forthcoming readings until much wider consultation has taken place with all sectors of the NT community...*

I have a further telex from the Tangentyere Council, the Institute for Aboriginal Development, the Central Australian Aboriginal Congress, the Joint Aboriginal Management Information Service, Central Australian Aboriginal Media Association, the Central Land Council, the Pitjantjatjara Council, Yipirinya School Council and the Central Australian Aboriginal Legal Aid Service stating that, at their meeting on 30 May 1984, they discussed the proposed amendments to the Northern Territory Education Act regarding registration of independent schools. They expressed very grave concern about the future of Aboriginal-controlled, community-based, independent schools if the amendments were passed in the present form.

They say that section 65(2) refers to prescribed requirements necessary for registration:

*The trend to educational standardisation generally reflects the values held by white Australian society. Aboriginal communities, whose culture and values radically differ from those of white Australia, would probably find that their aims and objectives for their children's education are not acceptable to the standard prescribed by the Department of Education. Section 67 says that the minister may inspect schools at will. There is no indication of what the evaluative instruments will be or that the evaluation will be based on the aims, objectives and curricula used at that school. Again, the trend to general standardisation could work unfavourably on Aboriginal independent schools.*

*We are also concerned about the section on appeals. The system outlined in the proposed amendments would mean that, if a school was refused registration or deregistration, the appeal could only go to the Minister for Education with the original decision having been taken by the secretary of his department. This structure means that there will be no independent opinion on an appeal. A tribunal, independent of the Department of Education, could be convened when necessary to hear appeals and would be a much better solution.*

*We support Yipirinya School Council in its attempt to get assurance on its future and that its uniquely relevant curriculum model will not be put in jeopardy if this is followed. After struggling for 5 years to be registered, Yipirinya must be allowed to develop to its full potential. There has been no community consultation on these proposed amendments. We, therefore, urge you to do all in your power to have these amendments postponed until the sections referred to above can be redrafted. We*

*understand the concern to regulate the activities of so-called 'crackpot' schools but the education aspirations of Aboriginal communities cannot be included in this category. Legislation which has the potential to severely limit the education of 30% of the Northern Territory's population cannot be allowed to just slip through.*

Mr Speaker, that was fairly long and involved but I did want to get that onto the record to explain to the minister that there is a fairly substantial degree of community opposition to this bill in its current form. I am hoping that the minister will take this into account because he has developed a pretty good reputation down in my area for being keen to listen to what the people have to say and to work in with it. I am really worried that, if he pushes this now, he will jeopardise all that.

It has been shown that there is community opposition. It has been shown by the Leader of the Opposition today that, if the minister proceeds with the current course of action, his options in an appeal would include a political decision. I think that would be unfortunate. It would mean that a community school, if it wanted to get registration, would have to demonstrate that it was able to wield some political clout.

I do not wish to go into all the other sections of the act which have been amended at this particular stage. I presume I will have an opportunity to do that during the committee state. I would like to wind up by explaining to some of the new members who may not know what Yipirinya is all about. The Yipirinya battle went on for some 5 years. It was a genuine attempt by the people of the Town Council of Alice Springs to find a form of education which was satisfactory for their children. In 1978, when I first went down to Alice Springs, there were, on average, 4 children from the fringe camps attending school in Alice Springs. That situation has risen to a stage where, counting those going to schools in Alice Springs and those regularly attending Yipirinya, we have something in the vicinity of 250 to 300 attending daily. This is not a result of any changes to the educational system within the mainstream. It has been caused by 2 factors: the bussing service which was developed by the Central Australian Aboriginal Congress and the education system which was developed by the Yipirinya School Council. I do not think any of us would argue that Aboriginal education really is not going well at all in the Northern Territory. Given its long history, the results are fairly appalling.

Mr Harris: It's better here than in other places.

Mr EDE: I really do not think we should say we are better than the states when their Aboriginal education is fairly pathetic. I do not think that is a relevant argument. A very high percentage of our population is Aboriginal. I think that we should take it as a norm that we should be much better than the states. We should always look at ways to make it better still. Some of the attempts being made by communities to develop an appropriate style of education that fits in with their culture would be well worth looking at. I do not think we should put in a provision which would indicate to them that registration or non-registration will be decided without reference to an independent body.

As I said, the minister is developing a bit of a reputation in this area. I hope that he will safeguard it by withdrawing this bill. Given a bit of time to talk to the organisations that I have listed, I am fairly certain that there is very little that he will not be able to overcome and we will have a system which is not political but is working in the best interests of the children of the Northern Territory.

Mr HATTON (Nightcliff): Mr Speaker, I rise to speak in support of this bill. In doing so, I am somewhat confused at the attitude of the opposition. I think probably the closest interpretation of the position of the opposition is that they are not opposed to the bill but rather opposed to a particular clause in the bill.

Mr B. Collins: No. We are opposed to the bill.

Mr HATTON: If the Leader of the Opposition states that he is opposed to the bill, then I can only say that the only comments that have been made have been with specific reference to the appeals provisions.

This bill is designed to set up a process for registration of schools in the Northern Territory. It also provides a vehicle to ensure that the education of children in the Northern Territory is conducted through schools that meet a required standard of the Northern Territory government. It is an obligation on any government to ensure that adequate and proper educational services and facilities are available to the youth of its community. Because it is an obligation on a government so to do, it is also an obligation to ensure that any schools claiming to conduct education meet minimum standards in the provision of educational services to the youth of the community.

In respect of that, I am somewhat amazed at the comments by the honourable member for Stuart. Perhaps I should say confused. This particular bill does not set out any specific standards of education required. Regulations will stipulate minimum standards that are required to be met by a school before being registered. Therefore, under this bill, schools will be allowed to provide education of a primary and secondary nature.

The reason for the development of many independent schools is that those who attend, be they for religious or other reasons, believe that the system of education in the normal state school system is not satisfactory. In my own electorate, there is a Lutheran school which caters for very specific religious beliefs. Nonetheless, the basic educational obligations of that school will stand; that is, to provide minimum levels of education that are required to be taught to all young people in the Northern Territory. There is no constriction within this legislation that would stop a school from developing a method of education that may be consistent with a particular culture, including an Aboriginal culture, provided that the quality of education and the information that is passed on to the young people meets the minimum required standards of this government and of this community. That should be the absolute baseline in any consideration for any school.

In respect of the particular details of this bill, I am pleased to note that some of the concerns I had are to be addressed in the committee stage.

Mr B. Collins: Let us hear your views on the appeal provisions and the recommendations of the Australian Education Council.

Mr HATTON: I will deal with those matters in my own way and in my own time.

It is pleasing to note that there is a proposal to amend section 21 of the act in respect of compulsory education. In my view, it was an omission in the original drafting of the bill that no provision had been made in the legislation to take account of circumstances that exist, for example, on pastoral stations where there are no schools but where there are alternative and appropriate arrangements made for the education of children. The amendments will take that into account.

Clause 61 mentions interim registration. The problem here is that, if a school has interim registration, according to the definition of 'registration', it would be registered. Therefore, at the end of any interim registration period, it would still be a registered school even though it would not have met the necessary prescriptive standards to attain registration. Obviously, there is a need to make some provision for the transitional development of a school. But, at the same time, if those minimum standards are not met by any school during that transitional stage, it should not be registered as a matter of right.

I move now to the amendment to clause 63 relating to the form of application. It is pleasing to see that paragraph 63(17)(g) is to be further amended. It would have been in my opinion improper that the only consideration for the registration of a school was its financial position at the time of application. It would seem more appropriate to be concerned with its continuing financial viability. The proposed amendments certainly take that into account and I record my appreciation of those amendments.

I wish to comment on the appeal provisions in the legislation. These are dealt with specifically in clause 64. However, the key to this question lies in clause 66. There is a limitation on the ability of the secretary to refuse registration. Under the proposed clause 66, it says that the educational institution, in relation to registering an educational institution, will, upon its registration, be operating in accordance with the prescribed requirements or so much of the prescribed requirements as are applicable. If those prescribed conditions are being met, then the secretary may not refuse to register. The key is that the minimum requirements for registration will be determined by way of regulation. Provided these are met, then the school must be registered under this legislation. If the secretary fails to register under this legislation, then there is an appeal to the minister. In that case, the minister has simply to confirm whether or not those prescribed conditions have been met.

Mr B. Collins: The educational prescriptions. Who does he ask for advice as to whether they have been met?

Mr HATTON: Mr Speaker, those matters are dealt with and I am certain the minister will deal with them in much more detail.

I will say that issues such as the minimum qualifications, whether the curricula that are to be incorporated in the school would be stipulated in the notices and the forms and requirements that are incorporated in this bill would provide documentary evidence as to whether or not the school would meet those prescribed requirements or not. They do not go to value judgments as to whether one likes the colour of a particular person's hair or not but rather to specific details of curricula details, minimum qualification requirements of teachers and the services and facilities that will be provided within that particular educational institution.

Similar circumstances apply in respect to attempts by the secretary to deregister or suspend the registration of a primary or secondary independent school. Those requirements would equally be applied. The process that is required to be gone through is equally of a prescriptive nature and not, as has been suggested by the opposition, some woolly estimate of whether it is performing properly or not. It will be based on prescriptive requirements in the regulations that will flow from this legislation.

Mr BELL (MacDonnell): Mr Speaker, I rise to make several comments on this bill. The most important of them is to add my weight to the comments made by

the Leader of the Opposition and the member for Stuart in respect of the appeals procedures that are envisaged under clause 68. The argument has been put forward by both those members that there is far too close a connection between the secretary and the minister for such an appeals process to be able to engender in the Northern Territory community the confidence that fair play would result. Quite clearly, there is a need for not only a division of persons but a clear division of interest that needs to be established between the person who, on one hand, grants registration or does not grant registration and the person to whom an appeal is made against the refusal to register.

During the March sittings, I raised a good example of the cosy arrangements between the secretary and the minister that mean that such appeals provisions will be worthless. I note that I have received no response to those comments from either the Minister for Education or the Chief Minister to whom I wrote on 16 April about these issues. I do not propose to go over ground in that context except to note that I have not received any reply to them. For the benefit of honourable members who may not have assiduous powers of recall, I refer to a situation where a decision was made by the Secretary of the Department of Education within the context of his role as secretary. At that stage, representations were made to the member for Braitling who presumably made representations to the Minister for Education and the Chief Minister who in due turn instructed the Secretary of the Department of Education to reverse that decision. As I quite sufficiently demonstrated during the March sittings, neither of the members I referred to in this Assembly bothered to get to his feet and comment one way or the other. I find that quite surprising. If the Chief Minister or the Minister for Education would be interested in seeing the letter I wrote to the Chief Minister, I am more than happy to give them a copy.

I mention that, not because I want to prosecute the issues raised then but merely, in the context of debate on this bill, to make it quite clear that the relationship between the minister and his secretary is altogether too cosy for prospective appellants to have any confidence that their appeals are likely to be heard in the unprejudiced atmosphere that such appeals deserve. I trust that, given those facts, the Minister for Education will give further consideration to adjourning this bill at this stage and giving more consideration to the particular appeals process that is envisaged.

It has been suggested by the members for Berrimah and Nightcliff that such an appeals process would be costly or unduly bureaucratic. I do not believe that that is the case. As other speakers have noted, we are not overwhelmed by requests for the registration of independent schools. There would be no need for such an appeal authority to meet very frequently at all. It could hardly be described as burdensome upon either the financial or administrative resources of the minister's department and it would certainly have considerable benefits by giving confidence to prospective appellants. As I said, their cases would then be heard in an unprejudiced atmosphere. I trust that we will hear more from the honourable minister in that regard.

Moving from the particular to the more general, I should state the principles that I adopt in consideration of the role of independent schools, whether in the Territory or elsewhere. The fact of the matter is that we have 2 very important liberal principles in competition. I refer to the principle of equality of opportunity and the principle of personal freedom. Quite clearly, the principle of equality of opportunity dictates that we must aim for quality public education for all our children. This is not only because they deserve it but also because they are our most precious resource. In order to develop the Territory, if you like, as well as to maximise the opportunities of those children, we have to use those resources in the most

capable fashion.

The second principle is the principle of personal freedom - individual freedom or liberty. That principle of individual freedom dictates that people, regardless of colour, class or creed, should be able to educate their children in the way that they see fit.

Mr Vale: Melbourne Grammar School.

Mr BELL: I notice the honourable member for Braitling is interjecting there. I find that extremely interesting. I certainly do not intend becoming personal about that in the way the honourable member for Braitling has chosen but suffice it to say that, if he pays attention and does not come in and out of the Assembly too frequently, I will be able to illuminate any concerns he may have in that regard.

As I was saying, there are those 2 principles that I believe bear on the issue of independent schools in the Territory and elsewhere. I would say that, if people, as the honourable member for Braitling has observed, choose to send their children to private schools or to independent schools because they are concerned at the quality of education provided by the government schools for which the honourable minister is responsible, that is a matter for concern on his part and on the part of all of us. I have made contributions in that regard in numerous debates. I am frankly amazed that the best contribution the honourable member for Braitling can make to this debate is to interject. Perhaps he would like to get to his feet and actually explain what he thinks about the schools in his electorate and in Alice Springs and what his objectives are for his own children. I would be very interested to hear them. However, I have no doubt that he has no intention of getting to his feet in this debate and saying anything about it. In spite of his capacity for snide comment and for back-stairs operation, I find his reluctance to rise to his feet and address these issues really quite amusing - nothing more.

Let me turn then to an issue in central Australia. I refer not only to Yipirinya which has been addressed so capably by the honourable member for Stuart in this Assembly tonight, but also to quite a remarkable innovation that has been visited on the central Australian community and that is the Accelerated Christian Education School. I dare say some honourable members may be of the view that, if you register one independent school, you have to register them all; that if you are prepared to register Yipirinya School, you have to be prepared to register the Accelerated Christian Education School. I do not believe that that is necessarily the case.

Let me explain why. I could certainly make an argument for the registration of Yipirinya purely on the basis that it is a school designed to meet the special needs of Aboriginal people. It is a school designed to meet the needs of the people who have been in this country as the word says, 'aborigine' - from the beginning - and, on that basis alone, they would deserve consideration in this regard. However, that is not an argument I will be putting forward in this particular case. The reason why the Yipirinya School deserves greater consideration as far as registration is concerned rather than the ACE school is because the kids who are going to Yipirinya School, Mr Speaker, were not being catered for before. I suggest to the minister and to my colleagues from central Australia that any inquiries with the Department of Education will convince them there were serious problems in the pre-Yipirinya days with providing an adequate, relevant education program for those kids. On the other hand, with the Accelerated Christian Education School, those children were being quite adequately catered for prior to the arrangements set up for that school.

Mr D.W. Collins: How do you know?

Mr BELL: The honourable member for Sadadeen asks me how I know. If he is able to tell me that the children that are going along to the ACE school now were not enrolled in primary schools in Alice Springs beforehand, I would be extraordinarily surprised.

I do not take exception to the people who wish to educate their children in the ACE arrangement. I have no objection to people who hold the creationist beliefs that those people hold. I have no complaints with the sort of programmed education or rather programmed instruction that is offered to children in those schools. That is really quite reasonable. However, I do take exception - and I think the minister and his department have been extraordinarily equivocal in this regard - to the fact that there was one simple attitude to that particular school. Unless there are facts of which I am unaware - I am only aware of those facts that came across to me through the newspapers, radio and television - instead of approaching the Department of Education saying that it wanted to run an independent school in this way, the people involved in the ACE school decided to bulldoze ahead and set up the school without consultation with anybody. I must admit that, for a school that describes itself as a Christian school, I am not exactly sure that that is rendering to Caesar the things that are Caesar's.

I think I have made quite clear my attitudes in regard to both the Yipirinya and the ACE schools. Suffice it to say that, in the case of Yipirinya, I can understand that there would be considerable concern on its part because of the protracted process of registration of which I have been very much aware in my daily round as a local member in central Australia. Quite clearly, there has been somewhat less than an open, amicable relationship between the Yipirinya school, the Department of Education and the minister's office. However, I would make one comment on the difficulties to which the honourable the minister referred. Unless I may appear to be behaving in a slightly too adversary fashion today, let me point out for the benefit of the honourable minister that I heartily concur with his comments about court costs. Frankly, I was appalled when I found that the process of registration of this school would end up in the courts.

It seems to me it should be much easier and cheaper to arrange appeals processes and registration processes that keep us out of the courts. It seems to me, if I can give some advice on this matter to the honourable minister, that where independent schools become an issue in the Territory there needs to be some consideration of independent authorities from beyond the boundaries of the Territory - people who are concerned about state education and people who are involved with independent schools elsewhere. I do not believe that it is an unreasonable burden, considering the relatively infrequent times where such registrations and appeals may come before the minister, that he seeks such advice. In fact, the honourable minister will be aware that, in calling for an inquiry into secondary education in Alice Springs, that is precisely the sort of expertise that he ought to draw on. I believe he ought to draw on it not because it is not necessarily available in the Northern Territory but because I think it very important, given our small population, to obtain perspectives from people with expertise in such matters from out of the Territory - not that it should be treated as gospel and not that we should take on face value the opinions that they may give. The quality of both public and independent education in the Territory would be enriched thereby. I hope the minister can give that due consideration.

Mr Speaker, another concern has been expressed by the Council of

Government Schools Organisations. I imagine that, given the nature of the letter that I received in this regard, honourable members would also have received representations about this issue. The concern is a very real one. It is that the creation of independent schools will take from the cake that is available. The cake will not be expended; the more independent schools that are created, the more schools amongst which the education dollar has to stretch.

The Council of Government Schools Organisations calls for an impact survey into the effect that non-government schools might have on the provision of education services in isolated, sparsely-populated areas of the Northern Territory. I hear the member for Leanyer talk about the same number of kids and the member for Sadadeen about freedom of choice. That is fine. The problem is that, if the freedom of choice for one group of people denies opportunity to another, there is scarcely reason behind it. I think that I have drawn to the attention of the Assembly circumstances in that regard in the past. I share the concern that is expressed by COGSO in asking for such consideration when new schools seek registration.

This is of particular concern in Alice Springs because the options are not as wide as they are elsewhere. Alice Springs is that much smaller. I do not know if demographers study these particular things but it seems to me that there is a minimum population size that has to be reached before a full range of services is able to be provided. I am on record in this Assembly as saying that, particularly in regard to secondary education in Alice Springs, I am not sure that we have reached that minimum level of population.

I heartily agree with the concern about the scarce education dollar, the way it is spent and the priorities that are set by the honourable minister. I can see that COGSO has a very legitimate concern that, in the future, the division of resources will prevent government schools from being able to provide what I refer to as quality public education. I have an example. I would be very pleased if the Minister for Education, not necessarily in this second-reading debate but elsewhere, would look at the example of house parents at Yirara College. The minister may be aware that the number of house parents has been decreased because the Department of Education has to stay within a particular budget. My understanding is that the number of Aboriginal kids from isolated communities who have the opportunity for secondary education at Yirara College is not decreasing but in fact on the increase. Given that fact, it is indeed surprising that the number of house parents has been reduced. That is one example where the Council of Government Schools Organisations' concerns are justified. As I said, I am not particularly keen that the minister give any information about that now but I hope he will be able to pick it up perhaps in question time tomorrow.

Another example of the problem of educational resources becoming slimmer is the one that has already been raised at this sittings when I brought to the honourable minister's attention the situation at Kintore. As I said, 10 years ago a school would have been provided much more quickly for those people out there than is being provided now. That is a matter for concern. I have a great deal of sympathy for the concerns of the Council of Government Schools Organisations in this regard.

In closing, Mr Speaker, I would refer once again to my first argument that there is clearly a need to adjourn debate on this bill at this stage. Clearly, there are serious dangers with the appeals provision that the honourable minister envisages and I hope that he will be persuaded by the points that we have raised in this debate.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, this bill sets the guidelines by which private schools can gain registration, be deregistered and, very importantly, gain interim registration whereby they will have a chance to improve their standards and meet the requirements set down by the department to ensure that the children receive a reasonable standard of education. It is a fact of life that all over Australia there is a big move towards private schools. I certainly support the right of parents to make choices for their children. In fact, it is rather interesting to consider the number of parents, whom we would consider to be poor, who are making tremendous sacrifices to have their children educated in private schools. I would propose that the vast majority of parents have their children's interests very much at heart and I believe strongly that the prime responsibility for education comes back to the parents.

Recently, I received an article by John Hyde called 'Measuring Education'. In one section, which relates to the education voucher system that has been gaining some momentum in England, he quotes a view that indicates why parents are very keen on a voucher system:

> *It is the business of education to eliminate the influence of parents. We have decided that children shall no longer be at the mercy of their parents and it is the business of local education authorities to see that they are not.*

This came from 'Family Education and Society' by Professor S. Musgrove in 1966. That is a view which John Hyde and I certainly do not support. The voucher system has many merits. I see some problems with it in smaller centres in the Territory but it is something that the minister may well keep in mind for a later date. In fact, I believe eventually support for the voucher system will gain momentum Australia-wide and quite a deal of support and may even come into being.

The voucher system simply works this way. The parents of a child of educational age are given a voucher worth so much money which, obviously, they cannot cash. They go to the school of their choice and each school, whether private or public, would have to explain what its policies were quite clearly to the satisfaction of parents. If the parents were satisfied with the school, they could put their voucher in there. If the school's fees were higher than what the voucher was worth, the parents could then elect to pay the difference. It does give considerable freedom of choice to the parents. I am very pleased to see that the honourable member for MacDonnell is keen to let parents have a go.

I would commend the Minister for Education very strongly for his most reasonable approach to his job in these past few months. As has been mentioned, one particular school in Alice Springs, the ACE school, responded to this bill because it thought it was being victimised. The media aided the principal of that school to go right out on a limb and say that he would not seek registration. I spoke to him and the minister and put him somewhat at ease. The minister went to Alice Springs and spoke to the principal and to the parents who were supporting that school. He calmed the whole situation down. A reasonable and sensible approach is now being taken and they are seeking registration.

The member for MacDonnell was saying that all the children in this school must have been enrolled at some other school. That may well be the case but it is not necessarily true that things were working out. I had discussions with a parent about one child who is now attending this ACE school. The parents had

particular difficulties. They had tried many schools in Alice Springs. The child had a tendency to violence. His problems were well known by the department and the specialists in the department who look after this sort of thing. This child did not fit into the public system. The parents, perhaps in some desperation, went along to the ACE school and enrolled the child. The mother said to me: 'He has become a very different child indeed'. This school works for this particular child. Maybe it is not the ideal that I would want for my children, but it does work in some cases. Of course, this parent and the other parents are very keen to see the school continue. The principal has come to realise that the intention of the minister is not to victimise the school and together they are seeking registration. It is a tribute to the minister for the way he has handled his job in this matter. He has a responsibility for ensuring a reasonable level of education for a child but he also respects very strongly parental choice of education and parental responsibility for a child's education.

We have heard much about the appeals situation. I think we should keep this in perspective. The number of appeals are few. The one we have had is Yipirinya which went to the courts. The judicial costs to Yipirinya and to the Department of Education were very high. This reduces the money available to be spent for the proper aims of education. We should avoid these situations. When the department and the Yipirinya School Council sat around the table, the problems were ironed out in a manner which was satisfactory to both parties and registration was granted. This is a far better method of doing things and other members have alluded to this. I know that the present minister certainly supports this approach.

It has been suggested that, in a sense, the minister is being asked to wear 2 hats in appeals made to him. As I understand it, the process is this. Guidelines are laid down for registration and an organisation seeking to set up a school would be made quite clear about what these guidelines mean. It may not be able to meet all of those, in which case there is a possibility of interim registration. Of course, if it meets them, registration is no problem. I would suggest that these standards are definitely not absolutely inflexible. There is room for discussion. There are many views on education, on what is a satisfactory standard and on what should and should not be in curricula. There is plenty of room to discuss problems with the department and to iron out difficulties.

On the matter of deregistration, we must put it into perspective. It would be an absolute last resort. I have no doubt in my mind that our minister is very capable of an independent judgment. He has gained an excellent reputation and I believe he will keep that reputation. I would say any schools which are objecting to the deregistration will know that they have had a very fair go at attempting to reach the standards. They will receive a very fair hearing indeed from the minister. He is quite capable of doing the job that this bill will allow him to do.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I think most of the issues have been fairly well canvassed. However, I would like to dwell on a major point in this legislation. This bill is perhaps in the style of the legislation which, unfortunately, is all too common in the Northern Territory. The reason that the opposition has such difficulty in accepting this legislation is primarily because of the fact that there is no built-in requirement for some independent review procedure. However, this legislation relies on subordinate legislation which this Assembly has not yet seen. I would suggest that it will be seen by the Subordinate Legislation and Tabled Papers Committee perhaps in 3 months time.

This is the major matter that the member for Nightcliff touched on. We find it extremely difficult to agree to this legislation because we just do not know what we are passing. It depends entirely upon subordinate legislation which we have not seen. This happens all too often in this Assembly. It has been spoken about by previous members. Indeed, the former member for Fannie Bay spoke about it at quite some length. She was most distressed that this Assembly passed legislation which depended totally upon subordinate legislation. As long as that subordinate legislation does not contravene the intent of the act - that is, as long as it fills the requirements which are detailed in the schedules to the bill - then it has to be accepted.

We cannot accept such legislation in this Assembly and I do not think it could be accepted in any legislature. We cannot accept legislation about which we know nothing. We do not know what these minimum requirements are. We have absolutely no idea and, despite the member for Nightcliff's assurances that subordinate legislation will take care of it all, I am afraid that I, for one, simply am not satisfied with that. If we are to pass major legislation, which concerns the registration of independent schools, then we have to know more about what we are agreeing to. It is crass and irresponsible of this Assembly to pass legislation which has absolutely no meaning to anybody in this Assembly. It is absolutely pointless, Mr Deputy Speaker.

Debate adjourned.

## ADJOURNMENT

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that this Assembly do now adjourn.

In so doing, Mr Deputy Speaker, I will take up where I left off on Thursday afternoon when I was speaking about the incident relating to filming at or over Kakadu National Park a couple of weeks ago. I had reached the stage where I had had a telephone conversation with Mr Barry Cohen's office and I knew from that that I would be receiving no response from him. I then phoned my press secretary and, as I went through King's Hall on the way out to the car to go to the airport a bit later, I spoke to a couple of journalists. Imagine my surprise, Mr Deputy Speaker, at the slant that the Leader of the Opposition had put on the whole thing. He said that it was a federal election stunt dreamed up by my press staff. He said that there are filming regulations in relation to national parks everywhere else in Australia. My research does not support that. It seems that only 1 state, New South Wales, tries to raise revenue by charging hefty slugs for commercial filming in areas in national parks of a special significance to Aboriginal people.

Whatever they do elsewhere, it certainly is not in the Territory's interests to attempt to raise revenue in this way. Let me say that I do not believe and do not accept that ANPWS has jurisdiction in the air over Deaf Adder Gorge or above anywhere else. I am certainly having that checked out by the lawyers. No Territory officials, whether Conservation Commission, Tourist Commission or Chief Minister's Department apologised to anyone in the ANPWS. Why should they have apologised? The ANPWS should be apologising to the taxpayers for driving away business dollars and jobs.

Only 3 conversations ever took place that I am aware of. Of those, 2 were between Mr Garraway of the Tourist Commission, Darwin, and a Mr Gillespie of the ANPWS at Kakadu on the Monday afternoon following the incident. That was after Mr Garraway had been phoned by Dr Ryall to ask for help to change Mr Gillespie's refusal of permission. Mr Garraway offered to accompany the film

crew personally in the chopper and guarantee that only aerial shots of the park would be taken. Mr Gillespie said that he would contact ANPWS Canberra. An hour or so later, Mr Gillespie phoned and said the refusal would not be changed. All filming whatsoever must cease and, in future, all filming of a park would be subject to written applications to the Director of the ANPWS in Canberra. What an over-reaction, Mr Deputy Speaker! At that time, Mr Garraway also notified the Co-ordinator-General that someone from ANPWS would contact him about the situation. Indeed, the Deputy Director of the ANPWS phoned the Co-ordinator-General that afternoon and that got us nowhere either. The ANPWS demand for written applications had killed any chance of sorting things out in time to permit filming.

What about the Leader of the Opposition's claim that it could all be resolved in 24 hours? Why did Mr Gillespie refuse permission in the first place if it could all be resolved in 24 hours? Was it some arbitrary and capricious decision taken by someone on the spot? If it could have been resolved in 24 hours, as the Leader of the Opposition said, why was permission ever refused? Why is permission even needed to fly above Kakadu shooting film? Does the rule apply to Four Corners camera crews? If, as the Leader of the Opposition says, approval would have been granted in 24 hours, why did Mr Gillespie say that all future applications had to go in writing to Canberra? Do the Leader of the Opposition and Mr Gillespie know the cost of a camera crew for 24 hours? It is not so illogical to link their names in that way because I understand that, when the Leader of the Opposition goes to Jabiru, he stays at the house of Mr Gillespie.

It has been suggested to me that this incident only happened because one employee of the ANPWS blew his fuse. If there was egg over anyone's face, it was not over that of any Territory official; it was on that of someone in the ANPWS. The Leader of the Opposition wanted to lay a smokescreen. He introduced the political stunt bit and dragged my press secretary, his favourite bogyman, into it just to draw the eyes of the crowd away from the real issue: the maladministration of Kakadu by the federal government. Poor Dr Ryall was caught up in an anti-people bureaucracy. We have seen, as I have shown, that they are prepared to use Kakadu cynically as an election issue, to talk about 1300 or 1500 jobs in the park in tourism, to talk multi-million dollar infrastructure, to affirm that they have Aboriginal approval for their proposals and then cancel the seminar and use the Aboriginal people as an excuse for playing politics.

Mr Deputy Speaker, Minister Cohen, out of his own mouth, is not to be trusted by either the Aboriginal people or the Northern Territory government. He is prepared not just to cancel seminars but also to cancel jobs for the sake of politics. That is why Dr Ryall's incident is important, not for himself, - worthy enough as he might be - but because he represents jobs for Territorians. Once again, Cohen and his bureaucrats have bungled. The Leader of the Opposition chose to buy in to the fight. He was up to his eyebrows, after all, with Minister Cohen selling Kakadu as the Territory's salvation on the election trail. Let me say that the federal government is derelict in its pledged duty to develop the Kakadu infrastructure, pledged by no less a person that the Prime Minister, and the local opposition is in it up to its eyeballs. It has been trying to look the other way ever since the elections.

The Prime Minister promised 1300 jobs in Kakadu in November last year. Where are they? Where is even one of them? Where is even $1 of all those millions that were promised? Naturally, the opposition wants to sweep Kakadu under the carpet. Dr Ryall is an embarrassment to them, but he is a reminder to us that we need those jobs and that we are not going to let the federal

government and the local opposition forget.

Mr Deputy Speaker, if I might turn to another subject, I am sure that all honourable members, including yourself, would want to place on record their condolences to the families of a considerable number of Territorians who have died since the Assembly last sat. One of them, of course, was Pastor Frederick Wilhelm Albrecht whose work at Hermannsburg is almost legendary. He died in his 90th year at the Fullarton Lutheran Home in Adelaide on 16 March.

He was born on 15 October 1894 in what is now Poland near to the Russian border. Of course, in those days, it was Prussia. He attended the congregational school at Kroczyn from 1901 to 1908 and was confirmed on 8 June 1908 in the Lutheran Church in Kamien. He early felt the call of the church and, on the advice of his pastor, went to Hermannsburg in Germany to begin preparatory studies. However, these were interrupted by World War I. He worked as a medical assistant in various hospitals in Germany and Russia, which gave him valuable experience for his life's work. In 1919, he returned to the seminary at Hermannsburg, graduating at the end of 1924. For 6 months he served the congregation at Steinbeck and then, having received a call from the Finke River Mission Board to come to the Northern Territory, he went to the Waitling Seminary in Ohio in USA to study the English language and catechetics.

His future wife, Minna Gevers, who predeceased the pastor by some 3 months, joined him and they were married in Winnipeg in Canada in September 1925. They then travelled to Australia. He was ordained at Nurioopta in South Australia on 14 February 1926 and left Adelaide for Hermannsburg on 8 April the same year. He arrived at the beginning of a 4-year drought and quickly proved his capabilities. With a great love of the Aborigines, one of his first projects was to bring to Hermannsburg vast quantities of citrus fruit to counteract a dreadful outbreak of scurvy. He developed the Kaporilja water scheme which allowed fruit and vegetables to be grown, established a tannery, encouraged the Aboriginal art movement and assisted in the establishment of Haasts Bluff.

He was, above all, a missionary and a pastor to his people. He trained Aboriginal evangelists and worked towards the training and recognition of Aboriginal pastors. For his efforts, he was awarded the MBE and other medals of distinction. His wife served alongside him and there were 5 children - Helene, Theodor, Paul, Minna and Martin - 17 grandchildren and 4 great grandchildren. The children all received their early training at Hermannsburg. Pastor Albrecht and his wife retired to Adelaide at the end of 1962 after serving for 26 years in central Australia.

Hughie Deviney, who died in Toowoomba on 29 February 1984, aged 84, joined the Northern Territory Police Force on 9 November 1928. He served first at the Ranken River and Anthony's Lagoon police stations. During the war, he saw service with the first platoon second Australian machine gun battalion of the 9th Division. After the war, he returned to the Ranken River police station. He steadfastly refused to move from that posting and retired from there in 1959. Ranken River was a major stop on the droving route across the Barkly Tableland and the hospitality of Hughie and his sister Jean has entered Territory history.

Hazel Golder, who died in Alice Springs at the age of 90 on 23 April 1984, was a legend in her own lifetime. As a young woman, she lived at Oodnadatta where her father worked on the railway. She moved to Alice Springs in 1933 where she opened a boarding house. At that time, travellers left the Ghan at Alice Springs and waited for Sam Irvine's mail van. Miss Golder's boarding house was a much-needed facility. Later, she lived in McKinlay Street in a

house which she shared with 2 brothers and a younger sister. She was much respected by the people of Alice Springs and, in later life, became patron of the Senior Citizens Association.

An untimely death in Sydney on 16 April 1984 was that of Chris Hindle who served the town of Nhulunbuy so well during its developing years. Chris and his wife Edna and family arrived at the Nabalco mine site during October 1970 and lived first at the No 1 Mt Saunders camp. From 1 June 1975, he served as Town Administrator and, on relinquishing the post on 31 October 1983 because of ill-health, he had served in that capacity a lot longer than any of his 3 predecessors.

Known as 'Old Gravel Voice', he was responsible for many improvements in the town of Nhulunbuy during these years. As Town Administrator, he was Secretary of the Nhulunbuy Corporation Limited. He was Chairman of the Nhulunbuy Public Cemetery Board of Trustees, a justice of the peace and a marriage celebrant. In addition, he was also Chairman of the Gove District Hospital and the Nhulunbuy School Board. When the high school was established, he was president of the school council during its first year of operation. He was an early member, and later president, of the Gove Community Club and then a life member when that was renamed the Arnhem Club. He was also an early member of the Gove Country Golf Club. The Lions Club was also an interest and it was said of him that he could not hear a harsh word about anyone. He is survived by his widow Edna, a son John, a daughter Lorraine and 2 grandchildren.

Valentine Sinclair Litchfield, eldest son of the redoubtable Jessie Litchfield, died in Sydney on 4 May 1984. He was born in Darwin on 18 April 1910 and, as a youngster, lived with his family on mining fields. When the family moved to Darwin, he attended Parap and then Darwin Primary Schools. From 1925, Mr Litchfield was employed by the British Australian Telegraph Company and, later, the post office. He was still based in Darwin at the time of the bombing but was fortunate not to have been on duty at the time of the first raid. After the war, he moved to Fiji and later retired to Sydney. He is survived by his wife, Lil, 3 sons, 1 daughter, 8 grandchildren and 2 great grandchildren as well as brothers and sisters, Boyne, Betty, Frank, Christa, Ken and Grace. His nephew is my colleague, the Treasurer, the honourable Marshall Perron.

Nicholas Paspaley MBE died in Darwin on 20 March 1984 aged 70. He was born on the Greek Island of Kastellorizo in 1913 and came with his parents and brothers and sisters to Australia in about 1917. The family made its way to Australia by a diverse route and landed from a Blue Funnel Line ship at the now-abandoned port of Cossack in Western Australia. The family then moved to Port Hedland where Nicholas was educated. Pearling was his life and, as a very young man in Port Hedland, he bought his first lugger from a deceased estate. After service with the RAAF and marriage to Vivienne in Sydney in 1944, Mr Paspaley was the first man back into pearling in Darwin after the war.

At the time of his death, his company had pearl beds at Port Essington and in Darwin Harbour and interests in Broome and Port Bremmer as well. There are 2 pearling luggers, including the mother ship, Paspaley Pearl, the most modern ship of its type in Australia. However, Nicholas Paspaley did not neglect his community. He was a Paul Harris Rotary Fellow and a charter member of Rotary in Darwin. He was a little-known philanthropist but Christchurch Cathedral and the Red Cross were amongst the recipients of his generosity. Many pearls were given as prizes.

For services to his community and to pearling, Nicholas Paspaley was

awarded the MBE on the Queen's Birthday honours list in 1982.

Mr DEPUTY SPEAKER: Order! The honourable Chief Minister's time has expired!

Mr HARRIS (Education): Mr Deputy Speaker, last week, the Leader of the Opposition, the member for Nhulunbuy and the member for Stuart asked me some questions and I would like to take this opportunity to respond to them.

The Leader of the Opposition raised the issue of the participation and equity program that we have in operation. Before giving a detailed answer, I would like to comment that, as far as the Northern Territory is concerned, our programs are well under way. It is, however, a different matter in the other states. They are finding it very difficult to implement the PEP programs; they are in somewhat of a mess. The PEP programs focus on the final years of secondary schooling and equivalent TAFE programs. The aim is to increase participation by young people in education and training and to achieve more equitable educational outcomes across the 15 to 19 age group in the secondary schools and the 15 to 24 age group in the TAFE sector.

The TAFE sector participation equity budget for 1984 has been approved by the Commonwealth and it consists of 11 sub-programs, the value of which is some $285 000. Those programs are under way. Mr Deputy Speaker, the programs to which I am referring are: office practices, Darwin north - $40 000; retail practices, Darwin Community College - $25 000; GAP youth program, Alice Springs - $46 000; common force, Darwin Community College - $34 000. This common force is for under-achievers to improve self-image and the performance of these young people to fit them into the workforce at some later stage. The list continues: tourism and hospitality, Darwin Community College - $28 000; tourism and hospitality, Community College of Central Australia - $19 000; migrants and refugees, the Adult Migrant Education Centre - $14 000; building skills, Yuendumu - $14 000; work awareness, Tennant Creek and the Community College of Central Australia - $8000; education officer project administration - $34 000; and office practices, pre-employment, Community College of Central Australia - $23 000. That is a total of $285 000.

Mr Deputy Speaker, as far as the schools sector is concerned, there are 2 parts to the program. The first half of the 1984 program involves a sum of $196 000. Those programs which I will read out have been approved and have commenced. The budget is roughly equivalent to the previous Commonwealth government funds that would have been available under the former transition-to-work program. The government schools program to date are: administration - $18 000; schools senior secondary certificate proposal - $100 000; professional development - $45 000; work experience, insurance and assistance for isolated students - $17 600; multi-cultural education - $950; and Aboriginal education - 5 projects aimed at fullblood Aboriginal students - $14 250.

Mr Deputy Speaker, the second half of the 1984 school program involves an amount of $198 000. It will be considered under the new PEP guidelines which have been circulated recently. 75% of the funds will be run on a target school model where selected disadvantaged schools will be assisted to try new approaches and course initiatives which will have relevance for change at the systems level. 25% of the program will be related to systems level initiatives. In short, the committee of the participation equity program in the Northern Territory is operational. It has selected the 7 target schools that will be looked at and is seeking the Schools Commission's endorsement as far as those projects are concerned before proceeding to develop the appropriate activities. The committee is involved also in planning the 1985

TAFE program and in extending the range of activities to be funded under the in-service item approved earlier in the year.

Mr Deputy Speaker, the member for Nhulunbuy asked a question in relation to the calling of tenders for the extensions to the Nhulunbuy High School. The proposed extensions relate to the building of a new library and the construction of 2 classrooms. That tender is due to be called in August with a completion date of March 1985. When those buildings are completed, it is proposed to redevelop the existing library.

Mr Deputy Speaker, the member for Stuart raised the issue of visiting teachers in the Utopia area. I do not know when he was last in that particular area but my information is that the school itself is fully staffed and there is a visiting teacher in that particular area at this time. There was a period of 4 weeks when, from the end of the first half of the semester, a visiting teacher was not available. I think that must have been the period to which the honourable member referred. As I have said, that matter has been rectified.

The honourable member also referred in his question to a lack of consultation with the community in relation to the movement of teachers. I know that the honourable member has written to me on this particular question. I have responded that, where possible, I will inform honourable members of any changes in their area. Often, however, we are unable to consult on the movement of teachers and, on occasion, I query what benefit consultation would have. The teachers may wish to transfer. Teachers may resign. The department may have a requirement for a principal. We may need leaders in the system or one of the teachers may be eligible for promotion. I do not know what good consultation would do in such circumstances. As I have said already, if possible, I will inform members when there is movement of teachers in their electorates. It is unfortunate when someone leaves unexpectedly but, at present, there is nothing we can do about that. The member for Stuart would be well aware of the problems in relation to the staffing of schools that arise when teachers resign without notice and the problems that result for students when this occurs. The issue is of concern to us and the department will be examining it.

I would like to indicate to the honourable member that there is concern about low enrolments in many areas, not only the electorate of Stuart. At Utopia, 30 students are enrolled at the school and the average attendance is 19. That is a worry to the department. This does not occur only in his electorate. When I visited the outstation areas in the Northern Territory, I learned that there have been far worse average attendances than that in some other places. But, it is something that honourable members should try to address. When they are in their own electorates, they should speak to the people in the communities to try to encourage them to have their children attend school. As I said, the problem of truancy is something that we will be addressing. Initially, it will be directed at the urban schools but the Aboriginal situation is also of major concern. I ask all members to make sure that they talk to the parents of the students and try to have them go along to school. It has been found in Aboriginal areas particularly that, when the students attend, their education improves rapidly.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to speak briefly about a problem that has concerned me. It is a growing problem of recent times and it is not so much to do with the question of unemployment per se but rather with a group of people who are forming a significant and growing proportion of the unemployed. I refer to people in the 25 to 30 age group. I have the honour to be the Chairman of the Darwin Community Youth Support Scheme and,

through my activities in that area, it has become patently obvious to myself and the project officers that there is a desperate need for government to direct its attention to providing to these people some of the types of supports that are being provided to youth who are defined as being up to the age of 25.

We often fail to recognise what occurred in the mid-1970s. We have heard many times that the problem arose as a result of a series of events - the oil crisis, the dramatic increase in wage rates as a proportion of GDP and the increase in inflation. The consequential dramatic increase in unemployment that occurred in 1974-75 concentrated itself particularly on young school leavers, especially those young school leavers who had just reached the age of 15, the eligible age to leave school. In some communities at that time there were unemployment rates in that group of 30% to 40% and many of those people have rarely, if ever, worked.

We are finding increasing numbers of those people who are now in the 25-30 age group and who still lack many of the basic skills necessary to get themselves into the workforce. They are suffering many of the disadvantages that we talk about in respect of school leavers and young unemployed: lack of skills, low educational attainment and lack of work experience even though they have been out of school for some 10 years. They suffer the additional disadvantage that, because of their rejection, as they see it by the community, they are in a position where they have formed almost an alternative society for many years. We are finding increasingly that, as they come into the 25 to 30 age group, numbers of them will grab any help that is offered - and, in many cases, very quickly adapt and soon become effective and productive members of the community. By 'productive', I mean in terms of getting a job and earning a wage and not continuing, if you like, as an unemployment statistic.

In the 1970s, governments developed a whole range of programs and policies aimed at helping these types of people. It has been only in the last 3 or 4 years that programs have started, through experience, to become somewhat effective. Many of these people have had no real assistance and are still in the same position they were facing in the mid-1970s when they left school. There is a need for government to rethink its attitudes towards the training, assistance and support that is being provided to long-term unemployed people and not simply concentrate attention on those in the under-25 age group. In fact, there is a crying need in Darwin to provide services and facilities to assist people in the 25 to 30 age group. I refer members to the situation that exists within the Community Youth Support Scheme. Technically, under the terms of reference of that project, it should not provide assistance to people over the age of 25, despite the fact that tens and twenties of them at a time are seeking assistance from it. Quite naturally, those involved with CYSS do not want to turn away people they believe they can assist by providing them with some of the self-image and basic skills that will help them to obtain jobs and become fully active members of the workforce.

At CYSS, we are providing this training, assistance and support to those people outside of our scope. It is putting a tremendous strain on CYSS but is necessary simply because governments - federal and Territory - are not devoting sufficient attention to the fact that there is a real need to provide to this older group the same sorts of services and facilities that are provided by organisations like CYSS. Many of these people have worked maybe 1 year in 10. That would not be an abnormal circumstance for many unemployed people in the 25-30 age group here. They will not be lost to the community unless we permit them to be lost. If we let them be lost, in a few years time, we will be generating a subculture in our society that is potentially revolutionary. It will have no attachment to our community, no attachment to our society and every reason to rebel against a society which it believes has rejected it. As

a government and as a community in Australia, we have an obligation to direct our attentions to those people and to build services which can be made available for those in the 25 to 30 age group so we can provide assistance and service.

It is quite possible to do this within the existing frameworks, such as CYSS, if additional resources are made available. In fact, through the CYSS project, we have found that the involvement of people in the 25 to 30 age group provides a level of maturity and peer leadership that actually is working to promote, support and improve the quality of the programs that are being conducted. The basic infrastructure is there and I would ask that it be noted that there is a real need for this area. I would call on governments, particularly the federal government - and it does not matter what political colour they happen to be - to take note of this. I have referred it to other channels. I think it is important that this government, in looking at what we are trying to do to assist young people, does not forget that it is the people in that 25 to 30 age group who really are in need of help.

Mr EDE (Stuart): Mr Deputy Speaker, I rise tonight to talk about a problem that generally is locked away out of sight and all too often out of mind. This is the problem of prisons. Quite apart from the Department of Community Development's report which, as reports go in the Northern Territory, is not the worst, I have been looking at the National Prison Census of June 1983. It is published by the Australian Institute of Criminology. It gives all sorts of interesting statistics. For example, 75% of male prisoners are single and have either never been married or are divorced, separated or widowed; 50% of prisoners are aged between 20 and 29; and 80% of female prisoners in the Northern Territory are serving sentences for homicide.

Statistics can sometimes spread more light on who is in our jails and what the effect of those prisons are. The Minister for Community Development released a press statement in mid-May, soon after the census statistics were made available, in which he emphasised that there was a decrease in the number of prisoners in the 1982-83 census as compared with the 1981-82 census. This is encouraging news. However, I have heard rumours that the decline was short lived and that we are now back near the old levels. The honourable minister may like to comment on this later.

My belief is that the present system is not working. It is not a deterrent for many people. I would like to bring that out as we go along. There was a reduction of about 45 from 1981-82 - 39 fewer males and 6 fewer females. I would, however, like to question whether the threat of going to jail has had any effect on this reduction. I am bearing that out by having a look at the recidivist rate. This is the rate of the percentage of the people listed who are going back on a repeat term. If we look at that, we see that the percentage for men in 1981-82 in the Northern Territory was 69.6%. These figures indicate that almost 70% of those people in jail have been there before.

We have various other statistics of where those people come from and the ethnic backgrounds. Unfortunately, we do not have a correlation between those to see what the percentages of recidivists is within particular groups. However, I would like to make a contention that the effectiveness of prison is related to the degree of community opprobrium which attaches to going to prison. That opprobrium exists as long as going to prison is in fact deviant behaviour. If we reach a situation where a high enough percentage of the people within a particular group are going to jail on a regular basis, it no longer becomes deviant behaviour but becomes the norm. When going to prison becomes the norm, it no longer has any effect.

I would like to suggest the possibility that, in large areas of the Northern Territory, we are in fact reaching that situation. We have to start looking seriously at the alternatives to prison. For example, in the Northern Territory, the percentage of people who are going to jail for the 4 most serious offences - homicide, assault, sex offences and robbery - is close on 42%. The other 58% have committed minor offences. Again I say that these figures are not cross-related to the extent that I would like. However, people are being imprisoned for minor offences and then becoming hardened criminals and being imprisoned for further terms.

The prison system is not inexpensive. The approximate cost of accommodating a prisoner in jail for one day, I am told, is in the vicinity of $73. It does not take too many calculations to work out that this is over $25 000 per year per prisoner. In saying this, I acknowledge that there is obviously a need for certain classes of criminals to be incarcerated in our prisons. However, I think that we have not looked closely enough at alternatives and the existing alternatives have not been extended far enough. I refer, for example, to the community worker scheme which has operated to a fair extent in Darwin and to a fairly erratic extent in Alice Springs. At one stage, we had 2 magistrates in Alice Springs. One was quite keen on the scheme and would put anybody on it that he could. The other one would not have a bar of it so nobody who came up before him went on it. I think that guidelines to magistrates should be issued with these schemes when they are initiated in an attempt to see whether the courts will actually utilise them.

Mr Deputy Speaker, I would like also to suggest that this scheme could be extended to Aboriginal communities. At the moment, people from these communities are taken to the nearest major centre where they serve out their imprisonment and often remain in town afterwards to get into further trouble and back into prison again. There are many advantages to the community worker scheme. The community benefits. It is a more positive form of punishment in that the offenders can see some achievement in physical terms which may be a help to their self-pride and lead them to a less criminal way of life. It is less costly to the government and the taxpayer. In many instances, it is far more effective because there can be more opprobrium attached to carrying out projects on weekends when all your mates are down at the pub or whatever and you must go off and work on these community projects. Each weekend, you must remind yourself that you have offended against society and must do something to pay your debt to society.

I would like to point out that the argument that people in jail can carry out some form of training is certainly not borne out by my experience with the people who have been through the Alice Springs jail - nor, as has sometimes been suggested to me, is it an effective form of drying out. You generally find that the people who have a few dollars in their pocket are trying to find where they can have another ale after their enforced dry period. The current system is ineffective. It is not addressing the real nature of the problem. It is becoming less effective each day. I believe there are a number of alternatives which, with a little bit of imagination and a bit of tolerance, could be implemented. We could see if we could come up with something which is cheaper and more effective and will reduce the anti-social behavior of the 70% who have become recidivists under the current system.

Mr MANZIE (Community Development): Mr Speaker, the member for Stuart has given us the benefit of his wisdom in regard to correctional services and where we should be going. Before I go any further, I would like to point out to the honourable member that, in an economic sense, it would be far cheaper for the government to close all the prisons and put people on some sort of parole

system or community work service order. However, I must take issue with some of the arguments the honourable member made. In regard to the size of the prison population, at this stage it has stabilised but I can assure him that it will not be staying at that level. It will continue to rise as the Territory's population continues to rise, as people continue to abuse alcohol in the Territory and as people continue to ignore the wellbeing of the majority of the Territory's population who like to live an orderly life and obey the laws that this Assembly has made for the good order of society.

The fact is that some people cannot live in our society in an orderly fashion. They cannot respect other people's property and viewpoints. They resort to violence either under the influence of alcohol or when they are sober. Those people cannot be expected to stay amongst the members of our society and create havoc in our community. I think that no right-thinking person would consider that we should be looking after those people and giving them community service work orders when they have proven time and time again that they are incapable of living with the rest of us. That is one of the reasons why people are put into prisons. As much as we would like to be able to educate people and prevent recidivism, it is a simple fact of life that it cannot be done. If you can show me an area in the world where a program has been invented that has stopped recidivism, I would very much like to know about it. It is impossible to do.

Mr Ede: Why have we got the highest rate?

Mr MANZIE: We have the highest rate of crime, as the honourable member for Stuart says. We have 4 times the murder rate, 4 times the rape rate, 4 times the national rate for assault, an extremely high rate of house break-ins and an extremely high rate of lawlessness in the Territory. Because of that, a large number of people end up in our prisons.

The honourable member mentioned that there was a certain percentage of people in prison for serious offences and that we have a rather large number of people in prison for minor offences. I do not know what the honourable member would like to do for those people who will not attend community service orders, who will not pay fines and who will not fulfil a parole period without continually breaking the law. I do not know what the honourable member wants us to do, but I can assure him that we do not choke our prisons up with minor offenders for the sake of filling the cells.

Perhaps the honourable member does not realise the extent of the problem in the Territory and the fact that our first priority is the community that we live in. The law-abiding people in the community must be able to walk the streets safely. They must be able to leave their houses without having them torn apart, destroyed and robbed. We must do all in our power to ensure that the law-abiding people in our community can at least try to live without being annoyed by criminals.

Mr Bell: He did not suggest that.

Mr MANZIE: I did not ask for a comment. Obviously, I should have expected one. I am sorry to think that I could have gone on without one.

Mr Bell: With an attitude like that, what did you expect?

Mr MANZIE: For the information of the honourable member for Stuart, community service orders are being utilised in the Territory to a far greater extent than anywhere else in Australia. The system is working very well and,

hopefully, we can extend it. We are looking at extending it in remote communities. We have field officers going out into each area to extend the services. As a matter of fact, a task force has been formed to look at the situation in Groote Eylandt to see how it can work there. It is working in other areas and I am sure we can extend it.

However, for the people who cannot attend those community service orders programs or who will not continue to carry out the work that they have been ordered to perform by a magistrate, what does he suggest we do? Do we fine them? What do we do if they do not pay the fine? I will tell you what we do. They end up being sent to prison by magistrates in a court of law. I can assure members that we do not have any hanging magistrates in the Territory. Magistrates are most reluctant to use prison as a sentence option unless there is no other option. The honourable member should be aware of the fact that the Correctional Services Division has no control over the magistrates. It is the Attorney-General's area. If the honourable member had a bit more experience in this field or he read up on it a bit more, he would find out that the situation is entirely the opposite to what he was talking about. We have an excellent community service orders program. We have a good parole service. We have field officers and parole officers. Believe you me, if we could keep our prisons empty, it would be a far healthier situation economically for us. The fact is that the community is the first area that we must protect and we have to put some people in prison.

Mr HANRAHAN (Flynn): Mr Deputy Speaker, honourable members are undoubtedly aware that I have an interest in the operations and procedures of the management of the Australian Broadcasting Corporation in Darwin. In fact, the further down the murky path I travel, I find that it gets a little harder to see the light at the end of the tunnel. This evening, I would like to convey to honourable members the text of a letter that I have written to the Manager of the Australian Broadcasting Corporation in Darwin:

*Mr I.K. Hardy*
*The Manager*
*Australian Broadcasting Corporation*
*GPO Box 9994*
*Darwin NT 5794*

*Dear Sir,*

*I would be pleased if you would answer the following questions relevant to the management and performance of the Australian Broadcasting Corporation in the Northern Territory:*

*1. What were the selection criteria and procedures adopted by the Commonwealth Employment Service, if they were involved, or by the ABC management in Darwin when establishing 3 training positions?*

*2. Were the 3 positions advertised? If not, how were applicants referred?*

*3. How many applicants or referred applicants were there?*

*4. If this training program was under the CEP program, did the 3 successful applicants meet the criteria of (a) being in need of training to find a place in the workforce and (b) being unemployed for 3 months prior to employment with the ABC.*

*5. If the ABC in the Northern Territory can involve itself in these training schemes, why does it not fulfil the training role it carries out in the rest of Australia and take on cadet journalists in the newsroom or full-time trainee talks officers in the public affairs rural section?*

*6. Why is a university-educated journalist doing a training course when she/he could be in the general workforce?*

*I am sure you would agree that, in an isolated case like the Territory, special training career opportunities are of vital importance to every school leaver and care should be taken to ensure that employment assistance is not abused. As Territorians outside Darwin rely exclusively on the ABC for their knowledge of current affairs via television and radio:*

*1. Why is (a) Territory Tracks cancelled every time a public holiday falls on a Monday in the first part of the year and (b) Territory Extra cancelled every public holiday?*

*2. What would it cost the ABC to restore normal local weekend news bulletins?*

*3. How many staff would be required to restore this news service?*

*I am very concerned about the imbalance of priorities of things that exist in the current affairs and news department of the ABC Darwin. I would be pleased if you could address the following questions:*

*1. How many temporary officers or those who are posted from other ABC centres on an acting basis has the current affairs and news section of the Territory ABC employed in the last 2 years?*

*2. How much are those officers paid in travelling allowance and over what duration have payments been made?*

*3. What has been the total cost of travelling allowance over the last 2 years attributed to acting ABC staff?*

*4. Do these employees use hire cars on a day-to-day basis and over what duration?*

*5. What has been the total cost of hire cars attributed to these employees over the last 2 years?*

*6. How much do ABC employees pay in rent for 3-bedroom houses in Darwin?*

*7. How many houses and flats are owned by the ABC in Darwin and what is the rental structure of each dwelling?*

*8. Why are single officers accommodated 1 to 1 in 3-bedroom houses in Darwin instead of flats, and how long has this situation existed?*

*9. Are any non-ABC employees resident in ABC single dwellings?*

*10. How often do acting staff return to their home base in southern Australia and how do they travel?*

*11. How many trips and return trips to home base has each acting*

*staff member had per annum during the last 2 years?*

*12. What is the actual cost attributed to each acting staff member's travel during the last 2 years?*

*13. What are the travel entitlements of each acting staff member per annum?*

*I am seeking this information to report to the Legislative Assembly on the use of resources of the only Territory-wide communications network we have, where day-by-day news is of vital importance to all residents, particularly remote communities. Miners, pastoralists and small town dwellers rely exclusively on the ABC for news of the outside world, for information on markets, cattle prices, new laws and regulations etc. Aboriginal communities are being asked to manage their own affairs and substantial areas of land and must rely almost exclusively on the ABC for news from the rest of Australia and the Territory community. I await your early advice.*

*Yours faithfully*
*Ray Hanrahan*
*Member for Flynn*

*Copies to Mr Geoffrey Whitehead, Australian Broadcasting Corporation, William Street, Sydney, New South Wales.*

Mr Speaker, the ABC is and always has been, to my knowledge, a publicly-funded organisation. In other words, we are talking about taxpayers' money. I have expressed concern in this Assembly at a previous date regarding training schemes and I certainly think that the ABC in this particular instance has a lot to answer for. Training schemes are there for school leavers and they have a certain criteria that must be fulfilled. I would be very anxious to receive the answers relevant to the CEP, CES and the Industrial Relations Unit criteria for the particular program. The point I make is that Darwin has no weekend news service from the ABC. Territory Extra and Territory Tracks close down every time there is a public holiday yet they cannot seem to employ any local residents, locally-trained officers, to operate local current affairs programs because they absolutely insist on bringing up acting staff who are posted here from other areas. On that arrangement, they receive travelling allowance. I am told it is up to $80 a day 7 days a week to live in hotels. I am also told that they have regular air fare entitlements to southern cities - their home base. I am also told that hire-cars are in regular use and available to these acting officers. I suggest that, if that is the case, ABC management has a lot to answer for.

When will the ABC look at reintroducing the local news service, on both radio and television, for Darwin and the whole of the Northern Territory and when will it tell us - and really I am looking forward to that - the reasons why it is necessary to employ acting staff posted here from other destinations in Australia?

Mr FIRMIN (Ludmilla): Mr Speaker, this evening, I would like to suggest that it is time to look at one unusual inheritance from South Australia. As you are aware, the Northern Territory was under South Australian control for a number of years in the late 1800s to the early 1900s. During this period, many pieces of legislation were passed which affect us even today.

Some of those antiquated and totally inappropriate laws have already been

repealed but one unusual one still applies and it is worth thinking about. That law is the Standard Time Act of 1898. Until 1895, the time used in the Australian colonies was the mean solar time of its capital city. In 1894-95, all the colonial legislatures passed measures to standardise their times so that they differ from Greenwich time by whole hours, according to the differences in longitude. Thus, for every 15° in longitude, there was a change of 1 hour, an eminently sensible suggestion that divided the continent equally in time. This meant Australia was divided into 3 zones, the respective standard times of which were the mean solar times of 120°E longitude for Western Australia, 135°E longitude for South Australia and the Northern Territory and 150°E longitude for Victoria, New South Wales and Tasmania. The standard time of these zones then became 8, 9 and 10 hours ahead of Greenwich mean time respectively.

Mr Speaker, to put this into longitude perspective, as it applies to the Northern Territory, the Western Australia-Northern Territory border is 129°E longitude. Thus, the mid-Territory-Queensland border is 138°E longitude. Thus, the midpoint in the Northern Territory is 133°30' and close enough to the 135°E longitude to be reasonable as the midpoint to be used across the Northern Territory. This would have been satisfactory to all Territorians if they could have had a say in it, which they could not and did not. For some reason, which I have been unable to unearth in my research, in 1898 South Australia amended its earlier provision and adopted the mean solar time of the meridian 142°30'E longitude - that is, 9 hours 30 minutes ahead of Greenwich mean time - as its standard time. Because we were then administered by South Australia, automatically it governed our time as well. An interesting fact about the 142°30'E longitude is that it happens to pass through Cape York in the north, Broken Hill in New South Wales and Warnambool in Victoria. It is 450 nautical miles, that is 495 statute miles and 792 km, east of the original 135°E longitude and bears no relationship whatsoever to our solar time.

Mr Speaker, what is the effect of this move? The effect is an enforced daylight saving which puts us out of step with our trading partners and places some hardship on our Territory residents. Darwin, for example, is now 750 nautical miles east of the designated time meridian and, in solar time, this is nearly 1 hour ahead of our solar time. Members may well remember the hue and cry raised when it was suggested, in 1974, that a further period of solar time be added to our day by introducing 1 hour of daylight saving when several states introduced summertime changes. That would have had the effect of our children getting up well and truly in the dark to go to school. As it is now, they get up at the equivalent of approximately 5.30am solar time because of the effect of this 1898 edict of South Australia. Please excuse the pun, Mr Speaker, but I think it is time we had another look at our time.

Mr McCARTHY (Victoria River): Mr Speaker, I am rather sorry that we are here so late tonight because I have missed a scene that I like to look at and that is the sunset over the harbour. I was going to go out this afternoon and watch the sun setting but I became interested in some of the things that were being said and I did not get out to see it. On a number of occasions, I have looked at that scene: the harbour in the foreground, the peninsula in the middle ground and the backdrop of the sunset. I feel a little bit possessive about the middle ground - that area called Cox Peninsula which is a part of the Victoria River electorate. It looks rather beautiful from here with the sunset over the back and the harbour in the foreground. Until late last year, I had travelled over only a very small section of Cox Peninsula. I had travelled the main road, around to the inn, Golden Sands and Belyuen. I landed many times on the Belyuen airstrip in the days when I was learning to fly and I have flown over quite a large portion of the peninsula over the years. Recently, I

had the opportunity to see more of Cox Peninsula in the company of Burge Brown who lives over there and has a mining interest. I saw many things that were an eye-opener to me. I had not seen much of the foreshore of Bynoe Harbour before and there were a number of other areas in the hinterland of the peninsula that I had not seen much of. Burge is a mine of information about that particular area, as I am sure you would know, Mr Speaker.

I was rather concerned to see the development of shanty towns along the beaches of the Bynoe Harbour foreshore. I know many of those buildings have been there for some years. There are a number of quite substantial week-enders which I believe are owned by quite substantial residents of Darwin. However, I am rather concerned that the numbers of those beachfront dwellings have been increasing rather dramatically recently. I can see some potential for a land claim there in due course, and I am not talking about an Aboriginal land claim. People there seem to guard those areas quite well.

Many people are living on this side of Cox Peninsula. Some of them have been established there for many years and again have quite substantial dwellings and quite a good way of life. I envy them that. It is a common saying when sitting under the shelter at the Mandorah Inn that 'even Darwin looks good from here', and it does. Darwin looks magnificent from that side of the harbour. It looks all right from here too as far as I am concerned but it looks magnificent from there. That brings me to the point of what I am saying. There is no doubt at all that Cox Peninsula is an area in which Darwin must develop. It is 80 km away by road and 10 minutes by boat. Palmerston, as the honourable member for Berrimah would tell us, is 20 minutes or so away. Future development down that way will be even further out and far less accessible to Darwin. Obviously, Darwin must develop onto that peninsula.

There is a great deal of potential there for tourist facilities. Already some facilities are there. The proprietors of Golden Sands are struggling to make a go of it because of the restrictions placed on their power supply. The cost of fuel freight is almost putting them out of business. The fact that this government cannot obtain control of the power supply to the peninsula and provide power for many of these places affects them. Hopefully, that will be sorted out before too much longer. There is a great potential for future residential development and there is some subdivision of 1-acre lots which, unfortunately, are being developed without very much in the way of facilities. There is no water supply. I think that this is something that government needs to look at because, once a number of people are living on those 1-acre lots, there will be considerable pressure for the provision of services. I think that more pressure should be put on subdividers to provide those facilities if possible.

There is potential in the hinterland of the peninsula for rural farm lots. There is one line of soil over there which is considerably better than we see in this part of Darwin and the Top End. There is potential for mining and Burge Brown is getting under way over there now with sand and gravel mining. Australian Coal and Gold has mining interests there which it has not developed as yet but, hopefully, before too much longer it can do something in that area.

One thing that honourable members should consider, particularly those who are critical of the government's decision to alienate land on that side of the harbour for the development of Darwin, is that, on this side of the harbour, we have very little useful land left for building. It is very limited. Much of what is left is either mudflat or in the storm surge zone. In fact, the best place to develop in time is the other side of the harbour. While the greater Darwin area might be now the biggest gazetted city area in Australia and perhaps even further afield than that, the reason for that is that we have so

much unusable land. However, the peninsula has much good land and has potential for development.

As I mentioned before, there is a shadow of a land claim on Cox Peninsula. As I mentioned in my few words on the Toohey Report, I find it very difficult to come to grips with the idea of giving away land so close to a town or a city that needs to develop - as Darwin needs to develop - to one group of people, be they Aboriginal people or mining interests or whatever. I think it is a mistake to give away to any one interest an area such as Cox Peninsula that is so close to a city. A number of Belyuen people are claimants to land in the area. It may be interesting to note that Belyuen was originally a penal settlement and few of the people there have any really long-term involvement in the area, although there are some people there who have a wish to claim. They have got together with the local people in a progress association. There is a lot of support between the Aboriginal people and the non-Aboriginal people of Cox Peninsula. There is the room to work out an agreement on Cox Peninsula that would be satisfactory to all and allow Darwin to expand and grow in the way it should.

Mr BELL (MacDonnell): Mr Speaker, what a dreadful combination that ambition and tunnel vision make. The offering the member for Flynn made this evening to my mind does not at all salve the reputation that he brought upon himself when he besmirched his own reputation by making comments in this Assembly last Wednesday about the ABC. If he is going to continue down that track, at least he should get his facts right.

I tried to indicate during his speech that he was quite wrong about the process of radio broadcasts around the Northern Territory. Did he not wax lyrical about the miners in the bush, the pastoralists and whoever else? As I know only too well, there are residents in isolated places and isolated communities that need those sorts of services. Having lived in such an isolated community for a fair length of time, I evidently have a greater awareness of it than the honourable member for Flynn. He should be aware, because he has taken such an active interest in the activities of the ABC, that the only radio service available on a regular basis in those isolated communities comes from Radio Australia, which is not broadcast from within the Northern Territory. The honourable member should be aware of that since he clearly takes such an interest in the services provided by the Australian Broadcasting Corporation.

I have no complaint about him taking an interest in the management decisions of the Australian Broadcasting Corporation but I suggest that it behoves the members of the frontbench of the government to give a few instructions to the lad. One of the instructions they ought to give to the lad is that, if he is interested in the facts rather than seeking cheap publicity, he should by all means write his letter to the local manager of the ABC. However, why broadcast the fact? I suggest to you that the only reason he is broadcasting the fact in this way is because he is desperate to try to salve the reputation that he so sadly besmirched in this Assembly last Wednesday.

Mr Coulter: Ask Mr Collins if he knows Miss Gillespie now.

Mr BELL: The honourable member for Berrimah compounds the ills of the honourable member for Flynn by making reference to Miss Gillespie. I suggest that, if the honourable member for Berrimah or any of his mates on that side of the Assembly have any complaints about the objectivity of ABC reporters, they might care to make them. But I will tell you that the honourable member for Flynn does not have the guts to do so. I wonder if the member for Berrimah has?

Mr Speaker, I said this on Thursday night and I evidently need to repeat it again. As far as I am concerned, the member for Flynn has 2 options: either he apologises for his abysmal display or he issues in a press release outside this Assembly what he said on Wednesday night and takes the consequences. He will not have the guts to and, as far as I am concerned, he ought to follow this issue up in a far less public manner than what he is doing at the moment.

I did not rise to mention that. I have 2 other matters that I wish to raise in this evening's debate. However, by golly, the behaviour of the member for Flynn at times beggars description.

Mr Vale: That's the pot calling the kettle black.

Mr BELL: We have the honourable member for Braitling saying that that is the pot calling the kettle black. His contribution to the debate in this Assembly is so scant that one rarely gets the chance to answer anything. In order to listen to issues that the honourable member for Braitling might raise, one has to have a fairly good ear for his interjections.

I have issues to raise in this evening's adjournment debate. One is in relation to the services provided in the tourism industry, particularly in Alice Springs. I had a rather unfortunate letter from a visitor to Alice Springs who had been disappointed at the service she had received. I do not propose to mention names or places but I believe that it is appropriate in this forum to say that we cannot be too careful about ensuring that the quality of the service that is provided to visitors is of the highest standard. The Chief Minister has referred on a number of occasions to the importance of tourism and its contribution to the economic base of the Northern Territory. I am sure that you, Mr Speaker, as an erstwhile minister responsible for tourism, will heartily endorse my sentiments that it is important for us to ensure that the highest quality of service is provided within that industry that is so important to the development of the Northern Territory.

This young woman, who had visited Alice Springs from Cairns, had been distinctly disappointed. She said that, overall, she had enjoyed her visit to Alice Springs but she wished to draw to my attention her dissatisfaction with particular services that she had suffered during her stay. She said that she was overcharged on 3 different occasions. On the fourth occasion, she had to ask for change following a purchase. Each one of the incidents that she referred to - shortchanging and overcharging - is perhaps not by itself a High Court case. But, quite clearly, this person has taken the trouble to put down matters of concern to her and the overall effect has been that it has taken the edge off her stay in Alice Springs. That should be a concern to all of us. She said that, after Alice Springs, she visited Darwin, Perth, Brisbane and Townsville. She said that she did not encounter the same problem of short-changing or overcharging in any of those places.

Mr Speaker, in the tourist industry, repeat business is of the utmost importance. I believe that it is incumbent on me to draw to the attention of the Assembly that somebody had the edge taken off her visit to Alice Springs by this sort of behaviour. It is my intention to draw this to the attention of people who may be interested. I can only say that, on the occasions that I have travelled, a smile and courteous behaviour have been amongst the most precious aspects of such travel - a feeling of being made welcome. Certainly, the Tourist Commission has done its bit to encourage that sort of treatment of visitors to the Territory. I certainly intend to do my bit to encourage the highest possible level of service in the tourism industry so that people come to the Territory not just once, but again and again.

Mr Speaker, a further matter I wish to draw to the attention of honourable members is not quite such a pleasant one. You may recall that, during the last sittings, the South African Ambassador was present in this Assembly. I asked you under whose auspices he was in the Assembly and - as was quite correctly pointed out to me - it is, of course, your prerogative to invite here whom you please. However, I wish to express my concern about the implications that the presence of the South African Ambassador has wherever he may be in Australia. I believe it is incumbent upon me to do so because I feel there are concerns that result from it. I propose in the time that remains to me to draw to the attention of this Assembly particular articles that suggest that it should be a matter of concern to all of us.

I draw honourable members' attention to an article that appeared in the Centralian Advocate about the South African Ambassador - whom I have no desire personally to calumniate, Mr Speaker - appearing by the pool of the Alice Springs Federal Casino and saying: 'The Centre is just like South Africa'. Now before anybody leaps to any conclusions, in all fairness, he was referring chiefly to the geography of the Centre and for that I am most relieved, as I am sure honourable members will be most relieved. However, I believe that that article and his presence in this Assembly needs to be juxtaposed by some comments that were printed in the Guardian of 8 April 1984 in which an Anglican bishop and General Secretary of the South African Council of Churches made some comments. I propose to read these out for honourable members because I think they are important. He wrote:

> *On All Souls' Day, November 2 1983, South Africa held an all-white referendum. The all-white parliament had already passed the constitution that, it was alleged, would replace the Westminster-type constitution that had previously held sway. White South Africa is a master at semantic games that give acceptable names to quite ghastly and brutal realities.*
>
> *Anyone hearing about the Westminster-type of constitution would be forgiven for thinking that it referred to a constitutional dispensation in which all adult South Africans are given the franchise. The harsh reality is that 80% of South Africa's population - the blacks - is without a vote. I am 52 years of age. I am a bishop in the Anglican Church, and a few people might be constrained to say that I was reasonably responsible. In the land of my birth, I cannot vote whereas a young person of 18 can vote.*

I wish to draw to honourable members' attention one particular example that the bishop cites in this article. I think it is instructive because every member here makes representations for 2500 people, not a great many people but I do not think that anybody in this Assembly would have any doubt that those representations bring into effect certain benefits for their constituents. After all, that is our job. I do not think that is particularly contentious. Let us look at the plight of these black South Africans who cannot vote. Let us look at what we are approving of if we approve of South Africa.

Desmond Tutu, the Anglican bishop to whom I referred, raises the case of the 300 families in Mogopa. He said that even the threatened removal of 300 families in Mogopa had been delayed. This was a potential softening - but then he went on to say:

> *The people of Mogopa bought their land nearly 70 years ago and had freehold title to it. They had built schools, clinics, churches, durable homes. They had ploughed their fields. Anywhere else in the world they would have been lauded for being such a stable and settled community. But not in South Africa. They stood out like a sore thumb*

*as a black spot in an area intended for white occupancy. How do you deal with such a situation in South Africa? These blacks have no political clout because they have no vote.*

That is the nub of it, Mr Speaker.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, last week, I was delighted to hear in response to a question to the honourable Minister for Transport and Works the information that the road down to Andado Station, through the desert and through Santa Teresa, would be upgraded to a state where tourist buses can go by that particular route. Mrs Molly Clarke, who is a constituent of mine, and also has connections with Andado Station...

Mr Bell: She is a constituent of mine too, Denis.

Mr D.W. COLLINS: That is right and she is your next door neighbour. She came to me which was a great delight but understandable. She put a proposal to me some time back - and I put it to the Minister for Transport and Works and the Minister for Tourism - that there be a ring route whereby people who come to Alice Springs from the south via the Stuart Highway are afforded an opportunity, when they leave Alice Springs, to go back by a different route.

Mr Speaker, I put it to you that the Territory government has done and continues to do a marvellous job in regard to bitumen roads. There are many advantages in that for the tourists. When I first came to the Territory as a tourist, the dirt road had a certain degree of romance about it, but it pleases me to know that this road will be upgraded so that people can go out past the airport and continue on the dirt road down to Santa Teresa and wind their way across some difficult areas, as the minister pointed out, down to Andado. I believe the people there will develop their facilities to cater for tourist buses. It gives people a real opportunity to see the Simpson Desert which is a fascinating place to visit. You do not really get much of an opportunity otherwise to see it. Besides, it gives an alternative return route because it leads back to the Finke turn-off.

I was also very pleased to help promote what Mrs Clarke had put to me. The people at Santa Teresa have developed considerable road-making skills within their own village and have also constructed a dirt road to the next station a few kilometres down the road. She suggested that, as these people have the expertise, they should be considered for any upgrading or repairs to the road to bring it up to a standard suitable for use by tourist coaches and other travellers. I have had some contact with the Simpson Desert out Ringwood Station way. Certainly, it is an area with a great deal of charm. I am pleased to know that the people at Santa Teresa and Andado will be advantaged by this proposal.

One of my favourite topics, Mr Speaker, as you are aware, is airships. From the time I first heard about them, I have promoted the British airship industry and its development of modern-style airships. However, the Bond Corporation has bought into this and it is very pleasing to see Australian involvement. Recently, I had the pleasure of attending a gathering at which a gentleman from the RAAF discussed the Operation Pitch Black. He is very much involved in radar installation and he explained to us the difficulties of our surface level radar and the manner in which an enemy, if there were an attack on Darwin, would attempt to come in underneath the radar. It no doubt created a lot of noise during Operation Pitch Black when a particular station was, technically, knocked out. I spoke to him afterwards about the airship and the fact that the French and the United States were showing considerable interest

in it as a platform for airborne radar. He was particularly interested in that as was the Commanding Officer when I spoke to him recently about the same thing.

Our airforce, the key line of defence for our country, is rather blind because of a lack of information. These airships, with radar attached - and I believe they will be developed to a fairly sophisticated level - would provide for this country and for our fellows in the RAAF the eyes which are needed to be able to defend our northern coastline. Of course, if we were ever attacked, with almost absolute certainty, we would be attacked here first. Enough of that now. I look forward with interest to development which is proceeding apace now on the airships and the many potential uses that they have.

In recent weeks, I was approached by people working in a Commonwealth Employment Project scheme in Alice Springs. They were making bike tracks and walking tracks around the town. We are all aware of this make-work scheme that the federal government has come up with. The Territory, wisely no doubt, has grabbed the money that has been offered and put it to use around the town. These people came to me with the problem that, on 15 July, these jobs and this scheme would finish. They had their hopes built up only to have them dashed to the ground. I wrote to the federal Minister for Employment and Industrial Relations asking what hope he could hold out for these people but I have had no reply. Really, I did not expect one, more is the pity.

Mr Speaker, in Alice Springs, a group of people have been involved in the air-conditioning business for many years. They developed an air cooler which basically is all fibreglass and includes many improvements upon the old type. It is a low-maintenance machine. I have had the privilege to have the first of these in my house for some time and I can attest to its low usage of electrical power and its effectiveness. These people have spent considerable money and time improving this evaporative-type cooling system and they have sought patents for it. They need help and advice. The people from the NTDC are showing considerable interest and are giving them the advice they need to try and get this invention from the prototype stage into production. It is rather exciting. These Alice Springs people have a wealth of experience and they have put their knowledge, effort and money into inventing something which could well have world patents and, with the proper guidance, could have considerable input for Territory industry in an area in which, I believe, we can compete very well.

My last point today concerns the Women's Shelter on Telegraph Terrace in Alice Springs. We well know a few years back the furore that was created by the Women's Shelter which existed at that time and the very dubious nature of the same. I had the privilege recently to visit it again. I had visited it a couple of years ago. I was very pleased with what I saw at that particular place. Obviously, it is cared for very well indeed and the management really has the people's interests at heart. It is a sad fact that there are men in our society who, whilst in a drunken state or for other reasons, beat up wives who, with their children, seek out the Women's Shelter as a place of refuge.

The attitude of the people in charge there really impressed me. The lady in charge told me that often a husband comes down to the Women's Shelter the next morning feeling an absolute heel because, in his drunken state, he behaved in a despicable manner. She said that there is no point in kicking him in the belly. He is invited in and, if she is happy to come down and talk, the wife is invited and they are often given time together to sort out their problems. Often that settles the whole matter whereas, if such a man were denied access to his children and not able to see his wife, the reverse might happen. The previous shelter had the great reputation that the first thing a woman who had taken refuge was told was: 'Get a divorce'. This way is refreshingly different.

I was not impressed with the article by one of our local papers on the centre. It was a sensationalist-type article and gave a distinctly wrong impression. I am sure the people of Alice Springs and other local members in particular would find it a very impressive place if they went down to that centre and saw how it operates. I believe that we were ashamed of the centre in years gone by. It had to be closed down. The new one is something of which we can indeed be proud.

Mr PALMER (Leanyer): Mr Speaker, without comment or ado, I rise to put on the public record the fact that the member for MacDonnell was the only opposition member in the Assembly when the honourable member for Sadadeen rose to speak and that the honourable member for MacDonnell paid the Assembly the courtesy of leaving. I would like just to put that on the record.

Motion agreed to; the Assembly adjourned.

Mr Speaker Steele took the Chair at 10 am.

## DISTINGUISHED VISITOR
Hon Steele Hall MP

Mr SPEAKER: Honourable members, I draw the attention of honourable members to the presence in the gallery of the Hon Steele Hall, a member of the House of Representatives of South Australia and former Premier of South Australia. On behalf of honourable members, I welcome Mr and Mrs Steele Hall and I hope their stay in the Territory is a pleasant one.

Members: Hear, hear!

## NOTICE OF MOTION

Mr SMITH (Millner): Mr Speaker, I give notice that, on the next general business day, I will move that the Deputy Chief Minister be censured by this Assembly for his failure to carry out properly his ministerial responsibilities under the Housing Act while he was the Minister for Housing.

## SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that so much of Standing Orders be suspended as would otherwise prevent this motion being taken forthwith.

Mr Speaker, I ask also that any questions without notice for today be placed on notice.

Motion agreed to.

## MOTION
Censure of Deputy Chief Minister

Mr SMITH (Millner): Mr Speaker, I move that the Deputy Chief Minister be censured by this Assembly for his failure to carry out properly his ministerial responsibilities under the Housing Act while he was the Minister for Housing.

Mr Speaker, I believe that, after a long search, we have found the Jim Hacker of the antipodes in the Deputy Chief Minister sitting opposite. As we all know, a motion of censure is a very serious matter. It is not something to be approached lightly. However, over the last 4 days of sittings, we have had revealed matters which can be traced back to the Deputy Chief Minister which raise serious questions as to the manner in which he discharged his responsibility while he was the Minister for Housing.

Mr Speaker, over recent days, I have pursued a number of questions relating to the waiver of penalty interest under section 29(3) of the Housing Act. That provision requires that a person selling a dwelling within 3 years of its purchase through a Housing Commission loan must pay an interest penalty. That penalty amounts to a repayment of the interest subsidy under a loan and brings the interest payments up to bank loan rates. The penalty, however, may be waived at the discretion of the minister by instrument in writing.

The facts that have come to light as a result of my line of questioning raise serious doubts as to the manner in which the Deputy Chief Minister fulfilled his responsibilities under section 29. That provision is part of the Housing Act which passed through the Assembly late in 1982 but it did not come

into operation until April 1983. However, before that time, before it was even in operation in March 1983, the Deputy Chief Minister was preparing to abrogate his responsibilities under section 29.

On 21 March 1983, the Chairman of the Housing Commission addressed a submission to the then minister relating to the exercise of his discretion under that section. That document pointed out that the commission handled about 300 discharges of mortgage per annum. Mr Speaker, 300 discharges per annum, approximately 1 for each working day, is hardly a weighty load in itself, and yet only a percentage of these would come within the terms of section 29 by involving a sale within 3 years of purchase. In fact, the evidence shows, as revealed by the present honourable Minister for Housing, that in the past year in the operation of this bill, only 76 applications had been made for a waiver of the penalty interest provisions. That is a very important figure.

The Chairman of the Housing Commission in his submission put to the minister: 'It is considered highly unlikely that, on current markets, any instances of profiteering within 3 years of purchase will come to the commission's attention'. No evidence is offered for this statement and it appears that our new Deputy Chief Minister required none. It is quite clear that a reasonable definition of 'profiteering' would make people examine very closely a couple of the penalty waivers that have been approved in the last 12 months. Indeed, it appears that the minister was more influenced by the next point in the submission which goes on to stress: 'The irritation to you of signing instruments on an almost daily basis...'. The instruments we are talking about are the penalty interest waiver instruments. The Housing Commission Chairman said that there were 300 transactions each year relating to the sale of houses. We know that there were, in fact, only 76 in the last year yet the Housing Commission Chairman put up as a serious point the irritation to the minister if he did not forgo that responsibility and give it to the Housing Commission. Apart from the faulty mathematics involved, I would ask you what sort of minister, who took his responsibilities seriously, would be swayed by such an argument.

The signing of documents and the overseeing of his portfolio in general is an integral and important part of his role yet, to avoid the undesirable element, as the memo describes it, of, among other things, the irritation of signing documents, the minister approved procedures which were described by the Chairman of the Housing Commission in these words: 'Whilst not strictly in accord with the letter of the act, it is considered that they fit well within the spirit'. As the honourable Leader of the Opposition said, it should have set off a few bells. With a capable and competent minister, it would have set off a few bells.

These procedures permitted officers of the Housing Commission to exercise the minister's discretion under section 29 and then forward a monthly return to the minister for his official endorsement. The minister was easily seduced into forgoing an onerous responsibility which he had recently introduced and which had not even begun at that time. What sort of attitude to his duties as minister does that reflect? What sort of attitude does it exhibit in respect of his own legislation which he himself introduced? It raises serious questions as to the attitude of the government and its ministers towards legislative responsibility. The cavalier attitude displayed by ministers in this Assembly to legislation and the wishes of the community at times is an indication of that attitude. But, above all, the incident raises serious questions as to the Deputy Chief Minister's cavalier attitude towards his ministerial responsibilities.

Unfortunately, that is not the end but just the beginning. We find from a further submission from the Chairman of the Housing Commission, dated 2 September

1983, that the minister had not even been involved to the minimum extent envisaged by the procedures approved by him in March. It appears that the minister received only 2 of the supposedly monthly returns in the 6 months between March and September. We had this disgraceful situation where the minister had given away his responsibilities to his department in return for getting monthly reports. We find that he received 2 reports for that period of 6 months. In that 6-month period, there were 37 applications approved for penalty interest waiver - half of the total number approved in the last 12 months. The minister's responsibility was clearly not carried out in permitting that to happen, particularly when he had reached agreement with his department that he would inspect and approve these things on a monthly basis.

That submission drew to the minister's attention the fact that it had been discovered that 4 discharges with exemption had been granted for which there was no justification. That is the submission of 2 September - the same submission that revealed that he had only 2 monthly reports instead of 6. We had a situation of 4 discharges with exemption and the Housing Commission then saying that it was wrong. These were said to be a result of 'insufficient control of required procedures'. It is quite clear that there has been insufficient control of required procedures and it is equally clear that it is the minister's fault because it has been revealed in these documents that he has basically taken no care at all. Obviously, the minister was not concerned to ensure what should have been part of his personal duties would be properly carried out even after all this happened. Indeed, he went on to endorse revised guidelines which were even less thorough than the earlier ones which were in effect when the 4 errors occurred. The new guidelines did not even mention that capital gain was a factor in determining whether an exemption should be granted. This is a most important point.

The original guidelines provided that, in the assessment of the applications, the capital gain that was made should be an important consideration. In these revised and supposedly stricter guidelines provided in September of last year, that element was taken out completely. It is important to note that the 2 cases that have concerned us most about capital gains both took place after that happened.

Mr Speaker, obviously the minister was not interested in the whole thing. He was not interested in carrying out functions which he himself had introduced legislation for and he was not interested in ensuring that any responsibility which was passed down the line was properly carried out. The Chairman of the Housing Commission can, in the minutes to his minister, formally state that he has been supplied with only 2 of what are supposed to be monthly statements in a 6-month period. He offers no explanation. It is clear that he did not feel it necessary or required by his minister. The minister did not query it either. The minister was not interested. He passed it over. He did not ask for an explanation. He made no demand that the situation be improved. He did not insist on a monthly report. He did not want to know. His ministerial responsibilities are obviously a very light matter indeed to him.

We then move on to the election in December. Of course, after the election, there was a change in portfolios. There was a new Minister for Housing, the honourable member for Koolpinyah. The change in the administration of section 29 was immediate and dramatic with the new minister. From day 1 it is obvious that the new minister intended to take her responsibilities seriously. Monthly returns started to appear on her desk. There is no doubt that she perused them carefully and gave them her closest consideration.

The Deputy Chief Minister might benefit from a perusal of the paper tabled in the Assembly yesterday. He might pick up some ideas of how these matters

should have been handled or how he should have met his ministerial responsibilities in these areas.

Unfortunately, the problems created by the neglect of the previous minister did not just end with the advent of the new minister. Not surprisingly, there were hangovers from his poor administration and the new minister, unfortunately for her, was left holding the bag.

So when the minister received her first schedule covering the month of November, we find in the exemption list the sale of 20 Packard Street by Mr Alan Morris, the present Co-ordinator-General, for $130 000, 8 months after he purchased the property for $90 000. The commission is by this time aware that it has a minister at the helm who takes her responsibilities seriously and so the Morris entry shows incorrectly that the property had been held for just over 2 years. In the papers given to us yesterday, on 2 occasions it is shown that the date of purchase is 1 October 1981 and the date of sale is 29 November 1983. Mr Speaker, that is a lie! The computer printout on the residence of 20 Packard Street shows that that property was purchased not 2 years before, as provided to the minister, but 8 months before, as we pointed out in the Assembly yesterday. It is 8 months not 2 years. There has been a grave dereliction of duty on this very important matter by the honourable minister present, who can let people in his department get away with something like that.

There was still a further skeleton left in the cupboard of the previous minister. When the new minister received her second schedule covering the month of December, there appeared the name of Frank Gaffy, former Crown Counsel for the Territory, in relation to the sale of his property at 22 Conigrave Street. You will no doubt recall the details of that case, Mr Speaker. Mr Gaffy bought his house from the Housing Commission in June 1981 for $78 200. It is agreed that he spent somewhere in the vicinity of $30 000 to $40 000 on the house before selling it back to the commission within 2½ years for an amount of $185 000.

But the new minister would not wear this one. She denied her approval to it and quite rightly so. It is quite clear that she denied her approval to it by examining the documents that we were given yesterday.

Unfortunately, it appears that Mr Gaffy got his waiver anyway, despite the new minister's disapproval. His mate, the previous minister, had already promised it. It was already organised and so the commission had to go ahead despite the new minister's objections. It had already been teed up by the previous minister as a gesture between mates. As I said before, the new minister again was left holding the bag. The bag was created and left by the previous minister, now the Deputy Chief Minister.

Mr Speaker, his disregard of his ministerial responsibilities are serious enough when we examine the profligate way in which he exercised - and I use the word 'exercised' here in a very loose sense - his discretion under section 29 of the Housing Act. From the commencement of the operation of the provision, he sought to evade carrying out his functions under it. He was happy to pass it on to someone else and seemed content not to know much about it. He is not even overly concerned when he is informed that the provision has been abused. Such an attitude is absolutely reprehensible.

But it goes further than mere irresponsibility in the way the waiver system was administered. On top of that, we have the minister's mates, senior government officials, who are clearly outside the guidelines for exemption, having their interest penalty waived.

There are many genuine cases being waived, as the present minister has pointed out, but it is interesting to note that those clearly outside the guidelines are senior public servants, the mates of the government. It is obvious that the current minister is not prepared to pass such favours but the previous minister was not above using his position to look after his mates. It is a pity, Mr Speaker, that the current minister has felt sufficiently strongly about this to signal that she will introduce legislation to abolish the waiver altogether. Certainly, that is something that we will oppose because it does have a useful role. We are not objecting to the waiver being there in section 29(3); we are objecting to the previous minister not exercising sufficient control over its use and not exercising sufficient control over his department when he was the Minister for Housing. It goes further than a mere waiver of the interest penalty. In the case of both these senior officials, Gaffy and Morris, their houses were repurchased by the Housing Commission at a nice tidy profit to them.

In the light of these facts, this Assembly is duty bound to censure the Deputy Chief Minister. He has been seriously derelict in his duties as the minister. He has failed to properly carry out his functions and responsibilities under section 29 of the Housing Act and, further, he has abused those powers to look after his mates.

Mr Speaker, there are a couple of other matters as well. We find that the administration of this penalty waiver provision is so poor during the time of the Deputy Chief Minister that, in the complete list of people who have been granted the waiver since the scheme was introduced, we have a person called Massick whose house was sold on 5 February 1983 - 2 months before the scheme was introduced. On the evidence we have before us, Mr or Mrs or Ms Massick, whoever that person is, has been very fortunate indeed because, 2 months before the scheme came into operation, that person received the benefits of this new scheme. That at least is a further example of the minister's incompetence in this whole matter.

Mr Speaker, I refer to another matter. Earlier this year, I received a response to a question on notice that I had put to the Minister for Housing concerning the number of applications for the housing interest waiver that had been approved. My question was: 'How many penalty interest waivers have been granted since the operation of the scheme and for what reasons?' The answer indicated that there were 76 applications and 70 approvals. The reasons were all unexceptional except for one and that one baldly stated: 'Sale back to the Northern Territory Housing Commission'. It was a repurchase, in fact, by the Northern Territory Housing Commission.

At that stage, I did not know any better about the guidelines that the government was operating under. I accepted that. I thought it might have been legitimate but, if you go back to the 2 documents that the Chairman of the Housing Commission forwarded to the minister, it is quite clear there is no provision within those guidelines for the application of the penalty interest waiver on the grounds of repurchase by the Northern Territory Housing Commission. Why should there be? Who has benefited by this one-off application outside the guidelines? Again, it is Mr A.G. Morris.

It has long been obvious in the Territory that, to get on with the Territory government, you must be a government man. When I say government, I mean CLP. You must toe the government line. So it comes as no surprise that the government looks after its people. But when a minister is so blatant in the misuse of his powers in order to look after his mates, this Assembly must act.

Mr Speaker, I call on this Assembly to fulfil its responsibilities and censure the Deputy Chief Minister.

Mr DONDAS (Deputy Chief Minister): Mr Speaker, I have heard 20 minutes of nonsense. Let us refer to the documents that were tabled yesterday. All honourable members have had an opportunity to examine them. On 21 March, a minute was sent to me by the Housing Commission requesting me to consider delegating the power to waiver the penalty interest rates for mortgaged properties.

The honourable member opposite spoke about item 5 which really said 3 things. But he only really harped on one: 'The likely result and effect of new provisions will be the irritation to you of signing instruments on an almost daily basis'. Now he picked up that point at least 5 times. But he did not mention the rest of item 5: 'many settlement transactions will be delayed and a notable increase in the workload of commission staff will be experienced'.

Mr Speaker, there are several reasons why I considered item 5 at the time of offering this delegation. First, it could cause hardship by delay and, secondly, I think our people in the Housing Commission have done a fantastic job in providing housing in the Northern Territory since self-government. That was something the honourable member opposite neglected to say. The important thing is that we have to give senior officers of our departments certain responsibilities to enable them to function more efficiently.

Item 2 says that approximately 300 discharges per annum are handled by the commission: 'Most discharges are requested on a reasonably urgent basis in order to achieve early settlement'. Honourable members opposite would be aware that ministers of the Crown must participate in ministerial conferences in other parts of this country. They are very important conferences. In particular instances, the documents were not forthcoming but nevertheless the delegation was given.

Mr B. Collins: I'll tell you what, the commission knows its man. There's no doubt about that.

Mr DONDAS: Mr Speaker, I heard the opposition spokesman for housing in silence. I request that they do the same.

Mr B. Collins: Well, do not hold your breath.

Mr DONDAS: Let us talk about the waivers to find out what kind of waivers there are. It says: 'loan account'. There is no name. The date of purchase is 10 August 1982. The unit was in Westralia Street, Stuart Park. It says: 'Reason for sale: The borrower has since married and has 1 child and considers the unit is not appropriate living conditions to raise a family. The borrower has occupied the unit since December 1981. The waiver of penalty rate was granted under approved procedures prior to March 1984'.

Mr B. Collins: That is the new minister's instructions.

Mr DONDAS: Sorry, sorry.

Mr SPEAKER: Order, order! Will the honourable minister resume his seat. Will the opposition please behave itself and be quiet while the minister is on his feet? The honourable minister please.

Mr DONDAS: I will read other reasons given by the Housing Commission for the waiver:

*(1) The borrower has now married, has a child of 13 months and does not believe the unit is a proper environment to raise the child. The unit has a living area downstairs and a sleeping area upstairs. The borrower's wife is receiving continuous medical treatment for back problems which occurred in a fall down the stairs whilst pregnant. (2) The borrower has separated from the husband and the matrimonial house has to be sold. The borrower has custody of the child and seeks security by transferring the loan to another property. (3) The borrower separated from husband and has custody of their 2-year-old child; wishes to transfer to another property to ensure security for herself and child. (4) Doctor's letter confirming borrower's general health is suffering due to the intolerance of the noise of his surrounding neighbours. (5) Only option to move residence. There have been several instances where the borrower's life and that of his fiancee have been threatened by neighbours.*

All of those reasons came through senior officers in the Housing Commission, who have been there for a number of years, know the ropes and are exercising a power of delegation. As far as I am concerned, they are doing that responsibly.

We talked about delays. I will inform honourable members that it was never the government's intention that this particular scheme would blow out to the proportion that it has done on 1 or 2 occasions. The important fact is that there was an election. We did have a new minister. The new minister queried procedures in March. She was alarmed and the documents prove it. I also was alarmed because, on 21 March 1983, the Housing Commission's recommendations were accepted. I will read this letter out again. It is dated September 1983:

*The Housing Act provides for repayment by the borrower of interest subsidies should he sell the property within 3 years of purchase, subject to that property having been purchased after 31 December 1980. The act also allows to the minister his discretion to exempt the borrower from that provision. The commission proposed and you approved certain administrative arrangements - copy attached - which basically allowed commission officers to determine whether or not the penalty should apply and that you would then endorse the action following discharge. To date, this procedure has been practised and 2 schedules have been presented to you for endorsement. Following receipt of the July schedule, you have requested further details to support non-application of the penalty provisions.*

That is a very important fact. I was not happy with the schedule. I queried the schedule. I asked for further information.

*A schedule presenting greater details is attached together with guidelines describing the approach taken in making the determination. Perusal of the detailed schedule points to the fact that 4 of the discharged loan accounts had no justification for exemption of penalties. These errors are regretted and it can only be said that they are the result of insufficient control of required procedures. Procedures have been amended to the effect that the director responsible shall personally determine and authorise all future exemptions where applicable. It is recommended that you approve continuation of procedures set out in Ministerial No 375 with the*

*amendment that the Director of Home Loans and Sales determine and authorise all discharges that are subject to exemption from the penalty provisions allowed for in the Housing Act and endorse the methodology and approach taken in making determinations of exemptions as described in the attached guidelines.*

I approved that on 12 September with a proviso in a handwritten comment to the Chairman of the Housing Commission: 'Please ensure that these applications are not treated too lightly'. For the members opposite, I will repeat that: 'Chairman, please ensure that these applications are not treated too lightly'.

Mr Speaker, we move on to Mr Morris. We have had plenty said about Mr Morris and Mr Gaffy. I would like the honourable members to make the statement outside this Assembly that Mr Morris and Mr Gaffy are members of the CLP. He spoke about people having to be mates of the CLP to get anything done or mates of the CLP to get anywhere in government. That is a load of rubbish. Look at the senior officials of the ALP who are in top jobs in the Northern Territory government.

He made another mistake this morning. He said that Mr Morris had the house for only 8 months and then made this enormous profit. The title was issued 8 months before. Mr Morris bought his house at the Valuer-General's valuation of $90 000 in October 1981. He sold the house back to the commission in November 1983 at the Valuer-General's value of $130 000. In that time, he made improvements including an in-ground swimming pool, concreted areas under the house, carpets and furnishings and other improvements to the garden. I understand that Mr Morris valued those improvements at about $25 000. Taking into consideration interest and a small increase in property values, he made this fantastic profit of about $10 000 over 3 years.

Mr Gaffy bought a house from the government and upgraded it. He spent money in doubling the size of the house and increasing its value. Of course, he made a huge profit and the opposition has made great play of it. We are not allowed to make money when we sell our houses; we have to sell them for the same amount that we paid for them. In fact, I mentioned yesterday that, 4 years ago, the Leader of the Opposition probably paid about $70 000 for his house. Today, it would be worth in excess of $100 000. But he is not allowed to make a profit; he must sell his house for $70 000.

Mr B. Collins: You can have it any time you like for that price.

Mr DONDAS: I will buy it for $70 000; get your contract of sale.

Mr B. Collins: You are carrying on like an ass.

Mr DONDAS: Mr Speaker, we heard about 70-odd approvals within the guidelines in the last year. The honourable member opposite did not mention the fact that the vast number of those waivers were within the guidelines.

The other document tabled yesterday was the revised guidelines. They state: 'Ministerial discretionary power will be exercised in those cases where a purchaser disposes of his property in extenuating circumstances; for example, through ill-health of family member requiring leaving centre, personal circumstances causing inability to meet repayments etc... Ministerial discretionary power will take into account all relevant factors, including capital gain' - and the honourable member spoke about the new guidelines but did not talk about capital gain; once again, he neglected to read the whole document - 'if any, earned from the sale and any detrimental effect on

subsequent mortgagee security. The subsidised interest penalty will not apply where sales of mortgaged properties cannot be prevented because they occurred by operation of law, between parties to a dissolved marriage, enforced sale by a mortgagee in pursuance of a mortgagee's power of sale. The penalty will also not apply where the mortgager is legitimately required to move from one centre to another in the Territory on long-term transfer or promotion and sells the mortgaged property in the former centre to purchase in the new centre'.

Mr Speaker, I delegated responsibility to senior officers within the Housing Commission in March. In September, I queried that and it was then agreed that only the Director of the Home Sales Scheme would be the person responsible. At the same time, we must also be aware of the procedures of departmental officers. 99.9% of everything that emanates from departmental officers goes through the Chairman of the Housing Commission. The Chairman of the Housing Commission also has a board. There are a number of people within that organisation who act as barriers or buffers and also provide advice. If this government is to be allowed to function, it must be able to allow senior officers of government departments to have the power of delegation. What the opposition is asking for is that every time the departments want to buy a pencil or a refrigerator, we will have to authorise it. They have budgets of $150m.

The honourable member did not pick up the point that, during the almost 2 years that I was minister, the Housing Commission reduced its level of waiting time, built more units, obtained more finance for the Home Loans Scheme and obtained more finance for acquisitions.

Let's talk about Mr Gaffy again. Why did the Housing Commission buy Mr Gaffy's house? We bought Mr Gaffy's house because we need to be able to provide senior officers with accommodation. I understand that Mr Gaffy's house has now been taken over by the new Crown Solicitor. Mr Gaffy was the previous Crown Solicitor. It has become what we could call succession housing. Honourable members opposite know that, unless we provide reasonable accommodation, we will not attract the topline people that the Northern Territory needs. We are now harassing these people and talking about huge profits. Mr Morris possibly made a paltry $10 000 or $11 000 on an investment he made over 3 years ago.

Mr Speaker, I do not accept the motion of censure because I believe that, during the period I was the Minister for Health and Housing, I conducted my duties in a most responsible manner. I made a decision to give a power of delegation and to provide the resources to a government department to allow it to function properly and to enable the good order and good government of the Northern Territory. I would do it again.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this morning we have seen the honourable minister once again make an ass of himself. We have seen the minister demonstrate only too clearly to this Assembly that he should never become the Chief Minister of the Northern Territory. That really is the most relevant point of this debate. We all know that the Chief Minister thinks he is going off to do battle with Bob Hawke in Canberra. It is a reasonable assumption in all of the speculation at the moment about who will be the Chief Minister, that his deputy would have to be considered as one of the front runners. We will need a lot of assistance, I am afraid, if that ever happens.

Mr Speaker, what the record clearly shows is that the minister did not exercise his responsibilities in this matter at all. In fact, his defence this morning was extraordinary. I must say, in passing, that the new Minister for Housing comes out of this entire affair smelling like a rose. In fact, I do not

hesitate to quote from the letter that she wrote when she found this extraordinary mess in her department as a legacy from the previous minister who is now deputy head of the Northern Territory's government. Some of the correspondence indicates a slackness and a lack of attention which, if it was exercised by any of my personal staff in my office, they would be sacked on the same day that it occurred. It is quite unbelievable.

We see in these documents a classic case not only of a minister who was successfully snowed by his department but who was dumb enough to let them get away with it again and again. I cannot offer more support for that contention than the actions taken by his successor - and not too soon, I might add. I know that a few of the honourable minister's colleagues on the frontbench would have jumped through the window if they had received a memo like that from their departments, and I include the Chief Minister among them.

The Deputy Chief Minister referred to the minute that he received on 21 March. Jim Hacker at his worst - and what an asinine and idiot minister he is portrayed as in that program - would never have reached the stage of being snowed to the extent that this minister has been. Before the scheme is even under way, the commission gets off the mark immediately and sends him a memo which says that it wants him to delegate his discretion to it immediately - it is a classic 'Yes Minister' situation - because it does not want to irritate him by signing instruments on an almost daily basis.

As the member for Millner pointed out, I would have liked some evidence to have been proffered from the department as to why I would be needing to sign instruments on a daily basis. As we now know, the minister did not have to do this more than about once a week. There were 70 applications in 52 weeks of the year. Can you call that a daily basis? The minister did not even query it. He simply accepted blindly the advice that had been offered. Even before the act was in force, the minister's department told the minister that it would look after it: 'Take it out of your in-tray and put it straight in your out-tray without ever seeing it and you won't need to be irritated again'.

One would think that alarm bells would have gone off with that memo. They certainly would have gone off in my head if I picked up a memo from my department designed to relieve me of my discretion. It said: 'The following procedures are designed to overcome the above mentioned undesirable elements' - including irritating the minister - 'and, whilst not strictly in accord with the letter of the act, it is considered they fit well within the spirit'.
Mr Speaker, I could rest my case at that point. Any minister who would have just blithely said 'approved' at the end of a memo like that deserves to be sacked. How can a minister accept a memo from his department when he knows it is his discretion they are talking about, and he has to wear it? He is wearing it now, and rightly so. How could the honourable minister allow himself to be gulled to that extent? It is such an important issue. It is obvious that he did not want to end up with egg all over his face through his own devices. But this involves a power that he had to exercise under the act. He received a memo from his department a month before it even came into effect: 'We'll relieve you of all that'. They told him in the same memo that what they were proposing did not comply with the act. But over the page it says: 'approved'. All he had to do was put a cross on the letter and it was approved.

I do not need to go any further. I am going to but I do not need to because any minister who would be idiot enough to give away his discretion, knowing that he has been advised that the procedures that he was approving did not comply with the act, is not fit to be a minister in any government. The

fact that he is deputy leader of the government, and likely to take over in December or whenever as leader of the government, should be a warning to us all.

It gets worse, as the honourable member for Millner pointed out. I am not even interested in going into the details of Gaffy's house or Morris' house or whatever. It does not matter. How could any minister be idiot enough to sign such a document and approve it? But he did. His sole defence was to read out details of these waivers which had been obtained by the new Minister for Housing. That is extraordinary.

He had one further arm in his defence. There were only 2. The other one was that, when he received the next letter from the Housing Commission telling him that there had been a few problems, he scribbled on the bottom of it: 'Don't treat these applications too lightly'. It must have taken him all of half a second to scribble that. This is the document that he scribbled on - the letter to the minister from his commission: 'To date, the procedure for providing you with monthly schedules has been practised'. In the original note, it promised him an accounting once a month. What he received was 2 schedules in 6 months. It acknowledged that in this letter and then had the hide to say that 4 of the cases that it had approved should never have been approved. The commission explains that: 'Oh, it is an error which was a result of insufficient control of required procedures'.

Have a look at these 2 classic pieces of departmental correspondence. We have 1 before the ink is even dry on the bill telling the minister: 'Do not worry your head about that. We will take care of it even though what we are proposing does not comply with the legislation'. The next one is: 'Oh sorry, we have mucked this one up and we should not have done it. We have complied with the agreement to send you a schedule every month by sending you 2 in 6 months so you should be happy with that'. 'Approved', says the minister. He puts a little note on it: 'Do not treat these applications too lightly'. He rests his defence on that. This minister is totally unfit to hold such a senior position in any government. How can a minister allow himself to be snowed to that extent by his department?

Mr Speaker, the new Minister for Housing arrived on the scene and, obviously, died of fright when she saw this. I do not blame her. I have known her for a long time personally and none of her actions surprise me at all. I know just how correct and thorough a person she is; I was her next door neighbour for 6 years. She must have been horrified with the slackness and stupidity - and that is the only words you could apply to it - of the previous incumbent in that portfolio. She receives a reference to the particular house that was mentioned and a recommendation to exercise her powers and exempt the penalty interest. She very firmly scratches out 'approved' and says that it is not approved. Despite the fact that that minister said it cannot be done, it was done because it had been organised by the previous Minister for Housing. The correspondence shows it clearly. There was not even a mention of that by the minister, and I am not surprised.

I will read out the letter that the current minister wrote to the department and which has been helpfully given to us. I do not hesitate to say that it is an indication that the ministry of housing is in very capable hands. The letter is to the chairman:

> *I refer to an application to me to exercise my discretion in respect of the purchase by the Housing Commission of a property belonging to the former Public Service Commissioner, Mr David Hawkes. I am asked to exercise my discretion...*

She then says, and note these words: 'I would like to place several matters on record'. You do not have to be a minister in a government to pick up the import of that little statement. I certainly did and I would have written precisely the same sentence if I had come in on this dreadful mess. The new minister said that she wanted to place several matters on record:

> *Firstly, I want to be informed in future when the Housing Commission is considering the purchase of properties from public servants, and I emphasise, in all cases. Secondly, I want you to know that I shall not exercise my discretion to waive penalty interest rates except in the most extraordinarily extenuating circumstances, and the decision will be made by me and, should there be any delegation in respect of this discretion at the present time, I hereby revoke it.*
>
> *Finally, I want to say that I am concerned that the penalty has apparently been waived in respect of Messrs Gaffy, Morris and Stanley. Whilst I acknowledge that I may have agreed to one of these requests when I first became minister, I am alarmed at the practice that has apparently developed.*

Mr Speaker, I do not hesitate to say that that even throws more credit on the current minister. She had just adopted the previous practice of the absolutely hopeless case who had preceded her but, after only one instance, it set off the bells which clearly had been ringing for 2 years and had not been listened to by the previous minister. It provoked this correspondence: 'There will be no waiver of penalty interest in favour of Mr Hawkes and, if there is any capacity to recover this from Messrs Gaffy, Morris and Stanley' - who found a most obliging previous Minister for Housing - 'I direct you to take the necessary action forthwith. I do not want to receive any applications of this nature in the future unless there are the most extraordinarily extenuating circumstances and, furthermore, any purchase of houses from senior public servants should be, as far as possible, avoided'.

Mr Speaker, I am not making a party political statement when I say that I think that letter has to be a classic example for the record of a competent minister who has found an absolutely disgraceful and alarming mess left behind by the person who is now the deputy head of the government and likely, before the end of the year, to become the head of the Northern Territory government. The most action that was ever prompted from that previous minister was to scribble on the bottom of a letter: 'Do not treat these matters too lightly'. That was the full extent of the minister's interest in a ministerial discretion which he had and which, he had been advised by his department in an official memo, would be used on his behalf in a manner which did not comply with the act. It is spelt out in the correspondence.

I would like to hear other members of the Deputy Chief Minister's frontbench tell this Assembly, in all seriousness, that they would discharge their own ministerial responsibilities in the same manner. I hope the Treasurer and the Chief Minister would not be prepared to do that because it really is a disgraceful record. The letter that was sent immediately after one such case had been brought to the attention of the current Minister for Housing reflects a great deal of credit on her competence as a minister. I am sure that the members of the press gallery who are interested in politics in the Northern Territory, after reading through this fascinating correspondence, will come to the same conclusion.

Mr Speaker, there is much more interesting material in these documents to indicate the specific nature of the problem involved. I will conclude with

another piece of advice from the department to the minister that should have set off some sort of a warning. In the original letter from the department to its minister - and, as I said before, the department clearly knows its man - proposing to relieve him of his discretion in this matter, the department said that the basis on which waivers will be given are family problems, family distress and so on. I can understand the alarm of the current minister in taking the action she has. It has been very decisive action. A more categorical instruction could not been issued to a department. I must say that she has gone a bit too far, although I don't blame her. But now she has shut the gate, she should consider reopening it just a little. It is pretty clear that, in her hands, it will not be abused. The circumstances of the waivers included: transfer of employment, irretrievable marital breakdown, medical grounds, further education requirements and bankruptcy. I say to the honourable minister who is now in charge of the portfolio that these cases do require ministerial discretion to be exercised, so the gate should not be shut.

However, then we heard this astounding one: repurchase by the Northern Territory Housing Commission. So we have a situation where Northern Territory public servants can purchase their houses from the Housing Commission and then sell them back to the Housing Commission for a much greater amount of money, despite any improvements made and, for some strange reason, penalty rates that should apply can be waived. We have not yet worked out how much this has cost the Northern Territory taxpayer. We know in the case of one house that it was $5000. If a similar rate applies to the other houses, it would be at least $200 000.

The loss of $200 000 is not the most important matter in this debate at all. It is irrelevant. What is important is that the Deputy Chief Minister, perhaps to become the Chief Minister of the Northern Territory, could not run a pie cart let alone the Northern Territory government. He has demonstrated it. He allows himself to receive a memo from his department relieving him of a responsibility which, under the legislation, is directly his. He is informed in the same memo that the procedures it is going to use to do this on his behalf do not comply with this brand new legislation. He puts a cross through 'not approved' and that is the only interest he has in the letter. He says: 'Sure, go ahead and do it'.

Forget about the rest of this argument, which is bad enough. I would like to hear any one of his frontbench colleagues tell me in all seriousness in this Assembly that he or she would have taken similar action. I would like to hear any of them tell me that a minister who is not capable of controlling his department to that gross extent is fit to be on the frontbench of any government.

Mr ROBERTSON (Attorney-General): Mr Speaker, over the last few days a series of questions have been asked in this matter. I thought at the time, as all honourable members would have thought at the time, that they were quite reasonably and properly put. The opposition was seeking information to which, of course, it is entitled. Indeed, by seeking that sort of information, the public obtains that information, and they are certainly entitled to it. Then this morning, following this line of questioning, the sponsor of this motion, as a courtesy, provided copies of the motion to this side of the Assembly. I thought that that motion, having regard to the questions and the interest shown in the matter, was again reasonably put. It was the sort of issue that the opposition wanted to bring out into the light of day.

However, my illusion that there were proper motives behind this motion and the questions was bit by bit eroded as I listened to the 2 previous speakers: the person who led the motion, the honourable member for Millner, and the

honourable Leader of the Opposition. As the content of their debate expanded and extended, the initial alarm bells, to quote the Leader of the Opposition, as to their motives became a clanging din. It became quite obvious from the very content of the contributions that the real motive was one of pure party politics, not of good administration.

Mr B. Collins: Well, let's hear you establish the grounds for that.

Mr ROBERTSON: I will proceed to demonstrate that and I really do not need the Leader of the Opposition's invitation to so do. What we had at the beginning of the contribution of the sponsor of the motion was an attack primarily on the manner in which a delegation was exercised by a commission. For the head of a department to put to a minister a proposition for a delegation before the actual commencement of legislation is not unusual. It has happened to me on a number of occasions. The question of whether or not an individual minister would delegate is a matter for him or her. We all exercise that judgment differently. But at no stage during the first 22 minutes of the speech of the honourable member for Millner did we hear anything which was directed towards the integrity of the minister himself in the handling of his ministry. It only came about in the last couple of minutes and at that stage I realised the real motive.

Mr B. Collins: His integrity is not in question.

Mr ROBERTSON: Oh, his integrity is not in question. Well at least that is one small concession. Let us look at what the honourable Leader of the Opposition's interjection does to the whole of his credibility. Remember these words well: 'His integrity is not in question'.

Mr B. Collins: It's his intelligence.

Mr ROBERTSON: Thanks for that little one, Bob. You have helped me no end.

Mr B. Collins: You need it.

Mr ROBERTSON: We are told by the honourable member for Millner that, in order to have these sorts of considerations, and I will quote him exactly...

Mr B. Collins: You address these remarks to him, not to me.

Mr ROBERTSON: You are the person who gave me the 'in' and I thank you for it.

Mr B. Collins: I know you are trying to make bricks with straw. You're not doing too badly.

Mr ROBERTSON: It really was an attack on the integrity of officers of the public service and an attempt to attach that accusation to the honourable Deputy Chief Minister. The honourable member for Millner said: 'You have to be a member of the government. You have to be a mate and you have to be a member of the Country Liberal Party'. If that is not an attack on the integrity of the minister who is supposed to...

Mr Smith: I did not say that, Jim.

Mr ROBERTSON: Look up Hansard in the morning. You said it all right. I wrote it down verbatim.

The attack used was to couple the membership of a political party with the granting of 'a favour'. Of course, the 2 people who were named as being such recipients were Mr Frank Gaffy QC, who was the Crown Counsel of the Northern Territory, and Mr Alan Morris. Of my own knowledge, I know that Mr Gaffy was not a member of the CLP and I know he has never been a member of the CLP. That honourable gentleman, who is supposed to have colluded with a minister of this government in some sort of a crazy scheme to defraud the taxpayer, is now a member of the Queensland Law Reform Commission. This is the person with whom the Deputy Chief Minister is supposed to have colluded. Of all people I have had dealings with, Mr Alan Morris is a man of absolute integrity. I am informed, and I have no reason to disbelieve my information, that he too is not a member of the CLP. Thus we have, as part of our vehicle for political purposes, a besmirchment based on nothing but untruth - an unparliamentary word would probably be more appropriate.

We also heard about alarm bells. It is distortion of the truth - in fact, a deliberate untruth - that the opposition launches as part of its petty attacks. We know that the minister who is under attack in this matter had been the minister for 2 years and, over that period, he did not detect the alarm bells. What is the truth? Not that the truth ever matters to the opposition. The truth is that he was a minister for about 7 or 8 months.

Mr Dondas: 12 months.

Mr ROBERTSON: 12 months. I looked at the wrong book. We can all make mistakes.

Mr B. Collins: Well, I cannot apparently.

Mr ROBERTSON: Indeed, you cannot.

Mr B. Collins: Tell me that you would have approved this memo.

Mr ROBERTSON: Mr Speaker, this one is not directed at the Leader of the Opposition. It is directed at the sponsor of the motion itself. He told us on television and in the Assembly that the period between the purchase from the Housing Commission and the sale of the house by Mr Morris was 7 months. It was repeated in here this morning as being 7 or 8 months. Funny about that. I happen to have the mortgage document in my hand, and it goes something like this. I would hate to see the honourable member opposite become Chief Minister of the Northern Territory because he cannot even count. Perhaps his problem is that, given the benefit of his fingers, he can count but his real difficulty is that he cannot read. The mortgage was entered into on 1 October 1981. The discharge of the mortgage, properly certified and witnessed by a Justice of the Peace, occurred on 22 February 1983. This horrendous profit of about $10 000 was sold to the public by this disreputable opposition - who will use any vehicle, no matter how low, for political purposes - as being a rip-off which occurred after a period of 8 months.

In substance, what we really have is a help-John Reeves exercise. It is another angle on the old problem of keeping him there. I assume that

that can be the only purpose because this is purely political. When this was originally raised, I thought that the opposition would have the decency at least to confine itself to fact rather than distortion, half-truths and worse.

Mr Speaker, the whole exercise put forward by the opposition fails in credibility on the words used by both speakers from the opposition to date. If anyone else would like to confine himself to the facts, then perhaps we might be disabused as to the motive which I see as coming through quite clearly. There is no substance to this motion for censure of the minister at all. At no time, other than in the last bit and for purely party political slanderous purposes, was any matter of lack of integrity brought before us. It is a vehicle used by the opposition for completely improper purposes.

Mr SMITH (Millner): Mr Speaker, I will not take up too much of your time. The brevity of the last speaker's response is a fair indication of the amount of material that he had to play with on this particular matter. He did not approach in any shape or form the questions raised by both myself and the Leader of the Opposition. I do not intend to go over them.

I want to take up a particular point: the question that has been raised as to when Mr Morris actually took up residence and signed the mortgage documents for his house. I am pleased that the minister has been able to produce that information. It may solve one problem but it reveals another very severe problem. We have a computer print-out here from the Registrar-General's Office which says that, on 2 March 1983, the documents for the transfer of that property from the Housing Commission to Mr Morris were lodged and, on 4 March 1983, that transfer was approved. On the evidence provided to us by the honourable Attorney-General...

Mr Everingham: A transfer is different from a sale.

Mr SMITH: That is the only public information we have available to us.

Mr Everingham: You could have...

Mr SMITH: The Chief Minister could have spoken in this debate, Mr Speaker. He had his opportunity.

We have the situation where, 13 or 14 months after the sale and the mortgage document has been signed, we have this registered. This reveals to me that there is a problem in the Housing Commission. It was obviously the Housing Commission's responsibility to provide all the relevant documents to the Registrar-General. Alternatively, there is a problem with the Registrar-General. That is something that this government should look at.

It is quite clear that the opposition has made a very clear case that the minister has not exercised his responsibilities sufficiently. It is clear both from the actions of the minister himself as revealed in the documents that he has put forward and, equally significantly, it is revealed in the actions undertaken by the present Minister for Housing in the corrections that she has quite properly made on the policy and the mess that the previous minister allowed to develop.

Mr SPEAKER: The question is that the motion be agreed to.

The Assembly divided:

| Ayes 6 | Noes 19 |
|---|---|
| Mr Bell | Mr D.W. Collins |
| Mr B. Collins | Mr Coulter |
| Mr Ede | Mr Dale |
| Mr Lanhupuy | Mr Dondas |
| Mr Leo | Mr Everingham |
| Mr Smith | Mr Finch |
| | Mr Firmin |
| | Mr Hanrahan |
| | Mr Harris |
| | Mr Hatton |
| | Mr Manzie |
| | Mr McCarthy |
| | Mrs Padgham-Purich |
| | Mr Palmer |
| | Mr Perron |
| | Mr Robertson |
| | Mr Steele |
| | Mr Tuxworth |
| | Mr Vale |

Motion negatived.

## MINISTERIAL STATEMENT
### Government Liabilities and Contingent Liabilities in Respect of Major Projects

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I have been asked by the honourable Leader of the Opposition to supply details of government liabilities and contingent liabilities in respect of major projects, including the Yulara and Sheraton projects. I should say that such a statement was already in preparation and it had been my intention to make it during this sittings, as I announced during the last sittings. As most of these projects are related to tourism, let me at the outset emphasise that the government is determined to stimulate the development of the Northern Territory by lending encouragement to the tourist industry. To this end, we have embarked on a course which will see the early completion of major new tourist accommodation facilities and expansion of promotions via new hotel operators and the Tourist Commission, new air services into Darwin from overseas and a revitalisation of casino operations. The government's determination will be manifested by a substantial increase in the Tourist Commission's annual budget for 1984-85 and I will give details on the success of our activities to date later in this statement.

The development of the Yulara Tourist Village is the catalyst for a huge boost in the establishment of this infrastructure. Honourable members are aware that this project is well under way with one hotel already opened and total completion set for November this year, under the auspices of the Yulara Development Company. I tabled the project documentation in May 1982.

To this point, the construction activity at Yulara has been funded from borrowings by the company through major international and Australian banks. Those borrowings have been supported by guarantees given by the Northern Territory Development Corporation with security over the project assets. I report with some satisfaction that the company has been able to raise $26.5m in

extra capital for the project, through a partnership of major banks including the Commonwealth Trading Bank and the National Australia Bank, and I am delighted to welcome their eventual participation in Yulara. This will allow the equivalent part of the debt financed to be retired and also allow a substantial reduction in project cost through utilisation of taxation deductions generated in the project.

The total of loans drawn by September this year will be $110m. This amount, together with the new capital, will allow the substantial completion of the resort. I expect the capital to be injected in instalments commencing this month as soon as agreements are finalised. When this happens, the NTDC guarantees will be extinguished in exchange for agreements under which the government will make contributions to the project each year and the interest it has in keeping the cost of water, sewerage and other services at Yulara to the reasonable Territory-wide tariffs as well as for its lease of such premises as the school, the police station and various government offices there. Total payments under these agreements each year will be in the order of $5.9m less governmental revenues derived from the project.

One such item of revenue will be about $2m in stamp duty receivable in this coming financial year. There is provision for the contribution to be adjusted in line with actual experience and, as Yulara becomes more successful - and all the indications are that it will be - then the contribution will be reduced to the extent of extra tourist visitations above basic projections and, in effect, will be a budgetary matter each year.

The absolute maximum contingent liability of government for Yulara, that is if no tourists go there for a full year, would be of the order of $15m for the year concerned. When the partners who will subscribe the capital withdraw in 12 years time, the Yulara Development Company will have an asset worth $150m in 1984 dollar values and, at that time, on reasonable assumptions, liabilities of about $30m, again in today's dollar values. At that time the NTDC would be exposed again to the guarantee of the returns on that level of reduced liability, but its level is relatively small given the project revenues then received. The contingent risk is thus minimal. I would point out to honourable members that it is this underpinning of the development which achieves the future profitable position for the company and allows elements to be sold then with a strong prospect of a substantial nett return. Under the company's structure, that surplus will then accrue to the Territory Insurance Office.

But the Yulara project is not the only infrastructural project under way. Another one is the Alice Springs Sheraton development. That Alice Springs hotel will be owned by the Australian Industries Development Corporation, a Commonwealth statutory authority, and managed by the Sheraton International Hotel Group. Construction is proceeding well and the hotel should be completed by the end of 1985. The construction finance and related overhead expenses will total about $34m and this will be guaranteed by the NTDC until the purchase by the AIDC on completion of construction. There is a fixed-price contract and an agreed value supported by securities so the exposure as a contingency for the construction period is again minimal.

When the AIDC puts in its money to buy the hotel, there will remain $24m of debt financing in the structure. This, together with an agreed commercial return to the AIDC, which will vary as to its take-up of available taxation reductions, will be guaranteed by the NTDC. This guarantee will be, as a bottom line, an undertaking to make up the difference between the cash returns from the Sheraton operations after their percentage management fee and the commitments as to the commercial returns for the owners and lenders for a period of 8 years.

We have developed a base case of conservative results from this hotel using occupancy rates rising from 45% in the first year to 80% in the eighth year. In this model, the liability of the NTDC to make up revenue would be: in year 1 - $1m; year 2 - $1.6m; year 3 - $1.2m; year 4 - $0.7m; and year 5 - $0.2m. Then years 6, 7 and 8 appear to go into profit: year 6 - $0.1m; year 7 - $0.3m; and year 8 - $0.5m. A total contingent liability on that computer model is $3.7m.

At the end of the eighth year, the agreement is that the hotel will be sold. The expectation would be that it could be sold for at least its original value of $34m in today's dollar values. The profit on sale will be shared: 70% to the AIDC and 30% to the Territory government, through the NTDC. Having regard to the makeup payments made, this distribution should see the government returned to virtually a neutral financial position for the project term.

There is, of course, greater exposure if a worse case develops, and also the potential for gain if better results are achieved - and, of course, if a better sale price is obtained.

With our concentration on promotion and the expertise of Sheraton, we are confident of the latter. If, for some reason, it is not possible to sell the hotel at its value at the end of the eighth year, the NTDC may arrange for a company to buy it with the usual debt guarantees. This exposure would run on until circumstances changed and the hotel could be sold at a profit. When it is sold, any profit would accrue to the NTDC alone. Mr Speaker, I would only remark that, if that hotel cannot be sold in 8 years time in Alice Springs at its present value of $34m then Australia - not just the Northern Territory - will be in a very bad position.

With the Darwin Sheraton project, we are still in the negotiating phase with the owner, Manolas and Son Ltd. Their financiers, Wardly Australia Leasing Ltd, Sheraton and the builders, Civil and Civic Ltd, and Manolas and Son Ltd will have an equity of the value of the land in Mitchell Street plus $1m in the project. The final value of the hotel is still being refined but it will be in the vicinity of $40m. The lease financing for the project will be in place for the term of the NTDC guarantee which will be extended to it; that is, 10 years. The payment by the owners under the lease will be dependent on the taxation position achieved which should be of the order of $4m. The guarantee will be that, to the extent that lease and other minor overhead expenses cannot be met in any year from the surplus cash from Sheraton's operations, the NTDC will make up the difference.

The base model used in projecting the results has been developed on the basis of market research using occupancy rates commencing at 56.7% in the first year, 1986-87, and rising to 80% in the tenth year. I think that is a reasonably modest projection, Mr Speaker. That model produces the need for payments of loans of the following order, again in today's dollar values: year 1 - $2.6m; year 2 - $1.8m; year 3 - $1.3m; year 4 - $0.9m; year 5 - $0.4m; year 6 - $0.3m; year 7 - $0.1m; and years 8, 9 and 10 should go into a small profit - $0.1m, $0.3m and $0.4m. A total exposure is projected of $6.6m.

The proposal is that, at the end of the tenth year, the hotel will be sold. Its book value at that time will be only about $15m, again in today's dollar values. The surplus on sale will return the Manolas and Son Ltd equity, repay the NTDC loans, give a return on equity of 10% per annum to Manolas and Son Ltd, pay commercial interest on the government loans and return the residue in equal shares to Manolas and Son Ltd and the government, in that order. If the hotel cannot be sold for even that low value, then the NTDC would support its purchase

by a company which would have the favour of its guarantees. When it can be sold, any profit would accrue to the NTDC alone.

Honourable members will note that no loans at concessional interest have been provided to any of these hotel projects nor has there been any direct equity involvement. Further, there is provision for eventual recoupment of any payments and, indeed, for taking a profit share, even if no payments are made. I will instance these examples of how to take a share of a profit without putting any cash up front. Honourable members may care to make their own judgments as to the numbers I have included in this statement. The key point in each of the 3 projects is that we are in a position where the NTDC support has been or is being effectively converted from contingent liabilities which could emerge at any time for a project's full value to a manageable stream of actual liability. That stream will vary in its amount directly with the success of our promotional activities and those of the operators. In any case, provision is there for any payments made to be recouped at the end of the guarantee periods concerned.

Last Tuesday, the Leader of the Opposition asked the Treasurer for a brief outline of projected contingent liabilities expected by the end of the 1984-85 financial year. The question, by its wording, went beyond contingent liabilities to encompass actual liabilities such as loans and deferred payments. My intention in this statement, Mr Speaker, is to be as comprehensive as possible on such issues and, accordingly, I am setting out the following details of the extent of liabilities as they will stand on 30 June 1985. These are Treasury estimates. The actual liabilities of government: (1) semi-government loan program outstanding - $160m; (2) deferred payment contracts - $28m; and (3) Yulara annual contribution - $6m. That is a total of actual liabilities of $194m.

The following are the contingent liabilities. Again, I point out that these are Treasury estimates of the cost of the stage of construction which these projects will have reached at that time: Alice Springs Sheraton guarantee - $14m; Darwin Sheraton guarantee - $10m; Workers Club guarantee - $3m; V.B. Perkins guarantee - $4.5m; and Yulara annual guarantee (on closure) - $15m. This makes a total of $46.5m.

The actual liabilities present the major categories of fixed commitment and represent payments of raisings for value received. Certain ongoing commitments such as lease payments on office buildings and equipment, the payment by NTEC for gas, ongoing works and Port Authority contracts and government loan raisings serviced out of Commonwealth guaranteed revenues are excluded as being straightforward operational matters. Deferred payment contracts are counter-cyclical measures and are not to be regarded as a regular future budget mechanism. The contingent liabilities for the 2 Sheraton hotels represent the actual estimated expenditure to 30 June 1985 under the construction-financed guarantees on the basis that both projects terminate at that point. In each case, the government would have the benefit of the uncompleted works as an offset and refinancing would enable them to proceed.

The Yulara contingency is included to cover the worst-case scenario where the project had to be closed down at that date. Again, the government would have the asset ownership as an offset. Certain contingent liabilities are of such a general nature in common with other governments as to be unquantifiable. These include contingencies of the kind covered by our self-insurance scheme, temporary underpinning of crop purchases in difficult times and non-repayment of housing and other loans made by government agencies. Generally speaking, such liabilities are covered by special reserve funds and mortgages taken over the

respective assets. Further details are available from the annual reports of the TIO, ADMA, NTDC and the Housing Commission.

In relation to the casinos and associated developments, negotiations with the parties have not reached a point where it is yet possible to give any precise details.

Mr Speaker, as I have said, we are committed in a very direct way to making tourism a highly successful industry in the Territory. The infrastructure now under way or planned for the near future has a direct employment potential of about 2300 jobs. At present, 4600 workers, or about 9% of our total workforce, is employed directly in tourism and tourist-related industries. As a government, we will do everything we can to ensure that new jobs are created and that Territorians may look forward to an expanding economy through the growth of tourism. The result of increases in funds to the Tourist Commission in recent years, directed primarily to marketing, has seen a remarkable increase in the number of tourists coming to the Territory from 181 000 in 1975-76 to about 483 000 in 1983-84.

Growth in bureau sales this year has been impressive. Total sales for the month of April were $1.038m, an increase of 71% over the previous year. This growth in direct over-the-counter-sales at the Northern Territory Tourist Bureau does not reflect sales by travel agents who are serviced by the Northern Territory Tourist Bureau in the various capital cities. This growth in sales continued at an unprecedented level in May with sales yet to be verified at $1.462m, an Australia-wide increase of 58.22%. This year's dynamic growth has exceeded expectations and the commission's $10m sales target for this financial year is already well within sight.

This influx of tourists needs the establishment of major accommodation facilities and other associated works. Mr Speaker, I ask for the support of every member of this Assembly on the development of tourism which is so vital for the future of the Territory. I hope that honourable members will now be able to understand the necessity for, and the context in which, actual liabilities and contingent liabilities have already been entered into and, of course, the reason why the government has to stick its neck out - to put it crudely - in this way. As we have seen, the South Australian government has had to stick its neck out even in the case of the Hilton hotel in the centre of Adelaide and the proposed Adelaide casino. In the Territory's case, there is not yet an established financial track record for this sort of hotel in this Territory. Indeed, the leisure industry and tourism, of course, are viewed by banks and financial institutions with a great deal of caution. They are very conservative in that regard.

Mr Speaker, I believe that the steps that the government has taken to commence the establishment of the infrastructure needed to take what amounts to a step from a Lilliputian-type tourist industry to the mainstream of Australian and world tourism have been very necessary. I believe that, in 10 years time, when hotels are setting up without any assistance from the government, the worth of this policy, in the early days, will prove to have been extremely worth while. I move that the statement be noted.

Mr B. COLLINS (Opposition Leader): Mr Speaker, of course, I only received this document this morning. However, I have already read enough of it to wish to dispose of it immediately by treating it with the total contempt that it deserves.

Mr Speaker, the opening paragraph is: 'Mr Speaker, I have been asked by the Leader of the Opposition to supply details of government liabilities and

contingent liabilities in respect of major projects including Yulara and Sheraton hotels...'. Mr Speaker, in fact, the statement is incorrect. I did not ask the Chief Minister to provide anything at all. I asked the Treasurer to provide me with that information.

Mr Perron: Do you want me to repeat it all?

Mr B. COLLINS: Yes, I do as a matter of fact because what I wanted - and it is the reason I asked the honourable Treasurer - was not a political statement of the government's intentions in developing tourism infrastructure - which we support - with a few figures thrown in to ginger it up a bit. What I asked the Treasurer for was a brief prepared by Treasury officials explaining the precise position with the detail that we are always trying to get in this Assembly and never manage to obtain. As the honourable member for Millner pointed out the other day, on those infrequent occasions when we manage to get it, it is wrong. What I have instead is a political document, a ministerial statement which is very nicely done on tourism matters, with a few figures thrown in. That is not what I want. It is not what I expect the Treasurer to provide me with, which is why I asked the Treasurer the question and not the Minister for Tourism, the Chief Minister. I am still no further ahead and neither is the Northern Territory in terms of the information that is available to the public of the Northern Territory as to where we stand.

Mr Speaker, the statement talks about the situation with Yulara. I am particularly interested in Yulara for the simple reason that, clearly, it is the largest of the projects currently underwritten by the government and will stay that way until, of course, we launch the $200m arrangement on the old hospital site. I turned to the Yulara section expecting to find some Treasury detail, which I am perfectly capable of understanding should I ever have it put in front of my nose, and what I get is a statement about tourism. There is one paragraph about Yulara which involves a government guarantee, according to this document, of $150m.

There are all sorts of intriguing little hints in this statement that simply indicate to me the need to pursue this matter further. I guess I will have to do so at the budget sittings. Listen to this:

> *Guarantees will be extinguished in respect of Yulara in exchange for agreements under which the government will make contributions to the project each year for the interest it has in keeping the cost of water, sewerage and other services at Yulara to the reasonable Territory-wide tariffs, as well as its lease of such premises as the school, the police station and various offices there.*

It is not unreasonable, Mr Speaker, considering the tone of the question I asked, to expect some financial detail about what is involved there. I am familiar with leasing arrangements that are made elsewhere in Australia. What I would like to know, for example, is the value of the leases and the rents being paid in respect of Yulara. Is it a market lease level? We will just have to wait for the Treasury documents on the budget to find out. Is a market rental levied on the police station, the school and the offices as is suggested by the previous statement about 'reasonable Territory-wide tariffs'? Perhaps I could ask the Treasurer to respond now as he has the opportunity to do so. The Treasurer made the offer a minute ago to repeat all this again. I ask the Treasurer a specific question: are the leases for the police station, the school and the various offices at Yulara - tantalisingly absent in detail in this document - based on Territory-wide tariffs, as indicated in the previous clause, or are they indeed provided as an artificial income for the project?

Of course, that is not an unusual situation. The reason I ask is because it is done elsewhere in Australia. I want an answer to that question. Is it a Territory tariff or is it, in fact, an artificially-inflated lease tariff designed to provide additional income to the project? If so, how much is it? How much do the lease payments total over the life of the project? That is a direct government liability. That is what I am talking about. The Chief Minister acknowledges it. He included it in his statement as being a liability of the government to pay those moneys out but he does not list the amount of money. Mr Speaker, if I cannot get this information - and I am not quite sure what sort of questions I have to ask to get it, which is why I asked the honourable Treasurer - I want a Treasury brief outlining the details of the liabilities of the government. I receive a throwaway line telling me what a liability is and absolutely no financial information at all. It is appalling.

The one-line allocation for Yulara talks about an annual budget commitment of $6m. Clearly, these lease arrangements are not included in that figure. The $6m is the servicing charge directly applied to the loan. I would assume that is so, and I have to assume it because there is no information in here that tells me that it is so. Perhaps the Treasurer can answer that question in the debate this morning. I ask this question specifically and expect it to be answered now by the Treasurer who so cheerfully offered to do so a minute ago. Does the figure included in this document of an annual budget allocation of $6m to Yulara include the cost of the leases for the school, the police station and various offices? If it does not, why do those figures not appear also in this document? That is one question after 15 minutes perusal of this thing.

We then go on to examine the total contingent liabilities of the project with the assets worth $150m, which is of course information that I have. We know that they are worth $150m at Yulara. But why do I not have outlined here in detail a best case and a worst case scenario for Yulara and for the government's liabilities advising me of what the financial details are? I do not have that. The statement says that I have it. Later on in the statement it says that I have been provided with information in this document as to a worst case situation at Yulara: 'The Yulara contingency is included to cover the worst case scenario where the project had to be closed down...'. I dispute that statement. That statement is false.

I do not believe any word in this document. I am simply going on what I have tried to glean from looking at the arrangements that have been announced in this Assembly in respect of the financing of Yulara. There are tantalising little hints in this document that a few other things might be tucked away that we are not told about in respect of the money they received.

I would put to the honourable Treasurer another specific question. Does this document contain a figure advising me of the total contingent liabilities in respect of Yulara for a worst case scenario? If it turns out to be a lemon, which I do not expect to happen under any circumstances, and if the commercial properties cannot be sold off, how much is the government going to be stuck for at the end of that time? I do not accept that this document has provided me with that information, despite the statement in it that it does.

There is another little tantalising hint in this document. I wonder what would happen if I had an hour to read it? The Northern Territory taxpayers are entrusting this government with the job of looking after their interests properly. We have already had demonstrated this morning how totally inept one of the frontbench is. In fact, there was not even an attempt made by the Chief Minister to defend his Deputy Chief Minister in that particular respect. We have so far heard nothing from the Treasurer in this debate at all, even though

it is all about money and the government's liabilities. That is despite the fact that the question was addressed to him and not to the Chief Minister at all.

I commented that I suspected that there could have been some arrangement made by the government to guarantee the income for the Sheraton hotel project. It is interesting to see that I am right because there are a couple of tantalising little hints in here: 'Guarantee will be to the extent that, if lease and other minor overhead expenses cannot be met at any year from surplus cash, the NTDC will make up the difference'. That is the end of that particular statement.

Mr Perron: Awfully subtle.

Mr B. COLLINS: Sure. It would indicate to me that perhaps there is some substance to the speculation that I made. But, obviously, I must pursue the matter further.

Mr Speaker, I asked for a Treasury brief outlining to me in some detail what we are going to get slugged for in years ahead. Without getting into technical financial language, perhaps the honourable Treasurer could simply take that on board. I would like to know what commitments have been entered into and are being entered into by the Northern Territory government that could end up as liabilities on future Northern Territory budgets. Is that clear enough, Mr Speaker? I would like to know on a best-case and a worst-case scenario, Mr Speaker.

Mr Everingham: You have been given that.

Mr B. COLLINS: I have been given nothing of the sort. I would like to know what obligations the government has entered into. Perhaps the Chief Minister can answer one specific question. I will give him whatever leave he likes to make it. In the only thing even approaching a brief in this document, which is on page 10 concerning Yulara, there is an amount of $6m as the annual contribution of the government. Obviously, what we will expect to see in the August budget of this government is an amount in some appropriation for $6m. But there is a reference - and I just picked it up myself because it is in the statement - to leases being taken out on the police station and other offices but no figure is mentioned. I have asked the Treasurer this question and I have asked it of the Chief Minister. Whichever one would like to provide the answer can do so. Are the lease payments included in the $6m as the Yulara annual contribution, whatever that is? What is an 'annual contribution'?

Mr Perron: Look up the dictionary and you will find out.

Mr B. COLLINS: I do not want a dictionary; I want a financial report. I am not talking about language; I am talking about money. That is the problem with this document. We have pages of English and no money. Answer my question: do the lease payments come into this figure of $6m? If they do not, and it is a simple enough question, how much are they? How much will the government be paying out for those facilities? Is that too much to ask? Included in this document is that it is an obligation on the government but no figure is given. Perhaps it is in the $6m. If it is, I am satisfied. If it is not, how much is it?

Is it a normal lease? The reason I am asking it is because of the Chief Minister's own words: 'reasonable Territory-wide tariffs'. What is that? Do the lease payments comply with a reasonable Territory-wide tariff or are they, in

fact, greater than that? Are they in fact artificial income for the project? If they are, tell me how much they are. It is Northern Territory government money and we should be able to know how much they are. Is it included in the $6m figure? If it is, I will be satisfied. That is all I want to know. If not, how much are they?

Mr Speaker, there is no point in going through the document in any more detail because, in the brief perusal I have had of it, I already know that it goes nowhere near to explaining to me what kind of future budget appropriations we are likely to see in terms of the total amount of government money that will be expended on projects like Yulara. Simply, it is not there. That is what I am interested in. I will take up these matters in some detail at the budget sittings. Obviously, I shall have to do that. Perhaps it will be a long committee stage.

Mr Speaker, I ask either the Treasurer or the Chief Minister to give to me, this morning in the Assembly, specific answers to the questions I have asked about these lease payments which have been mentioned by the Chief Minister. I refer to 'reasonable Territory-wide tariffs' and whether those figures are included in the annual appropriation in this document for Yulara.

Mr BELL (MacDonnell): Mr Speaker, I rise as the member for MacDonnell to make some comments on this. I want to make 2 particular statements because Yulara is in my electorate. I note the figures that are presented in this statement and, quite clearly, as the Leader of the Opposition has said, there needs to be greater explanation of them. I wish to make one simple point in relation to those costs.

I have risen in this Assembly on a number of occasions to talk about developments and government-funded facilities in my electorate. During these sittings, I have spoken on a couple of occasions about $25 000 to $30 000 to be spent to provide a school for a community that has been out on the Western Australian border for 3 years. To say the least, that contrasts starkly with the figures that are presented in this particular case and I wish merely to draw that stark contrast to the attention of honourable members. That is the first point I want to make.

The second point I want to make is in relation to the demand for up-market accommodation facilities in the Alice Springs region that the Sheraton hotel represents. Honourable members may be aware that I placed on notice a question in relation to taxation on the proceeds derived from gaming in Alice Springs in the last 2 years. I placed that question on notice during the March sittings. Honourable members may have seen the answer I received. The fact is that the current 4-star accommodation at the Alice Springs Federal is being subsidised to some extent by the turnover tax on gaming. My question is whether there is currently a demand for such a substantial increase in up-market accommodation facilities in Alice Springs as the establishment of a Sheraton hotel would suggest? That is the specific question I would like answered in connection with this particular statement by the Chief Minister.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have been dealing with the Treasury on this matter and, for the benefit of honourable members, I made an undertaking to this Assembly, which the Leader of the Opposition chooses calmly to disregard, at the last sittings, to make a statement on this whole position, hopefully when the negotiations with the Darwin Sheraton hotel people - Manolas and Son Ltd - had been completed. They still have not been completed but I made this statement this morning. The tactics of the Leader of the Opposition are contemptible. He knows that he always gets adequate notice of statements from

me and he knows that he did not have to debate it this morning if he did not want to. He did not need to debate it until tomorrow or the next sittings. He has chosen to try to use his ignorance of the statement and ignorance of the facts as some justification for throwing mustard in the eyes of the press and trying to cause scare tactics and alarm in the Northern Territory. The fact of the matter is, Mr Speaker...

Mr B. Collins: Answer the question.

Mr EVERINGHAM: ... the opposition has quoted selectively.

Mr Speaker, I will answer any questions and the Treasurer will answer any questions on this matter from here on in that the Leader of the Opposition chooses to put on notice. We attempted to answer the verbal question that the Leader of the Opposition asked the other day and I do not know in what parliament he would get a more detailed statement than this showing the expected liabilities, the contingent liabilities.

The Leader of the Opposition has made great play of this business about Yulara. For a person of supposedly great intelligence, I will have to read 2 paragraphs of this statement again because, apparently, the Leader of the Opposition cannot understand English or chooses to distort it for his own purposes. Mr Speaker, let me go back to page 3 of this statement which the Leader of the Opposition could have read tonight, tomorrow or next week and debated at the budget sittings if he wanted to:

*When this happens, the NTDC guarantees will be extinguished in exchange for agreements under which the government will make contributions to the project each year for the interest it has in keeping the cost of water, sewerage and other such services at Yulara to the reasonable Territory-wide tariffs as well as for its leases of such premises as the school, the police station and various offices there.*

*The total payments under these arrangements each year will be of the order of $5.9m, less governmental revenues derived from the project.*

Mr B. Collins: Good. I got the answer already.

Mr EVERINGHAM: What a clown, Mr Speaker. What a nonsensical ratbag he is to have in this Assembly as Leader of the Opposition when he carries on like that to try to spread alarm about these projects. All this man is going to concentrate on doing for the remainder of this year is to try to undermine the Northern Territory, to draw away the attention of the public and the press from the terrible mire and miasma that his own party is bogged down in.

Mr B. Collins: You are going to have an interesting budget session, I can assure you.

Mr EVERINGHAM: We will have an interesting budget session all right, Mr Speaker, because my colleague, the Treasurer, will bring down another budget that will be accepted by Territorians, as have the previous budgets since self-government that have led to unprecedented growth and development in this Territory. Mr Speaker, what contemptible tactics when it has already been exposed to him and pointed out to him. He started his scare campaign almost as soon as I got back from overseas. When I raised the agreements the South Australian government has made, it did not stop him. They can do it in South Australia but we cannot do it in the Northern Territory. We have given him details. This statement was prepared by a Treasury official and I have given

him reams of figures. Any further figures he wants, he can obtain, by questions on notice, from the Treasurer or myself.

Motion agreed to; statement noted.

## MINISTERIAL STATEMENT
### NT Matters under consideration by Commonwealth Grants Commission

Mr PERRON (Treasurer)(by leave): Mr Speaker, I wish to make a brief statement on the progress of matters affecting the Northern Territory presently being considered by the Commonwealth Grants Commission. Honourable members will be aware that the commission is engaged on 2 matters of interest to the Territory. The first is the government's application for a special financial assistance grant for 1982-83. The second is a more general inquiry into the tax-sharing elements of not only the Territory but also of the states.

Towards the end of May, the Grants Commission took the somewhat unusual step of deferring its recommendation on a special grant for 1982-83 until completion of its tax-sharing inquiry. This is now expected to take place at the end of March 1985. Mr Speaker, I hasten to assure honourable members that the commission's decision with which we concurred with some reluctance does not prejudice the Territory's claim, nor does it imply in any way a prejudgment of the merits of our claim. It simply reflects the difficulties the commission is experiencing in coping with the competing demands on its time.

I have been assured by the commission that its recommendations will be made to the Commonwealth government in sufficient time to enable the special grants to be paid to the Territory before the end of the 1984-85 financial year.

Possibly of greater significance to the Territory is the commission's inquiry into tax-sharing entitlements. This inquiry has now progressed to the stage where the commission will soon be commencing public hearings in each state. The hearings will culminate in Darwin during August. The government's submission on methodology for the inquiry is already with the commission. We have also completed a further submission documenting the reasons for our strenuous opposition to basic changes at this time to the Northern Territory's funding arrangements. I will keep the Assembly informed on future developments in these matters and I hope within a week or so to have copies of the government's submission on the tax-sharing inquiry for all honourable members. I will distribute them when they become available.

I just take this opportunity to commend the Treasury officers who have been preparing these lengthy and very exacting documents to put the Territory's case. I just want to place my appreciation for their efforts on record.

## MINING AMENDMENT BILL
### (Serial 42)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, this is a very small bill seeking 2 amendments to the Mining Act. The first amendment is to section 72 of the act, providing for the inclusion of the words 'a residence' in paragraph (a). The section prohibits the granting of a mineral lease in respect of private land used for specified purposes without the written consent of the owner first being obtained. The use

of private land as a residence is an obvious use to which the section should apply, and the omission in the present act is clearly an oversight. I would add that this amendment was recommended by Mr Justice Toohey in his report on Aboriginal land rights when considering the question of Aboriginal living areas.

The second amendment is to section 191 and is a result of legal doubts raised in respect of the wording used in subsections (19), (20) and (29). Section 191 is the savings and transitional section of the act. Subsections (19) and (20) are concerned with the continuation of occupation and passage rights that were granted to the holders of a miner's right under the repealed Mining Act. Subsection (29) is concerned with the continuation of the right of pre-emption given a miner under section 35 of the repealed act. The intent of the subsections is that such rights should continue on an indefinite basis provided the holder complied with the conditions applicable to the particular right.

Mr Speaker, without going into too much legal detail, the doubt that has been raised is that the reference to a miner in the subsections is to a miner within the meaning of the repealed act; in other words, the holder of a miner's right under that act. Such a miner's right existed for 1 year and, as the act has been repealed, a new miner's right cannot be obtained under that act. The combined effect of this is that these miner's rights have now expired and the rights held pursuant to them must also have expired. I am sure that honourable members, on reading the subsections, will see that this was not the intention of the original bill.

The Department of Law has advised that there is sufficient doubt on the present wording of the subsection to warrant an amendment. The amendment proposed will provide that the rights continue notwithstanding the expiration of the miner's rights.

Honourable members will note that the operation of clause 4 of the bill is to be made retrospective to the commencement of the new Mining Act and this is proposed to ensure the rights in the subsections are protected indefinitely and to avoid any possible legal difficulties where the rights have expired as is suggested by one legal interpretation of the subsections.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

## WORKMEN'S COMPENSATION AMENDMENT BILL
(Serial 57)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

This bill is aimed at curing some immediate short-term problems with this act. As honourable members would be aware, a major inquiry is taking place into the worker's compensation system in the Northern Territory. It is hoped that the inquiry will be delivering its findings later this year. The findings of the inquiry will have to be analysed and it would take some time for new legislation to be drafted. Therefore, it could be well into 1985 before the recommendations of the inquiry could be enacted into legislation if, indeed, they are.

This bill was designed to patch up the act by curing some of its immediate problems. One of the minor things the bill does is to replace the word 'workman' with 'worker'. This could be said to be cosmetic change, but I disagree. Many people have expressed concern at the presence of the word 'workman' in the act as encompassing both male and female workers.

Clause 6 legitimises what is, in effect, a de facto situation by making the tribunal a court. As members would be aware, Territory magistrates presently constitute a tribunal and normal pre-hearing procedures are adopted. Parties generally are represented legally although this is not invariably the case. The bill seeks to make the tribunal a court because it will ease the appeal process. The fact that it will be a court of record means that it will be easier to serve subpoenas interstate, which is of some importance when so many witnesses, particularly medical ones, are situated there.

Clause 7 provides that the procedure of the court is subject to the act within the court's discretion. This enables the presiding magistrate to delay procedures somewhat if he feels it necessary.

Clause 8 provides that a party can be represented by a legal practitioner or someone the court is satisfied is acting on behalf of, and at the request of, a party. The party, of couse, can appear personally.

Clause 9 was inserted to cover the situation where there were problems with the regularity of payments of compensation. The existing section covered settlements being delayed. This clause verifies that, where an employer is irregular in his payments, his insurer can be penalised.

Clause 10 of the bill is to expedite the process where an employee returns to work following a period off on compensation. This clause provides that, in 2 situations, the employer can discontinue, diminish or withhold a weekly payment: firstly, where the employee returns to his work or similar work and, secondly, where a medical certificate is issued saying he is wholly or partially recovered or his incapacity is no longer the result of his accident. In the latter case, a copy of the certificate must be furnished. The employee can refer the matter to the court which can order continuation of payment even if the action is to be adjourned.

Clause 11 merely corrects a technical fault by allowing the address for service of notices on the nominal insurer to be as prescribed. Clause 12 clears up a technical fault in the act. It is to clarify that, where an employer denies liability and there is not a policy of interference in force, the nominal insurer can still proceed against the employer.

Section 18 deals with compulsory insurance. The proposed amendment contained in clause 13 provides that an insurer shall neither renew nor issue a policy of workers' compensation insurance without the consent of the commissioner.

Mr Speaker, clause 14 is a most important clause. This requires the employer to furnish wage statements which must be in the prescribed form and contain full details. The employer must keep full and correct wage records. Proposed new section 18AB allows premiums to be paid by instalments. The employer would have to elect to do so. An interest penalty of 10% applies. Clause 15 is a technical amendment to section 18F which deals with default by approved insurers and clause 16 enables access to accident books to be extended to industrial safety officers.

Clause 17 deals with appeals. This provides that appeals to the Supreme Court can be on a question of law, with new factual evidence only being admissible if the court is satisfied that the party seeking its admission did not know or could not have reasonably known of its existence when the matter was dealt with in a lower court. The purpose of this amendment is to prevent the situation which has been occurring where evidence has been held back from the tribunal hearing and the Supreme Court is in fact dealing with the matter de nouveau. If this occurs, it makes the earlier proceeding an expensive fishing expedition - an abuse of legal processes, if you ask me. This amendment provides that an appeal should generally be allowed. It will only stop this situation from continuing while, at the same time, allow, in a genuine case, fresh evidence to be introduced.

Clause 18 repeals section 27 which provides for contracting out. Provision already exists enabling self-insurance so this section is to some extent redundant. Clause 19 amends the regulation-making power. Clause 20 is a technical amendment only clarifying the definition of 'partial incapacity'.

Clause 21 enables liability to be extended to workers injured whilst working out of Australia. The employer must, however, give notice of the fact the worker is going there, wherever it is, because it could be a factor in fixing premiums.

Clause 23 increases certain penalties under the act essentially to bring them in line with inflationary trends. It also seeks to change the words 'workman' or 'workmen' where appearing to the non-sexist term 'worker'.

Finally, clause 23 is a savings clause enabling proceedings commencing under the tribunal to be concluded in the court and enabling a certificate given under section 27 relating to contracting out to remain effective until it is revoked or expires. It also enables the tribunal rules to be deemed rules of the Worker's Compensation Court until amended or replaced.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

## MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 24)

Continued from 12 June 1984.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: Mr Chairman, I move amendment 7.1.

This is a technical amendment that would normally be picked up in a statute law amendment. Proposed new paragraph 4(a)(iv) of the bill contains a typographical error. This amendment inserts '(iii)' in place of '(ii)'.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr SMITH: I invite the defeat of clause 5.

The purpose of clause 5 is to completely eliminate the existing limited common law provisions that exists for Territory residents. We have canvassed the arguments on this in the second-reading debate. I will go through them briefly again. We believe that, when we have what is in effect a very limited no-fault system, it is not right and proper to remove the limited common law claims that remain to Territory residents. We are particularly of this view when you consider that the existing rights for non-Territory residents in the area of common law remain the same. There is an unfettered right for those people to take cases before a court. We are aware that there are some cost implications in urging that the existing provision remain in the act but we believe that Territory residents are prepared to meet that additional cost for the limited common law provisions to remain.

Mr Chairman, as I indicated before, the government's first priority, if it wants to adopt the no-fault system, is to establish a proper no-fault scheme which does not have arbitrary limits at various important points, like medical and rehabilitation expenses, and provides for the needs of all Territory residents who are injured in car accidents. The present scheme, which is so arbitrary in the financial provisions in so many areas, is just not good enough and it should not result in the abolition of common law provisions.

Mr PERRON: This clause certainly is the hub of the amendment to the Motor Accidents (Compensation) Act which is before us today and this very principle is the reason why the government introduced this measure. In introducing this measure to abolish the common law right of Territorians to sue, of course we took the corresponding step of increasing the schedule benefits substantially, as I outlined in my second-reading speech.

It is odd that the honourable member for Millner proposes that this clause not be altered and that the common law rights be retained, yet he does not offer any other solutions to the problem that is before us. Should we in fact increase premiums very substantially? He is well aware that that would be required to balance the books. In the past, he acknowledged that the difficulty facing the Territory Insurance Office and the government in running this scheme is that it is necessary for the books to be balanced. Those were his own words. He further said that he will not go for the easy option, which is slugging the prospective insurers 35% or 40% extra in premiums - figures that he probably plucked out of the air.

Late last year, the Leader of the Opposition also spoke of difficulties that the scheme was in and said that it was a result of the government not biting the bullet and putting up premiums when perhaps they should have been put up some time ago.

We have here the government's proposition to balance the books by imposing a $5 premium increase and abolishing the common law. The other option was to put up the premiums by about $53.

I oppose the suggestion that we do not alter the principles in the principal act as far as common law is concerned. Therefore, we either have a scheme that persists in losing $3m or $4m per annum or we raise the premium income. The honourable member has not suggested that we do that as an alternative.

Mr SMITH: Mr Chairman, you will be aware that we on this side of the Assembly have had a protracted struggle in getting any figures from the TIO and the government on this matter. As late as this morning, the honourable Leader of the Opposition stated that we still had not been given accurate answers to the questions that I placed on notice in April.

I have had the opportunity to take the honourable Treasurer's advice given to me yesterday and to read what he said in the Hansard about this particular matter. Again, I refer him to the questions. He refers to information given in the Assembly concerning common law rights of Territorians. There are no answers in here concerning common law rights of Territorians. I know what he is getting at now but there is a major mistake in here. There are 2 separate lots of common law rights for non-Territorians put in here. There is no mention of common law rights for Territorians. I can understand the figures now but there is a major mistake and he should have been prepared to listen to me yesterday instead of sitting on his arrogance and refusing to talk about it.

The other matter is that the Treasurer made a very simple proposition in the Assembly yesterday, which is unbecoming of a Treasurer. He said that, if you abolish common law rights for Territorians, the savings will be $4m. He worked that out by deducting the claims that have been made so far and the outstanding common law claims. He has not taken into cognisance the fact that, under his proposal, there are certain increases in scheduled benefits in particular. We have no information from the honourable minister at all about what the impact of the improvements in the scheduled benefits are likely to be. We have no information from the minister at all about what the impact of the increased amount of money that is available for hospital and medical expenses is likely to be. We have been asked, as I have said so many times in this debate, to make important decisions concerning the welfare of all Territory people in the dark because we do not have the basic information.

I would like at this late stage for the minister to get up and tell me if he is saving $4m out of the common law scheme. At last, I can see where he obtained those figures from. It was not supplied in the answer that he gave me. How much is it going to cost for the improvements?

Mr PERRON: Mr Chairman, I suspect that the honourable member for Millner asked some lawyer to draw him up a set of questions and then could not make head nor tail of the answers. Quite clearly, he asked the wrong questions for the sort of information he was trying to obtain. However, he does confess to being able to understand them a little better today than he did yesterday. Perhaps it is a bit like the Leader of the Opposition who this morning attacked the Chief Minister for not providing information in a statement. Subsequently, that was pointed out to him. The member should take time to study these things. Some of the calculations, particularly in the insurance area, are complex. To answer specific questions about the cost of any aspect of the scheme, if it is changed in one regard or another, would involve actuaries.

I have told the honourable member that the actuaries' advice to this government, through the TIO, is that, if the scheme stands as it is at present, premiums must rise forthwith to $204 from the current $151. If the proposed amendments are proceeded with, common law for Territorians will be abolished and the scheduled increases will remain as presented to this Assembly. The scheme will then be able to fund itself as well as recover the losses of last year and the losses that are still being made this year. Those losses will be recovered over a 4-year period with the new premium of $156 proposed to be introduced on 1 July. I must point out to honourable members - and the opposition seems to need everything in single syllables - that the increase on 1 July will not be

the only one in that 4-year period of recovery. I will put that on the record so that the opposition does not scream in 12 months or so, when there is a further actuarial report as to how the scheme is going and no doubt a further adjustment to premiums, that the Treasurer said the government would not change premiums for 4 years.

Mr B. COLLINS: Mr Chairman, once again, the Treasurer has demonstrated what an absolutely impossible job it is for the parliament to operate as a scrutineer of public expenditure and money matters. We saw it this morning in that pathetic excuse for a brief that was presented by the Chief Minister. Since it is entirely the province of the Treasurer, I cannot understand why he did not do it. Perhaps we will find out in August.

Mr Chairman, we have just heard from the Treasurer, and I am delighted to hear it, brand new information which was precisely what we have been seeking since April this year. This is a copy of a draft answer by the Treasurer to a question on this matter from the member for Millner. The question asked specifically for answers regarding those sections of the act that involve Territorians. In the answer, there is no reference whatsoever to those sections of the act that refer to Territorians. The only amounts that were provided to the member for Millner were for non-Territorians. Mistakes can be made in answers given to questions, although I understand it is the normal practice for ministers to clear those answers before they are sent to us.

The honourable Treasurer does not have much of a case. When the member for Millner took to him the inaccurate draft, the Treasurer conceded that it was inaccurate and would be corrected. However, the answer provided subsequently to the honourable member for Millner contained precisely the same errors that were in the draft. In fact, there is not one iota of difference between the answer that we finally managed to obtain yesterday and the draft. The errors were not corrected on the schedule attached to the final question. As a result of what we have just heard in the Assembly, the member for Millner has corrected in biro the mistakes that were made in the original draft.

I thank the Treasurer for finally providing us, in the middle of the committee stage, with the information that the honourable member for Millner has been trying to get since April. It is not a question of not being able to understand single syllables; we have to rely on the information that is given to us by him. When it is inaccurate - not only in the mark-1 version but in the mark-2 version - it makes the job of this parliament in scrutinising the expenditure of public money by this government not difficult but impossible.

Mr PERRON: Mr Chairman, I do not know what alleged inaccuracies the Leader of the Opposition is talking about. I feel that they have asked a series of questions which did not elicit the answers they particularly wanted. They became very cranky about the answers. As I suggested to the member for Millner yesterday, he has had a couple of months to seek, through me, a briefing with the TIO people on exactly the questions he wanted answered. I have provided no more information this afternoon than I provided in my second-reading speech and in other information that has been released in relation to this entire matter.

They are trying to raise a storm in a teacup. They have come undone because they did not ask the right questions in the first place for the sort of information they wanted. The footnotes to those answers throw caution on their interpretation. I believe they really should take some caution because they quite clearly do not understand the information they are after.

Mr CHAIRMAN: The question is that clause 5 stand as printed.

The committee divided:

| Ayes 16 | Noes 6 |
|---|---|
| Mr D.W. Collins | Mr Bell |
| Mr Coulter | Mr B. Collins |
| Mr Dale | Mr Ede |
| Mr Dondas | Mr Lanhupuy |
| Mr Finch | Mr Leo |
| Mr Firmin | Mr Smith |
| Mr Hanrahan | |
| Mr Harris | |
| Mr Hatton | |
| Mr Manzie | |
| Mr McCarthy | |
| Mr Palmer | |
| Mr Perron | |
| Mr Robertson | |
| Mr Tuxworth | |
| Mr Vale | |

Clause 5 agreed to.

Clause 6:

Mr PERRON: I invite defeat of clause 6.

Clause 6 negatived.

New clause 6:

Mr PERRON: Mr Chairman, I move amendment 7.2.

This new clause further clarifies the exclusion clause under section 9 of the principal act. In the original amendment, passed in March 1984, the offence of culpable driving was superseded by the words 'an offence against section 154 of the Criminal Code'. However, it is thought that this may not cover the situation whereby a Territory driver commits an offence whilst interstate, which would lead to exclusion if committed in the Territory. This amendment now covers that situation without affecting the intention or meaning of the act.

Mr Chairman, the proposed new clause also amends the principal act by deleting the words 'and is convicted accordingly'. This enables the board to deny benefits in cases where the accident was caused by drunk driving but the driver was not convicted, for whatever reason. It only affects the injured driver. Innocent parties continue to receive benefits.

This is an important issue. It was raised in the second-reading debate. I pointed out then that there were several possible instances where a person could be injured in an accident and not be charged and subsequently convicted for having a blood-alcohol reading in excess of .08. We believe that, because they are not charged in these circumstances, it should not be sufficient reason for those persons to become eligible for benefits under the scheme because, had they been charged and convicted for having a blood-alcohol level of over .08, they would have been denied those benefits. In those examples I gave yesterday, the reasons why they were not in fact charged and convicted are based on technicalities. It is important that, in making such decisions, the TIO board will need to have all the substantial evidence that a person did in fact exceed .08 because this

question will, in almost every case, be referred to the tribunal. The board's decision will be challenged. Therefore, in making the decision that a person be denied benefits under the scheme because his blood-alcohol level was over .08, the TIO board will be mindful that it will be producing such evidence in a court.

In response to one case I quoted yesterday, where a person might be so badly hurt that the police may not move to conviction because it really would not serve any particular purpose, the member for Millner asked why not let the fellow go. It seems crazy to have 2 situations: one where a person is badly hurt but convicted of having a blood-alcohol level over .08 and therefore denied benefits because he contributed to his own accident and another where a person who is equally guilty, but on technical grounds is not charged and convicted in a court, should be allowed to receive benefits. In the difference between these 2 cases, we could be talking anywhere from $0.5m upwards. It is a very significant factor as far as the scheme is concerned. I do not think that we can continue to tolerate the words in the present act which require that a person be convicted prior to being denied benefits under the scheme.

Mr SMITH: Mr Chairman, it is somewhat distressing that the minister again shows that he is not really on top of the bill because this clause does more than what he says it does. Not only does it deny benefits to those people who might be, in the board's opinion, beyond .08 but it also denies benefits to people who, in the board's opinion, are found guilty of driving under the influence of alcohol or drugs. There is a distinction between being found guilty of driving under the influence of alcohol and being found guilty of being .08. They are 2 different legal concepts and that gets over one of the problems that has been expressed in this debate so far: in some circumstances, it is impossible or undesirable to take a blood-alcohol reading, particularly of a person who has been involved in a very bad accident or of a person who has been involved in an accident on a remote rural road. It is possible under the clause which deals with a person being under the influence of alcohol to demonstrate to a court's satisfaction that the person was inebriated at the time and that inebriation directly led to the accident.

Mr Chairman, I would have thought that the existing clause would go a long way to removing some of the objections of people on the government side who believe that there are loopholes which people may be able to use to get away. If you accept that, you come back to the most important principle in our view and the basic reason why we are not supporting this bill: people ought to be convicted of either having a blood-alcohol level exceeding .08 or driving under the influence of alcohol or drugs. It is not good enough, in our view, to enable, even at the first stage, the TIO board to make a judgment on that matter. By taking this step, you are upping the ante for those people who might want to disagree with the TIO board. If they want to disagree and take it to the next stage, which is somewhere in the legal system, it ups the ante for them in terms of time involved, stress involved and, particularly, in terms of cost involved. It has not been demonstrated satisfactorily to me that the present clause is inadequate if you accept what I have said about having 2 ways of getting at people who have been drinking and driving. I would ask the government to reconsider its position on this.

Mr PERRON: Mr Chairman, the honourable member has not really raised anything new. It is not so much a matter of judgment by the TIO but a matter of evidence before the TIO. When making these decisions, the TIO is well aware that it is almost inevitable that such a decision to deny benefits to an injured party would be appealed. For the insurance company to win an appeal, it must produce the evidence that would normally have been produced by the police to secure a conviction. If it is wrong, the courts would make it very clear.

Nonsense has been quoted in the press about this clause. The opposition has said that the board has the discretion to decide that a person was drunk. That is nonsense. It would decide such things on the basis of evidence. I understand that it is standard procedure for blood samples to be taken of every accident victim who is admitted to hospital.

As I mentioned before, there are circumstances where that may not lead right through to actual conviction. The honourable member has not really come to grips with the point that I made. The opposition is making a distinction between who is denied benefits solely on the grounds of conviction and not of guilt. He has not said anything at all that would negate the points that I have made in that regard. One person will be denied benefits because he only lost both legs and was charged. Another person, because he cannot drive in future, is not convicted and is allowed benefits.

Mr EDE: This is going beyond the bounds of reason, Mr Chairman. You are innocent until you are proven guilty: I thought that is what we are all about. Even though a person has not been convicted, it is decided that he is guilty, and he loses his benefits. We have courts to decide on whether a person is innocent or guilty. That is why the courts are there. They have all the evidence and the laws of evidence to make those decisions. In this case, another body will make that decision on innocence or guilt without the laws of evidence or anything being applied. We do not know what applies in these administrative courts half the time. I just cannot understand why, when we have a court system, we cannot say to the police: 'If there is a case, proceed with it'. If the person is convicted, the law applies. If the person is not convicted, the law does not apply and he receives his benefits. What is wrong with that? The system is there. Why do we have to wipe that out and have to go to the TIO for that decision followed by appeals? It is completely unnecessary. If the same laws of evidence are to apply in the tribunal as apply in the courts and people are told that they must apply to this tribunal when they want to appeal, they will become suspicious and ask: 'Why?'.

Mr ROBERTSON: I will try and sort this out simply. The honourable member does not know the difference between criminal liability and civil liability. Whether or not one is convicted, a criminal law has absolutely no bearing whatsoever on a person's rights at civil law, nor does it have any bearing on the rights of the plantiff and defendant in relation to the person who is prosecuted or the person who is prosecuting. They are quite distinct and separate areas of the law. The honourable member clearly does not understand the difference.

Mr SMITH: You may well be right. I admit that I do not fully understand what he has said. All those 2 syllable words confuse me.

The honourable Treasurer has said that the TIO, in making its decision on these matters, will be making a judgment which it knows will most likely go to a court of law and which, in its view, will be acceptable to that court of law. Isn't it much simpler to go to the damn court of law in the first place? That is all we are saying. Why take 2 steps when 1 step will do? If the matter has to be proved in court in the end, why not go there at the start? It just makes it so much simpler for everybody, particularly the person who was involved in the motor vehicle accident.

Mr PERRON: Mr Chairman, as I pointed out in closing debate yesterday, there are circumstances where, for fairly valid reasons, police do not proceed with prosecutions on a drink driving charge because, from their point of view, there would be no good purpose served whatsoever in having the person charged

and fined and his licence suspended when he may never again step inside a motor car. What the honourable member is suggesting is that we compel the police to proceed with such charges and urge courts to proceed with such convictions just to satisfy his whim.

Clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9:

Mr SMITH: Mr Chairman, I invite defeat of clause 9.

I invite the defeat of clause 9 because it ties in very closely with the new clauses. We will be advocating in those clauses that we remove the upper limits that are presently placed on medical and rehabilitative expenses and alterations to houses. We do not believe that it is a responsible position for the government, in adopting a no-fault scheme, to place these arbitary limits in these 2 important areas. If our arguments on the new clauses are accepted, and I would hope that they will be, it is necessary to defeat clause 9.

Mr PERRON: Mr Chairman, this is a most important matter which goes back to the principles we have been talking about. The Motor Accidents Compensation Scheme is a self-funding insurance scheme whereby premium income has to match current and expected outgoings of the scheme. It is quite clear that, to run such a scheme, it is necessary that the actuaries be able to assess, from time to time, what claims are likely to amount to in gross. Those figures have to be reviewed on a regular basis.

What the opposition is proposing here is that we simply remove ceilings in regard to medical and rehabilitative expenses. To remove ceilings totally would be completely irresponsible. It certainly would be something that motorists in the Northern Territory could not possibly afford. If we added this move to the opposition's earlier move to try to retain the common law benefits, goodness knows what it would cost people to put a motor car on the road in another 12 months in the Northern Territory. There may not be very many around. At least it would cut the accident rate.

Clause 9 agreed to.

Clauses 10 to 14 agreed to.

Clause 15:

Mr PERRON: Mr Chairman, I move amendment 7.3.

By way of explanation, the final amendment amends clause 15 which affects section 38 of the principal act by requiring the court, in determining the amount of money to be recovered from a driver convicted of certain offences, to take into account the ability of that driver to pay. This amendment is similar to South Australian legislation and ensures that no driver will be bankrupted by the provisions of this act. These provisions comply with the normal interstate practice of courts in determining this type of recovery. Clause 15 amends section 38A of the act and enables the TIO to take recovery action against a person who is convicted of driving under the influence of alcohol or a drug. This does not affect the benefits paid to an innocent party.

I point out to honourable members that, with the exception of New South Wales, all states in Australia have provision for recovery from drunken drivers

and the existing act has always provided that recovery action is able to be taken for acts such as culpably causing injury to another person and so on.

Mr SMITH: Mr Chairman, I move amendment 10.2 to the amendment.

This amendment is to omit from 7.3 of amendment schedule No 7 all words before and including 'by omitting' and insert in their stead the following: 'omit all words after "amended" and insert in their stead the following: "by omitting"'.

That sounds quite complicated and, in fact, it is. But the effect of this clause is to take out the proposed subsection (g), which is the new clause proposed by the government to recover money from drivers who cause accidents when they are inebriated. The effect of the clause would be to remove that power that the government is seeking for the TIO to seek compensation from these people and to agree with the government in the wording of its amendment because it provides more flexibility in the other recovery clauses that are contained under that section.

Mr PERRON: Mr Chairman, I would seek from the sponsor of this new amendment 10.2 a bit of information on the philosophy proposed. I presume that the opposition really does not want to see the option of recovery action being taken against the drunken driver who has caused injury to another person. I would just like to hear that from the opposition if that is what is intended.

Mr SMITH: Mr Chairman, we have no problem with the TIO refusing an individual driver benefits because he was drunk at the wheel. We have a problem where the government wants to extend that to making that individual driver pay for all or part of the costs that TIO incurs because of the accident. It gets back to the basic philosophy of a no-fault scheme. The government very loudly trumpeted in 1979 how great it was in setting up the best no-fault scheme - and I was one of the first to give the government credit - in Australia. But now, by this position, it is significantly backing away from the concept of no-fault. That is our basic objection to this clause.

Mr FIRMIN: Mr Chairman, I cannot let that point go unanswered. The member for Millner is becoming confused between moral wrongdoing and criminal wrongdoing. I referred the other day...

Mr Smith: An interesting distinction.

Mr FIRMIN: Well, it is. I will quote a point that was made by a very learned judge, Lord Atkins, in Donohue v Stevenson in 1932. It was a very famous case. He said that the foundation of liability in negligence is a general public sentiment of moral wrongdoing for which the offender must pay. He went on to comment about criminal wrongdoings as well. In supporting...

Mr Smith: Take action against them under criminal law.

Mr FIRMIN: This is the evidence of a criminal law court that supports the introduction of a no-fault scheme and it goes on to support the action of referring moral wrongdoings to the no-fault scheme and that everybody should be part of that no-fault scheme and bear part of the cost. But in the criminal sense, the criminal wrongdoing is reprehensible and the opportunity for recovery is there as it is under private motor insurance.

Mr PERRON: Just to add a little bit to this point, Mr Chairman, I think that it is important that I read from a briefing note:

*The underlying principle of no-fault insurance is that, in our modern society with its widespread use of motor vehicles, accidents are commonplace and are very rarely deliberately caused. Although in most accidents there is someone who is technically at fault, very rarely is someone morally at fault. The no-fault system provides compensation to both parties involved in an accident on the basis that neither party would normally be morally at fault. The same cannot be said of drink-driving offences. The connection between alcohol and drugs and accidents is well established and well known. It can reasonably be said that a person who chooses to increase further the hazards of what is already a hazardous activity by driving under the influence and who, as a consequence, injures himself or others should not be entitled to the same support or protection by the community as persons who have been temperate and reasonable in their approach to alcohol consumption and driving.*

Amendment to the amendment negatived.

Amendment agreed to.

Clause 15, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

## SUPPLY BILL
(Serial 43)

Continued from 6 June 1984.

Mr B. COLLINS (Opposition Leader): Mr Speaker, of course the opposition supports the Supply Bill. Really, there is no need to say any more about it than that. However, because it is a Supply Bill, I will take the opportunity of asking the honourable Treasurer if he will agree to providing a briefing for me by officers of the Northern Territory Treasury on the actual and contingent liabilities of the Northern Territory government.

Mr PERRON (Treasurer): Mr Speaker, I am not quite sure what this has to do with supply but I would be happy to organise such a briefing for the Leader of the Opposition. He took great exception in the debate this morning on the statement that was made by saying that he wanted it from Treasury. I do not know where on earth he thought that statement came from. The Place Names Committee does not assemble such information.

Mr B. Collins: I don't know.

Mr PERRON: If he does not know, why does he open his mouth so terribly wide? For a man who did not know where it came from, he made some awfully sweeping statements this morning.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## CRIMINAL CODE AMENDMENT BILL
(Serial 37)

## SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) AMENDMENT BILL
(Serial 39)

## JUSTICES AMENDMENT BILL
(Serial 38)

Continued from 6 June 1984.

Mr BELL (MacDonnell): Mr Speaker, I rise to indicate that the opposition supports these bills with one particularly serious qualification. I hope that the honourable Attorney-General will be able to give some serious thought to this serious qualification that the opposition places on this legislation. It is a question that the Attorney-General failed to mention in his second-reading speech. I appreciate that considerable difficulties and considerable controversy have surrounded the enactment of this Criminal Code. It almost marks in its genesis the time in which I have been a member of this Assembly because, as I recall, it was in March 1981 that the then Attorney-General, the honourable Chief Minister, tabled the first draft of the Criminal Code. Members of the old Assembly would be well aware of the numerous drafts and bills that were presented to this Assembly during that 2½ year-period that preceded its eventual enactment in September last year.

It is perhaps of interest to inject an historical note. The Criminal Code in the Northern Territory took 2½ years to enact whereas, if I might be permitted the use of the term, the sire of criminal codes in Australia, namely that in Queensland, had a 10-year gestation period spanning the 1890s. That of course contrasts considerably with the much shorter period that was involved in the enactment of the Criminal Code by this Assembly.

All honourable members would no doubt be aware of the public controversy that has surrounded the enactment of the Criminal Code and the subsequent negotiations that occurred between the Northern Territory government and the Commonwealth government as a result of differences of opinions about the Criminal Code. It is certainly to be welcomed that those negotiations appear to have come essentially to a happy conclusion.

However, I feel bound to mention this particular aspect of retrospectivity of the operation of these new amendments that causes, not only to the opposition in this Assembly but particularly to Aboriginal organisations, considerable concern. Certainly, it causes Aboriginal organisations considerable concern. Organisations in central Australia such as the Central Australian Aboriginal Legal Aid Service are responsible for the defence of a considerable number of the people who are involved in crimes of violence in central Australia. It is incontestable, for reasons that probably require no explanation, that these bills will affect Aboriginal people to a much greater extent than they represent a proportion of the population. That is a matter of concern.

That point was not picked up by the Attorney-General in his second-reading speech. I have clear recollection of the comments made by the then shadow Attorney-General and Leader of the Opposition in relation to what has become in criminological studies so well known as to have acquired the sobriquet 'Todd River murder'. When I think of the realities and the personal experiences that lie behind that almost glib academic phrase, it would be fairly difficult for me to continue in the sort of tone that debate in the Legislative Assembly usually demands. I will endeavour to restrain myself. Suffice it to say

that almost daily both I and my colleague, the member for Stuart, are touched in some way by the social realities, the personal realities, the personal misery and the social misery that are the stuff of crimes of violence in our corner of the world.

The reason that I am concerned that the honourable Attorney-General has failed to address this question in these bills or in his second-reading speech is that we are now confronted with 3 different processes in the administration of criminal justice in the Northern Territory. Prior to the gazettal of the Criminal Code on 1 January, the process that applied in the Northern Territory was the common law and criminal statutes. Post 1 January, we had the Criminal Code as it currently applies. Upon the gazettal of the amendments that we debate today, a third regiment of the administration of criminal justice in the Territory will apply.

Clearly, there will be complications, whether or not the Attorney-General gives consideration to the issue of retrospectivity, because there are going to be 2 sorts of people who will be in difficulty. There will be the people who offended after 1 January and whose trials commenced and were completed before the gazettal of these amendments. That is one class of people. A second class of people are those people who offended prior to the date of gazettal of these amendments and whose trials will continue beyond that date. It appears to me that there is clear justification for making these amendments retrospective.

I am quite sure that, with the commanding rhetoric that he usually displays in this Assembly, the Attorney-General will inveigh against the proprieties of retrospective legislation. However, what I would point out as a clear legal argument in favour of retrospectivity in these terms is that, under the current situation, a higher level of criminality obtains than will obtain after the gazettal of these amendments. I believe that is a good argument in favour of making these particular provisions retrospective. Although the situation is difficult at the moment, with due consideration, it would be possible to make these provisions retrospective and we should therefore make the best of what is clearly a difficult situation at the moment.

I should advise the Assembly of the sort of representations that have been made in relation to retrospectivity by some organisations whose interest I described earlier. Over the weekend, the Federation of Land Councils expressed its concern in this regard. Some honourable members might be surprised that the Federation of Land Councils would take an interest in this particular point. As I explained earlier, these concerns are of general interest to such Aboriginal organisations because the needs of the people represented by such organisations are so pressing. They said during the weekend that, because the bill is not retrospective, Aboriginal people who have been charged under the unamended code, especially under the intoxication provisions, will be treated far more harshly than those who are charged under the amended code. That is a matter of concern.

Similarly, I notice that the Central Australian Aboriginal Legal Aid Service, through the agency of its president, Mrs Rosalie Kunoth Monks, has urged that these amendments should be made retrospective. It says that one thing is quite clear. If the bill is not retrospective, it will mean that people unlucky enough to be charged with crimes like murder between 1 January, when the code first came in, and when these amendments take effect, which will probably be next week, will be tried under the unamended Criminal Code. The intoxication provisions in the original code were outrageous. They have been drastically amended and much improved in the bill. Quite clearly, there are areas of agreement that the Central Australian Aboriginal Legal Aid Service has expressed.

However, I believe that, in dealing with organisations like the Central Australian Aboriginal Legal Aid Service, the Attorney-General has been somewhat less than punctilious in his correspondence. I feel obliged to draw this to his attention. On 16 April, the Director of the Central Australian Aboriginal Legal Aid Service sought information from the government about the passage of these amendments. He received a letter in reply from the Attorney-General on 9 May. Inter alia, he advised the director that it was not intended at that stage that the legislation be passed on urgency. He said: 'You will have adequate time to examine the bill before the Assembly, pending its final passage in the Assembly, which is expected to be during the August sittings'. That is regrettable. In other debates during these sittings, we have talked about the relations the government enjoys with Aboriginal organisations. It is little wonder that those organisations treat with some suspicion a government that corresponds with them in that fashion. Under these circumstances, I trust that the Attorney-General will see fit to give due consideration to their clear concerns about retrospectivity.

Mr Speaker, broadly speaking, the opposition supports these amendments with that qualification about retrospectivity. We are pleased that some rapprochement has been made between the Northern Territory government and the Commonwealth government. Clearly, with respect to the intent provisions in the original code, there were considerable concerns. There were considerable concerns about the objective test intent that was in the code. We note that the amendment currently before us will encode, more or less, the current common law provisions in this regard.

The other section that I wish to mention briefly before I complete my comments on the bill is the terrorism provisions. While the opposition is not choosing to oppose these, we do note that they are unique in state legislation. My information is that no state has such legislation. We note that it replaces the original provisions in relation to the control of terrorism. I find it rather odd that a legislature that is responsible for the administration of justice for 130 000 has to encode legislation to control terrorism. Apart from the wilder flights of fancy of the honourable member for Sadadeen, it is difficult to believe that anybody who has his feet on the ground in the Northern Territory could honestly believe that such provisions are really necessary. I must admit that I doubt the bona fides of the Attorney-General in this regard.

Mr Manzie: What about hijacking?

Mr BELL: The Minister for Community Development refers to hijacking. I do not think that even he would dare to pretend that there was any chance of averting hijacking or crimes of political violence by outlawing organisations. If he has proof to the contrary, I would be pleased to hear it.

Mr Robertson: Read the bill, Neil.

Mr BELL: I wish to comment first on what the honourable Minister for Community Development had to say and then I will come back to the bill. As is most appropriate in a second-reading debate, I am talking about the general ideas behind a particular piece of legislation, a fact of which I would have thought the punctilious but honourable Attorney-General would have been well aware.

Proscribing organisations, as I said to the Minister for Community Development, does not have a particularly good track record as far as putting any sort of stop on those crimes of political violence. If he has proof to the contrary, I would be interested to hear it. I doubt that he would be able

to come up with it. The fact of the matter is that the original provisions in the Criminal Code in this regard were taken, I understand, from the United Kingdom Suppression of Terrorism (Temporary Measures) Act. I am not sure where these current provisions come from but, as I have said, they are unique and I would be interested to find out where they do come from.

Far be it from me to support terrorism in any shape or form but I really do believe that it is an overblown concern to have such provisions within a Criminal Code that administers justice for 130 000 people in the Northern Territory. If there are concerns about the monitoring of terrorism, it is surely a national concern. I really do not believe - and this may put me apart from some of the wilder obsessions of some of the government backbenchers - that such terrorist organisations are likely to have their genesis within the Northern Territory and, even if they did, it is Commonwealth law that should be of concern in this regard. Enough said in that regard.

To sum up, I would once more urge the Attorney-General to give due concern to this question of retrospectivity. I would urge him to make these amendments retrospective. Clearly, it is the most fair and just way of proceeding with this particular piece of legislation.

Mr DALE (Wanguri): Mr Speaker, I rise to make some brief comments on the amendments, particularly in relation to the Criminal Code. It was very interesting to note some of the comments of the honourable member for MacDonnell and I would remind him that, only a short time ago, there was an organisation called the Ku Klux Klan that was organised down near Katherine. Certainly, that had its birth in the Northern Territory at that time.

Mr Robertson: Yes, I would not want to encourage them.

Mr Bell: No, that was American.

Mr DALE: It was an ex-policeman actually.

He also mentioned that Aboriginals are being disadvantaged under this code, particularly in the area of violent acts. I think he quoted the people from the Todd River. If he reads section 41, the coercion section, that will probably put paid to his concerns in that particular area. He mentioned also offenders who have offended since: 'January, and even before then, and have not yet come to their trial'. Once again, his comments seemed to take the point of view that the judges will be looking at maximum sentences for all of these people and that their only aim in life will be to use the maximum provisions within this code. Of course, that is not the case. I give our judges a little more credit than that.

Mr Speaker, it has been rather interesting to be a member of the public and listen to the debate that surrounded the introduction of the Criminal Code. Having worked as a policeman in areas that have had the advantage of a criminal code and others that have not, I have no doubt that the police, the legal fraternity and the courts now have legislation within which they have very clear guidelines.

The Law Society has been interesting to observe in its approach to the introduction of the code by virtually stating that it has been practising over many years in a nice comfortable little rut chock-full of loopholes through which it has been able to squeeze many clients. Its submission on the code indicates, even to the layman, that is is back to school for it. It showed clearly that it had very scant experience of working within a code.

Mr Speaker, it is not my intention to open old sores on this matter. Suffice it to say that it was also interesting to observe during this debate the continuing overall negative attitude of the opposition and the federal government to any attempts in any field by this government to improve the quality of life for all Territorians. This Criminal Code will certainly do that. I do not agree with change for the sake of change but I simply do not understand the constantly negative attitude of opposition to change just for the sake of opposition.

Mr Speaker, the principal areas for debate today are section 7, relating to intoxication, the terrorist provisions and section 383, relating to the recovery of costs relative to persons acquitted solely on the grounds of intoxication. These amendments, of course, have been made subsequent to discussions between the Chief Minister, the Attorney-General, the Prime Minister and the Commonwealth Attorney-General. I have read the endless documents that have led us to the present Criminal Code and these amendments. I do not intend to try to debate the amendments in legal or technical terms. I would rather state them in layman's terms and, if in doing so I over-simplify them in my interpretations, I am sure I will be made welcome by members of the Law Society in their trek back to school.

Mr Speaker, section 7 has been amended so that, based on all the evidence before it, including that of the defendant, if he so desires, the jury may - not must - infer that the defendant foresaw the natural and probable consequences of his conduct. No longer will it be good enough for an offender to stand in court and say: 'I am sorry that I bashed his head in but I was drunk at the time'. If he wants the jury to believe that he really meant no harm, that in fact he did not foresee the natural and probable consequence of his actions, then there will have to be evidence forthcoming to convince the jury of that. I do not have to repeat the volumes of statistics quoted in this Assembly regarding alcohol-related criminal offences. Suffice it to say that this section is welcomed by a very large majority of the community.

People in the Northern Territory have been relatively free from terrorist activities. However, we are all well aware of the horrors that such activities have brought to other places in Australia and, certainly, throughout the world. The amendment seeks to identify quickly any unlawful organisation that advocates, threatens or uses any unlawful violence as well as any individual who might belong to such an organisation and to bring that person or the organisation to light so that any planned acts of violence are stifled. Despite the threats of the federal government, this government has brought about legislation to stamp on any potential terrorist activity in the Territory. I am confident that the amendments before us will provide the means by which the thrust of that legislation can be succinctly achieved.

Mr Speaker, the amendment to section 383 is largely cosmetic. Where a person has been charged with a property offence and is subsequently found not guilty by reason of intoxication, if his intoxication was voluntary, the court may order that person to make compensation by way of reparation and, if that debt is not paid, then the Attorney-General may bring and maintain civil proceedings for its recovery. I cannot imagine that anybody would have difficulty with that amendment.

Mr Speaker, I have touched briefly on the principal amendments to the code. The code represents a commendable move by this government to combat the ever increasing rate of violent crime in the Northern Territory. I call on all those directly involved in the execution of this legislation to become fully conversant with it and I am sure that the clear guidelines contained therein will be of benefit to us all.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, last December, the Prime Minister, Mr Hawke, made 4 demands upon the Territory government in regard to the Criminal Code and asked for amendments in 4 areas. There were international commitments, the fact that it considered certain aspects unfair to the Aboriginal community and individual rights and matters which were more appropriate for the Commonwealth to handle. I would make one point in this particular debate but I believe it is the most important one. It relates to those matters which are claimed to affect the Aboriginal community adversely or unfairly, in particular sections 7(2) and 154.

The opponents of the code, as was outlined very clearly in the second-reading speech of the Attorney-General, really made monkeys out of the Prime Minister and the federal Attorney-General, Senator Evans. Who were these particular opponents? They were certain Aboriginal legal aid lawyers, particularly from my home town of Alice Springs, and Central Land Council lawyers. They were supported by the Victorian left-wing lawyers who tried to gain much publicity. No doubt, they were egged on by Clyde Holding who is one of them. He is a leader of the little band there. Over the years, he has tended to supply lawyers to the Central Land Council in Alice Springs. They had Mr Hawke making the most unlikely demands one could possibly think of and in the most unruly terms that one could ever expect from a Prime Minister. Demands were made through the press that the Territory government should change things. What a way to act! What a way to behave! He was prepared to destroy the principles of self-government. The end result was that most of the points that were made at the time changed over time through negotiations, as was so well explained by our Attorney-General. Only a minor change resulted with one exception, which I will deal with in more detail later.

There is no doubt that the Prime Minister was badly misled and, no doubt, he wanted a cause to try to hit the Northern Territory government with after the results of the election in December 1983. He ended up with egg over his face and was left to carry the can. He was set up without a shadow of doubt. As the Attorney-General said, in the end the Prime Minister had the good grace to agree that there was very little substance in many of the claims that had originally been fed to him. I hope the Prime Minister kicked those responsible very hard. It was a real case of going in like a lion and coming out like a lamb.

I do not accept the claim that the Criminal Code was designed to pick on Aborigines. It applies to all of us and it should be administered with total even-handedness. It is a verifiable fact that Aboriginal crime is directed far more against other Aboriginal people than it is against other Territorians. That is easy enough to check on for anybody who cares to do so. Aboriginal society used to be an ordered society. Certainly, their laws in many ways were rather different to those that we would accept. Many of them today do not accept them either. However, they had an ordered society. Today, they still want that ordered, peaceful society. In fact, the chief message to a CLP candidate at the last elections was exactly that. They do not want criminals returned to create further trouble after very short terms in prison. They do not want good behaviour bonds after 2 years for people convicted of, say, manslaughter. I would say that Aboriginal legal aid would be at the centre of the blame for this. I do not refer to all elements of it. I have known some people in Aboriginal legal aid and I have the highest regard for them.

Mr Bell: Which ones?

Mr D.W. COLLINS: We do not name people in this Assembly.

To give an example, just after I came to this Assembly, it was reported to me by a friend that certain elements in Aboriginal legal aid sought permission from the Alice Springs High School to talk to the Aboriginal and part-Aboriginal students at that school. They addressed them in the old assembly hall there. There were some staff present and one of them reported that the general message that was given to the children was along these lines: 'If you get into trouble with the police, call us and we will get you off'. It was not: 'If you break the law, then expect to take the consequences. But, if you are wrongly charged, we will be there to defend you and look after your rights'. That is a terrible attitude. It is kidding children that they are above the law and it is encouraging lawlessness. My informant was appalled and so should be every other person in the Territory.

I claim that certain Aboriginal legal aid lawyers, by their actions, wittingly or unwittingly - I am not going to stand too strongly on that point - are destroying the society which they claim to defend. By returning the troublemakers to the camps or townships, after minimal punishment, they make me think of that tautology which one can see in the term 'criminal lawyer'. They inflict misery and tension back on the community.

These people do not want that. To add some evidence to that, some members will recall a report in the Centralian Advocate some time ago that the people at Yuendumu banned Aboriginal legal aid from going out there. There have been many other examples. Mt Allen was another one. People had committed crimes and the Aboriginal legal aid people were coming out. Magistrates were hearing cases and these people were getting off on technicalities.

Mr Bell: As is their right.

Mr D.W. COLLINS: I was coming exactly to that particular point.

You can appreciate the frustration of the Aboriginal community. I do not deny legal representation for any person; nobody can sensibly do that. But these people knew that members of their community had done the wrong thing and were getting off on technicalities. The attitude of Aboriginal legal aid was doing nothing for the peace and good order of the community. In fact, it was being destructive and bringing contempt upon the law of the Northern Territory.

The frustrations of the people of these communities is echoed by the police. You find Aboriginal legal aid lawyers defending $20 fines and their method of defence is to lay counter-charges against the police. If a policeman apprehends someone by using greater physical force than is necessary, I do not support him. The police are extremely careful on this particular point. The police know their limitations. I am very much aware of their frustration which echoes the concern of the Aboriginal communities.

The member for MacDonnell said this Criminal Code was of concern to Aboriginal organisations. Indeed, that has been displayed but is it a concern of the wider Aboriginal community? He said that he and the member for Stuart were touched daily by violent crime. All I can say is that he is arguing against himself by suggesting that the law should be weakened by returning wrongdoers to their communities after only minimal punishment. The law is held in contempt by these people.

A person who is very much involved in court work has told me that, since it was agreed to amend section 7(2), there has been a vast increase in claims by Aboriginal defendants of drunkenness as their defence. The suggestion is that these claims are being made on legal advice, as no doubt that would be the case.

There is also the statement of a learned judge of the Territory. I shall not name him but I will record his judgment because I am appalled by it. He has said it frequently in the past: 'I say again that, so far as Aboriginal people are concerned, I regard self-induced drunkenness as something of a mitigating factor which is not the position with respect to Caucasian people. Indeed, in their case, it may be an aggravating factor'. Mr Speaker, if I understand anything about racism, that is it.

Armed with that particular judgment of a learned member of the legal profession, people are encouraged to claim drunkenness as a defence. Their lawyers are doing their bit to get them off and obtain repeat business, no doubt, and create hell and misery in the process. I note that the Attorney-General is very reluctant to amend this particular section. I would agree with him that the public at large has very little time for people who go out and get drunk and then commit violent crimes.

The wider Aboriginal community - not their so-called representatives but the less articulate people - have even more reason to be concerned because that violence affects them far more than it does the average European members of our society. I hope this point will be kept under review. Maybe some other change may need to be made there because the people of the Territory are certainly not happy with this particular weakening of the Criminal Code which has been forced upon us.

## PERSONAL EXPLANATION

Mr BELL (MacDonnell)(by leave): Mr Speaker, I claim to have been misrepresented. There was a clear imputation in what the honourable member for Sadadeen had to say that I somehow favoured law breaking, in particular I refer to the comments that he made in relation to Aboriginal communities. I would like to take this opportunity to place on record that I believe that there is just as much need for equality of justice throughout the Northern Territory as elsewhere. What I did draw the Assembly's attention to was the number of Aboriginal people before the law and the amount of work in defending those people that organisations like Aboriginal legal aid services have to carry out.

Mr ROBERTSON (Attorney-General): Mr Speaker, it seemed to me that the honourable member for MacDonnell's main point related to the question of retrospectivity. I will try to deal with that briefly.

The communications from both the Central Australian Aboriginal Legal Aid Service and the combined land councils seem to indicate, and certainly the speech of the honourable member for MacDonnell indicated this view, that retrospectivity ought to apply to the whole bill. It does disturb me that there has been a complete dearth of communication between those organisations and myself but a surfeit of communication between them and the press. The best interpretation I can place upon this whole exercise is that it is distressing. I will not go into the politics of it. There is a distressing lack of understanding of basic law for them to suggest what they did in this communication to the media. Incidentally, my office has had to ring them, cajole them and beg them to communicate with us, at least in a verbal form, as to precisely what their concerns were. A communication went to the press and it stated one thing clearly: the bill is not retrospective. This means that people unlucky enough to be charged with crimes such as murder - between 1 January when the code first came in and when these amendments take effect, probably next week - will be tried under the unamended Criminal Code. So what we have is an emphatic statement - and it was supported by the honourable member for MacDonnell - that it would be necessary to apply retrospectively to all the amendments in order to avoid that situation.

I find it an extraordinarily poor reflection. I will say this with the full knowledge of what I am saying: it reflects either very badly on their training or on their post-university training. I do not have their knowledge of the technical law but I know that what they say is clearly wrong. One does not need to be a lawyer to do it; one merely needs to read the words used. The only section that one could possibly entertain the remote idea that there is a possible need for retrospectivity would be the amendments to section 7 contained, I think, in clause 3 of the bill.

If any honourable members are interested, I can provide scads of authorities. I will not go through them all today as they would be extremely difficult for Hansard to take down because of the crazy way the legal profession has these things bracketed and subphrased. But there are legion authorities which make it clear to any reader of those authorities that the courts are very much guarded in interpretation of detriment of the accused. Where an amendment is made to the criminal law and the question of retrospectivity comes into it, the courts will always hold that the legislature intended that, where detriment is concerned, that provision shall be prospective. In other words, it will follow on from the last case dealt with and not adversely affect people who are already before the courts.

The corollary, of course, is equally valid, while the authorities are somewhat silent. Regrettably, in the criminal law, we tend to have to legislate constantly for ever more stringent provisions in relation to sanctions, procedures and so on. I am not saying that is wrong but it is regrettable. But it is quite clear from all of the authorities over decades of judgments and reams of words that the courts intention is that, where the opposite to detriment comes in, it would automatically and with great force and conviction hold that the benefit will flow where the legislature intends that benefit to be. In other words, instead of it being prospective in terms of detriment, it would automatically, in their Honours' view and from what I read of it, be retrospective in respect of benefit.

Now the authorities are such that it is to me impossible for a legal aid service to put out the junk that it has put out - regrettably to the press and not to us. I just wish that the legal aid services, instead of communicating with the press, would for just once communicate with us.

The honourable member for MacDonnell has quite rightly indicated to the Assembly the contents of a letter which I sent on 9 May. At that time, I held the view honestly that it was not necessary to pass these pieces of legislation through the Assembly at this time. Mr Speaker, I do not believe it is necessary now. Nevertheless, there is a body of view held by certain legal services and by certain members of the Bar Association that possibly, if not probably, it would be in the interest of potential clients if we did so. Therefore, that is the answer why we have deemed it desirable, not essential, to pass the legislation through at this time.

But to come back to what I was saying, I think it is a tragedy that, where a mutual interest lies, people cannot communicate with each other. Our mutual interest with the legal services is to see that justice and fair play is achieved.

I will return to the point I made about retrospectivity. We have seen demonstrated on a number of occasions today the clear incapacity of the opposition to read other than that which is written for them. Quite some time before the debate came on, amendment schedule 11.1 was distributed. It relates directly to the retrospective activation of the amendments to section 7 of the code. The only one that someone could possibly hold as being a requirement...

Mr Bell: It was only circulated today.

Mr ROBERTSON: You only saw it today but that is the problem. The honourable member for MacDonnell is so incapable of making a speech that he himself creates that, no matter what information is put before him, the mere fact that one of the Leader of the Opposition's staff hands him a typewritten sheet and says, 'Neil darling, read that...

Mr B. Collins: There is nothing wrong with my staff. How dare you!

Mr Bell: Do you want to see my notes, Jim?

Mr ROBERTSON: Indeed, the instructions which so flow to the honourable member for MacDonnell from the staff of the Leader of the Opposition, because they are by and large capable, reflect their opinion of the honourable member for MacDonnell. Of course, it goes further than that. The Leader of the Opposition has just told us how good his staff is. He has just acceded to the point that the member for MacDonnell always - no doubt under the Leader of the Opposition's instructions - religiously and faithfully follows the text: A, B, C, D.

In a debate on the second reading of this bill, he just told us that the spokesman for the function of law, who has this amendment schedule sitting in front of him, never even bothered to refer to it because he already had the prepared speech in front of him. In other words, he had only an hour to see if he could possibly slot this amendment into the prepared text written for him by someone else. Now that is the reality of the talent opposite.

Mr Speaker, while I do not think it is legislatively or legally necessary to ask the committee to pass this proposed amendment, in order to put the question beyond doubt and having regard to the fact that there is little authority on the question of beneficial change, whether or not that is prospective or retrospective, I think it is desirable that the committee, in due course, entertain the amendment.

Mr B. Collins: It took you an awfully long time to get around to saying that.

Mr ROBERTSON: I had to make some observations about the relative merits of the Leader of the Opposition's staff compared with that of his colleagues.

Mr Speaker, the member for MacDonnell, the opposition spokesman on law, gave us his understanding of the amendments relating to the question of terrorism. Notwithstanding all that has been written in the press, all of the television interviews and all of the information that has been circulated, he still cannot see the difference between the existing legislation and the amendments. We are no longer talking about the outlawing of organisations; we are talking about the defining of unlawful activity and bringing before the courts those people who break the law. It is another demonstration that the honourable member is incapable of reading anything other than that which, like the favourite little poodle, he is schooled into doing.

I would like to mention one last thing because it is the sort of thing which constantly comes before parliament, and rightly so, by way of corrective law. It did not come out during the course of the debate but came out as a result of an interjection which was picked up by my colleague, the member for Sadadeen. He said that he did not necessarily agree with the right to acquittal on technicalities. I do not share that view. I am going to be as careful as I

can on this because, very often, we find those responsible for the administration of law coming back into this Assembly to correct decisions which we believe are wrong in the courts. In my view, a person charged with an offence has a clear right to be acquitted where the police or the Crown has not done its job and has not presented the case properly in accordance with law or where the law is deficient. They have a right to be acquitted of that charge. There is a very great difference between that right to be acquitted and the right to expect to get off on a technicality. I make that point because, if I remain Attorney-General, as a result of the operation of this Criminal Code, I may well have to come back to this Assembly and say that the courts, because of their construction of it, are not deciding as the government, and hopefully the opposition, want the will of this Assembly applying.

Motion agreed to; bill read a second time.

In committee:

Criminal Code Amendment Bill (Serial 37):

Clauses 1 and 2 agreed to.

Clause 3:

Mr ROBERTSON: Mr Chairman, I move amendment 11.1.

I explained this in the second-reading speech and I do not think it is necessary to explain it again. It is to ensure that the amendments to clause 7 are in fact retrospective.

Mr BELL: Mr Chairman, I believe this is the appropriate context in which to make these comments. Because of his suggestion that I was a mere talking head, some sort of automaton with human features, let me indicate to the Attorney-General the notes from which I addressed the bill. I would even dare to pass them across to him because I have had many less than complimentary remarks about my calligraphy.

As to the amendment schedule 11 that has been circulated by the Attorney-General, I must say that I only stumbled upon it while he was on his feet. I am told that it was circulated this morning. I am unable therefore to assess whether it does what he intends that it should do. It is not possible for me to either support it or oppose it but merely to take it on faith that the amendment does what it is designed to do.

While I am on my feet, I would refer to the bile that seemed to flavour the words that the Attorney-General sent in my direction. He said that I have sought to make all of the amendments retrospective when, in fact, there was only a particular part which we were concerned about - the intoxication provision. I would merely say to the Attorney-General that, at no stage, either explicitly or implicitly, did I indicate that I wanted all the amendments to be retrospective.

I might as well answer some of the other concerns that the honourable Attorney-General raised during his second-reading speech. I must admit that he used 2 phrases that, to the layman that I am - as is the honourable Attorney-General - require some explanation and I would appreciate that. He referred to the legislation being prospective in detriment to a particular accused or retrospective in terms of benefit. I presume he means by that that people who would have been accused in the intervening period, had he not circulated this

amendment, would have had their case interpreted by the courts to their advantage in that intervening period. I assume that is what he means by retrospective in terms of benefit. I am not quite clear about what he means by prospective in detriment to the accused. I would appreciate an explanation, although it may be hypothetical in view of this amendment.

I think they are all the comments I have to make in relation to the amendment schedule which was circulated, if I might say, somewhat tardily.

Mr ROBERTSON: The only thing I am going to say is to launch a humble apology. I do apologise to the Leader of the Opposition. I do apologise to his staff. Indeed, I apologise to you, Mr Chairman and all honourable members. No one else could have programmed his computer that badly anyway.

Mr BELL: Mr Chairman, I just seek elucidation from the honourable Attorney-General as to which computer he refers to.

Amendment agreed to.

Clause 3, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Sexual Offences (Evidence and Procedure) Amendment Bill (Serial 39):

Bill taken as a whole and agreed to.

Justices Amendment Bill (Serial 38):

Bill taken as a whole and agreed to.

Bills passed remaining stages without debate.

## SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Casino Licensing and Control Bill (Serial 53), the Casino Licence and Control Amendment Bill (Serial 54), the Casino Development Amendment Bill (Serial 55), and the Lotteries and Gaming Amendment Bill (Serial 56) passing through all stages at this sittings.

Motion agreed to.

## CASINO LICENSING AND CONTROL BILL
(Serial 53)

## CASINO LICENCE AND CONTROL AMENDMENT BILL
(Serial 54)

## CASINO DEVELOPMENT AMENDMENT BILL
(Serial 55)

## LOTTERIES AND GAMING AMENDMENT BILL
(Serial 56)

Continued from 7 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, these 4 cognate bills are necessary if the government's representatives are to pursue an agreement with the new casino

operators. Perhaps the principal piece of legislation in this package of bills is the Casino Licensing and Control Bill.

Mr Speaker, although the opposition has many questions about the financial development that is proposed by the government, we certainly do recognise that these amendments to the legislation are necessary for anything to proceed. However, we do have a few questions for the minister. The questions are related to the extent to which Northern Territory law can be subjugated to whatever requirements or agreements that the minister enters into. I do appreciate that, in some circumstances, this may be necessary, but I would like the minister in this second-reading debate to enunciate those circumstances he would foresee where it would be required for Territory law to be overridden to accommodate his arrangements with the future operators. The principal area where it is mentioned is in clause 3 of the Casino Licensing and Control Bill where it says that the minister may enter into agreements. I would appreciate some indication from the minister as to what particular agreements he would foresee entering into.

The same applies to clause 6 of the same bill. I do not foresee that the casinos would be conducted in a very dissimilar manner to the way the present casinos are being conducted. However, if the minister sees the operation of the casinos being radically different in the future, then I would appreciate some indication of that in the second-reading debate.

Clause 12 fits into the same category. There may be some different games played in the casino. I would hate to think that we are going to introduce Russian roulette. I am quite sure that the minister does not anticipate that but I would appreciate some indication from him as to what variations he would envisage in those controls over the new casino operator.

Mr Speaker, with those few words I indicate the opposition's support for these amendments.

Mr PERRON (Treasurer): Mr Speaker, I appreciate the support of honourable members for this enabling legislation. It will enable us to handle the situation which is likely to come up between now and the next sittings of the Assembly. I point out to honourable members that I envisage this bill before the Assembly being replaced at some later stage by a new Casino Act. That will be when we know more clearly where we are going. Possibly it will have the agreement attached to it. Honourable members will be aware that the current Casino Licence and Control Act is 50% legislation and 50% agreement at the present time. I believe that we will end up with a similar document in the future. In the meantime, we need a provision to change horses, as it were, in midstream. That is what these bills before the Assembly will facilitate.

The honourable member for Nhulunbuy asked about the extent to which I can enter into an agreement that is contrary to the law of the Northern Territory. As I understand it - and it is a shame that the Attorney-General is not here because I am sure he would explain this better - provided the agreement I enter into is strictly within the limits of this legislation, the agreement will not be void if it indirectly contravenes another Territory law. I am sure that the agreement entered into will not have any more substance than legislation. I am quite certain that it will not have more substance than legislation or carry a higher status than any other law. But it will mean that the agreement is not in itself invalid in that respect, and that is what is intended.

He also asked about controls over conduct of a casino. I do not envisage casinos being conducted in any radically dissimilar way to the manner in which

they are conducted at the present time. We do, however, want to have power to include in the agreement broad guidelines, or at least the provision for possible ministerial intervention in the event that a casino operator proposed to conduct an activity which we would regard as unsuitable. We would like to have power in an agreement to intervene in a broad sense. Certainly, we do not propose to get into too much detail in telling people how to run casinos. We believe it is a matter best left to private enterprise. That was a decision we faced a long time ago when we first proposed casinos in the Northern Territory. We could have had government-run casinos. They exist in 1 or 2 places elsewhere in the world. We believe that the business of casinos - the promotion, the razzamatazz which makes casinos successful and the national and international artists - is best left to private enterprise.

On the subject of games, at the present time, we have powers which we would seek to include in any agreement. This is primarily to ensure that we are satisfied that the games are run under a very strict system of fair play. We want casinos to be regarded as places where one can go and play games of chance and take the risks of losing the money that are involved. Most people do, of course. But there is the chance of winning money in casinos. A great deal of money is won in casinos. If that were not the case, people would not go back to them. But the important thing from the government's point of view is that every single game that is played in the casino is played strictly in accordance with rules which ensure that there is a reasonable percentage share of the turnover returned to the house and that players have a reasonable and fair chance.

At the present time, we have a detailed set of rules as to how every game in the casino is to be played. Those rules determine the exact return to players and to the house. We monitor that very carefully. We have sheets of figures which show exactly what every game returns to the players and the house for every month that the casinos have been in the Territory. I find them surprisingly consistent all the time, which is good. It means that, every time a person steps up to a table, he faces a very set situation that does not fluctuate and he can be sure that the house is not cheating. Therefore, we are not so worried about the number of games that are played in the casino. At the present time, there are quite a number of casino games which are not played in Territory casinos because the current operators do not believe that this would be viable. Australians would consider them unusual games. Craps is one that comes to mind. It is certainly very popular in the United States.

Our primary concern is to approve the games and approve the rules when they are installed in the casino. We would not like to place any limits on the sorts of games that casino operators could dream up and put forward for licensing. In fact, two-up, which is quite popular in Australia, is only played in Australia. It is a uniquely Australian game that was developed originally by Federal Hotels for Wrest Point and is quite successful. It returns similar odds to other games. The nature of the game certainly attracts a lot of Australians. It may be that other games can be introduced. Provided that we are satisfied that they are played fairly, we would probably license such games. Of course, they could not be in bad taste. Video games in other parts of the world are played like poker machines. You get certain scores and you get money. One that is in bad taste involves turning a steering wheel of an imaginary car and running over pedestrians. Each time you run over a pedestrian, a little tombstone appears and you get a score. That is just sheer bad taste. You wonder why people put them on the market. We would ensure that such things never crept into casinos.

As the bills provide, we will table any agreement that we enter into. I expect it will be a fairly comprehensive agreement. It will be tabled within 3

sitting days - possibly the first sitting day - of the next sittings, assuming that the casinos change owners and operators during that period.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that the bills be now read a third time.

Motion agreed to; bills read a third time.

## MOTION
### Racing Industry Working Party Report

Continued from 6 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, let me begin my contribution to this debate by congratulating the working party on presenting a most comprehensive report into the racing industry in the Northern Territory. It is not the first such report but it is extremely comprehensive. All of those people who participated in it certainly do have my congratulations.

Mr Speaker, I will just go through the history of inquiries into the racing industry generally in the Northern Territory. That will certainly indicate the extent of debate over the years in the Territory. In 1970, a select committee of the then Legislative Council was set up to inquire into what was then the Racing Control Bill. I imagine there are still staff members of this Assembly who would recall the Racing Control Bill and the committee that was set up to inquire into it. Amongst other things, the Racing Control Bill of 1970 quite clearly pointed out that a TAB would be established under the auspices of that bill. Upon the setting up of this select committee, it was recommended that the bill not proceed until this committee report. Somewhere along the line, the committee never quite got back to the then Council. So we had a bill that would introduce TAB in the Northern Territory but it lapsed for want of procedure.

In 1977, Mr Neilson, an extremely knowledgeable gentleman in the area of Australian racing, prepared another report for the government. It was a very wide-ranging report. It had extremely broad terms of reference which were to inquire into the Racing and Gaming Ordinance and to come up with a report and a set of recommendations to the government. Amongst other things, that report recommended the setting up of a racing and gaming commission and the eventual introduction of a TAB. Part of that report was accepted. Unfortunately, the other part was not, the part that concerned the introduction of a TAB.

Some time later, a comprehensive study on the racing industry in the Northern Territory was carried out within the Racing and Gaming Commission. That was done in 2 parts. One part was concerned with capital development of racing and gaming generally within the Northern Territory. That report was released. The second part was a confidential Cabinet document. I respect that the government has the right to maintain confidentiality with its own internal reports. But because it was never released, I can only assume that it too recommended a TAB and, if it did not, I certainly would like the honourable Treasurer to indicate that to me.

In 1983, the minister set up a working party which took in very broad areas of reference throughout the Northern Territory. It involved people from a very broad spectrum of Northern Territory society. They were mostly interested in racing in one form or another. There were representatives from the police, from the clubs, from consumer affairs and representatives from a very broad spectrum

of the Northern Territory's community who had, to one degree or another, interests in racing in the Northern Territory. That report that the minister tabled - and he made one available to me some time ago - came out with the very clear recommendation that the government introduce a TAB system into the Northern Territory by June 1985. I suppose that gave about a 12-month time limit which would enable the enactment of legislation which would be required to set up a TAB and exclude off-course bookmakers. That was the other clear recommendation in that report.

Amongst other things, the report said that, if these recommendations were followed, then not only would the community's interests be best served but the racing industry's interests generally would be best served. After reading that extremely comprehensive report, there was really no other conclusion left than that they were accurate in their assessment. The minister has asked for further reports and I appreciate that they will be necessary. If a TAB is to go ahead, it will be necessary that further reports are made on various other aspects of community and social activity within the Northern Territory which would be consequential on the introduction of a Northern Territory TAB.

However, after speaking to a couple of members of that committee, what I find disturbing is that the minister has already indicated that he is prepared to have 2 bob each way: 'I would like the TAB but we also want to keep the off-course bookmakers'. I would like to point out to the honourable minister that, while each-way bets might favour punters, they certainly do not favour the racing industry. It will serve no good purpose. Indeed, plenty of media releases have been made about the consequences of introducing a TAB alongside off-course licences. I do not know what plan the government has in mind to do this or how the minister sees it being achieved but I can assure him that all of the indications that I have had and everybody whom I have spoken to who has a very good knowledge of the industry all point out the fact that that is an impossibility. The government may as well stay where it is as try to introduce a parallel system. It is simply unworkable. It will not get off the ground. Indeed, if it gets off the ground, it will die a miserable and not very lingering death.

I would ask the minister to consider the very strong recommendations in that report for the introduction of TAB to the exclusion of off-course licences. I appreciate that there may be technical difficulties which will not allow a TAB terminal to be introduced in some very remote places. However, I am quite sure that that was not what the minister had in mind when he was speaking on the proposal for a dual system.

The racing industry in the Northern Territory provides perhaps the biggest single venue for a tourist event in the Northern Territory. The Darwin Cup weekend is perhaps the best known Territory event in the tourist calendar of Australia.

Mr Vale: What? What about Henley-on-Todd?

Mr LEO: I can assure the honourable member that the Henley-on-Todd Regatta is not as well known. I am told that the Mindil Beach Casino is booked out for the next 5 years for that weekend. That is how popular it is. It is an event of some national importance.

However, this single event held on this single weekend not only promotes Darwin but also introduces a great deal of money. I think even the minister would concede that some fairly ailing small businesses around town look forward to the Darwin Cup weekend. That weekend and, unfortunately, the entire racing

industry, is being threatened because the 2 main racing clubs, particularly the Darwin Turf Club, are unable to plan their financial future. Every 12 months, they have to go to the minister cap-in-hand and say: 'We would like to spend a couple of bob on upgrading the course. We do not think that our prize money is quite up to what we need to attract horses and riders of note for the events on the Darwin Cup weekend'. The minister may or may not assent to their wishes or requests.

Mr Speaker, if we are to have a developed horseracing industry, experience throughout Australia clearly indicates that the way to do it is with TAB. As a matter of fact, if you talk to anybody within the industry around Australia - trainers, riders, club officials, TAB personnel or on-course bookies - they think it is absolutely ludicrous that the Territory has not done it yet. It is a decision for the Territory to make if it wants to develop. I happen to think that it is important that the Territory develop its racing industry. If the minister feels that it is not important, then let him say so. However, I happen to feel that it is important that we develop a Territory racing industry.

In Australia, racing is probably amongst the top 5 industries in terms of straight cash turnover. Unfortunately, the Territory's racing industry is in an abysmal heap at the bottom of the pile. It does not participate in that industry at all. We have one weekend in the entire year when it is probable that one could accidentally bump into somebody out at the course. However, for the rest of the year, you could wander around that place with a pair of binoculars and not spot a soul on the horizon. It is absolutely ludicrous.

If the government is serious about developing a racing industry in the Northern Territory, and I believe it should want to, it will agree with this working party's report and introduce a TAB to the exclusion of off-course licences. However, if the government does not want a racing industry which is self-supporting and self-sustaining, it will continue on its present course or, even worse, it will introduce a dual system. There are no alternatives. It is a hard decision to make but, if the government has any interest in that industry, it will make it.

The next thing I would like to speak about is the government's credibility in the area of general finance. It cannot enhance the Territory government's credibility nor can it enhance this Assembly's credibility if we make donations to turf clubs which no other state in Australia does. Indeed, they get revenue from their racing industries. It cannot enhance our credibility when we speak to the people in Canberra, whom we are all very fond of knocking, if we are the only people in Australia who continue to support racing clubs and the industry from consolidated revenue. It cannot enhance our case; it must be to our detriment and that of our credibility if we have to continue to do that. Believe me, Mr Speaker, those fellows down there are all hard-headed bureaucrats; they are all hard-headed politicians.

The government has clear options. It can develop a viable racing industry and derive revenue from that same industry. It can do those 2 things through the introduction of the TAB. The capital investment of the Queensland TAB really makes us look like hicks. The Queenslanders are investing huge amounts of money in developing the industry and here we are nursing along a sick dog. Put the damned thing out of its misery or allow it to develop.

Mr Perron: That's a recommendation.

Mr LEO: That is precisely right. Put it out of its damned misery or allow it to develop. I happen to think that the industry is worth developing.

Obviously, the minister is having second thoughts. He has already indicated that he fancies a dual system, and that is a dead duck.

Mr Speaker, most of what I have to say has probably already been said in the press and, undoubtedly, the minister has read it. I do not think that I can contribute a great deal more beyond that. However, I would ask the minister to consider those 2 very important factors when making his decision. Indeed, I would ask all of his Cabinet colleagues and all the government members to consider those 2 very important factors. Do we want a viable racing industry or not? If we are going to have one, we must consider our financial credibility with those people from whom we derive the vast bulk of our income.

Mr DALE (Wanguri): Mr Speaker, I thank the honourable member from Nhulunbuy for giving the history of inquiries and reports in the Northern Territory regarding the introduction of TAB because that saves me a little time. In fact, I have had a great deal of trouble identifying where I should begin my comments on the racing industry working party report.

Mr Speaker, the membership of the working party was, in my opinion, unfortunate in that at least 4 and probably 5 of the 7 had a known bias towards the introduction of TAB and 1 member who had just as strong a bias towards maintaining off-course betting shops. That leaves probably only 1 member, the chairman, who had an open mind prior to commencing the inquiry. Further, were the terms of reference of the working party succinct and, at the same time, broad enough in definition to enable its inquiries to take on the new perspective required?

Every inquiry into the feasibility of the introduction of TAB into the Northern Territory has assumed a definition of the racing industry. The member for Nhulunbuy has just spent 20 minutes giving us his version of his definition of the racing industry as relating to race tracks. We should not feel bad about that because every other state has done exactly the same thing, and that is why they are in so much trouble. It is not all sweet and lovely down there. An integral part of the racing industry is the off-course element. It is a mistake and always has been down south that governments do not take cognisance of the off-course factor and therefore do not legislate properly to provide for that.

Therefore, within my definition of the racing industry in the Northern Territory, the membership of the working party should have had a representative from the off-course punting fraternity. After all, that sector provides 91% of the annual turnover yet had no direct input to the inquiry. These people may never set foot on a race track and, of course, are unlikely to go to the trouble to put a submission to such a working party. The report talks of the need to sustain the racing industry and, of course, its attentions are directed only to the animals physically racing around the tracks. In fact, it should also look at sustaining and upgrading the facilities to cater for the needs of the 91% factor. People with tunnel vision would argue that the working party does look at the needs of the off-course punter and that is why it makes recommendation 11: that the TAB commence operation on 1 July 1985. That is exactly the mistake southern state governments have made in the past. For goodness sake, let's not fall for the same trap here.

Mr Speaker, all southern states had a viable, if not a rapid growth, racing industry when it was decided to introduce TAB. The on-course situation was viable because of the healthy attendance figures and the numbers of families or little people who were involved. The off-course part of the industry was also flourishing but, unfortunately, all bets were with illegal SP bookmakers who were not paying tax and therefore giving no money back to the racing industry.

I remember well, as a young lad in Fitzroy, when I would wander up the back lane near the local pub and the bookmaker's chalk betting boards would be hanging on the wooden paling fence. He had no qualms about taking my bet of a shilling each way. I started early. In later years, some of the funniest moments I had as a member of the Victorian Police Force were during the Saturday raids on similar bookmakers in Footscray.

As I said, the industry was viable but it certainly did not have a rapid growth factor either to increasing prize money or facilities on-course or for upgrading the facilities and modes of betting for off-course punters. Governments down south conducted inquiries similar to the one that has resulted in the report before us and they came up with only one real recommendation, and that was for the introduction of TAB.

Mr Speaker, they made the fundamental mistake that I am suggesting has been made by this working party: they did not adequately inquire into the needs of the industry as a whole. They sought out the needs of the race clubs. They established that government coffers would swell dramatically if their estimates of turnover were correct. Prize money would increase and therefore more owners would be attracted to participate and, because high amounts of money would be available to clubs throughout development funds, luxury grandstands, restaurants and bars etc would be built and therefore attendances would increase. About the only consideration they gave the punter, who never went to the race track but still liked a punt, was that the TAB would safeguard his investment and he would no longer have to deal with that horrible, unsavoury criminal type because TAB would stamp out illegal SP bookmakers.

Of course, with hindsight - and what a wonderful resource that is; let's use it - we can see that all has not been as rosy as predicted by the various inquiries. Most racecourses have beautiful facilities. However, they are catering to ever-decreasing crowds. The boom in prize money has eased the little man out of racing to the extent that some cynics are predicting that, in the foreseeable future, there will only be a small handful of owners and trainers providing the animals for each race day. In the meantime, what about my mate the punter who does not want to go to the track? Well, Mr Speaker, he certainly has the chance to go into nice new TAB shops and bet on a much wider range of feature bets such as quinellas, trifectors, quadrellas etc. But once again, like this report, nobody asked him if that would satisfy his needs.

In other words, and to come to the main point I want to make, nobody in Australia, let alone the Northern Territory, has ever conducted a feasibility study or a marketing exercise into the needs and aspirations of the whole racing industry. If one did, one would ascertain that the off-course punter comes into 2 categories: one wants to bet on the TAB system and one wants to bet with a bookmaker. A recent ABC television program interviewed a senior officer of the Victorian TAB who stated that he was delighted with the ever-increasing turnover on the TAB and, on the same program, an illegal SP operator stated that his turnover over the past several years had been $127m. It would not matter if they had been talking about betting or shelling peas. Any marketing man would tell you that there are 2 markets to be catered for. Why are governments so naive or perhaps intimidated or corrupted to the point where they legalise one market while, at the same time, they bypass a further fund-raising medium and pander to a cesspool of crime and corruption.

Mr Speaker, the Director of the Australian Institute of Criminology, Professor Richard Harding, has called for the decriminalisation of SP bookmakers. Professor Harding told the New South Wales branch of the Royal Institute of Public Administration in Sydney that off-course betting should be allowed to

compete lawfully with TAB because SP bookmakers would have little incentive to remain outside the system. Professor Harding said: 'For the price of paying betting tax, they could set themselves up in more salubrious premises, deal with Telecom in the conventional ways, gain the benefit of moves towards making betting debts recoverable at law and generally become pillars of the community'.

Mr Speaker, as an administrator for some 5 years in the on-course side of the industry, I support, and I am sure that every honourable member supports, the recommendation to sustain and moreover improve the standard of the animal racing side of the industry in the Northern Territory. I hope we are all just as committed to providing standards for the off-course participants. Let us not forget that we must also look to raising government revenue from the industry. The other states took the decision to introduce TAB without knowing what impact it would have on-course or off-course. All they could see was the pot of gold at the end of the rainbow.

Even Mr John Reeves MHR has claimed expert status in the racing industry because he spent some time as Chairman of the Central Australian Racing Club. He was quoted recently as saying that he would introduce TAB immediately and put forward as his only logic for the move the turnover on southern TABs and commented that TAB was the industry's 'holy cow'. I would suggest that the honourable member's expertise in racing is on a par with his general expertise in representing the interests of Territorians in Canberra. That gentleman does not have the flexibility of mind or the interests of everybody within the industry at heart to educate himself to the fact that, on the farm where his holy cow is located, there is also a goose that lays golden eggs. That goose is called 'Goldie', the illegal SP bookmaker. But alas, 'Goldie' is not the biggest goose on the farm. That honour goes to any government or short-term politician that frantically milks the cow until his hands blister while, at the same time, neglecting the fact that 'Goldie's' droppings are really starting to make the farm stink.

Mr Speaker, where does all this lead us? We do want to see the animal racing industry in the Territory develop and we do want to provide the best variation of off-course betting facilities while, at the same time, providing income for the government from the industry. But while trying to achieve those aims, we must ensure the long-term stability, credibility and viability of the industry. What can we do to satisfy all those criteria? We must establish what is a reasonable rate of development for horse and greyhound racing for the next, say, 10 years and what injection of funds is required from year to year for that agreed rate of growth to be maintained. The development must take into account gradual increases in prize money for owners and upgrading of facilities for patrons. We must introduce off-course betting facilities to cater for the 2 markets I referred to earlier and establish what amount, if any - and I stress, if any - of government revenue is to be raised during the specified period. It will then be a matter of identifying what system or systems are to be available on-course and off-course for the punters who will provide adequate revenue to achieve our goals. We must not, as the honourable Mr Reeves and others who have a bias towards the local racing scene suggest, rush into the introduction of TAB to the exclusion of all other systems just because it appears to be the pot of gold. We must be far more responsible than other states and not simply accept the TAB and the interests of the on-course situation as being the be-all and end-all of our decision.

There is only one logic that I can apply to the working party report so far as projected turnover and subsequent revenue distribution figures are concerned. If we accept the scenario that, from a financial standpoint, the government should allow on-course racing to close - although it recommends we do not do

that for several reasons - then I believe we should accept the scenario that, while from a financial standpoint we should introduce TAB and close betting shops, there are many more reasons why that should not be done.

The working party was rather gullible in the way it accepted some submissions and then arrived at recommendations based on those submissions; for example, comments on page 59 of the report in recommendation 2:

> *Law enforcement agencies in Victoria report that there is prima facie evidence of illegal money flowing in the SP operations in the states and into and through certain Territory-licensed bookmakers. In examining the TAB option, it is also apparent that fertile ground may be created for SP operations in the Territory itself as a replacement for illegal activity already occurring. Whatever the betting system, therefore, it is a potential for anti-social activity and links into organised crime. The strongest possible action should be instituted to prevent such activity by introducing real deterrents providing an adequate enforcement capacity etc and encouraging judicial support.*

Mr Speaker, what that says in fewer words is that illegal operators from the south are betting with legal betting shops. If the TAB is introduced and we close the betting shops, it is likely that illegal SP bookmakers will operate. I quote: 'as a replacement for the illegal activity occurring'.

Then it goes on to say that we must form a gaming squad, which is a bit of a laugh. The working party has assumed that, if an illegal operation from interstate has a bet with a legal bookmaker in Darwin, that is an illegal transaction. That is nonsense. Let me assure you, Mr Speaker, and other honourable members, that most legal off-course bookmakers have a telephone account on one or more TAB agencies in various states. If an illegal operator in Tasmania rings a bet through to Darwin, the report says it is illegal and is therefore a slur on the off-course bookmakers. Apparently, if the man from Tasmania rings the same bet through to his telephone account with the TAB in New South Wales, then that is okay and there is no slur on the TAB.

It is remiss of the working party for not taking its investigation to the point where it established that something like $10 000 each Saturday would be bet from interstate with Darwin off-course bookmakers. It is wrong to suggest that all of that money is from illegal sources. Some of it is bet by very prominent Australians who simply want to bet legally with a bookmaker when they do not have the time to go to a racecourse down south. Its investigation then should have led it to the fact that illegal SP operators bet hundreds of thousands of dollars each Saturday through their telephone accounts at various state TABs.

Mr Speaker, I will sum up. People directly involved in the on-course side of the industry argue that we must introduce TAB at any cost and base their arguments on the huge turnover on interstate TAB and the subsequent spin-off of funds to the administration of racing which then leads to more prize money etc. Their approach to this end has also included their tactics of casting aspersions on off-course bookmakers. It disappoints me that the working party and the opposition have followed the same narrow path. This government must take a much more responsible approach. It matters not whether you like or want off-course bookmakers to operate. Experience from all over Australia indicates that you are going to have them anyway. Governments, therefore, have to take the decision of allowing them to operate legally and under close supervision so that some return can go to government and the racing industry or have them operate illegally, with no return at all, and with the inherent cost to the taxpayer of trying to combat the crime and corruption associated with that operation.

We must maintain off-course betting shops in some form, perhaps with a drastic reduction in numbers. The off-course TAB must also be introduced not only for the reasons put forward by the race club lobbyists but also so that off-course punters have the choice of the type of bet they want. This government wants the race clubs to progress but not at all costs. I concede the point that a dual off-course system will not give the same financial return to racing initially. However, I expect the racecourse lobbyists and the honourable members of the opposition to concede that the responsible decision to be made now is the one that will ensure the long-term stability, credibility and viability of the whole racing industry.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I rise to make a few comments on the working party's report as it relates to TAB and off-course and on-course bookmaking. I do not have any particular passion for the industry, for gambling or for horseracing at all but I believe the decision the government makes in relation to this matter is much more important than whether we raise $Xm a year or $2Xm a year or whether the racing industry in the Northern Territory is funded from an open-ended arrangement through a TAB or through some other system. My concerns do not come from the impact of the dollars on the industry but more from the social impact that comes from illegal SP bookies.

I grew up in the town of Tennant Creek which was really the town that introduced legal off-course betting to the Northern Territory. In those days, and shortly after the introduction of radio, it was very difficult for people in Tennant Creek to have a bet. Most of the SP betting was organised off the shortwave radio. When the radio came via the ABC in 1960, the SP bookies stepped up their activities. The immediate reaction from the police in those days was to try and stamp it out. It was rather like trying to stamp out sex. They did not have a hope. There never was a hope and there never will be a hope of stamping out the desire of people to bet on a racehorse. All we are talking about is how they do it and whether you can force them through one mechanism or another to bet on the TAB.

Mr Deputy Speaker, we had a situation in our town where the 3 bookmakers put £10 a week into a fund operated by the Tennant Creek District Association which was just a progress association. We received very little assistance from the government in those days, not that we received more or less from anyone else. There just was not a lot of help around and the £30 a week from the bookies paid for the basketball courts, the tennis courts, the lighting, the shed, the improvements at the baseball field and a multitude of other little jobs around the town that people would never have had the benefit from if it had not been for the bookies.

As you can imagine, Mr Deputy Speaker, the bookies very soon became next to God because, if you knocked the bookies off, you knocked off the public amenities and the supply of money that made them possible. So the police really had a battle on their hands. They were not doing a job on punters; they had the community against them, and plenty of trauma followed. If you read the history of the legalisation of SP bookies in the Northern Territory, Mr Deputy Speaker, you will see that Mr Len Purkiss, one of my predecessors in this Chamber, fought the battle for at least 10 years before we actually achieved legalised betting. The fight that he carried was not for people to be able to place a bet. It was to stop the trauma that was going on between the community and the police force. The police were being harassed by their superiors for not stamping out illegal bookies and they were being harassed by the town people. In some cases, the police were on the take. If you look at the police records, you can see the names of policemen that left the Northern Territory because they were found to be on the take.

We are talking about what I regard as a possible return to that scenario. I have yet to have anybody prove to me how we are going to stamp out bookmakers. I notice in the report that, if we have enough police, if they have enough teeth, if the hammers are big enough to knock the doors down in the middle of the night and if Telecom does not connect telephones etc, the bookies could not function.

In a community the size of the Northern Territory, that possibility is just outrageous. We could not function as a society. How are we going to control the bookmakers who operate underground in the mines? They will have a blackboard on the 9 level at Warrego. All the races for Sydney, Melbourne, Brisbane and Adelaide will be on the blackboard. How are you going to control the phones? How are you going to stop the money? Who will ever go down there to do anything about it?

Mr Leo: There's most likely one down there now.

Mr TUXWORTH: I would not disagree for one minute with the interjection from the honourable member for Nhulunbuy. There most likely is one there now. To my mind, stamping out bookmakers is just not possible. I come back to the point that the honourable member made a moment ago. If it is not physically possible, and if the vacuum we create here is going to be filled by illegal people from interstate, what is the point?

Mr Deputy Speaker, if I advocate that there should be some form of legal bookmaking off-course, I throw myself into conflict with the TAB interests. I admit that there is probably an argument for more funds to be raised from the TAB. What do the protagonists for the TAB think that a flying squad of police will cost to operate over 500 000 square miles of the Northern Territory for 7 days a week 52 weeks a year? If that does not eat up $1m or $2m in a year, I will go he.

Really, I am making a point on behalf of my own community. I would not like to argue strongly what would happen in Darwin or Alice Springs if bookmakers were legal or illegal, but I can tell you exactly what would happen in my home town. You could take the licences away tomorrow and the guys would be there the day after doing the same trade they are doing today. All it would do is make criminals of them and criminals of the people who deal with them. If you argue that the police can stamp them out, I will state that that is nonsense in a town like Tennant Creek. It would not take very long for society to break down with that sort of arrangement.

What I am arguing for in this exercise is sanity. I understand that the racing industry thinks it has a divine right to extract every dollar it can from the government and in any way that it can get it. But like every organisation or industry that would like to get support from the government, there is a limit. I do believe that the time has come for the racing industry in the Northern Territory to understand that there are other interests besides its own. There is a need for us to weigh up very carefully the issue and the presence of licensed off-course bookmakers in the Territory. If we put that matter aside lightly to appease the few wailing screams that we get from the people in the industry - they are not from the punters - then we are inviting upon ourselves a social problem that we will rue from the day it starts.

I had the good fortune some years ago to have the portfolio of racing and gaming. I found it very interesting. At the first officers' meeting for racing and gaming that I attended in Melbourne, one of the debates that ensured on that occasion was how government could stamp out the SP bookmakers because the SP

guys in those days were taking what the TAB people thought was about half the available turnover for betting on horses. They wanted that money to go through their own TAB systems. I would argue that nothing has changed and it is never going to change. The sooner we bring it out in the open and legalise it, the better off we are all going to be.

Mr SMITH (Millner): Mr Deputy Speaker, I rise to make some comments in an area which I am not terribly familiar with. My first point is to urge the government to bite the bullet one way or the other. We have been talking about this matter for a very long time. We are at present discussing our third inquiry. Those inquiries have all been unanimous and have all recommended that a TAB be introduced in the Northern Territory. I find it somewhat peculiar that, after that period of time and after all of these recommendations, we are still arguing about whether we will have a TAB or not.

However, I think it would be fair to say that there has been some change in the attitude of the government. There is a recognition now that a TAB should be introduced. Primarily what we seem to be getting from government members today is that the TAB should be in harness with some sort of off-course bookmaking system.

I go back to a comment made by the honourable member for Wanguri. He said that we ought to look at the industry as a whole. Certainly, I have no problem with that. But there is another way of looking at it and that is to look at the industry in the Northern Territory. It seemed to me that he was taking a somewhat more global view, particularly by his comments that the off-course bookmaking shops took money on southern races. What we have in the Northern Territory is a racing industry that is in crisis. We need to decide whether we want that racing industry to continue. That is the basis that I personally start from.

Mr Dale: 9% of the turnover.

Mr SMITH: I agree that it is not a big contribution to the turnover of the racing industry at present. But as my colleague, the honourable member for Nhulunbuy pointed out, it certainly does provide many other benefits to the Northern Territory's economy that, by its very nature, the industry outside the Territory cannot give. For example, it employs a large number of people as trainers, as jockeys, as racecourse administrators and as racecourse support officials. It also provides a magnet for tourists, particularly in Alice Springs and in Darwin but also, to an extent we probably do not appreciate, on the country racing circuit, including places like Brunette Downs, Katherine and even Barrow Creek. It has always been my ambition to go to the Barrow Creek races. Unfortunately, I have never been there.

My thinking on the question of TAB has been very much governed by what will best benefit the racing industry in the Northern Territory. I thank the member for Wanguri for his contribution because he raised matters that I had not thought about. I detected that the government is moving towards a compromise situation: a TAB and a limited number of off-course booking shops. If the paper tonight is any indication, it is looking at one off-course booking shop in Darwin, one in Nightcliff, one in Winnellie and one in Palmerston. I ask the government: how much of an impact is that going to have on stopping SP bookies? Is that really going to stop the SP bookie operating in Darwin? I would say it would have a very limited impact.

We all know that SP bookies operate in Darwin at present. We all know where they operate. The ones that I know operate on a reasonably small scale.

But if it is the government's view that TAB will mean SP bookies, I suggest that having a limited number of booking shops - giving a monopoly in certain areas - will also encourage SP bookies. I would like to hear evidence that would suggest that that would not be the case. I have a genuine concern about the member for Wanguri's proposal. If SP bookies are the main concern, then his proposal for limited off-course betting shops is not really going to help. If members feel that SP bookies are going to be the major problem, they had better be honest with themselves and forget about introducing TAB. Personally, I think that the benefits that we would get from TAB would outweigh the possible disadvantages of not introducing TAB.

It was interesting to listen to the comments of both the member for Wanguri and the Minister for Mines and Energy because they both referred to the good old days. It was nice to hear of the pursuits of the honourable Minister for Mines and Energy in Tennant Creek 20 or 30 years ago. But it is not terribly relevant to what is going on today. There has been a distinctive change in the way people spend their leisure hours and their leisure days. It has not been demonstrated to me that that has been caused by TAB, as the honourable member for Wanguri attempted to demonstrate. I have not seen any evidence to suggest that people do not go to the races any more in the southern cities just because the TAB is there and there is no official off-course betting shop system. It has just been a change in people's patterns of recreational activity. There has been a drop in most sorts of formal sporting pursuits in terms of attendance. I think the racing industry has been caught up with that.

Mr Dale: Have you been to the MCG lately?

Mr SMITH: I have not been to the MCG lately but I know the Victorian Football League was most concerned earlier this year that its attendance figures have dropped by about 5% on last year.

I would remind the government at this stage that it gave an electoral undertaking before the last election that it would adopt the inquiry's recommendations. That is not the only election promise that this government has broken. I missed the opportunity to refer to one of the others in an earlier debate but I will get that opportunity. To conclude, it is a vexed question. There are pros and cons on both sides. But it seems clear to me that, when you have a situation where 3 reports have all basically come down with the recommendation that a TAB system should be introduced, then it is time to bite the bullet and do it.

Finally, I conclude by repeating the words of my colleague, the member for Nhulunbuy, that an each-way bet on this particular issue - in other words, having TAB and some off-course shops - is a recipe for disaster. I do not mind saying that now. I am quite happy to speak to any person in 5 years' time and have him prove me wrong if the government goes ahead and introduces such an each-way bet.

Mr PERRON (Treasurer): Mr Deputy Speaker, I thought there might be a few more people speaking and I do not have very much to say in closing. I tabled the report primarily to give the opposition the opportunity to put its views which had been hinted at in the press a number of times. This was its opportunity to give some detail. I guess it has merely reiterated that it stands by the working party's recommendations full stop. That is not a criticism; if that is the way it feels, so be it.

The government does have some concerns with the extent of the working party's findings and feels that additional information should be obtained prior

to final decisions being taken. However, I indicated that Cabinet was of the view at its preliminary examination of the working party's report that a TAB system in the Territory is probably appropriate at this time and we left undefined any further action we may take in regard to whether or not we will license off-course bookmakers as well.

There is something the honourable member for Millner said that is important for us to reflect on. He said that what we should go for is what will benefit the racing industry most. I am not sure that that is the sole criterion on which we should base any judgment. I think there are in fact an enormous number of punters out there, citizens of the Northern Territory, who regularly bet with off-course bookmakers and who are able to obtain fixed-price bets which no TAB can offer them. I am not a racing man but I think that there has been a lot of research on fixed-price betting with TABs. To my knowledge, there is no such system in practice at the moment but it is being worked on. The day that computer programs are developed so that TAB can offer fixed-price betting during the week on a race coming up the next Saturday will change the whole face of TAB systems and, to some degree, may change people's attitudes towards the need to have legalised off-course betting in order to provide an alternative to the illegal system that operates interstate.

In the meantime, we are faced with the situation that the service provided by off-course bookmakers in the Territory is one that is well-patronised and appreciated by very many Territorians, certainly far more than are conceivably involved in the racing industry in the Northern Territory. If we wanted to make a judgment solely on pleasing the most people, to my mind there would be little doubt that the race clubs would miss out. I accept that the decision is not as simple as picking the majority. The honourable member for Millner has gone for the option of picking that system which will benefit the minority most - the racing industry.

As I pointed out at the press conference when I released the working party's report, the Territory would be better off financially without any racing industry whatsoever and that is solely because almost all betting is done on southern races. Even betting at our race tracks on Saturday afternoon is primarily on southern races and therefore the funds that flow at present from taxation to the race clubs in the Territory is a subsidy in the true sense of the word. We are not even feeding that section of the industry which is the result of the turnover. All that betting on southern races would continue even if there was no racing in Darwin or Alice Springs or anywhere else. We have recognised that, despite the fact that the racing industry here is losing money annually, even with the large subventions we make to it, there are benefits in having race clubs here. They are a regular social venue for some people and an occasional social venue for many people. The Darwin Cup is one of the most significant events on the tourist calendar in Darwin. I point out to the member for Nhulunbuy that that is without TAB. We have never had TAB but it is still the most significant event. I do not know how much more significant we can make it with the TAB but proponents of TAB would argue that it could be a better carnival than it is at present. Goodness knows where they are going to put the people.

Another point made during the debate was that the advent of TAB will encourage SP bookies. To my mind, the advent of TAB would not make a shadow of difference to SP bookies; it is the abolition of off-course bookmakers that would encourage the proliferation and setting up of illegal bookmakers...

Mr Leo: They are already here, Marshall.

Mr PERRON: ... and on a big scale. The honourable member says that they are already here and perhaps they are. If he has such information, one would expect a responsible member of the Assembly to pass that information on to the police, rather than indirectly aid such lawbreakers. The honourable member for Millner also indicated, with a slip of the tongue, that he knows of an illegal bookmaker in Darwin. Perhaps he should examine his conscience a bit as he stands in this Assembly and purports to represent the law and the lawmakers of the Northern Territory.

The government will face this decision within the next few weeks in the light of the further information we have sought from Treasury, the Racing and Gaming Commission and the Police Commissioner on various aspects of the working party's report. We will make a decision and announce it as soon as is reasonably possible. I thank honourable members for their contributions to this debate.

Motion agreed to.

## MOTION

### Australia's Role in Nuclear Fuel Cycle

Continued from 12 June 1984.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to speak in support of the statement made by the Minister for Mines and Energy yesterday on this matter. In his statement, he dealt quite comprehensively with most of the major issues that are incorporated in what is known as the ASTEC Report on Australia's role in the nuclear fuel cycle.

There are only a few points that I would like to raise on this report and the first is that, quite clearly, it comes out in favour of a continued involvement of Australia in the uranium industry. It goes further and recommends that we should consider extending our involvement in the nuclear fuel cycle. In so doing, it outlines a number of very good and cogent arguments that an extended involvement of Australia in the nuclear fuel cycle would actually improve safeguards, reduce the potential for proliferation of nuclear weapons and, in fact, help overcome some of the other serious problems facing Australia. For example, it could act as an influence in relation to the problems mentioned yesterday, particularly by the honourable Leader of the Opposition, in respect of the Japanese proposals for the disposal of waste materials from nuclear power-stations and also the very serious problems facing Australia and the Pacific region because of French nuclear testing.

I would like to deal briefly with a couple of issues that arise from the debates on the question of the nuclear fuel cycle. Firstly, I will comment on the argument that mining and milling uranium or supporting the development of nuclear power-stations will act as a potential proponent for the development of nuclear weapons, that the material could be sidetracked easily and used for the construction of nuclear weaponry. This report, Mr Deputy Speaker, clearly indicates the nonsense in that argument. I would refer you particularly to page 7 paragraph 229:

> *Should a country decide to embark on a weapons program, it is unlikely to use civil power reactors to do so. This is because such a use would be inefficient, both in terms of producing weapon-useable material and in terms of electricity generation. It is, therefore, much more likely that a research reactor or, rather, non-power reactor would be used for this purpose. It is noteworthy that, since civil power programs have*

*existed, none of the 3 additional countries which are known to have detonated nuclear explosive devices - that is, France, China and India - has used civil power reactors to produce fissile material. All have used specific facilities.*

There is no evidence to support these proposterous claims. In fact, the evidence and the detail that is provided in this report clearly shows that is the most unlikely event from the utilisation of nuclear power-stations.

Mr Deputy Speaker, another issue which is mentioned in this report and which has been mentioned continuously in reports in respect of uranium and the nuclear power industry is the question of the Treaty on the Non-proliferation of Nuclear Weapons which is known as the NPT. It was mentioned in the Ranger Reports of 1976 and 1977, and it is mentioned again in this report. For the purposes of debating this report, it is worth while to know the obligations imposed on Australia as a consequence of its signature on this treaty of 23 January 1973. From a brief study of history, one will realise it is one of the early activities of the Whitlam government. It is incorporated in appendix 8 of this report on page 285, for any members who may wish to look it up. I will read from the first part:

*The states concluding this treaty, hereinafter referred to as the parties to the treaty... affirming the principle that the benefits of the peaceful applications of nuclear technology, including any technological by-products which may be derived from nuclear weapon states, from the development of nuclear explosive devices, should be available for peaceful purposes to all parties of the treaty whether nuclear weapon or non-nuclear weapon states.*

*Convinced that, in furtherance of this principle, all parties to the treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other states to, the further development of the applications of atomic energy for peaceful purposes.*

I will also read the second part of article 4 of the treaty:

*All the parties to the treaty undertake to facilitate, and to have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the treaty in a position to do so shall also cooperate in contributing alone or together with other states or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear weapon states parties to the treaty, with due consideration for the needs of the developing areas of the world.*

Mr Deputy Speaker, as was said in the Ranger Report, and as is said in this report, as a signatory, our nation has a treaty obligation to make our materials available to countries under the proper and appropriate safeguards which are also stipulated in respect of that treaty and as has been the practice of the Australian government in developing our uranium mining and milling industry. To reject that is to reject some of the principles that are enunciated in the nuclear non-proliferation treaty. It is not to promote nuclear proliferation but rather to act contrary to an internationally-recognised factor which is seen as a way of reducing the potential proliferation of nuclear weapons.

I would like to deal secondly with the matter of nuclear waste disposal which has been another area of concern. In particular, I would like to draw members' attention to the question of the synroc process which is being developed within Australia. First and foremost, I believe that this process will contribute to a cleaner, safer environment simply because it overcomes one of the basic objections to the nuclear power-generating industry - that of safe disposal. The UK, Japan and the EEC countries, particularly France, Belgium and Sweden, are committed totally to an expansion of nuclear-generated electricity at the expense of coal and oil firing. These decisions have largely been taken on economic and environmental grounds. Concomitantly, there is an increase in the amount of high level nuclear waste generated and one of the ways which is perceived to be safer in principle than any other is the Australian researched invention of Professor Ted Ringwood: the synroc process. On pages 251 to 256 of the Slatyer Report, this process is described in some detail. I will not deal with all the details in that except to say that the resultant minerals are all well known in nature and include perovskite, hollandite, zirconolite and rutile. These minerals are extremely stable and more resistant to leaching than borosilicate glass by several orders of magnitude. The borosilicate glass process was the other process that was also mentioned in the Ranger Reports.

Synroc permits deep burial without an intermediate period of surface storage. Furthermore, tests at the Australian National University are reported which show that over 10 times more radiation exposure than 10% high level waste would produce in a million years gives no appreciable deterioration of the material. Synroc remains stable with water at 800 degrees celsius and pressures of 1000 atmosphere. This local invention has effectively phased out all other materials except the well-established borosilicate glass and glass marble metal pilot operations in Belgium.

If we can gain international acceptance of this material as a high level waste disposal mechanism, the benefits to the nation will be virtually uncountable. The signs are that it is being viewed by scientists everywhere as the way and the light for the nuclear waste problem. The types of experimentation to be carried out include testing with simulated non-radioactive waste, testing various different formulations with actual wastes, demonstration of fabrication technology using non-radioactive plant and design construction of a remotely-controlled pilot plant handling actual waste.

Intergovernmental arrangements have been concluded recently between Australia and the UK and, separately, with Japan to continue such investigations. The Australian Science and Technology Council, chaired by Professor Slatyer, recommends that Australia continue to support research and development on the advanced waste form synroc. We must therefore support this research program to the best of our abilities by such means as making test sites available and investigating suitable areas for full-scale experimentation.

The Territory is well suited as we have the bulk of the uranium resources so far known in Australia. We have an area which satisfies criteria enunciated by Keith Crook in July 1977. The area must be geologically stable and arid, remote from continental margins, sparsely populated, remote from large population centres and unattractive for alternative economic exploitations. Crook first suggested the semi-arid interior of Australia as long ago as 1972. In his comprehensive 1977 paper, he showed that only 2 other places in the world satisfied this criteria - Sahelian Africa and Eastern Namibia - neither of which is well endowed with technology nor necessary infrastructure nor, one could also say, political stability.

The advantage of deep burial for disposal of high level wastes should be obvious to most people and the details are dealt with in the Slatyer Report.

There is wide international consensus that such wastes should be buried in deep, stable geological formations, and that certain conditions must be met and investigations carried out in advance. There are extensive areas in the Territory comprising granite, basalt and clay-rich sedimentary rocks which are viewed favourably as repositories for various high level wastes. In recent years, deep hole technology has become available which allows holes of 75cm diameter to be drilled to depths of 4 km. Disposal in such holes is an attractive proposition. One hole could accept all the high level wastes from 100 large reactors per year. It is pertinent that the Slatyer Report states on page 263: 'It would be appropriate to use an advanced waste form such as synroc which possesses high stability at elevated temperatures. However, other waste forms such as borosilicate glass and spent fuel are considered safely isolated in deep holes'.

Anyone who doubts the efficacy of deep repositories should read pages 274 to 276 of the Slatyer Report where informative demonstrations of high-level waste repository are described. It is little known outside the small world of geological and nuclear sciences but almost 1800 million years ago, at a place called Oklo in Gabon, West Africa, nature produced its own nuclear reactor. Over a period of 600 000 years, the then much higher ratio of U235 to U238, akin to the enriched fuel used in light water reactors today, produced numerous reactor zones within the uranium deposit. 5 t of fission products and transuranic elements, the so-called 'nasties', were generated. The deposit is near the base of a sedimentary sequence and, when active, was about 4 km deep. The groundwater movement through the geological environment affords a unique opportunity to study the long-term performance of geological barriers regarding transport and retention of radionuclides. At least half of the 30-odd fission products have not moved out of the ore zone. Uranium and plutonium were essentially retained within the reactor zones and, despite intense leaching at high temperatures over a 600 000-year lifetime, uranium was essentially immobilised. Most of the plutonium decayed in that time frame, but the daughter products indicate that it, like uranium, did not move. Another 'nasty', neptunium, has been deduced to have decayed in the reactor zone. The Oklo phenomenon provides convincing proof that a particular geological environment can limit migration even under extreme conditions.

Mr Deputy Speaker, the argument presented in this report is quite clear. Australia should become involved in the nuclear fuel cycle and most of the so-called arguments against the nuclear power industry all fail when judged against hard scientific evidence. The developments, particularly in the last 10 years, have been quite extraordinary and are continuing, and there is every good reason why Australia should participate. Particularly, Australia should participate because of its treaty obligations under the Nuclear Non-proliferation Treaty and because we have the available resources and, by becoming a major supplier in the nuclear fuel cycle in the world, can act as a positive force to ensure that proper safeguards are taken in respect to the utilisation of nuclear fuels in the energy cycle.

Mr Deputy Speaker, yesterday the minister issued a challenge to the members of the opposition to stand up and be counted and I quote:

> *This political charade has to stop. It is absolutely essential that Labor members of the Northern Territory get on their feet and tell the people and tell the members where they stand regarding the Slatyer Report and the future of the uranium industry, so Territorians can see for themselves which members want what.*

I reiterate that challenge. The Leader of the Opposition has had the intestinal fortitude to state his position clearly and unequivocally even though

he is opposed to his own party's policy determined over the last weekend. In particular, I call on the honourable member for Millner whose branch moved that lunatic Labor resolution last weekend and who is on public record as having the field marshall's baton in his briefcase. In other words, he sees himself as the heir apparent to his party's leadership. The issue of uranium mining is an issue of vital concern to the Territory and, in the light of the extraordinary circumstances of last weekend, the Territory and its people are entitled to know where this leadership hopeful stands on this issue. In particular, I ask the honourable member: does he support the development of uranium mining in the Northern Territory or does he support the Northern Territory ALP policy in opposition to uranium mining? If the honourable member does not support his party's policy, is he prepared to say that he will stand up and ignore that policy and support the development of NT uranium mining? In making his response to those questions - if he has the courage to do so - I would just caution the honourable member that even his own leader recognises that Territory people support uranium mining and, therefore, he is being asked whether he will promote the views of the Territory people or the lunatic fringe left wing of his own party.

In opposing uranium mining, the member is advocating that Australia breach its obligations under the NPT. If any members of the Labor Party stand up here, they should be well aware that they are advocating that Australia breach its obligations under the Treaty for Non-proliferation of Nuclear Weapons. In opposing uranium mining, he would be condemning Australians to a lower standard of living. The reports indicate the economic benefits that would flow from this. He would be condemning Australians to a lower standard of living and he would be condemning people to unemployment because he would be denying job opportunities in this country. The time has passed for individual members of the opposition to fence-sit on this issue. To sit in silence is to demonstrate their support for their party's policy and or demonstrate the extent to which the Labor politicians are manipulated by the puppet master of their party machine. The challenge is there to stand up and be counted or sit quiet and be damned.

Mr BELL (MacDonnell): Mr Deputy Speaker, how easy it must be for the member for Nightcliff to sleep at nights if he is able to put forward such simplistic dualities as either you are for or against it. The fact of the matter is that the Australian Labor Party is the only major political party to carry out, within itself, debate on this particular issue, and what a vexed debate it is.

This report, which members opposite have lauded to the skies, would not have been carried out had it not been for the very earnest, thorough-going debate on this issue that has been carried out within the Australian Labor Party. I find it quite extraordinary that a political party that has the gall to call itself the Country Liberal Party has so little interest in the tenets of liberalism that it is incapable, within its machinery, of being able to debate such issues. Does it ever do it? Whenever the Country Liberal Party has its conferences, I frequently wonder whether it really thinks about anything at all. Are there any disagreements?

Let me place this on record and I am more than happy to do so. There are and continue to be vexed issues surrounding the uranium debate. I bitterly resent the sort of hysterical nonsense that the Minister for Mines and Energy gave us yesterday when he sought to note this particular report. He made hysterical references to people preferring to stick with party dogma rather than think of political, social and international realities. The fact of the matter is that, within the rank and file of the Australian Labor Party, people think

about exactly those political, social and international realities that the honourable minister referred to. I would be quite interested to hear anybody on the opposition bench deny that uranium is dangerous. It is one of the most dangerous commodities...

Mr Tuxworth: So is flying at 35 000 feet.

Mr BELL: It is one of the most dangerous commodities in terms of its potential impact in the world today. The mining and milling of uranium within Australia is potentially extraordinarily dangerous and I mean 'extraordinarily' dangerous.

The honourable Minister for Mines and Energy has said: 'So is flying at 35 000 feet'. If he means that honestly, I suggest he seek psychiatric advice as I also recommend to the honourable Treasurer if he is prepared to bracket uranium and petrol together in terms of their potential impact on the ecosystems of mother earth - heaven forbid.

Mr Tuxworth: What do you believe in? How did you vote - for or against it or don't you remember?

Mr BELL: In response to the honourable minister's interjection, I have placed myself on record in this Assembly to a far greater extent than I believe honourable members on the other side of the fence are prepared to do. They are not prepared to accept that uranium is uniquely dangerous and that the Australian Labor Party is the only party that is prepared to entertain those particular dangers.

Mr Tuxworth: Should we mine it? What is your view?

Mr BELL: Lest I appear to be seeking to explain only the dangers, let me point out how well aware I am of the benefits for Aboriginal people in the Top End. The fact of the matter is that, for many people who have been historically denied any access to material benefits and economic means of self-support, the mining of uranium and the royalty equivalents that flow from it to those communities provide a unique opportunity. Within the wider Australian community, there is a distinct concern about the potential dangers and the actual dangers of mining uranium and the part it plays in the nuclear fuel cycle, balanced against the clear benefits in terms of export earnings. I think all Australians are well aware of that. I mentioned the benefits to Aboriginal people in the Top End of the Northern Territory. I am well aware of the fact that the access to royalty equivalents through the Aboriginal Benefit Trust Account is provided to communities within my electorate by providing some basic services that would otherwise be denied them. I am not pretending it is an easy issue.

Mr Tuxworth: How did you vote on it? Tell us how you voted.

Mr BELL: Let me point out more of the dangers. Honourable members who have read this evening's Northern Territory News will notice that Mr Yami Lester of the Institute for Aboriginal Development has recently left for London in order to press the case with the British government of the serious physical injury that was suffered by himself and by other Aboriginal people. It was serious physical injury in Yami's case and evidently death in the case of other people. Evidently there was serious environmental damage.

Let us not pretend that this is a simple issue. I really resent this debate being put down to whether we mine it or not. It is just such a gross

oversimplification. The honourable members who keep on interjecting from the opposite benches do themselves absolutely no credit.

Mr Tuxworth: Are you frightened to say?

Mr BELL: The fact of the matter is that there are serious problems with separating the generation of nuclear power from the proliferation of nuclear weapons. This particular report agrees with the International Atomic Energy Agency assumption that that is quite possible. Unfortunately, the IAEA has been operating on that assumption, I think, since its formation in 1958. Clearly, between 1958 and 1984, the vertical and horizontal proliferation of nuclear weapons around the world suggests to me that we cannot be confident that the uranium that is being taken out of the Northern Territory is not ending up in those sorts of nuclear weapons. I am not satisfied that we can be.

There is one further point I would like to make in relation to the report. The honourable Minister for Mines and Energy tabled his report. He referred us to an attachment which names members of the Australian Science and Technology Council. He said that he had attached for the benefit of honourable members a list of the ASTEC participants. It may come as news to the honourable Minister for Mines and Energy that, not only did he not attach the full list of members of the Australian Science and Technology Council, which is to be found on pages V and VI of the report - I will concede that he has unwittingly misled the Assembly - but many of the people on that list did not contribute to the production of this report. They include: Professor Carver, the Director of the Research School of Physical Sciences at ANU; Professor Green, the Professor of Geology at the University of Tasmania; Professor Kincaid-Smith, Professor of Medicine at the Royal Melbourne Hospital; and Professor Korner, the Director of the Baker Medical Research Institute. I could go on.

Let us look at the people who did contribute though. Of course, Professor Slatyer contributed. So did: Mr Adam of BHP; Sir Samuel Burston, a grazier; Doctor Jones, Managing Director of Techway Pty Ltd, which I understand is a subsidiary of a company producing nuclear energy in the United States; Mr P.M. Trainor, the Chairman of Nucleus Ltd, an Australian subsidiary of CRA; Mr Zampatti, Managing Director of Castlemaine Tooheys Ltd; and a Mr McLeod, Federal Secretary of the Australian Insurance Employees Union, whom I understand did not attend all the meetings. If you go through the list that I have read out, Mr Deputy Speaker, you will see that it is certainly a somewhat less representative group of people who worked on this report than the honourable minister gave us to believe.

I understand that a number of people are listed in the report as making submissions to the inquiry. But what I find quite extraordinary is that, if we are looking for a balanced report, I have no complaint about the people involved in the nuclear industry being members of this particular council. But surely people who are representing public interests on the other side of the fence could equally be deemed to have membership of the particular subcommittee that produced this report.

Mr Deputy Speaker, I will not take any more time of the Assembly this evening. Suffice it to say that I am satisfied that the Australian Labor Party as a vehicle for political debate - and presumably that is the role of political parties within a democracy - to a much greater extent serves the interests and the needs of both the Northern Territory community and the Australian community than our conservative reactionary counterparts.

Mr FINCH (Wagaman): Mr Deputy Speaker, in one way, I rise with a great deal of reluctance to speak in this debate. It has gone on for quite some years.

The honourable member for MacDonnell's ALP may still have a problem and may still be undecided about which way it is going. The big problem is that the CLP resolved its debate long ago. It is no longer a vexed issue for us.

I will not give you any hysterical nonsense. I will give you some plain, straight facts. The honourable member for MacDonnell has spoken about the danger of uranium mining. I will tell him about the danger of mining all right. I come from a coal mining area. I had 2 grandfathers who had very short lives due to dusting in coal mines. I can tell you the number of people who have died from mine collapses in the Wollongong-Port Kembla area and many others. They far exceed the potential danger of mining uranium throughout the world, never mind in Australia itself. What about the dangers involved with oil rigs? We are well aware of the problems in the North Sea and off Japan in recent years.

The reality of the whole question is that it would be absolute madness for us not to mine, use, process and sell uranium in this country. We have heard mountains of debate on the environmental aspects of it and on the safety aspects. We have heard about weapons and non-proliferation. We have heard about the advances we have made over the last 20 years in the development of proper controls in the uranium industry. The biggest problem that we have suffered in the uranium industry has been the present and previous federal governments' lack of positivity. It is now time for us to come out of that dark age of whiffle-waffle such as we have just had from the honourable member for MacDonnell. It is time for some clear thinking and positive direction. Time now is of the essence.

We know only too well the benefits that can come from uranium mining - benefits through science, medicine and engineering not to mention the energy production aspects. These benefits greatly outweigh the risks involved. One would be a fool not to acknowledge that there are some risks in the mining and sale of uranium but, naturally, as we have heard in many debates in recent years, these risks are far less than other types of energy production.

What we have established beyond doubt is that we have an obligation to proceed with the mining of uranium in Australia. The main competition is coming from only 2 other countries at this time. That is not to say that, in years to come, when the heavy demand for uranium comes on, the number of competitors will not increase dramatically.

As I understand it, we have approximately 30% of the world's total reserves in low-cost uranium deposits. Given the undeveloped and unexplored nature of uranium in the Northern Territory, those deposits probably account for an even greater percentage than that.

We have heard the debates for and against the safety aspects etc. What we have also heard and had defined is that we have the source and also the markets. We have the demand. The demand is well laid down. I refer to an energy conference held last year by the Institute of Engineers Australia and the Australian Institute of Energy. Over 200 professionals attended. They were of many different disciplines, including technical and political. The conference considered in a learned society context a wide variety of policy issues pertinent to the development of energy policies for Australia by bringing together these many delegates. These professionals had, prior to the conference, a compendium of position papers prepared by some 150 members and associates in 17 working parties. We heard earlier of the work that has gone into the ASTEC Report. I put to you that the report of the proceedings of the Energy 1983 Conference only reinforces the projections for market levels and demands throughout the world.

In looking at the energy projections over the next 20 to 40 years, it is clear that the demand on conventional liquid fuels will become an increasing problem. One of the concerns that I note in referring to the statistics in those papers is that, every time there has been a review on the liquid fuel capacity internationally, the estimates reduce. Every time we revise where we are, we seem to be in a worse position. If you look at the latest forecast, and that is from last year, it seems that the capacity in oil production available to us by the year 2000 or 2010 will coincide with the production requirements. In other words, we will have reached capacity as far as production is concerned.

The papers point out to us that, whilst the real gross domestic product has increased by 19% over the last 7 years, the total demand on domestic energy production has only increased by 13%, indicating that some of the conservation techniques and implementation of efficiency measures are starting to have some effect - naturally because of the pressures brought on us by the high cost of purchasing fuel oil. These figures are on an international basis. They were developed by the International Energy Agency in its world energy outlook conference last year. The nuclear fuel consumption figures increased over that same period by 206%.

What this illustrates of course is that there is an increase in demand for energy through the nuclear fuel sources as opposed to a decline through oil. The same paper has included projections through to the year 2000 where it is claimed, on a conservative basis, that oil demand will decrease at a rate of 1.2% per annum over that period whereas the nuclear requirements will increase at a rate of 7.7% per annum over the same period. What this means is that the demand for nuclear energy will obviously grow, certainly at only a small rate of 4% or 5% per annum, but by the time we get to the year 2000, that demand will be something like 7 or 8 times what it is currently.

When we look at Australia'a position in relation to world sources and the world demand, we see that we are currently supplying only about 6% of the world market. But we have the potential of supplying probably 20% to 40% of the world market by the year 2000. The relevance of course is not what we are able to supply ultimately but it is a matter of what we are prepared to do in the meantime to develop those markets. It takes probably a 10 or 15-year lead time to fully develop potential markets in the uranium industry. To that end, if we are going to meet year 2000 requirements, we ought to be moving now.

Mr Deputy Speaker, I did not rise to go over old ground of supply and demand, and safety issues. Principally, I would be interested in discussing some of the secondary benefits that are available to the Northern Territory in particular. Those secondary benefits derive not only from the obvious capital costs involved in developing mines but also from the return through ultimate production and from other side effects. When we look at the development of any infrastructural resource, it is all relative to the economies of scale. The more base you have to spread your resources across, the easier it is to develop facilities.

In the development of an integrated nuclear industry in Australia, including enrichment, fabrication, processing and disposal of waste, there are a great number of infrastructural requirements that would be needed. There is a need for roads, water supplies and transport facilities including waterfront amenities etc. There would be development of roads to a much higher standard in many areas where there are still mines to be developed. In fact, at the moment, we have little more than bush tracks. The development of fully-standardised roads can lead to the development of local economies through improved accessibility, through more economic transport, through development of new

markets, either in agriculture or other types of mining, and, naturally, through tourism. If there was a fully-integrated system for a nuclear industry, we may even need to get back to a railway system. These transport networks all help to allow mining exploration, access to new agricultural areas and other development in industry and markets that will help the Northern Territory develop fully.

While all this is happening, there is a side benefit for the local consumers. Once again, there are economies of scale. If you improve your port facilities or you have a greater viability for shipping runs, either by bringing in construction equipment or exporting mining products, the more reliable shipping service benefits the public in terms of supply and the cost of bringing in foodstuffs and products for building etc.

There are other secondary effects and benefits. We have heard during this sittings of the potential of gas pipelines. One might ask what the heck gas pipelines have to do with uranium mines. Naturally, if we develop the nuclear industry to its fullest potential, there certainly will be a demand for increased power supply. These all help to contribute to a more viable potential use of our own gas products through power generation. Other benefits come to construction and secondary industries, to manufacturers, suppliers and small local firms who help to service the mining industry. Any additional industry can only help these people balance their programs, and make their own businesses more viable. At Jabiru and Nabarlek, a total of $400m was spent on construction, including the Jabiru township. A significant proportion of this money would have been spent locally through local businesses. One can only imagine the effect that that must have had in helping to consolidate what may have been fragile small businesses in the first place.

The federal-government-supported Construction Industry Advisory Council, in its recent report, indicated that, over the last 2 years, the construction industry needed to be supported quite dramatically by public spending. It drew attention to a need to diversify that base load for the construction industry by promoting spending in the private sector. This is just another one of those golden opportunities that the federal government should not miss out on in helping to spread that workload commitment.

There are other factors. I know some of them might be very minor but they all add to the argument. There is no way that we can consider any one project in the Northern Territory in isolation. There is wash-off right across the board. All of the commercial facilities that will be developed in association with the mines and the accommodation and educational facilities will help to service the small communities where they are located. This will possibly assist some of the local Aboriginal groups. Certainly, it will be of major benefit to tourists where applicable.

One of the very important things that Australia needs to do is to try to redevelop some credibility of supply. We have all seen that the Australian mining industry has fallen into disrepute internationally by virtue of its unreliability of supply. This is the result of both union action and government policy. Given that all of these side benefits are only a small part of the overall scene, I put it to honourable members that it is time to get on with the job and to develop what is obviously and surely a sensible development.

Mr COULTER (Berrimah): Mr Deputy Speaker, before I speak to support the report, I would just like to take up something that the honourable member for MacDonnell raised and that was the fact that the report was biased because of the contributions by the group which made up ASTEC. It is quite obvious to me, and I would say to all honourable members, that he has not read the report nor

is he likely to. If he had taken the trouble to read the report, he would have seen that, whilst the members of ASTEC are listed on the introductory pages, on page 295 the report sets out quite clearly who constituted the working party: Professors Slatyer, Carver and Green, Mr McLeod, Professor Nevile and Mr Zampatti. Mr Zampatti was the fellow from Castlemaine brewery and Mr McLeod was the union representative. In fact, it was those 5 people who made up the working party of ASTEC. I would just like to make that point.

However, having said that, I would like to say that Professor Slatyer was very much concerned that his report should not be considered biased and it should be as objective as possible. To that end, the findings resulted from submissions, discussions, a wealth of literature, overseas visits and advice from both government and university experts. This report, titled 'Australia's Role in the Nuclear Fuel Cycle', has been compiled with great pains to ensure that the report was as objective and unbiased as possible and to further ensure that all views were canvassed thoroughly. The report is one of the most comprehensive and authoritative ever prepared by the council. I would like to think that it will be quoted in this Assembly from now on and we will get away from the emotive arguments which the honourable member for MacDonnell tried to reintroduce into this Assembly this afternoon.

Mr Deputy Speaker, this report has made great inroads in more ways than one. The council was aware from the outset that it would have to stand up to intensive scrutiny once it hit the public arena. It was inevitable, whatever its findings, that it would come under heavy criticism and the council's future reputation as an unbiased advisory body depended on the soundness of its arguments. In fact, what we have had is a significant lack of criticism of the report, apart from some hysteria and emotive cries from a few individuals like the member for MacDonnell and certain groups.

In the early stages of the inquiry, the council was concerned that there would be accusations of one-sideness as many of Australia's anti-uranium groups threatened to boycott the inquiry. The first anti-uranium submission came from Greenpeace Australia in December. It was followed by the majority of Australia's anti-uranium groups, including the Australia Conservation Foundation, the Coalition for Nuclear Free Australia, Friends of the Earth, the Movement against Uranium Mining, Australian Democrats Anti-uranium Action Group, Campaign Against Nuclear Energy and the Scientists Against Nuclear Arms to name but a few. They are the types of people who made submissions and, in spite of those submissions, the results are that we should get involved.

All the major mining companies involved in the uranium mining industry, including Pancontinental, Energy Resources of Australia and Queensland Mines, made submissions along with academics with nuclear research interests. A number of individuals, many involved in various facets of the industry, offered submissions whilst others came from concerned citizens, including one from Victoria who strongly recommended that nuclear waste should be disposed of by dropping it from a plane into the mouths of active volcanoes. He did not say what would happen if it missed.

Investigations have been wide-ranging and have included 2 overseas trips by working party members covering Washington, Ottawa, Bonn, Paris, London, Vienna, Brussels, Stockholm and Tokyo. Consultations took place between such experts as Dr Hans Blox, Director of the International Atomic Energy Agency, and Dr Goldbat of the Stockholm International Peach Research Institute. The working party also visited fast reactors and other nuclear installations throughout the world.

This was not just another junket or information-gathering exercise. To the contrary, it was a concerned effort to try to find answers to the difficult and often conflicting views raised in the submissions. One of the most contentious issues was just how safe international safeguards really are. Another vital question was the effect of the Australian participation in the nuclear fuel cycle - the eventual title of this report - and more particularly whether it hinders or helps nuclear proliferation issues. The final crucial question covered was waste management and disposal.

The result raises a number of issues of paramount importance to the development of the Northern Territory. Two particular recommendations on page 13, which are mutually dependent, say in part:

> *That Australia actively encourage the concept that sensitive facilities, particularly enrichment and processing plants, should be located in as few countries as possible... and encourage the concept of joint ownership and supervision of such facilities.*
>
> *That Australian participation in stages of the nuclear fuel cycle, in addition to uranium mining and milling, should be permitted.*

The implications to the development of the Territory will not be immediately apparent but, if one pauses for a moment to consider the possible future resulting from Territory involvement in the nuclear fuel cycle, one might be forgiven for describing it as a 'vision splendid'. Let us surmise for the next few minutes that the Territory was allowed to be the master of its own destiny and that uranium mines were allowed to pursue the market independently of Commonwealth regulations. Let us further postulate that, far from exporting its uranium oxide, we became an importer, having set up an enrichment plant and waste storage cum disposal facilities. The result in employment opportunities would be staggering. With the multiplier effect on ancillary services, the population of the Territory would be substantially increased. Of course, this could not happen overnight and much planning and many feasibility studies would be necessary to bring about any one of these ventures.

To the best of my knowledge, the basic idea was first published by Dr Keith Crook, in the ANZAAS journal Search in 1977. By the way, it is interesting to note that he was an ALP adviser in those days and the title of the article was 'Towards the Comprehensive Uranium Fuel Management Policy for Australia'. As I say, Mr Deputy Speaker, there is nothing new. History just keeps on repeating itself but is it not strange that the truth takes longer to come out than the fables and fabrications of people like the honourable member for MacDonnell? I have to pick on him, Mr Deputy Speaker, as he is the only one here at the moment. Perhaps he will be relieved by one of his colleagues a little later and I will lay off him.

While we in the Territory satisfy the geological criteria which the honourable member for Nightcliff touched on, we do not yet have the necessary rail link from Darwin to Alice Springs which would be necessary. The maritime facilities which the member for Wagaman touched on are already present but would need further expansion. The power necessary, thanks to the foresightedness of our Minister for Mines and Energy, will be available soon thanks to the gas pipeline from Alice Springs. We will have the power to make it work as well. The fuel element fabrication plant should be located near the reprocessing plant and geological reasoning puts the latter, together with the waste disposal area, in the centre of Australia - hence the necessary rail link from Darwin to Alice Springs.

There are only 3 areas which meet the criteria for the placement of deep, underground storage. They are in central Australia. Gum Tree Bore, I understand, is the area that Dr Crook had suggested. Another paper written at the same time about where it should be placed suggested that Dr Crook's submission for waste disposal and management should be carried out as soon as possible. The disposal facilities would have to be ready by the end of the 1980s to receive waste from Australian uranium if mining were to commence initial operations in 1978. This paper by Mr R.A. Watters went on to suggest otherwise: 'We will have to give them to Lang Hancock who has kindly offered his backyard in 1976'.

Another factor to be considered is that the nation does not have the technology nor the expertise to singlehandedly construct enrichment or fuel element fabrication plants. Therefore, hundreds of scientists and technicians wouldhave to be brought in under government-to-government joint venture arrangements enriching beyond measure the intellectual and cultural fabric of the Territory, a region already renowned for its colourful ethnic tapestry. The corollary used is that these human resources will bring about the necessary impetus and population pressure to justify the establishment of a full university in the Territory or at least a faculty of nuclear physics.

Among the studies which wouldbe necessary are the following: the power needs of the enrichment plant; power and water needs for fabrication and reprocessing plants; geology of storage and disposal areas; urban development and socio-political implications; economic analysis of each facet and ultimate cost-benefit; and overall environmental impact assessment of the proposal. Governments which would necessarily be involved in assisting such a scheme would include those of the EEC countries, Japan, Korea and any other NPT signatory with which the appropriate contracts and safeguard agreements could be negotiated. Naturally, these countries would be asked to contribute both expertise and resources in various disciplines. The entire operation could be overseen by the International Atomic Energy Agency. The infrastructure is already there. We have the uranium, we have the ideal site to put it and we have the agencies to supervise and monitor it. We just have to get on with the job.

The entire operation could be overseen by the IAEA, open to inspection and bound by the best safeguards and the best technology available to man, thus avoiding any implications that Australia is milking nuclear material to fabricate a weaponry system. The scheme that I describe has the advantage of being a direct implication of the recommendations of the Slatyer Report, a document prepared by some of the best brains in the country specifically to assess, amongst other things, Australia'a ability to advance the cause of non-proliferation and the ways Australia can further contribute to the development of safe disposal methods.

We can take the initiative to create a nuclear free zone in the Pacific by virtue of our de facto control of the nuclear fuel cycle. I submit that such a scheme will advance the cause of non-proliferation and will render the nuclear fuel cycle safer for the world. At the same time, it will lead to an unprecedented expansion of industry in the Northern Territory, making Darwin the regional hub, the scientific centre for tropical Australia. I ask that immediate steps be taken to initiate the necessary feasibility studies and to seek the accord of the Commonwealth Department of Resources and Energy to pursue such a course.

The construction of an enrichment plant near Darwin and the fabrication, reprocessing and disposal plants in central Australia would render the Darwin-

Alice Springs railway link mandatory. Naturally, radioactive materials would have to be transported from the enrichment plant to the fuel element fabrication plant, from that plant back to a port for shipment to the consumer of the fuel element and back again for the reprocessing of spent fuel rods. Just think of the work involved in that, the employment opportunities and the chance to expand our technology in the Northern Territory. Rail is by far the safest means of transport for any of these materials as spent fuel rods are quite radioactive and must be transported in large containers shielded with lead and water cooled. The design, engineering and security arrangements of specialised rolling stock would have to be examined. At present, uranium may be mined and milled in one country, as it is here, converted and enriched in another, fabricated and used in a reactor in a third, and reprocessed in a fourth. Considerable experience is already being obtained in radioactive materials transport and the IAEA has prepared the comprehensive regulations for the safe transport of radioactive material, which are widely accepted internationally and have been adopted in Australia.

I suggest that, if all the above steps were carried out in the Territory, the safety, which is already acceptable, could be reinforced by an order of magnitude since the only material to cross our borders is the ready-made article before and after actual power generation. The French, I am informed, are currently negotiating for the Chinese to store their waste, not dispose of it, but look after it. The Chinese get to keep the material next century when it will be useful and will receive more than $1000 per kilogram for doing so.

The Darwin-Alice Springs rail link, if it can be shown that the benefits outweigh the cost, will be a reality. We are told at present that the reverse is the case. It is suggested that participants in an integrated nuclear fuel cycle industry would be willing to subsidise the railway. Above all, I contend that the economic benefits, in a relatively short time, could make the costs pale into insignificance.

I commend the idea of pursuing the recommendations of the Slatyer Report and suggest that further specific studies be initiated to establish the design of ships to carry reactor rods, fresh and spent, and the design of rolling stock for such transportation. Finally, I suggest that steps should be taken forthwith to get the Commonwealth to re-examine the rail link proposal in light of the idea proposed in this Assembly to follow the Slatyer Report recommendations. As I said before, I would hope that, from now on, we will not hear the emotive cries and pleas of people in the wilderness. I look forward to the Slatyer Report being quoted in this Assembly as a scientific document based on the hard work that Professor Slatyer put into it. I commend it to all honourable members.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, I rise to support the minister's statement and to praise this report which is before us. Being a physics-trained person myself, I found it very educational and informative in bringing me up to date in many areas, not just in the physics area but in the engineering area as well. There is no doubt that the fission process of U235 in nuclear reactors can guarantee the world's electrical energy supply for many years to come. Used carefully, it is one of the safest energy sources that we have. When we remove all the emotion and look at the dangers that we readily accept with other forms of energy, this industry is indeed very safe.

Mr Deputy Speaker, the point that I would make today is one that shines through the report. It is the matter of the energy supply for the world. If we try to cut off the energy supply to the developing nations, we can virtually guarantee world conflict. It is a pity that the nuclear energy cycle

is so often associated with the nuclear weapons cycle. There is a link but that link can be very tenuous if things are organised in the right manner. I support the 'vision splendid' of the member for Berrimah who saw Australia as very much involved in the total nuclear cycle from the mining through to the enrichment process, the making of the rods, supplying of rods to reactors around the world and the bringing back of those rods for reprocessing and ultimate storage of the waste products in safe areas with safe methods.

There are dangers with uranium, as the honourable member for MacDonnell noted, but these are well known and they can be handled. There is no product in this world that is not of some danger at some stage if one cares to think about it. Properly handled and controlled, we would have an industry which would benefit the world. In the process, we would be benefiting Australia and the Northern Territory but world peace is something that should be of interest to every one of us. I would remind members that the cause of Japan's entering World War 2 was its economic isolation, particularly by the United States which prevented it getting to world markets.

Much has been said here this afternoon that I agree with. I do not intend to go over it again but I have one suggestion which I hope every member will listen to very carefully. At lunchtime today, we went to a restaurant and saw films about the Australian bicentenary. There was a talk about projects. The organisers wanted ideas from the community about projects which would be advantageous to Australia and would help celebrate that particular event. The synroc process, which was developed in the laboratory back in the late 1970s at Lucas Heights by Professor Ringwood, has received $2.5m to help develop it commercially. It would be a contribution not only to Australia itself but to the world in general if some of the money for the bicentennial program was put into developing the synroc process to full commercial production so that we would be in a position to offer to the world a mechanism for taking high level radioactive wastes and putting them into a substance which would hold them in position for burial and storage.

I believe a bipartisan approach in this Assembly could be adopted on this particular point. It is something which would be very worthy. It may not be a monument in a specific town but, in Australia as a whole, I believe it is something to which we can contribute. We would then be seen not just as interested in Australia but in the whole world scene and world peace. I leave the point there.

Mr TUXWORTH (Mines and Energy): Mr Speaker, much has been said so I shall be brief. I would like to touch on a couple of points that I believe ought to be addressed because they should not be left hanging.

Mr Speaker, the Leader of the Opposition, in a throwaway line yesterday, said that he was not against uranium but was just representing his constituents. I think we should get it straight. Among those of us who were here during the honourable member's maiden speech, which was a 30 minute tirade against uranium, and those of us who have been in the Assembly for 7 years and listened to some of the very bitter things the honourable member has had to say about uranium, anybody who believes that he is not against it would believe anything.

The Leader of the Opposition also made the point yesterday that he felt that he had been attacked and it was like a peck on the cheek compared to attending an ALP conference. From what I can gather, the last thing that we want to repeat in this Assembly is any performance that was in any way like the performance at the ALP conference. If there is one thing that the ALP has achieved in the last week, it is that it has the whole town of Darwin talking

about the way its members perform at its conferences. They are not the most flattering comments that one is ever likely to hear.

The member for MacDonnell said the Slatyer Report would not have been prepared if it were not for the great debate within the ALP. I make the point again that the Prime Minister had Professor Slatyer prepare the report so that some of the myalls in his party could hear at first hand from somebody whom they had recruited themselves about the possibilities for the uranium cycle in Australia. They would not believe Fox. They will not believe anybody who has anything to do with the industry and I think the Prime Minister's move was a stroke of genius. The report is a good one and they should be calmed by it.

The honourable member said that there are vexed issues surrounding the uranium debate, that uranium is dangerous and that he cannot be sure that the uranium does not finish up in bombs. For him to admit that is to admit that the government's non-proliferation agreements, and the administration of those agreements by the federal government, are out of control and incompetent because that is exactly what it means. The non-proliferation agreement takes account of all the uranium so that the proliferation of yellowcake or enriched uranium for weapons cannot take place. Really, he is barking up a tree. The important thing about that argument to me is that, if you extend that argument right through to the limit, we would not mine lead. We would have no car batteries because they might use lead in bullets. How can you be sure that the lead from Mt Isa Mines is not going into bullets? What drivel, Mr Speaker.

Mr Speaker, the other thing I think worthy of mention is that, although I did not include in my speech yesterday all the names of the people on the ASTEC committee, which was an oversight, I would not have expected all of them to be sitting every day on the compilation of the report. What is important is that there were no dissenting views and that is the normal way for people to register any dissatisfaction they have with a report.

Mr Speaker, the honourable member for MacDonnell was asked 20 or 30 times during the course of his emotional speech where he stood on uranium. He was asked particularly because the Territory community has a right to know where he stands. He would not say that he was an anti-nuke because he knows that, if he says that, he cannot offer himself for the leadership next year or the year after when it comes up. It is going to come up because sooner or later the Labor Party is going to ditch its leader. It is going to happen. He does not have the intestinal fortitude. I will give the honourable Leader of the Opposition some credit in that regard. He had a view and he changed it and he is prepared to stand up in front of his colleagues and anybody else and tell them that he believes that uranium mining should occur. The member for MacDonnell dodged around the issue for 15 minutes while he was on his feet and still refuses to stand up and say, 'I am an anti-nuke and I do not believe in it', on the basis that he is a caring member of the Labor Party - a party that serves the community. Tell it to the birds, Mr Speaker. Tell it to the people who do not have jobs. Tell them about the caring party. They spent the whole of last weekend trying to tear down an industry which is the only hope for work for some people in the Northern Territory. That is how much he cares, Mr Speaker. He has his $50 000-a-year job for 25 hours a week work. He cares. He cares for himself. What about the thousands who would like to have a job? What do the anti-nukes care about them? The truth is, Mr Speaker, they do not give a damn.

Motion agreed to.

## MEAT INDUSTRY BILL
(Serial 9)

Continued from 12 June 1984.

Mr TUXWORTH (Primary Production)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## EDUCATION AMENDMENT BILL
(Serial 31)

Continued from 12 June 1984.

Mr HARRIS (Education): Mr Speaker, judging from the comments that have come from the opposition in relation to the Education Amendment Bill, one would be forgiven for thinking that the government had introduced this bill for some ulterior motive. I really wonder what the opposition is on about. What surprised me most of all in its arguments was a view that was totally contrary to the act as it exists at present: the matter of an appeal to the courts. What I was upset about was that, despite its objection to that particular aspect, the opposition did not foreshadow any amendments at all in relation to this bill. All it did was oppose the bill. I wonder just how much interest opposition members really have in education if that is their attitude.

There are a number of inconsistencies with the act as it exists at present. For example, it will be very difficult indeed under the present act for the truancy provisions to be implemented. Unless students are enrolled at a school in the Northern Territory, it will be very difficult indeed to police truancy provisions.

There is also the aspect of inspections of schools, which is quite a reasonable requirement. We are responsible for providing education. If schools, whether they are government schools or private schools, have said that they will provide a required standard of education to students, then they have nothing to fear if they are providing that education.

Mr Speaker, I was under no illusion when I introduced this particular bill that the main objection would be in relation to the appeals provision under proposed section 68 in the bill. However, I have made it quite clear when discussing this bill with a number of individuals and groups of people that the requirements for the registration of a school would be spelled out very clearly. The member for Nightcliff raised this issue during the second-reading debate. If those requirements are met, that school will be registered. I have made that quite clear and I continually stressed that point.

If the procedures are clearly known and followed, the need for an appeal should not arise. The Leader of the Opposition pointed this out when he was speaking about a statement that was made by the Australian Education Council working party's report on the registering of non-government schools. I should also point out that the department is consulting with all interested groups concerning the criteria that will be required for registration. It is not something that is just happening. All of the groups will be consulted on this. As far as Yipirinya School is concerned, the regulations will include provisions for the secretary to exercise discretion in making special arrangements for schools which propose a culturally-based curriculum. I gave the example of the agreement that was reached with the Yipirinya School.

It is very unlikely that any appeal that comes to me, as a minister, will come as a result of a dispute in this respect. The ground rules will be laid out very clearly and any school or group that applies for registration that meets those requirements will be registered. As I said, it is very unlikely that any appeal will come to me. However, if there is a problem in relation to law or any other aspect that is outside of the regulations then, under section 19 of the principal act, there is provision for the minister to create an advisory body to provide input from an independent body.

Mr Speaker, under the Australian Constitution, education is the responsibility of the state. As Minister for Education, I am accountable to the people of the Northern Territory, through the Legislative Assembly, to ensure that a high standard of education is provided and maintained. The existing legislation allowed for an appeal to the Supreme Court against non-registration. My concern is that, in that forum, matters of legal jurisdiction would be debated rather than the educational issue and that is of grave concern. I believe that we have a responsibility for education and, in order to bring the responsibility back where it belongs, it is necessary to make these amendments.

Mr Speaker, during the course of the debate, the honourable Leader of the Opposition referred to my comments in my second-reading speech. I must say that, after reading through my second-reading speech, there was some confusion and I am still having those particular aspects relating to operations in the other states checked out. I was referring specifically to the appeals provisions. I know for a fact that only 1 state and 1 territory have appeals through the courts. There are a number of states where the appeals are to the Minister for Education.

Mr Speaker, the issue of Yipirinya was raised by the members for MacDonnell and Stuart. After listening to the comments from the member for MacDonnell, I wonder how much he does know about the Yipirinya School. The member for MacDonnell was speaking about the registration of Yipirinya School. I would like to point out that, in order for Yipirinya to be registered, it had to modify its program to meet the requirements of the government. The government and Yipirinya discussed this issue. It had to modify its program and, as a result of that, the minister registered Yipirinya School. It was as a result of complying with certain criteria that that school was registered.

The Yipirinya School Council knows what is required of it and the government is keen to see that it continues to provide education services to Aboriginal children. The bill has not been introduced to close that particular school as some would have us believe. Those involved with Yipirinya would be aware of that. The opposition knows that. In fact, I know that some members of the opposition have been trying to obtain these assurances for some time now. They have seen them. As I said, it is disappointing to note some comments in relation to that particular school.

The honourable member for Stuart went on about some piece of legislation slipping through this Assembly. It is quite obvious that he was not referring to the bill that we have before us. There has been a great deal of consultation in relation to this bill. I might remind members that the Education Amendment Bill that we have before us was introduced during the February-March sittings. It has in fact been before this Assembly for a longer period than most bills. We have had quite a gap between the first sittings and this sittings.

There has been ample time for comment to be made in relation to this particular bill. I might also say here that we have received a great deal of comment. Some of the amendments that I will be putting forward in the committee stage have come about as a result of the comments that have been made.

As far as Yipirinya is concerned, it contacted my office some 6 weeks ago in relation to this bill. I can assure you that it knew well before that time that this bill had been introduced and what it meant as far as the registration of non-government schools was concerned. The group knew what it was all about. So do not let us have this business about a piece of legislation slipping through the Assembly and we should hold it over for another sittings. There has been plenty of time for consultation.

I do not know if the honourable member for Stuart has visited the Yipirinya offices in Elder Street.

Mr Ede: All the time.

Mr HARRIS: I can assure the honourable member that I have visited the Yipirinya offices and I have spoken with members of the council. I hope to have further discussions with them.

I want to emphasise here that this bill is not aimed at closing Yipirinya as some would have us believe. Any agreement that has been reached between the Yipirinya Council and the previous Minister for Education regarding that school will be upheld.

Mr Speaker, the honourable member for Stuart also commented on Aboriginal education. I would be the first to agree with him that we have a long way to go as far as Aboriginal education is concerned. But we are still well ahead of the states. Whilst there is a long way to go in some areas, we are to the fore and we have a lot that we can contribute to other parts of Australia in relation to Aboriginal education. The programs that have been implemented and the educational facilities that have been provided in Aboriginal communities lead the way.

The honourable member for MacDonnell also raised the issue of the Accelerated Christian Education group in Alice Springs. It is quite clear that he did not really have an understanding of what that particular issue was all about. He said there had not been any consultation. Goodness me, there has been a great deal of consultation with that particular group. Those who have been involved would realise that. In fact, that consultation with the Accelerated Christian Education group is continuing. I have made it quite clear before that we are not against private schools opening. In fact, the government will do everything it can to assist private schools opening wherever there is a need.

The honourable member for MacDonnell also mentioned a letter that he had received from COGSO. This was the letter that I am sure all members have received. I received letters from the Catholic Parents Association regarding a number of concerns that it had in relation to this particular bill. The honourable member has chosen to comment on a point that was raised by COGSO in relation to its belief that an impact survey should be carried out with the opening of new non-government schools. We agree. In fact, that is what happens at the present time. Before a Catholic school opens, discussions are held with the government. We have a look at the projections for student populations in and around the area. I would also like to point out to the honourable member for MacDonnell that it is Schools Commission and Commonwealth government policy that these particular surveys are carried out before a new school is opened. We do not agree, however, that an impact survey should be included in the legislation.

Another honourable member raised the issue of looking for expertise from outside the Northern Territory. Again, we agree and we are in fact already

doing that. The standards of our education system are important. We must make sure that they are accepted in other parts of Australia. In fact, we call on expertise from the states.

I would like to correct some mistaken beliefs about the reasons why the particular bill was introduced. One was that it was introduced because of the 'ACE' situation. As I have already said, the 'ACE' situation did not become an issue until well after the bill was actually introduced, so that was not the reason. The second was that the bill was introduced to close schools. As I have indicated before, we support private schools opening. I would just like to read a paragraph from a letter to the Yipirinya Council in relation to independent schools:

> *The Northern Territory government regards independent schools as an integral and vital part of the education scene in the Northern Territory. It is the intention of the government to ensure that all possible assistance is provided to further their success. I would like you to view this legislation as foreshadowing an enhanced level of communication and cooperation between the government and non-government sectors of the educational system. It will build on the sound mutually supportive relationship that already exists, possibly to an extent unequalled elsewhere in Australia.*

Mr Speaker, I want to point out here that we do have a responsibility for education. The purpose for these amendments are to ensure that the quality of education is maintained, that the fine standards and goals are achievable and that the children are not disadvantaged in their education. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr HARRIS: I invite defeat of clause 5.

It is intended to have the entire amendment in relation to section 21 as proposed in the original bill defeated. This would then permit the inclusion of a new section 21. The main reason for doing this is that the function of the act is to place the responsibility for the education of a child upon parents. The new bill in a way removes that requirement insisting that a child be enrolled at a school.

Clause 5 negatived.

New clause 5:

Mr HARRIS: I move amendment 6.1.

Proposed subclause 5(1) will mean a parent will have the choice of sending a child to a government school or a registered non-government school. It spells out that a parent is given the opportunity to provide an education which is seen to be efficient and suitable. This is a new inclusion and returns the right of parents to educate their own children.

Paragraph 5(2)(a) refers to the previous provision giving parents the option of providing an education for their children outside a government school or a registered non-government school. This provision, however, requires parents to obtain the approval in writing of the secretary prior to providing such an education. Paragraph (b) says the secretary has the power to decide if the education provided to the child under these circumstances is of a suitable standard. The secretary may obtain a written report from an authorised person in relation to the suitability of the education being offered.

Proposed subclause (3) of the new clause specifies that subclause (1) does not apply to children with special needs; that is, the handicapped, for whom alternative arrangements have been made under a separate section of the principal act.

New clause 5 agreed to.

Clause 6:

Mr HARRIS: I move amendment 6.2.

This proposal to omit reference to interim registration is necessary. The prospect of partial registration is catered for in section 64(2). By removing reference to interim registration, the potential problem is overcome in that it is now at the discretion of the secretary, and eventually through appeal to the minister, to grant partial registration. If reference to interim registration is retained, then an organisation could feasibly apply for that and not comply with all other requirements.

Amendment agreed to.

Mr HARRIS: I move amendment 6.3 for a similar reason.

Amendment agreed to.

Mr HARRIS: I move amendment 6.4.

By removing reference to the word 'manner', this section now requires organisations to demonstrate financial feasibility and to ensure that continued financial viability is possible. Organisations are not required to state specific sources of funds.

Mr EDE: I do not have any real objection to this one but I would point out that there is a typographical error in the amendment.

Amendment agreed to.

Mr HARRIS: I move amendment 6.5.

By inserting this after 'conditions', reference is made to the right of the secretary or, after appeal, the minister to grant partial registration. This would be done in the situation where an organisation is able to demonstrate that most of the requirements for registration had been met but, through some circumstance such as facilities still being constructed, it is not able to meet all of the requirements. An organisation could be given limited registration until such time as all requirements are met. This ensures that the spirit of interim registration is retained.

Amendment agreed to.

Mr HARRIS: I move amendment 6.6.

The original amendment provided for a report to be written by an authorised person and submitted to the secretary. This amendment provides for a copy of that report to be made available to the public officer of the organisation on which that report has been written.

Amendment agreed to.

Mr HARRIS: I move amendment 6.7.

The original amendment posed problems. Some organisations felt that the previous section made it incumbent upon their organisations - for example, after-hours schools, ethnic schools etc - to ensure that their attendees were enrolled in a government school or a registered non-government school. This new amendment imposes stringent controls upon an organisation. If the organisation purports to provide a primary or secondary education, and if that organisation is not yet registered and has children enrolled, then the organiser is guilty of an offence and liable for a $2000 fine. Weekend or after-hours schools are not involved.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8:

Mr HARRIS: I move amendment 6.8.

This amendment actually tightens the original proposal. An institution that was registered before the bill was approved is still registered but must meet the new requirements. As I said, those requirements will be spelt out in consultation with the various schools or organisations.

Mr EDE: I would just like the minister to realise that it is clauses like that which cause organisations like Yipirinya to worry. When they find that more conditions are applicable, particularly after a long and intense battle to become registered, they wonder what it is that the minister is really trying to achieve. I would just like the minister to give us his assurance that he will honour the original Yipirinya registration agreement.

Mr HARRIS: Mr Chairman, as I said in the second-reading speech, the purpose of this bill is not to close Yipirinya School at all. I give the assurance that any agreement that was reached between the Yipirinya School and the previous minister will be upheld by this government.

Amendment agreed to.

Clause 8, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr SPEAKER: The question is that the bill be now read a third time.

Mr LEO (Nhulunbuy): Mr Speaker, I must point out to the Assembly the futility of our passing legislation which relies predominantly upon regulations. I doubt the honourable minister has seen the regulations that apply to this bill. It relies totally upon regulations. Many members of the opposition have spoken and I suppose that they would be secretly supported by government members who are concerned at the preponderance of legislation which relies totally upon regulations. I am learning from my colleague.

Mr Dondas: You are being educated, are you Danny?

Mr LEO: Not by you, unfortunately. Not by you.

Mr Speaker, this bill requires for its total implementation regulations to spell out such things as the minimum educational qualifications for teachers and lecturers. Does the minister know what those are? I doubt very much that he does. I certainly do not and yet we are passing legislation with that built into the regulations. Those regulations will control the minimum curriculum requirements, the maximum and minimum ages, the maximum numbers of students to be enrolled, the buildings and facilities to be used and the records to be kept. I doubt very much whether the honourable minister knows what those requirements will be. I certainly do not. This Assembly certainly does not and yet this entire bill relies upon those regulations. It serves no purpose without those regulations.

It is not just in this particular bill but it is in too many pieces of legislation that we see in this Assembly. We are forced to debate basic legislation about which we know nothing. We do not even know where the bottom line starts and the top line finishes simply because we have absolutely no idea what is going to be written into those regulations. Provided those regulations fit within those very broad terms, as we described in section 75 of the new act, we will be forced to accept it. Mr Speaker, it becomes a total waste of time our debating anything. We do not even know what the hell we are talking about.

Mr Tuxworth: The story of your life.

Mr LEO: Mr Speaker, I hasten to assure the honourable minister that at least I am aware I do not know what I am talking about. Unfortunately, he is not so aware. He is not aware that he does not know what he is talking about. I ask ministers, if they are going to trot out with departmental bills - which is all this is because it is not a minister's bill but a departmental bill - that they at least have some idea of the implication of those bills because we go through this time after time in this Assembly. It is continuous. It is not just once; it is continuous. I have asked the honourable minister, if he is planning any future amendments to the Education Act, to supply members of this Assembly with some idea of their implications.

Mr TUXWORTH (Primary Production): Mr Speaker, I shall be brief for the benefit of the member for Nhulunbuy. I cannot remember ever introducing a bill into this Assembly that had regulations accompanying it. I do not know what he is talking about.

Mr ROBERTSON (Attorney-General): Mr Speaker, I do not look forward to the day when the honourable member is a minister because he will repeal the last clause of every act of every piece of legislation that has ever been enacted. He will delete that final section in every act which says that the Administrator

may make regulations not inconsistent with this act. That covers every clause within a bill and he intends to delete it - fascinating.

Bill read a third time.

## OIL REFINERY AGREEMENT RATIFICATION BILL
(Serial 44)

Continued from 7 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, it is late in the evening. I indicate the opposition's support for this piece of legislation. I would like to thank the honourable minister for providing me with a briefing as to its genesis. Indeed, the bill enacts an agreement which was made between the government and the explorers involved in Mereenie developments some time ago.

It will allow for the development of a refinery in Alice Springs. It is certainly welcome that the Northern Territory is moving to the area of refining oil. Certainly, the opposition supports the bill.

Motion agreed to; bill read a second time.

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that the Assembly do now adjourn.

Mr FIRMIN (Ludmilla): Mr Speaker, I would like to draw attention to a report I read recently on the Australian economy given by Sir Roderick Carnegie, the Chairman of CRA. Sir Roderick gave an eloquent and concise precis of the fundamental weaknesses of the economy and the importance of remaining internationally competitive. He went on to explain how international competitiveness is linked directly to standards of living of all Australians and has been observed in recent years by the high level of overseas borrowings. Such borrowings and large increases in external debt cannot continue indefinitely, he went on to say. The longer we wait before the matter is dealt with head on, the more painful it will make the adjustment of the economy to restore competitiveness. Sir Roderick goes on to say:

> *Regrettably, it remains necessary to continue to make this point... the outcome of years of failure to address the competitiveness issue is that the nation's living standards do not rise or even keep pace with other developed countries.*

We are falling behind. The basic causes of Australia's lack of interest in competitiveness are many. Two of the worst features stand out in any examination of events of the past decade. They are the wage-setting system and the performance of the public sector. During 1983, the wage freeze helped ease wage pressures and the Commonwealth government is expecting the present incomes accord with the ACTU to maintain this gradual slowdown. Stronger measures of wage restraint may have produced faster recovery, better job prospects and improved competitiveness. The public sector influence on competitiveness covers a wide field yet seldom do we see any demonstrated concern for the impact on costs.

All 3 levels of government in Australia have failed to recognise that there is a limit to the extent to which taxes and charges can be increased. Governments clearly do not accept that they should share the burden of cost cutting which is being forced on many sectors, especially those which face international competition. Those Australians whose jobs in private industry have been destroyed by high Australian costs are entitled to ask for evidence of the summit spirit of restraint from those whose jobs are paid for and protected by the taxpayer. Such evidence is hard to find.

Uncompetitive cost levels are emerging in many public sector instrumentalities. These are the result of construction inefficiencies, cost inefficiencies and or outdated technology. These instrumentalities operate in monopoly conditions without the discipline of competition and, for a time, can pass on to the private sector almost any level of costs yet these costs are an important factor in determining the competitiveness of industries which have to face competition with other countries.

An example of these pressures may be taken from the consumer price index data. In the 2 years to December 1983, the overall index rose by a disturbing 21% - well over double the comparable world rate. A subgroup of the index, which measures state government taxes and charges, rose by 32% in the same period. This calculation takes no account of Commonwealth government taxes and charges and, if these had been included, the public sector contribution to inflation would be seen to be even higher. The Institute of Public Affairs in a different calculation recorded public sector inflation at 11.3% in 1983 while private sector was significantly lower at 7.9%.

These figures are a major cause for concern in an era when the central new feature of economic policy - the accord - stresses the importance of indexation of wages. Since other payments - welfare etc - are also indexed and all 3 levels of government look for real increases in expenditure, it will be clear that the process is self-sustaining. In the example given, private sector inflation is significantly less than the public sector inflation component. The problem with our international competitiveness as an urgent public issue is that most Australians are shielded from its immediate effects. Those employed in the public sector, in heavily or naturally protected industries, both goods-producing and tertiary, or simply in receipt of social welfare support, comprise the overwhelming bulk of the Australian electorate.

Australians employed in agriculture, mining and import-competing industries are a small section of the voting population. However, if the capacity of those sectors to trade internationally is damaged severely by domestic policies which reduce international competitiveness, the results ultimately and inevitably flow through to everyone. Those international pressures cannot be evaded forever. To hold, let alone improve, our standard of living, Australia must pay its way in the world. Borrowing to bridge the gap between earnings and expenditure has limits. Experience to date indicates that failure to give international competitiveness appropriate recognition has held back the nation's growth, has depressed profits to grossly inadequate levels in many areas and has led ultimately to loss of jobs. It will continue to do so while many Australians believe they are shielded from the economic facts of life.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I rise in the adjournment debate this afternoon to speak on a subject that I never thought for one minute I would ever be devoting any time to in the Legislative Assembly and that is the question of in vitro fertilisation. I was unfortunate enough to catch Nationwide last night and saw an interview with Professor Bill Walters. Professor Walters is an Associate Professor of Obstetrics and Gynaecology at the

Queen Victoria Hospital in Melbourne. He was asking during that interview for some feedback from the community as to what it felt about particular advances in his area of medicine. He was simply giving advice of what was possible and asking the community to advise him whether it thought it was a good idea to pursue it or not. After the interview had finished, the compere of the program also invited people to write to the ABC and advise Nationwide what they thought about it.

Mr Speaker, I could sum up my feelings about what I saw on television last night by saying that I think it would be a good idea if, before the ABC broadcasts programs containing information of the kind that was broadcast last night, it should preface the program by some kind of warning that would allow the viewers to obtain a receptacle they could throw up in. I know that in vitro fertilisation does provide benefits for childless couples but I must admit that, for some years, I have been concerned about the whole area of work that is being done in Australia. As was said on the program, we are well advanced - if that is the word to use - in the techniques that will be applied in this area and also in the area that is always associated with this: genetic engineering and the debate about sperm banks for Nobel Prize winners.

What Professor Walters was saying last night was that, in response to requests that had been made to him and others, he felt that it was possible for research to be devoted to the possibility of allowing transsexuals to have babies. Transsexuals are genetic males who have chosen to have sex change operations and become females. In fact, biologically, that is impossible; they give the appearance of being females. I deliberately say 'have babies' because there was no suggestion that procedures that Professor Walters was talking about would allow them to bear children. He was simply talking about a technology that could be developed to allow transsexuals to be incubators, for some strange reason, for a foetus which would later be theirs. I think that it is about time that the brakes were put on this kind of development because I found it quite appalling that this would be seriously suggested as being a legitimate way in which the extremely developed talents and abilities of Australia's medical scientists should be diverted.

The process is fairly easy to understand. A transsexual was interviewed on the program last night. Clearly, the transsexual was one of those people who wanted to have a baby. The question was asked of the transsexual: 'Is it intended that you would want to store your sperm while you were a male - keep it in a jam jar in the fridge - until after you had had your male appendages removed and you had been converted into a female so that you would at least have some biological connection with what was going to be put inside your intestinal wall or whatever?'. The transsexual was shocked by this suggestion and said to the interviewer: 'Don't be ridiculous. I want to be the baby's mother, not its father'.

By this stage, I was running for the nearest sick bag. This obviously highly talented and skilled obstetrician was talking about transsexuals simply becoming incubators in the truest sense of the word. An operation would be performed on the transsexual and an ovum, fertilised by someone else's sperm, would be placed inside the intestinal cavity. The professor went on to describe in some detail how it was possible for the placenta to be attached to the kidneys or some other structure within the intestinal cavity. At the appropriate time, another operation would be performed to let the baby out after 9 months, having been incubated.

I cannot understand why this bizarre procedure would be envisaged in order to provide transsexuals with babies. These are a number of extensions of this

argument which in logic fail me. If the community is prepared to accept that transsexuals can make fit parents, that is one thing. That is not what I am arguing about. I am not suggesting that some transsexual people would not make good mothers. I do not know any transsexuals personally nor am I experienced in the psychological makeup of transsexuals to understand whether that would be so. If it is so, a far simpler and far less bizarre procedure would simply be to allow transsexuals to adopt children.

In consideration of the fact that we are talking about a procedure being envisaged in which the incubators would have absolutely no biological connection with what was growing inside them at all, it is a bizarre procedure. If Australian science is to be seriously directed into this area, why can't these skilled and clever people move to the complete 1984 situation and develop the entire embryo outside the body so that the transsexual can keep the growing foetus in a box in the bedroom and let it out at the appropriate moment.

I feel very strongly about this because I think it is about time that these bizarre proposals which have been put forward by senior people in the medical profession receive some indication from the communtiy that they are simply not acceptable. The invitation was issued and I am responding to it. What upset me most of all was the final statement and the crux of the gentleman's invitation. There are a number of transsexuals who want to have children and, for some strange reason, even though they concede they do not want any biological attachment, there is some benefit presumably in acting as an incubator for the foetus for the 9 months in which it grows. Whilst technology was not available to allow a foetus to develop in this way, the professor was telling us last night that it is certainly possible to do this and it would only take a team of researchers 5 years with considerable experimentation on animals to develop a procedure to a point where it could be used successfully on humans. I was absolutely appalled that the very suggestion could be made that a team of skilled medical researchers would devote millions of dollars and 5 years of research on animals for the purpose of providing transsexuals with the ability to act as incubators in order to have children.

If society is ready to accept that transsexuals can make reasonable parents, surely a less bizarre approach and a more sensible approach would be to investigate the possibility of those people, provided that they could demonstrate that they were fit to be parents, simply adopting children. We all have concerns about vivisection and the use of animals in medical science. I am one of those people who concede that it is necessary and useful but I had this bizarre picture of thousands of demented male rats running around in the next 5 years wondering why they had given birth to litters of little rats and probably needing a whole team of rat psychiatrists to reassure them that in fact everything was all right. It is just a bizarre proposal and I could not believe it was being put seriously.

Professor Bill Walters clearly is quite prepared to put into train a research team to work for the next 5 years on animals to develop this procedure. He issued this invitation to the public to tell him whether people thought it was socially acceptable and a supportable procedure to divert all of this time, talent and money into such a development. I would like to place on the record very firmly that these continuing developments in biological procedures associated with conception and birth have gone far enough. I am not a person who objects, as some people do, to the principle of in vitro fertilisation. A valid argument can be mounted that, with the number of children requiring parents, the whole process is not desirable. I can understand the comfort that it brings and the fulfilment that it brings to childless couples who use this procedure. I am not opposed to it. But I personally would like to indicate to

Professor Bill Walters that, if he is seriously considering embarking on this particular procedure, I find the whole concept abhorrent in the extreme, unnecessary in the extreme, and a disgraceful waste of time, talent and the ability of the people who would put it together. I consider it to be an absolutely unnecessary and unreal pursuit. I would hope that other honourable members would join me in indicating their distaste at the very thought of that kind of research being pursued in this country.

Mr VALE (Braitling): Mr Speaker, in this afternoon's adjournment debate, I would like to pay tribute to 3 former residents of central Australia. The first is the late Pastor Frederick Albrecht MBE, Superintendent of the Finke River Mission in central Australia from 1926 to 1962. A former missionary in Hermannsburg and a great father to the Aboriginal people, he died in his 90th year at the Lutheran Mission Home in Fullarton on 16 March this year. As a child in Poland, he felt the call to become a missionary and this desire was strengthened by the annual mission festivals of the Leipzig Mission Society that were held in his church and by the inspiration and encouragement from a pious mother and by a group of Christians who regularly met for prayer and study in neighbourhood houses.

Frederick Wilhelm Albrecht was born on 15 October 1894 at Plansk in Poland, near the Russian border. A frail child at birth, he was administered emergency baptism and he attended the congregation school at Kroczyn from 1901-1908. On the advice of his pastor, he went to Hermannsburg, Germany, to begin preparatory studies. However, these were interrupted by the war and he worked as a medical assistant in various hospitals in Germany and Russia. This gave him valuable experience for his later life's work in central Australia. Several times during the war and the Russian revolution, he experienced, in his own words, 'God's remarkable protection'.

In 1919, he returned to the seminary at Hermannsburg, Germany, and graduated at the end of 1924. For 6 months, he served a congregation at Steinbeck and then, having received a call from the Finke River Mission to come to Australia, he proceeded to Dubuque, Ohio, USA to study the English language and to catechise under Dr M. Reu. His bride, Minna Gevers, from Germany, joined him at Winnipeg, Canada where they were married and then proceeded to Australia. He was ordained on 14 March 1926 at Nuriootpa and remained for about 6 months in South Australia before proceeding to Hermannsburg, then over 600 km from the railhead at Oodnadatta.

His work at Hermannsburg is almost legendary. He arrived at the beginning of a 4-year drought which would have destroyed the mission under a lesser man. His great faith in God, his love for the Aboriginal people and his personal determination and resourcefulness led him to embark on many bold schemes aimed at improving the physical and spiritual condition of the Aborigines. Amongst these were: the transporting of vast quantities of fruit to counteract the dreadful outbreak of scurvy, a disease which was not known in central Australia at that time, and which had caused up to 17 deaths a month for an extended period; the Kaparilja Springs, which helped to provide water for growing fresh fruit and vegetables; the establishment of a tannery; the encouragement of the native art movement; and the establishment of a reserve of 20 000 $km^2$ for the Aborigines at Haasts Bluff.

He was above all a missionary and a pastor to his people. He trained Aboriginal evangelists and worked towards the training and recognition of Aboriginal pastors. In recognition of his wide-ranging work, he was awarded the MBE and other medals of distinction. His wife, Minna, was a tremendous help and source of strength to him and, whilst at Hermannsburg, 5 children were born to

them: Helene, Theodor, Paul, Minna and Martin. He and his wife visited Germany in 1951 during a well-earned furlough and, on their return, they lived in Alice Springs.

From this centre, Pastor Albrecht began work amongst Aboriginals on 18 cattle stations. At the end of 1962, he retired to Linden Park, South Australia, but his work did not cease. He was a constant friend to the Aborigines in Adelaide. He also kept up a large correspondence and wrote many articles for church and mission papers. Gradual failing of health made it impossible for the Albrechts to continue living in their own home and, for the last years, they lived and were cared for in the Lutheran Mission Home at Fullarton. His wife died on 18 November last year.

Mr Speaker, I had the pleasure of meeting Pastor Albrecht and his wife twice, once in the early 1960s in central Australia and then during his last visit to central Australia for the celebration at Hermannsburg of its centenary in 1977. There are a number of things that I believe history should record accurately. It has a responsibility to pay tribute to the life's work of Pastor Albrecht in central Australia. In his writing, he expressed his concern at the possibility of the Aboriginal people who were then living at Haasts Bluff area being dispossessed of their land because of a pastoralist having gained a grazing licence. With true Albrecht dedication and determination, he lobbied everyone and anyone and had that grazing licence revoked. Subsequently, Haasts Bluff settlement was declared established for the Aboriginal people.

Again, in his writings, he expressed concern for the Aboriginal people living in those days in the area north-west of Vaughan Springs, as it was then called, now called Mt Doreen. On receipt of a letter from the Baptist Union of South Australia, which had expressed its desire to start missionary work amongst Aboriginals in central Australia, Pastor Albrecht suggested that the Baptist Union of South Australia might like to come to central Australia. In that way, the Yuendumu settlement was established again in relation to the work that had been done by Pastor Albrecht.

I think I was probably one of the last people to obtain a product from the tannery at Hermannsburg settlement that Pastor Albrecht established. It was a watchband that I bought off a very young fellow there 20 years ago. He was called Gus Williams and had worked in that tannery for some years.

Contrary to public belief, the work of Albert Namitjira was started as a result of birch plaques sent out from Germany which had been etched on with a hot poker. Pastor Albrecht showed these to some of the Aboriginals in the Hermannsburg area with the idea of establishing some type of industry for them. All but one of them showed little or no interest in the idea but Albert Namitjira decided that that was something that he might take on. As a young fellow, he started initially in the art field by engraving mulga plaques. Subsequently, he went on to paint those plaques and, several years later, met up with Rex Battersby. Of course, history records the rest.

Pastor Albrecht lived in central Australia through a very historic period - the arrival of the 2-way radio and the train from Oodnadatta to Alice Springs. He was involved in the search for the body of Lasseter and in many other aspects of the development of central Australia. From the 1920s to 1960s, Pastor Albrecht played an active and encouraging role.

Mr Speaker, I think 2 things probably symbolise Pastor Albrecht's life in central Australia - the humility of the man and his dedication and determination. I think the most unforgettable memory I have of Pastor Albrecht was when, in

1977, he revisited central Australia after many years absence, and the greeting he was met with by the old people of the Hermannsburg mission who had been his friends over many years.

Pastor Albrecht is survived by his family, Helen and Dudley Byrnes, Ted and Jean, Paul and Helen, Minna and Paul Sitzler, Martin and Frances and niece Erica and Bill Bradbury. There are 17 grandchildren, one of whom is deceased, and 4 great grandchildren. I believe that it is probably now time that the Northern Territory looked actively at commemorating in some permanent way the work that Pastor Fred Albrecht did in central Australia.

Mr Speaker, I would like to pay tribute also to Miss Hazel Clarence Golder, or Miss Golder, as she was known by her many friends, who died in Alice Springs Hospital on 23 April this year. Miss Golder was born at Clarendon in South Australia in 1894 and was the eldest of 11 children. Her interest in the outback began when she and her sister, Vera, went to Innamincka to join her brother, Claude, to help him in a hotel. She later followed her brother to Oodnadatta and then progressed to Bloods Creek where she had a small store and a post office.

She moved to Alice Springs in 1929 and, after working a short while with a Mrs Annie Myers, she saw the need to provide meals for the men working on the railways. The railway people loaned her the necessary crockery etc and thus she set up her own business. Her next move was to a house which became known as the 'Bushman's Friend' and no one is ever quite sure whether the term described Hazel or the boarding house which she ran - but certainly, she was the bushman's friend. She was a friend to many and there are many who could trace their start in life in central Australia to the assistance given to them by Miss Golder when they were most in need.

Men working in town found at her boarding house a place to live with good food and an easy acceptance of their way of living but where a certain strict standard of behaviour was insisted upon. In 1952, Miss Golder retired from her boarding house and moved into the home she built in Todd Street which is now occupied by the Town House Pharmacy and in which certain members of this Assembly subsequently had office space. She lived there until 1971 when she moved to her home in McKinlay Street, previously in the Stuart electorate but now in Braitling, which she occupied until her death except for short stays in hospital and at the Old Timers' Home.

Miss Golder will be remembered by many people for many reasons. She lost none of her interest in people or her sense of fun as the years progressed. She will be missed by many people, particularly the members of the Senior Citizens Club in Alice Springs of which she was patron. She is survived by her brothers Claude and Reg and sisters May Dalton, Vera Corbett and Dot Tomlin. Mr Speaker, Hazel Golder was a true pioneering Territorian.

The third person to whom I wish to pay tribute this afternoon is Dorothy Evelyn Lettie Bellamy who was known by all and sundry in central Australia simply as Paddy Bellamy. Paddy Bellamy died in the Old Timers' Home in Alice Springs on 12 May this year after a long illness. She was born in Terowie, South Australia in 1907. A true Territorian and a real character in her own right, she lived for many years in a 2-storey house on a corner of Warburton Street and Sturt Terrace with a river view which she prided herself on and which she loved and on a block of land she purchased in the late 1940s for £17, a price that many people believed in those days was far too expensive.

In South Australia, in the 1940s, Paddy established a reputation as a top knitwear designer and published many knitwear books which were extremely popular

and in demand all around Australia. In the late 1960s, inquiries for these books were still being received by the publishers and at least 17 were published and a number of them, entitled 'Knitwear by Evelyn', were printed in hard-back covers.

In the late 1940s, Paddy commenced visiting Alice Springs with cases of exclusive women's wear and, in 1947, opened a shop in the old Capitol Theatre opposite the Hotel Alice Springs - now known as the Telford Alice. In later years, she moved to a shop across the road in the then new Rief Building which is now occupied by Jack Grave's Menswear. Records show that Paddy Bellamy was actually the first woman in Alice Springs to register a business. Paddy Bellamy made many trips to Adelaide commencing in 1952 when the road was virtually a cattle track. In 1955, she bought a Hillman California and, with this car, completed 18 trips to Adelaide and back, most of them alone. The last trip was in 1966 at the age of 59. For many years, Mrs Bellamy was a prominent member and supporter of the Alice Springs Golf Club and, over the years, donated many trophies. In keeping with her wish, she was cremated in Adelaide and her ashes returned to Alice Springs where part of the ashes were scattered over the South Road on which she had travelled so often. The remainder are to be buried at a later date in the Alice Springs cemetery.

Mr Speaker, a character she was and for many years and on many an evening she would drive her Hillman car out of the driveway of her house to her friend Maude McConville's to play cards even though Mrs McConville lived just 3 or 4 doors up the same street. Paddy Bellamy is survived by a son who lives in Brisbane and a grand-daughter who lives in Melbourne.

Mr EDE (Stuart): Mr Speaker, I would like to open by joining the Leader of the Opposition in expressing abhorrence at some of the bizarre directions in which in vitro research is taking us. Sometimes I feel that it is an exercise by certain academic medicos gone insane. I believe it is absolutely essential that the desirable - our definition of 'desirable' - keeps pace with what is possible.

I would like to refer briefly to the remarks of the Minister for Community Development who followed me last night after my discussion on prisons. Perhaps deliberately, he misinterpreted my statements regarding the desirability of prisons and the need to set up alternatives. But it is not that matter that I wish to attack tonight, but rather the issue of school bussing in Alice Springs.

I am happy to see that the Minister for Education is with us to hear my comments on this issue.

Mr Tuxworth: With that one we should all be bored out of our brains.

Mr EDE: Boredom only comes to those who are not affected and many people in Alice Springs are very definitely affected by this issue. There are at least 27 Sadadeen students living in the Emily Gap area who will be affected by this, another 80 students from the Bradshaw-Gillen area and another 40-odd students from the Braitling area. They will have to change not from Sadadeen to Alice Springs High but from Alice Springs High back to Sadadeen. This gives us a total of some 150 to 200 students who will have to change schools next semester.

The problem is that students have their academic records affected very strongly by mid-year changes. You could roughly assume, with the 3 different classes represented in Sadadeen, that about 50 would be doing Year 10. I do not have to remind members that Year 10 has become a very important year in the academic life of children. It is the first time that they must sit for an

external exam. I think it is very unfortunate that 150 of them will be severely disadvantaged by this move.

This disruption in the middle of the school year was completely unnecessary. Parents chose to send their children to that school at the beginning of the year on the premise that the present bus situation would continue. They were led to believe this by the previous Minister for Education and they are now finding that this is not so. We believe that, to force them to change now, is neither realistic nor desirable. If a change is to be made, it should be put off until the end of the year.

Another factor involved is the senior-high-school junior-high-school split which is being discussed currently in Alice Springs. I believe this is a very desirable move. However, because of the changes occurring to the current bus system, some students will be placed in the position of having to transfer now, again next year and again the year after. I think that is quite ludicrous. The whole situation should be postponed until we have decided on the senior-junior high school split in Alice Springs.

I would like to point out that all the parents surveyed in Alice Springs favour the continuation of the current system. In fact, many hundreds of them have signed a petition for the minister. I do not think that it is a coincidence that 2 parents who were very vocal on this issue, and who stood for election to the Alice Springs Town Council were elected first and second on the aldermanic ticket. Neither of them had been on the council before. This extremely successful result is a reflection of the concern that the people of Alice Springs feel on this issue. I would point out also to the minister that they are executive members of his own party. I am not saying that that has anything to do with this. I think it is obvious that their position regarding school bussing struck a chord with the people of Alice Springs who responded to it.

This particular move will place the children at Alice Springs at a significant disadvantage to those in Darwin. Darwin's public bus system is subsidised to a very considerable extent. I believe it is somewhere in the vicinity of $30 to $40 per person per year. This does not happen in Alice Springs so Alice Springs children do not have the alternatives that their Darwin counterparts have.

There are various anomalies in the system as it exists and as it is proposed for the next semester; for example, with the definition of the 5 km zone. This is in regard to feeder areas for the various schools. There is also a small part of Kurrajong Drive, which is in the member for Sadadeen's area. It is outside of the current 1.6 km limit. In that area, there are 4 or 5 students. I am wondering if the minister will say that what is good for the goose is good for the gander and put in a school bus for the 4 or 5 students who live in that area.

The new golf course estate is outside both areas and it has not been established yet which feeder area it belongs to. A major subdivision is proposed for the Braitling area in the next 6 to 8 months and this also does not fit within a current feeder area. The point is that the current situation in Alice Springs is extremely fluid and, to make a decision such as the honourable minister is now making, is inappropriate.

I believe also that, since the department will continue to transport Years 11 and 12 students to Sadadeen, and the numbers of these from the Bradshaw-Gillen area are fairly small, there would be a significant amount of room on

those buses for other children. This situation will continue next year when the Catholic high school starts in Alice Springs. It will be 1 to 1.5 km from the Sadadeen School. Those children will be able to get bussing because they are going to a Catholic high school whereas the children going to the Sadadeen High School will not be able to get that bussing. Because of the numbers involved, there will be a fair amount of space left on those buses which could be utilised by children going to the Sadadeen High School.

Mr Speaker, it is felt that the rigid enforcement of this policy deals harshly with quite a large number of both primary and secondary students. I do not know whether you are aware of the temperatures in Alice Springs. During summer, they can rise to quite significant heights at around 2.30 to 3 o'clock in the afternoon. The prospect of very young students having to walk this distance, crossing busy roads and facing many dangers would be abhorrent to all of us. Secondary students, particularly those in Years 11 and 12, must carry a number of heavy books and that gets pretty hard in the middle of an Alice Springs summer.

The use of radial distances when setting boundaries also creates problems. One can imagine the situation when one is working on a 1.6 km radius. That does not always reflect the actual walking distance the children must cover. I refer to the railway cottages which are within 1.6 km of the Alice Springs High School. However, if the children were to try to cut straight across, they would be cutting across the ANR trucking yards. ANR does not like children jumping around between the trains and enforces this policy rigidly. The result is that the children must walk north first, then east, then south and then south-west - a distance of some 4 to 5 km before they actually get to school. As I say, they fall within the 1.6 km radial limit but the actual number of road kilometres that they cover is significantly greater.

Mr Speaker, we are not making these complaints without putting up alternative proposals. The Alice Springs Bussing Action Group has put up proposals whereby it would incorporate a user-pays system for all children attending school in Alice Springs. It has proposed a $2.50 per week per child levy which would raise another $120 000. If the bus routes were rationalised and only followed major roadways instead of what have been described as dangerously narrow, sinuous routes, this amount, together with the current $375 000 being paid, would enable us to institute a system of double looping. The first loop would go out beyong the 1.6 km area bringing in the first lot of children and return by a second loop into the inner area.

It has been proposed also that the 9 different routes should be tendered out separately. I have it on very good information from people who were employed with the current contractor that the amount of money received during the year is enough to cover completely the fixed costs as well as the current costs on the current bussing system. Because the whole lot is let out together, there is basically nobody else able to tender for the bus routes. However, if they were let out separately, we would be able to get the market forces to apply and we believe that the cost of the total operation would come down significantly.

It would be quite simple to overcome the problem of back-up services because the current bus services that work around Alice Springs have these services already provided for. It would be a simple matter of putting in a subsidiary contract for people to provide back-up services when required. They, in turn, would be given a penalty loading for the provision of those services and the individual operator, who was unable to provide the service over that period, would attract a penalty himself for being unable to maintain his vehicles to the level required.

One of the arguments is about the current overloading of buses. We believe that this could be straightened out if there were improved control methods on the bus pass. If they were colour-coded so that they could be replaced every couple of months, we believe the problem would be overcome.

Mr Speaker, I do not have much time left. I have made the point before with the parents of Alice Springs that they have to put forward positive solutions to this problem. I believe that they have done so and I would urge the minister to take note of them and reconsider his situation. If he is not able to eliminate it altogether, at least give the children in the schools the ability to stay in those schools until the end of the current year and then make the change. At least that would not completely destroy their chances of getting a decent pass.

Mr FINCH (Wagaman): Mr Speaker, I do not wish to make a repeat run but, by the same token, I do not apologise for rising this late in the evening for I wish to talk on a matter which is not only dear to my heart but of significant importance to the aged and the ageing population of the Northern Territory. I guess that probably involves all of us and I can assure you that, by the time we have finished tonight, we will have aged some more.

Mr Speaker, statistics indicate that the number of aged residing in the Territory is increasing rapidly and at a significantly greater rate than is the general population. This is due partly to improved living conditions in this remote area and partly to the general increase and stability of our younger population. With better communications and far better job prospects, our younger people are tending to stay rather than go interstate for work and, naturally, their parents and grandparents are remaining in the Top End to maintain family ties. Retention of this sector of our community is of tremendous importance to family unity and therefore to social stability.

In some way or other we are all concerned with making adequate provision for that inevitable time when we can take what is probably a well-earned rest from our obligations to the workforce. Planning for retirement is a complex matter involving such things as superannuation options, lump-sum insurance policies, investment possibilities and general arrangement of financial affairs to coincide with retirement age. These might be required for discharge of mortgages, purchase of holiday homes or recreational items, such as fishing boats, caravans etc, or simply for security and contingency purposes.

However, planning is not only complex from a financial point of view, but also in consideration of the lifestyle aspects. People's adjustment to, and acceptance of, retirement vary considerably. In general, these are often traumatic times, so much so that often we hear of people suffering fatal heart attacks within a very short period of retirement. Many might plan on such things as overseas holidays or the pursuit of personal interests which could not be undertaken during their working careers either because of financial or time constraints. However, the majority have great difficulty in accepting the traumatic change in their lives.

Planning for retirement is virtually planning for a new life, Mr Speaker. By necessity, it is imperative that people commence their planning as early as possible so that not only can they make the necessary material provisions but so that they can also prepare for the emotional factors involved. There are a great number of community groups, commercial organisations and bureaucratic departments that can provide advice in various forms to assist in the critical process of arranging one's retirement. We probably all accept the saying that you cannot take it with you, but we all rightly expect that we can end our days in comfort and with a certain amount of dignity.

It is an unfortunate fact of life that, the closer one gets to retirement, the less one has an ability of making adequate provision for both lump-sum and on-going income requirements for day-to-day living expenses. The greatest majority of Australians fall within the middle bracket of income earners. Having worked hard throughout their lives, they deserve an opportunity to receive back some of the rewards for their energies and for their prudency. Those who are already experiencing or approaching retirement have battled through the difficulties of the depression years and even war time. As a nation, we owe them our sincere gratitude and appreciation.

With this in mind, I find it almost incomprehensible that a so-called socialist-orientated government should treat this most deserving, but least able to defend themselves, group of people with a degree of unimaginable inconsideration. Not only have we had an intrusion into the long-standing, self-supporting means of financial provision through the superannuation schemes, whereby people plan for specific targets, but now we have all sorts of penny-pinching proposals for reducing their already measly fortnightly pension cheques. Maybe it is penny-pinching to you and me but often it is the difference between health and comfort for those receiving it.

In the short space of 12 months or so, the federal government has seen fit to announce and reannounce various proposals for altering the qualifying requirements for the measly pension, and in such an ad hoc fashion that I am sure neither the bureaucrats nor the politicians are clear on what they are trying to achieve. To say there is confusion amongst the elderly would be a great understatement and it is this confusion that is of greatest concern to me.

Regardless of what changes to the system might be justified, and I am yet to be convinced that any are justified, it is ridiculous to impose such charges on those least able to rearrange their affairs at short notice. As explained earlier, we must all realise that it takes a considerable period of time - 5 to 10 years at least - to make adequate provision for retirement, yet here we have a federal government which cannot even make up its mind as to what it wants in 12 months, expecting people who are already locked into retirement packages to go off and make other arrangements. What we have to do is step back and look at this proposed scheme for what it is. It involves expenditure and another great bureaucratic quagmire which will cost millions of dollars of taxpayers' money to set up and millions of hours of frustration and anguish on the part of the aged.

Here we go with another intrusion into people's private affairs for the sake of bureaucracy. How the heck would my 88-year-old grandmother cope with filling out another typical census form including the valuation of furniture, paintings and other memorabilia, most of which she has had for 50 years or more? That grand old lady is still self-sufficient and proud enough to live in her own home without imposing on the community, but Bob Hawke is intent on prodding and prying into her affairs with the object of reducing a lousy pension by 10¢ or 20¢.

Mr Speaker, it is not only people's assets which are to be questioned but their various and sometimes complex means of subsidiary income are to be reviewed and it could be either or both of these components which come into effect. It would seem that the very small percentage of the aged public who have so far accepted the federal government's proposal have done so on a false impression that they will be better off under the new scheme - $12 per week. That is poppycock. However, many of these people could be in for an unpleasant shock when both their incomes and assets are fully assessed and they find that, in losing interest on their small investments, as against their pensions, it will leave them on the negative side.

With all the confusion surrounding these proposals, the federal government is doing nothing to allay the fears of the majority of our senior citizens. I would urge all honourable members to discourage any retired or retiring people with whom they are in contact from rushing in and hastily rearranging their affairs on the assumption that the federal government will take note of public opinion - as it would have us believe - and admit the folly of its proposals which are aimed at reducing a significant national deficit in the order of $9000m or so by taking a few cents out of the purse of pensioners. Maybe the federal Minister for Social Security should consult grassroots representatives of the aged through organisations such as the Australian Council on the Ageing, which he has failed to do so far, to gain some concept of the difficulties which will result from his current proposals.

Unfortunately, the small minority that he aims at will be the least affected by his ill-founded initiatives. There may very well be a need to review the social security budget, but why pick on the oldies?

In closing, Mr Speaker, I urge all honourable members from both sides of the Assembly to demand that the federal government either scrap the current incomes and assets fiasco or, at the very least, introduce a more respectable period of implementation and restrict any new system to those who have not already retired.

Mr McCARTHY (Victoria River): Mr Speaker, I did not intend to get up this evening and say anything but I could not let the things that the honourable Leader of the Opposition said go by without saying something because I support him wholeheartedly. The only thing I would say is that I think that he did not go far enough. I did not see the program, by the way. I would have been travelling between here and Batchelor at the time. As the honourable Leader of the Opposition unfolded his commentary, I was amazed just to hear some of the things that he was saying. I did not think that, at any stage, we would be likely to come to this.

Serious questions of morality are raised in all stages of the in vitro fertilisation program. It is understandable that couples who are unable to have children may wish to take part in the in vitro process. However, there are a lot of unanswered questions. Personally, I think that it goes against all ethics in nature.

As the honourable Leader of the Opposition said, it is a shocking waste of talent and resources of surgeons, thinkers and all those people who are involved in this sort of process, not to mention the time they are spending on it. It is just a shocking waste of the resources. There is a lot yet to be worked out, including the effect it will have. I think it is going to have a pretty serious effect on a lot of people, not the least of whom are those children who are born through this process.

I would hope that, in any extension of the in vitro program along the lines suggested in this television program, the people involved will see some sense and give the idea away. I just had to register my distaste and my total opposition to any proposed extension of the in vitro process. Certainly, any extension that would allow the incubation of babies outside the womb, whether in the abdominal wall of a transsexual male or in a shoe box, is bad, as the honourable Leader of the Opposition suggested. I believe that every member of this Assembly should voice very strongly his or her total opposition to the process and that we make our opposition known to all those people who have control of the programs and those who make the laws that govern it.

Mr BELL (MacDonnell): Mr Speaker, I want to speak very briefly in this evening's adjournment debate. The first matter I wish to address is consequent

upon a question I asked of the honourable Minister for Transport and Works yesterday about 2 projects in my electorate which would represent a considerable increase in services provided within the Territory generally. I refer to the projected gas pipeline to join the West Walker Well on the Mereenie field with the Yulara village and a road, the idea for which has been expounded by the honourable member for Braitling and the honourable the member for Barkly in his previous capacity as Minister for Tourism.

There is, of course, a great deal of interest and potential value in such projects but I believe it is incumbent upon me to place on record in this Assembly that I believe that such projects have to be seen against the government's record in its negotiations with Aboriginal traditional owners. To say the least, the government's record in that regard is abysmal. I have already mentioned in these sittings the travesty of justice perpetrated at Gosse Bluff, which is some 25 to 30 miles to the north, as the crow flies, of the Mereenie oil field. I have mentioned on a number of occasions in the last 2 or 3 years the alienation of lands subject to claim south of the Tempe Downs lease, Northern Territory portion 1097, which was part of the Lake Amadeus claim. I have also mentioned the negotiations for the Kings Canyon National Park which while the opposition was quite happy to support such parks in principle, as the member within whose electorate that area falls, I must say that a number of my constituents were most disturbed. People like Mr Bruce Breaden, Pastor Peter Bullah and a number of others whom I could mention have been clearly and actively discriminated against by the processes of land administration in that area that this government, through the offices of various ministers, has chosen to adopt.

However, Mr Speaker, and I believe it is one of the benefits that accrues to traditional owners through the Aboriginal Land Rights Act, at last the government is going to be forced to start actually negotiating with the Aborigines when it comes to these 2 projects. I think it is not before time. The government has a lot of ground to make up and I sincerely hope that those negotiations meet the needs of all concerned. That certainly was not the attitude of the government in the past. I understand that the pipeline taking natural gas from the Mereenie field down to Yulara will have the potential to generate power for the new Yulara tourist village.

I do not know how many honourable members are aware of the area but it is beautiful country and I think tourists and residents alike would be interested in a road connecting Ayers Rock and Kings Canyon. Honourable members and even a few of the people from central Australia in this Assembly would be aware of the track that connects Docker River via Lake Amadeus and comes out in the vicinity of the Camel's Hump, some 10 or 15 miles south-west of Gosse Bluff. Much of that area is now criss-crossed with seismic lines where particular tracks go through. I will be quite frank. I have never been on it myself. It is a little pleasure I have kept in store for myself.

To finish off on that particular subject, I hope that the government will take a more constructive view in regard to negotiations on those 2 projects than it has demonstrated in this particular area in the past.

Before I sit down, I would like to add my thoughts to those of the honourable Leader of the Opposition. I too saw that particular program to which he referred this afternoon. Whereas in the past I had been aware that in vitro fertilisation had been possible, I must admit that the prospect that was raised by the surgeon on that program was totally abhorrent to both my wife and I. As the honourable Leader of the Opposition mentioned, the benefits that may accrue to some couples because they are able to have children in this way is something

about which I would be most reluctant to pontificate. But I have no hesitation in adding my weight to the opinion of the honourable Leader of the Opposition. I would be infuriated in the extreme to find that public money was being spent in this way. I am deeply bothered by it and I add my support to the comments of the honourable Leader of the Opposition in those terms.

Mr SMITH (Millner): Mr Speaker, I too rise to support the comments of the Leader of the Opposition. I do not think I can add anything to them. In his normal, excellent fashion, he has covered them very well.

Basically, I want to speak about new technology and perhaps appropriate technology in a different context. On my last visit to Alice Springs, 2 or 3 weeks ago, I was fortunate enough to visit the Centre for Appropriate Technology which is in the Braitling electorate, formerly Stuart. It is an offshoot of the Alice Springs Community College and headed by Dr Bruce Walker. I had heard about the Centre for Appropriate Technology but must admit, to my shame, that I had not been there before. I would certainly urge every member to go and have a look at what is going on there.

Dr Bruce Walker has a world-wide reputation for developing appropriate technology for different types of people. Already he has been overseas representing the Australian Department of Foreign Affairs and providing advice, particularly in Africa. At the centre in Alice Springs, he is developing technology which is appropriate to the needs of Aboriginal communities at the present time. While I was there, he was working on appropriate toilets and showers for Aboriginal communities. If members know anything about Aboriginal communities, they will be aware that there have been problems in those areas in the past. Quite a lot of money has been spent on erecting European-style shower and toilet facilities and those facilities have been misused by the Aboriginal communities.

Bruce Walker has gone back to taws. He has talked to those communities about their needs and has come up with basic technology which enables the erection of very simple toilet and shower facilities, in our terms, but which the Aboriginal communities, at their present level of technology, can adequately cope with and use on a continuing basis. Not only are the concepts of the actual things very simple but the materials he uses are very simple indeed. For example, the shower system is served by chip heaters which are basically converted gas bottles. He has negotiated a very cheap deal on them with a gas supplier in South Australia. As I said, it is a very exciting area. I recommend that all members visit there to see what is going on.

The main concern that I have is that very little support is being given to it by the Northern Territory government at this stage. Unfortunately, that is true as I understand it. The centre has had a lot of assistance from the Commonwealth government through the CEP program and because of that it has been able to expand its facilities quite substantially this year. But the funding levels that are provided to it through the Community College of Central Australia basically amount to 1 or 2 positions. In terms of what the centre is able to offer, clearly that is insufficient. I would urge the government to have a closer look at what is going on at that centre and at the prospect of providing more financial assistance to it because it is a very worthwhile object.

I hasten to add that I raise this in as non-political a sense as I can. Certainly, I am not attempting to make political points out of this. It just impressed me as a very worthwhile activity which any government, I would have thought, would have been pleased to support.

My second area concerning technology is probably at the other end and that is new, advanced technology, particularly as expressed either in new methods or new products that governments are confronted with from time to time. A problem that has been brought to my attention is that suppliers who are able to give information about new methods or are able to supply new products have difficulty in getting them accepted in government contracts. Quite obviously, the reason is that it is very difficult for the people in government departments, who make these sort of decisions, to keep up to date with all the new technology. They obviously feel much more comfortable with what they know and it is sometimes quite a job convincing them that what is new is better than what has been there previously.

The prize example that has come to my attention concerns one local supplier who had a contract to install something - I think it was at the community college. He had developed a product which was both cheaper and better than the specific product that was required in the specifications. He installed his cheaper and better product but was required, by the relevant government department, to rip it out and put in what was actually in the specification.

I guess the relevant government department supervisor was technically correct but it does illustrate a problem. There are no well-laid out procedures for government departments across the board to look at new methods and new products and come to some decision as to whether they are acceptable or not.

I suggest that the government needs to examine the prospect of establishing an independent standards committee to assess new products and new processes as they come on the market and to make recommendations to government departments on those products and processes. By that means, all government departments can be made aware of what is coming on the market and what has or has not been approved. This will enable a more consistent approach to these new products and processes and will also provide a quicker entry for them into the government ordering system than applies at present.

I have already made the point once during this sittings that there are people and manufacturers in the Northern Territory who are innovative. They are making things in different ways from the rest of Australia. They are improving products and are making new products. They are finding some buyer resistance from their main purchaser, the government, and I would submit that the proposal that I am putting forward for an independent standards committee is well worth examining and could well make life easier for those manufacturers and better for the people in the Northern Territory who use their products.

Motion agreed to; the Assembly adjourned.

Mr Speaker Steele took the Chair at 10 am.

## LEAVE OF ABSENCE
Mr Everingham

Mr D.W. COLLINS (Sadadeen): Mr Speaker, I move that leave of absence be granted to the Chief Minister. He is travelling south to attend the annual conference of Ministers for Industry and Technology.

Motion agreed to.

## MINISTERIAL STATEMENT
Provision of Housing in Aboriginal Communities

Mrs PADGHAM-PURICH (Housing)(by leave): Mr Speaker, I noticed in the recently published 1982-83 Annual Report of the Aboriginal Development Commission a statement that the Northern Territory Housing Commission had not been involved in the provision of housing on Aboriginal communities. I wish to bring to members' attention that, while this statement was correct for the period prior to 1 July 1983, the situation has changed with the Housing Commission administering a housing construction program on Aboriginal communities in 1983-84.

Prior to 1983-84, the Territory's financial capacity to provide housing for all its residents was very limited. With self-government in 1978, the Northern Territory was afforded the capacity to provide housing only in the main urban centres. All housing in respect of Aboriginal people on Aboriginal land was provided by the Commonwealth Department of Aboriginal Affairs. The Northern Territory government made repeated requests to the Commonwealth for a capacity to house all of its residents, but these requests went unheeded because the Commonwealth wished to retain that responsibility.

In 1983-84, however, there was a change in funding arrangements and the Territory's allocation of funds earmarked for Aboriginal people increased significantly. As a large part of the increase could be attributable to Aboriginal people living on Aboriginal land, the Northern Territory government then had the financial capacity to move into this area which had previously been a Commonwealth responsibility. With the Commonwealth increase in the Northern Territory's allocation of funds earmarked for Aboriginal housing in 1983-84 to $9.584m, an increase of $5.18m over the 1982-83 allocation, it was decided that $5.3m of the total allocation should be expended in Aboriginal communities and small urban townships such as Mataranka, Timber Creek and Borroloola. The remaining $4.284m was incorporated into the Housing Commission's general public housing program in the main urban centres as part of the contribution to housing Aboriginal and part-Aboriginal people in urban areas. Up to 30% of general public housing tenants are Aboriginal people.

A working party was set up with representatives from the Aboriginal Development Commission, the Commonwealth Department of Aboriginal Affairs, the Housing Commission and various Northern Territory departments to establish housing needs and to formulate a construction program. The resulting program is providing for 110 and 150 houses and shelters respectively throughout the Territory. Through the cooperation of all parties concerned, full expenditure on the program will be achieved in 1983-84. Finally, discussions are now taking place for the formulation of the 1984-85 program in the expectation of continued funding from the Commonwealth in 1984-85.

Mr Speaker, I move that the Assembly take note of the statement.

Debate adjourned.

## SPECIAL ADJOURNMENT

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the Assembly, at its rising, adjourn until 10 am on Tuesday 21 August 1984 or such other time and date set by Mr Speaker pursuant to Sessional Order.

Motion agreed to.

## MOTION
### Standing Committee on Expenditure

Mr LEO (Nhulunbuy): Mr Speaker, I move:

1. That a Standing Committee to be known as the Standing Committee on Expenditure be appointed to -

   (a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine;

   (b) consider estimates and figures of expenditure and make recommendations concerning ways in which programs may be carried out more efficiently;

   (c) examine the relationship between the costs and benefits of implementing government programs; and

   (d) inquire into and report on any question in connection with public expenditure which is referred to it by the Legislative Assembly.

2. That the committee consist of 5 members, 3 nominated by the Chief Minister and 2 nominated by the Leader of the Opposition.

3. That every nomination of a member of the committee be forthwith notified in writing to the Speaker.

4. That the members of the committee hold office for the remainder of the term of the Legislative Assembly.

5. That 3 members of the committee constitute a quorum.

6. That the committee elect 1 of its members as chairman and 1 as deputy chairman who shall perform the chairman's duties when the chairman is absent. In the absence of both the chairman and the deputy chairman, the members of the committee present shall elect another member to perform the duties at that meeting.

7. That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any matter which the committee is empowered to examine.

8. That the committee appoint the chairman of each subcommittee who shall have a casting vote only and at any time when the chairman of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee shall appoint 1 of the members present to perform the duties of the chairman at that meeting.

9. That a majority of the members of the subcommittee constitute a quorum of that subcommittee.

10. That members of the committee who are not members of a subcommittee may take part in the public proceedings of that subcommittee but shall not vote or move any motion or constitute a quorum.

11. That the committee and subcommittees have power to move from place to place, to meet and transact business in public or private session, to adjourn from time to time, to sit during any recess, and to send for persons, papers and records.

12. That the committee be empowered to publish from day to day such papers and evidence from the committee or any subcommittee as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

13. That the committee be provided with all necessary staff, facilities and resources.

14. That the committee, in selecting particular matters for investigation, take account of the investigations of other committees of the Assembly and avoid duplication.

15. That the committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report.

16. That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Mr Speaker, public accounts or expenditure committees are an accepted part of parliamentary life in every parliament in Australia with the exception of Queensland and, at the moment, the Northern Territory. The semantic distinction between the titles 'public accounts committee' and 'public expenditure committee' would appear to be a minor one but, with regard to this motion, there is a distinction worth noting. Within the intent of this motion, the word 'accounts' would imply statements of accounts after expenditure has been made. For this reason, the term 'public expenditure committee' has been quite deliberately chosen. By this title, the motion intends that such a committee would have a very clear brief to scrutinise proposed government expenditure with a view to ensuring that value for money is obtained by the public in the implementation of government programs. Let me make it clear that, in moving this motion, it is not the opposition's intention to set up an instrumentality to frustrate or delay the implementation of government programs. A public expenditure committee, on the contrary, would simply ensure that the taxpayer is getting value for money in the course of that implementation.

Having said that it is not the opposition's intention to obstruct or delay the implementation of government programs, let me say quite clearly that it is the intention of the opposition in moving this motion to support the establishment of a committee which has the widest possible terms of reference in the context of similar committees in other states. If any honourable member would care to scrutinise the reports of public accounts or expenditure committees in other states, he will find a range of approaches and some variation in the depth of the scrutiny of expenditures. However, even in the case of the South Australian public accounts committee, which regularly takes upon itself the

scrutiny of minute details of expenditure, the relationship between the committee and the Auditor-General has been cordial and constructive and their roles have been complementary. Both parties acknowledge this in their most recent reports.

Mr Speaker, in the various state parliaments, the structure or mechanism of the committees varies. In some parliaments, it is a committee of the lower house only and, in others, it is a committee of both houses. The briefs of these committees vary too in terms of the level of initiatives or activity expected from them. The opposition is determined that the appropriate brief for a public expenditure committee of this Assembly is a fully active brief. That is, Mr Speaker, for the committee to be of maximum benefit to the taxpayers of the Northern Territory, the committee should be able to take the initiative to investigate any aspects of public expenditure it sees fit to examine rather than exist simply as a passive committee which would have matters referred to it by the Assembly. This is how the South Australian Public Accounts Committee operates. It is a body which is acknowledged by the members of all political parties to be of great benefit to that state.

These committees are a fact of parliamentary life, and not only in Australia but throughout the Commonwealth generally. In the past, Mr Speaker, certain objections have been raised by members on the other side of the Assembly to the introduction of the kind of committee we are now proposing. I will address myself to some of those objections. In 1981, when a motion to establish a public expenditure committee was moved in this Assembly by the former Leader of the Opposition, an objection was raised to the quorum of 2 in subcommittees being able to publish reports without reference to the Assembly. We have eliminated this problem by removing point 13 of the former Opposition Leader's motion.

A further objection was that the scrutiny of public accounts is already carried out by the Auditor-General and that a committee is therefore unnecessary. As I have already said, the reports from the South Australian Public Accounts Committee clearly show that the committee's role is complementary to the Auditor-General's and it has been an extremely cordial and useful exercise. In addition, the Auditor-General's role is to review expenditure after it has been made. The committee that we envisage would offer advice before funds are expended.

Another objection raised in 1981 was that many matters of government policy should not be called to account in terms of cost-effectiveness. The building of decent roads and the entertainment of foreign dignitaries were among the examples cited. The simple answer to that is that the committee may be able to assist the government to carry out its policies more cost-effectively and, surely, no reasonable person could object to that. Further, the government is at liberty to pronounce, at any time, that any item of expenditure is a matter of policy and therefore the committee's advice will not be accepted.

As I have said, last time a motion of this nature was moved in this Assembly, the government offered only criticism. It did not attempt to amend the motion but simply hurled it out. I would hope that the government will take a more positive attitude towards this motion in 1984. Although I did not agree with much of the government's argument in 1981, those same arguments are not valid with this motion before us in 1984. I know there is a view amongst public servants and ministers that a public accounts committee would use up too much time, especially the time of public servants who are employed in tasks that are already highly demanding. Obviously, in other parliaments, not only in Australia but throughout the Commonwealth, governments of both political persuasions feel that it is time well spent by public servants to attend the proceedings of committees.

It was also argued in 1981 that a public expenditure committee would hinder the functioning of government in that the committee would create unnecessary bureaucratic hurdles in the implementation of government policy. In fact, it would assist the government. It would assist the Treasurer immensely, when he is seeking funds from the Treasury in Canberra, to be able to state quite clearly that the expenditure of the Northern Territory has been scrutinised by a committee which has members from both sides of the Assembly on it. It must be an asset to him and his officials when they are seeking funding for further programs and, indeed, in maintaining their present capital requirements.

Mr Speaker, another objection in 1981 was that there were not enough backbenchers. I do not think that anybody could logically use the same argument this time. The government is positively overflowing with underworked backbenchers. Many are on committees that often do not meet and, if they do meet, their function is somewhat limited. I would like to hear any member of the government say this time that there are not enough backbenchers to perform the task that is required of this committee. I can certainly speak for the opposition in this matter, Mr Speaker. We have plenty of work to do but we see that the function of this committee is of paramount importance to this Assembly and to the Northern Territory.

In summary, I would like to draw honourable members' attention to the glaring issue of unnecessary and indeed improper expenditure of public money revealed in relation to housing interest waivers. I suggest that the establishment of a public expenditure committee of the type described in this motion would assist in the prevention of such unfortunate occurrences in the future.

Mr MANZIE (Community Development): Mr Speaker, in rising to speak on the motion from the honourable member, I would like to go over the terms of the motion in relation to the role of this proposed standing committee on expenditure. The motion reads that the committee be appointed to: (a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine; (b) consider estimates and figures of expenditure and make recommendations concerning ways in which programs may be carried out more efficiently; (c) examine the relationship between the cost and benefits of implementing government programs; and (d) inquire into and report on any question in connection with public expenditure which is referred to it by the Legislative Assembly.

It might be worth while to take each of those points, look at the role that this proposed committee would be undertaking and consider whether that role is already being carried out. When we look at (a), considering papers on public expenditure, we should look at it in the context of this Assembly and how it works. All honourable members would admit that all these sorts of questions are able to be examined in detail in this Assembly, either during debate, which is certainly not restricted, or through question time. I think that nobody here would deny the fact that we have a system which allows all members to be involved in question time and to receive the information which they are seeking.

Mr Ede: We have been denied all week.

Mr MANZIE: The member for Stuart asked a couple of questions so I cannot see what he bases that on.

Let us examine another aspect. The Treasurer has said in this Assembly on numerous occasions that he is quite willing to arrange briefings for any member of this Assembly on any matters pertaining to Treasury and the expenditure of

funds. I think that we should take note of that. The facilities are there to have detailed briefings of what is occurring. I think yesterday we had an example of what the opposition probably perceives as a problem. Information was given regarding certain aspects of NTDC operation and the Leader of the Opposition was unable to understand what was presented in a written form. It is in the record. The Chief Minister had to read again the particular part of his statement.

I think that we should be very careful about assessing what we are talking about here. We are not talking about understanding the information available; we are talking about the ability to scrutinise it. We do not need an expenditure committee because the ability to scrutinise is available in this Assembly. Information is provided. There are ways and means of obtaining information. Questioning occurs and statements can be made.

Paragraph (b) of point 1 of the motion says: 'consider estimates and figures of expenditure and make recommendations concerning ways in which programs may be carried out more efficiently'. I looked at that in detail. I was trying to reconcile ministerial responsibility in relation to the role of a minister. There was an example yesterday when members of the opposition moved a censure motion regarding the Deputy Chief Minister. That was in relation to financial matters. I think that, if we take away the responsibility of a minister to implement government programs in the most cost-effective way, we must also look at the concept of taking away the minister's responsibility in that regard. The Westminster system determines what ministerial responsibility is. Part of it is the effective administration of the finances of his department. The Treasury and the Treasurer have a role in this and so have the ministers. If there is failure by ministers in this area, they are ultimately censured by the electors. We have had examples of mismanagement by governments. I can refer back to 1974-75 when the Australian community dismissed a government because of financial ineptitude. The electors made the decision as a result of what they saw was occurring, not as a result of a public expenditure committee in operation.

If we turn to paragraph (c) and examine the relationships between the costs and benefits of implementing government programs, the Auditor-General has a role in ensuring the cost-effectiveness of moneys spent by the government. He provides advice and recommendations if certain matters are not going according to the most cost-effective method. There is no need to double up on that role.

Paragraph (d), inquiring into and reporting on any question in connection with public expenditure which is referred to the Legislative Assembly, relates back to (a), Mr Speaker. Matters that are referred to this Assembly can be debated and discussed in this Assembly without any problem at all. I do not see the need for another body to double up on that role.

It is worth while looking at the costs involved. The membership of the proposed committee is 5. Obviously, there is a need for support staff and I think that there may be a recommendation on that in the motion. There is also a recommendation that this committee would travel. On a conservative estimate, we would be looking at expenditure in excess of $0.25m for 12 months operation of such a committee. I can assure you, Mr Speaker, that I can think of better ways of spending $0.25m than on a committee which will duplicate a role that is already being performed in this Assembly. Possibly the member for Nhulunbuy can suggest an area where he would like to take $0.25m out of the limited resources that this government has and spend it to duplicate something that is already occurring.

It is probably worth while to look at the background of public expenditure committees. In 1861, Gladstone saw the need for some adequate machinery in the

House of Commons to effectively account for and control the spending of funds. That was the birth of the public expenditure committee. However, that was 5 years before an Auditor-General's position was established by the House of Commons. Obviously, the effect of the public accounts committee was not sufficient to do the sorts of things that were envisaged and an Auditor-General's position had to be created. We already have an Auditor-General. I do not think we should double up on that area.

History is something we can all learn from. If we look at the Australian situation, the Commonwealth first introduced a public expenditure committee in 1913. That committee functioned until 1932. I hope honourable members are listening to this. The year 1932 was the time of the worst economic situation that the world had ever been through. Things were tight. There was unemployment. There were tremendous problems concerning finance. What did the Commonwealth government do at that stage? It cut out its public expenditure committee. It got rid of it. Obviously, it knew that it was not cost effective. It knew that it was not an efficient mechanism to organise public expenditure so it got rid of it.

It was reintroduced by the Commonwealth in 1953 - a year of prosperity. Everything was going well. Why did it reintroduce a public expenditure committee when things were going well and cut it out when money was tight, when we were going through an horrendous depression? Obviously, the role of that committee is not in overseeing the efficient expenditure of moneys otherwise it would have been kept during the depression.

The role of a public expenditure committee has other connotations. What would the advantages be? I cannot see any except that it will save the opposition work by doing its homework for it. That is the only thing I can see.

Mr B. Collins: You obviously know nothing.

Mr MANZIE: It is there in history. When the depression occurred and times were tight, it was thrown out because it was not cost effective.

Mr B. Collins: Why don't you come over here and sit on my lap. You can join us. Come on.

Mr MANZIE: It is just something to give the opposition a bit of help with. Obviously, the way the Leader of the Opposition is getting upset about it, he needs help.

What are the disadvantages, Mr Speaker? Cost is one - $0.25m. That is the lowest estimate. I certainly would not like to take $0.25m of the taxpayers' money. Another disadvantage would be that it would occupy the valuable time of the backbench.

Mr B. Collins: The overworked backbench of the government - 2000 constituents each.

Mr MANZIE: Mr Speaker, obviously the Leader of the Opposition does not wish to listen to this.

Mr B. Collins: It's rubbish.

Mr MANZIE: He would probably be better off going outside. There are 3 instrumentalities already concerned with public finance: Treasury, Auditor-General's department and Public Service Board. They are responsible for

ensuring that the various government departments are efficiently organised and that their funds, which are voted by the Assembly, are expended economically. We have 3 areas which cover the role effectively. The honourable member for Nhulunbuy is proposing that we set up a committee to duplicate this role. I consider it is a waste of public moneys and I also consider it to be a bit like a hole in the head - we do not need it.

Mr SMITH (Millner): Mr Speaker, from what I can gather from the Minister for Community Development's contribution, the main reason he does not want to institute a public expenditure committee in the Northern Territory at this time is because the economy is in terribly bad shape. I knew that there were some problems with the economy, as reflected in the unemployment figures and the decrease in the number of jobs, but for him to equate the situation in 1932 with the situation in the Northern Territory today, I think is a gross over-exaggeration of the problems that his government is facing. If he cannot do any better than that, I think that his side should capitulate and grant us a public expenditure committee.

I would also point out to him that the supposed triad that is keeping a close eye on this matter in the Northern Territory is not as he suggested. The Public Service Board, for the information of the honourable member, is a Commonwealth institution and what we have is a Public Service Commissioner. He cannot get basic things like that correct.

Mr Speaker, I will take up in some detail the comments that he made concerning this proposal. Basically, he concentrated on the proposed duties as outlined in point 1. He said, in considering 1(a), that there was already sufficient opportunity for this Assembly to consider those matters in detail that we were proposing to be dealt with by a public expenditure committee. I would point out to the honourable minister that this Assembly met 21 days in the last year.

Mr Tuxworth: And you slept through every one of them.

Mr SMITH: I have not been asleep through any of them. In fact, my wits have been more aware than his have been.

I challenge any member of this Assembly to say that 21 days in a whole year is sufficient time for any responsible legislature to exercise the responsibilities that we are proposing to be exercised under this public expenditure committee. That, of course, is the reason why the government is opposing it. We come down to the bottom line. The government is opposing it because it is scared of what will come out. After yesterday's debate, if I were the government, I would have good reason to be scared. If yesterday's debate is any indication of the way the ministers handle their portfolio responsibilities, the public expenditure committee would be in the headlines day after day, week after week - all in the interests of good government. But this government is not interested in the concept of good government. What it is interested in is keeping information and influence within the club - the CLP club.

Mr Dondas: 70% of the Territory is in the club then?

Mr SMITH: Good government involves giving out the maximum amount of information possible so that people can make the best informed choices possible. This government operates on the reverse process. As I pointed out before, look at the line it takes when it puts out its budget statements. It operates on a one-line budget principle. It provides no explanations for its figures. It does

not do anything to set its budget speech and its budget program in any one year in an overall context. People in this Assembly and people in the community in general are given no information at all to help them make accurate assessments of what the government is proposing to do.

The main advantage the public expenditure committee would have over the ability of this Assembly to scrutinise government expenditure is outlined in part 11: 'That the committee and subcommittees have power to move from place to place, to meet and transact business, in public or private session, to adjourn from time to time, to sit during any recess, and to send for persons, papers and records'. Mr Speaker, 'to send for persons, papers and records' is a power that this Assembly does not have. The whole debate yesterday would not have taken place if the government had not tabled that whole set of Housing Commission documents. It did it reluctantly and I congratulated it yesterday for doing it. It ought to do it more often. You can be assured, Mr Speaker, after the treatment it received yesterday, it will not do it again and that will be at the expense of good government in the Northern Territory.

We want a public expenditure committee because we cannot rely on this government to provide good government through its own good offices. It has shown so many times that it is not prepared to give information to the people in the Northern Territory. It is running things on the quiet. It hides its mistakes deep down. Without the government's cooperation, there is no way that we can get the information to reveal those mistakes. It is part of being involved in a responsible parliament that we should obtain that information so that we have the best government possible in the Northern Territory. To receive any other answer is nonsense.

The Minister for Community Development said that briefings can be arranged. Of course they can be arranged. It took me 3 months to get briefings with a couple of government departments earlier this year. You get your briefing - and they are good briefings - but the public servants are given quite firm instructions by their government on what they can and cannot discuss. I do not object to that; that is a perfectly reasonable way to approach briefings. With a public expenditure committee, that instruction from the government may be superseded by an instruction from the parliament that those public officials shall tell the committee what it wants to know. That has had quite a dramatic effect in a number of investigations conducted by the federal parliament. There have been quite staggering things revealed about the operations of government in the federal parliament that have come out of their public expenditure committee system. They do not come out at briefings because, quite rightly, the public servants are telling you only what you are entitled to know as an opposition member. Basically, they are telling you only what you are entitled to know as a member of the public. They are not there to expose to you the government's dirty linen. If the government has dirty linen, it comes out in the public expenditure committee's inquiries. That is the only place that it could come out under the system that this government operates at present.

The minister talked about ministerial responsibility and how these dreadful proposals may make the minister less responsible for his department. The states and the federal government, with the exception of Queensland, have found no difficulty in melding ministerial responsibility and a public expenditure committee. That is a red herring to distract the attention of this Assembly from the key question of the government being accountable for its actions.

Mr Speaker, if we look at some of the things that a public expenditure committee could have investigated in the last couple of years, it is a pretty impressive list. For example, it could have looked at BTEC funding. It could

have looked at the whole question of regional airline services in the Northern Territory: the Northern Airlines fiasco, the Metroliner fiasco, the airstrip upgradings and everything else that was associated at that stage. It could have looked at the casino financing deals, at the Northern Territory Development Corporation loan arrangements, at Gardens Hill and other land dealings. It could have looked at the Northern Territory Housing Commission, not only its penalty waivers but also other areas. It could have looked at ADMA arrangements.

By pointing out all those things to the Assembly at this time, I have no doubt put a final nail in the coffin of the proposal because this government is not prepared to put its actions up front for consideration by a public expenditure committee even when it would have the numbers on a public expenditure committee. It would have 3 members out of 5 and it knows that it can determine the basic report of the committee.

Mr Speaker, if you need more evidence of why we need a public expenditure committee, I will refer to something referred to by the Chairman of Subordinate Legislation and Tabled Papers Committee: the tardiness of many statutory authorities and semi-government bodies in putting in their annual reports and statements. For example, we had the disgraceful situation where the TIO report for 1982-83 was tabled in February of this year - 9 months after the close of the financial year. It is clear that the reason why the TIO report was so late was that the government was trying to find an appropriate form of words to cover up the huge financial mess that had been created by its failure to adequately reinsure. That failure is one thing that would fall very clearly within the concept of a public expenditure committee.

There is no way that the public of the Northern Territory will find out the real story there. We ran a line of questioning at the last sittings and received the normal fob off. We do not have any other access open to us on that particular matter. We are relying on the goodwill of the minister to come back to this Assembly with a statement on the reinsurance matter. He has had an opportunity during the 6 days of this sittings to come back with a statement on whether the problem has been resolved and whether legal charges will be laid against any particular people and he has not taken that opportunity. We do not have any other way of ascertaining what happened to that $2.2m, why it happened and what action is being taken. This proposal would give us that access. I defy the Treasurer, who is so busy taking notes, to stand up and say that he is happy with that situation and that it is good government. He does not care. Look at the smile on his face.

We had another example yesterday: the completely inadequate information given to us by the Chief Minister on the government's contingent liabilities. Its inadequacy was well pointed out by the honourable Leader of the Opposition. We did not have a worst case scenario presented to us. We did not have a Treasury brief. We had a tourism statement and, in the midst of that tourism statement, a few figures were thrown around which did not add up to anything like a comprehensive statement on the government's contingent liabilities.

The response to the Leader of the Opposition's comments in that debate was that we should seek a Treasury briefing. Again, we have the same restrictions on Treasury briefings. The Treasury people will tell us only what they know the government wants us to know. We used the forum that is open to us in this Assembly to ask for information that is of interest and concern to the whole of the Northern Territory. We were fobbed off on that particular issue. It is not good enough to be fobbed off on a matter of such great importance to the future of this Territory and to the way future budgets of the Territory may well be shaped. We need a public expenditure committee because this government has shown itself incapable and unwilling to provide the necessary information for

opposition in this Assembly and for people in the Northern Territory in general to make informed and intelligent decisions on what the government is doing and why.

Let us not get away from it: that is the crunch of why this proposition has been put. It is not proposed in order to be mischievous. We want to know what is going on. We want to be sure that we are getting the best deal for our money and that money is being spent wisely. I would have thought that it was in the government's interests to be convinced of that anyway. It certainly has been in the governments' interests in the states of Victoria, New South Wales Tasmania, South Australia, Western Australia and the Commonwealth to do it. As we all know, you have to be in government to put this legislation through; it cannot be done from opposition. I would like to know what is different about this government that it is not prepared to do something that 6 out of 7 states have done and the Commonwealth has done. I can tell you what is different - it is gutless. It is not prepared to put itself up for scrutiny and that is a shame.

Mr DONDAS (Health): Mr Speaker, in rising to speak against this motion, the only thing I can really say is that honourable members opposite have not put forward any new arguments. I have the copies of Hansard for 1981.

Mr B. Collins: This is not the same debate.

Mr DONDAS: It is the same debate - almost word for word.

I would like to start this afternoon by quoting a portion of the debate which was held on Thursday 26 February 1981. The former member for Fannie Bay said:

> *Mr Speaker, the Treasurer is even a worse specimen of a parliamentarian than he is a Treasurer. He clearly has absolutely no concept of the idea of the role of parliament. The Treasurer would like to think that he is the Treasurer - and indeed he is - and therefore he can do what he likes and it is not the parliament's business to question him or the executive at all.*

Mr Deputy Speaker, who is sitting in this Assembly at the moment?

Let us talk about questions on notice. We have heard the opposition state that it cannot get information by asking questions without notice and it waits ages for answers to questions on notice. Perhaps a letter seeking information would be more expedient.

Let us just talk about some of the questions on notice. The information that I have is for the 12 months from May 1983 to May 1984. There have been only about 14 questions on notice from this whole Assembly relating to expenditure, indirectly or directly.

Mr Bell: Good point.

Mr DONDAS: Members opposite are the ones who can ask the questions. Why aren't they asking questions? Why do we have to set up a standing committee? Let us look at some of the questions that were asked. This is one from the member for Millner to the Chief Minister:

> *In his department, how many government motor vehicles are on issue to the department? What criteria are used to determine who uses*

*government vehicles? What is the general policy on officers' garaging government vehicles overnight and at weekends? Where vehicles are garaged at officers' homes, what restrictions are placed on their use?*

Mr Deputy Speaker, the information provided in answer to that question is comprehensive, down to the number of vehicles, in which department and where they are being housed. The honourable members opposite say they cannot get the information in relation to expenditure questions.

Mr Ede: That has not stopped them from being parked outside Coles.

Mr DONDAS: That has nothing to do with it. The question was answered.

This is one from the member for Millner to the Minister for Community Development: 'How much money under the grants-in-aid scheme was given to community service organisations in 1981-82?' There are 5 pages in reply, down to the last organisation. The opposition says it cannot get the information in relation to expenditure questions. These are questions on notice for the last 12 months. There are only 14 questions relating to expenditure, only 9 of which are specific. The opposition is not using the parliamentary system now. It is lazy. That is what it basically boils down to.

Mr B. Collins: Being lazy is better than being dumb.

Mr DONDAS: I will talk about the annual report of the Department of Health. Annual reports are prepared so that this Assembly can scrutinise how public money has been spent. Why duplicate it? The honourable members opposite probably do not even read these reports. They contain a wealth of information.

I have the Department of Transport and Works report. There are pages and pages relating to financial expenditure. Why aren't they using the report system to ask the questions? Why aren't they putting the questions on notice? It is because they are lazy. They want to set up a special committee which they admit that we would control anyway: 3 government members and 2 opposition members. Why bother to duplicate? The budget process is there. We have supplementary estimates. The Appropriation Bill debate is yet another avenue for this Assembly to question the procedures and policies of this government's spending.

Mr B. Collins: Tell us how much your 'x' on this piece of paper will cost the Northern Territory taxpayer, $200 000 or $150 000?

Mr DONDAS: I ask the honourable member to place his question on notice. The annual report of the Department of Health gives every expenditure item of that department for the year ending 1983. The Auditor-General is there. Departments know that they are under surveillance and discipline themselves and operate efficiently. We are the same. We know that we must expend public moneys in an appropriate manner and do so. This Assembly already examines the accounts, receipts and expenditures of the Northern Territory in each report that is transmitted to the Assembly pursuant to the Audit Act. We have other standing committees within this Assembly and I really cannot see the necessity for duplication of the process.

Let me pose a hypothetical question to the Leader of the Opposition. The crux of the member for Nhulunbuy's whole argument was that the committee would know about proposed expenditure before funds are committed rather than after. It takes probably 4 or 5 months, from about January to about June or July before the budget process is finally completed. When is the standing committee to

become involved? The Leader of the Opposition looks at me quizzically. Have a look at how the federal one works. He looks at me quizzically. We have had 7 budgets and they have worked pretty well. He looks at me quizzically as if to say: 'What do you mean the budget process starts in January?' Well, it does. For the 1984-85 year...

Mr B. Collins: It should start the day after the budget comes down.

Mr DONDAS: Our budget process starts by January and it is not concluded until June or July. When would this standing committee involve itself? The Leader of the Opposition says it should start the day after. The election period poses another problem. For example, the last election was a 19-day election. What if the next election takes 25 or 30 or 60 days? How do you know? What is going to happen to a standing committee then? It goes into liquidation.

Mr B. Collins: Economics is not really your field, is it Nick?

Mr DONDAS: I do not profess to be an economics professor.

Mr B. Collins: You certainly would not want to after this speech.

Mr DONDAS: The point is that the members opposite have put no new arguments. There have been no new arguments to ones put in 1981. Mr Deputy Speaker, I do not support the motion.

Mr BELL (MacDonnell): 'Lazy', Mr Speaker. What an ugly adjective for the now absent Deputy Chief Minister to apply to one of the most vigorous attacks that the opposition has mounted on the government. 'Lazy' is scarcely an appropriate adjective to apply to the scrutiny that the opposition has applied to the activities of this government since its swearing-in during the March sittings and also in the time that I have had the misfortune within this Assembly to observe its activities.

The Deputy Chief Minister suggested that there are adequate machineries available for the opposition to scrutinise government decisions in relation to expenditure. A public accounts committee has been forcefully advocated by my colleagues, the Deputy Leader of the Opposition and the member for Nhulunbuy on the basis that such accountability is important to the smooth running of this Assembly. The chief criticism - and this is what I want to nail down in my comments on this motion - is that questions on notice have not been adequately used by the opposition. Now that is absolute nonsense. We had the spectacle of the Deputy Chief Minister waving bits of paper and citing a couple of questions that have been answered. For his information and for the information of honourable members opposite who may be labouring under some false credence in his comments, I wish to draw attention to the schedule of questions on notice that was tabled at the beginning of these sittings. It is dated Tuesday 5 June. Honourable members who have that document can refer to the top of the page and they will see that notice was given on the dates as shown. The date shown on that is 5 June 1984. I would like to point out that the questions that I placed on notice, particularly Nos 7 and 9, were placed in the machinery after the March sittings.

That applies to question No 7 in particular. It relates to the funding of the Connellan Airport. I sought some information from the government about the use of the controversial aerodrome local ownership plan for the funding of that airport. My understanding is that funds were so used and I would appreciate some information about that. It has not been made available. I imagine that that is

the sort of question that might come before a public accounts committee. I was seeking information about this during the March sittings. I hasten to add that I am neither implying nor intending any criticism of the staff of the Assembly in this regard. But, to counter the Deputy Chief Minister's allegation that somehow we are lazy, that is an example of a question that I have had on notice. I would appreciate an answer to it at some appropriate time.

The chief example that I want to draw to the attention of the Assembly is one that gives the lie to the comments of the Deputy Chief Minister. This is question No 9 on the question paper. It refers to an Alice Springs rural tourist development. For the benefit of honourable members, I draw their attention to the fact that the question I asked about a rural tourist development in Alice Springs relates to the budget papers of last year. My question referred the Minister for Lands to Budget Paper No 5 for the financial year 1983-84. I note that there is a mere 16 days left of the financial year of 1983-84 and I have still been unable to obtain an answer to that question. Before the Deputy Chief Minister gets up on his high horse either about opposition laziness or the ability of the government to answer questions on notice, perhaps he would like to pay a bit of attention to that.

I referred the Minister for Lands to the capital works program, Budget Paper No 5, page 25, which contains an item of $98 109. The only explanation that is available in the budget paper is that this was for 'Alice Springs external services to rural tourist development'. Being a conscientious local member, I sought some information about which external services to which rural tourist development this might be. In case the Deputy Chief Minister is under any illusion about this matter, I remind him that I raised this matter during the budget debate last year. That is some 9 months ago - a considerable gestation period, I might say.

Mr Dondas: Almost have a baby.

Mr BELL: Oh, he is slick at arithmetic too. It is a shame that he cannot answer questions.

I distinctly recall the Chief Minister, who was the Minister for Tourism at the time, deferring the question and saying: 'I cannot be expected to have at my fingertips every answer to every question about every little item in the budget'. Being as courteous as I am, I chose not to press the issue at that particular time. I sought explanations through the appropriate channel. I placed a question on notice in, I believe, September last year. However, the Assembly was prorogued and I once again placed the question on notice and there it remains. The Deputy Chief Minister accuses us of being lazy or says that we have adequate recourse! I am not suggesting that there is anything wrong; I am seeking information. As a member of this Assembly, I should not have to wait for 9 months in order to obtain an answer. If that is not a powerful argument in favour of the formation of a public accounts committee in the terms outlined by my 2 colleagues, I do not know what is. The minister has the gall to suggest that no public accounts committee is required and that the processes are adequate. 9 months is not adequate!

Mr FINCH (Wagaman): Mr Speaker, I will not waste this Assembly's time in going over ground that has been gone over time and time again. There were similar debates in 1978 and 1981. I would suggest that it would benefit members to refer to the Hansards in that regard. What new arguments has this opposition given to us to justify this committee? Absolutely zero. We need some new arguments, new light that would convince...

Mr Leo: A backbench of your size.

Mr FINCH: I can talk to you about a backbench of this size. I have absolutely no idea what the opposition members do in their spare time but I can assure honourable members that members of this backbench are fruitfully looking after the interests of their constituents and, in fact, making positive and direct inquiries as to matters that concern those communities.

We need to look at the implications of such a committee. It is not just a committee that will take the time and expense of the members travelling to investigate matters of economic accountability. It also involves a great deal of time of professionals who will be needed to provide advice to such a committee. It would also involve a tremendous amount of the time of our public officers, whose time has already been stretched to the limit, to answer questions. We have had indications earlier about how much time it takes to answer some of the questions that are asked by members of the government backbench and the opposition. Why add to it unless it is productive? What are we trying to achieve that we do not already have? I am all for committees as long as they are productive, as long as they achieve something of substance and as long as the nett benefit in the end is of gain to the Territory.

It seems to me that this proposed committee is another method of trying to needle and niggle a productive and successful government. I see it as just another committee for the sake of another committee. The workload of the backbencher is already quite substantial. I do not complain about that. I enjoy my work; I enjoy being overloaded. Certainly, I see that the job that this backbench is doing is in the interests of the Northern Territory public.

As I see it, the opposition has failed to use the means available to it. In question time over the last 2 weeks, questions have almost entirely run out. Opposition members seem to be glued to their seats during question time. If it were not for the energies of this backbench, I am sure that we would have a non-event in question time. There is no doubt in my mind that questions without notice will bring productive response from responsible ministers in a far more expedient and fruitful fashion than will some committee that will meet ad hoc. We have trouble now in having fruitful committee meetings because of the lack of size of the opposition. For that, I guess I make no apologies. If we cannot achieve the tasks at hand already, how are we to expand on those tasks? This government, through the Assembly, provides a great number of avenues for advice to the opposition, and not only through questions on notice and questions without notice. I notice with a great deal of interest that even adjournment debates are turning into question times and ministers are responding to requests from the opposition in a fruitful and productive manner.

The member for Millner mentioned that he has sought and gained briefings by ministers. I would suggest that, if he is having any difficulty in obtaining briefings, perhaps he should bring that matter specifically before the Assembly. From my experience, there has never been any problem in gaining access to ministers or their staff to obtain answers on behalf of all of my constituents. I would challenge the opposition to deny that that facility is not available to it. Because the government is small and administers a small community, for that reason, it is accessible. Nowhere else in Australia are ministers or even the Chief Minister more accessible than here. I defy you to try to make an appointment with the Minister for Transport in New South Wales and expect to see him within 3 months.

Mr B. Collins: A very strange argument this one.

Mr Smith: He has no trouble in having access to his frontbench.

Mr FINCH: I guess that is one of the privileges of having a very small frontbench.

What we are talking about in this debate is cost-benefit analysis. There is absolutely no point in talking about costs on an immediate basis without considering the long-term and other induced maintenance and replacement costs of any project that might come before this Assembly or be assessed by such a committee. What would the benefits be? Who would need them? Can they be measured by a team of government backbenchers and opposition members coagulated into a committee which, with all due respect, would have little if any expertise in analysing what the real benefits might be to the community. We already have a vast number of departmental experts and officials who are able to assess and evaluate the real benefits of any project that is put before the Northern Territory government, and in far better fashion than we might.

The member for Millner argued that this government should follow the lead of 6 states and the federal parliament. He asks what is the difference with this government. The difference is obvious, at least to me. I guess you do not need any sort of degree to figure it out. It is a small community with small electorates. As such, we are all accessible.

Mr Smith: Ha, ha!

Mr FINCH: I do not know about the honourable member for Millner, but I am sure that my office is open as long as any other member's. We take to members of Cabinet any items without fear or favour that are of concern to our constituents. If he does not do the same, I invite him to get off his lounge chair and perhaps proceed accordingly.

If we did not have a government that is cooperative and accessible, then we would have something to worry about. We have been given answers to questions. In fact, the Leader of the Opposition a couple of days ago was complaining about the voluminous answers that were given to him in relation to a question. He did not have time to absorb it and it was all too bulky. In addition, the opposition argued - and it is a very minor argument - that we had only 21 sitting days last year. We are not interested in last year, we are interested in this year.

Mr Smith: Only 27 days this year.

Mr FINCH: I understand that we are probably in for 33 days or more. I am not too sure. Certainly it will be more than 21. It matters not. We find difficulty in keeping the opposition members entertained as it is. They not only have difficulty in question time but they have difficulty in the adjournment. We had a period here on Tuesday night when there were no members of the opposition present, and most of the time only one.

Mr B. Collins: I wonder why. You were on your feet when I left.

Mr FINCH: You are probably right. I do not apologise for talking about the aged people in this town.

Mr Smith: That was last night mate; I was there.

Mr FINCH: In fact, I did not speak on Tuesday night.

Mr Speaker, the opportunity is here for opposition members to ask and to gain positive response to any matter that they are concerned about regarding

expenditure on behalf of the Northern Territory public that is undertaken by this government.

The member for Nhulunbuy suggested that such a committee might be able to assist in the cost effectiveness of expenditure in this Territory. What in the heck could a committee comprised of members of this Assembly achieve in producing forward positive efficiency that public servants whom we pay highly for could not achieve? If we are talking about monitoring after the event, then once again what is the point other than to nitpick and look for an opportunity to slam government?

Mr B. Collins: That is our job.

Mr FINCH: Sure it is your job. I suggest to you that you have ample opportunity to do it here in this Assembly and the other normal avenues that are available to you. I challenge members of the opposition. Instead of looking towards formulating another wasteful committee that is not going to produce overall nett positive results, why not sit back and see how this expanded Assembly works? With an additional 6 members, why not give it time to see how it runs and to see how effective we can be in doing the job that they probably should be doing?

Mr B. COLLINS (Opposition Leader): Mr Speaker, the honourable member for Wagaman indeed has supplied me with more than sufficient evidence of how efficient the extra 6 members of this Assembly are ever likely to be. I did not expect such immediate support for our call for the committee that this Assembly so badly needs.

We heard some very strange arguments against the need for such a committee, particularly from the government's frontbench. We had the Minister for Community Development this morning - this fledgling politician who obviously does not have his wings dry as yet - telling us that we do not need the committee because of the assiduous examination of the public accounts and accountability provided by the Public Service Board, which of course does not exist in the Northern Territory. That was a very helpful contribution to the debate. I hope that by now the honourable minister has sacked his speech writers.

One member here always enjoys these debates: the honourable Treasurer. There he goes again. I could do it every time. Ring the bell and he salivates. Mr Speaker, the Treasurer sits through every one of these debates with a great smirk all over his dial because he knows, Mr Speaker. He knows, Mr Speaker...

Mr Perron: Does that aggravate you?

Mr B. COLLINS: Not at all. It has no effect on me at all.

Mr Perron: Read the Hansard.

Mr B. COLLINS: Mr Speaker, he sits there with a great smirk on his dial because he knows that, being a CLP politician in the Northern Territory, certainly has meant up to date that you simply coast into every election. They have done so since self-government in the Northern Territory without any effort whatsoever. That means that he does not need to worry about being the Treasurer of the Northern Territory...

Mr Perron: No. Do you?

Mr B. COLLINS: ...because you do not have to perform if you are a CLP member in the Northern Territory. The Treasurer always enjoys these debates.

The cold hard facts are that, if it was not for the fact that the Treasurer is a member of a CLP government, he could not get a job selling hot watches down on the wharf, which I understand was part of his previous occupation. Mr Speaker, I am told it provided a much needed service to the people down on the wharf because they knew when to knock off for a cup of tea.

We heard an interesting contribution by the Deputy Chief Minister of the Northern Territory. Hold him up to the light - not a brain in sight.

Mr Dondas: Yours are down about your ankles. What are you talking about?

Mr B. COLLINS: Mr Speaker, the Deputy Chief Minister of the Northern Territory provided us yesterday in this Assembly with proof positive that this Assembly does need to be given a more active role in scrutinising the activities of the government. We debated yesterday certain activities of the Deputy Chief Minister in his previous capacity as Minister for Housing. We still do not know how much that lack of application and ability on his part has cost the Northern Territory. Since we are being told how efficient this government is in providing us with financial information, perhaps the Deputy Chief Minister can tell us. Because it came out in debate, we know that one transaction alone cost the Northern Territory $5000 in lost penalties. We know how many of them there have been. What is the total?

When I interjected this morning, the Deputy Chief Minister told me to 'put the question on notice'. A number of members have said this morning that current provisions in this Assembly are adequate for the opposition or for the government backbench to have access to the government's activities. I can only say in respect of the backbencher who spoke that it was through a combination of ignorance and inexperience of the workings of this Assembly. They simply do not know how committee systems work, the limitations that are placed by definition on the difference between a committee system and briefings from departmental officers authorised by a minister and how ineffective question time is for the opposition.

I do not know where the member for Wagaman was this week, Mr Speaker. What an extraordinary reference he made to question time: if it had not been for the backbench of the government, there would not have been any questions. Mr Speaker, let me congratulate you again, as I did at the previous sittings, on the completely impartial way in which you conduct the business of this Assembly. If the honourable member had looked, he would have noticed that the questions were properly apportioned by you, Sir, from one side of the Assembly to the other, irrespective of the numbers we have in here. Mr Speaker, this morning, I deliberately kept my place because I get the call from this side of the Assembly if I get up. I asked only 2 questions during question time so that some of my colleagues who had questions of an electorate nature - which is an important function of question time - could ask them this morning. We still had a pile of unasked questions which we will place on notice.

It is extremely difficult to obtain information of a financial nature from this government. The honourable member for MacDonnell, in what I thought was an excellent contribution to this debate, demonstrated just how ridiculous are these continual assertions from the government about how effective question time is. I remember the debate on the collapse of Northern Airlines, an extremely serious matter. We asked dozens and dozens of questions of this government and continually got the answer: 'Put the question on notice'. That is something that the frontbench can dodge behind. It is often a sign of an incompetent minister. We had it again from the Deputy Chief Minister in the debate this morning. 'Put the question on notice', he said.

Mr Speaker, I might add that the specific question that was asked was how much had been lost to the Northern Territory taxpayer in terms of waivers on penalty interest on these houses. Considering the fact that it has been debated for the last 2 weeks in the public forum, any reasonable person would consider it something that the minister should have at his fingertips. He knew the debate would come on, that it had been in the press for 2 weeks and that it was responsible for a censure motion being moved against him. If he did not have the wit to anticipate that that simple question would be asked - how much this incompetence has cost the Northern Territory - then he is either running a very slack office or he is simply not on top of his job, and we know that.

Mr Speaker, what an extraordinary example of the Deputy Chief Minister's incompetence - receiving a memo like this. It is a good thing that, when they draft these memos, they put this 'Approved/Not Approved' thing on. All the minister has to do is mark an X on the piece of paper. I noticed yesterday the significant failure of the Chief Minister to defend his deputy. Certainly, he did not want to, Mr Speaker. You could have expected any half-competent minister, when you consider the amount of money that it has cost the Northern Territory, to have sent back a reply to this extraordinary memo and say to Mr Fegan something along the lines of:

1. *Please avoid worrying yourself about my degree of irritability in any future memos you send me and stick to the facts.*

2. *Would you please supply me with an immediate personal explanation as to why you proposed exercising my discretion in a manner outside the law.*

3. *Can you please supply me with a brief explaining how you are going to do it within the law.*

But no! The minister's answer to the memo was: 'Approved'. This debate is about scrutinising the government's handling of public money. The answer on how much this incompetence has cost the Territory has still not been answered even though we are in the last day of this so effective forum for scrutinising the government's business.

The member for Millner asked a series of questions of the Treasurer earlier in this sittings and was promised a response. They were important questions to which I would like to have answers. They concerned the involvement of the Housing Commission in the Burgundy Royale project at Garden's Hill, the extent to which the Northern Territory Housing Commission will be involved and the extent of financial assistance that Burgundy Royale will be given in building these pensioner units. There were questions about how the tendering was to be handled for building those units and questions about what will happen about buying those units back from Burgundy Royale. We were promised an answer on those and we are still waiting.

Have a look at the briefing system. We have a nonsensical arrangement still operating in the Northern Territory despite the fact that, by correspondence and in this Assembly, on a number of occasions I have tried to persuade the Chief Minister that it is not necessary. Although, after disclosures about the Deputy Chief Minister, perhaps I was wrong. When a member of this opposition wishes to obtain a briefing from a government minister, that member cannot simply write to the minister - this man on $80 000 a year, sitting on the frontbench and running a department - and say: 'Could I please have a briefing on so and so?' One would have thought that, with any kind of half-confident ministers, that would be possible. The member has to write to me and I have to write to the Chief Minister

to do so. All requests from this side of the Assembly for departmental briefings must go through the Chief Minister.

If I were a minister in a CLP government, I would protest about that. I would say: 'Look, if the Chief Minister cannot trust me to exercise sufficient discretion to provide briefings on my own discretion, then I should not be sitting on the frontbench of a government'. It is a nonsensical procedure. Despite the authority with which he spoke, the member for Wagaman would not even have been aware that that nonsensical procedure is still in practice. It started by specific request of the Chief Minister - and the letters are still on my files - to my predecessor, Jon Isaacs. Despite my attempts to rationalise it and change it to a more sensible procedure, it still exists. My backbench must write to me and, in turn, I write to the Chief Minister, and then he gets in touch with his minister and we get a briefing if we are lucky, as the honourable member for Millner said, 3 months later on some occasions.

Mr Speaker, to indicate that I am not maligning the whole of the frontbench, let me say what I have said in the Assembly before - and I am sorry the Leader of the House is not here because he happens to be one of the better performers of the government in this respect - that it does very much depend on the minister. Some ministers are better than others. Some are considerably worse than others. The member for MacDonnell has already described how completely useless the system of putting questions on notice on financial matters is. We are still waiting for answers to questions we asked about the collapse of Northern Airlines. I have written them off like a bad debt a long time ago. That is nonsense.

We talk about briefings. The member for Millner could not have said it any more clearly. It is nonsense to even suggest that departmental briefings authorised by a minister are in any way to be compared with evidence that has to be given before a committee of the parliament. There is a notable example on the record of a most unfortunate affair that occurred in respect of the federal parliament. I remember it well. It concerned a poor fellow called David Birtleson. It happened in 1980. I remember it well because we will be talking about this in a debate later today. David Birtleson worked for the Department of Defence. He went before one of the financial committees of the parliament. He gave evidence which was critical of the operations of his own department. The public record shows that he was subsequently harassed and demoted. It was a real Sir Humphrey Appleby operation. He had no choice because the powers of those committees override the powers of the ministers of the government of the day, as they must do otherwise they could not function. By answering specific questions and giving information which was embarrassing to the government, he suffered. It was an extraordinary way for that person to be treated, particularly in consideration of the way in which the parliament reacted when Laurie Oakes wrote a few things about members being intoxicated in the House and being a bit lazy. He was hauled up on a charge of breach of privilege. Poor David Birtleson, simply for giving evidence to a parliamentary committee and saying something which embarrassed the government, had severe damage done to his career. I give that example simply to indicate the very great difference between the powers of the committee and the access to information via departmental officers.

I am not arguing that briefings with departmental officers should be conducted any other way. Of course, they should not be. In fact, I have had the experience of going to briefings provided by government ministers where ministerial officers sat in on the briefings. Again, not only does the Chief Minister not trust the discretion of his own ministers, but the ministers do not trust the discretion of the heads of their own departments. We heard a lot of rubbish and nonsense yesterday from the Deputy Chief Minister about how necessary it is to delegate and give responsibility to heads of departments. It

certainly does vary from minister to minister. One minister just hands over the whole lot and says: 'Do not bother me, come back in 12 months'. However, other ministers do not even trust the discretion of the secretaries of their departments to stick within the guidelines of not discussing any policy issues when they are briefing members of the opposition. They send ministerial officers along from their own department to sit in on the briefings. It varies from minister to minister.

Mr Speaker, perhaps I could conclude by reading from a statement made by the current Attorney-General of the federal government, Gareth Evans, when he was simply a senator for Victoria and shadow Attorney-General, on the whole question of parliamentary committees. I do not think anyone who knows Gareth would need to have his name printed on this document to know that it was written by him:

> *Parliamentary committees are not the only means by which the behaviour of ministers, officials and public authorities can be scrutinised by the Australian parliament, although, from most of the literature, one could be forgiven for thinking otherwise. There are questions without notice which daily test the capacity of ministers to duck, weave and deflect. There are questions placed on the notice paper which test the capacity of officials to avoid, obfuscate and delay. There are the committee stages of debates on bills which create opportunities on the floor for ministers to practise high-level conflict evasion and there are a variety of ways of initiating debates, nightly adjournments, grievance days, matters of public importance or urgency and, in extreme cases, censure which can elicit a detailed ministerial response to charges of misbehaviour or neglect, or not, as the case may be, provided the minister is not thick-skinned enough or powerful enough in his party simply to tough the matter out.*
>
> *There is also the position of the Auditor-General who, while not quite an agent of the parliament, is an independent statutory officer appointed by the government but removable only by the parliament. He reports regularly to the parliament on the financial probity of departments and authorities. In turn, the reports of the Auditor-General are debated regularly by the parliament except when, by virtue of their being the kind of reports prepared for ministerial eyes only - like the audit issue in the Asian dairy matter - or by virtue of the executive not making time available for debate. But, when all is said and done, it is ultimately with the committee system that the real opportunities arise to explore systematically and expose the various sins of commission and omission perpetrated by the executive.*

Mr Speaker, I conclude this debate by saying once again that, in the face of the extraordinary example of inability that was demonstrated by the Deputy Chief Minister this morning in his carriage of matters financial, I place on the record that I am confident that the minister who currently holds the portfolio for housing will carry out her duties in a more efficient manner. I said yesterday that she had come out of this mess smelling like a rose and I would like to make a small but significant gesture to indicate that that is the opinion I hold of her.

Mr PERRON (Treasurer): Mr Speaker, is it any wonder that some of us simply feel contempt for the opposition in this Assembly after listening to the tirade of drivel and abuse we have just heard from the Leader of the Opposition over the last unfortunate 20 minutes?

One of the very principal points in the opposition's third thrust into this field seems to rest on its claim that government backbenchers are all idle. I say the third thrust because the terms of reference of the proposed motion vary only by a couple of words from the motion it put forward in 1978 and again in 1981. I guess we can count on another in 3 or 4 years time because the opposition clearly does not get the message. One thing that the Leader of the Opposition will have to learn is that he can make all sorts of judgments about his backbenchers. One field that he has no role or right in whatsoever is to tell the Chief Minister what is good for his backbenchers and whether they are idle or not.

Mr Deputy Speaker, once again, the opposition is trying to put together a fishing committee to try to dredge up issues with someone else doing all the work for it - a sort of roving royal commission to send for persons and papers at will to try to find aspects of the Territory government's administration that opposition members can get their little claws into. I guess the ability to be able to call public servants from all levels before a committee for cross-examination would be a very useful tool for the opposition. It is one that I hope that this opposition will never obtain.

I notice that the opposition has not changed very much the system which was enunciated in earlier motions on this subject that the committee can form subcommittees which have a quorum of 2 and the powers of the full committee, with the exception of authorising publication. That is tremendous. They have actually clipped their wings: a committee of 2 with virtually all the powers of this Assembly to call for persons and papers and cross-examine and all the support that it needs to do its task. Its wings are clipped by the fact that it is not allowed to authorise publication. It can hold public meetings and all sorts of things.

Mr Deputy Chairman, there is not much that is new in this debate if one looks at the debates from the 2 previous occasions on which the Assembly talked about these things. I would like to reinforce one point which has not been dwelt on and that is, for an opposition that is supposedly very interested in government financial efficiency, the level of budget debate in this Assembly for the 6 years that I have been introducing budgets and the level of debate on the Attorney-General's reports and on reports tabled by statutory authorities have been very poor indeed. I recall saying a couple of times that the former member for Nightcliff, the lone independent in the Assembly, used to shame the entire official ALP opposition every year by her contribution to the budget debate. The opposition has never really grasped what it was all about.

The member for Millner tells us that this committee is all about ensuring that taxpayers get value for money in the implementation of government projects and that, if the government chose to accept the opposition's proposed course of action, the opposition may be able to assist this government in its repeated approaches to the federal government on financial matters. It would amaze any person who follows the debates in this Assembly that the opposition is actually suggesting that it can or would assist us in our approaches to the federal government. The opposition will not even support the government in resisting attacks made on the very foundation of self-government. I refer of course to the Memorandum of Understanding and the Commonwealth government's persistent niggling at that document to try to water it down by the breakthrough that the federal government imposed on us so arbitrarily recently; that is, dragging us screaming into the relativities review. What sort of help did we get from the opposition then? We had concurrence from it that it was not such a bad idea that the Territory be funded as a state. I have spoken earlier in this Assembly on this. The opposition is now suggesting that this committee, which might come

forward one day with a bipartisan approach for funding and which would assist us with the federal government, is prepared to assist the federal government to torpedo the very foundations of our financial arrangements with it.

The Leader of the Opposition has confessed to this Assembly his embarrassment at the levels of funding the Territory receives and we spoke about that before. The opposition is trying to say it will help us to talk to the federal government. The best possible way the opposition could help us is for the Leader of the Opposition to keep his mouth shut. That would be the best possible help we could get from him.

It is not only in our defence of the Memorandum of Understanding that we are torpedoed. What help did we get from the opposition in relation to the railway - that solemn, unconditional election promise to Territorians which has been buried by the Prime Minister? What help did members opposite give Territorians then? They agreed that the railway line was clearly an uneconomic proposition which the country could not afford. That is the sort of help they gave us.

What help do we get from the opposition when we are pushing the federal government to fulfil its other important promise to Territorians - to abolish the inequitable sales tax on freight? We are talking about assistance from the opposition in helping Territorians to achieve justice. The promise to abolish sales tax on freight is an important one for Territorians. We are not really talking here so much about Territorians getting value for money but getting value for votes. The votes of Territorians were bought with promises such as the abolition of sales tax on freight yet they are just cast aside after an election with not one peep from the opposition. In fact, there has been a joke for some time that the ALP senator for the Northern Territory seems to spend his time bleating about such things as the Darwin City Council's car parking levy. It is incredible the priorities the members on the other side have as far as the progress and development of the Northern Territory is concerned.

Our federal member in the House of Representatives has shown the most incredible ignorance of the document which he should regard as the bible for his performance. The Memorandum of Understanding is the foundation for self-government. In repeated discussions on the subject, the federal member has shown that he has absolutely no grasp of what the document is really about and certainly he has no idea of any of the detail in that document. Where is the value for money that the member for Millner told us about in the Assembly this morning? Where is the value for money for Territorians in Mr Reeves' salary? Thank goodness it is not coming out of the Territory budget but it is taxpayers' money. Mr Reeves leads the Canberra push about the Territory being overfunded and carries that sort of story to all the federal ministers. That is a big help and the sort of help we can well do without.

The opposition sits idly by in this Assembly and sees the federal government set us up for a possible chop of up to $30m in a single year from our base funding and blithely proposes a committee that will cost possibly $200 000 a year to dredge around the Northern Territory looking for wasted cents. It is a crazy proposition. Why don't the opposition members get their priorities in order? While they were dredging around for their cents, looking for ways in which government could do things a little bit more efficiently, we would be having the very income of the Northern Territory hacked off in lumps. There would come a day when there was not much left to protect.

Mr Speaker, I will not go into any further detail in this debate. The motion before the Assembly has no more to it than it had on the 2 previous occasions on which it has been put forward. It is simply an attempt by the opposition to have,

what I call, its own roving royal commission to try to snipe at this government at every possible opportunity when it should be getting on with the job of shoring up the very position that we have worked so hard for for many years and we are now simply trying to protect.

Mr LEO (Nhulunbuy): Mr Speaker, in closing this debate, I would like to refer to a few of the comments made by honourable members, particularly members on the government benches.

At the outset, I would like to thank the member for Wagaman for at least participating in this debate. He was the only government backbencher who did so. I think that it is most unfortunate that the government's backbenchers were singularly uninterested in participating in this very important debate.

Mr Perron: Are you going to introduce this on the next general business day again?

Mr LEO: We will do it as often as is required.

Mr Speaker, the Minister for Community Development referred to 1(a): 'consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine'. I made it very clear when speaking to the motion that that is the role of a public expenditure committee. If the minister wanted a public accounts committee, he was at liberty to move an amendment. I had given the government plenty of notice that this motion would be moved today and he was at liberty to amend it at any stage.

Point 1(b) says: 'consider the estimates and figures of expenditure and make recommendations concerning ways in which programs may be carried out more efficiently'. I do not think that anybody in this Assembly would have the gall to deny that it is the role of this Assembly to expect efficiency and cost-effectiveness for the taxpayers' dollar. I do not think any member would have the gall to deny that.

Point 1(c) says: 'examine the relationship between the costs and benefits of implementing government programs'. Once again, I doubt that there is a person in this Assembly with the gall to deny that this is in fact what this Assembly should be about. That is very definitely the role of this Assembly. And 1(d) says: 'inquire into and report on any question in connection with public expenditure which is referred to it by the Legislative Assembly'. Such a committee would have the responsibility for responding to matters put forward by this Assembly.

Mr Speaker, in spite of the Treasurer - and I think there is even hope for him - I do not think there would be anybody with the gall to state that that is not the role of this Assembly and a committee of this Assembly. Quite definitely, that is why we are here. The entire purpose of such a committee is to have a body from this Assembly which has powers which override the powers of the ministers. That is the entire purpose. Either the government accepts that or it rejects it. The majority of governments around Australia have accepted it. I might remind honourable members that most parliaments around Australia have 2 houses where expenditure can be scrutinised more leisurely. We have one house in the Northern Territory and, along with Queensland - that place across the border - we are the only parliament in Australia without a public expenditure or a public accounts committee.

The government has had ample opportunity to provide the Assembly with amendments to this motion if it had problems. But these were not forthcoming. It was just outright rejection. The kindest thing I can say about the Deputy

Chief Minister's contribution would be that it has been dealt adequately with by the Leader of the Opposition and the member for MacDonnell. The contribution of the Deputy Chief Minister was pathetic. I suppose one should not be surprised. It was up to scratch but that is about the best that could be said of it. He does not understand the committee system as it operates in other states. He certainly does not have any comprehension of the motion before him.

While I am speaking about members who have some idea of the committee system, Mr Speaker, I am surprised that the member for Sadadeen did not leap to his feet and speak in this debate. You will be aware, Mr Speaker, that at a conference we attended jointly some time ago, the matter of public accounts and public expenditure committees was debated and a session was addressed by persons from various parliaments throughout Australia who - no matter what their party political affiliation - all expounded on the virtues of public accounts or expenditure committees. I am sorry that the member for Sadadeen did not contribute to this debate in any way.

Mr Speaker, as I have already said, I congratulate the member for Wagaman for at least speaking in the debate. Certainly, he exhibited a little more intestinal fortitude than the rest of his backbench colleagues. I do not know how backbenchers in any government can blithely sit by and let the executive run their lives and their parliament. This is our Assembly. It is not the executive's Assembly. This is as much my Assembly as it is yours, Mr Treasurer.

Mr Perron: That is why you are on your feet.

Mr LEO: Precisely.

Mr Speaker, it is the backbenchers' role and it is the opposition's role to scrutinise the executive, and a public expenditure committee is a vehicle by which that can be done. That is our role in this Assembly. If the honourable member for Wagaman is overworked with 2000 members in his constituency, then I really can understand federal parliamentarians' problems. I really sympathise with federal parliamentarians if he is being overworked with the patch that he has to look after.

One of the main reasons we were given for the motion not to proceed in 1981 was the fact that the government had an extremely limited backbench and it would be required, if such a committee were to go ahead, that members of the executive might have to be on a public expenditure or accounts committee. In fact, that is not the case now. The government's benches are well and truly swollen following last year's election in which I will admit quite frankly that we were king hit politically. The government has a backbench which has ample capacity to sit on such a very important committee. We have set up a committee on communications technology and, while I admit that communications is an extremely important subject in this day and age, the scrutiny of public finances is by far the most important role of this or indeed any parliament. I must repeat, Mr Speaker, that there is ample capacity on the government's backbench to handle that.

The Treasurer touched on this matter in his contribution to the debate. Obviously, he can afford to treat his backbench with a fair degree of contempt. The executive seems to run everything within the Northern Territory. At least within this Assembly, the government backbenchers show absolutely no inclination to rock the boat. Either they do not have the wit or ability to do it. They show absolutely no inclination to do it and it is no wonder that the Treasurer can treat them with the obvious contempt that he does.

Mr Speaker, as the Treasurer said, it would be the role of this committee to adjourn from time to time, to sit during recess and send for persons, papers and records. That is precisely the role of a public expenditure committee and anybody who doubts that should have a look at the committee systems that operate, not only in Australia but throughout the entire Commonwealth system.

The Treasurer had some difficulties with the powers of the subcommittee proposed. If he had difficulty with that, he was perfectly at liberty to move an amendment. I have absolutely no difficulty with those powers but, if the Treasurer had such difficulty, he has had ample opportunity to draft an amendment for this Assembly to consider. He could have proposed any amendment to this motion. For the sake of getting the motion off the ground, I would have agreed with it. I would have asked my fellow opposition members to agree to any such amendment. No amendment came forward. There was not even a suggestion that the motion should be amended, just that it should be tossed out.

The Treasurer then made some comments about value for money with reference to the present federal member for the Northern Territory. I would ask him what value for money we are getting out of these extra 6 backbenchers. We have another 6 members of this Assembly yet this Assembly has no more powers. We have a swollen government backbench. We have more ministers yet still we have no more public scrutiny. If that is value for money, Mr Speaker, it leaves me flat. If that is value for money, then I am afraid that the Treasurer has demonstrated amply his capacity to grasp the nettle of finances...

Mr Perron: If there were 40 seats, we would have 34 over here.

Mr LEO: You would still be run by the executive. You would still be a pathetic crew and we would still not have a public accounts committee.

Mr Speaker, the Treasurer raised the very important matters of the Memorandum of Understanding, the railway and sales tax on freight.

Mr Perron: You don't recognise them as such.

Mr LEO: They are very important matters and I have always recognised that.

Mr Speaker, one way in which the Northern Territory Assembly can assure the federal Treasurer that our expenditure has been wise would be for that expenditure to be reviewed by a committee comprised of members from both sides of this Assembly. Mr Speaker, go through the honourable member for Millner's list. Is it any wonder that the federal Treasurer thinks that we are run by a collection of kindergarten students. Look at it: BTEC funding, financing arrangements, Northern Airlines, casino financing, NTDC loan arrangements, land deal allegations, NT Housing Commission - we had an ample demonstration of that yesterday - the Performing Arts Centre funding and ADMA arrangements. The Chief Minister has already said it publicly: 'King of the kids'. The backbenchers are nothing but a bunch of kids.

The Assembly divided:

| Ayes 6 | Noes 17 |
|---|---|
| Mr Bell | Mr D.W. Collins |
| Mr B. Collins | Mr Coulter |
| Mr Ede | Mr Dale |
| Mr Lanhupuy | Mr Dondas |
| Mr Leo | Mr Finch |
| Mr Smith | Mr Firmin |
| | Mr Hanrahan |
| | Mr Harris |
| | Mr Hatton |
| | Mr Manzie |
| | Mr McCarthy |
| | Mrs Padgham-Purich |
| | Mr Palmer |
| | Mr Perron |
| | Mr Steele |
| | Mr Tuxworth |
| | Mr Vale |

Motion negatived.

## MOTION
### Matters Referred to Standing Orders Committee

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that the following matters be referred to the Standing Committee on Standing Orders:

1.(a) the possible misuse of the privilege of freedom of speech by honourable members who make reflections on non-members;

(b) whether the Standing Orders should be amended to permit such a non-member who feels aggrieved to have his grievance considered by the Assembly or by a committee of the Assembly; and

(c) whether any further actions are appropriate in such circumstances.

2. That in considering the above matters, the Standing Orders Committee:

(a) have power to move from place to place to meet and transact business in public or private session, to adjourn from time to time, to sit during any recess, and to send for persons, papers and records; and

(b) be empowered to publish from day to day such papers and evidence from the committee as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

3. That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Mr Speaker, I think that this debate is likely to be a very short one because, quite simply, one either agrees with this proposition or not; it is as simple as that. It is pretty clear that the government will take a fairly cavalier and casual attitude towards this in view of the almost completely vacant government benches that have suddenly occurred as a result of this most important matter being brought on. It is important because privilege is one of the most potentially powerful, and occasionally damaging, powers that politicians can exercise by virtue of their being in parliament. It means quite simply that politicians have, within certain limits, the power to name in the Assembly non-members of this Assembly in a manner which gives the persons so aggrieved no form of redress whatever in this forum or in the records of this forum. Indeed, a politician can behave in such a way as would absolutely guarantee that, were the things that were said under privilege in the Assembly said outside the Assembly, it would result in a writ for defamation being issued and substantial damages issuing from such a court procedure. It is a powerful tool that is conferred by the Westminster system of parliament on parliament and members within it. It is an essential tool for parliament's operation and it is extremely important that it is not abused.

Mr Speaker, members may have heard this morning on ABC radio the chairman of the federal parliament's Standing Committee on Privileges being interviewed. The chairman of that committee, Mr Spender, is a Liberal member of parliament from NSW. He said this morning that he believed there had been many instances of gross abuse of privilege in the federal parliament. He felt that it was 'about time to drag the whole business of privilege into the 20th century because it has not been touched or amended to any substantial degree since federation'.

The federal committee has spent 2 years putting a report together. Because I do not have that report to hand, the terms of the motion before the Assembly are deliberately general and not particularly radical. Certainly, I did not want to frighten off the support of the member for Flynn. The motion simply contains a reference to the Standing Orders examination which is currently being conducted by this Assembly and that is long overdue too. I must say, in passing, that the Clerk of the Assembly frightened me to death the other day when he told me he had reached page 96 in his draft of a review of Standing Orders in this Assembly. I am sure that all honourable members are looking forward eagerly to having that volume placed in their hands for a bit of light reading at night after they finish in the Assembly. It is an appropriate time to refer such a motion to the Standing Orders Committee because some time next year, hopefully, the Standing Orders of this Assembly will be overhauled and we will have a new set of Standing Orders. Because I concede that the matter of privilege is so important, I have made the terms of this motion fairly general. Supporting this motion will not involve any change in the Standing Orders relating to privilege. It is simply a reference from this Assembly to enable our own Standing Orders Committee to examine the whole matter.

Mr Speaker, I have said in interviews today on this matter that the abuse of privilege is by no means confined to any one party in the Assembly at all. In fact, by the very nature of things, it is probably on most occasions oppositions rather governments which would abuse privilege or tend to approach that fine line of abuse of privilege. There certainly have been some notable examples of where, in my opinion, privilege has been abused.

Mr Speaker, it is interesting that there is so much comment and interest about the matter around Australia at the moment. I can assure honourable members that I am not raising the matter in the Assembly at this time because that, coincidentally, is happening. It is the report that was tabled in federal parliament and an incident that occurred in this Assembly last week which has

brought this motion on to our Notice Paper. However, I am interested to see the amount of publicity given to the articles that were published in The Age and the Northern Territory News yesterday on this very issue. They are thoughtful articles which I would commend to honourable members. One that was published in the Northern Territory News of yesterday, which is an extract from The Age, talked about 2 matters of non-members being named in parliament by members that I felt were a little bit much, Mr Speaker. I will simply quote from the article:

> *Labor's Cyril Primmer must surely qualify as the federal parliamentarian who uses to the fullest the power of parliamentary privilege. During debate last year about the Australian Secret Intelligence Service's Sheraton Hotel raid, Senator Primmer made the allegations about the then head of ASIS, John Ryan, who was under fire for the bungle: 'He is a crook, a bureaucratic bully, a professional liar, a bad drunk, a social embarrassment - in fact, a man tailormade for blackmail, just as were Burgess and MacLean.*

Mr Speaker, I would have to have in front of me evidence establishing without doubt an absolutely solid case that would stand up in a court before I would use words even approaching that in parliament against a person who was not able to respond to what I said about him. There was an enormous amount of publicity about it at the time. When I heard those remarks were made in parliament, I felt embarrassed, as a politician, that parliament was being used in such a way.

I think an even worse example occurred in 1982 when Senator Primmer accused the Foreign Affairs Department Secretary, Peter Henderson, of being involved in a 'massive cover up' of the embezzlement of $10 000 to $15 000 from the Australian Embassy in Tehran. Could you imagine a more devastating statement affecting a person's career than that. That was made under privilege of parliament. The Foreign Affairs Minister, Mr Hayden, a member of Senator Primmer's own government, later defended Mr Ryan's diplomatic record. A police inquiry found no grounds for action on the Henderson 'cover-up' allegation, a finding which did not deter Senator Primmer from later attacks. I quote further from the article: 'Mr Ryan - who, after the inquiry which criticised his role in the ASIS affair, resigned from the public service - accused Senator Primmer of being McCarthyist. Mr Henderson had no redress against the parliamentary attack but did take legal action when Senator Primmer stepped outside parliamentary safety and made some allegations on the ABC'.

Mr Speaker, there is a very unfortunate problem with privilege. It occurs particularly with fledgling politicians, a term I use without hesitation. They do not understand the limits that should be placed by common decency on the use of privilege. They simply have something shoved into their hands and, like a 5-year-old at pre-school, they play with it because they have a playground in here which allows them to do so. They would not get away with it anywhere else. Parliamentarians do not understand the effect that the abuse of privilege has on the ordinary citizen. Abuse is a way of life for us although I must say, having visited most parliaments in Australia, including the federal parliament, this place is a sheltered workshop compared with the parliaments I have witnessed.

Abuse is a way of life for us. I do not resile from that because, if the parliament is to be any kind of a forum at all for debate, that debate must be aggressive and it must be effective. That involves certain people saying certain unkind things about other people and those other people saying equally unkind things back. We bounce abuse off each other like machinegun bullets. As a result, particularly for those parliamentarians who have not been with us for very long, we tend to forget about the devastating effect that being named in

parliament can have on some people. In the example the other day, the person was minding her own business. She had committed no crime, other than being married to a particular person who happens to belong to a party which is currently running the government federally and in 4 states of Australia, hardly a subversive organisation.

The reason I raise this is that I have not yet heard the member for Flynn apologise in this Assembly to the lady concerned. I have not the slightest doubt that, in particular reference to one of those persons named, he knows he went completely over the fence in his attack.

Since that regrettable and offensive behaviour of the member for Flynn, I have taken the trouble to become acquainted with the lady whom he maligned and slandered in this place. I have now discovered that she is an extremely shy, attractive lady who not only has no political affiliations but no interest in politics generally or in politicians at all.

Mr Speaker, when that young lady was in my office on the night of that debate, not only was she in a great deal of distress but I was personally shocked. That is why I am making these comments now. Because of the abuse that is thrown around here, one becomes immune to it. I had not realised just how personally upset she was until I went back to my office after the Thursday night debate and found her there in a considerable state of distress. Look at it from her point of view. She has no particular political affiliations or interest in politics. She has even less since it happened. Having graduated with tertiary education qualifications in journalism, she succeeded in starting in a permanent position with a public media organisation, which is highly sensitive in terms of criticism for political bias, and for absolutely no reason at all - and that was admitted by the honourable member in his speech - she is named as a member of an extreme left-wing group pumping out Labor Party propaganda on the airwaves. It would have been refreshing to have heard in the member for Flynn's address to us the slightest scrap of information about the programs he was objecting to. Of course, a careful examination of his speech will illustrate that there was no reference to ABC programs at all. The first 2 paragraphs of his speech simply concentrated on the people concerned.

I am going to say something now which probably will not fall very happily on the ears of a number of the trainee journalists at the ABC. I believe that people who work in the public affairs sections of radio and television, in particular the ABC, and whose work involves them in political issues must exercise a degree of common sense. I think that is all anyone would ask. The member for Flynn certainly did not demonstrate that he is capable of doing it. But I think the people involved in public broadcasting and politics should.

Whilst I do not think for one minute that people should be embarrassed by their political affiliations or in what they believe in, I do not think - to coin a phrase - that they can seriously have it both ways. I will give an example of what I am talking about. If I was interviewing politicians from all colours of government and I wanted to protect myself, the organisation I worked for and my integrity as an impartial journalist, I would see nothing wrong with being a member of the ALP or the CLP. Indeed, I can remember accusations of political bias were made toward the CLP of journalists at the ABC - criticisms in which I never joined. That was because of political affiliations of the interviewers who were CLP members. I see nothing wrong with that. But common sense would dictate to me that, if I was in that position, I would not become an executive member of the ALP or the CLP or place myself in an up-front public role. That is not because I was ashamed or embarrassed by it. I think common sense dictates that some degree of judgment should be applied.

I am not aiding nor am I assisting in any way the attacks made by the member for Flynn on journalists at the ABC because it stands on the public record that nowhere in that speech, which was a disgraceful and contemptible attack, was there the slightest mention of a single ABC program at all. There was not an ounce of evidence. Just for the record, I might add that, if the member for Flynn had delivered his speech without the first 2 paragraphs, I would have supported it because I have also gone on the public record expressing my disgust with the closure by the ABC of weekend radio news and all the rest of it. It annoyed me as well.

I concede that, if you are a journalist covering politics for a public broadcasting station and you attend an extremely public event such as an ALP conference, you should not speak in a way that indicates that you have a particular view on issues and certainly not compound the matter by standing on the sidelines heckling, interjecting and whistling. Mr Speaker, ask yourself what position that would put you in.

Let us look on the other side of the fence. I put this fairly and reasonably to the journalists at the ABC. I ask the Manager of the ABC and the head of the Public Affairs Department of the ABC to tell me if they think this is unreasonable. As Leader of the Opposition and as Leader of the Labor Party of the Northern Territory, let them ask me what I feel about being put in a situation where, perhaps on Monday morning or Tuesday morning, I am to be interviewed by a public affairs reporter of the ABC who 24 hours before had been standing on the sidelines at an ALP conference heckling, interjecting and whistling, to an extent that stopped me from speaking, and had to be called to order by the chairman of the meeting. In all honesty and fairness, Mr Speaker, that would stretch even my level of tolerance and I am very reluctant ever to take up the cudgels - the record of this Assembly demonstrates that over 6 years - or to worry about people's political affiliations. I think it is snide and unnecessary. That would even test my tolerance and I put that fairly to the ABC. I do not think that is a fair cop, not because I think people should be embarrassed by having those views, but I think they should exercise a little discretion, common sense and judgment. They cannot have it both ways.

Having said all that, I would hope that, at some time during this debate - and I have put my views not just to the member for Flynn but to the entire Assembly - the member for Flynn will finally, in these dying hours of this sittings, offer an apology to a person who was extremely distressed. She had only started working there recently and was absolutely guiltless of any of the aspersions that were cast upon her. Suddenly, she found herself receiving notoriety and publicity that she had never sought. I am told by her friends that she keeps a very low profile. She has no particular political beliefs. She was just trying to do a professional job.

We will adjourn shortly and I would like to hear during this sittings of the Assembly an apology from the member for Flynn and perhaps a telephone call or a letter to the Manager of the ABC from the member for Flynn assuring him that, indeed, the honourable member has no evidence of any political bias in the way in which this journalist is carrying out her job so that her career is not damaged, as she thought at the time that it might have been, in the same way that the careers of people that have been named under privilege elsewhere in parliament have been damaged. We forget, Mr Speaker - and I was just as guilty as everyone else before I went back to my office - about the personal effect it had on the individual concerned. We do not worry about it; we are in the paper every day of the week. However, the general public do not like it; it upsets them particularly when they have absolutely no form of redress. I will be interested to see what happens this afternoon. I hope that the member for Flynn will not grievously compound the damage that he has done to one individual both

by failing to deliver that apology and then voting against this motion. I fear that he is likely to do both.

Mr Speaker, I would ask all honourable members of the Assembly to turn to the terms of the motion itself. That is important because, by supporting this motion, we are not asking this Assembly to do anything decisive or definitive. It is merely a reference to the examination which is already being conducted by this Assembly of its Standing Orders so that this also can be looked at. It is a reasonable motion which should be supported.

Mr Speaker, in closing, I would like to outline, because it is not part of the terms of this motion - and deliberately so - what I think would be a reasonable and just course of action that could be adopted should the Standing Orders Committee decide that this could be accepted by this Assembly. There are many checks and balances in this process. Let's talk about a specific example: the case of this particular journalist at the ABC who was maligned, slandered and abused in this Assembly on no other grounds than that she was married to another professional journalist who happened to work for John Reeves. She could approach the Speaker of the Assembly who would decide if he felt that she had a reasonable case for wanting to put in our Hansard a short statement explaining that she is in fact not a member, nor ever has been, of the Australian Labor Party. She is unlikely ever to evince even the slightest interest in politics or politicians after what she has just been subjected to. If he thought she had a reasonable case, he could then refer the matter to the Privileges Committee. After it examined it - and the government has a majority on that committee - she would be allowed to prepare a short statement in response to the attack that had been made on her. The form of that statement and its content would be entirely at the discretion of the committee on which the government has the majority.

Mr Speaker, having done that, she would then have the option of declining to have it printed if the committee wanted to amend it in a way that was unacceptable to her. It is not a very radical proposal. If the committee thought it was too long, too extreme or unparliamentary or whatever, it could change it. If she did not like that, that would be the end of the matter. If both parties agreed, that statement could then be published in Hansard. There would be further check and balance after that. It would be carefully explained to the person that that statement would then be able to be debated or commented upon by any member of the Assembly. That is a very powerful check and balance. If, for example, the member for Flynn has in his possession an 8 x 10 glossy of the person that he named at an ALP demonstration with her ALP ticket pinned to her shirt, waving a banner that said, 'Shoot the Prime Minister', then she would be reluctant to take up that opportunity. It is a very powerful check and that would be explained carefully to the person. If any member had any evidence that such a statement was false, that could be also recorded in Hansard. It is not an unreasonable proposition.

The Standing Committee on Privileges thinks it is an entirely reasonable proposition. That committee is chaired by a member of the New South Wales Liberal Party who feels very strongly that that at least should be one recourse open to non-members who are named in parliament by members. That is a reasonable course of action which our Standing Orders Committee could adopt. But, I only make that as a submission. I would ask honourable members to examine carefully the words of this motion. It is not a motion that will result in anything happening in this Assembly. It will not in fact result in what I have just outlined becoming part of our Standing Orders. It is simply a reference to allow that matter to be examined.

Mr Speaker, I have touched on a few gross examples from my own party elsewhere in parliament. There was one glaring example during this sittings of the Assembly. I think that there is sufficient evidence to suggest that this course of action should be looked at, at least by the Northern Territory Assembly. I would be very pleased to see the Northern Territory leading not just Australia, but the rest of the parliaments that operate under the Westminster system everywhere in the world, in what I consider to be a just and reasonable reform of the powers of privilege in parliament.

Mr VALE (Braitling): Mr Speaker, I wish to speak briefly against this motion. I am somewhat surprised that the motion was moved by the Leader of the Opposition rather than by the member for MacDonnell. It sounds more his type of game. I believe that the motion is purely and simply political window dressing. Apart from any other factor, it would clearly and simply tie up staff of the Legislative Assembly and members of the Northern Territory Legislative Assembly.

Earlier today the Leader of the Opposition inferred that government backbenchers had little or nothing to do with their time. I would suggest that the Leader of the Opposition should not judge the activities on this side of the Assembly because of the lack of activity of his own men. I do not believe that there is very much public interest in this proposal at all. Certainly, from time to time, there would be a few members of the general public who would wish to have something said in the Assembly on their behalf because they feel that they have been maligned by members in the Assembly. However, any member of the public who wishes to have something said in this Assembly on his behalf can do that purely and simply by approaching any member of this Legislative Assembly. If anyone needs an illustration of this point, then the Leader of the Opposition has done that.

Mr B. Collins: What if he would like to say it himself?

Mr VALE: Mr Speaker, I heard the Leader of the Opposition in silence and I would ask that he do the same. If any member of the general public wants himself corrected or feels he has been maligned by any member of the Assembly, he can approach any other member of the Assembly to do just that. If that point needs to be illustrated, then the Leader of the Opposition has done it himself adequately both this week and last week. I believe that it would be a waste of both money and Assembly staff's time. For those reasons, I am opposed to the motion.

Mr BELL (MacDonnell): Mr Speaker, I have a few comments to make in my strong support for this motion. Before I get onto the substance of what I have to say, let me dispatch the 2 points that the honourable member for Braitling made. One requires a split personality to come to terms with his deliberations at times.

The member for Braitling suggested there was no public interest in the possibility that individuals may wish to have recorded statements in the terms that the Leader of the Opposition has suggested might be necessary. In one sense, he is correct. We are a small gathering of 25 people who do not even make up a large percentage of the 130 000 people in the Northern Territory. If you took a sample of people in the Smith Street Mall, you would find that 99.9% of them would be totally disinterested in any ability to have statements recorded in the record of this Assembly. It puts me in mind of a comment made at a seminar on parliamentary procedures by an erstwhile Clerk of this Assembly, Mr Keith Thompson. He was heard to aver at this particular seminar that the crucial record of the deliberations of the Assembly was not the Hansard. I think he said that Hansard was the vapourings of politicians. It was the minutes of

proceedings that were the important record. That is a point of view. I think it underlines the fact that there would not be a large public interest. The citizens of the northern suburbs are not aflame with the demand that they have their statements recorded in the Parliamentary Record. However, there is a very small number of individuals who are the subject of criticism and who might be deeply interested in having that opportunity. I believe that, if the honourable member for Braitling is interested in justice, perhaps he should give a little more thought to the possibility.

His second point was that individuals have access now. Certainly that is true. They have access to Assembly representatives should they wish to have their personal point of view recorded. But, their Assembly representative is under no obligation to put their point of view in person. I heartily endorse the comments of the Leader of the Opposition that, where identifiable individuals are criticised in strong terms, this freedom should be allowed to them.

The Leader of the Opposition has dealt at length with the mischief of the member for Flynn, as I have on a couple of occasions. I will not dwell on it. As I said then, as far as I am concerned, the member has 2 honourable courses. One of them is to issue a press statement saying what he said in here and the other is to give an apology. I sincerely hope we will be getting some contribution from the honourable member in the course of the debate on this particular motion. I will not dwell on the subject any longer.

I have another point to make. It is in relation to the criticisms that I have made on a couple of occasions of the conduct of individuals who would have been identifiable either by the fact that I named them as such or I mentioned their position in such a way that they would have been clearly and personally identifiable. I recall during the previous Assembly mentioning a police officer who is now retired and who was working in my electorate for many years. He is well known and not entirely - as I indicated in the course of that debate - in a pleasant context. That is being nice about it. The reason I mention that is that I was the subject of a poison press release from the member for Barkly on that occasion. He accused me of 'massive abuse of parliamentary privilege'. I heard nothing more about the matter but I am quite satisfied that the reference I made was entirely restricted to facts that had been made clear to me.

The second occasion occurred during the previous sittings. I mentioned, not by name, certain officers of a government department. They would have been individually readily identifiable. Again, I stated what I believed to be matters of fact. I would staunchly deny any accusations - none have been made in this particular case - that I abused the privileges that adhere to this Assembly. However, in either of those cases to which I referred, if the people whom I had mentioned wished to make statements to be recorded in the Parliamentary Record, I would have no hesitation in endorsing their right to do so.

I find it distinctly disappointing that the member for Braitling opposed this motion so determinedly. I do not see it as a controversial motion. I do not see that the officers of the Assembly are likely to be avalanched with requests for such statements to be recorded. In fact, in the 3 years that I have been a member of this Assembly, I believe that the disgraceful behaviour of the member for Flynn is the only occasion when anybody may have been vaguely interested in doing so. I find it somewhat surprising that the government has decided to oppose this so staunchly. I sincerely hope that the government members have not caucused on this and decided to vote it down. I sincerely hope that, for once during the deliberations of this Assembly, we will see members opposite assessing the arguments like this put forward on a general business day on their merits rather than acting as puppets of their party machine.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I rise to speak on the motion. I will not be supporting the motion. Having said that, I do have a contribution to make and a suggestion that the Leader of the Opposition and other members of the Assembly might find more acceptable. There is an old saying that good case makes bad law. I believe the genesis of this motion is the irritation of the Leader of the Opposition with the outburst last week by the honourable member for Flynn. It does not sit particularly comfortably with him. He has been exposed to the personal trauma of the person so named by my colleague. There may be some irritation on the part of the Leader of the Opposition. I guess we have all had it from time to time. However, the whole business should be seen in a broader perspective.

In my view, the proposal by the Leader of the Opposition is improper. The Leader of the Opposition is a member of the Privileges Committee and, as such, has the opportunity to seek a convening of the Privileges Committee at any time to raise matters of concern or to seek the view of the committee on how certain problems and issues should be addressed. That is the route that I think he should first take.

Mr B. Collins: Tell me what we can do.

Mr TUXWORTH: The Leader of the Opposition asks what can we do? It may well transpire that we establish at the Privileges Committee level that there is nothing that we can do but that we should do something. I move on from that point.

Mr B. Collins: It's a problem with Standing Orders.

Mr TUXWORTH: The Leader of the Opposition is about to make my speech for me.

Given that the Standing Orders Committee is reviewing the Standing Orders and the Clerk has a 96-page paper for the deliberation of the committee, then properly this whole matter should be addressed. I am not going to refer only to the issue that the Leader of the Opposition has picked up because it has caused him some irritation. There are a whole range of issues relating to privilege that we should very definitely be addressing. If we can get the Privileges Committee to raise with the Standing Orders Committee the concern that it has and the Standing Orders Committee addresses the issue, we might well move on to this point that the Leader of the Opposition is arguing now; that is, that we have an inquiry into the things we believe need doing to rectify the situation.

As a first step, the Leader of the Opposition should ask for a convening of the Privileges Committee to put it on the record and get it into the system. I believe the Privileges Committee should then take to the Standing Orders Committee its concerns about the problems that we have with privilege. Already today, the Spender Report on privilege has been mentioned. That is a report that I would dearly like to read. This Assembly should not just read it but perhaps should debate it and consider whether its recommendations are applicable to our situation. I am quite happy to say to the Leader of the Opposition that, if the Northern Territory is in a position to lead the way for the other 8 parliaments in the country to upgrade their privileges laws and attitudes, then I am more than happy to be involved in that exercise. However, I think there is a correct way to go about it.

The Leader of the Opposition has raised in particular the issue of a certain person being maligned. It has caused him a great deal of agony. He feels there should be some justice done. That is all a matter of perception and

how justice is seen to be done is another matter. In the 10 years that I have been in this Assembly, I have witnessed from both sides of the Assembly some absolutely appalling performances of personal denigration and character assassination. Some of those victims do not even live in the Northern Territory but others who live here have no right to reply. In 1 or 2 cases, people were destroyed in the way that David Combe was destroyed recently. I do not believe that this is the function of this Assembly. I know that the people in my electorate do not elect me to come into the Assembly to be involved in character assassinations. The Leader of the Opposition is quite right when he says that people do not like it and nor should they have to put up with it. What is worse - and I think the Privileges Committee should look at this - is how some of these things are then reported by the media in their own versions. In some cases, it is worse than what happens in the Assembly because, when there is a retraction, it appears in the bottom right hand corner of page 7 next to a Toyota advertisement. That is not terribly satisfactory to the people who have been badly done by.

The other thing that really irritates me is that most of this denigration and character assassination of people who have no way of protecting themselves is done in the name of freedom of speech. People say the public have a right to know. To know what? Whatever someone wants to stand up and say about people and have repeated? I do not think that is fair in any circumstances. Of course, the daddy of them all is the statement that public figures are fair game. We reserve the right as protectors of our democratic system to say these things because politicians and other public figures are fair game. Fair game for what? Public figures are fair game for a headline, fair game to sell a paper, fair game for whatever.

I will accept from the Leader of the Opposition that we need a review. I will mention a few things in a minute that warm me towards the idea of a review. I do not believe we can have it both ways. As the honourable member said, politicians have a very great privilege in being able to stand up in parliament and say anything without the fear of recourse at law. That must be one of the great privileges of our democratic institution. But then, we abuse that privilege with this process of character assassination. After we have been through that process, we ask why the country holds parliament and politicians in contempt. It is because we do the very things that other people in the community are not permitted to do and we do it with impunity. I do not believe we can have it both ways either and we really need to address the issue.

The Leader of the Opposition zeroed in on the member for Flynn this afternoon because of something the member said that irritated him and he felt was unjust. Let me just twitch a nerve for a minute and think back to a couple of things that have happened over the years that I reckon were low, callous, quite unnecessary and certainly damaging to people who had no way of protecting themselves and people who probably would have loved to have had an apology given to them at the time.

Some of us will remember the John Holland affair. I will give the Leader of the Opposition credit that he did not get involved at the time and my betting is that he knew the papers involved in that were forged or concocted. I have always maintained that he knew that it was a caper, and a very dirty one, and he would not have a bar of it. At the same time, while all that furore went on, people such as the head of the Master Builders Association and the Manager of John Holland were almost destroyed. They were certainly distraught, and for what? It was for what we believe, and still know in our hearts, to be a fabrication of documents to try to embarrass people.

Mr Deputy Speaker, I can recall - and I do not put great weight on this because it is not a big deal - references over the years that the Leader of the Opposition has made about the husband of the member for Koolpinyah who received some unfavourable comments because he worked for a uranium mining company.

Mr B. Collins: Read what I said.

Mr TUXWORTH: The honourable member may have forgotten.

Mr B. Collins: I accused the member for Koolpinyah of sleeping with the manager of Pancontinental. I remember it well - and she still does it.

Mr TUXWORTH: Mr Deputy Speaker, the Leader of the Opposition may have a short memory on this but there have been times when he has referred to the honourable member's husband when there was no need for it.

Could I cite as an instance Senator Walsh who, in the past, has taken great delight in reflecting on the president of my party in the Northern Territory in what I would regard as an unnecessary and a terribly unbalanced way? The member for Millner yesterday raised the names of 2 public servants and referred to them as people who had to be closely associated with the party to be able to do the things that they did. That was an inference and a denigration that was unnecessary.

Mr Deputy Speaker, what I am pointing out to the honourable member is that there are plenty of people in the Assembly besides the member for Flynn who may have reflected from time to time - and I would be one of them - on people unnecessarily, unkindly and in a damaging way. Could I also refer to the member for MacDonnell, the Member for Mischief, as I call him in my office. The honourable member does not go about trying to maliciously hurt people but, because he has the fervour of a religious zealot for things, that is exactly what he does. The point I am making is that we have all, at some time or other, blotted our copybooks.

I believe there is a need for review. I am saying to the honourable member that I do not accept the course that he is proposing. I accept that, if we can go about it another way, there are many positive things that we can do to improve the situation. The very fact that the federal parliament has embarked on this course - and so it should because it has to be the worst cesspit for this sort of thing in the nation - and appointed somebody of Mr Spender's background as chairman and the fact that the report is so large gives me some reason to believe that much of it may apply to us. I am saying to the honourable member that I am happy to accept some of the points that he has raised but I am not prepared to support the tack that he wants to take to try to resolve the issue. If he is prepared to meet other people in a discussion, then he can count me in as a willing participant.

Mr Deputy Speaker, I do not support the motion but I support the taking of constructive action to resolve the issue along the lines that I have outlined.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to add my voice to the comments of the Minister for Mines and Energy. If members take the opportunity to reflect on the comments made by the minister, they will see the wisdom of his words. This motion has what could be described as a laudable motive but it is limited in the issues that it seeks to address. It cuts across much of the work that is currently being done through the Standing Orders Committee. The Leader of the Opposition himself noted that there is some voluminous document being prepared for the pleasure of members' bedtime reading. It will deal with

the whole question of Standing Orders. The issue of privilege and what Standing Orders may need to be adopted in conjunction with that could quite properly be matters that would be dealt with through that current review.

Mr Deputy Speaker, this issue related to freedom of speech. It is not a light issue for discussion and nor is it a matter that should be dealt with in a cavalier manner. It is far too easy for politicians sitting in places such as this to abuse that right, wittingly or unwittingly, and to malign and castigate people to their long-term harm. I doubt that there would be anybody in this Assembly who would support a situation that willingly allows that circumstance to continue. Equally, however, we must remember that there are centuries of history in respect of the issue of freedom of speech as extended to parliaments. That freedom was given for good reason. There are many occasions when matters which people honestly believe can be brought to the public notice through the processes of parliament can achieve some good for the community because of the existence of the right to freedom of speech in houses of parliament. Those persons would not be in a position to make statements or allegations outside to bring to public notice matters of serious concern to them because they would immediately find themselves with writs around their ears preventing them from proceeding. Any reading of the history of the development of privilege - which I took the opportunity overnight to engage in, going back to cases in Britain as early as 1396 - shows cogent reasons why the right to freedom of speech should be protected.

Because this issue is so vexed and so complex, it is obvious why it is taking a long time to reach resolutions. The minister and the Leader of the Opposition referred to the extensive reports to the federal parliament on this issue of freedom of speech and the whole question of privilege. If we are to address these questions and find procedures which protect the freedom of speech of parliamentarians which is an essential element of any parliamentary process and, at the same time, provide some means of counteracting abuse of that freedom, we must move carefully. It must be dealt with as a totality and not as individual, isolated circumstances. I suspect this is the reason behind the minister's quotation: 'Good case makes bad law'.

The aims of this particular resolution are good, but I think that the procedures that are recommended are wrong and could lead to an inconsistency. I support the suggestions of the minister. While I will be voting against this resolution, I indicate that I would support any actions that were taken through the processes of the Standing Orders Committee or the Privileges Committee, of which I am also a member, to have the matters of privilege and procedures in respect of apparent abuses of the freedom of speech to be properly and effectively dealt with.

Mr B. COLLINS (Opposition Leader): I thank the honourable members who contributed to this debate. I get the distinct feeling - and I hope I am not wrong - that the contribution of the Minister for Mines and Energy was not simply a politically euphemistic way of saying no.

The member for Braitling's sole contribution in opposition to this motion was that it would cause too much time and trouble for the staff of the Assembly. That puzzled me greatly. I have worked with the staff of the Assembly for some 6 years now and am well aware of the abilities that they have. They would be involved in this matter in hardly any way at all. One of the main roles of the Clerks at the Table in this Assembly is quite definitely to exercise their talents and energies to provide the very mechanisms through which this Assembly operates efficiently; that is, the Standing Orders. It is precisely their task to do so. That really was a fairly facile contribution to this debate. Indeed, it was the only thing the honourable member said.

Mr Speaker, I turn to the contribution of the Minister for Mines and Energy. I appreciate that the Minister for Mines and Energy, the only minister to speak in this debate, is a senior minister of the CLP government. I am therefore justified in assuming that his view would be reflected across the rest of the frontbench and would indicate that perhaps there will be some cooperative movement from both sides of the Assembly to address this question. However, I feel that I need to place in front of the Minister for Mines and Energy and the rest of the Assembly the reasons why the motion was cast the way it was.

There was one other contribution made by the member for Braitling that needs to be corrected in the public record. I did say this last week and, obviously, the honourable member forgot. The honourable member said that anyone who is aggrieved by being named by members of parliament always has the ability to seek out other members of the Assembly, presumably of a different political complexion to the member who names him - which seems to me to be a fairly curious way in which to satisfy the problem - and have a statement made on his behalf. Indeed, he said that I was giving evidence of that via the defence made of Theresa Czarnecki in here. Of course, nothing of the sort occurred and I said it last week. I did not even meet the lady concerned until I found her in my office on the evening after I had contributed to the debate. The opinions I expressed then and the opinions I express again now are very much my opinions. They are not hers at all. In fact, I expressed some degree of reluctance when I spoke last week. In fact, I quite deliberately refrained from saying some things that I was going to say because I had not received a request or an approach from the lady to make a statement on her behalf. I had not even advised her that I intended to do so. Thus, I hesitated to go any further than I did. It was very much because I was aggrieved by what happened. I was embarrassed by having this Assembly used in such a manner.

One thing I want to make clear is that I would not want any member of the Assembly to be in any way intimidated, even in a moral sense, from using privilege to the full in here. It is the gross abuse of privilege for which I feel there should be some redress. The kind of gross abuse of privilege that I refer to is also on the Labor side of parliament. That is why I suggested such a mild form of redress. In the first instance, the Speaker would have the entire discretion to refer the matter or not refer it; it could stop at that point. The Privileges Committee would examine the matter and there would be a great many checks and balances. It would provide at least a first step towards addressing the matter. I thank the honourable minister for stating that some such first step is necessary.

Mr Speaker, very often, a person would be of no political persuasion. That should be obvious to the member for Braitling. There are people who do not want to become involved in politics at all. There are many people in this category who would find it offensive to go to a Labor politician in order to get redress for something a CLP politician has done or vice versa. I stress again to the honourable member for Flynn that the lady he named was in precisely that position. She has now developed a severe distaste for politicians. I want to place very clearly on the record that I received no approach or request of any kind from that person. I was the person aggrieved and I was stating my opinion in the Assembly, not hers.

Mr Speaker, the other thing I want to place on the record is that I find the suggestion of the Minister for Mines and Energy that the Privileges Committee should have a meeting with the Standing Orders Committee a curious one. However, just because it is curious does not mean that we should not do it. It is a good idea although I think a certain procedure may need to be followed. I will check with the Clerk on this, Mr Speaker - and I do not hesitate at all

in overloading his already overloaded desk in doing so because it is his job, and he does it well.

Mr Speaker, the other point is that this Assembly is the master of all its committees; they serve the Assembly, not the other way round. Any reference from a committee would have to come in here anyway. I conclude by saying that, originally, we intended to divide on this issue if we were defeated on the voices, but we will not do so. I think the debate has achieved what I set out to do. It is obvious from the comments of the Minister for Mines and Energy that something will be done. I accept the comments that he made in that spirit and I have not the slightest doubt that they will be followed through.

Mr Speaker, in order to pursue this reaction, rather than have this question put and defeated, I seek the leave of the Assembly to withdraw the motion.

Leave granted; motion withdrawn.

## ELECTORAL AMENDMENT BILL
(Serial 51)

Bill presented and read a first time.

Mr BELL (MacDonnell): Mr Deputy Speaker, I move that the bill be now read a second time.

This bill seeks to amend the Electoral Act to prevent a repetition of some manipulations of the electoral process which occurred in the administration of the act during the Territory election in December last year. The first point I wish to make is that the bill amends the prescribed periods set down under the act. Currently these are as follows: rolls close on the day of issue of the writs; nominations close between 7 and 21 days thereafter; and polling occurs between 7 to 30 days after that. In addition, there is no provision in the act regulating the period in which mobile pollings should take place. As a result of the current provisions, the timetable for last December's election was far from desirable. The election was announced on Monday 14 November. Rolls closed at 6.00 pm on the following day and nominations closed 8 days later on Wednesday 23 November. Mobile polling commenced 5 days later on Monday 28 November and polling day was 5 days after that, on Saturday 3 December. In other words, the whole process took 20 days in total - less than 3 weeks.

Mr Deputy Speaker, many people were denied the opportunity to vote because of the haste with which the election was announced and because the rolls closed the next day. Many others were denied the opportunity to vote, even though they were enrolled as voters, because of the way the mobile polling booths were administered. I draw attention particularly to the fact that mobile booths started polling barely 5 days after nominations had closed. This left little time for voters in remote areas to become informed as to who their local candidates were, let alone any further details about issues involved in the election. We live in a Territory made up of many isolated communities, some of which receive newspapers only in weekly batches. In these circumstances, it is valid to question just how many of the smaller, isolated communities went to the polls and learnt who the candidates were when they received their voting papers. In a democratic society, such a situation is anomalous to say the least. It is the government's responsibility - and here I refer to the government in the widest possible sense - to be constructive in this matter.

To try to overcome the difficulties which sudden elections create - difficulties which are compounded in the Territory because it is made up of many remote communities over a huge area - the opposition introduces this bill. The bill provides, firstly, that the roll of electors shall not close until 7 days after the issue of the writs. This will ensure that an early close of rolls cannot be engineered for reasons of electoral advantage. Secondly, provision is made so that nominations close 11 to 28 days after the writs and election day occurs 22 to 30 days after nominations close. This means that an election could be called in a minimum period of 33 days as opposed to the current minimum of 14 days. This is a far more appropriate period given the nature of the electoral process in what we have described as a vast, sparsely-populated area like the Territory.

Under the bill, the maximum period for calling an election, from the issue of the writs to election day, would be 58 days as opposed to the current maximum of 51 days. There would be a minimum of 26 days between the close of the electoral rolls and polling day. Certainly, that is a far more suitable period than what some might describe as the unseemly haste with which the last Territory election was conducted.

In addition, the bill proposes that mobile polling be permissible only in the 12 days preceding and including polling day. This means that there must be a minimum period of 10 days after nominations close and a minimum of 14 days after the rolls of electors close before mobile polling can commence. This will give more time to remote communities to enrol as voters and give due consideration to the exercise of their democratic rights.

The remaining amendments are aimed at preventing some of the other anomalies which occurred in relation to mobile polling. The bill amends sections 64 and 64A to ensure that such steps are taken as are necessary to give public notice of the times and locations of mobile polling booths and public notice of any variations of or substitutions in those times and locations. The current provisions require that such public notice be given as is 'necessary or convenient'. Looking at some of the practices in the last election, it is obvious that convenience was the main criterion used and that convenience did not stretch very far. Changes were made in the arrangements for several mobile booths without the communities affected being notified. A glaring example occurred in the electorate represented by the member for Stuart, at Willowra. In that case, the polling team arrived in an aerial medical evacuation helicopter the day before that for which the poll had been advertised. The helicopter in question had been sent to pick up an injured man and, in the resultant turmoil, very few people voted.

Mr Deputy Speaker, this bill inserts also a restriction that mobile booths can be used only in locations where no more than 250 people are expected to vote. In last December's election, nearly every Aboriginal community was included in the mobile polling program, regardless of the size of the community. Most of the mobile polling booths operated on weekdays so that the turnout, in many communities, was lower than at the previous election. Also, because the act provides that the validity of an election is not affected by the failure of a mobile booth to attend as arranged, this manoeuvre effectively downgraded the status of the voting power of some of the major communities in the Territory. Last December, the entire electorates of MacDonnell and Stuart were polled through the use of mobile polling booths. This included large communities such as Lajamanu which is made up of 800 people and which had traditionally had static booths on polling day. The natural effect of this decision was a reduction in the voter turnout. In electorates where both mobile and static booths were used, it was only large Aboriginal communities that were disadvantaged in this way by the introduction of mobile booths.

In the electorate of Barkly, the 2 predominantly white communities, at Tennant Creek and Warrego, had static booths. Tennant Creek provided over half the voters in the electorate so its choice for a static booth is not surprising. But, Warrego - only some 30 km from Tennant Creek - is smaller than the mainly-Aboriginal settlement of Borroloola which had to vote through a mobile booth 2 days before polling day. In the electorate of Victoria River, the Aboriginal community at Port Keats, with over 400 voters, was allocated only a mobile booth. Similarly, both the Aboriginal communities of Dagaragu and Kalkarinji, with 250 voters, had a mobile booth. And yet, static booths were situated at the mainly white communities of Pine Creek, Batchelor and Adelaide River even though, together, these locations had fewer voters than at Port Keats.

Lastly, let us look at the Arnhem electorate. Ngukurr and Numbulwar, both large Aboriginal communities of over 600 people, voted through mobile booths. In addition, Galiwinku, the largest Aboriginal community in the Northern Territory and by far the largest community in the Arnhem electorate, had a mobile booth. I believe that was no accident. Galiwinku was the home community of the ALP candidate where he was expected to poll well. It was also no accident that the 5 predominately Aboriginal seats in the Territory had an average voter turnout of 64% in comparison with the figure of 69.4% in the previous election. Not surprisingly, these seats were the only category of seats that had a markedly reduced turnout over the 1980 election.

Mr Deputy Speaker, there were other scandalous situations relating to the location of mobile booths, particularly where a booth was set up near a very small number of voters when there were much larger communities - Aboriginal, of course - some distance away. A good illustration of this occurred at Mt Ebenezer in my electorate. The polling booth was located at the roadhouse where 2 voters resided. The Aboriginal community of some 40 voters was at Imanpa, some 20 km away. I would also like to know why a mobile booth was sent to McDonald Downs, where there are no people, while a place like Nyirripi, in the same electorate of Stuart, and an Aboriginal community of over 200 people, was not serviced by a booth.

Mr Deputy Speaker, these few examples - and many more similar situations could be cited - serve to illustrate the need for closer prescription. It would be difficult to deal in legislation with the problems illustrated in the last few examples that I have given, but the opposition has tried to address the accessible ones in this bill.

The right to vote is a cornerstone of our society. It is something to be safeguarded at all costs and its loss or weakening will undermine the fundamental principles on which our society operates. In this bill, the opposition addresses the more glaring anomalies that arose during the conduct of the last election. In commending the bill to this Assembly, I would again remind honourable members of the importance of protecting the universal sufferage, of protecting the right of every man and woman to vote, regardless of class, colour or creed.

Debate adjourned.

## MOTION
### Sex Discrimination Legislation

Mr BELL (MacDonnell): Mr Deputy Speaker, I move that this Assembly resolves that the Territory government should take immediate steps to fulfil its stated commitments to anti-discrimination and its legislative obligations, and introduce appropriate sex discrimination legislation to complement the new federal sex discrimination legislation.

Mr Deputy Speaker, in speaking to this motion, I wish to make 2 points clear from the outset. The first is that the opposition moves this resolution in a spirit of bipartisan support, for the aim of improving and expanding the status of women in the Northern Territory so that both men and women may benefit as a result. In saying that, the opposition pays due regard to the recent measures which have been taken by the Territory government. The creation of the Office of Women's Affairs, the establishment of a community-based Women's Advisory Council and the appointment of an Assistant Public Service Commissioner for Equal Employment Opportunities are all steps which are to be commended and which this side of the Assembly has no hesitation in commending.

The Territory Labor Party has been advocating such initiatives for many years and we were pleased when the government finally began taking some notice prior to the last Territory election. To his credit, the Chief Minister has so far followed through on most of his promises relating to initiatives for women. We are hopeful that he will see fit to do so in relation to his previously stated support for appropriate Northern Territory sex discrimination legislation.

The second point I wish to make is that, while the opposition has confined its resolution to the need for sex discrimination legislation, because that is the particular area of emphasis currently being pursued by the federal Labor government, we also acknowledge the need for broader equal opportunity legislation and measures in the Territory. The ALP would be pleased to see the government introduce both legislation and measures to ensure that discrimination is not permitted in other important areas such as on the grounds of race, creed, ethnic origin, political belief and so on. Indeed, I recall that, in a flush of enthusiasm not too long ago, the Chief Minister said the Northern Territory would consider introducing Australia's first bill of rights. I would certainly be interested to know if he is proceeding with that. I trust that the Deputy Chief Minister will pick up something on that, as I hope he will pick up in the context of this debate the matter of the shopfront premises for the Office of Women's Affairs that was mentioned in question time this morning.

Mr Deputy Speaker, I would like to turn now to the specific issue being debated today: the need and desire for the Territory government to introduce sex discrimination legislation to complement the new federal sex discrimination legislation. As becomes clear in reading the new federal legislation, there is a major area in which the Territory is not covered - primarily, the Northern Territory Public Service, except in certain circumstances. That was a deliberate policy decision by the federal government because it did not wish to interfere unnecessarily with the operations of the public service in the states and the Territory.

It would be useful, Mr Deputy Speaker, to outline a few main points of the federal legislation in order to put the need for complementary Territory legislation into an appropriate and constructive context. I would like to do that by quoting a few extracts from the 28 February second-reading speech delivered by Hon Mick Young, Special Minister of State and also, briefly, from the speech given by the Liberal Party shadow minister for women's affairs. In his second-reading speech of 28 February, Mr Young described the federal legislation as 'a significant piece of legislative reform and an important element in the government's overall interest in improving the status of women and in securing a more just and equitable Australian society'. Mr Deputy Speaker, the minister went on to say:

> *The need for such a law is now widely understood and accepted. Throughout Australia, women and men experience discrimination on the basis of their sex and their marital status. In 3 states, there are*

*avenues for redress of such discrimination. In other states, and in the range of areas which are the responsibility of the Commonwealth, there is no remedy. The result is economic and social disadvantage and a significant impediment to the exercise of Australia's fundamental rights and freedoms. The objects of the bill are: to give effect to certain provisions of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which the government ratified last year; to eliminate discrimination on the grounds of sex, marital status or pregnancy in the areas of employment, education, accommodation, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs...*

I will continue the quote, Mr Deputy Speaker:

*The purpose of the bill is also to eliminate discrimination involving sexual harassment in the workplace and in education institutions, and to promote recognition and acceptance within the community of a principle of equality of men and women. The bill follows the pattern of established anti-discrimination legislation which has been successfully operating for a number of years in South Australia, New South Wales and Victoria. Whilst this bill is intended to apply throughout Australia, the government recognises that, in these states, the existing mechanisms have been successful in combating discrimination and the government does not wish to interfere with their operation.*

*Accordingly, provision is made in the bill to ensure the preservation of state anti-discrimination legislation dealing with matters dealt with in this bill and to enable that legislation to operate concurrently with the Sex Discrimination Act. The Commonwealth, in doing this, also leaves the option open for other states to introduce their own legislation in this area.*

Mr Deputy Speaker, Senator Susan Ryan who is the prime architect and mover of this bill, made the same points in her comments on the legislation. She said that the federal government had made a deliberate policy decision not to include coverage of Territory or state employees as a recognition of states' rights. She did point out, however, that, if the 3 places still without their own legislation - that is, Queensland, Tasmania and the Territory - had not enacted their own legislation within the next 2 years, the federal government would review that policy decision.

We all know the great aversion the Chief Minister and the members of the government have to any suggestion of unnecessary interference by the Commonwealth in the affairs of the Territory. This is a sentiment that the opposition supports. The Chief Minister has made statements, in and out of this Assembly, that the Territory CLP government is totally opposed to the concept of discrimination. Indeed, this Assembly has ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women. As has been pointed out, one of the prime objects of the federal legislation is to give effect to certain provisions of the convention treaty. Indeed, I recall the Chief Minister saying that the federal legislation did not provide enough protection for enough people. This is a golden opportunity for the Chief Minister and the CLP government to give practical application to such sentiments and to introduce Territory sex discrimination legislation.

It is clear that the federal bill, in general, received bipartisan support and that should give some comfort to any members opposite who might feel nervous

about this bill. Indeed, let me quote from the contribution made to the debate in the federal parliament by the liberal member for Balaclava, Ian Macphee, in order to stress exactly the bipartisan nature of support for this legislation that characterised the debate in the federal legislature. Mr Macphee said:

> *Both the Liberal Party of Australia and the National Party of Australia are committed to the removal of discrimination against individuals on whatever basis. Both are committed to equality of opportunity for individuals and, in government, took action in many fields to eliminate discrimination and enable genuine equality of opportunity to be achieved.*

Mr Macphee then went on to say:

> *I am informed that all members of the National Party support this bill and that fact ought to lay to rest the absurd view emanating from certain quarters that legislation of this character in some way weakens the family by facilitating the entry of more married women into the paid workforce.*

Mr Deputy Speaker, quite apart from the fact that Territory sex discrimination legislation will be a step forward, it will also serve another important function. If I may be permitted to borrow a phrase from George Orwell's 'Animal Farm', it will ensure that the Territory does not become a place where some people are seen to be 'more equal than others'. I refer to the misunderstanding and difficulties which may arise because of the fact that the federal government, in good faith, has not covered Territory and state employees in the bill.

Let me briefly point out the areas that the federal act does and does not cover. The act covers employment and services by private industry in the Northern Territory. It covers employment and services by the Australian Public Service and authorities in the Territory. It does not cover employment by the Northern Territory Public Service or authorities except those administered under Commonwealth programs or in Northern Territory authorities established under Commonwealth legislation. It does cover services provided by the Northern Territory government. For example, discrimination in the provision of housing by the Northern Territory Housing Commission on the grounds of sex, marital status or pregnancy would become an offence. Discrimination, for example, in the employment of teachers at Darwin Community College would not be an offence, but discrimination against students would be.

Mr Deputy Speaker, I think it is obvious that, without clear sex discrimination legislation of our own, confusion will arise and many Territorians may be disadvantaged. It is also important to remember that the federal bill was designed to work in conjunction and cooperation with the states, not in isolation. This becomes particularly clear in relation to the important provisions in the federal bill which outline the mechanisms for dealing with complaints. The federal bill establishes a Sex Discrimination Commissioner who is required to investigate and conciliate complaints of discrimination. Where the complaint cannot be resolved by conciliation, the commissioner will refer the matter to the Human Rights Commission which will inquire into the complaint.

The federal bill provides for the commission to delegate all or any of its powers to a member of the commission, member of staff of the commission or another person or body of persons. A similar power of delegation is conferred on the Sex Discrimination Commissioner in relation to inquiry into and conciliation of complaints. This delegation power will make it possible for the

government to work towards the establishment of cooperative arrangements with anti-discrimination bodies in the states.

Mr Deputy Speaker, in closing, let me reiterate the opposition's strong desire to see appropriate equal opportunities legislation enacted in the Territory as soon as possible. The Labor Party's track record in trying to further equal opportunities for men and women is well known and is one of which I, personally, am proud. I hope members opposite will support the proposal and sentiments expressed in this resolution and will accept the offer of the opposition to work in a spirit of cooperation with the Northern Territory government in framing the appropriate legislation. I commend this motion to honourable members.

Mr DONDAS (Health): In rising to speak to the motion on sex discrimination, I would like to accept the compliments of the honourable member and his high regard for the Northern Territory government's record and the direction that we are taking towards anti-discrimination against women.

I would like to speak briefly about the current legislative position. The states of Australia ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women on 28 July 1983. This was done by the federal government acting unilaterally and pre-empted discussions with the states and territories which had been in progress for a considerable time. In ratifying the convention, Australia entered a declaration in respect of Australia's federal structure which acknowledged the essential role of the states and the Territory in implementing the convention. Ratification implies Australia's agreement to be bound by the provisions of the United Nations Convention and to implement those provisions. Federal sex discrimination legislation is, in effect, partial implementation of the UN convention. This legislation is again unilateral action taken by the Commonwealth.

The legislative situation is now extremely confused right throughout Australia. The way in which many of the provisions of the UN convention are to be implemented is unresolved. Some states - New South Wales, Victoria and South Australia - had passed anti-discrimination legislation before this federal legislation. The states' legislation may be invalidated by the Commonwealth legislating over the top. As I understand it, the reason why Senator Ryan has taken the step that she has is that, if the states do not take the necessary legislative action within 2 or 3 years, the federal government will assess the situation and, presumably, legislate for those states that do not have any anti-discrimination legislation. The federal sex discrimination legislation applies to the Northern Territory no more than to the states. The full extent of its application is very difficult to establish. It clearly applies in some areas - for example, housing and property - but its application is very doubtful in other areas; for example, employment, particularly in the public sector.

I would pick up a particular point made by the member for MacDonnell. He stated that the anti-discrimination act did not cover education in the Northern Territory. The information that I have is somewhat different. Section 21 makes it unlawful for discrimination in the area of education. This will cover the NT Department of Education in its administrative and educational services as well as TAFE colleges and colleges of advanced education in the NT. It will be unlawful to discriminate against a person applying for admission to a university, college of advanced education, a TAFE college, a school or any other educational institution on the grounds of sex, marital status or pregnancy and also to discriminate against a student. There is an exemption for an educational institution which acts as a single-sex school and there is also an exemption in relation to marital status and pregnancy if there are religious teachings or doctrines which could be offended. That, basically, applies to religious groups.

Thus, on the point the member for MacDonnell made about education, there seems to be an area of conflict because the information that I have comes from a document - and I will happily pass the document over to the honourable member for perusal at some later stage - regarding the sex discrimination meeting held on 25 May 1984. The comments were made by Chris Ronalds who was the consultant. He said that the fact that the federal sex discrimination legislation relies on the external affairs powers of the Commonwealth is clearly an unsatisfactory basis. The need for Territory legislation to pick up the impact of the UN convention is therefore quite unclear. Leaving aside whether legislation is a desirable way to approach the matter of discrimination, it may be some time before the confusion surrounding the federal government's actions in ratifying conventions and passing its own legislation can be clarified.

The Territory government is committed to equality and equal opportunity. We have taken positive steps in that area. In March 1982, the Legislative Assembly passed a motion supporting the United Nations convention. The motion had the full support of the government and that support has not altered. In supporting the motion, the Chief Minister spoke at length to make it clear that the government was committed to the principles espoused by the United Nations convention. In that debate, the Chief Minister said:

> *It is quite clear that this government does support the convention and support has been expressed by us to the Commonwealth on a number of occasions. No person in our society should be penalised simply because he or she is of a particular sex. My government believes in equal opportunity for all members of the community and is opposed to unfair discrimination whenever and wherever it occurs.*

Further, at the Standing Committee of Attorneys-General meeting in 1980, the Chief Minister expressed the Territory's full support for the Commonwealth government's proposed action to sign the convention at the Copenhagen conference of the United Nations Decade for Women in July 1980. Australia did in fact sign the convention in Copenhagen on 17 July 1980. The Chief Minister has given the Territory government's clear support to the federal Sex Discrimination Act because, on 7 October 1983, he telexed Senator Susan Ryan, the Minister Assisting the Prime Minister for the Status of Women, to this effect: 'I support the idea of a Sex Discrimination Act, especially if it enables the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women to be implemented'. In that telex, the Chief Minister drew attention to the failure of the legislation to adequately address problems of discrimination against women in the outback and rural areas and Aboriginal women. He urged the federal government to ensure that the relevant articles in the United Nations convention, which deal with these problems, were adequately addressed in the proposed federal act. The Territory government has taken a number of positive steps to promote the interests of women and these have been well received in the community. They include: the setting up of the Women's Advisory Council which provides a forum for women in the community to bring to the attention of the government any particular problems or issues that need attention; the establishment of the Office of Women's Affairs; and the creation of a position of Assistant Public Service Commissioner for Equal Employment Opportunities.

Mr Deputy Speaker, the member for MacDonnell asked me a question this morning, in my capacity as Deputy Chief Minister, regarding the Women's Shopfront Information Service. I told him that, during the debate this afternoon, I would provide him with that information. I indicated this morning that I was under the impression, after informal discussions with the Chief Minister, that arrangements were being made to obtain shopfronts both in Alice

Springs and Darwin. The communique that I have regarding that is that the government's decision is: a Women's Shopfront Information Service be established in Darwin and Alice Springs; the Department of Community Development be given responsibility for the general administration and functioning of the Women's Shopfront Information Service; the Women's Shopfront Information Service should have its own identity and should be located away from government offices; the Women's Shopfront Information Service be operational as soon as practicable; the Department of Community Development should consult with the Office of Women's Affairs in the Department of the Chief Minister on the selection of suitable premises and the facilities required; and a total of 4 staff be appointed initially to open and operate that particular facility.

The Northern Territory has clear legislative provisions of an anti-discrimination nature covering employment in the public service. The Public Service Act explicitly excludes discrimination on the basis of sex and, of course, on other grounds as well. The Northern Territory Housing Commission implemented recently a number of initiatives in housing to ensure that there is no discrimination against women in the access to Housing Commission accommodation. Indeed, to facilitate such access, the Northern Territory Employment Discrimination Committee was set up in 1979. It operates under the auspices of the Commonwealth but its work is facilitated and supported by the Northern Territory.

The Northern Territory government does not accept at the moment that legislation is the most desirable way to combat discrimination. The honourable member's motion states in part: '... introduce appropriate sex discrimination legislation to complement the new federal sex discrimination legislation'. Considerable discussion is required with the Commonwealth to establish the full implications of the ratification of the United Nations convention, the federal sex discrimination legislation and the possible need for any complementary or supportive Northern Territory action.

Mr Deputy Speaker, in essence, what we are really saying at the moment is that some confusion surrounds the Commonwealth act. On examining the guide - I think most members would have this particular document - there are certainly some areas that we are not happy about. Until such time as the Chief Minister has an opportunity to discuss this fully with the Commonwealth and find out on what track we will proceed, we do not support the motion.

Mr SMITH (Millner): Mr Speaker, I would like to start by pointing out one glaring inconsistency within the previous speaker's speech. At one stage, he was saying that the Northern Territory was not consulted on the ratification of the UN declaration and was not consulted on the federal government's introduction of the Sex Discrimination Bill yet later on he said that, in October 1983, the Chief Minister sent a telegram to Senator Susan Ryan saying that he approved of the Sex Discrimination Bill that was before the federal parliament.

Mr Dondas: 3 years later.

Mr SMITH: The point is that he was saying that they were not consulted but they approved of it. It is pretty hard to approve of something if you have not been consulted about it.

Mr Speaker, I wish to remind some honourable members of some of the sentiments and commitments that the Chief Minister has made in relation to sex discrimination legislation and measures. In March 1982, during the debate that the Deputy Chief Minister has referred to already on the Anti-discrimination Bill introduced by this opposition, the Chief Minister had this to say:

*In speaking to this bill, I must state that I and the government remain unalterably opposed to any form of discrimination. I have made it quite clear that my government is committed to equal opportunities for all members of the community. We are totally opposed to unfair discrimination wherever it occurs.*

In that same debate, the Chief Minister went on to say that the Territory was a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. He pointed out that the then Liberal government was working with the state governments and the Territory government to implement the provisions of that convention. He then went on to say that legislation required as a result would be identified and that it would be introduced and passed in the Northern Territory as in other states. He said that, once the terms of ratification had been settled, the government would 'pay due regard to any requirement for legislation flowing from Australia's acceptance of the convention'.

Mr Speaker, we all know that, since that speech, there has been a change of government in Canberra and that the federal Labor government has now ratified the convention which was signed by the previous Liberal government. That indicates the bipartisan spirit with which this whole issue has been treated at various levels. The situation now is that, having ratified the convention, the federal government has carried the matter to the logical next step and passed the long-awaited and necessary sex discrimination legislation which gives effect to provisions in the convention. Mr Speaker, I think we have come to the nub of the matter here. It is very easy for the Northern Territory government to agree to the signing of the convention because it knows and we know that that is a statement of intent that does not involve it in doing anything. When it comes to the question of the ratification of the convention and, subsequent to the ratification, the ability to pass complementary legislation, it is quite obvious that is where this government stops. It is not prepared to go the extra mile and to do something worth while that gets beyond the mere rhetoric that it has been expressing so far.

As the honourable member for MacDonnell pointed out, the federal government made a deliberate policy decision not to include Territory and state employees in the coverage of the act so as to allow individual states and territories to have their own legislation. I would have thought that this government, with its preoccupation with Territory rights, would have fully supported that and, in return, would have been prepared to do its bit to ensure that Australia is uniformly covered by sex discrimination legislation. Now is the ideal time, particularly given the Chief Minister's form in recent times for cooperation and bipartisanship, for the government to honour its commitment and consider its own legislation in this important area.

Mr Speaker, in that same debate in March 1982, the Chief Minister referred to the fact that the Northern Territory Public Service Act does cover discrimination. It is true that section 14(3) says that the Public Service Commissioner is required to ensure that there is no discrimination in employment by the public service of any person on the grounds of that person's race, colour, descent, national and ethnic origin, creed, sex, marital status, political belief or security record except where recently or justifiably required for the effective performance of the work to be undertaken in that employment.

While it is commendable that the federal government has acted to have some jurisdiction in this area, there are problems. One is that, as it stands, the legislation is too open-ended and does not provide clear guidelines for

determining what constitutes discrimination nor does it provide for penalties for breaches of the act. The other problem is that it does not deal effectively with indirect forms of discrimination nor does it really address entrenched discriminatory attitudes which exist in our society.

As I have pointed out before in this Assembly, one has only to look at the number of men and women employed in the various levels of the public service to see that there are difficulties in overcoming social attitudes. The most recent figures that I could obtain show that, in the levels between A1 and A9 in the public service, there are 2078 women and 1087 men. However, once one reads the figures above A6, the number of men increases while the number of women decreases quite dramatically. At the executive range - that is, in the E1 to E7 range - the figures are 38 women and 411 men, with no women at the E6 or E7 levels and only a total of 6 in E3, E4 or E5 positions.

While I am the first one to admit that these figures are an improvement on the ones of 2 years ago and that, proportionally, the Territory probably rates fairly well in this area, it is obvious that women are being held back. I remember when I raised this matter in the Assembly in March 1982, the Chief Minister said the reason was that there were not many women who applied for jobs at the executive level. The Chief Minister did not offer any reasons why women did not apply for senior jobs, and that is the real issue to be addressed. It is obvious that affirmative action needs to be undertaken, such as education and training in the workforce, to ensure that men and women who are equally qualified for particular positions are given a genuine fair go. Affirmative action is an area which has caused the federal government much concern and it is very pleasing to see that the Affirmative Action Green Paper was tabled in parliament last week. I make the point that the Sex Discrimination Act that has been passed is not concerned with affirmative action. Affirmative action is a different proposal.

The Territory government is now in an ideal position to carefully consider this issue in relation to the particular kind of legislation which will most effectively eliminate discriminatory practices. In regard to making Territory legislation strong and effective, I would like to refer to the point raised by the Liberal member, Mr Ian Macphee, when he debated the bill in federal parliament. He said:

> *One factor of great relevance would be the attitude of state governments towards legislation of this character. It is important to remember that the first such legislation was introduced by the Liberal governments in Victoria and South Australia and the present Labor government in New South Wales. Those governments recognise the importance of such legislation and identify the desire for it. I cannot say, but it is quite possible that there is not the same desire for such legislation in the other 3 states.*

Presumably, there is the same desire in the Northern Territory because the Chief Minister criticised the bill for not going far enough.

I remind members that that is a quote from Ian Macphee in the federal parliament. Indeed, to quote from the Chief Minister's own press release of 6 October last year, he said: 'I support the idea of a sex discrimination act, especially where it enables the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women to be implemented'. He went on to say: 'But the bill presently before federal parliament contains a number of errors and omissions. It does not go far enough to extend protection in areas of very visible exploitation which still exist in our society'.

Mr Speaker, it would seem clear from statements such as these that the Chief Minister should indeed support quite strong and detailed sex discrimination legislation in the Territory. It has been suggested by some that the matter could be dealt with through tighter amendments to the discrimination section of the Public Service Act which is now under review. The opposition does not believe that this would be an appropriate way of dealing with such an important issue for 3 specific reasons. The first is that the discrimination section would require considerable amendment to ensure that the necessary details for complaints procedures, discrimination definitions and penalties were spelt out so that the law would be effective. The second is that the Public Service Act covers only public servants and there may well be areas not covered in federal legislation which the Territory would wish to cover. The third reason that sex discrimination legislation is far preferable to amending simply another NT act is that separate legislation, by its very existence, would act as an encouragement to people to apply for jobs and to challenge employers when they think they have been discriminated against. Both men and women would know that they were applying for jobs backed by legislation which would ensure that they were assessed according to the only valid criterion - the ability to do the job.

Mr Speaker, in closing, I think it is important to remember that the federal government has passed sex discrimination legislation in the good faith that the states and the Territory will ensure that their own employees are adequately covered by similar legislation. It is important to remember that the federal legislation stresses conciliation and negotiation in its approach to implementation and not confrontation. Finally, it is important to remember that the Chief Minister has indicated on many occasions his support for effective anti-discrimination measures to operate in the Territory. It is worth noting that the eminent Australian lawyer, Dame Roma Mitchell, in a recent visit to Darwin in her capacity as head of the Human Rights Commission, strongly advocated that all states and the Territory introduce sex discrimination legislation as soon as possible. Now is the ideal time, in the spirit of cooperation which the opposition is offering to the government, for the Territory Assembly to act at once to give legislative teeth to the principles both sides of this Assembly have espoused. I urge the Assembly to support this motion.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I think it fair to say that we all abhor discrimination in its various forms. The real problem with dealing with it is that it is a matter of perception. It depends on who you are and what you are looking at as to whether you are discriminating. I also make the point that, as a community, we generally go out of our way to see that there is no discrimination. I also accept that we are not a perfect society and the challenge before us is to try to improve.

I would make the point too that I think it is important that we are not stupid about the matter. The levels of stupidity that occur in this area are what brings it into disrepute in the community generally. I will just refer to a couple of things that I have come across in recent years that really put a cloud over the whole process of stamping out discrimination because it becomes a joke. It should not be a joke and we should all work hard to see that discrimination does not occur.

Mr Deputy Speaker, you would be aware that, in America, there are a great many laws to make sure there is no discrimination against various people in the community. Some American corporations are required by law to have on their payroll a certain number of negroes or Hispanics or whatever. The law requires that to ensure that people are getting an equal opportunity. I was talking to the principals of a mining company there some 2 or 3 years ago and I said to

them: 'In your particular field, where you are dealing with geologists, bankers, accountants and surveyors, how do you overcome this problem because, to maintain the percentage of coloured people that the government wants in your company would be pretty difficult'. They said: 'Oh, that is really easy. We have bought a basketball team'. I thought that to be pretty strange because it seemed to me to be a subversion of the whole intent of giving people an opportunity. I said: 'How does it work out?'. They said: 'Oh, it works out really well. The team wins a lot of games, makes a lot of money and gets big dividends for the company'.

Mr Bell: That is hardly relevant.

Mr TUXWORTH: I am moving to the point. We need to be practical about it. Creating laws does not automatically mean that you have achieved the end. We are setting the framework by creating the law. That sort of thing is just a subversion of the direction that we are going.

The other thing that really brings the whole exercise of anti-discrimination into contempt is the recent suggestion that we change the words in our National Anthem and not say 'sons' or 'daughters' but 'persons'. At that stage, most people just want to throw up because it is stupid and it does not achieve what we are trying to do.

The member for MacDonnell has already conceded that this government has made a fair few inroads. I would like to pick up a couple of points. Anti-discrimination measures were built into our original Public Service Act. In 1977 or 1978, when they were introduced, it was a very innovative move. If you follow the activities of the Public Service Commissioner's Office, we would have to be regarded by anybody reading the advertisements as an equal opportunity employer. Any person reading one of the advertisements would have to say: 'The way this is worded, there is no doubt that these people have an open mind towards taking on whoever they think is the best applicant. There is no discrimination against me because I am old and grey, 60 and female'. That is what it is about.

I believe the challenge for us is not so much to have this framed in law. That is always possible but does not achieve it. It is what we do that is important rather than what we say. In 1981, the Chief Minister declared the government's intention to have 20% of the public service made up of Aboriginals by 1990. That is pretty ambitious. I do not suggest for one minute that we are going to make it but I think it is a good target. By 1990, we will have gone a long way down the road.

I was Minister for Health for a couple of years. When I left more than 10% of Department of Health staff was of Aboriginal descent. The thing that allowed that to happen was the build up of the Aboriginal health workers. The build up occurred with Aboriginal ladies. Along the way, the crunch came that this was discriminatory. The Aboriginal health workers were all women. The balance was regained when men started to take up opportunities as Aboriginal health workers, and so they should. The point that I am making is that, as we move in various directions, we will need the flexibility to manoeuvre to achieve our end.

Mr Deputy Speaker, it has been mentioned that, in the Northern Territory Public Service, women make up about 40% of the total number of employees. Historically, the numbers have been in the caring professions - the nursing and the teaching professions. But that is changing fairly quickly. The member for Millner reflected on the number of women in the executive levels. He said there are 38. There were 16 women of executive levels in 1981 and there are 38 this

year. If we can continue that momentum, we should make fair progress. Let me just say too that I accept that there is discrimination against women by people in senior positions in the public service. There are many very capable women whose contribution makes it pretty hot for some of the B graders. There is a very definite need for these women to have the opportunity to prove themselves.

The government has made a range of moves and the Deputy Chief Minister has mentioned them. The Chief Minister has appointed a Women's Adviser who reports to him. We have the Women's Advisory Unit in the Chief Minister's Department and the Women's Advisory Council. In the public service, special middle management programs have been set up especially for women to improve their skills and for women who are really trying to progress in the workforce. We have selection panels within the public service to ensure that there is a fair go. Also, promotions and appeals boards now have women appointed to them so that there is reasonable protection and opportunity for women so that justice is being seen to be done as well as being done. On the issue of disciplinary matters within the service, there is an opportunity for women to have some redress and some protection if that is necessary.

I think the Territory on the whole is making a pretty fair advance into the equal opportunities area. Whether we are talking about sex discrimination or race discrimination or whatever, we are making progress and we are doing probably better than anywhere else in Australia. It might not be as fast as some would like but I think it is good compared to what we had prior to self-government. I would go so far as to say that it will become much better. I am not sure whether the introduction of a bill into this Assembly to complement the federal bill will change that rate of progress or make it better or worse for the people along the way but I am happy to listen to the arguments as they develop.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I rise to speak in support of this motion. It is unnecessary to canvass once again the arguments that have been so ably put to this Assembly by the members for MacDonnell and Millner. Indeed, those arguments were raised in a number of previous debates in this Assembly. I remember 2 motions that were introduced by the former member for Nightcliff. On one occasion, we debated this matter for an entire day.

As it is obvious that the government has no intention whatever of supporting this motion, just as it has never supported anything the opposition has proposed on general business days for as long as I have been here, I simply want to say that there is one commitment that the Chief Minister has given to this Assembly. It was a firm commitment. He said he would introduce into the Northern Territory a bill of rights. The Chief Minister of the Northern Territory, being a man of his word, has a very short time in which to do this. I do not imagine that commitments given by the Chief Minister will be binding on his successors so I dare say that we can anticipate seeing this bill of rights in this Assembly at the next sittings of the Legislative Assembly. If there is an election in December, it could be the Chief Minister's last sittings. In order to overcome the difficulty that might occur if this does not happen in the August sittings, could I invite the Chief Minister's successor as Chief Minister to stand up in the Assembly and tell us the news that he will continue the commitment.

I mention that particular matter because the bill of rights is drafted. There should be no real difficulty in drafting the bill of rights in such a way that it would in fact cover the major thrust of anti-discrimination legislation anyway. It would provide basic rights and freedoms for all citizens of the Northern Territory. I look forward to seeing that piece of legislation come

before us even though we might have to wait to see who will have the carriage of it.

An interesting combination of matters has come before the Assembly during this sittings, largely as a result of the efforts of the opposition. Indeed, the matter that we have just been discussing in respect of privilege also touches upon the area of discrimination in respect of a person's sex or marital status. I do not think any of us in the Assembly would seriously want to be in a position where our wife of husband - and I share the sentiments of the Minister for Mines and Energy that 'wife' and 'husband' sounds better than 'spouse' - literally suffered as a result of being married to us.

Mr Hatton: I've never had a husband.

Mr B. COLLINS: It is necessary to make that allusion because the honourable member for Nightcliff has forgotten - and perhaps we can forgive him - that there is in fact one woman member of his own party in this Assembly who is married. Therefore, that reference was necessary. Indeed, I would be surprised if any members on the government side would disagree with me when I say that, without any reflections at all being cast upon the current incumbents, it was a loss to the Assembly when the other previous women members were not re-elected. This is not a partisan statement at all because I think that all members would have to acknowledge that they did make a significant contribution to the Assembly while they were here, and the Assembly is the poorer for their not being here.

Mr Deputy Speaker, there is one particularly offensive form of sexual discrimination that has been almost a feature of the workplace all around the world for many years. I have always found it particularly offensive. One of the main reasons for it is that it is always treated very lightly and with a great deal of mirth. It occurs when the woman involved - and on very rare occasions men have been involved - is subjected to sexual harassment in the workplace. Indeed, I am sure that even the member for Flynn, who takes some exception to women running things, would agree with me that one of the most offensive forms of sexual discrimination that can be practised is sexual harassment in the workplace. In fact, there have been a number of notable occasions when men have been the subject of this, but that is not a common occurrence. It is offensive and it is a difficult matter to tackle.

I commend the Northern Territory government for the positive steps it has taken in this particular area. Quite simply, I am talking about the situation where a woman - and it normally is a woman - starts in a job only to find after a short period of time that part of the duty statement consists of sleeping with the boss. It is made very clear to the woman. I can think of half a dozen examples of women who have complained to me about it. Of course, the boss is usually careful that he does not get into trouble with the law. It is always done discreetly but the implication is clear that, if those favours are not supplied, then the future of that woman in the workplace will be a short one. In the large offices, and indeed the corporations that the Minister for Mines and Energy referred to, it is very much a problem for women because it is not simply a question of necessarily being sacked but of forgetting about any promotion.

The problem with this particularly insidious and distasteful form of sexual discrimination is that it is widely practised. The reason I mention it is that the Northern Territory government has taken a very positive attitude towards stamping out this practice in the Northern Territory. I am not surprised because that sentiment has been expressed here by the Chief Minister. There

have been a couple of notable examples of where this has been done. The difficulties that are faced by women in the workplace are onerous enough. I know that is quite common but I employed a secretary who had a bookmark which said that, in order for women to get ahead they have to be twice as good as men and, fortunately, that is not very difficult. I am glad that the honourable member for Sadadeen has learnt that particular saying off by heart but I think that that is probably as far as it has registered with him.

I am sure that all honourable members in this Assembly would join with me in conceding that women, particularly in large organisations where there are opportunities for promotion, face a difficult enough job overcoming prejudices, even if they are subliminal, without having to face the added problem of having to allow themselves to be sexually assaulted in order to advance their careers. I certainly would not blame any woman for taking the strongest action she felt necessary if any employer tried such a thing on with her. If indeed this does happen, from the attitude that has been already expressed by the Northern Territory government and the way in which it runs its public service, those people will now be given some form of redress and justice.

I will conclude by saying that, as it is obvious that the government does not intend to support this motion, I urge it to ensure that the bill of rights, which it advised us is being prepared for introduction into the Assembly, is drafted in such a way that it will cover adequately the thrust of the motion that is before us.

Mr BELL (MacDonnell): Mr Deputy Speaker, I feel that the fact that the government has no more speakers on this particular subject...

Mr D.W. Collins: Do you want a few more?

Mr BELL: You had your chance.

As honourable members on the other side of the fence would be quite well aware, it is customary for debate to go from government to opposition. This is perhaps one of the rare occasions during these sittings where the opposition speakers on a particular question before the Chair have outnumbered those in the government. Let me say at the outset that I am bitterly disappointed that the government has chosen to oppose this particular motion. I find it rather disturbing. I believe that women in the Northern Territory community will find it particularly disturbing that the government refuses to introduce appropriate sex discrimination legislation to complement the new federal legislation. There could have been a unanimous vote of this Assembly as there was in July last year. The Deputy Chief Minister referred to that in relation to the United Nations Convention on this subject. I find it particularly distressing that the same unanimity, the same bipartisan approach, cannot characterise the debate in this Assembly this evening.

To turn to the actual comments of the 2 government speakers on this issue, while I thank the Deputy Chief Minister for providing the information about the Women's Shopfront Information Service to be established in both Darwin and Alice Springs, in the light of his refusal to support this particular motion, I do not propose to comment on that particular issue in the context of this debate. Quite honestly, I am astounded and appalled that the government members should choose to oppose this motion and oppose it in the terms that they have. We had what amounted to a frivolous contribution from 2 senior government frontbenchers on this issue and I do not intend to drag down to that level of frivolity the issue of the Women's Shopfront Information Service by demeaning the questions that may be involved. I have a couple of concerns but I do not intend to raise

them in the context of this debate because I wish to concentrate purely and simply on the government's refusal to accept the terms of this motion.

Quite clearly, from the offerings made in this debate by the 2 members I mentioned, there is an air of: 'This is just a general business day. This debate does not matter. We will just throw in a few odds and sods and really have a good time and then we will wind up and be able to go home'. Quite honestly, if they were prepared to join us constructively on this, that would be entirely acceptable. Let me be specific about the frivolity and inconsistency that characterised the Deputy Chief Minister's contribution to this debate. As the member for Millner pointed out quite accurately, on the one hand, the government supported it but, on the other hand, it did not support it. He was, to say the least, somewhat less than unequivocal in his response. The Deputy Chief Minister mentioned that there were problems of definition in the act. Certainly, the examples he gave did not particularly convince me. In order to enlighten him, let me tell him that there is a distinction. The distinction that seems to be troubling him is that between services offered by the Northern Territory government, on the one hand, and people employed by the Northern Territory government on the other. The Commonwealth legislation applies to the services offered by the Territory government but it does not apply to people employed by the Northern Territory government.

When I moved this motion, I referred to what may arise at the Darwin Community College as an example. The Commonwealth government legislation applies to the service of educating students there so it would be unlawful, under the Commonwealth act, to discriminate in respect of people who apply to be students there. It would be discriminatory to allow only women access as students. That would be unlawful under the Commonwealth legislation. However, the staff of the Darwin Community College are not subject to this particular legislation, and that is the problem. People employed by the Northern Territory government are not subject to this particular legislation, nor are people employed by public instrumentalities in Queensland and Tasmania.

In those terms, I believe his contribution was particularly disappointing to hear. I believe that the Deputy Chief Minister, who has far greater resources for coming to grips with these problems and the resources of the Office of Women's Affairs to direct him in this regard, should have been a bit clearer on that particular matter. Quite honestly, Mr Speaker, I find it difficult to understand how the Deputy Chief Minister can fulminate about his support for the UN convention, to which he referred, and the need under that convention to enact sex discrimination legislation in view of his opposition to this particular motion.

The contribution made in this debate by the Minister for Mines and Energy was somewhat less than relevant. He failed to address the issue in question. He referred to some stupidities that occur because of anti-discrimination legislation elsewhere. The only example he referred to was the legal requirement for employment in a particular US corporation. It was reasonably entertaining but I fail to see how it was relevant to the terms of this particular motion. The other matter he referred to, sexism in language, is a subject I would be more than happy to address at length. However, I propose to spare honourable members in that regard and I will pass over that particular subject as not relevant to the terms of the motion, dearly as I would love the opportunity to discuss it.

The only bit of meat that the Minister for Mines and Energy introduced to this debate was his reference to anti-discrimination requirements within the Public Service Act. It was an argument that I have not heard put forward widely

within the Northern Territory community. I have not heard people saying generally that we do not require such complementary legislation on that account. I thought the statements the Minister for Mines and Energy made about promotions and appeal boards that have mechanisms for ensuring that women have adequate access to promotion within the public service were rather cute. But honourable members who were present in the previous Assembly will be well aware of the assiduous attention that the minister pays to such matters by vetting the political colour of many of the people who occupy those positions.

Mr Deputy Speaker, I will close by reiterating my disappointment that the government has chosen to oppose the terms of this motion. I believe that it is of great concern to the Territory community. I believe that it is of great concern to the women of the Northern Territory that the Territory government, by opposing this motion, refuses to introduce appropriate sex discrimination legislation to complement the new federal sex discrimination legislation that has been the subject of this debate.

The Assembly divided:

| Ayes 6 | Noes 16 |
|---|---|
| Mr Bell | Mr D.W. Collins |
| Mr B. Collins | Mr Coulter |
| Mr Ede | Mr Dale |
| Mr Lanhupuy | Mr Dondas |
| Mr Leo | Mr Finch |
| Mr Smith | Mr Firmin |
| | Mr Hanrahan |
| | Mr Harris |
| | Mr Hatton |
| | Mr Manzie |
| | Mr McCarthy |
| | Mr Palmer |
| | Mr Perron |
| | Mr Steele |
| | Mr Tuxworth |
| | Mr Vale |

Motion negatived.

## HOUSING AMENDMENT BILL
(Serial 60)

Bill presented and read a first time.

Mr PERRON (Treasurer): Mr Speaker, I move that the bill be now read a second time.

The purpose of this bill is to amend section 29 of the Housing Act, as foreshadowed earlier in the sittings, to remove ministerial discretion from the provision regarding repayment of subsidised interest on home loans when properties that are subject to Housing Commission mortgages are sold within 3 years of purchase. Section 29(3), which allows ministerial discretion to exempt a mortgagor from payment of the interest subsidy, was included in this provision originally in recognition of those cases where genuine hardship would be encountered - that is, where hardship was caused by extenuating circumstances. At the time of introducing the penalty, it was decided that extenuating circumstances would be defined as sale by operation of law, dissolution of

marriage etc or where mortgagors were forced to move on the basis of work, ill-health or adverse financial circumstances.

It has become apparent over the 12 months since this provision was introduced that the majority of persons subject to repayment of subsidised interest had reasons for wishing to sell which fell within these guidelines. The exercise of discretion requires subjective judgment and can result in inequitable treatment of persons in similar circumstances. The most equitable solution now is to remove the discretionary power and to regulate for exemption, in whole or in part, of the repayment of subsidised interest. To achieve this, regulations to cover those cases where the application of section 29 would be waived will be drawn up and a draft tabled at the next sittings of this Assembly to be considered in conjunction with this legislation.

It is envisaged, at this stage, that criteria for exemption could include persons who transfer their mortgages under the portability scheme as well as those who face financial loss through its application. For the latter reason, this legislation also provides for part-payment only of the interest subsidy. If, at the time of making a loan, prospective buyers are aware that lower-than-market interest rates are made available to enable them to establish their homes in the Territory and that repayment of subsidised interest, if they sell within 3 years, is inevitable except in circumstances prescribed for exemption, this provision will have its full intended impact of preventing the use of low-interest government loans for reasons of profiteering. I commend the bill to honourable members.

Debate adjourned.

## PETROLEUM BILL
(Serial 61)

Bill presented and read a first time.

Mr TUXWORTH (Primary Production): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, this bill is to repeal the now outdated Petroleum (Prospecting and Mining) Act. Petroleum exploration and development is proceeding apace in the Territory. The Mereenie oilfield is about to come into production. Palm Valley is generating power for Alice Springs and, if sufficient reserves are proven in current drilling programs, central Australian gas may soon provide power for Darwin. In addition, on-shore oil and gas exploration has considerable impetus, at present, and this government is concerned to see that that impetus is maintained.

The existing legislation covering oil and gas exploration was enacted in 1954. In those days, petroleum exploration was in its infancy and the existing act simply does not reflect the current state of the industry. This bill will repeal that act and replace it with modern legislation. This bill has been developed as a result of close consultation with the petroleum exploration industry through the Australian Petroleum Exploration Association which represents over 100 exploration companies. This process has taken place over the last 3 years and the bill, as drafted, takes into account most if not all of the comments from the industry received during the consultative process.

Mr Speaker, the bill is unique in that, in 2 areas at least, it breaks new ground in Australian petroleum law. Firstly, between the exploration permit and the production licence stages, which are common to all petroleum legislation, an

exploration retention stage has been interposed. The provisions of this part have been adapted from a similar concept in the Northern Territory Mining Act which was the first such innovation in Australia in respect of the mining industry. All of us in this Assembly are aware of the problems experienced in the Territory in bringing discovered fields into production. We are faced with the dual problem of immense distances and very small local markets. It is likely that we will be faced with this problem in the future. The problems faced by industry because of these facts will be reduced by the introduction of the retention licence stage.

The retention licence concept allows a permittee, who has discovered a source of petroleum on his permit which, at that time, cannot immediately be commercially exploited, to convert his permit to a retention licence. This allows the holder to carry out appraisal, marketing studies and further exploration designed to determine whether or not the discovery will become commercially viable without being forced into premature and perhaps uneconomic production. I am pleased to inform the Assembly that not only does the concept of a retention licence have the support of the industry, the Commonwealth has adopted - and intends to introduce in its off-shore legislation amendments - a similar concept to that in the Petroleum (Submerged Lands) Act.

Further initiatives have been taken in the area of tenure and appeals. Basically, if a holder complies with the act and the conditions attached to the pyramidal licence, his tenure will be secure. The lack of security of tenure in most Australian legislation has been the major concern of the industry. An associated concern has been in the area of renewals of a permit or licence and conversion from a permit to a licence. A refusal, by ministerial decision at any of these stages, is loss of tenure. Mr Speaker, even in the first 5 years of an exploration permit, the holder is committed literally to millions of dollars of expenditure. If he advances to the retention or production licence stage, then his expenditure is increased and so are his obligations under the legislation.

Mr Speaker, in view of these points, the bill permits an applicant for renewal of a permit or licence, or conversion from a permit to licence, to appeal to a court of appropriate jurisdiction against the decision of the minister who refused such an application. I feel that this bill takes into account the interests of the people of the Northern Territory. It has the support of the industry and will promote increased activity in the Territory in this very important field.

Mr Speaker, I foreshadow that there are some matters that we need to deal with a little more explicitly, in particular, appeals against the decision of the minister. We need to have a look at the transitional clauses that cover going from one act to the other and we need to look at the royalty provisions, particularly in relation to the power of assessment and procedures because the original 1950s concept of just having a percentage of the well-head seems to have changed over recent days because of the downstream operations of the various companies. The other thing that we will be looking at is the registration of interests of the various parties involved in exploration.

I would also like to offer the opportunity to have a workshop with members of the opposition and any member on this side of the Assembly who would like to join in with officers from the Energy Section of the department and the legislative draftsmen to examine the legislation before the next sittings. If that is not convenient to members, that is not a problem, but the offer is there. I commend the bill to honourable members.

Debate adjourned.

## ADJOURNMENT

Mr HARRIS (Education): Mr Speaker, I move that the Assembly do now adjourn.

Mr Speaker, the call by the Northern Territory Teachers' Federation for a teachers' strike on 18 June and subsequent days is totally misguided and based on false claims that teachers' conditions of service are being eroded. The central issue on which the planned strike is based is the length of the school year. The fact is that the school year varies according to the vagaries of the calendar with the result that teachers are sometimes required to work more than the norm and sometimes less. This year, they are expected to teach for the usual 40 weeks plus 4 extra days. When public holidays are taken into account, however, this still amounts only to 197 days, 3 days less than a full period of 40 weeks.

Mr Speaker, let me place these figures in perspective. While Tasmania has 192 teaching days this year and the Northern Territory has 197, all of the other states have more. South Australia has 199 days, NSW and the ACT 201 days, Queensland 205, Western Australia 207 and Victoria 210. For comparison, you may be interested to know that, in 1983, the days were: Tasmania 190, NT 194 and South Australia 205. I find it incredible that the Northern Territory Teachers' Federation is calling a strike in an attempt to reduce the number of teaching days when Territory teachers this year have the second lowest number of teaching days in Australia and 13 fewer days than teachers in Victoria. The school curriculum is already crowded and every day in the school year should be considered vital. I will quote from a recent publication of the Commonwealth Schools Commission: 'There is evidence that students' achievements depend on the amount of time they actually spend learning'. To the layman, of course, this has always been obvious.

To gain support for its untenable position, the federation has resorted to a campaign of misleading and distorting information. As late as last week, for example, the president of the federation was reported as saying that Territory teachers have to work a week longer than other teachers in Australia. In March this year, Arbitration Commissioner, Justice Cohen, handed down her decision that she had no jurisdiction in the 41-week matter. The federation subsequently appealed to the full bench. This was heard on 1 June and the decision of the full bench is awaited. However, the federation, having appealed to the umpire, is not content to await the umpire's decision. It has decided on strike action before the umpire's decision is handed down and, in fact, as far as the east Arnhem area is concerned, it has already held strike action. How can such a body retain credibility when it acts in this way?

Not content with misleading its members about the length of the school year, the federation is also misrepresenting the facts by claiming that teachers' conditions of service are being eroded in a number of areas. The facts reveal the opposite. As members of the Assembly may recall, the Northern Territory Teaching Service Act guaranteed to teachers transferred from the Commonwealth Teaching Service to the Northern Territory Teaching Service that the Northern Territory Teaching Service would retain its existing conditions of service. Since the passage of that act, a number of improvements have been made to teachers' working conditions.

The federation has claimed that the Territory's relief teaching provisions are woefully inadequate even though our relative expenditure and policies on relief teaching compare more than favourably with other areas of Australia. We have experienced some difficulties because the number of teachers making themselves available for relief work has declined as more and more have been

employed on a full-time basis. But, our expenditure on relief teachers has increased substantially in recent years and the overall provision for relief teachers has been progressively liberalised.

Mr Speaker, the federation is highly critical of the level of support for in-service training and external study when, far from declining, the Territory's effort in these areas has been increasing. Our in-service effort is the best in Australia and this will be confirmed by a joint review being carried out by the Commonwealth Schools Commission and the Commonwealth Tertiary Education Commission. Overall, the number of teacher days scheduled for in-service and professional development programs has risen sharply this year.

In an attempt to gain public sympathy for its strike, the federation is claiming that teachers and schools are being severely disadvantaged by lack of finance. This is a gross misrepresentation of the facts. Last year, our primary schools had the second best student-teacher ratio in Australia, and we now have the best, as a result of the new staffing formula introduced for our urban primary schools this year. We also have the best student-teacher ratio in our secondary schools. In addition, our schools have the best non-teaching staff-student ratio. The information we have indicates that the Northern Territory allocates more staff and material resources per student in dollar terms than any other Australian state or territory. This applies to both primary and secondary schools. I would call on all teachers to acquaint themselves with the facts. They would have to agree that the working conditions of the Northern Territory teacher are as good as anywhere in Australia. I strongly urge those teachers who are contemplating strike action to reconsider their position seriously and honour their responsibilities to students and parents.

Mr Speaker, I have the greatest respect and admiration for our teachers and I have said this on a number of occasions. We are fortunate in having such a number of dedicated professionals. I am apprehensive, however, about the harm being done to the profession by a few. That was spelt out this morning in question time in relation to an incident that occurred at Dripstone High School yesterday. The Department of Education has sent an information paper and other factual material to all schools regarding the federation's claims and I am confident that the majority of our teachers will ignore the call to strike when they become acquainted with the facts. I have some of those information papers available here and I would ask that they be distributed to members for their information.

Mr Speaker, the other day, the member for MacDonnell raised during the course of debate a problem that he saw in the reduction of house-parents because of budget constraints. We regard house-parents as social development officers. This was in relation to Yirara College. At present, we have 14 officers grade 1 and 1 officer grade 2 at Yirara College. I believe that is a generous allocation. The college has requested 1 more officer, apparently to even out the female-male ratio. That particular request from the Yirara College is being considered by the government. I have not heard anything to the contrary from officers of my department and I have asked them to investigate it. It is not correct that the positions are being withdrawn because of financial constraints.

Mr Speaker, during the course of this sittings, the member for Millner raised the issue of appropriate technology. I am very pleased that he has been able to visit our centre at Priest Street which is under the control of Dr Bruce Walker. I agree entirely with his comments in relation to that particular unit. It is serving a purpose in the community and I believe that it will continue to do so. As I have mentioned in the past, appropriate technology is something

that the government is very interested in, particularly in relation to Aboriginal communities. During the course of negotiations and discussion on provision of education facilities at places such as Kintore, I have referred to the fact that we will be using appropriate technology.

Mr Speaker, the member for MacDonnell raised a query relating to the cost of providing facilities in the Kintore area. He queried whether or not the $1.7m I referred to was, in fact, what was required. He suggested that a figure of some $25 000 to $30 000 could suffice. I do not want to go into a great deal of detail about that, but it is not just a matter of providing a shed. We are looking to providing education facilities and services which will be able to give the children in that particular area a satisfactory education.

I might just refer to some of the costs that are involved in providing education facilities. I think the honourable member would be interested in them. I will go through these because I believe it is necessary. If we take permanent school facilities, when we are looking at 110 enrolments, the staff required would be 6 European staff and 5 Aboriginal staff. Recurrent costs would be $250 000. If we use mobile buildings, it would cost $400 000. We would require 4 residences, 4 classrooms, 1 shed, ablution blocks and a shade area. If we use transportables, it would be $800 000. We would also have to provide services: water, tanks and pumps at $60 000 and a 50 KVA generating plant plus a 15 KVA generating plant at $120 000. There would also be fencing, drainage and other contingencies, Mr Speaker. The figure is $780 000 to $1.8m. We could go down the scale. If we could provide just a shed, that would be fine and we would jump at it tomorrow. But, unfortunately, teachers require - and as I have said, we do not disagree - facilities, not just a shed in the middle of the bush. I will give an example. To provide 1 teacher with a house at Gapuwiyak is costing this government $93 000 and, in fact, even that has been withdrawn now.

These are the problems that we have. We want to provide facilities in these areas and I can assure members that, by using Dr Walker's knowledge and appropriate technology, we are hoping that we will be able to provide facilities in those outstation areas at a reasonable cost. What we were looking at in relation to the Kintore scene was a new community school concept to service all needs for 115 students. The emphasis was on minimal European presence, maximum local employment, simple, locally-built buildings using appropriate technology, full community consultation and community control by the NT Schools Council. I will not go through the actual staffing because I did that the other day and the honourable member can refer to that. It required 2 residences because we had a European head teacher and an adult educator. We had one large open-plan shed with a secure area using appropriate technology and local materials where possible. The shed was to be built by the local community with assistance from the locally-based adult educator and design consultancy assistance from the Priest Street Appropriate Technology Centre at a cost of $180 000. We had one large, open-plan machine shop for post-primary adult education - because we are looking at using local people as well in the construction of these facilities - at a cost of $40 000. Ablution facilities, which the honourable member referred to and which are non-existent at present, will cost extra. That is a total of $220 000 for that very basic requirement. We also have the tanks at $50 000 and electricity generation plants at $80 000. The concept that we are trying to implement will save the government and the taxpayer a lot of money. We are looking at providing facilities that will cater for the needs of those people at a cost of about $470 000. That is a marked reduction when you consider the other figures of $1m-odd.

Mr Speaker, the honourable member also referred to my letters to Senator Ryan and he said that it did not really matter whether I had received a response

from her or not and that education is the responsibility of the Northern Territory government. I accept that education is a responsibility of the Northern Territory government, but we also have to ensure that funds are available through the Commonwealth government. I have asked Senator Ryan to approve in principle what I have just spelt out. If I get approval in principle back from her, and I am not demanding an immediate reply, I will then go to the community - and the honourable member can be involved - to discuss this concept which we are trying to put forward. I need some approval in principle that the concept is acceptable to the Commonwealth government. If I get that approval in principle, the honourable member and the community of Kintore will be the first to know. We want to provide facilities in these areas and I ask honourable members to bear with us during the course of this consultation. With the help of the appropriate technology group and the people in the communities, we will be able to provide satisfactory facilities in these outstation areas.

Mr VALE (Braitling): Mr Speaker, there are 2 points that I wish to raise in tonight's adjournment debate. The first is one that I would like to bring to the attention of the Minister for Mines and Energy. It concerns lighting on roads in central Australia. I refer specifically to 2 roads: 1 that has recently been completed and 1 that is presently under construction. The one that has been completed is the East Side connector road and the one under construction is the Stuart Highway through the town. I ask the minister if he could speak to NTEC to see if it could coordinate the lighting along the Stuart Highway with the completion of the road. Over on the East Side, the road was opened and several weeks later lights went on. It is a traffic hazard to have new roads unlit because of the various curves and intersections. The Stuart Highway, in particular, is a fairly long road through the town area and there are quite a number of intersections and new curves with which the Alice Springs motorists will be unfamiliar.

Mr Speaker, I did not think I would ever see it in central Australia but it is interesting to note whilst I am talking on roads that, on the East Side connector road, there is a big sign which says purely and simply, 'Eastern Suburbs'. Only a few years ago, someone said: 'Do you think the town population will reach 5000?' Then, a couple of years later, it was said: 'Do you think it will get to 10 000?' We are over 20 000 but I did not think I would ever see a sign saying: 'Eastern Suburbs'. Of course, that is in the honourable member for Sadadeen's electorate.

Mr Speaker, the other point I wish to raise tonight relates to the price of interstate newspapers in the Territory. I will confine my remarks to the prices in central Australia. For over 20 years, I have been buying this paper in Alice Springs. I must have paid out a fortune because, years ago in Alice, this paper cost 3d in Melbourne and was 1/10d in Alice Springs. Thus, 1/7d was charged for freight. I believe that, in those days, there was a rip-off occurring purely and simply on the freight side. In referring to 'rip-offs', I make no accusations against the publishers of the newspapers nor the retail outlets in central Australia. My criticism is directed purely and simply at the airline companies.

Mr Speaker, this paper today costs 30¢ in Melbourne, 35¢ at the Brisbane airport and 35¢ at the Adelaide airport. The same paper in Alice Springs today is $1.25. What I would like to know is, if it only costs 5¢ to air freight that newspaper from Melbourne to Brisbane, a distance of 1379 air kilometres and the same paper costs the same amount to get from Melbourne to Adelaide, 650 km away, why then does it cost the difference between 30¢ and $1.25 to get from Melbourne to Alice Springs via Adelaide which is 1900 km? They can take it from Melbourne to Brisbane - that is 1300 km - for 5¢ and yet they are charging us just under

$1 to transport the same document 1900 km into central Australia. As Darwin people would realise, I think it is $1.75 up here.

The argument may well be made now by the airline companies, the newsagents or the publishers that it goes to Brisbane and to Adelaide by commercial aircraft and it comes into central Australia and Darwin by TNT Courier and hence the difference in freight price. Mr Speaker, I put it to you that Alice Springs residents - and I am certain Darwin residents as well - would be quite happy to receive that newspaper by commercial aircraft even if it might mean receiving it a few hours later in the day and dropping the price dramatically.

Territory residents generally have been ripped off for many years in the price that they have been paying for all newspapers. I am talking about newspapers out of Melbourne, Sydney, Adelaide, Brisbane and Perth. I have checked these prices in recent weeks. Whilst I have spoken about the price of the Melbourne Sun, the same discrepancy in the price of freight occurs with all the major newspapers. I believe that Territorians have probably had a gutful of the price that they pay for newspapers and I was disappointed to note that the recently-tabled freight inquiry report tended to brush across this and say that no rip-off occurs. I believe that it made a serious mistake in its findings and purely and simply did not investigate closely the differences in the prices of newspapers in the capital city of origin, in other capital cities and in the Northern Territory.

Mr B. COLLINS (Opposition Leader): I wish to speak this afternoon on a subject which is rarely touched in this Assembly: uranium mining. From reading the press around the country at the moment, it appears that the Walsh amendment to the Labor Party's uranium platform which was to be moved in a few week's time is unlikely to succeed. I had given some indication to the ALP conference last weekend that it was my intention to vote in favour of that motion should it come onto the floor at the national conference.

Mr Speaker, I think that the reason that that motion is unlikely to succeed is quite directly the fault of the Prime Minister of Australia, Bob Hawke, and his government. I believe that because, in fact, the numbers of anti-uranium delegates who will be going to the conference from NSW are significantly greater than they were at the last national conference which I attended. What is evident is that the left wing, in what is the most right wing dominated Labor Party in Australia - in New South Wales - has made considerable gains. Being pragmatic and knowing how to count, I will have to say that it would appear to me that the Walsh motion is unlikely to succeed. I said when I started that I thought that that was the fault of the Prime Minister and his government and I intend to explain what I mean by that.

Mr Speaker, we have in Australia at the moment a man whom I consider to be quite simply the best Prime Minister this country has ever had or is ever likely to have. He also has with him a government - and I said this at the last national conference of the Labor Party in a very heated debate, although they were then in opposition - which is comprised of some of the most talented and able people that the federal government has seen for some considerable period of time. I think that even a glance at the current federal opposition benches would indicate that that statement is absolutely correct. I know that I have no argument from the Chief Minister of the Northern Territory on that because he said, quite publicly, only a few weeks ago that Andrew needed to pull his socks up a bit.

Mr Speaker, at the last national conference of the Labor Party, I spoke principally about that fact when we were in opposition federally in the light of

the people who I knew were available - Hawke, Hayden, Bowen, Dawkins, Keating, Blewett, Susan Ryan. This list goes on and on. It is a very talented and able government and I think that the results of the last 15 months of federal government have indicated that. It is extraordinarily difficult to be a government these days. It was very simple back in the 1950s and the 1960s - and everyone concedes that - when unemployment world-wide was below 1%.

Mr D.W. Collins: There was less taxation.

Mr B. COLLINS: Mr Speaker, I do not want to get into a debate about taxation because I have more important things to talk about this afternoon. But that kind of blind, ignorant remark is often made about taxation. The reason quite simply is this: have a look at the kind of defence forces that Australia had in those days and the kind of police forces, fire services and education services that Australia had available to it in those days of low taxation. I am not at all prepared, as an Australian, to go back to the same sized air force, army, navy, parliaments, police forces, education services or universities that existed in those days and did not cost all that much to run as a result. They were pathetic. No one is happy to pay tax but I am quite happy to pay the level of taxation that I am paying at the moment in exchange for having much improved services. Of course, the honourable member for - I keep trying to forget; I must admit it is psychological - who, as we all know, is as thick as a brick, would not know that.

I will get back to what I was talking about before. We have a government that is operating in an international arena which, as anyone who is in government concedes, is more difficult than it has ever been and is continuing to become more complicated in terms of the factors that all governments have to consider. One thing that you cannot deny - whether you attribute it to the drought or whatever - is that we inherited a situation from Fraser where unemployment was going through the roof. It had reached a dreadful incline and was escalating through the roof. Things were very bad indeed. There was no consumer confidence, no business confidence and, in 15 months, this government has turned it around.

Mr Speaker, there is no doubt at all that you can argue that it has done many things that are not right. The one thing you cannot deny is that unemployment, which was going through the roof, is now down to 8.5%. That is not brilliant but, as an Australian, I am relieved that at least it is now going in the right direction. I am appalled that there are prominent people in the Australian Labor Party who want to tear that apart and destroy it and bring it down. I cannot believe it.

Mr Speaker, I have never debated this matter in this Assembly before but, in the Labor Party, you are supposed to cop all of this stuff and never respond to it. The statement that was made yesterday by an extremely prominent member of the Labor Party and a former Labor Senator who sat as a Labor Senator for many years in the federal parliament so infuriates and enrages me that I simply cannot let it pass. Yesterday, Jean Melzer from Victoria, who heads the anti-uranium movement there and has always been a prominent anti-uranium person in the party - and she is entitled to those views - who only recently finished a long term as a Labor Senator in the federal parliament, is reported as saying yesterday that the loss of the Prime Minister of Australia at the next elections would be a small price to pay on the altar of uranium.

Mr Speaker, even at the height of my opposition to uranium mining, I was not, am not, nor ever will be, a person who does not recognise the realities of the democracy in which we live and makes a decision that governments stand or

fall on single issues. As the leader of the Labor Party in the Northern Territory and as a person very loyal to the Labor Party, I am not prepared to see the destruction of a national health scheme; I am not prepared to see the gains made in the unemployment area turned around; I am not prepared to see the growing level of confidence that Australians have in the current government reversed; and I am not prepared to see the end of the assistance that has been given to first-home buyers by this government. In fact, the list of advances made by this government in a very short period is a very long list indeed. It is a dramatically, highly successful government and I am appalled that any prominent member of the Labor Party could say to the press, after sitting in the parliament as a Labor Senator and only just recently vacating that position, that she would be happy to see the Prime Minister toppled at the next federal election to teach him a lesson about uranium.

Mr Speaker, I would not have to point out to anyone here, I hope, the total absurdity of such an argument. We live in a democracy in which the realities are that it will either be a Labor government or a conservative government; it is as simple as that. What Jean Melzer is talking about is the loss of the Labor government to Australia and the installation again of a conservative government that will dig up every piece of uranium in sight. Can you make any sense out of that? I defy you to.

Mr Speaker, there is a limit, I think, to what any member of the Labor Party who wants to see Labor governments in power - and I am as guilty of wanting to see that as anybody - is prepared to cop. I think this caps anything that has gone on in the whole uranium debate and the way in which the Labor Party has torn itself to pieces over it and people have been running around with scars between their shoulder blades and blood all over the floor over it. I am not suggesting that any of that should not have happened. It is a divisive issue; it is a difficult issue. But when former Labor Senators, who are still prominent members of the Labor Party, 6 months before a likely federal election are happily telling a press conference that they are prepared to see the government fall and the Prime Minister sacked on the subject of uranium, which would result in a conservative government which would give the immediate go ahead to every uranium mine in Australia, the argument is absurd and nonsensical to a degree that I quite simply cannot comprehend.

I said at the start of this little peroration that I blame Hawke and his government for the position. I will explain why. There are many people in the Labor Party who are very preoccupied with this issue. They are in the middle. They do not know which way to go. They know which way they should go but, unfortunately, there is a lot of heat being brought to bear on them. As Neville Wran likes to say, the blowtorch is being applied to their bellies. They want to avoid that heat if they possibly can. I understand that. At times, it gets very painful in the Labor Party kitchen; it gets very hot indeed. I can understand people not wanting to cop that forever. Therefore, what they reason is that, because Hawke has a 71% approval, he will romp in; he will win the next election, uranium or otherwise. Of course, that is a fact. As the Chief Minister says, he will have to shoot himself in the foot not to do it. It is true. Unbelievably, it was said to my face at the ALP conference on the weekend: 'Well, Hawke is so good and so popular'.

There are many people in the party consciously and deliberately burning up the credits that are being banked by the best Prime Minister this country has ever had and the most competent government this country has ever had. They are doing it consciously. However, there is a political absurdity to that argument because, sooner or later, they start spending the credits faster than the people at the other end can amass them. That is when you get into trouble. If this

government had an unemployment level of 11%, the deficit skyrocketing through the roof as before, consumer confidence falling, unemployment rising and everything going wrong like it was before, there would not be 14 anti-uranium delegates going to the national conference from NSW at all. If the government was in trouble, those people would decide to help it out of trouble by doing the right thing. How you can pass an absurd policy after what has just happened in South Australia amazes me. It was described in The Australian this morning as being an anti-uranium policy which included the opening of the biggest uranium mine in the world - Roxby Downs. That confuses me considerably. I have always had some difficulty with that argument, as I said at the last national conference.

I hope that prominent Labor people do not continue to pursue the absurd course of consciously trying to bring down what is not only the best Labor Prime Minister and Labor government the country has ever had but also the best Prime Minister and government this country is ever likely to have - and all on the altar of uranium. It is even more absurd when it is realised that a conservative government would not only bring the country back to its knees but, in the process, it would dig up every bit of uranium in Australia. It is a nonsensical argument. I reject it and I condemn those people in the Labor Party who continue to advance it.

Mr COULTER (Berrimah): Mr Deputy Speaker, I rise to speak of a recent report that came across my desk: 'Crocodylus Porosus - A 10-year Overview'. It is from the Sydney University researchers who completed 12 years of intensive research into the tidal waterways of north Australia and their saltwater crocodile populations.

It claims a very clear picture has now been obtained of what is happening to these populations and the results are worrying. Professor Messel and his team say that one thing is clear: the saltwater crocodile population in northern Australia is barely holding its own. They estimated that there were some 15 000 non-hatchling crocodiles in 1979. That number has changed little since then but the size structure of the animal is changing. More crocodiles, they say, are being seen by day but this is mainly due to the decreasing wariness of crocodiles as the time since shooting stopped increases.

The results indicate that, even with careful and continued protection, it may take many decades for the crocodile population to recover to anywhere near its former size and that further protective steps are necessary. Net fishing from the mouths upstream in important designated rivers, such as those in the Alligator Rivers region and many others, should be totally prohibited. However, considering the present greedy nature of society, the researchers view on the long-term future of the saltwater crocodile in Australia outside of a national park is that it does not have one.

This is the picture which is being painted of people by these so-called southern experts. It is often said that an expert is a man away from home and that a prophet is seldom recognised in his own country. In the Northern Territory we are fortunate to have Mr Graham Webb, a consultant to the Conservation Commission of the Northern Territory and a Research Fellow of the University of New South Wales. He has been studying freshwater and saltwater crocodiles since 1973. The Conservation Commission's detailed research program commenced in 1978 and in 5 short years is already a world leader in research of crocodiles in the wild. He is of the opinion that, as a result of protection, the number of crocodiles are increasing to an extent that commercial utilisation, strictly controlled and properly managed, could become a viable proposition as well as playing a positive role in the total conservation strategy for the

Northern Territory. The truth is that, far from the present greedy nature of our society, the Northern Territory is a world leader in crocodile conservation.

Let me relate a short story to you, Mr Deputy Speaker, regarding the impressions gained by an eminent specialist in the field of crocodiles, Professor Mark Ferguson, who has carried out extensive research in overseas centres. On the recent trip to the Northern Territory, he simply could not believe the dedication and the positive attitude of the Northern Territory Conservation Commission towards the protection and management of the crocodile population. The story he had received was that everybody went out in dinghies on Sunday afternoon shoots. This is the scenario which is being painted overseas by some sources.

Mr Deputy Speaker, could you imagine the public outcry in New South Wales if it was suggested that you fill the Hawkesbury River with white pointer sharks because they were becoming an endangered species? In the Territory, we have just that situation with the exception that we have saltwater crocodiles and not white pointers. They are tolerated by the people of the Northern Territory. Indeed, crocodile surveillance and the removal of potential problem crocodiles in Darwin Harbour has become a way of life for Northern Territorians. Traps seem to be sprung almost on a weekly basis with yet another crocodile being found. This displays the Northern Territory people's genuine concern for preserving the species, far from the image that is being painted of us overseas.

Professor Messel used a spotlight in his counting techniques. This technique may be suitable for monitoring short-term trends of gross density changes in the areas of open water but has limited application to overall population assessment. It does not account for the proportion of the population in heavily vegetated areas away from mainstreams. It does not distinguish between immature and mature animals, between males and females - I have never looked into a female crocodile's eyes but I am told that that is not the way that you sex crocodiles - and, in some cases, it does not even distinguish between freshwater and saltwater crocodiles. In the light of the limited data available on the movement of larger saltwater crocodiles, their findings are difficult to interpret.

Surveys based on nests, on the other hand, are intimately related to the breeding adult female population and independent of whether or not an area is accessible by boat. Devising a method of conducting and interpreting nest counts of salwater crocodiles would seem a very worthwhile area for future research. There are many additional aspects of saltwater crocodiles and general crocodilian nesting and reproductive biology of which we are almost totally ignorant - for example, paternal movements and time between mating and laying - but which have a direct bearing on both the biological significance of the nesting stategy employed and the various management options which could be implemented. The establishment of a well-controlled captive breeding population could greatly enhance the logistics of obtaining some of this data. The interpretation of the results of this study and previous ones from saltwater crocodiles nesting continue to be greatly restricted by the lack of direct data on movements and territorial, social and mating habits of adult saltwater crocodiles. The results of basic studies of this type carried out in America by Jonan and McNeice could be expected to greatly alter or clarify current hypotheses regarding the temporal and spatial distribution of saltwater crocodiles and have far-reaching ramifications for management.

The size of the saltwater crocodile is another contentious issue taken up by Professor Messel in his report. In Australian freshwater swamps, it is

difficult to estimate. Professor Messel's spotlight counts in heavily vegetated areas had limited application and a methodology through which nest surveys could be undertaken has only recently been given serious consideration. In Melacca swamp on the Adelaide River, 327 live hatchlings were produced in 1980-81 and juveniles can be seen at night on the swamp's edge where there is less vegetation. Adults and juveniles are present all year round in the swamp and, even though they may be interchanged with the Adelaide River mainstream, the resident population could be expected to be in hundreds. There are other areas of freshwater swamps associated with the Adelaide River. The population outside the mainstream channels must represent a significant segment of the total population. The channel population was estimated at 456 to 591 in 1978 by Professor Messel. In the Finniss-Reynolds area, 3.1 nests were located for every nest located in Melacca between February and May. If this correction is used to estimate the number of nests that would have been sighted in the Finniss-Reynolds area, some 56 nests could have been expected. This indicates the population in excess of that found in the Adelaide River system where the total number of nests would appear to be less than 40 - 18 have been found in Melacca and approximately 10 outside Melacca - and well over the Liverpool-Tomkin estimate of 280 to 360 crocodiles in 1978.

When it is considered that freshwater swamps are commonly associated with tidal rivers in Arnhem Land and may be well upstream of tidal influence - for example, the Arafura Swamp, Moil and Daly Rivers, with the Moil area alone totalling 600 $km^2$ - the total population of saltwater crocodiles in freshwater swamps in the Northern Territory can be expected to be more than 836 individuals. Mr Messel said in 1981 that 856 live hatchlings resulted from 2712 eggs found in the Melacca and the Finniss-Reynolds regions alone.

Commercial utilisation of crocodiles can, however, play a positive role with total conservation strategy. The many possible strategies which could be used to achieve this need to be investigated. The basic principle is that, if crocodiles are of commercial value, the wetland habitats they occupy become an asset and their destruction a liability. Furthermore, the current world demand for crocodilian products is being supplied to a large extent from areas in which the crocodilian population is overexploited and where hunting cannot be controlled. The problem lies in devising a strategy whereby recruitment of wild populations is enhanced. Wetlands become a financial asset to those directly responsible for their protection and, if possible, pressure can be relieved on overexploited populations. In Louisiana, where a very tightly controlled harvest occurs annually, the wild population is continuing to expand.

A strategy currently under investigation in the Northern Territory is an egg hatching harvest compensated by a return back to the wild of 1-year-old animals in excess of what would have survived had the eggs been left in the wild. The mortality rate of eggs and hatchlings is extremely high - 90% to 95% of eggs. If all eggs were collected and incubated in captivity, the number of eggs taken would be compensated for by 5% to 10% release of 1-year-olds. The success of such a strategy would depend on both the survival and fitness of incubated and raised animals when released back to the wild. A study investigating this is currently under way in the McKinlay River area.

Mr Deputy Speaker, unfortunately, the problems of crocodile conservation and management are easily solved when there are few crocodiles left. Blanket protection is a sound strategy but the results of this protection, if effective, are an increased number of crocodiles which complicates the issue somewhat as many people simply do not like crocodiles enough to view a possible future abundance of them with enthusiasm. Crocodile population management, therefore, may be a critical tool in the long-term conservation, and a degree of commercial

utilisation could be an important part of that tool. We can only hope that the overall result is an acceptance of the fact that the crocodiles are an integral part of our north Australian wetland fauna whose future survival should never again be questioned. I look forward to the day when the saltwater crocodile is shifted from the Council of International Trade in Endangered Species classification 1 to classification 2 which will further enable the Northern Territory to demonstrate its role in the conservation and overall management of the crocodile industry. Far from the picture painted by the Messel Report, the Northern Territory is in fact a world leader in the field of crocodile management.

Mr DONDAS (Health): Mr Deputy Speaker, I would like to take one minute of the Assembly's time in the adjournment debate to respond to a question asked of me during the course of these sittings by the member for Stuart. It concerns the research project on alcohol-related problems in Tennant Creek. The report on the impact of alcohol in the Tennant Creek community was undertaken by the Drug and Alcohol Bureau. Miss Maggie Brady, an anthropologist, was commissioned by the bureau to do research work and prepare a report to go to the government and the Tennant Creek council. The primary work was done by Maggie Brady during September 1983 and the bureau's final report is not yet complete. It is expected that the final report, which will go to the government and the Tennant Creek council, will be ready by August. There is a confidential preliminary report available. I would be prepared to make it available to the honourable member for Stuart for his eyes only on a confidential basis. Until such time as the bureau has compiled its final report, we cannot make it public.

Mr EDE (Stuart): Mr Speaker, I would like to thank the Minister for Health for that. I wish I had more to thank him for. Unfortunately, having heard his remarks today about the way in which annual reports can perform the role of a public accounts committee, it is probably timely that I discuss his department's annual report tonight.

The report begins by saying that 'the health and wealth of Territorians are as extreme as is the climate'. It is a great sounding statement. It does not mean a great deal; it is fairly self-evident. Unfortunately, the report goes downhill from there on. It has a section on alcohol. I will not go into that one because it has been covered ad nauseum. Suffice it to say that I do not think we will solve the problems of alcoholism in the Northern Territory until we stop telling ourselves and every newcomer what bloody good drinkers we are. The inference is that, to be one of us, you have to roll up your sleeves and join in the swill.

I will refer to the sections on morbidity, mortality and pre-natal statistics. These are the areas of the report which allow one to work out just where we are going with health and what we are going to do about it. First, there is an item called: 'Population - Age and Sex Division'. These are listed in the 0-14, 15-44, 45-64 and 65-plus groups. It is unfortunate that they are not displayed in the form of a pyramid. Whereas the figures themselves do not mean a great deal, as soon as you put them out in the form of a pyramid, you see that what is happening in the Northern Territory is that the Aboriginal population is moving steadily towards a classic third-world pyramidal structure which is completely different to the overall Australian structure. This has significant relevance when you start talking about services such as schools, children's services etc. To my knowledge, this has been gradually forming over the last 5 to 6 years. The children who were originally causing it to move that way are now going into school. We have all heard what shortages we have out bush in that area.

A little further on, we have the deaths and true death rates by ethnic groups. These are statistically meaningless. There is no cause of death listed. There are no age-specific death rates and there are no standardised death rates against the age group. I say that because, if you think for a moment, the fact that you have a certain death rate may be fairly meaningless depending on the structure of your population and the age at which people are dying. Of course old people will die. If, however, you place them into an age-specific death rate, you can see where the problems are. If you find that they are dying at the 65+ group and that is a percentage which is standard across the country, you do not worry about it. However, if you start finding - as I very strongly suspect is the case after talking to friends of mine - that the rate in the 15-44 year group is extremely high, then you know that you have something that you really have to examine.

If you keep going through the report, you find that it is quite meaningless in so many areas; for example, the location of Northern Territory Aboriginal confinements. It covers 2 years which does not give any idea whether the rate is going up or down. It is significant to trace whether the number of births inside and outside of hospital are moving in that direction or in the opposite direction. In relation to stillbirths by ethnic groups, it says: 'There was little change to the total number of stillbirths this year compared with 1981. The rate fell slightly'. You will find on page 33 what has actually happened. It is broken up into Aboriginal and non-Aboriginal. I will quote rates generally because it is better than using the gross numbers. For Aboriginals, it has been over the last few years: 29.5%, 29.9%, 32.3% and 30.9%. It has basically stabilised with perhaps a slight rise, but there is definitely no improvement. If you look at the non-Aboriginal rate, it has gone: 5.7%, 9.1%, 11.4%, 11.5%. It has, in fact, doubled over the last 4 years and has stabilised. It is significantly higher than the rate for the rest of Australia. These trends are borne out in the neo-natal rates which include stillbirths. There are no reasons given. We do not know why but the Territory has gone from a situation where it had a rate for non-Aboriginals that was below the Australian rate to one where it is 50% higher than the Australian rate and has stabilised at that level. Why? There is nothing to tell us why.

In relation to Aboriginal infant death rates, it says: 'Although the figure for Aboriginals is high, the following graph depicts a steady decline in the Aboriginal infant mortality rate over recent years'. It is not high, Mr Speaker; it is appalling. It is very significant that they use 5-year moving averages which give a better showing than a point to point yearly average which does not. If you project those 5-year moving averages forward, you will find that it will be somewhere around the year 2020 before it will actually have declined to where it is in the vicinity of the Australian rate.

'Aboriginal infant deaths by cause of death'. In this one, we have infection as a classification. Infection has risen from 24.1% to 36.1%. That is an increase of 50% over a period of 1 year. We do not have figures for other years so we do not know quite what has been going on over the last 10 years. We do not know whether this is an abnormality or whether it is something which is particularly significant. It does not tell us the type of infection which caused this. It could, for example, be intestinal, respiratory, renal, isolated to the cerebral area of the membranes or infection from cuts, sores, bites etc. Obviously, you have to home in a bit better than just saying 'infection' before you can decide what you are going to do about this. Is it a fault within the hospital system or is it a fault elsewhere? We do not know. We cannot find out from these figures.

Going a bit further, there is an interesting one on paediatrics in hospitals. It is talking about child admission rates. At the next sittings, after I get a bit more information, I want to talk about stories I have heard about a children's hospital for Darwin. If you have a look at Darwin, the rates generally are coming down. The rates in the Alice Springs area are significantly higher than they are in Darwin where the children's hospital is supposed to be established. In fact, we are talking about the vicinity of 36% to 37% as against 78% to 82%. We are talking about double the rate of admissions to the Alice Springs Hospital as against the Darwin one and yet we are talking about a children's hospital in Darwin of course. We are on page 37 at the moment.

If we also have a look at the increase in the Aboriginal rate, from 1976 to 1982, we find a very steady increase: 104, 105, 113, 142, 147, 164 and 152. It climbed 50% over that period.

Mr Dondas: In 1981, a census started. You neglected to say that. It's at the top of the page.

Mr EDE: That has nothing to do with it. Are you saying the previously published rates have been revised following the census in 1981? The 1981 census date has not affected the fact that the Alice Springs rate is double the Darwin rate and that there has been a 50% increase over that period.

Let us have a look at salmonella notifications. While Alice Springs is still the highest, it is gradually coming down and that is excellent. Then we find the figure is wrong. Either the figure is wrong or the number is wrong because the numbers do not coincide with the figures on page 40. The figures for Darwin and Katherine are correct. The figure for Alice Springs is wrong.

We move on to shigella notifications. We see that the rates in Alice Springs and the Barkly region are falling but, in Darwin and Katherine, people can take pride in the fact that it is booming: 2, 0, 14, 68 shigella notifications. The previously extremely high rates in Alice Springs and the Barkly region are gradually falling.

Leprosy is very interesting. We find that there has been no decline during the last 12 years. We now have the first case in central Australia. We have all the dates but there are no figures. We do not know what we are talking about. Nowhere in there is a mention of whether we are talking about 100s, 10s etc. We just do not know from this report.

In respect to tuberculosis, there is no breakup by race or age. For the syphyllis notifications, there is nothing on age structure. Age structure is extremely important here because we have to distinguish between what is congenital syphyllis as against syphyllis being contracted by that person. That is a very important distinction that needs to be made if you are going to start doing anything in that area. It is interesting that the syphyllis notification rate dropped in the last year so the 50-year moving averages have been abandoned in favour of the point-to-point ones.

I come back to trachoma. If I were to put in a $300 000 or $400 000 report like this to the federal government, there is no way in the world that I would get any more money out of it. There are no statistics. The report has not said what is happening. It just would not be acceptable. Compared to Fred Hollows' report, this one would be laughed out of court.

Mr Tuxworth: Fred Hollow has been laughed out already.

Mr EDE: He is still the most senior professor on health matters in Australia.

With the hearing program, there is a breakdown into regions. We have been primary screening children for the last 30 years yet we have nothing here about what is going on. What are the figures? We are told that 32% of the Aborigines who were checked had perforated eardrums, 11% were dry and 21% had a pus discharge. I do not know where they got these figures from. It must have been a very good community because I can take you to communities in my area where Department of Health officials say that the rates for ear infections with actual perforations are 70% to 80%.

There is padding in the report. It goes on and on. The basic thing is that a report is supposed to inform. It should help you to see yearly movements and guide you in the decisions which you need to make. We need to be able to decide what is the best utilisation of existing resources and what we should be doing in the areas of environmental health. This report does not help. I am sorry but it is just not satisfactory.

Mr PALMER (Leanyer): Mr Speaker, I would like to speak on a couple of matters that have come before the Assembly in the last few days. Firstly, I have a notice to parents that is purported to be put out by the Northern Territory Teachers' Federation. It was handed to the pupils of Malak school yesterday. I will quote a couple of lines from this marvellous little document: 'There can be no guarantee that there will be supervision for children attending school that day. For this reason, the federation recommends that children be kept home from school next Monday'.

This notice then goes on to say that teachers are taking this action to protest the continuing erosion of their working conditions. The areas where there is continued erosion are listed: 'Provision for relief teachers has been dramatically curtailed; the opportunity to upgrade professional and teaching qualifications are being limited; and inservice courses have been cut'. However, hidden on the back it says: 'The school year has been increased by an extra week'. Let us have a look at the Victorian figures, that bastion of left-wing radicalism, that one state where we would expect the teachers' federation to be well looked after. In fact, the poor teachers of Victoria are required to work 210 days. But, I do not really think that is the point. Let us have a look at the Australian Capital Territory whose teachers operate under the Commonwealth Teaching Service. The conditions of that service are the ones that the teachers' federation claims we are eroding. That is the service it holds up as the Holy Grail. The teachers in that service are required in 1984 to attend school for 201 days, 4 days more than Territory teachers. I will just go through some of the ways in which we are eroding their conditions of service.

The erosion of conditions of service obviously entails change and we will see how we have changed them: we have increased leave travel allowances for teachers from isolated areas; we have abolished leave fare contributions; we have introduced freight allowances for perishables for teachers in isolated areas; we have increased the recreation leave entitlements for teachers - that is, teachers in the southern area are now granted 6 weeks instead of 5 weeks; we have introduced classroom sizes as a result of improved staffing levels; and there is a greater relative effort than any other state in in-service training. I could go on but suffice it to say that erosion of that level would turn the Grand Canyon into Mount Everest in a week.

Unfortunately, we are forced to attack the ALP-dominated Teachers'

Federation which purports to represent all teachers. When I say 'unfortunately', I mean that, by attacking that organisation, we seem to be attacking all teachers. I do not believe that it does represent the teachers. In fact, I think it is just the mouthpiece for a small and very vocal minority who are using it for no other reason than purely party-political motives to attempt to undermine the very real advances we have made in education since 1979. I am sure that we can rely on all responsible teachers to attend school next Monday. I am sure that those attending will far outnumber the lunatic few who have chosen to withdraw their services.

On another subject, I would like to support the Leader of the Opposition in the concerns he expressed in relation to the in vitro fertilisation program. I am sure there is no member of this Assembly who would object to the benefits of the in vitro fertilisation project in that it can make families out of otherwise childless couples. However, I think parliaments throughout the world have to look seriously at the implications, particularly in regard to some of the bestial experiments taking place. We also have to look at the whole issue of genetic engineering. Genetic engineering can work to serve the community very well. It has the potential to rid the earth of such scourges as cancer, leukaemia and the like. It can serve to increase the yield of crops by producing better strains. But I have to support the Leader of the Opposition in his concern as to what could be happening in Australia.

Just to close, I would like to draw the Assembly's attention to 2 sporting events that occurred during the recess of the Assembly. Firstly, there was the NTFL grand final between St Marys and Darwin, which I was fortunate enough to attend. It was a great game. Fortunately, it was won by St Marys in the final quarter. It ended on a sad note with Michael Graham breaking his leg. Michael is probably one of the best Australian rules footballers ever to grace a field in the Northern Territory. He is a great athlete and I hope his leg mends well enough for him to see him back in the paddock.

Secondly, I would like to compliment the Northern Territory Rugby League on a great promotion in hosting the Great Britain Rugby League side at Richardson Park in Darwin recently. The Northern Territory can be very proud of itself. In fact, up until 25 minutes from the end, they held the Great Britain side to a 1 point lead. But superior skills and fitness saw the Great Britain side run away to what was, on paper, a convincing victory in the end. But I am sure all members of the Assembly will join me in congratulating both the Northern Territory Football League and the Northern Territory Rugby League on 2 very great sporting promotions.

Mr DALE (Wanguri): Mr Speaker, I would like to touch on the comments the Leader of the Opposition made earlier. I did not think I would ever start to warm to the left of the Labor Party but I certainly did when he told us what its twisted aspirations are for the Prime Minister. I certainly believe that, for those that finished up with blood on their hands about 18 months ago because they have the knives in their hands rather than between their shoulder blades, the turn around is about to come and it is rather pleasing. Perhaps it is true that, if you live or were born by the sword, you shall die by the sword. We often talk about the horrors of nuclear warfare, uranium mining and all the rest of it. I do not think anything would be more horrible for the future of the Australian continent than the likelihood of a left-wing Labor element getting power in this country.

Mr Speaker, the member for Braitling mentioned the price of newspapers earlier and I would like to extend that argument a little further. The paper that he mentioned was the Sun News Pictorial from Melbourne, better known as

The Sun. The price of that newspaper in Darwin went from 65¢ to $1.75 between a Friday and the following Monday a couple of weeks ago. I made some investigations into why this happened and there was absolutely no blame to place on the shoulders of the retailers or, in fact, on the shoulders of the Herald and Weekly Times which put out the Sun News Pictorial. The fact of the matter is that papers, like The Australian newspaper, are subsidised to be taken all over Australia freight-wise to the extent of some $1m a year. The Sun News Pictorial was actually being subsidised to the Northern Territory, by the Herald and Weekly Times, to the amount of some $300 000 per year. In fact, it covered most of the freight content previously.

When the freight companies put the price of the freight up recently, the Herald and Weekly Times people said: 'That is the end of it. We cannot afford to cover freight to that extent so we will withdraw all subsidies'. I can assure you that the sales of that particular newspaper have dropped to an absolutely unbelievable level in Darwin. It is unfortunate because, with the coverage given by Channel 8 now of the VFL football on Saturdays and, of course, with the future of the racing industry being examined at the moment, there is no doubt that we will need explicit and pretty high-class form guides to be given to the people of the Northern Territory or, unfortunately, the turnover of whatever betting system is operating at the time will certainly be held down. That is certainly something that this government has to look at. As I said publicly previously, I would like the freight companies to explain to the people of the Northern Territory why their freight charges are so high for newspapers.

The other matter I would like to touch on is what I described this morning as the despicable behaviour of the members of the Teachers' Federation who virtually picketed the students of the Dripstone High School yesterday afternoon. Dripstone High School is one of 5 schools in my electorate. I hasten to add that I know several members of the Teachers' Federation and they would be just as disgusted as I am over this incident which was carried out by only a very few of its members.

As the honourable member for Leanyer mentioned previously, the notice paper that they sent home to parents is typical of their attitude: 'There can be no guarantee that there will be supervision for children attending school that day'. That would frighten the devil out of any parent. 'For this reason, the federation recommends that children be kept home from school next Monday'. If such a notice is necessary, it should be sent out by the principal of the school, not by some ratbag element of the federation. If a notice requires children to stay away from school, it can come only from the official source, in my opinion, not from some federation that wants to use the parents to make its strike action succeed. The federation knew that a number of its members would go to work on that day and its only hope for a successful outcome was to keep the kids at home so the teachers who went to school would not have any students to teach. Rather than strike for the reasons stated, I would suggest that the majority of the federation sit down with the minority group that is causing this problem and discuss with them their credibility within the community because it is a fact of life that, at the moment, it is lower than the basic wage.

Mr BELL (MacDonnell): Mr Deputy Speaker, I thank you for getting MacDonnell right. Frequently I sit here shamefaced because my colleagues on both sides of the Assembly occasionally refer to me as the member for MacDonald. Of course, as fine a Scottish name as MacDonald is, it is quite a different clan from the MacDonnells or, as it is occasionally given by the Scots, as McDonnell. However, I did not rise to speak about that. I rose initially to mention the fact that the electorate of Wanguri is - the honourable member for

Arnhem informs me - Wankurri and that is the affiliation of the honourable member for Arnhem. It is his tribe as he describes it. I assume that the honourable member for Wanguri will be impressed with that as you will yourself, Mr Deputy Speaker, and insist on the purity of your vowels in that regard.

I rise to address 2 matters. I refer particularly to the comments that the Minister for Education made in relation to the school at Kintore and I do not want to add anything more. I want to say only 2 things about that tonight. Firstly, I will be interested to see his figures and, of course, as I am on record as saying in this sittings, I am deeply concerned about the school facilities. The second thing I want to say is that I appreciate the concern expressed by the Minister for Education. I believe it is appropriate for me to place that on the record. I may not have done it in other debates. I compliment him on the sincerity with which he approaches his task as the Minister for Education and his demonstrated interest in solving the problems of providing adequate facilities for children in places where such facilities do not exist at present.

The other point that I want to make is in relation to the administration of the BTB campaign. Honourable members will recall that I asked a question of the Minister for Primary Production this morning about the number of representations he had received from pastoralists in central Australia about the effect of the administration of that program on the viability of their leases. It would not be appropriate for me to name places in the context of this debate. I was very pleased to hear from the minister that he was interested to hear of properties which require special assistance and I will be corresponding with him further in that regard. I am sure that those of my constituents who have experienced difficulties in this regard will be pleased to hear that. I think it is not entirely inapposite of me to mention in the context of this subject that we frequently hear reference to the pastoral industry and it is occasionally assumed by members of this Assembly that the future of that industry is of interest only to non-Aboriginal Territorians. I believe that that is far from the case. I believe that the future of the pastoral industry is not only of great economic importance to Territorians but is of great social importance as well. It is a crucial aspect of the fabric of Territory society. The pastoral industry is one that almost defines us as Territorians. It has within it all those elements of hard work, isolation and vast distances that are the essence of northern Australia and the essence of the bush.

I believe that it is no accident that it is the pastoral industry to which many Aboriginal people have contributed. We have a responsibility to maintain the industry because of its importance, not only in economic terms but also in the social terms that I have described. Frequently, as I travel around my electorate, I see the complex relationship between the owners of pastoral leases and the people who work on them and I note that, by and large, the relationship is one that is characterised by a great deal of cordiality and mutual respect. In the past, there has been gross exploitation of Aboriginal labour. The Aboriginal labour was an essential aspect of the establishment of the pastoral industry in the north and Aboriginal people have a great stake in it. Suffice it to say that the process of rural readjustment that seems to be occurring in the pastoral industry in central Australia is a matter of considerable concern to me. It threatens the central Australian community in the terms that I have attempted to describe this evening. I intend to take up the minister's invitation to talk with him about the properties that are suffering severely in this regard.

Mr HATTON (Nightcliff): Mr Deputy Speaker, before I refer to the main topic that I would like to discuss, there is one matter I would like to raise.

It is unusual that it should have to be raised. I was particularly disturbed this afternoon by the member for MacDonnell's comments about the lack of speakers in respect of a particular motion that he was sponsoring before this Assembly, not that one would normally be concerned at that particular honourable member's histrionics in this Assembly. Even in the short time I have been here, I have come to expect them as the normal course of events. The thing that I am particularly concerned about is that the honourable member would take advantage of his reply time to make such statements, knowing full well that there had been an agreement reached between the whips of the 2 parties that there would be no further speakers. Those members on our side of the Assembly who had been prepared to speak did not have the opportunity. It was quite underhanded and despicable to engage in that sort of cheap political point-scoring in this Assembly under those circumstances.

Mr Deputy Speaker, I turn now to the reason that I rise to speak. It relates to matters that have been the subject of some discussion during the course of this sittings concerning issues associated with government contracting and, in particular, issues associated with preference and support for local businesses in the government tendering contract scheme. There are several points I would like to make and I direct the attention of the Minister for Transport and Works to these for consideration by his department with a view to perhaps modifying some of the practices and procedures that it currently engages in.

There was some discussion last night in respect of problems associated with new technology. New technology is probably a wrong description of much of the circumstances that exist in the Northern Territory. New equipment, new technologies and new procedures are being introduced into the Northern Territory. They are new to the Northern Territory although, in many circumstances, they are not new in the Australian context and certainly not new in the world context. But, with the development and growth that is occurring within industry in the Northern Territory, many new techniques and procedures and much equipment are becoming available within the Northern Territory even though they are having difficulties in some circumstances in gaining acceptance in terms of the tender documentation presented.

In that sense, I would support the member for Millner's suggestion last night that perhaps the government should establish some tribunal to investigate new, locally-available technology and construction methods. I think that would be best achieved through an advisory council or committee comprised of representatives from industry specialists and from the departments. It could investigate and carry out whatever tests are required to facilitate the introduction of these technologists and methods into the tendering documents so that the tender documentation does not exclude the application of new and, in many cases, superior and more efficient technologies or methods of construction.

A second point of concern to industry that exists in tender documents and contracts relates to problems such as the interfacing between the trades. When one refers to 'trades' here, of course, they would be defined as the mechanical contract phase - the electrical contractors, plumbing contractors and other contractors involved, particularly on large construction projects. Often, the specifications of the obligations that exist between the various trades, at the point of interface between them, the timing of when those different trades would carry out their functions on jobs, have been points of concern, disputation and conflict on many construction jobs, particularly large ones.

There have been serious problems on some occasions where documentation has been inaccurately prepared. Standards have been required which were not

in accordance with those of the Australian Standards Association and, of course, have led to subsequent revisions of contracts with the necessary negotiations over price. In addition, there are many occasions when it is far more appropriate to take advantage of what is known as nominated subcontract arrangements. This seems to be a bane in the minds of department people and the cause of some fear. I am conscious of the fact that the department has moved towards the introduction of nominated subcontracting in the major trades areas in some major jobs. I believe, for example, the juvenile courts building is one where some nominated contract work is taking place. The department is concerned that, where there may be a nominated subcontract arrangement, the contractors themselves may take advantage of the situation to avoid their obligations as prime contractors in the task in the event of work not being performed satisfactorily, and that would be detrimental to the contract as a whole.

There is a need to investigate the establishment of some form of advisory committee of industry representatives and departmental representatives to review tender documents prior to their release to ensure that those matters that I have raised are clarified and determined before documentation goes out. In that way, many of those irritations and problems can be overcome prior to moving into the formal tendering and contracting stage.

The third problem that arises continually is the debate about the need to promote local preference. We had some discussion about this last week. I would suggest that much of the government's difficulty with tendering is that, quite legitimately in the proper management of public funds, it must take, wherever possible, the lowest price to achieve work of an appropriate standard. That is a necessary obligation on governments in handling tendering work. However, there is procedure that could be investigated and may provide a possibility of overcoming the concerns of government whilst, at the same time, ensuring that contracts can be let to people who are capable of doing the work to an appropriate standard. The Treasurer may wish to give consideration to what I am about to suggest in respect of the General Tender Board area and, in particular, things like school and office cleaning contracts, which go through the General Tender Board and where there is a sorry history of contract failures. My suggestion is that we perhaps look at a 2-stage tendering process where, in the first stage, tenderers submit tenders to demonstrate their financial, organisational and technical competence to carry out the work and, after that process is completed, in the second stage, those successful tenderers from the first stage tender on the basis of price. It is what would be called pre-qualification tendering. What I am referring to goes beyond a simple letter saying, 'I would like to tender', which, unfortunately, has been the case often with so-called nominated subcontracting. That mechanism would provide an opportunity for the principal to examine the other work that is to be carried out, how far those tenderers are stretched financially and whether they have the capacity to take on that additional work. This would be better than what is often done. A large company may already be organisationally overstretched because of other successes it has had in tendering.

There is a further suggestion that could greatly assist in supporting local business and overcoming what is known as 'horse trading'. This was mentioned previously during this sittings so I will refer to it briefly. When a contract is let, the prime contractor, who may have taken the price of one company for mechanical contracts, another company for electrical works and another company for supplies, takes those prices and 'horse trades' them around the town and around the country knowing that it now has a monopoly over the job. It will drop the price down as far as it can after it has won the job on the work that has often been done by these other subcontractors. It is not an unreason-

able proposition that, when a tenderer presents his tender documentation, he submit with that tender the names of the subcontractors and suppliers - at least the major ones - that he intends to use on that project to properly assist the department in assessing the tender. Those names would become conditions of that contract thereby eliminating the 'horse trading'. The contractor has exactly the same opportunity to choose who he believes could best do the job and for a price that has been tendered to him. Subsequently, if he is successful in winning the job, he has his team together on the tenders that have been presented. That may be simplistic but I believe that there is value in examining it to try to eliminate this unethical practice that takes place amongst large contractors to the detriment of the Northern Territory local business community.

One additional point, Mr Deputy Speaker, refers to the problems that exist with some contractors - and I must say, not all. In fact, it is only an odd contractor who engages in what I regard as another despicable practice - the withholding of payments to subcontractors and bickering over the last $6000 or $7000. Once he knows he has the subcontractor down to a final wash-up price, to a point where it is not worth his while to take the matter to court, the contractor will often say: 'Fight me for it because you are not going to get it'. He knows that, out of each subcontractor, he might make $5000 or $6000. It is a highly unethical practice and it has been going on far too long in the contracting industry and should be addressed. The government, through its contracting procedures, can frame documents so that adequate protection can be afforded, at least to major subcontractors, against undue delay in payments to them. Where works have been completed and the contractor has received payment, there should be a condition that he demonstrate that he has paid his subcontractors. That could be covered by the simple process of insisting on the utilisation of standard form national public works contracts subcontract documentation.

Mr MANZIE (Community Development): Mr Deputy Speaker, I take the opportunity to supply information in response to a question the member for Stuart asked without notice regarding the criteria used to differentiate between what is an outstation and what is a community. In the past, the distinction between outstations and communities has been largely artificial and has depended upon the level of funding supplied by the Commonwealth at the time of transfer of responsibility for Aboriginal communities to the Northern Territory government. Following unsuccessful negotiations with the Commonwealth for additional funding to support communities developing from initial outstation status as determined by the Department of Aboriginal Affairs, the Northern Territory government has approached the Grants Commission for the additional funds required. In the meantime, a method of approach has been adopted which will make this artificial distinction between classes of communities completely irrelevant.

With the agreement of the Minister for Aboriginal Affairs, these communities are to be seen as being placed along a continuum of development and to be funded according to their position along that continuum and the availability of funds. As an example of this approach, the Kintore community received an operational subsidy of $35 000 in 1983-84 and $55 000 was provided for capital equipment. In 1984-85, we have budgeted for an amount of $66 000 for operational expenses and a further $19 500 for capital purchases. This amount would be subject to variation according to final budget figures and regional priorities.

While I am on my feet, I would just like to cover a matter which was mentioned in the adjournment debate on Wednesday 6 June. The member for

MacDonnell accused both the Department of Community Development and myself of being uninterested in Aboriginal unemployment. He made particular reference to figures, which I had supplied to him by letter, of employment under the TMPU program. I categorically deny such an unsubstantiated allegation. The situation regarding unemployment in outlying communities, especially amongst Aboriginals, is an area that concerns me greatly. However, the Town Management and Public Utilities Program is responsible for an expenditure of $20.7m on major Aboriginal communities in the Northern Territory in 1983-84. As the name implies, the program is dedicated to the operation and delivery of municipal and essential services in Aboriginal communities. Its main functions are to support Aboriginal councils with administrative work and provide ordinary municipal services such as garbage collection, town beautification, provision and maintenance of council plant and equipment, fuel and personnel to operate essential services such as power, water and sewerage schemes and to encourage training and other schemes to upgrade the level of expertise in TMPU functions amongst councils and their support staff.

Within the cross-cultural context in which it operates, the administration of the program can be seen to be achieving its goals although the level of success does vary from community to community. Although some 1100 people - 910 Aboriginals and 190 non-Aboriginals - are employed under the program, its primary aim is not as an employment program but as a service-oriented program aimed at benefiting all Aboriginals living on those communities. Of the $20m available in 1983-84, $9.13m was spent on the employment of Aboriginal people. This was complemented by expenditure under the Capital Works Program provisions. The value of that program, including repairs and maintenance, is approximately $16m in 1983-84.

Within the funds available in the general Northern Territory budgetary context, and those available to each individual community catered for by the program - and there are some 43 of them - the employment levels are set by the councils themselves. Like all other council bodies, these organisations have set their own priorities for expenditure of available funds between the employment of staff, purchase of equipment and administrative expenses. It is not realistic to expect that such a program should provide employment for all or even the majority of Aboriginals seeking work on the communities spread throughout the Northern Territory.

For some time the federal government has been conducting a Community Development and Employment Program in selected communities such as Bamyili, Galiwinku and Yirrkala and a number of others. Although it has relieved some short-term unemployment, it has met with only mixed success in overcoming the larger problem. Unfortunately, there are no Commonwealth Development and Employment Programs operating in the member for MacDonnell's area. Since the introduction of the Commonwealth employment program, some funding has been directed to particular initiatives on individual communities. This has been going on for such a short time that no assessment of the long-term benefits can be made. I will not give any figures; it is probably not important to do so at this stage.

There are a large number of Aboriginals living in homeland areas and on pastoral properties in the Northern Territory. Because of the shifting nature of the former of these groups in particular, it is impossible to estimate accurately the numbers involved but there would be somewhere in the vicinity of 460 such groups whose numbers vary between 5 or 6 persons to over 100 in some instances. The average is about 27 people. Unlike European-type migratory patterns, which are dependent mainly upon an economic base for new settlement, the attraction of these groups to these more remote areas is determined more by

spiritual affiliation and a desire to leave the problems of the larger communities and return to a more traditional lifestyle where Aboriginal social and cultural mores can be both protected and strengthened.

It is not hard to appreciate that our ideas of normal employment opportunities cannot follow into this more spiritually-oriented domain. In many instances, this is the choice of the Aboriginal people and we respect it. However, Aboriginal people, moving into these areas, are eligible for unemployment benefits. This is not always the case when other members of the community move away from areas where work is available. Of course, on the larger communities, the TMPU program is not the only employer nor is it always the largest. Housing associations, health clinics, schools, stores and other commercial enterprises employ many Aboriginal people and perhaps it is in these areas that there is more room for an increase in employment opportunities than in the rather narrow field of municipal and essential service operations.

However, it is interesting to note that, on a comparison basis with established municipal councils, employment by Aboriginal councils under the TMPU program is much higher per head of population. I will give some examples. The Darwin City Council, with a population of 60 000, employs 340 people; that is, 1 to every 176. The Nguiu council on Bathurst Island, population 1032, employs 47 people which is 1 to every 23. Katherine council, with 20 800 people, employs 28 people which is 1 to 135. Bamyili, with a population of 453, employs 20 people, which is 1 to every 23. The Tennant Creek council, population 3000, employs 46 people which is 1 to every 65. The Ali Curang council, population 459, employs 35 which is 1 to every 13 people. Alice Springs council, population 19 600, employs 128 which is 1 to 153. Yuendumu council, 1060 people, employs 37 which is 1 to 29.

Mr Deputy Speaker, members are aware of the general unemployment figures in the whole of the Australian community and in the Northern Territory in particular. It is no wonder that these are reflected and, in some cases, multiplied in areas which have no real economic base apart from government benefits and subsidies. One of these subsidies is distributed under the TMPU program for which I am responsible. However, it is only one program and it has limited funds. It cannot be expected to solve the problem of Aboriginal unemployment by itself. Perhaps the member for MacDonnell, who made the accusations, should turn his attention to encouraging the work of other agencies such as the Aboriginal Development Commission and the Aboriginal Benefits Trust Account which have the responsibility and the funds to support commercial enterprises if he is seeking a panacea for the ills he has described.

Mr BELL (MacDonnell): Mr Deputy Speaker, under Standing Order 48, I wish to make a personal explanation.

Mr FIRMIN (Ludmilla): A point of order, Mr Deputy Speaker! There was no debate. There was no reason for the member to claim a right of privilege under Standing Order 48.

Mr DEPUTY SPEAKER: We are debating the motion that we do now adjourn and the honourable member for MacDonnell has the right to make a personal explanation under Standing Order 48.

## PERSONAL EXPLANATION

Mr BELL (MacDonnell)(by leave): I refer briefly, Mr Deputy Speaker, to the comments made by the honourable member for Nightcliff. He is, of course, most welcome to despise me but I would like to make sure that he does so on good grounds.

He said he found my comments in relation to the failure of government members to stand up during the debate on the motion on the federal sex discrimination legislation despicable. I wish to advise the Assembly that I was quite unaware of the arrangement made between the 2 whips and, therefore, trust that his ire is somewhat mollified.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, since I am perhaps as guilty as anybody for all that, I will apologise freely to the member for Nightcliff.

Mr Deputy Speaker, I will spend a bit of time in the adjournment debate speaking on behalf of my delightful community, Nhulunbuy. There is a sporting weekend coming up on the first weekend in August. It will be a huge event for that community. In fact, the first pro-am golf tournament to be be played there will be held then. The golf club has done an excellent job of upgrading all of its greens. I suppose I could be accused of bias but I would say that they would be as good, if not better, than any in the Northern Territory.

Once again this year, Nhulunbuy is sponsoring the north Australian surf finals. It is a remarkable achievement that in such a remote community these sporting events can continue to be organised. That particular event enjoys a lot of support from the community. It attracts sporting clubs from not only Darwin but from the north coast of Queensland and it is a very spectacular and remarkable event. The other event that is also held on that weekend is the Northern Territory darts finals. That should attract a lot of visitors.

There will be a bit of a press for accommodation but I would urge all honourable members to come across and assist me in promoting that community. They will certainly enjoy themselves for that weekend. I am sure they will be able to add to the fame of Nhulunbuy. Indeed, this weekend there is a softball final taking place between 2 local teams: an Aboriginal team and Insects, a local sporting group. That looks like being a very interesting weekend also. What all this clearly indicates is that Nhulunbuy has a very strong tradition of sport. I think we would play more sports than perhaps any other community in the Northern Territory. Perhaps we do not play marbles on the path on Sunday but that would be about the only sport that is not played there.

What this leads me on to is the real necessity for some sporting facility there. I know there have been several proposals put to the Nhulunbuy Corporation before now. As I understand it, a request has gone from the Nhulunbuy Corporation to the Minister for Sport or the Minister for Community Development for some funding assistance for a facility between the 2 town ovals. Unfortunately, the funds applied for in the past have been applied for by individual sporting codes and have not met the requirements of the Nhulunbuy Corporation which administers the town. However, the Nhulunbuy Corporation has applied for funding and it intends to develop a much-needed, permanent sporting facility between the 2 ovals. When I say 'much-needed', I definitely mean 'very much-needed'. Unfortunately, the ablutions facilities between the 2 ovals are housed in 2 demountable dongas that are totally unsuitable. It is embarrassing to say the least and it would probably constitute a health hazard to say the worst to have people using those facilities. There are no changing facilities on the oval and also very poor canteen facilities. I hope that, when the minister receives this request, he will take it in all seriousness because it is a facility that certainly is needed in the community. Anybody who lives there would attest to that. It is now the Nhulunbuy Corporation's belief that something radical needs to be done very soon. I hope he treats the request in the spirit and the intent that it is sent.

Mr HANRAHAN (Flynn): Mr Deputy Speaker, I have only 2 subjects to address and both are very brief. In fact, if I go past 5 minutes, I will sit down. Sporting agendas are rather on everybody's mind at the moment. I rise to refer to 3 different bodies in Alice Springs that certainly deserve the recognition of this Assembly. They deserve it mainly because of the community effort that they have involved themselves in and the benefit that they have brought to Alice Springs by a huge beginning to the 1984 tourist season. I speak firstly of the Combined Apex Clubs of Alice Springs who this year conducted a very successful 50th Annual National Apex Convention in Alice Springs. Because of the hard-working efforts of some 30 or 40 people, some 1200 adults and 400 children were in Alice Springs for the Easter weekend in April and many of those people came to the Territory on 1-week and 2-week excursions and, in fact, made the 50th Annual Apex Convention a holiday. If you refer to the Chief Minister's remarks in recognising the percentage increase of Australia-wide sales in the Northern Territory tourist bureaux in capital cities, you will see that the April figures are some 70% as compared to the anticipated figures for May of some 58%. I would hazard a guess that the additional 12% for May was largely due to Apexians.

Mr Deputy Speaker, as well as the Apex effort, the Alice Springs Aero Club hosted this year's Australian Aero Clubs Conference. That too was a very successful and well-run event.

For the benefit of the Minister for Youth, Sport, Recreation and Ethnic Affairs, I would like to compliment the Alice Springs basketball teams who also journeyed to Darwin and were successful in 3 of the Territory titles. The Alice Springs Basketball Association has been trying to get a stadium in Alice Springs for many years yet it did manage to come to Darwin and beat the teams who have the benefit of the new Marrara complex. I am sure the minister is very much on side with me. I would like to place on notice that, if the Alice Springs Town Council ever gets going, we should have a basketball stadium in Alice Springs by the end of the year.

Finally, Mr Deputy Speaker, I would like to take the opportunity to endorse the remarks last night during the adjournment debate by the Leader of the Opposition in relation to the in vitro fertilisation programs and the possible advances as promoted on the program Nationwide. I really must endorse those remarks completely because I was absolutely disgusted at the amount of money that could possibly be spent on research over the coming 5 to 10 years. I think that particular program really does deserve the endorsement of all honourable members for bringing this to our attention.

Mr LANHUPUY (Arnhem): Mr Speaker, before I speak in this adjournment debate, let me give my colleague, the member for MacDonnell, full marks for his interpretation of the electorate of the member for Wanguri. Let me say from the outset that I am very supportive of the government's programs for remote areas as outlined by the Minister for Education in this adjournment debate. However, that is not why I rise to speak.

I addressed a question earlier during the present sittings to the honourable minister. My question concerned the current government policy of classifying Aboriginal teachers returning to their communities after qualifying at Batchelor College as local recruits and therefore not entitled to departmental housing. The honourable minister informed me in answer to my question that there is no intention to change this government's present policy. Further, he very graciously and generously suggested that, where Education Department houses were vacant, Aboriginal teachers would be permitted to occupy them until they were needed for teachers from outside that community.

Mr Speaker, I now realise that I should have phrased my question the other way around. I should have asked the minister when the Territory government will stop its utterly hypocritical attitude towards the training of Aboriginal teachers. The government claims to be committed to the training of Aboriginal teachers yet look at the level of real encouragement and assistance available to them. In the first instance, trainee teachers who have been working in a school as Aboriginal assistant teachers are not replaced in their own communities when they go to Batchelor so the school is immediately disadvantaged by the assistant leaving that community. It is to the credit of those principals in the remote areas that they continue to encourage those Aboriginal staff to continue their education at Batchelor. They could hardly be blamed if they declined to give that encouragement at all to those students because, whenever a trainee goes away to Batchelor, the school has to operate at a disadvantage.

Secondly, these trainees have to study at Batchelor for 3 years to gain the equivalent educational qualifications of a 2-year trained teacher from any other college in Australia. A number of people, Mr Speaker, and I am sure that you are aware of it, have been asking for some years for the establishment of a 4-year course at Batchelor - which is in your own electorate, I believe - to bring their qualifications up to the standard of a 3-year trained non-Aboriginal teacher. They have been told that they must attend Darwin Community College without the support systems and the assistance of the experienced and the sympathetic staff available to them which is indeed necessary at a college like Batchelor.

Mr Speaker, the government is now putting the third and final nail, I believe, in the coffin of Aboriginal teacher training in the Northern Territory. After making the necessary sacrifices and putting in time and effort to become qualified teachers, they return to their communities - for example, the one at Lake Evella which I am very well aware of - to find that they are not entitled to Education Department housing in the way that non-Aboriginal teachers from other parts of Australia are.

Mr Speaker, the Minister for Education suggests that I approach community councils in my electorate - which I am not afraid to do - and ask them to provide housing for Aboriginal teachers. I intend to do that but, as the honourable minister must know, these councils are also struggling themselves to find the basic accommodation for their communities and general housing. This makes the provision very hard for the type of housing necessary for a teacher who is expected to turn in a thorough and professional job. As the honourable minister knows very well, the level of housing that Aboriginal community councils can hope to provide is a basic dwelling. It is very hard to cope with the sophisticated housing that most non-Aboriginals in the country would expect. The basic dwellings would be expected to accommodate an extended family ranging from about 5 to 6 people. At Ngukurr in my electorate, the township association recently conducted a survey which revealed that there are more than 6 to 12 people for every 1-bedroom house. I suggest that similar surveys at Galiwinku, Milingimbi, Ramangining and other communities would reveal the same situation.

It is completely ridiculous to suggest that community councils with their limited resources could provide the kind of houses that a working professional, like a teacher, has a right to expect. I suggest to the honourable minister that, if the Northern Territory Teaching Service were to recruit teachers in other states of Australia, who would then be employed in Aboriginal communities by the Education Department and expected to live in the kinds of houses in which Aboriginal people live, then it would be impossible to staff Aboriginal people's schools because those teachers would resign immediately.

As you are aware, Mr Speaker, in order to turn in a professional performance, a teacher, whether Aboriginal or non-Aboriginal, needs privacy to study, to store books and to take up other teaching aids sufficient to be able to meet the requirements of the Department of Education. Quite clearly, the Minister for Education is not aware. I am very much aware that he is doing his best. One cannot expect the Aboriginal teachers to turn in a professional performance without these basic facilities. I have lived in those conditions and I have seen these people living in those conditions. It is unrealistic to expect these teachers to turn out the performance the Department of Education and the Aboriginal communities expect from them.

In conclusion, I would like to say that I know of at least one individual teacher, whom the Minister for Education is very much aware of, who is teaching at Lake Evella. I believe that the lady who has served this community so well for about 2 to 3 years is on the verge of resigning because no proper accommodation has been given to her. This is very discouraging to any other students going to Batchelor to gain further education. She is finding it very difficult because this year is her probation year when she will be tested. One can hardly blame such teachers feeling bitter and disappointed. I for one have made a statement in the Assembly that I will do my utmost to ensure that the people in my electorate will be served by me in this Assembly.

Mr Speaker, to conclude, I would like to make it known to the Minister for Education and the Minister for Youth, Sport and Recreation that the Gulf Sports are coming up very soon. I believe they will be held at Galiwinku. I am sure that many students out there and also my constituents look forward to either the Minister for Youth, Sport and Recreation or the Minister for Education attending those events.

Motion agreed to; the Assembly adjourned.

BELL N.R.